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State of Minnesota

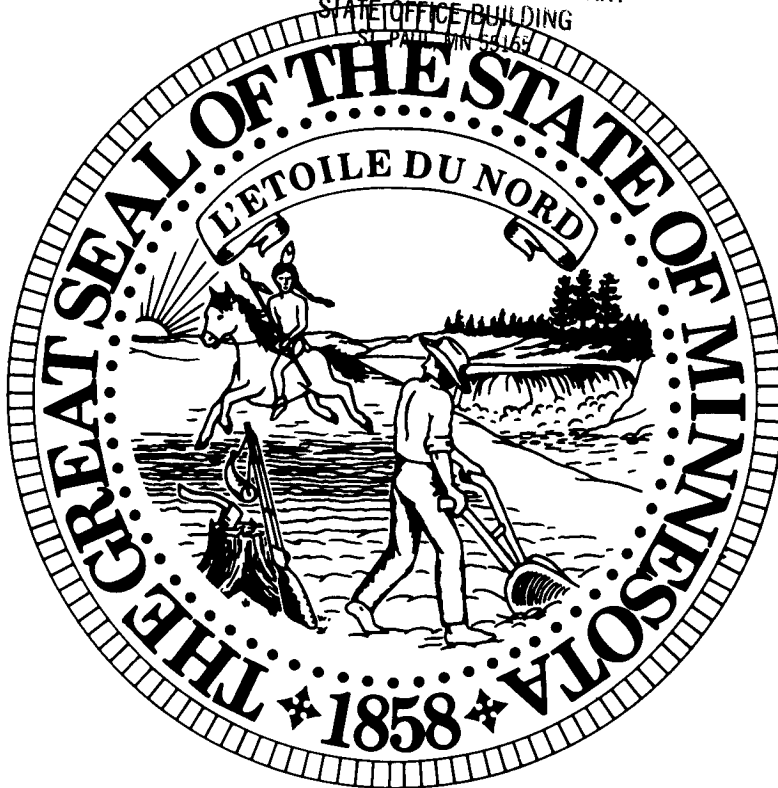
STATE REGISTER

Department of Administration - Print Communications Division

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Rules edition

Published every Monday

12 February 1990

Volume 14, Number 33

Pages 1985-2040

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
33	Monday 29 January	Monday 5 February	Monday 12 February
34	Monday 5 February	Monday 12 February	Tuesday 20 February
35	Monday 12 February	Friday 16 February	Monday 26 February
36	Friday 16 February	Monday 26 February	Monday 5 March

*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
Department of Administration

Stephen A. Ordahl, Director
Print Communications Division
Robin PanLener, Editor

Paul Hoffman, Assistant Editor
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Bonita Karels, Staff Assistant

FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

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

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

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

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-9747.

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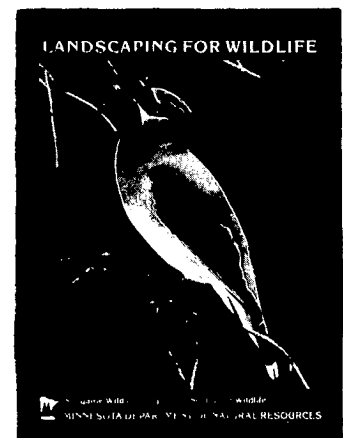
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Proposed Rules

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

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

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

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

Department of Agriculture

Proposed Permanent Rules Relating to Buying and Storing of Grain

Notice of Intent to Adopt a Rule without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Agriculture intends to adopt the above-entitled amendments without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22-14.28. The statutory authority to amend this rule is *Minnesota Statutes*, sections 223.19; 232.22, subdivisions 3 and 4; 232.24, subdivision 1; and 236.08.

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

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

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

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

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

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed amendments and identifies the data and information relied upon to support the proposed amendments has been prepared and is available upon request from Ms. Milligan.

Most of the grain buyers, grain bank operators and grain warehouse operators licensed by the state meet the definition of a small business in *Minnesota Statutes*, section 14.115. However, the amendments do not impose any additional regulations on these licensees. Instead, the amendments loosen the regulations or make the regulations less stringent for some licensees.

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

Dated: 16 January 1990

Jim Nichols, Commissioner
Department of Agriculture

Rules as Proposed

1562.0100 DEFINITIONS.

[For text of subs 1 to 6, see M.R.]

Subp. 7. **Grain.** "Grain" means any cereal grain, coarse grain, or oilseed in unprocessed form for which a standard has been established by the United States Secretary of Agriculture or the Minnesota Board of Grain Standards, dry edible beans, or ~~any~~ other agricultural crop ~~which crops~~ designated by the commissioner ~~may designate~~ by rule.

1562.0700 BOND.

Subpart 1. **Requirement.** Before a license to buy or store grain is issued, the applicant for the license must file with the commissioner a bond or acceptable security in lieu of a bond in an amount prescribed by this part. The bond or other acceptable security provides coverage at all licensed locations.

Subp. 1a. Duration of bond. The bond must be continuous until canceled. To cancel a bond, the surety must provide 90 days written notice of the bond's termination date to the licensee and the commissioner.

Subp. 1b. Acceptable security in lieu of a bond. In lieu of the bond required by this part, the license applicant may deposit with the state treasurer cash, or a certified check, cashier's check, money order, assignable bond or note of the United States, certificate of deposit, or an irrevocable bank letter of credit in the same amount as would be required for the bond.

[For text of subs 2 to 5, see M.R.]

Department of Human Services

Proposed Permanent Rules Relating to Drop-In Child Care

Notice of Intent to Adopt a Rule without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Human Services intends to adopt the above-entitled rules 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 parts is *Minnesota Laws 1989*, chapter 282, article 2, section 211 and *Minnesota Statutes*, chapter 245A, the human services licensing act.

All persons have 30 days or until 4:30 p.m. on March 14, 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 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 Alice Weck, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816, telephone (612) 296-0626.

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.

The three rule parts referenced above are part of a series (*Minnesota Rules*, parts 9503.0005 to 9503.0170) known informally as Rule 3. Rule 3 sets the standards that child care centers must meet to become and remain licensed. The proposed amendment to part 9503.0075 changes how drop-in child care is defined and regulated under present Rule 3. The changes affect providers that currently provide drop-in programs, the parents of children who attend these drop-in programs, and the children.

The changes are needed to bring part 9503.0075 into conformity with the requirements governing drop-in child care in *Minnesota Statutes*, 1989 Supplement, sections 245A.02, subdivision 6a and 245A.14, subdivision 6. The proposed amendments are essentially a restatement of the statutory requirements.

Those requirements specify that drop-in child care programs may not care for a child for more than five hours in a given day up to a maximum per child of 40 hours per month. Present Rule 3 has no per day limit and a maximum per child per month limit of 45

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Proposed Rules

hours. The new statutory requirements also change present practice by specifying that drop-in child care programs may operate only in a center that is licensed exclusively to provide drop-in child care and that does not have a regularly scheduled, ongoing child care program with a stable enrollment.

The proposed amendment to part 9503.0015 makes a minor technical change needed to make part 9503.0015 consistent with part 9503.0075. The proposed amendment to part 9503.0170 opens to the variance process three provisions in Rule 3 that are not eligible for variances under the rule as written.

A free copy of the rule is available upon request from Nancy Bishop, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816, telephone (612) 296-7454.

A copy of the rule may also be viewed at any of the 87 county welfare or human services agencies in the State of Minnesota.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed amendments and identifies the data and information relied upon to support the proposed amendment has been prepared and is available from Nancy Bishop, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816, (612) 296-7454 upon request.

Adoption of these rules will result in no additional spending by local public bodies or by state government for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11. A fiscal note prepared according to requirements of *Minnesota Statutes*, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available from Nancy Bishop, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816.

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 Nancy Bishop, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816.

Ann Wynia
Commissioner of Human Services

Rules as Proposed

9503.0015 OPTIONS FOR CHILD CARE PROGRAMS.

A license holder must provide at least one or more of the following child care programs:

[For text of item A, see M.R.]

B. A ~~drop in~~ drop-in child care program means a child care program that operates for more than 30 days in any ~~42 month~~ 12-month period and is not excluded by *Minnesota Statutes*, section 245A.03, subdivision 2. ~~The program is not a day program and does not provide care to any child for more than a cumulative total of 45 five hours in any one day and 40 hours in any one calendar month. The center where the program operates is licensed exclusively to provide a drop-in child care program and does not have a regularly scheduled, ongoing child care program with a stable enrollment.~~

[For text of items C and D, see M.R.]

9503.0075 ~~DROP IN~~ DROP-IN CHILD CARE PROGRAM.

Subpart 1. Exemptions for drop-in child care programs. A license holder operating a ~~drop in~~ drop-in child care program as defined in part 9503.0015 must comply with parts 9503.0005 to 9503.0170 with the following exceptions:

A. ~~Drop in programs do not have to provide parent conferences as specified in part 9503.0090, subpart 2, item B. The staff ratios and group size restrictions in part 9503.0040 do not apply and are replaced by the requirements in subparts 2 to 6.~~

B. ~~An immunization record as specified in part 9503.0140, subpart 5, must be obtained by the license holder by the first visit to the program. However, the health information specified in part 9503.0140, subpart 3, need not be provided until the child's second visit to the program. Part 9503.0045, subpart 1, items F and G, of the child care program plan do not apply.~~

C. ~~The outdoor activity area, outdoor activities, and outdoor equipment required in part 9503.0060 need not be provided. Indoor space for vigorous large muscle activity must be accessible to children on a daily basis. The requirement in part 9503.0050, subpart 6, that separate bedding be provided for each child in care applies only to those children in care who are less than 30 months old. The provisions in part 9503.0050, subpart 6, requiring washing and cleaning of bedding and blankets remain in effect and apply to all bedding or blankets used by the drop-in child care program.~~

D. ~~The intellectual, physical, social, and emotional progress of each child as specified in part 9503.0045, item H, need not be provided. Half the furnishings, equipment, materials, or supplies specified by the following subparts of part 9503.0060 are required:~~

(1) subpart 4, item A, subitems (2), (5), and (8);

(2) subpart 5, item A, subitems (2), (3), and (7); and

(3) subpart 6, item A, subitems (3) and (6).

E. Fifty percent of the cots and mats specified in part 9503.0060, subpart 4, item A, subitem (5) for toddlers and subpart 5, item A, subitem (3) for preschoolers are required. Part 9503.0070, regarding night care programs, does not apply.

F. Part 9503.0090, subpart 2, regarding parent conferences and daily reports, does not apply.

Subp. 2. Supervision. A drop-in child care program must:

A. be operated under the supervision of a person who qualifies both as a director under part 9503.0031 and as a teacher under part 9503.0032; and

B. have at least two staff persons present at the center whenever the program is operating even when the ages and numbers of children present are such that the staff-to-child ratio requirements established in subpart 3 could be met by having only one staff person.

Subp. 3. Staff ratios. The minimum ratio of staff persons to children that a license holder may maintain is:

A. for infants ages six weeks through 16 months, one staff person for every four infants;

B. for children ages 17 months through 29 months, one staff person for every seven children; and

C. for children ages 30 months through 12 years, one staff person for every ten children.

Subp. 4. Exception to staff ratio for ages 30 months through 12 years. The number of children per staff person specified in subpart 3 may be increased only with children ages 30 months through 12 years, only by a maximum of four children, and only for a time period, not to exceed 20 minutes, required for additional staff to arrive at the center. A center that exceeds the ratio in subpart 3, item C, must be able to document having staff persons who, as a condition of their employment, are on call to come to the center as needed and arrive at the center within 20 minutes after receiving notification to report.

Subp. 5. Age category grouping. Whenever the total number of children present to be cared for at a center is more than 20, children younger than 30 months must be cared for in an area that is physically separated from older children. All children 30 months old and older may be cared for in the same group in the same area.

Subp. 6. Staff distribution. Staff distributions for drop-in child care programs must meet the requirements in items A and B.

A. If a drop-in child care program serves both infants and older children, the following minimum staff distribution pattern applies for the supervision of infants ages six weeks through 16 months and children ages 17 months through 29 months:

(1) The first staff person needed to meet the staff-to-child ratios required in subpart 3, items A and B, must have at least the qualifications of an assistant teacher as specified in part 9503.0033.

(2) The second staff person needed to meet the staff-to-child ratios required in subpart 3, items A and B, must have at least the qualifications of an aide as specified in part 9503.0034, subpart 1.

(3) The third staff person needed to meet the staff-to-child ratios required in subpart 3, items A and B, must have at least the qualifications of an assistant teacher as specified in part 9503.0033.

(4) The fourth staff person needed to meet the staff-to-child ratios required in subpart 3, items A and B, must have at least the qualifications of an aide as specified in part 9503.0034, subpart 1.

(5) The fifth staff person needed to meet the staff-to-child ratios required in subpart 3, items A and B, must have at least the qualifications of an assistant teacher as specified in part 9503.0033.

(6) The sixth staff person needed to meet the staff-to-child ratios required in subpart 3, items A and B, must have at least the qualifications of an aide as specified in part 9503.0034, subpart 1.

B. The following minimum staff distribution pattern applies for the supervision of children 30 months and older.

(1) The first staff person needed to meet the required staff-to-child ratio specified in subpart 3, item C, must meet the qualifications for teachers specified in part 9503.0032.

(2) The second, third, and fourth staff persons needed to meet the required staff-to-child ratio specified in subpart 3, item C, must have at least the qualifications of an aide as specified in part 9503.0034, subpart 1.

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(3) The fifth staff person needed to meet the staff-to-child ratio required in subpart 3, item C, must have at least the qualifications of an assistant teacher as specified in part 9503.0033.

(4) The sixth, seventh, and eighth staff persons needed to meet the staff-to-child ratio required in subpart 3, item C, must have at least the qualifications of an aide as specified in part 9503.0034, subpart 1.

(5) For any additional staff persons needed after the eighth staff person to meet ratio requirements, the pattern of required staff qualifications established in subitems (3) and (4) applies.

9503.0170 LICENSING PROCESS.

[For text of subs 1 to 5, see M.R.]

Subp. 6. **Variances.** An applicant or license holder may request a variance to parts 9503.0005 to 9503.0170 with the exception of those specified in item D if the request follows the procedures and standards specified in items A, B, and C.

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

D. A variance will not be granted from:

(1) any law or rule prohibiting the maltreatment of children including but not limited to illegal or unauthorized use of physical, mechanical, or chemical restraint; the illegal or unauthorized use of aversive or deprivation procedures; and corporal punishment; ~~and~~

(2) parts part 9503.0005, subpart 25 (supervision);

(3) part 9503.0030, subpart 3 (disqualification factors);

(4) part 9503.0040 (staff ratios and group size), subparts 1; 2, items A to C; and 3, items A and B, subitems (2) to (4);

(5) part 9503.0050, subpart 3 (confinement limitation);

(6) part 9503.0055 (prohibited actions);

(7) part 9503.0070, subpart 6 (staffing);

(8) part 9503.0080 (exclusion of sick children);

(9) part 9503.0085 (sick care program);

(10) part 9503.0130, subparts 1 and 2 (reporting);

(11) part 9503.0140, subpart 17 (hazardous objects);

(12) part 9503.0145, subpart 3 (sanitation);

(13) part 9503.0150 (transportation), items A to D, and E; and

(14) part 9503.0155, subparts 1 (occupancy designation), 2 (fire inspection), and 3 (reinspection for cause).

[For text of subp 7, see M.R.]

Public Utilities Commission

Proposed Rules Relating to the Resource Planning Process

Notice of Intent to Adopt Rules Without a Public Hearing and Notice of Intent to Adopt Rules With a Public Hearing if Twenty-Five or More Persons Request a Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Public Utilities Commission (Commission) intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing, *Minnesota Statutes* §§ 14.22 to 14.28. The Commission's authority to adopt these rules is set forth in *Minnesota Statutes* §§ 216B.08, 216B.09, 216B.16, subd. 6, 216B.03, 216C.05, 216B.24, subd. 2, 216B.33 and 216B.13.

All persons have until 4:30 p.m. on March 14, 1990, to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. PLEASE USE DOCKET NO. E-999/R-89-201 ON ALL CORRESPONDENCE.

Any person may make a written request for a public hearing on the rules within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed.

If a public hearing is required, the Commission will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20. PLEASE NOTE THAT IF TWENTY-FIVE OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN THE 30-DAY COMMENT PERIOD, A HEARING WILL BE HELD ON THURSDAY, APRIL 5, 1990, AND, IF NECESSARY, FRIDAY, APRIL 6, 1990, IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING OF THESE SAME RULES PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE COMMISSION. To verify whether a hearing will be held, please call the Commission between March 15, 1990, and April 4, 1990 at (612) 296-7124.

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

Dan Lipschultz
Minnesota Public Utilities Commission
780 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 296-9617

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

The proposed rules, if adopted, will establish definitions, filing requirements and procedures, filing contents, decision criteria, and relationships to other regulatory processes for the resource plans of affected electric utilities. The proposed rules are published below. One free copy of the rules is available upon request from the Commission by contacting the Commission's receptionist, Kris Kline, at the above address or by calling (612) 296-7124.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Commission by contacting the Commission's receptionist, Kris Kline, at the above address or by calling (612) 296-7124.

YOU ARE HEREBY ADVISED, pursuant to *Minnesota Statutes* § 14.115 (1989 Supp.), "Small business considerations in rulemaking," that the proposed rules will not affect small businesses. The proposed rules apply only to utilities known to have more than 50 full-time employees and annual revenues in excess of \$4,000,000.

The adoption of these rules by the Commission will not require the expenditure of public money by local public bodies or have a direct impact on agricultural land. Therefore, *Minnesota Statutes* § 14.11 does not apply to this rulemaking proceeding.

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

Lee Larson
Acting Executive Secretary

Notice of Hearing and Notice of Intent to Cancel Hearing if Fewer Than Twenty-Five Persons Request a Hearing In Response to Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Public Utilities Commission (Commission) will hold a public hearing in the above-entitled matter in the Commission's Large Hearing Room, 780 American Center Building, 150 East Kellogg Blvd., St. Paul, Minnesota, commencing at 9:00 a.m. on Thursday, April 5, 1990, and, if necessary, Friday, April 6, 1990, and continuing until all interested or affected persons have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted to the presiding Administrative Law Judge, as hereinafter indicated, without appearing at the hearing.

PLEASE NOTE, HOWEVER, THAT THE HEARING WILL BE CANCELLED IF FEWER THAN TWENTY-FIVE PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SAME RULES WITHOUT A PUBLIC HEARING PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE COMMISSION. To verify whether a hearing will be held, please call the Commission between March 15, 1990 and April 4, 1990 at (612) 296-7124.

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The matter will be heard before Administrative Law Judge Barbara Neilson, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, (612) 341-7604. The rule hearing procedure is governed by *Minnesota Statutes* sections 14.131 to 14.20 and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.0200 to 1400.1200. Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge at the address and telephone number stated above.

The subject of the hearing will be the proposed rules governing the resource planning process for electric utilities, *Minnesota Rules*, parts 7843.0100 to 7843.0600. The proposed rules are authorized by *Minnesota Statutes* sections 216B.08, 216B.09, 216B.16, subd. 6, 216B.03, 216C.05, 216B.24, subd. 2, 216B.33 and 216B.13. The proposed rules are published below. One free copy of the rules is available on request by contacting:

Kris Kline
Minnesota Public Utilities Commission
780 American Center Building

150 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 296-7124

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

Any person may present his or her views on the proposed rules in one or more of the following ways: by submitting written data to the Administrative Law Judge at any time before the close of the hearing; by submitting oral or written data at the hearing; and by submitting written data to the Administrative Law Judge during the comment period following the hearing. The comment period will be not less than five working days after the public hearing ends. The comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. The written material received during the comment period shall be available for review at the Office of Administrative Hearings. Within three business days after the expiration of the comment period, the Commission and interested persons may respond in writing to any new information received during the comment period; however, no additional evidence may be submitted during this three-day period.

The Commission requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment period also submit a copy of the written data to Dan Lipschultz at the Commission address stated above.

The proposed rules may be modified if the data and views received during the hearing process warrant modification and the modification does not result in a substantial change in the proposed rules.

Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the Commission may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing or 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 are 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 Commission at any time prior to the filing of the rules with the Secretary of State.

YOU ARE HEREBY ADVISED, pursuant to *Minnesota Statutes* section 14.115 (1989 Supp.), "Small business considerations in rulemaking," that the proposed rules do not affect small business. The proposed rules apply only to utilities known to have more than 50 full-time employees and annual revenues in excess of \$4,000,000.

The adoption of these rules by the Commission will not require expenditure of public monies by local public bodies nor have a direct impact on agricultural land. Therefore, *Minnesota Statutes* section 14.11 does not apply to this rulemaking proceeding.

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

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

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

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

Lee Larson
Acting Executive Secretary

Rules as Proposed (all new material)**7843.0100 DEFINITIONS.**

Subpart 1. **Scope.** The terms used in parts 7843.0100 to 7843.0600 have the meanings given them in this part.

Subp. 2. **Commission.** "Commission" means the Minnesota Public Utilities Commission.

Subp. 3. **Construction.** "Construction" means significant physical alteration of a site to install or enlarge a major utility facility, but does not include activities incident to preliminary engineering or environmental studies.

Subp. 4. **Contested case proceeding.** "Contested case proceeding" means a resource plan proceeding that has been referred to the Office of Administrative Hearings to resolve factual disputes.

Subp. 5. **Electric utility.** "Electric utility" means a person, corporation, or other legal entity engaged in generating, transmitting, and selling at retail electricity in Minnesota and whose retail rates are regulated by the commission.

Subp. 6. **Forecast period.** "Forecast period" means the first 15 calendar years following the year the proposed resource plan is filed.

Subp. 7. **Major utility facility.** "Major utility facility" has the meaning given the term in *Minnesota Statutes*, section 216B.24, subdivision 1.

Subp. 8. **Party.** "Party" means the utility that submitted a specific proposed resource plan or an entity permitted to intervene in the proceeding to evaluate that plan.

Subp. 9. **Resource plan.** "Resource plan" means a ranking of resource options that a utility could use to meet the service needs of its customers over the forecast period. These resource options include using, modifying, and constructing utility plant and equipment; buying power generated by other entities; controlling customer loads; and implementing customer energy conservation. The ranking of resource options is accomplished by stating the circumstances under which a particular resource option would be used to meet the service needs of the utility's customers.

Subp. 10. **Socioeconomic effects.** "Socioeconomic effects" means changes in the social and economic environments, including, for example, job creation, effects on local economies, geographical concentration of persons and structures, concentration of investment capital, and the ability of low-income and rental households to receive conservation services.

Subp. 11. **Utility.** "Utility" means electric utility.

7843.0200 PURPOSE AND SCOPE.

Subpart 1. **Purpose.** The purpose of parts 7843.0100 to 7843.0600 is to prescribe the contents of and procedures for regulatory review of resource plan filings.

Subp. 2. **Scope.** Parts 7843.0100 to 7843.0600 apply to an electric utility with more than 1,000 retail customers in Minnesota. If the electric utility is part of an entity that also sells or transports gas, parts 7843.0100 to 7843.0600 apply only to the entity's electric operations.

7843.0300 FILING REQUIREMENTS AND PROCEDURES.

Subpart 1. **Procedural rules.** Except as otherwise shown in parts 7843.0100 to 7843.0600, the procedures prescribed by parts 7830.0100 to 7830.4400 apply to resource plan filings.

Subp. 2. **Filing date.** Beginning July 1, 1991, and July 1, 1992, and every two years afterward, an electric utility shall submit a proposed resource plan covering the forecast period. The commission shall designate by order those utilities who shall make their initial filings in 1991 and those who shall make their initial filings in 1992. In deciding between the years for a given utility, the commission shall consider the size of the utility and its likely need for additional resources, including large energy facilities, defined in *Minnesota Statutes*, section 216B.2421, subdivision 2, and major utility facilities.

Subp. 3. **Completeness of filing.** The resource plan filing must contain the information required by part 7843.0400, unless an exemption has been granted under subpart 4. If the commission determines before September 1 of the filing year that the filed information is incomplete or unclear, it may order the utility to augment or clarify the filing.

This subpart does not limit the right of process participants to submit information requests under subpart 8.

Subp. 4. **Exemptions from data requirements.** Before submitting a proposed resource plan, the utility may be exempted from a

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data requirement of parts 7843.0100 to 7843.0600 if the utility (1) submits a written request for an exemption from specified rules and (2) shows that the data requirement is unnecessary or may be satisfied by submitting another document. A request for exemption must be filed at least 90 days before the resource plan is due. Interested persons or parties may submit comments on the request within 30 days of the date the request is filed. As soon as practicable, the commission shall provide a written response to the request and include the reasons for its decision.

Subp. 5. **Copies of filings.** A covered utility shall submit 15 copies of its resource plan filing to the commission. The commission may request up to ten additional copies of combined and common filings. A utility shall also provide copies to the Minnesota Department of Public Service, the Residential and Small Business Utilities Division of the Office of the Attorney General, the Minnesota Environmental Quality Board and member agencies, and other interested persons or parties who request copies. A utility shall maintain a distribution list. The list must include the names and addresses of the persons or organizations receiving copies and the number of copies provided. A utility is not required to distribute more than 100 copies. However, a utility shall honor reasonable requests for copies of the nontechnical summary identified in part 7843.0400, subpart 4.

Subp. 6. **Changes to filings.** After the resource plan filing is submitted, each page of a change or correction to a previously filed page must be marked with the word "REVISED" and with the date the revision was made. The utility shall send to persons receiving copies of the resource plan filing a like number of copies of changed or corrected pages.

Subp. 7. **Intervention.** Interested persons may become, or may petition to become, parties under parts 7830.0100 to 7830.4400. The Minnesota Department of Public Service, the Residential and Small Business Utilities Division of the Office of the Attorney General, and the Minnesota Environmental Quality Board may petition as of right in a resource plan proceeding.

"Petition as of right" means a petition for intervention that confers party status upon the petitioner without formal approval from either the commission or an administrative law judge.

The deadline for intervention is November 1 of the year the utility's proposed resource plan is filed. The commission may allow late intervention, upon good cause.

Subp. 8. **Information requests.** The parties shall comply with reasonable requests for information by the commission, other parties, and other interested persons. A copy of an information request must be provided to the commission and to known parties. Parties shall reply to information requests within ten days of receipt, unless this would place an extreme hardship upon the replying party. At least one copy of information provided to a party or other interested person must be filed with the commission. The replying party must also provide a copy of the information to any other party or interested person upon request. Disputes regarding information requests may be taken to the commission or, if a contested case proceeding has been ordered, to the assigned administrative law judge.

Subp. 9. **Uncontested proceeding.** The commission shall conduct the resource planning process as an uncontested proceeding, unless it determines that important issues cannot be resolved without a contested case proceeding.

"Uncontested proceeding" means a proceeding before the commission that has not been referred to the Office of Administrative Hearings.

Subp. 10. **Written comments.** Parties and other interested persons have until November 1 of the filing year to review and comment upon the resource plan filings. The comments may include proposed alternative resource plans described in subpart 11.

Subp. 11. **Proposed alternative resource plans.** Parties and other interested persons may express support for the proposed resource plan filed by a utility. Alternatively, parties and other interested persons may file proposed resource plans different from the plan proposed by the utility. When a plan differs from that submitted by the utility, the plan must be accompanied by a narrative and quantitative discussion of why the proposed changes would be in the public interest, considering the factors listed in part 7843.0500, subpart 3.

Subp. 12. **Response comment period.** Parties and other interested persons may file responses to the comments and to the proposed alternative resource plans of other parties or interested persons from November 1 to December 31 of the filing year.

Subp. 13. **Official service list.** The commission shall maintain an official service list for a resource plan proceeding. The preparer of a filing shall serve copies on persons on the official service list at the time of service, except as provided in subpart 8.

7843.0400 CONTENTS OF RESOURCE PLAN FILINGS.

Subpart 1. **Advance forecasts.** A utility shall include in the filing identified in subpart 2 its most recent annual submission to the Minnesota Department of Public Service and the Minnesota Environmental Quality Board under *Minnesota Statutes*, sections 116C.54 and 216C.17, and parts 7610.0100 to 7610.0600.

Subp. 2. **Resource plan.** A utility shall file a proposed plan for meeting the service needs of its customers over the forecast period. The plan must show the resource options the utility believes it might use to meet those needs. The plan must rank those resource options in recognition of demand and supply uncertainties. The utility is only required to identify a resource option generically, unless a commitment to a specific resource exists at the time of the filing. The utility shall also discuss plans to reduce existing resources through sales, leases, deratings, or retirements.

“Derating” means a temporary or permanent reduction in the expected power output of a generating facility.

Subp. 3. Supporting information. A utility shall include in its resource plan filing information supporting selection of the proposed resource plan.

A. When a utility’s existing resources are inadequate to meet the projected level of service needs, the supporting information must contain a complete list of resource options considered for addition to the existing resources. At a minimum, the list must include new generating facilities of various types and sizes and with various fuel types, cogeneration, new transmission facilities of various types and sizes, upgrading of existing generation and transmission equipment, life extensions of existing generation and transmission equipment, load-control equipment, utility-sponsored conservation programs, purchases from nonutilities, and purchases from other utilities. The utility may seek additional input from the commission regarding the resource options to be included in the list. For a resource option that could meet a significant part of the need identified by the forecast, the supporting information must include a general evaluation of the option, including the extent of its availability, reliability, cost, and natural and socioeconomic effects.

B. The supporting information must include descriptions of the overall process and of the analytical techniques used by the utility to create its proposed resource plan from the available options.

C. The supporting information must include an action plan, a description of the activities the utility intends to undertake to develop or obtain noncurrent resources identified in its proposed plan. The action plan must cover a five-year period beginning with the filing date. The action plan must include a schedule of key activities, including construction and regulatory filings.

D. For the proposed resource plan as a whole, the supporting information must include a narrative and quantitative discussion of why the plan would be in the public interest, considering the factors listed in part 7843.0500, subpart 3.

Subp. 4. Nontechnical summary. A utility shall include in its resource plan filing a nontechnical summary, not exceeding 25 pages in length and describing the utility’s resource needs, the resource plan created by the utility to meet those needs, the process and analytical techniques used to create the plan, activities required over the next two years to implement the plan, and the likely effect of plan implementation on electric rates and bills.

Subp. 5. Combined and common filings. Utilities may combine their individual filings into a single larger filing, as long as the action does not lead to a loss of information. Information common to two or more of the utilities need only be submitted once, as long as the filing clearly shows the utilities to which the information applies.

7843.0500 COMMISSION REVIEW OF RESOURCE PLANS.

Subpart 1. Decision. Based upon the record, which is the information filed with the commission in the resource plan proceeding of a utility, including responses to information requests, the commission shall issue a decision consisting of findings of fact and conclusions on the utility’s proposed resource plan and the alternative resource plans. If the commission determines there is insufficient information upon which to issue findings and conclusions, it may delay issuing its decision to permit production of the desired type and level of information.

Subp. 2. Preferred plan. If the commission concludes that a ranked set of resource options would be optimal, considering the desirable attributes listed in subpart 3, it may identify that set of resource options as a preferred resource plan. A preferred resource plan need not have been specifically proposed or advocated by the utility, an intervening party, or other interested person.

Subp. 3. Factors to consider. In issuing its findings of fact and conclusions, the commission shall consider the characteristics of the available resource options and of the proposed plan as a whole. Resource options and resource plans must be evaluated on their ability to:

- A. maintain or improve the adequacy and reliability of utility service;
- B. keep the customers’ bills and the utility’s rates as low as practicable, given regulatory and other constraints;
- C. minimize adverse socioeconomic effects and adverse effects upon the natural environment;
- D. enhance the utility’s ability to respond to changes in the financial, social, and technological factors affecting its operations;

and

E. limit the risk of adverse effects on the utility and its customers from financial, social, and technological factors that the utility cannot control.

Subp. 4. Issues requiring further consideration. In its decision, the commission may direct the utility to provide in its next

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Proposed Rules

resource plan filing a discussion of specified issues. The issues may include those not totally resolved in the current proceeding and those for which the state of knowledge is changing substantially between resource plan filings.

Subp. 5. **Changed circumstances affecting resource plans.** The utility shall inform the commission and other parties to the last resource plan proceeding of changed circumstances that may significantly influence the selection of resource plans. Upon receiving notice of changed circumstances, the commission shall consider whether additional administrative proceedings are necessary before the utility's next regularly scheduled resource plan proceeding.

Subp. 6. **Authority of other agencies.** Issuance of a resource plan decision by the commission does not limit the statutory authority of other agencies in their regulatory responsibilities.

7843.0600 RELATIONSHIP TO OTHER COMMISSION PROCESSES.

Subpart 1. **Other proceedings begun before plan proceeding completed.** At the time of a utility's resource planning decision, the commission may consider the status of other pending proceedings involving construction, acquisition, or disposition of resource options by the utility. The commission may terminate a pending proceeding if it determines that termination would be in the public interest. However, the commission shall not use the resource planning process as a reason to delay unduly the completion of a proceeding begun under other law.

Subp. 2. **Resource plan findings of fact and conclusions.** The findings of fact and conclusions from the commission's decision in a resource plan proceeding may be officially noticed or introduced into evidence in related commission proceedings, including, for example, rate reviews, conservation improvement program appeals, depreciation certifications, security issuances, property transfer requests, cogeneration and small power production filings, and certificate of need cases. In those proceedings, the commission's resource plan decision constitutes prima facie evidence of the facts stated in the decision. This subpart does not prevent an interested person from submitting substantial evidence to rebut the findings and conclusions in another proceeding.

Subp. 3. **Construction of major utility facilities.** A utility submitting a proposed resource plan is exempt from the requirements of other rules covering construction of major utility facilities and adopted under *Minnesota Statutes*, section 216B.24. The exemption does not constitute a waiver of the commission's right to review the prudence of the construction or planning in later resource plan and general rate case proceedings.

Adopted Rules

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

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

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

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

Department of Education

Adopted Permanent Rules Relating to General Education Program Requirements

The rules proposed and published at *State Register*, Volume 14, Number 12, pages 694-708, September 18, 1989 (14 S.R. 694) are adopted with the following modifications:

Rules as Adopted

3500.1060 LEARNER GOALS

Subp. 2. **Learner goals.** Each district shall use the learner goals contained below as the basis for defining program level learner outcomes that are directly reflected in the district's course and program offerings.

A. To effectively participate in learning activities, each learner will:

(5) master numerical literacy to apply ~~arithmetic~~ mathematical functions to life situations;

B. To provide a foundation for meaning in life, each learner will accumulate and apply knowledge and develop the understanding to:

(13) understand the physical world using systematic problem-solving strategies;

~~(13)~~ (14) communicate and relate effectively in a language and about a culture other than one's own; and

~~(14)~~ (15) know the importance of geographic location in the functioning of contemporary society.

C. To think, decide, resolve issues, and meet needs creatively, each learner will be able to:

(3) critique and make judgments about materials, conditions, theories, and solutions; ~~and~~

(4) generate and value creative alternatives; ~~and~~

(5) apply the concepts and processes of sciences.

I. Each learner will develop a positive attitude toward self, demonstrated through:

(3) a ~~knowledge~~ basic understanding of one's own body, its systems and physiology, and a positive attitude toward one's own physical appearance;

K. To cope with change, each learner will develop the ability to:

(4) understand and accept the changing nature of work and the potential need to change careers several times; ~~and~~

(5) use career information and counseling services to make informed and satisfying vocational choices; ~~and~~

(6) understand that all knowledge is tentative and that as new discoveries are made the knowledge base grows.

3500.1075 PROGRAM LEVEL LEARNER OUTCOMES.

Subp. 3. **Fine arts.** Fine arts includes music, theater, dance, visual art, and media arts. ~~The student will~~ Opportunities will be provided for each student to learn to:

Subp. 4. **Health.** ~~The student will~~ Opportunities will be provided for each student to learn to:

Subp. 5. **Language arts.** ~~The student will~~ Opportunities will be provided for each student to learn to:

Subp. 6. **Mathematics.** ~~The student will~~ Opportunities will be provided for each student to learn to:

Subp. 7. **Physical fitness and wellness.** ~~The student will~~ Opportunities will be provided for each student to learn to:

Subp. 8. **Science.** ~~The student will~~ Opportunities will be provided for each student to learn to:

Subp. 9. **World languages and culture.** ~~The student will~~ Opportunities will be provided for each student to learn to:

~~A. be able to compare American culture, customs, and traditions with those of the countries in which the language is native, to function effectively in everyday situations; understand the culture, customs, and traditions of the countries in which the language is native in order to function in everyday situations recognizing similarities and differences with the student's own culture;~~

B. know and value the inseparable relationship of languages and culture and develop strategies for examining other cultures;

~~B. C. begin to create with language, both orally and in writing, producing recombinations, short messages, descriptions, and narrations;~~

~~C. D. listen to understand basic facts and main ideas and carry out directions in everyday situations related to school, home, and community;~~

~~D. E. ask and answer simple questions in areas of immediate personal need and begin to maintain simple face-to-face conversations on familiar topics;~~

~~E. F. read and understand common messages, such as directions, signs, advertisements, menus, schedules, and information presented in the simplest connected material dealing with familiar topics; and~~

~~F. G. communicate in writing on familiar topics, such as forms, lists, questions/answers, and simple paragraphs in everyday situations;~~

H. make generalizations about how languages operate;

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I. develop the necessary knowledge, skills, processes, values, and attitudes for language learning to make subsequent study even more successful and satisfying; and

J. value learning another language in order to interact with another culture.

Subp. 10. Vocational subject areas.

A. In agricultural occupations, ~~the student will~~ opportunities will be provided for each student to learn to:

~~(9) apply the technologies used with agricultural products specific to the program area being studied;~~

~~(10) (9) evaluate the role of agriculture in a changing environment, including the need to maintain the world's ecosystem;~~
and

~~(11) (10) create and value a safe environment for both work and leisure.~~

B. In business, ~~the student will~~ opportunities will be provided for each student to learn to:

~~(1) develop work readiness, including job seeking, job keeping, and employability skills, integrated with occupational concepts;~~

~~(2) apply technology to business activities;~~

~~(3) (1) understand economic principles, including consumer and personal economics;~~

~~(4) (2) understand management principles and applications;~~

~~(5) (3) understand business law concepts and applications;~~

~~(6) (4) understand business operations, structure, and workflow in a changing business world;~~

~~(7) (5) understand principles of international business;~~

~~(8) (6) understand how to access and analyze information and make decisions based on this information;~~

~~(9) (7) understand advanced business ownership principles, including business finance, risk taking, and entrepreneurship;~~
and

~~(10) (8) understand accounting principles.~~

C. In consumer home economics, ~~the student will~~ opportunities will be provided for each student to learn to:

D. In health occupations, ~~the student will~~ opportunities will be provided for each student to learn to:

E. In marketing occupations, ~~the student will~~ opportunities will be provided for each student to learn to:

~~(1) develop work readiness, including job seeking, job keeping, and employability skills, integrated with occupational concepts;~~

~~(2) (1) understand economic principles, including consumer and personal economics;~~

~~(3) (2) understand management principles and applications;~~

~~(4) (3) understand marketing concepts and applications;~~

~~(5) (4) understand marketing operations, structure, and workflow in a changing business world;~~

~~(6) (5) understand principles of international business;~~

~~(7) (6) access and analyze information and make marketing decisions;~~

~~(8) (7) understand advanced business ownership principles; and~~

~~(9) apply technology to marketing activities; and~~

~~(10) (8) understand accounting principles.~~

F. In service occupations, ~~the student will~~ opportunities will be provided for each student to learn to:

G. In ~~trade and~~ industrial technology occupations, ~~the student will~~ opportunities will be provided for each student to learn to:

Subp. 11. Subject areas to be integrated into all courses and programs.

A. In career and work readiness, ~~the student will~~ opportunities will be provided for each student to learn to:

B. In environmental issues, ~~the student will~~ opportunities will be provided for each student to learn to:

C. In family life and parenting, ~~the student will~~ opportunities will be provided for each student to learn to:

~~(12) assess the reciprocal affect parenting practices have on the development of children and their parents; and~~

~~(13) understand decision making, judgment, and action in regard to management of family and parenting roles; and~~

(14) understand the causes and effects of violence within the family in order that they not become abusers or victims of abuse in their future relationships.

D. In information technology, ~~the student will~~ opportunities will be provided for each student to learn to:

E. In international perspectives, ~~the student will~~ opportunities will be provided for each student to learn to:

F. In media, ~~the student will~~ opportunities will be provided for each student to learn to:

G. In youth service, ~~the student will~~ opportunities will be provided for each student to learn to:

3500.1150 REQUIRED OFFERINGS FOR ELEMENTARY SCHOOLS.

Subpart 1. **Curriculum offerings.** The school board in each district, with teacher involvement, shall:

3500.1600 MIDDLE SCHOOL CURRICULUM.

Subp. 3. **Applicability.** The school board in each district, with teacher involvement, shall:

3500.1900 CURRICULUM FOR JUNIOR SECONDARY SCHOOLS.

Subp. 3. **Applicability.** The school board in each district, with teacher involvement, shall:

3500.2020 REQUIRED COURSE OFFERINGS FOR SENIOR SECONDARY SCHOOLS

Subp. 2. **Applicability.** The school board in each district, with teacher involvement, shall:

Subp. 3. **Course and program requirements.** The school board in each district shall provide the opportunity for all students to enroll in programs and courses cited in items A to M.

A. Agriculture occupations, business, consumer home economics, health occupations, marketing occupations, service occupations, and ~~trade and~~ industrial technology occupations:

(1) Grade 9, optional;

(2) Grades 10, 11, and 12, each district shall select at least four of these subject areas, one of which shall be business or marketing, and offer at least one, one credit course in each.

To qualify as one of the four vocational areas, the program course, or series of courses must: (a) equal at least one credit; (b) provide opportunities for students to achieve the outcomes specified in part 3500.1075, subpart 10; and (c) be taught by a teacher with an appropriate regular or vocational license.

G. Mathematics:

(1) Grade 9, each district shall offer one, ~~one credit fundamental mathematics concepts course sufficient for students to make progress toward the mathematics program level learner outcomes and one,~~ one credit course in algebra I.

(2) Grades 9, 10, 11, and 12, each district shall offer one, one credit fundamental mathematics concepts course sufficient for students to make progress toward the mathematics program level learner outcomes specified in part 3500.1075, subpart 6.

~~(2) (3)~~ Grades 10, 11, and 12, each district shall offer at least one, one credit fundamental mathematics concepts course sufficient for all students to achieve the mathematics program level learner outcomes and at least one, one credit course in each of algebra I, geometry, advanced algebra, and two one, one credit courses course in advanced topics such as probability and statistics, discrete mathematics, precalculus and, or calculus. At least one of the courses shall include trigonometry. Districts may develop a scope and sequence, by any course titles, for a five-year four-year curriculum in mathematics that integrates these and other mathematical concepts selected by the district.

~~(3) (4)~~ In addition, each district shall offer courses, programs, or services sufficient to assist students to meet the district's assurance-of-mastery criteria for mathematics.

I. Science:

(2) Grades 10, 11, and 12, each district shall offer ~~one three,~~ one credit ~~course in each of~~ courses that provide instruction in the science program level learner outcomes, part 3500.1075, subpart 8, through studies in biology, chemistry, and physics.

J. Social studies:

(1) Grade 9, each district shall offer one, one credit course ~~that integrates instruction in two or more of history, geography, political science, and economics from the list in subitem (2).~~

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(2) Grades 10, 11, and 12, each district shall offer one, one credit course that integrates two or more of history, geography, political science, and economics, the equivalent of three, one-half credit courses in history and geography of the state, nation, western, and nonwestern world; two, one-half credit courses in political science and political problems of the state, nation, western, and nonwestern world; two, one-half credit courses in personal, national, and international economics; and one, one-half credit course that provides a survey of social sciences other than ~~those listed in subitem (1)~~ history, geography, political science, and economics and including at least anthropology, sociology, and psychology.

3500.2950 BASIS FOR MEETING SENIOR SECONDARY CREDIT OFFERING REQUIREMENTS.

Subp. 7. **Variations.** The State Board of Education shall grant variances to part 3500.2020 following the procedures in part 3500.1000 for a district that can demonstrate, to the satisfaction of the State Board of Education, the ability to provide learning experiences in a program level learner outcomes through integrated course offerings.

Subp. 8. **Distance learning permitted.** Districts may meet the course offering requirements of part 3500.2020 by offering distance learning courses provided the transmission system is capable of providing fully interactive video and audio communications, that includes:

B. providing a full motion, real time, instantaneous representation of all action seen by the cameras and the sound heard by the microphones from the originating site to all other participating sites.

Interactive television networks using a microwave transmission system and providing classes before December 31, 1989, shall not be required to comply with the requirements in items A and B. ~~Any expansions or improvements in these interactive television networks shall meet the requirements in items A and B.~~

Department of Health

Adopted Permanent Rules Relating to Health Maintenance Organizations; Coordination of Benefits

Notice of Adoption

NOTICE IS HEREBY GIVEN that on October 2, 1989, the Minnesota Department of Health published Health Maintenance Organization rules in the *State Register*—Vol. 14, #14, page 901—relating to HMO uncovered expenditures, incurred but not reported liabilities, coordination of benefits, and annual report and filing requirements. The rules were effective October 7, 1989. The Department of Health participated in the administrative rule-making process during the past year concerning these rules. A hearing was held July 31, 1989 at the Minnesota Department of Health. The rules were approved in the Report of the Administrative Law Judge of August 22, 1989. Certain portions of the adopted rules were inadvertently omitted from the published rules. These omitted rules are set out below. Questions regarding these rules may be directed to:

Marsha Schoenkin
Health Policy Analyst
Alternative Delivery Systems
Minnesota Department of Health
717 Delaware Street S.E.
Minneapolis, Minnesota 55440
(612) 623-5545

Rules as Adopted

4685.0910 DEFINITIONS.

[For text of subpart 1, see M.R.]

Subp. 2. **Allowable expense.**

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

F. When benefits are reduced under a primary plan because a covered person does not comply with the plan provisions, the amount of such reduction will not be considered an allowable expense. Examples of such provisions are those related to second surgical opinions, precertification of admissions or services, and preferred provider arrangements.

(1) Only benefit reductions based upon provisions similar in purpose to those described above and which are contained in the primary plan may be excluded from allowable expenses.

(2) This provision shall not be used by a secondary plan to refuse to pay benefits because a health maintenance organization enrollee has elected to have health care services provided by a nonhealth maintenance organization provider and the health maintenance organization, pursuant to its contract is not obligated to pay for providing those services.

[For text of subs 3 to 6, see M.R.]

Subp. 7. **Plan.** "Plan" means a form of coverage with which coordination is allowed. The definition of plan in the group contract must state the types of coverage that will be considered in applying the coordination of benefits provision of that contract. The right to include a type of coverage is limited by the rest of this definition.

[For text of items A and B, see M.R.]

C. Plan includes:

[For text of subitems (1) and (2), see M.R.]

(3) Group or group-type coverage through health maintenance organizations and other prepayment, group practice, and individual practice plans.

(4) Group-type contracts. Group-type contracts are contracts that are not available to the general public and can be obtained and maintained only because of membership in or connection with a particular organization or group. Group-type contracts may be included in the definition of plan, at the option of the insurer or the service provider and the contract client, whether or not uninsured arrangements or individual contract forms are used and regardless of how the group-type coverage is designated, for example, franchise or blanket. Individually underwritten and issued guaranteed renewable policies are not group-type even though purchased through payroll deduction at a premium savings to the insured since the insured would have the right to maintain or renew the policy independently of continued employment with the employer.

~~(4)~~ (5) The amount by which group or group-type hospital indemnity benefits exceed \$100 a day.

~~(5)~~ (6) The medical benefits coverage in group, group-type, and individual automobile no-fault and traditional automobile fault-type contracts.

~~(6)~~ (7) Medicare or other governmental benefits, except as provided in item D, subitem (7). That part of the definition of plan may be limited to the hospital, medical, and surgical benefits of the governmental program.

[For text of item D, see M.R.]

[For text of subs 8 to 10, see M.R.]

4685.0925 PROCEDURE TO BE FOLLOWED BY SECONDARY PLAN.

Subpart 1. **Total allowable expenses.** When a plan is a secondary plan under part ~~4685.0920~~ 4685.0915, its benefits may be reduced so that the total benefits paid or provided by all plans during a claim determination period are not more than total allowable expenses. The amount by which the secondary plan's benefits have been reduced shall be used by the secondary plan to pay allowable expenses, not otherwise paid, that were incurred during the claim determination period by the person for whom the claim is made. As each claim is submitted, the secondary plan determines its obligation to pay for allowable expenses based on all claims that were submitted up to that time during the claim determination period.

[For text of subp 2, see M.R.]

4685.0930 MISCELLANEOUS PROVISIONS.

[For text of subpart 1, see M.R.]

Subp. 2. **Coordination of benefits with a noncomplying plan.** Some plans contain a coordination provision that violates parts 4685.0905 to 4685.0950 by declaring that the plan's coverage is excess to all others, or is always secondary. This occurs because certain plans may not be subject to insurance regulation, or because some group contracts have not yet been conformed with this regulation under part 4685.0905. A plan may coordinate its benefits with a plan that does not comply with parts 4685.0905 to 4685.0950 according to items A to ~~E~~ D.

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

D. If the noncomplying plan reduces its benefits so that the member receives less in benefits than the member would have received had the complying plan paid benefits as the secondary plan and the noncomplying plan paid benefits as the primary plan,

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Adopted Rules

and governing state law allows the right of subrogation set forth below, then the complying plan shall pay to or on behalf of the member an amount equal to the difference.

~~E.~~ The complying plan shall not pay more than the complying plan would have paid had it been the primary plan less any amount it previously paid. The complying plan is subrogated to all rights of the member against the noncomplying plan. A payment by the complying plan under this item does not prejudice any claim against the noncomplying plan in the absence of subrogation.

4685.0940 MODEL COORDINATION OF BENEFITS CONTRACT PROVISION.

Subpart 1. **General.** Use of the model coordination of benefits provision for group contracts in part 4685.0950 is subject to subparts 2 and 3 and part ~~4685.0920~~ 4685.0915.

[For text of subs 2 and 3, see M.R.]

4685.0950 TEXT OF MODEL COORDINATION OF BENEFITS PROVISIONS FOR GROUP CONTRACTS.

Group contracts must contain language on coordination of benefits that is substantially similar to the following model provisions.

COORDINATION OF THE GROUP CONTRACT'S BENEFITS WITH OTHER BENEFITS

I. APPLICABILITY.

(A) This coordination of benefits (COB) provision applies to this plan when an employee or the employee's covered dependent has health care coverage under more than one plan. "Plan" and "this plan" are defined below.

(B) If this coordination of benefits provision applies, the order of benefit determination rules should be looked at first. Those rules determine whether the benefits of this plan are determined before or after those of another plan. The benefits of this plan:

(1) shall not be reduced when, under the order of benefit determination rules, this plan determines its benefits before another plan; but

(2) may be reduced when, under the order of benefits determination rules, another plan determines its benefits first. The above reduction is described in section IV.

II. DEFINITIONS.

A. "Plan" is any of these which provides benefits or services for, or because of, medical or dental care or treatment:

(1) Group insurance or group-type coverage, whether insured or uninsured. This includes prepayment, group practice or individual practice coverage. It also includes coverage other than school accident-type coverage.

(2) Coverage under a governmental plan, or coverage required or provided by law. This does not include a state plan under Medicaid (Title XIX, Grants to States for Medical Assistance Programs, of the United States Social Security Act, as amended from time to time).

Each contract or other arrangement for coverage under (1) or (2) is a separate plan. Also, if an arrangement has two parts and COB rules apply only to one of the two, each of the parts is a separate plan.

B. "This Plan" is the part of the group contract that provides benefits for health care expenses.

C. "Primary Plan/Secondary plan:" The order of benefit determination rules state whether This Plan is a Primary Plan or Secondary Plan as to another plan covering the person.

When This Plan is a Primary Plan, its benefits are determined before those of the other plan and without considering the other plan's benefits.

* When This Plan is a Secondary Plan, its benefits are determined after those of the other plan and may be reduced because of the other plan's benefits.

When there are more than two plans covering the person, This Plan may be a Primary Plan as to one or more other plans, and may be a Secondary Plan as to a different plan or plans.

D. "Allowable Expense" means a necessary, reasonable and customary item of expense for health care: when the item of expense is covered at least in part by one or more plans covering the person for whom the claim is made.

The difference between the cost of a private hospital room and the cost of a semiprivate hospital room is not considered an Allowable Expense under the above definition unless the patient's stay in a private hospital room is medically necessary either in terms of generally accepted medical practice, or as specifically defined in the plan.

When a plan provides benefits in the form of services, the reasonable cash value of each service rendered will be considered both an Allowable Expense and a benefit paid.

When benefits are reduced under a primary plan because a covered person does not comply with the plan provisions, the amount of such reduction will not be considered an allowable expense. Examples of such provisions are those related to second surgical opinions, precertification of admissions or services, and preferred provider arrangements.

E. "Claim Determination Period" means a calendar year. However, it does not include any part of a year during which a person has no coverage under This Plan, or any part of a year before the date this COB provision or a similar provision takes effect.

III. ORDER OF BENEFIT DETERMINATION RULES.

A. General. When there is a basis for a claim under This Plan and another plan, This Plan is a Secondary Plan which has its benefits determined after those of the other plan, unless:

- (1) The other plan has rules coordinating its benefits with those of This Plan; and
- (2) Both those rules and This Plan's rules, in Subsection B below, require that This Plan's benefits be determined before those of the other plan.

B. Rules. This Plan determines its order of benefits using the first of the following rules which applies:

(1) Nondependent/Dependent. The benefits of the plan which covers the person as an employee, member or subscriber (that is, other than as a dependent) are determined before those of the plan which covers the person as a dependent.

(2) Dependent Child/Parents not Separated or Divorced. Except as stated in Paragraph (B)(3) below, when This Plan and another plan cover the same child as a dependent of different persons, called "parents:"

(a) The benefits of the plan of the parent whose birthday falls earlier in a year are determined before those of the plan of the parent whose birthday falls later in that year; but

(b) If both parents have the same birthday, the benefits of the plan which covered one parent longer are determined before those of the plan which covered the other parent for a shorter period of time.

However, if the other plan does not have the rule described in (a) immediately above, but instead has a rule based on the gender of the parent, and if, as a result, the plans do not agree on the order of benefits, the rule in the other plan will determine the order of benefits.

(3) Dependent Child/Separated or Divorced. If two or more plans cover a person as a dependent child of divorced or separated parents, benefits for the child are determined in this order:

- (a) First, the plan of the parent with custody of the child;
- (b) Then, the plan of the spouse of the parent with the custody of the child; and
- (c) Finally, the plan of the parent not having custody of the child.

However, if the specific terms of a court decree state that one of the parents is responsible for the health care expense of the child, and the entity obligated to pay or provide the benefits of the plan of that parent has actual knowledge of those terms, the benefits of that plan are determined first. The plan of the other parent shall be the Secondary Plan. This paragraph does not apply with respect to any Claim Determination Period or Plan Year during which any benefits are actually paid or provided before the entity has that actual knowledge.

(4) Joint Custody. If the specific terms of a court decree state that the parents shall share joint custody, without stating that one of the parents is responsible for the health care expenses of the child, the plans covering follow the order of benefit determination rules outlined in Paragraph B(2).

(5) Active/Inactive Employee. The benefits of a plan which covers a person as an employee who is neither laid off nor retired (or as that employee's dependent) are determined before those of a plan which covers that person as a laid off or retired employee (or as that employee's dependent). If the other plan does not have this rule, and if, as a result, the plans do not agree on the order of benefits, this Rule (4) is ignored.

~~(5)~~ (6) Longer/Shorter Length of Coverage. If none of the above rules determines the order of benefits, the benefits of the plan which covered an employee, member, or subscriber longer are determined before those of the Plan which covered that person for the shorter term.

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

IV. EFFECT ON THE BENEFITS OF THIS PLAN.

A. When This Section Applies. This Section IV applies when, in accordance with Section III "Order of Benefit Determination Rules," This Plan is a Secondary Plan as to one or more other plans. In that event, the benefits of This Plan may be reduced under this section. Such other plan or plans are referred to as "the other plans" in B immediately below.

B. Reduction in this Plan's Benefits. The benefits of This Plan will be reduced when the sum of:

(1) The benefits that would be payable for the Allowable Expense under This Plan in the absence of this COB provision; and

(2) The benefits that would be payable for the Allowable Expenses under the other plans, in the absence of provisions with a purpose like that of this COB provision, whether or not claim is made, exceeds those Allowable Expenses in a Claim Determination Period. In that case, the benefits of This Plan will be reduced so that they and the benefits payable under the other plans do not total more than those Allowable Expenses.

When the benefits of This Plan are reduced as described above, each benefit is reduced in proportion. It is then charged against any applicable benefit limit of This Plan.

V. RIGHT TO RECEIVE AND RELEASE NEEDED INFORMATION.

Certain facts are needed to apply these COB rules. [health maintenance organization] has the right to decide which facts it needs. It may get needed facts from or give them to any other organization or person. [health maintenance organization] need not tell, or get the consent of, any person to do this. Unless applicable federal or state law prevents disclosure of the information without the consent of the patient or the patient's representative, each person claiming benefits under This Plan must give [health maintenance organization] any facts it needs to pay the claim.

VI. FACILITY OF PAYMENT.

A payment made under another plan may include an amount which should have been paid under this plan. If it does, [health maintenance organization] may pay that amount to the organization which made that payment. That amount will then be treated as though it were a benefit paid under This Plan. [health maintenance organization] will not have to pay that amount again. The term "payment made" includes providing benefits in the form of services, in which case "payment made" means reasonable cash value of the benefits provided in the form of services.

VII. RIGHT OF RECOVERY.

If the amount of the payments made by [health maintenance organization] is more than it should have paid under this COB provision, it may recover the excess from one or more of:

- A. The persons it has paid or for whom it has paid;
- B. Insurance companies; or
- C. Other organizations.

The "amount of the payments made" includes the reasonable cash value of any benefits provided in the form of services.

Minnesota Racing Commission

Adopted Permanent Rules Relating to Pari-Mutuel Betting on Horse Racing

The rules proposed and published at *State Register*, Volume 14, Number 17, pages 1057-1066, October 23, 1989 (14 S.R. 1057) are adopted with the following modifications:

Rules as Adopted

7873.0300 SIMULCAST WAGERING.

Subpart 1. **Request.** Upon written request of a Class B or Class D licensee, the commission shall approve wagering on races televised to Minnesota from another licensed racing jurisdiction. A signed reciprocal agreement among the racetrack originating (hosting) the broadcast, the association representing the horsepersons at the host track, the Minnesota racetrack receiving the broadcast, and the association representing the horsepersons at the Minnesota racetrack receiving the broadcast must be filed with the commission.

7895.0110 THOROUGHBRED BREEDERS' FUND.

Subpart 1. **Definitions.** For purposes of this part, the following terms have the meaning given them unless another intention clearly appears.

B. "Minnesota-sire" means a stallion owned at least 50 percent by residents of Minnesota or leased entirely by Minnesota residents, and which has stood the entire breeding season, between ~~February 15~~ January 31 and July 31, in Minnesota.

7895.0125 THOROUGHBRED REGISTRATION.

Subpart 1. **Broodmare registration.** To be eligible to receive any breeders' award payments, the following requirements must be met:

A. Prior to foaling, a broodmare must be in Minnesota and registered or the registration renewed with the racing commission or official registering agency on or before ~~February 15~~ January 31 of the year in which the broodmare will foal. The broodmare's original jockey club certificate must be received by the racing commission or official registering agency.

B. In the event an unregistered broodmare should foal in Minnesota before ~~February 15~~ January 31, the owner must submit a sworn affidavit to the racing commission or the official registering agency attesting that the foal was born in Minnesota. The affidavit will be considered evidence that the foal is a Minnesota-bred or Minnesota-foaled horse and the owner of the broodmare or his or her agent must register the broodmare in accordance with item A. The attending veterinarian, licensed by the state of Minnesota, must certify on information and belief that the information provided from the owner or agent is true and correct.

C. Late fees for late broodmare registration will be imposed as follows:

(1) A late fee of \$50 will be imposed for broodmare registrations received February ~~16~~ 1 to March ~~16~~ 1 (excluding Saturday and Sunday) of the foaling year.

(2) A late fee of \$100 will be imposed for broodmare registrations received March ~~17~~ 2 to May ~~15~~ 1 (excluding Saturday and Sunday) of the foaling year.

D. Failure to submit broodmare registration forms on or before May ~~15~~ 1 of the foaling year (excluding Saturday and Sunday) will disqualify any subsequent claims for breeders' award payments or for the foal to be registered as Minnesota-bred.

Subp. 2. **Stallion registration.** To be eligible to receive any stallion award payments, the following requirements must be met:

A. Stallions must be in Minnesota and registered or the registration renewed with the racing commission or official registering agency by ~~February 15~~ January 31 of the current breeding year. The stallion's original jockey club certificate must be received by the racing commission or official registering agency. If the stallion is leased, a copy of the lease must accompany the registration application. The lease must include a statement that the lessee is authorized to sign the breeding certificate.

B. Stallions must remain in Minnesota for the entire breeding season from ~~February 15~~ January 31 to July 31.

A newly acquired stallion which has not been in Minnesota for breeding purposes before ~~February 15~~ January 31 of the current breeding season may be eligible for stallion awards if the stallion has been properly registered with the commission prior to servicing any mare and the stallion has not serviced any mare after December 31 of the preceding year.

C. Late fees for late stallion registration will be imposed as follows:

(1) A late fee of \$50 will be imposed for stallion registrations received February ~~16~~ 1 to March ~~16~~ 1 (excluding Saturday and Sunday) of the breeding year.

(2) A late fee of \$100 will be imposed for stallion registrations received March ~~17~~ 2 to May ~~15~~ 1 (excluding Saturday and Sunday) of the breeding year.

D. Failure to submit stallion registration forms on or before May ~~15~~ 1 of the breeding year (excluding Saturday and Sunday) will disqualify any subsequent claims for stallion award payments.

Subp. 3. **Foal registration and certification.** For a horse foaled in Minnesota to be registered and subsequently certified as a Minnesota-bred, the following requirements must be met:

A. Within ~~45~~ 30 days of the date a horse is foaled in Minnesota, the foal must be registered with the racing commission or official registering agency. The registration form must contain the following information: the date, the name of the owner of the foaling dam, the date that the foal was born, an owner's statement that the foal was born in Minnesota, and the signature and veterinary license number of the veterinarian submitting the report. Failure to submit the veterinarian's report will disqualify any subsequent claim to register the foal as Minnesota-bred.

C. Failure to submit foal registration forms on or before ~~45~~ 120 days of the date of foaling will disqualify any subsequent claims to enter the horse in a restricted race or to earn any breeders' fund payments.

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

7895.0250 STANDARDBRED BREEDERS' FUND.

Subpart 1. **Definitions.** For purposes of this part, the following terms have the meaning given them unless another intention clearly appears.

D. "Minnesota sire" means a stallion owned at least 50 percent by residents of Minnesota or leased entirely by Minnesota residents, and which has stood the entire breeding season, from ~~February 15~~ January 31 to July 31 in Minnesota.

7895.0275 STANDARDBRED REGISTRATION.

Subpart 1. **Stallion registration.** To be eligible to participate in the standardbred breeders' fund program, the following requirements must be met:

A. Stallions must be in Minnesota and registered or the registration renewed with the racing commission or official registering agency by ~~February 15~~ January 31 of the current breeding year. The stallion's original United States Trotting Association (USTA) certificate must be received by the racing commission or official registering agency. If the stallion is leased, a copy of the lease must accompany the registration application or renewal. The lease agreement must contain a statement that the lessee is authorized to sign the breeding certificate.

B. Stallions must remain in Minnesota for the entire breeding season from ~~February 15~~ January 31 to July 31.

A newly acquired stallion which has not been in Minnesota for breeding purposes before ~~February 15~~ January 31 of the current breeding season may be eligible for stallion awards if the stallion has been properly registered with the commission prior to servicing any mare and the stallion has not serviced any mare after December 31 of the preceding year.

C. Late fees for late stallion registration will be imposed as follows:

(1) A late fee of \$50 will be imposed for stallion registrations received February ~~16~~ 1 to March ~~16~~ 1 (excluding Saturday and Sunday) of the breeding year.

(2) A late fee of \$100 will be imposed for stallion registrations received March ~~17~~ 2 to May ~~15~~ 1 (excluding Saturday and Sunday) of the breeding year.

D. Failure to submit stallion registration forms on or before May ~~15~~ 1 of the breeding year (excluding Saturday and Sunday) will disqualify any subsequent claims for stallion award payments.

7895.0300 QUARTER HORSE BREEDERS' FUND.

Subpart 1. **Definitions.** For purposes of this part, the following terms have the meaning given them unless another intention clearly appears:

D. "Minnesota-sire" means a stallion owned at least 50 percent by residents of Minnesota or leased entirely by Minnesota residents, and which has stood the entire breeding season, from ~~February 15~~ January 31 through July 31, in Minnesota.

7895.0350 QUARTER HORSE REGISTRATION.

Subpart 1. **Broodmare registration.** To be eligible to receive any breeders' award payments, the following requirements must be met:

A. Prior to foaling, a broodmare must be in Minnesota and registered or the registration renewed with the racing commission or official registering agency on or before ~~February 15~~ January 31 of the year in which the broodmare will foal. The broodmare's original American Quarter Horse Association (AQHA) certificate must be received by the racing commission or official registering agency. The broodmare must be in foal to a Minnesota registered stallion which means a stallion owned at least 50 percent by residents of Minnesota or leased entirely by Minnesota residents, and which has stood the entire breeding season from ~~February 15~~ January 31 to July 31 in Minnesota.

B. In the event an unregistered broodmare should foal in Minnesota before ~~February 15~~ January 31, the owner or lessee must submit a sworn affidavit to the racing commission or the official registering agency attesting that the foal was born in Minnesota. The affidavit will be considered evidence that the foal is a Minnesota-bred or Minnesota-foaled horse and the owner of the broodmare or his or her agent must register the broodmare in accordance with item A. The attending veterinarian, licensed by the state of Minnesota, must certify on information and belief that the information provided by the owner, lessee, or agent is true and correct.

C. Late fees for late broodmare registration will be imposed as follows:

(1) A late fee of \$50 will be imposed for broodmare registrations received February ~~16~~ 1 to March ~~16~~ 1 (excluding Saturday and Sunday) of the foaling year.

(2) A late fee of \$100 will be imposed for broodmare registrations received March ~~17~~ 2 to May ~~15~~ 1 (excluding Saturday and Sunday) of the foaling year.

D. Failure to submit broodmare registration forms on or before May ~~15~~ 1 of the foaling year (excluding Saturday and Sunday)

will disqualify any subsequent claims for breeders' award payments or for the foal to be registered as a Minnesota-bred or Minnesota-foaled horse.

E. The commission may, at its discretion, request written documentation from any persons seeking late registration that the broodmare was standing in Minnesota as of ~~February 15~~ January 31 of the foaling year.

Subp. 2. **Stallion registration.** To be eligible to receive any stallion award payments, the following requirements must be met:

A. Stallions must be in Minnesota and registered or the initial registration renewed with the racing commission or official registering agency by ~~February 15~~ January 31 of the current breeding year. The stallion's original American Quarter Horse Association (AQHA) certificate must be received by the racing commission or official registering agency. If the stallion is leased, a copy of the lease must accompany the registration application. The lease must include a statement that the lessee is authorized to sign the breeding certificate.

B. Stallions must remain in Minnesota for the entire breeding season from ~~February 15~~ January 31 through July 31.

A newly acquired stallion which has not been in Minnesota for breeding purposes before ~~February 15~~ January 31 of the current breeding season may be eligible for stallion awards if the stallion has been properly registered with the commission prior to servicing any mare and the stallion has not serviced any mare after December 31 of the preceding year.

C. Late fees for late stallion registration will be imposed as follows:

(1) A late fee of \$50 will be imposed for stallion registrations received ~~February 16~~ 1 to ~~March 16~~ 1 (excluding Saturday and Sunday) of the breeding year.

(2) A late fee of \$100 will be imposed for stallion registrations received ~~March 17~~ 2 to ~~May 15~~ 1 (excluding Saturday and Sunday) of the breeding year.

D. Failure to submit stallion registration forms on or before ~~May 15~~ 1 of the breeding year (excluding Saturday and Sunday) will disqualify any subsequent claims for stallion award payments.

E. The commission may, at its discretion, request written documentation from any persons seeking late registration that the stallion was standing in Minnesota as of ~~February 15~~ January 31 of the breeding year.

Subp. 3. **Foal registration and certification.** For a horse foaled in Minnesota to be registered and subsequently certified as a Minnesota-bred or Minnesota-foaled horse, the following requirements must be met:

A. Within ~~45~~ 30 days of the date a horse is foaled in Minnesota, the foal must be registered with the racing commission or official registering agency. The registration must include the following information: the date, the name of the owner or lessee of the dam at time of conception, the date that the foal was born, an owner's or lessee's statement that the foal was born in Minnesota, and the signature and veterinary license number of the attending veterinarian. Failure to submit the veterinarian's report will disqualify any subsequent claim to register the foal as a Minnesota-bred or Minnesota-foaled horse.

C. Failure to submit foal registration forms on or before ~~135~~ 120 days of the date of foaling will disqualify any subsequent claims to enter the horse in a restricted race or to earn any breeders' fund payments.

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

Official Notices

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

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

Office of Administrative Hearings

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Rulemaking Proceedings, Contested Case Proceedings, Revenue Recapture Act Proceedings, and Power Plant/Power Line Proceedings

NOTICE IS HEREBY GIVEN that the Office of Administrative Hearings is seeking information or opinions from outside sources in preparing to propose amendments to its rules. The Office is authorized to adopt and amend rules by *Minnesota Statutes* §§ 3.764, 14.51 and 116C.66 (1988). The most important of these is section 14.51, which directs the Chief Administrative Law Judge to adopt rules to govern the procedural conduct of all hearings, including rulemaking and contested case hearings.

The amendments are intended to be primarily housekeeping in nature, but a few substantive changes will be proposed. They affect all of the rules governing hearings under the Administrative Procedure Act except for Workers' Compensation hearings.

A preliminary draft of the amendments currently proposed by the Office is available by calling Louise Cooper at 349-2682. This is not a final draft, and changes are likely in response to suggestions and comments. The Office hopes to keep these amendments noncontroversial, and does not expect to propose significant changes to the rules so as to generate substantial controversy.

The Office solicits information and opinions concerning these or similar amendments. Interested persons or groups may submit data or views in writing. Comments should be addressed to:

William G. Brown
Chief Administrative Law Judge
Office of Administrative Hearings
Fifth Floor Flour Exchange Building
310 Fourth Avenue South
Minneapolis, Minnesota 55415

Comments will be accepted until March 30, 1990. All written material received by the Office will become part of the rulemaking record, to be submitted to the Attorney General or Administrative Law Judge in the event that any of the amendments are adopted.

Dated: 1 February 1990

William G. Brown
Chief Administrative Law Judge

Board of Chiropractic Examiners

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Relating to Chiropractic License Fees

NOTICE IS HEREBY GIVEN that the Minnesota Board of Chiropractic Examiners is seeking information or opinions from sources outside the Board in preparing to propose the adoption of the rules relating to the amendment of Chiropractic License Fees. The adoption of the rules is authorized by *Minnesota Statutes* 148.08 Subdivision 3, which permits the Board to amend Chiropractic License Fees.

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

Executive Director
2700 University Avenue West—Suite 20
St. Paul, MN 55114-1089

Oral statements will be received during regular business hours over the telephone at (612) 642-0591 and in person at the above address.

All statements of information and opinions shall be accepted until March 15, 1990. Any written material received by the Minnesota Board of Chiropractic Examiners shall become part of the rulemaking record to be submitted to the Attorney General or Administrative Law Judge in the event that a rule is adopted.

Dated: 30 January 1990

Executive Director
MN Board of Chiropractic Examiners

Health Care Access Commission

Notice of Meeting of Health Care Access Commission

The next meeting of the Minnesota Health Care Access Commission will be Thursday, February 22, 1990 from 1:00 to 4:00 p.m. at the Centennial Office Building, Room 301. Please call the Health Care Access Commission office, 297-5980, for further information.

Department of Health

Notice of Completed Application and Notice of and Order for Hearing in the Matter of the License Application from Freeborn Fire Department, Freeborn, Minnesota

PLEASE TAKE NOTICE that the Commissioner of Health (hereinafter "Commissioner") has received a completed application from Freeborn Fire Department, Freeborn, Minnesota for an expansion of Primary Service Area.

IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes* §§ 14.57 to 14.69 and 144.802 a public hearing will be held on March 19th, 1990 at Freeborn American Legion, 5th Street, Freeborn, Minnesota, commencing at 7 p.m. If you have an interest in this matter you are hereby urged to attend the public hearing. Failure to do so may prejudice your rights in this and any subsequent proceedings in this matter.

1. The purpose of the hearing is to determine whether the application from this ambulance service should be granted based upon the criteria set out at *Minnesota Statutes* § 144.802, subd. 3(g).

2. This proceeding has been initiated pursuant to and will be controlled in all aspects by *Minnesota Statutes* §§ 144.801 to 144.8093, *Minnesota Statutes* §§ 14.57 to 14.69, and Rules for Contested Cases of the Office of Administrative Hearings, *Minnesota Rules* 1400.5100-1400.8402. Copies of the rules and statutes may be obtained for a fee from the Department of Administration, Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, telephone: (612) 297-3000.

3. Steve M. Mihalchick, Office of Administrative Hearings, 500 Flour Exchange, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone: (612) 349-2544, will preside as administrative law judge at the hearing, and will make a written recommendation on this application. After the hearing, the record and the administrative law judge's recommendation will be forwarded to the Commissioner to make the final determination in the matter.

4. Any person wishing to intervene as a party must submit a petition to do so under *Minnesota Rules* pt. 1400.6200 on or before March 5th, 1990. This petition must be submitted to the administrative law judge and shall be served upon all existing parties and the Commissioner. The petition must show how the contested case affects the petitioner's legal rights, duties or privileges and shall state the grounds and purposes for which intervention is sought and indicate petitioner's statutory right to intervene if one exists.

5. In addition to or in place of participating at the hearing any person may also submit written recommendations for the disposition of the application. These recommendations must be mailed to the administrative law judge on or before March 9th, 1990.

6. Any subpoena needed to compel the attendance of witnesses or the production of documents may be obtained pursuant to *Minnesota Rules* pt. 1400.7000.

7. At the hearing the applicant will present its evidence showing that a license should be granted and that all persons will be given an opportunity to cross-examine witnesses, to be heard orally, to present witnesses, and to submit written data or statements. All persons are encouraged to participate in the hearing and are requested to bring to the hearing all documents, records, and witnesses needed to support their position. It is not necessary to intervene as a party in order to participate in the hearing.

8. Please be advised that if non public data is admitted into evidence, it may become public data unless an objection is made and relief is requested under *Minnesota Statutes* § 14.60, subd. 2.

9. You are hereby informed that you may choose to be represented by an attorney in these proceedings, may represent yourself, or be represented by a person of your choice if not otherwise prohibited as the unauthorized practice of law.

10. A Notice of Appearance must be filed with the administrative law judge identified above within 20 days following receipt of the Notice by any person intending to appear at the hearing as a party.

11. In accordance with the provisions of *Minnesota Statutes* § 14.61, the final decision of the Commissioner in this proceeding will not be made until the Report of the Administrative Law Judge has been made available to the parties in this proceeding for at least 10 days. Any party adversely affected by the Report of the Administrative Law Judge has the right to file exceptions and present arguments to the Commissioner. Any exceptions or arguments must be submitted in writing and filed with the Commissioner of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440, within 10 days of the receipt of the Administrative Law Judge's Report.

Department of Health

Division of Environmental Health

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing the Ionization of Radiation

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health is seeking information or opinions from sources outside the department in preparing to propose the adoption of new rules and revision of existing rules governing the ionization of radiation. Rule subjects under consideration are contained in *Minnesota Rules*, chapter 4730 and include diagnostic and therapeutic radiation x-ray standards, industrial and educational x-ray standards, x-ray fees, and natural accelerator-produced radioactive materials (NARMS). The adoption of rules in this area is authorized by *Minnesota Statutes*, section 144.12, subdivision 1, paragraph (15), and sections 144.121 and 144.122 which permit the department to adopt reasonable rules, pursuant to chapter 14, which govern the sources of radiation, the handling, storage, transportation, use and disposal of radioactive isotopes and fissionable materials, establish fees for the registration of x-ray machines and radium, inspect sources of ionizing radiation, and issue original and renewal permits, licenses, registrations and certifications.

The Minnesota Department of Health requests information and opinions on the subject matter of the rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to William Breitenstein, Minnesota Department of Health, Division of Environmental Health, 717 S.E. Delaware Street, P.O. Box 59040, Minneapolis, Minnesota 55459-0040. Oral statement will be received during regular business hours over the telephone at (612) 623-5346 and in person at the above address.

All statements of information and opinions will be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the Minnesota Department of Health shall become part of the rulemaking record to be submitted to the Office of the Attorney General or the Office of Administrative Hearings in the event that rules are adopted.

Raymond W. Thron, Ph.D., P.E., Director
Division of Environmental Health

Department of Labor and Industry

Workers' Compensation Division

Amended Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Permanent Partial Disability

NOTICE IS HEREBY GIVEN that the State Department of Labor and Industry is seeking information or opinions from sources outside the agency in preparing to propose amendments to the rules governing permanent partial disability contained in *Minnesota Rules* Chapter 5223. The adoption of the rule is authorized by *Minnesota Statutes*, section 176.105, subdivision 4 which requires the agency to adopt rules assigning specific percentages of disability of the whole body for specific permanent partial disabilities.

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

Gloria Gebhard
Department of Labor and Industry
443 Lafayette Road
St. Paul, Minnesota 55155

This notice amends the notice previously published in the October 23, 1989 issue of the *State Register* to now indicate that all statements of information and opinions shall be accepted until the rules are formally proposed for adoption. Any written material received by the State Department of Labor and Industry shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 29 January 1990

Kenneth B. Peterson
Commissioner

Bureau of Mediation Services

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Assessment of Fair Share Fees

It has come to the attention of the Bureau of Mediation Services that in a limited number of public sector jurisdictions the annual value of fair share fees permitted under *Minnesota Statutes* section 179A.06, subdivision 3, is being assessed during a single payroll period. It is suggested that regular members of the exclusive representative in these same jurisdictions, however, are permitted to pay annual membership dues through pro rata payroll deductions spread over a full payroll year.

NOTICE IS HEREBY GIVEN that the Bureau of Mediation Services is seeking information or opinions from sources outside of the agency regarding the preparation and adoption of a rule restricting the assessment of fair share fees to a pro rata share of annual fees spread over the annual period of employment which follows service of the notice of fair share fee assessment. The adoption of the rule is authorized by *Minnesota Statutes* section 179A.04, which directs the agency to hear and decide all issues in a fair share fee challenge and to adopt rules regulating the conduct of hearings. The adoption of this rule would have no effect upon small businesses as defined by *Minnesota Statutes* section 14.115, subdivision 1.

The Bureau of Mediation Services requests information and opinions regarding the potential impact of such a rule upon persons affected by the provision of *Minnesota Statutes* section 179A.06, subdivision 3. Interested persons or groups may submit data or views on this matter in writing or orally. Written statements should be addressed to:

Paul W. Goldberg, Commissioner
Minnesota Bureau of Mediation Services
1380 Energy Lane, Suite 2
St. Paul, Minnesota 55108-5253

Oral statements will be received during regular business hours in person at the above address or over the telephone at (612) 649-5421.

Information and opinions will be accepted until the close of business March 30, 1990. Any written material received by the Bureau of Mediation Services shall become part of the rulemaking record to be submitted in the event a rule is adopted.

Dated: 12 February 1990

Paul W. Goldberg
Commissioner

Minnesota Comprehensive Health Association

Notice of Meeting of Association's Legislative Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association Legislative Committee will be held on February 20, 1990 at 7:30 a.m., at Blue Cross and Blue Shield of Minnesota, 3535 Blue Cross Road, Eagan, in Conference Room B.

For additional information, please call Lois Wattman at (612) 456-8070.

Department of Public Safety

Bureau of Criminal Apprehension

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing the Collection of Evidence in Cases of Alleged or Suspected Criminal Sexual Conduct

NOTICE IS HEREBY GIVEN that the State Department of Public Safety is seeking information or opinions from sources outside the agency in preparing to propose the adoption of the rule governing the collection of evidence in cases of alleged or suspected criminal sexual conduct. The adoption of the rule is directed by *Minnesota Statutes*, section 299C.155, which requires the agency to adopt rules to prescribe procedures and protocols for the collection and preservation of human biological specimens for DNA analysis.

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

Official Notices

Forensic Lab Director
Bureau of Criminal Apprehension
1246 University Avenue
St. Paul, MN 55104

Any written material received by the State Department of Public Safety shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Paul J. Tschida, Commissioner
Department of Public Safety

Office of the Secretary of State

Notice of Vacancies in Multi-Member Agencies

NOTICE IS HEREBY GIVEN to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, St. Paul, MN 55155-1299; (612) 297-5845, or in person at Room 174 of the State Office Building. More specific information about these vacancies may be obtained from the agencies listed below. The application deadline is March 6, 1990.

MN COUNCIL FOR THE HEARING IMPAIRED

Deaf Services, Dept. of Human Services, 444 Lafayette Rd., St. Paul 55155-3814. 612-297-1872
Minnesota Statutes 256C.28

APPOINTING AUTHORITY: Commissioner of Human Services. COMPENSATION: \$35 per diem.

VACANCY: Three members: one must be a member of the Northeast (Duluth) Regional Service Center for the Hearing Impaired Advisory Committee; one must be a member of the Southeast (Rochester) Regional Service Center for the Hearing Impaired Advisory Committee; one is an at-large position.

The council advises the commissioner and governor regarding policies, programs, services affecting hearing impaired citizens; creates public awareness of needs and potential of hearing impaired people. The council includes fifteen members, seven of whom are appointed at-large, plus one member from each advisory committee under section 256C.24, subd. 3. At least fifty percent of the members must be hearing impaired. Terms are for two years. Members who are full time state employees or full time employees of political subdivisions of the state will not receive the per diem.

MN HISPANIC QUINCENTENNIAL COMMISSION

Spanish Speaking Affairs Council, 506 Rice St., St. Paul 55103. 612-296-9587
Laws of 1988 Chapter 442

APPOINTING AUTHORITY: Governor. COMPENSATION: None.

VACANCY: Two members: knowledgeable in Hispanic history and culture.

The commission promotes greater awareness of the meaning of 500 years of Hispanic presence in the United States and shall design appropriate quinquennial projects. Seven members, 3 members knowledgeable in Hispanic history and culture appointed by the governor; director of State Historical Society or director's designee; 1 member appointed by Council on Affairs of Spanish-speaking People; 1 member of the Hispanic chamber of commerce appointed by the chamber; 1 member of the Minnesota Migrant Council appointed by the council. The commission shall meet at least quarterly. Initial appointments were not made through the open appointments process.

GOVERNOR'S COUNCIL ON THE MARTIN LUTHER KING JR. HOLIDAY

% Bill Wilson, 719 City Hall, St. Paul 55102. 612-298-4646
Executive Order 86-11

APPOINTING AUTHORITY: Governor. COMPENSATION: None.

VACANCY: Three members.

The council helps plan and coordinate observances of Dr. King's birthday at the state and local level. The council consists of fifteen members.

GOVERNOR'S RESIDENCE COUNCIL

432 Summit Ave., St. Paul 55102. 612-296-2961
Minnesota Statutes 16B.17

APPOINTING AUTHORITY: Governor. COMPENSATION: None.

VACANCY: One member: must be a member of the American Institute of Architects.

The council develops an overall restoration plan for the governor's residence and surrounding grounds, solicits contributions to maintain and improve the public areas of the building. Fifteen members include seven appointed by the governor (one in the field of higher education), one member each from the American Institute of Architects, the American Society of Interior Designers, and the American Society of Landscape Architects; a member, if available, of the family which donated the building, four public members, a member of the senate, a member of the house, the governor's spouse or designee, the executive director of the Arts Board and director of the State Historical Society.

BOARD OF ACCOUNTANCY

133 E. 7th St., 3rd Floor, St. Paul 55101. 612-296-7937
Minnesota Statutes 326.17

APPOINTING AUTHORITY: Governor. COMPENSATION: \$35 per diem.

VACANCY: One public member: A public member means a person who is not or never was, a member of the profession or occupation being licensed or regulated or the spouse of any such person, or a person who does not have or has never had a material financial interest in either the providing of the professional service being licensed or regulated or an activity directly related to the profession or occupation being licensed or regulated. (*Minnesota Statutes 214.02*)

The board examines, licenses and regulates certified public accountants and public accountants. Seven to nine members include two public members, five licensed certified public accountants, and zero-two licensed public accountants, based on the number licensed in the state. Six to eight meetings a year plus emergency meetings as necessary. Members must file with the Ethical Practices Board.

ADVISORY COUNCIL ON WORKERS' COMPENSATION

Dept. of Labor and Industry, 443 Lafayette Rd., St. Paul 55155. 612-296-6889
Minnesota Statutes 175.007

APPOINTING AUTHORITY: Commissioner of Labor and Industry. COMPENSATION: \$48 per diem plus expenses.

VACANCY: One public member.

The council studies workers compensation law and its administration and recommends changes where appropriate. Members include five representatives of employers, five representatives of employees, five non-voting public members and two recipients of workers' compensation benefits under Chapter 176 and the chairs of the Rehabilitation Review Panel and the Medical Services Review Board. Monthly meetings. The council is not subject to Section 15.059, subdivision 5.

MN ZOOLOGICAL BOARD

13000 Zoo Boulevard, Apple Valley 55124. 612-431-9200
Minnesota Statutes 85A.01

APPOINTING AUTHORITY: Governor; Zoo board; Dakota county board. COMPENSATION: Per diem.

VACANCY: One public member.

The board operates and maintains the Minnesota Zoological Garden. Thirty members must have a background or interest in zoological societies or zoo management or an ability to generate community interest in the Minnesota Zoological Garden. Fifteen members are appointed by the governor, one of whom must be a Dakota county resident appointed after consideration of a list supplied by the Dakota county board; and fifteen are appointed by the MN Zoological Board. To the extent possible, members will be appointed who are residents of the various geographical regions of the state. Members should have the ability to raise significant funds from the private sector. Monthly meetings at the Minnesota Zoological Garden.

BOARD OF ARCHITECTURE, ENGINEERING LAND SURVEYING & LANDSCAPE ARCHITECTURE

402 Metro Square Bldg., St. Paul 55101. 612-296-2388
Minnesota Statutes 326.04

APPOINTING AUTHORITY: Governor. COMPENSATION: \$35 per diem plus expenses.

VACANCY: One public member.

The board licenses and regulates architects, engineers, land surveyors and landscape architects. Seventeen members include three licensed architects, five licensed engineers, one licensed landscape architect, two licensed land surveyors and six public members. Not more than one member may be from the same branch of the engineering profession. Each professional member must have ten years experience in their profession and have been in responsible charge of work for at least five years. Meetings four times a year. Members must file with the Ethical Practices Board.

SMALL BUSINESS PROCUREMENT ADVISORY COUNCIL

112 Administration Bldg., St. Paul 55155. 612-297-4412
Minnesota Statutes 16B.20

Official Notices

APPOINTING AUTHORITY: Commissioner of Administration. COMPENSATION: \$35 per diem.

VACANCY: One member.

The council advises on the small business procurement program, reviews complaints from vendors, and reviews compliance reports. Thirteen members.

MEDICAL SERVICES REVIEW BOARD

Dept. of Labor and Industry, Office of Public Affairs, 443 Lafayette Rd., St. Paul 55101. 612-296-8946

Minnesota Statutes 176.103

APPOINTING AUTHORITY: Commissioner of Labor and Industry. COMPENSATION: \$35 per diem plus expenses.

VACANCY: One member: two medical practitioners—alternates.

The board advises on medical matters relating to workers compensation and hears appeals under Chapter 14. Members include two chiropractic members, one hospital administration member, six physician members, one employee member, one employer member, and one public member plus eight alternates. The commissioner or his designee serves as an ex-officio member. Members must file with the Ethical Practices Board.

HAZARDOUS WASTE MANAGEMENT PLANNING COUNCIL

1350 Energy Lane, St. Paul 55108. 612-649-5750

Minnesota Statutes 115A.12

APPOINTING AUTHORITY: Office of Waste Management. COMPENSATION: Reimbursed for expenses.

VACANCY: One member: local government representative.

The council makes recommendations to the Office of Waste Management on industrial waste management planning, waste management facility development, and industrial waste reduction issues and programs. The council may have up to eighteen members and includes public members, representatives of local government units, hazardous waste generators and private hazardous waste management firms. Meetings once a month.

STATE ADVISORY COUNCIL ON MENTAL HEALTH

444 Lafayette Rd., St. Paul 55155-3828. 612-297-4164

Minnesota Statutes 245.697

APPOINTING AUTHORITY: Governor. COMPENSATION: \$35 per diem. Reimbursed for expenses.

VACANCY: Three members: One must be a person of a minority race or culture in Minnesota (preference will be given to consumers of mental health services and their family members, as well as to persons from outside the metropolitan area); one must be a program representative or medical director of a regional treatment center with a mental health program; one must be a parent or family member of an adult with mental illness or a child with emotional disturbances (minorities encouraged to apply).

The council advises the governor, the legislature, and state agency heads about policy, programs, and services affecting people with mental illness. Thirty members include commissioner designees from the Departments of Education, Corrections, Vocational Rehabilitation, and the Housing Finance Agency, one representative in the state agency responsible for the state's Title XIX program, one member from each of the four core mental health professional disciplines (psychiatry, psychology, social work, nursing); one representative from each of the following advocacy groups: Mental Health Association of MN, MN Alliance for the Mentally Ill, MN Mental Health Law Projects; providers of mental health services, consumers of mental health services, family members of persons with mental illnesses, legislators, social service agency directors, county commissioners, and other members reflecting a broad range of community interest.

ELEMENTARY-SECONDARY-VOCATIONAL (ESV) COMPUTER COUNCIL

Board of Education, Capitol Square Bldg., 550 Cedar St., St. Paul 55101. 612-297-3752

Minnesota Statutes 121.934 as amended by *Laws of 1989*

APPOINTING AUTHORITY: Governor. COMPENSATION: None.

VACANCY: One member: private management representative from the Eighth Congressional District.

The council advises and assists the Board of Education in the development of plans and standards for ESV-IS (elementary, secondary, and vocational education) and SDE-IS (State Department of Education) information systems. Fourteen members to include one administrator from a rural school district, one administrator from an urban school district, one school board member from an urban district, one school board member from a rural district, one teacher from a rural school district, one teacher from a urban school district; three private sector managers of whom at least two are data processing managers; three public sector managers of whom at least two are data processing managers; one person representing post-secondary vocational technical education; and one person from the Department of Education. Public and private sector managers shall not be employees or board members of school districts or the Department of Education. The Council should include at least one resident of each congressional district.

RURAL DEVELOPMENT BOARD

Dept. of Trade and Economic Development, American Center Bldg., 150 E. Kellogg Blvd., St. Paul 55101. 612-296-5005
Minnesota Statutes 116N.02

APPOINTING AUTHORITY: Governor. COMPENSATION: Reimbursed for expenses.

VACANCY: One member: farm organization representative, west central region.

The board is responsible for investigating, evaluating, and implementing new methods of rural development, including a Challenge Grant Program to assist rural businesses, and a Rural Investment Guide to offer recommendations for the legislature and state agencies. Fifteen members include six public members, one from each region established by the board (to consist of two local elected officials, two members of farm organizations, one business representative, one labor representative), and nine ex-officio members. Members must file with the Ethical Practices Board.

MN CRIME VICTIM AND WITNESS ADVISORY COUNCIL

Dept. of Public Safety, 211 Transportation Bldg., St. Paul 55155. 612-296-6642
Minnesota Statutes 611A.70

APPOINTING AUTHORITY: Commissioner of Public Safety. COMPENSATION: None.

VACANCY: Two members: one county attorney, one public defender.

The council reviews on a regular basis the treatment of victims by the criminal justice system and the need and availability of services to crime victims. Twelve members include two members of the Minnesota legislature who have demonstrated expertise and interest in crime victim issues, one from each house; one district court judge; one county attorney; one public defender; one peace officer; one medical or osteopathic physician licensed to practice in this state; five members who are crime victims or crime victims assistance representatives; three public members. The appointments should take into account sex, race and geographic distribution.

PIPELINE SAFETY ADVISORY COUNCIL

Dept. of Public Safety, 211 Transportation Bldg., St. Paul 55155. 612-296-6642
Minnesota Statutes 299J.06

APPOINTING AUTHORITY: Commissioner of Public Safety. COMPENSATION: \$35 per diem plus expenses.

VACANCY: One member: representative of the hazardous liquid pipeline industry.

The council advises the commissioner, director and other appropriate federal, state, and local government agencies and officials on matters relating to pipeline safety and operation. Nine members include one member from the hazardous liquid pipeline industry, one member from the gas pipeline industry, one member from personnel who design or construct pipelines, three members who are state or local government employees, and three members who are state residents unaffiliated with state or local government or the pipeline or utility industries.

ENVIRONMENTAL TRUST FUND CITIZENS' ADVISORY COMMITTEE

65 State Office Bldg., St. Paul 55155. 612-296-0059
Minnesota Statutes 116P.06

APPOINTING AUTHORITY: Governor, with advice and consent of senate. COMPENSATION: \$48 per diem plus expenses.

VACANCY: One citizen member to be appointed by the governor.

The committee advises the Legislative Commission on Minnesota Resources on planning for expenditures from the Environment and Natural Resources Trust Fund. Fourteen citizen members, including twelve members appointed by the governor (at least one from each congressional district) and one member appointed by the speaker of the house and one member appointed by the senate majority leader. Initial appointments were not made under the Open Appointments process. Meetings held as needed.

AMERICAN INDIAN ADVISORY COUNCIL ON CHEMICAL DEPENDENCY

444 Lafayette Rd., St. Paul 55155-3823. 612-296-8941
Minnesota Statutes 254A.035

APPOINTING AUTHORITY: Commissioner of Human Services. COMPENSATION: \$35 per diem plus expenses.

VACANCY: One member: representative of the St. Paul American Indian community.

The council establishes policies and procedures for American Indian chemical dependency programs, and reviews and recommends proposals for funding. Members include one member from each of eleven reservations, two members from Mpls., two members from St. Paul, one member from Duluth, and one member from International Falls. Quarterly meetings.

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: Van Body 2½ Ton Truck
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: February 16
Agency: Minnesota State Lottery
Deliver to: Roseville
Requisition #: 09400 00051

Commodity: 80286 Computers
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: February 14
Agency: Health Department
Deliver to: Minneapolis
Requisition #: 12200 45349

Commodity: Ford 1990 E150 SWB Van
Contact: Brenda Thielen 296-9075
Bid due date at 2pm: February 16
Agency: Jobs & Training Department
Deliver to: Minneapolis
Requisition #: 21607 98668

Commodity: Geopak Software
Contact: Joan Breisler 296-9071
Bid due date at 2pm: February 20
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79000 05012

Commodity: Computer Software for
Community College Student Financial
Aid System
Contact: Don Olson 296-3771
Bid due date at 2pm: February 20
Agency: Community College System
Deliver to: Various
Requisition #: Price Contract

Commodity: Sign Posts
Contact: DRT Douglas Thompson 296-3775
Bid due date at 2pm: February 22
Agency: Transportation Department
Deliver to: Various
Requisition #: 79700 03516

Commodity: Expert Systems
Development
Contact: Don Olson 296-3771
Bid due date at 2pm: February 27
Agency: Jobs & Training Department
Deliver to: Various
Requisition #: Price Contract

Commodity: Rev. snow plow and mount
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: February 20
Agency: Transportation Department
Deliver to: Various
Requisition #: 79382 02897

Commodity: Personal computers
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: February 20
Agency: Community College
Deliver to: Rochester
Requisition #: 27148 60213

Commodity: IBM PS/2-80's no
substitute
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: February 20
Agency: Community College
Deliver to: Minneapolis
Requisition #: 27153 21242

Commodity: NEC Prospeed 386
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: February 16
Agency: Administration Department—
InterTech
Deliver to: St. Paul
Requisition #: 02410 02198

Commodity: 25 ton low boy trailer
Contact: Mary Jo Bruski 296-3772
Bid due date 4:30pm: February 19
Agency: Natural Resources Department
Deliver to: Grand Rapids
Requisition #: 29002 19300

Commodity: Emergency glass
replacement
Contact: Joyce Dehn 297-3830
Bid due date at 2pm: February 26
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Department of Administration: Print Communications Division

Printing vendors for the following printing contracts must review contract specifications in printing buyers office at 117 University Avenue, Room 134-B, St. Paul, MN.

Commodity: Star Program Vinyl Binder and Tabs, 250, 2" ring size, camera ready

Contact: Printing Buyer's Office

Bids are due: February 15

Agency: State Planning Agency

Deliver to: St. Paul

Requisition #: 4943

Commodity: FIRE center address labels, 20M, 2 7/8" x 3 3/8", computer-tractor feed, type to set, perf., and adhesive backed

Contact: Printing Buyer's Office

Bids are due: February 16

Agency: Vocational Technical Education Board

Deliver to: St. Paul

Requisition #: 4983

Commodity: Cash voucher, 50 pads of 25, 4-part sets, 7" x 8 1/2", preprinted numbering, camera ready, 1-sided

Contact: Printing Buyer's Office

Bids are due: February 15

Agency: Transportation Department

Deliver to: St. Paul

Requisition #: 4968

Guides for Small Businesses

These helpful guides are designed to achieve a practical balance between basic theory and day-to-day business practices. Continuing self-education is important for small business owners in an ever changing business world, and these do just that in "shirt sleeves" fashion and in language the small company can use to translate ideas into decisions and actions.

Starting and Managing a Small Business of Your Own. Stock #16-40. \$4.75 + tax.

Guides for Profit Planning. Stock #16-41. \$4.50 + tax.

A Handbook of Small Business Finance. Stock #16-42. \$2.00 + tax.

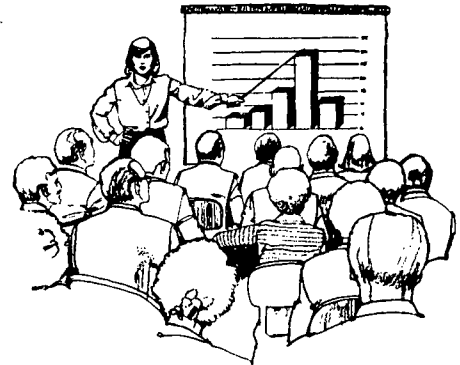
Starting and Managing a Small Service Business. Stock #16-48. \$2.00 + tax.

U.S. Government Purchasing and Sales Directory. Lists products and services bought by the military departments and civilian agencies. 191 pages. Stock #16-35. \$5.50 + tax.

For Women: Managing Your Own Business. 230 pages. Stock #16-14. \$6.50 + tax.

Managing for Profits. Stock #16-68. \$5.50 + tax.

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



Publication editors: As a public service, please reprint this ad in your publication, either as is, reduced, or redesigned to suit your format.

River Stories That Warm Your Heart

A Stretch on the River. 1950 novel about the son of a wealthy family who goes to work on a Mississippi River towboat to avoid being drafted. With power, gusto and humor, author Richard Bissel creates an energetic, rowdy, and delightful account of a typical trip up the river, accurately re-creating a colorful era of towboating on America's major waterway. Stock #17-6. \$8.95 plus tax.

High Water. During the worst flood on the Mississippi River anyone can remember, the mate of a towboat has his hands full on a perilous trip, working with an unhappy crew, an angry captain, and too many barges to push against too much river. A 1954 Richard Bissel novel reveals the drama, humor and charm of working on the river. Stock #17-8. \$8.95 plus tax.

Old Times on the Mississippi River. George Merrick's lively, loving, and humorous reminiscences of his steamboat life from the bottom up, as a pantry boy, apprentice engineer, second clerk, and "cub" pilot. First published in 1909, he describes steamboat operations—from machinery and personnel to the economics of the business—with vivid examples and rich detail. 323 pp. includes appendices and index. Stock #17-45. \$8.95 plus tax.

Canoeing with the Cree. Minnesota's distinguished newsman, Eric Sevareid, wrote his first book in 1935 about a canoe journey he and a classmate made to Hudson Bay. The classic recounts their trip on the Mississippi, Minnesota and Red River of the North Rivers into Lake Winnipeg, and then God's River to Hudson Bay. 209 pp. includes index, maps and photos. Stock #17-14. \$6.95 plus tax.

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



Publication editors: As a public service, please reprint this ad in your publication, either as is, reduced, or redesigned to suit your format.

Professional, Technical & Consulting Contracts

Department of Commerce

Notice of Request for Proposals for Administrator for the Medical Malpractice Joint Underwriting Association

The Department of Commerce is requesting proposals from insurers and vendors of risk management services to act as Administrator for the Medical Malpractice Joint Underwriting Association (MMJUA).

The Third Party Administrator will provide professional liability insurance services, including underwriting and issuing insurance policies, adjusting claims, accounting and billing.

Please submit proposals by March 16, 1990.

For a copy of the full Request for Proposal or other information contact:

Susan Bergh
Department of Commerce
133 East Seventh Street
St. Paul, MN 55101
612/297-4815 Fax 612-296-4328

Department of Commerce

Notice of Request for Proposals for Counsel for the Medical Malpractice Joint Underwriting Association

The Department of Commerce is requesting proposals from qualified law firms to provide counsel to the Medical Malpractice Joint Underwriting Association (MMJUA). Proposals should include:

- 1) Evidence of competency in the areas of corporations law and medical malpractice including backgrounds, training and experience of specific lawyers within the firm.
- 2) A fee schedule including hourly rates for specific lawyers as well as legal assistants and clerical staff.

Please submit proposals by March 16, 1990 to:

Susan Bergh
Department of Commerce
133 East Seventh Street
St. Paul, Minnesota 55101
612/297-4815 Fax 612-296-4328

State Designer Selection Board

Request for Proposal for a Project at Winona State University

To Registered Professional in Minnesota:

The State Designer Selection Board has been requested to select a designer for a project at Winona State University. Design firms who wish to be considered for this project should submit proposals on or before 4:00 p.m., March 6, 1990, to George Iwan, Executive Secretary, State Designer Selection Board, Room G-10, Administration Building, St. Paul, Minnesota 55155-1495.

The proposal must conform to the following:

- 1) Six copies of the proposal will be required.
- 2) All data must be on 8½" x 11" sheets, soft bound.
- 3) The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number and the name of the contact person.

4) *Mandatory Proposal contents in sequence:*

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

Professional, Technical & Consulting Contracts

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

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

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

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

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

5) Statutory Proposal Requirements:

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

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

- a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
 - b) A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights; or
 - c) A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months; or
 - d) A statement certifying that the firm has an application pending for a certificate of compliance.
- 6) Design firms wishing to have their proposals returned after the Board's review must follow one of the following procedures:
- a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or
 - b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

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

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

7) PROJECT—02-90

New Residence Hall Construction/
Food Service Expansion and Remodeling
Winona State University, Winona, Minnesota

PROJECT BUDGET: \$4.75 million for preparation of the facility program: including review of university's program, schematic design, design development, construction documents, bidding, construction, furnishings, and equipment.

SCOPE OF PROJECT: Plan, construct, equip, and furnish a new residence hall; expand and remodel the existing food service facility.

PROJECT GROSS SQUARE FEE (GSF):

New Construction

Residence hall	46,000	
Main (west) dining room expansion (Approximately 200 seats)	<u>4,500</u>	
		50,600

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Remodeling

Existing dining room	7,000	
Adjacent activity rooms (Convert to approximately 110 seats)	2,000	
Serving area revisions	<u>4,100</u>	
Total New Construction and Remodeling		<u>13,000</u> 67,700 GSF

PROGRAM SUMMARY:

This facility shall include the following spaces:

<u>New Residence Hall</u>	<u>Number</u>	<u>Est. NASF</u>
Resident suites (Consisting of 5-6 residence rooms with study area, 1 common restroom/shower, 1 living room)	32	24,520
*Resident advisor rooms	4	800
Hall director apartment	1	500
Hall director office	1	135
*Kitchens	4	1,000
Central lobby	1	800
*Laundry room	4	1,000
*Study/lounge	4	1,200
Exercise/weight room	1	450
Inter-residence hall office	1	120
Vending machine room	1	270
Janitor/maintenance storeroom	1	180
Computer lab	1	250
Mail room	1	100
Storeroom	1	250
General maintenance room	1	170
*Janitor closets	4	<u>300</u>
TOTAL		32,045
<u>Food Service Addition/Remodeling</u>	<u>Seats</u>	<u>Est. NASF</u>
Expand west dining room	200	3,600
Remodel existing dining room	450	7,000
Remodel adjacent activity rooms to become part of west dining room	110	2,000
Remodel/reorganize serving area	N/A	<u>4,100</u>
TOTAL		16,700

*The number of these spaces will vary depending on the number of floors in the building.

Additional programming considerations are: 1) the new residence hall shall be fully air conditioned (by extending the existing campus chiller loop) and be physically connected to the existing student union building; and 2) a creative landscaping scheme will be required to provide a pleasant transition from the adjacent blacktop surface parking area to the residence hall interior living spaces.

SITE:

Both the food service addition and the new residence hall will be sited west of, and physically linked to, Krysko Commons Phase I; with the new residence hall located in an existing parking lot.

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PURPOSE OF THE PROJECT:

The new residence hall will create a living/learning environment which will provide the amenities and a quality of life that does not now exist on campus.

In addition, the residence hall portion of this project will begin to address an acute housing shortage for WSU students.

The food service addition will support the increased numbers of students on food service which will result from the new residence hall construction, and the 120 bed, privately owned housing unit which has been constructed across the street from the WSU food service building.

Currently there are 1,630 students on food service contract while the capacity of the dining room is only 410.

BUILDING CONSTRUCTION:

The new residence hall construction shall be reinforced concrete beams and columns, prestressed concrete floors or other masonry floor construction, and plaster/concrete masonry unit interior partitioning. The electrical and mechanical systems for the new residence hall shall be fed through a newly constructed extension (part of this project) of the existing utility tunnel system. Included in the mechanical system design shall be provision to accept the extension of the campus chiller loop (by university) to provide air conditioning throughout the building. The building shall blend with the surrounding buildings in terms of its exterior appearance, i.e. veneer brick and Winona stone trim. The design of the food service addition must look like the existing student union building.

Abatement of asbestos containing materials, not part of this project, will be done prior to construction. Abatement of PCB containing equipment, not part of this project, will be done prior to construction. Abatement of PCB containing equipment, not part of this project, will be done during construction.

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

Prior experience with the design and construction of large group facilities is desirable. Food service consultant will be required; must be approved by Minnesota State University System.

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

ARCHITECTURAL FEE: 6.5% of the Allocated Construction Cost.

UNIVERSITY CONTACT:

John Burros, Director of Facilities Management
Winona State University, Winona, Minnesota 55987
(507) 457-5052

STATE UNIVERSITY SYSTEM CONTACT:

David Hardin, Director of Facilities Management
Minnesota State University System
555 Park Street, Suite 230, St. Paul, Minnesota 55103
(612) 296-6624

Mark Anderson, Chairman
State Designer Selection Board

Minnesota Health Care Access Commission

Notice of Request for Proposal for Legal Counsel

The Minnesota Health Care Access Commission is requesting proposals from law firms to provide legal advice regarding the impact of ERISA (Employee Retirement Income Security Act) preemption and other federal laws on any programs the Commission may consider. The Health Care Access Commission has been charged by the legislature with developing a program that would state residents who neither have access to employer-sponsored health insurance nor qualify for Medical Assistance or other state-subsidized care access to health insurance.

Professional, Technical & Consulting Contracts

The contract will commence in March, 1990. Proposals are due no later than *Monday, February 26, 1990, at 4:00 p.m.*

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

Margaret Weber, research associate
Minnesota Health Care Access Commission
First Floor Centennial Building
658 Cedar Street
St. Paul, MN 55155
(612) 297-7297

Minnesota Health Care Access Commission

Notice of Availability of Requests for Proposal

The Minnesota Health Care Access Commission was created by the 1989 legislature to recommend a plan to provide access to health care for all state residents. The Commission is requesting proposals for three projects. A request for proposals (RFP) is available for each project from:

Minnesota Health Care Access Commission
First Floor Centennial Building
658 Cedar Street
St. Paul, MN 55155
(612) 297-5980

All proposals are due no later than February 26, 1990.

(1) **Legal analysis.** The first project is to provide legal advice and analysis concerning the potential impact of the Employee Retirement Income Security Act (ERISA) and other federal laws on any programs the Commission may consider. The Commission seeks proposals from firms with experience concerning possible ERISA preemption of state initiatives. The Commission contact person for this project is Margaret Weber.

(2) **Household survey.** The second project is to conduct a telephone survey of Minnesota households to provide a profile of the insurance status of all Minnesotans and other information relevant to the Commission's work. The Commission seeks proposals from survey organizations which specialize in public policy research and which have experience with public health issues. The Commission contact person for this project is Cynthia Orbovich.

(3) **Employer survey.** The third project is to conduct a telephone survey of Minnesota employers to provide a profile of employee health benefit programs in Minnesota and other information relevant to the Commission's work. The Commission seeks proposals from survey organizations which specialize in public policy research and which have experience with health benefits issues. The Commission contact person for this project is Cynthia Orbovich.

Department of Health

Notice of Availability of Contracts for Design and Production of a Puppet Education Program

Background Information:

The Minnesota Department of Health, in conjunction with the Department of Human Services, is seeking organizations interested in competing for a contract to develop, design, and produce a puppet education program. The program is a part of the Mental Health and Anti-Stigma Project, a campaign to increase public awareness and understanding of mental illness, reduce the stigma associated with mental illness, and improve community acceptance of persons with mental illness. The theme of the project is "Mental Illness Knocks on Every Door."

The program will educate groups of young people about mental illness and promote community acceptance of persons with mental illness. Specifically, the contractor will be responsible for the development, design, and production of

- 1) three sets of 2-3 puppets each,
- 2) 2-3 scripts, and
- 3) coordination of promotion, puppeteer training, and distribution of the puppets.

Professional, Technical & Consulting Contracts

Budget and Time Frame:

The total budget for this contract is not more than \$10,000. The estimated starting date is Monday March 19, 1990 with the contract work completed by Friday June 29, 1990.

Eligibility Criteria:

Applicants must demonstrate creative, organizational, and fiscal capability to complete the projects to be covered by this contract. Other desirable qualifications include experience in designing and producing "disabled puppets" for public awareness/acceptance purposes.

Minimum Expectations:

The selected contractor will be responsible for the completion of the following tasks: 1) Attendance at all planning meetings, 2) Preparation of a workplan, budget, and timeline for the completion of design and production tasks, 3) Development of design drafts for the puppets, scripts, and promotion/distribution processes, 4) Presentation and discussion of design drafts, 5) Revisions, following review and approvals, 6) Preparation of a pilot for the program, 7) Coordination with subcontractors, 8) Supervision of production to ensure that specifications are met, 9) Preparation of puppet education promotional materials, training, and distribution, 10) Attention to detail from concept to completion.

Procedure for Submitting Proposals:

To obtain a complete request for proposal, contact:

Susan Kripke Byers, Project Coordinator
Mental Health and Anti-Stigma Project
Minnesota Department of Health
717 Delaware St. SE
Minneapolis, MN 55440
612-623-5181

Proposals are due by *4:30 p.m., Friday March 2, 1990.*

Department of Health

Notice of Availability of Contracts for Research, Design, and Production of Mental Health Education Materials

Background Information:

The Minnesota Department of Health, in conjunction with the Department of Human Services, is seeking organizations interested in competing for a contract to research, design and produce mental health education materials. The materials are a part of the Mental Health and Anti-Stigma Project, a campaign to increase public awareness and understanding of mental illness, reduce the stigma associated with mental illness, and improve community acceptance of persons with mental illness. The theme of the project is "Mental Illness Knocks on Every Door."

Specifically, the contractor will be responsible for

- 1) *message testing via focus groups*, to gather input for design of materials, and
- 2) *design and production of the following mental health education materials:*
 - a) 500 kits, each containing the educational materials developed for the project,
 - b) a logo design for "letterhead" for the materials, and
 - c) an educational poster reflecting the theme of the project, that can double as a public service print ad.

Budget and Time Frame:

The total budget for this contract is not more than \$25,000. The estimated starting date is Monday March 19, 1990 with the contract work completed by Tuesday May 1, 1990.

Eligibility Criteria:

Applicants must demonstrate creative, organizational, and fiscal capability to complete the projects to be covered by this contract. Other desirable qualifications include experience in designing and producing materials for public health campaigns.

Professional, Technical & Consulting Contracts

Minimum Expectations:

The selected contractor will be responsible for the completion of the following tasks: 1) Attendance at all planning meetings, 2) Preparation of a workplan, budget, and timeline for the completion of the research, design and production tasks, 3) Planning, coordination, and implementation of market research, including a) development of focus group discussion questions, b) coordination of meeting space, c) recruitment of participants, d) co-leadership of focus groups, and e) brief analysis of data, specifically summary of key input, 4) Development of design drafts for the kit, the logo/letterhead, and the poster and print ad, based on state's recommendations and results of market research, 5) Presentation of design drafts, 6) Revisions of selected designs, following review and approvals, 7) Preparation of keylines and other pre-production details, 8) Coordination with vendors of support services, including photographers and printers, etc., 9) Advice on color and paper selections, 10) Supervision of production process to ensure quantities and specification are met, and 11) Attention to detail from concept to completion.

Procedure for Submitting Proposals:

To obtain a complete request for proposal, contact:

Susan Kripke Byers, Project Coordinator
Mental Health and Anti-Stigma Project
Minnesota Department of Health
717 Delaware St. SE
Minneapolis, MN 55440
612-623-5181

Proposals are due by *4:30 p.m., Friday March 2, 1990.*

Minnesota Historical Society

Advertisement for Bids for Printing, Binding, and Mailing of the 1990 Spring/Summer Catalog of Publications

Bids

Sealed bids for the printing, binding, and mailing of the Minnesota Historical Society's 1990 Spring/Summer Catalog of Publications, 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., on February 22, 1990, at which time the bids will be publicly opened and read aloud. Bids received after 2:00 p.m., February 22, 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 of the receipt of bids.

State Board of Public Defense

Notice of Position Opening for Administrative Fiscal Director

NOTICE IS HEREBY GIVEN that a position is open for a full-time administrative position under general supervision of the Chief Administrator of the State Board of Public Defense, to perform work of considerable difficulty in the planning, preparation and development of budget and related policies. The position requires related college degree and considerable administrative experience related to State of Minnesota accounting, budgetary, auditing, and fiscal policies, as well as interaction with Minnesota Legislature, state and local officials. Employee description and application requirements are available at 875 Summit Avenue, LEC 303, St. Paul, MN 55105 (612/290-6418). Applications accepted until 4:30 p.m., February 23, 1990.

Department of Trade and Economic Development

Business Promotion Division

Small Business Development Centers

Request for Proposals for Consultant to Conduct a Study of the Small Business Development Center, Its Cost Effectiveness and an Evaluation of Client Satisfaction

The State of Minnesota Department of Trade and Economic Development (Department) is seeking proposals from qualified firms and individuals to conduct a study of the cost effectiveness of the Small Business Development Center (SBDC) program and to evaluate client satisfaction with SBDC services.

The consultant will be expected to perform the following Scope of Work:

1. Design a study of the cost effectiveness of the Minnesota SBDC program and client satisfaction with SBDC services, utilizing available data. As part of this element of the project the consultant must develop appropriate measures of both cost effectiveness and client satisfaction. The study should be designed to enable the Department to compare the cost effectiveness of the regional and satellite centers.
2. Conduct the study, using data for calendar year 1989. A pre-test of study methodology may be included in this phase of the project, so long as the written report referred to in Item 5 is completed on time.
3. Analyze and interpret study results for Department personnel and members of the SBDC network.
4. Make recommendations to the Department for improving the cost effectiveness of, and client satisfaction with, the SBDC program.
5. Prepare a written report encompassing items 1 through 4 above for presentation by the Department to the Legislature. This report must be completed no later than October 15, 1990.
6. Develop for the Department's use, a simple system for gathering, tabulating, analyzing, and evaluating program cost effectiveness and customer satisfaction in the future.
7. Conduct up to three training programs for SBDC personnel on using the evaluation system referred to in Item 6 above. The training will be one session that will be repeated three times: once in the northern part of the state, once in the southern part of the state, and once in the metro area.

A complete copy of the Request for Proposals may be obtained by writing or calling Mary J. Kruger, Acting State Director, Small Business Development Center Network, Minnesota Department of Trade and Economic Development, 900 American Center, 150 East Kellogg Boulevard, St. Paul, MN 55101, telephone (612) 297-5773.

Proposals must be submitted to the Department no later than 4:30 p.m. March 5, 1990. Work is expected to begin on or about April 16, 1990, and must be completed no later than December 31, 1990.

The estimated cost of this project is not expected to exceed \$25,000.

This RFP does not obligate the Department to complete the project, and the Department reserves the right to cancel the solicitation if it is considered to be in the best interests of the Department or the State of Minnesota.

Non-State Public Contracts

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

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

Metropolitan Council

Notice of Request for Proposals for Consultant Services to Conduct an Evaluation of the Metropolitan Council's Landfill Abatement Fund Grant Programs

NOTICE IS HEREBY GIVEN that the Metropolitan Council is requesting proposals for the performance of a comprehensive evaluation of its Landfill Abatement Grant programs.

The consultant will perform research necessary to evaluate past strategies for use of the Landfill Abatement Fund, to assess current funding processes and to plan for most appropriate use of the Fund over the next five years. The evaluation questions are comprehensive and will require a variety of research techniques including file analysis and surveys of key players and knowledgeable.

The project should be completed by June 29, 1990. All proposals must be received no later than 3:00 p.m. on March 5, 1990. Proposals should be sent to John McGough, Solid Waste Division.

Copies of the Request for Proposals may be obtained from the Metropolitan Council, Mears Park Centre, 230 East Fifth Street, St. Paul, Minnesota 55101. Inquiries should be directed to John McGough, (612) 291-6388 or Victoria Reinhardt, (612) 291-6536.

State Grants

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

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

Department of Jobs & Training

Division of Rehabilitation Services

Notice of Availability of Funds for Establishing a Center for Independent Living

The Department of Jobs and Training, Division of Rehabilitation Services, Independent Living Program, 390 N. Robert Street, St. Paul, MN 55101, is making available \$75,000.00 to establish one Center for Independent Living in an area not currently served in Minnesota. Total funds available are \$75,000.00 for a 12 month period beginning July 1, 1990.

To request a copy of the RFP, please call Scott Rostron, Director, Independent Living Program at 612/297-2705.

Department of Public Safety

Office of Drug Policy

Notice of Availability of State Grant Funds for Multi-Disciplinary Chemical Abuse Prevention Teams and Crime Reduction Programs

The Office of Drug Policy announces the availability of State grant funds for two distinct community efforts:

I. Multi-Disciplinary Chemical Abuse Prevention Teams.

Eligible Applicants

A County, or a multi-county organization or a city with population of no more than 50,000.

Supreme Court Decisions, Opinions & Rules

Required Team Activities

The team must focus on chemical abuse issues and needs of the community in which it is established. The team shall assist in coordinating prevention and treatment services provided in the community and conduct appropriate and prevention activities.

Funds

Approximately \$50,000 is available for 1990/1991 projects. The maximum amount to be awarded is \$15,000. Up to 5 projects will be funded. Fifty percent of the funds will be awarded to the metropolitan area and 50% will be awarded to the area outside of the metropolitan area. Approved applications will be funded for the period from the start of the award to June 30, 1991.

II. Crime Reduction Programs

Eligible Applicants

Local units of government may apply alone or in collaboration with other community agencies. The local unit of government must act as the fiscal agent.

Eligible Types of Programs

Eligible programs must be community-based. Qualifying programs include but are not limited to: neighborhood block clubs, crime watch programs, programs designed to discourage young people from involvement in unlawful drug or street gang activities.

Funding

Approximately \$100,000 is available for 1990/1991 programming. The maximum amount that may be awarded is \$25,000. Approved applications will be funded for the period from the start of the award to June 30, 1991.

Proposal Due Date

March 9, 1990, by 4:30 p.m. in office and address below.

Request for Proposal

To receive a copy of the request for proposal which described how to apply for these funds, contact:

Jeri Boisvert, Steve Winfield or Tim Reardon
Office of Drug Policy
Department of Public Safety
316 State Transportation Building
St. Paul, MN 55155
(612) 296-0922

Supreme Court Decisions, Opinions & Rules

Decisions Filed 9 February 1990

C4-89-1048 State of Minnesota, petitioner, Appellant v. Jesse Isaac Bigelow. Court of Appeals.

The lawful discovery of drugs or other contraband in a motor vehicle gives the police probable cause to believe that a further search of the vehicle might result in the discovery of more drugs or other contraband. If probable cause justifies a search of the vehicle for more drugs or other contraband, it justifies a search of every part of the vehicle and its contents that may conceal the object of the search.

Reversed and remanded for trial. Yetka, J.

C6-84-2215 In re Petition for Disciplinary Action against Clark F. Isaacs, an Attorney at Law of the State of Minnesota. Supreme Court.

Disbarred. Per Curiam.

Orders

C4-90-147 In Re Petition for Disciplinary Action against Scott M. Lofthus, an Attorney at Law of the State of Minnesota. Supreme Court.

Publicly reprimanded. Kelley, J.

C9-88-662 Hydra-Mac, Inc., International Harvester Company v. Onan Corporation, petitioner, Appellant. Supreme Court.

Petition for rehearing denied. Kelley, J.

Tax Court

Pursuant to Minn. Stat. §271.06, subd. 1, an appeal to the tax court may be taken from any official order of the Commissioner of Revenue regarding any tax, fee or assessment, or any matter concerning the tax laws listed in §271.01, subd. 5, by an interested or affected person, by any political subdivision of the state, by the Attorney General in behalf of the state, or by any resident taxpayer of the state in behalf of the state in case the Attorney General, upon request, shall refuse to appeal. Decisions of the tax court are printed in the *State Register*, except in the case of appeals dealing with property valuation, assessment, or taxation for property tax purposes.

A subscription service to all decisions of the Minnesota Tax Court is available through Minnesota's Bookstore. An annual subscription for a full 12 months costs \$275, renewable on the subscription's anniversary. Individual decisions may be purchased for \$2.25 plus 6% sales tax and \$1.50 postage/handling per order. Decisions printed below do not include the written memorandums attached to each decision. The memorandums explain the court's reasons for its decisions and can be very lengthy. To subscribe, or order individual decisions, use the handy order form at the back of this magazine, or call (612) 296-0931 for more information.

Tax Court—Regular Division

Docket Nos. 5017, 5018, 5019, 5067 and 5233—Dated: 22 January 1990

Bauerly Bros., Inc., Appellant, vs. Commissioner of Revenue, Appellee.

The above-entitled matter was submitted to the Court without oral argument. The case was assigned to the Honorable Earl B. Gustafson, Judge of the Minnesota Tax Court, upon the filing of the parties' Stipulated Facts on August 9, 1989. Subsequent briefs were filed by both parties and the matter was submitted for decision on October 27, 1989.

Edward J. Laubach, Jr., of Hall, Byers, Hanson, Steil & Weinberger, P.A., Attorneys at Law, represented the appellant.

James W. Neher, Special Assistant Attorney General, represented the appellee.

The Court, having reviewed and considered the stipulated facts and briefs of the parties and upon all of the files and records herein, now makes the following:

FINDINGS OF FACT

1. Appellant, Bauerly Bros., Inc., (hereinafter "Bauerly Bros.") is a Minnesota corporation with its principal place of business in the City of Sauk Rapids, County of Benton, State of Minnesota.
2. Bauerly Bros. is engaged in the business of road construction and commercial paving and in the course of such business produces, uses or sells asphalt, hot mix, and related products. In the production of such asphalt, hot mix and related products, there is used and totally consumed by the machinery certain other petroleum products, to-wit: No. 1, No. 2, No. 5 and No. 6 fuel oil.
3. Bauerly Bros. sells asphalt, hot mix and related products to local, state, and federal governments and private property owners.
4. During the years at issue, Bauerly Bros. purchased certain quantities of the above fuel oils from various vendors upon which sales tax was charged, that was totally consumed in the process of producing asphalt, hot mix, and related products, within the meaning of *Minnesota Statutes* § 297A.25, subd. 9. The vendors and the sales tax charged on these purchases during the years at issue are as follows:

<u>Docket No.</u>	<u>Vendor</u>	<u>Sales Tax</u>	<u>Period</u>
5017	Kanabec County Cooperative Oil Association	\$ 1,184.00	03/01/84-10/31/86
5018	Eggen's Direct Service, Inc.	6,453.00	10/01/84-12/31/86
5019	Ashland Oil, Inc.	37,303.00	06/01/84-12/31/86
5067	Western Petroleum Company	3,548.00	04/01/86-09/30/86
5233	Koch Fuels, Inc.	<u>70,726.76</u>	06/01/84-09/30/86
	TOTAL	\$119,214.76	

4. The sale of fuel oil to Bauerly Bros. noted above constitutes retail sales within the meaning of *Minnesota Statutes* § 297.01, subd. 4.

5. During the years at issue Bauerly Bros. sold asphalt, hot mix and related products to purchasers who picked up the product at Bauerly Bros.' plants. Bauerly Bros. also sold and installed the above products under contracts with private owners of real estate and governmental units. The percentages of their sales are as follows:

Picked up at Bauerly Bros.' plants	Less than 1%
Installed under private contract	15%
Installed under governmental contract	<u>84%</u> + 100%

6. The above vendors and Bauerly Bros. filed claims for refund of sales taxes for fuel oils, pursuant to *Minnesota Statutes* § 297A.35, subd. 1, with the State of Minnesota, Department of Revenue, which were denied as follows:

<u>Vendor</u>	<u>Date of Filing</u>	<u>Date of Denial</u>
Kanabec County Cooperative Oil Association	08/13/87 & 10/29/87	12/15/87
Eggen's Direct Service, Inc.	08/07/87	12/15/87
Ashland Oil, Inc.	08/17/87	12/15/87
Western Petroleum Company	10/17/87	02/23/88
Koch Fuels, Inc.	08/25/88	11/22/88

7. Bauerly Bros. is the lawful assignee of the above-referenced claims. The assignors and dates of assignment to Bauerly Bros. are as follows:

<u>Vendor</u>	<u>Date of Assignment</u>
Kanabec County Coop. Oil Assn.	01/20/88
Eggen's Direct Service, Inc.	01/15/88
Ashland Oil, Inc.	01/06/88
Western Petroleum Company	03/08/88
Koch Fuels, Inc.	08/02/88

8. Appellee has denied the claims on the theory that Bauerly Bros.' sales of asphalt, hot mix, and related products do not constitute retail sales within the meaning of *Minnesota Statutes* § 297A.01, subd. 4, and *Minnesota Statutes* § 297A.25, subd. 9.

9. The attached Memorandum is hereby made a part of these Findings of Fact.

CONCLUSIONS OF LAW

1. The sale of fuel oil to Bauerly Bros. as noted in Finding Number 4 above constitutes retail sales within the meaning of *Minnesota Statutes* § 297A.01, subd. 4.

2. The sale of fuel oil to Bauerly Bros. as noted in Finding Number 4 above are not exempt from the sales and use tax under the exemption provided in *Minnesota Statutes* § 297A.25, subd. 9.

3. The Commissioner of Revenue's denial of appellant's claims for refund are hereby affirmed.

LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

BY THE COURT,
Earl B. Gustafson, Judge
Minnesota Tax Court

Tax Court--Regular Division

Docket No. 4943—Dated: 12 January 1990

Jeffrey Mark Jewell, Appellant, vs. Commissioner of Revenue, Appellee.

The above-entitled matter came on for hearing before the Honorable M. Jean Stepan, Chief Judge of the Minnesota Tax Court, on June 20, 1989, at the Hennepin County Juvenile Justice Center in Minneapolis, Minnesota, pursuant to the parties' motions for summary judgment.

Mark D. Nyvold, Attorney at Law, appeared on behalf of the appellant.

Thomas K. Overton, Special Assistant Attorney General, appeared on behalf of the appellee.

Both parties agree that there is no dispute regarding the facts in this matter. Post-trial briefs were filed by both parties. Because of constitutional issues raised in appellant's brief, the matter was transferred to district court and retransferred to Tax Court on October 24, 1989.

Tax Court

The Court, having heard and considered the arguments of counsel, and upon all of the files, records and proceedings herein, now makes the following:

FINDINGS OF FACT

1. The appellant was arrested on June 20, 1987 at the Minneapolis-St. Paul International Airport upon his return from Los Angeles, California.
2. At the time of his arrest appellant had in his possession 10,000 dosage units of unstamped LSD (Lysergic Acid Diethylamide).
3. On July 26, 1987, the Commissioner of Revenue levied a jeopardy assessment against appellant in the amount of \$400,000 tax and \$400,000 penalty, for a total of \$800,000 pursuant to *Minnesota Statutes* ch. 297D.
4. On November 30, 1987, appellant pled guilty in United States District Court to one count of the indictment against him, which count was unrelated to the possession of LSD on June 20, 1987.
5. The federal counts relating to the June 20, 1987 possession of LSD were dismissed as part of a plea agreement.

CONCLUSIONS OF LAW

1. Under *Minnesota Statutes* ch. 297D, the appellant is a dealer subject to the controlled substances tax.

ORDER FOR JUDGMENT

1. Appellee's motion for summary judgment is granted.
2. Appellant's motion for summary judgment is denied.
3. The Order of the Commissioner of Revenue dated July 26, 1987, assessing controlled substances tax and penalty in the amount of \$800,000, is hereby affirmed.

LET JUDGMENT BE ENTERED ACCORDINGLY.

BY THE COURT,
M. Jean Stepan, Chief Judge
Minnesota Tax Court

Announcements

Environmental Quality Board (EQB): Comments are due March 7 on the EAWs (environmental assessment worksheets) submitted for the following projects at their designated regional governing unit: **Zimmerman Wastewater Treatment Facility Upgrade**, MN Pollution Control Agency (MPCA) (612) 296-7795; **Northern States Power Natural Gas Pipeline Replacement Project**, EQB (612) 296-5089—a public meeting is scheduled for Feb. 21 at 7:30 p.m. in the Inver Grove Heights City Hall, 8150 Barbara Avenue; **Ramsey County Road J from T.H. 65 to I-35W**, Ramsey County, Wayne Leonard, P.E., Coordinating Engineer, 3377 N. Rice Street, Shoreview, Minnesota 55126; **Victoria Street Reconstruction—County Road E to F**, Ramsey County, same contact as previous; **Wayzata Yacht Club Temporary Mooring Field Relocation**, Lake Minnetonka Conservation District (612) 473-7033; **Woodbury I-94 & 494 Interchange**, City of Woodbury (612) 731-5784; **East Industrial Center**, City of Mankato (507) 625-3161. • Petitions have been received on the following projects: **LTV Taconite South Dunka Area/Partridge River Reservoir**, MN Dept. of Natural Resources, Thomas Balcom, 500 Lafayette Rd., St. Paul, MN 55155-4037; **Spring Valley Estates/Shuey's Spring Valley Estates**, Pine County, Shirley Smetana, Zoning Administrator, Pine County Courthouse, Pine City, MN 55063; **Lake Villa Golf Estates**, City of Lakeville, James Robinette, 8747-208th St., P.O. Box 957, Lakeville, MN 55044-8012. • A draft EIS (environmental impact statement) is being prepared for the **Ritz Block Development** and will be available Feb. 19. Comment to Neil Anderson, Minneapolis Planning Dept., 210 City Hall, Minneapolis, MN 55415-1385, (612) 673-2351. • The final EIS on the **Bass Creek Business Park** will be available for review at the City of Plymouth, City Center, 3400 Plymouth Blvd., Plymouth, MN and Hennepin Ridgedale Hennepin Area Library. Written statements may be any time through Feb. 19 and should be directed to Blair Tremere, Community Development Director at the Plymouth City Center, address above. • A March 27 hearing date is set for the proposed **Alteration of Wetland Basin in 61-260W Pope County** by Keith Naig without a permit. Hearing is set for 10 a.m. in the Pope County Courthouse, Glenwood, MN. Contact Donald A. Kannas, special assistant attorney general, Suite 200, 520 Lafayette Rd., St. Paul, MN 55101, (612) 296-0688 to discuss information disposition of the case.

Applicants Sought for Three Judicial Vacancies: The Judicial Merit Advisory Commission is seeking applications from lawyers interested in filling vacancies on the state District Court. Two of the vacancies will occur when Judge William R. Sturtz retired on April 30 from his Third District seat in Albert Lea, and Judge Charles Cashman retires May 1 from his Third District seat in Owatonna. The Third Judicial District includes Rice, Waseca, Steele, Freeborn, Dodge, Mower, Fillmore, Olmsted, Wabasha, Winona and Houston counties. Another announced opening is for a new seat in the Tenth Judicial

District at Elk River. The additional District Court seat will be created beginning July 1. The Tenth Judicial District includes Wright, Sherburne, Isanti, Anoka, Kanabec, Chisago, Pine and Washington counties. Applications may be obtained from the Judicial Merit Advisory Commission, 130 State Capitol, St. Paul, MN 55155 or by calling (612) 296-0055. Applications must be received at the Capitol no later than March 7. The commission is also seeking applications from lawyers interested in filling new District Court seats in Hennepin (Fourth District) and Dakota (First District) counties. The seats will be created on July 1, 1990. Applications will be accepted until April 20.

Governor's Appointments: Governor Rudy Perpich named two new members to the 15-member *Minnesota Judicial Merit Advisory Commission*. The Commission reviews applicants for vacancies on the state's trial courts and recommends finalists to the Governor. Appointed were **Ellen Maas** of Roseville, and **Patrick O'Neil** of Cambridge. Also appointed were **Richard G. Krueger**, Bloomington, as director of *Pari-Mutuel Racing*; **Robert Zuehlke** of Coleraine to the *Blue Ribbon Commission on Mining*; **Nicholas Zuber**, Duluth, to the *Gambling Control Board*; and **James R. Wilson**, Bagley as a state District Court Judge to fill the vacant Ninth Judicial District seat in Roseau. • Governor Perpich announced the Minnesota Open Appointments Commission is seeking applications from people interested in serving on the *Council on Black Minnesotans*. Applications are due by Feb. 20. People may obtain applications for the Council on Black Minnesotans from the Office of the Secretary of State, 180 State Office Building, St. Paul, MN 55155, (612) 297-5845. Applications and resumes should be returned to the Office of the Secretary of State.

Minority Issues Advisory Committee Seat Open: The Metropolitan Council is seeking applications for an at-large member on its Minority Issues Advisory Committee (MIAC) open until March 2. American Indians are especially encouraged to apply. The Council will appoint the new MIAC member on March 8 to serve a term that expires May 1, 1991. Applications are available by either calling the Council at 291-6414 or writing to Chris Yankovec, Metropolitan Council, Mears Park Centre, 230 E. 5th Street, St. Paul, MN 55101. The MIAC is composed of 25 members. It identifies and studies major issues and trends affecting minority communities in the Twin Cities Metropolitan Area.

Farmers—Gas Tax Due Mar. 15, 1990: Farmers who purchased tax-exempt gasoline placed in on-farm bulk storage tanks and used the gasoline in licensed motor vehicles, rather than off-highway vehicles, are reminded they must file form PDR-1 and pay the tax difference on or before Mar. 15, 1990, according to the Minnesota Department of Revenue. Filing forms are available from the Minnesota Department of Revenue: 1-800-652-9747 for Greater Minnesota; and 296-3781 for the Twin Cities metropolitan area.

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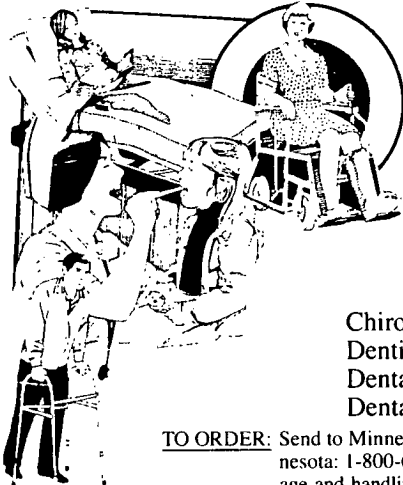
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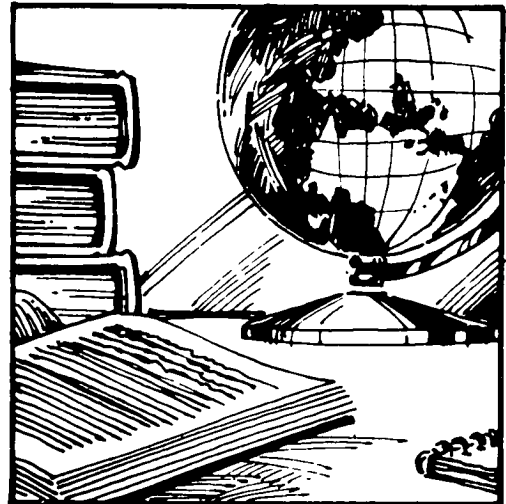
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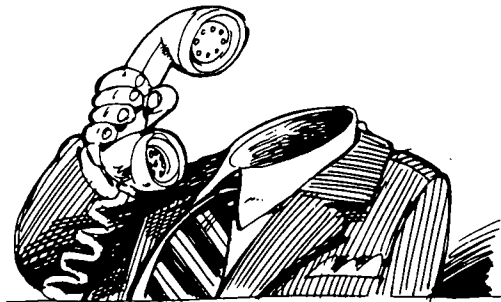
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