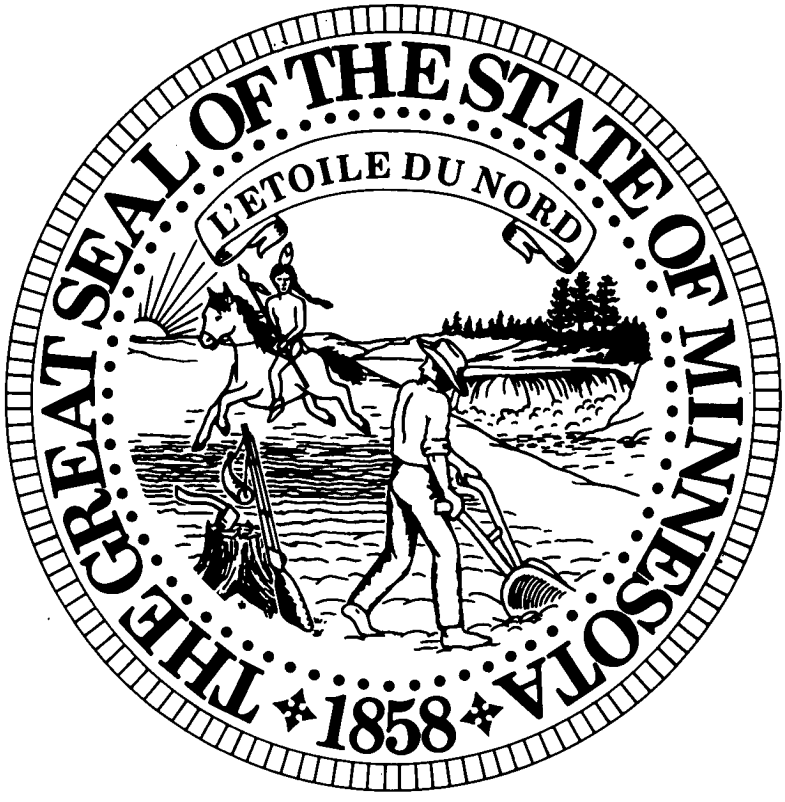
89, Feb. 6

State of Minnesota

STATE REGISTER

Department of Administration—Print Communications Division



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6 February 1989

Volume 13, Number 32

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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, contract awards, grants, supreme court and tax court decisions, and a monthly calendar of cases to be heard by the state supreme court.

Printing Schedule and Submission Deadlines

Vol. 13 Issue Number	*Submission deadline for Adopted and Proposed Rules**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
32	Monday 23 January	Monday 30 January	Monday 6 February
33	Monday 30 January	Monday 6 February	Monday 13 February
34	Monday 6 February	Monday 13 February	Tuesday 21 February
35	Monday 13 February	Friday 17 February	Monday 27 February

*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, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 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

Sandra J. Hale, Commissioner
Department of Administration

Stephen A. Ordahl, Director
Print Communications Division

Robin PanLener, Editor

Paul Hoffman, Assistant Editor

Debbie Kobold, Circulation Manager

Bonita Karels, Staff Assistant

FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

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

The ***State Register*** is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the ***State Register.*** Published every Monday, the ***State Register*** makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific ***Minnesota Rule*** chapter numbers. 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 Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-652-9747.

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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 Education

Instructional Effectiveness Division

Notice of Solicitation of Information or Opinions from Outside Sources on Rules Regarding the Use of Aversive and Deprivation Procedures with Students Who Are Handicapped

NOTICE IS HEREBY GIVEN that the State Department of Education is seeking information or opinions from sources outside the agency in preparing to propose the adoption and amendment of the rule regarding the use of aversive and deprivation procedures with students who are handicapped. The adoption of the rule is authorized by *Minnesota Statutes* 127.44 which requires the agency to promulgate this rule.

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

Ann Bettenburg
Minnesota Department of Education
8th Floor, Capitol Square Bldg.
550 Cedar St.
St. Paul, MN 55101

Oral statements will be received during regular business hours over the telephone at 612/297-3619 and in person at the above address.

Department of Finance

Maximum Interest Rate for Municipal Obligations in Febraury 1989

Pursuant to *Minnesota Statutes*, Section 475.55, Subdivision 4, Commissioner of Finance, Tom Triplett, announced today that the maximum interest rate for municipal obligations in the month of February, 1989 would be nine (9) percent per annum. Obligations which are payable wholly or in part from the proceeds of special assessments or which are not secured by General Obligations of the municipality may bear an interest rate of up to ten (10) percent per annum.

Dated: 24 January 1989

Peter Sausen
Assistant Commissioner
Cash & Debt Management

State Board of Investment

Meeting Notice of the State Board of Investment Administrative Committee

The State Board of Investment Administrative Committee will meet on Wednesday, February 15, 1989, from 9:00 - 11:00 A.M. in the MEA Building, 41 Sherburne Avenue, Conference Room "A", St. Paul, Mn.

Department of Jobs and Training

Services for the Blind and Visually Handicapped Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing the Provision of Rehabilitation Services to Blind and Visually Handicapped Persons

NOTICE IS HEREBY GIVEN that the State Department of Jobs and Training, Services for the Blind and Visually Handicapped, is seeking information or opinions from sources outside the agency in preparing to propose the amendment of the rule governing the provision of rehabilitation services to blind and visually handicapped persons. The adoption of the rule is authorized by *Minnesota Statutes*, Section 248.07, Subd. 14.A, which directs the Commissioner of the Department of Jobs and Training to set standards for the provision of rehabilitative services to blind and visually handicapped persons.

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

Richard Strong, Assistant Manager
Program Operations Section
Services for the Blind and Visually Handicapped
1745 University Avenue West
St. Paul, MN 55104-3690

Oral statements will be received during regular business hours over the telephone at (612) 642-0509, and in person at the above address.

All statements of information and opinions shall be accepted until March 3, 1989. Any written material received by the State Department of Jobs and Training shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 31 January 1989

Joe Samargia, Commissioner
Department of Jobs and Training

Labor and Industry

Labor Standards Division

Notice of Correction to Prevailing Wage Rates

The prevailing wage rate certified June 1, 1988 for labor classifications 411—Groundman in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Sherburne, Washington and Wright counties for Highway and Heavy construction projects have been corrected.

Copies of the correct certification may be obtained by contacting the Minnesota Documents Division, 117 University Avenue, St. Paul, Minnesota 55155 or the Minnesota Department of Labor and Industry, Labor Standards Division, 443 Lafayette Road, St. Paul, Minnesota 55155.

Ken Peterson, Commissioner
Department of Labor and Industry

Department of Labor and Industry

Notice of Prevailing Wage Determinations for Highway/Heavy and Commercial Projects

On February 1, 1989 the Commissioner certified Prevailing wage rates for Highway/Heavy and Commercial construction projects in the following Minnesota counties: AITKIN, BECKER, BELTRAMI, CARLTON, CASS, CLAY, CLEARWATER, COOK, CROW WING, HUBBARD, ITASCA, KITTSON, KOOCHICHING, LAKE, LAKE OF WOODS, MAHNOMEN, MARSHALL, NORMAN, OTTERTAIL, PENNINGTON, POLK, REDLAKE, ROSEAU, ST. LOUIS, WADENA, WILKIN.

Copies may be obtained by contacting the Minnesota Documents Division, 117 University Avenue, St. Paul, Minnesota 55155. The charges for the cost of copying and mailing are $.50 for the first county and $.30 for any additional counties. A sales tax of 6% must be added to all orders.

A check or money order payable to the State of Minnesota must accompany each request.

Ken Peterson, Commissioner
Department of Labor and Industry

Department of Transportation

Petition of the County of Hennepin for a variance from State Aid Standards for Street Width

NOTICE IS HEREBY GIVEN that the County Board of the County of Hennepin has made a written request to the Commissioner of Transportation pursuant to *Minnesota Rules* § 8820.3300 for a variance from minimum standards as they apply to a proposed construction project on County State Aid Highway 17 (France Avenue) between 70th Street and 78th Street.

The request is for a variance from *Minnesota Rules* for State Aid Operations § 8820.9912 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a street width of 93 feet with no parking permitted instead of the required width of 95 feet (includes a 17′ median) with no parking permitted.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 23 January 1989

Leonard W. Levine
Commissioner

Department of Transportation

Petition of the County of Hennepin for a Variance from State Aid Standards for Street Width

NOTICE IS HEREBY GIVEN that the County Board of the County of Hennepin has made a written request to the Commissioner of Transportation pursuant to *Minnesota Rules* § 8820.3300 for a variance from minimum standards as they apply to a proposed construction project on County State Aid Highway 70 (Medicine Lake Road) between T.H. 169 (formerly C.S.A.H. 70) and C.S.A.H. 102 (Douglas Drive).

The request is for a variance from *Minnesota Rules* for State Aid Operations § 8820.9912 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a street width of 48 feet with no parking permitted instead of the required street width of 52 feet with no parking permitted.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 23 January 1989

Leonard W. Levine
Commissioner

Department of Transportation

Petition of the City of St. Paul for a Variance from State Aid Standards for Street Width

NOTICE IS HEREBY GIVEN that the City Council of the City of Saint Paul has made a written request to the Commissioner of Transportation pursuant to *Minnesota Rules* § 8820.3300 for a variance from minimum standards as they apply to a proposed construction project on Prior Avenue between Summit Avenue and Marshall Avenue.

The request is for a variance from *Minnesota Rules* for State Aid Operations § 8820.9912 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a street width of 32 feet with parking on one side instead of the required street width of 34 feet with parking on one side.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 23 January 1989

Leonard W. Levine
Commissioner

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Proposed Rules

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

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

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

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

Department of Human Rights

Proposed Permanent Rules Relating to Processing Charges of Discrimination

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Rights intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The Department of Human Rights has the authority to promulgate rules related to case processing as granted in *Minnesota Statutes*, section 363.05, subdivision 1, paragraph (7).

All persons have 30 days from the date of this notice to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

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.

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

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

Burke Hilden
Department of Human Rights
500 Bremer Tower
7th Place and Minnesota Street
St. Paul, Minnesota 55101
(612) 296~~,~~5666

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

A copy of the proposed rules is published below. Additional copies may be obtained by contacting Burke Hilden.

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

You are hereby advised, pursuant to *Minnesota Statutes,* sections 14.115, "Small business consideration in rulemaking," that the proposed rules have no negative effect on small businesses. The obligations of small businesses remain the same under the Human Rights Act and the rules that implement it whether or not the proposed rules changes listed below are adopted.

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

Stephen W. Cooper, Commissioner
Department of Human Rights

Rules as Proposed

5000.0400 CHARGES.

Subpart 1. and 1a. [Unchanged.]

Subp. 1b. **Time for filing.** A charge must be filed within ~~300 days~~ one year of an alleged unfair discriminatory practice. Filing is accomplished by delivery of the charge to the department's office ~~on or~~ before ~~the 300th day~~ one year has elapsed. Time is computed under *Minnesota Statutes,* sections 645.15 and 645.151.

Subp. 2. and 2a. [Unchanged.]

Subp. 3. **Service.** A copy of the charge and a form that describes additional information requested to supplement the initial response to the charge shall be served by the commissioner upon a respondent either by personal delivery or by ~~certified~~ mail within ~~five~~ ten days after it has been filed with the department.

Subp. 4. to 6. [Unchanged.]

5000.0500 INVESTIGATION.

Subpart 1. **Answer to charge.** A person against whom a charge has been filed ~~may~~ shall submit to the commissioner ~~an~~ a written answer to the charge within 20 days of receipt of the charge. The reply may contain a statement of the respondent's position and may present any evidence related to the subject matter of the charge.

Subp. 2. to 5. [Unchanged.]

5000.0900 COMPLAINT.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Service and filing.** A complaint, notice, and order for hearing shall be served upon a respondent by certified mail and filed in district court or with an administrative law judge at least ten days before the date of the hearing as provided by *Minnesota Statutes,* ~~section~~ sections 363.06, subdivision 4, paragraph (3)~~,~~ and 363.14, subdivision 1, and part 1400.5600.

Subp. 4. [Unchanged.]

5000.2250 PRESERVATION OF RECORDS.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Records at educational institutions.** An educational institution shall not make inquiries; or create, maintain, or use records that are prohibited in *Minnesota Statutes*, section 363.03, subdivision 5, paragraph (3), except for meeting the requirements of an affirmative action plan; or meeting the reporting requirements of federal or state agencies. When these exceptions do occur, all material or information that identifies the race, color, creed, religion, national origin, sex, age, marital status, or disability of a student or person seeking to be admitted as a student to the institution, when received, must be kept secure and private. The material or information must be available only to authorized personnel for meeting affirmative action requirements or reporting requirements of federal or state agencies.

Board of Podiatric Medicine

Proposed Permanent Rules Relating to License Renewal Fees for Podiatrists

Notice of Intent to Adopt a Rule Amendment Without a Public Hearing, Notice of Intent to Adopt a Rule Amendment With a Public Hearing If 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing If Fewer Than 25 Persons Request a Hearing

I. EXPLANATION OF ALTERNATIVE NOTICES

The Minnesota Board of Podiatric Medicine (hereinafter "Board") is hereby giving notice of its intent to adopt a rule amendment without a public hearing under the noncontroversial rulemaking procedure of *Minnesota Statutes* §§ 14.22 to 14.28 (1988). However, in case 25 or more persons request a hearing, thus necessitating that one be held pursuant to *Minnesota Statutes* § 14.25 (1988), and in order to expedite the rulemaking process should that occur, the Board is at the same time hereby giving notice of the hearing on the proposed rule amendment pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1988). The hearing will be cancelled if 25 or more people do not request that one be held. The comment period will close on March 8, 1989. There will be 16 days before the scheduled hearing date. This 16-day period will give interested persons ample time to contact the Board to find out whether the hearing will be cancelled and to plan accordingly.

II. NOTICE OF INTENT TO ADOPT A RULE AMENDMENT WITHOUT A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Minnesota Board of Podiatric Medicine (hereinafter "Board") proposes to adopt the above-captioned rule amendment without a public hearing unless 25 or more persons submit written requests for a public hearing. The Board has determined that the changes will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* §§ 14.22 to 14.28 (1988).

Interested persons shall have 30 days from the date this notice is published in the *State Register* to submit comments in support of or in opposition to the proposed rule amendment. The 30 days will expire on March 8, 1989. Comment is encouraged. Each comment should identify the portion of the proposed rule amendment being addressed, the reason for the comment, and any change proposed to the rule amendment by the comment. The proposed rule amendment may be modified if the modifications are supported by the data and views submitted to the Board and do not result in a substantial change in the proposed language.

In addition to submitting comments, interested persons may request in writing during the 30-day comment period that a hearing be held on the proposed rule amendment. Any person requesting a hearing should state his or her name, address, and telephone number and is encouraged to identify the portion of the proposed rule amendment addressed, the reason for the request, and any changes to the proposed rule amendment. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed rule amendment or a portion thereof by March 8, 1989. If a hearing is required, it will be held in accordance with the provisions of *Minnesota Statutes* §§ 14.131 to 14.20 (1988) and the hearing notice provided below.

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.

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

Lois E. Mizuno, Executive Director
Minnesota Board of Podiatric Medicine
Suite 101
2700 University Avenue West
St. Paul, Minnesota 55114
Telephone: (612) 642-0588

The statutory authority of the Board to adopt the proposed rule amendment is contained in *Minnesota Statutes* §§ 153.02 and 214.06 (1988).

If adopted, the proposed amendment would increase renewal licensure fee for podiatrists to $225. The proposed rule amendment will be published in the *State Register* issue of February 6, 1989, and a free copy of the rule amendment may be obtained from the Board by writing or telephoning Lois E. Mizuno at the address or telephone number listed above.

A statement of need and reasonableness that describes the need for and reasonableness of the proposed rule amendment and identifies the data and information relied upon to support the proposed change has been prepared and may be obtained from the Board by writing or telephoning Lois E. Mizuno at the address or telephone number listed above.

Promulgation of the proposed rule amendment will not result in the expenditure of public monies by local public bodies nor have an impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes* § 14.11 (1988).

It is the position of the Board that it is not subject to *Minnesota Statutes* § 14.115 (1988) regarding small business considerations in rulemaking. The basis for this position, and the Board's evaluation of the applicability of the methods contained in *Minnesota Statutes* § 14.115, subd. 2 (1988), for reducing the impact of the proposed rule amendment, should it be determined that the Board is governed by section 14.115, are addressed in the statement of need and reasonableness.

Upon completion of the proposed rule amendment without a public hearing, the rule amendment as proposed, this notice, the statement of need and reasonableness, all written comments received, the rule amendment as adopted, and a statement explaining any differences between the rule amendment as proposed and 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 amendments should submit a written request to Lois E. Mizuno at the address listed above.

III. NOTICE OF INTENT TO ADOPT A RULE AMENDMENT WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING

PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITH RESPECT TO THE ABOVE-CAPTIONED RULE AMENDMENT WITHIN THE 30-DAY COMMENT PERIOD PURSUANT TO THE NOTICE GIVEN IN PART II ABOVE, A HEARING WILL BE HELD ON MARCH 24, 1989, IN ACCORDANCE WITH THE FOLLOWING NOTICE OF PUBLIC HEARING.

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be held pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1988), in the office of the Board of Podiatric Medicine, Suite 101, 2700 University Avenue West, St. Paul, Minnesota 55114, on March 24, 1989, commencing at 9:00 a.m.

All interested or affected persons, including representatives of associations or other interested groups, 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 hearing which is to be included in the hearing record may be mailed to Jon L. Lunde, Administrative Law Judge, Office of Administrative Hearings, 400 Flour Exchange Building, 310 South Fourth Avenue, Minneapolis, Minnesota 55415, telephone (612) 341-7645. Unless a longer period not to exceed 20 calendar days is ordered by the administrative law judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received during this period will be available for review at the Office of Administrative Hearings. The Board and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three-day period. This rule hearing procedure is governed by *Minnesota Statutes* §§ 14.131 to 14.20 (1988) and by *Minnesota Rules* pts. 1400.0200 to 1400.1200 (1987). Questions about procedure may be directed to the administrative law judge.

If adopted, the rule amendment would increase renewal licensure for podiatrist fees to $225. The proposed rule amendment will be published in the *State Register* issue of February 6, 1989, and a free copy of the rule amendment may be obtained from the Board by writing or telephoning Lois E. Mizuno at the address and telephone number listed above in Part II of this notice.

The statutory authority of the Board to adopt the proposed rule amendment is contained in *Minnesota Statutes* §§ 153.02 and 214.06 (1988).

The proposed rule amendment may be modified as a result of the rule hearing process. Those who are potentially affected in any manner by the substance of the proposed rule amendment are therefore advised to participate in the process.

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* § 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 his 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 the individual's own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert, St. Paul, Minnesota 55101, telephone: (612) 296-5615.

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

Please note that any person may request notification of the date on which the administrative law judge's report will be available, after which date the Board may not take any final action on the rule amendment 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 rule amendment was adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rule amendment is filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the Board at any time prior to the filing of the rule amendment with the Secretary of State.

Promulgation of this proposed rule amendment will not result in the expenditure of public monies by local public bodies nor have any impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes* § 14.11 (1988).

It is the position of the Board that it is not subject to *Minnesota Statutes* § 14.115 (1988) regarding small business considerations in rulemaking. Although the proposed rules will affect small businesses, because most podiatrists are self-employed and employ less than 50 full-time employees, the Board has considered each of the methods proposed in *Minnesota Statutes,* section 14.115, subd. 2, for reducing the impact of the rules on small businesses. It finds that the rules focus on the individual licensee and his/her practice, not on business operation. Because one cannot easily make a distinction between the podiatrist's practice and the business's practice, the Board has rejected each of the methods listed in the statute. If they were implemented, the objectives of the podiatric medicine practice act would need to be disregarded, an unacceptable circumstance which the Board believes is contradictory to legislative intent.

IV. NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING

PLEASE NOTE THAT THE HEARING, NOTICE OF WHICH IS GIVEN IN PART III ABOVE, WILL BE CANCELLED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE GIVEN IN PART II ABOVE.

To be informed whether the hearing noticed in Part III above will be held, please call the Board before March 8, 1989, and leave your name, address, and telephone number. You will be notified after March 8, 1989, if the hearing has been cancelled. You may also call the Board after March 8, 1989, for oral confirmation regarding the scheduled hearing.

Dated: 23 January 1989

Lois E. Mizuno
Executive Director

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.

Rules as Proposed

6900.0250 FEES.

Subpart 1. **Amounts.** Fees for podiatrists are as follows:

A. licensure, $200;

B. reexamination by the board under an original application for licensure, $200;

C. renewal of a license, ~~$75~~ $225;

D. late renewal of a license, an additional $50;

E. temporary permit, $200; and

F. replacement of an original license or renewal certificate, $10.

Subp. 2. [Unchanged.]

State Board of Vocational Technical Education

Proposed Permanent Rules Relating to Vocational Teacher Licenses; Business and Office, and Health Occupations

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Board of Vocational Technical Education 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,* Section 14.22 to 14.28. The statutory authority to adopt the rules is *Minnesota Statutes* 136C.04, Subdivision 9.

All persons have 30 days until 4:30 p.m., Tuesday, March 7, 1989, 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 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 either:

Glenda Moyers, Supervisor
Minnesota Technical Institute System
100 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
Telephone: (612) 296-5707

Georgia Pomroy, License Revision Specialist
Minnesota Technical Institute System
100 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
Telephone: (612) 296-0680

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 Glenda Moyers or Georgia Pomroy at the above address and phone, 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 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 either:

Glenda Moyers
Minnesota Technical Institute System
100 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
(612) 296-5707

Georgia Pomroy
Minnesota Technical Institute System
100 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
(612) 296-0680

Helen Henrie, Deputy Director
Minnesota Technical Institute System

Rules as Proposed (all new material)

3700.0376 FINANCIAL AID ASSISTANT.

Subpart 1. **May teach.** A teacher who has a financial aid assistant license may teach in the financial aid assistant program.

Subp. 2. **Other requirements.** The applicant must meet the requirements listed in part 3700.0100 and the requirements for a teacher in the business and office area under part 3700.0300.

Subp. 3. **Occupational experience requirement.** The applicant must have 8,000 hours of occupational experience with a minimum of 6,000 hours in a position that administers or assists with the administration of financial aid within a postsecondary institution. The recency listed in part 3700.0300, subpart 2, must be met with this experience. The remaining hours may be in an administrative support position.

Subp. 4. **Substitution for occupational experience.** The applicant may substitute the education described in items A to D for up to 4,000 hours of the occupational experience required in subpart 3. The education must be from an accredited postsecondary institution. If the substitution is made, the applicant must still comply with the recency requirements in part 3700.0300, subpart 2.

A. A bachelor's or higher degree in business, accounting, or financial aid administration may be substituted for 2,000 hours of experience in an administrative support position and a maximum of 2,000 hours of the experience in a financial aid position.

B. An associate degree in business, accounting, administrative support, or financial aid assistant may be substituted for 2,000 hours.

C. A diploma in accounting, administrative support, or financial aid assistant may be substituted. A one-year program equals 1,050 hours. A two-year program equals 2,100 hours.

D. The completion of courses for credit or clock hours for credit in administrative support or financial aid may be substituted. One hour of instruction equals one hour of occupational experience. One quarter credit equals 20 hours of occupational experience. One semester credit equals 30 hours of occupational experience.

Subp. 5. **Substitution for recent occupational experience.** The applicant may substitute teaching experience at an accredited postsecondary institution in financial aid assistant for 1,500 hours of the 2,000 required in part 3700.0300, subpart 2. Two hours of teaching equal one hour of occupational experience required in part 3700.0300, subpart 2.

3700.0377 MICROCOMPUTER SUPPORT SPECIALIST.

Subpart 1. **May teach.** A teacher who has a microcomputer support specialist license may teach in the microcomputer support specialist program and may also teach courses in:

A. microcomputing operating system/concepts and skills; and

B. introduction to microcomputing.

Subp. 2. **Other requirements.** The applicant must meet the requirements listed in part 3700.0100 and the requirements for a teacher in the business and office area under part 3700.0300.

Subp. 3. **Occupational experience requirement.** The applicant must have 8,000 hours of business application occupational experience in two or more of the following areas with a minimum of 2,000 of the hours in microcomputers: installation of and troubleshooting computers, computer training in a business or industrial setting, or programming. The 8,000 hours may include the 2,000 hours required under part 3700.0300, subpart 2.

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Subp. 4. **Substitution for occupational experience.** The applicant may substitute the education described in items A to D for up to 4,000 hours of the occupational experience required in subpart 3. The education must be from an accredited postsecondary institution. If the substitution is made, the applicant must still comply with the recency requirements in part 3700.0300, subpart 2.

A. A bachelor's or higher degree in management information systems, computer science, data processing, or telecommunications may be substituted for 4,000 hours.

B. An associate degree in computer science, data processing, microcomputer specialist, or advanced business communication may be substituted for 2,000 hours.

C. A diploma in business microcomputing, computer operator, or computer programmer may be substituted. A one-year program equals 1,050 hours. A two-year program equals 2,100 hours.

D. The completion of courses for credit or clock hours for credit in microcomputer or mainframe computer may be substituted. One hour of instruction equals one hour of occupational experience. One quarter credit equals 20 hours of occupational experience. One semester credit equals 30 hours of occupational experience.

Subp. 5. **Substitution for recent occupational experience.** The applicant may substitute teaching experience at an accredited postsecondary institution, or at an industrial or military setting in microcomputer specific training for 1,500 hours of the 2,000 required in part 3700.0300, subpart 2. Two hours of teaching equal one hour of the occupational experience required in part 3700.0300, subpart 2.

3700.0378 ADVANCED BUSINESS TECHNOLOGY.

Subpart 1. **May teach.** A teacher who has an advanced business technology license may teach in the advanced business technology program and may also teach courses in application and use of:

A. public switched networks;

B. private switched networks;

C. private branch exchange;

D. integrated services digital network;

E. microcomputer system applications;

F. asynchronous/synchronous communications; and

G. modem technology.

Subp. 2. **Other requirements.** The applicant must meet the requirements listed in part 3700.0100 and the requirements for a teacher in the business and office area under part 3700.0300.

Subp. 3. **Occupational experience requirement.** The applicant must have 8,000 hours of occupational experience in planning, designing, networking, engineering, managing, or installation and maintenance in two or more of items A to C. The 8,000 hours may include the 2,000 hours required under part 3700.0300, subpart 2.

A. computer system analysis and operation in a business setting of mainframe, minicomputers, or microcomputers;

B. voice communications; and

C. data communications.

Subp. 4. **Substitution for occupational experience.** The applicant may substitute the education described in items A to D for up to 4,000 hours of the occupational experience required in subpart 3. The education must be from an accredited postsecondary institution. If the substitution is made, the applicant must still comply with the recency requirements in part 3700.0300, subpart 2.

A. A bachelor's or higher degree in computer science, management information systems, microcomputer studies, electrical engineering, or voice data telecommunications may be substituted for 4,000 hours.

B. An associate degree in advanced business communications, electronics, microcomputer support specialist, or office information processing specialist may be substituted for 2,000 hours.

C. A diploma in business microcomputing or electronics may be substituted. A one-year program equals 1,050 hours. A two-year program equals 2,100 hours.

D. The completion of courses for credit or clock hours for credit in mainframe, microcomputers, or minicomputers; voice data or telecommunications; or electronics may be substituted. One hour of instruction equals one hour of occupational experience. One quarter credit equals 20 hours of occupational experience. One semester credit equals 30 hours of occupational experience.

Subp. 5. **Substitution for recent occupational experience.** An applicant may substitute teaching experience at an accredited postsecondary institution, or at an industrial or military setting in advanced business communications, microcomputer, telephony, data communications, or network design for 1,500 hours of the 2,000 required in part 3700.0300, subpart 2. Two hours of teaching equal one hour of occupational experience required in part 3700.0300, subpart 2.

3700.0379 OFFICE INFORMATION PROCESSING SPECIALIST.

Subpart 1. **May teach.** A teacher who has an office information processing specialist license may teach in the office information processing program and teach courses in:

A. word processing operations;

B. hardware evaluation;

C. software applications (WP/SS/DB);

D. application concepts/theory (SQ/SS/DB);

E. application design;

F. software evaluation; and

G. office desktop publishing.

Subp. 2. **Other requirements.** The applicant must meet the requirements listed in part 3700.0100 and the requirements for a teacher in the business and office area under part 3700.0300.

Subp. 3. **Occupational experience requirement.** The applicant must have 8,000 hours of occupational experience in word processing supervisory responsibilities in an end user environment where systems and technical staff interact with nontechnical employees. This experience must include applications design involvement from conception to implementation identifying office tasks, needs identification, development of software and hardware solutions, selection of staff who will use the system, and training of end users. The 8,000 hours may include the 2,000 hours required under part 3700.0300, subpart 2.

Subp. 4. **Substitution for occupational experience.** The applicant may substitute the education described in items A to D for up to 4,000 hours of the occupational experience required in subpart 3. The education must be from an accredited postsecondary institution. If the substitution is made, the applicant must still comply with the recency requirements in part 3700.0300, subpart 2.

A. A bachelor's or higher degree in business management, business education, business administration, office management, office administration, or information processing (MIS) may be substituted for 4,000 hours.

B. An associate degree in secretarial science, secretarial, office information processing, personnel assistant, office administration, or office management may be substituted for 2,000 hours.

C. A diploma in general, legal, medical, or word processing secretarial programs may substitute for 2,000 hours. A one-year program equals 1,050 hours. A two-year program equals 2,100 hours.

D. The completion of courses for credit or clock hours for credit in information processing, business, secretarial, or management may be substituted. One hour of instruction equals one hour of occupational experience. One quarter credit equals 20 hours of occupational experience. One semester credit equals 30 hours of occupational experience.

Subp. 5. **Substitution for recent occupational experience.** The applicant may substitute teaching experience at an accredited postsecondary institution, or in an industrial or military setting in general office typist, general secretarial office information processing specialist, or word processing for 1,500 hours of the 2,000 required in part 3700.0300, subpart 2. Two hours of teaching equal one hour of occupational experience required in part 3700.0300, subpart 2.

3709.0230 CHIROPRACTIC ASSISTANT.

Subpart 1. **May teach.** A teacher who has a chiropractic assistant license may teach in the chiropractic assistant program and may also teach courses in:

A. body mechanics in the workplace; and

B. therapeutic massage.

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Subp. 2. **Other requirements.** The applicant must meet the requirements in part 3709.0100.

Subp. 3. **Educational and occupational experience requirement.** The applicant must have the educational and occupational experience described in item A, B, or C. The education must be from an accredited postsecondary institution.

A. Licensed chiropractor and 4,000 hours of verified occupational experience in a chiropractic office or chiropractic hospital. This experience must include office procedures, insurance coverage, physiotherapy application, X-ray, and examinations.

B. Diploma from a two-year chiropractic technician or chiropractic assistant program and 6,000 hours of verified occupational experience as a technician or assistant in a chiropractic office or chiropractic hospital. The experience must include office procedures, insurance coverage, physiotherapy application, and assisting the chiropractor with X-ray and examinations.

C. Diploma from a one-year chiropractic technician or chiropractic assistant program or American Chiropractic Registered Radiologist technician program and 7,000 hours of verified occupational experience as a technician or assistant in a chiropractic office or chiropractic hospital. The experience must include office procedures, insurance coverage, physiotherapy application, and assisting the chiropractor with X-ray and examinations.

Subp. 4. **Occupational recency substitution.** Teaching experience at an accredited postsecondary institution, or at an industrial or military setting may be substituted for 1,500 of the 2,000 hours required in part 3709.0100, subpart 1, item A, if the teaching is done during the five-year period. The teaching must be in chiropractic assisting, chiropractic technician, or chiropractic medicine. Two hours of teaching equal one hour of occupational experience.

3709.0240 EKG/CARDIAC TECHNICIAN.

Subpart 1. **May teach.** A teacher who has an EKG/cardiac technician license may teach in the EKG/cardiac technician program and may also teach cardiopulmonary resuscitation.

Subp. 2. **Other requirements.** The applicant must meet the requirements in part 3709.0100.

Subp. 3. **Occupational experience requirement.** The applicant must have current cardiopulmonary resuscitation instructor certification and 8,000 hours of verified occupational experience in one of the following:

A. registered nurse in critical care using 12 lead cardiograms, exercise stress testing of clients, care of clients with pacemakers, and interpreting basic and advanced cardiac rhythms; or

B. supervisory EKG/cardiac technician.

Subp. 4. **Substitution for occupational experience.** An applicant may substitute the education described under item A, B, C, or D for up to 4,000 hours of occupational experience required in subpart 3. The education must be from an accredited postsecondary institution.

A. A bachelor's or higher degree in medicine, nursing, or cardiac technology may be substituted for 4,000 hours.

B. An associate degree in nursing, perfusionist, echo cardiac sonographer, EKG/cardiac technician, cardiac technology, biomedical equipment, cardiopulmonary, medical laboratory, medical technology, medical imaging, or radiography, or a bachelor's degree in biomedical science or medical technology may be substituted for 2,000 hours.

C. A diploma in nursing, perfusionist, EKG/cardiac technology, or cardiac technician may be substituted. A one-year program equals 1,050 hours. A two- or three-year program equals 2,100 hours.

D. The completion of courses for credit or clock hours for credit in cardiac care, cardiac conditions, or cardiac equipment use and maintenance may be substituted. One hour of instruction equals one hour of occupational experience. One quarter credit equals 20 hours of occupational experience. One semester credit equals 30 hours of occupational experience.

Subp. 5. **Occupational recency substitution.** Teaching experience at an accredited postsecondary institution, or at an industrial or military setting, or public safety agency may be substituted for 1,500 of the 2,000 hours required in part 3709.0100, subpart 1, item A, if the teaching is done during the five-year period. The teaching must be in cardiac technology. Two hours of teaching equal one hour of occupational experience.

3709.0250 PHYSICAL THERAPIST ASSISTANT.

Subpart 1. **May teach.** A teacher who has a physical therapist assistant license may teach in the physical therapist assistant program and may also teach courses in anatomy and physiology, medical terminology, exercise physiology, kinesiology, neuroanatomy and neurophysiology, and physical disability/rehabilitation.

Subp. 2. **Other requirements.** The applicant must meet the requirements in part 3709.0100.

Subp. 3. **Occupational and educational experience requirement.** The applicant must have the following experiences:

A. a bachelor's or higher degree in physical therapy from an American Physical Therapy Association accredited institution;

B. physical therapist registration in the state of Minnesota; and

C. 4,000 hours of verified occupational experience as a registered physical therapist in at least two of the following: acute care setting, outpatient physical therapy, long-term care, or rehabilitation setting.

Subp. 4. **Occupational recency substitution.** Teaching experience at an American Physical Therapy Association accredited institution may be substituted for 1,500 of the 2,000 hours required in part 3709.0100, subpart 1, item A, if the teaching is done during the five-year period. The teaching must be in physical therapy or physical therapy assistant. Two hours of teaching equal one hour of occupational experience.

3709.0260 PUBLIC SAFETY COMMUNICATION (911).

Subpart 1. **May teach.** A teacher who has a public safety communication (911) license may teach in the public safety communication (911) program and may also teach emergency communications.

Subp. 2. **Other requirements.** The applicant must meet the requirements in part 3709.0100.

Subp. 3. **Occupational experience requirement.** The applicant must have 8,000 hours of verified occupational experience as an operator dispatcher or supervisor in a public safety communications center with a minimum of 6,000 of the 8,000 hours doing the job of an operator dispatcher. Operator dispatcher includes level III operator dispatcher or communication training operator (CTO). Supervisor includes lead dispatcher, head dispatcher, communications manager, assistant supervisor, or shift supervisor.

Subp. 4. **Substitution for occupational experience.** An applicant may substitute the education described under item A, B, C, or D for up to 4,000 hours of occupational experience required under subpart 3. The education must be from an accredited postsecondary institution.

A. A bachelor's or higher degree in law enforcement, criminal justice, or corrections may be substituted for 4,000 hours.

B. An associate degree in law enforcement or public safety communications, or a bachelor's degree or higher in public administration may be substituted for 2,000 hours.

C. A diploma in law enforcement or public safety communication may be substituted. A one-year program equals 1,050 hours. A two- or three-year program equals 2,100 hours.

D. The completion of courses for credit or clock hours for credit in the use of public safety emergency telecommunications equipment may be substituted. One hour of instruction equals one hour of occupational experience. One quarter credit equals 20 hours of occupational experience. One semester credit equals 30 hours of occupational experience.

Subp. 5. **Occupational recency substitution.** Teaching experience at an accredited postsecondary institution, or at an industrial or military setting, or public safety agency may be substituted for 1,500 of the 2,000 hours required in part 3709.0100, subpart 1, item A, if the teaching is done during the five-year period. The teaching must be in public safety communication. Two hours of teaching equal one hour of occupational experience.

3709.0270 RADIOLOGIC TECHNOLOGY.

Subpart 1. **May teach.** A teacher who has a radiologic technology license may teach in the radiologic technology program.

Subp. 2. **Other requirements.** The applicant must meet the requirements in part 3709.0100.

Subp. 3. **Occupational and educational experience requirement.** The applicant must:

A. have a two-year certificate, associate degree or above in radiologic technology;

B. be credentialed in radiography by the American Registry of Radiologic Technologists; and

C. have 6,000 hours of verified occupational experience as a certified radiographer in a medical setting.

Subp. 4. **Occupational recency substitution.** Teaching experience at a postsecondary institution in an accredited program of radiographic technology may be substituted for 1,500 of the 2,000 hours required in part 3709.0100, subpart 1, item A, if the teaching is done during the five-year period. The teaching must be in radiologic technology. Two hours of teaching equal one hour of occupational experience.

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3709.0280 TELECOMMUNICATIONS SYSTEMS TECHNICIAN.

Subpart 1. **May teach.** A teacher who has a telecommunications systems technician license may teach in the telecommunications systems technician program and may also teach courses in:

A. antennas/transmissions lines;

B. satellite/cable systems;

C. introduction to fiber optics (fiber optics I);

D. basic telecommunication security systems;

E. microwave communications;

F. basic telecommunications;

G. telecommunications test equipment; and

H. pole climbing.

Subp. 2. **Other requirements.** The applicant must meet the requirements in part 3709.0100.

Subp. 3. **Occupational experience requirement.** The applicant must have 8,000 hours of verified occupational experience in two or more of the following:

A. installation and maintenance of electronic private branch exchange (PBX);

B. underground and aerial construction of telecommunications equipment;

C. cable or optic fiber splicing;

D. central office telecommunications installation and maintenance;

E. repair of carrier systems including "T" carrier, microwave, satellite, or optic fiber;

F. cellular communications installation and maintenance;

G. data communications including installation and maintenance of network systems, interfacing and protocol of service, and maintenance of data terminals; and

H. installation and maintenance of interactive television systems.

Subp. 4. **Substitution for occupational experience.** An applicant may substitute the education described in item A, B, C, or D for up to 4,000 hours of occupational experience required under subpart 3. The education must be from an accredited postsecondary institution.

A. A bachelor's or higher degree in electrical engineering, computer science, or telecommunications may be substituted for 4,000 hours.

B. A bachelor's degree in industrial technology, engineering (other than electrical), or an associate degree in electronics or telecommunications may be substituted for 2,000 hours.

C. A diploma in electronics or telecommunications may be substituted. A one-year program equals 1,050 hours. A two-year program equals 2,100 hours.

D. The completion of courses for credit or clock hours for credit in telecommunications hardware or systems may be substituted. One clock hour of instruction equals one hour of occupational experience. One quarter credit equals 20 hours of occupational experience. One semester credit equals 30 hours of occupational experience.

Subp. 5. **Occupational recency substitution.** Teaching experience at an accredited postsecondary institution, or at an industrial or military setting may be substituted for 1,500 of the 2,000 hours required in part 3709.0100, subpart 1, item A, if the teaching is done during the five-year period. The teaching must be in telecommunications. Two hours of teaching equal one hour of occupational experience.

3709.0290 NEON AND SIGN FABRICATIONS.

Subpart 1. **May teach.** A teacher who has a neon and sign fabrication license may teach in the neon and sign fabrication program and may also teach courses in:

A. sign and letter fabrication;

B. sign erection and service; and

C. sign electricity.

Subp. 2. **Other requirements.** The applicant must meet the requirements in part 3709.0100.

Subp. 3. **Occupational experience requirement.** The applicant must have 8,000 hours of verified occupational experience in production and repair of neon signage, in neon bending and bombarding, or sign fabrication and installation.

Subp. 4. **Substitution for occupational experience.** An applicant may substitute the education described in item A or B for up to 2,100 hours of occupational experience required under subpart 3. The education must be from an accredited postsecondary institution.

A. A diploma or certificate in neon and sign fabrication. A one-year program equals 1,050 hours. A two-year program equals 2,100 hours.

B. The completion of courses for credit or clock hours for credit in neon patterns and layout, sign electricity, sign and letter fabrication, and sign erection and service. One hour of instruction equals one hour of occupational experience. One quarter credit equals 20 hours of occupational experience. One semester credit equals 30 hours of occupational experience.

Subp. 5. **Occupational recency substitution.** Teaching experience at an accredited postsecondary institution, or at an industrial or military setting may be substituted for 1,500 of the 2,000 hours required in part 3709.0100, subpart 1, item A, if the teaching is done during the five-year period. The teaching must be in neon and sign fabrications. Two hours of teaching equal one hour of occupational experience.

3709.0300 DIESEL FUEL INJECTION SPECIALIST.

Subpart 1. **May teach.** A teacher who has a diesel fuel injection specialist license may teach in the diesel fuel injection specialist program and may also teach courses in diesel pump operation, repair, rebuilding, and calibration.

Subp. 2. **Other requirements.** The applicant must meet the requirements in part 3709.0100.

Subp. 3. **Occupational experience requirement.** The applicant must have 8,000 hours of verified occupational experience in both:

A. diesel engine operation, repair, and maintenance; and

B. diesel fuel injection system operation, repair, and maintenance.

Subp. 4. **Substitution for occupational experience.** An applicant may substitute the education described in item A, B, C, or D for up to 4,000 hours of occupational experience required under subpart 3. The education must be from an accredited postsecondary institution.

A. A bachelor's or higher degree in automotive engineering may be substituted for 4,000 hours.

B. An associate degree in diesel technology, truck and diesel mechanics, agricultural equipment mechanics, heavy equipment mechanics, or diesel fuel injection may be substituted for 2,000 hours.

C. A diploma in diesel fuel injection, truck and diesel mechanics, agricultural equipment mechanics, or heavy equipment mechanics may be substituted. A two-year program equals 2,100 hours.

D. The completion of courses for credit or clock hours for credit in diesel fuel injection may be substituted. One clock hour of instruction equals one hour of occupational experience. One quarter credit equals 20 hours of occupational experience. One semester credit equals 30 hours of occupational experience.

Subp. 5. **Occupational recency substitution.** Teaching experience at an accredited postsecondary institution, or at an industrial or military setting may be substituted for 1,500 of the 2,000 hours required in part 3709.0100, subpart 1, item A, if the teaching is done during the five-year period. The teaching must be in diesel fuel injections. Two hours of teaching equal one hour of occupational experience.

3709.0310 ELECTRONIC PUBLISHING/INFORMATION SPECIALIST.

Subpart 1. **May teach.** A teacher who has an electronic publishing/information specialist license may teach in the electronic publishing/information specialist program and may also teach courses in:

A. introduction to typography and publishing;

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B. desktop publishing;

C. page makeup techniques; and

D. corporate electronic publishing.

Subp. 2. **Other requirements.** The applicant must meet the requirements in part 3709.0100.

Subp. 3. **Occupational experience requirement.** The applicant must have 8,000 hours of verified occupational experience in all of the following:

A. layout and design;

B. typography and electronic prepress; and

C. electronic desktop publishing that integrates text and graphics.

Subp. 4. **Occupational experience substitution.** The applicant may substitute the education described in item A, B, C, or D for up to 4,000 hours of occupational experience required in subpart 3. The education must be from an accredited postsecondary institution.

A. A bachelor's or higher degree in graphic arts, commercial art, advertising art, or data processing may be substituted for 4,000 hours.

B. An associate degree in graphic arts, commercial art, or data processing may be substituted for 2,000 hours.

C. A diploma in electronic publishing/information specialist, computer typesetting, graphic arts, commercial art, or data processing may be substituted. A one-year program equals 1,050 hours. A two-year program equals 2,100 hours.

D. The completion of courses for credit or clock hours for credit in computer typesetting, graphic arts, keylining, commercial art, desktop publishing, color separation, advertising art, printing, or data processing may be substituted. One clock hour of instruction equals one hour of occupational experience. One quarter credit equals 20 hours of occupational experience. One semester credit equals 30 hours of occupational experience.

Subp. 5. **Occupational recency substitution.** Teaching experience at an accredited postsecondary institution, or at an industrial or military setting may be substituted for 1,500 of the 2,000 hours required in part 3709.0100, subpart 1, item A, if the teaching is done during the five-year period. The teaching must be in typography, layout and design, electronic prepress, or desktop publishing that integrates text and design. Two hours of teaching equal one hour of occupational experience.

3709.0320 SUPERVISORY MANAGEMENT.

Subpart 1. **May teach.** A teacher who has a supervisory management license may teach in the supervisory management program and may also teach courses in:

A. principles of supervision and management;

B. human resource management;

C. labor relations;

D. productivity improvement;

E. employee training;

F. problem solving;

G. quality/participatory management;

H. statistical process control;

I. quality first;

J. production/inventory control;

K. appraisal and evaluation;

L. work habits and absenteeism;

M. leadership development;

N. supervising for results;

O. job coaching; and

P. negotiations.

Subp. 2. **Other requirements.** The applicant must meet the requirements in part 3709.0100.

Subp. 3. **Occupational experience requirement.** The applicant must have 8,000 hours of verified occupational experience in a managerial level position including but not limited to budget development or control, employee selection and supervision, employee performance appraisal and evaluation, and assessment of employee training needs.

Subp. 4. **Substitution for occupational experience.** The applicant may substitute the education described under item A, B, C, or D for up to 4,000 hours of the occupational experience required in subpart 3. The education must be from an accredited postsecondary institution.

A. A bachelor's or higher degree in business, marketing, or management may be substituted for 4,000 hours.

B. An associate degree in business, management, or marketing may be substituted for 2,000 hours.

C. A diploma in supervision or management programs. A one-year program equals 1,050 hours. A two-year program equals 2,100 hours.

D. The completion of courses for credit or clock hours for credit in business administration, business management, finance, human resource management, accounting, training and development, supervisory management, manufacturing management, and productivity and management. One clock hour of instruction equals one hour of occupational experience. One quarter credit equals 20 hours of occupational experience. One semester credit equals 30 hours of occupational experience.

Subp. 5. **Occupational recency substitution.** Teaching experience at an accredited postsecondary institution or at an industrial setting may be substituted for 1,500 of the 2,000 hours required in part 3709.0100, subpart 1, item A, if the teaching is done during this five-year period. The teaching must be in management programs or courses that include supervision or management content. Two hours of teaching equal one hour of occupational experience.

3709.0330 COMPUTERIZING SMALL BUSINESS.

Subpart 1. **May teach.** A teacher who has a computerizing small business license may teach in the computerizing small business program and may also teach courses in:

A. integration of computer hardware and software to business;

B. introduction to personal computers; and

C. principles or business management.

Subp. 2. **Other requirements.** The applicant must meet the requirements in part 3709.0100.

Subp. 3. **Occupational experience requirement.** The applicant must have 8,000 hours of verified occupational experience as a working proprietor or managerial level employee responsible for, and making decisions based on, sources and use of capital. A minimum of 2,000 hours of this experience must be in developing a combination of microcomputer hardware and software processes for computerizing businesses. Computerizing a business means to do a feasibility study that includes analyzing, prioritizing, researching availability, evaluating, and reviewing computer needs.

Subp. 4. **Substitution for occupational experience.** The applicant may substitute the education described under item A, B, C, or D for up to 4,000 hours of the occupational experience required in subpart 3. The education must be from an accredited postsecondary institution. Notwithstanding this substitution, the applicant must not substitute for the 2,000 hours of experience in developing a combination of microcomputer hardware and software processes for computerizing small business.

A. A bachelor's or higher degree in business administration, business management, or accounting may be substituted for 4,000 hours.

B. An associate degree in accounting, business management, business entrepreneurship, or microcomputer sales and service may be substituted for 2,000 hours.

C. A diploma in business entrepreneurship, small business management, preparation for small business ownership, accounting, or computerizing small business may be substituted. A one-year program equals 1,050 hours. A two-year program equals 2,100 hours.

D. The completion of courses for credit or clock hours for credit in computer systems design, accounting, business management, and business computer applications may be substituted. One clock hour of instruction equals one hour of occupational experience. One quarter credit equals 20 hours of occupational experience. One semester credit equals 30 hours of occupational experience.

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Subp. 5. **Occupational experience substitution.** Teaching experience at an accredited postsecondary institution or at an industrial setting may be substituted for 1,500 of the 2,000 hours required in part 3709.0100, subpart 1, item A, if the teaching is done during this five-year period. The teaching must be in computerizing small business, small business management, or preparation for small business ownership. Two hours of teaching equal one hour of occupational experience.

3709.0340 PRODUCTIVITY TECHNICIAN/PRODUCTIVITY AND INVENTORY MANAGEMENT.

Subpart 1. **May teach.** A teacher who has a productivity license may teach in the productivity technician program and the productivity and inventory management program and may also teach courses in:

A. human resource management;

B. productivity improvement;

C. problem solving/decision making;

D. quality systems;

E. statistical process control; and

F. production or inventory control.

Subp. 2. **Other requirements.** The applicant must meet the requirements in part 3709.0100.

Subp. 3. **Occupational experience requirement.** The applicant must have 8,000 hours of verified occupational experience as a manager, facilitator, or trainer in two or more of the following:

A. management/employee involvement (MEI);

B. statistical process control (SPC);

C. quality assurance or quality control systems (QAQC);

D. problem solving/decision making techniques;

E. just in time techniques (JIT); and

F. production and inventory control.

Subp. 4. **Substitution for occupational experience.** The applicant may substitute the education described under item A, B, C, or D for up to 4,000 hours of the occupational experience required in subpart 3. The education must be from an accredited postsecondary institution.

A. A bachelor's or higher degree in business administration or management, industrial engineering or management, economics, personnel management, organizational development, or marketing may be substituted for 4,000 hours.

B. An associate degree in production and inventory management, production technician, supervisory management, personnel management, manufacturing management, quality technician, business administration, or marketing management may be substituted for 2,000 hours.

C. A diploma in production and inventory management, productivity technician, supervisory management production technician, or marketing management may be substituted. A one-year program equals 1,050 hours. A two-year program equals 2,100 hours.

D. The completion of courses for credit or clock hours for credit or seminars and workshops by professional organizations in transformation of American industry, manufacturing process, production and inventory management techniques, engineering drawings, quality assurance product development, work simplifications, organizational structure of business, material requirements planning, industrial master planning, capacity management, production activity management, inventory management, employee involvement, statistical process, problem solving, or socio-economic systems may be substituted. One clock hour of instruction equals one hour of occupational experience. One quarter credit equals 20 hours of occupational experience. One semester credit equals 30 hours of occupational experience.

Subp. 5. **Occupational recency substitution.** Teaching experience at an accredited postsecondary institution, or at an industrial or military setting may be substituted for 1,500 of the 2,000 hours required in part 3709.0100, subpart 1, item A, if the teaching is done during this five-year period. The teaching must be in production and inventory management, productivity technician, supervisory management, statistical process control, quality assurance or quality control systems, participation management/employee involvement process, problem solving/decision making techniques, just in time techniques, or production/inventory control. Two hours of teaching equal one hour of occupational experience.

Adopted Rules

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

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

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

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

Minnesota State Agricultural Society Minnesota State Fair

Adopted Rule Changes Governing the Operation and Management of the Minnesota State Fair and Minnesota State Fairgrounds

The Minnesota State Agricultural Society board of managers adopted the following rule changes January 16, 1989, at a general business session. The following changes are made to rules published in the *State Register* on December 5, 1988, Vol. 13 #23, pages 1369-1376.

Rules as Adopted

S.F. 1.7—Vehicle restrictions Maximum vehicle speed limits on the State Fairgrounds, as well as appropriate allowances and restrictions dealing with vehicle parking, delivery hours, restricted areas, tow-away zones and impound arrangements, shall be established by the secretary and general manager. The secretary and general manager shall provide for the placement of such traffic control signals, ~~and~~ signs, and other traffic control devices on the State Fairgrounds as deemed necessary for the ~~proper~~ safety, protection and control of the fairgrounds and the public thereon. When any police officer or security person finds a vehicle illegally parked on the fairgrounds, he is authorized to provide for the removal and impoundment of such vehicle. Cost of removal and storage shall be borne by the vehicle's owner. (1-16-89)

S.F. 3.1—Exhibition times Times for the setup of entries, the dismantling and removal of entries and the hours of public viewing will be set annually by the ~~competitive exhibits superintendent~~ secretary and general manager and will be stated in individual department premium books. (1-16-89)

S.F. 3.2—Responsibility for exhibits The State Fair will use diligence to protect livestock and articles entered for exhibition, after their arrival and placement, but under no circumstances will it be responsible for any loss, injury or damage done to or caused by any animal or article on exhibition. It is the responsibility of the competitive exhibitor to obtain appropriate insurance for any damages due to or caused by the exhibit and to ~~identify~~ indemnify and hold the State Fair harmless against any claim arising out of incidents involving the exhibit. Removal or pickup of exhibits at established times as stated in individual department premium books, entry blanks and/or entry receipts, shall be the responsibility of the competitive exhibitor. The State Fair shall not be responsible for any exhibit not removed or picked up at established time and will dispose of all exhibits not removed or picked up within one year of such established time. (1-16-89)

S.F. 3.6—Judges No person who is a competitive exhibitor ~~can~~ may act as judge in a class in which he or she is competing. Judges shall be responsible for reading and understanding the general rules and all special rules applicable to the department or class in which they are to serve. (1-16-89)

S.F. 3.11—Interpretation of rules A faithful observance of all rules governing the exhibit will be required, and when in doubt as to the application or meaning of a rule, the department superintendent in charge shall interpret such a rule. This opinion when required by either a competitive exhibitor or judge must be reduced to writing and returned to the ~~competitive exhibits coordinator~~ secretary and general manager with the award books. (1-16-89)

S.F. 3.12—Protests and appeals A protest from the decision of a judge will only be accepted from an exhibitor named in the

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official ~~entry~~ ~~blank~~ judge's sheet for competition in the lot ~~of~~ or class under protest, and must be filed with the secretary and general manager within five (5) hours after the award has been made. An award is deemed to have been made when the notation of the decision of the judge is entered into the department award book. All protests must be made in writing and must be accompanied by a deposit of twenty ($20.00) dollars. The protest must state plainly and specifically the facts upon which the complaint or appeal is based. The right to appeal will lie only when it is charged that the award has been made in violation of the rules governing the exhibit, or when it is charged that the decision of the judge has been influenced or interfered with by another person. No protest or appeal based upon the statement that the judge or judges are incompetent or have overlooked an animal or article will be considered. The twenty ($20.00) dollar deposit will be returned only if the protest or appeal is upheld. (1-16-89)

S.F. 3.13—Late showing of exhibit No animal or exhibit will be judged or awarded a prize if it is not ready for judging and promptly brought into the show-ring when the lot is called. ~~or the exhibit category is called or the exhibit category is judged.~~ (1-16-89)

Board of Barber Examiners

Adopted Permanent Rules Relating to Barber Licensing

The rules proposed and published at *State Register*, Volume 13, Number 12, pages 640-648, September 19, 1988 (13 S.R. 640) are adopted with the following modifications:

Rules as Adopted

2100.0200 APPLICATION FOR EXAMINATION.

Upon completion of the required 1,500 hour course of training, the school shall issue each graduate a certificate of completion.

Upon issuance of the certificate of completion, the graduate is eligible to be scheduled for the apprentice examination under part 2100.0500.

In an emergency or in a situation beyond a student's control in which the 1,500 hours of training course cannot be completed before the apprentice examination schedule, the board ~~may~~ shall make an exception from the requirement of course completion if:

2100.0300 NONRESIDENT APPRENTICE QUALIFICATIONS.

The board must find the following to determine that another state or country has substantially the same requirements for registration of an apprentice as provided under *Minnesota Statutes,* chapter 154:

A. the same educational requirements as *Minnesota Statutes,* section 154.06, clause (1);

B. graduation from a barber school that requires:

(1) approval by a state requiring at least the same number of hours of instruction for school approval as Minnesota; and

(2) a curriculum that is equivalent to *Minnesota Statutes,* section 154.07, and parts 2100.0100 to 2100.9300; and

C. must meet the requirements of *Minnesota Statutes,* section 154.11.

Applicants unable to comply with items A and B shall make up the difference in a Minnesota accredited barber school. Barbering experience ~~may~~ shall be considered equivalent to or substantially the same as hours in school training.

2100.0600 CONTENTS OF EXAMINATION.

Each examination consists of six parts: oral, written, and four practical services. The type of haircut, shave, or beard trim and ~~the~~ two ~~other~~ of the following practical services: shampoo, perm wrap, facial, or color application, will be determined at the discretion of the board.

2100.2700 NONRESIDENT BARBERS; QUALIFICATIONS.

The board must find the following to determine that another state or country has substantially the same requirements for registration of barbers as provided under *Minnesota Statutes,* chapter 154:

A. the same educational requirements as *Minnesota Statutes,* section 154.05, clause (1);

B. graduation from a barber school that requires:

(1) approval by a state requiring at least the same number of hours of instruction for school approval as Minnesota; and

(2) a curriculum that is equivalent to *Minnesota Statutes,* section 154.07, and parts 2100.0100 to 2100.9300;

C. must meet requirements for a registered apprentice in *Minnesota Statutes,* section 154.05, clause (4); and

D. the same practice requirements for a registered apprentice as set forth in *Minnesota Statutes,* section 154.05, clause (4).

Applicants unable to comply with items A and B must make up the difference in a Minnesota accredited barber school. Barbering experience ~~may~~ shall be considered equivalent to or substantially the same as hours in school training.

2100.2900 CONTENTS OF EXAMINATION.

Each examination consists of six parts: oral, written, and four practical services. The type of haircut, shave or beard trim, and ~~the~~ two ~~other~~ of the following practical services: shampoo, perm wrap, facial, or color application, will be determined at the discretion of the board.

Department of Labor and Industry

Adopted Permanent Rules Relating to Boilers and Power Boats

The rules proposed and published at *State Register*, Volume 13, Number 15, pages 912-925, October 10, 1988 (13 S.R. 912) are adopted with the following modifications:

Rules as Adopted

5225.0010 SCOPE.

This chapter only addresses the manufacture, installation, repair, operation, safety, and inspection of boilers and pressure vessels as defined in parts 5225.0090 to 5225.9000 pursuant to *Minnesota Statutes,* sections 183.375 to 183.62. Other related codes on high pressure piping, building, electrical, and plumbing are available from State Documents, Department of Administration, 117 University Avenue, Saint Paul, Minnesota, 55155.

5225.0550 DOCUMENTATION OF EXPERIENCE REQUIREMENTS FOR LICENSURE AS A BOILER OPERATOR.

Subp. 5. **Chief class experience requirements.**

A. A chief class license requires five years of experience on a boiler of proper size to receive the chief class license as documented by:

(3) five years of actual experience operating a boiler of sufficient size to ~~quality~~ qualify for a chief class license under *Minnesota Statutes,* section 183.51, of which at least two years must have been in a supervisory capacity either as a shift engineer in charge or as the chief engineer of the facility from which the claimed experience was obtained.

5225.2600 REPORTING REPAIRS AND ALTERATIONS.

Subpart 1. **Prior notice of repair or alteration.** The owner or person in charge of a boiler, steam generator, or pressure vessel shall notify the Boiler Inspection Division or if the object is insured, the owner or person in charge shall notify the insurer before each repair not of a routine nature and all alterations made to the pressure containing parts of a boiler or pressure vessel, and the authorized inspector will compute the safe working pressure of the repair or alteration.

Subp. 2. **Standard of repairs.** The National Board of Boiler and Pressure Vessel Inspectors' repair (R) stamp or applicable American Society of Mechanical Engineers Boiler and Pressure Vessel Code symbol stamp is required for welded repairs not of a routine nature to any boiler or pressure vessel subject to inspection as specified in *Minnesota Statutes,* sections 183.375 to 183.62.

All alterations must be in compliance with the latest edition of the National Board Inspection Code and the referencing sections of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

Repairs or alterations must be reported to the authorized inspection agency responsible for the inservice inspection of the boiler or pressure ~~vessels~~ vessel by the repair firm as required by the National Board Inspection Code. Required certification of repairs and alterations must be made by an inspector holding a National Board of Boiler and Pressure Vessel Inspectors' commission, who is employed by an authorized inspection agency under contract with the firm doing the repairs. Authorized inspection agencies are:

C. ~~the~~ an authorized inspection agency which insures the boiler or pressure vessel.

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.

5225.2610 OWNER REPAIR PROGRAM.

An owner with boilers exceeding 200,000 pounds per hour may perform repairs ~~or alterations~~ to their boiler systems, excluding high pressure piping under the authority of *Minnesota Statutes,* section 326.461, subject to written approval of their repair program from the Department of Labor and Industry.

The owner repair program must include: organization, design control, material control, control of work, inspection, welding, nondestructive testing, records, repair reporting, and provision for system test and inspection by an authorized national board inspector. Before acceptance of the repair program, the chief boiler inspector must review the program. The program shall not be approved until the chief boiler inspector is satisfied that the program elements listed in this part are complete and acceptable and the allowance for independent third-party inspection controls are adequate and acceptable.

The commissioner of the Department of Labor and Industry may withdraw program approval, with cause, upon the recommendation of the chief boiler inspector. The commissioner must provide the owner with written notification of the department's intent to withdraw program approval and the reasons for the action. The owner, upon receipt of the commissioner's notification, has 30 calendar days to implement the required corrective actions to the satisfaction of the chief boiler inspector. The acceptance or rejection of all corrective actions shall be by the chief boiler inspector and must be in writing.

Department of Labor and Industry

Adopted Permanent Rules Relating to Occupational Safety and Health Standards

The rules proposed and published at *State Register,* Volume 13, Number 25, pages 1432-1436, December 19, 1988, (13 S.R. 1432) are adopted, as proposed, with the exception of the proposal to repeal *Minnesota Rules* 5205.1230 to 5205.1300 and 5207.0410 and adopt Federal OSHA Standard 29 CFR 1926.550(g) instead. These standards govern the use of personnel platforms suspended from cranes and derricks. Comments received in response to this proposal necessitate withdrawing it at this time for further study. While this proposal is under consideration, *Minnesota Rules* 5205.1230 to 5205.1300 and 5207.0410, as adopted on October 5, 1987 (12 S.R. 634) will remain in effect.

Rules as Adopted

5205.0010 ADOPTION OF FEDERAL OCCUPATIONAL SAFETY AND HEALTH STANDARDS BY REFERENCE.

The Minnesota Department of Labor and Industry Occupational Safety and Health Codes and rules are amended by incorporating and adopting by reference, and thereby making a part thereof, Title 29 of the Code of Federal Regulations as follows:

Part 1910: Occupational Safety and Health Standards as published in Volume 43, No. 206 of the *Federal Register* on October 24, 1978 and corrected in Volume 43, No. 216 on November 7, 1978 which incorporates changes, additions, deletions, and corrections made up to November 7, 1978; and subsequent changes made prior to ~~June 30, 1988~~ November 30, 1988:

Federal Register, Vol. 43, No. 234, dated 12/5/78; "Corrections to 1910.1043; Occupational Exposure to Cotton Dust."

Federal Register, Vol. 43, No. 234, dated 12/5/78; "Corrections to 1910.1046; Occupational Exposure to Cotton Dust in Cotton Gins."

Federal Register, Vol. 43, No. 237, dated 12/8/78; "Corrections to Tables of Exposure Limits for Air Contaminants, 1910.1000."

Federal Register, Vol. 43, No. 220, dated 11/14/78; "Lead Standard, 1910.1025."

Federal Register, Vol. 44, No. 19, dated 1/26/79; "Corrections to Lead Standard, typographical."

Federal Register, Vol. 44, No. 50, dated 3/13/79; "Modifications to Lead Standard, Portions of Standard Stayed."

Federal Register, Vol. 44, No. 168, dated 8/28/79; "Corrections to Lead Standard, Exemption of Construction Industry."

Federal Register, Vol. 44, No. 138, dated 7/17/79; "Occupational Exposure to Chlorine, Lifting of Stay."

Federal Register, Vol. 44, No. 206, dated 10/23/79; "Appendixes to Lead Standard."

Federal Register, Vol. 44, No. 232, dated 11/30/79; "Corrections to Appendixes to Lead Standard."

Federal Register, Vol. 45, No. 20, dated 1/29/80; "Servicing Multi-Piece Rim Wheels, 1910.177."

Federal Register, Vol. 45, No. 28, dated 2/8/80; "Mechanical Power Presses; Corrections to Final Rule."

Federal Register, Vol. 45, No. 121, dated 6/20/80; "Commercial Diving Operations: Correction to Final Rule."

Federal Register, Vol. 45, No. 179, dated 9/12/80; "Revisions to Subpart L, Fire Protection; Subpart E, Means of Egress; and Subpart H, Hazardous Materials."

Federal Register, Vol. 46, No. 11, dated 1/16/81; "Subpart S, Electrical."

Federal Register, Vol. 46, No. 118, dated 6/19/81; "Deletion of 1910.1046; Occupational Exposure to Cotton Dust in Cotton Gins."

Federal Register, Vol. 46, No. 141, dated 7/23/81; "Occupational Exposure to Lead, New Trigger Levels for Medical Removal Protection; 1910.1025."

Federal Register, Vol. 46, No. 152, dated 8/7/81; "Corrections to Subpart S, Electrical."

Federal Register, Vol. 46, No. 162, dated 8/21/81; "Occupational Noise Exposure, Hearing Conservation Amendment; 1910.95."

Federal Register, Vol. 46, No. 238, dated 12/11/81; "Occupational Exposure to Lead, Final Rule Amended."

Federal Register, Vol. 47, No. 173, dated 9/7/82; "Hazardous Materials; Attendant Exemption and Latch-Open Devices; 1910.106(g)(2) and (g)(3)(vi)."

Federal Register, Vol. 47, No. 219, dated 11/12/82; "Occupational Exposure to Lead: Respirator Fit Testing, 1910.1025(f)(3)."

Federal Register, Vol. 47, No. 228, dated 11/26/82; "Exemption of Educational/Scientific Diving from Subpart T, Part 1910."

Federal Register, Vol. 47, No. 233, dated 12/3/82; "Occupational Exposure to Lead: Administrative Stay of Compliance Plans for Certain Industries; 1910.1025(c)(e)(i)(B) & (E)."

Federal Register, Vol. 48, No. 15, dated 1/21/83; "Occupational Exposure to Coal Tar Pitch Volatiles; Modification of Final Interpretation: 1910.1022."

Federal Register, Vol. 48, No. 25, dated 2/4/83; "Occupational Exposure to Cotton Dust; Stay for Knitting and Hosiery Industry; 1910.1043."

Federal Register, Vol. 48, No. 46, dated 3/8/83; "Occupational Exposure to Lead; Corrections to Respirator Fit Testing Requirements; 1910.1025 and Occupational Noise Exposure, Hearing Conservation Amendment; 1910.95(c)."

Federal Register, Vol. 48, No. 125, dated 6/28/83; "Hearing Conservation Amendment, Corrections to Final Rule."

Federal Register, Vol. 49, No. 4, dated 1/6/84; "Commercial Diving Operations; Deletion of 1910.411."

Federal Register, Vol. 49, No. 24 dated 2/3/84; "Servicing of Single Piece and Multi-Piece Rim Wheels; 1910.177."

Federal Register, Vol. 49, No. 29, dated 2/10/84; "Revocation of Advisory and Repetitive Standards."

Federal Register, Vol. 49, No. 37, dated 2/23/84; "Occupational Exposure to Cotton Dust; Partial Administrative Stay of 1910.1043(m)(2)(ii)."

Federal Register, Vol. 49, No. 109, dated 6/5/84; "Occupational Exposure to Lead; Effective Date of Compliance Plan Requirements for Primary and Secondary Smelting and Battery Manufacturing Industries, 1910.1025(e)(3)(ii)(B) and (E)."

Federal Register, Vol. 49, No. 122, dated 6/22/84; "Occupational Exposure to Ethylene Oxide (1910.1047), Final Rule."

Federal Register, Vol. 50, No. 6, dated 1/9/85; "Educational/Scientific Diving: Guidelines for Scientific Diving (Appendix B) Subpart T of Part 1910."

Federal Register, Vol. 50, No. 22, dated 2/1/85; "Power Lawnmowers: Amendments; 1910.243(e)."

Federal Register, Vol. 50, No. 48, dated 3/12/85; "Occupational Exposure to Ethylene Oxide (1910.1047); Amendment of Effective Dates."

Federal Register, Vol. 50, No. 72, dated 4/15/85; "Occupational Exposure to Cotton Dust (1910.1043); Extension of Administrative Stay."

Federal Register, Vol. 50, No. 178, dated 9/13/85; "Coke Oven Emissions (1910.1029); Deletion of Portions of Standard."

Federal Register, Vol. 50, No. 198, dated 10/11/85; Occupational Exposure to Ethylene Oxide (1910.1047); Labeling Requirements."

Federal Register, Vol. 50, No. 240, dated December 13, 1985; "Occupational Exposure to Cotton Dust; 29 Code of Federal Regulations 1910.1043.

Federal Register, Vol. 51, No. 119, dated June 20, 1986; "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite (1910.1001 and 1926.58); Final Rules."

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Federal Register, Vol. 51, No. 128, dated July 3, 1986; "Occupational Exposure to Cotton Dust (1910.1043), Corrections and Information Collection Requirements Approval."

Federal Register, Vol. 51, No. 132, dated July 10, 1986; "Occupational Exposure to Ethylene Oxide (1910.1047), Technical Amendments and Corrections to Final Rule."

Federal Register, Vol. 51, No. 133, dated July 11, 1986; "Electrical Standards for Construction, Part 1926, Subpart K."

Federal Register, Vol. 51, No. 181, dated September 18, 1986; "Commercial Diving Standard (1910.430); Technical Amendments to Final Rule."

Federal Register, Vol. 51, No. 182, dated September 19, 1986; "Accident Prevention Tags (1910.145); Amendment to Final Rule."

Federal Register, Vol. 51, No. 188, dated September 29, 1986; "Record Keeping Requirements for Tests, Inspections, and Maintenance Checks (1910.68, 1910.106, 1910.157, 1910.179, 1910.180, 1910.181, 1910.217, 1910.218, 1910.252, and 1910.440)."

Federal Register, Vol. 51, No. 201, dated October 17, 1986; "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite (1910.1101); Partial Administrative Stay of Final Rules and Redesignation and Amendment of Final Rule."

Federal Register, Vol. 51, No. 244, dated December 19, 1986; "Hazardous Waste Operations and Emergency Response (1910.120); Interim Final Rule."

Federal Register, Vol. 52, No. 83, dated April 30, 1987; "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite; Extension of the Partial Stay and Amendment of Final Rule."

Federal Register, Vol. 52, No. 85, dated May 4, 1987; "Hazardous Waste Operations and Emergency Response; Corrections to Interim Final Rule (29 CFR 1910.120)."

Federal Register, Vol. 52, No. 91, dated May 12, 1987; "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite; Corrections and Information Collection Requirements Approval."

Federal Register, Vol. 52, No. 176, dated September 11, 1987; "Occupational Exposure to Benzene (1910.1028); Final Rule."

Federal Register, Vol 52, No. 187, dated September 28, 1987; "Revision of Telecommunications Training Records (1910.268); Final Rule."

Federal Register, Vol. 52, No. 233, dated December 4, 1987; "Occupational Exposure to Formaldehyde (1910.1048); Final Rule."

Federal Register, Vol. 52, No. 251, dated December 31, 1987; "Grain Handling Facilities (1910.272); Final Rule."

Federal Register, Vol. 53, No. 41, dated March 2, 1988; "Occupational Exposure to Formaldehyde; Approval of Information Collection Requirements, Technical Amendment (1910.1048)."

Federal Register, Vol. 53, No. 49, dated March 14, 1988; "Presence Sensing Device Initiation of Mechanical Power Presses (1910.211, 1910.217); Final Rule."

Federal Register, Vol. 53, No. 66, dated April 6, 1988; "Occupational Exposure to Ethylene Oxide (1910.1047)."

Federal Register, Vol. 53, No. 70, dated April 12, 1988; "Safety Testing or Certification of Certain Workplace Equipment and Materials; Deletion of Specific Testing Laboratory Names; Definition of Nationally Recognized Testing Laboratory; Determination of Eligible Testing Organizations (1910.7)."

Federal Register, Vol. 53, No. 96, dated May 18, 1988; "Grain Handling Facilities; Notice of Approval of Information Collection Requirements by OMB and Corrections to Appendices as published on December 31, 1987 (1910.272)."

Federal Register, Vol. 53, No. 139, dated July 20, 1988; "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite (1910.1001 and 1910.1101); Extension of Partial Stay and Amendment of Final Rule."

Federal Register, Vol. 53, No. 143, dated July 26, 1988; "Occupational Exposure to Ethylene Oxide (1910.1047); Approval of Information Collection Requirements; Amendment of Effective Date of Information Collection Requirements."

Federal Register, Vol. 53, No. 170, dated September 1, 1988; "Occupational Exposure to Formaldehyde (1910.1048); Notice of Deferral of Effective Date for Certain Laboratories."

Federal Register, Vol. 53, No. 174, dated September 8, 1988; "Servicing of Multi-Piece and Single Piece Rim Wheels (1910.177); Technical Amendments to Final Rule."

Federal Register, Vol. 53, No. 178, dated September 14, 1988; "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite (1910.1001 and 1926.58); Amendment to Final Rule."

Federal Register, Vol. 53, No. 185, dated September 23, 1988; "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite; Corrections to September 14, 1988 *Federal Register* notice."

Federal Register, Vol. 53, No. 216, dated November 8, 1988; "Occupational Exposure to Formaldehyde (1910.1048); Approval of Information Collection Requirements; Start-up Date; Clarification; Technical Amendment; Request for Comments."

Federal Register, Vol. 53, No. 225, dated November 22, 1988; "Occupational Exposure to Formaldehyde (1910.1048); Extension of Start-up Dates."

Part 1915: Occupational Safety and Health Standards for Shipyard Employment as published in Volume 47, No. 76 of the *Federal Register* on April 20, 1982 and subsequent changes made prior to December 31, 1986, which consolidates Part 1915 and Part 1916, and subsequent changes made prior to December 31, 1986:

Federal Register, Vol. 51, No. 188, dated September 29, 1986; "Record Keeping Requirements for Tests, Inspections, and Maintenance Checks (1915.113 and 1915.172); Final Rule."

Part 1917: Safety and Health Standards for Marine Terminals as published in Volume 48, No. 129 of the *Federal Register* on July 5, 1983; and subsequent changes made prior to April 1, 1988:

Federal Register, Vol. 52, No. 186, dated September 25, 1987; "Servicing of Single Piece and Multi-Piece Rim Wheels at Marine Terminals (1917.44); Final Rule."

Federal Register, Vol. 52, No. 251, dated December 31, 1987; "Grain Handling Facilities (1917.1 and 1917.72-[removed]); Final Rule."

Part 1918: Safety and Health Regulations for Longshoring as published in Part II, Volume 39, No. 119 of the *Federal Register* on June 19, 1974 incorporating changes, additions, deletions and corrections made up to June 3, 1974; and subsequent changes made prior to June 1, 1984:

Federal Register, Vol. 42, No. 141, dated 7/22/77; "Commercial Diving Operations, adding 1918.99."

Federal Register, Vol. 43, No. 88, dated 5/5/78; "Occupational Exposure to Benzene; supersedes standards in Part 1918."

Part 1926: Construction Safety and Health Regulations as published in Part VII, Volume 44, No. 29 of the *Federal Register* on February 9, 1979 which incorporates changes, additions, deletions and corrections made up to October 17, 1978 and includes General Industry Occupational Safety and Health Standards (29 CFR Part 1910) which have been identified as applicable to construction work; and subsequent changes made prior to ~~June 20, 1988~~ November 30, 1988:

Federal Register, Vol. 45, No. 222, dated 11/14/80; "Guarding Low-Pitched Roof Perimeters During Performance of Built-Up Roofing Work."

Federal Register, Vol. 51, No. 119, dated 6/20/86; "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite (1926.58 and 1910.1001); Final Rules."

Federal Register, Vol. 51, No. 133, dated 7/11/86; "Electrical Standards for Construction, Part 1926, Subpart K."

Federal Register, Vol. 52, No. 187, dated September 28, 1987; "Revision of Construction Industry Test and Inspection Records (1926.500, 1926.552, and 1926.903); Final Rule."

Federal Register, Vol. 52, No. 233, dated December 4, 1987; "Occupational Exposure to Formaldehyde—1926.55."

Federal Register, Vol. 53, No. 116, dated June 16, 1988; "Concrete and Masonry Construction Safety Standards (1926.700-1926.706)."

Federal Register, Vol. 53, No. 139, dated July 20, 1988; "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite (1926.58); Extension of Partial Stay and Amendment of Final Rule."

Federal Register, Vol. 53, No. 178, dated September 14, 1988; "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite (1910.1001 and 1926.58); Amendment to Final Rule."

Part 1928: Occupational Safety and Health Standards for Agriculture as published in Part II, Volume 40, No. 81 of the *Federal Register* on April 25, 1975 and subsequent changes made prior to June 1, 1987:

Federal Register, Vol. 41, No. 206, dated 11/22/76; "Nonsubstantive changes to guarding of farm field equipment."

Federal Register, Vol. 42, No. 141, dated 7/22/77; "Excludes commercial diving operations standards from agricultural applicability."

Federal Register, Vol. 42, No. 146, dated 7/29/77; "Excludes air contaminant standards from agricultural operations."

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Federal Register, Vol. 43, No. 122, dated 6/23/78; "Occupational Exposure to Cotton Dust in Cotton Gins, amends 1928.21 by adding paragraph (a)(5)."

Federal Register, Vol. 43, No. 127, dated 6/30/78; "Occupational Exposure to Cotton Dust in Cotton Gins, corrections of errors in 1928.21 and 1928.113."

Federal Register, Vol. 43, No. 153, dated 8/8/78; "Occupational Exposure to Cotton Dust in Cotton Gins, correction of errors in 1928.113."

Federal Register, Vol. 43, No. 234, dated 12/5/78; "Occupational Exposure to Cotton Dust in Cotton Gins, corrections to Appendix C."

Federal Register, Vol. 52, No. 84, dated May 1, 1987; "Field Sanitation, Final Rule (29 CFR 1928.110)."

Federal Register, Vol. 53, No. 185, dated September 23, 1988; "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite; Corrections to September 14, 1988 *Federal Register* notice."

Department of Trade and Economic Development

Adopted Permanent Rules Relating to District Heating Loans and Energy Conservation Investment Loans

The rules proposed and published at *State Register*, Volume 13, Number 13, pages 746-753, September 26, 1988 (13 S.R. 746) are adopted with the following modifications:

Rules as Adopted

7380.0620 CONTENTS OF APPLICATION FOR EXISTING SYSTEM.

A completed application for a construction loan to an existing system must contain:

D. A discussion of proposed customer ~~loan~~ load including information on present fuel consumption or heating demand and the present heating system in each building for new customers.

G. A copy of the standard contract entered into with the customers of the project and a list of customers already under contract and the total ~~loan~~ load it represents.

Department of Trade and Economic Development

Adopted Permanent Rules Relating to Independent Wastewater Treatment Grants Program

The rules proposed and published at *State Register*, Volume 13, Number 13, pages 742-745, September 26, 1988 (13 S.R. 742) are adopted with the following modifications:

Rules as Adopted

7380.0500 SCOPE OF RULES.

Parts 7380.0500 to 7380.0582 provide for the awarding of grants by the Minnesota Public Facilities Authority under *Minnesota Statutes,* chapter 446A, to municipalities for wastewater treatment projects certified by the commissioner of the Minnesota Pollution Control Agency, as provided in *Minnesota Statutes,* sections 116.16 to 116.181, and chapter 7075.

The executive director of the authority shall assist municipalities in determining which grants or loans to apply for to finance eligible projects and the manner in which the municipality shall pay for its portion of the project cost.

Municipalities making application to the authority must comply with the requirements of the Pollution Control Agency independent grant program rules in chapter 7075 in order to receive the required certification of the commissioner of the agency before any determination by the authority on the municipality's application.

The authority shall, as provided in *Minnesota Statutes,* section 446A.051, review the proposed project financing for a municipal project certified by the commissioner of the agency to determine if the municipality has demonstrated in its application that:

7380.0520 STATE INDEPENDENT GRANTS PROGRAM.

Subpart 1. **Grants for certified projects.** The authority shall award state independent grants to municipalities for projects certified by the commissioner of the agency as provided in *Minnesota Statutes,* section 116.18, subdivisions 3a to 3d. The amount to be awarded by the authority must be equal to 50 percent of the eligible project cost as provided in the agency rules, or if the population of the municipality is 25,000 or less, 80 percent of the eligible project cost, as provided in the agency rules.

7380.0530 ELIGIBLE COSTS.

Eligible costs for grant applications are the eligible costs provided in the agency independent grant program rules and certified by the commissioner of the agency.

7380.0540 CAPITAL COST COMPONENT GRANT PROGRAM.

Subpart 1. **Grants for certified projects.** The authority shall award capital cost component grants to municipalities for projects certified by the commissioner of the agency.

7380.0550 INDIVIDUAL ON-SITE TREATMENT SYSTEMS PROGRAM.

Subpart 1. **Grants for certified projects.** The authority shall award individual on-site treatment systems grants to municipalities for projects certified by the commissioner of the agency.

7380.0560 CORRECTIVE ACTION GRANTS.

The authority shall award corrective action grants to municipalities for projects certified by the commissioner of the agency.

7380.0570 APPLICATION PROCESS.

Subp. 2. **Notice of taking applications.** Applications must be taken as provided by the agency independent grant program rules. The application period for any of the grants programs shall be established by the commissioner of the agency.

Subp. 4. **Certified applications.** When an application certified by the commissioner of the agency is returned to the authority on or before the first business day of the month, the authority shall consider the application at the authority meeting that month. If a certified application is received after the first business day of the month and can be reviewed by the executive director before the authority agenda deadline, the authority may consider the application at the meeting in that month.

Subp. 5. **Complete applications.** ~~A loan~~ An application is complete for the authority's purposes when the executive director receives all documentation and exhibits required for the authority to make the determinations required by *Minnesota Statutes,* section 446A.051.

Subp. 7. **Applications not receiving certification.** An application not certified by the commissioner of the agency will not be considered for financial assistance by the authority. The executive director of the authority shall notify the applicant of the rejection of the application by the authority within ten days of the rejection of the application by the authority.

7380.0581 RELEASE OF FUNDS.

Subject to the availability of funds, payments to a municipality, which have been certified by the commissioner of the agency, will be made in accordance with applicable federal and state laws governing those payments. However, payments will not be made until the authority has determined the total estimated cost of the project and ascertained that financing of the project is assured by:

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Emergency Rules

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

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

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

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

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

Board of Unlicensed Mental Health Service Providers

Adopted Emergency Rules Relating to Unlicensed Mental Health Service Providers

The rules proposed and published at *State Register*, Volume 13, Number 18, pages 1102-1107, October 31, 1988 (13 S.R. 1102) are adopted with the following modifications:

Rules as Adopted

9000.0050 [Emergency] PURPOSE.

Parts 9000.0100 to ~~9000.0200~~ 9000.0190 [Emergency] establish filing procedures for unlicensed mental health service providers. The purpose of the filing procedures is to establish a central registry of persons who provide or purport to provide mental health services.

9000.0100 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 9000.0100 to ~~9000.0200~~ 9000.0190 [Emergency], the following terms have the meanings given them.

Subp. 4. **Mental health services.**

B. "Mental health services" does not include services that do not involve the services described in item A, and that are:

(1) primarily for entertainment; ~~or~~

(2) educational, informational, or spiritual~~.~~;

(3) primarily for client advocacy; or

(4) related to a custodial, direct care, or maintenance function.

9000.0110 [Emergency] REQUIREMENT TO FILE.

Subp. 3. **Requirement to file within 120 days.** A provider who is providing mental health services on the effective date of parts 9000.0100 to ~~9000.0200~~ 9000.0190 [Emergency] must apply to file with the board within 120 days after the effective date of parts 9000.0100 to ~~9000.0200~~ 9000.0190 [Emergency].

A provider who wishes to provide mental health services after the effective date of parts 9000.0100 to ~~9000.0200~~ 9000.0190 [Emergency] must apply to the board and receive acknowledgment of the filing as provided in part 9000.0130 [Emergency] before providing services.

~~Subp. 4. **Late fees.** A provider who is providing mental health services when parts 9000.0100 to 9000.0200 [Emergency] become effective, and who fails to file within the 120-day limit in subpart 3, must pay the late filing fee and the regular filing fee specified in part 9000.0200 [Emergency].~~

9000.0120 [Emergency] PROCEDURE FOR FILING.

Subpart 1. **Application.** The application for filing must:

~~C. be accompanied by a nonrefundable application fee specified in part 9000.0200 [Emergency];~~

~~D.~~ C. be accompanied by a written authorization for the board to make inquiries to the appropriate regulatory agency in any other state where the applicant has provided mental health service, about the applicant's malpractice history, if any;

~~E.~~ D. be accompanied by a written authorization for the board to inquire about the malpractice history of the applicant at the National Clearing House for Licensure, Enforcement, and Regulation; and

~~F.~~ E. be completed in sufficient detail for the board to determine if the applicant meets the requirements for filing. The board may ask the applicant to provide additional information necessary to clarify incomplete or ambiguous information submitted in the application.

9000.0130 [Emergency] ACKNOWLEDGMENT OF FILING.

When an applicant has satisfied the requirements of filing, the board will issue a written "Acknowledgment of Filing" to the applicant. The "Acknowledgment of Filing" is a written statement that the applicant has met the requirements for filing under parts 9000.0100 to ~~9000.0200~~ 9000.0190 [Emergency]. This acknowledgment is personal and is not transferable to another person. It may not be displayed or published in any way.

9000.0140 [Emergency] DENIAL OF FILING.

Subp. 3. **Notice of denial.** The board must notify an applicant, in writing, of a denial of an application for filing and the reasons for the denial. If the board denies an application for filing for reasons described in subpart 2, the board's notice must meet the requirements of *Minnesota Statutes,* section 364.05. An application submitted after a denial is a new application ~~and must be accompanied by a new filing fee~~.

9000.0160 [Emergency] RENEWAL OF FILING.

Subpart 1. **Renewal notice.** At least 31 days before the date the filing ends, according to part 9000.0150 [Emergency], the board shall send a renewal notice to the last known address of the provider. The notice must inform the provider of the requirement to renew the provider's filing ~~and pay the current renewal fee by the deadline determined in subpart 2~~. If the provider does not receive the notice, the provider is still obligated to complete a renewal application ~~and pay the renewal fee specified in part 9000.0200 [Emergency]~~ within the deadline in subpart 2. The renewal application must be made on the forms provided by the board.

Subp. 2. **Renewal deadline.** ~~The provider must submit to the board the renewal application and the annual renewal fee required in part 9000.0200 [Emergency].~~ The renewal application must be submitted or postmarked on or before the date the filing ends according to part 9000.0150 [Emergency]. The renewal application must include an affirmation by the provider that the statements on the form are true and correct to the best knowledge and belief of the provider.

~~Subp. 3. Late fees. A provider seeking renewal must pay the renewal fee and the late fee if the application for renewal is submitted or postmarked after the time period specified in subpart 2.~~

~~The late fee must accompany applications of practicing mental health service providers not made within 90 days of the effective date of this part.~~

Subp. ~~4.~~ 3. **Expiration of filing.** A filing expires if it is not renewed with the board within the deadline specified in subpart 2. A filing may be reissued following expiration only if the provider submits a new application ~~and pays the regular and the late filing fees required in part 9000.0200 [Emergency]~~.

9000.0190 [Emergency] VARIANCES.

Subpart 1. **Grounds for variance; variance application.** A filer or applicant may petition the board for a time limited variance from provisions in parts 9000.0100 to ~~9000.0200~~ 9000.0190 [Emergency], except for a provision that incorporates a statutory requirement. The petition must be in writing. The board shall grant a variance if the filer or applicant specifies alternative practices or measures equivalent to or superior to those in the rule in question and provides evidence that:

~~**9000.0200 [Emergency] FEES.**~~

~~Fees for filing as a mental health provider are as follows:~~

~~A. the fee for an application is $50;~~

~~B. the fee for renewal of filing is $50; and~~

~~C. the fee for late filing is $25.~~

Continued from page 1899

Department of Transportation

Petition of the County of Itasca for a Variance from State Aid Standards for Design Speed

NOTICE IS HEREBY GIVEN that the County Board of the County of Itasca has made a written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from minimum standards as they apply to a proposed construction project on County State Aid Highway 9 (Forest Highway 8) between 0.26 miles S.W. of the Cass-Itasca county line and 0.22 miles N.E. of the county line.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9910 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a design speed of 30 miles per hour instead of the required design speed of 40 miles per hour at the curve east of Lake Winnibigoshish dam.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 23 January 1989

Leonard W. Levine
Commissioner

Department of Transportation

Petition of the City of Minneapolis for a Variance from State Aid Standards for Street Width

NOTICE IS HEREBY GIVEN that the City Council of the City of Minneapolis has made a written request to the Commissioner of Transportation pursuant to *Minnesota Rules* § 8820.3300 for a variance from minimum standards for a construction project on Como Avenue between 15th Avenue S.E. and 22nd Avenue S.E.

The request is for a variance from *Minnesota Rules* for State Aid Operations § 8820.9912 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a street width of 44 feet, with parking permitted on both sides, instead of the required minimum width of 72 feet with parking permitted on both sides, or the required minimum width of 52 feet, with no parking permitted on either side. The City proposes to ban parking on the north side between 15th and 16th Avenues S.E. during peak traffic hours (7-9 a.m. and 4-6 p.m.).

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 23 January 1989

Leonard W. Levine
Commissioner

Department of Transportation

Petition of the City of Saint Paul for a Variance from State Aid Standards for Clear Zone

NOTICE IS HEREBY GIVEN that the City Council of the City of Saint Paul has made a written request to the Commissioner of Transportation pursuant to *Minnesota Rules* § 8820.3300 for a variance from minimum standards as they apply to a project on Chestnut street between West 7th Street and Smith Avenue on which construction has been completed but final payment is withheld.

The request is for a variance from *Minnesota Rules* for State Aid Operations § 8820.9912 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit three fixed objects (utility poles) within the two foot clear zone, instead of maintaining the required clear zone free of any fixed object, thereby approving the project for final payment.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 23 January 1989

Leonard W. Levine
Commissioner

Department of Transportation

Petition of the City of Saint Paul for a Variance from State Aid Standards for Parking

NOTICE IS HEREBY GIVEN that the City Council of the City of Saint Paul has made a written request to the Commissioner of Transportation pursuant to *Minnesota Rules* § 8820.3300 for a variance from minimum standards as they apply to a project on Burlington Road between Springside Road and Totem Road on which construction has been completed and on which a variance for design speed was granted by the Commissioner of Transportation on January 16, 1985.

The request is for a variance from *Minnesota Rules* for State Aid Operations § 8820.9912 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit parking on both sides of the street instead of restricted parking to the southwesterly side of the street as required.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 23 January 1989

Leonard W. Levine
Commissioner

Department of Transportation

Petition of the City of South Saint Paul for a Variance from State Aid Standards for Design Speed

NOTICE IS HEREBY GIVEN that the City Council of the City of South Saint Paul has made a written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from minimum standards as they apply to a proposed construction project on Municipal State Aid Street 104 (Marie Avenue) between 14th Avenue and 21st Avenue.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9912 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a design speed of 25 miles per hour instead of the required design speed of 30 miles per hour at four crest vertical curves located at the intersections of 16th, 17th, 18th, and 19th Avenues.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 23 January 1989

Leonard W. Levine
Commissioner

State Board of Vocational Technical Education

Public Hearing on State Plan for Vocational Technical Education for FY 90

NOTICE IS HEREBY GIVEN that a Public Hearing will be held on the proposed State Plan for Vocational Technical Education in conference room D, Veterans Service Building, 20 West 12th Street, St. Paul, Minnesota 55155, on Tuesday, March 14, 1989, commencing at 9:00 a.m. and continuing until all interested or concerned persons have had an opportunity to participate.

All representatives of school districts, associations, interested groups, and all interested or concerned persons will have an opportunity to be heard regarding the adoption of the proposed plan captioned above by submitting either oral or written recommendations or statements. Statements or briefs may be submitted by mail without personally appearing at the Hearing to Mr. Robert Bocklund, Federal Planning Manager, State Board of Vocational Technical Education, Fifth Floor, Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101, telephone 612/296-0122.

Copies of the proposed Minnesota State Plan for Vocational Technical Education for Fiscal Year 1990 will be available February 9, 1989, at the State Board of Vocational Technical Education, Fifth Floor, Capitol Square Building, 500 Cedar Street, St. Paul, Minnesota 55101. Additional copies will be available on the date of the hearing.

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.

Commodity: Plant mix bituminous—Brainerd
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: February 8
Agency: Transportation Department
Deliver to: Brainerd
Requisition #: 79300 B

Commodity: Plant mix bituminous—Golden Valley
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: February 8
Agency: Transportation Department
Deliver to: Golden Valley
Requisition #: 79500 B

Commodity: Traffic recorders
Contact: Pam Anderson 612-296-1053
Bid due date at 2pm: February 9
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79000 03040

Commodity: Athletic clothing—Rebid
Contact: Dale Meyer 612-296-3773
Bid due date at 2pm: February 9
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Skid loader—Case 1845C
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: February 10
Agency: Transportation Department
Deliver to: Owatonna
Requisition #: 79382 01587

Commodity: Skid loader—Case 1835C
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: February 10
Agency: Transportation Department
Deliver to: Various
Requisition #: 79382 01588

Commodity: Forklift—John Deere 482C
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: February 10
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79382 01580

Commodity: Tractor
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: February 10
Agency: Transportation Department
Deliver to: Various
Requisition #: 79382 01582

Commodity: Artwork and wall pictures
Contact: Linda Parkos 612-296-3725
Bid due date at 2pm: February 10
Agency: Human Services Department
Deliver to: St. Paul
Requisition #: 55000 95791

Commodity: Rock tops for labs
Contact: Joe Gibbs 612-296-3750
Bid due date at 2pm: February 10
Agency: Community College System
Deliver to: Rochester
Requisition #: 27000 60020

Commodity: Modular shell chairs
Contact: Linda Parkos 612-296-3725
Bid due date at 2pm: February 13
Agency: Revenue Department
Deliver to: St. Paul
Requisition #: 67130 10339

Commodity: Modular office system and install
Contact: Linda Parkos 612-296-3725
Bid due date at 2pm: February 13
Agency: Community College Board
Deliver to: St. Paul
Requisition #: 27138 50872

Commodity: Seed
Contact: Doug Thompson 612-296-3775
Bid due date at 2pm: February 13
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79050 23662

Commodity: Fish nets and twine
Contact: Doug Thompson 612-296-3775
Bid due date at 2pm: February 15
Agency: Natural Resources Department
Deliver to: Hutchinson
Requisition #: 29004 11420

Commodity: Plant mix bituminous—Addendum #1
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: February 14
Agency: Transportation Department
Deliver to: Owatonna
Requisition #: 79650 3

Commodity: Laundry soap, detergents, and chemicals
Contact: Dale Meyer 612-296-3773
Bid due date at 2pm: February 14
Agency: Various
Deliver to: Various

Contract Awards — Materials Management Division

Item: Laundry & dry cleaning equipment
Req.#: 02310 16595 01
Awarded to: Minnesota Chemical Co., St. Paul, MN
Awarded amount: $42,255.00
Awarded date: January 25, 1989
Expir/deliv date: April 1, 1989
Shipped to: Department of Human Services

Item: Computer equipment
Req.#: 12500 29241 01
Awarded to: Boffin, Ltd., Burnsville, MN
Awarded amount: $5,800.00
Awarded date: January 25, 1989
Expir/deliv date: February 15, 1989
Shipped to: Minnesota Department of Health

Item: Client purchases for the blind
Req.#: 21701 19784 01
Awarded to: Benson Optical, Minneapolis, MN
Awarded amount: $7,440.00
Awarded date: January 25, 1989
Expir/deliv date: February 15, 1989
Shipped to: Minnesota Department Jobs & Training

Item: Van, compact
Req.#: 29000 51473 01
Awarded to: North Star Dodge Center, Minneapolis, MN
Awarded amount: $12,445.00
Awarded date: January 25, 1989
Expir/deliv date: April 1, 1989
Shipped to: DNR Regional Headquarters

Item: Truck
Req.#: 29000 51485 01
Awarded to: Thane Hawkins, White Bear, MN
Awarded amount: $16,737.00
Awarded date: January 25, 1989
Expir/deliv date: April 1, 1989
Shipped to: DNR—Northern Service Center

Item: Computer equipment
Req.#: 29000 51288 01
Awarded to: Bergstrom Georgene Co., Minneapolis, MN
Awarded amount: $9,592.00
Awarded date: January 25, 1989
Expir/deliv date: February 17, 1989
Shipped to: DNR—Bureau of Engineeering

Item: Office machines, miscellaneous
Req.#: 29000 51297 01
Awarded to: Data Card Corp., Bloomington, MN
Awarded amount: $7,150.00
Awarded date: January 25, 1989
Expir/deliv date: March 13, 1989
Shipped to: DNR—Southern Service Center

Item: Computer equipment
Req.#: 60000 06316 01
Awarded to: Apple Computer Inc., Rolling Meadows, IL
Awarded amount: $5,907.00
Awarded date: January 25, 1989
Expir/deliv date: February 28, 1989
Shipped to: Minnesota Higher Education Coordinating Board

Item: Automobile
Req.#: 78550 06365 01
Awarded to: Thane Hawkins, White Bear, MN
Awarded amount: $10,998.00
Awarded date: January 25, 1989
Expir/deliv date: April 1, 1989
Shipped to: Minnesota Correctional Facility

Item: Auto hd truck & van
Req.#: 78830 09648 01
Awarded to: North Star Dodge Center, Minneapolis, MN
Awarded amount: $13,849.00
Awarded date: January 25, 1989
Expir/deliv date: March 31, 1989
Shipped to: Minnesota Correctional Facility

Item: Computer equipment
Req.#: 79000 92894 01
Awarded to: Barrister Information System, Bloomington, MN
Awarded amount: $8,295.00
Awarded date: January 25, 1989
Expir/deliv date: February 28, 1989
Shipped to: Minnesota Department of Transportation

Item: Paint, varnish, thinner, solvent
Req.#: 79100 08969 01
Awarded to: Vogel Paint & Wax Co., Orange City, IA
Awarded amount: $36,861.00
Awarded date: January 25, 1989
Shipped to: Minnesota Department of Transportation

Item: Box
Req.#: 29003 05020 01
Awarded to: Tilsner Carton Co., St. Paul, MN
Awarded amount: $36,540.00
Awarded date: January 26, 1989
Expir/deliv date: March 1, 1989
Shipped to: Various Locations

Item: Auto hd truck & van
Req.#: 78890 02166 01
Awarded to: Central Chevrolet, North Branch, MN
Awarded amount: $9,800.00
Awarded date: January 26, 1989
Expir/deliv date: January 27, 1989
Shipped to: Willow River Camp

Item: Computer equipment
Req.#: 79000 93882 01
Awarded to: Dell Marketing Corp., Austin, TX
Awarded amount: $6,111.11
Awarded date: January 26, 1989
Expir/deliv date: February 28, 1989
Shipped to: Minnesota Department of Transportation

Item: Hospital furniture, equipment and utensil
Req.#: 02310 16593 01
Awarded to: Hill Rom, Batesville, IN
Awarded amount: $156,429.28
Awarded date: January 27, 1989
Expir/deliv date: May 15, 1989
Shipped to: Department of Human Services

Item: Hospital furniture, equipment & utensil
Req.#: 02310 16591 01
Awarded to: Arjo Hospital Equipment Inc., Morton Grove, IL
Awarded amount: $16,751.50
Awarded date: January 27, 1989
Expir/deliv date: March 15, 1989
Shipped to: Department of Human Services

Item: Cable cord & wire, electronic
Req.#: 02410 90169 01
Awarded to: Gopher Electric Co., St. Paul, MN
Awarded amount: $8,580.00
Awarded date: January 27, 1989
Expir/deliv date: February 1, 1989
Shipped to: Intertechnologies Group

Item: Electron paramagnetic resonance equipment
Req.#: 26072 01673 01
Awarded to: University of Iowa, Iowa City, IA
Awarded amount: $35,000.00
Awarded date: January 27, 1989
Expir/deliv date: February 15, 1989
Shipped to: Moorhead State University

Item: Computer equipment
Req.#: 26175 09340 01
Awarded to: Southwest State University, Marshall, MN
Awarded amount: $14,212.12
Awarded date: January 27, 1989
Expir/deliv date: March 5, 1989
Shipped to: Southwest State University

Item: Copying equipment
Req.#: 37090 52219 01
Awarded to: Xerox Corp., Edina, MN
Awarded amount: $39,202.08
Awarded date: January 27, 1989
Expir/deliv date: February 28, 1989
Shipped to: Minnesota Department of Education Receiving

Item: Calculator and accessories
Req.#: 37010 52149 01
Awarded to: Widco Enterprises, Waseca, MN
Awarded amount: $8,800.00
Awarded date: January 27, 1989
Expir/deliv date: February 16, 1989
Shipped to: Minnesota Department of Education Receiving

Item: Furniture, office
Req.#: 55000 95779 01
Awarded to: Mid America Business System, Minneapolis, MN
Awarded amount: $14,066.00
Awarded date: January 27, 1989
Expir/deliv date: March 17, 1989
Shipped to: Department Human Services

Item: Computer equipment
Req.#: 78500 19502 01
Awarded to: Apple Computer Inc., Rolling Meadows, IL
Awarded amount: $19,757.60
Awarded date: January 27, 1989
Expir/deliv date: February 28, 1989
Shipped to: Minnesota Corrections Department

Item: Furniture, office
Req.#: 78830 09635 01
Awarded to: Mid America Business System, Minneapolis, MN
Awarded amount: $14,249.00
Awarded date: January 27, 1989
Expir/deliv date: February 28, 1989
Shipped to: Minnesota Correctional Facility

Item: Shelving, library, steel
Req.#: 79000 93910 01
Awarded to: Wahl & Wahl Inc., Minneapolis, MN
Awarded amount: $7,413.46
Awarded date: January 27, 1989
Expir/deliv date: March 31, 1989
Shipped to: Minnesota Department of Transportation

Item: Paint, varnish, thinner, solvent
Req.#: 79100 08970 01
Awarded to: Baltimore Paint & Chemical Co., Baltimore, MD
Awarded amount: $109,521.50
Awarded date: January 27, 1989
Expir/deliv date: March 20, 1989
Shipped to: Minnesota Department of Transportation

Item: Nursery stock
Req.#: 79800 03349 01
Awarded to: Bergens Wholesale Inc., Detroit Lakes, MN
Awarded amount: $8,225.00
Awarded date: January 27, 1989
Expir/deliv date: April 3, 1989
Shipped to: Various Locations

Item: Paint, traffic, three minute dry alkyd
Req.#: 79800 03343 01
Awarded to: Vogel Paint & Wax Co., Orange City, IA
Awarded amount: $36,168.00
Awarded date: January 27, 1989
Expir/deliv date: December 31, 1999
Shipped to: Minnesota Department of Transportation

Item: Beads, glass drop-on type
Req.#: 79800 03341 01
Awarded to: Flex O Lite Sales Corp., St. Louis, MO
Awarded amount: $21,362.40
Awarded date: January 27, 1989
Shipped to: Minnesota Department of Transportation

Item: Paint, traffic, three minute dry alkyd
Req.#: 79800 03344 01
Awarded to: Vogel Paint & Wax Co., Orange City, IA
Awarded amount: $56,331.00
Awarded date: January 27, 1989
Shipped to: Minnesota Department of Transportation

Item: Nursery stock
Req.#: 79900 03759 01
Awarded to: Hoffman & McNamara Co., Hastings, MN
Awarded amount: $7,363.00
Awarded date: January 27, 1989
Expir/deliv date: May 1, 1989
Shipped to: Minnesota Department of Transportation

Item: Furniture, office
Req.#: 02310 16581 01
Awarded to: Competitive Edge Office, St. Paul, MN
Awarded amount: $16,873.00
Awarded date: January 30, 1989
Expir/deliv date: May 1, 1989
Shipped to: Department of Human Services

Item: Computer equipment
Req.#: 21200 20034 01
Awarded to: Eastman Kodak Co., Minneapolis, MN
Awarded amount: $75,000.00
Awarded date: January 30, 1989
Expir/deliv date: March 15, 1989
Shipped to: Various Locations

Item: Compressor & vacuum pump
Req.#: 26071 18436 02
Awarded to: Torit Division of Donaldson, Minneapolis, MN
Awarded amount: $8,772.00
Awarded date: January 30, 1989
Expir/deliv date: February 28, 1989
Shipped to: Mankato State University

Item: Micro graphic equipment
Req.#: 42207 12946 01
Awarded to: Mid America Business System, Minneapolis, MN
Awarded amount: $20,280.00
Awarded date: January 30, 1989
Expir/deliv date: February 28, 1989
Shipped to: Department of Labor & Industry

Item: Micro graphic equipment
Req.#: 53000 02267 01
Awarded to: Mid America Business System, Minneapolis, MN
Awarded amount: $5,995.00
Awarded date: January 30, 1989
Expir/deliv date: February 9, 1989
Shipped to: Secretary of State

Item: Fabrics
Req.#: 55101 09273 01
Awarded to: Eike Interiors, Edina, MN
Awarded amount: $5,307.40
Awarded date: January 30, 1989
Expir/deliv date: March 31, 1989
Shipped to: Fergus Falls Regional Treatment Center

Item: General construction (remodeling)
Req.#: 75250 40011 02
Awarded to: Midwestern Pole Building, Eagan, MN
Awarded amount: $14,310.00
Awarded date: January 30, 1989
Expir/deliv date: February 28, 1989
Shipped to: Minnesota Veterans Home

Item: Repair, alteration to building
Req.#: 75200 20575 01
Awarded to: Gladstone Construction Inc., St. Paul, MN
Awarded amount: $9,411.00
Awarded date: January 30, 1989
Shipped to: Minnesota Veterans Home

Item: Cable cord & wire electronic
Req.#: 79000 93965 01
Awarded to: Anixter Minnesota, Plymouth, MN
Awarded amount: $8,160.00
Awarded date: January 30, 1989
Expir/deliv date: February 1, 1989
Shipped to: Minnesota Department of Transportation

Item: Lumber & related basic wood
Req.#: 79050 23615 01
Awarded to: Itasca Lumber Co., Grand Rapids, MN
Awarded amount: $13,533.30
Awarded date: January 30, 1989
Expir/deliv date: February 28, 1989
Shipped to: Various Locations

Item: Radio communication equipment: mobile/portable
Req.#: 79000 93962 01
Awarded to: Motorola Inc., Eden Prairie, MN
Awarded amount: $5,373.00
Awarded date: January 30, 1989
Expir/deliv date: June 19, 1989
Shipped to: MnDOT Communications

Item: Paint, traffic, three minute dry alkyd
Req.#: 79400 02937 01
Awarded to: Vogel Paint & Wax Co., Orange City, IA
Awarded amount: $89,937.65
Awarded date: January 30, 1989
Shipped to: Minnesota Department of Transportation

Item: Steering gear linkage & suspension MV
Req.#: 79990 00196 01
Awarded to: Kremer Spring & Alignment, Inver Grove Heights, MN
Awarded amount: $5,235.00
Awarded date: January 30, 1989
Expir/deliv date: February 15, 1989
Shipped to: MnDOT, Central Shop

Item: Janitorial & refuse disposal service
Req.#: 01000 05674 01
Awarded to: Waste Management Service, Savage, MN
Awarded amount: $14,832.00
Awarded date: January 31, 1989
Shipped to: Department of Military Affairs

Item: Janitorial & refuse disposal service
Req.#: 21200 19155 01
Awarded to: Showcase Cleaning, Shakopee, MN
Awarded amount: $6,228.00
Awarded date: January 31, 1989
Shipped to: Minnesota Department Jobs & Training

Item: Auto hd truck & van
Req.#: 27146 89026 01
Awarded to: Thane Hawkins, White Bear, MN
Awarded amount: $7,929.00
Awarded date: January 31, 1989
Expir/deliv date: April 1, 1989
Shipped to: Worthington Community College

Item: Truck, ½ ton, 4 × 4 wide box 8 ft., per
Req.#: 29000 51446 01
Awarded to: Thane Hawkins, White Bear, MN
Awarded amount: $11,584.00
Awarded date: January 31, 1989
Expir/deliv date: April 1, 1989
Shipped to: DNR—Southern Service Center

Item: Truck, ½ ton, 4 × 4 wide box 8 ft., per
Req.#: 29000 51459 01
Awarded to: Thane Hawkins, White Bear, MN
Awarded amount: $11,592.00
Awarded date: January 31, 1989
Expir/deliv date: April 1, 1989
Shipped to: DNR—Northern Service Center

Item: Truck
Req.#: 29000 51477 01
Awarded to: Thane Hawkins, White Bear, MN
Awarded amount: $16,737.00
Awarded date: January 31, 1989
Expir/deliv date: April 1, 1989
Shipped to: DNR Regional Headquarters

Item: Truck, ½ ton, 4 × 4 wide box 8 ft., per
Req.#: 29000 51478 01
Awarded to: Thane Hawkins, White Bear, MN
Awarded amount: $81,144.00
Awarded date: January 31, 1989
Expir/deliv date: April 1, 1989
Shipped to: DNR—Northern Service Center

Item: Truck, ½ ton, 4 × 4 wide box 8 ft., per
Req.#: 29000 51479 01
Awarded to: Thane Hawkins, White Bear, MN
Awarded amount: $46,368.00
Awarded date: January 31, 1989
Expir/deliv date: April 1, 1989
Shipped to: DNR Regional Headquarters

Item: Truck, ½ ton, 4 × 4 wide box 8 ft., per
Req.#: 29000 51480 01
Awarded to: Thane Hawkins, White Bear, MN
Awarded amount: $92,784.00
Awarded date: January 31, 1989
Expir/deliv date: April 1, 1989
Shipped to: DNR Regional Headquarters

Item: Truck, ½ ton, 4 × 4 wide box 8 ft., per
Req.#: 29000 51481 01
Awarded to: Thane Hawkins, White Bear, MN
Awarded amount: $11,584.00
Awarded date: January 31, 1989
Expir/deliv date: April 1, 1989
Shipped to: DNR Regional Headquarters

Item: Truck, ½ ton, 4 × 4 wide box 8 ft., per
Req.#: 29000 51482 01
Awarded to: Thane Hawkins, White Bear, MN
Awarded amount: $35,427.00
Awarded date: January 31, 1989
Expir/deliv date: April 1, 1989
Shipped to: DNR Regional Headquarters

Item: Janitorial & refuse disposal service
Req.#: 55510 03332 01
Awarded to: City Sanitary Service, Walker, MN
Awarded amount: $25,920.00
Awarded date: January 31, 1989
Shipped to: Ah-Gwah-Ching Nursing Home

Item: Automobile, medium compact
Req.#: 78760 02560 01
Awarded to: Southdale Ford, Bloomington, MN
Awarded amount: $8,537.00
Awarded date: January 31, 1989
Expir/deliv date: April 1, 1989
Shipped to: Minnesota Correctional Facility

Item: Loader skid, steer type
Req.#: 79382 01577 01
Awarded to: Lano Equipment Inc., Shakopee, MN
Awarded amount: $20,180.42
Awarded date: January 31, 1989
Expir/deliv date: March 30, 1989
Shipped to: Minnesota Department of Transportation

Item: Load skid, steer type
Req.#: 79382 01574 01
Awarded to: Tri State Bobcat, Burnsville, MN
Awarded amount: $10,900.00
Awarded date: January 31, 1989
Expir/deliv date: February 20, 1989
Shipped to: Minnesota Department of Transportation

Item: Flooring (furnish & install)
Req.#: 79150 00749 01
Awarded to: Commercial Flooring, Duluth, MN
Awarded amount: $5,520.00
Awarded date: January 31, 1989
Shipped to: Various Locations

Department of Administration: Print Communications Division

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: "No Smoking" pocket portfolios, 400 4½" w/pockets glued at outsides, camera ready line art for front cover, 1-sided, sheets 11½" × 8 13/16"
Contact: Printing Buyer's Office
Bids are due: February 8
Agency: Minnesota Health Department
Deliver to: Minneapolis
Requisition #: 4235

Commodity: 1989-1990 catalog, 35m books 128p + cover, 8½"x11" trim size, 4-colors plus halftones, camera ready, perfect bind
Contact: Printing Buyer's Office
Bid opening 2pm: February 14
Agency: Metropolitan State University
Deliver to: St. Paul
Requisition #: 4693

Commodity: 1989 Moose hunt information booklet, 75m 16 + cover, 8½"x11" trim size, type to set, 2-sided, negs furnished, saddle stitch
Contact: Printing Buyer's Office
Bid opening 2pm: February 14
Agency: DNR-License Bureau
Deliver to: St. Paul
Requisition #: 4706

Commodity: Undergraduate bulletin, 50m 260p + cover, 6"x9" trim size, camera ready, perfect binding, inside text paper supplied by St. Cloud State University
Contact: Printing Buyer's Office
Bid due date 2pm: February 14
Agency: St. Cloud University
Deliver to: St. Cloud
Requisition #: 4744

Contract Awards—Print Communications Division

Item: Baudette Area Forest Roads
Req.#: 4272
Awarded to: Printing Resources, Shoreview
Amount: $1,390.00
Date: January 30
Deliver to: DNR—Forestry, Baudette
Delivery date: As requested

Item: German Brochure
Req.#: 4501
Awarded to: Photo Mechanical Services, Minneapolis
Amount: $850.00
Date: January 31
Deliver to: Minnesota Tourism Office, St. Paul
Delivery date: As requested

Minnesota Department of Agriculture

Request for Proposal to Establish a Pilot Plant for a Protein Xanthophyll Alfalfa Extraction Process

The Commissioner of Agriculture has been authorized to contract for the establishment of a pilot plant for a protein xanthophyll alfalfa extraction process. The "testing for markets" is also required for the successful establishment of this pilot plant.

This Request for Proposal does not obligate the state to complete this project, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

This contract is calling for (1) the establishment of such a pilot plant; (2) the demonstration of the technical feasibility of this extraction process; and (3) the market assessment and testing of the products and/or by-products of this process. Responders should submit a work plan that results in a report that includes, but is not limited to, an assessment of the following:

Processing and Operations.

Physical Location, necessary facilities, and equipment; Description of the processing operation, seasonal nature of processing; and necessary size and skills of the labor force.

Technical Feasibility. Description and demonstration of the engineering and chemical technical feasibility of this extraction process.

Management and Organization. Description of organizational structure and qualifications of key management personnel.

Environmental and other Regulatory Requirements. Specify the necessary precautions and safeguards required to meet local, state and federal environmental regulations or zoning restrictions.

Timing. Estimated construction schedule and expected start-up date.

Financial information. Estimated delivered cost/unit of final product; breakeven analysis and financial statements for current production period and projected for next five years.

Market Testing.

Description of xanthophyll products, potential uses and customers; historical production, volume, area and seasonal patterns.

Market Assessment. Customers, product and uses, seasonal consumption patterns; market size and trends; competition, including other areas of production or other products, market share for producers and marketers of xanthophyll, and market price expectations.

Uniqueness. Advantages of xanthophyll over other competing products; R & D efforts currently underway; special regulatory requirements (eg., FDA).

Responders may propose additional or alternative tasks or activities if they will substantially improve the results of the project.

Proposals are requested from individuals, companies or organizations wishing to contract for the investigations and studies described above. Prospective responders who have any questions regarding this Request for Proposal may call or write:

Ralph Groschen, Director of Marketing
Minnesota Department of Agriculture
90 West Plato Blvd., St. Paul, MN 55107
(612) 297-2223

PLEASE NOTE: other Department personnel are not allowed to discuss the project with responders before the submittal of proposal deadline.

All proposals must be sent to and received by:

Ralph Groschen, Director of Marketing
Minnesota Department of Agriculture
90 West Plato Blvd., St. Paul, MN 55107
(612) 297-2223

Not later than 4:30 p.m., February 24, 1989.

Late proposals will not be accepted. Submit 5 copies of proposal. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of the project.

The Commissioner has been appropriated $300,000, to be matched on the basis of $2 of nonstate money (or in-kind contributions) for each $1 of appropriated money. The cost of this project should not exceed this amount.

The project will be completed by December 1, 1989.

The following will be considered minimum contents of the proposal:

1. A restatement of the objectives, goals and tasks to show or demonstrate the responder's view of the nature of the project.

2. Identify and describe the deliverables to be provided by the responder.

3. Outline the responder's background and experience with particular emphasis on local, state and federal government work. Identify personnel to conduct the project and detail their training and work experience. No change in personnel assigned to the project will be permitted without the approval of the State Project Manager.

4. Responder will prepare a detailed cost and work plan which will identify the major tasks to be accomplished and be used as a scheduling and managing tool as well as the basis for invoicing.

5. Identify the level of the Department's participation in the project as well as any other services to be provided by the Department.

All proposals received by the deadline will be evaluated by representatives of the Department of Agriculture. In some instances, an interview may be part of the evaluation process. Factors upon which proposals will be evaluated include, but are not limited to, the following:

- Demonstrated understanding of the project;
- Project work plan;
- Project cost detail;
- Qualifications of the proposing individual, company or organization

Evaluation and selection will be completed by March 10, 1989. Results will be sent immediately by mail to all who submit proposals.

State Designer Selection Board

Request for Proposal for a Project at the University of Minnesota

To Registered Professional in Minnesota:

The State Designer Selection Board has been requested to select designer for a project at the University of Minnesota. Design

firms who wish to be considered for this project should submit proposals on or before 4:00 p.m., February 28, 1989, to George Iwan, Executive Secretary, State Designer Selection Board, Room G-10, Administration Building, St. Paul, Minnesota 55155-1495.

The proposal must conform to the following:

1) Six copies of the proposal will be required.

2) All data must be on 8½" x 11" sheets, soft bound.

3) The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 8 below, together with the designer's firm name, address, telephone number and the name of the contact person.

4) *Mandatory Proposal contents in sequence:*

a) Identity of the firm and an indication of its legal status, i.e. corporation, partnership, etc. If the response is from a joint venture, this information must be provided for firms comprising the joint venture.

b) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. If desired, identify roles that such persons played in projects which are relevant to the project at hand.

c) A commitment to enter the work promptly, if selected, by engaging the consultants, and assigning the persons named 4b above along with adequate staff to meet the requirements of work.

d) A list of State and University of Minnesota current and past commissions under contract or awarded to the prime firm(s) submitting this proposal during the three (3) years immediately preceding the date of this request for proposal. The prime firm(s) shall *list and total* all fees associated with these projects whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects listed pursuant to the above.

e) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described. It must be noted if the personnel named were, at the time of the work, employed by other than their present firms.

The proposal shall consist of no more than twenty (20) faces. Proposals not conforming to the parameters set forth in this request will be disqualified and discarded without further examination.

5) *Statutory Proposal Requirements:*

In accordance with the provisions of *Minnesota Statutes*, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of $50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted.

The proposal will not be accepted unless it includes one of the following:

a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or

b) A statement certifying that firm has a current certificate of compliance issued by the Commissioner of Human Rights; or

c) A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months; or

d) A statement certifying that the firm has an application pending for a certificate of compliance.

6) In accordance with the provisions of *Minnesota Statutes* 16B.19, Subdivision 6, at least 10% of the amount of any contract in excess of $200,000.00 must be subcontracted to certified small businesses owned and operated by S/E/D persons as defined by *Minnesota Statutes* 645.445. Alternatively, the requirement may be met by purchasing materials or supplies from S/E/D businesses. Any combination of subcontracting and purchasing that meets the 10% requirements is acceptable. If there are no S/E/D persons able to perform subcontracting or provide supplies and materials, other small businesses as defined are to be utilized instead of small businesses owned and operated by S/E/D persons.

7) Design firms wishing to have their proposals returned after the Board's review must follow one of the following procedures:

a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or

b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

In accordance with existing statute, the Board will retain one copy of each proposal submitted.

Any questions concerning the Board's procedures or their schedule for the project herein described may be referred to George Iwan at (612) 296-4656.

8) PROJECT—2-89
Replacement of PCB Contaminated Transformers
University of Minnesota
Twin City Campus

The University of Minnesota is planning for the replacement of polychlorinated byphenyls (PCB) contaminated electrical transformers with non-hazardous equipment at approximately forty-seven (47) sites on the Twin Cities Campus. The construction budget is approximately $2,200,000.00.

In order to comply with Environmental Protection Agency rules and regulations prohibiting the use of PCB-contaminated equipment after October 1, 1990, construction documents will need to be completed by August 30, 1989, with project completion targeted for September, 1990. The firm's ability to prepare the construction documents within this time frame shall be a selection criteria.

Bernard Jacob, Chairman
State Designer Selection Board

Department of Health

Notice of Availability of Contracts for Media Campaign

Purpose

The Minnesota Department of Health, in conjunction with the Department of Human Services, is seeking organizations interested in competing for a contract to research, design, produce, and distribute a media campaign. The theme of the campaign is the promotion of enhanced mental health in young children (kindergarten and first grade age), in order to contribute to their healthy development of self-esteem and early social competency.

Budget/Time Frame

The total budget for this contract is not more than $140,000. The estimated starting date is Friday April 7, 1989, with the contract work completed and distributed by Friday June 30, 1989.

Eligibility Criteria

Applicants must demonstrate administrative, organizational, fiscal, and creative capability to complete the projects to be covered by this contract. Other desirable qualifications include experience in producing media messages for public service and public health campaigns, as well as the ability to distribute the media pieces to the target audience(s) in a creative, effective manner.

Minimum Expectations

The successful responder will be expected 1) to identify creative and cost effective methods for disseminating information through use of educational materials, mass media, and other creative promotional techniques, 2) to research appropriate campaign messages and methods through the use of focus group or other market research, 3) to develop and produce educational materials, possibly adapted from existing and cooperative mental health promotion programs, and based on input from focus group or other market research recommendations, 4) to develop a comprehensive plan for promotion and distribution of the media pieces, 5) to complete an evaluation and research component, for use in future campaign or program planning.

Procedure for Submitting Proposals

Those interested in receiving the complete request for proposal may contact:

Susan Kripke Byers, Project Coordinator
Mental Health Project
Division of Health Promotion and Education
Minnesota Department of Health
717 Delaware St. SE
P.O. Box 9441
Minneapolis, MN 55440
(612) 623-5181

Proposals are due Friday, March 3, 1989 by 4:30 p.m.

Minnesota Higher Education Facilities Authority

Notice of Request for Proposals for Auditing Services for the Minnesota Higher Education Facilities Authority

NOTICE IS HEREBY GIVEN that the Minnesota Higher Education Facilities Authority intends to engage the services of a certified public accounting firm to examine and report upon the financial statements of the Authority's programs for the fiscal year ending June 30, 1989, with the option to renew the contract for the fiscal years ending June 30, 1990 and June 30, 1991. The audit must comply with generally accepted auditing standards which encompass the AICPA's industry's audit guide, "Audits of State and Local Governmental Units."

Information contained in the audit report should be of sufficient detail to include in Official Statements of subsequent Authority Bond issues, the Authority's Annual Report and the Statewide Audit Report. The auditing firm must have a current certificate of compliance from the Commissioner of Human Rights indicating that the auditing firm has an affirmative action plan for the employment of minority persons, women and the disabled.

Those interested in receiving requests for proposals should contact:

Dr. Joseph E. LaBelle
Executive Director
Minnesota Higher Education Facilities Authority
450 Galtier Plaza, 175 East 5th Street
St. Paul, Minnesota 55101
(612) 296-4690

Proposals will be accepted until 4:00 p.m., February 27, 1989.

Minnesota Higher Education Facilities Authority

Notice for Request for Proposals for Financial Advisor

NOTICE IS HEREBY GIVEN that the Minnesota Higher Education Facilities Authority intends to engage the services of a Financial Advisor to provide consultative services with respect to the issuance of obligations of the Authority.

The fiscal consulting firm must have a current certificate of compliance from the Commissioner of Human Rights indicating the consulting firm has an affirmative action plan for the employment of minority persons, women and disabled.

Those interested in receiving requests for proposals should contact:

Dr. Joseph E. LaBelle
Executive Director
Minnesota Higher Education Facilities Authority
450 Galtier Plaza, 175 East 5th Street
St. Paul, Minnesota 55101
(612) 296-4690

Proposals will be accepted until 4:00 p.m., February 27, 1989.

Department of Human Services

Division for Persons with Developmental Disabilities

Request for Proposals to Provide Training and Development of Training Materials Regarding Department of Human Services Adopted Rules Governing Licensure of:

1. Residential Programs for Persons with Mental Retardation or Related Conditions, *Minnesota Rules*, Parts 9525.0215 to 9525.0355 (Rule 34); and,

2. Residential-Based Habilitation Services for Persons with Mental Retardation or Related Conditions, *Minnesota Rules*, Parts 9525.2000 to 9525.2140 (Rule 42)

This is a request for proposal (RFP) to develop training materials and provide training to Minnesota service providers who provide:

1) residential services to persons with mental retardation and related conditions, and, 2) residential habilitation services to persons receiving services under the Title XIX waiver. Products to be developed under this contract include two provider manuals (one for Rule 34, one for Rule 42) and related training materials (i.e., overhead transparencies). The manuals must include: 1) rule content; 2) interpretive guidelines; 3) information on coordinating various state and federal requirements in meeting the rule; and, 4) practical strategies (e.g., formats and protocols) for providers to implement the rule. Each manual shall be a finished document; the content and quality must be suitable for dissemination to service providers with an indexing system that will allow for future updates. Both manuals are expected to be completed by May 31, 1989.

In addition, a minimum of 10 training sessions must be conducted throughout Minnesota. Each training session must consist of at least four hours of instruction on Rule 34 and four hours of instruction on Rule 42. The training sessions must occur no later than by August 15, 1989.

The cost of the training and development of training materials, including the two manuals, may not exceed $15,000.

Proposals must be submitted to Ralph McQuarter, Division for Persons with Developmental Disabilities at the address below. Three copies of the proposal must be submitted and sealed in a mailing envelope or package with the responders' name and address clearly marked on the outside and postmarked no later than February 27, 1989.

Each copy of the proposal must be signed by an authorized member of the contracting firm. Prices and terms of the proposal as stated by the respondent must be valid for the length of the project.

For a copy of a more detailed explanation of this request for proposals, contact:

Ralph McQuarter
Division for Persons with Developmental Disabilities
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3825
(612) 296-2160

Department of Public Service

Request for Proposals from Consultants to Provide Expertise in Analysis Economic Analysis of Telecommunications Issues

I. INTRODUCTION

The Minnesota Department of Public Service is soliciting proposals from qualified consultants to provide expertise in economic analysis of telecommunications issues. The Department wishes to retain such a consultant so that routine assistance may be provided to other members of the Department staff on an intermittent basis, assuring that filings made by telephone companies in Minnesota may receive expedited analysis when excessive workloads become an obstacle to completing reviews within statutory timeframes.

II. QUALIFICATIONS OF RESPONDENTS

Qualified respondents must be able to demonstrate expertise and experience as a regulatory or utility economist. An academic background in economics, with telephone industry experience or experience as a member of a public utility commission staff, is mandatory. Experience in preparing or reviewing rate proposals, tariff changes, or other regulatory filings is desirable. Experience in the development of cost studies for specific telephone services is desirable. Experience presenting testimony before the Federal Communications Commission or one or more public utility commissions in the United States or Canada would be helpful, but is not a strict condition of acceptance.

III. SCOPE OF THE PROJECT

A. Duration of the Project

The Department would like to initiate this project before April 15, 1989. It is anticipated that the duration of the project would be until December 31, 1989, with annual extensions being made upon mutual consent. Some of the results of this project may be used as evidence in a contested hearing at a later date. Any expert testimony that would originate from this project would be due in accordance with prescribed schedules. Any expert testimony that might be required after December 31, 1989 would be arranged under separate contract.

B. Tasks to be Performed

The Department's objective in this project is to have an independent expert assist Department staff with the analysis of telephone company filings during periods in which the number of filings is unusually heavy. Statutory deadlines of 10 to 20 days accompany

certain rate change filings made by telephone companies before the Minnesota Public Utilities Commission. When a large number of such filings arrives, Department staff require assistance so that more routine analyses and reviews which do not have statutory deadlines are not postponed for undue periods. It is expected that the consultant would examine routine filings which do not have short time deadlines, so that existing Department staff may devote their attention to those filings that have short time horizons. Also, it is expected that the consultant will be available to answer questions from Department staff on topics in which the consultant has special expertise. To this end, the consultant will be expected to perform the following tasks:

1. Perform analysis of telephone tariff filings when required.

2. Advise Department staff regarding topics in which the consultant may have particular expertise.

3. Generally assist staff in its analysis of tariff filings for specific telephone services. This could lead to a role as primary investigator of the filing, if warranted.

4. Work closely with designated members of the Department staff and management to assure compliance with the goals of the Department. The consultant will provide designated staff a progress report every two weeks throughout the duration of the analysis, if deemed necessary by the Department.

5. Provide a written report of the results of the study review, when requested by the Department. Prepare letters of acceptance of the filing to be sent to the telephone company, if necessary. Help maintain updated tariff books and company files, if necessary. Prepare capsule summaries for the Minnesota Public Utilities Commission upon completion of the review, if necessary. Any task assignment should include thorough documentation of each issue raised in the review. Contractor shall, upon request, provide the Department with annotated copies of all working papers. To remain in accordance with state policy, any reports prepared by the consultant must be printed on recycled paper, if possible.

Phase II (under separate contract)

6. If the Department decides that any analysis indicates that a telephone company's filing warrants a critical review in a contested hearing, the consultant, acting as a member of the Department's staff participating in that proceeding, will:

a) Discover and develop issues related to the company's filing, preparing discovery requests as necessary.

b) Assist Department counsel in the preparation of cross-examination of company and intervenor witnesses.

c) Develop and deliver prefiled direct, rebuttal and/or surrebuttal testimony on issues relating to the case. Be available for cross-examination in a contested hearing, if needed.

d) Assist Department counsel in its preparation of briefs related to issues developed in testimony.

IV. PROPOSAL CONTENTS

The following will be considered minimum contents of the consultant's proposal.

1. A qualifications statement of the consultant's background and experience in preparing and/or reviewing telephone company filings placed before a public utility commission.

2. A restatement of the objectives and task of the project to illustrate the consultant's understanding of the proposal.

3. Identification of all personnel who will perform each task, their training and experience. No change in personnel assigned to this project will be permitted without advance approval of the Department. Assurance must be given that personnel who conduct the project will be available under a separate contract to fulfill any duties as an expert witness, if that becomes necessary.

4. A detailed price list which identifies in specific terms all the tasks that can be performed, with cost estimates for each. This should include estimates of the hourly rate for each analyst, and typical charges for support staff, travel to Minnesota and supplies.

5. Copies of recently delivered testimony or studies regarding the tasks described above or similar tasks.

V. SUBMISSION OF PROPOSALS

Responses to this proposal are due by March 15, 1989 and should be addressed to:

Dr. Nelson J. Updaw
Minnesota Department of Public Service
790 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
612/296-7603

Late proposals will not be accepted. The proposal must be signed by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of time specified in the proposal. These should include any work related to testifying in a later proceeding. By the publishing of this RFP, the state is not obligated to go through with the project. Prospective respondents who have questions concerning this request for proposal may call Dr. Updaw.

Department of Public Service

Request for Proposals from Consultants to Provide Expertise in Telecommunications Engineering

I. INTRODUCTION

The Minnesota Department of Public Service is soliciting proposals from qualified consultants to provide expertise in telecommunications engineering. The Department wishes to retain such a consultant so that routine assistance may be provided to other members of the Department staff on an intermittent basis, and so that filings made by telephone companies in Minnesota may receive expedited analysis when engineering considerations become a substantial issue in the filing.

II. QUALIFICATIONS OF RESPONDENTS

Qualified respondents must be able to demonstrate expertise and experience as a telecommunications engineer. An academic background in engineering with telephone industry experience, either in network design, cost estimation or capital planning, is mandatory. Experience in plant construction, retirement or the supervision of construction or retirement of telephone plant is desirable. Experience in the development of cost studies for specific telephone services is desirable. Experience presenting testimony before the Federal Communications Commission and one or more public utility commissions in the United States or Canada would be helpful, but is not a strict condition of acceptance.

III. SCOPE OF THE PROJECT

A. Duration of the Project

The Department would like to initiate this project on or before April 15, 1989. It is anticipated that the duration of the project would be until December 31, 1989, with annual extensions being made upon mutual consent. Some of the results of this project may be used as evidence in a contested hearing after December 31, 1989. Any expert testimony that would originate from this project would be due in accordance with prescribed schedules. Any expert testimony that might be required later would be arranged under separate contract.

B. Tasks to be Performed

The Department's objective in this project is to have an independent expert assist Department staff with issues concerning telecommunications engineering as well as analyze specific telephone company filings which contain engineering models as support for cost of service studies. To this end the consultant will be expected to perform the following tasks:

1. Assist Department staff in its analysis of telephone depreciation studies when the introduction of new technology is cited as a major factor leading to shorter plant lives for existing equipment.

2. Assist Department staff in its analysis of telephone depreciation studies when major plant retirements are made due to network efficiencies. This might include the provision of an opinion regarding the prudence of the investment made when the existing plant was installed, or the prudence of its replacement.

3. Assist staff in its analysis.of cost studies for specific telephone services, in particular, incremental cost studies. This could lead to a role as primary investigator of the filing, if warranted.

4. Work closely with designated members of the Department staff to assure compliance with the goals of the Department. The consultant will provide designated staff a progress report every two weeks throughout the duration of the analysis.

5. Provide a written report of the results of the study review, when requested by the Department. This should include thorough documentation of each issue raised in the review. Contractor shall, upon request, provide the Department with annotated copies of all working papers. To remain in accordance with state policy, all reports written by the consultant must be printed on recycled paper, if possible.

Phase II (under separate contract)

6. If the Department decides that this analysis indicates that a telephone company's filing warrants a critical review in a contested hearing, the consultant, acting as a member of the Department's staff participating in that proceeding, will:

a) Discover and develop issues related to the company's filing, preparing discovery requests as necessary.

b) Assist Department counsel in the preparation of cross-examination of company and intervenor witnesses.

c) Develop and deliver prefiled direct, rebuttal and/or surrebuttal testimony on issues relating to the case. Be available for cross-examination in a contested hearing, if needed.

d) Assist Department counsel in its preparation of briefs related to issues developed in testimony.

IV. PROPOSAL CONTENTS

The following will be considered minimum contents of the consultant's proposal.

1. A qualifications statement of the consultant's background and experience in preparing and reviewing cost estimates for the installation or removal of telephone plant, the development and analysis of depreciation studies or the development of cost estimates for particular telephone services.

2. A restatement of the objectives and task of the project to illustrate the consultant's understanding of the proposal.

3. Identification of all personnel who will perform each task, their training and experience. No change in personnel assigned to this project will be permitted without advance approval of the Department's project manager. Assurance must be given that personnel who conduct the project will be available under a separate contract to fulfill any duties as an expert witness, if that becomes necessary.

4. A detailed price list which identifies in specific terms all the tasks that can be performed, with cost estimates for each. This should include estimates of the hourly rate for each analyst, and typical charges for support staff, travel to Minnesota and supplies.

5. Copies of recently delivered testimony or studies regarding the tasks described above or similar tasks.

V. SUBMISSION OF PROPOSALS

Responses to this proposal are due by March 15, 1989 and should be addressed to:

Dr. Nelson J. Updaw
Minnesota Department of Public Service
790 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
612/296-7603

Late proposals will not be accepted. The proposal must be signed by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of time specified in the proposal. These should include any work related to testifying in a later proceeding. By the publishing of this RFP, the state is not obligated to go through with the project. Prospective respondents who have questions concerning this request for proposal may call Dr. Updaw.

Office of Tourism

Department of Trade & Economic Development
Request for Proposals for Advertising Sales Person

The Minnesota Office of Tourism is seeking proposals for an advertising sales person to sell advertising for the Southern Regional Travel Directory. The sales person will be responsible for selling advertising in the thirty-nine counties that make up the southern region with the regional office located in Mankato. The target area will be convention and visitor bureaus, chambers of commerce, motels, hotels, campgrounds, resorts, and other tourism properties.

The contract amount is not to exceed $45,000 for all services rendered beginning March 24, 1989 through completion of the project on December 31, 1989. To receive a copy of the Request for Proposal, contact:

Bob Kennebeck
Minnesota Office of Tourism
Southern Region
Box 286
Mankato, MN 56001
507/389-6258
Fax #507/389-6255

All proposals must be received no later than 4:30 p.m., Monday February 27, 1989.

David J. Speer, Commissioner
Minnesota Department of Trade
& Economic Development
Office of Tourism

Department of Trade and Economic Development

Minnesota Amateur Sports Commission

Notice of Request for Proposals for Sports Center/Blaine Minnesota-Consultant/Full-Service Medical Facility

The Minnesota Amateur Sports Commission is seeking Proposals from qualified individuals to assist the Commission in overseeing the development, from its preliminary planning stage to the awarding of a contract for the construction of a full-service medical facility on the property of the National Sports Center/Blaine, Minnesota.

This consultant would, on behalf of the Minnesota Amateur Sports Commission, research and formulate a request for proposal for the full-service medical facility, would analyze the responses to the request for proposals and be given the responsibility of recommending to the Commission the appropriate supplier of the services requested.

Interested individuals will be required to respond to all the specifications contained in the Request for Proposals and will be required to submit a resume of relevant experience with special attention to sports facilities/and full-service medical facilities.

The contract will be awarded based on the following criteria: total cost, experience/expertise in major sports facilities/full-service medical facilities development and funding.

Period: February 24, 1989—August 24, 1989

The Request for Proposals containing detailed information for the project may be requested from the Minnesota Amateur Sports Commission. The deadline for submitting proposals is 4:30 p.m., Friday, February 24, 1989. Please direct proposals and inquiries to:

Paul D. Erickson
Executive Director
Minnesota Amateur Sports Commission
900 American Center Building
150 E. Kellogg Blvd.
St. Paul, MN 55101
Phone: 612/296-4845

Department of Trade and Economic Development

Minnesota Amateur Sports Commission

Notice of Request for Proposals for the National Sports Complex Logo Licensing Program

The Minnesota Amateur Sports Commission (MASC) is seeking proposals from qualified individuals to assist the commission in developing a licensing program for the National Sports Center's logo.

This individual would report directly to the Executive Director of the Commission and institute initially a regional, and subsequent, national licensing program centered around the newly developed logo of the National Sports Center.

The proposals should establish perimeters for the licensing program in three major areas:

1. Develop a plan, and sales kit to approach manufacturers of potential items to be included in the licensed line of products.
2. Develop an administration package for the licensing program of the National Sports Center.
3. Develop a support program for the National Sports Center licensing program.

Interested individuals will be required to respond to all the specifications contained in the Request for Proposals and will be required to submit an outline of a potential program when responding to this request.

Period: March 1, 1989—March 1, 1992 with an annual renewal

The Request for Proposals containing detailed information on the project may be requested from the Minnesota Amateur Sports Commission. The deadline for submitting proposals is 4:30 p.m., Friday, February 24, 1989. Please direct proposals and inquiries to:

Paul D. Erickson
Executive Director Minnesota Amateur Sports Commission
900 American Center Building
150 E. Kellogg Blvd.
St. Paul, MN 55101
Phone: 612/296-4845

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.

Association of Training Officers of Minnesota

Notice of Request for Proposals to Conduct a Police Instructor Development Course

The Association of Training Officers of Minnesota (ATOM) is soliciting written proposals to conduct a Police Instructor Development Course in mid-April, 1989.

The proposals submitted need to provide for the following minimums:

1. Prepare and provide all necesssary course materials and supplies and conduct all training.
2. Provide all instructors; resumes and lesson plans to be submitted prior to close of bids, February 27, 1989.
3. Must obtain Minnesota Board of Peace Officer standards and training approval for a minimum of 35 C.E. credits.
4. Develop, process and deliver a final course evaluation.
5. Provide a certificate of course completion.
6. Curriculum must include:
   A. Theories of Adult Leaning.
   B. Learning Objectives and Lesson Plan Development.
   C. Methods of Instruction.
   D. How to Conduct Needs Analysis, Evaluations and Testing.
   E. Use of Audio-Visual Mediums.
   F. Practical Application of Teaching Methods with Critique.

ATOM will provide for the training site, advertising and selection of students (up to 40).

Proposals should be based on per student tuition, not to exceed $350.00 and class size not to exceed 40 students.

For further details of this solicitation, the contact person is Thomas Wilske, Airport Police Training Coordinator, Area Code (612) 726-5115.

Written proposals must be submitted by February 27, 1989 to:

A.T.O.M
P.O. Box 40056
St. Paul, Minnesota 55104-8056

State Grants

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

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

Minnesota Housing Finance Agency

Applications Accepted for the Federal Low Income Housing Tax Credit Program

Introduction

The Minnesota Housing Finance Agency (MHFA) is pleased to announce that it is accepting applications for reservation and allocation of the Low Income Housing Tax Credits, authorized by the Federal Tax Reform Act of 1986. The Low Income Housing Tax Credits offer a ten-year reduction in tax liability to owners and investors in eligible low-income, new construction, rehabilitation or existing rental housing.

The tax credit program is a three-year program that began January 1, 1987 and expires December 31, 1989. The total amount of the tax credit available for 1989 for Minnesota will be $5,382,500 based on $1.25 per capita. Ten percent of the total, or $538,250, is reserved for qualified nonprofit organizations.

Credit Formula

The 1987 Minnesota Legislature designated the MHFA as the primary apportionment agency for low-income housing tax credits for the state and also authorized eligible cities and counties to administer the tax credits in their respective jurisdictions based on the following formula:

The MHFA shall reserve to each eligible city and county an amount equal to the greater of (1) the product obtained by: (a) deducting from the per capita amount used in determining the annual state ceiling for low-income housing credits provided under Section 42 of the *Internal Revenue Code of 1986*, a percentage portion of the per capita amount equal to the percentage set-aside apportionment for projects involving a qualified nonprofit organization, as provided therein; and (b) multiplying the difference obtained in clause (a) by the population of the city or county; and (c) multiplying the product obtained under clause (b) by 1.5 or (2) 90 percent of the total state ceiling for low-income housing credits, multiplied by a fraction that has as its numerator the number of rental units located within the city or county and that has as its denominator the total number of rental units located within the state. For purposes of this subdivision, the state demographer shall provide population and rental unit estimates to the MHFA. (*Minnesota Statutes* Chapter 462A.222 Subdivision 2.)

Local Administration of Tax Credit

The following eligible cities and counties have the authority to administer the tax credits locally:

City/County	Amount of Tax Credit for 1989
St. Cloud	$ 74,991.00
Bloomington	142,560.00
Dakota County	404,155.00
Duluth	148,415.00
Minneapolis	972,356.00
St. Paul	556,044.00
Rochester	107,602.00
Washington County	220,536.00
SUBTOTAL	$2,626,659.00
Administered by MHFA	2,217,591.00
Nonprofit Set-Aside	538,250.00
TOTAL AVAILABLE FOR STATE	$5,382,500.00

Applicants with eligible buildings located within the jurisdiction of the above local governments must apply to the local administrators for allocation of the low-income housing tax credit. Any suballocation to local governments that is not committed by October 1, 1989 must be returned to the MHFA for statewide allocation. The MHFA will not make an allocation for projects located within the jurisdiction of the cities or counties that have elected to administer the credits until the amounts reserved have been allocated or returned to the MHFA for allocation.

State Ceiling, State Demographer Population and Rental Unit Estimates for Tax Credits in 1989

The ceiling for the State of Minnesota for calendar year 1989 is $5,382,500—Minnesota's population estimate of 4,306,000 times $1.25. The estimated number of rental units in the state is 409,533.

The Minnesota population estimate of 4,306,000 is based on the annual estimates of population of states: from U.S. Census Bureau release of December, 1988 Estimates of the Resident Population of States, July 1, 1988.

Allocating Agency	Population	Rental Units
St. Cloud	44,439	5,756
Bloomington	84,480	7,771
Dakota County	239,499	16,440
Duluth	83,065	12,547
Minneapolis	356,677	82,203
St. Paul	264,782	47,008
Rochester	63,764	8,229
Washington County	130,688	5,756

Population estimates of individual cities and counties by State Demographer published August, 1988. The number of rental units in each local jurisdiction was estimated by the State Demographer based on 1980 Census data.

MHFA Administration of Tax Credits

Applicants with eligible buildings in the balance of the state, not within the jurisdiction of eligible local credit administrators, may apply to the MHFA for an allocation of low-income housing tax credits.

In addition, the MHFA has been designated as the credit agency to provide low-income housing credits for projects involving qualified 501(c)(3) and 501(c)(4) nonprofit organizations statewide. Ten percent of the state ceiling has been set aside for qualified nonprofits as required by Section 42 of the *Internal Revenue Code of 1986*. Qualified nonprofits can apply to the MHFA for the low-income housing tax credit set-aside, regardless of the geographic location of the proposed low income housing building.

For additional information or an application packet for buildings located in the MHFA jurisdictions, please write to MHFA at:

Minnesota Housing Finance Agency
Multi-Family Underwriting
Low Income Housing Tax Credit Program
400 Sibley Street—Suite 300
St. Paul, MN 55101

or call (612) 297-3294.

Minnesota Housing Finance Agency

Notice of Availability of Federal Funds for Permanent Housing for Handicapped Homeless Persons Program

The Minnesota Housing Finance Agency (MHFA) announces the availability of federal funds to assist in the development of community-based long term housing which will be combined with supportive services, for handicapped persons who are homeless. Funding is available for the acquisition, or moderate or substantial rehabilitation of existing structures as well as a portion of the operating costs for the first two years.

Assistance will be in the form of federal matching grants to private, non-profit sponsors of housing projects for not more than eight homeless handicapped persons and their families. An exception to this size limit may be obtained from the Secretary of the Department of Housing and Urban Development providing it is necessary to make the project economically feasible and that neighborhood integration objectives are met.

Federal grant funds must be matched with at least an equal share of state and local funds, half of which must be state funds. Applicants may apply for state matching funds for acquisition or rehabilitation of property, which is made in the form of a no-interest 30 year deferred loan.

A total of $15 million was made available on January 9, 1989 as authorized under the Stewart B. McKinney Homeless Assistance Amendments Act (Pub. L. 100-828, approved November 7, 1988). The deadline for application for permanent housing was set as

April 27, 1989. A final rule was published June 24, 1988 in the *Federal Register* and will govern this round of funding along with changes to the final rule published in the January 9, 1989 *Federal Register.* Minnesota applications will compete with applications nationwide for funding.

All applications must be submitted to MHFA by April 10, 1989. The applications will be reviewed by an interagency review committee which will forward approved applications to HUD by April 27, 1989. The award of state matching funds will be determined on a case-by-case basis by the committee. State funds are limited.

Those private, non-profit sponsors who may be interested in this program should contact Rhonda Lundquist at (612) 296-9822, Minnesota Housing Finance Agency, 400 Sibley Street, Suite #300, St. Paul, MN 55101, immediately to obtain an application and discuss the feasibility of their proposal.

Minnesota Housing Finance Agency

Notice of Availability of Federal Funds for the Transitional Housing Program

The Minnesota Housing Finance Agency (MHFA) announces the availability of federal funds to assist in the development of projects providing housing and supportive services for homeless persons in form of transitional housing to facilitate the movement of homeless persons to independent living. Funding is available for the acquisition, or moderate or substantial rehabilitation of existing structures as well as up to 50% of the operating costs for the first five years.

Assistance will be in the form of federal matching grants to private, non-profit sponsors of housing projects. This year, application for operating funds alone may be made.

Federal grant funds must be matched with at least an equal share of state and local funds, half of which must be state funds. Applicants may apply for matching funds for acquisition or rehabilitation of property, which is made in the form of a no-interest 30 year deferred loan. No state funds are available to match operating costs.

A total of $89.6 million was made available on January 9, 1989 as authorized under the Stewart B. McKinney Homeless Assistance Amendments Act (Pub. L. 100-828, approved November 7, 1988). The deadline for application for transitional housing was set as March 30, 1989. A final rule was published June 24, 1988 in the *Federal Register* and will govern this round of funding along with changes to the final rule published in the January 9, 1989 *Federal Register*. Minnesota applications will compete with applications nationwide for funding.

All applications must be submitted to MHFA by March 15, 1989. The applications will be reviewed by an interagency review committee which will forward approved applications to HUD by March 30, 1989. The award of state matching funds will be determined on a case-by-case basis by the committee. State funds are limited.

Those private, non-profit sponsors who may be interested in this program should contact Pat Leary at (612) 297-3409 (Department of Jobs and Training) or Rhonda Lundquist at (612) 296-9822, Minnesota Housing Finance Agency, 400 Sibley Street, Suite #300, St. Paul, MN 55101, immediately to obtain an application and discuss the feasibility of their proposal.

Supreme Court Decisions

Decisions Filed 31 January 1989

C5-87-1703 State of Minnesota v. Mary Friberg, Bernard Boyle, Jr., Paul Bernabei, Georgia Springer and Paul O'Donnell, Petitioners. Court of Appeals.

Defendants were not denied their constitutional right to a speedy trial where the delay resulted from an overcrowded court calendar and defendants suffered no significant prejudice.

Condition of probation requiring defendants convicted of trespassing to stay 500 feet away from the premises on which they trespassed did not unduly restrict their first amendment rights.

Affirmed. Amdahl, C.J.

Dissenting, Popovich, J., Kelley, J., Yetka, J.

C8-87-2506 In Re the Marriage of: Lois V. Stich v. Godfrey N. Stich, petitioner, Appellant. Court of Appeals.

Reversed and remanded to the trial court for further proceedings.

Amdahl, C.J.

CX-88-1402 In Re: State and Regents Building Asbestos Cases. Court of Appeals.

An order vacating an appealable final judgment is appealable as of right. *Moberg v. Moberg*, 347 N.W.2d 791, 794 (Minn. 1985).

Reversed and remanded, Amdahl, C.J.

Dissenting, Popovich, J.

Took no part, Coyne, J.

C2-87-976 In re the Marriage of: Howard F. Karon, petitioner, Appellant v. Frima M. Karon. Court of Appeals.

A stipulation in which the parties expressly waive their rights to modify the maintenance terms of the dissolution decree effectively prevents re-opening the decree for an increase of maintenance.

Reversed. Yetka, J.

Dissenting, Coyne, Simonett & Wahl, JJ.

C6-88-909 James F. Hammer v. Mark Hagen Plumbing & Heating and Iowa Mutual Insurance Company and New Mech Companies and State Fund Mutual Insurance Company, Relators and State Treasurer, Custodian of the Special Compensation Fund. Workers' Compensation Court of Appeals.

"Maximum medical improvement," as defined in *Minnesota Statutes* § 176.011, subd. 25 (1986), is an issue of ultimate fact to be decided by the compensation judge after considering medical opinions, records and other data and circumstances.

Affirmed in part and reversed in part. Yetka, J.

C8-88-1771 State of Minnesota, Plaintiff v. Duane Dean Olson, Jr. Anoka County.

Because the certified question raised an important social concern deserving legislative attention and it is not necessary that the issue be decided in this case, the court declines to answer the question.

Simonett, J.

Dissenting, Wahl, J.

C9-87-1672 In the Matter of the Welfare of: C.K. and K.K. Hennepin County.

An order denying a petition for termination of parental rights is reversed where it does not address with specificity the criteria of *Minnesota Statutes* § 260.191, subd. 1a(a), (b) and (c) (1986), is not supported by substantial evidence and is based upon findings of fact which are clearly erroneous.

Reversed. Kelley, J.

C2-87-2002 Clarence E. Illg, Trustee for the next of kin of Neil Thomas Illg, petitioner, Appellant v. Forum Insurance Co. Court of Appeals.

A workers compensation insurer of an employer, whose employee has been killed during the course of his employment in a work-related automobile accident leaving surviving only nondependent heirs, may not receive reimbursement from a death by wrongful act settlement negotiated by the trustee for the deceased workers' heirs and next of kin made with a negligent third party of the $25,000 the insurer had paid into the Special Compensation Fund pursuant to *Minnesota Statutes* § 176.061, subd. 7 (1988).

Reversed and remanded for entry of judgment. Kelley, J.

C7-88-14 State of Minnesota, petitioner, Appellant v. Mara Therese Quinn, et al. Court of Appeals.

The requirement of *Minnesota Statutes* § 626A.06 that a warrant authorizing a wiretap interception shall terminate upon attainment of the objective, under the circumstances existing in this case, will be read into the warrant notwithstanding the warrant itself omitted the statutory language.

Reversed and remanded. Kelley, J.

Dissenting, Wahl & Popovich, JJ.

C2-87-2047 Natalie Weyaus, as trustee for the heirs and next of kin of Christopher Weyaus, decedent, petitioner, Appellant v. Douglas Sam. Court of Appeals.

A verdict that an adult son who has taken the automobile owned by his father and provided for his mother's use without her knowledge and in violation of his parents' express instructions was operating the vehicle without the consent of either parent is not manifestly against the evidence.

Affirmed. Coyne, J.

Took no part, Simonett, J.

C0-88-1599 Hazelden Foundation, Appellant v. Patricia L. Meleen. United States District Court.

The statutory bar of *Minnesota Statutes* § 148A.03(d) (1986) does not extend to claims by a former employee, a psychotherapist, brought against the therapist's former employer.

Certified question answered. Popovich, J.

C3-88-2150 Raymond Stewart v. Rahr Malting Co. and Home Insurance Company, Relators. Workers' Compensation Court of Appeals.

The Workers' Compensation Court of Appeals erred in setting aside an award on stipulation on grounds of mistake and substantial change in condition.

Reversed and remanded. Popovich, J.

Orders

C7-88-2295 In Re Petition for Disciplinary Action Against William B. Simonet, Jr., an Attorney at Law of the State of Minnesota. Supreme Court.

Suspended. Amdahl, C.J.

C0-87-2337 Richard Schwardt, et al. v. Modern Grain Systems, Inc., Modern Farm Systems, Inc., Railoc Co., Inc., Web Construction Co. Court of Appeals.

Order granting review vacated. Yetka, J.

Announcements

Correction—State Job Applications Cannot be FAXED: It was incorrectly stated in the January 9 *State Register* that state job applications can now be FAXED. This is incorrect. A pilot program was begun with three departments to test the feasibility of this process. That pilot program is not available nor open to the general public or other state agencies. If you carried a notice in your newsletter or other publication, the Minnesota Dept. of Employee Relations asks that you print this correction.

Teacher Awards for 'Ag in the Classroom': The Minnesota Agriculture in the Classroom Program has initiated a new teaching awards program to reward Minnesota educators for agricultural innovation in the schools. Any K-12 practicing educator who has designed a lesson, unit or course which effectively integrates agriculture into one or more key subject areas is eligible for the teaching award. The cash awards will be made at both the elementary and secondary levels to total $2,500 this first year. First place awards at each level will be $500. Special attention will be paid to entries showing evidence of involving the vast network of agriculture-related entities present in Minnesota. Application deadline for the teaching awards program is May 30, 1989. For more information or to request an application, contact: Agriculture in the Classroom, Al Withers, Program Director, 90 West Plato Boulevard, St. Paul, Minn. 55107, or call (612) 296-6688.

Metropolitan Council: $130,000 in technical assistance grants for qualified sponsors of waste reduction programs is being offered by the council. Grants are limited to 75% of the total cost of the proposed technical assistance activity, with maximum amount of grant requests at $50,000. Deadline for applications is May 15. For more information call Sunny Jo Emerson at the council (612) 291-6499. • Applications are now being taken for the council's 1989 Regional Citizen of the Year award which honors a citizen of the seven-county area who has made an outstanding contribution to the region. Nominations are

due by Feb. 10. For more information call Donna Mattson at (612) 291-6493. • Applications are now being taken to fill a position on the council's Arts Advisory Council Committee. People interested should call Ruthann Isaacson at (612) 291-6494. Deadline for applications is Feb. 24. Applicants must have experience in theater management or acting, directing, playwriting or technical design. • The council will hold a public information meeting at 2:30 pm Tuesday 7 Feb. to present the results of a regional public heliport feasibility study undertaken in 1987 as part of its ongoing reassessment of the region's aviation needs and in response to local interest in providing improved helicopter service. The meeting will be held in the council chambers, Mears Park Centre, 230 E. Fifth St., St. Paul. A summary of the draft report will be available beginning Feb. 2 by calling the council's data center at (612) 291-8140.

Taxpayer Assistance Classes: Minn. Dept. of Revenue and IRS employees will conduct informational programs in cooperation with the Hennepin County Library system at community and area libraries on preparing individual income tax returns. Participants will receive line-by-line instruction and an opportunity to have individual questions answered so that they can prepare their returns properly. Instructors will concentrate on the state's M-1 and M-1A forms and the federal 1040 and 1040A forms. To make reservations, contact one of the following libraries: Saturday 11 February—Maple Grove Community Library, 8351 Elm Creek Blvd., at 420-8377 (1:30-3:30 pm) • Tuesday 14 February—Southdale Area Library, 7001 York Avenue S., Edina, at 830-4900 (7-9 pm) • Monday 27 February—Hopkins Community Library, 22-11th Ave. N., 938-3531 (7-9pm).

Unemployment Rates: Minnesota's unemployment rate rose to 4.7% in December up from 4.5% in November in figures not adjusted for seasonal variations. Minnesota's jobless rate for December was down from 5.9% a year ago, and below the current national reading of 5.0% for the month. The unemployment rate during all of 1988 averaged 4.0%, the lowest average yearly rate since 1978 when it was 3.8%. More than 2.2 million people had jobs, a gain of 3.9% over 1987. Employment growth in 1988 was the best since 1984 when the average employment grew 4.4% from the previous year. • The unemployment rate for the Twin Cities declined to 3.8% in December, down 0.1% of a point from November. The comparable national jobless rate for December was 5.0%. The metropolitan labor force in December was 1,384,800, down 14,500 from November and up 7,500 from December of last year. The number of employed people in December was 1,332,700, down 11,400 from November and up 18,500 from December a year ago.

Attorney General: The Task Force on the Delivery of Legal Services to Minnesota Farmers formed in 1985 by Attorney General Hubert Humphrey III and the Minnesota State Bar Association, recommended continuing or expanding funding for the Family Farm Legal Assistance program, the Minnesota Extension Service, the Minnesota Department of Agriculture's Farm Advocate Program and the vocational-education systems farm management advisors. It also recommended lifting the sunset provision contained in the Minnesota Farmer-Lender Mediation Act.

State Grants to Public TV: Nearly $115,000 in grants to six Minnesota public television stations was announced by Commissioner Sandra J. Hale, Minn. Dept. of Administration. Each station will receive a grant of $19,108 to defray operating expenses, including program acquisitions and development. The stations are: KTCA/KTCI Twin Cities; KAWE/KAEB, Bemidji; KFME, Fargo-Moorhead; KSMQ, Austin; and WDSE-TV, Duluth.

Appointments: Ralph Strangis was appointed chairman of the Minnesota Racing Commission, replacing Ray Eliot. Catherine F. Haukedahl was named solicitor general for Minnesota, a position that oversees the office's civil litigation and assists in the development of legal policy for the attorney general. She replaces Norman Coleman.

NOTARY PUBLIC LAWS

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

Jane Smith
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Commission Expires January 1, 1994

U.S. SMALL BUSINESS ADMINISTRATION PUBLICATIONS:

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

TO ORDER: Send to 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." Please include 6% sales tax, and $1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

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

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

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

Motor Vehicle Traffic Laws 1987–Includes laws governing motor carriers, motor vehicle registration and no-fault auto insurance. Code No. 2-85. $13.00.

Criminal Code & Selected Statutes 1987–Governs the conduct of peace officers. Includes continuing education requirements, sentencing standards, and more. Code No. 2-68. $15.00.

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

TO ORDER: Send to 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." Please include 6% sales tax and $1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Murder: Minnesota style

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

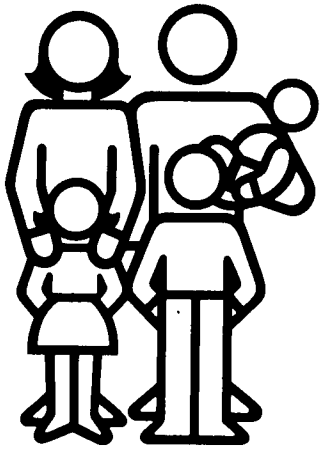
Robber and Hero On September 7, 1876 six members of the James-Younger gang blasted their way out of Northfield, Minnesota. George Huntington's classic account of the Northfield Bank raid is as fascinating today as it was when first published 19 years after the attempted robbery. 125 pp., charts, maps,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

Secrets of the Congdon Mansion The prosecutor called it a crime of greed. A complex, intriguing murder case, set in one of Minnesota's most spectacular mansions, and now a top Minnesota tourist attraction on Duluth's famous Lake Superior North Shore Drive. By Joe Kimball, 64 pp., drawings. Code 19-56, $4.95.

TO ORDER: Send to 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." Please include 6% sales tax, and $1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Human Services Laws and Rules



Human Services Laws 1987
An extract from the statutes. Includes legislative amendments and additions from the most recent session. Code No. 2-56. $21.00

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

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

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

TO ORDER: Send to 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." Please include 6% sales tax, and $1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

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Woodworking for Wildlife

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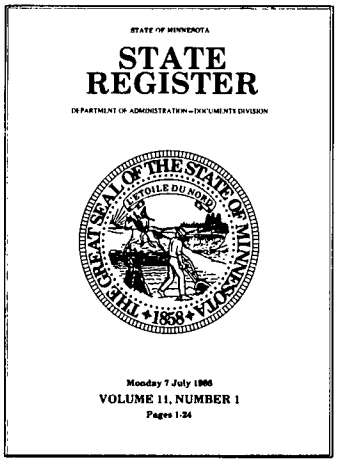
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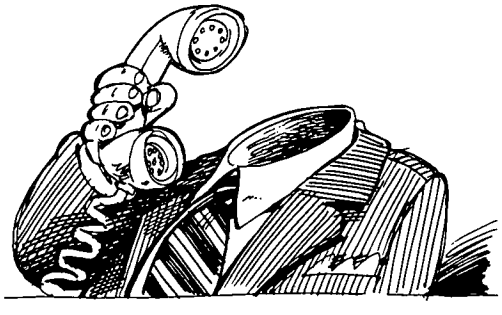

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