

State of Minnesota

STATE REGISTER

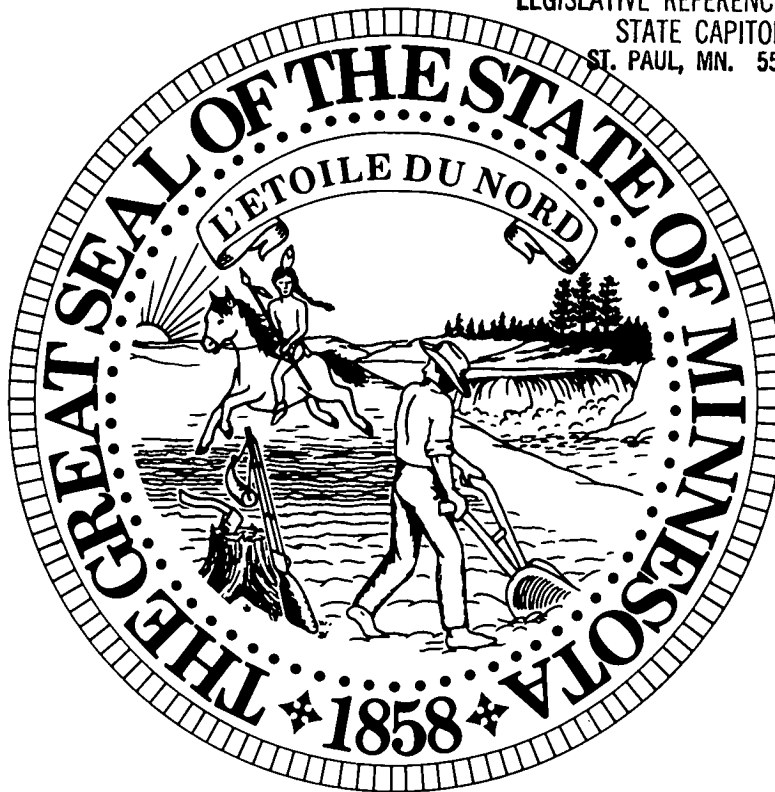
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STATE REGISTER

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.

Volume 12 Printing Schedule and Submission Deadlines

Vol. 12 Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
40	Monday 21 March	Monday 28 March	Monday 4 April
41	Monday 28 March	Monday 4 April	Monday 11 April
42	Monday 4 April	Monday 11 April	Monday 18 April
43	Monday 11 April	Monday 18 April	Monday 25 April

*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.

The *State Register* is published by the State of Minnesota, Department of Administration, Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 14.46. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$130.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at \$3.50 per copy.

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.

Rudy Perpich, Governor

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FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office
Room 231 State Capitol, St. Paul, MN 55155
(612) 296-0504

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

Contents

Minnesota Rules:

Amendments & Additions

Issue 40 2168

Proposed Rules

Higher Education Coordinating Board

Financial assistance 2169

Human Services Department

Child protection services 2176

Early and periodic screening, diagnosis, and treatment program 2190

Natural Resources Department

Mississippi River land use acreages 2201

Pollution Control Agency

Hazardous waste; tanks 2203

Minnesota Racing Commission

Horse racing 2208

Minnesota School and Resource Center for the Arts

School and programs admission 2211

Adopted Rules

Agriculture Department

Compensation for crops damaged or destroyed by elk . . . 2215

Housing Finance Agency

Urban Indian housing program 2215

Secretary of State

Voter registration; election programs; automatic and administrative recounts; and election judge training 2215

Agricultural and Economic Development Board

Minnesota development program 2216

Official Notices

Administration Department

Opinion sought on rules for the Minnesota State Building Code 2216

Minnesota Comprehensive Health Association

Actuarial Committee Meeting 2216

Education Department

Nominations solicited for Special Education Advisory Council 2216

Health Department

Notice of public forum on regulation of occupational and respiratory therapists 2217

Minnesota Historical Society

Notice of grants review committee meeting 2217

Mediation Services Bureau

Opinion sought on rule for the qualifications, empanelment, referral, monitoring, removal and operating procedures for persons appointed to the bureau's arbitration roster 2217

Natural Resources Department

Opinion sought on rules for metallic mineral mineland reclamation 2218

Pollution Control Agency

Opinion sought on rules for establishing fee systems for generators of low-level radioactive waste 2218

State Treasurer

Meeting notice of State Board of Investment Study Group 2219

State Contracts & Advertised Bids

Administration Department

Materials Management Division 2219

Printing & Mailing Services Division 2220

Commerce Department

Request for proposals for services to be provided to the Minnesota Workers' Compensation Assigned Risk Plan by firm or firms licensed and qualified to act as a collection agency in Minnesota 2220

Human Services Department

Availability of health care consultation contracts 2221

Request for proposals for plastic identification cards and printing services 2221

Request for proposal for a retained search firm 2221

Bureau of Mediation Services

Request for proposals for strategic planning 2222

Vocational Technical Education Board

Request for proposals for community based organization projects 2222

Request for proposals for incarcerated projects 2223

Non-State Public Contracts

Stearns County

Invitation to bid on IBM model 36 computer equipment 2223

State Grants

Higher Education Coordinating Board

Customized training programs solicited for grant funding 2224

Human Services Department

Notice of publication of title XX—block grant for social services activities report 2224

Supreme Court Decisions

Decisions and Orders filed Friday 1 April 2225

Announcements

Minnesota Rules: Amendments and Additions

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

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

Agriculture Department

1506.0010-.0040 (adopted) 2215

Agricultural & Economic Development Board

1580.0100-.0900 (emergency repealed) 2216

1580.2000-.2120 (adopted emergency) 2216

School & Resource Center for the Arts

3600.0010-.0070 (proposed) 2211

Higher Education Coordinating Board

4830.0100; .0400; .0600; .0700; .1552; .1555;
.1560-.1565; .2600; 4850.0011; .0014; .0016; .0017

(proposed) 2169

4830.0600 s.1b-1d (proposed repealer) 2169

Housing Finance Agency

4900.1500; .1520; .1540; .1572; .1574; .1576; .1578;
.1580; .1582; .1584; .1586 (adopted) 2215

Natural Resources Department

6105.0900; .0910 (proposed) 2201

Pollution Control Agency

7045.0020; .0075; .0528; .0628 (proposed) 2203

Racing Commission

7869.0100; 7870.0490; 7877.0110; .0170; .0175;

7883.0160; 7884.0170; 7890.0100; .0140;

7891.0100; 7895.0100 (proposed) 2208

Secretary of State

8200.0300; .0400; .0700; .0800; .1100; .1200; .1500;
.1700; .2100; .2200; .2600; .3700; .3800; .5100; .5400;
.9910; .9919; .8220.1950; 8235.0200; 8240.2400

(adopted) 2215

8200.1300; .1600; .3800 s.2; .9916; .9922; .9925

(repealed) 2215

Human Services Department

9505.0275; .1693; .1696; .1699; .1701; .1703; .1706;
.1709; .1712; .1715; .1718; .1724; .1727; .1730; .1733;

.1736; .1739; .1742; .1745; .1748 (proposed) 2190

9505.1500-.1690 (proposed repealer) 2190

9560.0210-.0234 (proposed) 2176

9560.0250; .0260; .0270; .0280; .0290; .0300

(proposed repealer) 2176

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.

Higher Education Coordinating Board

Proposed Permanent Rules Relating to Financial Assistance

Notice of Intent to Adopt a Rule Without a Public Hearing

Notice is hereby given that the Minnesota Higher Education Coordinating Board 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 contained in 136A.111; 136A.16; 136A.234, and *Laws of Minnesota for 1987*, Chapter 386, Article 10, Section 6.

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:

Rose Herrera Hamerlinck
Minnesota Higher Education Coordinating Board
550 Cedar Street, Suite 400
St. Paul, MN 55101
(612/296-7963)

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 and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Rose Herrera Hamerlinck upon request.

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

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Proposed Rules

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 Rose Herrera Hamerlinck.

Dated: 16 March 1988

David A. Longanecker
Executive Director

Rules as Proposed

4830.0100 DEFINITIONS FOR HIGHER EDUCATION PROGRAMS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Dependent student.** "Dependent student" means a student who:

~~A. lives with the parent or legal guardian for at least six weeks;~~

~~B. receives support from the parent or legal guardian; or~~

~~C. is claimed as a tax exemption by the parent or legal guardian in the calendar year prior to or during the calendar year in which the application is made is not an independent student.~~

Subp. 4. to 8. [Unchanged.]

Subp. 9. **Independent student.** "Independent student" means a student who is not a dependent student has the meaning given it in the Higher Education Act of 1965, United States Code, title 20, section 1070a-6, and applicable regulations.

Subp. 10. and 11. [Unchanged.]

4830.0400 APPLICATION DATES AND STUDENT ELIGIBILITY.

Subpart 1. [Unchanged.]

Subp. 2. **Minnesota resident.** "Minnesota resident" means:

~~A. a student who graduated from a Minnesota high school and has not since established residence in another state; or~~

~~B. a dependent student whose parent or legal guardian resides in Minnesota on the date of application if the student:~~

~~A. lives with the parent or legal guardian for at least six weeks; or~~

~~B. receives support from the parent or legal guardian; or~~

~~C. is claimed as a tax exemption by the parent or legal guardian in the calendar year prior to or during the calendar year in which the application is made.~~

~~"Minnesota resident" means a student who graduated from a Minnesota high school and has not established residence in another state; or a~~

~~C. an independent student who has resided in Minnesota for other than educational purposes for at least 12 consecutive months prior to becoming an eligible student; for a student who meets the conditions indicated in part 4830.0600, subpart 1, item B, subitem (1), (2), or (3).~~

Subp. 3. **Eligibility for initial scholarship.** To be eligible for an initial scholarship a student must be an eligible student, as defined in part 4830.0100, subpart 5, except item E, and:

A. to C. [Unchanged.]

Subp. 4. and 5. [Unchanged.]

4830.0600 AWARDS.

Subpart 1. **Monetary awards.** The amount of a scholarship or grant-in-aid financial stipend may not exceed an applicant's cost of attendance, as defined in *Minnesota Statutes*, section 136A.121, subdivision 6, after deducting the following:

A. A contribution by the applicant of at least 50 percent of the cost of attending the institution of the applicant's choosing.

B. For an applicant who is not an independent student, a contribution by the applicant's parents, as determined by a financial need analysis. The parental contribution will be considered in determining the state award; ~~unless one of the four following situations applies.~~

~~(1) The applicant has been involuntarily separated from parental support because the applicant is an orphan or a ward of the state, the applicant's parents cannot be located, or the applicant has suffered mental or physical abuse necessitating the separation. The conditions must be established by court document or by an affidavit from a member of the clergy, social worker, lawyer, or physician.~~

(2) The applicant is 22 years of age or older on October 1 of the state fiscal year for which aid is received, and establishes that she or he is not dependent upon parental support, based on the following information for the applicant's parents' tax year ending during that fiscal year, and the preceding tax year:

- (a) the parents did not and will not claim the student as an income tax exemption;
- (b) the student did not and will not live with his or her parents more than six weeks in either calendar year; and
- (c) the parents did not and will not provide direct or indirect support worth \$750 or more in either calendar year.

If the board has reason to believe that the information provided by the student is not correct, the facts must be established by affidavit from the parents if they can be located, and by additional documentation, such as income tax returns, proof of residence, voter registration, or similar documentation that reasonably may be requested by the board or its agents and employees.

(3) The applicant is:

(a) married, and in the applicant's parents' tax year ending during the fiscal year for which aid is received, the parents did not and will not claim the student as an income tax exemption; the student did not and will not live with his or her parents more than six weeks; and, the parents did not and will not provide direct or indirect support worth \$750 or more; or

(b) a veteran, or a single parent, or divorced, separated, or widowed, and establishes that in the applicant's parents' tax year ending during the fiscal year for which aid is received, and the preceding tax year, the parents did not and will not claim the student as an income tax exemption; the student did not and will not live with his or her parents more than six weeks; and, the parents did not and will not provide direct or indirect support worth \$750 or more.

(4) The applicant is under 22 years of age on October 1 of the state fiscal year, for which aid is to be received, and the applicant has, contrary to his or her wishes, been involuntarily severed from a family relation with his or her parents and has been refused their financial support so that considering a deduction for a contribution by the applicant's parents in determining the state award would be unrealistic and cause the applicant undue hardship. To qualify for this exception, the applicant shall document to the satisfaction of the fact finding committee established in subpart 1d that an exception to a presumption of the applicant's dependence on the parents is warranted, and that the applicant meets the conditions in subitem (2), units (a), (b), and (c).

C. For an applicant who is an independent student, the additional student contribution.

D. An estimate of the amount of a federal Pell grant award for which the applicant is eligible.

Subp. 1a. [Unchanged.]

Subp. 1b. to 1d. [See Repealer.]

Subp. 2. [Unchanged.]

4830.0700 METHOD OF PAYMENT.

Subpart 1. [Unchanged.]

Subp. 2. **Refunds.** A scholarship and grant-in-aid is awarded for full-time attendance at a specified school for the academic year of nine months within a state fiscal year. If a recipient fails to enroll or ceases to be a full-time student reduces enrollment, the school must refund the unused portion of the award. Refunds to the board are determined as follows:

A. and B. [Unchanged.]

Subp. 3. [Unchanged.]

4830.1552 APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS.

Subpart 1. **Allocation formula.** The board shall allocate funds to each school according to the following formula:

A. [Unchanged.]

B. Each school's allocation is the school's share divided by the sum of school shares, multiplied by the last year's usage percent, multiplied by 90 percent. Usage percent is defined as follows:

(1) the school's share, divided by the sum of school shares, If no final report is received by August 10, the usage percentage is 80 percent.

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Proposed Rules

(2) the result in subitem (1) multiplied by 90 percent of the total part-time grant allocation for the current year. If the final report is received before August 10, the usage percent is the total amount of funds used divided by the last year's allocation.

(3) A refund in excess of \$1,000 received after April 1 is multiplied by 150 percent and subtracted from the original allocation to determine the funds used. This amount is divided by the last year's allocation to determine the usage percentage.

C. Each January, the board shall allocate the remaining ten percent of the total part-time grant allocation according to the same formula, except that current year part-time enrollment data and average registration levels may be used if the school has submitted by November 15 fall data for the current year that is acceptable to the board the last year's percent of usage must not be applied.

"Number of part-time students" means the sum of all enrolled resident, extension, and unclassified part-time students, who are Minnesota residents, and are reported to the board for its annual enrollment survey as lower division, upper division, and vocational students in the fall term of the school year.

"Registration level" is the number of credits (or an equivalent measure) taken by part-time students in the fall term of the school year as reported to the board for its annual enrollment survey, divided by 12 credits (or an equivalent measure).

Subp. 2. to 4. [Unchanged.]

4830.1555 REPORTS OF DATA.

The school must collect demographic, educational, and financial data specified by the board from eligible students requesting grants. The school shall provide the board with individual student data upon request.

End of year program activity and student data reports are required by the board. The school must complete and submit the reports and any applicable refunds to the board by the first working day after August 9. If the reports are not completed by the deadline, the board shall withhold the subsequent year's allocation.

DISLOCATED RURAL WORKER ASSISTANCE PROGRAM

4830.1560 SCOPE.

Parts 4830.1560 to 4830.1565 govern state assistance to schools for students who are dislocated rural workers.

4830.1561 ELIGIBLE SCHOOLS.

An eligible school under part 4830.0300 is eligible to receive an allocation of state assistance for students who are dislocated rural workers.

4830.1562 APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS.

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

Subp. 2. Notification. The board shall notify each school of the amount allocated to it.

Subp. 3. Accountability. A participating school is accountable for money disbursed to students for assistance for dislocated rural worker students. The money may be used by students only during the fiscal year of disbursement. If a student does not use a grant because the student does not enroll in, or withdraws from, school, the school may use the funds for other eligible students. The school must return unused money to the board.

Subp. 4. Report; unused funds. When requested by the board, a school shall report on its use of funds and shall return unused funds. The board shall reallocate unused funds to schools desiring additional funds according to the formula in subpart 1.

4830.1563 DETERMINATION OF STUDENT ELIGIBILITY.

Subpart 1. Eligibility. A school shall determine if a student is eligible for a dislocated rural worker assistance grant. To be eligible a student must demonstrate compliance with the requirements in this part.

A. The student must meet the requirements for an eligible student as defined in part 4830.0100, subpart 5, items B, C, E, and F.

B. The student must be enrolled in an adult farm management program, or an occupational training program. The program cannot be a liberal arts program. The program must prepare the student for available employment within a labor market where the student lives or is willing to move.

C. The student must have applied for all other federal and state financial aid scholarship or grant programs.

D. The student must be able to demonstrate that subitem (1), (2), or (3) applies to the student:

(1) The student or the student's spouse is a worker who has been separated from employment or has notice of separation from employment. The separation must be because of a plant shutdown, an industry slowdown, or because the worker's occupation is obsolete; or be in a region where there has been a decline in the number of persons in the worker's customary occupation. The worker must be unlikely to go to work for the same employer or in the same occupation for a year after the job loss.

(2) The student is a displaced homemaker.

(3) The student or the student's spouse is a farmer who can demonstrate severe household financial need.

Subp. 2. Severe household financial need; incorporation by reference. Severe household financial need is demonstrated by relating the income of the student's household to the income of a same-sized household as found in the most current table of standard maintenance allowance found in the current edition of "Handbook for Financial Aid Administrators" published by the American College Testing Program; 2201 North Dodge Street, P.O. Box 168; Iowa City, Iowa 52243. The table is incorporated by reference, is subject to frequent change, and is available in the handbook in public libraries throughout the state through the Minitex interlibrary loan system. The table is also available separately from the board.

4830.1564 AMOUNT AND TERM OF GRANTS.

Subpart 1. Financial need. An eligible school shall award a grant to an eligible student, to the extent allocated funds are available and to the extent the student demonstrates financial need according to a method consistent with the school's financial aid policies and procedures.

Subp. 2. Amount. The amount of the grant to a student when combined with the expected or awarded (a) federal, state, institutional, and private grant assistance that the student receives, (b) employer reimbursement, and (c) the expected parent and student contribution resulting from the assessment of financial need under subpart 1, must not exceed the student's direct educational cost as defined in subpart 3.

Subp. 3. Direct educational cost. The direct educational cost includes the following:

- A. resident tuition and fees at the institution;
- B. cost of educational materials;
- C. transportation expenses;
- D. an allowance for child care expenses; and
- E. other expenses allowed by the school.

The direct educational cost must be consistent with the school's financial aid policies and procedures.

4830.1565 COLLECT, REPORT DATA.

The school must collect demographic, educational, and financial data specified by the board from eligible students requesting grants. The school shall provide the board with individual student data upon request.

4830.2600 REPORT REPORTS BY SCHOOL.

When requested by the board, each The school shall report must collect demographic information and program activity about work-study grants by August 10, or the first working day after August 10 data as specified by the board. The school shall provide the board with individual student data upon request.

End-of-year program activity and student data reports are required by the board. The school must complete and submit these reports and any applicable refunds to the board by the first working day after August 9. If the reports are not completed by the deadline, the board shall withhold the subsequent year's allocation.

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Proposed Rules

4850.0011 DEFINITIONS.

Subpart 1. **Academic year.** "Academic year" means:

A. a period of time, typically eight or nine months, in which a full-time student is expected to complete the equivalent of at least two semesters, two trimesters, or three quarters at an eligible school using credit hours; ~~or~~

B. at least 900 clock hours of training for a program at an eligible school using clock hours; or

C. a student may borrow for a portion of the academic year, or for all of it (see "loan period").

Subp. 2. to 9. [Unchanged.]

Subp. 10. **Cosigners.** All borrowers from the student educational loan fund shall have a credit worthy cosigner who is either a United States citizen or a permanent resident. The cosigner is jointly and separately responsible for making loan payments (principal, interest, and other charges). The cosigner is relieved of this financial responsibility only in the event of death or permanent disability of the borrower.

A. A cosigner must be at least 18 years old.

B. A cosigner must be a person or an eligible school.

If the cosigner is ~~unemployed, retired, or~~ has no credit history, credit-worthiness shall be determined by the board, by a review of banking references and a review of net worth data with a minimum test requiring that net worth equal or exceed a sum ten times the size of each loan amount requested.

Subp. 11. to 14. [Unchanged.]

Subp. 15. **Eligible student.** "Eligible student" means a student who:

A. to C. [Unchanged.]

D. is not currently in default, as defined by each specific program, of any student educational loan program (GSL, FISL, NDSL, HPL, HEAL, ~~ALAS~~ ALAS/SLS, or other state supplemental loan program) at the current or any previous school;

E. to G. [Unchanged.]

H. for those with loans made from the bonds, has at the time of application, an anticipated graduation date no later than November 1, 1992; and

I. [Unchanged.]

Subp. 16. to 24. [Unchanged.]

Subp. 25. **Loan period.** "Loan period" means the period for which the student receives the loan. The period begins on the first day of class. It must be at least 30 days in length, and must not exceed 12 months. A loan period may be the same as, or a portion of the academic year. For example, the loan period may be for a single semester, or quarter.

Subp. 26. [Unchanged.]

Subp. 27. **Payout period.** "Payout period" means the time period which begins immediately following the transition period and runs to the earliest of:

A. November 1, 2000, for those with loans made from the bonds; or

B. ten years from the date the student ceases to be an eligible student; or

C. fifteen years from the date of the first loan check; or

D. a shorter period negotiated with the borrower.

Subp. 28. to 30. [Unchanged.]

4850.0014 AMOUNT AND TERMS.

Subpart 1. **Loan amounts.** The minimum loan amount from the student educational loan fund is \$1,000.

The annual and maximum loan amounts ~~are~~ for:

A. ~~for an undergraduate student, \$4,000 per academic year as long as the loan amount does~~ are those prescribed in Minnesota Statutes, section 136A.1701. The loan must not exceed the stated annual undergraduate borrowing maximum or the cost of attendance less all other financial aid (including PLUS loans borrowed on the student's behalf); and the cumulative student loan debt (excluding PLUS loans borrowed on the student's behalf) does must not exceed the following product of the grade level limitations times the annual undergraduate borrowing maximum, except in grade level 05 when the cumulative undergraduate loan debt maximum stays

the same as in grade level 04. For example, if the annual undergraduate borrowing maximum in statute was \$4,000, the cumulative undergraduate loan debt maximum, by grade level, is:

- (1) grade level 1, \$ 4,000;
- (2) grade level 2, \$ 8,000;
- (3) grade level 3, \$12,000;
- (4) grade level 4, \$16,000; and
- (5) grade level 5, \$16,000;

B. for a graduate student, \$6,000 per academic year as long as the loan amount does are those prescribed in Minnesota Statutes, section 136A.1701. The loan must not exceed the stated annual graduate student borrowing maximum or the cost of attendance less all other financial aid (including PLUS loans borrowed on the student's behalf); and the cumulative student loan debt of the graduate student (excluding PLUS loans borrowed on the student's behalf) does not exceed \$25,000 the total amount prescribed in Minnesota Statutes for both undergraduate and graduate education educations combined. For example, if the stated total borrowing maximum was \$25,000, the cumulative graduate student borrowing maximum, by grade level, is:

- (6) grade level 6, \$25,000;
- (7) grade level 7, \$25,000;
- (8) grade level 8, \$25,000; and
- (9) grade level 9, \$25,000.

Subp. 2. Two loans in one year.

A. A student may borrow the annual maximum twice more than once in the same academic year as long as:

A. a total of 11 months elapses from the beginning of the first loan period to the beginning of the second loan period; or (1) eligibility remains;

B. advances a grade level, but the student may not exceed the cumulative debt for that grade level (2) the annual borrowing maximum is not exceeded; and

(3) the amount approved is at least \$1,000.

B. A student may borrow the annual maximum twice in the same grade level, as long as:

(1) a total of 11 months elapses from the beginning of the first loan period to the beginning of the second loan period; and

(2) the cumulative loan debt maximum for that grade level is not exceeded.

C. A student who advances a grade level in the middle of an academic year may borrow at that new grade level, as long as:

(1) there is no more than one month overlap of loan period; and

(2) the cumulative loan debt maximum for that new grade level is not exceeded.

Subp. 3. Interest rate. For loans made from the bonds, the interest rate on the loan must be fixed by the board at a margin in excess of the "index rate" on the bonds. If the bonds bear interest at more than one rate at any one time, the "index rate" will be the weighted average of the interest rates. The "index rate" may change on Thursday of each week. If the "index rate" increases or decreases, the interest rate on the loan increases or decreases automatically on the same day without notice to the borrower. If the board determines that the margin does not reflect the costs of the SELF program, the board may increase or decrease the margin within the limits of law. The board shall advise borrowers of changes in the margin.

For loans made from sources other than the bonds, the board shall establish interest rates charged to borrowers that are reasonable, competitive, and within the limits of law. Information about how the interest rate is calculated will be available from the board or the financial aid office at the eligible school.

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

4850.0016 NONENROLLMENT, TRANSFER, AND WITHDRAWAL.

Subpart 1. [Unchanged.]

Subp. 2. **Withdrawal and transfer to another eligible school.** If the student fails to complete the loan period at the school where the loan application was certified and transfers to another eligible school, ~~additional loan disbursements to the student shall be permitted at the new school as long as the board is notified by the student or the school of the new enrollment and any remaining scheduled disbursements must be canceled.~~ The school must immediately notify the board of any borrower who withdraws for any purpose. ~~Refunds due the student as a result of the process of withdrawing and transferring to another eligible school need not be returned to the board. The new school shall certify the enrollment of the transferring student.~~ The student may apply for any remaining loan eligibility at the other eligible school, assuming the amount approved is at least \$1,000.

Subp. 3. and 4. [Unchanged.]

4850.0017 REPAYMENT PROCEDURES.

Borrowers shall make payments of principal and interest according to the following schedule:

A. During the school period, the board or its agent shall bill borrowers for accrued interest once during each calendar quarter. ~~Payments are due by the 15th day following the date of the billing.~~

B. During the transition period, the board or its agent shall bill borrowers for accrued interest once during each calendar month. ~~Payments are due by the 15th day following the date of the billing.~~

C. During the payout period, borrowers must repay their loans in monthly installments of principal and interest. The interest rate may vary throughout the period. The board or its agent must bill borrowers monthly for amounts due. The sum of the monthly payments must equal the sum of accrued interest plus principal. The monthly payments of principal must be in amounts calculated at the beginning of the repayment period as if two conditions existed. The two conditions are: (1) interest on the loan accrues at a fixed rate equal to the interest rate in effect at the time of the calculation and (2) the loan is payable over its term in equal monthly installments. ~~All of a borrower's SELF loans must be combined into one repayment schedule.~~ The borrower must pay a total of at least \$600 each year on all of the borrower's SELF loans. If the borrower's spouse also has SELF loans, their combined annual payments on all SELF loans must be at least \$600.

D. to H. [Unchanged.]

REPEALER. Minnesota Rules, parts 4830.0660, subparts 1b, 1c, and 1d, are repealed.

Department of Human Services

Proposed Permanent Rules Relating to Child Protection Services

Notice of Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held in Conference Rooms 1 A/B, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155, on May 4, 1988 commencing at 9:00 a.m. and continuing until all interested or affected persons have an opportunity to participate. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

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 Peter Erickson, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415; telephone (612) 341-7606, 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*, section 14.50. The rule hearing is governed by *Minnesota Statutes*, section 14.14 to 14.20 and by *Minnesota Rules*, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

Minnesota Rules, parts 9560.0210 to 9560.0234 govern the administration and provision of child protective services by local social service agencies. The proposed rules, amending *Minnesota Rules*, parts 9560.0250 to 9560.0310, reflect statutory changes since the rules were originally promulgated and establish clear and uniform procedures and standards for the provision of child protective services.

Parts 9560.0210 to 9560.0214 state the purpose and scope of the rules and define terms used in the rule.

Part 9560.0216 establishes basic procedures that must be followed by local agencies whenever a report of child maltreatment is received.

Part 9560.0218 establishes procedures for local agency response to reports of infant medical neglect, in accordance with legislation enacted in 1985.

Part 9560.0220 establishes procedures for local agency response when a report alleging maltreatment by a person within the child's family is received. This part includes procedures and criteria for conducting an assessment, determining whether maltreatment has occurred, assessing risk and making findings, and intervening to protect the child.

Part 9560.0222 establishes procedures and criteria for local agency response to reports of maltreatment within a state-licensed facility, including conducting the investigation, determining whether maltreatment has occurred, making findings, assessing risk and intervening to protect children.

Part 9560.0224 describes local agency duties when investigation of a maltreatment report is the responsibility of law enforcement rather than the local agency.

Part 9560.0226 states criteria for providing information to the individual who reported the maltreatment.

Part 9560.0228 establishes standards for providing services to children and families when maltreatment has been substantiated and services are needed.

Parts 9560.0230, 9560.0232 and 9560.0234 govern maintenance of report records; establish administrative requirements, including coordination with the case consultation committee of a child protection team; and establish staff training requirements.

The agency's authority to adopt the proposed rules is contained in *Minnesota Statutes*, section 256.01, subdivision 2(2); section 257.175; section 256E.05, section 393.07; section 626.556.

Adoption of these rule amendments will increase aggregate local public body spending by over \$100,000 in each of the first two years following adoption. See the fiscal note attached to this notice which contains the Department's reasonable estimate of the total cost to all local public bodies in the state to implement the rules for the two years immediately following adoption of the rules.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Mary Widerski, Department of Human Services, Child Protection Division, 3rd Floor, 444 Lafayette Road, St. Paul, MN 55155-3830 (612) 296-2217. A copy of the rule may also be viewed at any of the 87 county welfare 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 Jean Swanson Broberg, 3rd Floor, 444 Lafayette Road, St. Paul, MN 55155-3830 (612) 296-0583.

NOTICE: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. If you desire to be notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules were adopted and filed with the secretary of state. The notice must be mailed on the same day the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the agency at any time prior to the filing of the rules with the secretary of state.

NOTICE IS HEREBY GIVEN that a statement of need and reasonableness is now available for review at the agency and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the agency or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Minnesota Statutes, chapter 10A, requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes*, section 10A.01, subdivision 11, as any individual:

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

Proposed Rules

(a) 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.

Sandra S. Gardebring, Commissioner

Fiscal Note

The Department of Human Services has prepared a Fiscal Note according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2 estimating the fiscal impact of the proposed rule amending *Minnesota Rules*, parts 9560.0250 to 9560.0310. The Department estimates the total net cost to state and local public bodies over the next two years to be:

\$3,714,773.00 (Local)*
520.00 (State)
\$3,715,293.00 (TOTAL)

*This figure is based on an estimated increased cost of \$142 per report of child maltreatment.

Local Costs

The estimate of agency costs resulting from the proposed rule amendments is based on data received in response to a Department survey of the 87 Minnesota local social service agencies.

Thirty-nine local agencies responded. Five of the seven metropolitan area counties responded. Two of the three non-metropolitan counties with the largest population responded. Thirty-two of the remaining seventy-seven counties responded: seventeen counties with a population under 20,000; fifteen counties with a population over 20,000. The thirty-nine counties represent 68% of Minnesota's population and account for 69% of all reports of child maltreatment received by local agencies and reported to the Department.

The survey identified rule changes that may result in increased spending by counties. These are: timelines for initiating assessments; timelines for interviewing persons responsible for providing care; use of a risk assessment form; addition of requirements for providing ongoing services; notices of data practices rights.

Respondents reported widely disparate fiscal impact. Five counties estimated no increased costs resulting from the rule amendments, whereas four counties estimated over \$400 in added costs per child protection report. The average increased cost per report was \$142. For each identified rule item, more than half the respondents estimated zero to \$25 added cost; simultaneously some respondents indicated over \$250 additional cost to comply with the same item.

Survey results indicate some counties compared costs resulting from the proposed rule amendments with costs of current agency child protection practice, not costs of current rule and statutory requirements. Only a field audit could determine whether local agency estimates of the fiscal impact of the proposed rule amendment are based on comparison with current rule and statutory standards.

After the survey was sent to counties, the Rule Advisory Committee recommended a change affecting one of the survey items. The Committee recommended giving report subjects notice of their right to contest data at the beginning of an assessment or investigation, when the subject is informed of other rights (i.e. the Tennesen Notice), rather than at the conclusion when the subject is informed of the agency's findings. This change is anticipated to reduce the number of contested case hearings resulting from subjects contesting report data and therefore the expense to local agencies of being a party in a contested case hearing.

The Department telephoned five respondents to determine whether this change would affect their cost estimates. Three counties—Ramsey, Washington, Hennepin—said this change would delete any cost increases for this item. Two counties—Chippewa, Anoka—said this rule change would halve their earlier cost estimates. The fiscal note reflects this adjustment.

One county based its cost estimates on statutory requirements rather than costs resulting from the rule amendments. Because the fiscal note is required to reflect the fiscal impact of the rule changes, that county's estimates are not included.

Estimated Costs of Implementing Rule Amendments

Total additional costs of \$1,535,600 were estimated by the respondents. Individual county estimates of overall additional costs resulting from the proposed rule amendments ranged from zero to \$679,846. No county reported a net decrease in spending.

Proposed Rules

The following shows the additional rule costs on a per-report basis. Estimates of additional costs on a per-report basis ranged from \$0 to \$594.74 as follows:

No increase:	3 counties
0 to \$25:	2 counties
\$26 to \$50:	4 counties
\$51 to \$75:	3 counties
\$76 to \$100:	1 county
\$101 to \$150:	8 counties
\$151 to \$200:	5 counties
\$251 to \$300:	3 counties
\$300 to \$400:	6 counties
\$401 to \$500:	3 counties (Chippewa, LacQuiParle, Wadena)
over \$500:	1 county (Aitkin)

Average additional cost per report of child maltreatment: \$141.99

The three largest counties estimated additional costs per report of

\$ 0—Ramsey;
\$132—Hennepin;
\$155—St. Louis.

Averaging the percentage of Minnesota population and the percentage of total reports represented by the respondents yields a figure of 68.5%. Projecting their total additional costs of \$1,535,600 to 100% yields a statewide estimate of increased costs at \$2,224,415 for the first year after the rule is in effect.

Assuming that 1) the number of reports of maltreatment remain constant and 2) first year costs represent significant staff time learning new rule requirements which will be reduced in year two, a factor of .67 is applied to the first year estimate to arrive at estimated total costs for year two: of \$1,490,358.

LOCAL COSTS

YEAR ONE	YEAR TWO	TOTAL
\$2,224,415	\$1,490,358	\$3,714,773

STATE COSTS

Additional state costs are estimated as a result of the need to provide training to local social service agency staff on new rule requirements. The Child Protection Division of the Department of Human Services, with the assistance of its Staff Development Division, will prepare a training videotape. Videotaping is estimated to require 40 hours of professional staff time at \$13.00 per hour.

YEAR ONE	YEAR TWO	TOTAL
\$520.00	-0-	\$520.00

Dated: 16 March 1988

Sandra S. Gardebring, Commissioner
Department of Human Services

Rules as Proposed (all new material)

9560.0210 PURPOSE.

The purpose of child protective services is to protect children from maltreatment.

9560.0212 SCOPE.

Parts 9560.0210 to 9560.0234 govern the administration and provision of child protective services by local social service agencies.

9560.0214 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 9560.0210 to 9560.0234, the following terms have the meanings given them.

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> 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 — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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Proposed Rules

Subp. 2. **Alleged offender.** "Alleged offender" means a person who is reported to have committed maltreatment.

Subp. 3. **Assessment.** "Assessment" means a process for determining whether a child has been maltreated and whether child protective services are needed and that:

A. is conducted by a child protection worker;

B. includes gathering facts, assessing the risk to the child, and formulating a plan of services; and

C. includes authority to interview the child, any person responsible for the child's care, the alleged offender, and any other person with knowledge of the maltreatment.

Subp. 4. **Child.** "Child" means a person under the age of 18.

Subp. 5. **Child protection worker.** "Child protection worker" means a social worker employed by a local agency who is responsible for providing child protective services or who is responsible for supervising social workers responsible for providing child protective services.

Subp. 6. **Child protective services.** "Child protective services" means services provided by the local agency to protect a child who has reportedly been maltreated by a person within the family unit or within a facility who is responsible for the child's care. Child protective services include assessment or investigation; protective intervention under parts 9560.0218, subpart 6, 9560.0220, subpart 8, and 9560.0222, subpart 11; and the planning and provision of services under part 9560.0228.

Subp. 7. **County board.** "County board" means the county board of commissioners in each county. A human services board established under *Minnesota Statutes*, chapter 402, or a welfare board established under *Minnesota Statutes*, chapter 393, shall be considered the county board for purposes of parts 9560.0210 to 9560.0234.

Subp. 8. **Department.** "Department" means the Minnesota Department of Human Services.

Subp. 9. **Emotional maltreatment.** "Emotional maltreatment" means the consistent or deliberate infliction of mental harm on a child by a person responsible for the child's care, that has an observable, adverse effect on the child's physical, mental, or emotional development.

Subp. 10. **Facility.** "Facility" means a facility or program for the care of children required to be licensed by the Department of Health under *Minnesota Statutes*, sections 144.50 to 144.58, the Department of Corrections under *Minnesota Statutes*, section 241.021, or the Department of Human Services under *Minnesota Statutes*, chapter 245A.

Subp. 11. **Family unit.** "Family unit" means all persons related to a child by blood, marriage, or adoption or persons living within the same household as the child or a child's guardian.

Subp. 12. **Imminent danger.** "Imminent danger" means that a child is threatened with immediate and present maltreatment that is life-threatening or likely to result in abandonment, sexual abuse, or serious physical injury.

Subp. 13. **Infant medical neglect.** "Infant medical neglect" includes, but is not limited to, the withholding of medically indicated treatment from a disabled infant with a life-threatening condition. The term "withholding of medically indicated treatment" means the failure to respond to the infant's life-threatening condition by providing treatment including appropriate nutrition, hydration, and medication which, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all conditions, except that the term does not include the failure to provide treatment other than appropriate nutrition, hydration, or medication to an infant when, in the treating physician's or physicians' reasonable medical judgment:

A. the infant is chronically and irreversibly comatose;

B. the provision of the treatment would merely prolong dying, not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be futile in terms of the survival of the infant; or

C. the provision of the treatment would be virtually futile in terms of the survival of the infant and the treatment itself under the circumstances would be inhumane.

Subp. 14. **Investigation.** "Investigation" means a process for determining whether maltreatment has occurred:

A. that is conducted by a law enforcement agency; or

B. that is conducted by the department or a local agency when a report alleges maltreatment by a person within a facility who is responsible for the child's care.

Subp. 15. **Law enforcement agency.** "Law enforcement agency" means the Department of Public Safety, the local police or sheriff's department, or the state highway patrol.

Subp. 16. **Legal custody.** "Legal custody" means the right to care, custody, and control of a child as defined in *Minnesota Statutes*, section 260.015, subdivision 8.

Subp. 17. **Local agency.** "Local agency" means the social services agency authorized by the county board to provide social services and financial assistance under *Minnesota Statutes*, section 393.07.

Subp. 18. **Maltreatment.** "Maltreatment" means physical abuse, sexual abuse, or neglect under *Minnesota Statutes*, section 626.556, subdivision 2, paragraphs (a), (c), and (d). "Neglect" includes emotional maltreatment and infant medical neglect.

Subp. 19. **Report or report of maltreatment.** "Report" or "report of maltreatment" means an oral or written report received by a local agency that alleges a child is being or has been maltreated.

Subp. 20. **Shelter care facility.** "Shelter care facility" means a physically unrestricting facility, such as a hospital, group home, or licensed facility for foster care, used for the temporary care of a child.

Subp. 21. **Subject.** "Subject" means any person on whom the local agency retains private or confidential information obtained from reports of maltreatment or during assessments or investigations of reports of maltreatment.

9560.0216 BASIC REQUIREMENTS.

Subpart 1. **Response to reports of maltreatment.** The local agency shall accept and screen according to subpart 3 every report of maltreatment received from any source.

Subp. 2. **Emergency assessment and protective intervention.** The local agency shall screen and assess reports of maltreatment of any child living in or found in the county without regard to the legal residence of the child or the child's family.

A. The local agency shall provide child protective services as an emergency social service under parts 9550.0010 to 9550.0092.

B. The local agency may seek a determination of the county of financial responsibility for the child and reimbursement for services provided after providing for the safety of the child.

Subp. 3. **Screening reports.** The local agency shall screen reports of maltreatment to determine the need for assessment. Reports meeting the criteria in items A to C must be assessed:

A. the allegations in the report constitute maltreatment as defined under part 9560.0214, subpart 18;

B. sufficient identifying information exists to permit an assessment; and

C. the report contains information that has not previously been received by the local agency.

Subp. 4. **Notifying law enforcement.** The local agency shall notify the law enforcement agency orally and in writing within 24 hours of receiving a report of maltreatment.

Subp. 5. **Time frames for initiating an assessment.** The local agency shall respond to reports of maltreatment within the time limits under item A, B, or C.

A. When a report of maltreatment indicates that a child is in imminent danger, the local agency shall take action as soon as the report is received to provide for the safety of the child.

B. When a report of maltreatment alleges infant medical neglect, the local agency shall initiate an assessment as soon as the report is received.

C. When a report of maltreatment does not indicate a child is in imminent danger, the local agency shall initiate an assessment within 24 hours after receiving the report. The local agency may delay initiating the assessment up to 72 hours if:

(1) the local agency has reasonable grounds to believe the child will not be in imminent danger during that time; and

(2) the need to respond to more serious reports prevents the local agency from acting within 24 hours.

Subp. 6. **In-person observation.** When the local agency conducts an assessment, an in-person observation must be made of the child reported to be maltreated.

Subp. 7. **Notice to persons being interviewed.** The local agency shall inform a person asked to provide private or confidential data about himself or herself as part of an assessment or investigation:

A. why the information is being requested;

B. how the information will be used;

C. that the person may refuse to answer the questions;

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Proposed Rules

D. the consequences of either answering or refusing to answer questions;

E. the other persons or agencies authorized to receive the information being requested; and

F. a description of the procedure for contesting the accuracy and completeness of the agency's records provided under *Minnesota Statutes*, section 13.04, subdivision 4.

9560.0218 RESPONSE TO REPORTS OF INFANT MEDICAL NEGLECT.

Subpart 1. **Screening.** The local agency shall screen reports alleging infant medical neglect to determine whether the report meets the criteria in items A to E:

A. the child is an infant under one year of age;

B. the infant is hospitalized;

C. the allegations constitute infant medical neglect as defined in part 9560.0214, subpart 13;

D. the report contains sufficient identifying information to permit an assessment; and

E. the report contains information that has not previously been received by the local agency.

Reports meeting the criteria in items A to E must be assessed as soon as the report is received according to the procedures in subparts 2 to 6.

Subp. 2. **Hospital notice.** The local agency shall inform the hospital where the infant is hospitalized that a report of infant medical neglect has been received and contact the liaison designated by the hospital to handle reports of infant medical neglect.

Subp. 3. **Department consultation.** The local agency shall consult with the department's child protective services staff.

Subp. 4. **Consultation with parents and physician.** The local agency shall consult with the infant's parents, the attending physician, and other appropriate hospital staff to determine the parents' understanding of the infant's condition, treatment choices, and prognosis.

Subp. 5. **Medical consultation.** The local agency shall consult with an independent medical consultant who shall determine whether infant medical neglect is substantiated.

A. The local agency shall arrange for a review by the medical consultant of the infant's medical records.

B. The local agency shall arrange for an examination of the infant by the medical consultant if necessary to make the determination. The local agency shall:

(1) obtain consent from the infant's parents for the examination; or

(2) if the parents do not consent, ask the county attorney to obtain an expedited court order for the examination.

Subp. 6. **Protective intervention.** If the medical consultant confirms infant medical neglect and recommends treatment, the local agency shall intervene according to items A and B.

A. The local agency shall, with the medical consultant, seek authorization from the infant's parents for the recommended treatment.

B. If the parents refuse to authorize the recommended treatment, the local agency shall:

(1) classify the report as substantiated;

(2) ask the county attorney to obtain a transfer of legal custody of the infant to the local agency in order to provide the recommended treatment; and

(3) provide protective services under part 9560.0228.

9560.0220 RESPONSE TO REPORTS OF MALTREATMENT WITHIN THE FAMILY UNIT.

Subpart 1. **Basic procedures.** The local agency shall follow the basic requirements in part 9560.0216 when a report alleges maltreatment by a person within the family unit who is responsible for the child's care.

Subp. 2. **Coordination with law enforcement.** The local agency shall:

A. ask a representative from a law enforcement agency to accompany the child protection worker to interview the child when a report of maltreatment:

(1) indicates there is imminent danger to a child or danger to the child protection worker; or

(2) alleges violation of a criminal statute involving sexual abuse or physical abuse;

B. coordinate its assessment with the law enforcement agency's investigation to avoid duplication of fact-finding efforts and multiple interviews; and

C. prepare an independent report of its assessment.

Subp. 3. **Child interviews.** The local agency may interview the child who is reported to be maltreated and may interview any other minors within the family unit. When interviewing children, the local agency shall follow the procedures in items A to F

A. The local agency shall interview the child in a face-to-face meeting in a manner appropriate to the child's age, development, and ability to understand.

B. The local agency may waive the notice required in part 9560.0216, subpart 7, when interviewing a child under ten years of age who is reported to be maltreated.

C. The local agency may interview a child under this part without parental consent. By the time the assessment is completed, the local agency shall notify the parent, legal custodian, or guardian that the interview has occurred unless ordered by the juvenile court to withhold notification.

D. If a parent, legal custodian, or guardian prevents the local agency from interviewing a child, the local agency shall ask the county attorney to obtain a judicial order to produce the child for an interview.

E. The local agency shall make a record of every interview according to subitems (1) and (2):

(1) interviews must be videotaped, audiotaped, or summarized in writing; and

(2) the record must include:

(a) the date, time, place, and duration of the interview; and

(b) the identity of the persons present at the interview.

F. When a child is interviewed at the child's school, the local agency shall:

(1) before the interview, give the school a written notice, signed by the chair of the county board or the chair's designee, that includes the following:

(a) the name of the child to be interviewed;

(b) the purpose of the interview; and

(c) the authority of the local agency under *Minnesota Statutes*, section 626.556, subdivision 10, to interview the child on school premises;

(2) conduct the interview within 24 hours after the school receives the notification in subitem (1);

(3) determine the persons present during the interview; and

(4) cooperate with the school officials' reasonable conditions as to the time, place, and manner of the interview.

Subp. 4. **Parent interviews.** The local agency shall interview parents and persons responsible for the child's care within the family unit. These interviews must take place within 72 hours of interviewing the child unless postponement is necessary to prevent risk to a child or interference with law enforcement's investigation.

Subp. 5. **Other interviews.** The local agency may interview other persons whom the agency believes may have knowledge of the alleged maltreatment.

Subp. 6. **Local agency findings.** When the local agency has completed its assessment under subparts 1 to 5, the local agency shall make findings.

A. The local agency shall make a finding of substantiated maltreatment if:

(1) there is credible evidence a child has suffered physical, mental, or emotional harm; and

(2) the harm was caused by the act or failure to act of a person within the family unit who is responsible for the child's care.

B. The local agency shall make a finding of risk of maltreatment using a risk assessment tool that has been approved by the department and includes the factors in subitems (1) to (11):

(1) vulnerability of the child;

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Proposed Rules

- (2) location, severity, frequency, and recentness of abuse;
- (3) severity, frequency, and recentness of neglect, and condition of home;
- (4) physical, intellectual, or emotional capacities and control of the person or persons responsible for the child's care;
- (5) degree of cooperation of the person or persons responsible for the child's care;
- (6) parenting skills and knowledge of the person or persons responsible for the child's care;
- (7) alleged offender's access to the child;
- (8) presence of a parent substitute or other adult in the home;
- (9) previous history of child maltreatment;
- (10) strength of family support systems; and
- (11) stressors on the family.

Subp. 7. **Determining the need for protective intervention.** The local agency shall determine the need for protective intervention according to items A to D.

A. If there is a finding of substantiated maltreatment and a finding of risk of maltreatment, the local agency shall provide protective intervention under subpart 8.

B. If there is a finding of risk of maltreatment without a finding of substantiated maltreatment, the local agency shall provide protective intervention under subpart 8 or other appropriate services.

C. If there is a finding of substantiated maltreatment and a finding that no child is at risk of future maltreatment, the local agency may offer appropriate services.

D. If there is no finding of maltreatment and no finding of risk of maltreatment, the local agency shall not provide protective services. The local agency may offer other appropriate services to the family.

Subp. 8. **Protective intervention procedure.** When the local agency provides protective intervention, the local agency shall:

A. evaluate the risks of children remaining in the home;

B. provide for the protection of the child under subitems (1) to (3), which are listed in order of preferred action:

- (1) maintain the child within the home and provide protective services on a voluntary basis or through protective supervision;
- (2) have the alleged offender removed from the home under *Minnesota Statutes*, section 260.133; or
- (3) remove the child from the home according to subpart 9;

C. if the family refuses to accept protective services, request the county attorney to obtain a judicial order authorizing the local agency to provide involuntary protective services; and

D. formulate a plan and provide protective services under part 9560.0228.

Subp. 9. **Removal procedures.** The local agency shall follow the procedures in items A to D when a child is removed from the home.

A. The local agency may offer the parents the opportunity to voluntarily place the child outside the family in a setting that provides for the child's health, safety, and welfare.

B. If a child is not placed voluntarily and the child is in imminent danger, the local agency:

(1) shall obtain the emergency removal of the child from the home by:

- (a) seeking the assistance of the law enforcement agency to take the child into immediate custody; or
- (b) petitioning the juvenile court for immediate legal custody of the child; and

(2) if a child is placed in a shelter care facility, advise the person taking the child into custody or the court whether disclosure of the facility location would endanger the child.

C. If a child is not placed voluntarily and the child is not in imminent danger, the local agency shall ask the county attorney to petition the juvenile court for placement of the child under parts 9560.0500 to 9560.0670.

9560.0222 INVESTIGATION OF REPORTS OF MALTREATMENT IN A FACILITY.

Subpart 1. **Screening.** The local agency shall screen reports of maltreatment to determine the need for investigation. Reports meeting the criteria in items A to C must be investigated by the local agency:

- A. the allegations in the report constitute maltreatment as defined in part 9560.0214, subpart 18;
- B. the report contains sufficient identifying information to permit an investigation; and
- C. the report contains information that has not previously been investigated by the local agency.

A report that does not meet the criteria in items A to C must be reported as a possible licensing violation to the county and state agencies that license the facility.

Subp. 2. Coordination with law enforcement. The local agency shall:

A. ask a representative from a law enforcement agency to accompany the child protection worker to interview the child when a report of maltreatment indicates:

- (1) imminent danger to a child or danger to the child protection worker; or
- (2) an alleged violation of a criminal statute involving sexual abuse or physical abuse;

B. coordinate its investigation with the law enforcement agency investigation to avoid duplication of fact-finding efforts and multiple interviews; and

C. prepare an independent report of its investigation.

Subp. 3. Coordination with state licensing agencies. The local agency shall coordinate the investigation of maltreatment within a facility with the state agencies responsible for licensing the facility.

A. The local agency shall notify the responsible state licensing agencies within 48 hours, excluding weekends and holidays, of receiving a report of maltreatment. This notification must include:

- (1) the date and time the local agency received the report;
- (2) identification of the facility, the child or children alleged to be maltreated, and the alleged offender;
- (3) the nature of the maltreatment and extent of any injuries to children;
- (4) immediate treatment and protection measures being provided by the local agency; and
- (5) the name of the child protection worker responsible for investigating the report.

B. The local agency shall provide the responsible state licensing agencies with ongoing information as the investigation proceeds.

Subp. 4. Notice to ombudsman for mental health and mental retardation. The local agency shall provide the notice in subpart 3, item A, to the ombudsman for mental health and mental retardation when a report of maltreatment involves a child receiving residential treatment services for mental health, mental retardation, chemical dependency, or emotional disturbance.

Subp. 5. Notice to parents, guardians, or legal custodians. The local agency shall provide the following notice when reports of maltreatment within a facility have been received.

A. The local agency shall provide the following information to the parents, guardians, or legal custodians, including agencies responsible for placement, of any child who is reported to be maltreated by a person within a facility who is responsible for the child's care:

- (1) the name of the facility;
- (2) that a report of maltreatment of their child has been received;
- (3) the nature of the alleged maltreatment;
- (4) that an investigation is being conducted;
- (5) the protective or corrective measures currently being provided; and
- (6) that a written report will be furnished when the investigation is completed.

B. The notice required in item A must be provided before the local agency interviews any child who is reported to be maltreated unless:

- (1) the interview is necessary to protect children within the facility; and

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Proposed Rules

(2) the local agency is unable, after reasonable effort, to locate the parents.

C. The local agency may provide the notice required in item A to the parents, guardians, or custodians of children within the facility who are not the subjects of the report. In making the decision to provide this notice, the local agency shall consider:

- (1) whether there are reasonable grounds to believe maltreatment has occurred;
- (2) the seriousness of the maltreatment;
- (3) the number of children reported to be maltreated; and
- (4) the length of time it may take to complete the investigation.

Subp. 6. **Interviewing children.** The local agency may interview any child within the facility in the course of the investigation. Interviews shall be conducted and recorded according to part 9560.0220, subpart 3.

Subp. 7. **Interviewing facility staff.** The local agency shall begin to interview the following facility staff within 24 hours after interviewing children: the alleged offender; other staff members who may have knowledge of the maltreatment; supervisors of the alleged offender; and the director of the facility.

Staff interviews may be postponed beyond 24 hours to prevent interference with an investigation by law enforcement authorities.

Subp. 8. **Interviewing persons outside the facility.** The local agency shall interview the parents, guardians, or legal custodians of children within the facility and children no longer within the facility if there is reason to believe they may have knowledge of maltreatment.

Subp. 9. **Risk assessment.** The local agency shall evaluate the information obtained during the investigation according to items A and B:

A. assess the risk to children using a risk assessment tool under part 9560.0220, subpart 6, item B; and

B. consult with the state agencies that issued the facility license to assess factors within the facility that contribute to risk of maltreatment.

Subp. 10. **Substantiation.** The local agency shall substantiate that maltreatment has occurred within the facility on the basis of the criteria in items A and B:

A. there is credible evidence of physical, mental, or emotional harm to a child; and

B. the harm is caused by the action or failure to act of facility staff or a volunteer.

Subp. 11. **Protective intervention.** When maltreatment has been substantiated, the local agency shall intervene to provide for the safety of the children within the facility.

A. The local agency shall provide a written report to the parents, guardians, or legal custodians, including agencies responsible for placement, of every child within the facility. The report shall not disclose the names of the children who were maltreated, the reporter, the offender, or the persons interviewed during the investigation. The report shall include:

- (1) the name of the facility;
- (2) the nature of the maltreatment;
- (3) the names of the investigators and agencies represented;
- (4) a summary of the results of the investigation;
- (5) classification of the report; and
- (6) remedial measures being provided.

B. The local agency shall inform parents, guardians, and legal custodians of alternative facilities.

C. The local agency shall provide the responsible state licensing agencies with an oral report immediately after the investigation is completed. A written report must be provided within one week after the investigation is completed to the responsible state licensing agencies and to the ombudsman notified under subpart 4.

Subp. 12. **Inconclusive or false reports.** When a report is classified as inconclusive or false, the local agency:

A. shall provide the notice in subpart 11 to parents, guardians, or legal custodians notified under subpart 5;

B. shall provide the notice in subpart 11 to the responsible state licensing agencies and the ombudsman notified under subpart 4; and

C. may provide the notice in subpart 11 to the parents, guardians, or legal custodians of any other child within the facility when a report is inconclusive. The facility must be informed when this notice is provided.

9560.0224 REPORTS NOT REQUIRING ASSESSMENT OR INVESTIGATION BY LOCAL AGENCY.

When the local agency receives a report of maltreatment that does not involve an offender from within the family unit or from within a facility, the local agency shall notify the law enforcement agency orally as soon as the report is received. Written notice must be sent within 24 hours.

The local agency shall make appropriate social services available to the child and family.

9560.0226 INFORMATION PROVIDED REPORTERS.

Subpart 1. **Voluntary reporters.** The local agency shall provide a voluntary reporter, upon request, a concise summary after the assessment or investigation of a report of maltreatment has been completed. A concise summary is limited to:

- A. the local agency's classification of the report under part 9560.0230; and
- B. a statement whether child protective services are being provided.

Subp. 2. **Mandated reporters.** The local agency shall provide a mandated reporter, upon request, a summary consisting of:

- A. a concise summary under subpart 1;
- B. the name of the child protection worker conducting the assessment or investigation;
- C. the nature of the maltreatment, if the report was substantiated; and
- D. a description of services being provided.

Subp. 3. **Refusal to disclose information.** The local agency shall refuse to provide a concise summary to voluntary reporters and a summary to mandated reporters if the local agency determines disclosure would be detrimental to the best interests of the child.

9560.0228 PROTECTIVE SERVICES.

Subpart 1. **General requirement.** The local agency shall ensure that protective services are provided according to a written plan to every child and family who are residents of the county when:

- A. a finding of infant medical neglect is made under part 9560.0218, subpart 6, item B;
- B. protective intervention is required under part 9560.0220, subpart 7, item A; or
- C. protective services are accepted under part 9560.0220, subpart 7, item B or C.

Subp. 2. **Written plan.** The plan of protective services must meet the criteria in items A to C:

- A. A child protection worker shall work with the family to formulate the plan.
- B. The plan must identify:
 - (1) family needs and family strengths;
 - (2) the reasons why protective services are being provided;
 - (3) the specific services expected to ameliorate the conditions that present harm to children;
 - (4) the service provider or providers;
 - (5) the amount, frequency, and duration of services;
 - (6) goals for reducing risk of harm to children that are achievable by the family, or alternative permanency planning goals for children and the basis for determining that the family lacks capacity to reduce the risk of harm to children;
 - (7) specific behaviors that evidence achievement of goals;
 - (8) specific tasks to be performed by each family member, the child protection worker, and other service providers;
 - (9) the purpose and frequency of scheduled contacts between the family, the child protection worker, and other service providers;
 - (10) estimated time required to achieve goals;
 - (11) consequences of failure to comply with the plan; and

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Proposed Rules

(12) a timetable for the quarterly reassessment under subpart 5.

C. Services to be provided may include individual or family counseling, home management services, family-based or in-home services, parent support organizations, parenting courses, and any other services that reduce risk of maltreatment and strengthen families.

The local agency may use a substitute care plan under *Minnesota Statutes*, section 257.071, or a court-ordered plan that meets the criteria in items A to C.

Subp. 3. **Service delivery.** Protective services may be provided directly or arranged by the local agency. The local agency shall retain case management responsibility including responsibility for planning, coordinating, authorizing, monitoring, and evaluating services.

Subp. 4. **Monitoring services.** The local agency shall monitor the provision of services to assure compliance with the plan.

A. When the child remains in the home while protective services are being provided, the child protection worker shall:

- (1) meet with the family at least monthly; or
- (2) ensure that a service provider meets with the family at least monthly; and
- (3) contact the family at least monthly.

B. The child protection worker shall consult with other service providers at least quarterly.

C. The child protection worker's supervisor shall conduct a review at least semiannually. This review may consist of:

- (1) a review of the plan of protective services or other records relating to the family;
- (2) a supervisory conference with the child protection worker;
- (3) attendance at the administrative or court review required for a child in substitute care; or
- (4) any equivalent method of determining whether appropriate services are being provided.

Subp. 5. **Quarterly reassessment.** The child protection worker and the family shall jointly assess the plan of protective services at least quarterly to:

- A. assess family progress in achieving goals and objectives;
- B. delete goals and objectives that have been achieved or found to be inappropriate; and
- C. add goals or objectives necessary to reduce the risk of maltreatment.

Subp. 6. **Termination of protective services.** Protective services to a family must be terminated when the local agency determines:

- A. the goals in the plan of protective services have been accomplished and the family no longer needs protective services; or
- B. the family fails to achieve goals and there are insufficient legal grounds to proceed with court action that would authorize the local agency to provide involuntary protective services.

9560.0230 OFFICIAL RECORDS.

Subpart 1. **Report records.** The local agency shall maintain a record of every report of maltreatment under parts 9560.0218 to 9560.0222.

Subp. 2. **Classification of reports.** The local agency shall classify every report of maltreatment within 90 days of receiving the report.

A. A report of infant medical neglect must be classified under subitem (1), (2), or (3):

(1) false, when no indication is found that medically indicated treatment or appropriate nutrition, hydration, and medication is being withheld; or, after initial indication that medically indicated treatment or appropriate nutrition, hydration, or medication has been withheld, the parents authorize recommended treatment;

(2) inconclusive, when the medical consultant is unable to determine whether medically indicated treatment or appropriate nutrition, hydration, and medication are being withheld; or, more time is needed to determine medically indicated treatment; or

(3) substantiated, when the medical consultant determines that medically indicated treatment is being withheld or appropriate nutrition, hydration, or medication is not being provided and the infant's parents refuse to authorize treatment or appropriate nutrition, hydration, or medication after consultation.

B. A report of maltreatment within the family unit must be classified under subitem (1), (2), or (3):

- (1) false, when there is no indication maltreatment has occurred;

(2) inconclusive, when the local agency is unable to determine whether maltreatment by a person within the family unit who is responsible for the child's care has occurred; or

(3) substantiated, when the report meets the criteria in part 9560.0220, subpart 6, item A.

C. A report of maltreatment within a facility must be classified under subitem (1), (2), or (3):

(1) false, when there is no indication maltreatment has occurred;

(2) inconclusive, when the local agency is unable to determine whether maltreatment by a person within the facility who is responsible for a child's care has occurred; or

(3) substantiated, when the report meets the criteria in part 9560.0222, subpart 10.

Subp. 3. **Disclosure of report records.** The local agency may disclose report records to subjects of the report and to members of the case consultation committee of a multidisciplinary child protection team established under *Minnesota Statutes*, section 626.558.

Subp. 4. **Nondisclosure of reporter's identity.** The local agency shall not disclose the identity of the person making the report of maltreatment while the assessment or investigation is being conducted. After the assessment is completed, the local agency shall not disclose the identity of the person reporting the maltreatment without:

A. the reporter's consent, in writing, to disclosure; or

B. a written court finding that the report is false and that there is evidence the report was made in bad faith.

Subp. 5. **Notification of subject.** Within ten working days after the assessment or investigation is completed, the local agency shall notify the parents of the child reported to be maltreated and the alleged offender in writing of the following:

A. the agency's classification of the report;

B. the right to review the local agency's records relating to the report under *Minnesota Statutes*, section 13.04, subdivision 3; and

C. the period of time report records will be maintained before being destroyed under subpart 6.

Subp. 6. **Retention of report records.** The local agency's records relating to reports of maltreatment must be retained or destroyed according to items A to C.

A. When a report is classified as false, the local agency shall notify the subject of the report in writing that the agency intends to destroy the records. The subject may, within 30 days, request the local agency to retain the records. If the subject does not request the agency, within 30 days, to retain the records, the local agency shall destroy the records.

B. When a report is classified as substantiated, the local agency shall destroy report records seven years following the date of the final entry relating to the report of maltreatment.

C. When a report is classified as inconclusive, the local agency may retain the records of the report up to one year. The local agency shall follow the procedure in item A if the report is not substantiated within one year.

The agency shall notify a school that received a notice of intent to interview under part 9560.0220, subpart 3, to destroy the notice at the same time that report records are destroyed under item A, B, or C.

Subp. 7. **Data collection by the department.** Within ten days after completing the assessment or investigation, the local agency shall send the department data on every report of maltreatment. Data must be submitted in a manner approved by the department.

9560.0232 ADMINISTRATIVE REQUIREMENTS.

Subpart 1. **Service availability.** The local agency shall ensure that child protective services are available on a 24-hour basis to respond to reports alleging imminent danger.

Subp. 2. **Emergency facility.** The local agency shall ensure that a shelter care facility is available on a 24-hour basis for children needing emergency placement.

Subp. 3. **Staffing.** The local agency shall have sufficient staff to perform its duties under parts 9560.0216 to 9560.0234 and shall assign individual responsibility for:

A. notifying law enforcement under part 9560.0216; and

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Proposed Rules

B. emergency placement of children.

Subp. 4. **Child protection team.** Where the county has established a multidisciplinary child protection team, the local agency:

A. shall participate on the team;

B. may provide records collected and maintained under part 9560.0230 to the case consultation committee; and

C. may accept recommendations of the case consultation committee about protective services to be provided under part 9560.0228.

9560.0234 TRAINING REQUIREMENTS.

Subpart 1. **Agency training plan.** The local agency shall have an annual training plan for child protection workers. The plan must include:

A. the subject areas to be covered;

B. the methods of providing training, such as in-service programs, workshops, or college courses; and

C. the number of hours of training to be provided.

Subp. 2. **Department approval.** The local agency shall submit the annual training plan to the department for approval by November 1 of the previous calendar year. A plan meeting the criteria in items A and B will be approved.

A. Training subjects must be relevant to the provision of child protective services. Relevant subject areas include:

(1) the training areas listed in *Minnesota Statutes*, section 626.559, subdivision 2;

(2) permanency planning for children; and

(3) other subject areas relevant to protecting children from maltreatment and providing child protective services.

B. The plan includes a summary of individual training plans, approved by the local agency, for each child protection worker.

Subp. 3. **Individual training plan.** The local agency shall develop and approve an individual training plan for each child protection worker that meets the criteria in items A to C:

A. the training is relevant to providing child protective services;

B. the plan is developed in consultation with the individual child protection worker and based on identified areas of knowledge and skills to be developed; and

C. the plan provides for at least 15 credit hours of training per year.

Subp. 4. **Credit hours.** A credit hour of training is based on a clock hour of instruction. Up to one-half of required training hours may be earned by teaching a course approved by the department. One hour of teaching earns two credit hours.

Subp. 5. **Training record.** The local agency shall maintain a record of training completed by each child protection worker, including:

A. the course titles;

B. the instructors' names;

C. the dates and times of the training;

D. the number of credit hours earned; and

E. local agency documentation of successful completion of the training.

REPEALER. *Minnesota Rules*, parts 9560.0250; 9560.0260; 9560.0270; 9560.0280; 9560.0290; and 9560.0300, are repealed.

Department of Human Services

Proposed Permanent Rules Relating to Early and Periodic Screening, Diagnosis, and Treatment Program

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*, sections 256B.02, subd. 8 (12) and 256B.04, subd. 2.

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

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, section 14.131 to 14.20. PLEASE NOTE THAT IF TWENTY-FIVE OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN THE 30-DAY COMMENT PERIOD, A HEARING WILL BE HELD ON May 18, 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 May 5 and May 17, 1988 at (612) 297-4301.

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

Eleanor Weber
Rules Division
Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3816

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

Eleanor Weber
Rules Division
Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3816
(612) 297-4301

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

Minnesota Rules, Parts 9505.2390 to 9505.2500 establish the requirements that govern early and periodic screening, diagnosis, and treatment services provided to medical assistance recipients under age 21. The rules establish who is eligible to receive the services, the recipient's right to choose the provider, who is eligible to be a provider, training requirements, a schedule of age-related screening standards, information and assistance that a local agency must give to eligible children or their parents, interagency coordination required of the local agency, requirements for contracts between local agencies and EPSDT providers, and provider eligibility for medical assistance reimbursement. The proposed rules, if adopted, will repeal the present rule, parts 9505.1500 to 9505.1690, and are necessary in order to ensure consistency with 1985 Federal Regulations (*Code of Federal Regulations*, title 42, subpart B), to improve clarity and organization of rule parts, and to reflect current medical practice.

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:

Eleanor Weber
Rules Division
Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3816
(612) 297-4301

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Proposed Rules

Adoption of these rules will not result in additional spending by local public bodies in the excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11.

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:

Eleanor Weber
Rules Division
Department of Human Services
444 Lafayette Road
St. Paul, MN 55155

Sandra S. Gardebring, Commissioner
Department of Human Services

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 300 South, State Office Building, 100 Constitution Avenue, St. Paul, MN 55155 on May 18, 1988 commencing at 9:00 a.m. and continuing until all interested or affected persons have an opportunity to participate. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

PLEASE NOTE, HOWEVER, THAT THE HEARING WILL BE CANCELLED IF FEWER THAN TWENTY-FIVE PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SAME RULES WITHOUT A PUBLIC HEARING PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT OF HUMAN SERVICES. To verify whether a hearing will be held, please call the Department of Human Services between May 5 and May 17, 1988 at (612) 297-4301.

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 L. Kaibel, Jr., 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.

Minnesota Rules, Parts 9505.2390 to 9505.2500 establish the requirements that govern early and periodic screening, diagnosis, and treatment services provided to medical assistance recipients under age 21. The rules establish who is eligible to receive the services, the recipient's right to choose the provider, who is eligible to be a provider, training requirements, a schedule of age-related screening standards, information and assistance that a local agency must give to eligible children or their parents, interagency coordination required of the local agency, requirements for contracts between local agencies and EPSDT providers, and provider eligibility for medical assistance reimbursement. The proposed rules, if adopted, will repeal the present rule, parts 9505.1500 to 9505.1690, and are necessary in order to ensure consistency with 1985 Federal Regulations (*Code of Federal Regulations*, title 42, subpart B), to improve clarity and organization of rule parts, and to reflect current medical practice.

The agency's authority to adopt the proposed rules is contained in *Minnesota Statutes*, sections 256B.02, subd. 8 (12) and 256B.04, subd. 2. Adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11.

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

Eleanor Weber
Rules Division
Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3816

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 Patricia Massopust (612) 296-3883.

NOTICE: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. If you desire to be notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules were adopted and filed with the secretary of state. The notice must be mailed on the same day the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the agency at any time prior to the filing of the rules with the secretary of state.

NOTICE IS HEREBY GIVEN that a Statement of Need and Reasonableness is now available for review at the agency and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the agency or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Minnesota Statutes, chapter 10a, requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes*, section 10A.01, subdivision 11, as any individual:

(a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communication or urging others to communicate with public officials; or

(b) who spends more than \$250, not including traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101, telephone (612) 296-5148.

Sandra S. Gardebring
Commissioner

Rules as Proposed

9505.0275 EARLY AND PERIODIC SCREENING, DIAGNOSIS, AND TREATMENT.

Subpart 1. **Definition.** "Early and periodic screening, diagnosis, and treatment service" means a service provided to a recipient under age 21 to identify a potentially handicapping condition and to provide diagnosis and treatment for a condition identified according to the requirements of the *Code of Federal Regulations*, title 42, section 441.55 and parts ~~9505.1500 to 9505.1600~~ 9505.1693 to 9505.1748.

Subp. 2. **Duties of provider.** The provider shall sign a provider agreement stating that the provider will provide screening services according to standards in parts ~~9505.1500 to 9505.1600~~ 9505.1693 to 9505.1748 and *Code of Federal Regulations*, title 42, sections 441.50 to 441.62.

Rules as Proposed (all new material)

9505.1693 SCOPE AND PURPOSE.

Parts 9505.1693 to 9505.1748 govern the early and periodic screening, diagnosis, and treatment (EPSDT) program.

Parts 9505.1693 to 9505.1748 must be read in conjunction with section 1905(a)(4)(B) of the Social Security Act, as amended through December 31, 1981, and the *Code of Federal Regulations*, title 42, part 441, subpart B, as amended through October 1, 1987. The purpose of the EPSDT program is to identify potentially handicapping conditions in children eligible for medical assistance, to provide diagnosis and treatment for conditions identified, and to encourage parents and their children to use health care services when necessary.

9505.1696 DEFINITIONS.

Subpart 1. **Applicability.** As used in parts 9505.1693 to 9505.1748, the following terms have the meanings given them.

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. **Child.** "Child" means a person who is eligible for early and periodic screening, diagnosis, and treatment under part 9505.1699.

Subp. 3. **Community health clinic.** "Community health clinic" means a clinic that provides services by or under the supervision of a physician and that:

A. is incorporated as a nonprofit corporation under *Minnesota Statutes*, chapter 317;

B. is exempt from federal income tax under Internal Revenue Code of 1986, section 501(c)(3), as amended through December 31, 1987;

C. is established to provide health services to low-income population groups; and

D. has written clinic policies describing the services provided by the clinic and concerning (1) the medical management of health problems, including problems that require referral to physicians, (2) emergency health services, and (3) the maintenance and review of health records by the physician.

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

Subp. 5. **Diagnosis.** "Diagnosis" means the identification and determination of the nature or cause of a disease or abnormality through the use of a health history; physical, developmental, and psychological examination; and laboratory tests.

Subp. 6. **Early and periodic screening clinic or EPS clinic.** "Early and periodic screening clinic" or "EPS clinic" means an individual or facility that is approved by the Minnesota Department of Health under parts 4615.0900 to 4615.2000.

Subp. 7. **Early and periodic screening, diagnosis, and treatment program or EPSDT program.** "Early and periodic screening, diagnosis, and treatment program" or "EPSDT program" means the program that provides screening, diagnosis, and treatment under parts 9505.1693 to 9505.1748; Code of Federal Regulations, title 42, section 441.55, as amended through October 1, 1986; and *Minnesota Statutes*, section 256B.02, subdivision 8, paragraph (12).

Subp. 8. **EPSDT clinic.** "EPSDT clinic" means a facility supervised by a physician that provides screening according to parts 9505.1693 to 9505.1748 or an EPS clinic.

Subp. 9. **EPSDT provider agreement.** "EPSDT provider agreement" means the agreement required by part 9505.1703, subpart 2.

Subp. 10. **EPSDT screening form.** "EPSDT screening form" means a form supplied by the department that contains the information required under part 9505.1709.

Subp. 11. **Follow-up.** "Follow-up" means efforts by a local agency to ensure that a screening requested for a child is provided to that child and that diagnosis and treatment indicated as necessary by a screening are also provided to that child.

Subp. 12. **Head Start agency.** "Head Start agency" refers to the child development program administered by the United States Department of Health and Human Services, Office of Administration for Children, Youth and Families.

Subp. 13. **Local agency.** "Local agency" means the county welfare board, multicounty welfare board, or human service agency established in *Minnesota Statutes*, section 256B.02, subdivision 6, and *Minnesota Statutes*, chapter 393.

Subp. 14. **Medical assistance.** "Medical assistance" means the program authorized by title XIX of the Social Security Act and *Minnesota Statutes*, chapters 256 and 256B.

Subp. 15. **Outreach.** "Outreach" means efforts by the department or a local agency to inform eligible persons about early and periodic screening, diagnosis, and treatment or to encourage persons to use the EPSDT program.

Subp. 16. **Parent.** "Parent" refers to the genetic or adoptive parent of a child.

Subp. 17. **Physician.** "Physician" means a person who is licensed to provide health services within the scope of the person's profession under *Minnesota Statutes*, chapter 147.

Subp. 18. **Prepaid health plan.** "Prepaid health plan" means a health insurer licensed and operating under *Minnesota Statutes*, chapters 60A, 62A, and 62C, and a health maintenance organization licensed and operating under *Minnesota Statutes*, chapter 62D to provide health services to recipients of medical assistance entitlements.

Subp. 19. **Public health nursing service.** "Public health nursing service" means a community nursing service provided by a Medicare certified home health care agency that is a department of or operates under the direct authority of a unit of government.

Subp. 20. **Screening.** "Screening" means the use of quick, simple procedures to separate apparently well children from those who need further examination for possible physical, developmental, or psychological problems.

Subp. 21. **Skilled professional medical personnel and supporting staff.** "Skilled professional medical personnel" and "supporting staff" means persons as defined by *Code of Federal Regulations*, title 42, section 432.2, as amended through October 1, 1987.

Subp. 22. **Treatment.** "Treatment" means the prevention, correction, or amelioration of a disease or abnormality identified by screening or diagnosis.

9505.1699 ELIGIBILITY TO BE SCREENED.

A person under age 21 who is eligible for medical assistance is eligible for the EPSDT program.

9505.1701 CHOICE OF PROVIDER.

Subpart 1. **Choice of screening provider.** Except as provided by subpart 3, a child or parent of a child who requests screening may choose any screening provider who has signed an EPSDT provider agreement and a medical assistance provider agreement.

Subp. 2. **Choice of diagnosis and treatment provider.** Except as provided by subpart 3, a child or parent of a child may choose any diagnosis and treatment provider as provided by part 9505.0190.

Subp. 3. **Exception to subparts 1 and 2.** A child who is enrolled in a prepaid health plan must receive screening, diagnosis, and treatment from that plan.

9505.1703 ELIGIBILITY TO PROVIDE SCREENING.

Subpart 1. **Providers.** An EPSDT clinic or a community health clinic shall be approved for medical assistance reimbursement for EPSDT services if it complies with the requirements of parts 9505.1693 to 9505.1748. A Head Start agency shall be approved as provided by subpart 2.

Subp. 2. **EPSDT provider agreement.** To be eligible to provide screening and receive reimbursement under the EPSDT program, an individual or facility must sign an EPSDT provider agreement provided by the department and a medical assistance provider agreement under part 9505.0195 or be a prepaid health plan.

Subp. 3. **Terms of EPSDT provider agreement.** The EPSDT provider agreement required by subpart 2 must state that the provider must:

- A. screen children according to parts 9505.1693 to 9505.1748;
- B. report all findings of the screenings on EPSDT screening forms; and
- C. refer children for diagnosis and treatment if a referral is indicated by the screening.

The EPSDT provider agreement also must state that the department will provide training according to part 9505.1712 and will train and consult with the provider on billing and reporting procedures.

9505.1706 REIMBURSEMENT.

Subpart 1. **Maximum payment rates.** Payment rates shall be as provided by part 9505.0445, item M.

Subp. 2. **Eligibility for reimbursement; Head Start agency.** A Head Start agency may complete all the screening components under part 9505.1718, subparts 2 to 14 or those components that have not been completed by another provider within the six months before completion of the screening components by the Head Start agency. A Head Start agency that completes the previously incomplete screening components must document on the EPSDT screening form that the other screening components of part 9505.1718, subparts 2 to 14, have been completed by another provider.

The department shall reimburse a Head Start agency for those screening components of part 9505.1718, subparts 2 to 14, that the Head Start agency has provided. The amount of reimbursement must be the same as a Head Start agency's usual and customary cost for each screening component or the maximum fee determined under subpart 1, whichever is lower.

Subp. 3. **Prepaid health plan.** A prepaid health plan is not eligible for a separate payment for screening. The early and periodic screening, diagnosis, and treatment screening must be a service included within the prepaid capitation rate specified in its contract with the department.

9505.1709 EPSDT SCREENING FORM.

A screening provider must complete and submit to the department an EPSDT screening form for each screening the provider completes. The form must report the findings of the screening and the provider's charge for services.

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Proposed Rules

9505.1712 TRAINING.

The department must train the staff of an EPSDT clinic that is supervised by a physician on how to comply with the procedures required by part 9505.1718 if the EPSDT clinic requests the training.

9505.1715 COMPLIANCE WITH SURVEILLANCE AND UTILIZATION REVIEW.

A screening provider must comply with the surveillance and utilization review requirements of parts 9505.1750 to 9505.2150.

9505.1718 SCREENING STANDARDS FOR AN EPSDT CLINIC.

Subpart 1. **Requirement.** An early and periodic screening, diagnosis, and treatment screening must meet the requirements of subparts 2 to 15 except as provided by part 9505.1706, subpart 2.

Subp. 2. **Health and developmental history.** A history of a child's health and development must be obtained from the child, parent of the child, or an adult who is familiar with the child's health history. The history must include information on sexual development, lead and tuberculosis exposure, nutrition intake, and chemical abuse.

Subp. 3. **Assessment of physical growth.** The child's height or length and the child's weight must be measured and the results plotted on a growth grid based on data from the National Center for Health Statistics (NCHS). The head circumference of a child up to 36 months of age or a child whose growth in head circumference appears to deviate from the expected circumference for that child must be measured and plotted on an NCHS-based growth grid.

Subp. 4. **Physical examination.** The following must be checked according to accepted medical procedures: pulse; respiration; blood pressure; head; eyes; ears; nose; mouth; pharynx; neck; chest; heart; lungs; abdomen; spine; genitals; extremities; joints; muscle tone; skin; and neurological condition.

Subp. 5. **Vision.** A child must be checked for a family history of maternal and neonatal infection and ocular abnormalities. A child must be observed for pupillary reflex; the presence of nystagmus; and muscle balance, which includes an examination for esotropia, exotropia, phorias, and extraocular movements. The external parts of a child's eyes must be examined including the lids, conjunctiva, cornea, iris, and pupils. A child or parent of the child must be asked whether he or she has concerns about the child's vision.

Subp. 6. **Vision of a child age three or older.** In addition to the requirements of subpart 5, the visual acuity of a child age three years or older must be checked by use of the Screening Test for Young Children and Retardates (STYCAR) or the Snellen Alphabet Chart.

Subp. 7. **Hearing.** A child must be checked for a family history of hearing disability or loss, delay of language acquisition or history of such delay, the ability to determine the direction of a sound, and a history of repeated otitis media during early life. A child or parent of the child must be asked whether he or she has any concerns regarding the child's hearing.

Subp. 8. **Hearing of a child age three or older.** In addition to the requirements of subpart 7, a child age three or older must receive a pure tone audiometric test or referral for the test if the examination under subpart 7 indicates the test is needed.

Subp. 9. **Development.** The Denver Prescreening Developmental Questionnaire (PDQ) or the Denver Developmental Screening Test (DDST) must be administered to a child under six years of age. The DDST must be administered to a child whose score on the PDQ is below the age norms for that test. The provider may use an alternative developmental screening test in place of the PDQ or DDST, if approval of the alternative test is given by the department in writing. The alternative test must be standardized, must have norms for the age range tested, and must have written procedures for its administration, scoring, and interpretation.

A child six to 20 years of age must be screened for the following according to the screening provider's standard procedures: fine and gross motor development, speech and language development, social development, and cognitive development.

Subp. 10. **Sexual development.** A child must be evaluated to determine whether the child's sexual development is consistent with the child's chronological age. A female must receive a breast examination and pelvic examination when indicated. A male must receive a testicular examination when indicated. Counseling on normal sexual development, information on birth control and sexually transmitted diseases, and prescriptions and tests must be offered to a child when appropriate. If it is in the best interest of a child, a screening provider may refer the child to other resources for counseling or a pelvic examination.

Subp. 11. **Nutrition.** When the assessment of a child's physical growth performed according to subpart 3 indicates a nutritional risk condition, the child must be referred for further assessment, receive nutritional counseling, or be referred to a nutrition program

such as the Special Supplemental Food Program for Women, Infants, and Children; food stamps; Expanded Food and Nutrition Education Program; or Head Start.

Subp. 12. **Immunizations.** The immunization status of a child must be compared to the 1983 Recommended Immunization Schedule. Immunizations that the comparison shows are needed must be offered to the child and given to the child if the child or parent of the child accepts the offer. The "Recommended Immunization Schedule," June 1983, is developed and distributed by the Minnesota Department of Health, 717 Delaware Street, Minneapolis, Minnesota 55440. The "Recommended Immunization Schedule" is incorporated by reference and is available at the State Law Library, Ford Building, 117 University Avenue, Saint Paul, Minnesota 55155. It is not subject to frequent change.

Subp. 13. **Laboratory tests.** Laboratory tests must be done according to items A to F

A. A Mantoux test must be administered yearly to a child whose health history indicates ongoing exposure to tuberculosis, unless the child has previously tested positive. A child who tests positive must be referred for diagnosis and treatment.

B. An erythrocyte protoporphyrin (EP) test must be done for a child whose physical examination under subpart 4 indicates possible lead toxicity; and for a child age nine months to six years whose health history indicates that the child:

- (1) has lived in or frequently visited houses built before 1950;
- (2) has shared the residence of a parent or other person who participates in a lead-related occupation or hobby;
- (3) has lived near roadways with heavy traffic, hazardous waste sites, lead smelters, or processing plants;
- (4) has a sibling or playmate known to have lead toxicity; or
- (5) is at risk of possible exposure to lead through the use of folk medicines.

If an EP test is elevated above the level of 35 micrograms of lead per deciliter of whole blood, the child must be referred for further testing.

C. The urine of a child must be tested for the presence of glucose, ketones, protein, and other abnormalities. A female at or near the age of four and a female at or near the age of ten must be tested for bacteriuria.

D. Either a microhematocrit determination or a hemoglobin concentration test for anemia must be done.

E. A test for sickle cell, hemoglobin concentration, or abnormal blood conditions must be offered to a child who is at risk of such abnormalities and who has not yet been tested. This test must be provided if accepted or requested by the child or parent of the child. If the test identifies a hemoglobin abnormality, the child must be referred for genetic counseling.

F. Other laboratory tests such as those for cervical cancer, sexually transmitted diseases, pregnancy, and parasites must be performed when indicated by a child's medical or family history.

Subp. 14. **Oral examination.** An oral examination of a child's mouth must be performed to detect deterioration of hard tissue, and inflammation or swelling of soft tissue. Counseling about the systemic use of fluoride must be given to a child when fluoride is not available through the community water supply or school programs.

Subp. 15. **Schedule of age-related screening standards.** An early and periodic screening, diagnosis, and treatment screening for a child at a specific age must include the screening requirements of subparts 2 to 14 as provided by the following schedule:

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Proposed Rules

SCHEDULE OF AGE-RELATED SCREENING STANDARDS

INTERVALS	INFANCY					EARLY CHILDHOOD			LATE CHILDHOOD				ADOLESCENCE	
	By 1 mo.	2 mos.	4 mos.	6 mos.	7-11 mos.	12-15 mos.	16-19 mos.	20-35 mos.	3-4 yrs.	5-7 yrs.	8-10 yrs.	11-13 yrs.	14-17 yrs.	18-20 yrs.
Health History	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Assessment of Physical Growth:														
• Height	X	X	X	X	X	X	X	X	X	X	X	X	X	X
• Weight	X	X	X	X	X	X	X	X	X	X	X	X	X	X
• Head Circumference	X	X	X	X	X	X	X	X						
Physical Examination	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Vision	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Hearing	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Development:														
• PDQ/DDST			X	X	X	X	X	X	X	X				
• Fine & Gross Motor, Speech & Language, Social, Cognitive										X	X	X	X	X
Sexual Development	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Nutrition	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Immunizations		X	X	X	X	X	X	X	X	X	X	X	X	X
Laboratory Tests:														
• Tuberculin								IF HISTORY						
• Lead Absorption								IF HISTORY						
• Urine	←	←	←	X	←	←	←	X	←	←	X	←	←	X
• Bacteriuria (females)									X	←	X	←	←	←
• Anemia					X	←	←	←	←	←	X	←	←	X
• Sickle Cell								AT PARENT'S OR						
• Other Laboratory Tests								AS						
Oral Examination	X	X	X	X	X	X	X	X	X	X	X	X	X	X

X Procedure to be completed.

← Procedure to be completed if not done at the previous visit, or on the first visit.

9505.1724 PROVISION OF DIAGNOSIS AND TREATMENT.

Diagnosis and treatment identified as needed under part 9505.1718 shall be eligible for medical assistance payment subject to the provisions of parts 9505.0170 to 9505.0475.

9505.1727 INFORMING.

A local agency must inform each child or parent of a child about the EPSDT program no later than 60 days after the date the child is determined to be eligible for medical assistance. The information about the EPSDT program must be given orally and in writing, indicate the purpose and benefits of the EPSDT program, indicate that the EPSDT program is without cost to the child or parent of the child while the child is eligible for medical assistance, state the types of medical and dental services available under the EPSDT program, and state that the transportation and appointment scheduling assistance required under part 9505.1730 is available.

The department must send a written notice to a child or parent of a child who has been screened informing the child or parent that the child should be screened again. This notice must be sent at the following ages of the child: six months, nine months, one year, 18 months, two years, four years, and every three years after age four.

Each year, on the date the child was determined eligible for medical assistance entitlements, the department must send a written notice to a child or parent of a child who has never been screened informing the child or parent that the child is eligible to be screened.

9505.1730 ASSISTANCE WITH OBTAINING A SCREENING.

Within ten working days of receiving a request for screening from a child or parent of a child, a local agency must give or mail to the child or parent of the child:

- A. a written list of EPSDT clinics in the area in which the child lives; and
- B. a written offer of help in making a screening appointment and in transporting the child to the site of the screening.

If the child or parent of the child requests help, the local agency must provide it.

Transportation under this item must be provided according to part 9505.0140, subpart 1.

9505.1733 ASSISTANCE WITH OBTAINING DIAGNOSIS AND TREATMENT.

An EPSDT clinic must notify a child or parent of a child who is referred for diagnosis and treatment that the local agency will provide names and addresses of diagnosis and treatment providers and will help with appointment scheduling and transportation to the diagnosis and treatment provider. The notice must be on a form provided by the department and must be given to the child or parent of the child on the day the child is screened.

If a child or parent of a child asks a local agency for assistance with obtaining diagnosis and treatment, the local agency must provide that assistance within ten working days of the date of the request.

9505.1736 SPECIAL NOTIFICATION REQUIREMENT.

A local agency must effectively inform an individual who is blind or deaf, or who cannot read or understand the English language, about the EPSDT program.

9505.1739 CHILDREN IN FOSTER CARE.

Subpart 1. **Dependent or neglected state wards.** The local agency must provide early and periodic screening, diagnosis, and treatment services for a child in foster care who is a dependent or neglected state ward under parts 9560.0410 to 9560.0470, and who is eligible for medical assistance unless the early and periodic screening, diagnosis, and treatment services are not in the best interest of the child.

Subp. 2. **Other children in foster care.** The local agency must discuss the EPSDT program with a parent of a child in foster care who is under the legal custody or protective supervision of the local agency or whose parent has entered into a voluntary placement agreement with the local agency. The local agency must help the parent decide whether to accept early and periodic screening, diagnosis, and treatment services for the child. If a parent cannot be consulted, the local agency must decide whether to accept early and periodic screening, diagnosis, and treatment services for the child and must document the reasons for the decision.

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Proposed Rules

Subp. 3. **Assistance with appointment scheduling and transportation.** The local agency must help a child in foster care with appointment scheduling and transportation for screening, diagnosis, and treatment as provided by parts 9505.1730 to 9505.1733.

Subp. 4. **Notification.** The department must send a written notice to the local agency stating that a child in foster care who has been screened should be screened again. This notice must be sent at the following ages of the child: six months, nine months, one year, 18 months, two years, four years, and every three years thereafter.

Each year, by the anniversary of the date the child was determined eligible for medical assistance entitlements, the department must send a written notice to the local agency that a child in foster care who has never been screened is eligible to be screened.

If a written notice under this subpart pertains to a child who is a dependent or neglected state ward, the local agency must proceed according to subpart 1. The local agency must proceed according to subpart 2 if the written notice pertains to a child who is not a dependent or neglected state ward.

9505.1742 DOCUMENTATION.

The local agency must document compliance with parts 9505.1693 to 9505.1748 on forms provided by the department.

9505.1745 INTERAGENCY COORDINATION.

The local agency must coordinate the EPSDT program with other programs that provide health services to children as provided by Code of Federal Regulations, title 42, section 441.61(c), as amended through October 1, 1986. Examples of such agencies are a public health nursing service, a Head Start agency, and a school district.

9505.1748 CONTRACTS FOR ADMINISTRATIVE SERVICES.

Subpart 1. **Authority.** A local agency may contract with a county public health nursing service or a community health clinic for early and periodic screening, diagnosis, and treatment administrative services. Early and periodic screening, diagnosis, and treatment administrative services include outreach; notification; appointment scheduling and transportation; follow-up; and documentation.

Subp. 2. **Federal financial participation.** The percent of federal financial participation for salaries, fringe benefits, and travel of skilled professional medical personnel and their supporting staff shall be paid as provided by Code of Federal Regulations, title 42, section 433.15(b)(5), as amended through October 1, 1986.

Subp. 3. **State reimbursement.** State reimbursement for contracts for EPSDT administrative services under this part shall be as provided by *Minnesota Statutes*, section 256B.19, subdivision 1, except for the provisions under subdivision 1 that pertain to a prepaid health plan.

Subp. 4. **Approval.** A contract for administrative services must be approved by the local agency and submitted to the department for approval by January 1 of each year in which the contract will be effective. A contract must contain items A to K to be approved by the department for reimbursement:

A. names of the contracting parties;

B. purpose of the contract;

C. beginning and ending dates of the contract;

D. amount of the contract, budget breakdown, and a clause that stipulates that the department's procedures for certifying expenditures will be followed by the local agency;

E. the method by which the contract may be amended or terminated;

F. a clause that stipulates that the contract will be renegotiated if federal or state program regulations or federal financial reimbursement regulations change;

G. a clause that stipulates that the local public health nursing service or the community health clinic will provide program and fiscal records according to the Minnesota Government Data Practices Act and will cooperate with state and federal program reviews;

H. a description of the services contracted for and the agency that will perform them;

I. names of the skilled professional medical personnel and their supporting staff;

J. methods by which the local agency will monitor and evaluate the contract; and

K. signatures of the representatives of the contracting parties and dates of those signatures.

REPEALER. *Minnesota Rules*, parts 9505.1500; 9505.1510; 9505.1520; 9505.1530; 9505.1540; 9505.1550; 9505.1560; 9505.1570; 9505.1580; 9505.1590; 9505.1600; 9505.1610; 9505.1620; 9505.1630; 9505.1640; 9505.1650; 9505.1660; 9505.1670; 9505.1680; and 9505.1690, are repealed.

Department of Natural Resources

Proposed Permanent Rules Relating to Mississippi River Land Use Acreages

Notice of Intent to Adopt Rule Amendment Without a Hearing

NOTICE IS HEREBY GIVEN that the State Department of Natural Resources is proposing to adopt the entitled amendment *Minnesota Rules* 6105.0900 and 6105.0910 without a hearing. The Commissioner of Natural Resources has elected to follow procedures set forth in *Minnesota Statutes* §§ 14.22-14.28 (1983 Supp. amended by 1984 *Minnesota Laws* Ch. 640).

The proposed amendments concern the deletion of 57.5 acres of non-riparian land from the designated land use district in Stearns County. A sufficient land base is being retained in the district to manage lands adjacent to the river.

This land is being removed because it is not necessary to retain it in the district for purposes of managing the natural resources of the Mississippi River. The area is served by municipal sewer services and adjacent to an interstate and county highway interchange. These factors existed or were already planned at the time of designation but were not adequately taken into account during the initial land use district designation planning process.

Persons interested shall have 30 days to submit comment on the proposed amendment. The proposed amendment may be modified prior to final adoption if modifications are supported by the data and view submitted to the Department of Natural Resources and do not result in a substantial change in the proposed language. Unless 25 or more persons submit written requests for a public hearing on the proposed amendment within the 30-day comment period, a public hearing will not be held. The written request must specify why a hearing is desired. Identification of the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. In the event a public hearing is required, the department will proceed according to the provisions of *Minnesota Statutes* §§ 14.14-14.20.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a copy of this notice and/or a copy of proposed amendment, should address their correspondence to:

William Zachmann
Department of Natural Resources
500 Lafayette Rd., Box 32
St. Paul, MN 55155-4032

The Department's authority to adopt rules is contained in *Minnesota Statutes* §§ 104.34 and 104.35. A statement that describes the need for and reasonableness of the proposed amendment is available from the Department of Natural Resources upon request.

Upon adoption of the final amendment without a public hearing, the proposed amendment, this notice, the statement of need and reasonableness, all written comments received, and the final amendments 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 amendment as proposed for adoption, should submit a written request to the above address.

Please be advised that *Minnesota Statutes* Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. *Minnesota Statutes* § 10A.01, subdivision 11 defines a lobbyist as any individual; a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his or her own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or b) who spends more than \$250, not including his or her own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statutes provide certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, MN. 55155-4032, Telephone (612) 296-5616.

Dated: 15 March 1988

Joseph N. Alexander, Commissioner
Department of Natural Resources

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Proposed Rules

Rules as Proposed

6105.0900 LAND MANAGEMENT TOTALS.

Subpart 1. Land use district acreages. Land use district acreages are as follows:

A. East Bank:

Sherburne County	7,103.57	
Anoka County	<u>630.54</u>	
Total	7,734.11	

B. West Bank:

Stearns County	4,594.80	<u>1,537.33</u>
Wright County	4,714.03	
Hennepin County	<u>964.25</u>	
Total	7,273.08	7,215.61
Grand Total	15,007.19	<u>14,949.72</u>

Subp. 2. Scenic easement acreages. Scenic easement acreages are as follows:

A. East Bank:

Sherburne County	3,114.07	
Anoka County	<u>200.95</u>	
Total	3,315.02	

B. West Bank:

Stearns County	603.49	
Wright County	1,111.12	
Hennepin County	<u>274.26</u>	
Total	<u>1,988.87</u>	
Grand Total	5,303.89	

Subp. 3. Fee title acreages. Fee title acreages are as follows:

A. East Bank:

Sherburne County	460.50	
Anoka County	<u>9.16</u>	
Total	469.66	

B. West Bank:

Stearns County	51.45	
Wright County	121.48	
Hennepin County	<u>149.96</u>	
Total	<u>322.89</u>	
Grand Total	792.55	

6105.0910 LAND USE DISTRICT ACREAGES.

Subpart 1. to 13. [Unchanged.]

Subp. 14. **T 123 N - R 28 W.** The land use district acreage for T 123 N - R 28 W in Stearns County ~~are~~ is as follows:

Section 1

Government Lot 1 ~~34.26~~ 10.60 acres (within 300 feet of river)
Government Lot 2 ~~32.74~~ 10.00 acres (within 300 feet of river)
Government Lot 3 ~~35.07~~ 21.10 acres (all east of railroad right of way)

Subp. 15. to 25. [Unchanged.]

Subp. 26. **Total acreages.** The total land use district acreages for Sherburne, Anoka, Stearns, Wright, and Hennepin Counties are as follows:

Sherburne County Total		7,103.57
Anoka County Total		630.54
Stearns County Total	1,594.80	<u>1,537.33</u>
Wright County Total		4,675.23
Hennepin County Total		964.25
West of River Total	7,234.28	<u>7,215.61</u>
East of River Total		<u>7,734.11</u>
Grand Total	14,968.39	<u>14,949.72</u>

Pollution Control Agency

Proposed Permanent Rules Relating to Hazardous Waste; Tanks

Notice of Intent to Adopt Rule Amendments Without a Public Hearing

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

All persons have until 4:30 p.m. on May 4, 1988 to submit comments in support of or in opposition to the proposed rule amendments or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rule amendments addressed, the reason for the comment, and any change proposed.

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

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

Carol Nankivel
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155

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

The proposed rule amendments, if adopted, will include definitions applicable to the regulation of tanks used to treat, store or accumulate hazardous waste. The proposed rule amendments also include a schedule for providing secondary containment for tanks and for conducting an assessment of hazardous waste tank suitability.

The proposed rule amendments follow this notice. One free copy of the proposed rule amendments is available upon request from Carol Nankivel at 612/296-7260 or at the address stated above.

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

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1986), "small business considerations in rulemaking," that the proposed rule amendments will have a minimal impact on small businesses. The effect of the proposed rule amendments will be to provide the owners and operators of certain tanks that contain hazardous waste with additional time to install secondary containment

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Proposed Rules

and to conduct required assessments. This will result in a decrease in the cost of compliance with the standards for hazardous waste tanks.

If no hearing is required, upon adoption of the rule amendments, the rule amendments and the supporting documents will be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the rule amendments as adopted, must submit a written request to Carol Nankivel at the address stated above.

Gerald L. Willet
Commissioner

Rules as Proposed

7045.0020 DEFINITIONS.

Subpart 1. to 23. [Unchanged.]

Subp. 23a. **Existing tank system or existing component.** "Existing tank system" or "existing component" means a tank system or component that is used for the storage or treatment of hazardous waste and that is in operation, or for which installation has commenced on or before ~~July 14, 1986~~ the effective date of this subpart, or a tank system or component that is regulated as an existing tank system or component under Code of Federal Regulations, title 40, section 260.10. Installation will be considered to have commenced if the owner or operator has obtained all federal, state, and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either (1) a continuous on-site physical construction or installation program has begun, or (2) the owner or operator has entered into contractual obligations, which cannot be canceled or modified without substantial loss, for physical construction of the site or installation of the tank system to be completed within a reasonable time.

Subp. 24. to 59. [Unchanged.]

Subp. 59a. **New tank system or new tank component.** "New tank system" or "new tank component" means a tank system or component that will be used for the storage or treatment of hazardous waste and for which installation has commenced after ~~July 14, 1986~~ the effective date of this subpart, or a tank system or component that is regulated as a new tank system or component under Code of Federal Regulations, title 40, section 260.10. However, for purposes of obtaining approval for a petition pursuant to under part 7045.0075, subpart 7, a new tank system is one for which construction commences after ~~July 14, 1986~~ the applicable effective dates of regulation as required in this subpart.

Subp. 59b. to 109. [Unchanged.]

7045.0075 PETITIONS.

Subpart 1. to 5. [Unchanged.]

Subp. 6. **Petition for alternate design or operating practices for secondary containment of tank systems.** A person may submit a petition to the commissioner for approval to use alternate design or operating practices in lieu of the requirements of parts 7045.0528, subpart 4, and 7045.0628, subpart 4. The commissioner's decision shall be based on a demonstration by the petitioner that the alternate design and operating practices, together with location characteristics, will prevent the migration of any hazardous wastes or hazardous constituents into surface and ground water as effectively as the secondary containment requirements of parts 7045.0528, subpart 4, and 7045.0628, subpart 4, during the active life of the tank system.

A. In order to determine equivalent protection, the commissioner shall consider:

- (1) the nature and quantity of the wastes;
- (2) the proposed alternate design and operating practices;
- (3) the hydrogeologic setting of the ~~tank system~~ facility, including the thickness of soils present between the tank system and ground water; and
- (4) factors that would influence the quality and mobility of the hazardous constituents and the potential for them to migrate to ground water or surface water.

B. to E. [Unchanged.]

Subp. 7. [Unchanged.]

7045.0528 TANKS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Design and installation of new tank systems or components.** New tank systems and components must be designed as follows:

A. Owners or operators of new tank systems or components must obtain and submit ~~to the commissioner at time of submittal of Part B information~~, a written assessment, reviewed and certified by an independent, qualified registered professional engineer, attesting that the tank system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste. The owners or operators of tank systems that were required to conduct this assessment by Code of Federal Regulations, title 40, section 264.192(a), must submit this assessment as required by that regulation. Owners or operators of other new tank systems must submit this assessment to the commissioner at the time of submittal of Part B information. The certification must include the statements in parts 7001.0070 and 7001.0540. The assessment must show that the foundation, structural support, seams, connections, and pressure controls, if applicable, are adequately designed and that the tank system has sufficient structural strength, compatibility with the waste to be stored or treated, and corrosion protection to ensure that it will not collapse, rupture, or fail. This assessment, which will be used by the commissioner to review and approve or disapprove the acceptability of the tank system design, must include the following information:

(1) design standards according to which tanks and/or the ancillary equipment are constructed;

(2) hazardous characteristics of the waste to be handled;

(3) for new tank systems or components in which the external shell of a metal tank or any external metal component of the tank system will be in contact with the soil or with water, a determination by a corrosion expert of the factors affecting the potential for corrosion, including soil moisture content, soil pH, soil sulfides level, soil resistivity, structure to soil potential, influence of nearby underground metal structures such as piping, existence of stray electric current, and existing corrosion-protection measures such as coating and cathodic protection. The determination must also address the type and degree of external corrosion protection that are needed to ensure the integrity of the tank system during the use of the tank system or component. This protection must consist of corrosion-resistant materials of construction such as special alloys or fiberglass reinforced plastic; corrosion-resistant coating, such as epoxy or fiberglass, with cathodic protection such as impressed current or sacrificial anodes; or electrical isolation devices such as insulating joints, or flanges;

(4) for underground tank system components that are likely to be adversely affected by vehicular traffic, a determination of design or operational measures that will protect the tank system against potential damage; ~~and~~

(5) design considerations to ensure that tank foundations will maintain the load of a full tank, tank systems will be anchored to prevent flotation or dislodgement where the tank system is placed in a saturated zone, and tank systems will withstand the effects of frost heave; and

(6) any additional information that the commissioner determines is relevant to the tank system design.

B. to G. [Unchanged.]

Subp. 4. **Containment and detection of releases.** The following requirements apply to the containment and detection of releases from tanks:

A. In order to prevent the release of hazardous waste or hazardous constituents to the environment, secondary containment that meets the requirements of this part must be provided, except as provided in item H:

(1) for new tank systems or components, before they are put into service;

(2) for an existing tank systems, within five years of the effective date of these rules, except as provided in subitem (3) system that on the effective date of this item is less than ten years old, within five years of the effective date of this item;

(3) for an existing tank systems that are known to be more than 15 years old or that will reach 15 years of age before the time provided in subitem (2), by January 12, 1989 system that on the effective date of this item is ten or more years old but less than 15 years old, by the date the tank system is 15 years old or by January 12, 1989, whichever is later;

(4) for an existing tank systems that store or treat materials that become hazardous wastes, within two years of the date the material becomes hazardous waste system that on the effective date of this item is 15 or more years old, by January 12, 1989; ~~and~~

(5) for an existing tank system for which the age cannot be documented, the tank system must be treated as if it is 15

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Proposed Rules

years old as specified in subitem (4); however, if the owner or operator demonstrates that the age of the tank system does not exceed 15 years, the tank system shall be treated as specified in subitem (2) or (3), as applicable;

(6) for a tank system that stores or treats a material that is not a hazardous waste on the effective date of this item, but which later becomes subject to regulation as a hazardous waste, within two years of the date the material becomes subject to regulation as a hazardous waste; and

(7) for ~~an~~ an existing tanks tank system used to store or treat EPA hazardous waste Nos. wastes F020, F021, F022, F023, F026, F027, and F028, listed under part 7045.0135, subpart 2, by January 12, 1989.

B. to H. [Unchanged.]

Subp. 5. to 8. [Unchanged.]

Subp. 9. **Closure and post-closure care.** The requirements for closure and post-closure care of tank systems are as follows:

A. At closure of a tank system, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components, such as liners, contaminated soils, and structures and equipment contaminated with waste, and manage them as hazardous waste unless it can be demonstrated that they are not a hazardous waste. Metal tanks and tank system components that have been decontaminated in accordance with an approved closure plan prepared in accordance with part 7045.0486, subpart 3, or 7045.0594, subpart 3, must be considered scrap metal for purposes of part 7045.0125, subpart 4, and if recycled, are not subject to parts 7045.0205 to 7045.0685. The closure plan, closure activities, cost estimates for closure, and financial responsibility for tank systems must meet all of the requirements of parts 7045.0486 to 7045.0524.

B. and C. [Unchanged.]

Subp. 10. and 11. [Unchanged.]

7045.0628 TANKS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Design and installation of new tank systems or components.**

A. Owners or operators of new tank systems or components must ensure that the foundation, structural support, seams, connections, and pressure controls, if applicable, are adequately designed and that the tank system has sufficient structural strength, compatibility with the waste to be stored or treated, and corrosion protection so that it will not collapse, rupture, or fail. The owner or operator must obtain a written assessment reviewed and certified by an independent, qualified, registered professional engineer, attesting that the system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste. Owners or operators of new tank systems that were required to conduct this assessment by Code of Federal Regulations, title 40, section 265.192(a), must conduct and keep this assessment on file as required by that regulation. Owners and operators of other new tank systems shall conduct this assessment within six months of the effective date of this item and keep it on file at the facility. The certification must include the statements in parts 7001.0070 and 7001.0540. This assessment must include the following information:

(1) design standards according to which the tank and ancillary equipment is or will be constructed;

(2) hazardous characteristics of the waste to be handled;

(3) for new tank systems or components in which the external shell of a metal tank or any external metal component of the tank system is or will be in contact with the soil or with water, a determination by a corrosion expert of the factors affecting the potential for corrosion, including soil moisture content, soil pH, soil sulfides level, soil resistivity, structure to soil potential, influence of nearby underground metal structures such as piping, stray electric current, and existing corrosion-protection measures such as coating and cathodic protection. The determination must also address the type and degree of external corrosion protection that are needed to ensure the integrity of the tank system during the use of the tank system or component. This protection must consist of corrosion-resistant materials of construction such as special alloys or fiberglass-reinforced plastic; corrosion-resistant coating, such as epoxy or fiberglass, with cathodic protection such as impressed current or sacrificial anodes; and electrical isolation devices such as insulating joints or flanges;

(4) for underground tank system components that are likely to be affected by vehicular traffic, a determination of design or operational measures that will protect the tank system against potential damage; ~~and~~

(5) design considerations to ensure that tank foundations will maintain the load of a full tank, tank systems will be anchored to prevent flotation or dislodgement where the tank system is placed in a saturated zone, and tank systems will withstand the effects of frost heave; and

(6) any additional information that the commissioner determines is relevant to the tank system design.

B. to G. [Unchanged.]

Subp. 4. Containment and detection of releases.

A. In order to prevent the release of hazardous waste or hazardous constituents to the environment, secondary containment that meets the requirements of this part must be provided, except as provided in item H:

(1) for new tank systems or components, before being put into service;

(2) for an existing tank systems, within five years of the effective date of these rules except as provided in subitem (3) system that on the effective date of this item is less than ten years old, within five years of the effective date of this item;

(3) for an existing tank systems that are known to be more than 15 years old or that will reach 15 years of age before the time provided in subitem (2); by January 12, 1989 system that on the effective date of this item is ten or more years old but less than 15 years old, by the date the tank system is 15 years old or by January 12, 1989, whichever is later;

(4) for an existing tank systems that store or treat material that becomes a hazardous waste, within two years of the date the material becomes a hazardous waste system that on the effective date of this item is 15 or more years old, by January 12, 1989; and

(5) for an existing tank system for which the age cannot be documented, the tank system must be treated as if it is 15 years old as specified in subitem (4); however, if the owner or operator demonstrates that the age of the tank system does not exceed 15 years, the tank system shall be treated as specified in subitem (2) or (3), as applicable;

(6) for a tank system that stores or treats a material that is not a hazardous waste on the effective date of this item, but which later becomes subject to regulation as a hazardous waste, within two years of the date the material becomes subject to regulation as a hazardous waste; and

(7) for an existing tanks tank system used to store or treat EPA hazardous ~~Waste Nos.~~ wastes F020, F021, F022, F023, F026, F027, and F028, listed under part 7045.0135, subpart 2, by January 12, 1989.

B. to G. [Unchanged.]

H. Ancillary equipment must be provided with full secondary containment, such as trench, jacketing, or double-walled piping, that meets the requirements of items B and C, except for:

(1) aboveground piping, exclusive of flanges, joints, valves, and other connections, that are visually inspected for leaks on a daily basis;

(2) welded flanges, welded joints, and welded connections, that are visually inspected for leaks on a daily basis;

(3) sealless or magnetic coupling pumps, that are visually inspected for leaks on a daily basis; and

(4) pressurized aboveground piping systems with automatic shut-off devices, such as excess flow check valves, flow metering shutdown devices, and loss of pressure actuated shut-off devices, that are visually inspected for leaks on a daily basis.

Subp. 5. to 8. [Unchanged.]

Subp. 9. **Closure and post-closure care.** The requirements for closure and post-closure care of tank systems are as follows:

A. At closure of a tank system, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components such as liners, contaminated soils, and structures and equipment contaminated with waste, and manage them as hazardous waste unless it can be demonstrated that they are not a hazardous waste. Metal tanks and tank system components which have been decontaminated in accordance with an approved closure plan prepared in accordance with part 7045.0486, subpart 3, or 7045.0594, subpart 3, must be considered scrap metal for purposes of part 7045.0125, subpart 4, and if recycled, are not subject to parts 7045.0205 to 7045.0685. The closure plan, closure activities, cost estimates for closure, and financial responsibility for tank systems must meet the requirements of parts 7045.0594 to 7045.0624.

B. and C. [Unchanged.]

Subp. 10. to 12. [Unchanged.]

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Proposed Rules

Minnesota Racing Commission

Proposed Permanent Rules Relating to Horse Racing

Notice of Proposed Adoption of Rules Without A Public Hearing

NOTICE is hereby given that the Minnesota Racing Commission proposes to adopt the above-entitled rule without a public hearing following the procedures set for in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, sections 240.23 and 240.24 (1986).

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. 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:

Donald Price
Minnesota Racing Commission
11000 West 78th Street, Suite 201
Eden Prairie, MN 55344
Telephone: (612) 341-7555

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 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 and identifies the data and information relied upon to support the proposed rule has been prepared and is available from the Minnesota Racing Commission upon request.

Promulgation of the proposed rule will not result in the expenditure of public monies by local public bodies, fix or adjust any fees, or have an impact on agricultural land. The effect, if any, that the proposed rule may have on small businesses is discussed in the Statement of Need and Reasonableness.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to the Minnesota Racing Commission at the address listed above.

Dated: 18 March 1988

Donald R. Price
Executive Director
Minnesota Racing Commission

Rules as Proposed

7869.0100 DEFINITIONS.

Subpart 1. to 14. [Unchanged.]

Subp. 15. **Commission veterinarian.** "Commission veterinarian" means ~~the medical officer~~ a licensed veterinarian appointed by the commission pursuant to *Minnesota Statutes*, section 240.04, subdivision 4.

Subp. 16. to 69. [Unchanged.]

7870.0490 CARE OF HORSES.

A racetrack facility must provide the following facilities, equipment, and personnel for horses:

- A. an individual box stall for each horse;
- B. a fence surrounding the stabling facilities;

C. stabling and training facilities available at least three weeks before the start of the first race meeting for a species breed of horse in any year;

D. a licensed outrider mounted and on duty whenever a facility is open for exercising horses; and

E. a horse ambulance available for the safe and expedient removal of crippled animals. The ambulance must be equipped with a screen for use when an animal must be ~~destroyed~~ euthanized in view of the public, a winch to lift dead or injured animals onto the ambulance, and a removable floor or any other devices which enable a dead or injured horse to be loaded. Whenever the racetrack facility is open for racing or exercising horses, the ambulance must be tended by a driver who is capable of assisting in the safe and expedient removal of injured animals from the racetrack surface.

7877.0110 PROCEDURE FOR OBTAINING CLASS C LICENSE.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Racing officials.** Each association shall submit to the commission for its approval or disapproval the names of all persons whom the association has selected as racing officials, and other employees whose duties relate to the actual running of races. The list shall include, where applicable, the following racing officials:

A. to S. [Unchanged.]

T. ~~stewards~~ steward;

U. and V. [Unchanged.]

The list of racing officials' names shall be submitted to the commission in writing at least 30 days prior to the opening of each race meeting.

The association shall be responsible for filing a complete application for a Class C license with respect to each nominee who has not been previously licensed by the commission as a racing official.

The commission may request any person whose name is proposed as a racing official to submit to a physical examination and to forward the results of said examination to the commission. The request shall be made only where there is a reasonable basis for suggesting that the applicant's physical condition would hinder or prevent him or her from performing the duties of a racing official.

The commission shall act on the association's list of officials at a meeting of the commission. If commission staff recommends disapproval of an official, the association shall be notified of that recommendation in advance of the commission's meeting.

Under no circumstances shall an identifier, placing judge, or patrol judge be approved by the commission unless he or she has satisfactorily passed an optical examination within 90 days prior to approval evidencing 20-20 vision (corrected) and the ability to distinguish colors.

7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.

Subpart 1. [Unchanged.]

Subp. 2. **Trainers.** Trainers shall have the following responsibilities.

A. and B. [Unchanged.]

C. A trainer shall be responsible for horses he or she enters as to eligibility; weight or other allowances claimed; physical fitness of the horse to perform credibly at the distance entered; absence of prohibited medication; proper shoeing, bandaging, and equipment; and timely arrival in the paddock.

(1) No trainer may start or permit a horse in his or her custody, care, or control to be started if he or she knows, or might have known, or has cause to believe, that the horse has received any medication in contravention of the provisions of chapter 7890.

(2) The commission shall consider any positive test ~~sample~~ to be prima facie evidence that the trainer is responsible for such positive test ~~sample~~ unless he or she can ~~show~~ prove by substantial evidence that neither the trainer nor any employee or agent of the trainer was responsible for the administration of the medication.

(3) A trainer must guard each horse trained by him or her in such a manner and for such time prior to racing the horse as to prevent the administration of any medication ~~prohibited by in~~ contravention of the provisions of chapter 7890.

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Proposed Rules

D. to S. [Unchanged.]

Subp. 2a. to 9. [Unchanged.]

7877.0175 DUTIES AND RESPONSIBILITIES OF RACING OFFICIALS.

Subpart 1. to 7. [Unchanged.]

Subp. 8. **Commission veterinarian.** The commission veterinarian shall maintain a list of the following:

A. horses that are scratched because of illness or injury; ~~and~~

B. horses that are pulled-up because of lameness or other injury during a race;

C. horses that are bleeders, pursuant to part 7890.0140, subpart 1; and

D. horses otherwise considered unfit to race in the professional judgment of the commission veterinarian or the association veterinarian.

The ~~commission~~ veterinarian's list shall be posted in the racing secretary's office, and any horse whose name is on the list shall be ineligible to enter a race for five calendar days, or until the ~~commission veterinarian or association veterinarian~~ removes it from the list, whichever is later. For purposes of this subpart, the five-day period during which a horse is ineligible to enter begins to run on the first day the horse is placed on the list. The veterinarian's list is binding on all racetracks under the jurisdiction of the commission.

The commission veterinarian ~~or his or her designee~~ shall conduct racing-soundness examinations pursuant to part 7891.0100. If the veterinarian finds that any horse is unfit to race he or she shall notify the stewards immediately.

The commission veterinarian shall supervise the operation of a barn for the detention and testing of horses after each race pursuant to chapter 7890.

The commission veterinarian shall have the authority to draw blood from any horse or pony on the grounds of an association for the purpose of conducting an Agar-Gel immunodiffusion (Coggins) test, and shall supervise the removal from the racetrack of any horse or pony having positive Coggins test results.

Subp. 8a. Association veterinarian. The association may, with the prior approval of the commission, appoint an association veterinarian. The responsibilities of the association veterinarian may include, but are not limited to, the following:

A. conduct racing soundness examinations pursuant to part 7891.0100;

B. notify the stewards of any horse he or she considers unfit to race;

C. provide the names of horses which shall be placed on or removed from the veterinarian's list;

D. monitor horses in the paddock, post parade, and starting gate for signs of illness or injury; and

E. tend to crippled or disabled horses pursuant to part 7883.0160, subpart 14.

Subp. 9. to 15. [Unchanged.]

7883.0160 POST TO FINISH.

Subpart 1. to 13. [Unchanged.]

Subp. 14. **Horse becomes crippled or disabled.** The following procedures shall apply if a horse during the running of a race becomes crippled or otherwise obviously unable to finish (broken bone, profuse bleeding, or other equally disabling condition):

A. It shall be dismounted, unsaddled, and removed from the course without passing the stand and may, under no circumstances, be ~~destroyed~~ ethanized on the course or in the presence of the public without the permission of the stewards.

B. If a bone is broken, the horse shall remain on the course until the horse-ambulance arrives and ~~removes it~~ the horse is removed under the direction of the commission veterinarian or association veterinarian.

C. If ~~destruction~~ ethanasia of the horse is determined necessary, the ~~destruction~~ ethanasia shall be performed by the ~~commission~~ a veterinarian licensed by the commission through the use of a needle preferably in a place out of vision of the public. If ~~destruction~~ ethanasia within view of the public is necessary, an ambulance screen must be used. Removal of the horse after ~~destruction~~ ethanasia shall be the responsibility of the association.

D. If ~~destruction~~ ethanasia of a horse is determined necessary, the jockey will not be required to weigh in.

7884.0170 SCRATCHES.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **On advice of ~~commission~~ veterinarian.** A horse scratched by the stewards on the advice of the commission veterinarian or the association veterinarian shall not be allowed to enter for a minimum of ~~72 hours from the time it was scratched, and then only if it has been~~ five days as determined by part 7877.0175, subpart 8, or until approved for entry by the commission veterinarian or the association veterinarian.

7890.0100 DEFINITIONS.

Subpart 1. to 20. [Unchanged.]

Subp. 21. **Veterinarian's list.** "Veterinarian's list" means a the tabulation of horses required to be maintained by ~~the commission veterinarian that are prohibited from entering a race for a minimum of five calendar days and not until such time as the commission veterinarian deems the horse in fit condition to race~~ part 7877.0175, subpart 8.

7890.0140 BLEEDERS.

Subpart 1. to 8. [Unchanged.]

Subp. 9. **Administration of Lasix*.** Lasix* shall be administered intravenously by a veterinarian employed by the owner or trainer of the horse under the visual supervision of a person employed by the ~~commission veterinarian~~. The practicing veterinarian must deposit with the commission veterinarian at the detention barn an unopened supply of Lasix* and sterile hypodermic needles and syringes to be used for the administrations. The dose level of Lasix* must not exceed 250 milligrams (five milliliters of a 50 milligrams/milliliter or five percent solution) per administration.

Subp. 10. [Unchanged.]

7891.0100 RACING SOUNDNESS EXAMINATION.

Subpart 1. **Horses subject to examination.** Every horse entered to race at a licensed racetrack under the jurisdiction of the commission shall be subjected to a veterinary examination for racing soundness and health on race day. The examination shall be conducted by the commission veterinarian or a the association veterinarian designated by the commission veterinarian in or near the stall to which the horse is assigned.

Subp. 2. [Unchanged.]

7895.0100 GENERAL PROVISIONS.

Subpart 1. to 5. [Unchanged.]

Subp. 5a. False statements. A person who knowingly makes a false statement in a document or application required to be submitted to the commission under this chapter may be denied participation in the breeders' fund for a period not to exceed five years.

Subp. 6. [Unchanged.]

Subp. 6a. Awards and purse supplements forfeited. A person denied participation in the breeders' fund under subpart 5a shall forfeit and return to the commission any awards and purse supplements received based upon the submission of the false statement.

Subp. 7. [Unchanged.]

Minnesota School and Resource Center for the Arts

Proposed Permanent Rules Relating to School and Programs Admission

Notice of Hearing

Notice is hereby given that a public hearing concerning the proposed rules captioned above will be held at Room 5, State Office Building, 100 Constitution Avenue, St. Paul, MN 55155 on May 10, 1988 at 9:00 a.m. until 4:00 p.m. and continuing until all interested persons have had an opportunity to be heard. The rule proposed for adoption would set forth requirements for admission to the Minnesota School for the Arts and its programs. A copy of the proposed rule is attached hereto.

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 ask questions and make statements. Statements may be made orally and written material may be submitted.

The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

Whether or not an appearance is made at the hearing, written material may be submitted to the Administrative Law Judge (ALJ), Phyllis Reha, Office of Administrative Hearings, 5th Floor, Flour Exchange, 310 Fourth Ave. South, Minneapolis, MN 55415, (612) 341-7611, either before the hearing or within five working days after the public hearing ends. Those statements will be recorded in the hearing record. The Administrative Law Judge may, at the hearing, order that the comment period be kept open for a longer period not to exceed 20 calendar days. Comments received during the comment period shall be available for review at the Office of Administrative Hearings. The agency and interested persons may respond in writing within three business days after that comment period ends to any new information submitted. No additional evidence may be submitted during the three-day period. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.14 to 14.20 and by *Minnesota Rules* parts 1400.0200 to 1400.1200. Questions about the rule hearing procedure may be directed to the Administrative Law Judge.

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

The agency intends to present a summary of the Statement of Need and Reasonableness at the hearing and will answer questions raised by interested persons. You are therefore urged to review the Statement of Need and Reasonableness before the hearing. Additional copies will be available at the hearing.

The Board's statutory authority to adopt the proposed rules is provided by *Minnesota Statutes*, section 129C.10 subd. 4a (Supp. 1987).

The Board estimates that there will be no additional costs to local school districts in the state to implement these rules, nor will the rules impact small businesses.

A copy of the proposed rules is attached hereto. Additional copies will be available at the door on the date of the hearing. If you have any questions on the content of the proposed rules, contact: James F. Undercofler, Executive Director, 514 St. Peter Street, Suite 110, Gallery Tower, St. Paul, Minnesota 55102, phone number (612) 296-1318.

NOTICE: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days.

If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the agency at any time prior to the filing of the rules with the Secretary of State.

Minnesota Statutes, Ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes*, section 10A.01, subd. 11 as any individual:

(a) Engaged for pay or other consideration or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250, not including traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

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

James F. Undercofler
Executive Director

Rules as Proposed (all new material)

3600.0010 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 3600.0010 to 3600.0070 have the meanings given them in this part.

Subp. 2. **Board.** "Board" means the board of the Minnesota School and Resource Center for the Arts established in *Minnesota Statutes*, section 129C.10, subdivision 1.

Subp. 3. **Director.** "Director" means the individual appointed by the board under *Minnesota Statutes*, section 129C.10, subdivision 4, paragraph (a), clause (1), to administer the school of the arts.

Subp. 4. **School.** "School" means the school for the arts full-time pilot interdisciplinary academic and arts program for 11th and 12th grade pupils, as defined in *Minnesota Statutes*, section 129C.10, subdivision 3, paragraph (f), clause (1).

Subp. 5. **Programs.** "Programs" means the following part-time seminars, institutes, and programs, described in *Minnesota Statutes*, section 129C.10, subdivision 3, paragraph (f), clauses (2) to (4):

- A. intensive arts seminars for one or two weeks for pupils in grades nine to ten;
- B. summer arts institutes for pupils in grades nine to 12; and
- C. artist mentor and extension programs in regional sites for pupils in grades nine to 12.

3600.0020 HOW THIS CHAPTER APPLIES.

Parts 3600.0010 to 3600.0070 prescribe the application, arts review, and evaluation processes for pupils wanting admission to the school or programs. Participants in resource center programs under *Minnesota Statutes*, section 129C.10, subdivision 5, are not included in the application, arts review, and evaluation process in parts 3600.0010 to 3600.0070.

3600.0030 APPLICATION PROCESS.

Subpart 1. **Eligible applicants.** An eligible applicant is a pupil who would be considered a resident entitled to a free education under *Minnesota Statutes*, section 120.06, as of December 15 of each year, who meets the following requirements:

A. For the school, for 1989, pupils who will be in 11th grade in September 1989; and for 1990, pupils who will be in the 10th or 11th grade in September 1989.

B. For the programs, for intensive one- or two-week long seminars, pupils who will be in grades nine or ten the following September; for summer institutes, pupils who will be in grades nine to 12 the following September; and for artistic mentor and regional programs, pupils who will be in grades nine to 12 the following September.

Subp. 2. **Application forms.** Eligible applicants may apply for admission to the school or its programs by completing application forms. The school must supply the forms by October 1 each year. Application forms must be mailed to the school, and be postmarked by December 15, to be considered for admission into the school or its programs.

Subp. 3. **Other information required.** An applicant must submit a school record and four recommendations. The recommendations must be submitted on forms provided by the school. Two recommendations must be from academic references, one of which is selected by the applicant, and one of which is selected by the applicant's school principal. The other two recommendations must be from artistic references chosen by the applicant.

Subp. 4. **Number of applications.** An individual may apply up to two times for admission into the school and its programs.

3600.0040 ARTS REVIEW PROCESS.

Subpart 1. **Participation; place.** Applicants must participate in an arts review process. Reviews will be held at six regional sites, determined by the board, throughout the state, from January to mid-March each year.

Subp. 2. **Arts review team.** The board must appoint 36 arts review teams, six for each of the six regional sites. Teams must have three members each: one professional educator, one professional artist, and one staff member from the school. Team members will be replaced by the board as necessary.

Subp. 3. **Areas of review.** Applicants will be reviewed in the area or areas of specialty they designate on their applications, within the following categories: dance, literary arts, media arts, music, theater arts, and visual arts. Applicants may apply to be reviewed in more than one specialty area.

Subp. 4. **Arts review evaluation.** The arts review team will evaluate applicants' artistic potential in three broad areas:

- A. skills/proficiency, which is the ability to effectively communicate the arts specialty area, 20 possible points;

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Proposed Rules

B. creativity/imagination, which is the ability to develop inventive, personal, concise expressions within the arts specialty area, 25 possible points; and

C. attitude, which is the level of motivation, commitment, and energy for activities within the arts specialty area, 25 possible points.

An applicant must score at least 15 points in skills/proficiency, 20 points in creativity/imagination, and 20 points in attitude in order to be considered further for admission.

Subp. 5. **Arts review activities.** Applicants will be evaluated by the arts review team in the following activities:

A. Demonstration of an example or examples of the applicants' previous arts activities, products, and abilities. The arts review team will evaluate the demonstration with the following criteria:

(1) to what degree do the applicants possess a potential for rapid acquisition of skills needed to effectively communicate their arts specialties, (skills/proficiency), zero to ten points;

(2) at what level do the applicants demonstrate a personal creative expression within their arts specialty areas, (creativity/imagination), zero to ten points; and

(3) to what extent do the applicants demonstrate commitment, energy, and motivation to their arts specialty areas, (attitude), zero to ten points.

B. Spontaneous individual and group activities that highlight individual creativity and group interaction. These activities will be related to the applicants' specialty areas. The arts review team must evaluate the activities according to the following criteria:

(1) to what degree do the applicants' responses demonstrate personal, imaginative expressions, (creativity/imagination), zero to five points; and

(2) to what extent do the applicants demonstrate a willingness to participate energetically, (attitude), zero to five points.

C. Resolution of an arts-oriented problem. Two weeks before the arts review meeting, the school will send applicants an arts-oriented problem specific to their specialty areas. Applicants will bring the solution to the problem to the arts review meeting and present it to the arts review team. The arts review team will evaluate the solution according to the following criteria:

(1) to what extent does the solution demonstrate skill and proficiency effectiveness, (skills/proficiency), zero to ten points; and

(2) to what extent does the solution represent an imaginative, creative solution, (creativity/imagination), zero to ten points.

D. Participation in an interview. The arts review team will interview applicants using a list of questions prepared by the director to assess their motivation and commitment to their arts specialty area or areas, (attitude), zero to ten points.

3600.0050 FINAL REVIEW TEAM.

The final review team will examine all application materials including the arts review team evaluations, and will select pupils for placement. The final review team includes the director, two program associates from the school selected by the director and the following persons selected by the board: a Minnesota performing artist, a Minnesota visual artist, two educators from the Minnesota public school system, and a psychologist.

3600.0060 EVALUATION BY THE FINAL REVIEW TEAM.

Subpart 1. **Applicants' school records.** Applicants' school records must be evaluated by the final review team designated in part 3600.0050. They must examine three factors in the school records: consistent failing or below average grades, severe drops in grades, and consistent high absentee rates. If any of these three factors appear, the final review team will request additional information from the applicants and the applicants' home schools to determine if these factors would make placement in the school or its programs inappropriate. If the information is not received within two weeks after the school's request, a decision will be based on the information previously provided.

Subp. 2. **Recommendations.** The final review team must read the applicants' recommendations to determine the applicants' attitudes about prior learning in the academic and arts areas. If there is a negative recommendation from any of the four sources identified in part 3600.0030, subpart 3, the final review team must request additional information from the applicants and the applicants' home schools to determine if the factors leading to the negative recommendations would make placement in the school or its programs inappropriate. If the additional information is not received within two weeks after the school's request, a decision will be based on the information previously provided.

Subp. 3. **Arts review process results.** If an applicant remains in the process after evaluation of information in subparts 1 and 2, all information gathered as described in part 3600.0040, subparts 4 and 5, will be placed on a matrix, assigned a numerical rating, and totaled for a final score. This process will be done by the final review team. The final review team will chart scores on the

matrix according to the congressional districts of all applicants. An equal number of applicants must be selected from each congressional district. If a congressional district does not have enough qualified applicants to fill its quota, the remaining positions shall be distributed equally to qualified applicants from other congressional districts.

3600.0070 APPEAL PROCESS.

Subpart 1. **Informal appeal.** Applicants or applicants' parents may make written requests for explanations of the denial of placement. The director must reply, in writing, with a detailed explanation of the review process and reasons for the denial of placement.

Subp. 2. **Formal appeal.** If the denial of placement is still in dispute, applicants or applicants' parents may take their cases to the appeals subcommittee of the board by submitting a written request explaining the reasons they believe the denial was incorrect within seven days of receipt of the director's written explanation of the denial. The subcommittee must review the appeal, the review team's evaluation, and the director's explanation, and make final recommendations to the full board for adoption. The appeals process ends with the formal action of the board.

Adopted Rules

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

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

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

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

Department of Agriculture

Adopted Permanent Rules Relating to Compensation for Crops Damaged or Destroyed by Elk

The rules proposed and published at *State Register*, Volume 12, Number 30, pages 1501-1503, January 25, 1988 (12 S.R. 1501) are adopted as proposed.

Housing Finance Agency

Adopted Permanent Rules Relating to Urban Indian Housing Program

The rules proposed and published at *State Register*, Volume 12, Number 30, pages 1521-1525, January 25, 1988 (12 S.R. 1521) are adopted as proposed.

Secretary of State

Adopted Permanent Rules Relating to Voter Registration; Election Programs; Automatic and Administrative Recounts; and Election Judge Training

The rules proposed and published at *State Register*, Volume 12, Number 31, pages 1611-1616, February 1, 1988 (12 S.R. 1611) are adopted as proposed.

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Adopted Rules

Department of Trade and Economic Development Minnesota Agricultural and Economic Development Board

Adopted Emergency Rules Relating to the Minnesota Development Program

The rules proposed and published at *State Register*, Volume 12, Number 21, pages 1095-1100, November 23, 1987 (12 S.R. 1095) are adopted as proposed.

Official Notices

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

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

Department of Administration

Building Codes & Standards Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Amendments to the Minnesota State Building Code

Notice is hereby given that the State Building Codes and Standards Division is seeking information or opinions from sources outside the agency in preparing to promulgate new rules governing the Minnesota State Building Code. The promulgation of these rules is authorized by *Minnesota Statutes* Section 16B.61 and 16B.64, which permits the agency to amend the Minnesota State Building Code.

The State Building Codes and Standards Division requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment in writing. Written statements should be addressed to:

Peggi White
Building Codes and Standards Division
408 Metro Square Building
7th and Robert Streets
St. Paul, Minnesota 55101

All statements of information and comments shall be accepted until June 1, 1988 at 4:30 p.m. Any written material received by the State Building Codes and Standards Division shall become part of the record in the event the rules are promulgated.

Richard A. Brooks, Director
Building Codes & Standards Division

Minnesota Comprehensive Health Association

Actuarial Committee Meeting

NOTICE IS HEREBY GIVEN that a meeting of the Actuarial Committee of the Minnesota Comprehensive Health Association will be held at 12:00pm on Friday, April 8, 1988, at Blue Cross and Blue Shield of Minnesota, 3535 Blue Cross Road, St. Paul, Minnesota. For additional information, please call (612) 456-8466.

Minnesota Department of Education

Division of Instructional Effectiveness

Nominations Solicited for Special Education Advisory Council

The Minnesota Department of Education, Unique Learner Needs Section, is soliciting nominations of persons to serve on the

Special Education Advisory Council (SEAC).

The purpose of SEAC is to assist the State in developing plans and practices that will help assure effective and efficient implementation of special education programs for handicapped students in local school districts.

There are five vacancies for the 1988-91 term. The Council meets five times from September through June each year.

To ensure appropriate representation, special consideration will be made to nominations of: 1) school board members; 2) regular education administrators; 3) special education teachers or consultants; 4) handicapped persons; 5) Congressional Districts 2, 4, 5, 6, 7, and 8.

For further information, please contact Dr. Norena Hale, Manager, at (612) 296-1793. Information may also be obtained by calling Elizabeth Watkins, SEAC staff person, at (612) 297-4682.

Minnesota Department of Health

Notice of *Public Forum* on Regulation of Occupational and Respiratory Therapists

A public forum will be held on April 27, 1988 to receive comments on the need to regulate occupational therapists and respiratory therapists in Minnesota. The Minnesota Occupational Therapy Association and the Minnesota Society of Respiratory Therapists have requested that their respective occupations be registered in Minnesota. These requests are currently under review by the Department of Health.

The public forum will be held from 5:00-9:30 p.m. in the Albert Chesley Room (#105) of the Minnesota Department of Health, 717 Delaware Street, S.E., Minneapolis, MN 55440. Comments regarding the need to regulate occupational therapists will be heard from 5:00-7:00 p.m. and for respiratory therapists from 7:30-9:30 p.m.

State law requires that before the Department can make a determination regarding the need to regulate a human service occupation, it must consider (1) whether the public will be harmed if the occupation remains unregulated; (2) what kind of specialized skill or training is needed to assure competency, on the part of both new and experienced members of the occupation; (3) possible alternatives to state regulation of the occupation; and (4) the overall cost effectiveness and economic impact of regulating the occupation.

Written comments can be submitted on the day of the forum, or mailed by May 11 to the Occupational Analysis Program, Minnesota Department of Health. For more information contact the Occupational Analysis Program at (612) 623-5611, Tom Hiendlmayr at (612) 623-5185 or Mary Cahill at (612) 623-5612.

Minnesota Historical Society

Notice of Grants Review Committee Meeting

A meeting of the Minnesota Historical Society's Grants Review Committee will be held on Wednesday, April 6, 1988 at 7:00 p.m. in the Fort Snelling History Center, St. Paul, MN, to recommend funding for state Grants-in-Aid applications, and federal Historic Preservation Fund Certified Local Government applications. For more information, contact Timothy Glines at (612) 726-1171.

Bureau of Mediation Services

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing the Qualifications, Empanelment, Referral, Monitoring, Removal and Operating Procedures for Persons Appointed to the BMS Arbitration Roster

Notice is hereby given that the Minnesota Bureau of Mediation Services is seeking outside opinions and information in preparing to propose rules governing the labor arbitration roster administered by the agency. Authority to adopt these rules is found in *Minnesota Statutes*, sections 14.06, 179.02, subdivision 3, and 179A.04, subdivision 3(k).

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Official Notices

The agency has historically administered its arbitration roster under informal agency policies, but has determined that public policy interests encourage formalizing these matters through normal rulemaking procedures. Comments concerning standards or qualifications for appointment to or removal from the agency roster of arbitrators are welcomed, as are comments concerning empanelment, referral, monitoring, and operational standards.

Interested persons are encouraged to submit information and opinions orally or in writing. Written statements should be directed to: Paul W. Goldberg, Commissioner, Bureau of Mediation Services, 1380 Energy Lane, Suite Two, St. Paul, MN 55108-5253. Oral comments can be provided in person at the above address or by telephoning (612) 649-5421.

All statements of information and opinions shall be accepted until the close of business on Friday, May 6, 1988. Any written material provided shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

4 April 1988

Paul W. Goldberg
Commissioner

Department of Natural Resources

Minerals Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Adoption of Rules Relating to Metallic Mineral Mineland Reclamation

Notice is hereby given that the Minnesota Department of Natural Resources is seeking information or opinions from sources outside the agency in preparing to promulgate rules relating to the reclamation of metallic mineral minelands. The promulgation of these rules is authorized by *Minnesota Statutes* section 93.481, subdivision 6, which requires the department to either adopt new rules, or amend existing rules relating to reclamation of metallic mineral minelands, before a permit to mine metallic minerals other than taconite and iron ore can be issued.

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

Paul Pojar
Department of Natural Resources
Division of Minerals
500 Lafayette Road
St. Paul, MN 55155-4045

Oral statements will be received during regular business hours over the telephone at (612) 296-4807 and in person at the above address.

All statements of information and comment shall be accepted until June 1, 1988. Any written material received by the Minnesota Department of Natural Resources shall become part of the record in the event that the rules are promulgated.

Minnesota Pollution Control Agency

Notice of Intent to Solicit Outside Opinions Concerning a Proposed Amendment to Rules for Establishing Fee Systems for Generators of Low-Level Radioactive Waste (LLRW)

Notice is hereby given that the Minnesota Pollution Control Agency (Agency) is seeking information and opinions from sources outside the Agency in preparing an amendment to rules adopted pursuant to *Minnesota Statutes* § 116C.834 (1986), which require establishment of a fee system for generators of low-level radioactive waste (LLRW), to provide funds for carrying out Minnesota's responsibilities in the Midwest Interstate Low-Level Radioactive Waste Compact.

The proposed amendment raises the LLRW generator fees to cover the increased assessment by the Midwest Interstate Low-Level Radioactive Waste Commission. The Agency requests information and comments concerning the subject matter of the proposed amendment. Written or oral statements and comments concerning these matters will be accepted for consideration until April 22, 1988 and should be addressed to:

State Contracts and Advertised Bids

Ms. Dagmar M. Romano
Commissioner's Office
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
Telephone Number: 612/296-7319

Oral statements will be accepted during regular business hours, 8:30 a.m. to 4:30 p.m., Monday through Friday, at 612/296-7319 or in person at the above address.

Any written material received by the Agency shall become part of the record regarding the amendment to these rules.

Gerald L. Willet
Commissioner

Office of the State Treasurer

Notice of Meeting

The State Board of Investment Study Group will meet on Wednesday April 6, 1988, from 9:00 a.m. to 11:00 a.m. in the State Board of Investment Conference Room 105, 55 Sherburne Avenue, MEA Building, St. Paul, MN.

Dated: 25 March 1988

Michael A. McGrath, Chair
Treasurer, State of Minnesota
Phone: 296-7091

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: Materials Management 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: Lease/purchase of Xerox 1075
Contact: T.R.
Bid due date at 2pm: April 4
Agency: Vocational-Technical Ed.
Deliver to: St. Paul
Requisition #: 36000 10842

Commodity: Diesel crawler tractor w/ dozer
Contact: B.T.
Bid due date at 2pm: April 4
Agency: Natural Resources
Deliver to: Bemidji
Requisition #: 29000 49639

Commodity: Aggregates
Contact: P.A.
Bid due date at 2pm: April 6
Agency: Transportation
Deliver to: Crookston
Requisition #: 79250A

Commodity: Disposable drinking cups
Contact: A.W.
Bid due date at 2pm: April 4
Agency: Central Stores
Deliver to: St. Paul
Requisition #: Price Contract

Commodity: Autovalve, Cololmeters
Contact: J.G.
Bid due date at 2pm: April 6
Agency: Agriculture
Deliver to: St. Paul
Requisition #: 04111 82522

Commodity: Bituminous mixture
Contact: P.A.
Bid due date at 2pm: April 6
Agency: Transportation
Deliver to: Brainerd
Requisition #: 790300 B

State Contracts and Advertised Bids

Commodity: Redi-mix concrete

Contact: P.A.

Bid due date at 2pm: April 6

Agency: Transportation

Deliver to: Brainerd

Requisition #: 79300 RM

Commodity: Sand-blasting sand

Contact: P.A.

Bid due date at 2pm: April 7

Agency: Transportation

Deliver to: Detroit Lakes

Requisition #: 79400SS

Commodity: Aggregates

Contact: P.A.

Bid due date at 2pm: April 7

Agency: Transportation

Deliver to: Morris

Requisition #: 79450A

Commodity: Control total stations

Contact: J.D.

Bid due date at 2pm: April 11

Agency: Various

Deliver to: Various

Requisition #: 79000 83957

Commodity: Bar soap

Contact: C.A.

Bid due date at 2pm: April 11

Agency: Various

Deliver to: Various

Requisition #: 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: Five separate brochures on fishing

Contact: Printing Buyer's Office

Bid due date at 2pm: April 7

Agency: Natural Resources

Deliver to: St. Paul

Requisition #: 6008

Contact: Printing buyer's office

Bid due date at 2pm: April 11

Agency: Natural Resources

Deliver to: St. Paul

Requisition #: 6038-9-41-2

Commodity: 20M labels, type to be set, finished size 4 $\frac{3}{4}$ " \times 3 $\frac{7}{16}$ "

Contact: Printing buyer's office

Informal bid opening 4:30pm: April 6

Agency: Secretary of State

Deliver to: St. Paul

Requisition #: 6066

Commodity: 80M 4-part forms, negs furnished, finished size 8 $\frac{1}{2}$ " \times 8 $\frac{3}{4}$ " w/ stub

Contact: Printing buyer's office

Informal bid opening 4:30pm: April 6

Agency: Secretary of State

Deliver to: St. Paul

Requisition #: 6067

Commodity: 25M 3-part forms, negs furnished, finished size 5 $\frac{1}{2}$ " \times 9 $\frac{1}{8}$ "

Contact: Printing buyer's office

Informal bid opening 4:30pm: April 7

Agency: Human Services

Deliver to: St. Paul

Requisition #: 6096

Commodity: 100M brochures, camera ready, 2-sided, sheet size 7 $\frac{1}{4}$ " \times 8 $\frac{1}{2}$ " w/1-fold

Contact: Printing buyer's office

Informal bid opening 4:30pm: April 7

Agency: Public Safety

Deliver to: St. Paul

Requisition #: 6111

Commodity: "Explore Minnesota" bumper stickers

Contact: Printing Buyer's Office

Bid due date at 2pm: April 11

Agency: Trade & Economic

Development—Tourism

Deliver to: St. Paul

Requisition #: 6008

Commodity: State forest campgrounds, drowning machine, identifying aspen canker and don't move urban pests brochures

Department of Commerce

Notice of Request for proposals for services to be provided to the Minnesota Workers' Compensation Assigned Risk Plan by firm or firms licensed and qualified to act as a collection agency in Minnesota

The Department of Commerce intends to contract with a firm or firms licensed as a collection agency who will provide collection services to its servicing carriers on behalf of the Minnesota Workers' Compensation Assigned Risk Plan. The contract period will be from August 1, 1988 through July 31, 1991. Interested parties should obtain the formal Request for Proposals from:

Rose M. Ortiz
Department of Commerce
500 Metro Square Building
St. Paul, Minnesota 55101
(612) 297-4017

Proposals must be submitted by May 15, 1988.

Department of Human Services

Health Care Management Division

Notice of Availability of Health Care Consultation Contracts

The Department of Human Services intends to issue a consultant contract to one Licensed Consulting Psychologist for the purpose of providing professional advice and recommendations in the administration of the Medical Assistance and General Assistance Medical Care Programs. Applicants must possess current licensure by the Minnesota Board of Psychology as a Licensed Consulting Psychologist and possess competencies in Child and Adolescent Psychology in order to receive consideration. Applicants should also specify other areas of competency.

This contract will be awarded to a candidate based on his/her experience, education, achievements and professional standing. The Department of Human Services will make the final selection of a consultant and issue a contract based upon the Department's needs but not to exceed \$18,000 for the period April 22, 1988 through June 30, 1989.

Proposals must be received by April 15, 1988 and should be directed to:

Ron Hook, Health Legal Specialist
Health Care & Residential Programs Division
Health Policy Operations
Human Services Building
444 Lafayette Road
St. Paul, Minnesota 55155-3853
(612) 296-8821

Department of Human Services

Health Care Programs

Request for Proposals for Plastic Identification Enrollment Cards and Printing Services

The Children's Health Program will begin enrollment on July 1, 1988 of eligible children in a health insurance plan for primary care services. The Health Care Management Section is soliciting proposals for the provision of 11,000 to 30,000 plastic identification enrollment cards and printing services. Proposals shall be evaluated on cost per card, quality of printing and service. All proposals should address, at a minimum, the following items:

- cost per card along with samples of card types, weight and color options;
- arrangements to produce cards within ten days from receipt of computerized information that consists of a sixteen digit ID number, name, birthdate and expiration date;
- pick-up and delivery arrangements on a weekly or twice weekly basis;
- customer service arrangements.

It is expected that a card will be issued for a 12 month period to each eligible child. Children will be enrolled year around.

Questions and requests for copies of the full Request for Proposal should be addressed to Ms. Kathryn Lamp, Maternal and Child Health Unit, (612) 296-2741. Proposals are due on April 25, 1988 at 4:00 p.m. Address proposals to Ms. Lamp, 444 Lafayette Road, St. Paul, MN 55155-3848.

Department of Human Services

Request for Proposal for a Retained Search Firm

The Department of Human Services seeks the aid of a retained search firm to recruit and fill the position of Medical Director. A request for proposal is available immediately from:

Brian F. McInerney
Minnesota Department of Human Services
444 Lafayette North
St. Paul, MN 55155-3824
Tel. 612-296-2140

A decision regarding the selection of a firm is anticipated by April 29, 1988.

State Contracts and Advertised Bids

Bureau of Mediation Services

Request for Proposals for Strategic Planning

The Minnesota Bureau of Mediation Services seeks proposals from qualified consultants to assist the agency in the formulation and implementation of a strategic plan.

Background

Challenges to the basic social and economic theories which underlie the American collective bargaining model are evident in several quarters, union-management relations are stressed in many sectors and are undergoing transitions in most. As a result, traditional approaches to the resolution of labor-management disputes are increasingly impotent or inefficient in the context of today's organizational, social, and economic realities.

Overall Objective

It is important for the Bureau to maintain understanding of the complex forces at work in the labor relations field and to develop long-term focus and strategies which maximize the agency's ability to have a positive and beneficial impact upon the overall labor relations climate in the State. The consultant will be expected to work with top-level agency managers in designing, articulating, and implementing a strategic focus and plan for the agency. It is anticipated that such process will include analysis of external and internal environments, assessment of choices open to the agency, development of a strategic vision and focus, development of plans for achieving that vision or contingencies, development of policy and programs for implementing the strategy, and devices for evaluating agency performance in implementing agreed-upon strategies and programs.

Proposal Requirements

An understanding of labor-management relations and the current labor relations environment is regarded as highly beneficial to the consultant's ease of facilitating this project. Proposals should therefore include specific biographic and experiential information about individuals who will work on this endeavor to aid agency evaluators in assessing the consultant's foundation and experience in this area.

Proposals should set forth methodologies and time frames the consultant would employ to achieve the desired plan and specify elements which could be considered optional or deferrable if agency time or financial resources require. Cost proposals should be presented in a modular fashion.

Budget and Timeframe

The total budget for this project is not anticipated to exceed \$10,000.00. It is expected that a consultant will be selected prior to May 13, 1988.

Reservation

This request does not obligate the Bureau, which reserves the right to reject any and all proposals and to withdraw this request without prior notice.

Submission of Proposals

Written proposals should be sent to Paul W. Goldberg, Commissioner, Minnesota Bureau of Mediation Services, 1380 Energy Lane, Suite 2, St. Paul, Minnesota, 55108. All proposals must be received not later than 4:00 p.m. on Monday, May 4, 1988.

State Board of Vocational Technical Education

Notice of Request for Proposals for Community Based Organization Projects

The State Board of Vocational-Technical Education is seeking proposals to address educationally and economically disadvantaged youth, ages 16 through 21, for entrance into a vocational training program which will lead to employment. Individuals who are educationally or economically disadvantaged may participate in projects under this program.

Any community-based organization that has served educationally or economically disadvantaged clients for at least two years out of the last seven may apply jointly with an eligible recipient. An eligible recipient is a public local educational agency (LEA) or a public technical institute.

The RFP application and additional information should be requested from:

Janet Hyllested or Steve Frantz
State Board of Vocational-Technical Education
550 Cedar Street, Capitol Square Building, 5th floor
St. Paul, MN 55101
(612) 296-5707

Approximately \$120,000 will be available statewide for these projects to operate from July 1, 1988 to June 30, 1989.

Proposals must be received by Sharon Grossbach, at the above address by 4:30 p.m. on Friday, May 20, 1988. Postmarks will not be considered.

State Board of Vocational Technical Education

Notice of Request for Proposals for Incarcerated Projects

The State Board of Vocational Technical Education is seeking proposals for projects to facilitate transition of incarcerated adults and youth back into society via vocational education supportive services.

Application for these monies must be made through a Technical Institute, which acts as a fiscal agent for the correctional institution. Correctional institution is defined as:

(1) prison, (2) jail, (3) reformatory (4) work farm, (5) detention center, or (6) halfway house, community-based rehabilitation center, or any other similar institution designed for the confinement or rehabilitation of criminal offenders.

The RFP application and additional information should be requested from:

Janet Hyllested or Steve Frantz
State Board of Vocational-Technical Education
550 Cedar Street, Capitol Square Building, 5th floor
St. Paul, MN 55101
(612) 296-5707

Approximately \$125,000 will be available statewide for these projects to operate from July 1, 1988 to June 30, 1989.

Proposals must be received by Sharon Grossbach, at the above address by 4:30 p.m. on Friday, May 20, 1988. Postmarks will not be considered.

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.

Stearns County Purchasing

Invitation to Bid IBM Model 36 Computer Equipment

Stearns County invites bidders to bid on the purchase of one IBM Model 36 Computer System and peripheral software. The equipment is to be installed at the Stearns County Courthouse, Courthouse Square, St. Cloud, Minnesota. The equipment contract shall be awarded at the regular County Board meeting of May 3, 1988 and shall be based on the specification listed.

Non-State Public Contracts

Specifications are available for prospective bidders after March 21, 1988. Bids will be opened April 15, 1988 at 10:00 a.m. in Room 103 of the Stearns County Courthouse. For more information please contact:

Mr. Steve Lueck
Stearns County Purchasing Agent
P.O. Box 615
Room 103, Courthouse
St. Cloud, MN 56302-0615
(612) 259-3607

State Grants

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

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

Higher Education Coordinating Board

Minnesota Job Skills Partnership

Customized Training Programs Solicited for Grant Funding

The Minnesota Job Skills Partnership Board solicits grant proposals from educational and other non-profit organizations for customized training programs designed for specific businesses. Following are application deadline dates and Board meeting dates:

Deadline Dates
for new Grant
Applications

April 15, 1988
July 15, 1988
October 14, 1988
January 13, 1989
April 14, 1989

MJSP Board Meeting Dates

May 16, 1988
August 15, 1988
November 21, 1988
February 21, 1989
May 15, 1989

Department of Human Services

Division of Community Social Services

Notice of Publication of Title XX—Block Grant for Social Services Activities Report

Notice is hereby given that the Department of Human Services has developed the Title XX—Block Grant for Social Services Activities Report for 1985. The report was submitted to the Secretary of Health and Human Services as required by 42 USC 1397. This report compares projected county Title XX expenditures with total reported social service expenditures. A copy of the report can be obtained from the:

Department of Human Services
Division of Community Social Services
Health and Human Services Building
444 Lafayette Road
St. Paul, Minnesota 55155-3839

Any comments on the report should be submitted in writing to the above address.

Supreme Court Decisions

Decisions Filed 1 April 1988

C4-88-35 State of Minnesota v. Michael Edward Smith, a/k/a Mike Vukovich, a/k/a Mike Smith, a/k/a "Mike," Appellant. St. Louis County.

The courts of the State of Minnesota do not have territorial jurisdiction to prosecute an alleged offense where the complaint alleges that all of the acts constituting the offense were committed outside the State of Minnesota.

Reversed. Amdahl, C.J.

C4-87-395 In re the Petition for Disciplinary Action against David A. Pyles, an Attorney at Law of the State of Minnesota. Supreme Court.

Attorney charged with multiple claims of professional misconduct failed to establish by clear and convincing evidence psychological disability as a valid mitigating factor excusing in whole or in part the misconduct.

Under the facts of this case, the appropriate disciplinary sanction for an attorney guilty of multiple instances of misconduct is indefinite suspension from the practice of law.

Suspended. Per Curiam.

Orders

C7-87-1086 In Re Petition for Disciplinary Action Against Peter Weiss, an Attorney at Law of the State of Minnesota. Supreme Court.

Publicly reprimanded, Amdahl, C.J.

Announcements

Artist Residency Grants: Schools have until April 18 to apply to the Minnesota State Arts Board for artist residency funding during the 1988-89 school year. Funds are provided for artist residencies in Minnesota public and private non-parochial elementary and secondary schools and educational organizations. The awards pay for up to one half of residency costs. Schools design residencies, based on a required model, which fit the specific needs of their students and communities. Residencies must be at least five days in length and may use an artist from the Arts Board Roster or any other independent, professional Minnesota artist. Artists are available in many disciplines, including theater, music, dance, opera, literary arts, film/video, folk arts, crafts, and visual arts. To obtain a grant application, resource guide, and roster of artists, contact the Arts Board. For assistance with any part of application planning, contact Program Associate Elizabeth M. Childs, Minnesota State Arts Board, 432 Summit Avenue, Saint Paul, MN 55102, or call (612) 297-2603 or toll-free in Minnesota at (800) 652-9747.

Grants Available to Series Presenters: The Minnesota State Arts Board is now accepting applications for funds to support Series Presenters. The program is designed to help provide outstanding arts experiences to Minnesota audiences, to provide support to high-quality touring arts organizations, and to encourage arts series programming in Minnesota communities. The application deadline is April 11, 1988. A presenter can be any Minnesota nonprofit, tax-exempt organization, college, university, school, or governmental unit which engages touring artists or exhibitions, pays a fee for these services, and arranges their local presentation. Eligible applicants must sponsor five or more professional artists, companies, exhibitions, or screenings during an annual season, and have an annual budget of at least \$20,000. Application forms may be obtained by contacting the Minnesota State Arts Board, 432 Summit Avenue, Saint Paul, MN 55102, or by calling (612) 297-2603 or toll-free in Minnesota at (800) 652-9747. The Series Presenters program is made possible by an appropriation from the Minnesota State Legislature, with additional funding from the National Endowment for the Arts, a federal agency.

Artist Roster Deadline Approaching: Application deadline for the Roster of Artists, published by the Minnesota State Arts Board, is April 22. Qualified individual artists of all disciplines should apply now, in order to obtain residencies at elementary and secondary schools during the 1989-90 and 1990-91 school years. Approximately seventy literary, visual, and performing artists will be included in the Roster, which serves both as a promotional tool for artists and a resource guide for schools. The book will be distributed across the state in the fall of 1988. Schools are encouraged to select an artist from the Roster when applying for Arts Board residency grants. The Arts Board is particularly seeking artists from greater Minnesota, minority artists, and artists with diverse approaches to literary, visual, and performing arts. Experience with gifted and talented, disabled, and other special populations is encouraged. High-caliber artists who can conduct residencies from five days to one semester (18 weeks)

Announcements

in length are needed; artists should be available to work across the state or in a particular region of the state beyond the Twin Cities metro area. Selection is based on artistic quality, and teaching and planning ability. A work sample, resume, and a sample lesson plan are reviewed as part of the application. For more information, or to receive a Roster application form, call the Arts Board at (612) 297-2603 or toll-free in Minnesota at (800) 652-9747.

State Unemployment Rate Drops to 5.5 Percent in February: Minnesota's unemployment rate plunged to 5.5 percent in February, down from 6.1 percent in January, registering one of the largest January-to-February declines ever. There have been only two occasions since 1980 when the change over these two months was even 0.3 of a point (+0.3 in 1982 and -0.3 in 1984). There appears to be no one explanation for the extraordinary decline. The state's February jobless rate also was down considerably from the national rate of 6.2 percent. When compared to February 1987, the state measure was down 1.2 points. (Figures are not seasonally adjusted.) Total employment, at 2,116,900, was an increase of 1.0 percent from a month ago and 2.4 percent over the same month in 1987. Nonagricultural wage and salary employment jobs rose by 4,100 from January. Manufacturing employment was virtually unchanged but nonmanufacturing jobs were up in the categories of services (2,300) and government (7,700). Wage and salary jobs increased by 62,100, or 3.3 percent, since February 1987. Individual area jobless rates varied from a low of 3.9 percent in Hennepin County to a high of 25.4 percent in Red Lake County for January, the most recent month for which county data are available.

Contour Maps Available for 4,000 State Lakes: Contour maps of more than 4,000 popular lakes available for fishing enthusiasts making preparations for Minnesota's fishing season. The lakes are mapped by the Department of Natural Resources and are available from the Minnesota Documents Division. The maps provide basic information about the total open water area of the lake and the area of the lake between the 15-foot contour and the shore where most vegetation grows, spawning occurs and the majority of fish are produced. Paper lake maps are available for \$3.00 each plus 6% sales tax and \$1.50 postage/handling fee per order. Maps can be rolled for an extra 50¢ fee for a mailing tube. A free lake map catalog is available with maps organized alphabetically by lake and county. In addition, selected map sets and plastic maps are also available. Allow 4-6 weeks for delivery. Orders with checks payable to the State of Minnesota should be sent to the Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. For additional information or to charge an order to Visa or Mastercard, call 297-3000 in the metropolitan area or 1-800-652-9747 in Greater Minnesota (ask for "Documents").

MAILING LISTS GALORE

Successful business means successful sales

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

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

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

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

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NEW PUBLICATIONS:

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

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

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

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

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

OTHER PUBLICATIONS

1987 Laws of Minnesota: Laws of the 1987 legislative session, Code #18-5. \$42.50 per set.

1987 Minnesota Rules: Rules of the 75 state agencies authorized to establish rules of conduct and procedure. Code 18-300. \$160 plus \$9.60 sales tax per 11-volume set.

Minnesota Rules 1988 Supplement Number 1. Updates *Minnesota Rules 1987* and is part of the subscription service for that 11-volume set of administrative rules. A second supplement will be available in December 1988.

Motor Vehicle Traffic Laws 1987. Includes laws governing motor carriers, motor vehicle registration and no-fault auto insurance. Code #2-85, \$13.00 plus tax.

Criminal Code and Selected Statutes 1987. Governs the conduct of peace officers, continuing education requirements for officers, prison sentences and more. Code #2-68, \$15.00 plus tax.

Education Rules. Rules of the State Board of Education governing state aid, vocational education, handicapped students, teacher certificates and much more. Code #3-28, \$19.00 plus tax.

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

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

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

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

American Flag. Perfect for home or office. 3' x 5' with embroidered stars. Heavy nylon bunting. Code No. 6-1. \$21.00, plus tax.

SUBSCRIPTIONS:

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

Workers Compensation Decisions. Volume 40. Selected landmark decisions of the Worker's Compensation Court of Appeals. Annual subscription. \$105.00.

SERVICES:

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

1987 Lake Map Index. Listing over 4,000 lake maps. Free.

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

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

