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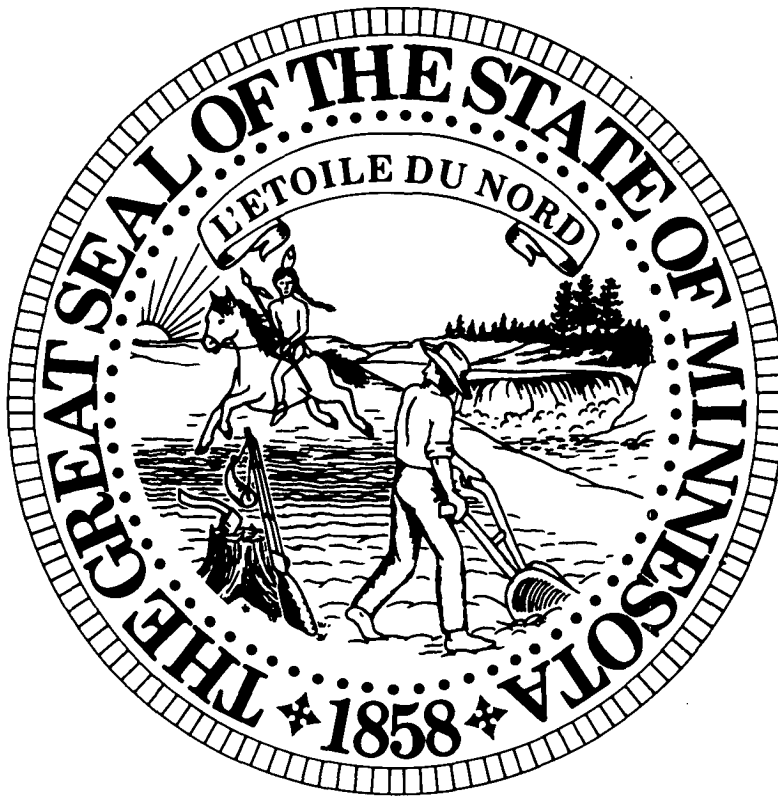
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State of Minnesota

# STATE REGISTER

Department of Administration—Print Communications Division



Rules edition  
Published every Monday

8 January 1990

Volume 14, Number 28

Pages 1741-1788

# 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
28	Friday 22 December	Friday 29 December	Monday 8 January
29	Friday 29 December	Monday 8 January	Tuesday 16 January
30	Monday 8 January	Friday 12 January	Monday 22 January
31	Friday 12 January	Monday 22 January	Monday 29 January

\*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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**Sandra J. Hale, Commissioner**  
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## FOR LEGISLATIVE NEWS

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

### SENATE

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

**Perspectives**—Publication about the Senate.

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

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

**This Week**—weekly interim bulletin of the House.

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

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

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# Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the 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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# 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.

## Housing Finance Agency

### Proposed Permanent Rules Relating to Housing Preservation Program

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

**NOTICE IS HEREBY GIVEN** that the Minnesota Housing Finance Agency intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes* 462A.06, Subd. 4 and 11.

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

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

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

Susan K. Noren  
Legal Division  
Minnesota Housing Finance Agency  
400 Sibley Street, Suite 300  
St. Paul, Minnesota 55101-1998  
Telephone: (612) 296-9794

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 Susan K. Noren 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

**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

General or who wish to receive a copy of the adopted rule, must submit the written request to Susan K. Noren.

Dated: 5 January 1990

James J. Solem  
Commissioner

### Rules as Proposed

#### 4900.0010 DEFINITIONS.

[For text of subps 1 to 22, see M.R. 1989]

Subp. 23. **Persons and families of low and moderate income.** "Persons and families of low and moderate income" means:

[For text of items A to E, see M.R. 1989]

F. With respect to the Housing Preservation Program under parts 4900.2200 to 4900.2270, persons and families whose gross annual income does not exceed 100 percent of the median family income for the county in which the target area is located, as determined from time to time by the United States Department of Housing and Urban Development.

### HOUSING PRESERVATION PROGRAM

#### 4900.2200 SCOPE.

Parts 4900.2200 to 4900.2270 govern implementation of the Housing Preservation Program established by Minnesota Statutes, section 462A.203.

#### 4900.2210 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 4900.2200 to 4900.2270, the following terms have the meanings given them in this part.

Subp. 2. **Agency.** "Agency" means the Minnesota Housing Finance Agency.

Subp. 3. **City.** "City" has the meaning given in Minnesota Statutes, section 462C.02, subdivision 6.

Subp. 4. **Eligible borrower.** "Eligible borrower" means:

A. eligible mortgagors as defined in Minnesota Statutes, section 462A.03, subdivision 13; or

B. noneligible mortgagors who are natural persons or families whose gross annual household income is greater than 100 percent, but no greater than 110 percent, of the median family income for the county in which the target area is located, as determined from time to time by the United States Department of Housing and Urban Development.

Subp. 5. **Housing Preservation Program.** "Housing Preservation Program" means the program administered under parts 4900.2200 to 4900.2270.

Subp. 6. **Revolving loan.** "Revolving loan" means an extension of credit to an eligible borrower requiring repayment of all principal at some future date, with or without interest, for the acquisition, improvement, or rehabilitation of residential buildings for the purpose of preserving eligible housing.

Subp. 7. **Target area.** "Target area" is the area described in Minnesota Statutes, section 462A.203, subdivision 2.

#### 4900.2220 PROGRAM PURPOSE.

The agency shall make grants to cities to establish revolving loan programs that will operate in target areas. Loan recipients shall use the revolving loans for housing acquisition, improvement, or rehabilitation.

#### 4900.2230 LOAN TERMS.

Cities shall make loans with terms appropriate for the type of building and useful life of improvements, unless conditions documented by a city require more liberal terms as incentive for owner participation.

#### 4900.2240 TARGET AREAS.

Target areas shall be designated by city council resolution. Changes in a target area's boundaries must also be designated by city council resolution and approved by the agency.

#### 4900.2250 MATCHING FUNDS.

A grant made under the Housing Preservation Program must be equally matched by city commitment of one or more of the following resources:

A. money from the general fund or a special fund;

B. funds paid or repaid to the community from other grant awards;

C. funds to install, repair, or improve target area infrastructure;

D. fees from community development activities;

E. financial contributions to support general obligation or revenue bonds issued for the Housing Preservation Program, or a project connected with the program; or

F. the greater of market value or cost to the city of land, buildings, equipment, or other real or personal property granted or loaned to a for-profit or nonprofit corporation or other entity or individual for use in implementing the program.

**4900.2260 ADVISORY COMMITTEE.**

Before making any loans, a city must establish an advisory committee to assist in implementing the program. The city shall determine this committee's composition and responsibilities.

**4900.2270 GRANT PROPOSAL SELECTION.**

From time to time the agency may request proposals for grants from cities and shall receive proposals for at least 60 days. Only one target area may be included in each proposal submitted, but a city may submit proposals for more than one target area.

The agency shall select grant proposals for funding based on the following factors:

A. the extent of substandard or hazardous housing conditions in the target area, the impact the program will have in reducing or eliminating them;

B. the extent to which displacement of low and moderate income tenants will be minimized;

C. adequacy of documentation, including that required to establish target area eligibility;

D. revolving loan fund characteristics, and the extent to which proposed lending activities do not duplicate available agency programs that are adequately funded;

E. administrative capabilities of the city or the entity that will administer the program on behalf of the city; and

F. the geographic area to be serviced, the size of grant request or other factors, to the end that a reasonable distribution of resources can be achieved across the state.

## **Housing Finance Agency**

### **Proposed Permanent Rules Relating to Neighborhood Preservation Home Improvement Loans**

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

**NOTICE IS HEREBY GIVEN** that the Minnesota Housing Finance Agency intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes* 462A.06, Subd. 4 and 11.

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

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

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

Susan K. Noren

**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

Legal Division  
Minnesota Housing Finance Agency  
400 Sibley Street, Suite 300  
St. Paul, Minnesota 55101-1998  
Telephone: (612) 296-9794

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 Susan K. Noren upon request.

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

Dated: 5 January 1990

James J. Solem  
Commissioner

### Rules as Proposed

#### 4900.0010 DEFINITIONS.

[For text of subps 1 to 22, see M.R. 1989]

Subp. 23. **Persons and families of low and moderate income.** "Persons and families of low and moderate income" means:

[For text of items A to E, see M.R. 1989]

F. With respect to neighborhood preservation home improvement loans pursuant to parts 4900.2300 to 4900.2340, those persons and families whose gross annual income does not exceed the income limits established by any agency of the federal government with respect to federally subsidized mortgages for low and moderate income families.

#### NEIGHBORHOOD PRESERVATION HOME IMPROVEMENT LOANS

#### 4900.2300 DEFINITIONS.

Subpart 1. Scope. The terms used in parts 4900.2300 to 4900.2340 have the meanings given them in this part.

Subp. 2. City. "City" has the meaning given in Minnesota Statutes, section 462C.02, subdivision 6.

Subp. 3. Designated neighborhood. "Designated neighborhood" means that geographic area identified by a city that has been approved by the agency as a designated neighborhood and has the following characteristics:

A. is within an incorporated city;

B. has definite geographical boundaries; and

C. consists primarily of residential-use structures.

Subp. 4. Eligible applicants. "Eligible applicants" means general applicants and other applicants.

Subp. 5. General applicants. "General applicants" means applicants who are:

A. natural persons or families of low or moderate income who occupy the property to be improved as a single-family structure;

B. natural persons or families of low or moderate income who own existing residential housing occupied by renters, provided the applicant complies with the agency's required occupancy requirement;

C. nonprofit entities, limited profit entities, or cooperative housing corporations that provide:

(1) residential care facilities for mentally ill, mentally retarded, physically handicapped, or drug dependent persons; or

(2) dwelling accommodations for persons or families of low and moderate income; or

(3) dwelling accommodations for other persons or families when the agency determines it necessary to further its policy of economic integration.

**Subp. 6. Neighborhood preservation home improvement loan.** "Neighborhood preservation home improvement loan" means a loan administered under parts 4900.2300 to 4900.2340.

**Subp. 7. Other applicants.** "Other applicants" means:

- A. natural persons and families who are not of low and moderate income;
- B. natural persons and families of low and moderate income who own existing residential housing occupied by renters, where the applicant does not comply with the agency's required occupancy requirement;
- C. corporations and partnerships that provide:
  - (1) dwelling accommodations for persons or families of low or moderate income; or
  - (2) dwelling accommodations for other persons or families when the agency determines it necessary to further its policy of economic integration.

#### **4900.2310 PROPOSALS FOR LOANS.**

**Subpart 1. Requests for proposals.** From time to time, the agency may request proposals from cities for neighborhood preservation home improvement loans for a period of not less than 60 days on a form specified by the agency.

**Subp. 2. Selection of proposals.** The agency shall select proposals for funding based on the following criteria:

- A. the relative neighborhood preservation needs described in the proposal, including, but not limited to, housing needs, the needs of commercial and public properties, and infrastructure;
- B. the extent to which other resources are or will be allocated to address the stated needs;
- C. the expected impact of the neighborhood preservation activities;
- D. the extent to which other conditions or resources exist for long-term preservation of the designated neighborhood;
- E. the extent to which low and moderate income residents will benefit from the neighborhood preservation activities;
- F. the extent to which displacement of residents will be minimized;
- G. the geographic area to be serviced, the size of the request for funds, or other factors that will achieve a reasonable distribution of resources across the state;
- H. the priority rating a city may assign to a proposal if the city submits more than one proposal; and
- I. the extent to which the proposal is more innovative than other proposals.

#### **4900.2320 ELIGIBLE LOAN APPLICATIONS.**

**Subpart 1. Eligible borrowers.** An eligible borrower must be an eligible applicant that also meets the ownership interest and credit risk requirements specified in this part.

**Subp. 2. Ownership interest.** Each eligible borrower for a neighborhood preservation home improvement loan must individually or in the aggregate possess at least a one-third interest in fee, in a contract for deed, or in a life estate in the property to be improved. However, occupancy of the property by the eligible borrower is not required.

For manufactured or factory-made housing taxed as personal property or not permanently affixed to real property, an eligible borrower must individually or in the aggregate have a 100 percent interest in the title to the housing to be improved.

**Subp. 3. Credit risk.** Each eligible borrower must be a reasonable credit risk with the ability to pay the loan obligation as determined by the agency or by the lending institution, if any, servicing the loan on behalf of the agency pursuant to part 4900.0080.

**Subp. 4. Compliance with zoning ordinances.** The structure to be improved must not be in violation of applicable zoning ordinances or other applicable land use guides.

**Subp. 5. Use of property restricted.** The property must be used primarily for residential purposes.

**Subp. 6. Time of completion.** All improvements must be reasonably capable of being completed within nine months of the date of the disbursement of funds, except for delays due to causes beyond the applicant's reasonable control, such as fire, strike, and shortage of materials.

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

## Proposed Rules

Subp. 7. Unavailability of financing. At the time of application, conventional financing must not be available from private lenders upon equivalent terms and conditions.

Subp. 8. Required occupancy. Except as parts 4900.2300 to 4900.2340 apply to other applicants, owners of residential housing occupied by renters shall give preference in renting the improved housing units to those persons of low or moderate income who occupied the residential housing at the time of application for the loan. Upon completion of the improvements, structures containing six rental units or fewer must be occupied by persons and families of low and moderate income in at least one of the units in the case of a one-unit or two-unit rental structure, two of the units in the case of a three-unit rental structure, three of the units in the case of a four-unit rental structure, four of the units in the case of a five-unit or six-unit rental structure, and at least 75 percent of the rental units in the case of rental structures containing more than six units.

### **4900.2330 RESTRICTION ON FUNDS.**

At least 75 percent of funds that are available to make neighborhood preservation home improvement loans in a designated neighborhood must be dedicated to make loans to general applicants.

No more than 25 percent of the funds that are available to make neighborhood preservation home improvement loans in a designated neighborhood may be used to make loans to other applicants.

### **4900.2340 ELIGIBLE USES OF LOAN PROCEEDS.**

Subpart 1. Eligible improvements. An improvement financed with the proceeds of a neighborhood preservation home improvement loan must meet all of the requirements of part 4900.0520.

Subp. 2. Refinancing. Up to 50 percent of the proceeds of a neighborhood preservation home improvement loan may be used to pay the balance on contracts for deed or mortgages involving the property to be improved, provided such action is necessary to permit the owner to meet the owner's housing cost without expending an unreasonable portion of the owner's income.

## Housing Finance Agency

### Proposed Permanent Rules Relating to Qualifications for Housing

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

**NOTICE IS HEREBY GIVEN** that the Minnesota Housing Finance Agency intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes* 462A.06, Subd. 4 and 11.

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

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

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

Susan K. Noren  
Legal Division  
Minnesota Housing Finance Agency  
400 Sibley Street, Suite 300  
St. Paul, Minnesota 55101-1998  
Telephone: 612-296-9794

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 Susan K. Noren upon request.

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

Dated: 5 January 1990

James J. Solem  
Commissioner

### **Rules as Proposed**

#### **4900.0920 QUALIFICATIONS FOR HOUSING.**

Except as otherwise provided herein and by part 4900.0340, each recipient of a loan pursuant to the act, plan, and parts 4900.0900 to 4900.1080 and each person or family initially occupying a dwelling unit financed pursuant thereto shall be an American Indian as defined by Minnesota Statutes, section 254A.02, subdivision 11, or an American Indian family as hereinafter defined, and of low and moderate income as defined by part 4900.0010, subpart 23, ~~provided that item A, subitem (1).~~ However, developers of multi-family housing developments need not be American Indians or of low and moderate income, and further provided that the tribe, band, and communities may qualify as eligible borrowers, if the funds advanced are used to construct eligible housing for resale or rental to eligible recipients and the funds advanced are returned to the revolving loan fund under the jurisdiction of the tribe, band, or communities when permanent financing is obtained. An American Indian family for purposes of parts 4900.0900 to 4900.1080 is a family which at the time the loan is granted has at least one resident mortgagor who is an American Indian as defined by Minnesota Statutes, section 254A.02, subdivision 11.

## **Minnesota Housing Finance Agency**

### **Proposed Permanent Rules Relating to Rural and Urban Homesteading**

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

**NOTICE IS HEREBY GIVEN** that the Minnesota Housing Finance Agency intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes* 462A.06, Subd. 4 and 11.

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

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

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

Susan K. Noren  
Legal Division  
Minnesota Housing Finance Agency  
400 Sibley Street, Suite 300  
St. Paul, Minnesota 55101-1998  
Telephone: 612-296-9794

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.

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

## Proposed Rules

A 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 Susan K. Noren upon request.

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

Dated: 5 January 1990

James J. Solem  
Commissioner

### Rules as Proposed (all new material)

#### RURAL AND URBAN HOMESTEADING PROGRAM

##### 4900.2400 SCOPE.

Parts 4900.2400 to 4900.2600 govern the implementation of the rural and urban homesteading program under Minnesota Statutes, section 462A.057.

##### 4900.2420 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 4900.2400 to 4900.2600 have the meanings given them in this part.

Subp. 2. **Agency.** "Agency" means the Minnesota Housing Finance Agency.

Subp. 3. **Applicant.** "Applicant" means one or more entities that submit an application to the agency for a grant under the rural and urban homesteading program.

Subp. 4. **Application.** "Application" means a submittal requesting a grant of funds under the rural and urban homesteading program.

Subp. 5. **At-risk homebuyer.** "At-risk homebuyer" means an individual or family who is homeless, receiving public assistance, or would otherwise be unable to afford homeownership through sources other than the program pursuant to criteria or standards as established by the eligible organization and accepted by the agency.

Subp. 6. **Designated area.** "Designated area" means a specific area where the acquisition, rehabilitation, and sale of eligible properties may take place under the program. In the metropolitan area, as defined in Minnesota Statutes, section 473.121, subdivision 2, a designated area must be a specific four square block area.

Subp. 7. **Eligible organization.** "Eligible organization" means an applicant that has been selected to receive a grant under the rural and urban homesteading program.

Subp. 8. **Eligible property.** "Eligible property" means a single family detached residential property, located within a designated area, that is vacant, condemned, abandoned, or identified as desirable for purchase and rehabilitation by the eligible organization for appropriate reasons cited by the eligible organization which, if rehabilitated, may prevent or arrest the spread of blight.

Subp. 9. **Good neighbor policy.** "Good neighbor policy" means a set of standards developed by the applicant pertaining to community behavior or housing maintenance that homebuyers under the program must agree to meet or observe.

Subp. 10. **Initial acquisition cost.** "Initial acquisition cost" means the actual costs incurred in acquiring and rehabilitating an eligible property under the program and includes back taxes and closing costs.

Subp. 11. **Local neighborhood advisory board or advisory board.** "Local neighborhood advisory board" or "advisory board" means a volunteer board established by the eligible organization in accordance with parts 4900.2400 to 4900.2600.

Subp. 12. **Program.** "Program" means the rural and urban homesteading program administered under parts 4900.2400 to 4900.2600.

Subp. 13. **Sales cost.** "Sales cost" means the actual cost and the imputed value of costs incurred in the acquisition and sale of an eligible property, except that the imputed value costs may be limited so that sale costs do not exceed the maximum allowed under the program.

##### 4900.2440 THE RURAL AND URBAN HOMESTEADING PROGRAM.

Subpart 1. **Purpose of program.** The rural and urban homesteading program provides grants to eligible organizations to acquire and rehabilitate existing single family detached residences and sell them through contracts for deed to eligible homebuyers who are considered to be at risk and are willing to strengthen the neighborhood by adhering to a good neighbor policy reference.



Subp. 2. **Uses of grant money.** The agency may award grants to eligible organizations of up to \$300,000. The grants must be used by eligible organizations to buy eligible properties and pay for the cost of rehabilitating those properties. The agency may establish an allocation plan for the program to provide for the greater likelihood of awarding such grants among rural and urban properties. The agency may also establish requirements pertaining to maximum allowable administrative costs under the program, but in no instance may the administrative costs exceed \$30,000 per eligible organization from funds appropriated for the program during the period of acquisition, rehabilitation, and sale.

#### **4900.2460 APPLICATION BY ELIGIBLE ORGANIZATION.**

Subpart 1. **Preliminary eligibility.** The applicant must be a political subdivision, or a nonprofit entity as defined in part 4900.0100, subpart 21, that has as a primary purpose the provision or development of affordable housing to low and moderate income homebuyers.

Subp. 2. **Application.** The applicant must provide an application on a form prescribed by the agency that will document the entity's ability to develop and maintain the program as provided under parts 4900.2400 to 4900.2600. At a minimum, this application shall include:

- A. documentation that the applicant meets the eligibility requirements in subpart 1;
- B. a description of the applicant's organization that demonstrates that the applicant:
  - (1) has experience in acquisition and rehabilitation of housing for low and moderate income homebuyers; and
  - (2) has the ability to organize and complete the program;
- C. a detailed description of how the applicant proposes to develop and administer the program, including, but not limited to:
  - (1) the designated area in which the program is to be delivered and the availability of eligible properties on reasonable terms and conditions within the designated area;
  - (2) a definition and description of the at-risk homebuyers to whom the applicant proposes to sell eligible property under the program;
  - (3) a definition and description of the good neighbor policy to which the at-risk homebuyers must adhere;
  - (4) the structure and specific duties of the local neighborhood advisory board as described in parts 4900.2400 to 4900.2600;
  - (5) the standard to which properties under the program will be acquired and rehabilitated;
  - (6) the means by which outreach for at-risk homebuyers will be undertaken, and by which such homebuyers will be selected;
  - (7) the qualifications of staff; and
  - (8) proposed means of record keeping; and
- D. a detailed budget for the program showing all sources and uses of funds, including administrative funds that may be provided from sources other than the grant.

#### **4900.2480 SELECTION OF ELIGIBLE ORGANIZATION.**

Subpart 1. **Criteria.** The agency shall take the following criteria into consideration when determining whether an applicant will receive a grant under the program.

- A. The prior experience of the applicant in establishing, administering, and maintaining affordable housing programs for low and moderate income households.
- B. The prior experience of the applicant in purchasing and rehabilitating residential property for resale or rental.
- C. The documented availability on reasonable terms and conditions of both eligible properties and resources through which the properties may be rehabilitated within the designated area identified by the applicant in the application.
- D. The reasonableness of the program as developed by the applicant.
- E. The availability of outside sources of funds for either administrative costs or to provide for purchase, rehabilitation, and sale of properties under the program, or both.
- F. The reasonableness of the proposed budget in meeting the objectives of the program.

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## Proposed Rules

G. The capacity of the applicant to:

- (1) organize and continue an ongoing relationship with the local neighborhood advisory board;
- (2) provide the necessary staff to administer the program on the local level for an extended period;
- (3) assist homebuyers by linking them with service providers to enhance their possibility of successful homeownership;

and

- (4) the ability to service the contract for deed and manage the revolving fund created under the program.

Subp. 2. **Agency may provide assistance.** Nothing in subpart 1 shall be construed to preclude the agency from conducting outreach, encouraging potentially eligible organizations to develop applications, or contacting or interviewing applicants regarding their applications before application selection.

### **4900.2500 LOCAL NEIGHBORHOOD ADVISORY BOARD.**

Subpart 1. **Establishment of advisory board.** A local neighborhood advisory board for each designated area in which the program is delivered shall be established by the eligible organization. Except for the requirements in this part, the eligible organization shall be granted flexibility in determining the structure and specific duties of the advisory board. The advisory board shall be comprised of volunteer residents from the designated area.

Subp. 2. **Racial composition.** Wherever possible, residents selected to serve on the advisory board must reflect the racial composition of the designated area. Within the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2, at least 20 percent of the advisory board must be minority residents. The eligible organization must undertake adequate outreach within each designated area to achieve such racial composition. If, despite such outreach, the eligible organization is unable to obtain such racial composition, the eligible organization must demonstrate to the satisfaction of the agency that a reasonable effort was made to do so.

Subp. 3. **Required duties.** The duties of the advisory board include, but are not limited to, the following:

- A. recommending properties that may be acquired within the designated area to the eligible organization;
- B. recommending the selection of eligible homebuyers to the organization; and
- C. assisting the eligible organization in providing ongoing assistance to eligible homebuyers.

### **4900.2520 ELIGIBLE PROPERTIES.**

Subpart 1. **General.** Eligible properties are to be acquired by the eligible organization for rehabilitation and sale to at-risk homebuyers with the consent of the local neighborhood advisory board for the designated area. The eligible organization may acquire up to five properties in a designated area with funds appropriated for the program or may acquire more than five properties if funds other than appropriated funds are used. Mobile homes, townhomes, and condominium units are not eligible under the program. Upon sale of the property, clear and marketable title subject to the contract for deed described in part 4900.2560 must be provided to the homebuyer.

Subp. 2. **Rehabilitation standards.** Eligible properties are to be rehabilitated, at a minimum, to the Housing Quality Standards as established in Code of Federal Regulations, title 24, section 882.404, and changed from time to time by the United States Department of Housing and Urban Development. Applicants may provide for rehabilitation of properties beyond Housing Quality Standards where it is feasible, and are encouraged to do so. All rehabilitation work must also satisfy the following requirements:

A. Rehabilitation improvements may be made in order to comply with applicable state, county, and municipal health, housing, building, fire prevention, and housing maintenance codes, or other public standards applicable to housing; make the property more desirable to live in; increase the market value of the property; make the property more habitable; make the property more accessible to a handicapped person; or make the property more energy efficient.

B. Each rehabilitation improvement must be a permanent general improvement. Permanent general improvements include additions, alterations, renovations, or repairs upon or in connection with existing structures that materially preserve or improve the basic livability, safety, or utility of the property. Permanent general improvements do not include materials, fixtures, or landscaping of a type or quality exceeding that customarily used in the locality for properties of the same general type as the property to be improved.

C. Each rehabilitation improvement must be made in compliance with all applicable health, fire prevention, building, and housing codes and standards; provided, however, that no requirement may be imposed under the program that will preclude rehabilitation solely because the improvements will not bring the property into full compliance with all codes and standards.

Subp. 3. **Appraisal.** Eligible properties must be appraised before the beginning of rehabilitation work by an appraiser approved to conduct appraisal for the Federal Housing Administration, Veterans Administration, Federal National Mortgage Association, or Federal Home Loan Mortgage Corporation. The appraiser shall be informed as to the proposed improvements so that the value of the eligible property after rehabilitation may be estimated. The purchase price for the eligible property to be paid by the at-risk homebuyer must be less than or equal to 125 percent of the appraised value of the eligible property after rehabilitation.

Subp. 4. **Acquisition costs.** The total initial acquisition cost of the property may not exceed \$50,000 unless costs over \$50,000 are attributed to rehabilitation or improvement to make the property accessible for the physically disabled. The sales cost of the property may also not exceed \$50,000 unless sales cost over \$50,000 are attributed to rehabilitation or improvement to make the property accessible for the physically disabled.

**4900.2540 ELIGIBLE HOMEBUYERS.**

An individual or family eligible to purchase a home under the program must be an at-risk homebuyer as described in part 4900.2420, subpart 5, and must also:

- A. not have owned a residential dwelling for the three years before the date of execution of the contract for deed;
- B. have household income before the date of execution of the contract for deed at or below limits established by the eligible organization, but in no instance may such income limits be established at a level higher than 70 percent of the greater of state or area median income as determined and adjusted from time to time by the United States Department of Housing and Urban Development;
- C. have sufficient gross household income so that on the date of execution of the contract for deed at least 25 percent of that income will be adequate to pay monthly installments of real estate taxes and hazard insurance premiums; and
- D. agree to apply 25 percent of their gross monthly household income to the debt incurred under the contract for deed, immediately inform the eligible organization of significant changes in gross household income, and cooperate and participate in annual recertification of gross household income by the eligible organization.

**4900.2560 CONTRACT FOR DEED.**

The agency shall establish the terms and conditions for the contract for deed to be used to convey the rehabilitated property from the eligible organization to the at-risk homebuyer. The terms and conditions shall reflect state law pertaining to such documents, the requirements of Minnesota Statutes, section 462A.07, and parts 4900.2400 to 4900.2600 pertaining to the program, specific requirements of the program as implemented by the eligible organization, and provisions pertaining to the right of first refusal by the eligible organization or the agency upon property resale as prescribed in Minnesota Statutes, section 462A.07.

**4900.2580 REVOLVING FUND.**

The eligible organization shall repay to the agency, without interest, all grant funds advanced to it under the agreement executed for the program to the extent and manner provided in the agreement. The agreement shall provide for establishment of a revolving fund into which all loan repayments, sales proceeds, or recaptured funds must be repaid. The revolving fund shall provide that repayment to the agency may be deferred if the eligible organization elects to acquire, rehabilitate, and sell additional eligible properties under the program. The agency may also provide for payment of certain administrative and other costs from the revolving fund, and may establish other requirements pertaining to the revolving fund under the agreements with the eligible organization.

**4900.2600 RECORD KEEPING AND REPORTING.**

Subpart 1. **Record keeping.** The eligible organization shall be required to keep adequate records pertaining to the program in a format and fashion mutually agreed to between the eligible organization and agency, and the agency or legislative auditor may review such records upon adequate prior written notice to the eligible organization by the agency or the legislative auditor. The eligible organization must also provide written reports in a prescribed format regarding activity under the program to the agency at intervals prescribed by the agency, which typically will be no more often than quarterly.

Subp. 2. **Report to legislature.** The agency is responsible for preparing and submitting annual reports to the legislature and the governor as prescribed in Minnesota Statutes, section 462A.057, subdivision 10.

## **Department of Public Safety**

### **Driver and Vehicle Services Division**

#### **Proposed Permanent Rules Relating to Driver Training Programs**

##### **Notice of Public Hearing**

NOTICE IS HEREBY GIVEN that a public hearing concerning the proposed adoption of rule amendments captioned above will

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## Proposed Rules

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be held in Conference Room D, 5th Floor of the Veterans Services Building, St. Paul, MN, on February 16, 1990, commencing at 9:00 a.m. and continuing until all interested persons have had an opportunity to be heard. The rule proposed for adoption would revise driving training rules that apply to commercial driver training schools and instructors, regulate driver training at private, parochial and nonpublic schools, revise motorcycle safety education, and, where appropriate, conform the Department of Public Safety driver training rules with those of the Department of Education and Board of Teaching.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to ask questions and make statements. Statements may be made orally and written material may be submitted.

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

Whether or not an appearance is made at the hearing, written material may be submitted to the Administrative Law Judge.

George A. Beck  
Office of Administrative Hearings  
5th Floor, Flour Exchange Bldg.  
310 4th Avenue South  
Minneapolis, MN 55415  
(612) 341-7601

either before the hearing or within five working days after the public hearing ends. Those statements will be recorded in the hearing record. The Administrative Law Judge may, at the hearing, order that the comment period be kept open for a longer period not to exceed 20 calendar days. Comments received during the comment period shall be available for review at the Office of Administrative Hearings. The agency and interested persons may respond in writing within three business days after that comment period ends to any new information submitted. No additional evidence may be submitted during the three-day period. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.02, 14.04, 14.36, 14.38, 14.44 to 14.45, and 14.48 to 14.56, and by *Minnesota Rules* parts 1400.0200 to 1400.1200. Questions about the rule hearing procedure may be directed to the Administrative Law Judge.

**NOTICE IS HEREBY GIVEN** that a Statement of Need and Reasonableness is now available for review at the agency and at the Office of Administrative Hearings. This Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the agency or the Office of Administrative Hearings and copies may be obtained from the agency at no cost.

The agency intends to submit the Statement of Need and Reasonableness in support of the proposed rule and will answer questions raised by interested persons. You are therefore urged to review the Statement of Need and Reasonableness before the hearing. Additional copies will be available at the hearing.

The department's statutory authority to adopt the proposed rules is provided by *Minnesota Statutes*, sections 14.06, 171.34 and 171.35.

The rules will have a direct effect on commercial driver training schools and on driver training programs at private, parochial, and other nonpublic high schools. All of the commercial schools are small businesses as defined by *Minnesota Statutes*, section 14.115. All of the private, parochial, and other nonpublic schools are arguably small businesses. The agency has considered specific methods for reducing the impact of the rules on these businesses and those methods are addressed in the Statement of Need and Reasonableness.

These rules do not set or change any fees, therefore *Minnesota Statutes*, section 16A.128 does not apply.

These rules will not require any local agency, school district, or public body to incur costs, therefore *Minnesota Statutes*, section 14.11, does not apply.

A copy of the proposed rules is attached hereto. Additional copies will be available at the door on the date of the hearing. If you have any questions on the content of the proposed rules, contact: Dave Orren, Room 208 Transportation Building, St. Paul, MN 55155, (612) 296-2631.

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

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

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

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

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101-2520, telephone (612) 296-5148.

Dated: 18 December 1989

Paul J. Tschida, Commissioner  
Department of Public Safety

## **Rules as Proposed**

### **7411.0100 DEFINITIONS.**

Subpart 1. **Statutory definitions Scope.** ~~For the purposes of parts 7411.0100 to 7411.0900, the terms "commercial driver training school," "instructor," and "commissioner" shall have the same meanings given them in Minnesota Statutes, section 171.33. "Motorcycle," "truck tractor," "truck," "school bus," "bus," "trailer," "semitrailer," "driver," and "street or highway" have the respective meanings given them in Minnesota Statutes, section 169.04. The terms used in parts 7411.0100 to 7411.0900 have the meanings given them in this part.~~

Subp. 2. and 3. [See Repealer.]

Subp. 4. **Certificate.** "Certificate" refers to the written document issued by the commissioner to a private, commercial driver education school or institute indicating the department's approval of the school's or institute's courses in driver education under Minnesota Statutes, section 171.04, clause (1).

Subp. 5. **Certified; certified program.** "Certified" and "certified program" refer to a private, commercial driver education school or institute that holds a currently valid certificate from the commissioner indicating the department's approval of the school's or institute's courses in driver education under Minnesota Statutes, section 171.04, clause (1).

Subp. 6. **Class A vehicle.** "Class A vehicle" means a vehicle that requires its operator to have a class A driver's license before it may be driven, under Minnesota Statutes, section 171.02, subdivision 2.

Subp. 7. **Class B vehicle.** "Class B vehicle" means a vehicle that requires its operator to have only a class B driver's license before it may be driven, under Minnesota Statutes, section 171.02, subdivision 2, but may also be operated by the holder of a class A license.

Subp. 8. **Class C vehicle.** "Class C vehicle" means a vehicle that requires its operator to have only a class C driver's license before it may be driven, under Minnesota Statutes, section 171.02, subdivision 2, but may also be operated by the holder of a class A or class B license. A motorcycle is not a class C vehicle for purposes of parts 7411.0100 to 7411.0900.

Subp. 9. **Commercial driver training school.** "Commercial driver training school" has the meaning given it in Minnesota Statutes, section 171.33, subdivision 1.

Subp. 10. **Commissioner.** "Commissioner" means the commissioner of the Department of Public Safety or an authorized agent.

Subp. 11. **Department.** "Department" means the Department of Public Safety or the department's authorized agent.

Subp. 12. **Driver training program; program.** "Driver training program" or "program" means:

A. a commercial driver training school that is required to be licensed by the commissioner under Minnesota Statutes, sections 171.33 to 171.41;

B. a private, commercial driver education school or institute that is required to be approved by the commissioner under Minnesota Statutes, section 171.04, clause (1); or

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## Proposed Rules

C. a private or commercial school or institute offering a two-wheeled vehicle driver's safety course that is required to be approved by the commissioner under Minnesota Statutes, section 169.974, subdivision 2.

Subp. 13. Good cause to believe. "Good cause to believe" means grounds put forth in good faith that are not arbitrary, irrational, unreasonable, or irrelevant and that are based on at least one of the following sources:

A. written information from an identified person;

B. facts supplied by the program, instructor, or applicant;

C. driver's license or accident records;

D. court or police records; or

E. facts of which the commissioner or the commissioner's employees or agents have personal knowledge.

Subp. 14. Hazardous material. "Hazardous material" has the meaning given it in Minnesota Statutes, section 221.011, subdivision 29.

Subp. 15. Hazardous substance. "Hazardous substance" has the meaning given it in Minnesota Statutes, section 221.011, subdivision 30.

Subp. 16. Hazardous waste. "Hazardous waste" has the meaning given it in Minnesota Statutes, section 221.011, subdivision 31.

Subp. 17. Instruction. "Instruction" means lecture, tutoring, practice driving, lessons, or other teaching method given to teach the proper operation of a motor vehicle. One hour of instruction time means 60 minutes of actual instruction. Breaks and time between instruction are not counted as instruction time.

Subp. 18. Instructor. "Instructor" means a person, whether acting as an operator of a driver training program or as an employee of the program, who teaches or supervises persons learning to drive motor vehicles or preparing to take an examination for a driver's license, and a person who supervises the work of another instructor.

Subp. 19. Laboratory instruction. "Laboratory instruction" means behind-the-wheel instruction for class A, class B, and class C vehicles and astride-the-motorcycle instruction for motorcycles.

Subp. 20. Log book offense. "Log book offense" means a violation of Federal Motor Carrier Safety Regulations, Code of Federal Regulations, title 49, section 395.8.

Subp. 21. Motorcycle. "Motorcycle" has the meaning given it in Minnesota Statutes, section 171.01, subdivision 17.

Subp. 22. Parking or motor vehicle equipment offense. "Parking or motor vehicle equipment offense" means a violation of Minnesota Statutes, section 169.34, 169.346, 169.35, 169.36, or 169.47, or an ordinance in conformity with these sections.

Subp. 23. Semitrailer. "Semitrailer" has the meaning given it in Minnesota Statutes, section 169.01, subdivision 11.

Subp. 24. Traffic violation. "Traffic violation" means a violation of:

A. a traffic law or ordinance involving the operation of a motor vehicle that is not a parking or motor vehicle equipment offense, a log book offense, or an offense involving the nonpayment of a fine;

B. Minnesota Statutes, section 169.09, or a comparable law of another state; or

C. Minnesota Statutes, section 65B.48, or a comparable law of another state.

Subp. 25. Truck-tractor. "Truck-tractor" has the meaning given it in Minnesota Statutes, section 169.01, subdivision 7.

Subp. 26. Vehicle. "Vehicle" has the meaning given it in Minnesota Statutes, section 171.01, subdivision 2.

### 7411.0200 PURPOSE.

The purpose of parts 7411.0100 to 7411.0900 is to carry out the mandate of the legislature ~~and to effectuate that mandate as set forth in Minnesota Statutes, sections 169.974, subdivision 2; 171.04; and 171.33 to 171.41, with respect to the regulation for regulating and licensing of commercial driver training schools programs and instructors.~~

### 7411.0300 SCOPE.

The scope of parts 7411.0100 to 7411.0900 is intended to be confined within the framework of and consistent with Minnesota Statutes, sections 169.974, subdivision 2; 171.04; and 171.33 to 171.41.

### 7411.0400 DRIVER TRAINING VEHICLE REQUIREMENTS.

Subpart 1. ~~Safety standards and equipment; exemptions.~~ Each A vehicle used for driver training instruction shall must comply with all the federal and state motor vehicle safety standards for the model year of the vehicle, and shall. A vehicle must also be maintained in a safe operating condition. The vehicle age limits in subpart 3 do not relieve a program of its responsibility to ensure

that a vehicle used by the program is maintained in a safe operating condition. An instructor shall report in writing to the program a mechanical problem affecting the safe operation of a vehicle. The program shall correct the problem before again using the vehicle for driver training instruction. If a vehicle used for driver training instruction is not maintained in a safe operating condition, the commissioner shall prohibit the program from using the vehicle for instruction until the unsafe condition has been corrected. The commissioner shall also suspend or revoke the license or certificate of the program or instructor, or both, if the commissioner determines that the unsafe condition could foreseeably be the cause of serious personal injury or property damage and that the program or instructor had notice, or should have had notice through the ordinary discharge of duties, of the unsafe condition of the vehicle.

Subp. 1a. Equipment required. A class A, class B, or class C vehicle used for driver training instruction must have the following equipment:

A. dual control brakes;

B. dual control clutch pedal, where applicable;

C. an outside rearview mirror on both sides each side of the vehicle; in addition, a parabolic mirror not less than five inches in diameter on each side of trucks and truck tractors;

D. sunvisors for both the driver and the passenger;

E. windshield washers, wipers, and defroster;

F. and seat belts for each occupant of the vehicle; as required by law. In addition:

G A. a class C vehicle must have dual control brakes and, when applicable, a dual control clutch pedal; and

B. a class A vehicle must have a parabolic mirror not less than five inches in diameter on each side of the vehicle, tandem drive axles for all truck tractors, and tandem axles for all semitrailers; and.

H. because of the nature of the vehicle and because the student driver is already an experienced licensed driver, buses, trucks, and truck tractors are exempt from the requirement of dual control brakes and clutch pedal.

Buses are exempt from the seat belt requirement.

Subp. 2. Vehicle age; exemption. Except as otherwise provided in this subpart, ~~vehicles~~ a class C vehicle and a motorcycle used for driver training purposes may not be used for more than four ~~model~~ six years old. ~~Because of the greater cost of the vehicle and the generally accepted procedures for maintenance and reconditioning or rebuilding, from the date it was first put into service and~~ a class A or class B vehicle used for driver training purposes may not be used for more than ten years from the date it was first put into service. "The date first put into service" means the date the vehicle was first driven more than the limited driving necessary to move or road test the vehicle before delivery to a customer. If a vehicle is used by a dealer as a demonstration model, "the date first put into service" means the date the vehicle was first driven by a potential customer. If records are not available to show this date, then "the date first put into service" means the date of the beginning of the model year of the vehicle.

The following exceptions apply:

A. ~~buses, trucks, and truck tractors~~ A class A or class B vehicle may not be used for more than ten ~~model~~ years old. from the date it was first put into service, only if:

(1) the vehicle is used only on the program's driving range;

(2) the vehicle has been inspected during the previous 12 months by a mechanic for an authorized diesel truck dealer;

(3) all repairs and replacements of parts indicated by the inspection have been made; and

(4) records are available to show inspections, repairs, and replacements of parts.

B. Semitrailers are exempt from the age limitation but must pass the required vehicle inspection.

C. A motorcycle may be used for more than six years but not more than eight years from the date it was first put into service only if:

(1) tires, tubes, and control cables are no more than three years old;

(2) the fuel line, spark plugs, front and rear brake pads and shoes, hydraulic brake hoses, wheel bearings, drive chain,

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battery, fork oil, and brake and clutch cables have been inspected during the previous 12 months and each part not meeting operating specifications contained in the manufacturer's factory repair manual has been replaced; and

(3) records are available to show inspections and replacements of parts.

Subp. 3. **Vehicle list.** A list of vehicles used for driver training ~~shall must~~ be maintained and filed with the commissioner. ~~It shall be the responsibility of The commercial driver training school to program shall~~ keep the vehicle list current at all times by submitting additions, deletions, or revisions to the commissioner within ten days from the date ~~such the~~ changes occur. ~~Additional or replacement vehicles may be used for driver training purposes only after complying with subpart 5.~~

Subp. 4. **Marking.** While being used for driving laboratory instruction, all class A, class B, and class C vehicles must have signs conspicuously displayed on front and rear, with background and letters of contrasting colors stating "Student Driver." On vehicles used for class C driver training, the lettering ~~shall must~~ be at least two but not more than five inches in height. On vehicles used for class A and class B driver training, the lettering ~~shall must~~ be at least ten inches in height. No other signs or advertising may be displayed without the approval of the commissioner.

Subp. 5. **Inspections.** All vehicles used for driver training purposes must pass a vehicle inspection immediately after installation of dual control devices and every 12 months thereafter at a station designated by the commissioner. No new vehicle may be used for driver training until it passes inspection and a completed copy of the inspection form has been filed with the commissioner by the vehicle owner. Additional inspections may be requested by the commissioner. ~~The inspection form must be filed by the vehicle owner within 30 days of the due date or use of the vehicle for driver training discontinued. The license of a commercial driver training school or instructor may be suspended at any time if a vehicle used for driver training purposes is not maintained in a safe operating condition or upon failure to comply with the above inspection requirements~~ When the commissioner has good cause to believe a vehicle used for driver training purposes does not meet the requirements of parts 7411.0100 to 7411.0900, the commissioner shall inspect or shall require the inspection of the vehicle.

Subp. 6. **Commercial use.** ~~No bus, truck, truck-tractor, or semitrailer shall~~ A vehicle may be used for commercial purposes during the training program unless there is incorporated in the approved driver training curriculum that only if each of the following conditions is met:

A. ~~a maximum of The commercial purpose occurs during observation hours and amounts to at most 50 percent of the total observation hours are to be devoted to commercial purposes;~~

B. All use for commercial purposes ~~will take~~ takes place during the last 50 percent of the total training program; ~~and.~~

C. Hazardous materials ~~will, hazardous substances, and hazardous waste are not be transported. For the purposes of this item, hazardous materials include, but are not limited to, compressed gases and liquids, explosives and flammables, nuclear materials, and industrial waste products.~~

D. An instructor accompanies the student in the vehicle while it is being used for commercial purposes.

E. The student is covered by the program's insurance as set out in part 7411.0700, subpart 1, item A.

Subp. 7. **Vehicle supplied by instructor or student.** If the instructor or the student supplies the vehicle to be used for driver training, the program must verify that the vehicle meets the safety, age, equipment, and insurance requirements before the vehicle may be used for driver training. If the student is already in possession of a license to operate the vehicle, the vehicle is exempt from the age, dual control brakes, and dual control clutch pedal requirements.

### **7411.0510 STUDENT AND COURSE REQUIREMENTS; CLASS A, B, AND C VEHICLES.**

Subpart 1. **Scope.** This part applies to driver training in class A, class B, and class C vehicles and does not apply to driver training on motorcycles.

Subp. 2. **Required age and qualifications of students.** A driver training program may not offer class A driver training to a student who is not at least 18 years old and in possession of at least a class C license.

A program may not offer class B driver training to a student who is not at least 16 years old and in possession of at least a class C license.

Subp. 3. **Classroom curriculum.** A written classroom curriculum guide must be available to and used by an instructor conducting classroom instruction. The program shall submit the curriculum to the commissioner for approval. The commissioner shall approve the curriculum if it meets the requirements of this subpart. The program may not use the curriculum until the curriculum has been approved. The curriculum must present the student with the opportunity to:

A. analyze and assess several decision-making models and factors influencing highway-user decisions;

B. analyze and simulate making decisions about the effect of alcohol and other drugs on behavior and driving performance;

C. analyze and practice making decisions about using occupant restraints;



- D. identify and analyze a variety of driving decisions about highway users and roadway characteristics;
- E. analyze and practice making decisions about a vehicle's speed under different driving conditions;
- F. know the content and purpose of motor vehicle and traffic laws and rules for safe driving performance;
- G. identify, analyze, and describe proper procedures for a variety of driving situations;
- H. gather information and practice making decisions about automobile ownership and maintenance;
- I. identify, analyze, and practice making decisions related to drivers' attitudes and emotions; and
- J. explore alternative ways to become better drivers and to improve the highway transportation system.

**Subp. 4. Classroom schedule requirements.** A program may offer no more than three hours of classroom instruction per day to a student who has not yet obtained a driver's license.

A program shall provide a driver training student who is less than 18 years old with a minimum of 30 hours of approved classroom instruction.

**Subp. 5. Classroom instruction materials.** Written tests or materials used by a program must not substantially duplicate any part of a Minnesota driver's examination.

**Subp. 6. Concurrent classroom and laboratory instruction.** When a program conducts classroom and laboratory phases of instruction concurrently for those wishing to obtain a class C license, the program may not provide laboratory instruction to a student until the student has completed at least five hours of classroom instruction. An authorized school operator or instructor may then complete a certificate of enrollment indicating when laboratory instruction will begin. The certificate must specify that the classroom instruction is being conducted concurrently with the laboratory instruction. The department accepts this certificate from the student at driver examination stations when the student is applying for an instruction permit. The program may not provide laboratory instruction to a student who has not obtained the instruction permit.

A program offering class A and class B driver training must have a concurrent course consisting of at least 40 hours of classroom instruction, 60 hours of laboratory instruction, and 60 hours of observation time for each student.

**Subp. 7. Nonconcurrent classroom and laboratory instruction.** When a program conducts the classroom and laboratory phases of instruction during separate time periods for those wishing to obtain a class C license, the program may not provide laboratory instruction to a student until the student has successfully completed the classroom instruction phase. The time period between the two phases of instruction may not exceed six months. When a student has satisfactorily completed the classroom instruction phase, an authorized operator or instructor may complete a certificate of enrollment indicating when laboratory instruction will begin. The department accepts this certificate from the student at driver examination stations when the student is applying for an instruction permit. The program may not provide laboratory instruction to a student who has not obtained the instruction permit.

**Subp. 8. Laboratory curriculum.** A written laboratory guide must be available to and used by an instructor conducting laboratory instruction. The program shall submit the curriculum to the commissioner for approval. The commissioner shall approve the curriculum if it meets the requirements of this subpart. The program may not use the curriculum until the curriculum has been approved. The curriculum must include:

- A. orientation to the purpose, content, and procedures for laboratory instruction;
- B. orientation to gauges and instruments, and preparing to move the vehicle;
- C. basic skills in speed control and tracking on forward and backward paths;
- D. orientation to driving and initial techniques in scanning for, recognizing, and responding to obstacles;
- E. basic skills in parking, turning, backing, turning around, changing lanes, crossing intersections, and passing;
- F. reduced-risk city driving, highway driving, freeway driving, and interacting with highway users;
- G. strategies for perceiving and responding to adverse and special conditions and emergencies; and
- H. formal evaluation, self-evaluation, and planning for future improvement.

**Subp. 9. Laboratory schedule requirements.** A program:

A. may offer no more than two hours of laboratory instruction per day to a student who has not yet obtained a driver's license;

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B. shall provide a driver training student who is less than 18 years old with a minimum of six hours of laboratory instruction;

C. and instructor, except for the training offered in class A or class B vehicles, shall not give a student more than 30 hours of laboratory instruction without the written authorization of the commissioner; and

D. may substitute simulation and range driving for laboratory instruction if the following requirements are fulfilled:

(1) Four hours of simulation may be substituted for one hour of laboratory instruction.

(2) Two hours of range instruction may be substituted for one hour of laboratory instruction.

(3) Total on-street time may not be less than three hours.

Subp. 10. Laboratory instruction requirements. The following requirements apply to laboratory instruction:

A. A program shall not provide laboratory instruction on the actual routes used for state driver's license road tests, except when unavoidable due to lack of alternatives.

B. An instructor shall ensure that each laboratory student is in possession of a valid instruction permit or driver's license from the student's home state or country, applicable to the class of vehicle in which instruction is being given.

C. An instructor shall ensure that seat belts are used at all times by persons in the vehicle.

D. A program may not provide class A driver training in a vehicle that does not require an unrestricted class A license for its operation.

E. A program may not provide class B driver training in a vehicle that does not require a class B license for its operation.

F. A program offering class A or class B training shall provide a paved driving range of at least 90,000 square feet. If more than two class A vehicles are to be used on the driving range at the same time, an additional 45,000 square feet of driving range must be provided for each added motor vehicle, but the surface of the additional area need not be paved.

Subp. 11. Outside practice. A program or instructor shall encourage students to practice outside the school instruction course when permissible by law.

Subp. 12. Additional training for license holders. A program may provide hourly training to increase the proficiency of persons already licensed to operate a vehicle.

Subp. 13. Training limitations. After a student receiving class A or class B driver training has completed 50 percent of the required observation time, the program may offer the student up to 15 hours per day of observation time. If a student receives eight or more hours of observation time in a day, the student may not receive classroom or laboratory training that day.

Except as otherwise provided in this subpart; subpart 4, item A; subpart 9, item A; or in other rule or statute, a program may offer a student up to a total of eight hours of training per day.

### **7411.0550 STUDENT AND COURSE REQUIREMENTS; MOTORCYCLES.**

Subpart 1. Scope. This part applies to driver training on motorcycles.

Subp. 2. Classroom curriculum. A written classroom curriculum guide must be available to and used by an instructor conducting classroom instruction. The driver training program shall submit the curriculum to the commissioner for approval. The commissioner shall approve the curriculum if it meets the requirements of this subpart. The program may not use the curriculum until the curriculum has been approved. The curriculum must present a student with the opportunity to:

A. become familiar with the purpose, content, and procedures for classroom instruction;

B. learn the location and operation of motorcycle controls and indicators;

C. identify, analyze, and practice making decisions about proper protective gear;

D. identify and become familiar with the procedures for starting, riding, and stopping a motorcycle;

E. learn procedures for turning, changing gears, and using both brakes to stop a motorcycle;

F. identify basic riding strategies and prepare to ride safely in traffic;

G. become familiar with the various methods used to minimize, separate, and compromise riding hazards;

H. learn procedures for passing, group riding, and night riding;

I. prepare for handling unusual or emergency situations;

J. gather information and practice making decisions about selecting, insuring, and maintaining a motorcycle;

K. understand how alcohol and other drugs affect a motorcyclist's ability to ride safely; and

L. have the student's knowledge evaluated in the classroom.

Subp. 3. Classroom schedule requirements. A program shall provide a driver training student who is less than 18 years old with a minimum of seven hours of approved classroom instruction.

Subp. 4. Classroom instruction materials. Written tests or materials used by a program must not substantially duplicate any part of the state permit, license, or endorsement examinations.

Subp. 5. Laboratory curriculum. A written laboratory curriculum guide must be available to and used by an instructor conducting laboratory instruction. The program shall submit the curriculum to the commissioner for approval. The commissioner shall approve the curriculum if it meets the requirements of this subpart. The program may not use the curriculum until the curriculum has been approved. The curriculum must include:

- A. orientation to the purpose, content, and procedures for laboratory instruction;
- B. mounting, dismounting, starting, stopping, and walking the motorcycle; understanding the clutch friction zone; and riding in a straight line;
- C. riding in circles, weaving, making sharp turns, and straight-line shifting;
- D. braking, turning, adjusting speed, shifting, and accelerating in a turn;
- E. scanning techniques for recognizing, responding to, and surmounting obstacles;
- F. rear wheel skids and quick stops;
- G. changing lanes and stopping on a curve;
- H. counterbalancing and decreasing-radius turns;
- I. countersteering and changing lanes quickly; and
- J. formal skills evaluation.

Subp. 6. Laboratory schedule requirements. A program shall provide a driver training student who is less than 18 years old with at least eight hours of approved laboratory instruction.

A program may use machines that simulate motorcycle driving but may not substitute simulator training for the required eight hours of laboratory training.

Subp. 7. Laboratory instruction requirements. The following requirements apply to motorcycle laboratory instruction:

A. The student-instructor ratio may not exceed three students per instructor for on-street instruction and eight students per instructor for driving range instruction.

B. A program that includes laboratory instruction shall conduct that instruction on a planned practice driving route. The planned practice driving route must not include routes used for state driver's license road tests, except when unavoidable due to lack of alternatives.

C. Before giving laboratory instruction on a public street or highway, the instructor shall ensure that a student is in immediate possession of a valid standard Minnesota driver's license and a valid two-wheeled vehicle instruction permit.

D. Before giving laboratory instruction on a driving range that does not include a public street or highway, an instructor shall ensure that a student is in immediate possession of a valid standard Minnesota driver's license or a valid motor vehicle instruction permit.

E. The instructor shall ensure that the student, during laboratory instruction, wears a helmet, eye protective device, and protective clothing, including gloves, a jacket or long-sleeved shirt, long pants, and shoes or boots that cover the feet and ankles.

F. A driving range used for laboratory instruction must be at least 160 feet long and 60 feet wide. No more than eight students may receive instruction at one time on a range of this size. Up to 12 students may receive instruction at one time if the dimensions of the driving range are at least 220 feet by 120 feet. There must be at least 20 feet of level runout space around the outside of the range and between an intended path of travel and the nearest obstacle. The driving range area must be paved. The commissioner shall waive the requirements for the minimum dimensions of the driving range if a suitable paved area is not available and if the program demonstrates that the required laboratory curriculum objectives can be met on the proposed driving range without compromising the safety of the students. The program shall obtain the waiver before instruction begins.

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G. A student wishing to take the motorcycle training course shall enroll for both the classroom and laboratory portions of the course.

Subp. 8. Concurrent classroom and laboratory instruction. When a program offers both phases of the course during the same time period, at least two hours of classroom instruction must be completed before beginning laboratory instruction. The laboratory instruction must be dispersed throughout the classroom instruction.

Subp. 9. Consecutive classroom and laboratory instruction. When a program conducts the two phases of the training course in two separate time periods, a student shall successfully complete the classroom phase before beginning the laboratory phase. The two phases of the program must not be separated by more than one month.

Subp. 10. Outside practice. A program or instructor shall encourage students to practice outside the school instruction course when permissible by law.

Subp. 11. Additional training. A program may provide hourly training to a person older than 18 years of age to increase the proficiency of a person who has already obtained a motorcycle endorsement or to prepare the person to take the test to obtain a motorcycle endorsement.

Subp. 12. Training limitations. A program may offer a student no more than a total of eight hours of motorcycle training per day.

### **7411.0610 INSTRUCTOR REQUIREMENTS.**

Subpart 1. License required. Each instructor for a commercial driver training school and each instructor of a two-wheeled vehicle safety course shall obtain an instructor's license under part 7411.0800. Each instructor for a certified driver training program shall fulfill the licensure requirements of parts 8700.4901 and 8700.4902.

Subp. 2. General. A program instructor must:

- A. be at least 21 years old;
- B. have been a licensed driver for three years;
- C. have a valid driver's license; and
- D. have a high school diploma or the equivalent.

Subp. 3. Certified copy of driving record.

- A. An applicant for a new instructor's license shall submit a certified copy of the applicant's driving record to the program.
- B. A new instructor at a certified program shall submit a certified copy of the instructor's driving record to the program.
- C. An instructor who does not have a Minnesota driver's license shall submit a certified copy of the instructor's driving record to the commissioner at the time of becoming an instructor and annually after that time. For a licensed instructor, the annual certified copy must be submitted with the instructor's license renewal application. For an instructor at a certified program, the annual certified copy must be submitted with the program's annual application for renewal of its certificate.

D. A certified copy of a driving record submitted under this subpart must be dated not earlier than 30 days before the date the program or the commissioner receives it.

Subp. 4. Driving record. An instructor shall notify the commissioner if the instructor is convicted of a traffic violation or is involved in a motor vehicle accident. The commissioner shall review the driving records of each applicant for an instructor's license and of each new instructor at a certified program. The commissioner shall also annually review the driving record of each instructor. A person is ineligible to be an instructor if:

- A. the person's driver's license has been revoked or suspended for a traffic violation within the preceding three years;
- B. the person has been convicted of three or more traffic violations within a one-year period and one year has not elapsed since the last conviction; or
- C. the person has been convicted of four or more traffic violations within a three-year period and one year has not elapsed since the last conviction.

Subp. 5. Health. An applicant for a new instructor's license or a new instructor at a certified program shall submit to the department a statement signed by a physician licensed to practice medicine. This statement must be submitted with the application for an instructor's license or with the program's annual application for renewal of its certificate. An instructor shall submit a statement to the department at least once every three years, signed by a physician licensed to practice medicine. When the commissioner has good cause to believe that an instructor has a physical or mental disability that will interfere with the safe operation of a motor vehicle, the commissioner shall require a physician's statement as often as necessary for the commissioner to monitor the instructor's condition. The physician's statement must be submitted no later than 30 days after the examination on which the statement is based. The physician's statement must certify that the applicant or instructor:

A. has no communicable diseases of the kinds described by the Minnesota Department of Health in parts 4605.7030 to 4605.7300;

B. is able to speak and hear well enough to conduct a normal verbal conversation with another at a distance of five feet, with or without a hearing aid; and

C. has no physical or mental disability that will interfere with driver training instruction or the safe operation of a motor vehicle.

Subp. 6. Vision. An applicant or instructor with worse than 20/40 corrected visual acuity in the best eye is not qualified to be a program laboratory instructor.

Subp. 7. Criminal history. Each applicant for a new instructor's license and each new instructor at a certified program shall furnish the commissioner with one photograph and authorize an investigation to determine if the applicant or instructor has a criminal record. The photograph and authorization must be submitted with the application for an instructor's license or with the program's annual application for renewal of its certificate. If a person has been convicted of a gross misdemeanor or felony, then that person is ineligible to be an instructor unless:

A. the commissioner determines under Minnesota Statutes, section 364.03, subdivision 2, that the crime does not directly relate to the position of instructor; or

B. the person has shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of an instructor under Minnesota Statutes, section 364.03, subdivision 3.

Subp. 8. Training for truck, bus, and automobile instructors. The training requirements for an instructor who teaches a class A, class B, or class C vehicle driver training course are contained in this subpart. A licensed instructor must have satisfactorily completed a 40-hour course of driver and traffic safety education approved or supervised by the department or have satisfactorily fulfilled the licensure requirements of parts 8700.4901 and 8700.4902. An instructor for a certified program must have satisfactorily fulfilled the licensure requirements of parts 8700.4901 and 8700.4902. The department shall require instructors to complete driver and traffic safety education periodically when these courses are approved or supervised by the department. A simulator instructor shall complete a course in simulation approved by the commissioner.

Subp. 9. Tests for truck, bus, and automobile instructors. The test requirements for an instructor who teaches a class A, class B, or class C vehicle driver training course are contained in this subpart.

A. To be eligible for an instructor's license, an applicant must pass a written test and a road test. The tests must cover motor vehicle operation, traffic laws, road signs, rules, and other material pertaining to and affecting the driver, traffic, motor vehicle, and methods of teaching.

B. The written test must be developed or approved by the commissioner and must be administered by the commissioner.

C. The road test must be developed and administered by the commissioner. When an applicant fails the road test portion, the commissioner shall require the applicant to undergo a driver evaluation interview given by the department.

D. The portion of the tests involving methods of teaching must consist of an evaluation of the instructor's teaching methods and ability while the applicant is giving classroom and laboratory instruction.

E. An applicant who fails to pass any part of the test fails the entire test. An applicant who fails the test twice within six months may not retest for six months after the second test.

F. When the commissioner has good cause to believe that an instructor is not able to properly teach driver training courses or safely operate a motor vehicle, the commissioner shall require a licensed instructor to submit to a reexamination, consisting of all or part of the tests specified in parts 7411.0100 to 7411.0900, or to a review of the instructor's teaching methods and ability while actually instructing students.

G. A program shall not use any substantial part of the state instructor's license tests to train an instructor.

Subp. 10. Training for motorcycle instructors. The training requirements for an instructor who teaches a two-wheeled vehicle safety course are contained in this subpart. An instructor must have satisfactorily completed a motorcycle instructor's course that has been approved by the commissioner. The motorcycle instructor's course must consist of a minimum of 68 hours of instruction. The course of instruction must include the following minimum requirements:

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- A. eight hours of in-classroom instruction in riding skills;
- B. 12 hours of instruction in teaching techniques;
- C. nine hours of participation in a classroom peer teaching situation, with each instructor-student acting as both an instructor and a student to other instructor-students in the class;
- D. ten hours of instruction in laboratory skills;
- E. 14 hours of participation in a laboratory peer teaching situation, with each instructor-student acting as both an instructor and a student to other instructor-students in the class; and
- F. 15 hours of participation in a beginner's motorcycle instruction course, with each instructor-student teaching a portion of both the classroom and laboratory phases of motorcycle instruction.

**Subp. 11. Test for motorcycle instructors.** The test requirements for an instructor who teaches a two-wheeled vehicle safety course are contained in this subpart.

- A. To teach two-wheeled vehicle safety courses, a person shall first pass a written test. The test must cover knowledge of motor vehicle operation, traffic laws, road signs, rules, and other material pertaining to and affecting the driver, traffic, motor vehicle, and methods of teaching.
- B. The test must be developed or approved by the commissioner and administered by the commissioner.
- C. An applicant who fails the test twice within six months may not retest for six months after the second test.
- D. When the commissioner has good cause to believe that an instructor is not able to properly teach driver training courses or safely operate a motor vehicle, the commissioner shall require a licensed instructor to submit to a reexamination, consisting of a road test or to a review of the instructor's teaching methods and ability while actually instructing students.
- E. A program shall not use any substantial part of the state instructor's license test to train an instructor.

**Subp. 12. Other requirements for motorcycle instructors.** A motorcycle instructor must have a driver's license with a motorcycle endorsement. Further, an instructor shall teach at least three two-wheeled vehicle safety courses during each three-year period.

**Subp. 13. Exemptions.** The department shall waive the following instructor requirements, as indicated:

- A. The department shall waive the training requirements for an instructor contained in subpart 10 if the instructor was licensed and qualified to teach a two-wheeled vehicle safety course before the effective date of parts 7411.0100 to 7411.0900 and has maintained the instructor's license continuously since that time.
- B. The department shall waive the testing requirements for a new instructor contained in subpart 11, if the person has met the training requirements for an instructor contained in subpart 2 before the effective date of parts 7411.0100 to 7411.0900 and has taught at least two two-wheeled vehicle safety courses in the two-year period immediately preceding that date.

### **7411.0700 COMMERCIAL DRIVER TRAINING SCHOOL PROGRAM REQUIREMENTS.**

**Subpart 1. Insurance and safety.** Insurance and safety requirements are as follows:

- A. The licensee program shall file with the commissioner evidence of liability insurance obtained from a company authorized to do business in the state of Minnesota in the amounts of at least \$100,000 because of bodily injury to, or death of, any one person in any one accident; at least \$300,000 because of bodily injury to, or death of, two or more persons in any one accident; at least \$50,000 because of damage to, or destruction of, property of others in any one accident; at least \$20,000 for medical expenses; and at least the minimum amount of uninsured motorist coverage.
- B. The licensee program shall furnish evidence of such coverage to the commissioner stipulating that such the insurance may not be canceled or terminated, except upon ten days' prior written notice to the commissioner.
- C. If the insurance is canceled, the school program's license or certificate shall terminate terminates automatically. All Vehicles used in the operation of the school program may not thereafter be used for school program purposes unless the school program obtains adequate insurance coverage, and notifies the commissioner of the coverage, and the commissioner notifies the school program in writing that the license or certificate has been reinstated. When vehicle insurance is provided by the instructor or lessor and it is canceled, the vehicle must immediately be removed from the school's program's approved list as filed with the commissioner or the school program's license or certificate will terminate terminates automatically. School Program licenses or certificates terminated under provisions of this item must be surrendered to the commissioner within ten days.
- D. The commercial driver training school owner or operator shall secure and submit with the application a continuous surety company bond in the principal sum of \$10,000 for the protection of the contractual rights of students, undertaken by a company authorized to do business in the state of Minnesota. The aggregate liability of the surety for all breaches of the bond shall must not exceed the principal sum of \$10,000. The school shall furnish satisfactory evidence of such coverage to the commissioner. The

concerned surety company may cancel ~~said~~ the bond upon giving 30 days' written notice ~~thereof~~ to the commissioner. The surety company ~~shall be~~ is relieved of all liability for ~~any~~ the breach of ~~any~~ a condition of the bond occurring after the effective date of cancellation.

Subp. 2. **Location of business program.** Location requirements are as follows:

A. No license shall be issued if the place of business or branch office is within 600 feet of any building where any part of the driver license examination is being administered. ~~However, this requirement shall not apply to compel the discontinuance of an established or previously licensed commercial driver training school operating at the same location where business was being conducted before the driver license examination station was established.~~ A driver training program must have a permanent location in Minnesota with adequate office facilities and equipment and available classrooms of at least 300 square feet. The program must have continuous and exclusive control of the permanent location either through ownership or a lease for a period of one year or more. The program must have a program license or certificate for its permanent location. Records required by subpart 3 must be stored in Minnesota. If the program stores records at a location other than at a licensed or certified location, the program shall notify the commissioner.

B. No license shall be issued for conducting a commercial driver training school where the business is operated from a temporary stand, temporary address, mobile home or travel trailer, a room or rooms in a hotel, or through the exclusive facilities of a telephone answering service. A program must have a separate program license or certificate for each additional location in which the program has exclusive use of classroom or laboratory space for a continuous period of 90 days or more.

C. A program may obtain classroom and laboratory facilities at temporary locations. The program shall notify the commissioner of each temporary location before using it for instruction.

D. ~~Commercial driver training schools shall~~ Each licensed, certified, or temporary location must be located in a nonresidential building. However, this shall requirement does not apply to compel the discontinuance of a program licensed commercial school not meeting this requirement as of or certified before the effective date of the adoption of this rule item. If the school program is moved to a new location or enlarged through the establishment of a branch office another licensed or certified location or if the commercial school program is sold, the provisions of any a new license or certificate issued shall must require the licensee to be in conformance with this subpart item.

~~D. Commercial driver training schools offering class A, class B, or class A and class B training must provide a paved driving range of at least 90,000 square feet. If more than two motor vehicles are to be used on the driving range at any one time for truck driver training, an additional 45,000 square feet of driving range must be provided for each added motor vehicle, but the surface of the additional area need not be paved.~~

E. A commercial driver training school program may not change its a licensed or certified location without ~~prior~~ previous approval of the commissioner.

F. ~~The~~ Each licensed or certified location must be identified by a permanent, legible sign with the complete name of the commercial driver training school upon program on it.

G. The location of the school's principal place of business and branch office ~~must have adequate office facilities, equipment, and available classrooms of at least 300 square feet to meet the approval of the commissioner.~~ No licensed, certified, or temporary program location may be within 150 feet of a building where any part of a driver's license examination is administered. However, this requirement does not apply to a previously licensed or certified program operating at the same location before the driver's license examination station was established.

Subp. 3. **Business Records.** The program shall maintain the following business records must be maintained for the current year and three preceding years:

A. ~~Instruction record. A permanently bound book with consecutively numbered pages to record, in ink, for~~ The program shall keep an instruction record of every person enrolled, whether or not the person was given lessons of any kind instruction or any other services relating to classroom or behind-the-wheel laboratory instruction in the operation of operating a motor vehicle. The record for each person must contain the person's legal name, including first, middle, and last names, address, date of birth, contract number, and date of first lesson instruction, and type of lessons instruction. For a student who has completed a phase of the driver training instruction, the record must also contain the completion date of the phase of the instruction and the name of the instructor.

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B. ~~Contract file.~~ The program shall keep a contract file containing the original and subsequent contracts or renewal agreements entered into between the school program and every person receiving ~~lessons,~~ instruction, or other services relating to the ~~operation of operating~~ a motor vehicle.

C. ~~Vehicle file.~~ The program shall keep a current list of all vehicle file listing the vehicles used by the school program for driver training purposes showing date and location of the most recent inspection. The vehicle file must contain the inspection and maintenance records for each vehicle listed.

The records described in items A to C ~~shall~~ must be maintained in a businesslike manner. ~~Corrections shall be made by drawing or striking a single line through the error and making a new entry.~~ Only standard abbreviations are to be used. The records ~~shall be retained for a period of three years after termination of instruction to the student by the school during which period they shall be~~ are subject to the inspection of by the commissioner, or his authorized representative, at any time during reasonable business hours. The loss, mutilation, or destruction of records ~~which the school is herein required to maintain be maintained by the program~~ must be reported immediately to the commissioner by affidavit, stating the date ~~such~~ the records were lost, destroyed, or mutilated; the circumstances involving ~~such~~ the loss, destruction, or mutilation; the names of the law enforcement officer or fire department official to whom ~~such~~ the loss was reported; and the date of ~~such~~ the report.

Subp. 4. **Advertising.** ~~Commercial~~ A driver training schools program shall not:

A. publish, advertise, or intimate that a ~~driver~~ driver's license is guaranteed or assured; ~~nor shall free lessons be advertised;~~

B. advertise free instruction;

C. duplicate or reproduce in whole or in part, for use in advertising or instruction, forms used by the Minnesota Department of Public Safety, Driver and Vehicle Services Division state;

~~C~~ D. use the word "state" in ~~any~~ a sign or other medium of advertising, except as permitted in this subpart;

~~D~~ E. advertise or intimate that an ~~instructor~~ instructor's license or ~~commercial driver training school program's~~ license or certificate encompasses licensing by the Minnesota Department of Education;

~~E~~ F. advertise the address of ~~any~~ a location other than ~~the~~ a licensed principal place of business or certified location or a licensed branch office temporary location of which the commissioner has been notified;

G. advertise the address of a temporary location without identifying it as a temporary location and without also indicating the address of the program's permanent location; or

~~F~~ H. distribute ~~any~~ advertising material within 600 150 feet of ~~any public or private high school or driver~~ a driver's license examination station, except as permitted in this part.

This restriction shall not be construed to prohibit commercial driver training school Program instructors from appearing may appear at driver test locations operated by the Department of Public Safety, Driver and Vehicle Services Division, state with students who are scheduled for an examination, in program vehicles of the commercial driver training school upon on which appear signs or identification which that may be required or that are authorized in accordance with under parts 7411.0100 to 7411.0900.

A licensed commercial driver training schools program may use in their its advertising or on forms, contracts, and other materials, the phrase "This school program is licensed by the state of Minnesota."

A certified program may use in its advertising or on forms, contracts, and other materials, the phrase "This program is certified by the state of Minnesota."

Subp. 5. **Agreements and contracts.** Contractual requirements are as follows:

A. All ~~contracts~~ A contract between schools a program and students shall a student must be on a form approved by the commissioner.

B. A ~~person~~ commercial driver training school shall not be ~~given lessons~~ give a person instruction or ~~any~~ other service relating to instruction in motor vehicle operation unless and until a written contract has been executed between the school and the student.

C. Each ~~school program~~ must file and maintain with the commissioner a list of those persons authorized on behalf of the ~~school program~~ to execute contracts or renewal agreements, certificates of enrollment, and certificates of completion. A complete signature record form must be filed with the commissioner for each person authorized to sign ~~the above listed these~~ documents for the ~~school program.~~

D. No ~~school program~~ shall represent or agree orally, in writing, or as part of an inducement to sign a contract or enroll for ~~lessons~~ instruction, to give instruction until a ~~driver~~ driver's license or license endorsement is obtained or to offer premiums or provide discounts if a ~~driver~~ driver's license is not obtained.



E. A contract ~~shall~~ must be limited to a maximum of ten hours of ~~behind-the-wheel~~ laboratory instruction, except for class A or class B ~~truck~~ driver training courses ~~which are provided for in item F.~~ A contract ~~shall~~ may be renewable only by mutual agreement in writing in a manner and form approved by the commissioner. At the expiration of the original contract and each subsequent contract or renewal agreement for ~~behind-the-wheel~~ laboratory instruction, the instructor shall evaluate with the student the progress made and determine how much further training, if any, is necessary.

F. A contract for a review course in a class A or class B vehicle ~~shall~~ must be limited to 20 hours of ~~behind-the-wheel~~ laboratory instruction. Contracts for complete training courses in class A or class B vehicles ~~shall~~ must state that at least 40 hours of classroom training, 60 hours of ~~behind-the-wheel~~ laboratory training, and 60 hours of observation time will be provided for each student. The supervisor and the instructor shall evaluate the progress made with each student enrolled in a class A or class B training course after 40 hours of training, and shall then determine if the student can successfully complete the course. If a determination is made that the student cannot successfully complete the course, the ~~school~~ program shall notify the commissioner in writing and may continue training that student only if authorized to do so in writing.

G. Contracts ~~shall~~ must not contain the term "No Refund."

Subp. 6. **Conduct with department employees of the Minnesota Department of Public Safety.** The An owner, operator, partner, officer, ~~or authorized representative of a commercial driver training school, or any employee of any licensee,~~ a program shall not influence, or attempt to influence, ~~any~~ a decision of ~~any an~~ an employee of the Minnesota department of Public Safety ~~with respect to the licensing of any issue a license or endorsement to a student of the school program, or any other person; nor imply to his students a student or any other person, for any purpose, that he the program or the instructor can influence, in any way, driver driver's license examiners, or other employees of the Minnesota department of Public Safety.~~

Subp. 7. **Use of driver training vehicle for test.** An instructor shall accompany an applicant appearing for the state driver's license road test when a driver training vehicle is to be used. The instructor must be employed by the program that owns or leases the vehicle.

Subp. 8. **Authorized official; certificates.** A program shall designate an authorized official to perform the following duties:

A. The authorized official shall furnish the student:

(1) a certificate of course completion within 15 calendar days after a student satisfactorily completes instruction, including both classroom and laboratory instruction; or

(2) a verification statement of completion of classroom instruction within 15 calendar days after the student satisfactorily completes classroom instruction and notifies the program that the student intends to complete laboratory instruction with another program.

B. The authorized official shall notify the department's driver and vehicle services division within a reasonable period of time of when a student who is 15 years of age fails to continue or successfully complete the automobile driver training course, including laboratory instruction.

C. The authorized official shall issue:

(1) a certificate of enrollment within 15 calendar days after a student satisfactorily completes the classroom phase of the motorcycle safety course and enrolls in the laboratory phase of the course, on a form provided by the department that must be presented to a driver's license examiner at the time of application for a motorcycle instruction permit or endorsement; or

(2) a certificate of course completion within 15 calendar days after a student satisfactorily completes both phases of the motorcycle safety course, on a form provided by the department that must be presented to a driver's license examiner at the time of application for a motorcycle instruction permit or endorsement and that may be presented by the student, one time only, for renewing the motorcycle instruction permit.

Subp. 9. **Instruction requirements.** The program shall ensure that the following instruction requirements are complied with:

A. Instruction may be given only by those instructors in possession of a valid and properly endorsed driver's license and either a Minnesota instructor's license or a Minnesota teaching license applicable to the type of vehicle for which instruction is being given.

B. An instructor may not instruct for a program unless the instructor's license application was signed by the owner of the program or the owner's agent or unless the instructor is listed in the program application.

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## Proposed Rules

Subp. 10. Shall not employ unqualified instructors. If a program has notice or should have notice that an instructor for that program does not meet the requirements to be an instructor, the program shall immediately suspend the instructor from teaching students and report the suspension to the commissioner. If the instructor does not or cannot promptly meet the requirements to be an instructor, the program shall terminate the instructor's employment with the program as an instructor.

The commissioner shall notify a program if an instructor does not meet the requirements to be an instructor, as long as the information concerning the instructor is public data under Minnesota Statutes, section 13.03.

Subp. 11. Certified programs; licensure and age conditions. A certified program shall not employ a person as an instructor unless the person has satisfactorily fulfilled the licensure requirements of parts 8700.4901 and 8700.4902.

A certified program shall not offer a course in driver education to a student unless the student is at least 15 and not more than 18 years of age and the student is taking the course to qualify for a class C instruction permit or driver's license.

Subp. 12. Annual report. A program shall submit an annual report to the department concerning the number of students who received instruction and the number of courses offered during the previous year. The report must be submitted on forms supplied by the department.

Subp. 13. Situations requiring notification. A program shall notify the commissioner if one of its instructors is convicted of a traffic violation or is involved in a motor vehicle accident.

A program shall notify the commissioner if one of its students, while receiving instruction, is involved in a motor vehicle accident. The program shall also inform the student of the student's obligation to submit an accident report to the commissioner and provide the student with the information concerning the motor vehicle or insurance that is required to be on the accident report.

A program shall notify the commissioner if one of its instructors has violated a statute or rule or committed an act that would cause the instructor to be unfit to continue working as an instructor.

This subpart does not apply to a program unless the program has notice, or should have notice through the ordinary discharge of its duties, of the violation, motor vehicle accident, or act. Further, this subpart does not apply to a program unless the motor vehicle accident is one that must be reported to the commissioner under Minnesota Statutes, section 169.09, subdivision 7.

Subp. 14. Types of instruction. A program shall offer a driver training student under 18 years of age with complete classroom instruction and complete laboratory instruction.

### 7411.0800 LICENSING AND CERTIFICATION PROVISIONS.

Subpart 1. Legal requirements. The issuance of all licenses will be a license or certificate is subject to the applicant's conformance with Minnesota Statutes, sections 169.974, 171.04, and 171.33 to 171.41, and all provisions of parts 7411.0100 to 7411.0900.

Subp. 2. Training school Program application; duplicate license or certificate. Application for a commercial new or renewal license or certificate for a driver training school or instructor license program must be made on forms prescribed by the commissioner. All Owners, partners, corporate directors, or officers shall must be named, with their titles, on each school program application, which shall. The application must be signed by one of the corporate owners, partners, directors, or officers. Commercial driver training school Program applications must be accompanied by a schedule of maximum fees and charges. The schedules of fees and charges may be amended at any time by a licensee or certificate holder, provided that such when the changes in the fee schedules are filed with the commissioner at least ten days before they become effective. A program application must identify the authorized official and must contain an exemplar of the authorized official's signature. A certified program application must also identify the instructors who will be teaching students and each instructor's driver's license number. In addition, a certified program application must be accompanied by the information and documents concerning the program's instructors required to be submitted to the commissioner by part 7411.0610. If the school program changes location or the license or certificate is lost within the licensing year of issuance, a duplicate school license or certificate for the program may be issued by the commissioner. The fee for issuance of each issuing a program's duplicate school license is \$25.

Subp. 2a. License or certificate not transferable. The license or certificate of a program is not transferable. If the ownership of a program changes, the program shall apply for a new license or certificate in the same manner as required for the original.

Subp. 3. Instructor application; duplicate license. Application for a new or renewal instructor's license must be made on forms prescribed by the commissioner. The application for an instructor's license must be signed by the commercial driver training school program licensee, when applicable, by whom he the instructor is employed or to be employed. The license shall be is valid only while the instructor is in the employment of such the licensee. When the employment of an instructor is terminated with such the licensee, the license of the instructor shall be deemed becomes invalid and must be surrendered to the commissioner within ten days. The school program shall notify the commissioner in writing within five days of such termination. A duplicate license shall must be issued by the commissioner for employment at another licensed school provided program, if the applicant continues to be qualified hereunder. If the instructor's license is lost, mutilated, or destroyed, a duplicate must be issued by the commissioner on proof of the facts and on surrender of whatever remains of the license. The instructor shall report the date the

license was lost or destroyed and the circumstances involving the loss or destruction of the license. The fee for the issuance of issuing a duplicate ~~instructor~~ instructor's license ~~will be~~ is \$5.

Subp. 4. [See Repealer.]

Subp. 5. **Display of license or certificate.** ~~Licenses~~ A license or certificate must be displayed as follows:

A. The license or certificate to operate a ~~commercial driver training school~~ shall program must be displayed in a conspicuous place at each licensed or certified location in the licensee's principal place of business and each branch office.

B. An instructor shall display have the instructor's license in the vehicle in which the instructor is ~~instructing~~ possessing while giving ~~instructions~~ laboratory instruction and produce ~~this~~ the license upon at the request ~~by~~ of a peace officer, ~~an authorized representative of the Department of Public Safety~~ the commissioner, or ~~by~~ an officer authorized to enforce the laws relating to the operation of motor vehicles on public streets and highways.

Subp. 6. [See Repealer.]

Subp. 7. **Renewal of license.** Licenses and certificates expire one year from the date issued and may be renewed on application to the commissioner. Applications for renewal of licenses or certificates must be submitted to the commissioner at least ten days ~~prior to~~ before expiration but will not be accepted more than 30 days ~~prior to~~ before the expiration date.

Subp. 8. **Suspension and revocation of license.** The license or certificate of a ~~commercial driver training school~~ program or the license of an instructor may be revoked, suspended, or a ~~renewal~~ refused renewal under any of the following conditions:

A. ~~whenever~~ The licensee or certificate holder has permitted fraud or engaged in fraudulent practices with reference to ~~his~~ the license or certificate application ~~or~~, in the operation of the ~~school~~ program, or the conduct of ~~his~~ employment;

B. ~~whenever~~ The ~~commercial driver training school~~ program or instructor ~~induces~~ has induced or ~~countenances~~ countenanced fraud or fraudulent practices on the part of ~~any~~ an applicant for a ~~driver~~ driver's license or instruction permit;

C. ~~whenever~~ a ~~commercial driver training school~~ or an instructor advertises or implies that a driver license or instruction permit is guaranteed upon completion of the course of instruction;

D. ~~whenever~~ the licensee is convicted of a crime; or of an offense which would be grounds for the revocation; suspension; or cancellation of his driver license;

E. ~~whenever~~ instruction is given to a person who does not have a valid instruction permit or driver license in his or her possession;

F. ~~whenever~~ A certificate of enrollment or completion is has been signed by ~~an~~ the authorized school operator or instructor official of the program and the official knew, or should have known after reasonable investigation, that information on the certificate is was false;

G. ~~whenever~~ There is evidence that intoxicating beverages ~~were~~ have been present or consumed on the ~~school~~ program premises or in its training vehicles;

H. ~~whenever~~ the ~~commercial driver training school~~ or instructor fails to comply with any of the rules established for the operation of ~~commercial driver training schools~~ and the training of students;

I. ~~whenever~~ The instructor, the ~~school~~ program, or both ~~fail~~ have failed to keep or ~~are~~ have been late for appointments repeatedly or without good reason;

J. ~~whenever~~ The ~~school~~ program, the instructor, or both ~~delay~~ have delayed the start or completion of training; without good reason.

K. ~~whenever~~ the school; the instructor; or both absent a student from school for training during school hours without school approval;

L. ~~whenever~~ a ~~school~~ The program or instructor ~~conducts~~ has conducted business in a way that substantially departs from commonly accepted practices as used by other driver training ~~schools~~ programs and instructors; ~~or.~~

M. ~~whenever~~ a student is ~~overcharged~~; or The program or instructor has encouraged a student is ~~encouraged~~ to continue indefinite instructions beyond the point the student is capable of passing ~~the driver~~ a driver's license or motorcycle endorsement examination or it can easily be determined that the student, for one reason or another, could never pass ~~the~~ an examination. ~~Any~~ A

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## Proposed Rules

question about the competency of the student or the number of hours of instruction ~~shall~~ must be referred in writing to the commissioner ~~or his agent~~ for clarification.

Every instructor licensed to teach driver training must maintain a good driving record. Any licensed school operator or instructor who is convicted of a traffic violation or involved in a motor vehicle accident may be required to appear before the commissioner or his designated agent and show cause why such license should not be suspended or revoked. It shall be the duty of the instructor and the owner of the commercial driving school to notify the commissioner and the office of driver clinics and training of all such circumstances. After a hearing the commissioner shall notify the licensee of his decision within 30 days. If the license is suspended or revoked the licensee shall surrender his license to the commissioner within ten days. Failure to notify the commissioner of an accident or of a conviction for a traffic violation shall result in the suspension or revocation of the school's or the instructor's license, or both licenses if applicable and renewal of a license may be denied.

1. The program or instructor has failed to comply with the requirements for programs or instructors in parts 7411.0100 to 7411.0900 and Minnesota Statutes, chapters 169 and 171.

Subp. 8a. Administrative review. When the commissioner notifies a program or instructor of a revocation, suspension, or refusal to renew, the program or instructor may proceed under item A or B.

A. The program or instructor may ask the commissioner to review the revocation, suspension, or refusal. The program or instructor may request a review by submitting a statement, together with written materials supporting the position of the program or instructor. In addition to submitting written materials, the program or instructor may request to appear before the commissioner to show cause why the revocation, suspension, or refusal should be rescinded. The request for review must be submitted within ten days after the program or instructor receives notice of the revocation, suspension, or refusal. The commissioner or a designated agent shall perform the review and notify the program or instructor within ten days whether the revocation, suspension, or refusal will be affirmed or rescinded.

B. The program or instructor may request a formal hearing with or without undergoing the review process in item A. The request must be in writing and must be received within 30 days after the program or instructor receives notice of the revocation, suspension, or refusal. When a formal hearing is requested, the commissioner shall arrange a contested case hearing before an administrative law judge under Minnesota Statutes, chapter 14. After the hearing, the administrative law judge may recommend that the commissioner affirm, modify, or reverse the revocation, suspension, or refusal.

Subp. 9. Fees payable to commissioner. All Fees for original, renewal, duplicate, and replacement licenses shall must be made payable to the commissioner of public safety.

REPEALER. Minnesota Rules, parts 7411.0100, subparts 2 and 3; 7411.0500; 7411.0600; 7411.0800, subparts 4 and 6; 7411.2100; 7411.2200; 7411.2300; 7411.2400; 7411.2500; 7411.2600; and 7411.2700, are repealed.

## State Board of Vocational Technical Education

### Proposed Permanent Rules Relating to License to Teach Swine Production Management

#### 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., Wednesday, February 7, 1990, in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. An 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:

Jeanette Daines, Supervisor  
Minnesota Technical College System  
100 Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101  
Telephone: 612-296-0679

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 Jeanette Daines 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:

Jeanette Daines, Supervisor  
Minnesota Technical College System  
100 Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101  
Telephone: 612-296-0679

Georgia Pomroy, License Revision Specialist  
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)**

#### **3700.0285 SWINE PRODUCTION MANAGEMENT.**

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

- A. swine specific content;
- B. agriculture commodity marketing and purchasing; and
- C. agricultural employee and employer relationships.

Subp. 2. **Other requirements.** The applicant must meet the requirements under part 3700.0100 and the requirements for a teacher in the agricultural occupational area under part 3700.0200.

Subp. 3. **Educational and occupational experience requirement.** The applicant must have either:

A. a bachelor's degree or above with a major in an agricultural field and 4,000 hours of occupational experience as an owner/operator, manager, supervisor, or service representative in the swine production areas of breeding, farrowing, nursery, and finishing; or

B. two years of postsecondary education from an accredited postsecondary institution in swine production management and 6,000 hours of occupational experience as an owner/operator, manager, supervisor, or service representative in the swine production areas of breeding, farrowing, nursery, and finishing.

Subp. 4. **Substitution for occupational experience.** Teaching experience at an accredited postsecondary institution or industrial setting may be substituted for 1,500 of the 2,000 hours of recent occupational experience if the teaching is done during the five-year period. The teaching must be in primary program content in swine production management. Two hours of teaching equal one hour of recent occupational experience.

**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

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.

## Board of Medical Examiners

### Adopted Permanent Rules Relating to Fee Splitting

The rules proposed and published at *State Register*, Volume 14, Number 2, pages 59-61, July 10, 1989 (14 S.R. 59) are adopted as proposed.

## Official Notices

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

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

## Department of Finance

### Cash & Debt Management Division

### Notice of 1990 Allocation of Tax-Exempt Authority

For the purpose of an annual volume cap under federal tax law for pool allocations and entitlement pursuant to *Minnesota Statutes* Chapters 474A. The allocations and entitlement are as follows:

**ANNUAL VOLUME CAP** (pop. 4,353,000 @ 50.00) – \$217,650,000

#### POOLS

Small Issues (Manufacturing)	\$ 76,613,000
Multifamily Rental	31,124,000
Public Facilities	<u>21,765,000</u>
	\$129,502,000

#### ENTITLEMENT ISSUERS

Minnesota Housing Finance Agency	\$ 51,800,000
City of Minneapolis	20,677,000
City of St. Paul	<u>15,671,000</u>
	\$ 88,148,000
<b>TOTAL</b>	<b>\$217,650,000</b>

The allocation are rounded off to thousands.

For information on the Industrial Development Bonds, please contact the following:

Department of Finance  
Cash & Debt Management Division  
400 Centennial Building

658 Cedar Street  
St. Paul, Minnesota 55155  
Contact Person: Gary Blahosky (612) 296-4985 or 296-5900

Dated: 2 January 1990

Peter C. Hutchinson  
Commissioner  
Minnesota Department of Finance

## **Department of Natural Resources**

### **Notice of Intent to Hold State Metallic Minerals Lease Sale and State Lands to be Offered for Metallic Minerals Exploration**

The Minnesota Department of Natural Resources announces that plans are being developed to hold the state's thirteenth sale of metallic minerals exploration and mining leases. The sale is tentatively scheduled for April, 1990. The lease sale plans are being announced at this time in order to give mining companies, public interest groups and all other interested parties additional time to review the areas under consideration.

The purpose of Minnesota's metallic minerals rules (*Minnesota Rules* parts 6125.0100-.0700) is to promote and regulate the prospecting for, mining and removal of metallic minerals on state-owned and state-administered lands. These rules, and the leases issued under these rules, authorize exploration and development of these minerals and impose certain requirements on the lessee. The requirements include: the payment of minimum rentals that increase with the passage of time, the payment of royalty for all ore mined and removed, the submission of data and other reports, and the addressing of environmental considerations. In addition, the state lessee must comply with all applicable regulatory laws.

The areas under consideration for the lease sale cover portions of Aitkin, Beltrami, Itasca, Koochiching, Lake of the Woods, Marshall, Roseau and St. Louis counties. The tracts offered for leasing will be those tracts offered at the October 12, 1989 state metallic minerals lease sale and not bid upon, and those tracts within the October 12, 1989 lease sale area that were under lease at the time of that lease sale but are no longer under lease. There may also be changes in what is offered within three townships in Itasca County, based on the results of on-going mineral rights ownership title work.

The exact time and place of the lease sale will be announced by legal notice at least thirty days prior to the sale. Mining unit books, listing the state lands to be offered at the lease sale, will be available for inspection or purchase at that time.

A map showing the general areas under consideration may be obtained from the Division of Minerals, Box 45, 500 Lafayette Road, St. Paul, Minnesota 55155-4045, telephone (612) 296-4807.

Dated: 22 December 1989

Joseph N. Alexander  
Commissioner of Natural Resources

# 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.

## 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:** Snow groomer  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** January 16  
**Agency:** Natural Resources Department  
**Deliver to:** Brainerd  
**Requisition #:** 29000 53430

**Commodity:** Skid-loader w/snow blower  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** January 16  
**Agency:** Transportation Department  
**Deliver to:** Duluth  
**Requisition #:** 79382 01870

**Commodity:** Schmidt center mount snow sweeper  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** January 16  
**Agency:** Transportation Department  
**Deliver to:** Duluth  
**Requisition #:** 79382 01863

**Commodity:** Stage lighting system  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** January 16  
**Agency:** State University  
**Deliver to:** Moorhead  
**Requisition #:** 26072 02120

**Commodity:** Musical instrument  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 2pm:** January 11  
**Agency:** State University  
**Deliver to:** Mankato  
**Requisition #:** 26071 19407

**Commodity:** Conflict monitor  
**Contact:** Pam Anderson 296-1053  
**Bid due date at 2pm:** January 12  
**Agency:** Transportation Department  
**Deliver to:** Fort Snelling  
**Requisition #:** 79000 03702

**Commodity:** Expert systems development  
**Contact:** Don Olson 296-3771  
**Bid due date at 2pm:** February 5  
**Agency:** Inter Tech Group—Administration Department  
**Deliver to:** St. Paul  
**Requisition #:** Price Contract

**Commodity:** Scoreboard  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 2pm:** January 17  
**Agency:** National Sports Center  
**Deliver to:** Blaine  
**Requisition #:** 22300 03500

**Commodity:** Sound system (install)  
**Contact:** Pam Anderson 296-1053  
**Bid due date at 2pm:** January 17  
**Agency:** Community College North Hennepin  
**Deliver to:** Minneapolis  
**Requisition #:** 27153 21235

**Commodity:** Floor cleaning equipment  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 2pm:** January 16  
**Agency:** Trade & Economic Development Department  
**Deliver to:** Blaine  
**Requisition #:** 22300 03535

**Commodity:** Video projector/VCR  
**Contact:** Pam Anderson 296-1053  
**Bid due date at 2pm:** January 12  
**Agency:** North Hennepin Community College  
**Deliver to:** Minneapolis  
**Requisition #:** 27153 21234

**Commodity:** Radar units  
**Contact:** Pam Anderson 296-1053  
**Bid due date at 2pm:** January 19  
**Agency:** Public Safety Department  
**Deliver to:** St. Paul  
**Requisition #:** 07500 61284

**Commodity:** Stage lighting system—addendum #1  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** January 18  
**Agency:** State University  
**Deliver to:** Moorhead  
**Requisition #:** 26072 02120



**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.

**Printing vendors NOTE:** Other printing contracts can be found in the Materials Management Division listing above, and in the Professional, Technical & Consulting Contracts section immediately following this section.

**Commodity:** Copy Center requisitions, 10M 4-part sets, 10 per pad, 8½"x 6¼", negs available, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** January 10  
**Agency:** Administration Department—Central Stores  
**Deliver to:** St. Paul  
**Requisition #:** 4005

**Commodity:** Burial removal transit permit, 1,500 pads of 25 2-part sets 3½"x9¼" overall, negs available, 1-sided, 2 stitches  
**Contact:** Printing Buyer's Office  
**Bids are due:** January 11  
**Agency:** Minnesota Health Department  
**Deliver to:** Minneapolis  
**Requisition #:** 4045

**Commodity:** Form MW-3, 40M 15¾"x 3¾" overall or 80M 7¾"x3¾" individually, fanfold 3-up, negs available, 2-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** January 11  
**Agency:** Revenue Department  
**Deliver to:** St. Paul  
**Requisition #:** 4023

**Commodity:** Inspection labels, 200M, 2¾"x2¼", camera ready, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** January 10  
**Agency:** Electricity Board  
**Deliver to:** St. Paul  
**Requisition #:** 4013

**Commodity:** Staff Development Record, 30M 2-part 1-page forms, 7½"x3¾" overall, negs available 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** January 12  
**Agency:** Human Services Department  
**Deliver to:** St. Paul  
**Requisition #:** 4084

**Commodity:** Fire Incident Reporting System, 30M 2-part sets, 8½"x13¾" overall, type to set + negs, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** January 12  
**Agency:** Public Safety Department  
**Deliver to:** St. Paul  
**Requisition #:** 3896

**Commodity:** Requisition for supplies/equipment, 13M 4-part sets, 25 per pack, 8½"x5½", camera ready + negs, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** January 10  
**Agency:** Education Department  
**Deliver to:** St. Paul  
**Requisition #:** 4050

**Commodity:** Regional Ambulance Run Report, 500 pads of 50 3-part sets, 8½"x12¼" overall, type to set, 1-sided, stitch, glue + red margins  
**Contact:** Printing Buyer's Office  
**Bids are due:** January 12  
**Agency:** Minnesota Health Department  
**Deliver to:** Minneapolis  
**Requisition #:** 4044

**Commodity:** Summary form, 6M 4-part sets, 8½"x11¾", negs available, 1-sided, perf and screen all parts  
**Contact:** Printing Buyer's Office  
**Bids are due:** January 12  
**Agency:** Human Services Department  
**Deliver to:** St. Paul  
**Requisition #:** 4085

### MAILING LISTS GALORE

#### Successful business means successful sales

The Print Communications Division has a variety of mailing lists of licensed professionals and permit holders that will enable you to focus your marketing efforts on a targeted audience.

Types of lists available are: registered nurses, real estate agents, physicians, insurance agents, boatowners, hunters, cosmetologists, teachers, and many more! And you can get them on printouts, cheshire/pressure sensitive labels, 9-track magnetic tapes, and now diskettes for minimum orders.

What's more, you can choose from several selection capabilities. You will find our selections most helpful and beneficial to your business when you learn that you can acquire names and addresses of individuals in the areas you need to target most.

Find out more about our mailing lists by writing for our free mailing list service packet. In a hurry? Call (612) 297-2552 for more information. Requests can be sent to: Print Communications Division, Mailing List Service, 117 University Avenue, St. Paul, MN 55155.

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.

### Minnesota: national leader in education

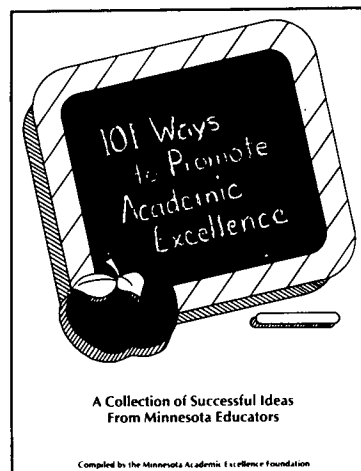
#### 101 Ways to Promote Academic Excellence

A collection of nuts-and-bolts methods educators have successfully used to foster academic achievement. These are techniques that directly help students, can be replicated easily, are cost-effective, and that work in meeting public education's great challenge: helping every single child learn. Code #5-1, \$4.50.

#### Education Directory, 1988-89

This popular comprehensive directory contains Minnesota school districts, superintendents, principals, addresses, phone numbers, and enrollment. 128 pages, paperbound. Code #1-93, \$7.00.

**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.*



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.

## Professional, Technical & Consulting Contracts

### Minnesota Historical Society

#### Advertisement for Bids to Add Interior Ceiling Insulation at the Minnesota Historical Society's Grand Mound Center

##### 1. Bids

Sealed bid proposals for adding interior ceiling insulation at the Grand Mound Historic Site, Koochiching County, Minnesota, in accordance with bidding documents dated November 22, 1989 will be received in the office of the Contract Officer, Minnesota Historical Society, 1500 Mississippi Street, St. Paul, Minnesota 55101 until 2:00 p.m., Central Standard Time, on January 25, 1990, at which time the bid proposals will be publicly opened and read aloud. Bids received after 2:00 p.m., January 25, 1990, will be returned unopened.

**2. Bid Security**

Each proposal must be accompanied by a cash deposit, cashier's check, certified check, or corporate surety bond of a surety company duly authorized to do business in Minnesota, in 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 bidding documents for preparation of bids will be available for inspection at the Grand Mound Interpretive Center near International Falls, Minnesota 56649 and Fort Snelling History Center, St. Paul, Minnesota 55111.

Copies of the bidding documents for use by contractors submitting a bid may be obtained from the Contract Officer, Minnesota Historical Society, 1500 Mississippi Street, St. Paul, Minnesota 55101.

**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.

## **Minnesota Historical Society**

### **Advertisement for Bids for Printing of 1989-90 *Roots* Magazine**

**Bids**

Sealed bids for the printing of the Minnesota Historical Society's 1989-90 *Roots* Magazine, in accordance with specifications prepared by the Minnesota Historical Society, will be received in the office of the Contract Officer, Minnesota Historical Society, 1500 Mississippi Street, St. Paul, MN 55101 until 2:00 p.m., Central Standard Time, on January 17, 1990, at which time the bids will be publicly opened and read aloud. Bids received after 2:00 p.m., January 17, 1990, will be returned unopened.

**Bid Security**

Each proposal must be accompanied by a cash deposit, cashier's check, certified check, or corporate surety bond of a surety company duly authorized to do business in Minnesota, in the sum of not less than 5% of the total bid, payable without condition to the Minnesota Historical Society, which is submitted as bid security.

**Specifications**

Copies of bidding documents for preparation of bids may be obtained by contacting Mark Schwartz, Contract Officer, Minnesota Historical Society, 1500 Mississippi St., St. Paul, MN 55101, (612) 296-2155.

**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.

## **Minnesota State Lottery**

### **Notice of Request for Proposal for Security System**

The Minnesota State Lottery is requesting proposals from individuals and firms to provide a lottery headquarters integrated security system.

The contract will commence around January 25, 1990. Proposals must be received no later than 4:30 p.m. on January 17, 1990.

Copies of the RFP are available upon request. Requests should be directed to:

Dale L. McDonnell, Esq.  
Legal Counsel  
Minnesota State Lottery  
658 Cedar Street  
Centennial Bldg.—2nd Floor  
(612) 297-7104

### Department of Public Safety

#### Request for Bids for the Performance of Psychological Evaluations for State Patrol Trooper Candidates

Psychological Evaluation Contract for State Patrol Trooper Applicants: The Department of Public Safety is seeking bids for a five year contract to perform psychological evaluations of applicants for the position of State Patrol Trooper. These are licensed peace officer positions with the Minnesota State Patrol. Evaluations are done in conjunction with the formal selection process conducted by the State of Minnesota and the Department of Public Safety for State Trooper. State Trooper positions are filled via a group selection process with selected applicants placed in a training academy prior to appointment as permanent employees.

The terms of the contract would require yearly evaluation of the services provided by the contractor. The Department would have the option to cancel the contract if services have been unsatisfactory.

Number of evaluations to be done would be approximately 75 to 110 per selection process. There will be no more than one selection process per 12 month period, however, there is no guarantee as to a minimum number of processes to be held during the five year period.

The contractor would be required to perform psychological evaluations according to the following specifications.

1) Provide, score, read, and evaluate the results of the Minnesota Multiphasic Personality Inventory (MMPI) and the 16 Personality Factor test, or such other tests as the consultant deems appropriate to the evaluation (bids must set forth alternative tests, if proposed). Scoring for the MMPI should be through evaluation specific to law enforcement occupations such as the MN Personal Screening Report offered by National Computer Services.

2) Conduct a personal interview with all candidates referred.

3) Conduct such additional tests or interviews as may be deemed necessary, in the consultant's professional judgement, to make a reasonable determination.

4) Provide a written report to the Personnel Director, Minnesota Department of Public Safety, setting forth findings and conclusions as to whether or not the candidate is psychologically fit for employment as a State Trooper.

5) Provide follow-up or additional evaluations of trainees during the academy period as requested by the State Patrol.

6) Provide follow-up analysis of the psychological evaluation process in relation to usefulness of predictors used, correlation with other examination parts, and future job performance as requested by the State Patrol.

7) Provide one to two hours orientation regarding the psychological evaluations process to State Patrol supervisors and background investigators.

The department expects that the contractor will assist in responding to requests for information or justification regarding the psychological screening process including requests from candidates.

The following time frames shall be required to be met as a part of the process:

1. The contractor must furnish the necessary testing materials to the Department of Public Safety so that the written portions of the psychological exam can be administered by that department on February 12, 1990.

2. Scoring, reading, and evaluation of the written test instruments must be completed prior to March 9, 1990.

3. The personal interview with approximately 90 Trooper candidates are scheduled to begin on or about March 9, 1990, and must be completed within a period of approximately one (1) week.

4. Written reports must be completed and available to the Department of Public Safety by 4-13-90.

Bids must include specific costs for evaluation services plus any expense costs such as travel, lodging, office space requirements, etc. Specific evaluation and scoring methods must be described.

Bids should be submitted to Vonnice Mulcahy, Personnel Director, Department of Public Safety, Room 210, Transportation Building, St. Paul, MN 55155.

Bids must be received no later than 4:30 p.m. January 22, 1990. Questions regarding the proposed contract should be referred to 296-9486.

The Minnesota Department of Public Safety reserves the right to accept or reject any or all bids and to waive any irregularities therein.

## **Pollution Control Agency**

### **Division of Air Quality**

#### **Notice of Availability of Amendments to a Request for Proposal for a Contractor to Conduct the Vehicle Inspection and Maintenance Program for Motor Vehicles in the Twin Cities Metropolitan Area**

**NOTICE IS HEREBY GIVEN** that amendments to a Request for Proposal (RFP) for a contractor to conduct the Vehicle Inspection and Maintenance Program as mandated by *Minnesota Statutes*, Sections 116.60 to 116.65 (1988) and as specified in *Minnesota Rules*, Pts. 7005.5010 to 7005.5105 (1989) are available from the Minnesota Pollution Control Agency (MPCA). Notice of the availability of the RFP was published in the *State Register* on November 20, 1989.

Copies of the RFP and the amendments to the RFP can be obtained from:

Mr. Michael Vennewitz  
Division of Air Quality  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155  
(612) 297-5489

The amendments to the RFP include a change in the date that proposals shall be received at the above address to be considered by the MPCA. The amendments change the date that proposals shall be received to January 16, 1990.

Gerald L. Willet  
Commissioner

## **Supreme Court Decisions**

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### **Decisions Filed 5 January 1990**

#### **C1-89-21 State of Minnesota v. Violet Jean Johnson, Appellant. Hennepin County District Court.**

The evidence is sufficient to prove beyond a reasonable doubt that defendant intentionally aided, advised, counseled or conspired with another in committing premeditated murder in the first degree.

Conviction affirmed. Wahl, J.

#### **C3-89-70 City of Winona v. Minnesota Pollution Control Agency, petitioner, Appellant. Court of Appeals.**

Ordering a contested case hearing prior to the preparation of a supplemental environmental impact statement and ensuing review procedures is premature.

Reversed. Simonett, J.

#### **C8-89-1182 Gordon Allen Fratzke, petitioner, Appellant v. State of Minnesota. Mille Lacs County.**

Petitioner did not allege facts which warranted a postconviction evidentiary hearing on the claim of ineffective assistance of trial counsel and, in any event, that claim was procedurally barred. Nor did petitioner demonstrate an evidentiary hearing was required on the claim of ineffectiveness of appellate counsel.

Affirmed. Simonett, J.

#### **C9-88-662 Hydra-Mac, Inc., International Harvester Company v. Onan Corporation, petitioner, Appellant. Court of Appeals.**

1. A disclaimer of certain express and implied warranties by a manufacturer and seller of component engines for use in industrial vehicles limited the manufacturer's and seller's liability for breach of warranty only when such claims were asserted by ultimate users of the industrial product.

2. Express warranties, made by a manufacturer of component engines to manufacturers and distributors of industrial vehicles, which were inconsistent with the manufacturer's purported disclaimer, prevail over that disclaimer.

## Supreme Court Decisions

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3. A manufacturer and seller of component engines, who properly pleaded and proved that the statutory limitations period had lapsed on a distributor's claims alleging breach of warranties did not waive that defense, nor was it as a matter of law equitably estopped from asserting it, be mere omission to note existence of that defense in a pre-trial order.

4. Equitable estoppel does not toll the expiration of the statute of limitations if, within the statutory period, the claimant failed to exercise due diligence in asserting claims known to it, or which should have been known to it.

5. The verdict of the jury awarding consequential damages for lost profits to a purchaser of component engines to be incorporated into industrial vehicles was supported by sufficient evidence.

Affirmed in part, reversed in part and remanded. Kelley, J.

Concurring specially, Simonett, Wahl and Keith, JJ.

**CX-88-2341 Law Enforcement Labor Services, Inc. v. County of Hennepin and Donald Omodt, as Hennepin County Sheriff, petitioners, Appellants. Court of Appeals.**

Establishment and implementation of a grooming policy applicable to personnel of a sheriff's department are "matters of inherent managerial policy" and, therefore, are not subject to mandatory bargaining under the Public Employment Labor Relations Act, *Minnesota Statutes* § 179A.01-179A.30 (1988).

Reversed and remanded. Kelley, J.

**CX-89-1068 State of Minnesota, Appellant v. Russ Allen Ronnebaum. Court of Appeals.**

Trial court in prosecution of defendant for child sex abuse erred in granting defendant's pretrial motion to suppress his statements to police, and the suppression order will have a critical impact in that it will significantly reduce the likelihood of a successful prosecution.

Reversed and remanded for trial. Kelley, J.

**C4-88-2349, C5-89-751 In the Matter of: James Lloyd Jost, Mentally Ill and Dangerous to the Public. Case No. C4-88-2349 In the Matter of: Charles T. Gardner. Case No. C5-89-751 Court of Appeals.**

A post-decisional motion for a new trial is authorized in commitment proceedings and a timely appeal may be taken from the commitment order or judgment or from the denial of a motion for a new trial.

Reversed and remanded. Coyne, J.

**C3-89-53 Earl W. Schiltz v. City of Duluth, Minnesota, petitioner, Appellant. Court of Appeals.**

A motion for new trial in mandamus proceedings is authorized and appealable pursuant to *Minnesota Rules of Civil Procedure* 103.03 (d).

Reversed and remanded to the court of appeals for further proceedings. Coyne, J.

**C8-88-1284 Donald P. Sherek, Appellant v. Independent School District No. 699, Gilbert, Minnesota and Thomas Beste, Laurance Kleven, and David Kriska, rule 19 defendants. Court of Appeals.**

1. When a school district must add teaching positions in certain grades to accommodate an increased pupil load caused by implementation of an Interdistrict Cooperation Agreement entered into pursuant to *Minnesota Statutes* § 122.541 (1988), the teaching positions so created are considered "available positions" within that district for purposes of *Minnesota Statutes* § 125.12, subd. 6b(e) (1988).

2. Teachers on unrequested leave of absence must be reinstated pursuant to *Minnesota Statutes* § 125.12, subd. 6b(e) according to the combined seniority list of teachers mandated by *Minnesota Statutes* 122.541, subd. 5 (1988).

3. The combined seniority list of teachers required by *Minnesota Statutes* § 122.541, subd. 5 includes teachers from both cooperating school districts who are on unrequested leave of absence for whatever reason.

Reversed. Keith, J.

Dissenting, Kelley, J., Popovich, C.J.

**C2-89-58 In Re Petition for Disciplinary Action Against David K. Porter, an Attorney at Law of the State of Minnesota. Supreme Court.**

Falsification of documents in connection with the execution and probate of a will, misappropriation of money from trust accounts even though unintentional, and failure to keep required trust account books and records although certifying to this court that had been so maintained, constitute professional misconduct warranting the imposition of indefinite suspension.

Indefinite suspension. Per Curiam.

**Order C3-84-2138: Promulgation of Amendments to the Rules of Evidence**

**WHEREAS**, the Supreme Court Advisory Committee on Rules of Evidence has recommended certain amendments to the Rules of Evidence, and

**WHEREAS**, the Supreme Court held a hearing on these amendments on October 11, 1989, and

**WHEREAS**, the Supreme Court extended the time for written comments on the proposed amendments until November 15, 1989, and is fully advised in the premises,

**NOW, THEREFORE, IT IS HEREBY ORDERED:**

1. The attached amendments to the Rules of Evidence be, and the same hereby are, prescribed and promulgated for the regulation of the practice and procedure of law in the courts of the State of Minnesota.
2. The inclusion of Advisory Committee comments is made for convenience and does not reflect court approval of the comments made therein.
3. These amendments to the Rules of Evidence shall be effective January 1, 1990.

Dated: 28 December 1989

BY THE COURT  
Peter S. Popovich, Chief Justice

**Order C4-85-697: Promulgation of Amendments to the Rules of the Board on Judicial Standards**

**WHEREAS**, the Minnesota Supreme Court promulgated the Rules of the Board on Judicial Standards on May 20, 1986, and

**WHEREAS**, the Rules do not contain gender-neutral language, and

**WHEREAS**, Rule 4(a)(5) is not sufficiently specific regarding the definitions of discrimination and harassment for which a judge may be subject to discipline,

**NOW, THEREFORE, IT IS HEREBY ORDERED:**

1. The attached amended Rules of the Board on Judicial Standards be, and the same are hereby, prescribed and promulgated as the Rules regulating judicial discipline in the State of Minnesota.
2. These Rules, as amended, shall govern all matters that come before the Board on Judicial Standards on or after January 1, 1990.

Dated: 27 December 1989

BY THE COURT  
Peter S. Popovich, Chief Justice

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**Announcements**

**Minnesota Grown Directory:** The Minnesota Department of Agriculture is soliciting names and addresses of growers who sell directly to consumers for publication in the 1990 Directory of Roadside Stands, Orchards, Pick Your Own Farms and Farmers' Markets. The directory, produced by the department's Minnesota Grown program, is a county-by-county guide listing outlets selling fresh fruit, vegetables, meat, poultry, eggs, maple syrup, honey, flowers, Christmas trees and more. Some 70,000 directories will be published and available through a number of outlets by April 1990. There is no fee for entries, but a \$10 donation for each listing is requested. For more information write to Kevin Edberg, Marketing Division, Minnesota Department of Agriculture, 90 West Plato Blvd., St. Paul, Minn., 55107, or call (612) 296-6382. The deadline for entries is Feb. 1, 1990.

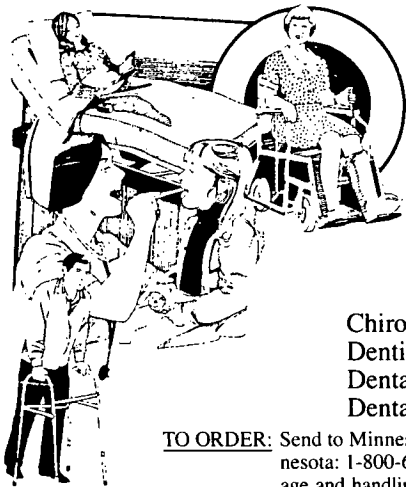
**Campaign Finance Meeting—Room Change:** The public meeting discussing registration and reporting requirements of principal campaign committees, political committees, and political funds will be held Friday, January 12, 1990, in the state Office Building, 100 Constitution Ave., capitol complex as previously noted, from 9:30 to 11:30 a.m. However, PLEASE NOTE THERE HAS BEEN A ROOM CHANGE, the meeting will be held in Room 300N, not Room 181 as previously advertised. Ethical Practices Board staff will review current laws and rules governing campaign finance disclosure. Call (612) 296-1720 with questions.

## Announcements

**District Court Vacancies:** The Judicial Merit Advisory Commission is seeking applications from people learned in the law who are interested in filling vacancies in state District Court. Applications are due by Jan. 19, 1990. The first vacancy will occur Dec. 31, 1989, when Judge Donald E. Shanahan from the Ninth Judicial District at Roseau retires. Two judges in the Fifth Judicial District will retire in early 1990. District Court Judge Noah Rosenbloom, New Ulm, will retire March 25, 1990, and District Court Judge Wayne Farnberg, Redwood Falls, plans to retire May 1, 1990. District Court Judge Rainer L. Weis from the Seventh Judicial District will retire on April 30, 1990. This judicial seat will be transferred from St. Cloud to Foley after his retirement. People may request applications for these openings from the Judicial Merit Advisory Commission, 130 State Capitol, St. Paul, MN 55155, or by calling (612) 296-0055.

**Statewide Deer Harvest Down:** The 1989 firearms deer harvest totalled 129,315, according to preliminary figures announced by the Minnesota Department of Natural Resources this week. The harvest figures represent a 7 percent decrease from the record 1988 harvest of 138,946 deer. Although a detailed analysis of the harvest data won't be available for several weeks, DNR officials said the decline appears to be the result of two factors: a 10 percent reduction in the number of antlerless permits offered (most of which occurred in the farmland portions of the state), and reduced success in areas hardest hit by last year's severe winter weather. A stable statewide deer population and deer harvest has been the case over the last seven years. Since 1983, Minnesota's firearms deer harvest has fluctuated between 129,000 and 139,000 deer. Bow and arrow and muzzleloader deer season results are not yet available because some of these seasons just closed. Complete harvest figures for hunts should be available in late January.

**Met Council Makes Appointments:** The Metropolitan Council last week appointed five people to its Advisory Committee on Aging. Reappointed to the committee are James Malley, St. Paul; Sally Evert, Stillwater; Dorothy Rose, Minnetonka; and Royal Bakke, Apple Valley. Newly appointed to the committee is Charlotte Fitzpatrick, Fridley. Malley has been appointed committee chair. Evert is on the committee in her capacity as an elected official, while Rose and Bakke represent older people. Fitzpatrick represents the general public. The terms are for two years. The 25-member committee recommends policies to the Council regarding needs of the Metropolitan Area's older population. It also makes recommendations for distributing federal grant funds available under Title III of the Older Americans Act. • The Metropolitan Council also named two new members and reappointed seven members to its Waste Management Advisory Committee. The new appointees are: Tim Yantos, Columbia Heights, and Dick Nowlin, St. Paul. Reappointed to the committee were Thor Bank, Roseville; Michael Rainville, Minneapolis; Zachary Hansen, Lino Lakes; Carolyn Voss, Coon Rapids; Del Edwards, Burnsville; and Michael Berkopce and Floyd Forsberg, Eagan. Bank, Rainville and Nowlin are citizens serving at large; Hansen, Voss and Yantos represent Metro Area counties and municipalities; and Edwards, Berkopce and Forsberg are from private waste management firms. The committee assists the Council in developing and carrying out its long-range plan for reducing, reusing and safely disposing of the region's waste. It reviews county solid waste plans, county annual reports on recycling and composting, permit applications for new or expanded waste processing and disposal facilities, and applications for the Council's landfill abatement grant programs.



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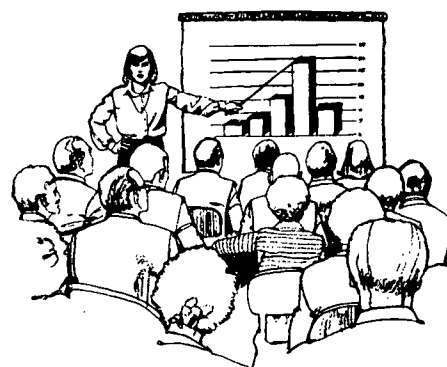
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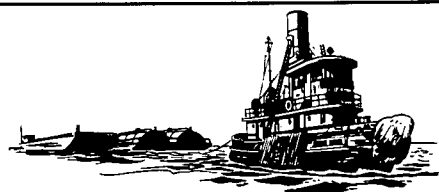
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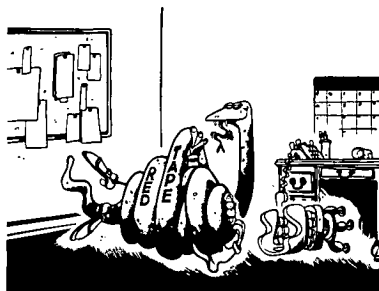
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