

90, March 19

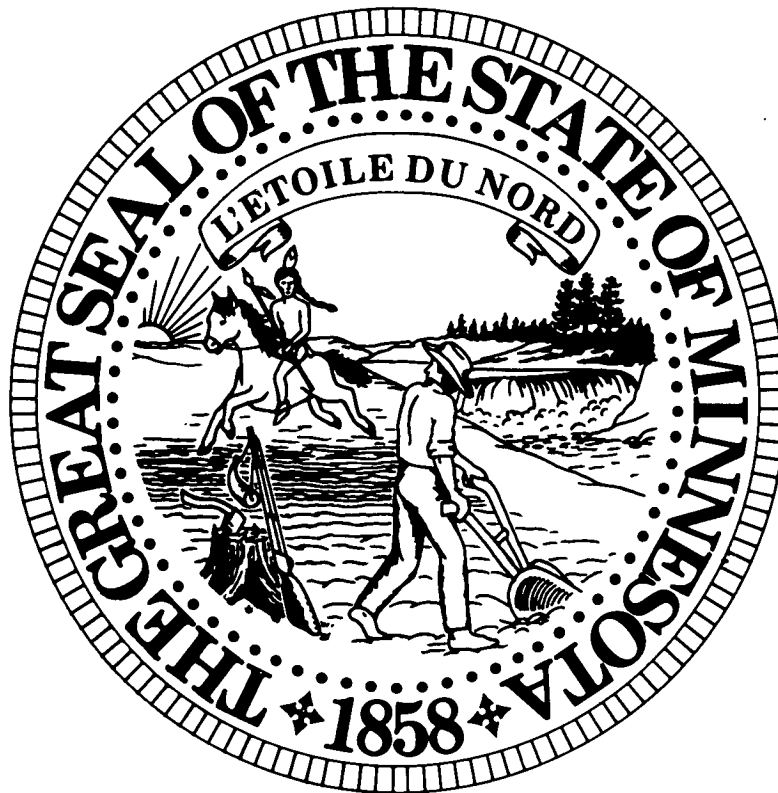
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State of Minnesota

STATE REGISTER

Department of Administration—Print Communications Division



Rules edition

Published every Monday

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STATE REGISTER

Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official notices, state and non-state contracts, contract awards, grants, supreme court and tax court decisions, and a monthly calendar of cases to be heard by the state supreme court.

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

Printing Schedule and Submission Deadlines

Vol. 14 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
38	Monday 5 March	Monday 12 March	Monday 19 March
39	Monday 12 March	Monday 19 March	Monday 26 March
40	Monday 19 March	Monday 26 March	Monday 2 April
41	Monday 26 March	Monday 2 April	Monday 9 April

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the *State Register* editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

The *STATE REGISTER* is published 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.

Rudy Perpich, Governor

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FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

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

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

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

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Proposed Rules

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

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

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

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

Department of Commerce

Proposed Permanent Rules Relating to Appeal of Denial of Health Claims

Notice of Hearing

NOTICE IS GIVEN THAT a public hearing will be held pursuant to *Minnesota Statutes* § 14.14, Subd. 1, in the above-entitled matter in the Large Hearing Room, 133 E. 7th Street, St. Paul, Minnesota 55101, on Thursday, May 3, 1990 at 9:30 a.m., and continuing until all interested persons and groups have had an opportunity to be heard concerning adoption of these proposed rules by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing by sending them to Administrative Law Judge Howard L. Kaibel, 5th Floor, Flour Exchange Building, 310 4th Avenue South, Minneapolis, Minnesota 55415, telephone (612) 341-7608. The rule hearing procedure is governed by *Minnesota Statutes* §§ 14.14 to 14.20, and by *Minnesota Rules* §§ 1400.0200-1400.1200. Questions regarding procedure may be directed to the Administrative Law Judge at the above-listed address.

The Commissioner proposes to adopt rules relating to the appeal of denial of health claims. Authority for adoption of these rules is contained in *Minnesota Statutes* §§ 72A.327, Subd. (f) and 45.023. A copy of the proposed rules accompanies this notice.

The proposed rules, if adopted will set forth the procedures to be followed if an insured wants to make an appeal to the Commissioner of Commerce pursuant to *Minnesota Statutes* § 72A.327 when a claim for certain benefits under *Minnesota Statutes* ch. 65B is denied.

NOTICE IS HEREBY GIVEN THAT A STATEMENT OF NEED AND REASONABLENESS is now available for review at the Department of Commerce and at the Office of Administrative Hearings. This Statement of Need and Reasonableness includes a summary of all evidence and argument which the Department of Commerce anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the Department of Commerce or the Office of Administrative Hearings. Copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Pursuant to *Minnesota Statutes* § 14.115, the impact on small business has been considered in the promulgation of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

All interested or affected persons will have an opportunity to participate by presenting oral and/or written evidence at the hearing. Questioning of agency representatives or witnesses, and of interested persons making oral statements will be allowed in order to explain the purpose or intended operation of the proposed rules, or a suggested modification, or for other purposes material to the evaluation or formulation of the proposed rules.

As a result of the hearing process, the proposed rule may be modified. Written material may be submitted to the Administrative Law Judge and recorded in the hearing record for 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. Following the five to twenty day submission period, there will be a three-day period in which the Commissioner and interested persons may respond in writing to any new information submitted. During the three-day period, the agency may indicate in writing whether there are any amendments suggested by other persons which the agency is willing to adopt. Additional evidence may not be submitted during the three-day period. The written responses will be added to the record of the proceeding.

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

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

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

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

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

One free copy of this Notice and the proposed rules may be obtained by contacting Jeanne Todd, Department of Commerce, 133 E. 7th Street, St. Paul, Minnesota 55101 telephone (612) 297-2852. Additional copies will be available at the door on the date of the hearing.

Thomas H. Borman
Commissioner of Commerce

Rules as Proposed (all new material)

APPEAL OF DENIAL OF HEALTH CLAIMS

2770.9010 ADMINISTRATION.

The administration of arbitration under *Minnesota Statutes*, section 72A.327 shall be by the American Arbitration Association or other agency as designated by the commissioner. The administration is subject to the continuing supervision of the commissioner.

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

Proposed Rules

2770.9020 APPOINTMENT OF ARBITRATION PANEL.

Subpart 1. **List of arbitrators.** The commissioner shall establish three lists of qualified individuals who are eligible to serve on the three-member arbitration panel, under *Minnesota Statutes*, section 72A.327, paragraph (c). One list shall include names and address of individuals with medical expertise as identified by contributing members under *Minnesota Statutes*, section 65B.01, subdivision 2. The second list shall include names and addresses of persons with medical expertise as identified by professional societies. The third list shall include names and addresses of other members of the public designated by the commissioner as eligible to serve on the three-member arbitration panel. The commissioner may, from time to time, add or delete names of individuals from any of the three lists.

Subp. 2. **Three-member panel.** The commissioner shall deliver the three lists described in subpart 1 to the American Arbitration Association. Upon initiation of an arbitration, the American Arbitration Association shall administer the establishment of the three-member arbitration panel according to *Minnesota Statutes*, section 72A.327, paragraph (c), by making a recommendation to the commissioner as to the nine potential arbitrators. Unless the commissioner disapproves the recommendations within three business days, the recommendations shall be deemed approved. Under procedures established by the American Arbitration Association and immediately following nomination by the American Arbitration Association for consideration as a member of the arbitration panel, each potential arbitrator shall be required to disclose any circumstances likely to create a presumption or possibility of bias or conflict which may disqualify the person as a potential arbitrator. Each nominee shall supplement the disclosures as circumstances require. A party to an arbitration may advise the American Arbitration Association of any reason why the arbitrator should withdraw or be disqualified from serving before exercising strikes. An objection to a potential arbitrator shall be determined initially by the American Arbitration Association, subject to appeal to the commissioner. If an arbitrator should resign, be disqualified, or unable to perform the duties of the office, the American Arbitration Association shall arrange for the appointment of another arbitrator in accordance with parts 2770.9010 to 2770.9170.

Subp. 3. **Oaths.** Arbitrators, upon accepting appointment to the panel, shall take an oath or affirmation of office. The arbitrators may require witnesses to testify under oath or affirmation.

2770.9030 INITIATION OF ARBITRATION.

Subpart 1. **Notice of right to appeal.** At the time an insurer denies a claim to which the claimant has a right to appeal under *Minnesota Statutes*, section 72A.327, the insurer shall advise the claimant, in writing, of the claimant's right to appeal the denial to the commissioner. The insurer shall also advise the claimant that information on the appeal and arbitration procedures may be obtained from the American Arbitration Association.

Subd. 2. **Filing of appeal.** Upon request, the American Arbitration Association will provide a claimant with a petition form for initiating arbitration, together with a copy of parts 2770.9010 to 2770.9170. Arbitration is initiated by the claimant filing the signed, executed form together with the required filing fee, with the American Arbitration Association.

Subp. 3. **Denial of claim.** If an insurer fails to respond within 30 days after a claim is duly presented to the insurer, the claim is considered denied for the purpose of parts 2770.9010 to 2770.9170.

2770.9040 FILING FEE.

The filing fee to be paid under parts 2770.9030, subpart 2 and 2770.9050 is the fee set in Rule 8 of the Rules of Procedure for No-fault Arbitration adopted by the Minnesota Supreme Court under *Minnesota Statutes*, section 65B.525.

2770.9050 NOTICE.

On the filing of the petition form by the claimant, the American Arbitration Association shall send a copy of the petition to the insurer together with a request for payment of the filing fee. In addition, the American Arbitration Association shall send a copy of the petition to the commissioner within ten business days of the claimant's filing with the American Arbitration Association.

2770.9060 CONCILIATION AND PREHEARING PROCEDURES.

Through prehearing conference or other joint communication to the parties, the arbitration panel may conciliate the claim. The arbitration panel shall encourage the parties to narrow the issues so far as possible in an effort to shorten the hearing. At least ten days before the hearing, the arbitration panel shall ask the parties to stipulate to facts not in dispute, and may ask each party to furnish the other parties with copies of each document or exhibit which that party intends to offer in evidence.

2770.9070 COMMUNICATION WITH ARBITRATION PANEL.

All communication, oral or written, from a party to the arbitration panel, must be through the American Arbitration Association for transmittal to the arbitrators. In any and all cases, oral communication with the arbitration panel must be done jointly and with the knowledge of the opposing party.

2770.9080 TIME AND PLACE OF ARBITRATION.

If conciliation is not successful, an informal arbitration hearing will be held in the office of the American Arbitration Association

or some other appropriate place in the general locale of the claimant's residence, or other place agreed upon by the parties. The arbitration panel shall fix the time and place for the hearing. At least 14 days before the hearing, the American Arbitration Association shall mail notice to each party or to a party's designated representative. Notice of hearing may be waived by any party. A party requesting postponement shall make their request to the arbitration panel, through the American Arbitration Association, who shall rule on all such requests. A postponement fee shall be charged against the party causing the postponement as set forth in the rules adopted by the Minnesota Supreme Court, under *Minnesota Statutes*, section 65B.525.

2770.9090 WITNESSES, SUBPOENAS, DEPOSITION.

The arbitration panel may, upon its own initiative or at the request of any party, issue subpoenas for the attendance of witnesses and the production of books, records, documents, and other evidence. The subpoenas issued shall be served, and upon application to the district court by either party or the arbitrators, enforced in the manner provided by law for the service and enforcement of subpoenas for a civil action. Provisions of law compelling a person under subpoena to testify are applicable. Fees for attendance as a witness shall be the same as for a witness in the district courts.

2770.9100 DISCOVERY.

All parties may exchange information on a voluntary basis. Formal discovery of any kind beyond exchange of medical reports and other exhibits to be offered at the hearing is discouraged. However, upon application and a showing of good cause that the information sought is material to a party's presentation at hearing, the arbitration panel may permit any discovery allowable under the Minnesota rules of civil procedure for the district courts. Any medical examination considered necessary by the insurer shall be completed within 30 days following commencement of the case unless extended by the arbitration panel.

2770.9110 EVIDENCE.

The parties may offer evidence as they desire and shall produce additional evidence as the arbitration panel considers necessary to an understanding and determination of the issues. The arbitration panel shall be the judge of the relevancy and materiality of any evidence offered, and conformity to legal rules of evidence shall not be necessary. The parties are encouraged to offer, and the arbitration panel is encouraged to receive and consider, evidence by affidavit or other document, including medical reports, statements of witnesses, officers, accident reports, medical texts, and other similar written documents which would not ordinarily be admissible as evidence in the courts of this state. In receiving this evidence, the arbitration panel shall consider any objections to its admission in determining the weight to which it considers it is entitled.

2770.9120 ARBITRATOR'S FEES.

An arbitrator shall be compensated for services and for any use of office facilities in the amount set in Rule 16 of the Rules of Procedure for No-fault Arbitration adopted by the Minnesota Supreme Court under *Minnesota Statutes*, section 65B.525.

2770.9130 CLOSE OF HEARING.

The arbitration panel shall specifically inquire of all parties as to whether they have any further evidence. If they do not, the arbitration panel shall declare the hearing closed. If briefs or documents are to be filed, the hearing shall be declared closed as of the final date set by the arbitration panel for the receipt of briefs or documents. The time limit within which the arbitration panel is required to make its recommendation to the commissioner shall begin to run on the close of the hearing.

2770.9140 REOPENING HEARING.

At any time before the recommendation is made, a hearing may be reopened by the arbitration panel upon own motion, or upon application of a party.

2770.9150 RECOMMENDATION AND REPORT TO COMMISSIONER.

The arbitration panel shall promptly render a written report to the commissioner, in which it recommends a resolution to the claim at issue. The report shall include the panel's findings of fact and conclusions on all material issues, and shall be dated and signed by all members of the arbitration panel. Unless otherwise agreed to by the parties, the report shall be delivered to the commissioner no later than 30 days after the close of the hearing or the reopened hearings. In making its recommendation to the commissioner, the arbitration panel may assign actual costs and disbursements incurred, or any parts thereof, to one or both parties.

A copy of the arbitration panel's report shall be served upon each party or the party's representative by first class mail within five days of delivery of the report to the commissioner. Personal service of the report upon a party or in any other manner which may be prescribed by law shall also constitute legal delivery.

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Proposed Rules

2770.9160 ACTION BY COMMISSIONER.

Subpart 1. **Filing of exceptions.** Within ten days from the date the arbitration panel's report is delivered to the commissioner, a party to the arbitration proceedings may file with the commissioner written exceptions and written arguments to the report.

Subp. 2. **Decision or order.** The commissioner shall render a decision within 30 days after the submission of the arbitration panel's report and subsequent exceptions and arguments under part 2770.9150. A copy of the decision and any applicable order shall be served upon each party or the party's representative, and the American Arbitration Association, by first class mail.

2770.9170 APPEAL.

A person aggrieved by an order under parts 2770.9010 to 2770.9170 shall have the right to appeal the order as provided in *Minnesota Statutes*, section 72A.327, paragraph (d).

Board of Psychology

Proposed Permanent Rules Relating to Examination Fee Payment, Supervision of Pre- and Post-Degree Experience

Notice of Intent to Adopt Rules without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Psychology, hereinafter "Board", 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* §§ 14.22 to 14.28 (1988). The statutory authority to adopt the rules is *Minnesota Statutes* §§ 148.90, subd. 2(4), 148.98, and 214.06, subd. 2 (1988).

All persons have 30 days in which to submit comment 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.

Any person may make a written request for a public hearing on the rules 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 rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1988).

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

Lois E. Mizuno
Executive Director
Minnesota Board of Psychology
Suite 101
2700 University Avenue West
St. Paul, Minnesota 55114
Telephone: (612) 642-0587

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

A copy of the proposed rules is attached to this notice. In addition, 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 Lois E. Mizuno upon request.

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent 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 rules must submit the written request to Lois E. Mizuno at the above address.

Dated: 2 March 1990

Lois E. Mizuno
Executive Director
Minnesota Board of Psychology

Rules as Proposed**7200.0300 REQUIREMENTS FOR ADMISSION TO EXAMINATION.**

In order to be admitted to examination an applicant must:

A. file with the board a completed notarized application for admission to examination which includes an affirmation that the statements made on the application are true and correct to the best of the knowledge and belief of the applicant, and which is accompanied by the current nonrefundable examination application fee and a certified check or money order made payable to the national entity sponsoring the examination;

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

7200.1300 EDUCATIONAL REQUIREMENT FOR LICENSURE.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Degrees earned after June 30, 1991.** For both types of licensure based on degrees earned after June 30, 1991, the major must meet the following requirements:

A. The program offering the major must be certified to the board by the dean of the graduate school of the institution to be an organized sequence of study.

B. The transcript of the applicant must indicate:

(1) A minimum of three graduate ~~semester or four~~ quarter credits or their equivalent of course work earned in each of the core areas listed in units (a) to (g), or demonstrated equivalency as provided in part 7200.1410:

- (a) scientific methods;
- (b) theories of measurement;
- (c) biological bases of behavior;
- (d) cognitive-affective bases of behavior;
- (e) social bases of behavior;
- (f) personality theory and human development; and
- (g) professional ethics, standards of conduct, and issues of professional practice.

(2) A minimum of six additional graduate ~~semester or eight~~ quarter credits or their equivalent of course work earned in the application of psychological principles to problem identification. The course work must be in the areas of assessment, evaluation, or data collection, or any combination of these areas.

(3) A minimum of six additional graduate ~~semester or eight~~ quarter credits or their equivalent of course work in the application of psychological principles to problem solution. The course work must be in the areas of psychological intervention or data analysis or a combination of the two areas.

(4) A minimum of 2,000 hours for a doctoral degree or 600 hours for a master's degree of supervised practical field or laboratory experience in psychology related to the program of the applicant. The experience must meet the following criteria:

(a) Either the academic or the on-site supervisor must be a licensee of the board or an individual whose education and experience meet the standards imposed by *Minnesota Statutes*, section 148.91, and parts 7200.0100 to 7200.6000 and who is competent in the areas of practice in which supervision is provided.

(b) Reports by the trainee to consumers must be cosigned by a supervisor of the trainee or issued with a cover letter stating that the report has been reviewed and approved by the supervisor.

(c) The experience must include an average of at least two hours a week of regularly scheduled, formal face to face individual supervision for a placement of 40 hours per week, 1-1/2 hours for a placement of 30 hours per week, or one hour for a placement of 20 hours per week. The supervisor who is a licensee or licensable must provide an average of one hour a week of supervision, but may delegate other training to appropriate agency staff members.

(d) The experience must be completed within 24 months in not more than three settings with at least 20 hours a week and no less than one-third of the total hours in each setting.

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Proposed Rules

7200.2000 PROFESSIONAL EMPLOYMENT REQUIREMENTS.

To meet the requirements for professional employment, the employment of the applicant, which may include voluntary service, must:

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

C. Include at least ~~two~~ four hours of regularly scheduled, formal face to face supervision ~~a week~~ for each ~~week~~ two-week period at work, ~~one hour~~ two hours of which must be with the supervisor as defined in part 7200.0100, subpart 10. The remaining ~~hour~~ two hours may be with other mental health professionals designated by the supervisor. Hours spent in supervision count as hours of employment for the purposes of part 7200.0600, item C.

D. Be performed competently as judged by the supervisor.

7200.2600 CREDITING PART-TIME EMPLOYMENT.

Part-time employment shall be credited by the board on a prorated basis, if the part-time employment consists of at least ten hours per week for a period of 12 consecutive weeks at the same agency or facility, and if the employment includes at least ~~one hour~~ two hours of face to face supervision ~~a week~~ in a two-week period, for employment of less than 25 hours per week, all with the supervisor as defined in part 7200.0100, subpart 10.

7200.3000 EXAMINATIONS.

Subpart 1. **Three parts to examination.** The examination is composed of three parts:

- A. a national standardized test in psychology, the cost of which is determined by the national entity sponsoring the examination;
- B. a written, objective part covering the rules of the Board of Psychology and *Minnesota Statutes*, sections 148.89 to 148.98, which may be taken after the education requirements for licensure have been met; and
- C. an oral part in the applicant's field of practice conducted by members of the board or its duly authorized representatives after the application for licensure has been accepted by the board, provided that the employment required by *Minnesota Statutes*, section 148.91, will have been completed before the next board meeting.

Subp. 2. **Announcement of examination.** The date of the national standardized test shall be announced by the board. The announcement shall establish time, place, the amount of the examination application ~~fee~~ fees payable to the board and to the entity sponsoring the examination, and the date by which documentation for the application for admission to examination must be completed to qualify for the announced test.

Subp. 3. **Notification to admitted applicants.** The board shall notify in writing each applicant who has been admitted to a part of the examination. The notice shall state the date, time, and place where the applicant is scheduled to be examined. An applicant who fails to appear at ~~that~~ the scheduled time for a part listed in subpart 1, item B or C, must submit a written request for deferment within 15 days after that date or forfeit the application fee. An applicant who fails to appear at the scheduled time for the part listed in subpart 1, item A, forfeits the application fee payable to the board.

[For text of subs 4 and 5, see M.R.]

7200.4900 CLIENT WELFARE.

[For text of subs 1 to 9, see M.R.]

Subp. 10. **Complaints to board.** A psychologist, for purposes of this subpart the "first psychologist," shall file a complaint with the board when the first psychologist has reason to believe that ~~another a second~~ another a second psychologist is having or has been engaged in conduct which violates had sexual contact with a client in violation of subpart 8, or has failed to report abuse of children or vulnerable adults in violation of part 7200.4700, subpart 11. This requirement to file a complaint does not apply when the belief is based on information obtained by the first psychologist in the course of a professional relationship with a client who is the other providing psychological services to the second psychologist. Nothing in this part relieves a the first psychologist from the duty to file a report as required by *Minnesota Statutes*, section 626.556 or 626.557, reporting regarding abuse of children and vulnerable adults.

[For text of subs 11 and 12, see M.R.]

7200.6100 FEES.

Fees for licensure of psychologists payable to the board are as follows:

- A. ~~The fee for~~ application for admission to examination is ~~\$150-~~ \$15;
- B. ~~The fee for~~ application for licensure is ~~\$170-~~ ;
- C. ~~The fee for~~ renewal of license is ~~\$170-~~ and
- D. ~~The fee for~~ late renewal of license is ~~\$150-~~ ;

Board of Teaching

Proposed Permanent Rules Relating to Teacher Education

Notice of Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held at the Capitol Square Building, Conference Room 716, 550 Cedar Street, St. Paul, MN 55101, on April 26, 1990, commencing at 9:00 a.m. and continuing until all interested persons have had an opportunity to be heard. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Jon L. Lunde, Administrative Law Judge, Office of Administrative Hearings, 500 Summit Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone 612/341-7645 either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge may, at the hearing, order the records be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings. Following the close of the comment period, the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the three-day period. The written responses shall be added to the rulemaking record. Upon the close of the record, the Administrative Law Judge will write a report as provided for in *Minnesota Statutes*, Section 14.50. The rule hearing is governed by *Minnesota Statutes*, Sections 14.14 to 14.20 and by *Minnesota Rules*, Parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

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

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

The rules will establish standards and procedures for teacher education curriculum and teacher education program evaluation.

The Board's authority to promulgate the proposed rules is provided by *Minnesota Statutes*, Section 125.05, subd. 1 and *Minnesota Statutes*, Section 125.185, subd. 4.

The Board estimates that there will be no cost to local bodies in the State to implement the rules for the two years immediately following their adoption within the meaning of *Minnesota Statutes*, Section 14.11. These proposed rules will not directly affect small businesses within the meaning of *Minnesota Statutes*, Section 14.115.

A copy of the proposed rules is attached hereto. One free copy may be obtained by writing to Kenneth L. Peatross, 608 Capitol Square, 550 Cedar Street, Saint Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing. If you have any questions on the content of the proposed rules, contact Kenneth L. Peatross, (612) 296-2415.

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

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

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

Proposed Rules

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

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

The statutes provide certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, telephone (612) 296-5615.

Dated: 19 March 1990

Kenneth L. Peatross
Executive Secretary
Board of Teaching

Rules as Proposed (all new material)

8700.2810 TEACHER EDUCATION CURRICULUM.

Subpart 1. **In general.** This part is designed primarily to assist Minnesota institutions approved to prepare persons for teacher licensure and their teacher education units with redesigning teacher education programs consistent with the goal of developing effective teachers.

By complying with this part each institution approved to prepare persons for teacher licensure may shape its own autonomous reconfiguration by using approaches consistent with its stated mission and purpose.

Subp. 2. **Program development and implementation.**

A. Teacher education programs must be based on a statement of philosophy that includes a concept of effective teachers. The statement must be developed with involvement of various groups, which may include teacher education faculty, liberal arts faculty, classroom teachers, students, community members, and representatives of professional organizations. The concept of effective teachers must form the basis for the curriculum which includes a liberal arts component; knowledge of the discipline; and dispositions, skills, and knowledge for teaching.

B. Teacher education programs must be based on the study of a variety of educational theories including knowledge and understanding of the foundations of history, philosophy, sociology, and politics of education, and the application of this knowledge and understanding in clinical settings.

C. Teacher education programs must be results oriented, based on essential knowledge, current research, and sound professional practice. Programs must focus on the dispositions, skills, and knowledge beginning teachers need to be effective. Expected dispositions of beginning teachers must stem from the concept of effective teachers. The identified dispositions provide the basis for the range of skills needed by beginning teachers. The knowledge necessary for building the skills is then defined.

D. Teacher education programs must include regular and systematic experiential activities that relate to the acquisition of dispositions, skills, and knowledge. Throughout the teacher education program, future teachers shall:

- (1) engage in regular and systematic observation, reflection, and feedback using a variety of methods in clinical and field settings, in small and large groups of learners, in a wide range of real or simulated settings;
- (2) have regular and systematic practice and use of technology and data-based information systems;
- (3) routinely integrate methods of analysis and problem solving in all field experiences and practices; and
- (4) engage in field experiences that are clustered within a limited number of cooperating schools.

Subp. 3. **Program outcomes.**

A. Dispositions. Faculty at each institution shall establish a set of experiences involving personal, programmatic, and clinical components that foster dispositions for beginning teachers toward: self and others, learners, learning, teaching, knowledge, the education profession, and institutions.

In all instances, teacher education programs shall foster knowledge and understanding to assure that beginning teachers are aware of and sensitive to handicapping conditions and issues of multicultural education and gender fairness.

B. Skills. Teacher education programs shall assure that beginning teachers possess and can demonstrate individually and in groups the skills listed in this item with all students including the gifted and talented and those with special needs.

- (1) Intellectual skills:
- (a) demonstrate competence in the use of speaking, listening, reading, writing, and mathematics skills; and
 - (b) demonstrate competence in the use of a range of thinking skills.
- (2) Assessment skills:
- (a) systematically observe and interpret the dynamics of learner behavior;
 - (b) identify levels of readiness relative to student learning and development and levels and sources of learner motivation;
- and
- (c) identify student learning styles, strengths, and needs and relevant aspects of learner background and experience.
- (3) Planning skills:
- (a) define the purpose, goals, and objectives of learning based on learner assessment, curriculum content, and knowledge of learning effectiveness research;
- of learning effectiveness research;
- (b) translate goals into integrated curricular objectives, and select learning materials, activities, and strategies to achieve learning objectives for each learner; and
 - (c) plan and design evaluation tools and strategies for assessing learner outcomes.
- (4) Instructional skills:
- (a) use multiple teaching and learning strategies consistent with research findings;
 - (b) communicate clear, individually appropriate learning expectations to students;
 - (c) establish and maintain active learner participation;
 - (d) use questioning skills to develop learner participation and thinking;
 - (e) provide feedback to support, critique, and expand learner expression in speaking, writing, and thinking;
 - (f) foster critical and divergent thinking and problem solving among learners;
 - (g) involve parents and guardians in student learning development; and
 - (h) use state of the art communication technology and information systems.
- (5) Classroom management skills:
- (a) provide clear and appropriate behavioral expectations and establish corresponding rules and routines;
 - (b) identify and diagnose causes of socially acceptable and unacceptable behaviors in the learning environment;
 - (c) recognize and respond to opportunities for fostering learner self-discipline;
 - (d) employ strategies to alter the physical and social-emotional climate of the learning environment to promote desired social development; and
- social development; and
- (e) demonstrate courtesy and respect for others, enthusiasm for learning, self-discipline and control, and consistency between intention and action.
- (6) Evaluation skills:
- (a) monitor and evaluate student learning through a variety of methods;
 - (b) monitor and evaluate one's own dispositions, behavior, and instructional strategies in relation to student achievement and behavior; and
 - (c) modify curriculum, learning objectives, plans, and instructional behavior based on evaluation results.
- (7) Change agent skills:
- (a) identify means by which teachers can act as agents of change for self and institution;
 - (b) demonstrate the ability to work effectively in groups seeking change; and
 - (c) provide illustrations of how change can be initiated within an organization.

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Proposed Rules

C. Knowledge. Teacher education programs shall assure that beginning teachers possess and can demonstrate knowledge in areas listed in this item.

(1) Knowledge about people:

(a) demonstrate knowledge of philosophical beliefs and ethical values that shape societies and the impact educational systems have on the evolution of these beliefs and values;

(b) understand how social organizations function and influence people and how people influence organizations;

(c) comprehend the challenges and the opportunities facing people in culturally diverse societies;

(d) comprehend the challenges and the opportunities facing academically diverse populations;

(e) understand how to work with people in complex social settings; and

(f) make informed judgments regarding issues of professional ethics.

(2) Knowledge about cultures:

(a) understand the origins, beliefs, and the development of western and nonwestern civilizations and cultures;

(b) understand past and present ideas and debates in the sciences and humanities; and

(c) understand issues, trends, and forecasts that may affect future thinking, behavior, and institutions.

(3) Knowledge about epistemology:

(a) appreciate differing viewpoints and theories within disciplines and of associated methods of inquiry;

(b) evaluate explanations advanced to account for phenomena;

(c) understand the changing nature of various fields of knowledge; and

(d) understand theories of knowledge.

(4) Knowledge in a specific discipline:

(a) understand the scope, structure, and relationship of a specific body of knowledge to the world; and

(b) develop a sense of personal scholarship through concentrated study of one or more disciplines outside of professional education.

(5) Knowledge about human growth and development:

(a) understand how the acquisition of knowledge relates to one's own level of development, learning style, and motivational habits as a basis for responding to individual learner's needs;

(b) understand how the acquisition of knowledge relates to the learner's level of development, learning style, and motivational habits;

(c) translate theory into practical learning application; and

(d) acquire information about human learning derived from theories within and across cultures, in the following areas:

(i) affective/social, cognitive, moral, and physical development;

(ii) motivation; and

(iii) individual learning styles and modes.

(6) Knowledge about communication and language:

(a) appreciate and understand the complexities of human communication;

(b) determine how various communication strategies and styles affect learning in a variety of contexts; and

(c) acquire theoretical and developmental knowledge about nonverbal communication, oral language and communication, written language and communication, and technological language and communication.

(7) Knowledge of scientific inquiry:

(a) understanding methods of scientific inquiry to provide teachers with a variety of problem solving strategies for addressing the difficulties and complexities of student learning;

(b) understand and value critical thinking and self-directed learning as intellectual habits of mind; and

(c) learn scientific methodology and use it systematically to identify problems and create effective learning environments.

(8) Knowledge of literature on learning and teaching:

- (a) articulate and explain one's own learning behavior and student learning behavior;
- (b) interpret and apply research findings; and
- (c) acquire knowledge of the professional literature regarding learning, curriculum and resources, pedagogy, technology, and organizational theory and development.

(9) Knowledge of the change process:

- (a) acquire knowledge of the teacher's role as change agent, both for self and institution;
- (b) acquire knowledge of group dynamics and institutional change; and
- (c) acquire knowledge related to the initiation of change in an organization.

Subp. 4. Transition.

A. By June 30, 1991, and each June 30 thereafter, each approved teacher education institution shall file an annual report with the Board of Teaching that shows progress in implementing this part.

B. Any interested party may submit suggested revisions of this part to the Board of Teaching for review and comment at any time before January 1, 1995.

C. This subpart is repealed July 1, 1995.

8700.7710 TEACHER EDUCATION PROGRAM EVALUATION.

Subpart 1. **In general.** The following criteria are to be applied by the Board of Teaching to measure teacher education program effectiveness.

- A. The program has a stated set of outcomes consistent with the dispositions, skills, and knowledge developed by the institution.
- B. The stated outcomes of the program are based on research, theory, and accepted practice.
- C. A liberal arts curriculum is an integral component of the teacher education program and is consistent with other programs offered by the institution.
- D. The teacher education curriculum draws upon and is coordinated with current knowledge in the liberal arts.
- E. The institution documents evidence of efforts to integrate liberal arts and teacher education.
- F. The program incorporates a broad range of clinical and field experiences.
- G. The program is developed and implemented through formal partnerships.
- H. Students are evaluated at entrance, throughout, and at completion of the program.
- I. Licensure candidates demonstrate the dispositions, skills, and knowledge developed by the institution to the satisfaction of teacher education faculty and cooperating school personnel.
- J. The teacher education faculty and cooperating school personnel demonstrate effective teaching.
- K. Teacher educators evaluate their programs and use results of evaluation to improve courses, programs, and learning experiences.
- L. Teacher education faculty and cooperating school personnel collaboratively implement and evaluate the formal induction period at such time as the Board of Teaching may require a formal induction period.

Subp. 2. Transition.

A. Between July 1, 1990, and July 1, 1995, teacher education institutions and programs reviewed for approval by the Board of Teaching in accordance with parts 8700.7600 and 8700.7700 shall demonstrate progress toward compliance with this part.

B. Any interested party may submit suggested revisions of this part to the Board of Teaching for review and comment at any time before January 1, 1995.

C. This subpart is repealed July 1, 1995.

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State Board of Vocational Technical Education

Proposed Permanent Rules Relating to Commercial Occupation Licensing

Notice of Intent to Adopt a Rule without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Board of Vocational Technical Education intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, Section 14.22 to 14.28. The statutory authority to adopt the rules is *Minnesota Statutes* 136C.04, Subdivision 9.

All persons have 30 days until 4:30 p.m., Thursday, April 26, 1990, in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for comment, and any change proposed.

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

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

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

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

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

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

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Jeanette Daines or Georgia Pomroy at the above address and phone, upon request.

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

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

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

Helen Henrie, Interim State Director
State Board of Vocational Technical Education

Rules as Proposed

3700.0500 LICENSES IN MARKETING OCCUPATIONAL AREA.

Subpart 1. Listed here. An applicant for a license to teach technical college courses and programs in the marketing occupational area must meet the requirements in this part. The requirements are in addition to the requirements in part 3700.0100 and for a particular license (listed under the part that covers that particular license).

Subp. 2. Recent occupational experience. An applicant for a license to teach in the marketing occupational area must have 2,000 hours of occupational experience within the five years just before applying for that license.

Subp. 3. Does not apply. Part 3515.9921 does not apply to parts 3700.0505 to 3700.0515.

~~3709.0360~~ 3700.0510 BUSINESS TO BUSINESS TELEMARKETING.

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

Subp. 2. **Other requirements.** The applicant must meet the requirements in part ~~3709.0100~~ 3700.0100 and the requirements for a teacher in the marketing area under part 3700.0500.

[For text of subps 3 and 4, see M.R.]

Subp. 5. **Substitution for recent occupational experience.** The applicant may substitute teaching experience at an accredited postsecondary institution, industrial or business setting in primary content of business to business telemarketing for 1,500 ~~hours~~ of the 2,000 ~~hours~~ required under part ~~3709.0100, subpart 4, item A~~ 3700.0500. Two hours of teaching equal one hour of the occupational experience.

~~3709.0330~~ 3700.0515 COMPUTERIZING SMALL BUSINESS.

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

Subp. 2. **Other requirements.** The applicant must meet the requirements in part ~~3709.0100~~ 3700.0100 and the requirements for a teacher in the marketing area under part 3700.0500.

Subp. 3. **Occupational experience requirement.** The applicant must have 8,000 hours of ~~verified~~ occupational experience with a minimum of 6,000 hours as a working proprietor or managerial level employee responsible for, and making decisions based on, sources and use of capital. ~~A minimum of 2,000 hours of this experience must be~~ The remaining 2,000 hours must be in one or both of the following:

A. using a microcomputer system with multiapplication software for use in managing daily operations of a small business; or

B. selling a combination of microcomputer hardware systems and software packages for use in managing the daily operations of a small business.

The 8,000 hours must include verification of experience in developing a combination of microcomputer hardware and software processes for computerizing small businesses. Computerizing a small business means to do a feasibility study that includes analyzing, prioritizing, researching availability, evaluating, and reviewing computer needs.

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

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

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

C. A diploma in business entrepreneurship, small business management, preparation for small business ownership, accounting, or computerizing small business may be substituted. A one-year program or a program of 45 or more quarter credits equals 1,050 hours. A two-year program or a program of 90 or more quarter credits equals 2,100 hours.

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

Subp. 5. ~~Occupational experience substitution~~ **Substitution for recent occupational experience.** The applicant may substitute teaching experience in primary program content at an accredited postsecondary institution or at an industrial setting ~~may be substituted~~ for 1,500 of the 2,000 hours required in part ~~3709.0100~~ 3700.0500, subpart 4, ~~item A~~ 2, if the teaching is done during this five-year period. The teaching must be in computerizing small business, small business management, or preparation for small business ownership. Two hours of teaching equal one hour of occupational experience.

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Proposed Rules

3700.0520 CUSTOMER SERVICE.

Subpart 1. May teach. A teacher who has a customer service license may teach in the customer service program and may also teach customer specific courses such as:

- A. consumer behavior;
- B. consumer credit and collections;
- C. introduction to customer service technology;
- D. consumer problem solving;
- E. customer service conflict and management; and
- F. customer service telemarketing.

Subp. 2. Other requirements. The applicant must meet the requirements in part 3700.0100 and the requirements for a teacher in the marketing area under part 3700.0500.

Subp. 3. Occupational experience requirement. The applicant must have 8,000 hours of occupational experience with a minimum of 4,000 hours at the management/supervisory level doing the hiring, training, and development of individuals for customer contact involving problem solving and proactive activities. The remaining experience may be in any of the following activities:

- A. budgeting and long range planning for customer service;
- B. customer advocate liaison within a company;
- C. assessing, measuring, and defining customer expectation for future applications; and
- D. development and implementation of procedural processes and subsequent applications for customer service.

Subp. 4. Substitution for occupational experience. The applicant may substitute education in items A to D for up to 4,000 hours of the occupational experience required in subpart 3. The education must be from an accredited postsecondary institution. The education may not substitute for the 4,000 hours of management/supervisory level occupational experience.

- A. A bachelor's or higher degree with a major in business, management, or marketing may be substituted for 4,000 hours.
- B. An associate degree in business, customer service, management, marketing, or supervision may be substituted for 2,000 hours.
- C. A diploma or certificate in business, customer service, management, marketing, or supervision may be substituted. A one-year program or a program of 45 or more quarter credits equals 1,050 hours. A two-year program or a program of 90 or more quarter credits equals 2,100 hours.

D. The completion of courses for credit or clock hours for credit in customer service specific content. One hour of instruction equals one hour of occupational experience. One quarter credit equals 20 hours of occupational experience. One semester credit equals 30 hours of occupational experience.

Subp. 5. Substitution for recent occupational experience. The applicant may substitute teaching experience in primary program content at an accredited postsecondary institution or industrial setting for 1,500 of the 2,000 hours required under part 3700.0500, subpart 2. The experience must be in customer service. Two hours of teaching equal one hour of the occupational experience required in part 3700.0500, subpart 2.

~~3700.0110~~ 3700.0525 ELECTRONIC SERVICE/SALES REPRESENTATIVE.

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

Subp. 2. Other requirements. The applicant must meet the requirements in part ~~3700.0100~~ 3700.0100 and the requirements for a teacher in the marketing area under part 3700.0500.

Subp. 3. Occupational experience requirement. ~~An~~ The applicant must have 8,000 hours of ~~verified~~ occupational experience in electronic-based applications as follows:

- A. a minimum of 2,000 hours in commercial or industrial sales ~~and~~, installation, and maintenance or troubleshooting equipment; and
- B. a minimum of 2,000 hours in customer needs analysis including equipment determination and selection, hardware configuration, product presentation, and demonstration or account management.

Subp. 4. Substitution for occupational experience. ~~An~~ The applicant may substitute the education described in item A, B, or C for up to 4,000 hours of occupational experience required under subpart 3. The education must be from an accredited postsecondary institution. An applicant cannot substitute for the 2,000 hours of experience required in subpart 3, item A.

A. A bachelor's or higher degree with a major in applied electrical engineering may be substituted for 4,000 hours.

B. An associate degree in electronics or electronic service/sales may be substituted for 2,000 hours.

C. A diploma in electronics or electronic service/sales may be substituted. A one-year program or a program of 45 or more quarter credits equals 1,050 hours. A two-year program or a program of 90 or more quarter credits equals 2,100 hours.

Subp. 5. ~~Occupational recency substitution~~ Substitution for recent occupational experience. The applicant may substitute teaching experience in primary program content at an accredited postsecondary institution or at an industrial setting ~~may be substituted~~ for 1,500 of the 2,000 hours required under part ~~3709.0500~~ 3700.0500, subpart 4, ~~item A 2~~, if the teaching is done during the five-year period. The teaching must be in electronics or electronic service/sales. Two hours of teaching equal one hour of occupational experience. An applicant cannot substitute for the 2,000 hours of experience required under subpart 3, item A.

3700.0530 FASHION MANAGEMENT.

Subpart 1. May teach. A teacher who has a fashion management license may teach the fashion management program, retail management program, marketing careers core, fashion specific courses, and courses in the marketing occupational area in:

- A. applied oral communications;
- B. business ethics and legal issues;
- C. human resource management;
- D. interpersonal relations;
- E. professional self-development; and
- F. the following courses in any technical college area:
 - (1) applied sales strategies;
 - (2) inventory planning and control;
 - (3) marketing research fundamentals;
 - (4) principles of management;
 - (5) retail buying;
 - (6) retail principles;
 - (7) retail trends;
 - (8) sales promotion/advertising;
 - (9) store layout and presentations;
 - (10) store operations;
 - (11) supervision fundamentals;
 - (12) telemarketing fundamentals; and
 - (13) visual merchandising.

Subp. 2. Other requirements. The applicant must meet the requirements in part 3700.0100 and the requirements for a teacher in the marketing area under part 3700.0500.

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

- A. product and/or customer service presentation;
- B. supervision/management of human resources, and store or business operations;
- C. promotion or advertising with intent to sell the product or service; and
- D. business operations planning, forecasting, and analysis.

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The remaining 2,000 hours must include the recency requirement of part 3700.0500, subpart 2, and must be in the area of fashion apparel and accessory, to include direct responsibility for the following: inventory control dollar and unit, merchandise pricing, layout of selling floor, retail financial applications, physical inventory, and sales.

Subp. 4. Substitution for occupational experience. The applicant may substitute education described in items A to D for up to 4,000 of the 6,000 hours of occupational experience required in subpart 3, items A to D. The education must be from an accredited postsecondary institution.

A. A bachelor's or higher degree with a major in business administration, business management, distributive education, marketing, merchandising, or retailing may be substituted for 4,000 hours.

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

C. A diploma or certificate in management, marketing, merchandising, sales, or telemarketing may be substituted. A one-year program or a program of 45 quarter credits equals 1,050 hours. A two-year program or a program of 90 or more quarter credits equals 2,100 hours.

D. The completion of courses for credit or clock hours for credit in management, marketing, merchandising, sales, or telemarketing. One hour of instruction equals one hour of occupational experience. One quarter credit equals 20 hours of occupational experience. One semester credit equals 30 hours of occupational experience.

Subp. 5. Substitution for recent occupational experience. The applicant may substitute teaching experience in primary program content at an accredited postsecondary institution or industrial setting for 1,500 of the 2,000 hours required under part 3700.0500, subpart 2. The experience must be in fashion apparel and accessory sales and management. Two hours of teaching equal one hour of the occupational experience required in part 3700.0500, subpart 2.

3700.0535 POSTAL SERVICE MANAGEMENT.

Subpart 1. May teach. An instructor with a postal service management license may teach postal service specific content in the postal service management program and may also teach postal specific courses throughout the technical college system.

Subp. 2. Other requirements. The applicant must meet the requirements in part 3700.0100 and the requirements for a teacher in the marketing area under part 3700.0500.

Subp. 3. Occupational experience requirement. The applicant must have occupational experience in a classified United States Postal Service position as described in item A, B, or C.

A. 3,000 hours as a bargaining unit employee and 5,000 hours in an initial level supervisor position or above. The recency experience described in part 3700.0500, subpart 2, must be as an initial level supervisor or above.

B. 3,000 hours as a bargaining unit employee and 5,000 hours as a postal service training technician with sole training responsibility in an office of 200 or more employees. The recency experience described in part 3700.0500, subpart 2, must be as a postal service training technician with sole training responsibility in an office of 200 or more employees.

C. An associate degree in postal service management with 3,000 hours as a bargaining unit employee and 3,000 hours as an initial level supervisor or above. The recency experience described in part 3700.0500, subpart 2, must be as an initial level supervisor or above.

D. An associate degree in postal service management with 3,000 hours as a bargaining unit employee and 3,000 hours as a postal service training technician with sole responsibility in an office of 200 or more employees. The recency experience described in part 3700.0500, subpart 2, must be as a postal service training technician.

Subp. 4. Substitution for recent occupational experience. An applicant currently employed by the United States Postal Service may substitute teaching experience in postal service content in a postal service management program at an accredited postsecondary institution for 1,500 of the 2,000 hours required under part 3700.0500, subpart 2. Two hours of teaching equal one hour of the occupational experience required in part 3700.0500, subpart 2.

~~3709.0150~~ 3700.0540 PREPARATION FOR SMALL BUSINESS OWNERSHIP.

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

Subp. 2. Other requirements. The applicant must meet the requirements in part ~~3709.0100~~ 3700.0100 and the requirements for a teacher in the marketing area under part 3700.0500.

Subp. 3. Occupational experience requirement. ~~A~~ The applicant must have 8,000 hours of verified occupational experience as a working proprietor or managerial level employee responsible for, and making decisions based on, sources and use of capital.

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

A. A bachelor's or higher degree with a major in marketing, business, or finance; ~~or accounting~~ may be substituted for 4,000 hours.

B. An associate degree in advertising preparation for small business ownership, small business management, business, marketing, accounting, retailing, fashion merchandising, hospitality management, manufacturing management, sales, finance, or insurance business or marketing may be substituted for 2,000 hours.

C. A diploma in advertising, fashion merchandising, professional and industrial sales, hotel motel management, general merchandising and retail sales, business to business telemarketing, marketing management, preparation for small business ownership, small business management, international marketing, sporting goods sales and management, financial services marketing, supermarket marketing and management, and hardware and home center management business or marketing may be substituted. A one-year program or a program of 45 or more quarter credits equals 1,050 hours. A two-year program or a program of 90 or more quarter credits equals 2,100 hours.

D. The completion of courses or clock hours for credit in business, or marketing, distributive education, finance, or accounting may be substituted.

One clock hour of instruction equals one hour of occupational experience. One quarter credit equals 20 hours of occupational experience. One semester credit equals 30 hours of occupational experience.

Subp. 5. **Occupational recency substitution** Substitution for recent occupational experience. ~~Postsecondary~~ The applicant may substitute teaching experience in small business management, primary program content at an accredited postsecondary institution or industrial setting in accounting, practical business management, sales and marketing, business management, or computer applications for small business management may be substituted, and sales and marketing, for 1,500 of the 2,000 hours required under part 3709.0100 3700.0500, subpart 4, item A 2, if the teaching is done during the five-year period. Two hours of teaching equal one hour of occupational experience.

~~3709.0340~~ 3700.0545 PRODUCTIVITY TECHNICIAN/PRODUCTIVITY AND INVENTORY MANAGEMENT.

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

Subp. 2. **Other requirements.** The applicant must meet the requirements in part ~~3709.0100~~ 3700.0100 and the requirements for a teacher in the marketing area under part 3700.0500.

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

- A. management/employee involvement (MEI);
- B. statistical process control (SPC);
- C. quality assurance or quality control systems (QAQC);
- D. problem solving/decision making techniques;
- E. just in time techniques (JIT); and
- F. production and inventory control.

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

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

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

C. A diploma in production and inventory management, productivity technician, supervisory management production technician, or marketing management may be substituted. A one-year program or a program of 45 or more quarter credits equals 1,050 hours. A two-year program or a program of 90 or more quarter credits equals 2,100 hours.

D. The completion of courses for credit or clock hours for credit or seminars and workshops by professional organizations in transformation of American industry, manufacturing process, production and inventory management techniques, engineering drawings, quality assurance product development, work simplifications, organizational structure of business, material requirements planning,

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industrial master planning, capacity management, production activity management, inventory management, employee involvement, statistical process, problem solving, or socio-economic systems may be substituted. One clock hour of instruction equals one hour of occupational experience. One quarter credit equals 20 hours of occupational experience. One semester credit equals 30 hours of occupational experience.

Subp. 5. ~~Occupational recency substitution~~ **Substitution for recent occupational experience.** The applicant may substitute teaching experience in primary program content at an accredited postsecondary institution, ~~or at an industrial or military setting may be substituted~~ for 1,500 of the 2,000 hours required in part ~~3709.0100~~ 3700.0100, subpart 4, ~~item A 2~~, if the teaching is done during this five-year period. The teaching must be in production and inventory management, productivity technician, supervisory management, statistical process control, quality assurance or quality control systems, participation management/employee involvement process, problem solving/decision making techniques, just in time techniques, or production/inventory control. Two hours of teaching equal one hour of occupational experience.

3700.0550 RETAIL MANAGEMENT.

Subpart 1. May teach. A teacher who has a retail management license may teach the retail management program, marketing careers core, courses in the marketing area in:

- A. applied oral communications;
- B. business ethics and legal issues;
- C. human resource management;
- D. interpersonal relations;
- E. professional self development; and
- F. the following courses in any technical college area:
 - (1) applied sales strategies;
 - (2) inventory planning and control;
 - (3) marketing research fundamentals;
 - (4) principles of management;
 - (5) retail buying;
 - (6) retail principles;
 - (7) retail trends;
 - (8) sales promotion and advertising;
 - (9) store layout and presentations;
 - (10) store operations;
 - (11) supervision fundamentals;
 - (12) telemarketing fundamentals; and
 - (13) visual merchandising.

Subp. 2. Other requirements. The applicant must meet the requirements in part 3700.0100 and the requirements for a teacher in the marketing area under part 3700.0500.

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

- A. product and/or customer service presentation;
- B. supervision/management of human resources, and store or business operations;
- C. promotion or advertising with intent to sell the product or service; and
- D. business operations planning and forecasting analysis.

The remaining 2,000 hours must include the recency requirement in part 3700.0500, subpart 2, and be in retail sales and management with direct responsibility in the following areas: inventory control dollar and unit, merchandise pricing, layout of selling floor, retail financial applications, taking inventory, and retail sales.

Subp. 4. Substitution for occupational experience. The applicant may substitute education described in items A to D for up to 4,000 of the 6,000 hours of occupational experience required in subpart 3, items A to D. The education must be from an accredited postsecondary institution.

A. A bachelor's or higher degree with a major in marketing, business administration, business management, merchandising, retailing, or distributive education may be substituted for 4,000 hours.

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

C. A diploma or certificate in sales, marketing, merchandising, management, or telemarketing may be substituted. A one-year program or a program of 45 or more quarter credits equals 1,050 hours. A two-year program or a program of 90 or more quarter credits equals 2,100 hours.

D. The completion of courses for credit or clock hours for credit in sales, marketing, merchandising, management, or telemarketing. One hour of instruction equals one hour of occupational experience. One quarter credit equals 20 hours of occupational experience. One semester credit equals 30 hours of occupational experience.

Subp. 5. Substitution for recent occupational experience. The applicant may substitute teaching experience in primary program content at an accredited postsecondary institution or industrial setting for 1,500 of the 2,000 hours required under part 3700.0500, subpart 2. This teaching experience must be in retail sales and management. Two hours of teaching equal one hour of the occupational experience required in part 3700.0500, subpart 2.

3700.0555 SALES MANAGEMENT.

Subpart 1. May teach. A teacher who has a sales management license may teach the sales management program, marketing careers core, courses in the marketing area in:

A. applied oral communications;

B. business ethics and legal issues;

C. human resource management;

D. interpersonal relations;

E. professional self-development; and

F. the following courses in any technical college area:

(1) applied sales strategies;

(2) marketing research fundamentals;

(3) negotiation sales;

(4) principles of management;

(5) sales management;

(6) sales promotion and advertising;

(7) sales record management;

(8) supervision fundamentals;

(9) telemarketing fundamentals;

(10) territory management;

(11) visual merchandising; and

(12) wholesale buying and selling techniques.

Subp. 2. Other requirements. The applicant must meet the requirements in part 3700.0100 and the requirements for a teacher in the marketing area under part 3700.0500.

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

A. product and/or customer service presentation;

B. supervision/management of human resources, and store or business operations;

C. promotion or advertising with intent to sell the product or service; and

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Proposed Rules

D. business operations planning, forecasting, and analysis.

The remaining 2,000 hours must include the recency requirement in part 3700.0500, subpart 2, and be in a nonretail store environment, industrial or institutional setting in multilevel marketing or telemarketing sales. The activities must include three of the following: individual or group sales, territory management, trade show presentation, bid and proposal writing, sales contract negotiations, account management, and sales and personal records management. A way to partially substitute for these hours is described in subpart 5.

Subp. 4. Substitution for occupational experience. The applicant may substitute education described in items A to D for up to 4,000 of the 6,000 hours of occupational experience required in subpart 3, items A to D. The education must be from an accredited postsecondary institution.

A. A bachelor's or higher degree with a major in business administration, business management, distributive education, marketing, merchandising, or retailing may be substituted for 4,000 hours.

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

C. A diploma or certificate in management, marketing, merchandising, sales, or telemarketing may be substituted. A one-year program or a program of 45 or more quarter credits equals 1,050 hours. A two-year program or a program of 90 or more quarter credits equals 2,100 hours.

D. The completion of courses for credit or clock hours for credit in management, marketing, merchandising, sales, or telemarketing. One hour of instruction equals one hour of occupational experience. One quarter credit equals 20 hours of occupational experience. One semester credit equals 30 hours of occupational experience.

Subp. 5. Substitution for recent occupational experience. The applicant may substitute teaching experience in primary program content at an accredited postsecondary institution or industrial setting for 1,500 of the 2,000 hours required under part 3700.0500, subpart 2. The experience must be in sales representation, sales management, or wholesale and industrial sales. Two hours of teaching equal one hour of the occupational experience required in part 3700.0500, subpart 2.

~~3709.0320~~ 3700.0560 SUPERVISORY MANAGEMENT.

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

Subp. 2. Other requirements. The applicant must meet the requirements in part ~~3709.0400~~ 3700.0100 and the requirements for a teacher in the marketing area under part 3700.0500.

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

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

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

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

C. A diploma in supervision or management programs. A one-year program or a program of 45 or more quarter credits equals 1,050 hours. A two-year program or a program of 90 or more quarter credits equals 2,100 hours.

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

Subp. 5. ~~Occupational recency substitution~~ Substitution for recent occupational experience. The applicant may substitute teaching experience in primary program content at an accredited postsecondary institution or at an industrial setting may be substituted for 1,500 of the 2,000 hours required in part ~~3709.0400~~ 3700.0500, subpart 4, ~~item A 2~~, if the teaching is done during this five-year period. The teaching must be in management programs or courses that include supervision or management content. Two hours of teaching equal one hour of occupational experience.

Board of Vocational Technical Education

Proposed Permanent Rules Relating to Technical College Licenses

Notice of Intent to Adopt a Rule without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Board of Vocational Technical Education intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, Section 14.22 to 14.28. The statutory authority to adopt the rules is *Minnesota Statutes* 136C.04, Subdivision 9.

All persons have 30 days until 4:30 p.m., Thursday, April 26, 1990, in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for comment, and any change proposed.

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

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

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

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

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

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

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Jeanette Daines or Georgia Pomroy at the above address and phone, upon request.

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

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

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

Helen Henrie, Interim State Director
State Board of Vocational Technical Education

Rules as Proposed (all new material)

3700.0140 GENERAL PROVISIONS FOR VOCATIONAL LICENSURE.

Subpart 1. Licenses requirement. Licensed personnel shall meet licensure requirements set forth in *Minnesota Rules* pertaining to the licensure of technical college personnel for the areas in which such personnel practice.

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Proposed Rules

Subp. 2. **License issuance.** Licenses are issued by the licensure unit within the State Board of Vocational Technical Education.

Subp. 3. **Fees.** License fees are established by the State Board of Vocational Technical Education and are nonrefundable except in accordance with the rules of the State Board of Vocational Technical Education. A fee established by the State Board of Vocational Technical Education shall be charged to the applicant for each application. If a renewal and additional license category requests are submitted for review simultaneously, one processing fee covers both the renewal and the new categories. Effective after July 1, 1990, each application for the issuance, renewal, or voluntary surrender of a license to teach shall be accompanied by a processing fee in the amount of \$50. When an applicant requests review by committee, an application must be submitted to the State Board of Vocational Technical Education in accordance with parts 3515.4100 to 3515.4400 and shall be accompanied by an additional processing fee to apply to the cost of the review in the amount of \$100. Upon presentation of evidence by a government agency indicating that the applicant is unable to pay the petition fee, the fee may be waived by the State Board of Vocational Technical Education.

The fee shall be paid to the State Board of Vocational Technical Education who shall deposit it with the state treasurer, as provided by law, and report each month to the commissioner of finance the amount of fees collected.

The fees are nonrefundable for applicants not qualifying for a license. However, the fee is refundable when the applicant for a license already holds the license for which application is made and that license does not expire in the year the application is submitted.

Subp. 4. **License validity.** Licenses become valid on the date of approval by the State Board of Vocational Technical Education. An individual shall hold a license before receiving payment for services that require a license. If a processing error results in issuance of a license to an individual who does not meet rule requirements for the license, the license is invalid. It is the applicant's responsibility to return the license for corrections to the licensing unit of the State Board of Vocational Technical Education. All licenses shall bear the date of issuance and shall expire the specified number of years from the July 1 nearest the date the license was approved.

Subp. 5. **Correlation of expiration dates.** If an applicant applies for and meets the requirements for an additional license which has the same renewal requirements as the applicant's existing license, the licensing unit will correlate the expiration dates.

When renewing an existing field, one of the following may occur for the purpose of correlating multiple expiration dates if the renewal conditions pertaining to both have been met and verified according to rules. Subsequent renewal will require compliance with customary renewal requirements.

A. Request renewal of another existing licensure field one year early.

B. Request that the expiring fields receive less than the full renewal period.

3700.0150 PROCEDURES FOR VOLUNTARY SURRENDER OF TECHNICAL COLLEGE LICENSES.

Subpart 1. **Materials required to surrender license.** The person holding a technical college teaching license granted by the State Board of Vocational Technical Education may voluntarily surrender the license by submitting to the licensing unit the following:

A. An application for voluntary surrender which specifies the license category or categories to be surrendered. This application must include the signatures of the district superintendent and the technical college director. The signatures will serve as verification to the State Board of Vocational Technical Education that the district superintendent and the technical college director have been notified of the applicant's intent to remove a category or categories from a license.

B. The applicants copy of the most recently issued license.

C. The required processing fee.

Subp. 2. **Voluntary surrender date.** When the licensing unit receives the materials listed in subpart 1, postmarked by January 1, the date of surrender is July 1 of that year. When the materials are postmarked after January 1, the date of surrender is July 1 of the following calendar year.

Subp. 3. **Withdrawal of request.** A request may be withdrawn by the applicant on or before December 31 of the year in which the request was made without refund of fee.

Subp. 4. **Notification.** Upon receipt of the signed application for voluntary surrender, the State Board of Vocational Technical Education will request in writing the copies of the applicant's original license from the offices of the district superintendent and technical college director. It is the responsibility of the applicant to file with the offices of the district superintendent and the technical college director the revised license.

Subp. 5. **When voluntary surrender is prohibited.** A person may not voluntarily surrender a license under any of the following circumstances:

A. the school board has begun proceedings to terminate the continuing contract, pursuant to *Minnesota Statutes*, section 125.12, subdivision 6 or 8, or 125.17, subdivision 4;

B. the State Board of Vocational Technical Education or its designee has begun proceedings to suspend or revoke the license pursuant to part 8700.7500 or *Minnesota Statutes*, sections 125.09 and 214.10; or

C. any educational agency or board has begun proceedings which could result in alteration of the status of the teaching license due to the person's conduct.

Subp. 6. **Entrance license after voluntary surrender.** A person whose technical college license has been voluntarily surrendered may apply for entrance licensure in the category for which licensure was previously surrendered. An entrance license must be granted to the applicant if the following criteria are met:

- A. a licensure rule exists in the category for which licensure was previously surrendered;
- B. the applicant meets the entrance licensure criteria that are in effect for that category at the time of application; and
- C. the required processing fee accompanies the application for entrance licensure.

Subp. 7. **Effect of voluntary surrender.** Nothing in subparts 1, 2, and 4 prohibits a person from holding or applying for a license in any other category upon surrender of a license in another category.

3700.0155 LETTERS OF APPROVAL.

Subpart 1. **Issuance.** The State Board of Vocational Technical Education may issue letters of approval under the conditions of subpart 3 that permit a licensed individual to undertake an assignment for which that individual is not currently licensed to resolve a hardship.

Subp. 2. **Hardship.** For letter of approval purposes, the state director's designee determines whether a hardship exists because of item A, B, or C subject to the conditions of subpart 3:

A. an immediate need exists due to an unexpected resignation, death, dismissal, or long-term leave of absence of a licensed staff member;

B. an immediate need exists due to the inability to recruit an individual who is licensable for the assignment and who is available for hire; or

C. an unavoidable situation exists that prevents the offering of needed instruction or service without resort to the letter of approval.

Subp. 3. **Conditions.** Letters of approval authorized by subpart 1 must be issued to a technical college director if the state director's designee finds that the conditions in this subpart are met:

A. the technical college director has requested a letter of approval in accordance with this part;

B. the technical college director has verified in writing that:

(1) a specific assignment vacancy exists that requires a technical college license in the licensure category for which a letter of approval is requested;

(2) reasonable recruitment efforts have been made, as specified by local policy;

(3) no person with appropriate technical college licensure who wishes to undertake the assignment is available for hire or reassignment to this area;

(4) no person who wishes to undertake the assignment and who has been placed on unrequested leave by the technical college has filed with the district a current technical college license that is valid for the assignment for which the letter of approval is requested; and

(5) the person for whom the request is made:

(a) holds a valid license issued by the State Board of Vocational Technical Education;

(b) is technically qualified for the assignment as evidenced by documentation of training or occupational experience of sufficient substance that in part would qualify for a full license in the requested licensure category without regard to the occupational recency and teacher education sequence provisions; and

(c) has had 12 clock hours of teaching techniques as determined by the local technical college if the request is in an instructional field.

Subp. 4. **Duration, renewal of letters of approval.** A letter of approval is valid for no longer than the rest of the fiscal year in which it is issued. A letter of approval involving the same individual and circumstance may be renewed only once and only if the

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Proposed Rules

conditions of subpart 3, items A and B, are met again. The renewal is valid for no longer than the rest of the school year in which the renewal is approved.

REPEALER. *Minnesota Rules*, parts 3515.0300 and 3515.0400, are repealed.

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.

Pollution Control Agency

Solid and Hazardous Waste Division

Adopted Permanent Rules Relating to Hazardous Waste

The rules proposed and published at *State Register*, Volume 14, Number 21, pages 1203-1210, November 20, 1989 (14 S.R. 1203) are adopted with the following modifications:

Rules as Adopted

7045.0075 PETITIONS.

Subp. 11. **Petition for additional treatability study quantities.** The commissioner may grant requests for quantity limits in excess of those specified in part 7045.0121, subpart 2, item A, for up to an additional 500 kilograms of nonacute hazardous waste, one kilogram of acute hazardous waste, and 250 kilograms of soils, water, or debris contaminated with acute hazardous waste, to conduct further treatability study evaluation. Item A of this subpart prescribes the conditions which the petitioner must meet in order for the commissioner to grant a petition to increase the quantity limits for waste, destined for use in treatability studies, to a maximum of the limits described in this subpart. Item B of this subpart prescribes what the petition must contain.

B. The generator or sample collector must apply to the commissioner and provide in writing the following information:

(3) a description of the technical modifications or change in specifications that will be evaluated and the expected results;

and

(4) if a further study is required due to equipment or mechanical failure, the applicant shall include information regarding the reason for the failure or breakdown and include what procedures or equipment improvements have been made to protect against further breakdowns; and

(5) any additional information requested by the commissioner which may reasonably be required to evaluate the petition.

7045.0121 TREATABILITY STUDY EXEMPTIONS.

Subp. 3. **Facilities and sample handling.** A mobile treatment unit may qualify as a laboratory or testing facility subject to requirements of this subpart. Where a group of mobile treatment units are located at the same site, the limitations specified in this subpart apply to the entire group of mobile treatment units involved in treatability studies collectively as if the group were one mobile treatment unit. Samples undergoing treatability studies and the laboratory or testing facility conducting the treatability studies, to the extent the facilities are engaged directly in treatability studies and are not otherwise subject to the Resource Conservation and Recovery Act, United States Code, title 42, section 6901 et seq. requirements, are not subject to any requirements of Code of Federal Regulations, title 40, part 124; parts 7045.0100 to 7045.0685 except this part and applicable references; parts 7045.1300 to 7045.1380; chapter 7001; or to the notification requirements of the Resource Conservation and Recovery Act, United States Code, title 42, section 6930, providing that the conditions in items A to K are met.

G. The facility maintains records for three years following completion of each treatability study conducted and these records track compliance with the limits on treatment rate, storage time, and quantity ~~limits~~ and also include the following information:

Pollution Control Agency

Adopted Permanent Rules Relating to Hazardous Waste Facility Fee Amendments

The rule proposed and published at *State Register*, Volume 14, Number 21, pages 1210-1214, November 20, 1989 (14 S.R. 1210) is adopted with the following modifications:

Rules as Adopted

7046.0020 HAZARDOUS WASTE FACILITY FEES.

Subpart 1. **Fee schedule for five-year permits.** A person applying for issuance or reissuance of a five-year permit for a hazardous waste facility shall remit the permit application fee or permit reissuance fee given in item A or B. A person who owns or operates a hazardous waste facility shall remit the annual facility fee for that fiscal year if on July 1, the facility is treating, storing, or disposing of hazardous waste or has hazardous waste remaining after closure. A facility in which hazardous waste remains after closure continues to be subject to the annual facility fee until ~~certification of completion of post-closure care is submitted to the commissioner and the commissioner releases the owner or operator from the financial assurance requirements for post-closure care as described in part 7045.0602, subpart 4~~ the owner or operator is exempted under subpart 8.

Subp. 8. Exemption for closed land disposal facilities from annual facility fee. The owner or operator of a closed land disposal facility may petition the commissioner, at any time after two years have passed since the last wastes were disposed of at the facility, to release the owner or operator from the requirement to pay an annual facility fee. The petition shall include all available leachate and groundwater monitoring data for the facility, a description of the characteristics of the wastes in the facility, a description of the technology applied to secure the facility and avoid migration of the wastes, a description of anticipated future monitoring, an evaluation of the potential for future environmental problems, and any additional information the owner or operator has to support the petition. The commissioner shall grant the petition and exempt the owner or operator from the requirement to pay the annual facility fee if the commissioner determines that, based on the information contained in the petition, groundwater contamination has not occurred and is not likely to occur and the facility will not require significant agency oversight. The exemption shall continue until such time as the commissioner determines, after notice to the owner or operator, that the facility does require significant agency oversight. The exemption shall expire if the owner or operator adds or allows to be added additional wastes to the facility. The exemption from the requirement to pay the annual facility fee does not exempt the owner or operator from the requirement to pay the permit reissuance fee.

Errata

Bureau of Mediation Services

Correction to Notice of Intent to Adopt a Rule without a Public Hearing Regarding Proposed Permanent Rules Relating to Public Employee Labor Relations

On February 26, 1990, a Notice of Intent to Adopt a Rule Without a Public Hearing was published in the *State Register*, Volume 14, Number 35, Pages 2081-2084. The original notice incorrectly stated that the statutory authority to adopt the rule is *Minnesota Statutes*, section 179.02, subdivision 4. The correct statutory authority to adopt the rule is *Minnesota Statutes* 179A.04, subdivision 3, (f).

Inasmuch as the incorrect statutory authority was cited, all persons will have 30 additional days in which to submit comments.

Please reference the *State Register*, Volume 14, Number 35, pages 2081-2084 for the remainder of the information regarding this rule.

Dated: 26 March 1990

Paul W. Goldberg
Commissioner

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Official Notices

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

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

Department of Administration

Certificate of Assumed Name for Capitol Child Care

Filed with the Office of the Secretary of State, State of Minnesota, February 28, 1990—7:55 a.m.—090747

Pursuant to Chapter 333, *Minnesota Statutes*; the undersigned, who is or will be conducting or transacting a commercial business in the State of Minnesota under an assumed name, hereby certifies:

1. The assumed name under which the business is or will be conducted is: **Capitol Child Care**
2. The street address of the principal place of business is or will be: **671 North Robert Street, St. Paul, MN 55101**
3. The name and street address of all persons conducting business under the above Assumed Name.

NAME	STREET ADDRESS
Minnesota Department of Administration	50 Sherburne Ave., St. Paul, MN 55155
Neil Johnson	2616 Keller Parkway, Maplewood, MN 55109
Claudia McPeck	1629 Innsbruck Circle West, Columbia Heights, MN 55421

I certify that I am authorized to sign this certificate and I further certify that I understand that by signing this certificate, I am subject to the penalties of perjury as set forth in section 609.48 as if I had signed this certificate under oath.

Dated: 21 February 1990

James L. Pederson
Assistant Commissioner

#413777

Ethical Practices Board

Notice of 1990 Election Year Campaign Expenditure Limits

In accordance with *Minnesota Statutes* §§ 10A.25, and 10A.255, the following are election year campaign expenditure limits for 1990 by office sought: Governor and Lt. Governor, \$1,626,691; Attorney General, \$271,116; Secretary of State, State Auditor, State Treasurer (each), \$135,559; State Senator, \$40,669; State Representative, \$20,335.

Department of Jobs and Training

Services for the Blind

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Permanent Rules Relating to Vending Stands and Business Enterprises of Services for the Blind Including the Impact of the Rules on Small Businesses

NOTICE IS HEREBY GIVEN that the Department of Jobs and Training is seeking information or opinions from sources outside the agency in proposing to adopt amendments to *Minnesota Rules*, parts 3321.0100 through 3321.1400, relating to Vending Stands and Business Enterprises of Services for the Blind. These permanent rules are being proposed to interpret *Minnesota Statutes*, section 248.07, subdivisions 7 and 8. Outside opinion is also being solicited concerning how these rules will affect small businesses as defined by *Minnesota Statutes*, section 14.115, subdivision 1.

The proposed amendments to rules will establish due dates for payments from blind operators and impose penalties for significantly late payments and reports from operators. Furthermore, the proposed amendments will change certain requirements for the purchase of merchandise by operators. Other technical and housekeeping changes will also be proposed.

Interested persons or groups may submit data or comments in writing. Written comments should be addressed to:

Charles Hamilton
State Services for the Blind
1745 University Avenue West
St. Paul, MN 55104

All comments and information will be accepted until 4:30 p.m. on April 20, 1990. Any written material received by the Department of Jobs and Training will become part of the rulemaking record to be submitted to the Attorney General or Administrative Law Judge in the event the rules are adopted.

Joe Samargia, Commissioner
Department of Jobs and Training

Department of Natural Resources

Outside Opinions Sought Regarding Proposed Rules for Use of All-Terrain Vehicles

NOTICE IS HEREBY GIVEN that the Minnesota Department of Natural Resources is seeking opinions from sources outside the agency in preparing to promulgate rules governing:

1. **registration of all-terrain vehicles** and display of registration numbers;
2. **use of all-terrain vehicles** insofar as game and fish are affected;
3. **use of all-terrain vehicles on public lands and waters** under the jurisdiction of the commissioner of natural resources;
4. **uniform signs** to be used by the state, counties, and cities necessary or desirable to control, direct, or regulate the operation and use of all-terrain vehicles; and
5. **specifications** relating to all-terrain vehicle mufflers.

The promulgation of these rules is authorized by *Minnesota Statutes* Sec. 84.924, which directs the agency to adopt such rules.

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

Mr. Thomas R. Danger, Supervisor
Trails Operations Section
Trails and Waterways Unit
Minnesota Department of Natural Resources
DNR Building—500 Lafayette Road
Saint Paul, Minnesota 55155-4052

Oral statements will be received during regular business hours over the telephone at (612) 296-4822 and in person at the above address.

All statements of information and opinions shall be accepted until April 20, 1990. Any written material received by the Department of Natural Resources shall become part of the record to be submitted to the Attorney General or Administrative Law Judge in the event that the rules are promulgated.

Dated: 20 February 1990

Joseph N. Alexander, Commissioner
Department of Natural Resources

Department of Natural Resources

Minerals Division

Notice of Sale of State Metallic Minerals Leases

NOTICE IS HEREBY GIVEN that a sale of leases to prospect for, mine and remove metallic minerals in trust fund lands, lands and minerals forfeited for non-payment of taxes, lands and minerals otherwise acquired, and other state-owned land under the jurisdiction of the Commissioner of Natural Resources, and located in portions of Aitkin, Beltrami, Itasca, Koochiching, Lake of the Woods, Marshall, Roseau and St. Louis counties, is scheduled to be held on April 18, 1990 at 11:15 a.m. The sale will take place in Room 118, State Capitol Building, St. Paul, Minnesota. No land or water areas within the Boundary Waters Canoe Area Wilderness or Voyageurs National Park are included in this lease sale.

Official Notices

The Commissioner of Natural Resources, c/o Division of Minerals, Box 45, 500 Lafayette Road, St. Paul, Minnesota 55155-4045, will receive sealed bids and applications for leases covering minerals in state lands, in accordance with *Minnesota Rules*, parts 6125.0100 through 6125.0700 (as amended May 1988), the metallic minerals rules, issued under the authority of *Minnesota Statutes* Sections 93.08-93.12 and 93.25.

The mining units offered for leasing will be those mining units offered at the October 12, 1989 state metallic minerals lease sale that were not bid upon and subsequently leased, plus those mining units within the October 12, 1989 lease sale area that were under lease at the time of that lease sale but are no longer under lease. Some descriptions included in mining units offered at the October 12, 1989 lease sale have been changed based on title work, new forfeitures, or change in surface ownership due to sale or exchange. A new mining unit in Township 61 N., Range 26 W., Itasca County, has been added based on the results of on-going mineral rights ownership title work.

Each application and bid, together with a certified check, cashier's check, or bank money order, payable to the State Treasurer in the sum of \$100.00, must be submitted in a bid envelope obtained from the Commissioner. All bids must be received by the Commissioner at the office of the Division of Minerals, Fourth Floor, DNR Building, 500 Lafayette Road, St. Paul before 4:30 p.m. of April 17, 1990.

On April 18, at the time specified, the Commissioner or his representative, together with a designated member of the State Executive Council, will publicly open the bids and announce the amount of each bid separately. At a subsequent time leases will be awarded by the Commissioner, with the approval of the State Executive Council, to the highest bidder for the respective mining units, but no bids will be accepted that do not equal or exceed the base royalty rates set forth in the rules or that do not comply with all provisions of the rules. The right is reserved to the State, through the Executive Council, to reject any or all bids.

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

In the absence of satisfactorily demonstrated past technical and financial competence to perform under similar circumstances, a bidder may be required to provide evidence of technical and financial competence to perform under the state's lease to prospect for, mine and remove metallic minerals. The information requested by the Commissioner must be submitted within 30 days of the date of the request. The State, through the Executive Council, may refuse to award a lease to any bidder not supplying satisfactory evidence of technical and financial competence to perform under the state lease.

Upon the award of a lease, the check submitted with the bid will be deposited with the State Treasurer as a fee for the lease. All bids not accepted will become void, and the checks accompanying such bids will be returned to the respective bidders.

Application and bid forms, bid envelopes, instructions on how bids are to be submitted, copies of the rules (*Minnesota Rules*, parts 6125.0100-6125.0700, as amended effective May 1988) and copies of the Mining Unit Book, listing the land areas designated by the Commissioner as mining units, may be obtained from William C. Brice, Director, Division of Minerals, Box 45, DNR Building, 500 Lafayette Road, St. Paul, Minnesota 55155-4045.

Application for each copy of the Mining Unit Book must be accompanied by a check or money order, payable to the State Treasurer in the sum of \$25.00, as a fee for such Mining Unit Book, plus \$1.50 State of Minnesota Sales Tax. Unit books will also be available for inspection at the Hibbing and St. Paul offices of the Division of Minerals.

Dated: 5 March 1990

Joseph N. Alexander, Commissioner
Department of Natural Resources
St. Paul, Minnesota

Minnesota Department of Revenue

Notice of Public Meeting to Discuss Issues Relating to Capital Equipment Sales Tax Rules

DATE: April 5, 1990

TIME: 1:00 p.m.

PLACE:

Minnesota Department of Revenue

10 River Park Plaza
Skjeggstad Seminar Room—8th Floor
St. Paul, MN 55107

FOR INFORMATION CONTACT:

Stephen Krenkel
Appeals and Legal Services
10 River Park Plaza
Mail Station 2220
St. Paul, MN 55146-2220

TELEPHONE: (612) 296-3438

NOTES: The purpose of this meeting is to determine what terms in *Minnesota Statutes* § 297A.01, subd. 16 (Capital Equipment) need definition by rule and what definitions are preferred by statute and experience.

Revisor of Statutes

Notice of Publication of *Minnesota Rules 1990 Supplement Number 1*

Minnesota Rules 1990 Supplement Number 1 is now available. This publication contains updates to *Minnesota Rules 1989* adopted between April 3, 1989, and December 4, 1989. If you purchased *Minnesota Rules 1989*, you will automatically receive *Minnesota Rules 1990 Supplement Number 1*. *Minnesota Rules 1989* and its 1990 supplements may be purchased from the Print Communications Division, Department of Administration, 117 University Avenue, St. Paul, MN 55155. The cost of the 11 volume set and its supplements is \$160. Orders must be prepaid. *Minnesota Rules 1990 Supplement Number 2* is scheduled for December 1990 publication.

Department of Transportation

Notice of Appointment of a State Aid Variance Committee and Notice of a Meeting of That Committee

NOTICE IS HEREBY GIVEN that the Commissioner of Transportation has appointed a State Aid Variance Committee who will conduct a meeting on Wednesday, March 28, 1990, at 9:00 a.m. in the second floor conference room, St. Paul Downtown Airport, 644 Bayfield Street, St. Paul, Minnesota 55107.

This notice is given pursuant to *Minnesota Statute* 47k.705.

The purpose of this open meeting is to investigate and determine recommendations for variances from minimum State Aid roadway standards and administrative procedures as governed by *Minnesota Rules* for State Aid Operations 8820.3400 adopted pursuant to *Minnesota Statutes* 161 and 162.

The agenda will be limited to these questions:

1. Petition of the City of St. Paul for a variance from minimum standards for a proposed reconstruction project on M.S.A.S. 207 (Thomas Avenue) from Fairview Avenue to Snelling Avenue so as to permit a street width of 38 feet with parking on both sides instead of the required minimum width of 44 feet with parking on both sides between Fairview Avenue and Aldine Avenue and to permit a street width of 32 feet with parking on one side instead of the required minimum of 36 feet with parking on one side between Aldine and Snelling Avenue.

2. Petition of the City of Blaine for a variance from the requirement that a plan must be approved by the State Aid Engineer prior to the award of the contract for a traffic signal project on C.S.A.H. 14 (Main Street) at the Pioneer Village/Northgate Mall Entrance so as to permit the use of State Aid funds to finance S.A.P. 106-020-02.

3. Petition of the County of Wright for a variance from minimum standards on a proposed construction project on C.S.A.H. 42 and C.S.A.H. 39 near Elk River so as to permit a design speed of 27 miles per hour for four horizontal curves at the intersection of CSAH 42 and TH 101 and to permit a design speed of 25 miles per hour for one horizontal curve at the intersection of CSAH 39 and TH 101 instead of the required minimum of 40 miles per hour and to permit a street width of 40 feet, two through lanes and no parking lanes, instead of the required minimum of 52 feet, four through lanes and no parking lanes, on CSAH 42 between engineers stations 71+00 and 140+80.

Official Notices

4. Petition of the City of Hastings for a variance from minimum standards for a proposed reconstruction project on M.S.A.S. 132 (South Frontage Road) between Westview Drive South and Bahls Drive so as to permit a design speed of 22 miles per hour instead of the required minimum of 30 miles per hour for a horizontal curve located approximately 350 feet east of the intersection with Westview Drive South.

5. Petition of the City of Red Wing for a variance from minimum standards for a proposed sidewalk construction project on M.S.A.S. 127 (Twin Bluff Road) from Maple Street to Spruce Drive so as to permit the use of State Aid funds to construct a sidewalk on Twin Bluff Road which is 40 feet wide instead of the required minimum of 44 feet for two through lanes and two parking lanes.

6. Petition of the City of Red Wing for a variance from minimum standards for a proposed sidewalk construction project on M.S.A.S. 109 (Maple Street) from West Avenue/Twin Bluff Road to Mason Street so as to permit the use of State Aid funds to construct a sidewalk on Maple Street which is 30 feet wide instead of the required minimum of 34 feet for two through lanes and one parking lane.

7. Petition of the City of Albert Lea for a variance from minimum standards for a proposed reconstruction project on M.S.A.S. 122 (Garfield Avenue) between Sheridan Street and Fairlane Terrace so as to permit a right of way width of 50 feet instead of the required minimum right of way width of 60 feet.

8. Petition of the County of Wadena for a variance to minimum standards for a proposed reconstruction project on C.S.A.H. 2 from T.H. 10 in the city of Aldrich to C.S.A.H. 26 so as to permit a 23.4 foot wide bridge (Bridge No. 269) instead of required 24 foot width to remain in place.

9. Petition of the City of Mankato for a variance from minimum standards for a proposed reconstruction project on M.S.A.S. 105 (Broad Street) from Thompson Street to Mabel Street so as to permit a street width of 90 feet, two traffic lanes and two parking lanes with a 34 foot median, instead of the required minimum of 104 feet, four traffic lanes and two parking lanes with a 34 foot median.

10. Petition of the City of Mound for a variance to minimum standards for a proposed reconstruction project on M.S.A.S. 101 (Tuxedo Boulevard) between Clyde Road and C.S.A.H. 125 so as to permit a design speed of 25 miles per hour instead of the required minimum of 30 miles per hour from engineer's station 11 + 66 to 21 + 07 for one sag vertical curve, one crest vertical curve and two horizontal curves.

11. Petition of the City of Rosemount for a variance to minimum standards for a proposed reconstruction project on M.S.A.S. 103 (145th Street West) from Cameo Avenue to Chippendale Avenue so as to permit a street width of 40 feet, two traffic lanes and two parking lanes, instead of the required minimum of 48 feet.

The cities and counties previously listed are requested to follow the following time schedule when appearing before the Variance Committee:

- 9:00 a.m. City of St. Paul
- 9:25 a.m. City of Blaine
- 9:40 a.m. County of Wright
- 10:10 a.m. City of Hastings
- 10:25 a.m. City of Red Wing
- 10:55 a.m. City of Albert Lea
- 11:10 a.m. County of Wadena
- 11:30 a.m. City of Mankato
- 11:50 a.m. City of Mound
- 12:10 a.m. City of Rosemount

Dated: 12 March 1990

Leonard W. Levine
Commissioner

Department of Transportation

Petition of the City of Albert Lea for a Variance from State Aid Standards for RIGHT OF WAY WIDTH

NOTICE IS HEREBY GIVEN that the City Council of the City of Albert Lea has made written request to the Commissioner of

Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rule as they apply to a proposed reconstruction project on M.S.A.S 122 (Garfield Avenue) between Sheridan Street and Fairlane Terrace.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.2500 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162 so as to permit a right of way width of 50 feet instead of the required minimum right of way width of 60 feet.

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

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

Dated: 7 March 1990

Leonard W. Levine
Commissioner

Department of Transportation

Petition of the City of Blaine for a Variance from State Aid Standards for the use of State Aid Funds

NOTICE IS HEREBY GIVEN that the City Council of the City of Blaine has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from the requirement that a plan must be approved by the State Aid Engineer prior to the award of the contract for a traffic signal project on C.S.A.H. 14 (Main Street) at the Pioneer Village/ Northgate Mall Entrance.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.2800 and 8820.1500 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit the use of State Aid funds to finance S.A.P. 106-020-02.

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

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

Dated: 7 March 1990

Leonard W. Levine
Commissioner

Department of Transportation

Petition of the City of Duluth for a Variance from Minimum State Aid Standards for STREET WIDTH

NOTICE IS HEREBY GIVEN that the City Council of the City of Duluth has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance on a proposed resurfacing project on M.S.A.S. 152 (21st Avenue East) from Third Street to Woodland Avenue.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9919 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a street width of 44 feet, four traffic lanes and no parking lanes, instead of the required minimum of 46 feet.

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

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

Dated: 7 March 1990

Leonard W. Levine
Commissioner

Department of Transportation

Petition of the City of Hastings for a Variance from Minimum State Aid Standards for DESIGN SPEED

NOTICE IS HEREBY GIVEN that the City Council of the City of Hastings has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance on a proposed reconstruction project on M.S.A.S. 132 (South Frontage Road) between Westview Drive South and Bahls Drive.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9912 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a design speed of 22 miles per hour instead of the required minimum of 30 miles per hour for a horizontal curve located approximately 350 feet east of the intersection with Westview Drive South.

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

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

Dated: 7 March 1990

Leonard W. Levine
Commissioner

Department of Transportation

Petition of the City of Mankato for a Variance from Minimum State Aid Standards for STREET WIDTH

NOTICE IS HEREBY GIVEN that the City Council of the City of Mankato has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance on a proposed reconstruction project on M.S.A.S. 105 (Broad Street) from Thompson Street to Mabel Street.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9912 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a street width of 90 feet, two traffic lanes and two parking lanes with a 34 foot median, instead of the required minimum of 104 feet, four traffic lanes and two parking lanes with a 34 foot median.

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

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

Dated: 7 March 1990

Leonard W. Levine
Commissioner

Department of Transportation

Petition of the City of Minneapolis for a Variance from Minimum State Aid Standards for STREET WIDTH

NOTICE IS HEREBY GIVEN that the City Council of the City of Minneapolis has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from minimum design standards for the reconstruction of C.S.A.H. 25 (West Lake Street) between Excelsior Boulevard and France Avenue South in Hennepin County.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9912 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a street width of 56 feet, with a four foot median and no parking on either side, instead of the required minimum width of 58 feet, with a four foot median and no parking permitted on either side.

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

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

Dated: 7 March 1990

Leonard W. Levine
Commissioner

Department of Transportation

Petition of the City of Mound for a Variance from Minimum State Aid Standards for DESIGN SPEED

NOTICE IS HEREBY GIVEN that the City Council of the City of Mound has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance on a proposed reconstruction project on M.S.A.S. 101 (Tuxedo Boulevard) between Clyde Road and C.S.A.H. 125.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9912 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a design speed of 25 miles per hour instead of the required minimum of 30 miles per hour from engineer's station 11+66 to 21+07 for one sag vertical curve, one crest vertical curve and two horizontal curves.

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

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

Dated: 7 March 1990

Leonard W. Levine
Commissioner

Department of Transportation

Petition of the City of Red Wing for a Variance from Minimum State Aid Standards for SIDEWALK CONSTRUCTION

NOTICE IS HEREBY GIVEN that the City Council of the City of Red Wing has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance on a proposed sidewalk construction project on M.S.A.S. 127 (Twin Bluff Road) from Maple Street to Spruce Drive.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.3100 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit the use of State Aid funds to construct a sidewalk on Twin Bluff Road which is 40 feet wide instead of the required minimum of 44 feet for two through lanes and two parking lanes.

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

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

Dated: 7 March 1990

Leonard W. Levine
Commissioner

Department of Transportation

Petition of the City of Red Wing for a Variance from Minimum State Aid Standards for SIDEWALK CONSTRUCTION

NOTICE IS HEREBY GIVEN that the City Council of the City of Red Wing has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance on a proposed sidewalk construction project on M.S.A.S. 109 (Maple Street) from West Avenue/Twin Bluff Road to Mason Street.

Official Notices

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.3100 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit the use of State Aid funds to construct a sidewalk on Maple Street which is 30 feet wide instead of the required minimum of 34 feet for two through lanes and one parking lane.

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

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

Dated: 7 March 1990

Leonard W. Levine
Commissioner

Department of Transportation

Petition of the City of Rochester for a Variance from Minimum State Aid Standards for STREET WIDTH

NOTICE IS HEREBY GIVEN that the City Council of the City of Rochester has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance on a proposed resurfacing project on M.S.A.S. 133 (Elton Hills Drive) between Third Avenue NW and 5th Avenue NW.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9919 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a street width of 60 feet, four traffic lanes and two parking lanes, instead of the required minimum of 66 feet.

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

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

Dated: 7 March 1990

Leonard W. Levine
Commissioner

Department of Transportation

Petition of the City of Rochester for a Variance from Minimum State Aid Standards for STREET WIDTH

NOTICE IS HEREBY GIVEN that the City Council of Rochester has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance on a proposed resurfacing project on M.S.A.S. 106 (2nd Street SW) between 11th Avenue SW and 13th Avenue SW.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9919 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a street width of 52 feet, four traffic lanes and one parking lane, instead of the required minimum of 56 feet.

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

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

Dated: 7 March 1990

Leonard W. Levine
Commissioner

Department of Transportation

Petition of the City of Rosemount for a Variance from Minimum State Aid Standards for STREET WIDTH

NOTICE IS HEREBY GIVEN that the City Council of the City of Rosemount has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance on a proposed reconstruction project on M.S.A.S. 103 (145th Street West) from Cameo Avenue to Chippendale Avenue.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9912 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a street width of 40 feet, two traffic lanes and two parking lanes, instead of the required minimum of 48 feet.

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

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

Dated: 7 March 1990

Leonard W. Levine
Commissioner

Department of Transportation

Petition of the City of St. Paul for a Variance from Minimum State Aid Standards for STREET WIDTH

NOTICE IS HEREBY GIVEN that the City Council of the City of St. Paul has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance on a reconstruction project on M.S.A.S. 207 (Thomas Avenue) from Fairview Avenue to Snelling Avenue.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9912 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a street width of 38 feet with parking on both sides instead of the required minimum width of 44 feet with parking on both sides between Fairview Avenue and Aldine Avenue and to permit a street width of 32 feet with parking on one side instead of the required minimum of 36 feet with parking on one side between Aldine and Snelling Avenue.

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

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

Dated: 7 March 1990

Leonard W. Levine
Commissioner

Department of Transportation

Petition of the County of Brown for Variances from Minimum State Aid Standards for DESIGN SPEED and USE OF STATE AID FUNDS

NOTICE IS HEREBY GIVEN that the County Board of Brown County has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance on a proposed construction project on C.S.A.H. 26 from Summit Avenue in New Ulm to Flandrau State Park.

The request is for variances from *Minnesota Rules* for State Aid Operations 8820.9912, .9917 and .3100 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a design speed of 27 miles per hour for one horizontal curve 830 feet from the intersection of CSAH 26 and Summit Avenue instead of the required minimum of 30 miles per hour and to permit the use of state aid funds for new sidewalk construction instead of for sidewalk replacement only to permit the use of state aid funds for 100% of the storm sewer construction instead of for the storm sewer cost associated with the water contributed by the County State Aid Highway only.

Official Notices

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

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

Dated: 7 March 1990

Leonard W. Levine
Commissioner

Department of Transportation

Petition of the County of Fillmore for a Variance from Minimum State Aid Standards for DESIGN SPEED

NOTICE IS HEREBY GIVEN that the County Board of Fillmore County has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance on a proposed resurfacing project on C.S.A.H. 17 between Trunk Highway 44 and C.S.A.H. 22.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9914 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a design speed of 30 miles per hour for one sag vertical curve at engineers station 0+00 to 2+00 and to permit a design speed of 35 miles per hour for one crest vertical curve at engineers station 2+00 to 6+50 instead of the required minimum of 40 miles per hour.

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

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

Dated: 7 March 1990

Leonard W. Levine
Commissioner

Department of Transportation

Petition of the County of Marshall for a Variance from Minimum State Aid Standards for BRIDGE WIDTH

NOTICE IS HEREBY GIVEN that the County Board of the County of Marshall has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rule as they apply to a proposed reconstruction project on C.S.A.H. 17 from Trunk Highway 1 to County Road 146.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9910 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a 21.5 foot wide bridge (Bridge No. 7456) instead of the required 24 foot width to remain in place.

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

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

Dated: 7 March 1990

Leonard W. Levine
Commissioner

Department of Transportation

Petition of the County of Marshall for a Variance from Minimum State Aid Standards for DIAGONAL PARKING

NOTICE IS HEREBY GIVEN that the County Board of the County of Marshall has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rule as they apply to a proposed resurfacing project on C.S.A.H. 61 (Main Street) from Trunk Highway 1 to 5th Avenue in Oslo, Mn.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9916 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit 60 degree diagonal parking on both sides with a street width of 76 feet instead of the required minimum of 78 feet.

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

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

Dated: 7 March 1990

Leonard W. Levine
Commissioner

Department of Transportation

Petition of the County of Nobles for a Variance from Minimum State Aid Standards for DIAGONAL PARKING

NOTICE IS HEREBY GIVEN that the County Board of the County of Nobles has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rule as they apply to a proposed reconstruction project on C.S.A.H. 31 (3rd Avenue) from C.S.A.H. 16 to 1st Street in Lismore, Mn.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9916 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit 30 degree diagonal parking on both sides with a street width of 30 feet on each side instead of 45 degree diagonal parking with a one side street width of 33 feet between 3rd Street and 1st Street.

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

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

Dated: 7 March 1990

Leonard W. Levine
Commissioner

Department of Transportation

Petition of the County of Wadena for a Variance from Minimum State Aid Standards for BRIDGE WIDTH

NOTICE IS HEREBY GIVEN that the County Board of the County of Wadena has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rule as they apply to a proposed reconstruction project on C.S.A.H. 2 from T.H. 10 in the city of Aldrich to C.S.A.H. 26.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9910 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a 23.4 foot wide bridge (Bridge No. 269) instead of required 24 foot width to remain in place.

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

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

Dated: 7 March 1990

Leonard W. Levine
Commissioner

Department of Transportation

Petition of the County of Watonwan for a Variance from Minimum State Aid Standards for BRIDGE WIDTH

NOTICE IS HEREBY GIVEN that the County Board of the County of Watonwan has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rule as they apply to a proposed reconstruction project on CSAH 1 between County Road 132 and Trunk Highway 4.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9910 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a Bridge No. 5773 over the Watonwan River to remain in place with a bridge width of 19 feet from curb to curb instead of the required minimum width of 22 feet.

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

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

Dated: 7 March 1990

Leonard W. Levine
Commissioner

Department of Transportation

Petition of the County of Wright for Variances from Minimum State Aid Standards for DESIGN SPEED and STREET WIDTH

NOTICE IS HEREBY GIVEN that the County Board of Wright County has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance on a proposed construction project on C.S.A.H. 42 and C.S.A.H. 39 near Elk River.

The request is for variances from *Minnesota Rules* for State Aid Operations 8820.9910 and .9912 adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a design speed of 27 miles per hour for four horizontal curves at the intersection of CSAH 42 and TH 101 and to permit a design speed of 25 miles per hour for one horizontal curve at the intersection of CSAH 39 and TH 101 instead of the required minimum of 40 miles per hour and to permit a street width of 40 feet, two through lanes and no parking lanes, instead of the required minimum of 52 feet, four through lanes and no parking lanes, on CSAH 42 between engineers stations 71+00 and 140+80.

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

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

Dated: 7 March 1990

Leonard W. Levine
Commissioner

State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. §14.10, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

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

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: Minerals moving shelving system
Contact: Steve Bergstahler 296-3775
Bid due date at 2pm: March 22
Agency: Natural Resources Department
Deliver to: Hibbing
Requisition #: 29000 53733

Commodity: Everex System 8802
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: March 22
Agency: State University
Deliver to: St. Cloud
Requisition #: 26073 21669

Commodity: Boat trailers
Contact: Steve Bergstahler 296-3775
Bid due date at 4:30pm: March 22
Agency: Natural Resources Department
Deliver to: Various
Requisition #: 29000 53619

Commodity: Telephone equipment
Contact: Joseph Gibbs 296-3750
Bid due date at 4:30pm: March 23
Agency: Jobs & Training Department
Deliver to: Brooklyn Park
Requisition #: 21200 23157

Commodity: Zeos 386X
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: March 23
Agency: Labor & Industry Department
Deliver to: St. Paul
Requisition #: 42207 14570

Commodity: Zeos 386 SX
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: March 23
Agency: Labor & Industry Department
Deliver to: St. Paul
Requisition #: 42200 14608

Commodity: Stereo On-Air Broadcast Console—Rebid
Contact: Pam Anderson 296-1053
Bid due date at 4:30pm: March 25
Agency: State University
Deliver to: Winona
Requisition #: 26074 13268

Commodity: Carts
Contact: John Bauer 296-3750
Bids are due at 4:30pm: March 26
Agency: State University
Deliver to: St. Cloud
Requisition #: 26073 21671

Commodity: Toilet partition
Contact: Joan Breisler 296-9071
Bid due date at 4:30pm: March 26
Agency: Human Services Treatment Center
Deliver to: Anoka
Requisition #: 55100 04451 01

Commodity: Trucks light duty
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: March 26
Agency: Natural Resources Department
Deliver to: Various
Requisition #: 29000 53597

Commodity: Genuine Ingersoll Rand air compressor repair parts—Rebid
Contact: Dale Meyer 296-3773
Bid due date at 2pm: March 26
Agency: Transportation Department
Deliver to: Various
Requisition #: Price Contract

Commodity: Gas chromatograph
Contact: Joseph Gibbs 296-3750
Bid due date at 4:30pm: March 26
Agency: Hennepin Community College
Deliver to: Minneapolis
Requisition #: 27151 47938

Commodity: Genuine Stihl chain saw & weed cutter repair parts
Contact: Dale Meyer 296-3773
Bid due date at 2pm: March 27
Agency: Transportation Department
Deliver to: Various
Requisition #: Price Contract

Commodity: Dated products
Contact: Ann Wefald 296-2546
Bid due date at 2pm: March 28
Agency: Central Stores—Administration Department
Deliver to: St. Paul
Requisition #: Price Contract

Commodity: Wet-dry vacuums
Contact: Dale Meyer 296-3773
Bid due date at 2pm: March 28
Agency: Various
Deliver to: Various
Requisition #: Price Contract

State Contracts and Advertised Bids

Commodity: Easy marker marketing paint
Contact: Joan Breisler 296-9071
Bid due date at 4:30pm: March 27
Agency: Transportation Department
Delivery to: Mankato
Requisition #: 79700 03526

Commodity: Oxygen analyzer
Contact: Joseph Gibbs 296-3750
Bid due date at 2pm: March 29
Agency: State University
Deliver to: Bemidji
Requisition #: 26070 14538

Commodity: Automated ion analyzer
Contact: Joseph Gibbs 296-3750
Bid due date at 2pm: March 29
Agency: Health Department
Deliver to: Minneapolis
Requisition #: 12400 46287

Commodity: Testing aerial units
Contact: Dale Meyer 296-3773
Bid due date at 2pm: March 29
Agency: Transportation Department
Deliver to: Various
Requisition #: Price Contract

Commodity: Unleaded gasoline, gasohol, #1 and #2 regular diesel fuel
Contact: Dale Meyer 296-3773
Bid due date at 2pm: March 29
Agency: Transportation Department
Deliver to: Various Mankato Area
Requisition #: Price Contract

Commodity: Snow removal
Contact: Joyce Dehn 297-3830
Bid due date at 2pm: March 30
Agency: Normandale Community College
Deliver to: Bloomington
Requisition #: Price Contract

Commodity: Meat for May delivery
Contact: Linda Parkos 296-3725
Bid due date at 2pm: April 11
Agency: Correctional Facility
Deliver to: St. Cloud
Requisition #: 78830 10264

Commodity: Van body 2½ ton truck
Contact: Mary Jo Bruski 293-3772
Bid due date at 2pm: March 20
Agency: Minnesota State Lottery
Deliver to: Roseville
Requisition #: 09400 00051

Commodity: Ronningen-Petter filter system
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: March 22
Agency: Natural Resources Department
Deliver to: Duluth
Requisition #: 29002 19211

Commodity: Fire fighting hose, couplings and valves
Contact: Steve Bergstahler 296-3775
Bid due date at 2pm: March 26
Agency: Natural Resources Department
Deliver to: Grand Rapids
Requisition #: 29000 53823

Commodity: Normandale seating
Contact: John Bauer 296-2621
Bid due date at 2pm: March 26
Agency: Normandale Community College
Deliver to: Bloomington
Requisition #: 02310 17705

Commodity: IBM PS/2 model 70
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: March 26
Agency: State University
Deliver to: Mankato
Requisition #: 26071 19566

Commodity: Zeos 386SX P.C.
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: March 26
Agency: Labor and Industry Department
Deliver to: St. Paul
Requisition #: 42201 14600

Commodity: Tractor loader
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: March 26
Agency: Natural Resources Department
Deliver to: Various
Requisition #: 29000 53675

Commodity: Sony TV cameras-studio
Contact: Pam Anderson 296-1053
Bid due date at 2pm: March 26
Agency: State University
Deliver to: Winona
Requisition #: 26074 13273

Department of Administration: Print Communications Division

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

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

Commodity: Aeronautics decals, 5,750 various, 2½" x 3½", preprinted numbering, in quantities of 100, 5,500 and 150
Contact: Printing Buyer's Office
Bids are due: March 22
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 5733

Commodity: Driver Improvement Clinic referral, 10M 4-part sets, 7" x 4¼", pg 1,3,4 1-sided; pg 2 2-sided, camera ready + negs, perms
Contact: Printing Buyer's Office
Bids are due: March 22
Agency: Public Safety Department
Deliver to: St. Paul
Requisition #: 5823

Commodity: Fin 8, 1,500 3-part snap-out form 8½" x 8½", type to set, 1-sided
Contact: Printing Buyer's Office
Bids are due: March 22
Agency: Public Safety Department, St. Paul
Deliver to: St. Paul
Requisition #: 5821

State Contracts and Advertised Bids

Commodity: Miscellaneous form, 15M
3-part 1-page, 3"x5¾" overall, perf,
pressure sensitive strip on page 1,
negs available, 1-sided

Contact: Printing Buyer's Office

Bids are due: March 23

Agency: Human Services Department

Deliver to: St. Paul

Requisition #: 5792

Commodity: Information on child
support form, 50M 4-part sets,
8-pages, 11"x17" folded to 8½"x11",
negs available, 2-sided, perfs

Contact: Printing Buyer's Office

Bids are due: March 23

Agency: Human Services Department

Deliver to: St. Paul

Requisition #: 5842

Welcome wildlife to your property

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

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

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

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.



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

Professional, Technical & Consulting Contracts

Department of Administration

InterTechnologies Group

Request for Proposal for Consultant for Phase II of STARS Development Activities

Estimated Amount—\$ reimbursement on time and material basis

Due: April 5, 1990 at 4:00 p.m., Room 112 Administration

Contact: Patricia Anderson, (612) 296-3770

The purpose of STARS is to provide statewide coordinated planning and cost-effective centralized procurement for quality voice, data, and video telecommunications transmission services. These services will be used by Minnesota state government, educational institutions, county and city governments, courts, libraries, public corporations, and the Legislature.

We are seeking contractual and consulting services for Phase II of STARS development activities. The time frame for these services is April 1990 through December 1991. Two options are being considered: the first option is to have the consultants write the entire RFP for a leased network and have it reviewed by a state team and the second option is to have a state team write the RFP with help from the consultants. The other activities common to either option include: developing an evaluation process for the RFP responses, assisting in the evaluation process, developing a plan for testing and acceptance of the network and assisting in the testing of the network.

The state is seeking qualified consultants who are experienced in writing and evaluating large telecommunications RFPs for state governments. Qualified consultants who are unaffiliated with telecommunications vendors are encouraged to respond.

Professional, Technical & Consulting Contracts

Minnesota Center for Arts Education

Notice of Request for Proposals for Program Evaluation

The Minnesota Center for Arts Education is seeking a qualified individual to conduct an evaluation of its full-time, comprehensive education program for high school students and the admissions process for same.

The specific services which will be required under the contract are outlined in detail in the Request for Proposal (RFP) statement of Project Tasks.

The formal RFP may be requested from and inquiries should be directed to:

Jim Undercofler, Executive Director
Minnesota Center for Arts Education
6125 Olson Memorial Highway
Golden Valley, MN 55422
(612) 591-4700

It is anticipated that the cost of services, as described in the statement of Project Tasks, to be provided during the contract period from May 1, 1990, through June 30, 1991, will be no more than \$25,000. This is the maximum price to be paid and the Center for Arts Education does not commit itself to spend this entire amount. The deadline for submission of completed proposals will be the close of working day April 13, 1990.

State Designer Selection Board

Request for Proposal for a Project at Inver Hills Community College

To Registered Professional in Minnesota:

The State Designer Selection Board has been requested to select a designer for a project at Inver Hills Community College. Design firms who wish to be considered for this project should submit proposals on or before 4:00 p.m., March 27, 1990, to George Iwan, Executive Secretary, State Designer Selection Board, Room G-10, Administration Building, St. Paul, Minnesota 55155-1495.

NOTE: DUE TO THE EMERGENCY NATURE OF THIS PROJECT, THERE IS A SHORTER THAN NORMAL PERIOD FOR RESPONSE.

The proposal must conform to the following:

- 1) Six copies of the proposal will be required.
- 2) All data must be on 8½" x 11" sheets, soft bound.
- 3) The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number and the name of the contact person.
- 4) **Mandatory Proposal contents in sequence:**
 - a) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc. If the response is from a joint venture, this information must be provided for firms comprising the joint venture.
 - b) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. If desired, identify roles that such persons played in projects which are relevant to the project at hand.
 - c) A commitment to enter the work promptly, if selected, by engaging the consultants, and assigning the persons named 4b above along with adequate staff to meet the requirements of work.
 - d) A list of State and University of Minnesota current and past commissions under contract or awarded to the prime firm(s) submitting this proposal during the three (3) years immediately preceding the date of this request for proposal. The prime firm(s) shall **list and total** all fees associated with these projects whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects listed pursuant to the above.
 - e) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described. It must be noted if the personnel named were, at the time of the work, employed by other than their present firms.

Professional, Technical & Consulting Contracts

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—05-90**

Emergency Reconstruction Student Center
Inver Hills Community College

The Minnesota Community College System is planning to reconstruct the fire damage to the Student Center suffered February 28, 1990. The project includes roof reconstruction, extensive mechanical and electrical engineering, interior reconstruction, site work, and remodeling. It is imperative that this work be completed in time for the beginning of classes in the late summer of 1990. The construction budget is approximately \$1,297,000.00.

Questions concerning this project may be referred to Dan Brennan at (612) 296-8952.

NOTE: DUE TO THE EMERGENCY NATURE OF THIS PROJECT, THERE IS A SHORTER THAN NORMAL PERIOD FOR RESPONSE.

Mark Anderson, Chairman
State Designer Selection Board

Department of Employee Relations

Notice of Request for Proposals for the Application Software, Programming, and Implementation of the Staffing Information System

The respondent will:

- Provide both application software and programming staff to complete the system by June 1, 1991.
- Provide and modify existing and operational software developed using Wang Laboratories Inc. PACE (software development language) which is similar to the Staffing Information System requirements.
- Install the software on the Department of Employee Relations hardware to be operated by the Department of Employee Relations personnel.

Interested organizations will be required to respond to all of the specifications contained in the Request for Proposal and will be required to submit a firm, fixed price bid on an all or none basis for the Application Software, Programming, and Implementation of the Staffing Information System.

Professional, Technical & Consulting Contracts

The Department of Employee Relations will evaluate each proposal. The evaluation process will include examination of the content of each proposal. The evaluation may also include oral presentations by the vendor to clarify the proposal. The Department of Employee Relations may ask individual vendors to demonstrate previous software development products without charge. In addition, Employee Relations may wish to interview the programmers identified in the vendor proposal prior to the award of this contract. Evaluation and selection will be completed by April 23, 1990. All responders will be notified of the results by mail.

Organizations interested in receiving a copy of the Request for Proposal or for other information contact:

Cecelia C. Weible, SIS Project Director
Staffing Division
Minnesota Department of Employee Relations
520 Lafayette Road
St. Paul, MN 55155
Tel. (612) 297-5508

The Department of Employee Relations has scheduled a Bidders Conference for 1:30 p.m., March 23, 1990 at 3rd Floor, 520 Lafayette Road, St. Paul, MN 55155 for those vendors who would like further clarification of the requirements prior to submitting their proposal.

Proposals must be received and time stamped in the Department of Employee Relations, 34rd Floor, 520 Lafayette Road, St. Paul, MN 55155 by 2:00 p.m. on or before April 9, 1990.

Late proposals will not be accepted. Submit six copies of the proposal. Proposals must be sealed in a mailing envelope or package with the responder's name and address clearly written on the outside and identified as: "**RFP Staffing Information System—Department of Employee Relations**"—*Proposal opening will be at 2:30 p.m. on April 9, 1990.*

Each proposal must be signed by an authorized member of the firm. Prices and terms of the proposal, as stated, must be valid for the duration of the project.

List of Possible Vendors:

- 1) MarketCorp Systems
285 Riverside Avenue
Westport, Connecticut 06880
Attn: Stewart M. Teed, Systems Consultant
- 2) Analysts International Corporation
7615 Metro Boulevard
Minneapolis, MN 55435-3983
Attn: David Griggs
- 3) Wang Laboratories, Inc.
8300 Norman Center Drive
Suite 300
Bloomington, MN 55437
Attn: Erica Beckstrom
- 4) Cap Gemini America
7300 France Avenue South
Suite 412
Edina, MN 55435
Attn: William Whitsitt
- 5) Technalysis Corporation
6700 France Avenue South
Minneapolis, MN 55435
- 6) American Management Systems, Inc.
1525 Wilson Boulevard
Arlington, Virginia 22209
Attn: John E. Chickering
- 7) I. Levy & Associates, Inc.
1633 Des Peres Road
Suite 205
St. Louis, Missouri 63131-1821
Attn: Irving Levy, President

Minnesota Historical Society

Notice of Availability of Contract for Principal Investigator: Thorstein Veblen Farmstead Preservation Consulting Team

The Minnesota Historical Society is seeking proposals from qualified individuals to serve as Principal Investigator of a preservation consulting team study of the Thorstein Veblen Farmstead near Northfield, Minnesota in Rice County. The mission of the team is to determine various alternatives for preservation and development of this endangered National Historic Landmark by identifying potential uses and users for the property.

These services, which will be provided under contract, are outlined in detail in the Request for Proposal (RFP). The formal RFP may be requested and inquiries directed to: Mark Schwartz, Contract Officer, 1500 Mississippi St., St. Paul, MN 55101, (612) 296-2155. The deadline for submitting completed proposals is the end of the business day (5:00 p.m.) April 9, 1990. Late proposals will not be accepted.

Minnesota Historical Society

Advertisement for Bids for Manufacturing of a Book

BIDS

Sealed bids for the manufacturing of a book entitled, *Blue Ribbon, A History of the Minnesota State Fair* 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 April 3, 1990, at which time the bids will be publicly opened and read aloud. Bids received after 2:00 p.m., April 3, 1990, will be returned unopened.

BID SECURITY

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

SPECIFICATIONS

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

CONDITIONS OF BIDS

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

Minnesota Historical Society

Notice of Availability of Contract for Audience Research

The Minnesota Historical Society is seeking proposals from qualified individuals and firms for conducting audience research for the new Minnesota History Center, now under construction in St. Paul, Minnesota.

These services, which will be provided under contract, are outlined in detail in the Request for Proposal (RFP). The formal RFP may be requested and inquiries directed to: Mark Schwartz, Contract Officer, 1500 Mississippi St., St. Paul, MN 55101, (612) 296-2155. The deadline for submitting completed proposals is the end of the business day (5:00 p.m.) April 2, 1990. Late proposals will not be accepted.

Department of Human Services

Children's Services Division—Adolescent Services Section

Request for Proposals for a Demonstration Project for Homeless Youth

I. INTRODUCTION

The Minnesota Department of Human Services is soliciting proposals from qualified private non-profit agencies to develop and staff a "Safe House" for homeless youth. This is to be a demonstration project located in an urban environment where a short-term housing facility is needed.

Professional, Technical & Consulting Contracts

This request for proposals does not obligate the State to complete the project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

II. QUALIFICATIONS OF RESPONDENTS

Respondents must be youth-serving private non-profit agencies with experience and expertise in residential programming, and effective methods of counseling at risk youth.

III. PROJECT COSTS

The Department will not accept any proposals that exceed a total cost of \$250,000.

IV. PROJECT COMPLETION DATE

The project and final reports must be completed by June 30, 1991.

V. HUMAN RIGHTS COMPLIANCE

It is hereby agreed between the parties that *Minnesota Statutes*, section 363.073 and *Minnesota Rules*, parts 5000.3400 to 5000.3600 are incorporated into any contract between these parties based upon this specification or any modification to it. A copy of *Minnesota Statutes*, section 363.073 and *Minnesota Rules*, parts 5000.3400 to 5000.3600 is available upon request from the contracting agency, the Department of Human Services.

VI. SUBMISSION OF PROPOSALS

The purpose of the "Safe House" is to provide lodging, food and care to homeless youth, and supportive services to help clients make steps toward a stable living environment. Responders must offer a safe residence, with a minimum capacity of 10 beds, for short term care of homeless youth between 12 and 18 years of age. The staff must be responsive to the immediate crisis and be able to facilitate appropriate referrals. The program must be in compliance with all licensing and other applicable federal and state requirements. Proposals must include a plan for linkages with existing programs for runaway/homeless youth, and programs offering care, treatment, and housing for a longer term. Proposals must also include a detailed budget that supports achievement of the project goals.

Interested responders must call Lyle Johnson at (612) 296-2785 for an application packet. All proposals must be received no later than 4:30 P.M., on May 1, 1990. All proposals must be sent to:

Lyle Johnson, Acting Supervisor of Adolescent Services
Minnesota Department of Human Services
Children's Services Division
444 Lafayette Road
St. Paul, MN 55155-3832

Late Proposals will not be accepted. Submit 6 copies of proposals. Proposals must be submitted in a sealed mailing envelope or package with the responder's name and address clearly written on the outside and with evidence of the responder's compliance with the Human Rights Act attached to the envelope or package. Each copy of the proposal must be signed, in ink, by an authorized member of the agency. Prices and terms of the proposal must be valid for the length of the proposal.

VII. DEPARTMENT CONTRACTS

Prospective responders who have any questions regarding this Request for Proposals may call or write to:

Lyle Johnson, Acting Supervisor
Minnesota Department of Human Services
Children's Services Division
444 Lafayette Road
St. Paul, MN 55155-3832
612/296-2785

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

Department of Natural Resources

Correction to RFP for Analytical Study of the Concentration of Environmental Contaminants on Fish in Minnesota

NOTICE IS HEREBY GIVEN of a correction to the Department of Natural Resources "Request for Proposals for Analytical Study of the Concentration of Environmental Contaminants on Fish in Minnesota" that appeared in the *State Register*, Paragraph B, page 2202, Volume 14, Number 37, dated 12 March 1990, was incorrectly stated.

Professional, Technical & Consulting Contracts

The correctly stated version reads as follows:

B. Goals and Objectives.

The numerical goals and objectives of this project are to quantitatively analyze and report the residue levels of polychlorinated biphenyls (PCBs) and total mercury in approximately 300 composite fish samples, and to quantitatively analyze and report, additionally, the residue levels of chlorinated pesticides in approximately 30 of these samples. Although the minimum priorities of the project require that at least 100 of these composite samples be analyzed for PCBs and total mercury by October 1, 1990, and the remaining composited samples by December 1, 1990, additional consideration will be given to the bidders who would be able to commit to completion of the 300 samples by the October 1, 1990, date.

Public Employees Retirement Association

Request for Proposals for Actuarial Services

I. OVERVIEW

The Public Employees Retirement Association of Minnesota (PERA) is a multi-employer pension fund serving over 2,200 governmental units within the State of Minnesota. PERA reporting units include cities, counties, school districts, and generally other units of government whose revenues are derived from taxation, fees or assessments.

PERA administers two cost-sharing multiple-employer retirement plans, the Public Employees Retirement Fund and the Public Employee Police and Fire Fund. In addition, PERA administers one agent multiple-employer retirement plan, the Police and Fire Consolidation Fund, and one multiple-employer defined contribution plan, the Ambulance Service Personnel Fund. The plans are established and administered in accordance with *Minnesota Statutes*, Chapters 353, 353A, 353B, 353D, and 356. (An additional defined benefit plan, the Correctional Service Retirement Plan, is established in *Minnesota Statutes*, Chapter 353C, but to date has no members and no assets.

PERA does not have an actuary on its staff and has, therefore, the need to retain the services of an actuarial consultant to perform certain necessary actuarial services. This request for proposal is issued to comply with *Minnesota Statutes*, Chapter 16B, in order for PERA to enter into a consultant contract.

This request for proposal does not obligate the State to complete the project and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

II. SCOPE OF PROJECT

The firm awarded the contract will serve as consulting actuary to PERA for a twenty-four (24) month period commencing July 1, 1990, and ending June 30, 1992, giving consultation an advisory services to the management of the association.

The makeup of the funds administered by PERA, as of June 30, 1989, is shown below.

	<u>No. of Members</u>		<u>Total Assets</u> (in 000's)
	<u>Active & Deferred</u>	<u>Retired</u>	
Public Employees Retirement Fund			
1. Basic Plan	4,400	16,100	
2. Coordinated Plan	104,200	11,700	\$ 2,942,394*
Public Employees Police and Fire Fund	6,100	1,400	\$ 638,272
Police and Fire Consolidation Fund	106	140	\$ 30,518
Ambulance Service Personnel Fund	<u>128</u>	<u>N/A</u>	<u>\$ 15</u>
TOTALS	114,934	29,340	\$ 3,611,199

*total assets for Basic and Coordinated Plans combined.

III. CONTRACTORS DUTIES

The consulting actuary shall perform tasks which include, but shall not be limited to, the following:

- A. Load and reconcile all the data in the PERA data base.

Professional, Technical & Consulting Contracts

B. Give consultation and advisory services, along with public testimony to committees, boards, commissioners, legislators, etc., on any technical, policy, or administrative problems arising during the course of operation of the system or any of its funds. This would include attending a minimum of four Board of Trustees meetings per year.

C. Prepare actuarial operating tables from time to time as may be required for the operation of the system or any of its funds.

D. When results of periodic experience studies indicate a need, conduct of in-depth studies as may be necessary to test continuing validity of actuarial assumptions and make recommendations for change as appropriate.

E. Provide timely financial impact estimates of planned amendments as requested by the Executive Director of the Public Employees Retirement Association of Minnesota. The number of estimates required each year would average 30.

F. 1) If laws pertaining to the structure of actuarial responsibilities remain unchanged, the consulting actuary will provide an independent review on an annual basis of the actuarial valuations and annual experience study of the PERA funds performed by the actuarial firm under contract to the Legislative Commission on Pensions and Retirement. The review must include the Basic and Coordinated Plans, the Public Employees Police and Fire Fund, each of the accounts in the Police and Fire Consolidation Fund, and if necessary, the Correctional Service Retirement Fund.

2) (a) If the current statutory structure of actuarial responsibilities is changed, the consulting actuary must be prepared to conduct: annual actuarial valuations of the PERA defined benefit pension plans. The actuarial valuations must also include recommendations on the adequacy of support rates for each pension plan. The actuarial valuations must be performed as of each June 30 and must be submitted to PERA on or before the later of the next succeeding November 1, or 10 weeks after receipt from PERA of the data necessary to complete the valuations.

The annual actuarial valuations must include the required reserves of the Minnesota Post Retirement Investment Fund and the annual mortality gain or loss adjustments for each plan.

In addition to the annual actuarial valuation, the consulting actuary shall prepare a valuation of the plan's required reserves as of June 30 and anticipated as of the following January 1 for those annuitants and applicable benefit recipients eligible to receive a post retirement adjustment, and for those ineligible, and provide any additional information specified as necessary by the Executive Director of the State Board of Investment to calculate a post retirement adjustment under *Minnesota Statutes*, Section 11A.18. The valuation and report must be completed and submitted to the Executive Director of the State Board of Investment, to the Executive Director of PERA, and to the Legislative Commission on Pensions and Retirement on or before the next succeeding November 1, or ten weeks after the receipt of the data necessary to complete the valuation, whichever is later.

b) If the current statutory structure of actuarial responsibilities is changed, the consulting actuary must be prepared to conduct: biannual experience studies of the PERA defined benefit plans except for the consolidation accounts in the Police and Fire Consolidation Fund. The biannual experience study must cover the period related to the two most recent actuarial valuations for the applicable pension plan. The biannual experience study must include, at a minimum, investment rate of return, individual salary increases, payroll growth, average retirement age, annuitant mortality, active member turnover, active member disablement, and active member mortality. The biannual experience study must include recommendations by the consulting actuary on the retention or modification of the actuarial assumptions reviewed. The experience study must be performed after the conclusion of any special projects related to the annual legislative session and must be submitted to PERA on or before the next succeeding August 1.

c) Again, if the current statutory structure of actuarial responsibilities is changed, the consulting actuary must be prepared to make the actuarial calculations preliminary to consolidation as provided in *Minnesota Statutes*, Section 353A.04, Subdivision 1, and the standards for actuarial work.

G. Review applications for benefits in any special cases and assist in the interpretation of the provisions of the law or legislative proposals.

H. Make recommendations that would assist PERA in accommodating changes in: (1) the tax treatment of pension income, (2) the underlying plan of operation; or (3) the field of retirement planning.

I. Prepare necessary reports giving a demographic breakdown of age, service credit, salaries, and gender for each plan or fund.

J. Provide data and necessary reports to assist the association with respect to possible independent police and fire relief association consolidations with the Police and Fire Consolidation Fund and with respect to the consequences of such consolidations.

IV. PROJECT TERMS

The contract shall commence July 1, 1990, and shall be completed by June 30, 1992. This contract can be extended beyond the two-year term increments of one year at a price mutually agreed upon by both parties, but the number of one-year extensions may not exceed three.

V. AGENCY CONTACTS

Prospective respondents who have any questions regarding this Request for Proposal may call or write:

Professional, Technical & Consulting Contracts

J. Michael Stoffel, Manager of Finance
Public Employees Retirement Association of Minnesota
Suite 200 - Skyway Level
514 St. Peter Street
Saint Paul, MN 55102
Telephone: (612) 297-3573

VI. SUBMISSION OF PROPOSALS

All proposals must be sent to and received by:

J. Michael Stoffel, Manager of Finance
Public Employees Retirement Association of Minnesota
Suite 200 - Skyway Level
514 St. Peter Street
Saint Paul, MN 55102

A proposal must be received not later than 4:30 p.m., April 13, 1990. A late proposal will not be accepted. Please submit five copies of each proposal. Proposals are to be sealed in mailing envelopes or packages with the respondent's name and address clearly written on the outside. Each copy of the proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposal as stated must be valued for the length of the project.

VII. PROPOSAL CONTENTS

The following will be considered the minimum content for a proposal:

- A. A restatement of the objectives, goals and tasks to show or demonstrate the respondent's view of the nature of the project.
- B. Identification and description of the products to be provided by the respondent.
- C. An outline of the respondent's background and experience with particular emphasis on public pension fund experience; identification of the personnel who will conduct the project, with detail of their training and work experience. (No change in personnel assigned to the project will be permitted without the approval of the Executive Director of the Public Employees Retirement Association of Minnesota).
- D. A detailed cost and work plan which will identify the major tasks to be accomplished within delineated time frames for use as a scheduling and managing tool, in addition to serving as the basis for invoicing. In developing the budget for the proposal, PERA requests that a subtotal be included to indicate the anticipated costs for the major tasks identified in item III F.1. and III F.2. and that a subtotal be included for the expected costs associated with the tasks identified in III E., the review of legislative proposals. All of the remaining actuarial services are to be expressed in terms of hourly rates of compensation.
- E. Identification of the organizational level of the firm's department(s), the personnel of which shall participate in the project, and the identification of any other supporting or related service to be provided by the department(s) or other adjunct departments.
- F. Description of the on-site computer system the respondent will be using.

VIII. EVALUATION

All proposals received by the deadline will be evaluated by the Board of Trustees and staff of the Public Employees Retirement Association of Minnesota. In some instances, an interview may be part of the evaluation process. Factors upon which proposals will be judged include, but are not limited to, the following:

- A. Expressed understanding of project objective(s).
- B. Project work plan.
- C. Project cost detail.
- D. Qualifications of both firm and firm personnel. (Experience of project personnel will be given greater weight than that of the firm.)

Estimated date of completion for the evaluation and selection is May 11, 1990. Results will be sent immediately by mail to all respondents.

IX. AFFIRMATIVE ACTION

It is hereby agreed between the parties that this agency will require affirmative action requirements be met by contractors in relation to *Minnesota Statutes*, Chapter 363.073 and *Minnesota Rules*, parts 5000.3400 to 5000.3600. Failure by a contractor to implement an affirmative action plan or make a good faith effort shall result in revocation of its certificate or revocation of the contract (*Minnesota Statutes*, Chapter 363.073, Subdivisions 2 and 3).

Professional, Technical & Consulting Contracts

Under the Minnesota Human Rights Act, Section 363.073, businesses or firms which have more than 20 full-time employees in Minnesota at any time during the previous 12 months and bid on or execute a State contract for goods or services in excess of \$50,000, must have a Certificate of Compliance issued by the Commissioner of the Department of Human Rights. This certificate is valid for two years. For further information contact the Department of Human Rights, 500 Bremer Tower, Saint Paul, Minnesota 55101, (612) 296-5663.

X. DISABLED INDIVIDUAL CLAUSE

A. The contractor shall not discriminate against any employee or applicant for employment because of physical or mental disability in regard to any position for which the employee or applicant for employment is qualified. The contractor agrees to take affirmative action to employ, advance in employment, and otherwise treat qualified disabled individuals without discrimination based upon their physical or mental disability in all employment practices such as the following: employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

B. The contractor agrees to comply with the rules and relevant order of the Minnesota Department of Human Rights issued pursuant to the Minnesota Human Rights Act.

C. In the event of the contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with *Minnesota Statutes*, Chapter 363.073, and the rules and relevant orders of the Minnesota Department of Human Rights issued pursuant to the Minnesota Human Rights Act.

D. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Commissioner of the Minnesota Department of Human Rights. Such notices shall state the contractor's obligation under the law to take affirmative action to employ and advance in employment qualified disabled employees and applicants for employment, and the rights of applicants and employees.

E. The contractor shall notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the contractor is bound by the terms of *Minnesota Statutes*, Chapter 363.073 of the Minnesota Human Rights Act and is committed to take affirmative action to employ and advance in employment physically and mentally disabled individuals.

It is hereby agreed between the parties that *Minnesota Statutes*, Chapter 363.073, and *Minnesota Rules*, parts 5000.3400 to 5000.3600, are incorporated into any contract between these parties based upon this specification or any modification of it. A copy of *Minnesota Statutes*, Chapter 363.073 and *Minnesota Rules*, parts 5000.3400 to 5000.3600, is available from Public Documents Division, 117 University Avenue, Saint Paul, Minnesota 55155, (612) 297-3000.

XI. WORKERS' COMPENSATION

The successful responder will be required to submit acceptable evidence of compliance with workers' compensation insurance coverage requirements prior to execution of the contract.

XII. ADMINISTRATIVE PROVISIONS

PERA reserves the right to impose additional provisions and/or conditions to the contract which may ultimately result from this Request for Proposals. Such provisions and/or conditions may include, but not necessarily be limited to: ownership of documents, submission of work papers, disclosure of assumptions and methodologies, contract termination rights, accessibility of records to audit agencies, etc.

PERA also reserves the right to negotiate additional provisions to the contract awarded under the Request for Proposals process or to cancel this solicitation for proposals if it is considered to be in PERA's best interest.

Minnesota Department of Public Safety (DPS)

Public Information and Education

Request for Proposals to Assist the DPS in Applying for a Federal Grant for a Statewide Public Information and Education Campaign

The Minnesota Department of Public Safety is seeking proposals from qualified individuals and organizations interested in planning, organizing and launching a statewide public information and education campaign to:

- 1) inform and educate the public about air bags and automatic seat belts, and
- 2) explain how they should be used and how they work in combination with belt use laws to achieve maximum lifesaving and injury reduction benefits.

Professional, Technical & Consulting Contracts

Proposals must include a description of the responders background and experience in the subject area, resumes and background information for staff who will work on the project, and any prior experience working with either State or Federal Government projects. Proposals must be submitted in the form of a detailed plan which identifies major tasks to be accomplished, timelines, and costs. Proposals must also meet expectations and requirements as outlined in a National Highway Traffic Safety Administration (NHTSA) proposal solicitation announcement. Implementation of the proposal will be contingent on the Minnesota DPS successfully securing said grant, and would begin on or about October 1 of 1990. More detailed information and other expectations of potential contractors may be obtained from DPS. The estimated cost of the project should not exceed \$250,000.

Proposals must be received by the Department of Public Safety no later than 4:30 p.m. Wednesday, April 18, 1990. Please direct proposals and inquiries to:

Mike Sobolewski
Minnesota Department of Public Safety
Public and Media Relations Office
316 Transportation Building
St. Paul, Minnesota 55155
(612) 296-6652

or

Gail Gendler
Minnesota Department of Public Safety
Public and Media Relations Office
316 Transportation Building
St. Paul, Minnesota 55155
(612) 296-6652

Minnesota Supreme Court

Legal Services Advisory Committee

Request for Proposals for Grant Funding for Legal Services and Alternative Dispute Resolution Programs

The Legal Services Advisory Committee is requesting proposals for grant funding for legal services and alternative dispute resolution programs for low income people.

To request information on the grant application process, please contact:

J. L. Rehak
230 State Capitol
St. Paul, MN 55155
Phone: (612) 296-6822
Application Deadline: April 16, 1990

Dated: 23 February 1990

Department of Transportation

Technical Services Division

Availability of a Contract for Bridge Planning

The Minnesota Department of Transportation may engage a consultant to conduct engineering and bridge type selection studies for a new St. Croix River crossing at Stillwater, Minnesota. If the result of scheduled public hearings is to build a new bridge, the engineering firm selected may be requested to start work after July 1, 1990.

Technical inquiries should be directed to:

Mr. G. D. Peterson
Bridge Consultant Agreements Engineer
Transportation Building
St. Paul, MN 55115
(612) 296-3187

Professional, Technical & Consulting Contracts

Firms desiring consideration should submit their expressions of interest, along with three copies of their Federal Forms 254 and 255 to:

Mr. G. S. Bodoczy
Consultant Agreements Engineer
Room 720S
Transportation Building
St. Paul, MN 55155

Response deadline 12:00 p.m., April 6, 1990.

State University Board

Central Minnesota Regional Manufacturing Center (CMRMC)

Request for Proposals for Design of Computer-based Data Base of Manufacturers

The Central Minnesota Regional Manufacturing Center is requesting proposals for the specification and design of a computer-based data base of manufacturers. The data base will include detailed information concerning each firm's demographics, products, capabilities, equipment, systems, and other information of importance to manufacturers and to the Regional Manufacturing Center's delivery of services. The project will include:

1. Documentation of uses of the data base and resulting access requirements.
2. Definition of data elements to be included in the data base.
3. Identification and testing of appropriate data collection strategies by which to create and maintain the data base.
4. Design of the data base to meet the needs expressed in points 1-3.

Included in this will be the selection of hardware and software compatible with existing equipment within the Regional Manufacturing Center and MAMTC (Minnesota Advanced Manufacturing Technology Centers) organizations. Subsequent implementation will include networking, both local and remote.

The contractor will work with the CRMC staff and advisory committees, MAMTC staff, and a sample of Central Minnesota manufacturers in development of the project.

For further information, contact:

Bruce Anderson, Planning Consultant
Central MN Regional Manufacturing Center
1840 East Highway 23
St. Cloud, MN 56304
(612) 654-5202

Proposals should be addressed to: Central MN Regional Manufacturing Center at the address above.

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.

Hennepin County Department of Public Works

Engineering Division

Notice of Potential Availability of Contracts for a Variety of Highway Related Technical Activities

The Hennepin County Department of Public Works may require the services of qualified consultants to assist it with the implementation of its highway program. Work for consultants may include, but not be limited to:

A. Preliminary Design (environmental studies, project development reporting and geometric layouts).

B. Detail Design including preparation of plans and specifications (roads, bridges, sewer, water, lighting, signing, traffic signals, landscaping and hydraulics).

Those consultants who wish to be considered for any of the potential projects, please furnish the following information:

1. Federal Form 254 and your brochure if you have one.
2. Indicate in which fields your key personnel are registered (engineer, architect, etc.).
3. Indicate whether or not you are an Equal Opportunity firm and have an Affirmative Action Plan.

It is expected that a qualified reference list will be developed from the responses that will remain in effect for three years. This is not a request for proposal. Six copies of expressions of interest in being considered shall be delivered to the address indicated below not later than four o'clock (4:00) p.m., April 16, 1990.

Dated: 19 January 1990

Bruce M. Polaczyk, P.E.
Design Engineer
Hennepin County Department of Public Works
320 Washington Avenue South
Hopkins, Minnesota 55343

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 Health

Maternal and Child Health Management

Notice of Availability of Funds for a Perinatal Mortality Review Project for the Period July, 1990 to June, 1991

Description of Available Grant—Purpose, Scope, and Eligibility

Funds will be available on a competitive basis for a single perinatal mortality review project. The project may be based on the review process currently existing in the State, and may include expansion toward a statewide review process.

The overall objective of this project shall be to influence perinatal and maternal mortality and morbidity in Minnesota by:

- (a) Identifying common factors associated with poor pregnancy outcomes in Minnesota; and
- (b) Disseminating findings and interpretations of those findings to relevant agencies and professional groups within the State and region.

The grantee agency shall achieve these objectives by conducting a retrospective study of all perinatal deaths known to have occurred in the areas included in the study between January, 1990, and December, 1990.

Eligible agencies include the 1988-89 Twin Cities Perinatal Mortality Review Project funded by a Competitive MCH Special Project grant and any other public or private agency.

The grantee agency may formally subcontract with:

- a. Independent contractor(s) for data collection, coding, analysis, and/or interpretation; and/or
- b. Local public or private agencies to implement the project in defined geographic areas of the State.

If subcontracts are executed, the grantee agency must ensure that the subsequent data collected is based on clearly defined categories and terms, is made up of pre-determined minimum data sets, and is analyzed in comparable formats throughout the State.

State Grants

The project will abstract, examine and analyze data from a number of information resources, including birth, death, hospital, and other medical records. The project will cross check the fetal and neonatal deaths included in the study with information reported to the Vital Records section of the Minnesota Department of Health to ensure completeness.

The fetal deaths to be studied will be those which occur after 20 weeks of gestation, and the neonatal deaths will be those which occur up to but not including the 28th day of life. The deaths to be included will be those which occur to Minnesota residents whether the death occurred within Minnesota or in another state, and those which occur in the State to non-Minnesota residents.

After the data has been abstracted and comprehensively analyzed, there will be detailed reviews by broad base peer review committees at the regional level which will attempt to determine those deaths which were non-preventable, probably preventable, and preventable. Those preventable factors which contributed to perinatal deaths in the State will be broadly categorized into those which were preventable in the medical sense and those which might have been preventable in the broader public health sense.

Medically preventable deaths are those which might have been prevented through specific actions taken by the women, the attending medical personnel or through the provision of specific services by the health institutions/facilities involved, i.e., those actions or services which may have contributed to the occurrence of death, and/or those actions or services which could have been provided to prevent death from occurring. The determination of preventability status on a case-by-case basis will be based on current knowledge and standards of practice.

Preventability in the overall public health sense refers to those deaths in which specific life-style, life-stress or socio-economic characteristics are identified which may have contributed to the occurrence of perinatal deaths, and for which specific policy changes or specific public programs may be developed, modified, or supported to reduce State perinatal mortality rates.

The grantee agency must appropriately handle data so as to ensure adherence to *Minnesota Statute* 144.053 and the appropriate statutes contained in Chapter 13 (Government Data Practices) of *Minnesota Statutes* regarding the protection and confidentiality of data.

Feedback to individual providers of obstetric, delivery and/or neonatal services regarding specific events may be made in an effort to influence medical practice in a manner deemed appropriate by project peer review committees.

The grantee agency will disseminate aggregated data obtained and recommendations arising from project findings on a regular basis to local and regional providers of obstetric, delivery and neonatal services. Methods used will be the compilation and dissemination of special reports, the publishing of articles in professional journals, and presentations at local and State professional association meetings.

The grantee agency must submit an annual project report to the Commissioner of Health no later than 90 days after the end of the grant period. The annual report will include the methods used, the progress made toward reaching the objectives, the findings, and interpretations and recommendations based on the findings.

The grantee agency must be able to comply with all standards of fiscal accountability required by the Minnesota Department of Health. The standards will include the completion and filing of quarterly expenditure reports, along with estimated expenditures for the following quarter, with the Commissioner of Health no later than 45 days following the end of each calendar quarter and a final expenditure report no later than 90 days after the end of the grant period.

The total amount of funding available for the twelve-month period is \$100,000.

Agencies that submit letters indicating Notice of Intent to reach Junie Svenson, Minnesota Department of Health, 717 Delaware Street S.E., Minneapolis, MN 55440, by April 2, 1990 will be directly notified of application procedures and funding arrangements.

Supreme Court Decisions, Opinions & Rules

Decisions Filed 16 March 1990

CX-89-583 State of Minnesota v. Billy Richard Glaze, Appellant. Hennepin County.

Although defendant did not receive error-free trial, he did receive a fair trial and was properly convicted of three counts of first degree murder and three counts of the lesser-included second degree murder.

Affirmed. Popovich, C.J.

Dissenting, Wahl, J.

C1-88-1837 In the Matter of Donald N. Gramke v. Cass County, petitioner, Relator. Court of Appeals.

1. *Minnesota Statutes* § 387.145 (1988) did not preclude the appointment of a chief deputy sheriff by counties having less than 100,000 inhabitants. Those counties, under the authority granted by the legislature to counties and to county sheriffs to enforce the law, had the power to appoint a chief deputy sheriff.

Supreme Court Decisions, Opinions & Rules

2. Respondent was a chief deputy within the meaning of the Veterans Preference Act, *Minnesota Statutes* § 197.46 (1988), and is not entitled to a veterans preference hearing.

Judgment and order reversed. Wahl, J.

C0-89-43 Richard Rudnitski, et al., Devises of Alice Rudnitski v. Elizabeth Seely, petitioner, Appellant. Court of Appeals.

1. Contract for deed vendors, who, upon default by the contract vendee cancel the contract by following the statutory cancellation procedures (*Minnesota Statutes* § 559.21 (1988)), are barred from later maintaining an action against the contract vendees for waste by the doctrine of election of remedies.

2. The doctrine of election of remedies does not bar a contract vendor from suing a vendee for conversion of personal property, the value of which was part of the consideration for the vendor's promise to sell, notwithstanding the vendor had previously cancelled the contract for deed pursuant to *Minnesota Statutes* § 559.21 (1988).

Reversed in part, affirmed in part and remanded. Kelley, J.

C4-89-1065 State of Minnesota v. Dennis John Hannuksela, Appellant. St. Louis County.

1. Evidence seized pursuant to valid clauses of a search warrant may be admitted over objection that another clause in the warrant fails to meet the Fourth Amendment's particularity requirement provided the evidence, in fact, was seized pursuant to clauses of the warrant which satisfy the particularity requirement.

2. The ex-spouse of an accused may testify at the accused's criminal trial with respect to nonassertive conduct of the accused which she observed during the marriage.

3. *Spreigl* evidence of prior forgery convictions was admissible when a disputed issue existed as to the validity of the decedent's signature on certain documents.

Affirmed. Kelley, J.

C4-89-1423 K. Jean Dille, Relator v. Knox Lumber/Division of Southwest Forest, Self-Insured. Workers' Compensation Court of Appeals.

The firmly established rule is that "this court will intrude only if, viewing the facts in the light most favorable to the findings, it appears that the findings are manifestly contrary to the evidence or that it is clear reasonable minds would adopt a contrary conclusion." *Hengemuhle v. Long Prairie Jaycees*, 353 N.W.2d 54, 61 (Minn. 1984). That this court might have found the facts differently is not the basis for reversal in a case such as this where the facts, viewed in the light most favorable to the findings, amply sustain the determination of the compensation judge and Workers' Compensation Court of Appeals.

Affirmed. Coyne, J.

Dissenting, Yetka, J.

C1-89-259 In Re: Estate of Marie Rose Braa, also known as Marie R. Braa, Deceased. Court of Appeals.

A termination of parental rights under *Minnesota Statutes* § 260.241 (1988) severs the child's right to inherit from its parents. A final order committing a child to the custody, control and guardianship of the commissioner of public welfare under *Minnesota Statutes* ch. 260 (1953) permanently terminated the adoptive mother's parental rights, thereby severing the child's right to inherit from the adoptive mother.

Reverse. Keith, J.

CX-81-1120 In re Petition for Disciplinary Action against Harry N. Ray, an Attorney at Law of the State of Minnesota. Supreme Court.

Suspended. Per Curiam.

C8-85-2372 In Re Petition for Disciplinary Action against Paris DonRay Getty, an Attorney at Law of the State of Minnesota. Supreme Court.

Suspended. Per Curiam.

Orders

C2-86-272 In Re the Petition for Disciplinary Action against Howard J. Moore, an Attorney at Law of the State of Minnesota. Supreme Court.

Indefinitely suspended. Kelley, J.

C0-88-839 In Re the Petition for Disciplinary Action against Kevin P. Sullivan, an Attorney at Law of the State of Minnesota. Supreme Court.

Suspended. Kelley, J.

Supreme Court Decisions, Opinions & Rules

C0-89-396 In Re Reinstatement of Mary F. Wertz, an Attorney at Law of the State of Minnesota. Supreme Court.

Suspended. Kelley, J.

C8-90-202 In Re the Petition for Disciplinary Action against Michael J. Gillen, an Attorney at Law of the State of Minnesota. Supreme Court.

Indefinitely suspended. Kelley, J.

Announcements

State University Board Meeting: The Minnesota State University Board will meet on Thursday 29 March at 9:30 a.m. in the State University System's conference rooms at 230 Park Office Bldg., 555 Park Street, St. Paul. Contact Sharon Miller, director of public information, (612) 296-4404 for more information.

Aviators' Hall of Fame: Thirteen Minnesota pioneer aviators will be inducted into a new aviators' "Hall of Fame" during a banquet of the Minnesota Aviation Symposium, an annual event sponsored by the MnDOT's Office of Aeronautics, the Minnesota Aviation Trades Assn, the Minnesota Council of Airports, and other aviation groups. Memorial plaques will be presented to Walter Bullock, Charles "Speed" Holman, Mark Hurd, Charles A. Lindbergh, Ray S. Miller, Phoebe Omilie, Julius Perit, Lewis Brittin, Angelo De Ponti, William A. Kidder, Noel Wein, Ernest Wold, Cyrus Chamberlain. The plaques will be in the custody of the Minnesota office of Aeronautics and put on public display at suitable locations and events. The public is invited to attend the induction ceremonies. For ticket information contact Pamela Connoy, MnDOT Office of Aeronautics, Room 417, Transportation Bldg., St. Paul, MN 55155 or call (612) 296-3582.

Governor's Appointments: Governor Rudy Perpich announced the following appointments: The *State Board of Vocational Technical Education* manages and governs post-secondary vocational education. Reappointed to four-year terms on the board are **Douglas Knowlton**, East Grand Forks, and **John O'Connor**, Stillwater. Appointed to a two-year term as the student member is **Gerald Mullen** of Oakdale. • Appointed to the *Ethical Practices Board* to a term that expires in January of 1992 is **Bruce Willis** of Plymouth. The board administers campaign financing for state candidates and hears conflict of interest proceedings. • The *State Board of Public Defense* appoints state and district public defenders. Appointed to fill a term to January 1992 is **Jesse Overton** of Bloomington. • The *Board of Marriage and Family Therapy* adopts and enforces rules for licensing marriage and family therapists. **Mary Hayes** of Golden Valley was appointed to a term that expires in January 1992. • **John Borchert** of Scandia was appointed to the *State Board for Community Colleges* to a term that expires in January of 1992. The board sets rules and policy for managing the community college system. • Reappointed to the *State University Board* is **Elizabeth Pegues** of North Oaks to a four-year term and newly appointed is **Paula Dykstra** of St. Cloud also to a four-year term. The board is the governing body for the seven state universities. • The *Elementary Secondary Vocational Computer Council* advises and assists the State Board of Education in developing plans for elementary, secondary, and vocational education management information systems and the State Department of Education information systems. Newly appointed to the council are **Joanne Barnes**, Edina, and **Charles Ruebling**, Eden Prairie. Barnes fills a term to January 1992, and Ruebling fills a term to January 1991. • Appointed to the *Judicial Merit Advisory Commission* is **Cecil Naatz** of Marshall to fill a term to January 1991. The commission recommends finalists to the Governor for appointment to openings on the State District Court. • The *Board of Unlicensed Mental Health Service Providers* adopts and enforces rules regulating the conduct of unlicensed mental health service providers. Appointed to the board is **Bob Hurlbut**, St. Paul, to fill a term to January 1992. • The *Telecommunications Access for Communication-Impaired Persons Board* determines the priority for distributing communication devices. Appointed to the board is **Jeremy Nyquist** of Onamia to a term that expires in January of 1991. • **Steven Lastovich** of St. Cloud was appointed to the *State Drought Task Force*. The task force evaluates the drought conditions, anticipates water use conflicts, and plans a response in anticipation of a drought. • Also announced was the appointment of **Alfred Babington-Johnson** as the Sixth District Representative of the Metropolitan Council to fill a term expiring January 1991. The Metropolitan Council coordinates planning and development of the seven-county Twin Cities metropolitan area. Its 17 members are appointed by the Governor to represent the 16 metropolitan districts, with an at-large member serving as chair. The Sixth District includes North, Northeast, most of Southeast, and the downtown area of Minneapolis.

Meetings on Aging Programs, Priorities: The Metropolitan Council's *Advisory Committee on Aging* is holding three public meetings to ask people how federal money for the region's older people should be spent. The Council also wants to ask the public how it can improve the services it provides the region's older population and what problems older people face as they try to live independent, satisfying and productive lives. As the federally-funded and state-designated area agency on aging for the Twin Cities Metropolitan Area, the Council is required to develop and submit an "area plan" to its funding source, the Minnesota Board on Aging. The plan outlines the Council's work objectives and sets priorities on how it seeks to spend the Title III grants available for older people in the region. The first public meeting is scheduled for Friday, March 16, 1-3 p.m. at the Burnsville City Hall, 100 Civic Center Parkway, Burnsville; the second on Friday, March 23, 1:30-3:30 p.m. at the Area 622 Community

Education Center, Maplewood Senior Center, 1945 Manton St., Maplewood; and the third on Friday, April 6, 1-3 p.m., Horn Towers Highrise, 3121 Pillsbury Av. South, Minneapolis. To register to speak at the meetings, call 291-6445 at least two days before the meeting you wish to attend. Written comments must be sent by April 9 to the Advisory Committee on Aging, Metropolitan Council, Mears Park Centre, 230 East Fifth St., St. Paul, MN 55101.

The Metropolitan Council is seeking applicants to fill 10 vacancies on its *Minority Advisory Committee (MIAC)*. Area minorities are encouraged to apply. The Council will accept applications until April 13 and make appointments to MIAC in late April. The new members' terms will begin in May. For more information and an application, call Chris Yankovec at 291-6414. Applications can be sent to: Chris Yankovec, Metropolitan Council, Mears Park Centre, 230 E. Fifth St., St. Paul, MN 55101.

National Agriculture Week: The industry that provides thousands of jobs and contributes billions of dollars to the Minnesota economy will be the focus of a number of tributes during National Agriculture Day, March 20, and National Agriculture Week, March 18-24. Highlighting state events is a March 20 luncheon hosted by the Minnesota Press Club that will feature Minnesota Grown foods and a number of state leaders who will speak about agriculture issues. The Minnesota Department of Agriculture has also scheduled an open house March 19 to provide tours of the department building for those interested in learning more about Minnesota agriculture. Minnesota, home to over 90,000 farmers and more than 500 food processing companies, is a leading producer of corn, soybeans, spring wheat, wild rice, oats, barley, sunflowers, hay, sugarbeets, flax, rye, sweet corn and green peas for processing, as well as dairy and livestock products.

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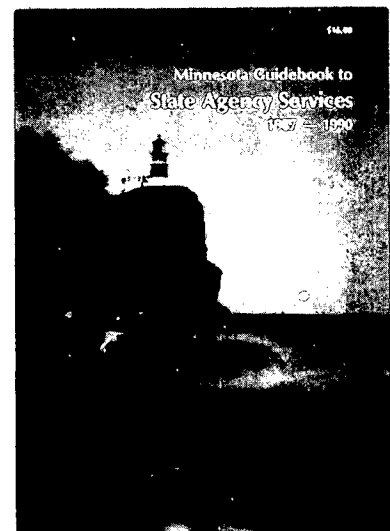
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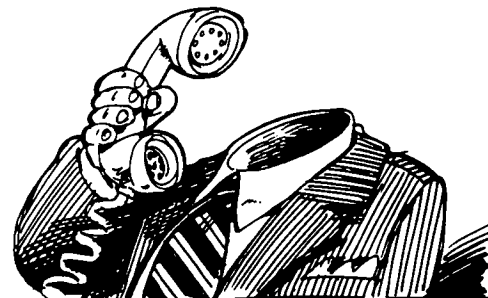
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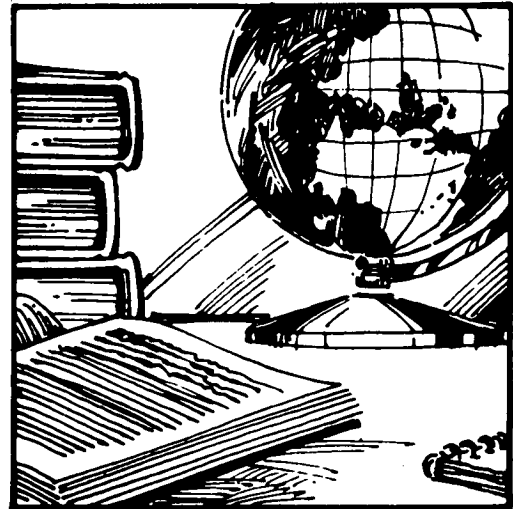
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