

4

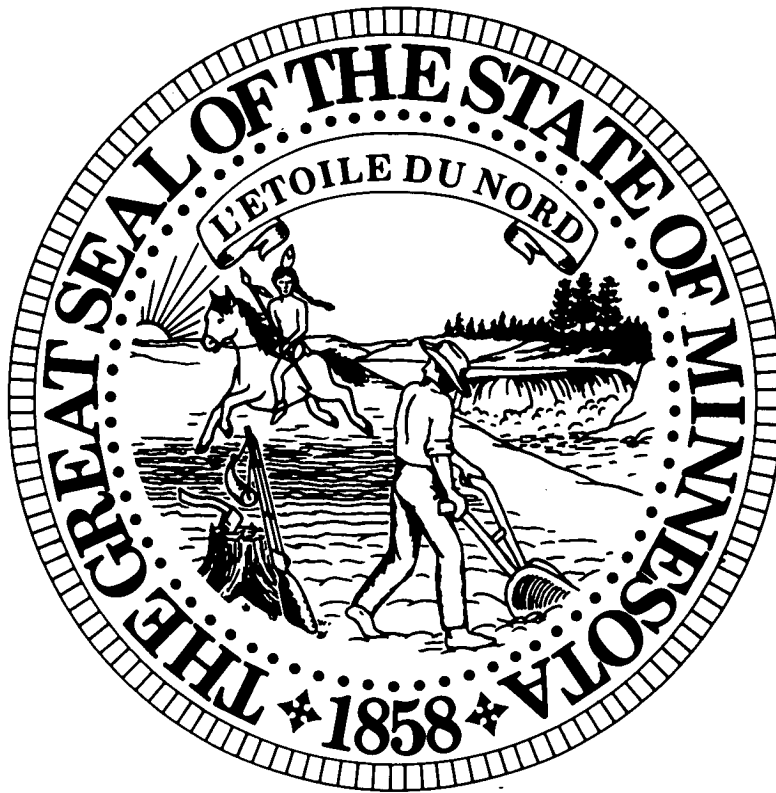
# The Minnesota State Register

Department of Administration—Print Communications Division

RECEIVED

SEP 20 1993

LEGISLATIVE REFERENCE LIBRARY  
STATE OFFICE BUILDING  
ST. PAUL, MN 55155



Rules edition  
Published every Monday  
(Tuesday if Monday is a holiday)

**Monday 20 September 1993**

**Volume 18, Number 12**

**Pages 869-904**

# 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 and revenue notices, professional, technical and consulting contracts, non-state bids and public contracts, and grants.

A *Contracts Supplement* is published Tuesday, Wednesday and Friday and contains bids and proposals, including printing bids.

### Printing Schedule and Submission Deadlines

Vol. 18 Issue Number	PUBLISH DATE	Submission deadline for Adopted and Proposed Rules	*Submission deadline for: Emergency Rules, Executive Orders, Commissioner's Orders, Revenue Notices, Official Notices, State Grants, Professional, Technical and Consulting Contracts, Non-State Bids and Public Contracts
12	Monday 20 September	Friday 3 September	Monday 13 September
13	Monday 27 September	Monday 13 September	Monday 20 September
14	Monday 4 October	Monday 20 September	Monday 27 September
15	Monday 11 October	Monday 27 September	Monday 4 October

The *State Register* is published by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, MN 55155, pursuant to *Minnesota Statutes* § 14.46.

#### *State Register* SUBMISSIONS:

Deadline extensions may be possible at the editor's discretion. Requests for deadline extensions should only be made in valid emergency situations. Please call 297-7963 and leave your fax number—you will be faxed a one-page information sheet regarding submissions and a submission calendar.

#### *State Register* and *Contracts Supplement* SUBSCRIPTIONS:

- A one year subscription to the *State Register* (published every Monday, except holidays) \$150.00
  - A one year subscription to the *Contracts Supplement* (published every Tuesday, Wednesday, Friday):  
\$125.00 via first class mail  
\$140.00 via fax or through our On-Line Service via your computer modem  
For a free sample demo of the On-Line Service call via your modem: 612/821-4096  
Item S: *State Register* Modem parameters 8-N-1 1200/2400
  - A 13-week trial subscription which includes both the *State Register* and *Contracts Supplement*. \$60.00
  - Single issues are available for a limited time: *State Register* \$3.50, *Contracts Supplement* .50
- Order by phone: Metro area: 297-3000 Toll free 800-657-3706  
Telecommunication Device for the Deaf Metro area: 282-5077 Toll free 800-657-3706

For additional information call 612/297-7963.

No refunds. By purchasing the On-Line access you are agreeing to not redistribute without authorization.

Both editions are delivered postpaid to points in the United States, second class postage paid for the *State Register* at St. Paul, MN, first class for the *Contracts Supplement*. 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.

**Arne H. Carlson, Governor**  
**Debra Rae Anderson, Commissioner**  
**Department of Administration**

**Kathi Lynch, Director**  
**Print Communications Division**  
**Debbie George, Circulation Manager**

**Jane E. Schmidley, Acting Editor**  
**612/297-7963**

## 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 1-12 inclusive . . . . . 872

## **Proposed Rules**

### **Commerce Department**

Residential building contractors; prohibited practices;  
continuing education . . . . . 875

### **Jobs and Training Department**

Unemployment compensation; reports; rates . . . . . 881

### **Revenue Department**

Appeals, legal services, and criminal investigation  
division . . . . . 883

## **Adopted Rules**

### **Minnesota Racing Commission**

Horse racing . . . . . 886

### **Trade and Economic Development**

Wastewater infrastructure funding program . . . . . 887

## **Rule Errata**

### **Revenue Department**

Computer software . . . . . 887

## **Revenue Notices**

### **Revenue Department**

Revenue Notice #93-17: Sales and use tax—  
computer software maintenance agreements . . . . . 888

## **Official Notices**

### **Agriculture Department**

Minnesota Rural Finance Authority notice of public  
hearings on revenue bonds . . . . . 888

### **Higher Education Board**

Higher Education Board Task Force Drafting  
Committee meeting notice . . . . . 891

### **Labor and Industry Department**

Prevailing wage certifications . . . . . 892

### **Mediation Services Bureau**

Opinions sought regarding proposed rule governing  
uniform baseline determination and collective  
bargaining agreement settlement document . . . . . 892

### **Minnesota Comprehensive Health Association**

Actuarial committee meeting . . . . . 893

### **Natural Resources Department**

Opinions sought regarding rules governing game and  
fish permits . . . . . 893

### **Public Service Department**

Notice of hearing regarding proposed rule governing  
weights and measures inspection fees . . . . . 893

### **Revenue Department**

Notice of presumed legal cigarette prices . . . . . 894  
Capital equipment advisory council meeting . . . . . 895

### **Trade and Economic Development**

Opinions sought regarding one-stop shopping for  
regulatory affairs . . . . . 895

## **State Grants**

### **Human Services**

Proposals sought for chemical awareness education  
services . . . . . 896

## **Professional, Technical and Consulting Contracts**

### **Human Services Department**

Proposals sought for independent actuary to review  
prepaid health plan rates . . . . . 896  
Proposals sought for management of MR/RC  
waivered services information systems . . . . . 897

### **Minnesota Comprehensive Health Association**

Proposals sought for legal services . . . . . 898

### **Public Safety Department**

Proposals sought for pre-employment medical  
evaluations of State Patrol trooper candidates . . . . . 898

### **Trade and Economic Department**

Proposals sought for concentrated residential area  
action plan . . . . . 898

## **Non-State Bids and Public Contracts**

### **Minnesota Historical Society**

Proposals sought for printing and delivery of  
stationery—University of Minnesota . . . . . 900

### **University of Minnesota**

Designer/engineer consulting services sought  
(2nd notice) . . . . . 900

## **Awards of State Contracts & Advertised Bids**

Commodities and requisitions are advertised in the  
*State Register Contracts Supplement* published  
every Tuesday, Wednesday and Friday. For  
subscription information call 612/297-7963.  
Commodity award results are available through the  
**Materials Management Helpline** 612/296-6963.

# 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 1-800-657-3757.

Issues 1-12 inclusive

### Accountancy Board

1100.0900; .1300; .1400; .1500; .2110; .3000; .3100;  
.3200; .3600 (proposed) ..... 77

### Administration Department

1315.0200 (adopted) ..... 467

### Agriculture Department

1509.0010; .0015; .0020; .0025; .0030; .0035; .0040 (adopted) 390  
1550.3050 (proposed) ..... 430  
1550.3200; .3210; .3220; .3230; .3240; .3250; .3260;  
.3270; .3280; .3290; .3300; .3310; .3320 (adopted) ..... 31  
1556.0100; .0134; .0140; .0145; .0160; .0170 (adopted) ..... 580  
1650.0020; .0030; .0040; .0050; .0060 (adopted) ..... 783  
1650.0600; .0610; .0620; .0630; .0660 (adopted) ..... 779  
1653.0010; .0020; .0030; .0040; .0050; .0060; .0070;  
.0080; .0090; .0100; .0110 (adopted) ..... 502  
1654.0010; .0020; .0030; .0040; .0050; .0060; .0070 (adopted) 774

### Animal Health Board

1705.2400; .2430; .2434; .2440; .2450; .2460; .2470;  
.2472; .2474; .2476; .2480; .2490; .2510 (proposed) ..... 330  
Proposed Renumbering ..... 336

#### COLUMN A

#### COLUMN B

1705.2400, subpart 3b	1705.2400, subpart 3c
1705.2400, subpart 5b	1705.2400, subpart 7a
1705.2400, subpart 8a	1705.2400, subpart 1c
1705.2400, subpart 13	1705.2400, subpart 6a
1705.2400, subpart 14	1705.2400, subpart 5d
1705.2400, subpart 15	1705.2400, subpart 3b
1705.2470, subpart 1	1705.2470, subpart 1d
1705.2472, subpart 2, item A	1705.2470, subpart 1
1705.2472, subpart 2, item C	1705.2470, subpart 1a
1705.2472, subpart 2, item D	1705.2470, subpart 1b
1705.2472, subpart 2, item E	1705.2470, subpart 1c
1705.2472, subpart 2, item F	1705.2460, subpart 8a
1705.2470, s.2; .2474, s.4; .2476, s.3 (proposed repealer) ..... 336	

### Assessors Board

1950.1000; .1050; .1060; .1070; .1080; .1090 (proposed) ..... 767  
1950.1060, s.3,4,5 (proposed repealer) ..... 771

### Chiropractic Board

2500.1000; .1100; .1200 (proposed) ..... 815

### Commerce Department

2675.6100; .6120; .6141; .6142; .6143; .6250 (proposed) ..... 80  
2675.6120, s.5; .6141, s.2,3,4,5,6; .6142, s.2; .6143,  
s.5; .6200; .6260; .6301 (proposed repealer) ..... 82  
2780.0400 (proposed) ..... 606  
2780.0400 (proposed repealer) ..... 607  
2783.0060 (adopted) ..... 273  
2820.2750; .2752; .2754; .4005; .4025; .4050; .4052;  
.4054; .4060; .4061; .4062; .4063; .4064; .4065; .4066;  
.4067; .4068; .4701; .4730; .4732; .4734; .4740; .4910;  
.5010; .8001; .9200; .9250 (proposed) ..... 538  
2820.4700; .4900; .5000; .8000 (proposed repealer) ..... 571  
2875.1051 (proposed) ..... 498  
2675.6100; .6120; .6141; .6142; .6143; .6250 (proposed) ..... 651  
2675.6120, s.5; .6141, s.2,3,4,5,6; .6142, s.2; .6143, s.5;  
.2675; .6301 (proposed repealer) ..... 654  
2890.0010; .0030; .0060; .0065; .0080; .0090; .0100;  
.0110 (proposed) ..... 647  
2890.0060, s.2a,2b,4; .0065, s.2 (proposed repealer) ..... 721  
2891.0010; .0020; .0030; .0040; .0050; .0060; .0070;  
.0080; .0090; .0100; .0110; .0120; .0130; .0140; .0150;  
.0160; .0170; .0180; .0190; .0200; .0210; .0220; .0230;  
.0240; .0250; .0260; .0270; .0280 (proposed) ..... 875

### Dentistry Board

3100.0100; .4100 (adopted) ..... 580  
3100.2000 (proposed) ..... 751

### Jobs & Training Department

3301.0180; .0190; .0200; .0210; .0220; .0230 (adopted) ..... 508  
3315.1020; .1315 (proposed) ..... 464  
3315.1020; .1315 (proposed) ..... 881

### Health Department

4625.5000 (adopted) ..... 827  
4655.1070; .1072; .1074; .1076; .1078; .1080; .1082;  
.1084; .1086; .1088; .1090; .1092; .1094; .1096; .1098  
(adopted) ..... 35  
4700.0100; .0200; .0300; .0400; .0500; .0600; .0700;

.0800; .0900; .1000; .1100; .1200; .1300; .1400; .1500; .1600; .1700; .1800 (proposed repealer) .....	16	.2000; .2100; .2300; .2400; .2500; .2600; 6242.0100; .0200; .0300; .0400; .0900; 6250.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; .1200; 6252.0100; .0200; .0300; .0350; .0400; .0500; 6254.0300; .0700; .0800; 6256.0500; 6258.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; 6260.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; .1200; .1300; .1400; .1500; .1600; .1700; .1800; .1900; .2000; .2100; .2200; .2300; .2400; 6262.0100; .0200; .0300; .0400; .0500; 6264.0100; .0200; .0300; 6266.0100; .0200; .0300; .0400; .0500; .0600; .0700; 6280.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; 6282.0100; .0200; .0300; .0400; .0500; 6284.0100; .0200; .0300; .0400; .0500; .0600; .0700 (adopted) .....	83
4736.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0080; .0090; .0100; .0110; .0120; .0130 (proposed) .....	5	6212.0800; .0900; .1100; .1300 (proposed) .....	607
4760.0010; .0015, s.1,2,3,4,5,7; .0030; .0040; .0045; .0050; .0500; .0510, s.1,2,3,4,5,6,7,8; .0520; .0530, s.1; .0540; .4761.0200, s.9 (repealed) .....	829	6268.0010; .0020; .0030; .0040 (adopted) .....	468
4760.0015, s.8 as 4761.0200, s.13b; 4760.0015, s.9 as 4761.0200, s.8a; 4760.0510, s.9 as 4761.0200, s.15c; 4760.0530, s.2 as 4761.0780, s.2; 4760.0530, s.3 as 4761.0780, s.3 (renumbered) .....	829	<b>Nursing Board</b>	
4761.0100; .0200; .0300; .0400; .0600; .0710; .0740 (adopted) .....	827	6305.0500; 6310.2600; .2700; .2800; .3000; .3100; .3200; .3550 (adopted) .....	468
<b>Higher Education Coordinating Board</b>		6310.2800, s.6; .3100, s.9,10,11,12; 6320.0100; .0200; .0300; .1000; .1100; .1200; .1300; .1400 (repealed) .....	468
4810.3000; .3010; .3020; .3030; .3040; .3050 (proposed) .....	753	<b>Optometry Board</b>	
4812.0100; .0110; .0130; .0140; .0150; 4830.0300; .0400; .6510; .6610; .9005; .9015; .9020; .9025; .9030 (proposed) .....	17	6500.1800; .2300; .2400 (adopted) .....	468
4830.0400, s.6; .0500; .1550; .1551; .1552; .1553; .1554; .1555; .1556; .1560; .1561; .1562; .1563; .1564; .1565 (proposed repealer) .....	21	6500.1900; .3000 (proposed) .....	575
4830.2200; .2300; .2400 (proposed) .....	16	<b>Peace Officer Standards and Training Board</b>	
4850.0011; .0012; .0014; .0017 (proposed) .....	22	6700.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0701; .0800; .0900; .1000; .1101; .1105; .1110; .1115; .1120; .1125; .1130; .1300; .1400; .1600; .1800 (proposed) ..	755
<b>Minnesota Housing Finance Agency</b>		6700.0100, s.13,21; .0700, s.3; .1300, s.5,6,7 (proposed repealer) .....	767
4900.0010 (adopted) .....	720	<b>Pollution Control Agency</b>	
4900.0760 (adopted) .....	720	7001.0150; .0590; .0600; .0620; 7045.0020; .0125; .0135; .0139; .0214; .0452; .0461; .0478; .0532; .0534; .0538; .0556; .0584; .0630; .0632; .0638; .1305; .1335; .1355; .1360 (proposed) .....	360
4900.3430; .3431; .3432; 3433; .3434 (adopted) .....	390	7001.0623; 7045.0020; .0292; .0528; .0628; .0644 (proposed) .....	610
<b>Labor and Industry Department</b>		7005.0100; 7007.3000; 7011.0050; .0555; .0560; .0565; .0570; .0830; .0925; .0950; 7011.1005; .1150; .1350; .1435; .1520; .1550; .1635; .1730; .1820; .1840; .1880; .1920; .2020; .2050; .2080; .2350; .2400; .2450; .2500; .2550; .2555; .2560; .2565; .2570; .2575; .2580; .2600; .2650; .2700; .2750; .2800; .2850; .2900; .2950; .3000; .3050; .3100; .3150; .3200; .3250; .3300; .3350; .3400; .3450; .9900; .9910; .9920; .9930; .9940; .9950; .9960; .9970; .9980; .9990; .1010; .0100 (adopted) .....	580
5205.0010 (proposed) .....	572	7011.0810; .0910; .1610; .1710; .1800; .1805; .1810; .1815; .9924; .9941; .9942; .9943; .9944; .9945; .9951; .9952; .9953; .9954; .9955 (repealed) .....	580
5225.0100; .0300; .0500; .0550; .0900; .6000; .6050; .6100; .6140; .6145; .6150; .6160; .6170; .6350; .6500; .6700; .6940; .6975; .6980; .7200; .8600 (adopted) .....	614	7023.1010; .1015; .1020; .1025; .1030; .1035; .1040; .1055; .1060; .1065; .1070; .1075; .1080; .1085; .1090; .1100; .1105 (proposed) .....	816
5225.0550, s.7; .6100, s.1; .6300; .6400; .6600; .6800; .7000; .7100 (repealed) .....	614	7023.1010, s.23,24; .1055, s.6; .1095 (repealer) .....	826
5230.0100 (adopted) .....	31	7045.0638, s.1a (proposed repealer) .....	386
<b>Medical Practice Board</b>		7050.0110; .0130; .0170; .0180; .0185; .0186; .0200; .0210; .0211; .0212; .0213; .0214; .0215; .0216; .0217; .0218; .0220; .0221; .0222; .0223; .0224; .0225; .0226; .0227; .0410; .0420; .0425; .0430; .0460; .0466; .0470 (proposed) .....	146
5605.0100 (adopted) .....	830	7050.0465 (proposed repealer) .....	250
<b>Natural Resources Department</b>			
6100.0100; .0400; .0500; .1905; .1930; .2400 (proposed) .....	353		
6102.0010; .0020; .0030; .0040; .0050; .0060 (proposed) .....	356		
6200.0100; .0200; 6210.0100; .0200; .0300; .0400; .0500; 6212.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; .1200; .1300; .1400; .1500; .1600; .1700; .1800; .1900; .2000; .2100; .2200; .2300; .2400; .2500; .2600; .2700; .2800; 6214.0100; 6218.0100; .0200; 6230.0100; .0200; .0300; .1200; .1300; 6232.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .1200; .1300; .1400; .1500; .1600; .1700; .1800; .2000; .2100; .2200; .2400; .2500; .2600; .2700; .2800; .2900; .3000; .3100; .3200; .3300; .3400; .3500; .3600; .3700; .3800; .3900; .4000; .4100; .4200; .4300; .4400; .4500; .4600; .4700; 6234.0100; .0200; .0300; .0400; .0600; .0700; .0800; .0900; .1000; .1100; .1200; .1300; .1400; .1500; .1600; .1700; .1800; .1900; .2000; .2100; .2200; .2300; .2400; .2500; .2600; .2700; .3500; 6236.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1100; .1300; 6238.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; 6240.0100; .0200; .0300; .0400; .0500; .0700; .0800; .0900; .1000; .1200; .1500; .1600; .1700; .1800; .1900;			

# Minnesota Rules: Amendments & Additions

## Trade and Economic Development Department

7380.0320; .0350 (adopted)	887
7380.0400; .0410; .0420; .0430; .0440; .0480 (adopted)	614
7380.0410, s.16 renumbered as s.12a (adopted)	614

## Public Safety Department

7504.0100; .0200; .0300; .0400; .0500; .0600 (proposed)	24
7510.3100; .3110; .3120; .3130; .3140; .3150; .3160; .3170; .3180; .3190; .3200; .3210; .3220; .3230; .3240; .3250; .3260; .3270; .3280 (repealed)	580
7510.3290; .3300; .3310; .3320; .3330; .3340; .3350; .3360; .3370; .3380; .3390; .3400; .3410; .3420; .3430; .3440; .3450; .3460; .3470; .3480 (adopted)	580
7512.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; .1200; .1300; .1400; .1500; .1600; .1700; .1800; .1900; .2000; .2100; .2200; .2300; .2400; .2500; .2600; .2700; .2800 (proposed)	654

## Public Service Department

7602.0100 (proposed)	29
7605.0100; .0110; .0120; .0130; .0140; .0150; .0160; 7670.0125; .0480; .0500; .0510; .0530; .0550; .0850; .1000 (repealed)	714
7670.0100; .0130; .0260; .0325; .0400; .0450; .0460; .0470; .0480; .0490; .0495; .0610; .0660; .0710; .0800; .1115 (proposed)	672
7685.0100; .0120; .0130; .0140 (proposed)	670

## Minnesota State Lottery

7856.2020; 7857.6000; 7858.0100; .0200 (proposed)	271
---	-----

## Gambling Control Board

7861.0020; .0030; .0040 (proposed)	500
------------------------------------	-----

## Minnesota Racing Commission

7871.0010; .0020; .0090; .0120; .0200 (adopted)	886
---	-----

## Minnesota State Retirement System

7900.0200; .0400 (proposed)	577
7900.1600 (proposed)	578

## Revenue Department

8130.0200 (proposed)	386
8130.0200, s.2 (proposed repealer)	387
8130.0700 (proposed)	883
8130.1100 (adopted)	77
8130.5550 (proposed)	388
8130.6000 (proposed)	465
8130.6200 (adopted)	391
8130.9700 (adopted)	784
8130.9700, s.6 (repealed)	784
8130.9910 (adopted)	784

## Secretary of State

8270.0010; .0050; .0100; .0105; .0110; .0015; .0200; .0205; .0210; .0215; .0220; .0225; .0230; .0235; .0240; .0245; .0255; .0260; .0265; .0275 (proposed)	714
---	-----

## Water and Soil Resources Board

8420.0100; .0105; .0110; .0115; .0120; .0200; .0210; .0220; .0230; .0235; .0240; .0245; .0250; .0260; .0270;	
--	--

.0280; .0290; .0300; .0350; .0400; .0500; .0505; .0510; .0520; .0530; .0540; .0550; .0600; .0610; .0620; .0630; .0700; .0710; .0720; .0730; .0740; .0750; .0760; .1010; .1020; .1030; .1040; .1050; .1060 (adopted)	274
---	-----

## Social Work Board

8740.0185; .0205; .0220; .0290 (proposed)	772
---	-----

## Transportation Department

8820.0100; .2500; .4000; .4010; .4020; .4030; .4040; .4050; .4060; .4070; .4080; .4090; .9980; .9985; .9990 (adopted)	32
---	----

## Veterans Affairs

9055.0015; .0030; .0060; .0080; .0085; .0090; .0095; .0105 (adopted)	273
--	-----

## Office of Waste Management

9210.0700; .0710; .0720; .0740; .0750; .0760; .0770 (adopted)	394
9210.0710, s.8 (repealed)	394

## Human Services Department

9503.0055; .0065; .0323; .2395; .2400; .2425; .3015; .9510.1020; .1050; .1070; 9525.0004; .0008; .0012; .0016; .0024; .0028; .0032; .0036; .0225; .0235; .0265; .0295; .0305; .0325; .0335; .0345; .0900; .1210; .1220; .1230; .1240; .1500; .1520; .1550; .1560; .1570; .1600; .1620; .1630; .1640; .1650; .1670; .1680; .1690; .1800; .1820; .1830; .1900; .2010; .2040; .2050; .2080; .2090; .2100; .2710; .3015; .3065; 9550.0040; .6210; 9553.0050; 9555.5105; .5605; .6125; .6167; 9560.0652 (proposed)	431
9506.0323 (adopted)	390
9525.0015; .0025; .0035; .0045; .0055; .0065; .0075; .0085; .0095; .0105; .0115; .0125; .0135; .0145; .0155; .0165; .0180; .0185; .0190; .0225, s.15; .0900, s.20; .2010, s.20; .2710, s.16; .3015, s.9 (proposed repealer)	463
9525.0900; .0910; .0925; .0930; .0935; .0940; .0950; .0965; .0970; .0980; .0995; .0996; .1000; .1020 (adopted)	506
9525.0900, s.5,11,18,20; .0930, s.2,3,4,5,6,7; .0940, s.2,3; .0950, s.4; .0960; .0970, s.2,3; .0990 (repealed)	506
9535.4000; .4010; .4020; .4023; .4025; .4028; .4030; .4035; .4038; .4041; .4044; .4047; .4050; .4052; .4053; .4056; .4059; .4062; .4065; .4068; .4069; .4070 (proposed)	336
9545.0755; .0765; .0775; .0795; .0805; .0815; .0825; .0835; .0845 (proposed)	347
Proposed Renumbering: parts 9543.0150 and 9545.2020, and references to "parts 9545.0750 to 9545.0830" shall be changed to "parts 9545.0755 to 9545.0855"	353
9545.0750; .0760; .0770; .0780; .0790; .0800; .0810; .0820; .0830 (proposed repealer)	353
9565.5000; .5010; .5027; .5050; .5060; .5065; .5080; .5090; .5100; .5110; .5120; .5130; .5140; .5150; .5160; .5200 (proposed)	250
9565.5010, s.6,7,13,23,24,33; .5025, s.4; .5030, s.23,8; .5040; .5060, s.1,3,4,6,7; .5110, s.6,9,10 (proposed repealer)	271

# Proposed Rules

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

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

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

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

## Department of Commerce

### Proposed Permanent Rules Relating to Residential Building Contractors; Prohibited Practices; Continuing Education

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

The Minnesota Department of Commerce intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed rules and, during that 30 day period, you may also submit a written request that a hearing be held on the rules.

**Agency Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to:

Donna M. Watz, Staff Attorney  
Minnesota Department of Commerce  
133 East 7th Street  
St. Paul, MN 55101  
(612) 297-1118

**Subject of Rule and Statutory Authority.** The proposed rules relate to the regulation of residential building contractors, including prohibited practices and continuing education provisions. The statutory authority to adopt these rules is *Minnesota Statutes*, sections 326.87, 326.98 and 45.023. The proposed rules are published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on October 20, 1993, to submit written comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and be received by the agency contact person by 4:30 p.m. on October 20, 1993. Your request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rules which caused your request, the reason for the request, and any changes you want made to the proposed rules. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Modifications.** The proposed rules may be modified as a result of public comment. The modifications must be supported by data and views submitted to the agency and may not result in a substantial change in the proposed rules as printed in the *State Register*. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the agency contact person.

**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

---

This statement 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.

**Small Business Considerations.** The provisions of *Minnesota Statutes*, section 14.115, subdivision 4 have been reviewed and it has been determined that these proposed rules will not adversely affect small businesses.

**Expenditure of Public Money by Local Public Bodies.** The provisions of *Minnesota Statutes*, section 14.11, subdivision 1 have been reviewed and it has been determined that these proposed rules will not require the expenditure of public money by local public bodies greater than \$100,000 in the two years following the rules adoption.

**Impact on Agricultural Lands.** The provisions of *Minnesota Statutes*, section 14.11, subdivision 2 have been reviewed and it has been determined that these proposed rules will not affect agricultural land.

**Adoption and Review of the Rule.** If no hearing is required, after the end of the comment period the agency may adopt the rules. The rules and supporting documents will then be submitted to the attorney general for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rules are submitted to the attorney general or be notified of the attorney general's decision on the rules. If you want to be so notified, or wish to receive a copy of the adopted rules, submit your written request to the agency contact person listed above.

Dated: 2 September 1993

James E. Ulland  
Commissioner of Commerce

### Rules as Proposed (all new material)

#### BUILDING CONTRACTORS; REQUIREMENTS

##### 2891.0010 CHANGE OF BUSINESS NAME OR ADDRESS.

The licensee must notify the commissioner, in writing, of any change in control, ownership, officers or directors, business name, license name, qualifying person, or location within 15 business days of the change.

##### 2891.0020 RECORDS.

For the purposes of this license, a licensee shall maintain records showing all plans, contracts, documents, records, receipts, and disbursements by a licensee of all the licensee's transactions as a contractor for a period of not less than three years after completion of any construction project or operation to which the records refer, and shall have the records available for inspection by the commissioner during normal business hours. Records must be kept at the licensee's business address.

##### 2891.0030 WRITTEN CONTRACT REQUIRED.

Contracts between a contractor and a customer for the performance of a licensee's services must be reduced to writing and must contain the following:

- A. a summary of the work to be performed;
- B. a description of materials to be used or a list of standard features included; and
- C. the total contract price, or a description of the basis on which the price will be calculated.

The licensee shall provide at no cost to the customer a copy of all written contracts between the licensee and its customer, including, but not limited to, proposals, quotations, change orders, and purchase orders at the time the document is executed.

##### 2891.0040 FRAUDULENT, DECEPTIVE, OR DISHONEST PRACTICES.

Subpart 1. **Description.** For the purposes of *Minnesota Statutes*, section 326.91, subdivision 1, clause (2), the following acts and practices are considered fraudulent, deceptive, or dishonest practices:

- A. misrepresentation of a material fact by the applicant in obtaining a license;
- B. engaging in false, fraudulent, or misleading advertising;
- C. making any material misrepresentation or omission in the procurement of a building contract;
- D. any fraud or dishonesty in the execution of, or in the material alteration of, any contract, mortgage, promissory note, or other document incident to a building transaction;
- E. conducting a building or remodeling contracting business in any name other than the one in which the contractor is licensed, unless the licensee has filed a certificate of assumed name with the secretary of state and provided a copy of the certificate to the commissioner;
- F. contracting or offering to contract while the license is revoked, under suspension, or inactive for any reason;



G. knowingly contracting for, or performing, a service beyond the scope of the license; or

H. performing any construction without obtaining applicable local building permits and inspections.

Subp. 2. **Nonlimitation of authority.** Nothing in this part limits the authority of the commissioner to take action against a licensee for fraudulent, deceptive, or dishonest practices not specifically described in this part.

#### **2891.0050 INCOMPETENT, UNTRUSTWORTHY, OR FINANCIALLY IRRESPONSIBLE PRACTICES.**

Subpart 1. **Description.** For the purposes of *Minnesota Statutes*, section 326.91, subdivision 1, clause (6), the following acts and practices are considered incompetent, untrustworthy, or financially irresponsible:

A. failure to maintain any required license bond, or Minnesota workers' compensation, liability, or unemployment insurance as required by applicable law;

B. accrual of \$500 or more in delinquent taxes, penalties, or interest, owed to the state, pursuant to *Minnesota Statutes*, section 270.72; or

C. diversion of funds paid to a licensee from the purposes for which the funds were intended.

Subp. 2. **Nonlimitation of authority.** Nothing in this part limits the authority of the commissioner to take action against a licensee for incompetent, untrustworthy, or financially irresponsible practices not specifically described in this part.

### **CONTINUING EDUCATION COURSES**

#### **2891.0060 DEFINITIONS.**

Subpart 1. **Scope.** The terms used in parts 2891.0070 to 2891.0280, have the meanings given them in this part.

Subp. 2. **Coordinator.** "Coordinator" means an individual who is responsible for monitoring residential contracting or remodeling education offerings.

Subp. 3. **Instructor.** "Instructor" means an individual lecturing in a residential contracting or remodeling education offering.

Subp. 4. **Sponsor.** "Sponsor" means a person offering or providing residential contracting or remodeling education.

#### **2891.0070 CONTINUING EDUCATION.**

Subpart 1. **Content.** Continuing education consists of approved courses that impart substantive and procedural knowledge in the residential and remodeling contracting field.

##### **Subp. 2. Required courses.**

A. Each licensee must, during the licensee's first complete continuing education reporting period, complete and report one hour of continuing education relating to lead abatement rules and safe lead abatement procedures.

B. Each licensee must, during each continuing education reporting period, complete and report one hour of continuing education relating to energy codes for buildings and other building codes designed to conserve energy.

Subp. 3. **Examinations.** Course examinations will not be required for continuing education courses unless they are required by the sponsor.

Subp. 4. **Textbooks.** Textbooks are not required to be used for continuing education courses. In instances in which textbooks are not used, students are to be provided with a syllabus containing, at a minimum, the course title; the times and dates of the course offering; the names, addresses, and telephone numbers of the course coordinator and instructor; and a detailed outline of the subject materials to be covered.

Subp. 5. **Credit earned.** Upon completion of approved courses, students shall earn one hour of continuing education credit for each hour of approved instruction. Approved instructors shall earn three hours of continuing education credit for each hour of approved instruction. Credit may not be earned if, within the preceding five years, the licensee has previously obtained credit for the same course as either a student or instructor.

Subp. 6. **Nonapproved courses for continuing education.** The following are not approved courses:

A. courses designed to prepare students for a license examination;

B. courses in mechanical office or business skills, including typing, speed reading, or use of calculators or other machines or equipment; or

**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

---

---

C. courses in motivation, sales skills, psychology, time management, or communication.

Subp. 7. **Burden of proof.** The burden of demonstrating that courses impart substantive and procedural knowledge in the residential contracting or remodeling field is upon the person seeking approval of credit.

Subp. 8. **Professional designations.** Courses leading to the following professional designations automatically qualify for continuing education credit:

- A. Graduate Builders Institute offered by the Builders Association and the National Association of Home Builders;
- B. certified graduate remodeler (CGR) program offered by the Builders Association and the National Association of Home Builders;
- C. construction superintendent series offered by the Builders Association and the National Association of Home Builders;
- D. Graduate Builders Institute master series offered by the Builders Association and the National Association of Home Builders;
- E. certified remodeling program of the National Association for Remodeling Industry, the Minnesota chapter; and
- F. building code update program offered by the Department of Administration.

### CONTINUING EDUCATION REQUIREMENTS

#### 2891.0080 APPLICATION FOR COURSE APPROVAL FOR CONTINUING EDUCATION.

The residential contracting or remodeling application for course approval for continuing education must be submitted on forms prescribed by the commissioner.

#### 2891.0090 COURSE APPROVAL.

Subpart 1. **Approval of course offerings.** Sponsors must submit their courses to the commissioner for approval at least 30 days prior to the date on which the course is to be held. Courses will be approved or disapproved on the basis of their compliance with *Minnesota Statutes*, section 326.87, and this chapter. Approval will not include time spent on breaks, meals, or other unrelated activities.

Subp. 2. **Continuing education courses not submitted for advance approval.** Licensees may receive continuing education credit for courses attended which have not been submitted for approval in advance if the licensee demonstrates that the courses were in substantial compliance with *Minnesota Statutes*, section 326.87, and the rules adopted thereunder. Requests for credit for courses not approved in advance must be submitted on forms prescribed by the commissioner.

Subp. 3. **Permitted course offerings.** Courses complying with *Minnesota Statutes*, chapter 326, and the rules adopted thereunder may be offered or sponsored by sponsors.

Coordinators must immediately notify the commissioner of any material change in an application for approval or in the exhibits attached to it.

#### 2891.0100 NOTICE OF SUBSEQUENT OFFERINGS OF CONTINUING EDUCATION COURSES.

Approval may be granted for subsequent offerings of identical continuing education courses without requiring a new application if a notice of subsequent offerings, on the form prescribed by the commissioner, is filed with the commissioner at least 30 days in advance of the date the course is to be held.

#### 2891.0110 COURSES OPEN TO ALL.

All course offerings must be open to any interested individuals.

#### 2891.0120 COURSE COORDINATOR.

Subpart 1. **Mandatory.** Each course of study shall have one coordinator, approved by the commissioner, who is responsible for supervising the program and assuring compliance with *Minnesota Statutes*, section 326.87, and this chapter. Sponsors may engage an additional approved coordinator in order to assist the coordinator or to act as a substitute for the coordinator in the event of an emergency or illness.

Subp. 2. **Qualifications.** The commissioner shall approve as a coordinator an individual meeting one or more of the following criteria:

- A. a minimum of the previous five years as an active residential contractor or remodeler;
- B. at least three years of full-time experience in the administration of an education program during the five-year period immediately preceding the date of application; or
- C. a degree in education plus two years residential contracting or remodeling experience.

Subp. 3. **Responsibilities.** A coordinator is responsible for:

- A. assuring compliance with all laws and rules pertaining to residential contracting education;
- B. assuring that students are provided with current and accurate information relating to the codes, laws, and rules governing the residential contracting or remodeling activities which are the subject of the course;
- C. supervising and evaluating courses and instructors, including assuring, especially when a course will be taught by more than one instructor, that all areas of the curriculum are addressed without redundancy and that continuity is present throughout the entire course;
- D. furnishing the commissioner, upon request, with copies of evaluations of instructors or courses;
- E. investigating complaints related to course offerings and instructors;
- F. maintaining records relating to course offerings, instructors, and student attendance for a period of three years from the date on which the course was completed; these records shall be made available to the commissioner upon request. In the event that a sponsor should cease operation for any reason, the coordinator is responsible for maintaining the records or providing a custodian for the records acceptable to the commissioner. Under no circumstances will the commissioner act as custodian of the records. In order to be acceptable to the commissioner, custodians must agree to make copies of acknowledgments of course attendance available to students at a reasonable fee;
- G. assuring that the coordinator is available to instructors and students throughout course offerings and providing the name of the coordinator and a telephone number at which the coordinator can be reached;
- H. attending workshops or instructional programs as reasonably required by the commissioner; and
- I. providing students with course completion certificates for continuing education courses.

**2891.0130 APPLICATION FOR COORDINATOR APPROVAL.**

The residential contractor or remodeler application for coordinator approval must be submitted on forms prescribed by the commissioner.

**2891.0140 INSTRUCTORS.**

Subpart 1. **Requirement.** Each course of study shall have an instructor who is qualified by education, training, or experience to ensure competent instruction.

Subp. 2. **Qualifications.** The following provisions relate to the approval and qualification of instructors:

- A. Requests must be submitted at least 30 days before instruction in an approved course.
- B. Continuing education instructors must have:
  - (1) five years practical experience in the subject area being taught;
  - (2) a college or graduate degree in the subject area being taught;
  - (3) a college degree in any area plus three years experience in the subject area being taught; or
  - (4) an associate of applied science degree from a technical college plus three years experience in the subject area being taught.

Subp. 3. **Responsibilities.** Approved instructors are responsible for the following:

- A. compliance with all laws and rules relating to residential contracting or remodeling education;
- B. providing students with current and accurate information;
- C. maintaining an atmosphere conducive to learning in the classroom;
- D. assuring and certifying attendance of students enrolled in courses;
- E. providing assistance to students and responding to questions relating to course materials; and
- F. attending workshops or instructional programs that are required by the commissioner.

**2891.0150 APPLICATION FOR INSTRUCTOR APPROVAL FOR CONTINUING EDUCATION.**

The residential contracting or remodeling application for instructor approval for continuing education must be submitted on forms prescribed by the commissioner.

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

## Proposed Rules

---

---

### 2891.0160 PROHIBITED PRACTICES FOR SPONSORS, COORDINATORS, AND INSTRUCTORS.

Subpart 1. **Prohibitions.** In connection with an approved course, sponsors, coordinators, and instructors shall not:

- A. recommend or promote the services or practices of any particular licensee, coordinator, instructor, or sponsor;
- B. encourage or recruit individuals to engage the services of, or become associated with, any particular licensee;
- C. use materials, clothing, or other evidences of affiliation with any particular licensee;
- D. require students to participate in other programs or services offered by the sponsor, coordinator, or instructor;
- E. attempt, either directly or indirectly, to discover questions or answers on a licensing examination; or
- F. disseminate to any other person specific questions, problems, or information known or believed to be included in licensing examinations.

Subp. 2. **Notification of misconduct.** Coordinators and instructors shall notify the commissioner within ten days of being charged with or convicted of a felony or gross misdemeanor or of disciplinary action taken against any occupational license held by the coordinator or instructor.

Subp. 3. **Change in information in application.** Coordinators and instructors shall notify the commissioner within 15 days of any change in the information set forth in the application for approval on file with the commissioner.

### 2891.0170 EXTENSIONS.

Upon appropriate showing of a bona fide medical hardship, the commissioner shall extend the time period during which continuing education instruction must be successfully completed. Requests for extensions must be submitted in writing before the date of license cancellation and must include a physician's statement documenting a medical condition which prevents the licensee from completing continuing education requirements in a timely fashion. An extension granted under this subpart shall not exceed 90 days unless the physician's statement documents that a longer extension is medically necessary.

### 2891.0180 CANCELLATION OF LICENSE.

A license that has been canceled for failure of a licensee to complete continuing education requirements must be returned to the commissioner within ten days of receipt of notice of cancellation. The license shall be reinstated without reexamination by completing the required instruction, filing a license application, and paying the fee for a building contractor or remodeler license within two years of the cancellation date.

### 2891.0190 WAIVERS.

Required education must not be waived for any licensee or applicant for a license. Extensions shall be granted pursuant to part 2891.0170.

### 2891.0200 FEES.

Fees for approved courses and related materials must be reasonable and clearly identified to students. In the event that a course is canceled for any reason, all fees must be returned promptly. In the event that a course is postponed for any reason, students shall be given the choice of attending the course at a later date or of having their fees refunded in full. If a student is unable to attend a course or cancels registration in a course, sponsor policies regarding refunds shall govern.

### 2891.0210 FACILITIES.

Each course of study must be conducted in a classroom or other facility that is adequate to implement the offering.

### 2891.0220 SUPPLEMENTARY MATERIALS.

An adequate supply of supplementary materials to be used or distributed in connection with an approved course must be available in order to ensure that each student receives all of the necessary materials. Outlines and any other materials that are reproduced must be of readable quality.

### 2891.0230 ADVERTISING OF COURSES.

Subpart 1. **True.** Advertising must be truthful and not deceptive or misleading.

Subp. 2. **Approval statement.** No advertisement, pamphlet, circular, or other similar materials pertaining to an approved offering may be circulated or distributed in this state unless the following statement is prominently displayed:

"This course has been approved by the Minnesota commissioner of commerce for residential contracting or remodeling continuing education."

Subp. 3. **Approved course advertisements.** Advertising of approved courses must be clearly distinguishable from the advertisement of other nonapproved courses and services.

Subp. 4. **Limitation on advertising.** Courses may not be advertised before approval, unless the course is described in the advertising as "approval pending" and that is in fact the case.

**2891.0240 NOTICE TO STUDENTS.**

At the beginning of each approved course, the following notice must be handed out in printed form or must be read to students:

"This residential contractor or remodeler course is recognized by the commissioner of commerce as satisfying ..... hours of credit toward continuing education requirements pursuant to *Minnesota Statutes*, section 326.87. If you have any comments about this course, please mail them to the Minnesota Commissioner of Commerce."

**2891.0250 AUDITS.**

The commissioner may audit subject courses with or without notice to the sponsor.

**2891.0260 DENIAL OR WITHDRAWAL OF APPROVAL.**

The commissioner may deny or withdraw the approval of a coordinator, instructor, or course if it is determined that they are not in compliance with *Minnesota Statutes*, chapter 326, or this chapter.

**2891.0270 REPORTS TO COMMISSIONER.**

Continuing education credits must be reported by the licensee on the form prescribed by the commissioner.

Forms will not be accepted unless they reflect all the required hours. Incomplete forms will be returned to the licensee.

Forms must be received by the commissioner no later than March 31 of the year due. Forms that are postmarked no later than March 15 shall be considered timely received if addressed to the licensing unit of the Minnesota Department of Commerce.

**2891.0280 CONTINUING EDUCATION COURSE VERIFICATION.**

The continuing education course verification must be in the form prescribed by the commissioner.

## Department of Jobs and Training

### Proposed Permanent Rules Relating to Unemployment Compensation; Reports; Rates

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

The Department of Jobs and Training 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.

**Agency Contact Person.** Comments or questions on the rule and written requests for a hearing on the rule must be submitted to:

Mr. Dan Wander  
Tax Branch  
Department of Jobs and Training  
390 North Robert Street  
St. Paul, MN 55101  
612/296-3606  
Fax 612/297-5283

**Subject and Statutory Authority.** The proposed rules are revisions of rules relating to unemployment compensation employer taxes. These rules have been developed as authorized by *Minnesota Statutes*, §§ 268.021 and 268.0122, subdivision 5, which permit the Commissioner of the Department of Jobs and Training to adopt rules governing programs the Commissioner administers. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

**Comments.** Persons interested in these rules have until 3:30 p.m., October 28, 1993 to submit written comments in support of or in opposition to the rules or any part or subpart of the rules. Your comments must be in writing and received by the agency contact person by the due date. Comments are encouraged. Your comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

**Request for a Hearing.** In addition to submitting comments, you may also make a request for a public hearing on the rules. Your

**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

---

---

request for a public hearing must be in writing and must be received by the agency contact person by 3:30 p.m. on October 28, 1993. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a public hearing, a public hearing will be held unless a sufficient number withdraw their request in writing. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, §§ 14.131 to 14.20.

**Modifications.** The proposed rules may be modified as a result of public comment. The modifications must be supported by data and views submitted to the agency and may not result in a substantial change in the proposed as mailed and published in the *State Register*. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

**Statement of Need and Reasonableness.** A Statement of Need and Reasonableness is now available from the agency contact person. This statement 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.

**Small Business Considerations.** Small businesses can be affected by these rules. The affect of these rules on small businesses was considered. The agency finds that the proposed rule 3315.1020 will ease the reporting burden on all employers including small businesses. In addition, the proposed rules 3315.1315 will directly affect small businesses. The proposed rule is required to conform the state's unemployment insurance program to federal law. The agency finds that most employers affected by the proposed rule will benefit from it by being able to maintain a favorable experience rating during periods when no covered wages are due and payable.

**Adoption and Review of Rule.** If no hearing is required, after the end of the comment period the agency will adopt the rule. The rule supporting documents will be delivered to the Attorney General for review as to legality and form to the extent the form relates to legality. You may request to be notified of the date the rule is submitted to the Attorney General or be notified of the attorney general's decision on the rule. If you wish to be notified, or wish to receive a copy of the adopted rule, submit your request to the agency contact person listed above.

Dated: 8 September 1993

R. Jane Brown  
Commissioner

### Rules as Proposed

#### 3315.1020 CONSOLIDATED REPORTS.

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

Subp. 10. **Joint account.** A joint account application shall be on forms prescribed by the department. A joint account shall be maintained as a separate unit of the employer account of the common paymaster until that account is terminated or notification is received regarding a change of the common paymaster. A joint account generally will not be made retroactive prior to January 1 of the year preceding the year in which the application is received. However, the commissioner may for good cause extend the retroactive period when it is in the best interest of the department to do so.

[For text of subs 11 to 19, see M.R.]

#### 3315.1315 EXPERIENCE RATES.

Subpart 1. **When chargeability begins.** For the purpose of *Minnesota Statutes*, section 268.06, subdivision 6, and this part, an employer's experience rating account first becomes chargeable with benefits on the first day ~~services were performed in covered employment of the quarter immediately following the quarter in which covered wages were first paid.~~

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

Subp. 4. **Previously liable employing unit.** An employing unit that ceases to be a liable employer as a result of its business being transferred or discontinued or as a result of the business entity being granted termination of coverage under *Minnesota Statutes*, section 268.11, shall regain its previous experience rating account if it should once again become subject to the law and if:

- A. less than 14 quarters have elapsed in which no covered wages were paid or due and payable;
- B. the account contains taxable payroll in the experience rate period applicable at the time it again becomes subject to the law;
- ~~B. during the period that the employing unit was not subject to the law, it had not paid wages for employment that would have been covered employment except for the fact that the employing unit was not a liable employer at the time the wages were paid;~~  
and
- C. all of the experience had not been transferred to a successor.

## Department of Revenue

### Appeals, Legal Services, and Criminal Investigation Division

#### Proposed Permanent Rules Relating to Sales and Use Tax; Producing, Fabricating, Printing, or Processing of Property Furnished by Consumer

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

The Department of Revenue intends to adopt amendments to a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed amendments and may also submit a written request that a hearing be held on the amendments.

**Agency Contact Person.** Comments or questions on the amendments and written requests for a public hearing on the amendments must be submitted to:

John E. Streiff  
Department of Revenue  
Appeals, Legal Services and Criminal Investigation Division  
10 River Park Plaza  
St. Paul, MN 55146-2220  
Telephone number: (612) 296-1902, x 133

**Subject of Rule and Statutory Authority.** The proposed amendments are about the producing, fabricating, printing, or processing of property furnished by consumer for sales and use taxation. The statutory authority to adopt this rule is *Minnesota Statutes*, section 270.06, clause 13. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m., October 20, 1993, to submit written comment in support of or in opposition to the proposed rule and any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on October 20, 1993. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, section 14.131 to 14.20.

**Modifications.** The proposed rule may be modified as a result of public comment. The modifications must be supported by data and views submitted to the agency and may not result in a substantial change in the proposed rule as attached and printed in the *State Register*. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the agency contact person. This statement described the need for and reasonableness of each provision of the proposed rule and identifies the date and information relied upon to support the proposed rule.

**Small Business Considerations.** The proposed amendments to the rule are not expected to have an impact on small businesses because there are no requirements to file returns or remit taxes imposed by the amendments. No additional recordkeeping or administrative duties are required by the amendments.

**Expenditure of Public Money by Local Public Bodies, Impact on Agricultural Lands.** The proposed amendments to the rule are expected to neither require the expenditures of public monies by local public bodies, nor to have any impact on agricultural lands; therefore, *Minnesota Statutes*, section 14.11, subdivisions 1 and 2 are inapplicable.

**Adoption and Review of Rule.** If no hearing is required, after the end of the comment period the agency may adopt the rule. The rule and supporting documents will then be submitted to the attorney general for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the attorney general or be notified of the attorney

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

## Proposed Rules

general's decision on the rule. If you wish to be so notified, or wish to receive a copy of the adopted rule, submit your request to the agency contact person listed above.

Dated: 1 September 1993

Morris J. Anderson  
Commissioner of Revenue  
State of Minnesota

### Rules as Proposed

#### 8130.0700 PRODUCING, FABRICATING, PRINTING, OR PROCESSING OF PROPERTY FURNISHED BY CONSUMER.

Subpart 1. ~~Property furnished by consumer~~ **General.** ~~Where a consumer, either directly or indirectly, furnishes material or other components of a product, the sale of which is taxable under the Sales and Use Tax Law, the production, fabrication, or processing of such property for such consumer is a sale under A sales tax is assessed on the retail sale of tangible personal property. See Minnesota Statutes, section 297A.01, subdivision 3, paragraph (b) (a).~~

In addition, a sales tax is assessed on the production, fabrication, or processing of tangible personal property for retail consumers who furnish directly or indirectly the materials used in the production, fabrication, or processing. See Minnesota Statutes, section 297A.01, subdivision 3, paragraph (b).

Producing, fabricating, and processing include any operation which results in the creation or production of tangible personal property, or which is a step in a process or in a series of operations resulting in the creation or production of tangible personal property, except sales for resale.

Subp. 2. **Repairs.** Application of labor to tangible personal property so that such property may continue to be used in the same form and for the purpose for which acquired represents repairs and does not constitute producing, fabricating, or processing of property. Where the expenditure is made for the purpose of modifying, altering, or assembling it in some other manner, the application of labor thereto represents a sale under the provisions of *Minnesota Statutes*, section 297A.01, subdivision 3, paragraph (b).

#### Subp. 3. Tax applications.

A. Example 1. A customer enters into an agreement with an upholsterer whereby the latter will remove old fabric from the customer's living room sofa and replace it with fabric chosen by the customer. The cost agreed upon is \$300. Service charges are \$150, with the remaining \$150 representing the cost of the materials. As the reupholstering repair permits the customer to continue to use the sofa for the purpose for which it was acquired, only the \$150 for material represents a sale, provided the charges for materials are billed separately, and that such charges represent a reasonable sales price for such material were it purchased without the service charge for reupholstering. If the customer had furnished the material, no sale would have resulted.

B. Example 2. A customer furnishes material which is thereafter produced into a slipcover for sofa. The charge for producing the slipcover is a sale in accordance with *Minnesota Statutes*, section 297A.01, subdivision 3, paragraph (b), since it results in the modification of tangible personal property. If the customer had purchased material from the upholsterer, the entire cost to the customer would be a sale.

C. Example 3. Custom sawing of logs by a saw mill where logs are furnished by the customer constitutes a sale.

D. Example 4. Developing prints of home movies or stills for customers who furnish the exposed film constitutes a sale.

E. Example 5. Printing on paper stock furnished by customers constitutes a sale.

F. Example 6. Reproducing copies of typewritten or printed matter on a stock furnished by customers constitutes a sale.

G. Example 7. Recapping of a tire carcass supplied by the customer is a repair. If the materials and labor are separately stated, only the material portion is taxable. If no separation is shown on the invoice, the entire amount is taxable. These rules apply even though the new cap is of a different tread design, i.e. a snow tread cap applied over a summer tread, or vice versa. If a carcass is traded in for a recapped tire, the entire charge, less allowance for the trade-in is taxable. (See part 8130.1500.)

H. Example 8. Cutting and milling charges by a lumberyard or woodworking shop, and pipe cutting or threading charges by a hardware store or plumbing shop are taxable whether the materials are supplied by the buyer or the seller.

I. Example 9. Engraving of an item furnished by the customer is considered a service not subject to tax. This service engraving is to be differentiated from product engraving which is taxable. Product engraving is billed along with or included in the sales price by the seller at the time the item is sold.

J. Example 10. The entire amount charged for the initial electroplating, heat treating, or painting of tangible personal property furnished by the customer is taxable as fabrication labor.

K. Example 11. Collating and assembling done by stapling or using a similar process affixing items together is taxable. The punching, assembly, stamping, burning, electroplating, etc. of goods supplied by a customer is taxable.



L. Example 12. A locksmith changes a combination on a safe or changes the tumblers in a lock so that a different key must be used. The transaction is considered to be a nontaxable service and the locksmith is required to pay the sales or use tax on purchases of the parts and materials used to perform such service. However, retail sales of keys and parts which are billed separately are taxable.

M. Example 13. Additional types of fabrication charges which are taxable regardless of whether the customer or fabricator furnishes the materials include charges for the following:

- (1) assembling kits to produce a completed article;
- (2) bending glass tubing into neon signs;
- (3) bookbinding;
- (4) conversion of a vehicle into a stretch limousine;
- (5) drilling holes in bowling balls;
- (6) engraving when it is charged with or included in the sales price by the retailer;
- (7) firing of ceramics or china;
- (8) making of a fur coat from pelts, or gloves or a jacket from a hide;
- (9) making curtains, drapes, pillows, slipcovers, or other household furnishings;
- (10) laminating identification cards;
- (11) lumber cut to specifications and producing cabinets, counter tops, or other items from materials for customers;
- (12) matting and framing of art work;
- (13) printing and imprinting, including lithography, silk screen printing, multilithing, mimeographing, photostating, and similar processes;
- (14) photography, the taking of pictures and developing of films which result in sale of photographs or movies;
- (15) production of a sound recording or a motion picture;
- (16) rebuilt auto parts by a manufacturer of a previously manufactured article such as radiators, generators, carburetors, fuel pumps, transmissions, engine blocks, or similar parts;
- (17) steel fabrication, which may involve cutting the steel to length and size, bending and drilling holes in the steel to the specifications of a particular construction job when the end result of the fabrication is a modification of a previously manufactured article; and
- (18) taxidermy, the charges for stuffing and mounting.

Subp. 4. Custom made goods. The total proceeds of sale of custom made products are taxable, without deduction for labor costs, provided that the manufactured item remains personal property after installation. Labor charges to install manufactured items which become part of real property are not taxable.

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

## Adopted Rules

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

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

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

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

## Minnesota Racing Commission

### Adopted Permanent Rules Relating to Horse Racing

The rules proposed and published at *State Register*, Volume 17, Number 37, pages 2197-2203, March 15, 1993 (17 SR 2197), are adopted with the following modifications:

#### Rules as Adopted

##### 7871.0010 APPLICATION FOR PARI-MUTUEL POOLS.

Subpart 1. **Submission of pari-mutuel requests.** A class B or D licensee may apply for approval of pari-mutuel pools including rules governing calculation of payoffs, disposition of unclaimed tickets, pools offered based on the number of entries, prevention and failure to start, and scratches in effect at the host racetrack by submitting an original and 15 copies of the following:

Subp. 2. **Disposition of requests.** The commission must act on a request for approval of pari-mutuel pools under the following procedures:

A. Upon receipt of an application, the commission shall send written notice of the application to all persons registered with the commission for the purpose of notification of approval of pari-mutuel pools on televised racing days and all other Class B or D licensees. The notice must include a brief description of the request, a statement that all persons wishing to comment may do so in writing within 20 days after issuance of the notice, the time and place of any public hearing on the application, and the earliest and latest date on which the commission may act.

##### 7871.0020 APPROVAL OF PARI-MUTUEL POOLS ON TELEVISED RACING DAYS.

Subpart 1. **Request.** Upon written request of a Class B or D licensee, or on its own motion, the commission may approve pari-mutuel pools for televised racing days, including types of betting, number and placement of multiple pools in racing programs offered at the host racetracks, and other issues related to pari-mutuel pools which promote the purposes of *Minnesota Statutes*, chapter 240, and the rules of the commission.

##### 7871.0090 SIMULCAST WAGERING ON A TELEVISED RACING DAY.

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

##### 7871.0120 APPOINTMENT OF PRESIDING OFFICIAL.

Subp. 2. **Communication with stewards.** A Class B or D licensee conducting approved televised racing days must provide the presiding official with telephone communication with the stewards at the host racetrack throughout the racing program each day.

##### 7879.0200 AUTHORITY AND DUTIES OF STEWARDS.

Subpart 1. **General authority of stewards.** The stewards shall exercise immediate supervision, control, and regulation of racing at each licensed race meeting on behalf of the commission and shall be responsible only to the commission. The powers of the stewards shall include:

K. for all county fair meets, in which the average daily handle for the preceding year was less than \$150,000, the rules of horse racing and pari-mutuel rules shall apply, ~~except as otherwise provided or except as otherwise directed by the commission, at the time of application approval and thereafter upon conclusion of a special meeting or telephone poll of the commission unless waived by the commission after a determination by the commission that the integrity of the race meet and safety to humans or animals would not be affected.~~ In the event circumstances during a race meet require an immediate change so as to expedite the completion

of the race day, the board of stewards, after consultation with the director of security, commission veterinarian, or director of parimutuels, as determined appropriate under the circumstance, shall thereafter approve the change. In the event the board of stewards is unable to consult with the appropriate commission staff member after a reasonable time, the board of stewards shall approve the change without such consultation; and

## Department of Trade and Economic Development

### Adopted Permanent Rules Relating to the Wastewater Infrastructure Funding Program

The rules proposed and published at *State Register*, Volume 17, Number 44, pages 2763-2766, May 3, 1993 (17 SR 2763), are adopted with the following modifications:

#### Rules as Adopted

##### 7380.0320 PROGRAM ADMINISTRATION.

Subp. 2. **Eligibility.** Before being considered for supplemental assistance an eligible applicant must:

C. have applied to all grant-in-aid financing programs which the authority has informed the applicant are available for financing its wastewater treatment project;

##### 7380.0350 DETERMINATION OF AMOUNT OF SUPPLEMENTAL ASSISTANCE.

Subpart 1. **Generally.** The authority shall determine the average household cost for operation, maintenance, equipment replacement, the system replacement fund for up to a maximum of fifty cents per 1,000 gallons of wastewater, and debt service under the water pollution control revolving fund, taking into account the applicant's own funds available for the project and any other grant-in-aid programs that the applicant is eligible for and can expect to obtain. ~~Applicants must impose a residential sewer service charge of at least \$18 per month per household, or 1.5 percent of the applicant's median household income level, whichever is greater. At the time of approval for a water pollution control revolving fund loan, the applicant's residential sewer service charge is calculated to be at least \$18 per month per household or 1.5 percent of the applicant's median household income level, whichever is greater.~~ If necessary, the authority shall update the applicant's demographic information and sewer and water service charges using the Consumer Price Index, state demographer data, or other indexing methods, as provided in part 7380.0440, subpart 4, item D.

---

---

## Errata

### Rule Errata

#### Department of Revenue

##### Adopted Permanent Rules Relating to Computer Software

The following modification should have appeared in *State Register*, Volume 18, Number 10, page 786, September 7, 1993.

AND Volume 18, Number 11, page 851, September 20, 1993.

##### 8130.9910 COMPUTER SOFTWARE.

Subp. 2. **Tax applications.**

J. The temporary transfer of possession of a canned or prewritten computer program, for a consideration, for the purpose of direct use or to be recorded by the customer, is a lease or the granting of a license to use or consume tangible personal property and the tax does apply. Where the consideration consists of license fees or royalty payments for canned or prewritten computer programs, all license fees or royalty payments, present or future, whether for a minimum use or for extended periods, are ~~not~~ includable in the measure of tax.

**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.

# Revenue Notices

---

---

The Department of Revenue began issuing revenue notices in July of 1991. Revenue notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue revenue notices is found in *Minnesota Statutes* § 270.0604.

## Department of Revenue

### Revenue Notice #93-17: Sales and Use Tax—Computer Software Maintenance Agreements

*Minnesota Rule*, part 8130.9910, relating to computer software became effective on September 14, 1993. The rule sets forth the sales tax treatment of computer software maintenance agreements and reflects a change in the manner in which optional canned computer software maintenance agreements will be taxed.

Previously, an optional maintenance agreement for canned software that provided for updates or enhancements, in addition to providing nontaxable support services, was taxable on the total charge for the maintenance contract when the charges for the nontaxable services were not separately stated. Under the new rule, an optional maintenance agreement for canned software that provides for upgrades and enhancements, in addition to nontaxable support services, will be taxed on 20 percent of the total charge for the maintenance contract, when the fee for support services is not separately stated. If the fee for support services is separately stated, only the portion of the charge representing upgrades and enhancements will be subject to tax.

The Department will apply the provisions of the new computer software rule to all open tax years. All pending audits and appeals will be handled using the provisions of the new rule. Refund claims may be filed for sales taxes previously paid under software maintenance agreements provided that the tax periods are still open under the statute of limitations and provided that the refund will be returned to the purchaser by the vendor.

Rule 8130.9910 provides that the transfer of software, delivered on storage media or by any other means, that provides new or significantly improved functionality to an existing software program would constitute an upgrade or enhancement. The rule provides that the transfer of software to correct errors in existing software programs shall constitute a nontaxable support service.

Upgrades and enhancements would include all transfers of software, including updates, which provide information and directions that provide new or significantly expanded functionality to a computer program and that are not error corrections. Upgrades could include software providing updated tables, such as employee withholding tables or postage rates as well as software providing current statutes and regulations.

Dated: 20 September 1993

# 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 Agriculture

### Minnesota Rural Finance Authority

#### Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under *Minnesota Statutes*, Chapter 41C

**NOTICE IS HEREBY GIVEN** that a public hearing will be held on October 6, 1993, at 9 a.m. in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul, Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of approximately 339 acres of farmland located in Section 18/19, Woodside Township, Ottertail County, Minnesota on behalf of Jeff & Heidi Samuelson, a married couple (the Borrowers). The maximum aggregate face amount of the proposed bond issue is \$52,500. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such

revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 30 August 1993

LaVonne Nicolai  
RFA Executive Director

## **Department of Agriculture**

### **Minnesota Rural Finance Authority**

#### **Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under *Minnesota Statutes, Chapter 41C***

**NOTICE IS HEREBY GIVEN** that a public hearing will be held on October 6, 1993, at 9 a.m. in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, St. Paul, Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes, Chapter 41C*, in order to finance the purchase of approximately 80 acres of farmland, located in Section 15, Decoria Township, Blue Earth County, Minnesota on behalf of Randall and Laurie Cords, a married couple (the Borrowers). The maximum aggregate face amount of the proposed bond issue is \$64,000. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 30 August 1993

LaVonne Nicolai  
RFA Executive Director

## **Department of Agriculture**

### **Minnesota Rural Finance Authority**

#### **Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under *Minnesota Statutes, Chapter 41C***

**NOTICE IS HEREBY GIVEN** that a public hearing will be held on October 6, 1993, at 9 a.m. in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul, Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes, Chapter 41C*, in order to finance the purchase of construct hog facilities located in Section 17, Township 101, R44, Rock County, Minnesota on behalf of Todd Wessels, a single person (the Borrower). The maximum aggregate face amount of the proposed bond issue is \$160,000. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 30 August 1993

LaVonne Nicolai  
RFA Executive Director

## Department of Agriculture

### Minnesota Rural Finance Authority

#### Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under *Minnesota Statutes, Chapter 41C*

NOTICE IS HEREBY GIVEN that a public hearing will be held on October 6, 1993, at 9 a.m. in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul, Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes, Chapter 41C*, in order to finance the purchase of approximately 80 acres of farmland located in Section 19, Otsego Township, Wright County, Minnesota on behalf of Eugene E. Goenner, a single person (the Borrower). The maximum aggregate face amount of the proposed bond issue is \$120,000. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 19 August 1993

LaVonne Nicolai  
RFA Executive Director

## Department of Agriculture

### Minnesota Rural Finance Authority

#### Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under *Minnesota Statutes, Chapter 41C*

NOTICE IS HEREBY GIVEN that a public hearing will be held on October 6, 1993, at 9 a.m. in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul, Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes, Chapter 41C*, in order to finance the purchase of approximately 160 acres of farmland located in Section 22, T115N, R45W, Yellow Medicine County, Minnesota on behalf of Randall and Cheryl Denelsbeck, a married couple (the Borrowers). The maximum aggregate face amount of the proposed bond issue is \$95,000. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 18 August 1993

LaVonne Nicolai  
RFA Executive Director

## Department of Agriculture

### Minnesota Rural Finance Authority

#### Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under *Minnesota Statutes, Chapter 41C*

NOTICE IS HEREBY GIVEN that a public hearing will be held on October 6, 1993, at 9 a.m. in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul, Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes, Chapter 41C*, in order to finance the purchase of approximately 46 head of dairy cattle located in Section 11, Maple Lake Township, Wright County, Minnesota on behalf of George and Joseph Elsenpeter,

a partnership (the Borrower). The maximum aggregate face amount of the proposed bond issue is \$45,000. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 24 August 1993

LaVonne Nicolai  
RFA Executive Director

## Higher Education Board

### List of Higher Education Board Task Force Drafting Committee Meeting Dates, Times, and Locations

September 7, 1993

Below is a list of meeting dates, times, and locations for the task force drafting committees of the Higher Education Board. Each drafting committee has a contact person who can be contacted to gain more information regarding the drafting committee plans and activities. It is recommended that anyone planning to attend a meeting should call the contact person to make certain that no schedule change has occurred.

**Academic Affairs**—contact person, Ron Williams (612 296-3874)

All meetings will be scheduled from 1:30 to 4:30 p.m. in the Community College Board Room (or a designated room nearby) in Capitol Square.

September 22, October 6 and 20, November 3 and 17, December 1 and 15.

**Student Services**—contact person, Steve Frantz (612 296-0672)

All meetings are scheduled from 9:00 to 11:00 a.m. in Capitol Square. Dates and room numbers are:

September 22: 327

September 29: 327

October 13: 326

October 27: 327

November 10: 130

November 24: 327

December 1: 327

December 8: 327

December 15: 130

December 22: 327

December 29: 327

**Information Systems**—contact person, Mel Johnson (612 296-9594)

All scheduled meetings are from 8:00 to 10:00 a.m. in Centennial Building 305. Dates are:

September 23, October 7 and 21, November 4 and 18, and December 2 and 16.

**Budget and Administrative Services**—contact person, Judy Borgen (612 296-1558)

All scheduled meetings are from 1:00 to 3:00 p.m. (except November 19 from 8:30 to 10:30) in 555 Park Street Second Floor Conference room. Dates are:

September 22, October 6 and 20, November 3 and 19, and December 1 and 15.

**Facilities**—contact person, Bob Madson (612 296-9446)

All scheduled meetings are from 2:00 to 4:00 p.m. in Capitol Square 120. Dates are:

September 21, October 7 and 21, November 4 and 18, December 2 and 16.

## Official Notices

---

**Human Resources**—contact person, Craig Ayers (612 296-5723)

September 27, 9:00 to 5:00 in Capitol Square 120

All other meetings will be scheduled from 3:00 to 5:00 p.m. in Capitol Square 120 except December 13 in Capitol Square 146.

October 4 and 18, November 1, 15 and 29, December 13 and 27.

**Communications and Advancement**—contact person, Christine Roberts (612 297-4404)

All meetings are scheduled for 11:00 a.m. to 1:00 p.m. in the Geste Conference room, MEA building. Dates are:

September 27, October 13 and 20, November 3 and 17, December 1 and 15.

**System Policy and Legislation**—contact person, Eric Radtke (612 296-3819)

To Be Announced

**Intermediates**—contact person, Ed McMahon (612 296-3071)

To Be Announced

## Labor and Industry Department

### Labor Standards Division

#### Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective September 20, 1993 prevailing wage rates are certified for commercial construction projects in: Anoka county: Courthouse Remodeling Phase II-Anoka. Becker county: Detroit Lakes Headquarters Building Sanitary Sewer-Detroit Lakes. Carlton county: Moose Lake Regional Treatment Center Cottage #8 Asbestos Removal-Moose Lake. Hennepin county: Hennepin County Ramar LL Closed Records HVAC Mods-Minneapolis. Isanti county: Cambridge/Isanti Middle School Renovation-Cambridge/Isanti. Ramsey county: MN/DOT Building Phase II Asbestos Removal-St. Paul, Minnesota State Capitol Accessibility Ramp-St. Paul.

Copies of the certified rates for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

John B. Lennes, Jr.  
Commissioner

## Bureau of Mediation Services

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Uniform Baseline Determination and Collective Bargaining Agreement Settlement Document

**NOTICE IS HEREBY GIVEN** that the Bureau of Mediation Services ("Agency") is seeking information or opinions from sources outside the Agency in preparing to propose the adoption of the rule governing Uniform Baseline Determination and Collective Bargaining Agreement Settlement Document. The adoption of the rule is authorized by *Minnesota Statutes* 179A.04, subdivision 3, paragraph (n), which requires the agency to adopt a uniform baseline determination and collective bargaining settlement agreement document applicable to all public employers other than townships.

The Agency 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:

Carol Clifford  
Bureau of Mediation Services  
1380 Energy Lane, Suite Two  
St. Paul, MN 55108

Oral statements will be received during the Agency's regular business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday. Please call for Murray Perry, Alan Olson, or Gary Rogers at (612) 649-5421.

All statements of information and opinions shall be accepted until 4:00 p.m. on October 22, 1993. Any written material received by the Agency shall become part of the rulemaking record to be submitted to the attorney general in the event that the rule is adopted.

Dated: 20 September 1993

Peter Obermeyer  
Commissioner



## **Minnesota Comprehensive Health Association**

### **Notice of Actuarial Committee Meeting**

**NOTICE IS HEREBY GIVEN** that a meeting of the Actuarial Committee of the Minnesota Comprehensive Health Association (MCHA), will convene at 7:30 a.m. on Tuesday, September 21, 1993 at Blue Cross Blue Shield of Minnesota, 3535 Blue Cross Road, Eagan, Minnesota, in the 6th floor dining room.

For additional information please call Lynn Gruber at (612) 593-9609.

## **Department of Natural Resources**

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

### **Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Criteria and Procedures for Issuance of Game and Fish Permits**

**NOTICE IS HEREBY GIVEN** that the State Department of Natural Resources is seeking information or opinions from sources outside the agency in preparing to propose the adoption of the rule governing criteria and procedures for issuance of game and fish permits. The adoption of the rule is authorized by *Minnesota Statutes*, section 97A.418, which permits the agency to adopt rules to establish criteria and procedures for issuance of permits authorized under the game and fish laws with reasonable conditions and to deny, modify, suspend, or revoke permits for cause.

The State Department of Natural Resources 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: Blair Joselyn, Department of Natural Resources, 500 Lafayette Road, St. Paul, Minnesota 55155-4007. Oral Statements will be received during regular business hours over the telephone at (612) 297-4964 and in person at the above address.

All statements of information and opinions shall be accepted until 4:30 p.m. on October 22, 1993. Any written material received by the State Department of Natural Resources 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: 13 September 1993

Rodney W. Sando  
Commissioner

## **Department of Public Service**

### **In the Matter of the Proposed Rule Governing Weights and Measures, Inspection Fees, *Minnesota Rules, Part 7602.0100***

**NOTICE IS HEREBY GIVEN** that the Department of Public Service, Weights and Measures Division, will hold a public hearing concerning the above-entitled matter at 10:00 a.m. on October 20, 1993 at the Department of Public Service, Metro Square Building, 121 7th Place East, Suite 200, St. Paul, Minnesota.

All interested or affected persons will have an opportunity to participate. The subject of the hearing will be the proposed rule concerning adjustments to the Weights and Measures Inspection Fee Schedule, which was published in the *State Register* Vol. 18, Issue #1, July 6, 1993. The proposed rule, if adopted, will increase the fees the Department of Public Service charges to inspect and test commercial scales and some commercial volumetric equipment used to measure non-petroleum products. The Department of Public Service charges these fees, as required by *Minnesota Laws* 1993, Section 72, to be codified as *Minnesota Statutes*, Section 239.101, to recover the full cost of the inspections.

One free copy of the rule is available upon request by contacting the Weights and Measures Office at 2277 Highway 36, St. Paul, Minnesota 55113-3800, telephone (612) 639-4010, fax (612) 639-4014.

The Department's authority to adopt such rules is set forth in *Minnesota Statutes*, Section 239.06 (1992) and *Minnesota Laws* 1993, Section 72 (to be codified as *Minnesota Statutes*, Section 239.101).

Interested persons may submit their views orally or in writing at the hearing. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Department.

The adoption of the proposed rules do not require the expenditure of public money by local public bodies of greater than \$100,000 in the two years following promulgation.

## Official Notices

Interested persons are advised that lobbyists must register with the State Ethical Practices Board. Questions about this requirement should be directed to the Board at First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155-1603, telephone (612) 296-5148.

The rule hearing procedure 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. The Administrative Law Judge assigned to this matter is Richard C. Luis, Minnesota Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 349-2542.

Written material may be submitted and recorded in the hearing record for five working days after the public hearing ends. The comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Comments received during the comment period shall be available for review at the Office of Administrative Hearings. The agency and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three-day period. Any written material or responses submitted must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the final days of the respective comment and response periods.

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

Notice is hereby given that a Statement of Need and Reasonableness is now available for review at the Department of Public Service and at the Office of Administrative Hearings. This Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule. Copies of the Statement of Need and Reasonableness may be reviewed at the Department of Public Service or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

The proposed rule will have an impact on small businesses. Information regarding its impact on small businesses is detailed in the Statement of Need and Reasonableness, available as noted above from the Department or from the Office of Administrative Hearings.

## Department of Revenue

### Notice of Presumed Legal Cigarettes Prices

The presumed prices for wholesaler and retailers as provided for by *Minnesota Statutes* 325D are shown in this schedule. A wholesaler or retailer may sell for less if they can show that their actual costs of doing business is lower than the presumed.

The computations are based on manufacturer's list prices available as of September 1, 1993.

	Presumed Minimum Wholesale Price Per Carton	Presumed Minimum Retail Price Per Carton	Presumed Minimum Retail Price Per Pack
Major Brands (Kings, Regulars 100's, 120's)	\$16.29	\$17.59	\$1.76
Examples of major brands: Marlboro, Winston, Merits, Virginia Slims, Kools, Capri, Kent, Newport, Carlton			
Players Lights 25's (Kings, 100's)	\$15.30	\$16.52	\$1.65
Marlboro 25's (Kings)	\$16.29	\$17.59	\$2.20
Richland 25's (Kings, 100's)	\$14.54	\$15.70	\$1.57
Old Gold, Richland 20's, Best Value, GPC'S, Basics, Mistys, Raleigh Extra, Viceroy, Doral, Riviera, Magna, Sterling, Cambridge, Am Light, Montclair, Pyramid, Bristol, Alpine, Bucks, Stars & Bars, Quality Lights, Class A, Black and Yellow (Kings, Regulars, 100's, 120's)	\$13.47	\$14.55	\$1.46

	Presumed Minimum Wholesale Price Per Carton	Presumed Minimum Retail Price Per Carton	Presumed Minimum Retail Price Per Pack
Ligget Private Label (Kings, Regulars)	\$13.63	\$14.72	\$1.47
Ligget Private Label (100's)	\$13.89	\$15.00	\$1.50

Dated: 20 September 1993

## Department of Revenue

### **Meeting Notice: The Capital Equipment Advisory Council Will Meet on Thursday, September 30, 1993, in Room 5 of the State Office Building to Take Public Testimony on the Capital Equipment Exemption Statute**

The Capital Equipment Advisory Council will receive public testimony from 9:00 a.m. to 12:00 noon at which time the Council will break for lunch. The meeting will resume at 1:30 p.m. when the Council will discuss the morning testimony. The meeting is scheduled to adjourn at 3:00 p.m.

Written comments are welcome also and should be submitted to Kathryn Kmit, 434 State Office Building, St. Paul, MN 55155 or may be faxed at (612) 296-1478.

Testimony should be in response to the following questions:

1. What are your main concerns with the existing capital equipment exemption statute? Specifically, what are your recommendations for changing the exemption statute?
2. The Advisory Council's report to the legislature must contain revenue neutral recommendations if the capital equipment exemption is expanded. In light of this, how should the state sales tax system be changed to pay for any increase in economic incentives for businesses?
3. Ideally, what kind of incentives (e.g. tax exemptions, development grants, infrastructure investments, etc.) should the state use to encourage businesses to expand or locate in Minnesota?
4. What are the key factors (in order of importance) influencing your business decisions to expand or locate in Minnesota or another state?

Individuals wishing to testify should contact Kathryn Kmit at (612) 296-5376 or fax a message to (612) 296-1478.

## Department of Trade and Economic Development

### **Solicitation of Outside Opinion One-Stop Shopping for Regulatory Affairs**

Executive Order 93-9 (*State Register* July 19, 1993) directs the Minnesota Department of Trade and Economic Development to investigate the feasibility of "one-stop shopping" by businesses for regulatory affairs and and licensing and permitting. That Executive Order defines one-stop shopping for purposes of the study and identifies a number of issues for examination and resolution.

The Department of Trade and Economic Development is soliciting the written comments of parties interested in or affected by this subject for consideration in conduct of the study. A copy of the Executive Order and material dealing with the issues and conduct of the study are available by calling or writing:

Charles A. Schaffer  
Minnesota Department of Trade and Economic Development  
500 Metro Square  
121 7th Place East  
St. Paul, MN 55101-2146  
(612) 296-0617

Written comments should be directed to Charles A. Schaffer at the above address by November 1, 1993. Working groups on specific topics for examination and resolution will be formed after November 1, 1993. Interested and affected parties interested in participating in these groups should so indicate in their written responses to this solicitation. The findings and recommendations of the Commissioner of Trade and Economic Development as a result of this study are due to the Governor by January 1, 1995.

All comments received will be part of the written record for any findings and recommendations.

## State Grants

---

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

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

---

### Department of Human Services

Family Self-Sufficiency Administration

Refugee and Immigrant Services Section

#### Request for Proposals for Chemical Awareness Education Services for the Southeast Asian and Ethiopian Communities

NOTICE IS HEREBY GIVEN that there is an extension of the deadline to October 12, 1993 for submission of proposals in response to the Request for Proposals published in the *State Register* on August 16, 1993.

To be considered for funding, proposals must be post-marked or hand-delivered to the Refugee and Immigrant Services Section by 4:20 p.m., CDT, October 12, 1993.

Please direct all questions and request for copies of the full Request for Proposals to:

Minnesota Department of Human Services  
Refugee and Immigrant Services Section  
Human Services Building  
444 Lafayette Road  
St. Paul, Minnesota 55155-3837  
612-296-1383

## 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.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612) 296-2600 or [TDD (612) 297-5353 and ask for 296-2600].

---

### Department of Human Services

Coordinated Care Division

#### Notice of Availability of Contract for Independent Actuary to Review Prepaid Health Plan Rates

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is seeking applications for professional services from recognized experts in actuarial science and HMO rate setting to review the Department's Fiscal Year 1995 and 1996 prepaid health plan rates as required by *Minnesota Statute* 256B.69, Subdivision 5. This review will encompass an evaluation of the actuarial soundness of the ratesetting methodology used by the Department and will include (1) a detailed examination of the clerical and mathematical accuracy of the rates developed for prepaid health plan contracts and (2) a determination that the prepaid rates are in compliance with 42 CFR 447.361 "Upper Limits of Payment: Risk Contract". The following prepaid rates shall be reviewed:

1. The mandatory Prepaid Medical Assistance Program in these geographic groupings: (a) Hennepin County, (b) Minneapolis-St. Paul Metropolitan area, (c) St. Louis County, (d) all other counties grouped as Non-metropolitan, and (e) other counties and county groupings.
2. The AFDC Voluntary Prepayment Program in Anoka, Carver, Scott, and Washington counties (One group of prepayment rates).
3. The mandatory General Assistance Medical Care Prepayment Program in these geographic groupings: (a) Hennepin County,

---

---

## Professional, Technical & Consulting Contracts

(b) Minneapolis-St. Paul Metropolitan area, (c) St. Louis County, (d) all other counties grouped as Non-metropolitan, and (e) other counties and county groupings.

Interest persons/organizations must submit a written response containing the following information:

1. Name(s) of the individual(s) who will be performing the review;
2. Description of professional qualifications of the reviewer(s) including:
  - a. Education background;
  - b. Academic achievements, including publications in professional journals in relevant actuarial areas;
  - c. Membership in professional organizations;
  - d. Expertise in HMO ratesetting, especially related to the Medicare, Medical Assistance (Medicaid) or other special needs population groups;
  - e. Previous professional experience in health care insurance field;
  - f. Previous experience in contracting with the State of Minnesota;
3. A description of the work hours which the reviewer is available to work and the anticipated number of hours needed to review the rate methodology and rate computations;
4. A statement indicating the hourly payment rate for each individual to perform their review duties;
5. A writing sample which demonstrates the ability of the reviewer(s) to clearly communicate actuarial concepts to professionals in other fields.

The deadline for submitting a written response to this solicitation is 4:30 p.m. on Wednesday, October 20, 1993. The contract will be awarded on the basis of the following criteria:

1. Relevant education and experience of the reviewer(s);
2. Proposed hourly rate and number of hours required to complete the review;
3. Flexibility in scheduling and ability to begin work immediately;
4. Written and oral communication skills;
5. Previous history in contracting with the State of Minnesota.

Evaluation of the written applications and selection of a contractor will be completed by Wednesday, October 27, 1993. All respondents will receive a written notice of the selection process. The Department reserves the right to reject all proposals, if such action is deemed to be in the best interest of the Department. Please direct all inquiries and responses to:

William Tendle  
Financial Manager  
Minnesota Department of Human Services  
Coordinated Care Division  
444 Lafayette Road  
St. Paul, MN 55155-3854  
Phone: (612) 282-5809

## Department of Human Services

### Division for Persons with Developmental Disabilities

#### Request for Proposals to Assist in the Management of MR/RC Waivered Services Information Systems

The Minnesota Department of Human Services is soliciting proposals from qualified parties to assist in the management of information systems maintained as part of the home- and community-based waivered services program for persons with mental retardation or related conditions. The outcome of these activities is the authorization of funding and allocation of resources to eligible persons and the maintenance and development of necessary data base systems.

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

## **Professional, Technical & Consulting Contracts**

---

The Department has estimated that the cost of this contract will not exceed \$18,240.00. All proposals must be submitted no later than October 4, 1993.

For a copy of a more detailed explanation of this request for proposals, please contact:

Jan Menke  
Department of Human Services  
Division for Persons with Developmental Disabilities  
444 Lafayette Road  
St. Paul, Minnesota 55155-3825

## **Minnesota Comprehensive Health Association**

### **Notice of Request for Proposal for Legal Services**

**NOTICE IS HEREBY GIVEN** that the Minnesota Comprehensive Health Association (MCHA) has prepared a request for proposal (RFP) regarding the purchase of legal services for the Association.

Interested parties may request a copy of the RFP by calling 612-593-9609 or sending a written request to:

Minnesota Comprehensive Health Association  
Suite 910  
5775 Wayzata Boulevard  
St. Louis Park, MN 55416

Written responses to the RFP will be due no later than 4:30 p.m., Friday, September 24, 1993, at the address noted above.

## **Department of Public Safety**

### **Personnel Office: Request for Proposals—Pre-Employment Medical Evaluations of State Patrol Trooper Candidates**

The Department of Public Safety is seeking proposals from medical professionals to:

—Participate in the process of establishing legally defensible job related medical guidelines which will evaluate a State Patrol Trooper candidates fitness for duty.

—Conduct pre-employment physical/medical examinations according to the established medical guidelines for approximately 65 State Patrol Trooper candidates.

Details are contained in a request for proposals which may be obtained by calling or writing:

Karen Varian  
Personnel Office, Room 210  
Department of Public Safety  
395 John Ireland Blvd.  
St. Paul, MN 55155  
(612) 296-2906

The estimated cost of this project is \$12,000.00. Final date for submitting proposals is October 8, 1993.

## **Department of Trade and Economic Development**

### **Notice of Fund Availability**

### **Request for Proposals**

### **Concentrated Residential Area Action Plan**

#### INTRODUCTION

The 1993 Minnesota Legislature created a Concentrated Residential Area Action Plan program which is to be administered by the Department of Trade and Economic Development (DTED).

---

---

## Professional, Technical & Consulting Contracts

DTED announces the availability of \$50,000 in grant funds for fiscal year 1994 for cities for the purpose of establishing Concentrated Residential Neighborhood Action Plans.

The state funds must be equally matched by city funding. Matching money may include funding from the city general fund, a special fund, grant or other source.

DTED is seeking proposals from qualifying cities which want to plan for the stabilization and revitalization of specific neighborhoods within the city.

**Total funds available**  
**Fiscal year 1994: \$50,000**

### ELIGIBLE APPLICANTS

A city is eligible for Concentrated Residential Area Action Plan funds if it meets the following criteria:

1. Fifty percent of the residential units in the area are renter occupied;
2. Not less than half of the residential buildings in the area were built prior to 1970;
3. At least twenty percent of the city's population according to the latest federal census lives in the area;
4. At least three percent of the city's land area is contained in the area;
5. The median household income for the area is not more than eighty percent of the county median income.

### PROPOSAL CONTENTS

The proposal for the Concentrated Residential Area Action Plans must include the following:

1. Quantitative documentation that all eligibility requirements are met.
2. Identification of a planning process, which includes elements of consensus building that addresses, at a minimum, the following statutorily defined objectives:
  - a. The demographic and socioeconomic profile of the area's population and a statement of the social needs of the area's residents;
  - b. The condition of private owner-occupied and renter-occupied buildings;
  - c. The vacancy rate and turnover rate of the rental residential buildings;
  - d. The presence of and condition of the area's public facilities;
  - e. The redevelopment objectives of the city for the area;
  - f. The specific activities or means by which the city could implement the revitalization objectives;
  - g. Strategies to preserve existing housing;
  - h. Strategies to assist low and moderate income households to achieve self-sufficiency and meet their identified social needs;
  - i. Recommendations to the commissioner to facilitate the preservation, reuse, and rehabilitation of the area's housing stock and to increase the self-sufficiency of the area's residents;
  - j. Identification of the process that involved the area's residents in the development of the plan;
3. Identification of local initiatives that complement the strategies and implementation steps developed through the "Concentrated Residential Area Action Plan".
4. A line item budget detailing the allocation of state funds and identifying sources and uses of required matching funds.

### SELECTION PROCESS

The following criteria will serve as the basis for grant recipient selection:

1. The applicant city shall satisfy all of the eligibility requirements and shall satisfactorily address items in the "Proposal Contents".
2. At least fifty percent of the city contribution must be a direct cash outlay for salaries, consultants or other new services directed to the completion of the plan. The residual contribution may be satisfied through the use of grants or other in-kind contributions.
3. The extent to which the proposal complements other ongoing revitalization efforts in the stabilization of high density neighborhoods.

## Professional, Technical & Consulting Contracts

---

---

This Request for Proposals (RFP) is subject to all applicable federal, state and municipal laws, rules, and regulations. DTED reserves the right to modify or withdraw this RFP at any time and is not able to reimburse any applicant for costs incurred in the preparation or submittal of applications.

### SUBMISSION OF PROPOSALS

All proposals must be submitted by 4:30 p.m. on November 1, 1993. Applications should be sent to:

**Mr. Louis Jambois**  
**Department of Trade and Economic Development**  
**500 Metro Square**  
**121 7th Place East**  
**St. Paul, Minnesota 55101**

Late proposals will not be accepted.

### QUESTIONS

Questions regarding the application process should be directed to Louis Jambois at 612-297-3172.

## Non-State Public Bids and Contracts

---

---

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

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

---

## Minnesota Historical Society

### Notice of Request for Bids for Printing and Delivery of Minnesota Historical Society Stationary

The Minnesota Historical Society is seeking bids from qualified firms for the printing, packaging and delivery of stationary.

The Request for Bids is available by calling or writing Gary W. Goldsmith, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone (612) 297-5863.

Bids must be received no later than 2:00 p.m. Central Time, September 28, 1993.

Complete Specifications and details concerning submission requirements are included in the Request for Bids.

## University of Minnesota

### Announcement Re: New Service Contract System for Design/Engineer Consulting Services

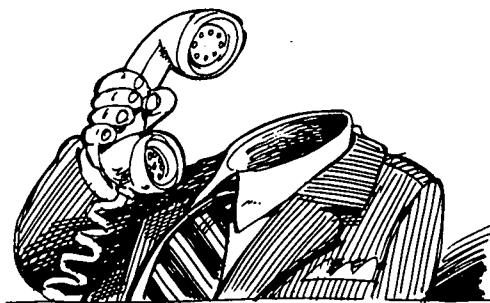
The University of Minnesota Facilities Management Department is establishing a new Service Contract System for all design/engineering consulting services for projects that are less than \$750,000 total project cost or are otherwise not required to be submitted to the State Designer Selection Board for consultant selection. A packet of information is available to all interested design/engineering consultant firms by calling (612) 625-6882 and leaving your name, firm name, address and phone number on the message service, after which a packet of information will be mailed to you. The deadline for the responses is October 1, 1993.



## Ever called this guy?

**1992 State of Minnesota Telephone Directory.** Get a direct line to the persons you want to speak to. Contains names, numbers, and agencies in the executive, legislative and judicial branches of state government. Four sections give listings alphabetically by name, agency, Minnesota region, plus an index for cross referencing. Over 288 pages, paperback, 8½"x11". Code #1-87-SR, \$12.95.

**Minnesota Guidebook to State Agency Services.** A treasure of information that cuts red tape and gets you **RESULTS** from Minnesota state government. This important resource helps you through applications, fees, licenses, reports, history, recreation and travel. It describes agencies in detail and how they can assist you, giving addresses, phones and contact people. Stock #1-11-SR, \$16.90.



**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free nationwide: 1-800-657-3757. Minnesota residents please include 6½% sales tax. St. Paul residents include 7%. On all orders, add \$3.00 per order for shipping. Prepayment is required. Please include daytime phone. VISA/MasterCard, American Express and Discover orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.

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

## Human Services Laws and Rules

### Human Services Laws 1992

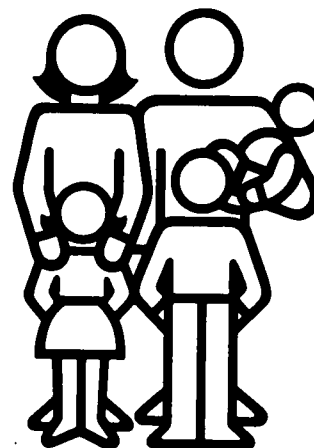
An extract from the statutes. Includes legislative amendments and additions from the most recent session. Code No. 2-56-SR. \$34.95.

### Human Services Rules 1992

Rules governing assistance programs, eligibility grant amounts, AFDC and residence requirements. MN Rules Chapter 9500-9580. Code No. 3-95-SR. \$36.95.

**3 ring binder.** 2" capacity. 1 required for each of above listed publications. Code No. 10-21-SR. \$4.95.

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free nationwide: 1-800-657-3757. Minnesota residents please include 6½% sales tax. St. Paul residents include 7%. On all orders, add \$3.00 per order for shipping. Prepayment is required. Please include daytime phone. VISA/MasterCard, American Express and Discover orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.



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

<p><b>TO ORDER:</b> Complete attached order blank. Include either your Discover/American Express/VISA/MasterCard number with the expiration date, or a check/money order made out to the State of Minnesota. Orders by phone are accepted when purchasing with your credit card. Please include a phone number where you can be reached during the day in case we have questions about your order. Please include 6½% sales tax and \$2.00 postage and handling. Ask for our catalogs for <i>Publications</i>, <i>Outdoors</i> or <i>Mailing Lists</i>.</p> <p><b>PREPAYMENT REQUIRED</b></p> <p><b>NOTE:</b> <i>State Register</i> and other subscriptions do not require sales tax or postage and handling fees. Prices subject to change without notice.</p> <p>Please allow 4-6 weeks for delivery. In a hurry? Stop by our Bookstore. Bookstore Hours: M-Th 7-5:30, Fri 7-4:30</p> <hr/> <p><i>Send your order to: Minnesota's Bookstore</i> 117 University Ave., St. Paul, MN 55155 Metro area 612-297-3000 (FAX: 296-2265) Toll free 1-800-657-3757 Telecommunications Device for the Deaf: Metro 612-297-5353 Greater MN 1-800-627-3529</p>	Code No.	Quantity	Description		Item Price	Total	
<b>Name or Company</b>					<b>Subtotal</b>		
<b>Attention</b>					<b>Plus 6½% tax MN Residents Only</b>		
<b>Address</b>							
<b>City</b>			<b>State</b>	<b>Zip</b>	<b>Handling (per order)</b>	<b>\$3.00</b>	
<b>American Express/VISA/MasterCard/Discover No.</b>					<b>TOTAL</b>		
<b>Signature</b>				<b>Expiration Date</b>	<b>Telephone (During Day)</b>		

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

## Pheasants in Minnesota

**Pheasants in Minnesota.** Through many full-color photos the book shows the ringneck pheasant in various settings, tells how to maintain wildlife habitat and explains the wise management of the hunt. Quantity discounts available. Stock #9-13-SR, \$5.95.

**Woodworking for Wildlife.** Variety of game bird and mammal box designs with information on the placement of nests in proper habitat areas and maintenance requirements. Diagrams, 48 pp. Stock #9-14-SR, \$9.95.

**Landscaping for Wildlife.** Gardening tips and landscaping techniques that add natural beauty to your property and habitat for wildlife. Over 70 color photos and 144 pages. Stock #9-15-SR, \$9.95.

**Wildlife Set.** Order both books above as a set and save 15%. Stock #9-20-SR, \$17.95.

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free nationwide: 1-800-657-3757. Minnesota residents please include 6½% sales tax. St. Paul residents include 7%. On all orders, add \$3.00 per order for shipping. Prepayment is required. Please include daytime phone. VISA/MasterCard, American Express and Discover orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.



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

## Good Business Decisions are Made with Good Information

**Minnesota Manufacturer's Directory:** More than 7,000 entries that include name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2-SR, \$95.00 plus tax.

**Business and NonProfit Corporation Act 1992.** A handy reference that contains all the state laws governing the establishment and conduct of corporations in Minnesota. Includes *Minnesota Statutes* Chapters 308A, 302A and 317A. Code #2-87-SR. \$20.95 plus tax.

**Minnesota Guidebook to State Agency Services 1992-95.** Packed with information to help you cut through red tape for easy and fast dealing with state agencies, this treasure of information opens state government to you. Its 640 pages describe agencies, how they work, listing contacts, addresses, phones, and license requirements, grants, forms, reports, maps, publications and much more. Gives historical, statistical and important data useful in hundreds of ways. Code #1-11-SR. \$16.90 plus tax. FAX: (612) 296-2265.



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

## Resolve Bargaining Disputes and Grievances

**Public Employment Labor Relations Act 1989.** The collective bargaining rights and responsibilities of public employers and public employees. Details employees' right to organize and the legislature's authority. Code #2-90-SR, \$6.00 plus tax.

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

**Minnesota Guidebook to State Agency Services 1992-95.** A treasure of helpful, useful, and interesting information about Minnesota state government. This important resource guides you through applications, fees, licenses, reports, history and travel highlights. Describes agencies in detail, giving addresses, phones and contact people. Code #1-11-SR, \$16.90 plus tax. FAX: (612) 296-2265.



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



## Attention Minnesota Business Leaders... Save time and money!

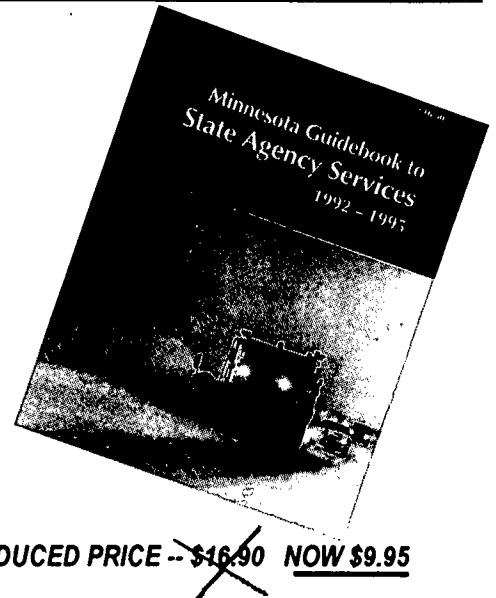
Avoid getting lost in your search for government services and marketing information. *Minnesota's Bookstore* can help you reach your market and keep you on top of state government policies and programs.

### Business & Professional Directories -----

#### **Minnesota Guidebook to State Agency Services 1992-95**

An obvious "headline" on any list for the business reference desk. The perfect "owner's manual" to Minnesota state government is a great reference tool for:

- \* applying for grants, bidding on contracts
- \* addresses, phone numbers and key contact people for each agency
- \* license requirements and fees
- \* gaining access to government services
- \* participating in state policy making and service delivery
- \* understanding the structure of Minnesota government with detailed descriptions of state agencies, their functions and services.



A MUST for the Minnesota business person. 710pp. **Stock No. 1-11-SR** ~~REDUCED PRICE -- \$16.90~~ **NOW \$9.95**

#### **Minnesota Manufacturer's Directory 1993**

Lists companies alphabetically, by community, and by type of product manufactured. Includes name, address, phone number, sales volume, market products, area sales, marketing and purchasing. Also FAX numbers, data processing managers and chief engineers, when available. 742 pp. **Stock No. 40-2-SR \$95.00**

#### **Healing Arts (Physician's) Directory 1991**

Names and addresses in alphabetical order for licensed chiropractors, osteopaths, optometrists, podiatrists and registered physical therapists. 426 pp. **Stock No. 1-1-SR \$19.95**

#### **State Agency Telephone Directory 1992**

This directory lists all state of Minnesota government agencies. Features a greatly expanded FAX section with over 250 numbers, alphabetical employee listings, a classified section, organized by department, and "yellow pages" listing state offices in greater Minnesota. 296pp. **Stock No. 1-87-SR \$12.95**  
(Next edition not due until early '94.)

#### **Airport Directory 1993**

List of airports throughout the state. Approaches, rivers, all detailed markings, and much more. 178 pp. (pocket-size) **Stock No. 1-8-SR \$5.95**

#### **Law Enforcement Directory 1993**

Directory of state law enforcement agencies, sheriffs and municipal law enforcement agencies. 51pp. **Stock No. 1-6-SR \$7.00**

#### **Directory of Chemical Dependency Programs '92-93**

Comprehensive listing of chemical dependency treatment programs in Minnesota. Information on services provided, funding and staff, and a map are also included. 282 pp. **Stock No. 1-12-SR \$17.00**

#### **Mailing Lists ---**

Let our Mailing List Service guide you through their **broad selection of licensed professionals and permit holders** in the state of Minnesota. Lists are available in a variety of formats including computer printouts, directories, cheshire or pressure-sensitive labels, or diskette. For a free catalog or further information, call (612) 296-0930.

**Minnesota's Bookstore 117 University Avenue St. Paul, MN 55155**

**(612) 297-3000 (Metro area) 1-800-657-3757 (TOLL FREE)**

**TDD (telecommunications device for the deaf): (612) 282-5077 (Metro area) 1-800-657-3706 (TOLL FREE)**

**FAX: (612) 296-2265 Online/Computer: (612) 821-4096 (8-N-1, 1200/2400bps)**

