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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, and announcements.

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. 15 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
31	Monday 14 January	Friday 18 January	Monday 28 January
32	Friday 18 January	Monday 28 January	Monday 4 February
33	Monday 28 January	Monday 4 February	Monday 11 February
34	Monday 4 February	Monday 11 February	Tuesday 19 February

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

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

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

The *State Register* is published 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 court; 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 \$140.00 per year and includes an index issue published in August (single issues are available at the address listed above for \$3.50 per copy); the combined Monday and Thursday editions cost \$195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for \$60.00, include both the Monday and Thursday edition, last for 13 weeks, and may be converted to a full subscription anytime by making up the price difference. No refunds will be made in the event of subscription cancellation.

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

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

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FOR LEGISLATIVE NEWS

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

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

Contents

Minnesota Rules: Amendments & Additions

Issues 28-31 inclusive (issues #1-27 appeared in #27) . . . 1664

Proposed Rules

Pollution Control Agency

Abrasive blasting of residential, child care, and school buildings 1665
Minnesota Environmental Response and Liability Act . . . 1672

Public Safety Department

Drivers' licensure following disqualification of commercial drivers 1675
Drivers' license revocation and disqualification for incidents involving alcohol or controlled substances 1681

Secretary of State

Presidential Primary 1694

Adopted Rules

Human Services Department

Merit system 1697

Health Department

Merit system 1699

Public Safety Department

Merit system 1699

Social Work Board

Social worker licenses 1699

Errata

Chiropractic Examiners Board

Correction to notice on proposed rules for the practice of chiropractic 1700

Official Notices

Administration Department

Opinion sought on rule for state contracts 1701

Attorney General's Office

Opinion sought on rule for the attorney general's review of rules without a public hearing 1701

Commerce Department

Bulletin of pending applications under the Reciprocal Interstate Banking Act 1702

Human Services Department

Opinion sought on rules for facilities that serve emotionally disturbed children 1703

Opinion sought on rule for Medical Assistance; nursing home payment rate determination; semiannual assessments of residents by nursing homes 1703

Jobs & Training Department

Public hearing on the state delivery plan for FY 1991 weatherization assistance for low-income persons program grant 1704

Labor & Industry Department

Correction to prevailing wage rates 1704

Metropolitan Council

Preliminary schedule for amending the *Metropolitan Development and Investment Framework* chapter of the *Metropolitan Development Guide* 1704

Pollution Control Agency

Extension of notice seeking outside opinion on rules for mixed municipal solid waste incinerator ash 1705

State Contracts & Advertised Bids

Administration Department

Materials Management Division: Commodities and requisitions open for bid 1705

Print Communications Division: Typesetting, design, photo prep and seps, keylining, printing, binding, labeling and mailing services open for bid . . . 1706

Professional, Technical & Consulting Contracts

Minnesota Historical Society

Proposals sought for graphic design, production and supervision of logo/logo type and materials for a capital campaign 1708

Bids requested for security guard services 1709

Availability of contract for concept development, design and visitor research for the Saint Anthony Falls Heritage Trail and Orientation Center Exhibit . . . 1710

Human Services Division

Contract available for service provision to persons with deaf-blindness 1710

Public Safety Department—Emergency Response Commission

Proposals sought for contract services for preparation of educational materials 1711

State Treasurer's Office

Proposals sought for electronic remittance of various federal tax payments 1712

Announcements 1712

Minnesota Rules: Amendments and Additions

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

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

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

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

Issues 28-31 inclusive (issues #1-27 appeared in #27)

Administrative Hearings Office

1400.0250; .0300; .0500; .0800; .0850; .0900; .5100; .5200;
 .5600; .5700; .5950; .6000; .6700; .7100; .7400; .7500;
 .8300; .8401; .8510; .8560; .8601; .8604; .8609 (adopted) .. 1595
 1405.0200; .0300; .1400; .1800 (adopted) 1595
 1400.1300; .5100 s.4.5; .8402; .8613 (repealed) 1595
 1405.2800 (repealed) 1595

Agriculture Department

1515.2550 (proposed) 1533

Chiropractic Examiners Board

2500.0100; .1160; .3000; .4000 (proposed) 1561

Commerce Department

2890.0080 (proposed) 1625

Technical Colleges Board

3700.1400; .1405 (adopted) 1599

Electricity Board

3800.3590 (proposed) 1534

Environmental Quality Board

4400.0200; .0300; .0600; .0710; .0720; .0800; .0900;
 .1000; .1100; .1200; .1210; .1310; .1400; .1500; .2600;
 .2710; .2720; .2800; .2900; .3000; .3100; .3200; .3210;
 .3310; .3400; .3500; .3600; .3710; .3800; .3900; .3910;
 .4000; .4100; .4200; .4500; .4900 (adopted) 1598
 4400.0700; .1100 s.2; .1300; .2700; .3300; .3600 s.1;
 .3700; .3900 s.4 (repealed) 1598
 4410.7000; .7100; .7400; .7500 (adopted) 1597
 4410.7200; .7300; .7600; .7700; .7800 (repealed) 1597

Health Department

4620.1450; .1800; .3500 (adopted) 1597
 4625.0900; .2355; .2655 (adopted) 1597
 4630.1801; .4750; .6550 (adopted) 1597
 4635.0200; .2100 (adopted) 1597
 4670.4210; .4220; .4230; .4240 (adopted) 1699
 4625.2650 (repealed) 1597
 4630.1800 (repealed) 1597
 4715.5600 (adopted) 1597

4717.0500; .7000-7050 (adopted) 1597
 4725.0410 (adopted) 1597
 4725.0400 (repealed) 1597
 4727.0300 (repealed) 1597
 4730.0850 (adopted) 1597

Social Work Board

4740.0100-.0310 (adopted) 1699
 4740.2040 (correction) 1627
 4760.0010-.0300 (proposed) 1565

Higher Education Coordinating Board

4830.8000-.8580 (proposed) 1576

Labor & Industry Department

5205.0010 (proposed) 1590

Medical Examiners Board

5605.0200; 5600.0605-.0610 (adopted) 1640

Pollution Control Agency

7005.6010-.6080 (proposed) 1665
 7047.0001-.0007 (proposed) 1672

Psychology Board

7200.6100 (adopted) 1542
 7200.6150 (proposed) 1592

Public Safety Department

7409.0100-.0600 (proposed) 1675
 7503.0100; .0300; .0600; .0800; .0900; .1000; .1200; .1300;
 .1600; .1700; .1750; .1800; .2000; .2200; .2300; .2400;
 .2500; .2600; .2700; .2800 (proposed) 1681
 7520.1000; .1100 (adopted) 1699

Public Utilities Commission

7831.0100-.0800 (adopted) 1599

Minnesota Racing Commission

7870.0400; 7871.0010; 7872.0100; 7872.0100; 7873.0100;
 7873.0110; 7873.0185; .0186; .0190; .0192; .0195; .0198;
 7875.0200; 7876.0110; 7877.0160; 7877.0170; 7879.0100;
 7883.0100; .0130; .0140; 7890.0100; 7892.0120; 7895.0100;
 .0125; .0275; .0350; 7897.0100; .0110; 7899.0100
 (proposed) 1627
 7897.0110 s.2 (proposed repealer) 1627

Secretary of State	9505.1750-.2150 (proposed repealer)	1579
8200.6400; .9115 (proposed)	9530.6605; .6640; .6650; .7000; .7031 (adopted emergency) . .	627
8205.1000 (proposed)	9560.6650 s.3 (emergency repealer)	627
8210.0200; .9915 (proposed)	9530.6605; .6640; .6650; .7000; .7031 (emergency extended) .	1543
8250.0360; .1400; .1550 (proposed)	9530.6650 s.3 (emergency repealer extended)	1543
Pollution Control Agency Waste Management Office	9530.6655; .7000; .7012; .7015; .7020; .7022; .7024 (adopted)	1540
9220.0800; .0805; .0810; .0815; .0820; .0825; .0830; .0835 (adopted)	9530.7020 s.3.4 (repealed)	1540
9220.0800 s.6 (repealed)	9530.6655 (proposed rule withdrawn)	1540
Human Services Department	9560.0410; .0420; .0430; .0440; .0450; .0460; .0470; .0475; .0480; .0485 (proposed)	1535
9505.2160- .2245 (proposed)	9575.1500 (adopted)	1697

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.

Pollution Control Agency

Proposed Permanent Rules Relating to Abrasive Blasting of Residential, Child Care, and School Buildings

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

I. Explanation of Alternative Notices

The Minnesota Pollution Control Agency (MPCA) is hereby giving notice of its intent to adopt rules relating to abrasive blasting of residential, child care, and school buildings, *Minnesota Rules*, parts 7005.6010 to 7005.6080, without a public hearing. The MPCA's statutory authority to adopt the rules is set forth in *Minnesota Statutes*, section 116.07, subd. 4 (1990). If fewer than 25 persons request a public hearing on the proposed rules, the rules would be adopted without a public hearing under the noncontroversial rulemaking procedure, *Minnesota Statutes*, §§ 14.22 to 14.28 (1990). If 25 or more persons request a public hearing on the proposed rules, the rules would be adopted after a public hearing, according to the procedures set forth in *Minnesota Statutes*, §§ 14.131 to 14.20 (1990). Therefore, in order to expedite the rulemaking process should 25 or more persons request a hearing, the MPCA is simultaneously giving notice of a hearing on the proposed rules. Unless at least 25 persons request that the hearing be held, the hearing will be cancelled.

Proposed Rules

II. Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the MPCA proposes to adopt the above-captioned rules without a public hearing following the procedures set forth in the Administrative Procedure Act in *Minnesota Statutes*, §§ 14.22 to 14.28 (1990). The MPCA's authority to adopt the rules is set forth in *Minnesota Statutes*, §§ 116.07 and 144.878 (1990).

The proposed rules follow this notice. Interested persons have until 4:30 p.m. on February 26, 1991, to submit comments in support of or in opposition to the proposed rules or any part or subpart thereof. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for comment, and any change proposed.

Any person may make a written request for a public hearing on the proposed rules within the 30-day comment period. If 25 or more persons submit written requests for a public hearing within the 30-day comment period, a public hearing will be held on the date scheduled and in accordance with the notice of hearing given in part III of this notice, unless a sufficient number withdraw their requests in writing. Requests for a public hearing must be received by the MPCA by February 26, 1991. Any person requesting a hearing should state his or her name, address, and telephone number, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any changes proposed. If a public hearing is required, the MPCA will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1990). To verify whether a hearing will be held, please call Gordon P. Anderson of the MPCA staff, between March 1, 1991, and March 6, 1991, at (612) 296-7667.

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

Gordon P. Anderson
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155 (612) 296-7667

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

The proposed rules, if adopted, will specify procedures to be used when removing lead paint by abrasive blasting of residences, child care, and school buildings. Additional provisions will require notification of the MPCA and residents, testing for lead in paint, use of containment to prevent soil and house dust contamination, and cleanup of waste deposits. The proposed rules are published below. One free copy of the rules is available upon request from Gordon Anderson at the address and telephone number listed above.

A STATEMENT OF NEED AND REASONABLENESS has been prepared and may be obtained from the MPCA by contacting Gordon Anderson at the address and telephone number listed above. The statement of need and reasonableness is also available for review at the Office of Administrative Hearings and may be obtained at the cost of reproduction. This document describes the need for and reasonableness of each part of the rules, identifies the information relied upon to support the proposed rules, and includes a summary of the evidence and argument which the MPCA anticipates presenting at the hearing, if one is held. The New Zealand study and Dr. Thomas Spittler's study and explanatory notes referenced by the MPCA in the statement of need and reasonableness are available for review at the MPCA Library, Lower Level, 520 Lafayette Rd., St. Paul, Minnesota 55155. Copies of the New Zealand study and Dr. Thomas Spittler's study and explanatory notes may be obtained from the MPCA Library at the cost of reproduction.

The statement of need and reasonableness also addresses small business considerations in rulemaking, as required by *Minnesota Statutes*, § 14.115 (1990). "Small business" means a business entity, including farming and other agricultural operations and its affiliates, that (a) is independently owned and operated, (b) is not dominant in its field, and (c) employs fewer than 50 full-time employees or has gross annual sales of less than \$4,000,000. *Minnesota Statutes*, § 14.115, subd. 1 (1990).

The proposed rules will affect small businesses such as abrasive blasting contractors. Abrasive blasting of residential structures in Minnesota is done by contractors or sub-contractors who are all small businesses, according to the above criteria. Although there are larger and smaller contractors in the abrasive blasting business, this rule will not impart competitive advantage to a company that is not a small business.

The only reporting requirements in the proposed rule are the notifications to the residents, owner, or administrator of the building, and to the commissioner of the MPCA. There are no schedules of compliance in the proposed rules. Performance standards are included in the rule in both part 7005.6050, Containment, and part 7005.6060, Cleanup. It is the purpose of the rules to remediate the effects on the public health and the environment of the practice of abrasive blasting of lead paint. Because small businesses are the regulated parties of the proposed rules, to exempt small businesses from any provisions of this rule would be contrary to the statutory objective that is the basis of the proposed rules.

If a hearing is not required for the adoption of the proposed rules, the proposed rules and supporting documents will be delivered to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Any person who wishes to be notified of this submission to the Attorney General, or who wishes to receive a copy of the adopted rules, must submit a written request to Mr. Anderson at the address listed above.

III. Notice of Intent to Adopt a Rule With a Public Hearing If 25 or More Persons Request a Hearing

PLEASE NOTE That If 25 or More Persons Submit Written Requests for a Public Hearing With Respect to the Above-Captioned Rules Within the 30-Day Comment Period Pursuant to the Notice Given in Part II Above, a Hearing Will Be Held on March 11, 1991 in Accordance With the Following Notice of Public Hearing.

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be held pursuant to *Minnesota Statutes*, §§ 14.131 to 14.20 (1990), on March 11, 1991, in the boardroom of the MPCA, 520 Lafayette Road, St. Paul, Minnesota, commencing at 9:00 a.m. Additional days may be scheduled as needed. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

NOTICE IS HEREBY GIVEN that a statement of need and reasonableness is available for review at the agency and at the Office of Administrative Hearings. The statement of need and reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the statement of need and reasonableness may be reviewed at the agency or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction. The New Zealand study and Dr. Thomas Spittler's study and explanatory notes referenced by the MPCA in the statement of need and reasonableness are available for review at the MPCA Library, Lower Level, 520 Lafayette Rd., St. Paul, Minnesota 55155. Copies of the New Zealand study and Dr. Thomas Spittler's study and explanatory notes may be obtained from the MPCA Library at the cost of reproduction.

This matter will be heard before Administrative Law Judge Phyllis Reha, from the Office of Administrative Hearings, 500 Flour Exchange Building, 310 South Fourth Avenue, Minneapolis, Minnesota 55415, (612) 341-7611. The rule hearing procedure is governed by *Minnesota Statutes*, §§ 14.131 to 14.20 (1990) and by the rules of the Office of Administrative Hearings, *Minnesota Rules* parts 1400.0200 to 1400.1200 (1989). Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge at the address and telephone number stated above.

Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Phyllis Reha, Administrative Law Judge, at the address listed above, either before or within five days after the hearing ends. The Administrative Law Judge may, at the hearing, order the record kept open for a longer period not to exceed 20 calendar days after the hearing ends. Written material received during this period will be available for review at the Office of Administrative Hearings. After the close of the comment period, the MPCA and interested persons have three business days to respond in writing to any new information submitted during the comment period. No additional evidence may be submitted during the three-day period. The MPCA requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment period also submit a copy of the written data to Mr. Anderson at the address stated above.

The proposed rules may be modified if the data and views received during the hearing process warrant modification and the modification does not result in a substantial change in the proposed rules as noticed. Those who are potentially affected by the substance of the proposed rules are therefore advised and encouraged to participate in the process.

Notice: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the MPCA may not take any final action on the rule 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 MPCA at any time prior to the filing of the rules with the Secretary of State.

Please be advised that *Minnesota Statutes* ch. 10A requires each lobbyist to register with the State Ethical Practice Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes* § 10A.01, subd. 11 (1990) as any individual:

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

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

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

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

IV. Notice of Intent to Cancel Hearing if Fewer Than 25 Persons Request a Hearing

PLEASE NOTE that the Hearing, Notice of Which is Given in Part III Above, Will Be Canceled If Fewer than 25 Persons Request a Hearing in Response to the Notice Given in Part II Above.

Barbara Lindsey Sims
Acting Commissioner

Rules as Proposed (all new material)

7005.6010 APPLICABILITY.

Parts 7005.6010 to 7005.6080 establish the procedures that a contractor shall follow to test for the presence of lead paint prior to abrasive blasting and to remove lead paint by abrasive blasting of the exterior walls of any residential building, child care building, school building, or any building within 100 feet of a residential, child care, or school building, or a playground.

7005.6020 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 7005.6010 to 7005.6080, the terms in subparts 2 to 15 have the meanings given them.

Subp. 2. **Abrasive blasting.** "Abrasive blasting" means the use of air pressure and an abrasive grit to remove surface coatings, and includes, but is not limited to, dry abrasive blasting, wet abrasive blasting, modified-wet abrasive blasting and vacuum blasting.

Subp. 3. **Acid extraction.** "Acid extraction" means laboratory analysis of lead concentration according to Method 3050 as described in "Test Methods for Evaluating Solid Waste Volume 1A: Laboratory Manual Physical/Chemical Methods" SW-846, United States Environmental Protection Agency, Third Edition, November 1986. This document is incorporated by reference and is available through the Minitex interlibrary loan system. This document is not subject to frequent change.

Subp. 4. **Child care building.** "Child care building" means a building that incorporates a place where children are cared for or supervised at any time of the day or year.

Subp. 5. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Pollution Control Agency.

Subp. 6. **Contractor.** "Contractor" means a person or an organization who, for financial gain, directly performs or, through subcontracting or similar delegation, causes abrasive blasting to be performed.

Subp. 7. **Lead paint.** "Lead paint" means a coating that:

A. contains one-half of one percent (0.5 percent) total lead or more, as determined by the analytical methods of acid extraction or by X-ray fluorescence laboratory analyzer;

B. contains one milligram per square centimeter (1.0 mg/cm²) of lead or more, as determined by an X-ray fluorescence handheld analyzer; or

C. causes a positive reaction when combined with sodium sulfide (Na₂S).

Subp. 8. **Modified-wet abrasive blasting.** "Modified-wet abrasive blasting" means abrasive blasting with the addition of a minimum quantity of water to the air abrasive stream such that dispersal of particulate matter is suppressed with little or no adherence of waste material to the substrate.

Subp. 9. **Playground.** "Playground" means an area designated for children's play including a school building playground, a child care building playground, a play area of a public park, or an area that contains permanent play equipment.

Subp. 10. **Residential building.** "Residential building" means a single family or multi-unit structure that is used or intended for use as human habitation, including every other structure located within the same lot.

Subp. 11. **School building.** "School building" means a building that contains a public school as defined in *Minnesota Statutes*, section 120.05, or a nonpublic school, church, or religious organization, or home-school in which a child is provided instruction in compliance with *Minnesota Statutes*, sections 120.101 and 120.102.

Subp. 12. **Sodium sulfide.** "Sodium sulfide" means a six to eight percent solution of sodium sulfide (Na₂S) compound in water that reacts with lead at concentrations greater than 1.0 percent (10,000 ppm).

Subp. 13. **Total lead.** "Total lead" means the concentration of lead in paint, determined by acid extraction or by X-ray fluorescence laboratory analyzer, expressed in units of parts per million (ppm) or percent (%).

Subp. 14. **Vacuum blasting.** "Vacuum blasting" means dry abrasive blasting with a blast nozzle that is surrounded by a chamber under negative air pressure that is held against the coated surface.

Subp. 15. **X-ray fluorescence analyzer.** "X-ray fluorescence analyzer" or "XRF analyzer" means:

A. a hand-held portable instrument that measures lead concentration (by fluorescence of lead atoms) by gamma radiation, expressed in milligrams per centimeter square (mg/cm²); or

B. a desktop laboratory instrument that measures lead concentration (by fluorescence of lead atoms) by gamma radiation, expressed in parts per million (ppm).

7005.6030 TESTING.

Subpart 1. **Testing required.** A contractor shall test a coating for lead concentration, using the methods required by this part, before using abrasive blasting to remove a coating from the exterior of a residential, child care, or school building, or any building within 100 feet of a residential, child care, or school building, or a playground.

Subp. 2. **Paint samples.** The contractor shall test all layers of paint on the following exterior surfaces from which paint is to be removed:

A. the paint on the original structure;

B. the paint on any addition to the original structure;

C. the paint on each separate structure; and

D. if surfaces have been painted or repainted at different times or with different paints, the paint on each surface.

Subp. 3. **Analysis.** The contractor shall analyze each paint sample for lead concentration using one of the methods in items A to D.

A. Acid extraction. If the contractor tests by acid extraction, the contractor shall analyze for total lead using paint samples that contain equal surface areas of all the paint coatings of the surface that is tested.

B. X-ray fluorescence analyzer. If the contractor tests using a hand-held portable XRF analyzer, the lead concentration for each surface shall be the mean value of at least five separate measurements for that surface. If the contractor tests using a desktop laboratory XRF analyzer, each paint sample shall contain equal surface areas of all paint coatings of the surface that is tested.

C. Sodium sulfide (Na₂S). If the contractor tests using sodium sulfide and obtains a negative test result for lead on any surface painted before 1978, the contractor shall confirm the absence of lead paint by testing a sample from that surface with either acid extraction or an XRF analyzer in the manner required in item A or B.

D. Other analysis methods. The contractor may test for lead concentration using an analysis method not listed in items A to C only if the commissioner approves the analysis method in writing prior to its use. The commissioner shall approve an analysis method if the commissioner finds that the precision and accuracy of the method is comparable to the methods in item A or B.

Subp. 4. **Test results.** The contractor shall provide the test results to the building owner or administrator and the adult residents as part of the notice described in part 7005.6040, subpart 2, to the commissioner as part of the notice described in part 7005.6040, subpart 3, and shall retain the test results for a period not less than five years from the date of the test.

Subp. 5. **Waiver of testing.** A contractor may elect to conduct abrasive blasting of a residential, child care, or school building, or of any building within 100 feet of a residential, child care, or school building, or a playground, without testing to determine the presence and concentration of lead in paint if the contractor treats the paint as lead paint, so states in the notice of part 7005.6040, and otherwise complies with parts 7005.6010 to 7005.6080.

7005.6040 NOTIFICATION.

Subpart 1. **Notice required.** At least five days before the start of abrasive blasting of lead paint on the exterior of a residential, child care, or school building, or a playground, the contractor shall provide:

A. written notice as required in subpart 2 to the owner or administrator and the adult residents of the building to be abrasive blasted, and to the owner or administrator and the adult residents of any residential, child care, or school buildings within 50 feet of the building to be abrasive blasted; and

B. written notice as required in subpart 3 to the commissioner.

Subp. 2. **Contents of notice to residents, administrator, and owner.** The notice required in subpart 1, item A, shall state that lead paint is present on the structure, shall provide the results of the test required by part 7005.6030 and the methods of analysis used,

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Proposed Rules

shall specify the days and the hours during which abrasive blasting is anticipated, and shall advise the owner or administrator and the adult residents to take the following actions before abrasive blasting begins:

A. close all doors, windows, and storm windows on the walls to be abrasive blasted and their adjoining walls, and on the walls of neighboring buildings that face the structure to be abrasive blasted and their adjoining walls;

B. completely seal from the outside with adhesive tape the outermost window or storm window to the window frame, the outermost door or storm door to the door frame, and other openings to the exterior on the walls of the neighboring building that are specified in item A;

C. turn off all air conditioning units on the walls to be abrasive blasted and their adjoining walls, and on the walls of neighboring buildings that face the structure to be abrasive blasted and their adjoining walls, and tightly cover all of these units with impermeable material; and

D. take inside or remove from the premises near the building or from property within 50 feet of the structure to be abrasive blasted all children's toys and play equipment, or cover equipment that cannot be moved, and all pets, pet houses, pet food, and water bowls.

Subp. 3. **Contents of notice to commissioner.** The notice required in subpart 1, item B, shall state:

A. the address and location of the building to be abrasive blasted;

B. the scheduled starting and completion days and times;

C. the results of the test required by part 7005.6030 and the method of analysis used;

D. the name, business address, and telephone number of the contractor;

E. a description of the building or buildings to be abrasive blasted, including whether each building is a residential, child care, or school building, or within 100 feet of a residential, child care, or school building, or a playground;

F. a copy of the notice given to the owner or administrator and adult residents of each building under subparts 1 and 2;

G. the abrasive blasting method the contractor plans to use;

H. the procedures the contractor plans to use to comply with parts 7005.6010 to 7005.6080;

I. the name and location of the waste disposal site where the debris collected as required by part 7005.6060 will be deposited; and

J. any other information that the commissioner deems necessary to determine that the requirements of parts 7005.6010 to 7005.6080 will be followed.

7005.6050 CONTAINMENT.

Subpart 1. **Containment required.** The contractor shall apply containment, using the methods required by this part, before using abrasive blasting to remove lead paint from the exterior of a residential, child care, or school building, or a building within 100 feet of a residential, child care, or school building, or a playground. The contractor may utilize methods of removal by abrasive blasting or of containment other than those specified in this part only if the commissioner approves the alternative method of removal or containment in writing prior to its use. The commissioner shall approve the alternative method of removal or containment if the contractor demonstrates that the alternative containment method will prevent contamination of soil and house dust at least as well as the methods specified in this part.

Subp. 2. **Sealing the residential, child care, or school building.** Before abrasive blasting begins, the contractor shall:

A. fully close and completely seal from the outside with adhesive tape the outermost window or storm window to the window frame, the outermost door or storm door to the door frame, and other openings to the exterior on the wall to be abrasive blasted and the two adjoining walls, if the building is a residential, child care, or school building;

B. fully close and completely seal with adhesive tape the openings listed in item A on any wall that faces the structure to be abrasive blasted, and the adjoining walls, of a neighboring residential, child care, or school building that is within a distance from a wall to be abrasive blasted that is less than the distance of ground cover required by subparts 3 and 4; and

C. tightly cover and seal with impervious plastic all air conditioning units and other vents and openings on the walls listed in items A and B.

The contractor is not required to perform the actions listed in items B and C only if the owner, administrator, or adult residents of a building have performed the actions listed in items B and C as advised in part 7005.6040.

Subp. 3. **Ground cover.** Before abrasive blasting begins, the contractor shall completely cover, with impermeable tarpaulins, the ground beneath the wall or structure to be abrasive blasted by:

A. laying the tarpaulins as close as possible to the building foundation;

B. overlapping the tarpaulin edges by a distance not less than 1-1/2 feet;

C. anchoring the tarpaulins at the foundation and along the overlapping edges to prevent separation; and

D. covering the ground with tarpaulins for a distance of at least 25 feet in all directions from the area of blasting. For each story above the first, the contractor shall increase this distance by ten feet.

Subp. 4. **Additional containment required.** If visible emissions of particulate matter occur in the air or visible deposits occur on the ground at a distance from the structure greater than the distance of the ground cover, then the contractor shall immediately cease abrasive blasting until the contractor:

A. adds additional ground cover, in the manner required in subpart 3, to a distance greater than the distance of visible particle transport or deposition;

B. uses a curtain or curtains that prevent the dispersal of visible particles to a distance beyond the ground cover; or

C. uses modified-wet abrasive blasting or vacuum blasting, instead of open dry abrasive blasting, to remove the lead paint.

7005.6060 CLEANUP.

Subpart 1. **Cleanup.** At the end of each workday, the contractor shall recover and remove all blasting debris including used abrasive; wood, brick, or stucco dust; and paint particles from:

A. the roof and the roof gutters of the building that was abrasive blasted, while ground covers remain in place;

B. the ground covers in such a way as to not deposit any blasting debris on the ground; and

C. all soil, grass, walkways, porches, patios, steps, outside window wells and door wells, shrub and flower beds, and any other places surrounding the building that was abrasive blasted and any neighboring buildings, so that no visible deposits remain.

Subp. 2. **Cleanup methods.** The contractor may remove the blasting debris by manual means or by vacuum, but shall not use an air pressure stream or a water stream which redistributes, but does not remove, the blasting debris. The contractor may use air pressure to remove particles from exterior walls, but only if ground covers are in place as required by part 7005.6050, subpart 3, and only before the seals of adhesive tape required by part 7005.6050, subpart 2, are removed.

Subp. 3. **Removal and transportation.** The contractor shall remove and transport all blasting debris from the property in such a way as to prevent any deposition of blasting debris on the property, the right-of-way, the walkway, or the roadway.

Subp. 4. **Disposal.** The contractor shall dispose of the blasting debris as required by either chapter 7035 or 7045, whichever applies.

7005.6070 RESTRICTIONS.

Subpart 1. **Wet abrasive blasting.** A contractor shall not use wet abrasive blasting to remove lead paint, but may use modified-wet abrasive blasting to remove lead paint if the contractor complies with parts 7005.6010 to 7005.6080.

Subp. 2. **Reuse of abrasive.** A contractor shall not reuse or recycle abrasive for abrasive blasting of lead paint unless the abrasive is cleaned prior to reuse by a dust collector that removes the lead paint particles or unless the abrasive is used only for vacuum blasting conducted as required in part 7005.6080.

Subp. 3. **Access of children.** The contractor shall make a reasonable effort to prevent children under the age of ten years from entering the area within 50 feet of abrasive blasting while it is occurring and until cleanup as required by part 7005.6060 is completed. If a child under the age of ten years comes within 50 feet of abrasive blasting while it is occurring, abrasive blasting shall immediately cease until the child leaves or is removed from the area.

Subp. 4. **Identification of contractor.** The contractor shall post its name and telephone number in letters and numbers at least four inches high on a vehicle at the property or on a sign posted on the property from the commencement of abrasive blasting until completion of the contractor's work at the building.

7005.6080 VACUUM BLASTING.

Subpart 1. **Certain contractors exempt from requirements.** A contractor that uses vacuum blasting to remove lead paint from all parts of a structure is exempt for that structure only from the requirements of subpart 2 if:

A. the contractor removes all paint by holding the workhead of the vacuum blasting unit at all times against the substrate;

B. all parts of the vacuum blasting equipment are in a condition that prevents emissions of particulate matter; and

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Proposed Rules

C. no other method of abrasive blasting is used.

Subp. 2. **Inapplicable requirements.** Contractors described in subpart 1 are exempt from the following requirements:

A. part 7005.6040, subparts 1 and 2, to the extent that they require the contractor to notify the owner or administrator and adult residents of neighboring buildings;

B. part 7005.6050, subpart 4; and

C. part 7005.6050, subpart 2, item B; and part 7005.6050, subpart 2, item C, to the extent that item C requires covering and sealing of the air conditioning units and other openings on neighboring structures.

For contractors described in subpart 1, the requirement of part 7005.6050, subpart 3, item D, of distance of ground cover is reduced to a minimum of 15 feet in all directions of the point of blasting and need not be increased according to the height of the structure.

Pollution Control Agency

Proposed Permanent Rules Relating to the Minnesota Environmental Response and Liability Act

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (Agency) intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act (*Minnesota Statutes* §§ 14.22 to 14.28 (1990)). The statutory authorities to adopt the rules are set forth in *Minnesota Statutes* §§ 14.06 and 116.07, subd. 3 (1990).

All persons have until 4:30 p.m. on February 26, 1991, to submit comments in support of, or in opposition to, the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

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

If a public hearing is required, the Agency will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1990).

Comments should be submitted to:

Allen Dotson
Minnesota Pollution Control Agency
Ground Water and Solid Waste Division
520 Lafayette Road
St. Paul, Minnesota 55155-3898
(612) 296-7735

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

The proposed rules, if adopted, will formalize certain administrative procedures currently used by the Agency in administering its Superfund program. The Agency believes that adoption of the proposed rules will ensure systematic and equitable adherence to statutory requirements while protecting the rights and interests of affected parties and the environment. The Agency's primary goal in developing the rules is to expedite initiation of the Superfund site cleanup process through clarification of the respective procedural responsibilities of persons who are or may be responsible for a release or potential release of hazardous substances and of the staff, Commissioner, and Board of the Agency.

The proposed rules are published below. One free copy of the rules is available upon request from Allen Dotson at the address and telephone number stated above.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and the reasonableness of each provision of the proposed rules and which identifies the information relied upon to support the proposed rules has been prepared and is available from Allen Dotson upon request.

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1990), "Small business considerations in rulemaking," that the proposed rules, if adopted, would not have a significant impact on small businesses, including small farms. Since the proposed rules would formalize current procedures, they would have no appreciable impacts upon small businesses. The proposed rules are not complex, and thus they would not place undue burden on the resources of small businesses. Furthermore, exemption of small businesses from any or all requirements under the proposed rules would conflict with the objectives of *Minnesota Statutes* ch. 115B (MERLA).

MERLA makes no distinction between small businesses and other parties who may be responsible for a release or threatened release, and does not authorize the Agency to treat small businesses differently in the administration of MERLA.

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission of this material to the Attorney General, or to receive a copy of the rule as adopted. Requests shall be submitted to Allen Dotson at the address listed above.

Barbara Lindsey Sims
Acting Commissioner

Rules as Proposed (all new material)

7047.0001 SCOPE.

Parts 7047.0001 to 7047.0007 apply to the procedures the commissioner and the board of the Minnesota Pollution Control Agency use in issuing requests for response action and determinations on actions requested to persons responsible for releases or threatened releases of hazardous substances or pollutants or contaminants under the Minnesota Environmental Response and Liability Act, *Minnesota Statutes*, chapter 115B, and to negotiate with responsible persons concerning response actions requested by the board in a request for response action. Parts 7047.0001 to 7047.0007 do not apply to emergency removal actions which may be taken by the commissioner under *Minnesota Statutes*, section 115B.17, subdivision 1, paragraph (b), and they do not restrict the authority of the board or the commissioner to take actions under *Minnesota Statutes*, section 115B.17, subdivision 2.

7047.0002 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 7047.0001 to 7047.0007, the following terms have the meanings given them in this part unless the context in which the term is used clearly requires otherwise.

Subp. 2. **Agency.** "Agency" means the Minnesota Pollution Control Agency.

Subp. 3. **Board.** "Board" means the citizen board of the agency established under *Minnesota Statutes*, section 116.02.

Subp. 4. **Commissioner.** "Commissioner" means the commissioner of the agency.

Subp. 5. **Commissioner's notice letter or notice letter.** "Commissioner's notice letter" or "notice letter" means a letter from the commissioner informing a person of the intent of the agency staff to recommend that the board issue a request for response action to the person.

Subp. 6. **Consent order.** "Consent order" means a response order by consent that is a legally enforceable contract between the agency and one or more responsible persons governing the implementation of response actions to address a release or threatened release of a hazardous substance or pollutant or contaminant, and related matters, including reimbursement of agency expenses recoverable under *Minnesota Statutes*, section 115B.17, subdivision 6.

Subp. 7. **Determination on actions requested or DOAR.** "Determination on actions requested" or "DOAR" means a written determination issued by the board pursuant to *Minnesota Statutes*, section 115B.17, subdivision 1, paragraph (a), clause (3) that a responsible person will not take response actions requested in a request for response action in the manner and within the time requested.

Subp. 8. **Hazardous substance.** "Hazardous substance" has the meaning given in *Minnesota Statutes*, section 115B.02, subdivision 8.

Subp. 9. **Person.** "Person" has the meaning given in *Minnesota Statutes*, section 115B.02, subdivision 12.

Subp. 10. **Pollutant or contaminant.** "Pollutant or contaminant" has the meaning given in *Minnesota Statutes*, section 115B.02, subdivision 13.

Subp. 11. **Release.** "Release" means a release of a hazardous substance or pollutant or contaminant as defined in *Minnesota Statutes*, section 115B.02, subdivision 15.

Subp. 12. **Request for response action or RFRA.** "Request for response action" or "RFRA" means a written document issued to a responsible person by the board pursuant to *Minnesota Statutes*, sections 115B.17, subdivision 1, paragraph (a), and 115B.18, subdivision 3, requesting the responsible person to take response actions deemed by the board to be reasonable and necessary to protect the public health or welfare or the environment with respect to a release or a threatened release.

Subp. 13. **Response.** "Response" has the meaning given in *Minnesota Statutes*, section 115B.02, subdivision 18.

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Proposed Rules

Subp. 14. **Responsible person.** "Responsible person" means a person identified in a RFRA or DOAR as a person who is responsible for a release or a threatened release under the terms of *Minnesota Statutes*, section 115B.03.

7047.0003 COMMISSIONER'S NOTICE LETTER.

Subpart 1. **Notification.** Before the agency staff recommend to the board that it issue a RFRA to a person, the commissioner shall send a letter notifying the person that the agency staff intend to recommend issuance of the RFRA.

Subp. 2. **Mailing requirements.** The commissioner shall send the notice letter by certified mail, return receipt requested, at least 45 days before the date upon which the board is scheduled to consider issuing the RFRA.

Subp. 3. **Contents of notice letter.** The notice letter shall contain the following:

- A. notification that the agency staff intend to recommend that the board issue a RFRA to the recipient of the notice letter;
- B. a brief explanation of the agency's authority to issue the RFRA;
- C. a summary of the statutory determinations that the board must make in order to issue a RFRA;
- D. a brief summary of the history of the site of the release or threatened release;
- E. a brief explanation of the basis upon which the agency staff intend to recommend that the board make the statutory determinations necessary to issue the RFRA;
- F. notification that the recipient has 30 days from the date of receipt of the notice letter in which to submit to the commissioner, in writing, any additional information that the recipient wishes the board to consider in deciding whether to issue the RFRA; and
- G. a request that the recipient submit, within 30 days of receipt of the notice letter, a brief written statement of intent to enter or not to enter into negotiation of a consent order, or an explanation of the recipient's uncertainty concerning consent order negotiations.

Subp. 4. **Examination of additional information.** If the recipient of a notice letter submits information relevant to the issuance of the RFRA within 30 days after receipt of the notice letter, the commissioner shall review the information and submit it, together with the commissioner's response, to the board.

7047.0004 REQUESTS FOR RESPONSE ACTIONS.

Subpart 1. **Effect of RFRAs.** Issuance of RFRAs to known responsible persons constitutes the action by the board required under *Minnesota Statutes*, section 115B.17, subdivision 1, paragraph (a), clause (1) as a prerequisite to taking removal or remedial action under *Minnesota Statutes*, section 115B.17, subdivision 1, paragraph (a). Issuance of a RFRA to a responsible person also constitutes the action authorized by *Minnesota Statutes*, section 115B.18, subdivision 3.

Subp. 2. **Acceptance of additional information.** At the board meeting when issuance of the RFRA is considered, the board shall not accept or consider information relevant to issuance of the RFRA submitted by the recipient of a notice letter if the information was not provided to the commissioner within 30 days after the date of receipt of the notice letter, unless the board determines that the person submitting it has clearly shown that:

- A. the information or data was discovered or obtained after the end of the 30-day period;
 - B. the information could not have been discovered or obtained by reasonable effort of the person within the 30-day period;
- and
- C. the information was submitted to the commissioner and the board as soon as practicable after it was discovered or obtained, but, at a minimum, within the time required by part 7000.1500, subpart 1.

Subp. 3. **Consideration of additional information.** If the board accepts additional information presented by the person as provided in subpart 2, the board shall either:

- A. act on the RFRA giving due consideration to the information and any response by agency staff; or
- B. defer action on the RFRA until the next regularly scheduled board meeting or another date certain as determined by the board.

Subp. 4. **Staff presentation of additional information.** At the board meeting when issuance of a RFRA is considered, the agency staff may present information to the board as the basis for recommending issuance of a RFRA that was not included or referenced in the notice letter, and the person to whom the RFRA is to apply may present information relevant to respond to the agency staff's information, if the following requirements are met:

- A. the additional information presented by the agency staff has been included or referenced in the staff memorandum prepared for the board as the basis for the staff recommendation; and
- B. the agency staff have notified the person that additional information has been included or referenced in the staff memorandum and make the memorandum available to the person within the time provided in part 7000.0500, subpart 11.

Subp. 5. **Scope of RFRA.** In addition to meeting the requirements of *Minnesota Statutes*, sections 115B.17, subdivision 1, paragraph (a), and 115B.18, subdivision 3, the RFRA shall include the following components:

- A. reference to issuance of the notice letter; and
- B. a time frame for consent order negotiations if required under part 7047.0005.

Subp. 6. **RFRA effective upon issuance.** The RFRA, including the schedule for response actions, is effective upon issuance.

7047.0005 CONSENT ORDERS.

Subpart 1. **Consent order negotiations.** If the recipient of a notice letter has notified the commissioner in writing within 30 days of receipt of the notice letter that the recipient intends to negotiate a consent order or that the recipient is uncertain regarding negotiations, the board shall specify a time frame in the RFRA during which the agency staff shall negotiate a consent order. If the recipient has notified the commissioner in writing within 30 days of receipt of the notice letter that the recipient does not intend to enter into consent order negotiations or has failed to notify the commissioner within that period, the board will not include a time frame for negotiating a consent order in the RFRA. If the time frame specified in a RFRA has expired without execution by the responsible person of a consent order that the agency staff agree to recommend to the board for its approval, or if no time frame has been specified in a RFRA, the agency staff are not required to negotiate a consent order.

Subp. 2. **Scope of consent order.** A consent order negotiated after issuance of a RFRA must provide for a scope of response actions substantially equivalent to that requested in the RFRA or for those response actions remaining to be implemented when the consent order is executed.

Subp. 3. **Execution of consent order.** If a consent order is executed by the agency and a responsible person after issuance of a RFRA, the consent order, instead of the RFRA, shall govern the response actions to be taken by the responsible person.

7047.0006 DETERMINATION ON ACTIONS REQUESTED.

Subpart 1. **Issuance of a DOAR.** If the commissioner determines that a responsible person will not take the response actions requested in a RFRA in the manner and within the time requested, the commissioner shall request that the board issue a DOAR with respect to the responsible person.

Subp. 2. **Effect of DOAR.** Issuance of a DOAR to known responsible persons constitutes the action required under *Minnesota Statutes*, section 115B.17, subdivision 1, paragraph (a), clause (3) as a prerequisite to taking removal or remedial action under *Minnesota Statutes*, section 115B.17, subdivision 1, paragraph (a). A DOAR may include a finding by the agency that a responsible person has failed to take response actions or to make reasonable progress in completing response actions requested in a RFRA, for the purpose of authorizing the commissioner to request the attorney general to commence legal action against the responsible person under *Minnesota Statutes*, section 115B.18, subdivision 1 or 2.

7047.0007 AUTHORITY OF ATTORNEY GENERAL NOT LIMITED.

Except to the extent that issuance of a RFRA is required before an action may be brought under *Minnesota Statutes*, section 115B.18; subdivision 1 or 2, nothing in parts 7047.0001 to 7047.0007 shall be interpreted to limit or set any condition upon the commencement of any legal action which the attorney general is authorized to bring under *Minnesota Statutes*, chapter 115B.

Department of Public Safety

Driver and Vehicle Services Division

Proposed Permanent Rules Relating to Drivers' Licensure Following Disqualification of Commercial Drivers

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

NOTICE IS HEREBY GIVEN that the State Department of Public Safety proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in *Minnesota Statutes*, section 14.22 to 14.28. The specific statutory authority to adopt the rule is *Minnesota Statutes*, section 171.165, subdivision 5.

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Proposed Rules

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

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, section 14.131 to 14.20. **PLEASE NOTE that If Twenty-Five or More Persons Submit Written Requests for a Public Hearing Within the 30-Day Comment Period, a Hearing Will Be Held on Monday, March 25, 1991, Unless a Sufficient Number Withdraw Their Requests, in Accordance With the Notice of Public Hearing on These Same Rules Published in This State Register and Mailed to Persons Registered With the Department of Public Safety.** To verify whether a hearing will be held, please call the Department of Public Safety between 8:00 a.m. and 4:30 p.m. at (612) 297-5755.

People who want to submit comments or a written request for a public hearing must submit such comments or requests to:

Katherine Burke Moore
Department of Public Safety
211 Transportation Building
St. Paul, MN 55155
(612) 297-5755

Comments or requests for a public hearing must be received by the Department by 4:30 p.m. on Wednesday, February 27, 1991.

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

A free copy of this rule is available on request for your review from Katherine Burke Moore at the address and telephone number listed above.

These rules govern disqualification imposed against persons involved in incidents while operating commercial motor vehicles. The rules include disqualification periods and reinstatement requirements. Also included in the rule are the required notices of disqualification, procedures for administrative review, and the procedures for issuing class C licenses to persons who have been disqualified.

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 on to support the proposed rule has been prepared and is available on request from Katherine Burke Moore at the address and telephone number listed above.

You are hereby advised, pursuant to *Minnesota Statutes*, section 14.115, "Small business considerations in rule making," that the proposed rules may affect small businesses indirectly. Because unsafe drivers pose a threat to the public whether they are employed by a small or large business, exempting small businesses or proposing less stringent sanctions for employees of small businesses would be contrary to legislative requirements.

Adoption of these rules will not result in additional spending by local public bodies in the excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11.

If no hearing is required on adoption of the rule, the rule and the required supporting documents will be delivered to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Katherine Burke Moore, Department of Public Safety, 211 Transportation Building, St. Paul, MN 55155.

Ralph Church, Commissioner
Department of Public Safety

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

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held in Conference Room D, 5th Floor, Veterans Service Building, 20 West 12th Street, St. Paul, MN 55155, on Monday, March 25, 1991, commencing at 9:00 a.m. and continuing until all interested or affected persons have an opportunity to participate. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rule, you are urged to participate in the rule hearing process.

PLEASE NOTE, However, that the Hearing Will Be Cancelled If Fewer than Twenty-Five Persons Request a Hearing in

Response to the Notice of Intent to Adopt These Same Rules Without a Public Hearing Published in this *State Register* and Mailed to Persons Registered With the Department of Public Safety. To verify whether a hearing will be held, please call the Department of Public Safety from February 28, 1991, through March 22, 1991, between 8 a.m. and 4:30 p.m. at (612) 297-5755.

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. 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: Steve M. Mihalchick, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, MN 55415, either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge may at the hearing, order the record 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 rule making record. Upon the close of the record the Administrative Law Judge will write a report as provided for in *Minnesota Statutes*, sections 14.15 to 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 at the address listed above or by calling (612) 349-2544.

These rules govern disqualification imposed against persons involved in incidents while operating commercial motor vehicles. The rules include disqualification periods and reinstatement requirements. Also included in the rule are the required notices of disqualification, procedures for administrative review, and the procedures for issuing class C licenses to persons who have been disqualified.

The agency's authority to adopt the proposed rules is contained in *Minnesota Statutes*, section 171.165, subdivision 5.

Adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11.

YOU ARE HEREBY ADVISED, pursuant to *Minnesota Statutes*, section 14.115, "Small business considerations in rule making," that the proposed rules may affect small businesses indirectly. Because unsafe drivers pose a threat to the public whether they are employed by a small or large business, exempting small businesses or proposing less stringent sanctions for employees of small businesses would be contrary to legislative requirements.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to or calling: Katherine Burke Moore, Department of Public Safety, 211 Transportation Building, St. Paul, MN 55155, (612) 297-5755.

Additional copies will be available at the hearing. If you have any questions on the content of the rule contact Katherine Burke Moore at the address or telephone number listed above.

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 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 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.

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. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and 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.

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, subdivision 11, as any individual:

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

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

or

(b) 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, 625 North Robert Street, St. Paul, Minnesota 55101, telephone (612) 296-5148.

Ralph Church, Commissioner
Department of Public Safety

Rules as Proposed (all new material)

7409.0100 DEFINITIONS.

Subpart 1. **Scope.** For this chapter, the terms defined in this part have the meanings given them.

Subp. 2. **Commercial motor vehicle.** "Commercial motor vehicle" has the meaning given it in *Minnesota Statutes*, section 171.01, subdivision 22.

A commercial motor vehicle does not include a farm truck, fire truck or other emergency fire equipment, or recreational equipment operated by a person within the scope of *Minnesota Statutes*, section 171.02, subdivision 2, paragraph (a).

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Public Safety, acting directly or through authorized officers and agents.

Subp. 4. **Conviction; convicted.** "Conviction" or "convicted" has the meaning given it in *Minnesota Statutes*, section 171.01, subdivision 13.

Subp. 5. **Department.** "Department" means the Minnesota Department of Public Safety.

Subp. 6. **Disqualification; disqualify.** "Disqualification" or "disqualify" means the commissioner's removal of the privilege to drive commercial motor vehicles for a specific period under *Minnesota Statutes*, section 171.165.

Subp. 7. **License.** "License" means an operator's license or other license or permit to operate a motor vehicle issued or issuable by the commissioner including:

- A. a temporary license or instruction permit;
- B. the privilege of a person to drive a motor vehicle, whether or not that person holds a valid license;
- C. a nonresident's driving privilege; and
- D. the plastic or paper license certificates.

Subp. 8. **Revocation.** "Revocation" means the commissioner's withdrawal of a person's driver's license and privilege to drive in this state for a specific minimum time under *Minnesota Statutes*, section 169.121, 169.123, or 171.17.

Subp. 9. **Suspension.** "Suspension" means the commissioner's temporary withdrawal of a person's driver's license and privilege to drive in this state under *Minnesota Statutes*, section 169.121, subdivision 8, or 171.18.

7409.0200 COMMERCIAL DRIVER'S LICENSE DISQUALIFICATION.

Subpart 1. **Leaving accident scene.** Upon receiving a record of conviction, the commissioner shall disqualify a person from holding a commercial driver's license if the person was convicted under *Minnesota Statutes*, section 169.09, subdivision 1 or 2, and the person was driving, operating, or in physical control of a commercial motor vehicle at the time of violation of section 169.09, subdivision 1 or 2. The disqualification period is:

- A. one year, for the first conviction;
- B. three years, if the person was transporting hazardous materials at the time of the violation; or
- C. life, if the person has a previous disqualification under this subpart, subpart 2 or 3, or *Minnesota Statutes*, section 171.165, subdivision 1, clause (1), or subdivision 2.

Subp. 2. **Felony, using commercial vehicle.** Upon receiving a record of conviction, the commissioner shall disqualify a person from holding a commercial driver's license if the person was convicted of a felony in which a commercial motor vehicle was used, other than a felony described in subpart 4. The disqualification period is:

- A. one year, for the first conviction;
- B. three years, if the person was transporting hazardous materials at the time of the commission of the felony; or
- C. life, if the person has a previous disqualification under this subpart, subpart 1 or 3, or *Minnesota Statutes*, section 171.165, subdivision 1, clause (1), or subdivision 2.

Subp. 3. **Out-of-state convictions.** Upon receiving a record of conviction from another state, the commissioner shall disqualify the convicted person from holding a commercial driver's license if the conviction would be grounds for disqualification under *Minnesota Statutes*, section 171.165, subdivision 1, clause (2) or (3). The disqualification is:

- A. one year, for the first conviction;
- B. three years, if the person was transporting hazardous materials at the time of the violation; or
- C. life, if the person has a previous disqualification under this subpart, subpart 1 or 2, or *Minnesota Statutes*, section 171.165, subdivision 1, clause (1), or subdivision 2.

Subp. 4. **Manufacture, sale, or distribution of controlled substance.** Upon receiving a record of conviction, the commissioner shall disqualify a person from holding a commercial driver's license if the person is convicted under *Minnesota Statutes*, chapter 152, of the manufacture, sale, or distribution of a controlled substance or possession of a controlled substance with the intent to manufacture, sell, or distribute it, and it is found that a commercial motor vehicle was used in the commission of the felony. The disqualification period is for life.

Subp. 5. **Serious traffic violations.** Upon receiving a record of conviction, the commissioner shall disqualify a person from holding a commercial driver's license if the person was convicted of two or more serious traffic violations in a commercial motor vehicle within a three-year period. "Serious traffic violations" includes any combination of the following offenses:

- A. operating the commercial motor vehicle at a speed 15 miles per hour or more above the posted speed limit;
- B. reckless or careless driving under *Minnesota Statutes*, section 169.13;
- C. fleeing a peace officer under *Minnesota Statutes*, section 609.487; and
- D. a violation of a moving traffic statute of Minnesota or another state, or an ordinance in conformity with a Minnesota statute, that arose in connection with a fatal accident.

The disqualification period is 60 days for two, or 120 days for three or more serious traffic violations occurring within a three-year period. The department shall use the date of the driving incident to establish the number of violations.

Subp. 6. **Reduction of lifetime disqualification.** The commissioner shall reduce the lifetime disqualification period imposed under subpart 1, item C, subpart 2, item C, or subpart 3, item C, to a minimum of ten years disqualification if the person demonstrates rehabilitated driving practices in the ten-year period following the effective date of the lifetime disqualification. A person is considered rehabilitated if during that ten-year period there is no revocation or conviction resulting from the operation of any type of vehicle for an offense listed in *Minnesota Statutes*, section 171.165, subdivision 1, or if the person's license is not revoked under *Minnesota Statutes*, section 169.123, or a statute or ordinance from another state in conformity with it. If rehabilitation is not so demonstrated during the initial ten-year period, the disqualification period remains lifetime.

7409.0300 NOTICE OF LICENSE ACTION.

Subpart 1. **Notice of possible disqualification.** The commissioner shall notify a person who is subject to possible disqualification under this chapter or when requirements from a previous disqualification have not been satisfied. The notification must be in writing and sent by first class mail to the address shown on department records. The notice must contain the following information and may contain other information that the commissioner considers appropriate:

- A. the person's full name, date of birth, driver's license number, height, and weight;
- B. the current address obtained from the person's driver's license record, including street number, city, state, and zip code;
- C. the date the notice is mailed;
- D. the effective date of the disqualification order;
- E. the reason for the disqualification;
- F. the type of vehicle being operated at the time of the driving incident;
- G. the length of the disqualification period;
- H. a statement that the person has a right to administrative review under *Minnesota Statutes*, section 171.166; and
- I. the length of time during which administrative review is available under *Minnesota Statutes*, section 171.166.

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

Proposed Rules

Subp. 2. **Notice of disqualification.** The commissioner shall notify a person who is disqualified under *Minnesota Statutes*, section 171.165, subdivision 1, clause (2), (3), or (4); subdivision 3; or subdivision 4, or when requirements from a previous disqualification have not been satisfied. The notification will be effective when all available possibilities of administrative review under *Minnesota Statutes*, section 171.166, have been completed. The notification must be in writing and sent by first class mail to the address shown on department records. The notice must contain the following information and may contain other information that the commissioner considers appropriate:

- A. the person's full name, date of birth, height, weight, and driver's license number;
- B. the current address obtained from the person's driver's license record, including street number, city, state, and zip code;
- C. the date the notice is mailed;
- D. the effective date of the disqualification order;
- E. the reason for the disqualification;
- F. the type of vehicle being operated at the time of the driving incident;
- G. the length of the disqualification period;
- H. a statement that by the effective date of disqualification, the person must surrender all license certificates or submit a sworn statement if a license was lost, stolen, or destroyed; and
- I. a statement informing the person of the requirements to reinstate the commercial driver's license.

Subp. 3. **Notice to other states.** When a nonresident is convicted of driving incidents that occurred while driving, operating, or in physical control of a commercial motor vehicle, the commissioner shall report that conviction to the driver's state of residence.

7409.0400 DRIVER'S LICENSE SURRENDER.

Subpart 1. **License surrender.** A person holding a license of any class issued by the department shall surrender the license when the person has been disqualified and received notification under part 7409.0300, subpart 2. If the person requests review of the disqualification under *Minnesota Statutes*, section 171.166, then the request to surrender the driver's license is effective upon receipt of the commissioner's decision. If the license subject to surrender has been lost, stolen, or destroyed, an affidavit or written statement explaining the loss must be submitted in its place. Affidavit forms must be available at the department driver examination and evaluation offices, where the person may surrender the withdrawn license or submit the affidavit or written statement.

Subp. 2. **Refusal to surrender license.** If a person fails or refuses to surrender a license within 15 days of the notice given under part 7409.0300, subpart 2, the commissioner shall inform the local law enforcement agency. The department shall request that the agency obtain the license or written statement regarding the license's whereabouts. The disqualification period is in effect upon notifying the licensee, but credit must not be given toward the disqualification period until the license is surrendered.

Subp. 3. **Class C eligibility.** A person who is disqualified from holding a commercial driver's license but whose license is not otherwise under suspension, revocation, or cancellation and denial, must be issued a class C license. The class C license is valid until its expiration date or until the commercial driver's license is reinstated, whichever is earlier, if the driver's privileges are not suspended, revoked, or canceled and denied at any time during that period. If the class C license expires during the disqualification period, the person has the option of paying the commercial driver's license fee at the time of renewal for the classification under disqualification, but commercial motor vehicle privileges must not be reinstated until the requirements of part 7409.0600 are fulfilled.

Subp. 4. **Obtaining class C license.** A person who has been disqualified from operating commercial motor vehicles and is eligible for a class C license under subpart 3 must be issued a temporary class C license with the notice of disqualification. A paper license will be mailed by the department to the person at no cost. A person who would prefer a class C license card must apply for a duplicate class C license. The duplicate license fee must be paid and a receipt will be issued to the person showing the existence of class C driving privileges. The class C license card will be mailed to the person when it has been manufactured. A minimum of 90 days must be remaining in the disqualification period before a class C license card will be issued.

Subp. 5. **Class A, B, or CC license status.** The disqualified person will receive the original class A, B, or CC license when the person has fulfilled the reinstatement requirements under part 7409.0600, unless the license has expired and more than one year has elapsed since the expiration date. If the license has expired and more than one year has elapsed, the person must reapply and retest for a class A, B, or CC license.

7409.0500 ADMINISTRATIVE REVIEW.

The commissioner shall follow the review provided for in *Minnesota Statutes*, section 171.166.

7409.0600 REINSTATEMENT.

Subpart 1. **Reinstatement following disqualification.** The commissioner shall reinstate the commercial motor vehicle driving privileges of a person who has been disqualified from holding a commercial driver's license when:

- A. the disqualification period has been served and expired;
- B. the person has paid the reinstatement fee as required by *Minnesota Statutes*;
- C. the requirements imposed during this or a previous disqualification period have been satisfied; and
- D. if issued, the class C license card is returned to the department.

Subp. 2. **Reinstatement notice.** After the person completes the requirements for reinstatement, the department shall notify the person by mail. The driving privilege is reinstated only when the notice is sent to the address shown on department records.

Department of Public Safety

Proposed Permanent Rules Relating to Driver's License Revocation and Disqualification for Incidents Involving Alcohol or Controlled Substances

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

NOTICE IS HEREBY GIVEN that the State Department of Public Safety proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in *Minnesota Statutes*, section 14.22 to 14.28. The specific statutory authority to adopt the rule is *Minnesota Statutes*, sections 14.06 and 171.165, subdivision 5.

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

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, section 14.131 to 14.20. **PLEASE NOTE That If Twenty-Five or More Persons Submit Written Requests for a Public Hearing Within the 30-Day Comment Period, a Hearing Will Be Held on Monday, March 25, 1991, Unless a Sufficient Number Withdraw Their Request, in Accordance With the Notice of Public Hearing on These Same Rules Published in This State Register and Mailed to Persons Registered With the Department of Public Safety.** To verify whether a hearing will be held, please call the Department of Public Safety between 8 a.m. and 4:30 p.m. at (612) 297-5755.

People who want to submit comments or a written request for a public hearing must submit such comments or requests to:

Katherine Burke Moore
Department of Public Safety
211 Transportation Building
St. Paul, MN 55155
(612) 297-5755

Comments or requests for a public hearing must be received by the Department by 4:30 p.m. on Wednesday, February 27, 1991.

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

A free copy of this rule is available for your review on request from Katherine Burke Moore at the address and telephone number listed above.

These rules govern the driver and driver's license sanctions that are imposed against persons involved in incidents involving alcohol or controlled substances. The rules include revocation, suspension, cancellation, denial and disqualification periods and reinstatement requirements. Also included in the rule are the required notices of license or driver action and procedures for administrative review of revocation or disqualification. The procedures for issuing class C licenses to persons who have been disqualified are also contained in the rule.

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 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 on to support the proposed rule has been prepared and is available on request from Katherine Burke Moore at the address and telephone number listed above.

You are hereby advised, pursuant to *Minnesota Statutes*, section 14.115, "Small business considerations in rule making," that the proposed rules may affect small businesses indirectly. Because unsafe drivers pose a threat to the public whether they are employed by a small or large business, exempting small businesses or proposing less stringent sanctions for employees of small businesses would be contrary to legislative requirements.

Adoption of these rules will not result in additional spending by local public bodies in the excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11.

If no hearing is required on adoption of the rule, the rule and the required supporting documents will be delivered to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Katherine Burke Moore, Department of Public Safety, 211 Transportation Building, St. Paul, MN 55155.

Ralph Church, Commissioner
Department of Public Safety

Notice of Hearing and Notice of Intent to Cancel Hearing If Fewer than Twenty-Five Persons Request a Hearing in Response to Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held in Conference Room D, 5th Floor, Veterans Service Building, 20 West 12th Street, St. Paul, MN 55155, on Monday, March 25, 1991, commencing at 9:00 a.m. and continuing until all interested or affected persons have an opportunity to participate. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rule, you are urged to participate in the rule hearing process.

PLEASE NOTE, However, that the Hearing Will Be Cancelled If Fewer than Twenty-Five Persons Request a Hearing in Response to the Notice of Intent to Adopt These Same Rules Without a Public Hearing Published in This State Register and Mailed to Persons Registered With the Department of Public Safety. To verify whether a hearing will be held, please call the Department of Public Safety from February 28, 1991, through March 22, 1991, between 8 a.m. and 4:30 p.m. at (612) 297-5755.

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. 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: Steve M. Mihalchick, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, MN 55415, either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge may at the hearing, order the record 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 rule making record. Upon the close of the record the Administrative Law Judge will write a report as provided for in *Minnesota Statutes*, sections 14.15 to 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 at the address listed above or by calling (612) 349-2544.

These rules govern the driver and driver's license sanctions that are imposed against persons involved in incidents involving alcohol or controlled substances. The rules include revocation, suspension, cancellation, denial and disqualification periods and reinstatement requirements. Also included in the rule are the required notices of license or driver action and procedures for administrative review of revocation or disqualification. The procedures for issuing class C licenses to persons who have been disqualified are also contained in the rule.

The agency's authority to adopt the proposed rules is contained in *Minnesota Statutes*, sections 14.06 and 171.165, subdivision 5.

Adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11.

You are hereby advised, pursuant to *Minnesota Statutes*, section 14.115, "Small business considerations in rule making," that the proposed rules may affect small businesses indirectly. Because unsafe drivers pose a threat to the public whether they are employed

by a small or large business, exempting small businesses or proposing less stringent sanctions for employees of small businesses would be contrary to legislative requirements.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to or calling: Katherine Burke Moore, Department of Public Safety, 211 Transportation Building, St. Paul, MN 55155, (612) 297-5755.

Additional copies will be available at the hearing. If you have any questions on the content of the rule contact Katherine Burke Moore at the address or telephone number listed above.

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 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 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.

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. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and 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.

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, subdivision 11, as any individual:

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

(b) 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, 625 North Robert Street, St. Paul, Minnesota 55101, telephone (612) 296-5148.

Ralph Church, Commissioner
Department of Public Safety

Rules as Proposed

7503.0100 DEFINITIONS.

[For text of subs 1 and 2, see M.R.]

Subp. 3. **Alcohol- or controlled-substance-related incident.** An "alcohol- or controlled-substance-related incident" is a violation of or license revocation under Minnesota Statutes, section 169.121, subdivision 4; 169.1211; 169.123, subdivisions 2, 2a, 2b, 2c, and 4; 169.127; 169.129; 171.245; or 609.21, subdivision 1, clauses (2) and (3), and (4), subdivision 2, clauses (2) and (3), and (4), subdivision 3, clauses (2), (3), and (4), and subdivision 4, clauses (2), (3), and (4); Minnesota Statutes 1984, sections 169.127 and 171.245; or a violation of a statute from another state in conformity with one of these provisions.

[For text of subp 4, see M.R.]

Subp. 5. **Chemical dependency treatment.** "Chemical dependency treatment" is treatment for chemical dependency in a program licensed or approved by the state of Minnesota, treatment in a comparable program licensed or approved by another state, ~~or treatment in a hospital-based treatment program, or alternative treatment program approved by the commissioner of public safety.~~ All programs must include a requirement of abstinence.

Subp. 5a. **Commercial motor vehicle.** "Commercial motor vehicle" has the meaning given it in Minnesota Statutes, section 171.01, subdivision 22.

A commercial motor vehicle does not include farm trucks, fire trucks and emergency fire equipment, or recreational equipment operated by a person within the scope of Minnesota Statutes, section 171.02, subdivision 2, paragraph (a).

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Proposed Rules

[For text of subp 6, see M.R.]

Subp. 6a. **Department.** "Department" means the Minnesota Department of Public Safety.

Subp. 6b. **Disqualification.** "Disqualification" is the commissioner's removal of the privilege to drive commercial motor vehicles for a specific period under Minnesota Statutes, section 171.165.

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

Subp. 8. **Personal injury.** A "personal injury" is an incapacitating injury, other than a fatal injury, which prevents the injured person from walking, driving, or normally continuing activities which he or she was capable of performing just before the accident substantial bodily harm as defined in Minnesota Statutes, section 609.01, subdivision 7a, or great bodily harm as defined in Minnesota Statutes, section 609.01, subdivision 8.

Subp. 9. **Revocation.** "Revocation" is the commissioner's withdrawal of a person's driver's license and privilege to drive in this state for a specific minimum period of time under Minnesota Statutes, section 169.121, 169.123, or 171.17.

[For text of subps 10 to 12, see M.R.]

7503.0300 SUSPENSION PERIODS.

Subpart 1. **Suspension period imposed For revocable offenses.** The commissioner shall suspend the driver's license or driving privilege of a person who commits an offense for which mandatory revocation of a driver's license is required upon conviction for the revocation period that is imposed for conviction of the offense in Minnesota, up to a maximum period of one year. Time accrued under the suspension period must be credited toward the revocation period imposed upon conviction.

However, if the suspension is based on a criminal charge and the commissioner receives notice that the criminal charge was dismissed or that the person was acquitted of the criminal charge, the commissioner shall terminate the suspension period.

Subp. 2. **Suspension period imposed For failure to complete an alcohol problem assessment.** The commissioner shall suspend the driver's license or driving privilege of a person who fails to complete an alcohol problem assessment or any requirement imposed at the assessment for a period of 90 days or until the assessment or requirement is completed, whichever occurs first.

7503.0600 REINSTATEMENT FOLLOWING SUSPENSION.

Except ~~in the case of the issuance of a limited license as stated in part 7503.1800,~~ the commissioner shall not reinstate the driver's license or driving privilege of any a person whose license or privilege was suspended under Minnesota Statutes, section 169.121, subdivision 8, or 171.18 as a consequence of an alcohol- or controlled-substance-related incident, unless the following requirements have been satisfied:

- A. the suspension period ~~must expire~~ has expired or the person ~~must satisfy all~~ has satisfied the conditions of suspension; ~~and~~
- B. the conditions of the person's outstanding license withdrawals have been satisfied; and
- C. the person ~~must pay~~ has paid a reinstatement fee as required by *Minnesota Statutes*.

7503.0800 REVOCATION PERIODS.

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

Subp. 2. **For criminal vehicular operation.** Upon receiving a record of conviction, the commissioner shall revoke the driver's license or driving privilege of ~~any a person convicted under Minnesota Statutes, section 609.21, subdivision 1, clause (2), (3), or (4), or subdivision 3, clause (2) or (3), or (4),~~ for a period of five years from the date the record of conviction is reported to the commissioner received. The commissioner shall revoke the driver's license or driving privilege of ~~any a person convicted under Minnesota Statutes, section 609.21, subdivision 2, clause (2), (3), or (4), or subdivision 4, clause (2) or (3), or (4),~~ for a period of three years from the date the record of conviction is reported to the commissioner received.

Subp. 3. **Driving after revocation For aggravated violations.** Upon receiving a record of conviction of a person under Minnesota Statutes, section 169.129, or under a statute of another state in conformity with it, the commissioner shall revoke the driver's license or driving privilege of ~~any that person convicted under Minnesota Statutes, section 169.129~~ for a period of 30 days, 90 days, or one year, depending. The length of the revocation period depends on the number of previous convictions for violations of Minnesota Statutes, section 169.129 or 171.24, or a statute of another state in conformity with either of them, on the person's driving record during the ~~one-year three-year~~ period preceding the date of the incident latest conviction. The revocation ~~shall~~ period must be:

A. 30 days, if there are no previous convictions for driving after withdrawal during the preceding year. The revocation period shall be;

B. 90 days, if there is one previous conviction for driving after withdrawal during the preceding year. The revocation period shall be; or

C. one year, if there are two or more previous convictions for driving after withdrawal in the preceding year.

A revocation ordered for a conviction under *Minnesota Statutes*, section 169.129 ~~shall not run concurrently,~~ runs consecutively with any other revocation imposed as a consequence of the same incident upon which the revocation for conviction under *Minnesota Statutes*, section 169.129, is based.

[For text of subp 4, see M.R.]

Subp. 5. **For personal injury or fatality.** When the commissioner has sufficient cause to believe that a personal injury or fatality occurred in connection with an alcohol- or controlled-substance-related incident upon which a revocation under *Minnesota Statutes*, section 169.121, subdivision 4, is based, the period of revocation ~~shall~~ must be increased as follows:

- A. for a personal injury, the additional period of revocation ~~shall~~ must be ~~90~~ 180 days;
- B. for a fatality, the additional period of revocation ~~shall~~ must be ~~six months~~ one year.

[For text of subp 6, see M.R.]

Subp. 7. **Terminating revocation periods following completion of alcohol problem after assessment action completed.** The commissioner shall terminate a revocation period in accordance with *Minnesota Statutes*, section 169.123, subdivision 10. The amount of the termination ~~shall~~ must be 30 days or the length of time remaining in the revocation period, whichever is shorter. Termination of the revocation period under *Minnesota Statutes*, section 169.123, subdivision 10, ~~shall~~ does not apply to persons with more than one alcohol- or controlled-substance-related incident on record or to persons who have outstanding licensure requirements, such as completion of a special review or conditions of licensure imposed by the commissioner following a special review. Termination of the revocation period applies only in the following circumstances.

A. When notified that a driver has undergone an alcohol problem assessment and that the driver is not required by the court to complete ~~any~~ a driver improvement course, alcohol awareness program, or treatment for chemical dependency and that the driver has no identifiable chemical abuse problem, the commissioner shall terminate the revocation period. The person is ~~not required to make an application to~~ may inform the commissioner ~~under this circumstance, unless the court fails to notify the commissioner of the results of the alcohol problem assessment of the court's decision by telephone to the department's driver evaluation office in Saint Paul.~~

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

7503.0900 NOTICE OF REVOCATION AND ISSUANCE OF, ISSUING TEMPORARY DRIVER'S LICENSES.

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

Subp. 2. **Notice served by the court.** Notice of license revocation is served by the court when a person is convicted of violating *Minnesota Statutes*, section 169.121. The commissioner shall provide forms to the court for serving the notice of revocation and ~~the issuance of~~ issuing a temporary license. These forms must contain space for the following information and may contain other information as that the commissioner ~~deems~~ considers appropriate:

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

- E. the minimum length of the revocation period;

[For text of items F and G, see M.R.]

H. a statement advising the person that all driving privileges are revoked ~~after seven days or~~ upon expiration of the temporary license period;

[For text of items I to K, see M.R.]

Subp. 3. **Notice served by a peace officer.** Notice of license revocation is served by a peace officer when a person is ~~found to be in violation of~~ subject to revocation under *Minnesota Statutes*, section 169.123. The issuing peace officer shall forward to the commissioner on the same or next business day a copy of the notice of revocation together with any license certificates surrendered by the person, the peace officer's incident reports, and the implied consent advisory and peace officer's certificate. The commissioner shall provide the forms for notice of revocation and ~~issuance of~~ issuing temporary licenses. These forms must contain space for the following information and may contain other information as that the commissioner ~~deems~~ considers appropriate:

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

- G. the minimum length of the revocation period;

[For text of items H to K, see M.R.]

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Proposed Rules

L. a statement indicating that the driver's license cannot be surrendered because if the license is lost, stolen, already surrendered, or otherwise unavailable;

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

Subp. 4. **Notice served by the commissioner.** Notice of license revocation may be served by the commissioner when a person is found in violation of subject to revocation under Minnesota Statutes, section 169.123, and notice is not served by a peace officer; when a person is convicted of violating Minnesota Statutes, section 169.121, and notice is not served by a court; when an additional revocation period is imposed pursuant to under Minnesota Statutes, section 169.121, subdivision 4, in the case of a personal injury or fatality; or when requirements imposed from a previous revocation have not been satisfied. The commissioner shall establish a form for serving notice of revocation, ~~which must contain that contains~~ space for the following information and may contain other information as that the commissioner deems considers appropriate:

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

E. the minimum length of the revocation period;

[For text of items F and G, see M.R.]

H. if the person is subject to revocation under Minnesota Statutes, section 169.123, a statement informing the person that the person has a right to administrative and judicial review of the revocation order under Minnesota Statutes, section 169.123;

I. if the person is subject to revocation under Minnesota Statutes, section 169.123, information explaining that an administrative review of the revocation order issued under Minnesota Statutes, section 169.123, may be obtained by submitting a written request for review in accordance with Minnesota Statutes, section 169.123, subdivision 5b, and this chapter, and that judicial review may be obtained by petitioning for judicial review within 30 days after receiving notice of revocation and otherwise in accordance with Minnesota Statutes, section 169.123, subdivision 5c;

J. if the person is subject to revocation under Minnesota Statutes, section 169.123, a statement informing the person that failing to petition for judicial review in compliance with Minnesota Statutes, section 169.123, subdivision 5c, forfeits the person's right to judicial review of a revocation order under that section.

Subp. 5. **Notice of revocation to other states.** If the driving privilege of a nonresident is revoked for a violation of under Minnesota Statutes, section 169.121, 169.123, 169.129, or 609.21, the commissioner, pursuant to Minnesota Statutes, sections 169.123, subdivision 8, and 171.15, subdivision 1, shall forward a report of the revocation to the licensing authority of the nonresident's home state and to any other state in which the commissioner knows the person to hold a license.

7503.1000 WRITTEN ADMINISTRATIVE REVIEW OF LICENSE REVOCATION FOR IMPLIED CONSENT VIOLATION OR DISQUALIFICATION.

Subpart 1. **Right to a written administrative review.** Every A person whose driver's license is revoked under Minnesota Statutes, section 169.123, or disqualified under Minnesota Statutes, section 171.165, subdivision 2, has the right to an administrative review of the revocation or disqualification order under the procedure outlined in this chapter. The review is final and no subsequent administrative review will be granted on the order of revocation or disqualification.

Subp. 2. **Procedure for Requesting a written administrative review.** A written administrative review of an order of revocation under Minnesota Statutes, section 169.123, or disqualification under Minnesota Statutes, section 171.165, subdivision 2, is initiated by filing a written request for review with the commissioner at a one of the department's driver evaluation office of the Department of Public Safety offices. The driver evaluation offices shall provide forms for requesting administrative review, and. The request for review must contain the following information:

A. the person's full name, date of birth, ~~and~~ driver's license number, and the date of the incident for which review is being requested; and

B. a written statement of the factual basis upon which the person seeks to have the revocation rescinded.

Subp. 3. **Performance of administrative review.** Upon receipt of a request for an administrative review, the commissioner shall review the submitted statement together with ~~all~~ the information upon which the order of revocation or disqualification was based. The commissioner may seek additional written information from the person requesting the review or from any an agency or person believed to ~~possess~~ have information relating to the facts underlying the order of revocation or disqualification. Written findings will be reported to the person by first class mail within 15 days after the commissioner received the request for administrative review.

Subp. 4. **Personal appearance Appearances.** A person requesting administrative review of a revocation order under Minnesota Statutes, section 169.123, or a disqualification order under Minnesota Statutes, section 171.165, subdivision 2, shall also be granted a personal appearance file a written request with the commissioner. The person must request a personal appearance by filing a written request within five business days after the commissioner received the request for a written review, or by personally appearing may present additional information to the commissioner before the date the administrative review is completed. Additional information may be presented at a the department's driver evaluation office in Saint Paul by personal or telephone appearance. Personal appearances

are held without appointment during regular business hours at the department's driver evaluation office of the Minnesota Department of Public Safety in Saint Paul and may also be scheduled at other offices throughout the state. Telephone appearances may be made by calling the driver evaluation office in Saint Paul during regular business hours. The commissioner shall provide a person electing to make a personal or telephone appearance ~~shall have a report of~~ the results of the administrative review ~~reported~~ within 15 days following the date the personal or telephone appearance was held or scheduled.

Subp. 5. **Scope and standard of review.** The scope of an administrative review of a ~~revocation order under Minnesota Statutes, section 169.123,~~ is limited to the issue of the validity of the order of revocation or disqualification. Upon reviewing the evidence, the commissioner shall sustain the order if there is sufficient cause to believe that the revocation or disqualification is authorized by law. ~~If the commissioner finds~~ On finding that there is not sufficient cause to believe the revocation or disqualification is authorized by law, the commissioner shall rescind the order shall be rescinded.

Subp. 6. **Written Administrative review distinguished.** Administrative review of a revocation order under *Minnesota Statutes*, section 169.123, or disqualification order under Minnesota Statutes, section 171.165, subdivision 2, is separate and distinct from review by the chemical abuse review panel or review by the commissioner in an informal hearing procedure.

7503.1200 REINSTATEMENT FOLLOWING LICENSE REVOCATION.

Subpart 1. **Reinstatement Conditions.** Except in the ease of the issuance of a limited license as stated in part 7503.1800, the commissioner shall not reinstate a driver's license or nonresident driving privilege after revocation under *Minnesota Statutes*, section 169.121, 169.123, or 171.17, unless all of the following conditions have been satisfied:

- A. the revocation period ~~must expire-~~ has expired;
- B. the person ~~must pay~~ has paid a reinstatement fee as required by *Minnesota Statutes*;
- C. the person ~~must apply~~ has applied for a new license and ~~pay paid~~ the application fee for the class of license involved;
- D. the person ~~must pass~~ has passed the driver's license examination required for issuance of an original license; and

E. if the incident is a second conviction under *Minnesota Statutes*, section 169.121 or 169.129, the person ~~must submit~~ has submitted a certification that the court-ordered treatment or rehabilitation has been completed.

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

7503.1300 LICENSE CANCELLATION AND DENIAL FOLLOWING ALCOHOL- OR CONTROLLED-SUBSTANCE-RELATED INCIDENTS.

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

Subp. 2. **Multiple alcohol- or controlled-substance-related incidents.** The commissioner shall cancel and deny the driver's license or the driving privilege of any a person who (1) has incurred three alcohol- or controlled-substance-related incidents within the past five years ~~or who~~, (2) has incurred three ~~such of these~~ incidents and a special review ~~had has~~ been conducted ~~prior to~~ within ten years of the third incident, or ~~who~~ (3) has four or more ~~such of these~~ incidents on record.

Subp. 3. **Consumption of alcohol or controlled substance after completing rehabilitation.** The commissioner shall cancel and deny the driver's license or driving privilege of any a person whose license or privilege has been reinstated after completion of rehabilitation when the commissioner has sufficient cause to believe that the person has consumed alcohol or a controlled substance since the documented date of reinstatement abstinence.

7503.1600 REINSTATEMENT FOLLOWING LICENSE CANCELLATION.

The commissioner shall deny the application for a driver's license, including the application for a limited license, to any a person whose license has been canceled, unless the following conditions have been satisfied:

- A. no revocation or suspension of the person's driver's license or driving privilege is outstanding;
- B. the person ~~must complete~~ has completed a special review and any special review action ~~that is required;~~ and
- C. if the incident is the third alcohol- or controlled-substance-related incident within a five-year period, or the third ~~such~~ incident on record and a special review was conducted ~~after~~ within ten years of the second third incident, or if the person has four or more ~~such of these~~ incidents on record, the person ~~must complete~~ has completed rehabilitation.

Reinstatements following rehabilitation must be conditioned upon continued abstinence from the use of alcohol and controlled substances.

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Proposed Rules

7503.1700 REHABILITATION.

Subpart 1. **When applicable.** A person must complete rehabilitation when (1) the person's driver's license or driving privileges have been canceled and denied following involvement in three or more alcohol- or controlled-substance-related incidents within five years, ~~when (2) a special review has been previously conducted within ten years of the third incident~~ and there are three alcohol- or controlled-substance-related incidents on record, or ~~when (3) there are four or more incidents on record.~~

Subp. 2. **Rehabilitation requirements.** ~~The person must meet the following requirements in order~~ To complete rehabilitation, a person must:

A. ~~The person must~~ successfully complete treatment for chemical dependency following the last documented date of the use of alcohol or controlled substance and submit evidence of chemical dependency treatment to the commissioner;

B. ~~The person must~~ participate in a generally recognized, ongoing ~~chemical awareness program~~ abstinence-based support group and submit evidence of attendance to the commissioner- showing regular participation for a minimum of three months immediately before submission;

C. ~~The person must~~ abstain from the use of alcohol and the use of controlled substances, attest to ~~such~~ the abstinence for a period of time prescribed in ~~this chapter~~ subpart 5, and furnish evidence of abstinence for the required period to the commissioner; and

D. ~~The person must~~ appear for a rehabilitation interview at a one of the department's driver evaluation office of the Minnesota Department of Public Safety offices.

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

Subp. 4a. Removing restriction following rehabilitation. A person who is licensed after the successful completion of a first rehabilitation may request that the restriction be removed from the driver's license and driving record after the following requirements are met:

A. a minimum of five years has elapsed since the completion of rehabilitation;

B. the person appears personally at the department's driver evaluation office in Saint Paul or schedules an appearance at other offices throughout the state to make the request; and

C. the person completes an application and pays a duplicate fee as required by Minnesota Statutes, section 171.06.

The removal of the restriction does not in any way affect the abstinence requirement of license reinstatement.

Subp. 5. **Abstinence periods.** Evidence of abstinence furnished by the person must substantiate a period of abstinence as provided in this chapter, ~~and~~ Rehabilitation is not complete if the commissioner has sufficient cause to believe that the person has not abstained from the use of alcohol or a controlled substance for the period claimed.

The following periods required period of documented abstinence shall apply is:

A. for a person who has not previously undergone rehabilitation, one year; ~~or~~

B. for a person who has once completed rehabilitation, three years;

C. for a person who has twice completed rehabilitation, six years; or

D. for a person who has completed rehabilitation more than twice, double the period required for the latest rehabilitation.

If the person is incarcerated or lives in a controlled environment, such as a halfway house, the length of time the person is under these conditions ~~shall count~~ counts as half-time towards completion of the abstinence periods required ~~above in items A to D.~~

Subp. 6. **Consequences of using alcohol or a controlled substance after completing Failure to abstain following rehabilitation.** The commissioner shall cancel and deny the driver's license and driving privilege of ~~any a person when there is on~~ sufficient cause to believe that the person has consumed alcohol or a controlled substance after ~~completing rehabilitation~~ the documented date of abstinence. The commissioner shall not reinstate the driver's license or driving privilege of ~~any a person who has been reinstated following a second rehabilitation if the commissioner has sufficient cause to believe that the person has consumed alcohol or a controlled substance since the date that the second rehabilitation was until the rehabilitation requirements of this chapter have been completed.~~ This subpart does not apply to the consumption of a controlled substance in accordance with a medical prescription.

Subp. 7. **Rehabilitation interview.** A person seeking reinstatement following rehabilitation shall appear in person for an interview at a one of the department's driver evaluation office of the Minnesota Department of Public Safety for the purpose of discussing offices to discuss the effectiveness of rehabilitation on the person's driving ability and problem of chemical abuse. The person shall schedule the interview in advance and must provide the commissioner with ~~all the~~ the written material required for rehabilitation under this chapter before the date on which the interview is scheduled.

7503.1750 RESTRICTED LICENSES.

Subpart 1. Authority. Pursuant to Minnesota Statutes, section 171.09, the commissioner shall issue a restricted license to a person

who has successfully completed the elements of a third or subsequent rehabilitation as required by part 7503.1700.

Subp. 2. Issuing restricted license. In addition to the rehabilitation requirements and before the commissioner may issue a restricted license, the applicant must:

- A. apply for a new license and pay the application fee for the class of license involved;
- B. pass the driver's license examination required for issuance of the class of license for which applied;
- C. pay the reinstatement fee as required by *Minnesota Statutes*;
- D. appear personally at one of the department's driver evaluation offices to request a restricted license;
- E. satisfy the requirements of any previous license withdrawals; and

F. demonstrate a need for a restricted license. The commissioner shall issue a restricted license as needed for employment, or attendance at chemical dependency treatment, counseling programs, or postsecondary education. The commissioner shall also issue a restricted license as needed for homemaker responsibilities if necessary to prevent the substantial disruption of the education, medical, or nutritional needs of the homemaker's family members residing in the homemaker's household.

The commissioner shall prescribe constraints on the time and use of the restricted license.

Subp. 3. Length of restricted license period. A person is eligible for restricted driving privileges only after completing a third or subsequent rehabilitation. The period of restricted driving privileges is:

- A. for a person who has successfully completed a third rehabilitation and documented abstinence period, three years; or
- B. for a person who has successfully completed a fourth or subsequent rehabilitation and documented abstinence period, double the period required after the latest rehabilitation.

Subp. 4. Informal hearing following denial of restricted license application. The commissioner shall grant an applicant an informal hearing to review a decision to deny the application for a restricted license.

7503.1800 ISSUANCE OF LIMITED LICENSES.

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

Subp. 2. Persons not eligible for a limited license. The commissioner shall not issue a limited license to ~~any~~ a person whose driver's license or driving privilege ~~has been is canceled under *Minnesota Statutes*, section 171.14 or denied under *Minnesota Statutes*, section 171.04, subdivision 8.~~ No limited license shall may be issued to ~~any~~ a person incurring a second alcohol- or controlled-substance-related incident within five years or to ~~any~~ a person with three alcohol- or controlled-substance-related incidents on record, unless one-half of the revocation period has expired; ~~except that licenses shall.~~ However, a license must be issued as required by *Minnesota Statutes*, section 171.30, subdivision 3; ~~to class A or class B license holders authorizing the person to drive vehicles whose operation is permitted only under a class A or class B license when such a license has been suspended under *Minnesota Statutes*, section 171.18, or revoked under *Minnesota Statutes*, section 171.17, for a violation of the Highway Traffic Regulation Act committed in a private passenger vehicle.~~

Subp. 3. Conditions of issuance of a limited license. Before a limited license may be issued under *Minnesota Statutes*, section 171.30, subdivision 1, the following conditions person must be satisfied:

- A. ~~The person must~~ apply for a new license and pay the application fee for the class of license involved; _;
- B. ~~The person must~~ pass the driver driver's license examination required for issuance of an original license; _;
- C. ~~The person must~~ pay a reinstatement fee as required by *Minnesota Statutes*; _;
- D. ~~The person must~~ appear personally, by telephone, or by mail at a one of the department's driver evaluation office of the Department of Public Safety offices to request a limited license, except that a person who has two alcohol- or controlled-substance-related incidents within five years, or three such of these incidents on record must appear personally to request a limited license; _; and
- E. ~~The person must~~ demonstrate a need for a limited license- A limited license must be issued as needed for employment or; attendance at chemical dependency treatment, counseling programs, or postsecondary education; or, as a homemaker, to prevent the substantial disruption of the educational, medical, or nutritional needs of the homemaker's family members residing in the homemaker's household. A person ~~requesting a limited license~~ may demonstrate the need for a limited license using letters from the person's employer, proof of attendance at a chemical dependency treatment or counseling program, or proof of attendance at a

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Proposed Rules

postsecondary institution of education. The commissioner shall consider the particular circumstances and needs of the individual before issuing a limited license.

The commissioner shall waive items A, B, and C if the person has filed a petition for judicial review in the appropriate court and has furnished a copy of the petition to the commissioner. If the revocation is sustained on judicial review, the requirements must be met ~~prior to~~ before reinstatement of driving privileges.

If a limited license is issued, the conditions need not be repeated when seeking reinstatement, but any additional conditions must be satisfied.

Subp. 4. **Restrictions and limitations.** The commissioner shall prescribe restrictions on the time and use of a limited license as provided in *Minnesota Statutes*, section 171.30, ~~subdivisions~~ subdivision 1 and 3.

Subp. 5. **Informal hearing following denial of limited license application.** The commissioner shall grant ~~any~~ a person an informal hearing ~~for the purpose of reviewing~~ to review a decision not to issue a limited license to that person.

7503.2000 ALCOHOL PROBLEM ASSESSMENTS REQUIRED BY THE COMMISSIONER.

Subpart 1. **Alcohol problem Assessment required after 0.07 test.** When an evidentiary test administered under authority of *Minnesota Statutes*, section 169.123, discloses an alcohol concentration of 0.07 percent or more, the result must be reported to the commissioner. If a second test of 0.07 percent or more occurs within two years, the commissioner shall require the person to appear for an ~~alcohol problem~~ assessment. The commissioner shall notify the person by first class mail that the assessment is required.

Subp. 2. **By whom conducted.** An alcohol problem assessment conducted under *Minnesota Statutes*, section 169.121, subdivision 8, must be conducted by an agency approved by the county or municipal court as outlined in *Minnesota Statutes*, section 169.126; ~~or conducted by the Saint Paul driver evaluation office of the Minnesota Department of Public Safety or by another driver evaluation office at a scheduled time.~~

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

7503.2200 CHEMICAL ABUSE REVIEW PANEL.

Subpart 1. **Establishment and composition.** A chemical abuse review panel is established to review the type of chemical dependency treatment imposed by the commissioner or a diagnosis of chemical abuse accepted by the commissioner arising from ~~an alcohol problem assessment~~, a special review, or rehabilitation. Members of the panel ~~shall~~ must be certified chemical dependency counselors or other health care professionals experienced in the area of chemical abuse and ~~shall be~~ selected by the commissioner based on the recommendation of the Department of Human Services.

Subp. 2. **Procedure.** Applications for review by the chemical abuse review panel ~~will be~~ are governed by the following procedures:

A. A request for review by the chemical abuse review panel must be submitted to the commissioner in writing ~~within 30 days from the date of the special review or alcohol problem assessment that is the subject of the person's complaint or within 30 days of the receipt of the order of cancellation and denial giving rise to rehabilitation~~ together with copies of the written materials the person wishes to have considered. This request may include a written request for copies of the materials submitted to the panel by the commissioner. No personal appearance will be granted before the chemical abuse review panel.

B. The commissioner shall ~~arrange for a "review date,"~~ submit the person's requests and materials to the chemical abuse review panel not less than ~~ten nor~~ more than 30 days from receipt of the request for review; ~~and shall inform the person by first class mail of the review date.~~

C. ~~Four copies of any written material the person wishes to have considered by the chemical abuse review panel must be submitted to the commissioner not less than ten days before the review date.~~

~~D.~~ The commissioner may submit written materials in addition to the record of the special review or alcohol problem assessment for consideration by the chemical abuse review panel ~~not less than ten days before the review date, provided that copies of any additional materials are sent to the person requesting the review. These materials will be supplied to the applicant, if the person requested copies of the commissioner's materials when requesting a special review.~~

~~E.~~ D. Both parties ~~shall~~ have the right to submit additional written material for ~~purposes of~~ rebuttal until the review date.

~~F.~~ E. On the review date, ~~all the~~ written material submitted by both parties will be ~~transmitted~~ sent to the chemical abuse review panel.

~~G.~~ F. After receiving ~~all the~~ written materials, the chemical abuse review panel shall recommend an alternative form of chemical dependency treatment or recommend acceptance of a different diagnosis to the commissioner if the person establishes that the type of treatment or diagnosis is not appropriate or correct under the individual circumstances of that person's case. The chemical abuse review panel shall recommend to the commissioner that the type of treatment not be changed or that a diagnosis other than the contested diagnosis ~~which is contested~~ not be accepted, if the person does not establish that the type of treatment or diagnosis is not appropriate or correct under the individual circumstances of that person's case.

H. G. The chemical abuse review panel shall report its recommendations to the commissioner within 15 days of submission of the written materials by the commissioner.

F. H. The commissioner shall promptly report the recommendations of the chemical abuse review panel to the person. Under no circumstances may full driving privileges be granted. The commissioner shall decide whether to follow the recommendations of the panel and shall promptly report that decision together with a statement of reasons for the decision to the person. Notice of the commissioner's decision ~~shall~~ must contain a statement describing the person's right to challenge the final decision in district court.

I. Not more than one review per year may be made available to a person, with a maximum of two reviews made available during an individual period of license cancellation.

7503.2300 COMMERCIAL LICENSE DISQUALIFICATION.

Subpart 1. Driving under influence of alcohol or controlled substance. The commissioner shall disqualify a person from holding a commercial driver's license when convicted under Minnesota Statutes, section 169.121, if the person was driving, operating, or in physical control of a commercial motor vehicle at the time of the incident.

Subp. 2. Alcohol-related driving. The commissioner shall disqualify a person from holding a commercial driver's license when convicted under Minnesota Statutes, section 169.1211.

Subp. 3. Implied consent revocation. The commissioner shall disqualify a person from holding a commercial driver's license when the person's license has been revoked under Minnesota Statutes, section 169.123, or a statute or ordinance from another state in conformity with it and the person was driving, operating, or in physical control of a commercial motor vehicle at the time of the incident.

Subp. 4. Out-of-state incidents. Upon receiving a record of conviction or revocation from another state, the commissioner shall disqualify a person from holding a commercial driver's license if the conviction or revocation would be grounds for disqualification under Minnesota Statutes, section 171.165, subdivision 1, clause (1), or subdivision 2.

7503.2400 DISQUALIFICATION PERIODS.

Subpart 1. One-year disqualification. Upon receiving a record of conviction or revocation, the commissioner shall disqualify a person from holding a commercial driver's license for one year for a first conviction or revocation under Minnesota Statutes, section 171.165, subdivision 1, clause (1), or subdivision 2. The one-year disqualification period begins on the date the record of conviction or revocation is received by the commissioner.

Subp. 2. Three-year disqualification. Upon receiving a record of conviction or revocation, the commissioner shall disqualify a person from holding a commercial driver's license for three years if the person was transporting hazardous materials at the time of the incident forming the basis for a conviction or revocation under Minnesota Statutes, section 171.165, subdivision 1, clause (1), or subdivision 2. The three-year disqualification period begins on the date the record of conviction or revocation is received by the commissioner.

Subp. 3. Not less than ten-year disqualification. The commissioner shall disqualify a person from holding a commercial driver's license for life if the person is disqualified a second or subsequent time in 55 years under Minnesota Statutes, section 171.165, subdivision 1 or 2. The lifetime disqualification period begins on the date the record of conviction or revocation is received by the commissioner. The lifetime disqualification period will be reduced to a minimum of ten years disqualification if the person demonstrates rehabilitated driving practices in the ten-year period following the effective date of the lifetime disqualification. A person is considered rehabilitated if during that ten-year period there is no revocation or conviction resulting from the operation of any type of vehicle for an offense listed in Minnesota Statutes, section 171.165, subdivision 1, and if the person's license is not revoked under Minnesota Statutes, section 169.123, or a statute or ordinance from another state in conformity with it. If rehabilitation is not so demonstrated during the initial ten-year period, the disqualification period remains lifetime.

7503.2500 NOTICE OF DISQUALIFICATION.

Subpart 1. Notice served by peace officer. Notice of disqualification is served by a peace officer when a person is subject to disqualification under Minnesota Statutes, section 171.165, subdivision 2.

The issuing peace officer shall forward to the commissioner on the same or next business day a copy of the notice of disqualification together with the license certificates surrendered by the person, the peace officer's incident reports, and the implied consent advisory and peace officer's certificate. The commissioner shall provide the forms for notice of disqualification and issuing temporary licenses.

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

These forms must contain space for the following information and may contain other information that the commissioner considers appropriate:

A. the person's full name, date of birth, driver's license number, height and weight, and current residential address, including street number, city, state, and zip code;

B. the date that notice is served;

C. the date of the incident;

D. the traffic citation number;

E. the type of vehicle being operated at the time of the incident;

F. the name, signature, and business telephone number of the peace officer serving the notice;

G. the reason for the disqualification;

H. the minimum length of the disqualification period;

I. a statement that the person must surrender to the peace officer the driver's license certificates in the person's possession, unless the person is not a resident of Minnesota;

J. a statement advising the person that the person is under an out-of-service order required under *Minnesota Statutes*, section 169.1215, for 24 hours;

K. a statement advising the person that the person is disqualified from operating commercial motor vehicles in seven days or upon expiration of a seven-day temporary license period;

L. a statement informing the person that failing to surrender all driver's licenses may subject the person to criminal prosecution under *Minnesota Statutes*, sections 171.22 and 171.241, and suspension of the driver's license under *Minnesota Statutes*, section 171.18, clause (8);

M. a statement that no temporary license was issued, if the person did not have valid driving privileges at the time of the incident;

N. a statement that the driver's license cannot be surrendered, if the license is lost, stolen, already surrendered, or otherwise unavailable;

O. a statement informing the person that the person has a right to administrative and judicial review of the disqualification order;

P. information explaining that an administrative review of the disqualification order may be obtained by submitting a written request for review to the commissioner under *Minnesota Statutes*, section 169.123, subdivision 5b, and this chapter;

Q. information explaining that judicial review may be obtained by filing a petition for judicial review within 30 days of receipt of the notice of disqualification and otherwise in accordance with *Minnesota Statutes*, section 169.123, subdivision 5c; and

R. a statement informing the person that failing to petition for judicial review in compliance with *Minnesota Statutes*, section 169.123, subdivision 5c, forfeits the person's right to judicial review of a revocation order under that section.

Subp. 2. Notice by commissioner. Notice of disqualification may be served by the commissioner when a person is subject to disqualification under *Minnesota Statutes*, section 171.165, subdivision 1, clause (1), and notice is not served by a court; a person is subject to disqualification under *Minnesota Statutes*, section 171.165, subdivision 2, and notice is not served by a peace officer; or, when requirements imposed from a previous disqualification have not been satisfied. The commissioner shall establish a form for serving notice of disqualification. The form must contain space for the following information and may contain other information that the commissioner considers appropriate:

A. the person's full name, date of birth, driver's license number, and current address obtained from the person's driver's license record, including the street number, city, state, and zip code;

B. the type of vehicle being operated at the time of the disqualifying incident;

C. the date the notice of disqualification is issued;

D. the effective date of the disqualification order;

E. the reason for the disqualification;

F. the length of the disqualification period;

G. reinstatement requirements;

H. a demand for surrender of the license certificates issued to the person or submission of a sworn statement from the person that an outstanding certificate was lost, stolen, or destroyed;

I. if the person is disqualified under Minnesota Statutes, section 171.165, subdivision 2, a statement informing the person that the person has a right to administrative and judicial review of the disqualification order;

J. if the person is disqualified under Minnesota Statutes, section 171.165, subdivision 2, information explaining:

(1) that an administrative review of the disqualification order issued under Minnesota Statutes, section 171.165, subdivision 2, may be obtained by submitting a written request for review in accordance with Minnesota Statutes, section 169.123, subdivision 5b, and this chapter; and

(2) that judicial review may be obtained by petitioning for judicial review within 30 days after receiving the notice of disqualification and otherwise in accordance with Minnesota Statutes, section 169.123, subdivision 5c;

K. if the person is disqualified under Minnesota Statutes, section 171.165, subdivision 2, a statement informing the person that failing to petition for judicial review in compliance with Minnesota Statutes, section 169.123, subdivision 5c, forfeits the person's right to judicial review of a disqualification order under Minnesota Statutes, section 171.165, subdivision 2; and

L. a statement informing the person that the person has a right to an informal hearing to review a disqualification order under Minnesota Statutes, section 171.165, subdivision 1, clause (1).

Subp. 3. **Notice to other states.** When a nonresident commercial vehicle driver is convicted of violating Minnesota Statutes, section 169.1211, the commissioner shall report that conviction to the driver's state of residence.

7503.2600 ISSUING CLASS C LICENSES.

Subpart 1. **Class C license eligibility.** A person who is disqualified from holding a commercial driver's license but whose license is not otherwise under suspension, revocation, or cancellation and denial, must be issued a class C license. The class C license is valid until its expiration date or the commercial driver's license is reinstated, whichever is earlier, if the driver's privileges are not suspended, revoked, or canceled and denied, at any time during that period. If the class C license expires during the disqualification period, the person has the option of paying the commercial driver's license fee at the time of renewal for the classification under disqualification, but commercial motor vehicle privileges must not be reinstated until the requirements of part 7503.2800 are fulfilled.

Subp. 2. **Obtaining paper class C license.** A person who has been disqualified from operating commercial motor vehicles and is eligible for a class C license under subpart 1, will be issued a temporary class C license with the notice of disqualification. A paper license will be mailed by the department to the person at no cost. A person who has received notice of disqualification from a peace officer under part 7503.2500, subpart 1, may bring the notice of disqualification to a driver license examination station where a paper record of examination will be completed by an examiner at no cost. This record will serve as a 90-day temporary license for the operation of class C vehicles only. If the period of disqualification exceeds 90 days, a paper class C license will be issued to the person by mail to the address on department records.

Subp. 3. **Obtaining class C license card.** A person who would prefer a class C license card must apply for a duplicate class C license. Duplicate license fees must be paid and a receipt will be issued to the person showing the existence of class C driving privileges. The class C license card will be mailed to the person when it has been manufactured. A minimum of 90 days must be remaining in the disqualification period before a class C license card will be issued.

Subp. 4. **Class A, B, or CC license status.** The disqualified person will receive the original class A, B, or CC license after fulfilling the reinstatement requirements under part 7503.2800 unless the license has expired and more than one year has elapsed since the expiration date. If the license has expired and more than one year has elapsed, the person must reapply and retest for a class A, B, or CC license.

7503.2700 INFORMAL HEARING FOLLOWING DISQUALIFICATION.

The commissioner shall grant an informal hearing to a person who has been disqualified from operating commercial motor vehicles as a result of a conviction under Minnesota Statutes, section 169.121 or 169.1211. No informal hearing may be granted to review the validity of an order of disqualification under Minnesota Statutes, section 169.123, but administrative review of the disqualification is set out in part 7503.1000.

7503.2800 REINSTATEMENT FOLLOWING DISQUALIFICATION.

Subpart 1. **Conditions of reinstatement.** The commissioner shall reinstate the commercial motor vehicle driving privileges of a person who has been disqualified under Minnesota Statutes, section 171.165, subdivision 1, clause (1), or subdivision 2, if the following requirements have been satisfied:

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. the disqualification period has been served and expired;
- B. the person has paid the reinstatement fee as required by *Minnesota Statutes*;
- C. the requirements imposed during this or any previous disqualification period have been satisfied; and
- D. if issued, the class C license card has been returned to the department.

Subp. 2. Notice of reinstatement. After the person fulfills the reinstatement requirements, the department will mail notification of reinstatement to the person. The commercial motor vehicle driving privilege is reinstated when the notice is sent to the address shown on department records.

Secretary of State

Proposed Permanent Rules Relating to Presidential Primary

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Secretary of State intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authorities to adopt the rules is *Minnesota Statutes* 201.091, subdivision 4; 201.221, subdivisions 1 and 3; and 207A.09.

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 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 rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Secretary of State will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

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

Joseph Mansky
Director, Election Division
180 State Office Building
St. Paul, MN 55155
(612) 296-2805

The proposed rules 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 rules as noticed.

A copy of the proposed rules are attached to this notice.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Secretary of State 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 the 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 matter to the Attorney General, or who wish to receive a copy of the adopted rules, must submit the written request to the Secretary of State.

Dated: 15 January 1991

Joseph Mansky
Director, Election Division

Rules as Proposed

8200.6400 FORM OF PUBLIC INFORMATION LIST PROVIDED BY SECRETARY OF STATE.

The public information list provided by the secretary of state must contain the following items from the statewide registration system: voter's name, voter's address, voter's telephone number (if provided by the voter), voter's party choice in the preceding presidential primary election, and the voter's record of voting in elections during the previous five calendar years. The public

information list may also include the precinct, ward, congressional district, legislative district, county commissioner district, judicial district, school district, or other identifiers for each election district in which the voter resides. The public information list may be requested on paper or on electronic media.

8200.9115 FORM OF POLLING PLACE ROSTERS.

Subpart 1. General form of roster. The polling place rosters must contain the following items from the statewide registration system: voter's name, voter's address, voter's date of birth, voter's school district number, and a line on which the voter's signature can be written. When a voter's registration has been challenged pursuant to *Minnesota Statutes*, section 201.121, subdivision 2, an indicator noting the voter's challenged status must be printed on the line provided for the voter's signature. A similar indicator must be printed on the line provided for the voter's signature to note a voter's guardianship or felony status, if any.

The following certification must be printed at the top of each page of the polling place roster: "I certify that I am at least 18 years of age and a citizen of the United States; that I reside at the address shown and have resided in Minnesota for 20 days immediately preceding this election; that I am not under guardianship of the person, have not been found by a court to be legally incompetent to vote, and have not been convicted of a felony without having my civil rights restored; and that I am registered and will be voting only in this precinct. I understand that giving false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both."

One or more pages in the polling place roster must be provided for use by voters who register to vote in the polling place on election day. An election day registrant shall fill in the registrant's name, address, and date of birth and shall sign the roster on the line provided.

Each page in the polling place roster must also contain the name of the precinct and a page number. In addition, each line provided for a voter's signature must be consecutively numbered on each page.

Subp. 2. Presidential primary roster. In addition to the information required in subpart 1, the polling place rosters for the presidential primary election must include a space next to the line provided for the voter's signature for the voter to indicate the major political party whose ballot the voter has requested.

The election judges shall instruct each voter who wishes to vote in the presidential primary to indicate on the polling place roster the major political party whose ballot the voter has requested. The election judges shall then issue the voter a presidential primary ballot for the party indicated by the voter on the roster. A voter who has not indicated a major political party choice on the polling place roster must not be issued a presidential primary ballot.

The county auditor must enter the voter's presidential primary party choice into the statewide registration system when voter history is posted pursuant to *Minnesota Statutes*, section 201.171.

CHAPTER 8205 SECRETARY OF STATE PETITIONS PRESIDENTIAL PRIMARY

8205.1000 NOMINATING PETITION FORM, PROCEDURES, AND VERIFICATION.

Subpart 1. Form of petition. Petitions used on behalf of candidates for the nomination of a major political party for president of the United States must be prepared in accordance with items A to E.

A. The petition must be prepared on paper 8.5 inches wide and 14 inches long. Each petition page must include space for the names, addresses, and signatures of ten persons.

B. The words "PRESIDENTIAL NOMINATING PETITION" must be printed at the top of each page of the petition. Each page in the petition must include the following information:

(1) the name and address of the person being nominated;

(2) the name of the major political party whose nomination for president is being sought;

(3) the number of the congressional district in which the petition is being circulated;

(4) a statement indicating that the persons signing the petition will be eligible to vote at the presidential primary, reside in the congressional district indicated on the petition, and have signed the petition of their own free will;

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

- (5) a space for the signature of each person signing the petition;
- (6) a space for the printed first, middle, and last name of each person signing the petition;
- (7) a space for the residence address of each person signing the petition, including the municipality and county of residence;
- (8) a space for the date of birth of each person signing the petition; and
- (9) a space for the date on which each person signed the petition.

C. Each page of the petition must be consecutively numbered. In addition, the signature lines on each page must be consecutively numbered from 1 to 10.

D. A separate petition must be circulated in each of the state's congressional districts.

E. The secretary of state shall make available sample nominating petition forms at least four weeks before the first day to file affidavits of candidacy for the presidential primary.

Subp. 2. Completing the petition. The information required in subpart 1, item B, subitems (5) to (9), must be completed by the person who signed the petition. A petition may only be signed once by any eligible voter.

Subp. 3. Receipt of petition. The secretary of state shall provide the person submitting the nominating petition a receipt for the petition. The receipt must include the name and address of the person on whose behalf the petition was submitted; the name, address, and telephone number of the person submitting the petition; the date on which the petition was submitted; and the total number of pages in the petition submitted.

Subp. 4. Method of verification. The secretary of state shall verify each nominating petition submitted on behalf of a candidate for president pursuant to *Minnesota Statutes*, section 207A.02, by the following method:

The secretary of state shall inspect each petition to determine whether at least 1,000 persons eligible to vote in each congressional district have signed the petition. The secretary of state shall use the address information and date of birth provided by persons signing the petition to verify voter eligibility. A petition containing the signatures of fewer eligible voters than the number required by *Minnesota Statutes*, section 207A.02, must be rejected.

If the secretary of state determines that an insufficient number of eligible voters have signed a petition, the secretary of state shall immediately notify the person submitting the petition. The person submitting the petition may submit additional petition pages within the time period provided by *Minnesota Statutes*, section 207A.02.

Subp. 5. Time for verification. The secretary of state shall complete the verification of a petition no later than ten days after the day on which the petition was submitted. If the petition is determined to be sufficient, the secretary of state shall immediately notify in writing the person submitting the petition.

Subp. 6. Access to petitions. The secretary of state shall securely store any nominating petitions submitted during the filing period. The secretary of state shall make a nominating petition available for public inspection after the verification process for that petition has been completed. Photocopies of petitions may be prepared at the expense of the person requesting the copies.

Subp. 7. Petition in lieu of filing fee. Candidates filing for office pursuant to *Minnesota Statutes*, section 207A.02, may submit a petition in lieu of payment of the filing fee. The petition must be submitted at the same time that the affidavit of candidacy is submitted.

The words "PRESIDENTIAL PETITION IN LIEU OF FILING FEE" must be printed at the top of each page of the petition. The petition must conform in all other respects to the form of the nominating petition provided in subpart 1.

A nominating petition filed pursuant to *Minnesota Statutes*, section 207A.02, may also be used as a petition in lieu of filing fee if the words "PRESIDENTIAL NOMINATING PETITION AND PETITION IN LIEU OF FILING FEE" are printed at the top of each page of the petition and a statement indicating that the petition will be used for both purposes is printed on each page of the petition. The petition must conform in all other respects to the form of the nominating petition provided in subpart 1.

The procedures in subparts 2 to 6 apply to petitions in lieu of filing fee and combined nominating and filing fee petitions.

The secretary of state shall make available sample filing fee and combined nominating and filing fee petition forms at least four weeks before the first day to file affidavits of candidacy for the presidential primary.

8250.0360 FORM OF PRESIDENTIAL PRIMARY BALLOTS.

Subpart 1. General form. The presidential primary ballot must be prepared in the same manner as the white ballot, except as provided in this part. Ballot pages and ballot cards for electronic voting systems must be prepared in the manner provided for paper ballots to the extent practicable.

Subp. 2. Ballot heading. The words "PRESIDENTIAL PRIMARY BALLOT" must be printed at the top of the ballot. Directly underneath this heading, the words "..... PARTY" must be printed, giving the appropriate party name.

Subp. 3. Instruction to voters. The following instruction must be printed directly below the paper ballot heading: "Put an (X) in

the square opposite the name of the candidate you wish to vote for or next to the words 'UNCOMMITTED DELEGATES'. A small arrow pointing downward must be printed to the left of this instruction, directly above the column in which a voter's marks are to be made.

Subp. 4. Office title. The title "PRESIDENT OF THE UNITED STATES" must be printed in upper case and bold face directly above the names of the candidates. The instruction "VOTE FOR ONE" must be printed below the office title.

Subp. 5. Order of candidates. The county auditor shall prepare a separate ballot for each major political party containing the names of the candidates of each party certified by the secretary of state. The names of the candidates must be rotated in the manner provided in *Minnesota Statutes*, section 204D.08, subdivision 3. In the first position under the last candidate name, the words "UNCOMMITTED DELEGATES" must be printed. In the second position under the last candidate name, a blank line must be printed to allow a voter to write in the name of an individual whose name is not listed on the ballot.

8250.1400 EXAMPLE BALLOT.

At least 42 days before the presidential primary, state primary, and state general election, the secretary of state shall supply each auditor with a copy of an example ballot. The example ballot must illustrate the format required for the presidential primary, state primary, and state general election ballots. The presidential primary, state primary, and state general election ballots must conform in all respects to the example ballot.

8250.1550 REIMBURSEMENT OF PRESIDENTIAL PRIMARY BALLOT COSTS.

The secretary of state shall reimburse each county using lever voting machines or electronic voting systems for the preparation of ballot cards, ballot labels, and ballot pages for the presidential primary election, as provided in Minnesota Statutes, section 207A.07, from the money appropriated by the legislature for this purpose. The county auditor shall submit a request for payment of ballot costs to the secretary of state no later than 30 days after the presidential primary. The request for payment must be accompanied by an itemized description of actual county expenditures, including copies of invoices. In addition, the county auditor must certify that the request for reimbursement is based on actual ballot costs incurred by the county in the presidential primary and that the ballots were prepared in the manner provided by law. The secretary of state shall complete issuance of reimbursements to the counties no later than 60 days after the presidential primary.

If the total amount of requests for reimbursement of ballot costs from all counties exceeds the total amount appropriated by the legislature for this purpose, the secretary of state shall apportion the reimbursements to the counties on the basis of the number of persons in each county registered to vote at 7:00 a.m. on the day of the presidential primary as a fraction of the total number of persons registered to vote in the state at that time.

Adopted Rules

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

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

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

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

Department of Human Services

Adopted Permanent Rules Relating to Merit System

The rules proposed and published at *State Register*, Volume 15, Number 19, pages 1046-1050, November 5, 1990 (15 SR 1046) are adopted with the following modifications:

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

Adopted Rules

Rules as Adopted

9575.1500 COMPENSATION PLAN; HUMAN SERVICES, 1991.

Subpart 1. **Professional.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum
Accountant	1832	2859
Accounting Supervisor	2186	3571
Administrative Assistant I	2287	3908
Administrative Assistant II	2446	4179
Administrative Assistant III	2917	4553
Adult Day Care Center Supervisor	1751	2737
Assistant Welfare Director	4087	6068
Auditor	2186	3571
Chemical Dependency Coordinator	1832	2859
Collections and Accounting Unit Supervisor	1918	3122
Collection Services Supervisor II	1918	3122
Community Health Services Supervisor	2186	3571
Computer Programmer	1751	2737
Contract Services Representative	2002	3267
County Agency Social Worker (Licensing Specialist)	1751	2737
County Agency Social Worker	1832	3122
County Agency Social Worker (Child Protection Specialist)	1832	3122
County Agency Social Worker (MSW)	1918	3122
County Agency Social Worker (MSW) (Child Protection Specialist)	1918	3122
Director of Business Management I	2446	4179
Director of Business Management II	3196	4753
Director of Financial Assistance	3196	4753
Director of Planning	3196	4753
Director of Public Health Nursing	2186	3571
Director of Social Services	3196	4753
Employment Guidance Counselor	1675	2510
Family Based Services Supervisor	1832	2859
Family Service Coordinator II	1675	2510
Financial Assistance Supervisor I	1918	3122
Financial Assistance Supervisor II	2186	3571
Financial Assistance Supervisor III	2287	3908
Fiscal Manager	2287	3908
Fiscal Officer	1675	2510
Fiscal Supervisor I	1751	2859
Fiscal Supervisor II	2186	3571
Gerontology Counselor	1918	3122
Human Services Director III	3491	5190
Human Services Supervisor I	2287	3908
Human Services Supervisor II	2859	4460
Jobs and Training Supervisor	1918	3122
Mental Health Program Manager	2446	4179
Mental Health Worker	2002	3267
Methods & Procedures Analyst	1751	2737
Nutrition Project Assistant Director	1751	2737
Nutrition Project Director	2186	3571
Office Services Supervisor II	1603	2510
Planner (Human Services)	2002	3267

	Minimum	Maximum
Psychologist I	1918	3122
Psychologist II	2186	3571
Psychologist III	2917	4179
Public Health Educator	1751	2737
Public Health Nurse	1918	2985
Public Health Nurse (Team Leader)	2002	3122
Registered Dietician	1751	2737
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	1832	2859
Sanitarian	1751	2737
Senior Staff Development Specialist	2186	3571
Social Services Supervisor I	2287	3908
Social Services Supervisor II	2616	4272
Social Services Supervisor III	2859	4460
Staff Attorney	2287	3908
Staff Development Specialist	1751	2737
Student Social Worker (Intern)	Rate proposed by appointing authority.	
Support Services and Accounting Supervisor	2002	3267
Support Services Supervisor Trainee	1832	2859
	Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of human services.	
Volunteer Services Coordinator	1751	2737
Welfare Director I	2673	4179
Welfare Director II	2985	4460
Welfare Director III	3196	4753
Welfare Director IV	3491	5190
Welfare Director V	3730	5547
Welfare Director VI	4653	6612

Department of Health

Adopted Permanent Rules Relating to Merit System

The rules proposed and published at *State Register*, Volume 15, Number 19, pages 1050-1051, November 5, 1990 (15 SR 1050) are adopted as proposed.

Department of Public Safety

Adopted Permanent Rules Relating to Merit System

The rules proposed and published at *State Register*, Volume 15, Number 19, pages 1052-1053, November 5, 1990 (15 SR 1052) are adopted as proposed.

Board of Social Work

Adopted Permanent Rules Relating to Social Worker Licenses

The rules proposed and published at *State Register*, Volume 15, Number 10, pages 568-584, September 4, 1990 (15 SR 568), and

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

Adopted Rules

Volume 15, Number 16, pages 908-910, October 15, 1990 (15 SR 908) are adopted with the following modifications:

Rules as Adopted

4740.0120 PROCEDURES FOR APPLICATION.

Subpart 1. **Information required.** A person seeking a license from the board must submit to the board the information and documents in items A to E.

D. Where applicable, verification of two years or 4,000 hours of supervised experience in the practice of social work to be completed before the date of application. A supervisor's verification form shall be completed and signed by the supervisor and sent directly to the board office.

4740.0150 RECIPROCITY.

The board may grant a license to an applicant who provides satisfactory verification that the applicant is licensed currently under the laws of states or territories of the United States that at the time of original licensure imposed substantially the same requirements as parts 4740.0100 to 4740.0310. To obtain a license under parts 4740.0100 to 4740.0310, the applicant must meet the conditions in items A to D.

4740.0220 INACTIVE LICENSE STATUS.

Subp. 5. **Reactivating a license.** The board shall reactivate a license of a person who is on inactive status and who desires to resume the practice of social work, if the person notifies the board in writing of this intention, agrees to the supervision requirements, has met the continuing education requirements in effect while on inactive status, and pays the prorated license renewal fees sufficient to return to the ~~biannual~~ biennial birth month renewal schedule. The board shall then reissue a license.

4740.0225 EMERITUS LICENSE STATUS.

Subp. 4. **Reactivating license.** In the exceptional case that a social worker issued an emeritus license should wish to resume practicing, the board shall reactivate the license according to the procedure in part 4740.0220, subpart 5, for reactivating an inactive license. The person seeking reactivation must notify the board of the intent to resume practice, agree to the supervision requirement if applicable, document that the licensee has completed the required continuing education, pay the inactive status fees for the emeritus period, and pay the prorated renewal fee sufficient to return to the ~~biannual~~ biennial birth month renewal schedule. Nothing in this part precludes the board from taking disciplinary action against a licensee based on conduct occurring before emeritus status was granted or during the emeritus status.

4740.0285 CONTINUING EDUCATION REQUIREMENTS.

Subpart 1. **Continuing education requirements.** At the time of renewal, each licensee shall provide evidence satisfactory to the board that the licensee has completed 30 continuing education hours of approved continuing education during each biennium of licensure. The licensee may attend programs approved by the Board of Social Work or other programs that meet the requirements in subparts 4 and 6 and are documented as indicated in subpart 8.

Subp. 4. **Content areas for continuing education.** Continuing education programs approved under subparts 9 ~~6~~ to 11 must contain one of the following content areas related to social work practice:

NOTICE OF RENUMBERING OF SOCIAL WORKER LICENSING RULES.

Because the part numbers 4740.0100 to 4740.0310 assigned to the social worker licensing rules were previously assigned to rules in another rulemaking proceeding, the Revisor of Statutes shall editorially renumber the adopted social worker licensing rules as *Minnesota Rules*, parts 8740.0100 to 8740.0310.

Errata

State Board of Chiropractic Examiners

Correction to Notice on Proposed Permanent Rules Relating to the Practice of Chiropractic

Page 1562, *State Register*, Monday 14, January 1991, Part III Notice of Intent to Adopt Rules With a Public Hearing if 25 or More Persons Request a Hearing should read as follows:

PLEASE NOTE that if 25 or more persons submit written requests for a public hearing with respect to the above-captioned rules within the 30-day comment period pursuant to the notice given in Part II above, a hearing will be held on February 25 and 26, 1991, in accordance with the following notice of public hearing.

In the above-mentioned publication of the *State Register*, the date was stated as February 14, 1991.

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

Materials Management Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing State Contracts

NOTICE IS HEREBY GIVEN that the State Department of Administration is seeking information or opinions from sources outside the Department in preparing to propose the amendment of the rule governing State contracts Chapter 1230. parts .0100 through .1300, and the permanent adoption of the emergency rule currently in effect governing the Small Business Procurement Program parts .1400 through .1910 the adoption of the rule is authorized by *Minnesota Statutes*, section 16B.04, which permits the Department to adopt, amend, and rescind rules relating to any purpose, responsibility, or authorization in (that) Chapter (16B), specifically, "contracts and purchases" and "special purchasing situations" such as "designation of procurements from small businesses".

The State Department of Administration requests information and opinions concerning the subject matter of the rule, Chapter 1230.0100 through .1910. Interested groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Robert J. Baldwin
Department of Administration
Materials Management Division
Administration Building, Room #112
50 Sherburne Avenue
St. Paul, Minnesota 55155

Oral statements will be received during regular business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday over the telephone at (612) 296-2600 and in person at the above address.

All statements of information and opinions shall be accepted until February 15, 1991. Any written material received by the State Department of Administration, Materials Management Division shall become part of the rulemaking record to be submitted to the Attorney General or Administrative Law Judge in the event that the rule is amended and adopted.

Dated: January 18, 1991

Terry L. Bock
Acting Commissioner of Administration

Office of Attorney General

Public Finance Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing the Attorney General's Review of Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Attorney General's Office is seeking information or opinions from sources outside the agency in preparing to propose the amendment of the rule governing the Attorney General's review of rules without a public hearing.

The adoption of the rule is authorized by *Minnesota Statutes*, section 14.06 (1990), which permits the agency to adopt rules regarding all formal or informal procedures relating to the administration of official agency duties.

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

Official Notices

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

Patricia Nolte
Attorney General's Office
Public Finance Division
525 Park St., Suite 500
St. Paul, Minnesota 55103

Oral statements will be received during regular business hours over the telephone at (612) 296-9715 and in person at the above address.

A draft of the proposed changes is available by contacting Ms. Nolte at the above address or phone number. All statements of information and opinions shall be accepted until February 15, 1990. Any written material received by the State Attorney General's Office shall become part of the rulemaking record to be submitted to the Attorney General or Administrative Law Judge in the event that the rule is adopted.

Patricia Nolte
Public Finance Division

Department of Commerce

Bulletin of Pending Applications Under the Reciprocal Interstate Banking Act *Minnesota Statutes* § 48.98, Subdivision 2,(2)

The following listing of applications are pending with the Commissioner of Commerce subject to criteria for approval as set out in *Minnesota Statutes* § 48.93 and shall be disapproved if:

- (1) The financial condition of any acquiring person is such as might jeopardize the financial stability of the bank or prejudice the interests of the depositors of the bank;
- (2) The competence, experience, integrity of any acquiring person or of any of the proposed management personnel indicates that it would not be in the interest of the depositors of the bank, or in the interest of the public to permit the person to control the bank;
- (3) The acquisition will result in undue concentration of resources or substantial lessening of competition in this state;
- (4) The application fails to adequately demonstrate that the acquisition proposal would bring net new funds into Minnesota;
- (5) A subsidiary of the acquiring bank holding company has failed to meet the requirements set forth in the federal Community Reinvestment Act; or
- (6) The acquisition will result in over 30 percent of Minnesota's total deposits in financial institutions as defined in section 13A.01, subdivision 2, being held by banks located in this state owned by reciprocating state bank holding companies. This limitation does not apply to consideration for approval pursuant to section 48.99, special acquisitions.

In addition, the Commissioner has determined by rule that applicants must describe its plan of compliance in providing an acceptable level of development loans or developmental investments in the community affected.

Current List of Pending Applications:

- **Minowa Bancshares, Inc.**, 120 West Water, Box 110, Decorah, Iowa 52101 proposes to acquire The First National Bank of Mabel, 101 East Newburg, Mabel, Minnesota 55954.

NOTICE

The Commissioner shall accept public comment on an application for a period of not less than 30 days from the date of the final publication in a newspaper of general circulation within the county in which the bank to be acquired or a proposed new bank is located; or 30 days after the date of the availability of the Bulletin of Pending Applications which includes the listing of the acquisition.

Public Information

Copies of bulletins of pending applications prepared and updated with each new application filed with the Commissioner are available without charge to any person upon request by writing to Department of Commerce, Bulletin of Pending Applications, Reciprocal Interstate Banking Act, 133 East Seventh Street, St. Paul, Minnesota 55101.

Dated: 16 January 1991

Bert J. McKasy
Commissioner of Commerce

Department of Human Services

Mental Health Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to Rules Governing Facilities that Serve Emotionally Disturbed Children

NOTICE IS HEREBY GIVEN that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose amendments to *Minnesota Rules*, parts 9545.0900 to 9545.1090. Informally known as DHS Rule 5, the rule parts govern facilities licensed to serve emotionally disturbed children.

Adoption of the rule is authorized by *Minnesota Statutes*, section 245A.09, subdivision 1, which requires the commissioner to adopt rules to govern the operation, maintenance, and licensure of programs subject to licensure under chapter 245A.

Rule 5 establishes criteria for the minimum level of care that a residential treatment program for emotionally disturbed children must provide. Amendments proposed will include the changes necessary to bring Rule 5 standards and requirements into conformity or compliance with *Minnesota Statutes*, sections 245.826 (use of restrictive techniques and procedures) and 245.487 to 245.4887 (the Minnesota comprehensive children's mental health act), and chapter 245A (the human services licensing act).

The State Department of Human Services requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Joan Sykora, Mental Health Division, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3828. Oral statements will be received during regular business hours over the telephone at (612) 296-7905 and in person at the above address.

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

Dated: Monday 14 January 1990

Alice Weck
Department of Human Services Rules Division

Department of Human Services

Long Term Care Management Division

Notice of Solicitation of Outside Information or Opinions Regarding a Proposed Amendment to DHS Rule, Part 9549.0059, Subpart 2C, Governing Medical Assistance; Nursing Home Payment Rate Determination; Semiannual Assessments of Residents by Nursing Homes

NOTICE IS HEREBY GIVEN that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose an amendment to the Medical Assistance rule governing Nursing Home Payment Rate Determination, Part 9549.0059, Subpart 2C. This Rule is authorized by *Minnesota Statutes*, section 256B.41, subd. 1, which permits the agency to establish procedures for determining rates for care of residents of nursing homes that qualify as vendors for medical assistance. The procedures must be based on methods the agency finds are adequate to provide for the costs that must be incurred for the care of residents in efficiently and economically operated nursing homes.

Part 9549.0059, Subpart 2C currently requires nursing homes to submit assessment forms, residents' plans of care and the nursing home's daily census to the Department of Health on a semiannual basis. The proposed change would delete the words "the residents plans of care" in the second sentence of 9549.0059, Subpart 2C. Subpart 2C provides that a nursing home must submit any additional information requested by the Department of Health to determine a resident's classification. The proposed change would eliminate the procedure of routinely submitting resident's plans of care that are not utilized. The Rule would still allow for the resident's plans of care to be submitted at the Department of Health's request.

The State Department of Human Services requests that all interested or affected persons or groups participate. Statements of information and comment may be made orally or in writing. Written statements should be addressed to: Kathy McDonough, Department of Human Services, Rules and Bulletins Division, 444 Lafayette Road, St. Paul, Minnesota 55155-3816. Oral statements will be received during regular business hours over the telephone at (612) 297-4997 and in person at the above address. All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of

Official Notices

Intent to Adopt without a Hearing is published in the *State Register*. Any written material received by the State Department of Human Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the amendment is adopted.

Kathy McDonough
Rulemaker

Department of Jobs and Training

Office of Economic Opportunity

Notice of Public Hearing on the State Delivery Plan for FY 1991 Weatherization Assistance for Low-Income Persons Program Grant

The Department of Jobs and Training, Office of Economic Opportunity is conducting a public hearing, required by the United States Department of Energy, on the state Delivery Plan for the **FY 1991 Weatherization Assistance for Low-Income Persons Program** grant.

NOTICE IS HEREBY GIVEN that a public hearing will be held on February 13, 1991 in the 7th floor conference room of the American Center Building, 150 East Kellogg Boulevard, St. Paul, Minnesota 55101. The hearing will begin at 9:30 a.m. and continue until all interested and affected persons have an opportunity to participate. Oral and/or written testimonies may be submitted at the hearing. In addition, written testimony will be accepted by the Department until 4:30 p.m., February 15, 1991. Additional written testimony may be submitted to:

Roger Williams
Minnesota Department of Jobs and Training
Economic Opportunity Office
670 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 296-5752

Copies of the proposed plans are available upon request.

Department of Labor and Industry

Labor Standards Division

Notice of Correction to Prevailing Wage Rates

The prevailing wage rate certified June 11, 1991 for labor classifications 103—Laborer, Landscaping for Highway/Heavy construction in the following counties has been corrected, Carver and Dakota.

Copies of the corrected certifications may be obtained by contacting the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155, or calling (612) 296-6452.

Ann Clayton Commissioner
Department of Labor and Industry

Metropolitan Council

Notice of Preliminary Schedule for Amending the *Metropolitan Development and Investment Framework* (MDIF) Chapter of the *Metropolitan Development Guide*

The Metropolitan Council has established a preliminary schedule for amending the *Metropolitan Development and Investment Framework* (MDIF) to incorporate changes in the policies for the rural area:

- Metropolitan and Community Development Committee Review of Draft Amendments for Public Hearing Purposes—March 1991
- Council Review and Approval of Draft Amendments for Public Hearing Purposes—April 1991
- Public Hearings—June 1991
- Adoption of Amendments to the MDIF—July 1991

State Contracts and Advertised Bids

Interested persons will have opportunities to present comments on the proposed rural policy changes during the public hearing process scheduled for June. Please call to confirm dates and meeting schedules. Notices of public hearings will be published. If you have any questions regarding the schedule or the proposed amendments, please call Anne Hurlburt of the Council staff at 291-6501.

Minnesota Pollution Control Agency

Extension of Notice of Intent to Solicit Outside Information Regarding Proposed Rules Governing Mixed Municipal Solid Waste Incinerator Ash

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control (Agency) is seeking information or opinions from outside sources in preparing to propose the adoption of rules governing mixed municipal solid waste incinerator ash. The adoption of the rules is authorized by *Minnesota Statutes* § 115A.97 (1988), which requires the Agency to adopt rules establishing techniques to measure the noncombustible fraction of mixed municipal solid waste prior to incineration or processing into refuse-derived fuel and requirements for the testing, management, and disposal of incinerator ash. A notice regarding this matter was originally published in the *State Register* on June 9, 1988.

The Agency requests information and opinions concerning the subject matter of the rule. Interested persons or groups are encouraged to submit written or oral statements or comments to:

Carol Andrews
Minnesota Pollution Control Agency
Ground Water and Solid Waste Division
520 Lafayette Road North
St. Paul, Minnesota 55155-3898
Telephone: (612) 297-2759

Oral statements will be received during regular business hours, 8:30 a.m. to 5:00 p.m., Monday through Friday.

All statements of information and opinion will be accepted until February 27, 1991. Any written materials received by MPCA shall become part of rulemaking records in the event that the rule is adopted.

Barbara Lindsey Sims
Acting 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.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Materials Management 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.

Materials Management Division—Department of Administration:

Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid.

Commodity: Radio tower & equipment shelter
Contact: Pamela Anderson 296-1053
Bid due date at 2pm: February 7
Agency: Transportation Department
Deliver to: Various
Requisition #: 79000-12739

Commodity: Fish netting supplies
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: February 7
Agency: Natural Resources Department
Deliver to: Hutchinson
Requisition #: 29004-14737

Commodity: Doors, frames & hardware and installation
Contact: Pamela Anderson 296-1053
Bid due date at 4:30pm: January 31
Agency: Transportation Department
Deliver to: Golden Valley
Requisition #: 79000-12817

State Contracts and Advertised Bids

Commodity: Metal doors & frames
Contact: Pamela Anderson 296-1053
Bid due date at 4:30pm: January 31
Agency: Correctional facility
Deliver to: Faribault
Requisition #: 78790-01619

Commodity: Chairs
Contact: John Bauer 296-2621
Bid due date at 2pm: February 1
Agency: Administration Department—
Building Construction
Deliver to: Brainerd
Requisition #: 02310-18902

Commodity: Printronix printer
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: February 1
Agency: Human Services Department
Deliver to: St. Paul
Requisition #: 55000-13501

Commodity: Vectorscope, etc.
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: February 1
Agency: Pollution Control Agency
Deliver to: St. Paul
Requisition #: 79000-13762

Commodity: 803 86 computers
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: February 1
Agency: Health Department
Deliver to: Minneapolis
Requisition #: 12800-69874

Commodity: Furnish and install
steam coils
Contact: Mary Jo Bruski 296-3772
Bid due date at 4:30pm: February 5
Agency: Human Services Department
Regional Treatment Center
Deliver to: Fergus Falls
Requisition #: 55101-01206

Commodity: Laerdal resusci annies
and related repairs
Contact: Don Hanson 297-5619
Bid due date at 2pm: February 11
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Department of Administration: Print Communications Division

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

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: Public information
recreation maps, 48M total of 16
different maps, various sizes from
24"x24" to 24"x36", all folded to
4"x8", 4-colors soybean ink + PMS
464, 2-sided, pin-registered negs
available
Contact: Printing Buyer's Office
Bids are due: February 1
Agency: Natural Resources Department
Deliver to: St. Paul
Requisition #: 13592

Commodity: NDSL billing form, 50M
6-part continuous forms, 12"x5½"
overall, type to set, 1-sided, carbon
interleave
Contact: Printing Buyer's Office
Bids are due: January 30
Agency: Community College System
Deliver to: St. Paul
Requisition #: 13946

Commodity: Registration certificate,
30M sheets 9½"x4" with pin feed,
fanfold 2-up, negs available, 2-sided,
perf right/left
Contact: Printing Buyer's Office
Bids are due: January 30
Agency: Nursing Board
Deliver to: St. Paul
Requisition #: 14083

Commodity: Report of laboratory examination, 3M 4-part sets, 5 $\frac{5}{8}$ "x7 $\frac{3}{8}$ " overall, carbonless, type to set + negs, 1-sided, red marginals on parts 2 & 3

Contact: Printing Buyer's Office

Bids are due: January 30

Agency: Minnesota Health Department

Deliver to: Minneapolis

Requisition #: 14088

Commodity: Patient immunization history, 25M sheets 5 $\frac{3}{8}$ "x6 $\frac{1}{4}$ ", type to set + camera ready, 1-sided, die cut and perfs

Contact: Printing Buyer's Office

Bids are due: January 30

Agency: Minnesota Health Department

Deliver to: Minneapolis

Requisition #: 14086

Commodity: Health care facility license, 1,500 2-part sets, 5 $\frac{1}{2}$ "x9 $\frac{1}{2}$ " overall includes $\frac{1}{2}$ " perfs right/left, carbon interleave, negs available, 1-sided, preprinted numbering, fan fold 2-up

Contact: Printing Buyer's Office

Bids are due: January 30

Agency: Minnesota Health Department

Deliver to: Minneapolis

Requisition #: 14090

Commodity: Binding of session laws 1989-90, 8 $\frac{1}{2}$ "x13 $\frac{1}{4}$ ", one at 1 $\frac{7}{8}$ ", three at 2", one at 2 $\frac{1}{4}$ ", three at 2 $\frac{1}{2}$ ", one at 2 $\frac{3}{4}$ ", four at 3", two at 3 $\frac{1}{8}$ ", one at 3 $\frac{1}{4}$ ", one at 3 $\frac{1}{2}$ "

Contact: Printing Buyer's Office

Bids are due: January 30

Agency: Secretary of State's Office

Deliver to: St. Paul

Requisition #: 14114

Commodity: Prior authorization folder and inserts, 1M sets—folder 8"x8" with one glued 3" pocket, three colors, reverses drop shadow, tight registration, bleeds 4-sides, inserts—3 $\frac{7}{8}$ "x7 $\frac{5}{16}$ " and 7 $\frac{1}{16}$ " and 7 $\frac{7}{16}$ " and 7 $\frac{3}{16}$ ", camera ready, 2-sided

Contact: Printing Buyer's Office

Bids are due: January 31

Agency: Developmental Disabilities Council

Deliver to: Minneapolis

Requisition #: 14151

Commodity: Mailer sleeve w/MDH return address, 7M 6 $\frac{3}{8}$ "x3 $\frac{1}{2}$ " or $\frac{1}{4}$ ", camera ready, 1-sided

Contact: Printing Buyer's Office

Bids are due: January 30

Agency: Minnesota Health Department

Deliver to: Minneapolis

Requisition #: 14089

Commodity: 1991 Minnesota state parks reservation system, 75M 11"x8 $\frac{1}{2}$ " folded to 3 $\frac{1}{2}$ "x8 $\frac{1}{2}$ ", camera ready, 2-sided, 15-days ARO a must

Contact: Printing Buyer's Office

Bids are due: January 30

Agency: Natural Resources Department

Deliver to: St. Paul

Requisition #: 14122

Voices of the Loon

Its voice severs the bonds to the world of cities, traffic, crowds, lights and noise. The lyrical magic of the loon, sometimes hauntingly eerie, makes the skin tingle, and the hair on the back of the neck stand on edge, awakening a primitive response. Its solitary wail turns the shadowy wilderness into a mysterious path into eternity.

Voices of the Loon, cassette tape, includes introduction and loon call identification, chorus from a distant lake, tremolo duet, wail duet, border confrontation, wails with morning songbird chorus, tremolos while running, wails during a thunderstorm, and coyotes calling with loons. Code #19-73, \$12.00.

The Loon: Voice of the Wilderness, hardbound with color plates and illustrations, 143 pages. Code #19-54, \$17.95.

Love of Loons. A Voyageur Wilderness Book, with color photos and lore of this delightful state bird make this a beautiful gift. Stock #9-22, \$12.95 + tax.

Loon Lapel Pin. Code #15-30, \$2.49.

Loon Windsock, 56 inches long in full color. Code #15-29, \$19.95.

Loon Nature Print, full-color poster 16" x 22", Code #15-18, \$3.00.

Loon with Baby—poster, 16" x 20". Code #15-48, \$3.00.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$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, either as is, reduced, or redesigned to suit your format.

Professional, Technical & Consulting Contracts

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.

Minnesota Historical Society

Request for Proposals for Graphic Design and Production Supervision

Scope of Proposal

The Minnesota Historical Society is seeking individuals and firms with experience in graphic design and production to develop a new institutional logo/logo type and to design and supervise production of materials for a capital campaign. Work under this project will be in close cooperation with the Society's Art Director who will provide guidance and ongoing review.

The logo will convey the institutional identity and will be used in most printed materials created by the Society. The new institutional identity will be incorporated into the capital campaign materials.

Together the institutional identity and capital campaign materials will convey the solid, stable foundation on which the Society stands and the exciting, bold directions in which it is headed.

Project Tasks

A. Development of a new institutional logo.

The new logo will be incorporated into the capital campaign materials detailed below as well as Society letterhead, envelopes, business cards, forms, signs, and Society publications.

In developing the logo, the selected designer will review existing research about institutional identity conducted by the Society and will conduct additional interviews or research as necessary.

This aspect of the project will also require development of a system for use of the institutional identity symbol throughout the Society's divisions and statewide historic attractions. The goal of this system will be to create visual continuity and institutional recognition across the wide range of materials on which it will be used.

The project includes the production of finished keylines for at least four applications of the identity logo such as letterhead, envelopes, brochures, books, signs or other materials on which the logo will be used.

Finally, the project includes preparation of identity standards to be used in the production of an identity standards manual. Actual design and production of the manual is not included in this project.

B. Design and supervision of the production of materials for a capital campaign.

This aspect of the project involves design of materials to be used in a major capital campaign for the new Minnesota History Center. The materials must create a unified whole and must incorporate the new institutional logo.

Work in this part of the project will include creation and development of overall design concept, design of publications, typesetting, keylining, assisting with development of printing specifications and supervision of production. Copy for the print pieces will be provided by the Society and is not a part of this project. Costs of any photography approved by the Society will be in addition to the contract amount.

The publications which the Society anticipates will result from this part of the project are as follows:

1. A 20-page, plus cover, general booklet about the Minnesota Historical Society.
2. A 12-page, plus cover, case statement booklet regarding the capital campaign.
3. A pledge form.

Project Schedule and Budget:

All work under this project must be completed by June 1, 1991.

The Society would like to accomplish this project within a budget not to exceed \$12,000 exclusive of photography, printing and preparation of photographs for printing. It is expected that up to 2000 copies of each print piece will be produced. The anticipated print budget will be in the \$35,000 range.

Society Contacts

Prospective responders who have questions regarding the proposal may call or write: Gary W. Goldsmith, Contracting Officer, Minnesota Historical Society, 690 Cedar Street, St. Paul, Minnesota 55101, (612) 296-2155.

Professional, Technical & Consulting Contracts

Submission of Proposals

All proposals must be sent to: Gary W. Goldsmith, Contracting Officer, Minnesota Historical Society, 690 Cedar Street, St. Paul, Minnesota 55101.

All proposals must be received no later than 4:00 p.m. Central Standard Time, February 11, 1991. Late proposals will not be considered.

Submit two copies of the proposal in 8½" x 11" format, soft bound. Proposals are to be sealed in mailing envelopes or packages with responder's name, address, and the name of the project for which the proposal is being submitted clearly written on the outside. The proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposal must be valid for the length of the project.

The Society may require a personal interview as a part of its selection process.

This Request for Proposals does not obligate the Society to complete the project, and the Society reserves the right to cancel solicitation or to proceed with only a portion of the project if it is considered to be in the Society's best interests. The Society reserves the right to accept any proposal or to reject all proposals and to waive any informalities therein.

Proposal Contents

The following will be considered minimum contents of a proposal:

1. Describe the services to be performed/scope of work offered. This should include a description of the responder's approach to the project.
2. A resume outlining the responder's background, capabilities and experience which demonstrate responder's ability to satisfactorily complete this project.
3. Identify the personnel who will supervise and conduct this project and detail their training and work experience. No change in personnel will be permitted without the approval of the Society.
4. Client references.
5. Cost breakdown, work plan, and production schedule identifying major tasks to be accomplished. Responder should indicate how invoice amounts will be calculated and how the project will be billed.
6. Samples of work demonstrating responder's capabilities and talents which relate to the work being requested. At responder's request, samples will be returned after the contract is awarded.

Minnesota Historical Society

Request for Bids for Security Guard Services

1. Bids

Sealed bids for security guard services to be performed in Saint Paul, MN will be received in the office of the Contracting Officer, Minnesota Historical Society, 690 Cedar Street, St. Paul, MN 55101 until 2:00 p.m., Central Daylight Time, on February 15, 1991 at which time the bids will be publicly opened and read aloud. Bids received after 2:00 p.m., February 15, 1991 will be returned unopened.

2. Specifications

General: The guard services will consist of desk monitoring and regular foot patrol of one floor of a building in St. Paul from May 13, 1991 through September 23, 1991. Two night shifts will be required five days per week; three shifts will be required two days per week.

Detailed Specifications: Call the Society's Contracting Officer, Gary W. Goldsmith at (612) 296-2155 for detailed specifications and a copy of the bid form.

3. Conditions of Bids

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

4. Society Contacts

Questions regarding specifications or regarding bidding procedures may be directed to Gary W. Goldsmith, Contracting Officer at (612) 296-2155.

Minnesota Historical Society

Saint Anthony Falls Heritage Board

Notice of Availability of Contract for Concept Development, Design and Visitor Research for the Saint Anthony Falls Heritage Trail and Orientation Center Exhibit

The Saint Anthony Falls Heritage Board is seeking individuals and firms to establish a team with experience in the following areas:

Development of interpretive concept and design for historical resources; landscape architecture, with experience in historic trail design preferred; exhibit curatorial and design development; cost estimating; visitor research design and implementation. Excellent writing skills are required.

The services will be provided under contract and will consist generally of development of the interpretive concept and design for the St. Anthony Falls Heritage Trail; development of interpretive concept and design for an orientation center exhibit; development and implementation of a visitor research study and report; preparation of cost estimates and phasing for principal aspects of trail construction and exhibit fabrication.

The maximum budget expected to be available for the project is \$60,000. Award of the contract is contingent on approval of anticipated funding. All work included in this project must be completed not later than July 15, 1991.

A detailed description of the project is contained in the formal Request for Proposals which may be obtained by calling the Society's Contracting Officer, Gary W. Goldsmith, at (612) 296-2155.

Proposals will be accepted only from design teams able to provide all of the necessary services. Teams must demonstrate expertise in each of the aforementioned areas.

Individuals interested in this project, but lacking affiliation or the ability to establish a project team may submit a resume and a letter of interest to the Society's Contracting Officer. Persons intending to establish a design team may submit a request to the Contracting Officer for copies of these letters of interest and resumes and they will be provided without charge.

Proposals, letters of interest and resumes, or inquiries should be directed to: Minnesota Historical Society, Gary W. Goldsmith, Contracting Officer, 690 Cedar Street, Minneapolis, MN 55101.

Letters of interest will be accepted until February 4, 1991. Proposals will be accepted until 4:00 p.m. February 15, 1991.

The Board reserves the right to accept any proposal or to reject all proposals and to waive any informalities therein.

Department of Human Services

Deaf Services Division

Contract Available for Service Provision to Persons With Deaf-Blindness

The State of Minnesota, Department of Human Services, Deaf Services Division is soliciting proposals for service delivery to deaf-blind persons in the areas of: 1) provision of independent living skills and related services, 2) provision of technical assistance and training to statewide human service providers regarding service provision, 3) interagency collaboration of service provision, and 4) continuum of service provision to families and individuals.

Priority funding will be given to those agencies or organizations that demonstrate the following: 1) interagency collaboration, 2) evaluation instruments quantifying outcomes of each project, 3) incorporation of persons with deaf-blindness and/or their families in the planning and evaluation of service delivery, 4) timelines for all projects as specified in the proposal, 5) measurement of client/member's progress, 6) utilization of community resources, 7) training components for staff and community members, and 8) willingness to participate to overall evaluation.

Contract activities also include monitoring of service delivery, provision of reports utilizing a specified format participation in quarterly evaluations of the services provided with all vendors, and regular meetings to review pertinent financial reports.

The Department of Human Services anticipates contracting for this activity in the amount of \$200,000.00* for fiscal year 1992 (July 1, 1991 through June 30, 1992).

For a copy of the full text of the Request for Proposal, contact:

Amy McQuaid, Program Planner

*Pending approval of the 1991 Minnesota State Legislature

Department of Human Services
Deaf Services Division
444 Lafayette Road
St. Paul, Minnesota 55155-3814
612/296-8978 VOICE
612/297-1506 TDD

Responses must be received no later than 4:00 p.m. on Friday, April 5, 1991. Late proposals will not be accepted. Final award date for the contract(s) will be May 24, 1990.

Minnesota Department of Public Safety

Emergency Response Commission

Request for Proposals for Contract Services for Preparation of Educational Materials

The Minnesota Department of Public Safety—Emergency Response Commission is requesting proposals from qualified individuals and organizations interested in contracting with the Commission for the development and preparation of educational materials design to inform the general public about Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA). The Commission has received funding for this project under contract with the U.S. Environmental Protection Agency.

Scope of Project

Individual work products include:

- 1) The development of a complete speakers kit for use by local emergency planning committees which will provide the tools necessary for presentations to local public interest groups. The completed kit will include, but is not limited to, slide and/or video tape programs, overhead transparencies, Title III background information, and facilitator's guide. (Existing materials may be utilized).
- 2) The development of generic public service announcements which can be customized for use by local radio and television stations, and the print media.
- 3) Preparation of a portable display for use at conferences, workshops, seminars, county/state fairs and other similar functions.

Each work product must be designed in such a manner so as to make it adaptable for use by the state emergency response commission of any state, and/or local emergency planning committees in any state.

All work products must be completed not later than October 1, 1991.

Proposal Content

Proposals must include a description of the responders background and experience related to the scope of the project, 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 for each individual work project.

Project Costs

The total cost of this project shall not exceed \$45,000.

Detailed information may be obtained by contacting the Commission. Proposals must be received in the Office of the Emergency Response Commission not later than 4:30 p.m., Friday, March 1, 1991.

Direct proposals and inquiries to:

Bob Dahm
Senior Planner
Minnesota Emergency Response Commission
450 North Syndicate Street, Suite 290
St. Paul, MN 55104
(612) 643-3004

Professional, Technical & Consulting Contracts

Office of the State Treasurer

Request for Proposal for Electronic Remittance of Various Federal Tax Payments

The State Treasurer is seeking to establish a banking relationship for the electronic remittance of federal income tax withholding payments, FICA Tax payments, Medicare Tax payments and the submission on behalf of the State Treasurer and the Department of Finance of all associated tax returns. Working with the Minnesota Department of Finance, the State Treasurer is seeking bids from qualified companies to provide this remittance service.

The State Treasurer is responsible for depositing these federal tax payments for several different state payrolls. These payrolls include the state's central payroll, several different legislative payrolls, a Community College payroll, six State University payrolls, and a military affairs payroll.

A complete copy of the Request for Proposal may be obtained by contacting:

Jerry Engebretson
Office of the State Treasurer
303 Administration Building
St. Paul, Minnesota 55155
(612) 296-7091

Written responses must be received at the above address before 3:00 p.m. on February 19, 1991.

Announcements

Environmental Quality Board (EQB): Comments are due February 20 on the EAWs (environmental assessment worksheets) on the following projects at their listed regional governing units: **Victoria Hills Demolition Debris Disposal Facility/Golf Course**, Oak Grove Township (612) 735-1920; **Schmidt Lake Road/Northwest Boulevard**, City of Plymouth, Fred G. Moore, P.E., 3400 Plymouth Blvd., Plymouth, MN 55447; **Pines at Grand View**, City of Nisswa (218) 963-4444. • An alternative review environmental assessment will be made for **T.H.1-Clearwater County Bridge Replacement**, Craig A. Collision, Minnesota Dept. of Transportation, (218) 755-3813. • An EIS (environmental impact statement) will be prepared for the **Mankato South Route** according to a decision by the Blue Earth County Board (507) 625-3281. • A petition for environmental review has been filed for the **Endeco Incinerator-Watkins**, Minnesota Pollution Control Agency, Debra McGovern, 520 Lafayette Road, St. Paul, MN 55155 (612) 296-7799.

License Examinations: Examinations for state journeyman and master plumber's licenses, and water conditioning installer and contractor licenses, will be conducted in March at four locations: Albert Lea Technical College, Detroit Lakes Technical College, Duluth Technical College and North Hennepin Community College, Brooklyn Park. Applications may be obtained by calling (612) 627-5115 or by writing to the Plumbing Unit, Minnesota Department of Health, 925 Delaware Street S.E., Box 59040, Minneapolis 55440. Applications must be returned by February 15 to be eligible for the March examinations. The next scheduled examinations will be given in September of 1991.

Business and Entrepreneurs' Services: The Minnesota State University System's SURE Access program will soon be expanded to include community college and technical college faculty. They will be joining more than 800 state university faculty experts who already serve as resources to Minnesota businesses and entrepreneurs. Minnesota SURE Access is an economic development initiative launched by the Minnesota State University System in the fall of 1988. By calling a toll-free number (1-800-852-7422), callers reach trained staff who match the users' needs with the expertise that is available, whether it is faculty members, equipment, laboratories, or specialized centers. The initial search is free. From that point, the user can pursue a contract or other working arrangements with the identified resources. Expansion of the electronic catalog is made possible by a \$148,000 grant from the Greater Minnesota Corporation. Funding was also provided to cover the costs of data collection, to purchase the hardware and software needed to bring the technical and community colleges onto the system, and to train faculty as consultants. Since its inception, Minnesota SURE Access has handled over 850 requests for assistance, half of which resulted in referrals to clients. Visits will be made to the Minnesota community and technical colleges over the next several months to promote the SURE Access program and solicit faculty participation. The 18 community colleges employ 2,300 faculty members, and 3,000 faculty are employed at the 30 technical colleges. The expansion design is to be completed by March 1991 and the expanded system should be fully operational by June 1991.

Campground Volunteer Hosts Sought: Campground volunteer hosts are being sought by the Minnesota Department of Natural Resources (DNR) to work at selected state parks this summer. Hosts work five days a week for one month between Memorial Day and Labor Day. They provide information on their park to other campers, answer campers' questions, and perform minor campground maintenance such as picking up litter. Hosts must purchase state park vehicle permits, but hosts are provided with free campsites. Some campgrounds have electricity, flush toilets, picnic tables, fire grates and drinking water. Ideal hosts are mature, experienced campers who love the outdoors, have a genuine interest in protecting natural resources, and are willing to assist other campers. For a free campground host information kit, write: Campground Host Program, DNR Parks and Recreation, 500 Lafayette Road, St. Paul, MN 55155-4039, or call Rosa Mendoza at (612) 296-9230.

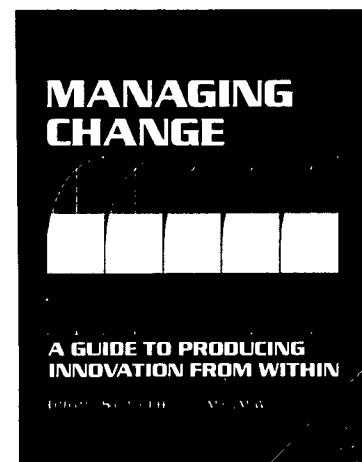
DNR Solicits Waterfowl Rest Area Sites: Minnesota waterfowl hunters have a unique opportunity to help provide resting areas for migrating waterfowl, according to the Department of Natural Resources (DNR). A law passed in 1988 allows hunters to submit petitions to the DNR to request designation of specific lakes as Migratory Waterfowl Feeding and Resting Areas. Under such a designation, motorized watercraft, except those with electric motors with less than 30 pounds thrust, are not allowed during the waterfowl season. Minnesota currently has 28 lakes designated as feeding and resting areas. To begin the designation and input process, the DNR is asking waterfowl hunters who want to limit the use of motorized watercraft on new lakes or parts of lakes during waterfowl seasons to submit a petition before Feb. 8. The petition must be signed by 10 licensed resident hunters and must include their complete address, daytime telephone numbers, and 1990 small game license number. The name of the lake, county and township must be included. If only part of the lake is proposed, the petition must include a map clearly showing that area. Petitioners should also state whether they want the area to be closed to all motorized watercraft or whether electric motors with less than 30 pounds of thrust should be allowed. Proposed lakes and wetlands must have adequate, free public access. Most State Wildlife Management Areas and Federal Waterfowl Production Areas are already closed to all motorized watercraft, so petitions for these areas are unnecessary. Petitions for those lakes previously designated are also not necessary. These lakes are listed in the Minnesota 1990 Waterfowl Hunting regulations. Petitions should be sent to: DNR Section of Wildlife, 500 Lafayette Road, St. Paul, MN 55155-4007. In late February, the DNR will publish a list of proposed areas, along with other recommendations for the 1991 hunting and trapping seasons. The public will be able to comment on the proposed lakes at our annual public input meetings for hunting and trapping seasons that are held each March. The dates, times and locations of these input meetings will be announced in late January.

Manage Change and Information Plans

Managing Change. A guide to managing change from *within* an organization, it combines common sense with solid theory about organizational behavior and change. Based on the premise: for an enterprise to succeed, employees must be involved as active partners. Operating in an environment of change, government adapts to newly elected officials, new political appointees, new economic conditions, new laws and rules, new managers and employees, and new mandates and priorities. Through the STEP plan, government capitalizes on that change by emphasizing closeness to the customer, employee participation, managerial discretion, partnerships, productivity improvement and work measurement. Contains a project directory and glossary. Paper-bound, 181 pages. Stock #19-64, \$16.50.

Charting Your Course. Strategic information planning for the 90s, shows how to chart and navigate the changing currents of the Information Age. Bibliography, 54 pages. Stock #10-14, \$5.50.

TO ORDER: Send to Minnesota's Bookstore, 117 University Ave., 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 for postage. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. FAX: (612) 296-2265. *Prices subject to change.*



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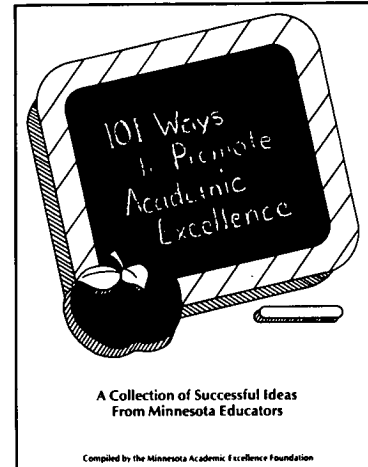
101 Ways to Promote Academic Excellence

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

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This popular comprehensive directory contains Minnesota school districts, superintendents, principals, addresses, phone numbers and enrollment. 170 pages, paperbound. Code #1-93, \$8.95.

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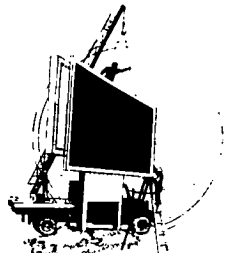
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Minnesota Manufacturer's Directory 1989-90



UPDATED: Name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2, \$78.50.

NEW: In the directory this year are two titles (where applicable) Chief Engineer and Data Processing Manager.



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Community Waste Education Manual. Practical guide helps communities develop waste education campaigns with organizing volunteers, planning a budget, working with media and more. Includes camera-ready art and copy for media and publication needs. Stock #5-7, \$22.95 + \$1.38 tax.

School District Profile 1988-89. Comparative enrollment, staffing and financial data on Minnesota's school districts, evaluation of the statistical content with commentary on trends and patterns. Stock #5-3, \$5.00 + 30¢ tax.

The School Book 1990-91. Comprehensive guide to elementary schools in the Twin Cities: school addresses/phone, staffing information, and MTC bus connections at schools. Lists class size, student/teacher ratio, grading and curriculum. 554 pages. Stock #40-9, \$12.95 + 78¢ tax.

Chemical Dependency Programs Directory 1989. Features comprehensive listings for programs ranging from Prevention/Intervention Services to a wide range of Treatment Services. Each type of program includes an alphabetical listing of facilities and brief narrative description of programming provided. Stock No. 1-12, \$15.00 plus tax.

Process Parenting—Breaking the Addictive Cycle. A training manual that provides parent education and treatment techniques for professionals who work with recovering chemically dependent parents or dysfunctional families. Stock No. 5-4, \$15.00 plus tax.

It's Never Okay: A Handbook for Professionals on Sexual Exploitation by Counselors and Therapists. Therapeutic and prevention issues and employer responsibilities are discussed in this task force report, as well as recommended curriculum for training institutions for counselors and therapists. Stock No. 14-16, \$19.95

OTHER PUBLICATIONS

Our Minnesota. More than 100 full-color photos by Les and Craig Blacklock portray Minnesota in her seasonal beauty, with text from the personal journal of Fran Blacklock's thirty years of traveling the state. Stock #9-23. \$13.95 plus tax.

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

Landscaping for Wildlife. Attract songbirds, deer, butterflies, hummingbirds, pheasants, and other wildlife to your property by using the tips in this 144-page, 4-color book. Stock #9-15, \$8.95 plus tax. See "Special Set Offer" below.

Minnesota Manufacturer's Directory, 1991. More than 7,000 entries listing name, address, phone, staff size, sales volume, market area, year of establishment, type of firm, CEO, sales or marketing and purchase managers, and four manufactured products. Stock #40-2. \$85.00.

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