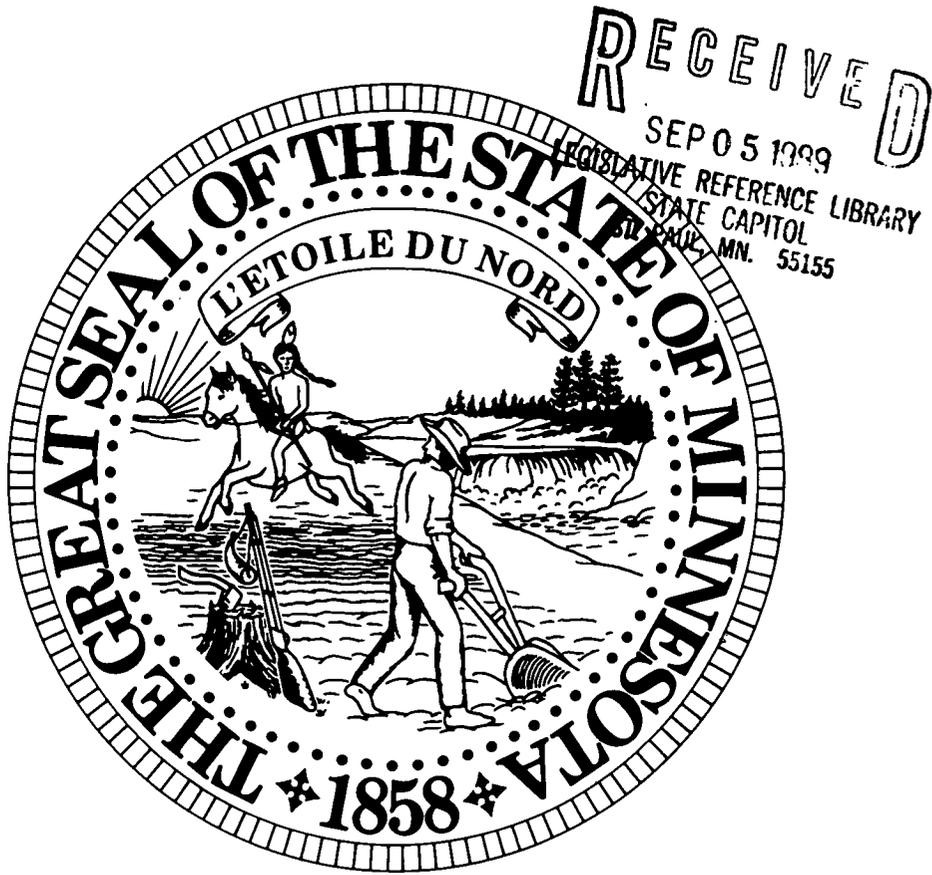


State of Minnesota

# STATE REGISTER

Department of Administration—Print Communications Division



Rules edition  
Published every Monday

5 September 1989

Volume 14, Number 10

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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 and commissioners' orders, proposed and adopted rules, official notices, state and non-state contracts, contract awards, grants, supreme court and tax court decisions, and a monthly calendar of cases to be heard by the state supreme court.

A *Contracts Supplement* is published every Thursday and contains additional state contracts and advertised bids, and the most complete source of state contract awards available in one source.

## Printing Schedule and Submission Deadlines

Vol. 14 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
10	Monday 21 August	Monday 28 August	Tuesday 5 September
11	Monday 28 August	Friday 1 September	Monday 11 September
12	Tuesday 5 September	Monday 11 September	Monday 18 September
13	Monday 11 September	Monday 18 September	Monday 25 September

\*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 every Monday (Tuesday when Monday is a holiday) by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. A *STATE REGISTER Contracts Supplement* is published every Thursday. The Monday edition is the vehicle for conveying all information about state agency rulemaking, including official notices; hearing notices; proposed, adopted and emergency rules. It also contains executive orders of the governor; commissioners' orders; state contracts and advertised bids; professional, technical and consulting contracts; non-state public contracts; state grants; decisions of the supreme and tax courts; a monthly calendar of scheduled cases before the supreme court; and other announcements. The Thursday edition contains additional state contracts and advertised bids, and the most complete listing of contract awards available in one source.

In accordance with expressed legislative intent that the *STATE REGISTER* be self-supporting, the following subscription rates have been established: the Monday edition costs \$130.00 per year and includes an index issue published in August (single issues are available at the address listed above for \$3.50 per copy); the combined Monday and Thursday editions cost \$195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for \$60.00, include both the Monday and Thursday edition, last for 13 weeks, and may be converted to a full subscription anytime by making up the price difference. No refunds will be made in the event of subscription cancellation.

Both editions are delivered postpaid to points in the United States, second class postage paid for the Monday edition at St. Paul, MN, first class for the Thursday edition. Publication Number 326630 (ISSN 0146-7751).

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

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## FOR LEGISLATIVE NEWS

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

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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 1-800-9747.

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## Minnesota's future environment

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

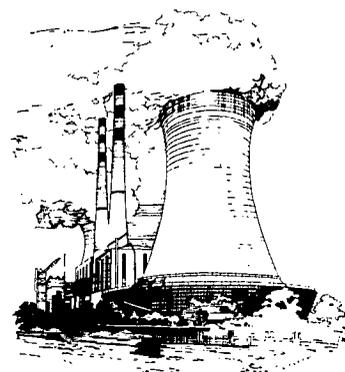
### 1988 Pollution Control Laws

Laws dealing with water pollution, disposal facilities, solid waste management, the MN Environmental Rights Act, recycling, and more. Code No. 2-21. \$16.00.

### 1989 Hazardous Waste Rules

Governs the production, storage, transportation and disposal of hazardous waste. MN Rules Chapter 7045 and 7046. Code No. 3-71. \$16.95.

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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 Agriculture

### Proposed Permanent Rules Relating to Farmer-Lender Mediation

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

NOTICE IS HEREBY GIVEN that the Minnesota Department of Agriculture 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 14.22-14.28. The statutory authority to adopt these rules is *Minnesota Statutes*, section 583.285.

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

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state their name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any proposed change. If a public hearing is required, the department will proceed according to *Minnesota Statutes*, sections 14.131 to 14.20.

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

The proposed rule may be modified if the modifications are supported by the data and views submitted to the department and do not result in a substantial change in the proposed 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 upon request from Ms. Milligan.

Many of the businesses participating in or potentially affected by farmer-lender mediation may be small businesses as defined by *Minnesota Statutes*, section 14.115. However, because each mediation proceeding is tailored to individual circumstances, it is not possible to gauge the effect that this rule will have on small business as a whole.

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

Dated: 10 August 1985

Jim Nichols, Commissioner  
Department of Agriculture

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

##### 1502.0001 SCOPE.

Parts 1502.0001 to 1502.0026 are adopted by the Department of Agriculture under *Minnesota Statutes*, section 583.285, and govern

the procedures to be followed in farmer-lender mediation held under the Farmer-Lender Mediation Act. Mediation begun or concluded before the adoption of parts 1502.0001 to 1502.0026 is not void for lack of compliance with those parts.

#### **1502.0002 DEFINITIONS.**

Subpart 1. **Scope.** The definitions in this part and *Minnesota Statutes*, section 583.22, apply to parts 1502.0001 to 1502.0026.

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

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

Subp. 4. **Mediation notice.** "Mediation notice" means the mediation notice served by an initiating creditor under *Minnesota Statutes*, section 336.9-501, 505.365, 559.209, or 581.015.

Subp. 5. **Mediation proceeding notice.** "Mediation proceeding notice" means the mediation proceeding notice sent by the county extension agent under *Minnesota Statutes*, section 583.24, subdivision 4.

Subp. 6. **Proceeding.** "Proceeding" means the process required by law, security agreement, lease agreement, or contract for enforcing a debt against agricultural property under *Minnesota Statutes*, chapter 580 or 581, or sections 336.9-501 to 336.9-508, terminating a contract for deed to purchase agricultural property under *Minnesota Statutes*, section 559.21, or garnishing, levying on, executing on, seizing, or attaching agricultural property.

Subp. 7. **Send.** "Send" means to mail by first class mail.

#### **1502.0003 ADMINISTRATION.**

The director of Minnesota extension services shall administer the Farmer-Lender Mediation Act subject to the delegation power prescribed in *Minnesota Statutes*, sections 583.22, subdivision 5, and 583.23, subdivision 3. Under the delegation power in *Minnesota Statutes*, section 583.22, subdivision 5, the county extension agent in the county in which the debtor resides is the director's designee as provided in parts 1502.0001 to 1502.0026 and for purposes of service, filing, and other purposes specified by the director.

#### **1502.0004 RESPONSIBILITIES.**

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

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

B. The director shall provide support to mediators, including, but not limited to, technical assistance in complying with parts 1502.0001 to 1502.0026 and the Farmer-Lender Mediation Act, clerical support, postage, and other necessary supplies.

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

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

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

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

#### **1502.0005 FORMS.**

The director shall make forms for mediation under the Farmer-Lender Mediation Act available through each county extension agent and county recorder for use by debtors, creditors, and mediators.

#### **1502.0006 SUBSTANTIVE RIGHTS.**

The fact that the director or county extension agent has in any way acted upon a request for mediation does not determine the substantive rights of the debtor or creditors under the Farmer-Lender Mediation Act or parts 1502.0001 to 1502.0026.

#### **1502.0007 FILING AND WITHDRAWAL OF MEDIATION REQUEST.**

A debtor must file a mediation request form with the county extension agent within 14 days after receiving a mediation notice. A debtor may withdraw a mediation request at any time before 14 days after receiving a mediation notice. The debtor's withdrawal must be in writing. Withdrawal of the mediation request constitutes a waiver of the debtor's right to mediate the debt that initiated the

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

## Proposed Rules

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service of the mediation notice under the Farmer-Lender Mediation Act unless the debtor refiles the mediation request within the 14 days permitted to file the original mediation request.

### **1502.0008 FAILURE TO REQUEST MEDIATION.**

The creditor must serve the mediation notice on the county extension agent within three days of service of the notice on the debtor. If a debtor fails to file a timely mediation request or withdraws a mediation request, the county extension agent shall send a copy of the Extension Notice of Debtor(s) Failure to Request Mediation (Form 3) to the debtor and the creditor who served the mediation notice. The extension Notice of Debtor(s) Failure to Request Mediation (Form 3) must be sent within 20 days after service of the mediation notice on the debtor or within three days after the creditor's filing with the county extension agent proof of the date of service of the mediation notice, whichever is later.

### **1502.0009 CANCELLATION OF MEDIATION PROCEEDING.**

Subpart 1. **Cure of default.** If the farmer cures the default of the debt specified in the mediation notice before the first mediation meeting, the county extension agent shall cancel the mediation proceeding upon receipt of a written statement from the debtor and creditor indicating that the default has been cured.

Subp. 2. **Agreement reached before the first mediation meeting.** If the debtor and the creditor who served the mediation notice have reached an agreement before the first mediation meeting, the county extension agent shall cancel the mediation proceeding upon receipt of a written statement from the creditor and debtor indicating that an agreement has been reached.

### **1502.0010 PROOF OF FILING MEDIATION REQUEST.**

When a debtor files a mediation request with the county extension agent, the mediation request must be filed by certified mail using return receipt or by actual delivery of the mediation request with a signed receipt of the county extension agent.

### **1502.0011 CREDITOR CLAIM FORMS FOR DEBTS NOT SUBJECT TO MEDIATION.**

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

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

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

(1) an affidavit stating that the debt was in default when the creditor received a mediation proceeding notice under the Farmer-Lender Mediation Act, and that a claim form was filed, the debt was mediated during the mediation period, and (i) the mediation was unresolved; or (ii) a mediation agreement with respect to that debt was signed;

(2) a copy of the mediation proceeding notice;

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

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

C. for a debt, if the debtor did not request mediation and the creditor proceeded to enforce the debt under *Minnesota Statutes*, section 583.24, subdivision 4, paragraph (a), clause (3):

(1) a copy of the mediation notice;

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

(3) an affidavit stating that the creditor began a proceeding to enforce the debt within 45 days after the debtor failed to make a timely request;

D. for a debt that is not subject to mediation under *Minnesota Statutes*, section 583.24, subdivision 4, paragraph (a), clause (5), because there is a lien under *Minnesota Statutes*, section 514.661 or 559.2091, a copy of the lien statement under *Minnesota Statutes*, section 514.661 or 559.2091, indicating that the filing officer has received and filed the lien statement; and

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

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

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

Subp. 2. **Notification of debt not subject to mediation.** If a creditor returns a claim form with the documents required under

subpart 1, items A to E, the county extension agent shall determine from the documents whether the debt is subject to the Farmer-Lender Mediation Act. The county extension agent shall notify the debtor, creditor, and mediator of the determination.

**1502.0012 FINANCIAL ANALYST AND FARM ADVOCATE.**

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

**1502.0013 COMPUTATION OF TIME PERIODS.**

In computing any period by parts 1502.0001 to 1502.0026, by court order, or under the Farmer-Lender Mediation Act, the day of the last act, event, or default from which the designated period begins to run must not be included. The last day of the computed period must be included unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday. When the period prescribed is less than seven days, intermediate Saturdays, Sundays, and legal holidays must be excluded in the computation.

**1502.0014 ORIENTATION SESSION.**

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

**1502.0015 SELECTION OF MEDIATOR.**

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

Subp. 2. **Replacement mediator.** If the appointed mediator withdraws from the case, the county extension agent shall appoint a replacement mediator not previously stricken from the mediator list by the debtor or the initiating creditor, or if an unstricken mediator is not available, the county extension agent shall appoint an available mediator, subject to the disapproval of either the debtor or creditor, upon a showing of conflict of interest.

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

**1502.0016 DUTIES OF MEDIATOR.**

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

- A. perform the duties prescribed in *Minnesota Statutes*, section 583.26, subdivision 6, paragraph (b);
- B. review the debtor's and creditors' rights and obligations in the mediation process;
- C. explain the rules of conduct for mediation meetings;
- D. explain the confidentiality of mediation; and
- E. facilitate written agreement on:
  - (1) money to be released for necessary farm operating expenses;
  - (2) money to be released for necessary living expenses; and
  - (3) the creditors, if any, responsible for releasing the money.

**1502.0017 MEDIATION PROCESS.**

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

Subp. 2. **Combined proceeding for more than one mediation notice.** The county extension agent shall combine all mediation notices for the same debtor that are received before the initial mediation meeting into one mediation proceeding. It shall be at the

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## Proposed Rules

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county extension agent's discretion as to how to proceed if a mediation notice is served on a debtor between the time of the initial mediation meeting and the end of the mediation period.

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

Subp. 4. **Attendance by financial analyst, farm advocate, or attorney.** A financial analyst, farm advocate, or attorney must be permitted to attend mediation meetings at the invitation of the debtor, a creditor, or the mediator. A financial analyst, farm advocate, or attorney may not attend in place of a debtor or a creditor unless the mediator determines a debtor or creditor is unable to attend and the attendance of a financial analyst, farm advocate, or attorney in place of the debtor or a creditor is beneficial to the mediation.

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

### 1502.0018 REMOVAL OF MEDIATOR.

Subpart 1. **Procedure.** The mediator may be removed at any time during the mediation period upon the written agreement of the debtor and creditors attending mediation meetings. This agreement must be sent to the county extension agent who, upon receipt of the agreement, shall assign an available replacement mediator not previously stricken from the mediator list by the debtor or initiating creditor to participate in the mediation or if an unstricken mediator from the list is not available, the county extension agent must assign an available mediator subject to the disapproval of either the debtor or creditor upon a showing of conflict of interest.

Subp. 2. **Limitation.** The debtor and creditors may remove only one mediator during a mediation proceeding.

Subp. 3. **Time periods unaffected.** Time periods in the Farmer-Lender Mediation Act and parts 1502.0001 to 1502.0026 are not affected by the removal of a mediator.

### 1502.0019 MEDIATION AGREEMENT.

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

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

### 1502.0020 OBLIGATION OF GOOD FAITH.

A written statement of why alternatives are unacceptable under *Minnesota Statutes*, section 583.27, subdivision 1, clause (4), must identify the particular items in each proposal that are unacceptable and state the specific reason for rejection of each item.

### 1502.0021 ABUSIVE BEHAVIOR.

Lack of good faith may include abusive behavior on the part of the debtor or a creditor or a person assisting the debtor or a creditor.

### 1502.0022 LACK OF GOOD FAITH AFFIDAVIT.

If the mediator determines that a debtor or a creditor is not participating in good faith, the mediator shall file an affidavit indicating the reasons for the finding with the county extension agent, the debtor, and the creditors.

### 1502.0023 CREDITOR'S LACK OF GOOD FAITH.

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

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

B. serving a copy of the request with each creditor; and

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

### 1502.0024 DEBTOR'S LACK OF GOOD FAITH.

Not participating in good faith may include:

A. failure of the debtor to list all creditors as defined in *Minnesota Statutes*, section 583.22, subdivision 4; and

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

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

- (2) a copy of the most recent depreciation schedule;
- (3) farm record books for the past three years or evidence of crop and livestock production;
- (4) projected farm budget for the current 12 months;
- (5) copies of any other legal documents that are necessary for the mediation and pertain to the farm business; and
- (6) copies of FINPAC printout analysis for the farm operation where applicable.

**1502.0025 COURT-SUPERVISED MEDIATION.**

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

Subp. 2. **Suspension of remedies.** The remedies of all creditors are suspended during court-supervised mediation.

**1502.0026 CREDITOR NOT ATTENDING MEDIATION MEETING.**

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

Subp. 2. **Good faith.** Creditors who file claim forms are bound by the good faith requirements of the Farmer-Lender Mediation Act.

Subp. 3. **Written objection.** To object to the provisions of a mediation agreement, a creditor who files a claim form in lieu of attending mediation meetings shall serve a written objection to the terms of the agreement on the mediator and the debtor within ten days after receiving the mediation agreement. The written objection must identify the particular items in the agreement that are unacceptable and state the specific reason for rejection of each item.

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

Subp. 5. **Required attendance.** A creditor who files an objection shall attend and participate in any meeting held under subpart 4, unless the mediator determines there is a good reason why the creditor is unable to attend.

## **State Board of Vocational Technical Education**

### **Proposed Permanent Rules Relating to Project Discover License**

#### **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, October 3, 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 the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, Sections 14.131 to 14.20.

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

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## Proposed Rules

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

Georgia Pomroy, License Revision Specialist  
Minnesota Technical College 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 wish to receive a copy of the adopted rule must submit the written request to either:

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

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

Helen Henrie, Deputy Director  
Minnesota Technical College System

### Rules as Proposed (all new material)

#### 3709.0350 PROJECT DISCOVER LICENSE.

Subpart 1. **May teach.** A person holding a technical college Project Discover license may teach personal development, career development, and applied issues courses in Project Discover.

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

Subp. 3. **Licensure requirements.** The applicant must have the educational and occupational experience described in items A to D. The education must be from an accredited postsecondary institution.

A. A minimum of two years of postsecondary education resulting in completion with a certificate, diploma, or degree.

B. Four thousand hours of verified experience. The experience must be from two areas or more of the areas listed in this item:

- (1) counselor;
- (2) support group facilitator;
- (3) advocate within an educational or social service institution;
- (4) human service caseworkers;
- (5) employment counselor;
- (6) affirmative action coordinator or officer;
- (7) career counselor; and
- (8) teacher in an educational institution.

C. A total of 12 quarter credits from two or more of the areas listed in this item:

- (1) career development;
- (2) group process;
- (3) interpersonal communications;
- (4) behavioral sciences;
- (5) women's studies;

- (6) family life education; and
- (7) counseling techniques.

D. Twelve hours of state sponsored workshops in teaching Project Discover.

Subp. 4. **Substitution for required experiences.** The applicant may use the substitutions as described in items A and B.

A. The applicant may substitute up to 1,000 hours of occupational experience required in subpart 3, item B, through verified volunteer activity that occurred under supervision of paid professional staff within a human service agency. This experience may be in a shelter for the homeless, battered woman program, chemical dependency program, head start program, crises center, displaced homemaker program, handicapped program for special populations, minority advocacy agency, and legal advocacy program.

B. The applicant may substitute up to six credits of educational experience as required in subpart 3, item C, at the ratio of 12 clock hours for each quarter credit in the following topics: sexual harassment, decision making techniques, personal development, stress management, group facilitation, equal opportunity/affirmative action, career assessment, assertiveness training, interpersonal communications, financial planning, and human behavior.

Subp. 5. **Recent occupational experience.** An applicant for a license to teach in Project Discover must have 1,000 hours of the occupational experience within the five years before applying for the license.

Subp. 6. **Conversion of current Project Discover instructors.** Applicants verifying teaching a complete session of Project Discover to include personal development, career development, and applied issues within four years before the effective date of this part and verification of 12 hours of state sponsored workshops in teaching Project Discover within one year after the effective date of this part are eligible for a license as a Project Discover instructor.

## Adopted Rules

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

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

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

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

## Department of Commerce

### Adopted Permanent Rules Relating to Bank Real Estate Loans and Audit Control Policies

The rules proposed and published at *State Register*, Volume 13, Number 42, pages 2479-2480, April 17, 1989 (13 S.R. 2479) are adopted as proposed.

## Department of Commerce

### Adopted Permanent Rules Relating to Sales of Securities

The rules proposed and published at *State Register*, Volume 13, Number 47, pages 2792-2796, May 22, 1989 (13 S.R. 2792) are adopted as proposed.

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## Adopted Rules

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### Board of Education

#### Adopted Permanent Rules Relating to Multischool District Organizations; Elementary, Secondary, and Vocational Computer Centers

The rules proposed and published at *State Register*, Volume 13, Number 29, pages 1759-1763, January 16, 1989 (13 S.R. 1759) are adopted as proposed.

### Board of Electricity

#### Adopted Permanent Rules Relating to Licenses, Inspections, Qualifications for Electrician Licenses

The rules proposed and published at *State Register*, Volume 13, Number 36, pages 2128-2141, March 6, 1989 (13 S.R. 2128) are adopted with the following modifications:

##### Rules as Adopted

##### **3800.3520 EXAMINATION; MINIMUM EXPERIENCE REQUIREMENTS FOR LICENSURE; EXPERIENCE ACCEPTABLE TO BOARD.**

Subp. 2. **Minimum experience requirements.** Except as otherwise provided for a master electrician license under *Minnesota Statutes*, section 326.242, subdivision 1, clause (1), paragraph (a), and for a Class A or B installer license under *Minnesota Statutes*, section 326.242, subdivision 3b, an applicant for an electrician license shall have experience acceptable to the board, as defined by subpart 4, before examination for licensure under *Minnesota Statutes*, section 326.242, subdivision 7.

##### **3800.3530 REQUIREMENTS FOR SECURING AND MAINTAINING AN ELECTRICAL CONTRACTOR'S LICENSE.**

Subp. 2. **Information required where the applicant has employees.** In addition to the requirements of subparts 1 and 3, an applicant who has or will have employees shall provide:

A. the applicant's social security account number which will be used to ensure compliance with *Minnesota Statutes*, section 270.72 (tax clearance; issuance of license);

##### **3800.3540 DESIGNATION OF RESPONSIBLE MASTER ELECTRICIAN ON CONTRACTOR'S LICENSE APPLICATION.**

Each contractor shall designate the responsible master electrician employed by the contractor on the application for an electrical contractor's license. The board shall not grant a new contractor's license if it appears that the responsible electrician designated is also employed in the same capacity by any other electrical contractor. In the event that more than one previously licensed electrical contractor has designated the same responsible electrician on an application for a license renewal, the board shall return the application to the contractor who shall have 15 days to resubmit an application. If upon resubmission of the license application, it still appears that the same responsible electrician has been designated by more than one contractor, the board shall institute proceedings pursuant to *Minnesota Statutes*, section 326.242, subdivision 9, for nonrenewal of the licenses of each contractor by whom the same responsible electrician is employed.

Where the master electrician is not an owner or officer of the corporation of the electrical contractor, the Board of Electricity ~~may~~ shall require that the owner or chief executive officer of the corporation and the master electrician provide evidence of the manner in which the contractor will comply with the requirements of the Minnesota Electrical Act if the materials submitted in support of the application for license by the chief executive officer of the corporation and the master electrician do not indicate the manner in which the contractor will comply with the requirements of the Minnesota Electrical Act.

##### **3800.3590 LICENSES; EXPIRATION AND FEES.**

Subpart 1. **Expiration.** Except as otherwise provided in this part, all licenses issued or renewed under this part expire two years from the date of issuance or renewal. ~~Class A master and Class B master licenses renewed on March 1, 1988, expire one year from the date of issuance or renewal. Class A master and Class B master licenses issued or renewed on or after March 1, 1988, expire March 1 of the next odd-numbered year after issuance or renewal.~~ Electrical contractor licenses expire March 1 of each even-numbered year after issuance or renewal. Alarm and communication contractor licenses expire July 1 of each odd-numbered year after issuance or renewal.

Subp. 6. **Duplicate license fee.** The fee for the issuance of each duplicate license is \$5 ~~\$3~~.

Subp. 7. **License service charge.** ~~The fee for reissuance of an electrical contractor or alarm and communication contractor license due to name, structural, or classification change during a license period is \$10.~~

**3800.3600 SERVICE CHARGES.**

The Board of Electricity may collect administrative costs associated with searching files and providing copies of documents or information in the files, including office staff time and the cost of making copies and postage.

**3800.3700 COUNTERMAND OF CORRECTION ORDER.**

A correction order of an inspector properly issued under part 3800.3680 ~~may shall~~ be countermanded or extended by the inspector or the inspector's supervisor when the required corrections have been completed or it is determined by the inspector or the inspector's supervisor that the correction order is in error. A correction order of an inspector, properly issued under part 3800.3680, shall be extended by the inspector's supervisor when the weather, availability of materials, or other factors do not permit the work required by the correction order to be completed within the time allowed by the correction order. Any interested party may demand that an outstanding order be countermanded or extended. The demand shall be in writing and shall be addressed to the area electrical field representative. If the request to countermand an order is rejected it shall be done in writing within ten days.

**3800.3720 CONDEMNATION OR DISCONNECT ORDER STAYED.**

Upon receipt of notice of appeal by the board the order appealed from shall be stayed until final decision of the board unless the electrical installation ordered condemned is determined by the board to be seriously or proximately dangerous to life and property, and the board shall notify the property owner and the electrical contractor or installer or special electrician making the installation and also the statutory bonding company of this fact. The power supplier is also to be notified in those instances where the power supplier has been served.

## Department of Health

### Adopted Permanent Rules Relating to Ambulance Services

The rules proposed and published at *State Register*, Volume 13, Number 45, pages 2711-2712, May 8, 1989 (13 S.R. 2711) are adopted as proposed.

## Department of Human Services

### Adopted Permanent Rules Relating to Child Care Fund; Eligibility and Administration

The rules proposed and published at *State Register*, Volume 13, Number 42, pages 2522-2543, April 17, 1989 (13 S.R. 2522) are adopted with the following modifications:

**Rules as Adopted****CHILD CARE FUND****9565.5000 PURPOSE AND APPLICABILITY.**

Subpart 1. **Purpose.** The purpose of parts 9565.5000 to ~~9565.5240~~ 9565.5200 is to govern the administration of the child care fund and to reduce, according to a sliding fee schedule, the costs of child care services for eligible families to enable them to seek or retain employment or to participate in education or training programs to obtain employment. Parts 9565.5000 to ~~9565.5240~~ 9565.5200 set eligibility standards for recipients and administrative requirements for agencies administering child care funds.

Subp. 2. **Applicability.** To the extent of available allocations, parts 9565.5000 to ~~9565.5240~~ 9565.5200 apply to all county and human service boards ~~and postsecondary educational systems~~ providing subsidized child care assistance to eligible families under *Minnesota Statutes*, sections 256H.01 to 256H.19.

**9565.5010 DEFINITIONS.**

Subpart 1. **Scope.** As used in parts 9565.5000 to ~~9565.5240~~ 9565.5200, the following terms have the meaning given them in this part.

Subp. 2. **Administering agency.** "Administering agency" means a county social services agency or a public or nonprofit agency designated by the county board to administer the child care subsidy program; ~~or a postsecondary education institution.~~

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## Adopted Rules

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Subp. 3. **Administrative expenses.** "Administrative expenses" means costs associated with the administration of the child care subsidy program. The costs include, but are not limited to:

A. salaries, wages, and related payroll expenses incurred in the administration of the child care subsidy program including direct personnel costs, expenses for general administration and supervision, and expenses for secretarial, clerical, accounting, and other support services;

B. travel and transportation and per diem or subsistence expenses;

C. expenses for materials and office supplies;

D. publication, telephone, postage, and photocopy expenses; and

E. other expenses directly attributable to the child care subsidy program.

Subp. 4. **Aid to families with dependent children or AFDC.** "Aid to families with dependent children" or "AFDC" means Aid to Families with Dependent Children program authorized under title IV-A of the Social Security Act and *Minnesota Statutes*, chapter 256. AFDC provides financial assistance and social services to needy families with dependent children.

Subp. 5. **AFDC caretaker.** "AFDC caretaker" means an AFDC recipient described in part 9500.2440, subpart 7, who lives with and provides care to a dependent child.

Subp. 6. **AFDC employment special needs program.** "AFDC employment special needs program" means a payment made on behalf of an AFDC recipient for certain expenses relating to the preparation for employment, including child care, training, and education meeting the requirements of the AFDC employment special needs program under *Minnesota Statutes*, section 256.736, subdivision 8.

Subp. 7. **AFDC priority groups.** "AFDC priority groups" means AFDC recipients as defined in *Minnesota Statutes*, section 256.736, subdivision 2a.

Subp. 8. **Allocation.** "Allocation" means the share of the total state appropriation of child care funds that a county may earn and be reimbursed for in a state fiscal year. A county's allocation may be raised or lowered during the fiscal year when the commissioner redistributes unexpended or unencumbered allocations.

Subp. 9. **Applicant.** "Applicant" means all parents, stepparents, legal guardians, or eligible relative caretakers in the family that apply for child care assistance under the child care subsidy program.

Subp. 9 ~~10~~. **Child.** "Child" means a person 12 years old or younger, or a person 14 years old or younger who is handicapped, as defined in *Minnesota Statutes*, section 120.03.

Subp. ~~10~~ **11. Child care.** "Child care" means the care of a child in or out of the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day, by someone other than a parent, stepparent, legal guardian, or AFDC eligible relative caretaker.

Subp. ~~11~~ **12. Child care services.** "Child care services" means child care provided in family day care homes, group day care homes, nursery schools, day nurseries, child day care centers, head start, licensed school age child care programs or extended-day school age programs that meet the standards established by the State Board of Education, or legal nonlicensed child care provided in or out of the child's home.

Subp. ~~12~~ **13. Child care subsidy program.** "Child care subsidy program" means child care services funded under *Minnesota Statutes*, sections 256H.01 to 256H.19.

Subp. ~~13~~ **14. Commissioner.** "Commissioner" means the commissioner of the Department of Human Services or the commissioner's designated representative.

Subp. ~~14~~ **15. County board.** "County board" means the board of county commissioners in each county.

Subp. ~~15~~ **16. Department.** "Department" means the Department of Human Services.

Subp. ~~16~~ **17. Documentation.** "Documentation" means a written statement or record that substantiates or validates an assertion made by a person or an action taken by an administering agency.

Subp. ~~17~~ **18. Education program.** "Education program" means ~~remedial or basic education or English as a second language instruction, an educational program that leads to a high school or general equivalency diploma, a prevocational program, and postsecondary education excluding post-baccalaureate programs. Education program includes continuing education units or certification or course work necessary to update credentials to obtain or retain employment~~ an education program as that term is defined in *Minnesota Statutes*, section 256H.01, subdivision 7.

Subp. ~~18~~ **19. Employability plan.** "Employability plan" means a plan developed for an AFDC caretaker by an employment and training service provider or person designated by the county to provide employment and training services. The employability plan defines the caretaker's employment and training goals and outlines the training, education, and support services the caretaker needs

to achieve those goals. All employability plans must receive county approval and meet the requirements of the AFDC Employment Special Needs Program under *Minnesota Statutes*, section 256.736, subdivision 8, or other federal reimbursement programs provided by Public Law Number 100-485.

Subp. ~~19~~ 20. **Employment and training service provider.** "Employment and training service provider" means a provider certified by the commissioner of jobs and training under *Minnesota Statutes*, section 268.0122, subdivision 3, to deliver employment and training services.

Subp. ~~20~~ 21. **Family.** "Family" means family as that term is defined in *Minnesota Statutes*, section 256H.01, subdivision 9.

Subp. ~~21~~ 22. **Family copayment fee.** "Family copayment fee" means the unsubsidized portion of the provider charge the family must contribute as its share of child care costs.

Subp. ~~22~~ 23. **Full-time child care.** "Full-time child care" means up to a maximum of 60 hours of child care per child per week.

Subp. ~~23~~ 24. **Greater Minnesota counties.** "Greater Minnesota counties" means counties outside the seven county metropolitan area.

Subp. ~~24~~ 25. **Human services board.** "Human services board" means a board established under *Minnesota Statutes*, section 402.02; Laws of Minnesota 1974, chapter 293; or Laws of Minnesota 1976, chapter 340.

Subp. ~~25~~ 26. **Host county.** "Host county" means the county in which a postsecondary educational institution is located.

Subp. ~~26~~ 26. **Income.** "Income" means income as that term is defined in *Minnesota Statutes*, section 256H.01, subdivision 11.

Subp. ~~27~~ 27. **In-kind service.** "In-kind service" means a child care subsidy payment made on behalf of a recipient of AFDC by a third party to cover the difference between actual child care costs and the child care disregard under *Minnesota Rules*, part 9500.2580, for employed AFDC recipients, or to cover the cost of child care without a disregard for unemployed AFDC recipients enrolled in an education or training program.

Subp. ~~28~~ 28. **Legal nonlicensed caregiver.** "Legal nonlicensed caregiver" means a child care provider exempt from licensing under *Minnesota Statutes*, section 245A.03.

Subp. ~~29~~ 29. **Postsecondary educational systems.** "~~Postsecondary educational systems~~" means the University of Minnesota Board of Regents, the State University Board, the State Board for Community Colleges, and the State Board of Vocational Technical Education.

Subp. ~~30~~ 29. **Provider.** "Provider" means the child care license holder who operates a family day care home, group family day care home, day care center, nursery school, day nursery; a licensed school age child care program or extended-day school age program that meets the standards established by the State Board of Education; or the legal nonlicensed caregiver who is 18 years old or older and functions in or out of the child's home.

Subp. ~~31~~ 30. **Provider charge.** "Provider charge" means the amount the child care service provider charges for child care.

Subp. ~~32~~ 31. **Recipient.** "Recipient" means a family receiving child care assistance under the child care subsidy program.

Subp. ~~33~~ 32. **Redetermination.** "Redetermination" means the process by which information is collected periodically by the county or ~~postsecondary educational institution~~ and used to determine a family's continued eligibility ~~whether a recipient is eligible for continued assistance~~ under the child care subsidy program.

Subp. ~~34~~ 33. **Seven county metropolitan area.** "Seven county metropolitan area" means the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Subp. ~~35~~ 34. **State median income.** "State median income" means the state's annual median income for a family of four, adjusted for family size, developed by the Bureau of Census and published annually by the United States Department of Health and Human Services in the *Federal Register*.

Subp. ~~36~~ 35. **Student.** "Student" means an individual enrolled in an educational program as defined in subpart ~~47~~ 18. A student is a full-time student if the student is enrolled in the minimum equivalent of 12 credits or 20 hours of classroom training per week. A student is a part-time student if the student is (1) a non-AFDC student enrolled in a minimum equivalent of six credits or ten hours of classroom training per week up to the minimum equivalent of full-time student status; or (2) an AFDC student who is less than a full-time student but is in compliance with the education or training requirements in his or her employability plan.

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Subp. ~~37~~ 36. **Vendor payment.** "Vendor payment" means a payment made by a county or administering agency directly to a provider of child care services on behalf of a recipient.

### **9565.5020 NOTICE OF CHILD CARE FUND ALLOCATIONS.**

By June 1 of each ~~odd-numbered~~ year, the commissioner shall notify all county and human services boards ~~and postsecondary educational systems~~ of their allocations under the child care fund.

### **9565.5025 GENERAL ELIGIBILITY REQUIREMENTS AND ASSISTANCE STANDARDS FOR ALL APPLICANTS.**

Subpart 1. **Applicant requirements and standards.** In addition to specific eligibility requirements under parts 9565.5030, 9565.5070, 9565.5080, 9565.5090, and 9565.5100 9565.5060, all applicants for a child care subsidy shall be governed by the standards and requirements in subparts 2 to 9.

Subp. 2. **Documentation of eligibility information.** ~~A family~~ An applicant requesting a child care subsidy must document income eligibility, work, and education or training status. The county ~~or postsecondary educational institution~~ shall verify a ~~family's~~ an applicant's eligibility to receive a child care subsidy at the time of the ~~family's~~ application; when there is a change in household status, family size, employment, income, education or training status; and at each redetermination under part ~~9565.5190~~ 9565.5150. When contacting third parties to confirm eligibility information, the county ~~and postsecondary educational institution~~ shall comply with the Minnesota Government Data Practices Act, *Minnesota Statutes*, chapter 13.

Subp. 3. **Recipient reporting responsibilities.** A recipient must follow the reporting procedures in items A to C.

A. A recipient of a child care subsidy must notify the county ~~or postsecondary educational institution~~ of any changes in marital or household status, address, employment, and any change in income from the amount reported on the application form or the last redetermination, whichever occurred later.

B. The recipient must report the changes listed in item A within ten calendar days after the change. In cases of an income change, the date of change begins on the day that the recipient receives payment at the new rate.

C. A recipient's failure to report any changes under this subpart or to update information for redetermination is just grounds to terminate a child care subsidy.

Subp. 4. **Resident requirement.** A recipient of a child care subsidy must be a Minnesota resident under part 8100.0300.

Subp. 5. **Eligible applicants in two-parent families.** ~~The applicant~~ An applicant must meet the employment ~~and~~ education, or training requirements ~~of under the basic sliding fee program or set-aside programs. The other parent or individual with legal guardianship of the child must meet child care fund requirements or be the AFDC child care program unless the applicant is unable to care for their the applicant's child or dependent as determined by a medical doctor or by an assessment by the local social services agency.~~

Subp. 6. **Maximum weekly child care assistance.** Child care subsidies may not be received for more than 60 hours per child per week.

Subp. 7. **Child care assistance during employment.** Child care assistance during employment shall be granted for all hours of work including break and meal time and up to one hour per day for travel time. ~~The county must approve additional child care during employment for time greater than the amount provided in this subpart.~~

Subp. 8. **Child care assistance during education or training.** Child care assistance during education or training shall be granted according to items A and B.

A. Full-time students shall receive the equivalent of full-time child care on the days of class for all hours of the education program including time in between nonconsecutive classes and up to one hour per day for travel time. Full-time students who do not have an open period between classes shall receive up to five hours per week for study and academic appointments.

B. Part-time students shall receive child care for all hours of actual class time and periods between nonconsecutive classes plus up to one hour per day for travel time and up to two hours per week for study and academic appointments if there are no open periods between classes in the student's schedule. ~~The county must approve additional child care during education or training for time in excess of the amount provided in this subpart for part-time students.~~

Subp. 9. **Maximum education and training under child care fund.** The maximum length of time a student is eligible for child care assistance under the child care fund for education and training is described in items A to ~~C~~ E.

A. A student is eligible for a maximum of 48 months of child care subsidy for education or training from a single child care fund program or combination of programs within the child care fund. A four-year education or training program must be directed towards a baccalaureate degree.

B. A student may receive a child care subsidy for a second education or training program if:

(1) the total period of assistance under both programs does not exceed the equivalent of 48 calendar months;

- (2) the student has been unable to find full-time employment in the student's first program; and
- (3) at least one year has passed since the student completed the first program.

C. A student with a baccalaureate degree may only obtain a child care subsidy for continuing education units or certification or coursework necessary to update credentials to obtain or retain employment.

D. A student who has once dropped out of an education or training program or who once failed to complete an education or training program while receiving a child care subsidy is eligible for child care assistance to enable the student to complete the program or begin a new program. A student applying for child care assistance under this item must be treated as a new applicant.

E. A student may receive a child care subsidy for a second baccalaureate degree if:

(1) the student did not receive child care assistance under the child care subsidy program for the first baccalaureate degree; and

(2) the student does not have marketable skills.

### **9565.5030 BASIC SLIDING FEE PROGRAM.**

Subpart 1. **Basic sliding fee allocation.** ~~For fiscal year 1990 and each following fiscal year,~~ The commissioner shall allocate to the ~~basic sliding fee program~~ child care funds that remain after set-aside allocations for the basic sliding fee program as provided in Minnesota Statutes, section 256H.03, subdivision 2.

Subp. 2. **County allocation.** The commissioner shall allocate basic sliding fee funds among the counties according to items A to C:

A. 50 percent of the money shall be allocated among the counties on the basis of the number of families below the poverty level, as determined from the most recent special census.

B. 50 percent of the money shall be allocated among the counties on the basis of caseloads of AFDC for the preceding year.

C. If under the formula in items A and B, either the seven county area or the area made up of the greater Minnesota counties is allocated more than 55 percent of the basic sliding fee funds, each county's allocation in that area shall be proportionally reduced until the total for the area is no more than 55 percent of the basic sliding fee funds. The amount of the allocations proportionally reduced shall be used to proportionally increase each county's allocation in the other area.

Subp. 3. **County administrative expenses.** A county may use up to seven percent of its allocation under subpart 2 for administrative expenses.

Subp. 4. **AFDC federal program reimbursement.** Counties shall claim, on forms prescribed by the commissioner, federal reimbursement under the AFDC special needs program and other appropriate federal programs for child care expenditures for all eligible AFDC recipients who are in education, training, or other preemployment activities allowed under the AFDC special needs program or other federal reimbursement programs. The commissioner shall allocate any federal earnings to the county that claimed the federal reimbursement and the county shall use the earnings to expand funding for child care services under the basic sliding fee program.

Subp. 5. **Reallocation of unexpended or unencumbered funds.** The commissioner shall reallocate unexpended or unencumbered funds according to items A to ~~E~~ D.

A. The commissioner may reallocate unexpended or unencumbered funds following the first, second, and third quarters as provided in *Minnesota Statutes*, section 256H.03, subdivision 3. Following the fourth quarter, the commissioner shall review county expenditures under the basic sliding fee program and shall reallocate unearned allocations to counties that earned their full allocation.

B. The amount reallocated to any county shall be based on earnings in excess of its allocation. The amount reallocated shall not be greater than the earnings in excess of allocation minus the county's maintenance of effort required under part ~~9565.5150~~ 9565.5110, subpart 8 9.

C. If the amount of funds available for reallocation is less than total county earnings in excess of allocations, the reallocated funds shall be prorated to each county based on the ratio of the county's earnings in excess of its allocation to the total of all county earnings in excess of their allocation.

D. If the amount of funds available for reallocation is greater than total county earnings in excess of allocations under the basic sliding fee program, the funds remaining after the basic sliding fee reallocation shall be allocated to counties with excess earnings.

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under the AFDC ~~priority groups~~ child care program based on the ratio of a county's earning in excess of its allocation to all county earnings in excess of allocation under the AFDC ~~priority groups~~ child care program.

~~E. Funds remaining after reallocations for excess earnings under the basic sliding fee and the AFDC priority groups programs shall be allocated to counties with excess earnings under the AFDC postsecondary student program based on the ratio of a county's earnings in excess of its allocation to all county earnings in excess of allocation under the AFDC postsecondary student program.~~

Subp. 6. **Families eligible for subsidies under the basic sliding fee program.** Eligibility for subsidies under the basic sliding fee program is determined according to items A and B.

A. To the extent of available allocations, a family is eligible for a child care subsidy under the basic sliding fee program if the family applicant meets eligibility requirements under part 9565.5025 and the family:

(1) is receiving AFDC;

(2) is eligible for AFDC but is not receiving AFDC; or

(3) has annual gross income that is above the eligibility limit for AFDC but that does not exceed 75 percent of the state median income for a family of four, adjusted for family size.

B. If adequate funds become available, the commissioner may extend the eligibility limit to families with incomes greater than 75 percent of the state median income for a family of four, adjusted for family size, to use available funds.

Subp. 7. **Basic sliding fee program waiting lists.** Counties must keep a written record of families who have applied for a child care subsidy. When a family requests information about child care assistance, the county shall perform a preliminary determination of eligibility. If it appears that a family is eligible for a child care subsidy and funds are not immediately available, the family shall be placed on a child care subsidy waiting list. The county shall provide a means of identifying students placed on the basic sliding fee waiting list. If it appears that a family is eligible for a child care subsidy and funds are available or if a family requests an application, the family shall be given a child care subsidy application.

Subp. 8. **Prioritizing child care assistance.** If a county projects that its basic sliding fee allocation is insufficient to meet the needs of all families eligible under subpart 6, it ~~may shall~~ shall ~~prioritize, subject to the commissioner's approval,~~ prioritize funding among the groups to be served as provided in Minnesota Statutes, section 256H.03, subdivision 2b. The county's procedure for prioritizing basic sliding fee program funds between all eligible groups shall be contained in its annual allocation plan required under part ~~9565.5160~~ 9565.5120.

Subp. 9. **County documentation required if group disproportionately funded.** ~~If more than 60 percent of the total funds available under the basic sliding fee program are provided to any group eligible for a child care subsidy under subpart 6, the county shall document the reason the group received a disproportionate share of the basic sliding fee funds. The county shall provide a copy of the documentation to the commissioner for approval. If a county's disproportionate funding is consistent with its annual allocation plan, no additional documentation is required.~~

~~Subp. 10. Application for child care assistance.~~ A family that seeks a child care subsidy under the basic sliding fee program must apply for the child care subsidy in the family's county of residence.

### **9565.5040 JOB SEARCH, EMPLOYMENT, AND EDUCATION OR TRAINING ELIGIBILITY UNDER BASIC SLIDING FEE PROGRAM.**

Subpart 1. **Child care subsidy during job search.** To the extent of available allocations, counties shall provide persons eligible under part 9565.5030 who are seeking employment, the equivalent of one month of full-time child care during job search. At the option of the applicant and with prior county approval, child care may be used at a rate that is less than full-time for a period of up to four consecutive months provided the total child care subsidy does not exceed the equivalent of one month full-time child care. For the purpose of this subpart, job search includes locating, contacting, and interviewing with potential employers and preparing for job interviews.

Subp. 2. **Child care subsidy during employment.** To the extent of available allocations, counties shall provide child care subsidies to employed persons who are eligible under part 9565.5030, who work ten hours or more per week, and who receive at least the state minimum wage for all hours worked.

Subp. 3. **Child care subsidy during education or training programs.** To the extent of available allocations, counties shall provide child care subsidies to students eligible under part 9565.5030 and enrolled in part-time or full-time education or training programs.

A. Employed full-time or part-time students are eligible for child care for the hours of employment and education or training.

(1) An acceptable course of study for an AFDC caretaker is a training or education program described in the AFDC recipient's employability plan.

(2) An acceptable course of study for a non-AFDC student is an education or training program that will reasonably lead to full-time employment opportunities as determined by the county.

B. Subject to the limitation in part 9565.5025, subpart 9, counties shall pay child care subsidies to persons eligible under this subpart for the length of the education or training program if the student is making satisfactory progress in the educational or training program. Satisfactory progress in the education or training program ~~shall be determined by the county based on written county policies approved by the commissioner~~ means a student remains in good standing in the education or training program and meets the pertinent requirements of the recipient's employability plan. If the county determines that a student is not making satisfactory progress towards completion of an education program, it shall notify the student and shall discontinue the child care subsidy according to part ~~9565.5150~~ 9565.5110, subpart ~~9~~ 10.

C. Upon approval of an application for assistance under this subpart, a county must set aside funds from its current allocation to cover child care subsidies for the current program year. Counties may cover the funding for a child care subsidy for persons eligible under this subpart from funding sources other than the child care fund.

Subp. 4. **Changes in education or training programs; approvals required.** A change in an education or training program ~~that requires an additional period of child care assistance from the student's original program must be~~ is permitted if approved by the county ~~based on written policies established by the county and approved by the commissioner.~~ A an approved change in an AFDC recipient's education or training program must be included in the employability plan.

#### **9565.5050 CONTINUED ELIGIBILITY UNDER THE BASIC SLIDING FEE PROGRAM.**

To the extent of available allocations, a county may not refuse continued child care assistance to a family receiving a subsidy under the basic sliding fee program when there is a change in the family's financial or household status. However, the family's annual gross income may not exceed 75 percent of the state median income for a family of four, adjusted for family size, and the family must meet all other eligibility requirements under the basic sliding fee program. Except for the education time limit under part 9565.5025, subpart 9, counties may not set a time limit for eligibility under the basic sliding fee program.

#### **9565.5060 SET-ASIDE PROGRAM ALLOCATIONS.**

For fiscal year 1990 and each following fiscal year, ~~the commissioner may allocate up to 52 percent of the available child care funds for set-aside programs described in Minnesota Statutes, section 256H.04, subdivision 1.~~

#### **9565.5070 SET-ASIDE FOR AFDC PRIORITY GROUPS CHILD CARE PROGRAM.**

Subpart 1. **County allocation.** The commissioner shall allocate to the counties ~~set-aside~~ funds for the AFDC priority groups child care program as provided in *Minnesota Statutes*, section 256H.05, subdivision ~~1~~ 1a. The county shall not use any of the allocation under this subpart for administrative expenses.

Subp. 2. **Families eligible under the AFDC priority groups child care program.** To the extent of available allocations, families eligible for a child care subsidy under the AFDC priority groups child care program are ~~AFDC caretakers who meet eligibility requirements under part 9565.5025 and criteria under part 9565.5010, subpart 7. Former AFDC families who received a child care subsidy under the AFDC priority groups program; who continue to require a child care subsidy to remain employed, and who are on a waiting list for the basic sliding fee program under part 9565.5030 are eligible for a child care subsidy under this subpart.~~ families receiving AFDC and former AFDC recipients who during their first year of employment continue to require a child care subsidy in order to retain employment.

Subp. 3. **Funding priority.** Priority for child care assistance under the AFDC child care program shall be given to AFDC priority groups who are engaged in an employment or education program consistent with their employability plan.

Subp. 4. **Agreements with employment and training service providers.** The county shall develop cooperative agreements with employment and training service providers to coordinate child care funding with employment, training, and education programs for all AFDC recipients under the PATHS program in Minnesota Statutes, section 256.736. The cooperative agreement shall specify that individuals receiving employment, training, and education services under an employability plan shall, to the extent of available allocations, be guaranteed set-aside money for child care assistance from the county of their residence to cover the recipient's employability plan.

Subp. 4 5. **Child care subsidy during education or training programs under AFDC priority groups child care program.** To the extent of available allocations, counties shall provide child care subsidies for full-time or part-time AFDC students.

A. Employed students are eligible for child care for the hours of employment and education or training. An acceptable course of study for an AFDC caretaker is a training or education program described in the AFDC recipient's employability plan.

B. Subject to the limitation in part 9565.5025, subpart 9, counties shall pay child care subsidies for persons eligible under this

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subpart for the length of the education or training program if the student is making satisfactory progress in an educational or training program. Satisfactory progress in an education or training program shall be determined by the counties based on written policies approved by the commissioner means a student remains in good standing in the education or training program and meets the pertinent requirements of the recipient's employability plan. The county of financial responsibility shall obtain reports on the student's progress for each grading period. If the county determines that the student is not making satisfactory progress toward completion of an education program, it shall notify the student and shall discontinue the child care subsidy according to part ~~9565.5150~~ 9565.5110, subpart 9 10.

C. Upon approval of an application for assistance under this subpart, a county must set aside funds from its current allocation to cover child care subsidies for the current program year. Counties may cover the funding for a child care subsidy for persons eligible under this subpart from funding sources other than the child care fund.

Subp. ~~5~~ 6. **Changes in education or training programs; approvals required.** A change in an education or training program that requires an additional period of child care eligibility from the student's original program must be included in the student's employability plan and is permitted if approved by the county based on written policies established by the county and approved by the commissioner. An approved change in an AFDC recipient's education or training program must be included in the employability plan.

~~Subp. 6. Set-aside fund use after second quarter.~~ On or after January 1 of each year, if the commissioner finds that set-aside funds for AFDC priority groups are not being fully used, counties may use AFDC priority group set-asides for families eligible under the basic sliding fee program or other set-aside programs. However, priority for use of the funds must be given to AFDC priority groups.

Subp. 7. **Reallocation of unearned AFDC priority groups child care program funds.** The commissioner shall reallocate set-aside funds for AFDC priority groups according to items A to E child care program funds as provided in Minnesota Statutes, section 256H.05, subdivision 3a.

A. Following the fourth quarter, the commissioner shall review county expenditures of AFDC priority groups set-aside funds. The commissioner shall reallocate unearned AFDC priority groups set-aside allocations to counties that earned their full allocation.

B. The amount reallocated to any county shall be based on earnings in excess of its allocation. The amount reallocated shall not be greater than the earnings in excess of allocation.

C. If the amount of funds available for reallocation is less than total county earnings in excess of allocations, the reallocated funds shall be prorated to each county based on the ratio of a county's earnings in excess of its allocation to the total of all county earnings in excess of their allocations.

D. If the amount of funds available for reallocation is greater than total county earnings in excess of allocations under the AFDC priority groups program, the funds remaining after the AFDC priority groups program reallocation shall be allocated to counties with excess earnings under the AFDC postsecondary student program based on the ratio of a county's earnings in excess of its allocation to all county earnings in excess of allocation under the AFDC postsecondary student program.

E. Funds remaining after reallocations for excess earnings under the AFDC postsecondary student program shall be reallocated to counties with excess earnings under the basic sliding fee program.

Subp. 8. **AFDC federal program reimbursement.** Counties shall claim, on forms prescribed by the commissioner, federal reimbursement under the AFDC special needs program and other appropriate federal programs for child care expenditures for all eligible AFDC recipients who are in education, training, or other preemployment activities allowed under the AFDC special needs program or other federal reimbursement programs. The commissioner shall allocate any federal earnings to the county that claimed the federal reimbursement. The county shall use the earnings to expand funding for child care services under the AFDC priority groups child care program.

### **9565.5080 SET-ASIDE FOR AFDC POSTSECONDARY STUDENTS.**

Subpart 1. **County allocation.** The commissioner shall allocate AFDC postsecondary student set-aside funds to the counties based on the ratio of a county's caseloads for AFDC for the preceding year to the total of all AFDC caseloads for the preceding year. When information becomes available on the number of AFDC caretakers enrolled in postsecondary educational institutions, the commissioner shall allocate AFDC postsecondary student set-aside funds to the counties based on the ratio of the number of AFDC caretakers enrolled in postsecondary educational institutions in each county to all AFDC caretakers enrolled in postsecondary educational institutions in all counties. The county may not use any of the funding under this subpart for administrative expenses.

Subp. 2. **Families eligible under the AFDC postsecondary student program.** To the extent of available allocations, a family is eligible for a child care subsidy under the AFDC postsecondary student program if the family meets the eligibility requirements under part 9565.5025 and is receiving AFDC with a caretaker enrolled in a postsecondary institution. An acceptable postsecondary educational program may not include post-baccalaureate programs directed towards a post-baccalaureate degree.

Subp. 3. ~~Fund uses and continued assistance.~~ Funds allocated to a county under subpart 1 must be used for child care expenses of AFDC recipients attending postsecondary educational institutions and making satisfactory progress in completing the educational program. Satisfactory progress in the education program shall be determined by the county based on written county policies approved by the commissioner. The county shall obtain reports on the student's progress for each grading period. If the county determines that the student is not making satisfactory progress toward completion of an education program, it shall notify the student and shall discontinue the child care subsidy according to part 9565.5150, subpart 9.

Subp. 4. ~~Child care subsidy during education or training programs under the AFDC postsecondary student program.~~ To the extent of available allocations, counties shall provide child care subsidies for AFDC students enrolled in education or training programs.

A. Employed students are eligible for child care for the hours of employment and education or training. An acceptable course of study for an AFDC caretaker is a training or education program described in an employability plan.

B. Subject to the limitation in part 9565.5025, subpart 9, counties shall pay child care subsidies for persons eligible under this subpart for the length of the education or training program if the student is making satisfactory progress in the educational or training program. Satisfactory progress in the education or training program shall be determined by county based on written county policies approved by the commissioner.

C. Upon approval of an application for assistance under this subpart, a county must set aside funds from its current allocation to cover child care subsidies for the current program year. If a recipient's education or training program extends beyond the current allocation year, the county must set aside allocations to cover the recipient's eligible period of education or training upon receipt of its allocation in subsequent years. Counties may cover the funding for a child care subsidy for persons eligible under this subpart from funding sources other than the child care fund.

Subp. 5. ~~Changes in education or training programs; approvals required.~~ A change in an education or training program requiring an additional period of child care eligibility over the student's original program must be included in the employability plan and approved by the county based on written policies established by the county and approved by the commissioner.

Subp. 6. ~~AFDC federal program reimbursement.~~ Counties shall claim, on forms prescribed by the commissioner, federal reimbursement under the AFDC special needs program and other appropriate federal programs for child care expenditures for all eligible AFDC recipients who are in education, training, or other preemployment activities allowed under the AFDC special needs program or other federal reimbursement programs. The commissioner shall allocate any federal earnings to the county that claimed the federal reimbursement. The county must use the earnings to expand funding for child care services under the AFDC postsecondary student program.

Subp. 7. ~~Reallocation of unexpended or unencumbered funds.~~ The commissioner shall reallocate unexpended or unencumbered funds according to items A to C.

A. The commissioner may reallocate unexpended or unencumbered funds following the first, second, and third quarters as provided in *Minnesota Statutes*, section 256H.06, subdivision 3. Following the fourth quarter, the commissioner shall review county expenditures under the AFDC postsecondary student program. The commissioner shall reallocate unearned allocations to counties that earned their full allocation.

B. The amount reallocated to any county shall be based on earnings in excess of its allocation. The amount reallocated shall not be greater than the earnings in excess of allocation.

C. If the amount of funds available for reallocation is less than the total county earnings in excess of allocations, the reallocated funds shall be prorated to each county based on the ratio of the county's earnings in excess of its allocation to the total of all county earnings in excess of all county's allocations.

~~9565.5090 SET-ASIDE FOR PUBLIC POSTSECONDARY STUDENTS.~~

Subpart 1. ~~Postsecondary educational system allocation.~~ Each postsecondary educational system shall be allocated a portion of the set-aside funds for eligible postsecondary students as provided in *Minnesota Statutes*, section 256H.07, subdivision 1. The postsecondary educational system may allow pooling of individual institution allocations within a host county.

Subp. 2. ~~Families eligible under the public postsecondary student program.~~ To the extent of available allocations, a family is eligible for a child care subsidy under the public postsecondary student program if (1) the family meets the eligibility requirements under part 9565.5025; (2) the family's annual gross income does not exceed 75 percent of the state median income for a family

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of four, adjusted for family size; and (3) a parent, legal guardian, or AFDC caretaker is attending a public postsecondary educational institution.

**Subp. 3. Public postsecondary educational institution account.** The commissioner shall transfer to the host county the allocation for each public postsecondary educational institution located in the county. The host county shall hold the funds in an account for students attending the public postsecondary educational institution in that county who are eligible for a child care subsidy. If there is more than one public postsecondary education institution in the host county, the host county shall keep a separate account for each institution.

**Subp. 4. County administrative expenses.** The county may use up to four percent of the funds transferred to it under subpart 3 for administrative expenses.

**Subp. 5. Child care subsidy during education or training programs under the postsecondary student program.** To the extent of available allocations, host counties shall provide from the institution's account child care subsidies for part-time or full-time students enrolled in education or training programs.

A. Students who are employed while enrolled in school are eligible for child care for the hours of employment and education or training.

(1) An acceptable course of study for an AFDC caretaker is a training or education program described in an employability plan.

(2) An acceptable course of study for a non-AFDC student is an education or training program that will reasonably lead to full-time employment opportunities as determined by the educational institution.

B. Subject to the limitation in part 9565.5025, subpart 9, host counties shall pay child care subsidies for persons eligible under this subpart for the length of the education or training program if the student is making satisfactory progress in the educational or training program. Satisfactory progress in the education or training program shall be determined by the institution based on written policies approved by the commissioner. If the institution determines that a student is not making satisfactory progress towards completion of an education program, it shall notify the student and the county and the county shall discontinue the child care subsidy consistent with the procedure under part 9565.5150, subpart 9.

C. Upon approval of an application for assistance under this subpart, an institution must set aside funds from its current allocation to cover child care subsidies for the current program year. If a recipient's education or training program extends beyond the current allocation year, the institution must set aside allocations to cover the recipient's eligible period of education or training upon receipt of its allocation in subsequent years. Institutions may cover the funding for a child care subsidy for persons eligible under this subpart from funding sources other than the child care fund.

**Subp. 6. Changes in education or training programs; approvals required.** A change in an education or training program that requires an additional period of child care eligibility from the student's original program must be approved under this subpart.

A. For non-AFDC students an education or training program change may be approved by the educational institution. The educational institution shall notify the host county of the academic change and the host county shall extend the recipient's child care subsidy for the necessary period of time.

B. An AFDC student's program change must be included in the student's employability plan and must be approved by the county of residence based on written policies established by the county of residence and approved by the commissioner.

C. Upon county approval of the change in the employability plan, the institution shall notify the host county to extend the recipient's child care subsidy for the necessary period of time. The educational institution is responsible for assuring that allocations are available to cover child care costs for the student's revised education or training program.

**Subp. 7. Institution processing of student eligibility.** Postsecondary educational institutions shall take applications for a child care subsidy from students and determine family eligibility for assistance under parts 9565.5025 and 9565.5030, subpart 6. The institution shall notify the host county of the student's eligibility. The postsecondary educational institution shall not approve student applications for assistance or extend student eligibility for child care assistance in excess of its allocation under subpart 1. The institution shall negotiate an agreement with the host county to delegate administration of the program to the host county or the host county's designated administering agency.

**Subp. 8. Postsecondary educational systems policies.** Postsecondary educational systems shall establish written policies for: (1) prioritizing which students will receive a child care subsidy; (2) the number of credits or hours needed before a student may qualify for a subsidy; (3) the hours of child care to be funded for a student; (4) student dropout; (5) satisfactory progress policy; and (6) other policies affecting academic issues.

Policies for AFDC students must meet AFDC employment special needs requirements. The institution's policies must be submitted with the county allocation plan in order to act as documentation in the fair hearing process.

Subp. 9. **Institution maintenance of funding effort.** The postsecondary educational institution shall provide a written statement to the commissioner that it has not reduced funds from federal, other state, or private sources that were specified for child care or used for child care in state fiscal year 1987 that, in absence of the child care subsidy funds, would have been available for child care subsidies.

Subp. 10. **County payment responsibility.** The host county shall process the child care subsidy application and make vendor payments to the family's provider of child care from the postsecondary institution's account on at least a monthly reimbursement basis. The host county shall inform the family, educational institution, and the provider of the payment procedures and the amount of the payment. The host county shall inform the postsecondary institution of vendor payments and the institution's account status at least once each quarter.

Subp. 11. **Reallocation of unexpended or unencumbered postsecondary education funds.** Postsecondary educational systems may reallocate unexpended or unencumbered funds among institutions under their authority. If by May 15 of any year public postsecondary student set-aside funds are not expended or encumbered by the postsecondary educational systems, the commissioner shall reallocate the funds to the counties based on the reallocation process in part 9565.5030, subpart 5.

#### **9565.5100 SET-ASIDE FOR NONPROFIT POSTSECONDARY STUDENTS.**

Subpart 1. **Nonprofit educational institution participation.** A nonprofit postsecondary educational institution that wants to participate in the child care subsidy program must make a written request to the commissioner. The written request shall include documentation of the institution's nonprofit status. If the commissioner approves the institution's participation in the child care subsidy program, the host county of the institution shall receive child care funding as provided in subpart 2.

Subp. 2. **Funding allocation and system accounts.** Funds for a nonprofit educational institution participating in the child care subsidy program are allocated according to items A to C.

A. Ten percent of the funds available for allocation under part 9565.5090, subpart 1, shall be transferred by the commissioner to the host counties of nonprofit postsecondary educational institutions participating in the nonprofit postsecondary student program.

B. Child care funds shall be allocated to participating institutions based on the proportion of the students who apply for financial aid and report dependents in each nonprofit postsecondary institution to all students who apply for financial aid and report dependents in all nonprofit postsecondary institutions. The funds shall be used to subsidize the child care costs of students attending nonprofit postsecondary educational institutions.

C. If a nonprofit postsecondary educational institution's allocation under item B is insufficient to fund the child care subsidy need of an eligible full-time student for a full academic year, those funds shall be reallocated on a proportional basis to nonprofit postsecondary educational institutions that qualify for funding. If there is more than one nonprofit postsecondary educational institution in the host county, the county shall maintain a separate account for each institution.

Subp. 3. **Program requirements under the nonprofit postsecondary student program.** Program requirements under the nonprofit postsecondary student program are the same as the requirements in part 9565.5090, subparts 2 to 11.

#### **9565.5110 ~~9565.5070~~ FAMILY COPAYMENT FEE SCHEDULE.**

Subpart 1. **Non-AFDC family copayment fees.** Non-AFDC families participating in the sliding fee program must pay a family copayment fee for child care services as provided in subpart 3.

Subp. 2. **AFDC family copayment fees.** AFDC families participating in the sliding fee program shall be governed by AFDC program rules regarding child care costs. Employed AFDC recipients must use their dependent care disregard before using the child care fund except as federal and state waivers allow. The child care fund shall cover the cost of child care for unemployed AFDC recipients in education, training, or preemployment activities up to the maximum amount set by the county under part ~~9565.5140~~ 9565.5100 without applying a disregard.

Subp. 3. **Calculation of non-AFDC family copayment fee.** A non-AFDC family's monthly copayment fee is a fixed percent of its annual gross income. The fixed percent is based on the relationship of the family's annual gross income to 100 percent of state median income for a family of four, adjusted for family size. The fixed percent is set forth in item C.

Subject to the maximum provider rate established under part ~~9565.5140~~ 9565.5100, if the family is eligible for AFDC but not receiving AFDC there is no family copayment fee. If the provider's charge for child care is greater than the maximum provider rate

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established by the county under part ~~9565.5140~~ 9565.5100, the family shall pay the difference between the maximum provider rate and the provider charge.

The monthly family copayment fee for families with annual incomes greater than 185 percent of the AFDC family allowance for the assistance unit under part 9500.2440 is determined as follows:

A. The family's annual gross income is converted into a percentage of state median income for a family of four, adjusted for family size, by dividing the family's annual gross income by 100 percent of the state median income for a family of four, adjusted for family size. The percentage must be carried out to the nearest 100th of a percent.

B. If the family's annual gross income is greater than 185 percent of the maximum AFDC grant for a family of the same size but less than 42.01 percent of the state median income for a family of four, adjusted for family size, the family's monthly copayment fee is \$20.

C. If the family's annual gross income is between 42.01 and 75.00 percent of the state median income (SMI) for a family of four, adjusted for family size, the monthly copayment fee is the fixed percentage established for that income range in subitems (1) to (58) multiplied by the highest possible income within that income range, divided by 12, and rounded to the nearest whole dollar.

- (1) 42.01 to 43.00 percent of SMI — 2.60%
- (2) 43.01 to 44.00 percent of SMI — 2.80%
- (3) 44.01 to 45.00 percent of SMI — 3.00%
- (4) 45.01 to 46.00 percent of SMI — 3.20%
- (5) 46.01 to 47.00 percent of SMI — 3.40%
- (6) 47.01 to 48.00 percent of SMI — 3.60%
- (7) 48.01 to 49.00 percent of SMI — 3.80%
- (8) 49.01 to 50.00 percent of SMI — 4.00%
- (9) 50.01 to 50.50 percent of SMI — 4.20%
- (10) 50.51 to 51.00 percent of SMI — 4.40%
- (11) 51.01 to 51.50 percent of SMI — 4.60%
- (12) 51.51 to 52.00 percent of SMI — 4.80%
- (13) 52.01 to 52.50 percent of SMI — 5.00%
- (14) 52.51 to 53.00 percent of SMI — 5.20%
- (15) 53.01 to 53.50 percent of SMI — 5.40%
- (16) 53.51 to 54.00 percent of SMI — 5.60%
- (17) 54.01 to 54.50 percent of SMI — 5.80%
- (18) 54.51 to 55.00 percent of SMI — 6.00%
- (19) 55.01 to 55.50 percent of SMI — 6.25%
- (20) 55.51 to 56.00 percent of SMI — 6.50%
- (21) 56.01 to 56.50 percent of SMI — 6.75%
- (22) 56.51 to 57.00 percent of SMI — 7.00%
- (23) 57.01 to 57.50 percent of SMI — 7.25%
- (24) 57.51 to 58.00 percent of SMI — 7.50%
- (25) 58.01 to 58.50 percent of SMI — 7.75%
- (26) 58.51 to 59.00 percent of SMI — 8.00%
- (27) 59.01 to 59.50 percent of SMI — 8.25%
- (28) 59.51 to 60.00 percent of SMI — 8.50%
- (29) 60.01 to 60.50 percent of SMI — 8.75%
- (30) 60.51 to 61.00 percent of SMI — 9.00%
- (31) 61.01 to 61.50 percent of SMI — 9.25%
- (32) 61.51 to 62.00 percent of SMI — 9.50%

- (33) 62.01 to 62.50 percent of SMI — 9.75%
- (34) 62.51 to 63.00 percent of SMI — 10.00%
- (35) 63.01 to 63.50 percent of SMI — 10.30%
- (36) 63.51 to 64.00 percent of SMI — 10.60%
- (37) 64.01 to 64.50 percent of SMI — 10.90%
- (38) 64.51 to 65.00 percent of SMI — 11.20%
- (39) 65.01 to 65.50 percent of SMI — 11.50%
- (40) 65.51 to 66.00 percent of SMI — 11.80%
- (41) 66.01 to 66.50 percent of SMI — 12.10%
- (42) 66.51 to 67.00 percent of SMI — 12.40%
- (43) 67.01 to 67.50 percent of SMI — 12.70%
- (44) 67.51 to 68.00 percent of SMI — 13.00%
- (45) 68.01 to 68.50 percent of SMI — 13.30%
- (46) 68.51 to 69.00 percent of SMI — 13.60%
- (47) 69.01 to 69.50 percent of SMI — 13.90%
- (48) 69.51 to 70.00 percent of SMI — 14.20%
- (49) 70.01 to 70.50 percent of SMI — 14.50%
- (50) 70.51 to 71.00 percent of SMI — 14.80%
- (51) 71.01 to 71.50 percent of SMI — 15.10%
- (52) 71.51 to 72.00 percent of SMI — 15.40%
- (53) 72.01 to 72.50 percent of SMI — 15.70%
- (54) 72.51 to 73.00 percent of SMI — 16.00%
- (55) 73.01 to 73.50 percent of SMI — 16.30%
- (56) 73.51 to 74.00 percent of SMI — 16.60%
- (57) 74.01 to 74.50 percent of SMI — 16.90%
- (58) 74.51 to 75.00 percent of SMI — 17.20%

D. If the provider's charge for child care is greater than the maximum provider rate established by the county under part ~~9565.5140~~ 9565.5100, families shall pay, in addition to the family copayment fee, the difference between the maximum provider rate and the provider charge.

E. If the remaining provider charge, up to the maximum provider rate established by the county under part ~~9565.5140~~ 9565.5100, for child care services is less than \$20 upon payment of the family copayment fee, the family shall pay the remainder of the provider charge.

F. During the start-up month, the county may determine the family copayment fee but it may not establish a fee that is greater than 100 percent of the monthly copayment fee for families receiving assistance on or before the 15th of any month or greater than 50 percent of the monthly copayment fee for families receiving assistance on or after the 16th of any month.

Subp. 4. **Publication of state median income and fee schedule in *State Register*.** The department shall publish in the *State Register* the state median income for a family of four, adjusted for family size, and a fee schedule based on the formula in subpart 3, item C, within 120 days from the date of its publication in the Federal Register by the Department of Health and Human Services. Once published in the *State Register*, the department shall distribute a copy of the fee schedule and the updated estimate of state median income to each county. The updated fee schedule shall be used by the county to determine the family copayment fee for new

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applications and at a participating family's next redetermination to calculate a family's copayment fee beginning on the first month of the first full quarter that follows publication of the state median income in the *State Register*.

### ~~9565.5120~~ 9565.5080 PAYMENT OF CHILD CARE SUBSIDY.

Subpart 1. **Payment options.** ~~Under the basic sliding fee program and the AFDC set-aside programs,~~ The county may make child care subsidy payments to the child care provider or directly to an eligible family to reimburse the family for child care expenditures. If the county makes child care subsidy payments directly to an eligible family, it shall establish appropriate documentation procedures to ensure that funds are used for child care. ~~Under the public and nonprofit postsecondary student programs, the county must reimburse the provider directly.~~

Subp. 2. **Notification of vendor payment procedures.** If the method of payment is vendor payment, the county shall inform both the family and child care provider of the payment amount and how and when payment shall be received.

Subp. 3. **County payment schedule.** The county shall make payments at least monthly.

Subp. 4. **Sick child care.** Sick child care means child care services provided to children who as a result of illness cannot attend the family's regular provider. If required by the regular provider, child care payments shall go to the provider to hold a child care space for the sick child. In addition to making payments for regular child care, the county may pay sick child care on a limited basis. If the county chooses to pay sick child care, payment for sick child care shall be at a rate comparable to like care arrangements in the county. The county's sick child care rate shall be included in the county's annual allocation plan required under part ~~9565.5160~~ 9565.5120.

Subp. 5. **Payment during child absences.** If required by the regular provider, child care payments shall go to the provider to hold a child care space for an absent child. Payments for child absences may be made for employer or school holidays and breaks. The total payment amount allowed to be paid from the child care fund under this subpart and subpart 4 shall not exceed five ten days per quarter per child in a six-month period. Provider charges for absent days in excess of this amount are the responsibility of the family receiving the child care subsidy.

### ~~9565.5130~~ 9565.5090 ELIGIBLE PROVIDERS.

~~Counties must follow the procedures in items A to C in prioritizing eligible providers.~~

~~A. Providers eligible for payments under the child care fund are providers as defined in part 9565.5010, subpart 30 29. Counties may establish the following priority to encourage the use of licensed child care providers.~~

~~(1) When available and reasonably accessible, licensed providers with vendor contracts with the county may be used as the first choice for providing child care.~~

~~(2) If a licensed provider with a vendor contract is not available or reasonably accessible, licensed child care providers that do not have vendor contracts with the county may be used as the second choice for providing child care.~~

~~(3) If licensed child care is unavailable or is not reasonably accessible, legal nonlicensed child care providers may be used as the third choice for providing child care.~~

~~B. If a county does not establish a provider prioritization policy under item A, a family may choose a provider as the term is defined in part 9565.5010, subpart 30.~~

~~C. A county that prioritizes child care providers must submit a copy of its child care provider policy in the county allocation plan required under part 9565.5160 for commissioner approval. Parents may choose child care providers that best meet the needs of their family subject to the limitation in Minnesota Statutes, section 256H.10, subdivision 5.~~

### ~~9565.5140~~ 9565.5100 CHILD CARE PROVIDER RATES.

Subpart 1. **Rate determination.** Each year, the commissioner shall determine the median provider charge for infants, toddlers, preschool children, and school age children in day care centers and family day care homes in each county. When the sample size for determining provider rates is too small to provide a valid statistical sample, the commissioner may establish child care provider rates based on like care arrangements in similar areas.

Subp. 2. **Establishment of maximum county child care subsidy.** Counties shall pay the provider's charges to cover all eligible hours of child care up to the maximum of 60 hours per child per week. The county board may set a maximum rate that it will pay a child care provider according to items A to F.

A. The maximum rate for a legal nonlicensed caregiver may be set by the county but may not be less than the median rate in the county for family day care providers nor more than 125 percent of the median rate for family day care providers.

B. The rate for child care for a child with a handicap may be set by the county but not be less than the 110 percent or more than 125 percent of the median rate in the county for care of children with a handicap.

C. The maximum rate for a licensed provider may be set by the county but may not be lower than 110 percent or higher than 125 percent of the median rate determined by the department to exist for similar care arrangements in that county.

D. To be reimbursed for more than 110 percent of the median rate, a provider with employees must pay wages for teachers, assistants, and aides that are more than 110 percent of the county average rate for child care workers.

E. If the county chooses not to set a maximum rate, the maximum state participation is 125 percent of the median rate for similar care arrangements in the county. The county shall pay the difference between the provider charge and the amount of state participation.

F. If the county establishes a maximum rate, it must pay the provider's charge for each child in care up to the maximum rate ~~unless a lesser rate is charged by the provider for multiple family members~~. If a provider's child care rate is less than the county's maximum rate, the county must pay the lower rate.

Subp. 3. **Maximum state participation.** The state payment is limited to the difference between the family copayment fee and the provider's charge for care up to a maximum of 125 percent of the median rate determined by the department for similar care arrangements in the county. When the provider of child care services charges more than the maximum rate set for similar care arrangements in the county, the state's payment is limited to the difference between the maximum rate set for similar care arrangements in the county and the family's copayment fee.

#### ~~9565.5150~~ **9565.5110 COUNTY RESPONSIBILITIES.**

Subpart 1. **County child care assistance policies and procedures.** Counties shall adopt policies and procedures for providing child care subsidies to enable eligible ~~parents, legal guardians, or AFDC caretakers~~ applicants to seek or retain employment or to participate in education or training programs. All county policies applied to recipients of child care subsidies must be in writing and must be included in the county's annual allocation plan required under part ~~9565.5160~~ 9565.5120.

Subp. 2. **Child care subsidy information.** The county shall provide information on child care subsidies to child care service providers, social service agencies, and the local news media as it deems necessary to ensure the full use of its child care fund allocation.

Subp. 3. **County contracts and designation of administering agency.** Counties may contract for the administration of the child care subsidy program or may arrange for child care subsidy funds to be used by other designated programs. The county shall designate the agency authorized to administer the child care fund.

Subp. 4. **Local match.** The county shall provide a local match equal to 15 percent of the basic sliding fee program allocation during the grant year. The local match may include in-kind materials and services furnished by the county and required for the administration of the program. The local match may not include the family copayment fee.

Subp. 5. **Funding priorities.** If a county's funding allocation for child care is insufficient to address all requests for a child care subsidy, the county shall prioritize funding among all the groups eligible for assistance that remain to be served after the county has complied with the priority requirements set forth in Minnesota Statutes, sections 256H.03 and 256H.05. The county shall include its rationale for the prioritization in its annual allocation plan. To the extent of available allocations, no eligible family may be excluded from receiving a child care subsidy.

Subp. 6. **Documentation required if group is disproportionately funded.** If more than 75 percent of the child care funds are provided to any one of the groups described in Minnesota Statutes, sections 256H.03 and 256H.05, the county shall document to the commissioner the reason the group received a disproportionate share unless approved in the county's annual child care fund allocation plan.

Subp. 7. **Funding waiting list and intermittent assistance.** The county shall place on a waiting list eligible families that do not receive a child care subsidy due to insufficient funding. Families on the waiting list shall be moved into the child care subsidy program as funding permits based on the county funding priorities adopted under subpart 5. For no more than 90 days, the county may reserve a family's position in the child care subsidy program if the family has been receiving a child care subsidy but is temporarily ineligible for assistance due to a change in income or family status. The county's policy for reserving the position of families temporarily ineligible for child care assistance must be in writing and must be included in the annual allocation plan required in part ~~9565.5160~~ 9565.5120.

Subp. 7. **8. Child care fund reports.** The county shall complete a child care fund program fiscal report each quarter on forms approved by the commissioner. The county must submit the child care fund program report to the commissioner no later than 20 calendar days following the end of a quarter.

Subp. 8. **9. Maintenance of effort.** The county shall provide the commissioner with a written statement that it has not reduced funding from other federal, state, and county sources available to it in state fiscal year 1987, that would have been available for child

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care services in absence of the child care fund, unless the county can demonstrate that no eligible family was refused a child care subsidy because of a shortage of funds. The county shall submit the written statement with the child care fund allocation plan.

Subp. 9 ~~10~~. **Termination of a child care subsidy.** A county must follow the procedures in items A to D in terminating a child care subsidy.

A. The county shall notify a recipient, in writing, of termination of a child care subsidy. The notice must state the reason or reasons the assistance is being terminated. The notice shall inform the recipient of the right to contest the adverse action and the procedure for doing so. The notice shall inform the recipient that if the recipient appeals the proposed action before the effective date of termination, the action shall not be taken until the appeal has had a fair hearing and that benefits paid during the appeal process will be subject to recovery if the termination is upheld. Except for cases of suspected fraud, the notice must be mailed to the recipient's last known address at least 15 calendar days before terminating assistance. In cases of suspected fraud, the termination notice must be mailed at least five working days before the effective date of the termination.

B. Failure of a recipient to provide required information or documentation, to report changes required under part 9565.5025, subpart 3, to pay the family copayment fee or the provider charge if the state share of the subsidy is paid directly to the family is just cause for terminating assistance.

C. If the child care subsidy is made by vendor payment, the county shall inform the child care provider of the notice of termination and of the continuation of assistance pending a hearing if a recipient appeals the termination of assistance.

D. If the recipient appeals the proposed action before the effective date of termination, the action shall not be taken until the appeal has had a fair hearing as provided under part ~~9565.5240~~ 9565.5200, subpart 1. Child care assistance payments made pending a fair hearing are subject to recovery when, as a result of the hearing, the commissioner finds that the recipient was not eligible for the child care assistance paid in excess of the recipient's entitlement pending the appeal. The county shall seek voluntary repayment or initiate civil court proceedings to recover child care assistance payments under this subpart.

### ~~9565.5160~~ 9565.5120 CHILD CARE FUND ALLOCATION PLAN.

Subpart 1. **Submittal of plan.** By the date established by the commissioner each year, the county shall submit to the commissioner an annual child care fund allocation plan.

Subp. 2. **Plan content.** The allocation plan shall contain:

A. a narrative of the county's total program for child care services for job search, employment, and education or training purposes, including the amount and sources of all other funds used to provide child care services;

B. information regarding the number of families that requested a child care subsidy in the previous year, the number of eligible families the county is able to serve in each program, the county's procedure for prioritizing child care subsidies, and the number of families on a waiting list for child care subsidies;

C. methods the county uses to inform target groups of the availability of a child care subsidy and copies of county policies regarding child care services;

D. information on provider rates paid by provider type;

E. ~~the county's policy for determining satisfactory progress in education and training programs;~~

~~F. the county's policy for approving and extending child care subsidies for parents whose education programs change;~~

~~G. the county's policy for prioritizing eligible providers, if applicable, under part 9565.5130;~~

~~H. the county's policy for providing child care assistance to families needing intermittent child care assistance under part 9565.5150~~ 9565.5110, subpart 6 7;

~~I. a statement that the county has not reduced child care funding as required under part 9565.5150~~ 9565.5110, subpart 8 9; and

~~J. other information, as requested by the commissioner, that describes the county's policies and procedures used to administer the child care funds.~~

Subp. 3. **Plan approval and amendments.** The commissioner shall inform each county of the approval of its allocation plan within 60 calendar days after the submission deadline. If the plan is not approved, the commissioner shall inform the county why the plan was not approved. No child fund allocations shall be made to a county until it has an approved allocation plan. The county may request approval to amend its child care allocation plan at any time. If approved by the commissioner, the amendment is effective on the date of approval requested by the county unless a different effective date is set by the commissioner. Plan amendments must be approved or disapproved by the commissioner within 60 days after receipt of the amendment request.

**9565.5170 9565.5130 DUTIES OF ADMINISTERING AGENCY.**

Subpart 1. **Application forms and child care subsidy information.** The administering agency shall offer by hand or mail, a child care subsidy application form to an applicant if funds are available or the family requests an application. The administering agency shall provide the family with information supplied by the department regarding the availability of federal and state child care tax credits and federal earned income tax credits. At the time of the request, the administering agency shall inform the family of the following:

- A. the eligibility requirements for participating in the child care subsidy program and documentation necessary to confirm eligibility;
- B. the existence of a child care subsidy waiting list and the number of families on the waiting list;
- C. the procedure for applying for a child care subsidy; and
- D. the family copayment fee schedule and how the fee is computed.

Subp. 2. **Application procedure.** An administering agency must follow the application procedures in items A to D.

A. If it appears that a family is eligible for a child care subsidy and funds are available or if a family requests an application, the administering agency shall mail or hand the family a child care subsidy application.

B. If a family requests child care assistance and funds are not available, the administering agency shall inform the family of a waiting list, screen the family for potential eligibility, and place the family on the waiting list if they appear eligible.

C. If child care funds become available, the administering agency shall inform the family at the head of the waiting list and ask the family to complete an application. The administering agency shall accept signed and dated applications that are submitted by mail or delivered to the agency within 15 calendar days after the date of signature. The administering agency shall mail a notice of approval or denial of assistance to the applicant within 30 calendar days after receiving the application. With the consent of the applicant, the administering agency may extend the response time by 15 calendar days.

D. The administering agency shall document the reason or reasons for denying an application for child care assistance, shall inform the applicant of the reason for denial, and shall inform the applicant of the right to a fair hearing under part ~~9565.5240~~ 9565.5200.

Subp. 3. **Date of eligibility for assistance.** The date of eligibility for child care assistance is the later of the date the application was signed; the beginning date of employment, education, or training; or the date a determination has been made that the applicant is a participant in employment and training programs under *Minnesota Statutes*, section 256.736. The notice of approval of the application must state the following:

- A. the beginning ~~and final~~ date of the eligibility period; and
- B. that any change in income, address, family size, and employment, education, or training status must be reported within ten calendar days from the date the change occurs.

**9565.5180 9565.5140 DETERMINATION OF INCOME ELIGIBILITY FOR CHILD CARE ASSISTANCE.**

Subpart 1. **Proof of income eligibility.** An applicant requesting a child care subsidy must provide proof of income eligibility. For the purpose of determining income eligibility, annual income of the applicant family is the income of the family for the current month multiplied by 12, the income for the 12-month period immediately preceding the date of application, or the income for the time period that provides the most accurate assessment of annual income available to the family. Income must be verified with documentary evidence. If the applicant does not have sufficient evidence of income, verification must be obtained from the source of income.

Subp. 2. **Evaluation of income of AFDC families.** The administering agency shall determine the income of AFDC families based on AFDC requirements under parts 9500.2000 to 9500.2880.

Subp. 3. **Evaluation of income of non-AFDC families.** The administering agency shall determine income received or available to a non-AFDC family according to subparts 4 to 13. All income, unless specifically excluded in subpart 6, must be counted as income.

Subp. 4. **Determination of annual gross income.** The income standard for determining eligibility for a child care subsidy is annual gross income. Annual gross income is the sum of gross earned income, self-employment income, unearned income, and lump sum payments. Gross earned income, self-employment income, unearned income, and lump sum payments must be calculated separately.

**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.

## Adopted Rules

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Subp. 5. **Gross earned income of wage and salary employees.** Gross earned income means earned income from employment before mandatory and voluntary payroll deductions. Gross earned income includes, but is not limited to, salaries, wages, tips, gratuities, commissions, incentive payments from work or training programs, payments made by an employer for regularly accrued vacation or sick leave, and profits from other activity earned by an individual's effort or labor. Gross earned income includes uniform and meal allowances if federal income tax is deducted from the allowance. Gross earned income includes flexible work benefits received from an employer if the employee has the option of receiving the benefit or benefits in cash. Gross earned income received by persons employed on a contractual basis must be prorated over the period covered by the contract even when payments are received over a lesser period of time. When housing is provided as part of the total work compensation, the fair market value of such housing shall be considered as if it were paid in cash.

Subp. 6. **Excluded income.** The administering agency shall exclude items A to G from annual gross income:

- A. scholarships and grants that cover costs for tuition, fees, books, and educational supplies;
- B. student loans for tuition, fees, books, supplies, and living expenses;
- C. in-kind noncash public assistance income such as food stamps, energy assistance, medical assistance, and housing subsidies;
- D. income from summer or part-time employment of 16, 17, and 18-year-old full-time secondary school students;
- E. grant awards under the family subsidy program;
- F. nonrecurring lump sum income that is earmarked and used for the purpose for which it is paid; and
- G. child or spouse support paid to a person or persons who live outside of the household.

Subp. 7. **Earned income from self-employment.** In determining annual gross income for purposes of eligibility under this part, the administering agency shall determine earned income from self-employment. Earned income from self-employment is the difference between gross receipts and authorized self-employment expenses which may not include expenses under subpart 8. Self-employment business accounts must be kept separate from the family's personal checking and savings accounts. If the person's business is a partnership or a corporation and that person is drawing a salary, the salary shall be treated as gross earned income under subpart 5.

Subp. 8. **Self-employment deductions which are not allowed.** In determining eligibility under this part, self-employment expenses must be subtracted from gross receipts. However, the expenses listed in items A to M shall not be subtracted from gross receipts:

- A. purchases of capital assets;
- B. payments on the principal of loans for capital assets;
- C. depreciation;
- D. amortization;
- E. the wholesale costs of items purchased, processed, or manufactured that are unsold inventory with a deduction for the costs of those items allowed at the time they are sold;
- F. transportation costs that exceed the amount allowed for use of a personal car in the United States Internal Revenue Code;
- G. the cost of transportation between the individual's home and his or her place of employment;
- H. salaries and other employment deductions made for members of a family for whom an employer is legally responsible, provided family income is only counted once;
- I. monthly expenses greater than \$71 for each roomer;
- J. monthly expenses greater than \$86 for each boarder;
- K. monthly expenses greater than \$157 for each roomer-boarder;
- L. annual expenses greater than \$103 or two percent of the estimated market value on a county tax assessment form, whichever is greater, as a deduction for upkeep and repair against rental income; and
- M. expenses not allowed by the United States Internal Revenue Code for self-employment income.

Subp. 9. **Self-employment budget period.** Gross receipts from self-employment must be budgeted in the month in which they are received. Expenses must be budgeted against gross receipts in the month the expenses are paid except for items A to C.

A. The purchase cost of inventory items, including materials that are processed or manufactured, must be deducted as an expense at the time payment is received for the sale of those inventory items, processed materials, or manufactured items, regardless of when those costs are incurred or paid.

B. Expenses to cover employee FICA, employee tax withholding, sales tax withholding, employee worker's compensation, employee unemployment compensation, business insurance, property rental, property taxes, and other costs that are commonly paid

at least annually, but less often than monthly, must be prorated forward as deductions from gross receipts over the period they are intended to cover, beginning with the month in which the payment for these items is made.

C. Gross receipts from self-employment may be prorated forward to equal the period of time over which the expenses were incurred. However, gross receipts must not be prorated over a period that exceeds 12 months. This provision applies only when gross receipts are not received monthly but expenses are incurred on an ongoing monthly basis.

Subp. 10. **Determination of farm income.** Farm income must be determined for a one-year period. Farm income is gross receipts minus operating expenses, except for expenses listed in subpart 8. Gross receipts include sales, rents, subsidies, soil conservation payments, production derived from livestock, and income from the sale of home-produced foods.

Subp. 11. **Determination of rental income.** Income from rental property is considered self-employment earnings when the owner spends an average of ten or more hours per week on maintenance or management of the property. The administering agency shall deduct an amount for upkeep and repairs according to subpart 8, item L, for real estate taxes, insurance, utilities, and interest on principal payments. When a family lives on the rental property, the administering agency shall divide the expenses for upkeep, taxes, insurance, utilities, and interest by the number of units to determine the expense per unit. The administering agency shall deduct expenses from rental income only for the number of units rented, not for units occupied by family members. When an owner does not spend an average of ten or more hours per week on maintenance or management of the property, income from rental property is considered unearned income. The deductions described in this subpart are subtracted from gross rental receipts.

Subp. 12. **Determination of unearned income.** Unearned income includes, but is not limited to, interest, dividends, unemployment compensation, disability insurance payments, veteran benefits, pension payments, child support and spousal support received or anticipated to be received by a family, insurance payments or settlements, and severance payments. Expenditures necessary to secure payment of unearned income are deducted from unearned income. Payments for illness or disability, except for those payments described as earned income in subpart 5, are considered unearned income whether the premium payments are made wholly or in part by an employer or by a recipient.

Subp. 13. **Treatment of lump sum payments.** Lump sum payments received by a family must be considered earned income under subparts 7 to 11 or unearned income according to subpart 12.

**~~9565.5190~~ 9565.5150 REDETERMINATION OF ELIGIBILITY.**

The county or ~~postsecondary educational institution~~ shall redetermine a family's eligibility for a child care subsidy and the family's copayment fee when notified by the family of a change in the information required to be reported in part 9565.5025, subpart 3, or at least every six months, whichever occurs first.

A redetermination of eligibility shall not be treated as a new application for child care assistance. If, as a result of redetermination of eligibility, a family is found to be ineligible for further child care assistance, the county or ~~postsecondary educational institution~~ shall terminate the child care assistance as provided in part ~~9565.5150~~ 9565.5110, subpart ~~9~~ 10.

**~~9565.5200~~ 9565.5160 QUARTERLY FINANCIAL AND PROGRAM ACTIVITY REPORTS.**

Counties shall submit, on forms prescribed by the commissioner, a quarterly financial and program activity report. The report is due within 20 calendar days after the end of each quarter. The financial and program activity report must include:

- A. a detailed accounting of the expenditures and revenues for the child care subsidy program during the preceding quarter by funding source and eligibility group;
- B. a description of child care activities and expenditures that are federally reimbursable under the AFDC employment special needs program or other federal reimbursement programs;
- C. a description of child care activities and expenditures of set-aside money;
- D. information on money encumbered at the quarter's end but not yet reimbursable, for use in adjusting allocations as provided in parts 9565.5030, subpart ~~6~~; ~~9565.5080, subpart 8~~ 5; and ~~9565.5090~~ 9565.5060, subpart ~~13~~ 7; and
- E. other information concerning financial or program activity as requested by the department.

**~~9565.5240~~ 9565.5170 QUARTERLY PAYMENTS.**

The commissioner shall make payments to the counties in quarterly installments. The commissioner may certify an advance to the counties for the first quarter of the fiscal year. Payments made to the counties after the first quarter shall be based on actual expenditures as reported by the counties in the quarterly financial and program activity report required under part ~~9565.5200~~ 9565.5160.

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## Adopted Rules

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### ~~9565.5220~~ 9565.5180 NOTICE OF NONCOMPLIANCE; FUNDING SANCTIONS.

If the commissioner finds that a county ~~or postsecondary institution~~ is not complying with parts 9565.5000 to ~~9565.5240~~ 9565.5200, the procedures in items A to F apply.

A. The commissioner shall notify the county ~~or the postsecondary institution~~, by certified mail, of the rule part that the county ~~or postsecondary institution~~ has not complied with.

B. Within 30 days after receiving the notice, the county ~~or postsecondary institution~~ must demonstrate to the commissioner that it is in compliance with the rule or must develop a correction plan to address the noncompliance. If the county ~~or postsecondary institution~~ can demonstrate compliance, the commissioner shall not take any further action.

C. If the county ~~or postsecondary institution~~ submits a correction plan, the commissioner shall approve or disapprove the correction plan within 30 days after the date that it is received. If the commissioner approves the correction plan submitted by the county ~~or postsecondary institution~~, the county ~~or postsecondary institution~~ shall have 90 days after the date of approval to implement the correction plan.

D. If the county ~~or postsecondary institution~~ fails to demonstrate compliance or fails to implement the correction plan approved by the commissioner, the commissioner may withhold the county's ~~or postsecondary institution's~~ child care fund allocations until the county ~~or postsecondary institution~~ is in compliance with the statute or rule.

E. Funds withheld from a county under this part may be reallocated to other counties based on the formula in *Minnesota Statutes*, section 256H.03, subdivision 2. ~~Funds withheld from a postsecondary institution may be reallocated to other postsecondary institutions based on the formula in *Minnesota Statutes*, section 256H.07, subdivision 1.~~

F. Counties ~~and postsecondary institutions~~ may appeal the sanction in accordance with *Minnesota Statutes*, chapter 14, for contested cases.

### ~~9565.5230~~ 9565.5190 AUDIT EXCEPTIONS.

The commissioner shall recover from counties ~~and postsecondary institutions~~ state or federal money spent for child care that is ineligible under parts 9565.5000 to ~~9565.5240~~ 9565.5200. If a federal audit exception is taken based on a percentage of federal earnings, all counties shall pay a share proportional to their respective federal earnings during the period in question.

### ~~9565.5240~~ 9565.5200 FAIR HEARING PROCESS.

Subpart 1. **Hearing request.** An applicant or recipient of a child care subsidy adversely affected by an administering agency's action may request a fair hearing according to *Minnesota Statutes*, section 256.045, subdivision 3.

Subp. 2. **Informal conference.** The administering agency shall offer an informal conference to ~~persons~~ applicants or recipients adversely affected by an agency action to attempt to resolve the dispute. The administering agency shall advise adversely affected ~~persons~~ applicants and recipients that a request for a conference with the agency is optional and does not delay or replace the right to a fair hearing under subpart 1.

## Official Notices

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

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

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## Board of Animal Health

### Notice of Board Meeting

A meeting of the Board of Animal Health has been scheduled for Friday, October 6, 1989 at the Branding Iron Restaurant, Preston, Minnesota. The meeting will begin at 9:30 a.m.

Information about this meeting may be obtained by calling the Board offices at 612-296-5000.

Dated: 29 August 1989

T.J. Hagerty, DVM  
Executive Secretary

## State Designer Selection Board

### Request for Proposal for Two Projects

#### To Registered Professional in Minnesota:

The State Designer Selection Board has been requested to select designer for two projects. Design firms who wish to be considered for this project should deliver proposals on or before 4:00 p.m., September 26, 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 7 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 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 the 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) 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

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## Official Notices

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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.

### 7a) PROJECT—38-39

Classroom/Office Building  
Moorhead State University

**APPROPRIATION:** \$210,000.00 for planning through construction documents a facility that will have a total cost (including design) of approximately \$5,400,000.00.

**SCOPE OF PROJECT:** Plan for construction, equipment, and furnishing of a new classroom/office building.

**PROJECT GROSS SQUARE FEET (GSF):** Approximately 50,000 GSF with exact dimensions to be determined following the program review phase.

**PROGRAM SUMMARY:** This facility shall include the following spaces:

- 3 Large lecture (capacity 100-300)
- 16 Classrooms (capacity 30-100)
- 3 Seminar rooms (capacity 8-20)
- 3 Small instructional
- 3 Laboratories
- 5 Administrative offices
- 58 Faculty offices
- 6 Bathrooms, men's and women's
- 4 Conference rooms
- 5 Custodial
- 4 Storage

Architectural firms that plan to submit a proposal should contact John McCune, Vice President for Administrative Affairs, Moorhead State University.

**SITE:** A final decision has not been reached at this time regarding exact site location (probably west of 11th Street and adjacent to the campus. The University is planning to submit a land purchase request to the 1990 Legislature.

**PURPOSE OF THE PROJECT:** This building will provide general use classrooms, and classrooms/offices for the University's business and business related programs.

**BUILDING CONSTRUCTION:** The structure shall consist of a combination of materials including concrete, steel, masonry, and brick. Exterior construction materials shall contribute to the building's identity, yet blend with existing campus buildings. The potential site is highly visible, located across the street from the administrative building (Owens Hall).

**ARCHITECTURAL RESPONSIBILITIES:** The architect shall be responsible for, but not limited to such tasks as: review of the University's space program, preparation of preliminary schematics and cost estimates, project design, preparation of final working drawings and specifications required for bidding, and project administration during construction, including but not limited to preparation of construction change orders, review and approval of shop drawings and payment requests, oversight of project construction for owner (including on-site observation), and project acceptance.

Consultant's fee shall be fixed, and shall be computed as a percentage of the amount budgeted by the State for construction. Consultant's proposal shall state Consultant's policy concerning additional Consultant services resulting from acceptable low bid exceeding or falling short of the construction budget.

**ARCHITECTURAL FEE:** 6% of the Allocated Construction Cost.

### UNIVERSITY CONTACT:

John McCune, Vice President for Administrative Affairs  
Moorhead State University  
Moorhead, MN 56560  
(218) 236-2072

### STATE UNIVERSITY SYSTEM CONTACT:

David Hardin, Coordinator of Facilities Management  
Minnesota State University System

555 Park Street, Suite 230  
St. Paul, MN 55103  
(612) 296-6624

**7b) PROJECT—39-89**

Education and Training Facilities  
Camp Ripley

**PROJECT:** Department of Military Affairs Education and Training Facilities.

**LOCATION:** Area 11, Camp Ripley, Little Falls, Minnesota.

**GENERAL DESCRIPTION OF PROJECT:** This project consists of two (2) buildings and site work.

1) Housing—an approximate 100,000 SF, multi-story facility capable of housing 250 persons, (100–2 person suites with shared bath) and 50 single rooms with bath), this facility shall contain ancillary support spaces such as a dining facility, small retail store, lounge, recreation space, storage space and any other spaces as deemed necessary.

2) Schools—an approximate 30,000 SF multi-story facility consisting of classrooms, administrative spaces, libraries and support spaces.

3) A day-care center for employees use is being considered.

4) Site work is to include sidewalks, tennis court, basketball court and a softball field with bleachers, site lighting and directional signage.

All construction cited above is part of a new complex. New construction is to be design compatible and brick masonry is to match existing facilities.

A conceptual model of this complex, along with architectural renderings and plans of other buildings already completed, currently under construction or awaiting construction are available for your information and use. Please contact Mr. Post, (612) 632-6631 extension 332, if interested.

**ESTIMATED PROJECT CONSTRUCTION COST:** \$8,400,000.00.

**WORK TO BE PERFORMED BY THE ARCHITECT:** The work includes:

1) Develop program of spaces as outlined above, working with the Owners Representative, users, accepted guidelines and standards, and to assure that all information is adequate for the implementation of design activities.

2) Assist in the development of a budget estimate for the project based upon the completed functional programs.

3) Provide assistance to the Department of Military Affairs in the program development activities as necessary and required.

4) Topographic survey and soil test borings; the design of the complete facility; the preparation of required drawings, cost estimates, specifications and allied documents to include bidding documents; the general supervision of the construction work for the owner; assisting in the preparation of supplemental agreements; review and approval of shop drawings, payment requests; assisting in final acceptance of the work. The specification format will be the architect's normal for commercial work, tailored to the project.

**ARCHITECT'S FEE FOR THE WORK:**

1) The fee for programming will be negotiated with the Department of Military Affairs.

2) The fee for design, printing, travel, topographic survey, soil testing and supervision services is estimated at 5.5%. The Department of Military Affairs will provide the designer with construction standards which include space criteria, supporting facility criteria, construction standards, authorized finish schedules, and use relationships relative to normal military facilities.

Questions concerning this project may be referred to Tom Vesely at (612) 632-6631.

Mark Anderson, Chairman  
State Designer Selection Board

## **Ethical Practices Board**

### **Advisory Opinion #102 re: Campaign Finance Disclosure**

**Issued 8-24-89 to Representative Howard Orenstein—SUMMARY—102.** The Ethics in Government Act, Minnesota Chapter 10A, provides for disclosure of the receipt and the expenditure, disbursement or transfer of funds in campaigns for state elective office. The Act does not expressly prohibit transfer of funds among candidate committees and appears to acknowledge the transfer procedures.

The full text of the opinion is available upon request from the Ethical Practices Board, 625 North Robert Street, St. Paul, MN 55101-2520; (612) 296-5148.

## Ethical Practices Board

### Request for Advisory Opinion Re: Campaign Finance

The Ethical Practices Board solicits comments regarding the following request for an advisory opinion received from Bruce D. Willis, Esq. Written comments should arrive at the Board office, 625 N. Robert St., St. Paul, MN 55101, prior to September 25, 1989.

**August 17, 1989** I am writing to request an opinion of the Ethical Practices Board. I represent individual, unrelated persons who propose to undertake the following: My clients intend to recruit approximately ten volunteers, each of whom would become a member of a different Minnesota House candidate's volunteer committee (Group A). The persons so recruited would provide political advice to the respective volunteer committees and would assist in fundraising.

My clients further propose to recruit a second group of persons interested in volunteering their time, talent, or financial resources to an appropriate House candidate or to appropriate House candidates (Group B). Each of the members of Group B would authorize my clients to forward their name to one or more members of Group A, so that they can be contacted either by members of Group A or by other representatives of the respective candidates in order to learn about the candidates' positions on issues, the progress of their campaigns, and volunteer options available in the event that they decide to support any such candidate, which obviously may include financial contributions.

My clients also propose to host a fundraising event on behalf of one or more Minnesota House candidates.

All of the activities proposed would be completely volunteer. No paid staff of any kind would be used.

As you know, *Minnesota Statutes* § 10A.01, subd. 3, provides that: "Association" means business, corporation, firm, partnership, committee, labor organization, club, or any other group of two or more persons, which includes more than an immediate family, acting in concert" [sic], and *Minnesota Statutes* § 10A.01, subd. 15, provides that: "Political committee" means any association as defined in subdivision 3, whose major purpose is to influence the nomination or election of a candidate. . . ."

As you are also aware, *Minnesota Statutes* § 10A.15, subd. 3b, provides: Contributions made to a candidate or principal campaign committee by individual members of a political fund or committee that are solicited by the political fund or committee must be reported as attributable to the political fund or committee and count toward the contribution limits of that fund or committee specified in section 10A.27, if the political fund or committee was organized primarily to solicit or direct the contributions of its members and to influence the nomination or election of a candidate. The term "individual members" as used in this subdivision means a person or entity who in any manner participates in or in any manner contributes financially or otherwise to the activities of the political fund or committee.

Finally, *Minnesota Statutes* 10A.01, subd. 7, provides *inter alia*, that: "Contribution does not include services provided without compensation by an individual volunteering personal time on behalf of a candidate. . . ."

My questions of the Board are the following:

1. If the course of action first described above is undertaken, have my clients created a "political committee," within the meaning of *Minnesota Statutes* § 10A.01, subd. 15?

2. If the answer to question 1 is yes:

(a) Who are the members of the political committee?

(b) Is the political committee required to register with the Ethical Practices Board, even though any financial contributions would be made directly by the giver to a candidate committee?

(c) Does *Minnesota Statutes* § 10A.15, subd. 3b, then limit financial contributions from all members of the two groups of volunteers to a particular House candidate to \$150 during 1989 and \$750 during 1990? That is, even though none of the volunteers would contribute financially to the activities of the political committee, have they "in any way" contributed "otherwise" to such activities by allowing their names to be forwarded to candidate committees, volunteering time on behalf of such committees, or making financial contribution to such committees, thereby becoming "individual members" of the political committee?

(d) Would an individual recruited by my clients to perform purely volunteer services for a House candidate's committee become an "individual member" of the political committee, pursuant to *Minnesota Statutes* § 10A.15, subd. 3b (by "in any way" contributing "otherwise" to the activities of the political committee), despite the fact that such services are excluded from the definition of "contribution" contained in *Minnesota Statutes* § 10A.01, subd. 7?

(e) Would it make a difference if any candidate committee requests for financial contributions from members of Group B came from committee representatives other than the members of Group A attached to such committees?

(f) If a member of Group A attached to a particular candidate's committee solicited contributions from persons other than members of Group B, would those contributions also be subject to the same single contribution limit under *Minnesota Statutes* § 10A.15, subd.

3b, if Group A members are deemed to be members of a political committee, on the theory that such contributors are "in any way" contributing to the activities of the political committee by responding to fundraising requests?

3. If my clients arrange a fundraiser, for one or more House candidates, have they thereby created a "political committee," within the meaning of *Minnesota Statutes* § 10A.01, subd. 15?

4. If the answer to question 3 is yes:

(a) Who are the members of the political committee?

(b) Does the political committee have to register with the Ethical Practices Board, even though contributions would be made directly to candidate committees by those in attendance?

(c) Do the provisions of *Minnesota Statutes* § 10A.15, subd. 3b, limit the cumulative amount that a single House candidate may receive from all of those who attend the fundraiser to \$150 during 1989 and \$750 during 1990? That is, since the fundraiser is designed to solicit contributions, does attendance at the fundraiser constitute "in any way" contributing "otherwise" to the activities of the committee, so that all of those in attendance become "individual members" and are forever thereafter subject to a single contribution limitation?

5. Would your response to any of the foregoing questions be different if only one of my clients recruits volunteers or arranges a fundraiser?

## **Department of Health**

### **Office of Health Systems Development**

#### **Notice of Intent to Solicit Outside Opinions Concerning a Request for a Waiver of HMO Statutes and Rules by MedCenters Health Plan**

NOTICE IS HEREBY GIVEN that the Department of Health is seeking opinions and comments pertaining to a request by MedCenters Health Plan for a waiver of HMO statutes and rules relating to outpatient prescription drug benefits for its SeniorChoice Medicare supplement products. Such waivers are authorized for demonstration projects under *Minnesota Statutes* 62D.30.

The request submitted by MedCenters Health Plan is available for inspection during normal business hours at the following location:

Alternate Delivery Systems  
Room 473  
Minnesota Department of Health  
717 Delaware Street, S.E.  
Minneapolis, Minnesota 55440  
(612) 623-5365

Comments on the request must be received by September 15, 1989.

## **Department of Human Rights**

### **Enforcement Division**

#### **Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing the Processing of Charges of Discrimination and Certificates of Compliance for Public State Contracts**

NOTICE IS HEREBY GIVEN that the State Department of Human Rights is seeking information or opinions from sources outside the agency in preparing to propose the amendment of the rule governing discrimination complaints and certificates of compliance for public state contracts and agreements. The adoption of the rule is authorized by *Minnesota Statutes*, section 363.05, Subdivision 1, paragraph (7), which requires the agency to adopt rules to carry out the purposes of the Minnesota Human Rights Act; by *Minnesota Statutes*, section 363.032, related to affirmative marketing regulations for certain housing developers; and by *Minnesota Statutes*, section 363.074, which requires the commissioner to adopt rules to implement *Minnesota Statutes*, section 363.073, related to certificates of compliance.

# Official Notices

The State Department of Human Rights requests information and opinions concerning the subject matter of the rule including the likelihood that the proposed amendments may have a quantitative or qualitative impact on small businesses as defined by *Minnesota Statutes*, section 14.115. 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:

Burke Hilden  
 Minnesota Department of Human Rights  
 500 Bremer Tower, 7th Place and Minnesota Street  
 St. Paul, Minnesota 55101

Oral statements will be received during regular business hours over the telephone at (612) 296-5666 and in person at the above address.

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

## Department of Human Services

### Notice of Child Care Fund Sliding Fee Scale

Below is the sliding fee scale for the Child Care Fund for state fiscal year 1990.

#### SFY 1990 CHILD CARE FUND SLIDING FEE SCALE FOR FAMILY SIZES TWO THROUGH TEN

Annual Income Range for One Adult Household	Annual Income Range for Two Adult Household	Minimum Fee	Annual Income Ranges for Sliding Fee		Monthly Copayment
			Income Range	Income Range	
	FAMILY OF TWO SMI \$27,033		\$16,087	\$16,222	\$115
\$9709-\$11,356		\$20	\$16,223	\$16,357	\$119
N/A			\$16,358	\$16,492	\$124
			\$16,493	\$16,627	\$128
			\$16,628	\$16,762	\$133
\$11,357	\$11,626	\$25	\$16,763	\$16,897	\$137
\$11,627	\$11,896	\$28	\$16,898	\$17,032	\$142
\$11,897	\$12,167	\$30	\$17,033	\$17,168	\$147
\$12,168	\$12,437	\$33	\$17,169	\$17,303	\$153
\$12,438	\$12,707	\$36	\$17,304	\$17,438	\$158
\$12,708	\$12,978	\$39	\$17,439	\$17,573	\$164
\$12,979	\$13,248	\$42	\$17,574	\$17,708	\$170
\$13,249	\$13,518	\$45	\$17,709	\$17,843	\$175
\$13,519	\$13,653	\$48	\$17,844	\$17,979	\$181
\$13,654	\$13,789	\$51	\$17,980	\$18,114	\$187
\$13,790	\$13,924	\$53	\$18,115	\$18,249	\$193
\$13,925	\$14,059	\$56	\$18,250	\$18,384	\$199
\$14,060	\$14,194	\$59	\$18,385	\$18,519	\$205
\$14,195	\$14,329	\$62	\$18,520	\$18,654	\$211
\$14,330	\$14,464	\$65	\$18,655	\$18,790	\$218
\$14,465	\$14,600	\$68	\$18,791	\$18,925	\$224
\$14,601	\$14,735	\$71	\$18,926	\$19,060	\$230
\$14,736	\$14,870	\$74	\$19,061	\$19,195	\$237
\$14,871	\$15,005	\$78	\$19,196	\$19,330	\$243
\$15,006	\$15,140	\$82	\$19,331	\$19,465	\$250
\$15,141	\$15,275	\$86	\$19,466	\$19,601	\$256
\$15,276	\$15,411	\$90	\$19,602	\$19,736	\$263
\$15,412	\$15,546	\$94	\$19,737	\$19,871	\$270
\$15,547	\$15,681	\$98	\$19,872	\$20,006	\$277
\$15,682	\$15,816	\$102	\$20,007	\$20,141	\$284
\$15,817	\$15,951	\$106	\$20,142	\$20,276	\$291
\$15,952	\$16,086	\$111	\$20,277		INELIGIBLE











## Official Notices

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Assistance benefits of General Assistance recipients who are drug dependent. The adoption of the rule is authorized by *Minnesota Statutes*, section 256D.09, subdivision 2a, which permits the agency to provide for the assignment of a representative payee to drug dependent general assistance recipients to manage their general assistance benefits.

The State Department of Human Services requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Dan Lipschultz, Rules & Regulations Division, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816. Oral statements will be received during regular business hours over the telephone at (612) 297-4302 and in person by Dan Lipschultz at the above address.

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

## Department of Human Services

### Health Care Support Division

#### **Notice of Solicitation of Outside Information or Opinions Regarding Amendments to Rules Governing Procedures of Surveillance and Utilization Review in the Medical Assistance and General Assistance Medical Care Programs**

NOTICE IS HEREBY GIVEN that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose amendments to the rules governing procedures of surveillance and utilization review in the medical assistance and general assistance medical care programs, *Minnesota Rules*, parts 9505.1750 to 9505.2150.

The adoption of the amendments to the rules is authorized by *Minnesota Statutes*, section 256B.04, subdivision 10, which requires the Department to establish general criteria and procedures for the identification and prompt investigation of suspected medical assistance fraud, theft, abuse, presentment of false or duplicate claims, presentment of claims for services that are not medically necessary, or false statement or representation of material facts by a vendor of medical care, and for the imposition of sanctions against a vendor of medical care. The adoption of the amendments to the rule also is authorized by *Minnesota Statutes*, section 256D.04, clause (2) in regard to the general assistance medical care program.

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

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

Oral statements will be received during regular business hours over the telephone at (612) 297-4301 by Eleanor Weber and in person at the above address.

All statements of information and opinions shall be accepted until further notice. Any written material received by the State Department of Human Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Eleanor E. Weber  
Assistant Director, Rules Division

## **Department of Human Services**

### **Licensing Division**

#### **Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to *Minnesota Rules*, Chapter 9503, Licensing Requirements for Child Care Centers**

NOTICE IS HEREBY GIVEN that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose the adoption of permanent rules to amend *Minnesota Rules*, parts 9503.0005 to 9503.0170. *Laws of Minnesota 1989*, chapter 282, article 2, section 211 requires the commissioner to adopt permanent rules to bring part 9503.0075 into conformity with statutory requirements related to drop-in child care programs. *Laws of Minnesota 1989*, Chapter 282, article 2, section 212 authorizes the commissioner to amend part 9503.0170 relating to variances.

The State Department of Human Services requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Alice Weck, DHS Rules Division, 444 Lafayette Road, St. Paul, MN 55155-3816. Oral statements will be received during regular business hours over the telephone at (612) 296-0626 and in person at the above address.

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

Dated: 28 August 1989

Alice S. Weck, Rules Division

## **Department of Jobs and Training**

### **State Job Training Office**

#### **Service Delivery Area Re-designation under the Job Training Partnership Act for Program Years 1990-1991**

Every two years, the Governor may re-designate Service Delivery Areas (SDAs) under the Job Training Partnership Act (JTPA) in accordance with the Act's Section 101. JTPA (PL 97-300) is a federally funded employment and training program with the primary goal of training youth and unskilled adults to enter the labor force. Unit(s) of government wishing to apply for SDA re-designation shall submit a LETTER OF INTENT to the State Job Training Office (SJTO) POSTMARKED NO LATER THAN SEPTEMBER 27, 1989. This letter shall follow the format given in the re-designation petition package. DEADLINE for receipt by the SJTO of COMPLETED PETITIONS for SDA re-designation for Program Years 1990-1991 (July 1, 1990-June 30, 1992), signed by the appropriate Local Elected Officials, is 4:30 p.m., FRIDAY, OCTOBER 13, 1989.

Re-designation Petition Packages are available from:

Larry Eisenstadt  
Employment and Training Planner  
State Job Training Office  
Minnesota Department of Jobs and Training  
690 American Center Building  
150 East Kellogg Blvd.  
St. Paul, Minnesota 55101  
612/296-6073

Questions are to be addressed to Larry Eisenstadt.

## Department of Transportation

### Amended Order No. 75193 and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed under *Minnesota Statutes* § 169.825

Whereas, the Commissioner of Transportation has made his Order No. 72156, dated April 8, 1987, which order has been amended by Orders Nos. 73139, 74653, 74846, 75024 and 75110 designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under *Minnesota Statutes* § 169.825, and

Whereas, the Commissioner has determined that the additional following routes, or segment of routes, should be designated to carry the gross weights allowed under *Minnesota Statutes* § 169.825.

IT IS HEREBY ORDERED that Commissioner of Transportation Order No. 72156 is further amended this date by adding the following designated streets and highway routes, or segment of routes, as follows:

#### COUNTY ROADS

#### ROCK COUNTY

—C.S.A.H. 6 FROM T.H. 270 TO  
C.S.A.H. 4 (12 MONTH)

Dated: 21 August 1989

Leonard W. Levine  
Commissioner

## 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.

**Awards of contracts and advertised bids for commodities and printing, as well as awards of professional, technical and consulting contracts, appear in the midweek STATE REGISTER Contracts Supplement, published every Thursday. Call (612) 296-0931 for subscription information. Thank you.**

## 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:** Telephone system  
**Contact:** Joseph Gibbs 296-3750  
**Bid due date at 2pm:** September 11  
**Agency:** Attorney General Office  
**Deliver to:** St. Paul  
**Requisition #:** 06000 08080

**Commodity:** Copier rental  
**Contact:** Teresa Ryan 296-7556  
**Bid due date at 2pm:** September 11  
**Agency:** Community College  
**Deliver to:** Brainerd  
**Requisition #:** 27140 50008

**Commodity:** 2½ ton tilt nose cab truck  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** September 11  
**Agency:** Public Safety  
**Deliver to:** St. Paul  
**Requisition #:** 07000 63945

## State Contracts and Advertised Bids

**Commodity:** Unisys terminal  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 2pm:** September 11  
**Agency:** State University  
**Deliver to:** Winona  
**Requisition #:** 26074 13142

**Commodity:** Printed continuous form warrants  
**Contact:** Norma Cameron 296-2546  
**Bid due date at 2pm:** September 11  
**Agency:** Finance, Revenue and Public Employees Retirement Association  
**Deliver to:** St. Paul  
**Requisition #:** Price Contract

**Commodity:** Rubbish disposal  
**Contact:** Joyce Dehn 297-3830  
**Bid due date at 2pm:** September 11  
**Agency:** Regional Treatment Center  
**Deliver to:** Cambridge  
**Requisition #:** Price Contract

**Commodity:** Satellite television system  
**Contact:** Joseph Gibbs 296-3750  
**Bid due date at 2pm:** September 8  
**Agency:** Correctional Facility  
**Deliver to:** Oak Park Heights  
**Requisition #:** 78630 09044

**Commodity:** Janitorial service—rebid  
**Contact:** Joyce Dehn 297-3830  
**Bid due date at 2pm:** September 1  
**Agency:** Center for Arts Education  
**Deliver to:** Golden Valley  
**Requisition #:** Price Contract

**Commodity:** Mop buckets, mop outfits and supplies  
**Contact:** Dale Meyer 296-3773  
**Bid due date at 2pm:** September 12  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** North Hennepin signage—rebid  
**Contact:** John Bauer 296-2621  
**Bid due date at 2pm:** September 8  
**Agency:** North Hennepin Community College  
**Deliver to:** Minneapolis  
**Requisition #:** 27153 10238 1

**Commodity:** Concrete manholes  
**Contact:** Pam Anderson 296-1053  
**Bid due date at 2pm:** September 11  
**Agency:** Military Affairs—Camp Ripley  
**Deliver to:** Little Falls  
**Requisition #:** 01000 06024

**Commodity:** Answering consoles  
**Contact:** Joseph Gibbs 296-3750  
**Bid due date at 2pm:** September 12  
**Agency:** InterTech  
**Deliver to:** St. Paul  
**Requisition #:** 02430 02287

**Commodity:** ½ Ton 4x4 Pickup Truck  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** September 12  
**Agency:** Thistledeew Camp  
**Deliver to:** Togo  
**Requisition #:** 78780 04334

**Commodity:** Stage lighting and control system  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** September 14  
**Agency:** State University  
**Deliver to:** Winona  
**Requisition #:** 26074 13121

**Commodity:** Fuel oil—No. 1 & 2 heating oil  
**Contact:** Jim Johnson 296-3779  
**Bid due date at 2pm:** September 15  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

## 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:** Future choices book, 60M 32pg books 4¾"x4¾", self cover, 25 halftones, reverses and tints, saddle stitch, camera ready, 2-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** September 7  
**Agency:** Higher Education Coordinating Board  
**Deliver to:** St. Paul  
**Requisition #:** 1090

**Commodity:** Office information memo, 60M pads of 50 sheets 4½"x5½" (3,000M sheets total) camera ready + negs, 20% screen, must use recycled paper  
**Contact:** Printing Buyer's Office  
**Bids are due:** September 8  
**Agency:** Central Stores, Administration Department  
**Deliver to:** St. Paul  
**Requisition #:** 1369

**Commodity:** Business cards, various sets of 500, must use union bug and state seal, some require quotes, some are extra sets of 500, type to set, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** September 8  
**Agency:** Labor & Industry  
**Deliver to:** St. Paul  
**Requisition #:** 1035

**Commodity:** Petroleum sample report, 10M, 8½"x8¾", camera ready, 2-part form, 2-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** September 8  
**Agency:** Public Service—Weights & Measures  
**Deliver to:** St. Paul  
**Requisition #:** 0109

**Commodity:** Ready Mix concrete batch tickets, 1,500 pads of 25 2-part sets, 4¼"x8½", preprinted numbering, camera ready, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** September 8  
**Agency:** Transportation Department  
**Deliver to:** St. Paul  
**Requisition #:** 1350

**Commodity:** Range View, 160M 8 pg booklets, 23"x17" folded to 11½"x8½", camera ready, 2-sided, 4-color  
**Contact:** Printing Buyer's Office  
**Bids are due:** September 11  
**Agency:** Iron Range sources and Rehabilitation Board  
**Deliver to:** Eveleth  
**Requisition #:** 1152

## State Contracts and Advertised Bids

**Commodity:** Community colleges presentation folder, 30M, 19"x11¾" folded to 9½"x11¾", negs available, 1-sided, 2-color

**Contact:** Printing Buyer's Office

**Bids are due:** September 11

**Agency:** Community Colleges

**Deliver to:** St. Paul

**Requisition #:** 1059

**Commodity:** School admission packets, 3M for 1990-91 and 3M for 1991-92 full; and partially assembled kits; 15M mailing envelopes; 11M folders; 7M books; 56M brochures; 6M each of 2 stickers; 3M information sheets; type to set

**Contact:** Printing Buyer's Office

**Bids are due:** September 8

**Agency:** Center for Arts Education

**Deliver to:** Golden Valley

**Requisition #:** 0897

**Commodity:** Printed window envelopes, 75M, type to set, #14 (5"x11½") + 2" flap

**Contact:** Printing Buyer's Office

**Bids are due:** September 11

**Agency:** Administration Dept.—  
Materials Mgmt. Div.

**Deliver to:** St. Paul

**Requisition #:** 1250

**Commodity:** Commercial Driver License Manual, 150M books, 92pg + cover, 2-sided, 5½"x8½" saddle stitch, camera ready, 1-color

**Contact:** Printing Buyer's Office

**Bids are due:** September 12

**Agency:** Public Safety Dept.

**Deliver to:** St. Paul

**Requisition #:** 1353

**Commodity:** Explore Minnesota Traveler, 100M books, 100pgs incl cover, negs available, 8½"x11", 5-colors throughout, saddle stitch

**Contact:** Printing Buyer's Office

**Bids are due:** September 14

**Agency:** Trade & Economic  
Development

**Deliver to:** St. Paul

**Requisition #:** 1142

**Commodity:** 1990 Credit Class Schedules (Tabloids), four schedules 188M per schedule, camera ready, 2-sided, 16"x22¾" 2-folds to 8"x11¾"

**Contact:** Printing Buyer's Office

**Bids are due:** September 14

**Agency:** Lakewood Community College

**Deliver to:** White Bear Lake

**Requisition #:** 1224

## Professional, Technical & Consulting Contracts

### Minnesota Historical Society

#### Advertisement for Bids on LeDuc-Simmons House Window Restoration

##### 1. BIDS

Sealed bid proposals for Window Restoration at the LeDuc-Simmons House at 1629 Vermillion Street, Hastings, Minnesota, in accordance with bidding documents dated 4 August 1989 and prepared by MacDonald and Mack Partnership, will be received in the office of the Contract Officer, Minnesota Historical Society, 1500 Mississippi Street, Saint Paul, Minnesota 55101 until 2:00 p.m., Central Daylight Time on 21 September 1989, at which time the bid proposals will be publicly opened and read aloud. Bids received after 2:00 p.m., 21 September 1989 will be returned unopened.

##### 2. BID SECURITY

Each proposal must be accompanied by a cash deposit, cashier's check, or corporate surety bond of a surety company duly authorized to do business in Minnesota, for the sum of not less than 5% of the total bid, which is submitted as bid security to guarantee that the bidder, if awarded the contract, will promptly execute such contract in accordance with the bid proposal and will furnish the required Payment and Performance bond.

##### 3. PLANS AND SPECIFICATIONS

Copies of Contract Documents for preparation of bids will be available for inspection at the offices of MacDonald and Mack Partnership, 712 Grain Exchange Building, Minneapolis, Minnesota 55415; at the Builders Exchange in Saint Paul and Minneapolis, Minnesota; and at the F.W. Dodge Corporation Plan Room, Edina, Minnesota. Copies of the Contract Documents for use by contractors submitting a bid may be obtained from the Architects without charge.

##### 4. CONDITIONS OF BIDS

The Minnesota Historical Society reserves the right to accept or reject any or all bids and to waive any irregularities therein. No bid may be withdrawn within thirty (30) days after the scheduled closing time for the receipt of bids.

## **Department of Human Services**

### **Request for Proposals for Study of Hospital Payment Systems**

The Minnesota Department of Human Services is requesting proposals for the study of inpatient and outpatient hospital payment systems under the Medical Assistance (MA) and General Assistance Medical Care (GAMC) Programs.

The responsibilities of the contractor are contained in *Minnesota Statutes* and will also be supplemented by requirements imposed under the contract. A respondent may propose to only fulfill individual components of the legislative requirements.

1989 Session Laws, Chapter 282, Article 3, Section 39 added *Minnesota Statutes* 256.9695, Subd. 4 to provide for the following areas of activity:

“The commissioner shall contract for an evaluation of the inpatient and outpatient hospital payment systems. The study shall include recommendations concerning:

- (1) more effective methods of assigning operating and property payment rates to specific services or diagnoses;
- (2) effective methods of cost control and containment;
- (3) fiscal impacts of alternative payment systems;
- (4) the relationships of the use of and payment for inpatient and outpatient hospital services;
- (5) methods to relate reimbursement levels to the efficient provision of services; and
- (6) methods to adjust reimbursement levels to reflect cost differences between geographic areas.

The commissioner shall report the findings to the legislature by January 15, 1991, along with recommendations for implementation.”

NOTE: Requirement number four is the only requirement applicable to outpatient services. Thus, the outpatient payment system is not to be studied in detail. It is only to be evaluated in terms of interrelationships with the inpatient system.

The cost of the entire study may not exceed \$150,000. This request, however, does not oblige the State to complete the project or to provide one contractor with all components of the project.

The deadline for receipt of proposals is September 29, 1989 at 4:00 p.m. Selection and notification of the contract award will occur by October 20, 1989. A detailed description of the contract requirements and specifications for submission of the proposal may be obtained from:

Paul Olson  
Hospital Section  
Audit Division  
Department of Human Services  
444 Lafayette Road  
St. Paul, Minnesota 55155-3836  
(612) 296-5620

## **Department of Natural Resources**

### **Division of Fish and Wildlife**

### **Request for Proposals for a Study to Compare the Costs of State and Private Hatcheries**

#### **Introduction**

The Department of Natural Resources is seeking proposals from qualified firms or individuals to conduct a study of the costs of state and private fish hatchery operations (trout, salmon and walleye). The study is being done for the Legislature to assist them in policy decisions. Results of this study will be used by the Legislature to determine the cost-effectiveness of the fish culture programs and make recommendations that consider the statewide stability of the programs.

#### **Scope**

State fish hatcheries have historically provided the large majority of the fish that are stocked in Minnesota's lakes. The private sector has hatchery operations, for which the state often provides the fertilized eggs in exchange for some of their fish. Results from this study will determine the cost-effectiveness and quality of state versus private programs for the most efficient and effective production of fish for stocking.

# Professional, Technical & Consulting Contracts

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## Goals and Objectives

To examine species/strain production costs in the public sector as compared to similar costs in the private sector; to examine the cost-effectiveness of present fish culture programs (coop rearing ponds, contract harvest, and buy back of fish in lieu of payment for eggs/fry/fingerlings); and to make recommendations that consider the statewide stability of the state programs. The study will cover the costs of state and private hatchery functions, from egg stripping to stocking, by species, strain and size.

## Project Tasks

The following tasks are required for successful completion of the project:

Review existing cost documents of state fish hatchery operations and verify.

Collect or estimate cost data for private hatchery operations.

Compare state and private costs for identical functions, including land, buildings and other equipment.

Present complete findings and answer questions at a meeting with the Legislative Commissions on Minnesota Resources, other interested legislators, DNR staff and other interested parties.

Write reports on methodology and findings.

## Detailed Request for Proposal

Interested parties may request a detailed request for proposal by writing to:

William H. Becker  
Supervisor, Research Unit  
MN DNR, Office of Planning  
500 Lafayette Road  
St. Paul, MN 55155-4010  
or calling: (612) 296-3093

Proposals are due in Mr. Becker's office at the Department of Natural Resources at 4 p.m., thirty-five days following the publication of this Request in the *State Register*.

## Project Costs

The Department estimates that the cost of this project will be approximately \$40,000.

## Project Completion Date

All final products will be submitted to the Office of Planning by October 1, 1990.

# Pollution Control Agency

## Notice of Request for Proposals for Consultant Services

The Minnesota Pollution Control Agency (MPCA) wishes to retain one or more consultant(s) for the preparation of a model for assessing the health risks of composting municipal solid waste, and assessing comparative risks between solid waste management alternatives. A peer review will be required for both the health risk model and the risk comparison of solid waste alternatives upon their completion and review by the MPCA. A health risk model is to be completed by July 1990, the assessing of comparative risks between solid waste management alternatives, and the peer review is to be completed by July 1991. It is estimated that the consultant services for the health risk model may cost up to \$60,000 and the comparative risk assessment up to \$20,000. The total project may cost up to \$80,000.

Copies of the Request for Proposals for the project are available from:

Kevin Kain, LCMR Composting Health Risk Model Project Manager  
Office of Planning and Review  
Minnesota Pollution Control Agency  
520 Lafayette Road  
St. Paul, Minnesota 55155  
(612) 296-7432

Proposals must be submitted to the MPCA by September 26, 1989, or three weeks from the date of the first publication of this notice, whichever is later.

## **Department of Public Safety**

### **Emergency Response Commission**

#### **Announcement for Title III Consultant List**

The Minnesota Emergency Response Commission is developing a list of companies which offer professional services on a fee basis for consultation relating to the "Emergency Planning and Community Right-to-Know Act" (Title III of the "Superfund Amendments and Reauthorization Act"). The list will not endorse specific companies or evaluate the services provided by companies. The list will be maintained as a service to facilities in the state that are subject to the reporting requirements of the law.

If a company wishes to be included on the list, please send a letter specifying the company name, address, and telephone number to the Minnesota Emergency Response Commission at the following address:

Minnesota Emergency Response Commission  
290 Bigelow Building  
450 North Syndicate Street  
St. Paul, MN 55104  
(612) 643-3000

## **Department of Trade & Economic Development**

### **Community Development Division**

#### **Request for Proposals for Consultant to Assist in the Development and Implementation of Computer Applications for Analyzing and Supporting Bond Issues by the Public Facilities Authority**

The Community Development Division of the Department of Trade and Economic Development requests the services of a consultant to assist in the development and implementation of computer applications for analyzing and supporting bond issues by the Public Facilities Authority. The principal requirements will be to develop a comprehensive, self-contained, integrated model for evaluating alternative structures for leveraging grant and loan monies. The model must be able to perform all calculations on a "real-time" basis, and be compatible for integration with the Department's existing Management Information Systems.

Requests for proposals must be submitted no later than September 19, 1989. For more information and a copy of the required system functionality, please contact Debbie Dorner at 612/297-1676.

David J. Speer, Commissioner

## **Department of Transportation**

### **Office of the Commissioner**

#### **Notice of Available Contract for Anti-Litter Advertising Marketing Program**

##### **Background**

The Minnesota Department of Transportation is developing and co-ordinating a comprehensive highway beautification program for the state. One of the key elements is an anti-litter campaign.

More than 70% of the 8,000 tons of trash recovered from Minnesota highways each year is from products consumed by individuals: food and candy wrappers, beverage containers, tobacco products, etc.

We must change the careless attitude of individuals who litter. A marketing and public relations programs can both educate and motivate offenders to change their behavior.

##### **Objective**

The reduction of litter on Minnesota highways is the overall objective of the proposed marketing plan. The design should include a theme or slogan and logo. The campaign should consist of television and radio commercials, outdoor billboards, public relations materials, direct mail pieces, and volunteer programs, among other techniques. The consultant will be responsible for producing all artwork, purchasing media time and space, and conducting an ongoing evaluation of the project using accepted market research techniques. An ongoing education plan should be incorporated.

## Professional, Technical & Consulting Contracts

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The advertising program must strive to:

- Engender a sense of pride in the State of Minnesota.
- Discourage deliberate offenders from littering.

### Consultant Qualifications (Skill and Experience)

Consultants responding to this RFP must attest that they are firms or corporations regularly engaged in the business of advertising, possess a demonstrated financial stability, technical expertise and support facilities to handle a statewide media campaign and have the capacity to ensure satisfactory completion of approved projects.

The proposal should also include a history of the proposing organization, including capabilities in the areas of services to be provided, staff size, resumes of employees involved, and location of office(s). If the project is to be a joint venture, all member firms must be identified and staff members listed accordingly.

### Timing and Funding

The anti-litter campaign must be initiated by November 1989. All professional services and costs, including the purchase of media time and space shall not exceed \$500,000.

Firms desiring consideration must express their interest by submitting three copies of the completed proposal by four o'clock (4:00) p.m. Tuesday, September 26, 1989.

Proposals should be submitted to:

F. C. Marshall  
Director—Highway Program Implementation  
Room 419  
Minnesota Department of Transportation  
Saint Paul, Minnesota 55155  
Telephone: (612) 296-3420

## Supreme Court Decisions

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### Decisions Filed 1 September 1989

**C1-88-2213 Donald Roering, as trustee for the heirs of Randy Donald Roering, decedent, Appellant v. Grinnell Mutual Reinsurance Company. United States District Court.**

1. *Minnesota Statutes* § 65B.49, subd. 3a(7) (1988) does not preclude underinsured motorist coverage where a motorcycle is an insured vehicle but not insured for uninsured/underinsured motorist coverage.
2. Under *Minnesota Statutes* § 65B.49, subd. 3a(5) (1988), when a person is injured while operating his own motorcycle which is insured for liability coverage only, he is not "occupying a motor vehicle" for purposes of claims to underinsured motorist benefits.
3. An insurance policy exclusion which provides that underinsured motorist coverage does not apply to bodily injury sustained by a person "while occupying a motor vehicle owned by you or a relative for which insurance is not afforded under this part, or when struck by the motor vehicle" is invalid when it conflicts with the coverage guaranteed by the No-Fault Act.

Certified questions answered. Popovich, C.J.

Dissenting, Coyne, Simonett & Kelley, JJ.

**C1-88-2261 State of Minnesota, petitioner, Appellant v. Mark Craig Johnson. Court of Appeals.**

Police officer may make limited investigative stop if officer has a particular and objective basis for suspecting the person stopped of criminal activity.

Reversed and judgment of conviction reinstated. Yetka, J.

Dissenting, Wahl, J., Popovich, C.J.

# Announcements

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**"Celebrate" License Plates:** Special collector's "Celebrate Minnesota 1990" auto license plates are now on sale from the Dept. of Public Safety. The red, white and blue plates with the distinctive CM 1990 logo cost \$15 a set. They may be used from the issue date until December 1990. Three dollars from the fee will support amateur athletics and \$3 will fund food shelves. Regular license plates must be replaced after December 1990 and cannot be used on any other vehicle during the interim. If the vehicle registration is renewed during the display period of the Celebrate license plates, apply the new year stickers to the Celebrate license plates. At the end of the display period, a duplicate set of stickers will be sent to you for use on your regular plates. All data collected on a motor vehicle application is required by law to issue registration to your vehicle. Failure to provide the information will result in denial of registration for your vehicle. Except for excise tax data, motor vehicle records are public and transcripts may be issued to anyone. Contact the Minnesota Dept. of Public Safety, Driver and Vehicle Services Division, St. Paul, MN 55155 (612) 296-6911 or your local Deputy Registrar.

**Met Council Makes Appointments:** The Metropolitan Council made appointments to three Council advisory committees. Appointed to the **Developmental Disabilities Advisory Committee** were: Jeffrey P. Jaskolka, consumer/parent, Minneapolis, District 4; and Gerald H. Biese, consumer, Eden Prairie, District 13. The 25-member committee advises the Council on the needs of persons with severe, chronic mental or physical disabilities that require long-term specialized services. Twelve committee members are consumers (people with developmental disabilities or their parents or guardians) and the rest, service providers and the general public. Members serve three-year terms. • Appointed to eight of the 18 vacancies on the **Land Use Advisory Committee** were: Richard C. Little, Minneapolis, District 4; Bryan J. McGinnis, Birchwood Village, District 7; Larry A. Bakken (elected official), Golden Valley, District 11; Neil Weber, Mound, District 13; William P. Casey (elected official), Prior Lake, District 14; Frank R. Simon (elected official), Chaska, District 14; Michael N. Hoffman, Eagan, District 15; and Jerry Stelzel (elected official), Farmington, District 16. The Council is still accepting applications for the remaining vacancies. Inquiries can be addressed to Rosemarie Coleman at 291-6630. The committee assists the Council in carrying out land use planning for the region. A major task is reviewing the Council's rural area policies. At least half of the members must be local officials. Members serve four-year terms. • Named to five of the seven vacancies on the **Metropolitan Health Planning Board** were: William H. Rupp Jr., consumer, St. Paul, District 1; Susan G. Flygare, provider, Minneapolis, District 5; Sunthi Chookiatsirichai, consumer, Minneapolis, District 6; Benjamin Aune, provider, Minnetonka, District 13; and Roberta Davis, provider, Rosemount, District 16. The 25-member board develops and implements policy plans for the delivery of health services, including ways to contain rising health care costs. At least 13 members are users or relatives and guardians of users of health care services; and the rest, providers representing health care professionals and institutions. Members serve staggered three-year terms.

**Cultural Resources Endangered:** One of the DNR's lesser-known roles, but an extremely important one, is the protection of the cultural resources of those who lived hundreds and thousands of years ago. Buried beneath state-owned soil are artifacts and human remains from historic and prehistoric cultures. These pieces of the past are the property of all Minnesotans and, therefore, are protected by law. "Many of Minnesota's state parks, forests and other properties are located on lands that had been inhabited by Native Americans," said Bob Hance, DNR regional administrator at Brainerd. "The theft of historic and prehistoric artifacts is a serious issue. Today, there are laws in place to reduce the thefts of America's past." Hance noted that many artifact hunters are hobbyists trying to build their collections, but their effects are just as destructive as those who are only in it for the money. He said that archaeologists have not inventoried all state lands and that numerous undiscovered archaeological sites could be inadvertently disturbed by persons pursuing private interests. The preservation of archaeological resources in state parks is a particular priority, Hance said, since many parks were established to protect and interpret Minnesota's heritage. Several state and federal laws protect artifacts on public property, with the stiffest penalties assessed for disturbing burial mounds or cemeteries. Under state statute, intentionally removing or destroying skeletal remains is a felony. No person, including state or other public employees other than the state archaeologist and individuals duly licensed by the director of the Minnesota Historical Society, can conduct any field archaeology on any state site. To do so is a gross misdemeanor. For more information, contact: Robert Hance, DNR Regional Admn. (218) 828-2613.

**Funds for Transitional Housing:** More homeless Minnesotans will have access to transitional housing this fall and winter as a result of \$230,000 in state and federal funds that have been allocated by the Minnesota Department of Jobs and Training. Funds will be granted to 27 programs in the cities of Burnsville, Circle Pines, Detroit Lakes, Duluth, Fridley, Mankato, Marshall, Minneapolis, Moorhead, St. Cloud, St. Paul, Rochester, Virginia and Willmar, reports Jobs and Training Commissioner Joe Samargia. "We are committed to programs such as these that will help people get back on their feet," Samargia said. "Our department tries to find jobs for people who are out of work, but we also provide assistance with training, shelter, food, education and other needs," he added. The agencies selected for the grants will provide shelter to people on a 24-hour basis for up to 24 months, Samargia said. In addition, the agencies will provide support services to help the homeless find their own housing. Most existing shelters for the homeless offer a bed for 12 hours a day and less extensive support services. The 27 programs will offer advocacy, education, legal and employment assistance, child care, case management and information and referral. Ninety-five percent of the funds are appropriated from the State Legislature under the Transitional Housing Program and the remaining five percent is from the Minnesota Community Services Block Grant Program.



## Woodworking for Wildlife

**Woodworking for Wildlife**, delightfully written and carefully illustrated with a variety of game bird and mammal box designs. Includes important information on the placement of nests in proper habitat areas and maintenance requirements. Diagrams, 48 pp. Code #9-14, \$3.95.

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

**Mammals of Minnesota**, discusses wild mammals that inhabit Minnesota today, or in the recent past. Tells how to identify them, their distribution in the state, and their natural history. U of M Press, 1977, illustrated, index, bibliography, paperback, 290 pp. Code #19-35, \$16.95.

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

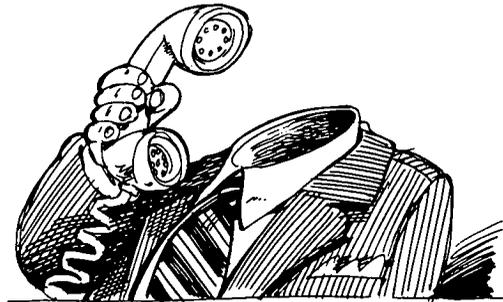
**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**

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.

## Ever called this guy?

**1989 & 1990 State of Minnesota Telephone Directory.** Get a direct line to the persons you want to speak to. Contains names, numbers, and agencies in the executive, legislative and judicial branches of state government. Four sections give listings alphabetically by name, agency, Minnesota region, plus an index for cross referencing. Over 250 pages, paperback, 8½"x11". Code #1-87, \$11.95

**U.S. Government Manual 1988-89.** Contains comprehensive information on federal agencies of the legislative, judicial and executive branches of government. Each agency description includes address, phone number, a list of principal officials, a summary of each agency's purpose and programs and activities. Paperback 940 pages with appendices and index. Code #16-46. \$20.00



**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**

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## Department of Commerce Regulated Profession Publications

**Banking Laws 1989.** Complete text of state law governing banks, trust companies and other financial institutions. Code #2-76 \$31.95

**Business and Nonprofit Corporation Act 1988.** Laws governing establishment and conduct of for-profit and non-profit corporations in Minnesota. Chapters 80B, 302A, 317. Code #2-87 \$11.00

**Fair Labor Standards Act 1987.** Minimum wage and overtime compensation standards for employers. Chapter 177. Code #2-75 \$5.00

**Insurance Laws 1988.** A compendium of laws applicable to the insurance business. Includes chapters on company and individual agents licensing requirements. Code #2-1. \$22.95

**Insurance Rules 1988.** Essential licensing information for businesses and agents. Includes standards on policies, practices, marketing and continuing education. Code #3-1 \$16.00

**Notary Public Laws 1987.** Statutory requirements regarding the oath of office, necessary bond, and taking of depositions. Includes an explanation of the term of the office and procedures for removal from office. Code #2-13 \$4.00

**Real Estate Laws 1988.** Complete and up-to-date extract from the 1986 Minnesota Statutes. Code #2-92 \$7.00

**Real Estate Rules 1987.** Contains all education and licensing requirements for agents. Chapters 2800.2805, and 2810. Code #3-99 \$8.00

**Securities Laws 1987.** Governs the activities of broker/dealers, agents or investment advisors. Chapter 80A. Code #2-12 \$6.00

**Securities Rules 1988.** Subjects include standards of conduct, equity securities, investment companies and more. Chapter 2875. Code #3-5 \$14.00

**Banking Rules 1987.** Code #3-81. \$6.00

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

**Mailing Lists.** All kinds available. Call to receive a copy of mailing list service packet, (612) 297-2552.

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**

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# Pheasants in Minnesota

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

**Woodworking for Wildlife**, delightfully written and carefully illustrated with a variety of game bird and mammal box designs. Includes important information on the placement of nests in proper habitat areas and maintenance requirements. Diagrams, 48 pp. Code #9-14, \$3.95.



**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. *Prices are subject to change.*

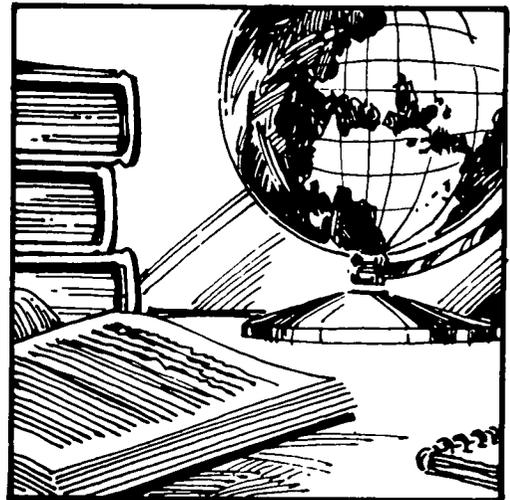
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# Get Smart with these Education Resources

**Board of Teaching-Licensure Rules 1987. Minnesota Rules Chapter 8700.** Requirements for the issuance and renewal of all licenses, from vo-tech and hearing impaired to librarians and media generalists. Includes the Code of Ethics for Minnesota Teachers, and standards for teachers prepared in other states. Code #3-74, \$7.00 plus tax.

**Education Directory 1988-89.** All the elementary and secondary schools in the state. Includes Minnesota school districts, superintendents, boards, principals, district addresses, phone numbers and enrollment figures. Code #1-93, \$7.00 plus tax.

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. *Prices are subject to change.*



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TO ORDER:		Code No.	Quantity	Description	Item Price	Total	
Complete attached order blank. Include either your American Express/VISA/MasterCard number with the expiration date, or a check/money order made out to the State of Minnesota. Orders by phone are accepted when purchasing with your credit card. Please include a phone number where you can be reached during the day in case we have questions about your order. Please include 6% sales tax and \$1.50 postage and handling. Ask for our catalogs for <i>Publications, Outdoors, or Mailing Lists</i> . <b>PREPAYMENT REQUIRED</b> Merchandise may be returned at \$1.50 restocking charge, if it is in resalable condition. NOTE: <i>State Register</i> and other subscriptions do not require sales tax or postage and handling fees. Prices subject to change without notice. Please allow 4-6 weeks for delivery. In a hurry? Stop by our Bookstore. Bookstore Hours 8:00-4:30 M-F.							
		Name or Company				Subtotal	
		Attention				Plus 6% tax MN Residents Only	
		Address					
		Send your order to:		City	State	Zip	Postage/Handling (per order)
<b>Minnesota's Bookstore</b> 117 University Ave., St. Paul, MN 55155 Metro area 612-297-3000 (FAX: 296-2265) In Minnesota, toll free 1-800-652-9747		American Express/VISA/MasterCard No.			<b>TOTAL</b>		
		Signature		Expiration Date	Telephone (During Day)		

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## Good Business Decisions are Made with Good Information

**Minnesota Manufacturer's Directory.** More than 7,000 entries that include name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2, \$76.50 plus tax.

**Business and NonProfit Corporation Act 1988.** A handy reference that contains all the state laws governing the establishment and conduct of corporations in Minnesota. Includes *Minnesota Statutes* Chapters 80B, 302, 302A and 317. Code #2-87, \$11.00 plus tax.

**Minnesota Guidebook to State Agency Services 1987-1990.** Packed with information to help you cut through red tape for easy and fast dealing with state agencies, this treasure of information opens state government to you. Its 640 pages describe agencies, how they work, listing contacts, addresses, phones, and license requirements, grants, forms, reports, maps, publications and much more. Gives historical, statistical and important data useful in hundreds of ways. Code #1-4, \$15.00 plus tax.



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## Resolve Bargaining Disputes and Grievances

**Public Employment Labor Relations Act 1987.** The collective bargaining rights and responsibilities of public employers and public employees. Details employees' right to organize and the legislature's authority. Code #2-90, \$5.00 plus tax.

**Public Sector Labor Relations in Minnesota.** A practical resource and training guide analyzing public sector labor relations in Minnesota. A special emphasis on contract administration, grievance handling and the arbitration process. 286 pages, paperbound. Code #10-51, \$12.50.

**Minnesota Guidebook to State Agency Services 1987-1990.** A treasure of helpful, useful, and interesting information about Minnesota state government. This important resource guides you through applications, fees, licenses, reports, history and travel highlights. Describes agencies in detail, giving addresses, phones and contact people. Code #1-4, \$15.00 plus tax.



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## A Wise Investment—the rules of the game

**Securities Laws, 1987.** Governs the activities of broker/dealers, agents and investment advisors. *Minnesota Statutes* Chapter 80A. Code #2-12, \$6.00 plus tax.

**Securities Rules, 1988.** Rules implementing the legislative mandate. Subjects include equity securities and investment companies. *Minnesota Rules* Chapter 2875. Code #3-5, \$14.00 plus tax.

**Minnesota Guidebook to State Agency Services, 1987-1990.** Packed with information to help you, this 640-page resource guides you through license requirements, forms, fees, reports, services, grants, and more. Its listing of addresses, phones, and agency descriptions cut red tape for easy and fast service from state agencies. Code #1-4, \$15.00 plus tax.

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**



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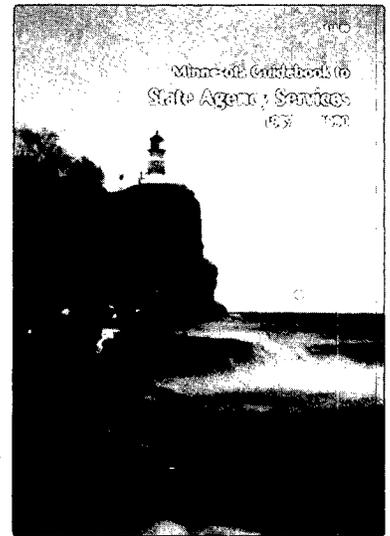
## A Beacon to Guide You—Minnesota's Owners Manual

You'll enjoy smooth sailing through your business with state government with the *Minnesota Guidebook to State Agency Services 1987-1990*.

Considered one of the finest resources to Minnesota's state agencies, this valuable and useful book is a treasure awaiting your discovery.

Packed with information to help you, its 640 pages guide you through license requirements, forms, fees, reports, services, grants, hotlines, maps, history, travel highlights and more. Its listing of addresses, phones, and agency descriptions cuts red tape so you get easy and fast service.

Copies cost \$15.00 (+90¢ tax, MN residents only). Make checks out to the "State of Minnesota" and send to the Print Communications Division, 117 University Avenue, St. Paul, MN 55155. MasterCard and VISA orders can be taken over the phone by calling (612) 297-3000 or toll-free in Minnesota 1-800-652-9747.



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## Welcome wildlife to your property

**Landscaping for Wildlife.** Attract wildlife to your land and gardens, farms and woodlots by spreading nature's welcome mat. Songbirds, butterflies, hummingbirds, pheasants, deer and other wildlife are drawn through these gardening tips and landscaping techniques that add natural beauty to your property and habitat for wildlife. Over 70 color photos and 144 pages give you simple, enjoyable, and inexpensive methods for adding the right touches for a "wildlife party" on your grounds, whether urban or rural. Stock #9-15, \$8.95 plus tax.

**Woodworking for Wildlife.** Songbirds, owls, ducks, geese, loons and other wildlife will show appreciation for your skills by adding a "wild" dimension to your property. Carefully illustrated with a variety of game bird and mammal box designs, this booklet provides important tips on the placement of nest in proper habitat areas and maintenance requirements. Construction diagrams included. 47 pp. Stock #9-14, \$3.95 plus tax.

**Wildlife Set.** Order both books above as a set and save 15%. Stock #9-20, \$10.95 plus tax.

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**



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## Getaway in Style

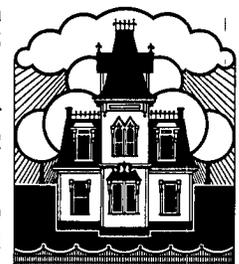
**Room at the Inn Wisconsin.** Includes hard-to-find lodgings in out-of-the-way places, as well as in Wisconsin's major metropolitan areas and most popular vacation destinations. 224pp. Stock #19-3, \$9.95 plus tax.

**Room at the Inn Minnesota.** Looking for a weekday or weekend get-away? For a business meeting or simply pleasure? This is the only guide to more than 50 historic "Bed & Breakfast" homes, hotels, and country inns and all are within a day's drive of the Twin Cities. 127pp. Stock #19-72, \$9.95 plus tax.

**Roughing It Elegantly.** A guide for the canoe camper visiting the BWCA, Voyageurs Park and Quetico Provincial Park. Full of practical tips and information: planning, organizing, packing, site location, and camp set-up. Simple, creative, enjoyable meals are a major feature. 159pp. Stock #9-3, \$9.95 plus tax.

**Guide to Wilderness Canoeing.** A unique blend of practical information and personal philosophy. Subjects covered include: spring and fall canoeing, traditional versus modern canoe design, and different paddling techniques. 143pp. Stock #19-81, \$6.95 plus tax.

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**



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## Armchair Adventures in Minnesota

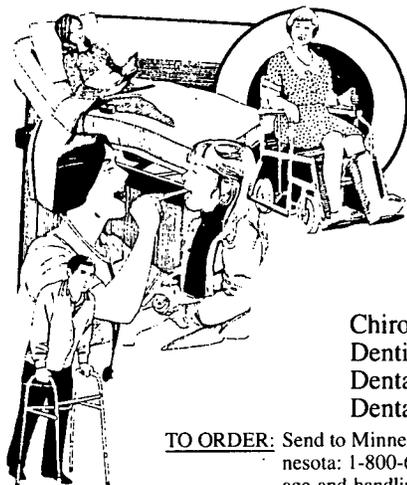
**Our Minnesota.** More than 100 full-color photos by Les and Craig Blacklock portray Minnesota in her seasonal beauty, with text from the personal journal of Fran Blacklock's thirty years of traveling the state. Stock #9-23. \$12.95 plus tax.

**Minnesota Geographic Names.** Place names by the thousand, with even more intriguing historical tidbits, in this over 800-page book. A must for the Minnesota-lover! Stock #17-13, \$12.95 + tax.

**Historic Sites and Place Names of Minnesota's North Shore.** John Fritzen, long time employee of the Minnesota DNR draws upon his almost 40 years as a forester, mostly spent on Minnesota's colorful and legendary North Shore, to regale readers with tales of timbermen, pioneer settlers, miners, commercial fishermen and others. Black and white photos. Stock #9-11. \$3.50 plus tax.

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. *Prices are subject to change.*

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## Reach Minnesota's health care field decision makers

### Health Care Facilities Directory 1988

A list of hospitals and related institutions licensed and/or certified to deliver various levels of care. The list is alphabetical by county, town and facility name. Stock No. 1-89. \$16.00.

### Mailing Lists of Health Care Professionals Licensed by the State of Minnesota Now Available

Call 297-2552 for more information or write to the address below for your free mailing list service packet.

Chiropractors	Medical Corporations (Clinics)	Pharmacists
Dentists	Registered Nurses	Physical Therapists
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Dental Hygienists	Pharmacies	Veterinarians

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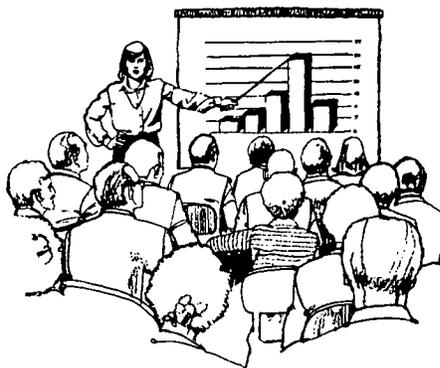
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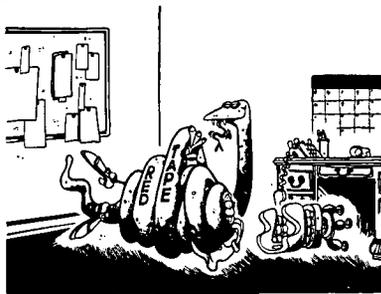
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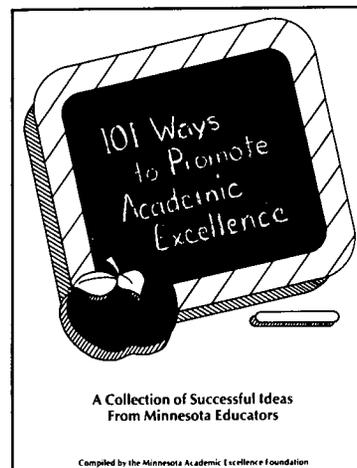
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