

'78 July 17



# STATE REGISTER

## STATE OF MINNESOTA

EXECUTIVE ORDERS

RULES

PROPOSED RULES

STATE CONTRACTS

OFFICIAL NOTICES

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### VOLUME 3, NUMBER 2

JULY 17, 1978

Pages 45-72

# STATE REGISTER

## Printing Schedule for Agencies

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4	Monday July 17	Monday July 24	Monday July 31
5	Monday July 24	Monday July 31	Monday Aug 7
6	Monday July 31	Monday Aug 7	Monday Aug 14
7	Monday Aug 7	Monday Aug 14	Monday Aug 21

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

\*\*Notices of Public Hearings on proposed rules are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

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# MCAR AMENDMENTS AND ADDITIONS

The following is a listing of all proposed and adopted rules published in this issue of the *State Register*. The listing is arranged in the same order as the table of contents of the *Minnesota Code of Agency Rules* (MCAR). All adopted rules published in the *State Register* and listed below amend the rules contained in the MCAR set. Both proposed temporary and adopted temporary rules are listed here although they are not printed in the MCAR due to the short term nature of their legal effectiveness. During the term of their legal effectiveness, however, adopted temporary rules do amend the MCAR. A cumulative listing of all proposed and adopted rules in Volume 3 of the *State Register* will be published on a quarterly basis and at the end of the volume year.

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# EXECUTIVE ORDERS

## Executive Order No. 174

### Providing for the Establishment of a Governor's Task Force on Families

I, Rudy Perpich, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

Whereas, families are truly our most precious social resource because they are responsible for perpetuating the basic goals and values which bind a society together, and

Whereas, rapid and radical changes in society have brought new pressures and challenges to today's families, and

Whereas, Minnesota families reflect a richness of ethnic diversity and family styles, and

Whereas, public policy toward the family is of the utmost importance because of the demonstrable effects on the family of the actions of business, other social institutions, and all levels of government, and

Whereas, public policy should be designed to combat harmful effects upon the family by all such activities, just as programs which actively serve family needs should be devised and implemented;

Now, therefore, I order:

1. Creation of a Governor's Task Force on Families.

a. Said Task Force to consist of 15 members representative of a broad spectrum of Minnesota citizens, with emphasis on people with a strong commitment to families as well as experience in working for the community good.

b. Terms to be effective May 11, 1978.

2. The purpose of the Task Force is to review ways in which existing policies and programs are affecting families and to recommend legislative and executive actions which can be supportive of families.

3. The Council for the Economic Status of Women shall act as the personnel and fiscal agent for the Task Force and the Task Force may accept and utilize any public or private funds to fulfill its responsibilities. The Task Force is designated as the agency to apply for, receive, and accept federal funds available to fulfill its responsibilities.

Pursuant to Minn. Stat. § 4.035, 1977 Supp., this order shall be effective 15 days after its publication in the *State Register* and shall remain in effect until it is rescinded by proper authority or it expires in accordance with §§ 4.035 or 15.0593.

In testimony whereof, I hereunto set my hand on this 30th day of June, 1978.





The Boundary Waters Canoe Area in northeastern Minnesota received its start in 1909 when President Theodore Roosevelt established the Superior National Forest, a 3-million acre wilderness in the "Arrowhead" region of the state. Bordering Canada, the BWCA is the last extensive conifer forest ecosystem in the eastern U.S. It contains some stands of virgin timber, including 300-year old Red and Norway pines reaching a mature height of 60-100 feet. The BWCA is the largest unit of the National Wilderness Preservation System and the nation's only wilderness canoe area.

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, have been met and five working days after the rule is published in the *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 as proposed 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 strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

## Ethical Practices Board Adopted Temporary Rules Governing Economic Interest Disclosure

The rules relating to economic interest disclosure published as proposed temporary rules at *State Register*, Volume 2, Number 47, pp. 2124-2126, May 30, 1978 (2 S.R. 2124), are adopted as of June 29, 1978; with the following amendments:

### Rule as Adopted

#### 9 MCAR § 1.0105 Late filing fees.

A. The Board may grant a waiver of a late filing fee for sickness or injury of the filer, or other compelling reasons. A written request for a waiver must be submitted not later than the fifth business day after filing the late statement. For purposes of this rule, business day means 8:00 a.m. to 4:30

# RULES

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## 9 MCAR § 1.0105

p.m. Monday through Friday except for official state holidays.

B. A late filing fee will be charged through the day preceding the day of filing of a late statement.

C. The Board shall send a delinquency notice by certified mail to a public official or candidate within ten business

days after a filing date. If a certified letter is returned by the post office to the Board as refused, then the letter shall be deemed to have been received by the addressee. The late filing fee will then commence accumulating on the eighth day after refusal. A certified letter returned to the Board as undelivered or refused shall be forwarded by first class mail to the public official or candidate.

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **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."

# PROPOSED RULES

Pursuant to Minn. Stat. § 15.0412, subd. 4, agencies must hold public hearings on proposed new rules and/or proposed amendment of existing rules. Notice of intent to hold a hearing must be published in the *State Register* at least 30 days prior to the date set for the hearing, along with the full text of the proposed new or amended rule. The agency shall make at least one free copy of a proposed rule available to any person requesting it.

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.



The Native American in Minnesota is believed to be the descendent of a race which migrated from Asia some 12,000 years ago. The Indians encountered by the first white explorers in the region were probably members of the Dakota nation. Minnesota's name, which means "sky-tinted waters," and the names of many of our cities, towns, rivers and lakes are an example of the influence of the Indian in the state's development. Today the majority of Minnesota's 24,000 Indians, mostly Chippewa, live on tribal reservations and in the Twin Cities area.

## Peace Officer Standards and Training Board Proposed Temporary Rules and Proposed Permanent Rules Governing the Selection, Training and Licensing of Peace Officers and Constables

### Notice of Opportunity for Public Comment

The Minnesota Board of Peace Officer Standards and Training (POST Board) has proposed the following temporary rules for the purpose of effectively implementing the provisions of Minn. Stat. § 626.84, *et seq.* (Supp. 1977), as amended by Laws of 1978, ch. 681.

All interested parties are hereby afforded the opportunity to submit data and comments on these proposed temporary rules for 20 days after publication of this material in the *State Register* by writing to Mark K. Shields, Executive Director, POST Board, 5th Floor Metro Square Building, St. Paul, Minnesota 55101.

Any written material received by the POST Board shall become part of the hearing record in the final adoption of the temporary rules.

These rules supersede the rules published at *State Register*, Volume 2, Number 49, p. 2233, June 12, 1978 (2 S.R. 2233) as proposed temporary rules.

### Order for Hearing

It is hereby ordered that a public hearing on the proposed permanent rules of the Peace Officer Standards and Training Board be held in Room 83 of the State Office Building, Wabasha Street (between Aurora and Fuller Streets), Saint Paul, Minnesota 55155, on the 24th day of August, 1978, commencing at 9:00 a.m. and continuing until all persons have had an opportunity to be heard.

It is further ordered that a Notice of Hearing be mailed to all persons or representatives of associations or other interested groups who have registered their names with the Secretary of State for that purpose.

It is further ordered that the Notice of Hearing be published in the *State Register*.

Mark K. Shields  
Executive Director

July 10, 1978



# PROPOSED RULES

## Notice of Hearing

Notice is hereby given that a public hearing on the proposed permanent rules of the Peace Officer Standards and Training Board will be held in the State Office Building Auditorium, Room 83, Wabasha Street (between Aurora and Fuller Streets), Saint Paul, Minnesota 55155, on Thursday, August 24, 1978, commencing at 9:00 a.m. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted by mail to Natalie Gaull, Hearing Examiner, 1745 University Avenue, Saint Paul, Minnesota 55104, telephone (612) 296-8114, either before the hearing or within twenty (20) days after the close of the hearing.

The proposed rules, if adopted, would govern the selection, training and licensing of peace officers and constables in the State of Minnesota. In addition, the proposed rules establish the reimbursement program of the Minnesota Board of Peace Officer Standards and Training (POST Board). Copies of the proposed rules are now available and one (1) free copy may be obtained by writing to: POST Board, 5th Floor Metro Square Building, Saint Paul, Minnesota 55101, telephone (612) 296-2620. Additional copies will be available at the door on the date of the hearing. The POST Board's authority to promulgate the proposed rules is contained in Minn. Stat. § 626.843 subd. 1 (Supp. 1977), as amended by Laws of 1978, ch. 681, § 9. A Statement of Need explaining why the board feels the proposed rules are necessary and a Statement of Evidence outlining the testimony it will be introducing will be filed with the Hearing Examiner's Office at least twenty-five (25) days prior to the hearing and will be available at that location for public inspection.

Please be advised that pursuant to Minn. Stat. § 10A.01, subd. 11 (1976), any individual engaged for pay or other consideration for the purpose of representing persons or associations attempting to influence administrative action, such as promulgation of these rules, must register with the State Ethics Commission as a lobbyist within five (5) days of the commencement of such activity by the individual.

July 10, 1978

Mark K. Shields  
Executive Director

Proposed temporary rules 4 MCAR §§ 13.001-13.020

## 4 MCAR § 13.002

and proposed permanent rules 4 MCAR §§ 13.001-13.020 are identical.

## Rules as Proposed

**4 MCAR § 13.001 Introduction and scope.** The Minnesota Board of Peace Officer Standards and Training, which is created pursuant to Minn. Stat. § 626.84 (Supp. 1977) *et seq.*, as amended, is authorized to promulgate rules and standards relating to the selection, training and licensing of peace officers and constables in the State of Minnesota. The following rules are adopted pursuant to that enabling legislation. See Minn. Stat. § 626.843.

### 4 MCAR § 13.002 Construction of terms.

A. Definitions. For the purpose of these rules the words, terms and phrases shall have the meanings hereafter given them, unless another intention clearly appears.

1. Agency: local or state law enforcement agency employing peace officers.

2. Appointing authority: executive head of the agency. In cases where there is no executive head or where the executive head is the sole member of the agency, "appointing authority" shall mean the public official, board, commission, or other person or groups of persons responsible for the initial appointment and continued tenure of persons employed by the agency as peace officers.

3. Basic course: a course including both academic and skills training which must be completed by any individual seeking to be licensed as a peace officer and whose content, length, instruction and instructors have been certified by the board.

4. Board: the Minnesota Board of Peace Officer Standards and Training.

5. Bureau: Minnesota Department of Public Safety, Bureau of Criminal Apprehension.

6. Constable: as defined in Minn. Stat. § 367.40 subd. 3.

7. Deputy constable: as defined in Minn. Stat. § 367.40 subd. 4.

8. Director: director or head of a school.

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## PROPOSED RULES

### 4 MCAR § 13.002

9. Executive director: executive director of the board.

10. Field training: a program of on-the-job instruction and evaluation for new peace officers conducted by board-approved field training officers which meets or exceeds established guidelines of the board.

11. Field Training Officer (FTO): a licensed peace officer who is responsible for the field training and evaluation of new peace officers and who has met or exceeds the established requirements of the board regarding FTO qualifications.

12. Guest lecturer: a person who may be utilized from time to time for the purpose of providing specific expertise within a certified course of instruction.

13. Instructor: a person who is qualified to teach in a school.

14. Peace officer: as defined in Minn. Stat. § 626.84(c).

15. Permanent appointment: any peace officer who meets the requirements of Minn. Stat. § 626.846, subs. 1, 1(a), 3 or 3(a), and any constable who meets the requirements of Minn. Stat. § 626.845 subd. 2, shall be considered to have received a permanent appointment for the purposes of these rules.

16. Political subdivision: county, city, town, municipality or other similar political subdivision of the State of Minnesota.

17. Post-secondary program: an academic course of instruction in law enforcement at a college or university that has been certified by the board and which minimally includes the subject areas listed in § 13.003A.1.

18. Provisional certification: temporary approval given by the board which permits a school to operate for a period not to exceed one year, provided that the school substantially complies with the board's requirements for certification as set forth in § 13.005.

19. Reimbursement funds: legislatively appropriated funds made available to the board for use by political subdivisions to defray the cost of salaries, expenses and substitute protection incurred during the training of peace officers which shall be disbursed on an equal share basis to agencies which had peace officers successfully complete a basic course during the preceding fiscal year.

20. School: any training school or program certified by the board.

21. Skills Course: a course of training which minimally includes the subject areas listed in § 13.003A.2. and which must be successfully completed by an individual to be eligible to be licensed.

a. The completion of a post-secondary program and a skills course is equivalent to the completion of the basic course.

B. Gender. Words used in the masculine gender shall include the feminine gender as well.

C. Singular and plural. Where appropriate, words used in the singular shall include the plural and words used in the plural shall include the singular.

### 4 MCAR § 13.003 Basic course.

A. The basic course minimally shall include the following subject areas.

1. Academic instruction in:

- a. administration of justice;
- b. Minnesota Statutes;
- c. criminal law;
- d. human behavior;
- e. juvenile justice;
- f. law enforcement operations and procedures.

2. Skills training in:

- a. techniques of criminal investigation and testifying;
- b. patrol functions;
- c. traffic law enforcement;
- d. firearms;
- e. defensive tactics;
- f. emergency vehicle driving;
- g. criminal justice information systems;
- h. first aid (see § 13.006 E.).

B. Participation or continued instruction in a particular subject area enumerated in § 13.003 A. may be waived by the director upon satisfactory evidence of approved equivalent training.

## PROPOSED RULES

### 4 MCAR § 13.006

C. All basic courses shall comply with the minimum requirements set forth in § 13.003 A. and shall furnish such reasonable and necessary proof to the board to verify that the provisions of § 13.003 A. are being met.

I. Nothing in these rules shall preclude any basic course from enacting regulations which establish standards of training above the minimum requirements set forth in § 13.003 A.

D. Periodically the board may issue specific learning objectives applicable to the content of the minimum basic course as outlined in § 13.003 A.

E. Attendance shall be required of each student at all sessions of each basic course. Any student who is absent for more than one day of any basic course shall make up such course content to the satisfaction of the director.

F. The board shall determine the reasonable number of students to be enrolled in each basic course.

G. Currently employed unlicensed peace officers applying for enrollment in any bureau sponsored basic course shall receive priority acceptance.

H. All students shall be physically and psychologically capable of complete participation in all basic course activities. Any student unable to physically or psychologically participate in all aspects of the basic course shall not be deemed as satisfactorily completing the basic course.

I. The director shall be responsible for maintaining and making available to the board and executive director pertinent information on all classes conducted in the basic course. Additionally, the director shall notify the board of all students who have successfully completed his school.

J. All basic courses shall be subject to periodic review and evaluation by the board.

### 4 MCAR § 13.004 Instructors.

A. All instructors who teach law enforcement courses in a school, post-secondary law enforcement program, or other course which has been approved by the board, shall possess an associate degree or greater from an accredited institution of higher learning, or have professionally recognized experience to teach the assigned subject matter.

B. These rules shall not preclude a certified school, program or course from utilizing guest lecturers.

### 4 MCAR § 13.005 Certification of post-secondary programs and schools.

A. All schools and post-secondary programs shall be reviewed periodically by the board and no certification shall issue unless the school or program files with the board satisfactory proof that the school or program will offer courses meeting the prescribed learning objectives, has reasonable training equipment and facilities, and has qualified instructors. Further, the school or program shall also file with the board such other relevant information as it may require (e.g., lesson plans, course outlines, etc.).

B. The director of the school or program shall file all relevant information required by the board at least 30 days prior to commencement of each proposed course or program.

C. Upon receipt of a properly filed application, the board initially may grant provisional certification to a school until such time as an onsite evaluation and inspection has been completed.

### 4 MCAR § 13.006 Licensing of peace officers.

A. Pursuant to Minn. Stat. § 626.846, subds. 1-3(a), eligible peace officers shall be licensed by the board commencing July 1, 1978. Similarly, pursuant to Minn. Stat. § 367.41, subds. 2-5, and Minn. Stat. § 626.845, subd. 2, eligible constables shall be licensed by the board commencing July 1, 1978.

B. Licenses shall remain valid for a period of not more than three years unless suspended or revoked in accordance with the provisions of Minn. Stat. ch. 214.

C. All peace officers whose last names begin with "A" through "G" shall be eligible to have their licenses renewed on July 1, 1980. Peace officers whose last names begin with "H" through "M" shall be eligible to have their licenses renewed on July 1, 1981. Peace officers whose last names begin with "N" through "Z" shall be eligible to have their licenses renewed on July 1, 1982.

D. All unlicensed peace officers, except as provided otherwise by § 13.006 F-O, who are appointed subsequent to July 1, 1978 by any state, county, municipality or joint or contractual combination thereof of the State of Minnesota with a population of more than 1,000 according to the last federal census and constables appointed or elected subsequent to July 1, 1979, shall attend a basic course no later

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## PROPOSED RULES

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### 4 MCAR § 13.006

than within one year from the time of appointment or election.

1. All unlicensed peace officers, except as provided otherwise by § 13.006 F.-O. who are appointed subsequent to July 1, 1979 by any state, county, municipality or joint or contractual combination thereof of the State of Minnesota with a population of less than or equal to 1,000 according to the last federal census, shall attend a basic course no later than within one year from the time of appointment.

2. Each peace officer and constable enrolled in a basic course shall complete it within six months from the date of enrollment, unless the board grants an extension for compelling reasons.

E. Students shall furnish the board proof of successful completion of one of the following approved first aid courses:

1. Red Cross advanced first aid;
2. Crash Injury Management (CIM); or
3. Emergency Medical Technician (EMT).

The first aid course shall be successfully completed prior to termination of the prelicense probationary period.

F. Students who successfully complete a post-secondary program shall be eligible to take the academic portion of the peace officer licensing examination.

G. Students who successfully pass the academic portion of the peace officer licensing examination shall be eligible to enroll in a skills course. Upon successful completion of such skills course, a student shall be eligible to take the skills portion of the licensing examination.

1. All persons enrolled in a skills course shall successfully complete that course within six months of the date of enrollment, unless the board grants an extension for compelling reasons.

H. Any student who successfully completes a post-secondary program which provides both academic and skills courses shall be allowed to take the entire peace officer licensing examination.

I. Upon successful completion of both portions of the peace officer licensing examination, a student shall be certified eligible for employment as a peace officer for a period of not more than one year. Any student who obtains employment as a peace officer shall be issued a license upon successful completion of a one-year probationary period with a single agency.

1. Notification of successful completion of the probationary period shall be furnished to the board by the appropriate appointing authority.

J. Any unlicensed peace officer who successfully completes a basic course pursuant to these rules and who successfully completes a one-year probationary period with a single agency calculated from the date of successful completion of the basic course, shall be licensed as a peace officer by the board provided that the peace officer successfully completes the licensing examination within that period of time.

K. Peace officer licensing examinations shall be offered at least twice a year. The board shall establish the examination schedules. Any student or peace officer seeking to take either portion of the licensing examination shall submit a written application on a form provided by the board at least 30 days prior to the date of the examination. Each application shall be accompanied by the appropriate nonrefundable fee as set forth in § 13.007. Students or peace officers who fail the examination may be allowed to retake the examination two times upon furnishing to the board a renewed written application and appropriate fee.

L. Inactive licenses. Licensed peace officers who have received a permanent appointment as defined in these rules, and who leave law enforcement in good standing shall be allowed to maintain the license in an inactive status provided they meet the requirements of § 13.007-13.008. Any person whose license is inactive and who desires to re-enter law enforcement shall petition the board in writing and his appointing authority shall invoke the provisions of § 13.020 A, B.1-7, and furnish the board with proof of their compliance.

M. Any peace officer who is certified and employed in good standing in another state shall be eligible for licensing in Minnesota provided that he:

1. successfully completes a peace officer licensing examination pursuant to § 13.006 K;
2. is employed within the State of Minnesota and complies with the provisions of § 13.020 B.; and
3. successfully completes a probationary period with a single agency of not less than one year.

N. All peace officers licenses shall remain the property of the board. A copy of the valid license shall be forwarded to the licensee, and such copy shall be surrendered to the board in the event that the license is suspended, revoked or becomes inactive.

O. A peace officer who prior to July 1, 1978, is employed by and receiving direct compensation from any

## PROPOSED RULES

state, county, municipality, or joint or contractual combination thereof with a population of more than 1,000 according to the last federal census, but who has not met the requirements of Minn. Stat. §§ 626.841-626.855 in effect on June 30, 1977, shall be licensed by the board when proof is provided that he has:

1. successfully completed a peace officer licensing examination no later than January 1, 1981;
2. complied with the provisions of § 13.020 B.;
3. qualified in the use of firearms; and
4. obtained first aid training in accordance with § 13.006 E.

### 4 MCAR § 13.007 Examination and license fees.

A. A nonrefundable fee of \$25.00 shall be paid to the board prior to taking the peace officer license examination.

B. License fees shall be as follows:

1. Active: \$10.00 for three years.
2. Inactive: \$10.00 for three years.

### 4 MCAR § 13.008 Peace officer continuing education — training.

A. Statement of purpose. Pursuant to the authority vested in it by Minn. Stat. § 214.12, the board has determined that a program of continuing education for licensed peace officers is necessary to promote and ensure the professional competence of licensees.

B. No peace officer's license shall be renewed unless the licensee or his appointing authority furnishes the board proof that the licensee has successfully completed at least 48 hours of board-approved training or education within the previous three-year license period.

1. Prior to being eligible to receive board approval, the course outline or lesson plans for a peace officer continuing education course shall be filed with the board. Additionally, the names and qualifications of each instructor and guest lecturer shall be provided to the board.

C. The board may from time to time mandate specific courses and required minimum hours to insure continued protection of the public interest. Nothing contained herein

### 4 MCAR § 13.010

shall be construed as limiting an agency from requiring or furnishing more than the number of hours of continuing education and/or training required by the board.

D. This rule shall take effect July 1, 1979.

**4 MCAR § 13.009 Field training.** Statement of purpose. The board encourages and shall furnish assistance to all agencies which establish minimum requirements for field training of new peace officers.

### 4 MCAR § 13.010 Reimbursement program of the board.

A. Statement of purpose. An increase in the minimum number of weeks required for basic training of peace officers and constables has created additional costs to political subdivisions. The reimbursement program of the board is intended to assist political subdivisions paying the salary and expenses of peace officers who successfully complete a basic course and to help absorb the cost of providing substitute protection while peace officers are being trained. Accordingly, the following rules are promulgated pursuant to the authority vested in the board by Minn. Stat. § 626.843, subd. 3(d).

B. Any agency which meets the following criteria shall be eligible to receive reimbursement funds for the training of each officer successfully completing the basic course.

1. The agency shall have complied with the provisions of § 13.020 B prior to seeking reimbursement funds.

2. The agency or political subdivision shall not have required its peace officers to work while attending the basic course, unless such work was part of the training program.

3. The agency or political subdivision shall have completed and filed all pertinent reports required by the board.

C. Application for reimbursement funds shall be made on forms provided by the board.

1. Forms shall be submitted listing each peace officer who has successfully completed a basic course and for whom the political subdivision seeks reimbursement funds.

2. The application for reimbursement funds shall be submitted on behalf of the political subdivision by an official designated by resolution of the appropriate governing body. Verification of compliance with these rules shall ac-

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. **Strike outs** indicate deletions from proposed rule language. **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."

## PROPOSED RULES

### 4 MCAR § 13.010

company each application and shall be made in writing by the executive head of the agency.

3. Applications for reimbursement funds shall be submitted by the appropriate political subdivision within 60 days after receiving the requisite forms from the board.

D. Upon compliance with these rules and applicable statute, approval of the application shall be by the board or its designee. After the board or its designee has approved the reimbursement application, it shall recommend payment and promptly forward the request form through the appropriate state agencies for the disbursement of funds.

1. Upon approval, each political subdivision shall be entitled to reimbursement funds for each peace officer attending a basic school provided that the eligibility criteria enumerated in § 13.010 B have been met.

2. A political subdivision is not deemed eligible for reimbursement funds when it receives a subsidy from a state or federal agency or program to assist paying a student's salary; provided, that if no expenses are allowed under such program, the board may authorize reimbursement for actual expenses in an amount not to exceed \$30.00 per week of training for each student.

3. Any award of reimbursement funds shall be conditioned upon the continued availability of such funds.

E. Disbursement of reimbursement funds by the board shall be after the close of board's fiscal year.

F. When funds become available for reimbursement of mandated training other than basic courses, political subdivisions shall be entitled, upon approval of a proper application, to share equally in such funds for each peace officer who completes such training, provided the eligibility criteria enumerated in § 13.010 B. have been met.

### 4 MCAR §§ 13.011-13.019 Reserved for future use.

### 4 MCAR § 13.020 New peace officers.

A. All agencies shall furnish the name, address, date of appointment and other pertinent information concerning a newly appointed peace officer to the executive director within 10 calendar days of such officer's appointment.

B. No agency shall appoint any new peace officer who does not comply with the following minimum selection standards; provided, that these standards shall not be construed to restrict an agency from adopting more rigid standards in the areas enumerated.

1. The applicant shall be a citizen of the United States.

2. The applicant shall possess a valid Minnesota driver's license; or in the case of residency therein, a valid

driver's license from a contiguous state; or eligibility to obtain either of the above.

3. The applicant shall complete a comprehensive written application prior to hiring. The applicant shall be fingerprinted and a thorough background search shall be made through, but not limited to, the resources of local, state and federal agencies in order to disclose the existence of any criminal record or unacceptable conduct which would adversely affect the performance by the applicant of his duties as a peace officer.

4. The applicant shall not have been convicted of a felony in this state or in any other state or federal jurisdiction or of any offense in any other state or federal jurisdiction which would have been a felony if committed in Minnesota.

5. A licensed physician or surgeon shall make a thorough medical examination of the applicant to determine that he is free from any physical condition which might adversely affect the performance of his duties as a peace officer.

6. An evaluation shall be made by a licensed psychologist to determine that the applicant is free from any emotional or mental condition which might adversely affect his performance of duties as a peace officer.

7. The applicant shall successfully pass a job-related examination of his physical strength and agility demonstrating the possession of physical skills necessary to the accomplishment of the duties and functions of a peace officer.

8. The applicant shall successfully pass a written examination demonstrating the possession of all mental skills necessary for the accomplishment of the duties and functions of a peace officer.

9. The applicant shall successfully complete an oral examination conducted by or for the agency to demonstrate the possession of skills necessary to the accomplishment of the duties and functions of a peace officer.

C. Periodically the board may make specific recommendations applicable to the implementation of the minimum selection standards set forth in § 13.020 B.

D. Potential penalties for noncompliance with the minimum selection standards set forth in this rule include:

1. denial of entrance into the bureau basic course;

2. denial of reimbursement funds as specified in § 13.010;

3. denial of licensure; and

4. other appropriate remedies as provided under Minn. Stat. §§ 214.10 and 214.11.

# STATE CONTRACTS

Pursuant to the provisions of Laws of 1978, ch. 480, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

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

## Department of Health Comprehensive Child Health Screening

### Notice of Availability of Contract for Physician Consultant Services

The Minnesota Department of Health is contracting for physician educators who will be functioning in the Early and Periodic Screening and Preschool Screening programs. Responsibilities will include:

1. To plan and review curriculum and visual materials for Early and Periodic and Preschool Screening seminars.
2. To teach EPS and PSS seminars for nursing personnel in local agencies providing services.

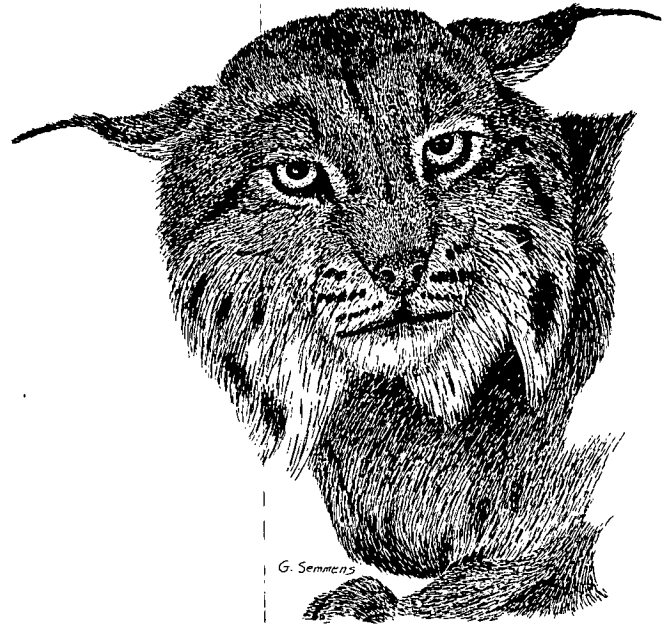
Requirements: Pediatricians with knowledge of screening principles and experience as educators.

Estimated cost: \$225.00 per day.

Interested persons may apply by submitting a written résumé to Sheila Swaiman, Supervisor, Comprehensive Child Health Screening, Minnesota Department of Health, 717 S.E. Delaware Street, Minneapolis, MN 55440.

### Notice of Availability of Contract for Pediatric Nurse Associates

Minnesota Department of Health is contracting with Pediatric Nurse Associates, (1) to provide technical consultation evaluation to each Early and Periodic Screening and



The Canada lynx population in Minnesota, seen primarily in St. Louis, Cook and Lake counties, is the fringe of a larger population living in the coniferous forests of Canada and Alaska. The lynx feeds primarily on rabbits, and follows the 10-year pattern of scarcity and abundance of the snowshoe rabbit. It rarely leaves its natural habitat during years of scarcity but may roam for hundreds of miles during abundant years, and has been seen as far south as the Twin Cities area. Protected by the Department of Natural Resources through trapping license requirements, the lynx is not a threatened species in Minnesota.

Preschool Screening program; and (2) to teach seminars for local nurses who will be screening children under the auspices of the Early and Periodic Screening and the Preschool Screening program.

Requirements: Pediatric Nurse Associates with teaching experience and knowledge of public health nursing will be considered.

Estimated cost: \$85.00 per day.

Interested persons may apply by submitting a written résumé to Sheila Swaiman, Supervisor, Comprehensive Child Health Screening, Minnesota Department of Health, 717 S.E. Delaware Street, Minneapolis, MN 55440.

## Department of Health Crippled Children Services Notice of Availability of Contracts for Certain Medical and Related Services

The Minnesota Department of Health, Crippled Children Services, contracts with persons to provide services at field clinics.

## STATE CONTRACTS

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Openings exist for:

1. Board Certified or Approved physicians to provide medical examinations;
2. Certified Audiologists to provide audiological examinations;
3. Certified dental hygienists to provide oral examinations.

Qualified, interested persons should contact Dr. Richard P. Nelson, Director of Crippled Children Services, 717 S.E. Delaware, Minneapolis, Minnesota 55440.

### **Department of Military Affairs Office of the Architect and Engineer — Camp Ripley**

#### **Notice of Availability of Contract for Design and Over-view of Construction of Bituminous Surfaced Airstrip at Camp Ripley**

The Department of Military Affairs, State of Minnesota, is seeking the services of a Design Firm registered in the State of Minnesota to accomplish the design and over-view of construction for the following project:

A bituminous surfaced airstrip (5000 ft. long) with attendant aircraft taxiways and parking area to be located at Camp Ripley, Little Falls, Minnesota 56345. Estimated value of construction: \$1,000,000.00. Estimated design fee for the work: \$51,000 (5.1% construction value).

Design Firms who wish to be considered for this project must submit applications for same on or before 4:00 p.m., August 7, 1978 to the Office of the Architect and Engineer, Camp Ripley, Little Falls, Minnesota 56345. The application shall be made in letter form, soft bound, in six copies and shall include the following information:

- a. Applicant's firm name, address, telephone number and the name of the contact person.
- b. Identity of the firm and indication of legal status of the firm, i.e. corporation, partnership, etc.
- c. Information as to experience the firm has had in

airfield construction in that such experience will be given consideration in selection of the Design Firm for the work.

d. Names of the persons who would be directly responsible for the major elements of the work, including consultants.

e. A commitment to enter into the work promptly and to complete the design stage expeditiously.

f. One copy each of current Standard Forms 254 and 255 for the firm applying.

Point of contact for this project is Col. John W. Hohncke, Staff Architect, Department of Military Affairs, Camp Ripley, Little Falls, Minnesota 56345, (612) 632-6631, ext. 314.

Selection of the Design Firm for the work shall be made immediately after August 7, 1978.

John W. Hohncke  
COL, INF, MinnARNG  
Military Architect and Engineer

### **Department of Natural Resources**

#### **Division of Minerals**

#### **Notice of Request for Proposals for Analysis of Vegetation Potential on Mineland Waste Materials**

Notice is hereby given that the Department of Natural Resources intends to engage the services of a consultant to prepare the above captioned report which will also include other related studies. Proposals must be submitted no later than July 21, 1978. The estimated amount of the contract is \$23,000. This contract will be a continuation of a study currently being conducted by the University of Wisconsin, Stevens Point.

Direct inquiries to:

Department of Natural Resources  
Division of Minerals  
Box 45, Centennial Office Building  
St. Paul, Minnesota 55155  
Attn: Lock Collins, Contract Manager  
(612) 296-4807



**Department of Natural  
Resources  
Bureau of Planning and  
Research**

**Notice of Availability for a  
Negotiated Contract to Develop  
Criteria for Public Waters  
Designation**

All proposals must be sent to and received by:

Department of Natural Resources  
Bureau of Planning and Research  
Centennial Office Building  
658 Cedar Street  
St. Paul, Minnesota 55155  
Attn: George Orning  
not later than 4:30 p.m., August 4, 1978.

Prospective responders who have any questions regarding the contract or the proposed task should call:

Mr. George Orning, Manager Policy Planning  
(612) 296-4892

The Department of Natural Resources has responsibility for the Public Waters Inventory and Classification program as outlined in Minn. Stat. § 105.391.

Under this program the DNR must inventory the waterbasins of each county and make a preliminary designation as to which constitute public waters.

In order to make preliminary determinations and to support public waters designations, criteria are needed in which to evaluate individual basins on the basis of the eight (8) "beneficial public purposes" identified in Minn. Stat. § 105.37, subd. 6.

The project will involve extensive field work to ascertain criteria recommendations for water basin types by broad areas of the state as well as by counties and areas within counties. Criteria for assessing values based on the eight (8) statutory public purposes with emphasis on wildlife (game and non-game) within which basins maybe evaluated is especially crucial. In addition, identification of possible state-wide priorities and development of recommendations for program implementation are required.

The Department expects this project to be completed by the end of November, 1978 and has estimated that the cost should not exceed \$15500 for professional services and expenses.

**State Planning Agency  
Administrative Services  
Section**

**Notice of Request for Proposals  
for Slides and Slide Show  
Preparation**

Notice is hereby given that the State Planning Agency intends to engage the services of a technical consultant to prepare material for slides, slide shows and related services on a project-by-project basis throughout the fiscal year. Proposals, including hourly rate schedules, must be submitted no later than August 7, 1978. Estimated amount of the contract is \$2,000.00.

Direct inquiries to:

Minnesota State Planning Agency  
Administrative Services Section  
101 Capitol Square Building  
St. Paul, Minnesota 55101  
Attn: Karen Whiting, Contract Manager  
(612) 296-2981

**Notice of Request for Proposals  
for Graphic Arts Illustration  
and Design**

Notice is hereby given that the State Planning Agency intends to engage the services of a technical consultant to prepare graphic arts materials on a project-by-project basis throughout the fiscal year. Proposals, including hourly rate schedules, must be submitted no later than August 7, 1978. Estimated amount of the contract is \$2,000.00.

Direct inquiries to:

Minnesota State Planning Agency  
Administrative Services Section  
101 Capitol Square Building  
St. Paul, Minnesota 55101  
Attn: Karen Whiting, Contract Manager  
(612) 296-2981

**Department of Public Welfare  
Chemical Dependency Programs Division  
Notice of Request for Proposals for Chemical Dependency Training Services**

The Chemical Dependency Programs Division, Mental Health Bureau, Department of Public Welfare is seeking individuals, organizations or training facilities to provide statewide training in program management, supervision and fiscal accountability. These training services, which will be provided under contract, are outlined in detail in the Request for Proposals (RFP) Statement of Work. The formal RFP may be requested and inquiries made should be directed to:

Cynthia D. Kunz  
Chemical Dependency Programs Division  
Department of Public Welfare  
4th Floor, Centennial Bldg.  
St. Paul, MN 55155

It is anticipated that the activities to accomplish this training will not exceed a total cost to the state of \$40,000. The deadline for the submission of completed proposals will be the close of the working day August 25, 1978.

**Notice of Request for Proposals for Chemical Dependency Training Services**

The Chemical Dependency Programs Division, Mental Health Bureau, of the Department of Public Welfare is seeking individuals, organizations, or training facilities to provide a statewide centralized training of state and nationally developed training courses for chemical dependency professionals. These training services, which will be provided under contract, are outlined in detail in the Request for Proposals (RFP) Statement of Work. The formal RFP may be requested and inquiries made should be directed to:

Don L. Devens, Training Coordinator  
Chemical Dependency Programs Division  
Department of Public Welfare  
4th Floor, Centennial Office Building  
St. Paul, MN 55155

It is anticipated that the activities to accomplish this train-

ing will not exceed a total cost of more than \$91,000. The deadline for the submission of completed proposals will be the close of the working day August 25, 1978.

**Department of Transportation  
Bureau of Operations  
Notice of Request for Proposals for Conducting Foundation Soils Investigation on Proposed Minnesota River Bridge Site in Eagan and Bloomington**

Notice is hereby given that the Department of Transportation is seeking responses to a Request for Proposals from qualified Soils and Foundation Engineering Consultant firms for conducting a foundation soils investigation. The work task will include but is not limited to the taking of foundation borings, obtaining undisturbed samples, performing field tests and performing laboratory tests. The work shall be performed on State Projects 2785 and 1986, proposed T.H. 494 extension in Bloomington and Eagan between T.H. 5 and T.H. 13. Because of flood plain conditions, access to the area requires special equipment. In addition, some work may have to be performed during the winter when the ground is frozen. The soils investigation must be initiated by October 1978 with a target completion date of March 1, 1979. An amount not to exceed \$75,000 is available for this investigation. Proposals and inquiries must be submitted to:

B. F. Himmelman, P.E.  
Director, Materials Engineering  
Minnesota Department of Transportation  
137 Transportation Building  
St. Paul, Minnesota 55155  
(612) 296-3164

All proposals must be received by Mn/DOT by 4:30 p.m., Aug. 7, 1978.

**Minnesota Zoological Garden  
Notice of Request for Proposals for Consultant for Broadcast Media Planning and Buying**

The Minnesota Zoological Garden wishes to enter into a

## STATE CONTRACTS

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contract with a consultant to provide broadcast media planning and buying services for the Zoo.

The requested tasks include media budget discussion and consultation; media planning; execution of the media plans; mailing of commercials, scripts, and mats; auditing, approving and paying media bills; and post analysis of media campaigns. These services should be provided for not more than 5% commission on the media purchased, plus any incidental out-of-pocket costs such as postage for mailing films, slides, etc.

The company must have extensive experience in broadcast media planning/buying with known local and regional clientele as references.

The estimated amount of the contract will be \$185,000.00. This price is the entire budget for broadcast media purchase, including the consultant fee of approximately 5% of the media purchase.

Prospective respondents who have any questions regarding this request for Proposal may call or write: Vicki Uchida, Minnesota Zoological Garden, 12101 Johnny Cake Ridge Road, Apple Valley, Minnesota 55124, (612) 432-9010.

All proposals must be received no later than 4:30 p.m., August 4, 1978.

# OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, 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.

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## Board of Cosmetology

### Notice of Application for Change of Ownership of the Rochester Beauty College and the Minneapolis Beauty College

Please take notice that applications for the change of ownership of the Rochester Beauty College, 311 Fourth Street S.E., Rochester, Minnesota 55901 and the Minneapolis Beauty College, 5011 Ewing Avenue South, Minneapolis, Minnesota 55410 have been made by The Barbers, Hairstyling for Men and Women, Inc., 130 South Tenth Street, Minneapolis, Minnesota 55403.

Any party wishing to object to this application may do so by writing to the Minnesota State Board of Cosmetology, 500 Metro Square Building, St. Paul, Minnesota 55101. The objection must be received within 20 days after this notice has been fully published. If any objections are received, the board will hold a contested case hearing in this matter.

## Ethical Practices Board

### Notice of Public Finance Estimates

The ethical practices board has issued estimates of public financing from the state income tax checkoff which will be available to candidates for legislative and constitutional office who are seeking election in 1978.

Copies of the amounts available for every office of the Ethical Practices Board.

In the offices of filing officers, copies are available only of those districts for which candidates file.



Minnesota's famous Tyrone Guthrie Theater was named after Sir Tyrone Guthrie who directed its first season, which opened in 1963 with a contemporary version of *Hamlet*. Designed by Ralph Rapson of the University of Minnesota School of Architecture, the Guthrie is considered one of the most outstanding theater buildings in the United States. The Minneapolis site was donated by the T. B. Walker Foundation.

Public financing is available to candidates who file voluntary agreements by September 1 with the Ethical Practices Board. Public Finance Agreements bind the candidate to an overall campaign expenditure limit and aggregate contribution limit.

Contribution and expenditure limits\* for 1978 are as follows:

Governor/Lt. Governor (jointly)	\$600,000
Attorney General	\$100,000
Secretary of State	\$ 50,000
State Treasurer	\$ 50,000
State Auditor	\$ 50,000
State Representative	\$ 7,500

\*Limits may be increased by 20% if the candidate wins the primary election by less than twice the number of votes cast for the closest opponent.

# OFFICIAL NOTICES

## Department of Health Department of Public Safety Department of Public Welfare

### Notice of Intent to Solicit Outside Opinion Concerning Merit System Rules

Notice is hereby given that the Minnesota Department of Health (MHD), the Minnesota Department of Public Safety (Division of Emergency Services) (DES), and the Minnesota Department of Public Welfare (DPW) are considering proposed amendments to those rules affecting their compensation plans and salary schedules.

If adopted, these rule changes will alter the salaries paid to those personnel in agencies under the jurisdiction of the Merit System which have not negotiated a compensation plan with a bargaining unit's exclusive representative. The jurisdiction of the Merit System includes most County Welfare Agencies and Human Services Boards, some County and Local Emergency Services Agencies, and some County and Local Public Health Agencies.

The proposed rule changes are:

MHD 314 Compensation Plan

MHD 315 Public Health Salary Schedule — Standard Table

DES 140 Compensation Plan

DES 141 Emergency Services Salary Schedules

DPW 140 Compensation Plan

DPW 141 Public Welfare Salary Schedules

Additionally, the Minnesota Department of Health and the Minnesota Department of Public Welfare are considering proposed amendments to those rules affecting their position classification specifications.

If adopted, these rule changes will create new position classifications, and will alter existing position classification specifications, under the jurisdiction of the Merit System.

The proposed rules creating new classes are:

MHD 304 Professional and Administrative Group

U. Public Health Educator I

DPW 125 Welfare Administrative Group

X. Planner (Human Services)

DPW 126 Welfare Supervisory Group

V. Financial Assistance Supervisor III

W. Financial Assistance Supervisor IV

DPW 128 Auxiliary-Services Group

EE. Child Support Worker II

FF. Sanitarian I

GG. Sanitarian II

DPW 130 Medical-Nursing-Services Group

E. Public Health Aide

P. Public Health Educator I

Q. Public Health Educator II

The proposed rules altering existing position classification specifications are:

MHD 304 Professional and Administrative Group

N. Public Health Educator II (revision of Public Health Educator)

DPW 126 Welfare Supervisory Group

R. Welfare Fraud Unit Supervisor (revision of Resources Examiner III)

DPW 128 Auxiliary-Services Group

J. Child Support Worker I (revision of Resources Examiner I)

K. Welfare Fraud Investigator (revision of Resources Examiner II)

DPW 131 Fiscal Group

A. Accounting Officer I (same title)

B. Accounting Officer II (same title)

C. Accounting Officer III (same title)

## OFFICIAL NOTICES

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Additionally, the Minnesota Department of Health, the Minnesota Department of Public Safety, and Minnesota Department of Public Welfare are considering proposed amendments to these rules affecting:

- (1) the eligibility of incumbents in a reallocated class;
  - (2) the effective date of compensation plans;
  - (3) the number of available eligibles certified upon receipt of a competitive requisition;
  - (4) the re-employment of former permanent or probationary employees;
- and (5) the collection of compensation per diem for jury duty.

If adopted, these rules will alter various personnel policies in agencies under jurisdiction of the Merit System.

The proposed rule changes are:

### MHD 267 Classification Plan

#### D. Incumbents of Reallocated Positions

### MHD 268 Compensation Plan

#### D. Adjustment of Official Salary Schedule of the Minnesota Merit System

### MHD 273 Certification of Eligibles

#### C. Certification Methods

### MHD 278 Separation, Tenure & Reinstatement

#### F. Reinstatement to Previous Class of Positions

### MHD 279 Leaves of Absence

#### A. In General

### DES 93 Classification Plan

#### D. Incumbents of Reallocated Positions

### DES 94 Compensation Plan

#### D. Adjustment of the Plan

### DPW 93 Classification Plan

#### D. Incumbents of reallocated positions

### DPW 94 Compensation Plan

#### D. Adjustment of the plan

### DPW 98 Certification of Eligibles

#### C. Certification methods

### DPW 103 Separation, Tenure and Reinstatement

#### F. Reinstatement to Previous Class of Positions

### DPW 104 Leave of Absence

#### A. In General

Pursuant to Minn. Rule DES 91 B. 1. c., Minn. Rules DPW 95 through 110 also apply to county and local emergency services agencies. In accordance therewith, if adopted, the proposed revisions to Minn. Rules DPW 98 C., 103 F., and 104 A. will also apply to the Department of Public Safety's emergency services agencies.

All interested or affected persons or groups are requested to participate. Statements of information and comment may be made orally or in writing. Written statements of information and comment may be addressed to:

Ralph W. Corey, Supervisor  
Minnesota Merit System  
Fourth Floor, Centennial Office Building  
658 Cedar Street  
St. Paul, Minnesota 55155

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-3996.

All statements of information and comment must be received by July 31, 1978. Any written material received by the department shall become part of the hearing record.

Under the provisions of Minn. Stat. § 10A.01, subd. 11 (1974), any individual representing persons or associations attempting to influence administrative action, such as the promulgation of these proposed rules and amendments, must register with the Ethical Practices Board as a lobbyist within five days of the commencement of such activity by the individual. The Ethical Practices Board is located at Room 401, State Office Building, St. Paul, Minnesota 55155.

**Office of the Secretary of State**

**Administration Division**

**Open Appointment Process:  
Notice of Openings on State  
Agencies — Application  
Procedures**

Pursuant to Laws of 1978, ch. 592, the legislature has implemented an Open Appointment process by which the public is informed of openings on state multi-member agencies (boards, commissions, councils) created by statute and having statewide jurisdiction.

Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul, MN 55155, (612) 296-3266. Contact the Secretary of State for the Open Appointment Process information brochure and specific agency related information.

**Quality Education Council:** One public member from the 4th congressional district; open immediately; application deadline August 4.

**Minnesota Board of Teaching:** Two vacancies open immediately; application deadline August 4.

**Voyageur National Park Advisory Council:** One public member-at-large; open immediately; application deadline August 4.

**Watchmaking Board:** One public member; open immediately; application deadline August 4.

**Human Rights Advisory Council:** One public member; open immediately; application deadline August 4.

**Crime Control Planning Board:** Two openings; one must have experience in juvenile delinquency; open immediately; application deadline August 4.

**Meat Advisory Council:** Six openings; open immediately; application deadline August 4.

**Continuing Education Advisory Task Force Board of Pharmacy:** One Pharmacist; open immediately; application deadline August 4.

**Medical Policy Directional Committee on Mental Health:** One hospital administrator and 1 pediatrician opening; open immediately; application deadline August 4.

**Gillette Hospital Board:** 4 openings; open immediately; application deadline August 4.

**Department of  
Transportation  
Administration Division  
Notice of Intent to Solicit Outside  
Information and Opinion  
Regarding Designated Routes  
for Ten-ton Vehicles for  
Calendar Year 1979**

Notice is hereby given that the Commissioner of Transportation is seeking information or opinions from sources outside the agency in preparing to propose the amendment and adoption of rules governing "Designated Routes for Ten-ton Vehicles for Calendar Year 1979." These rules are being developed pursuant to Minn. Stat. Sec. 169.832, subd. 11. Please be advised that current rules, as amended, for calendar year 1978 designating routes for ten-ton vehicles appear in the *State Register* at Volume 2, Number 24 (2 S.R. 1191) and at Volume 2, Number 33 (2 S.R. 1514). Any interested person is invited to submit data or views on this subject in writing or orally to:

F. C. Marshall, Assistant Commissioner  
for Technical Support Services  
Minnesota Department of Transportation  
413 Transportation Building  
Saint Paul, Minnesota 55155  
(612) 296-8048.

Any written material received by the Department of Transportation shall become a part of the hearing record.

July 7, 1978

Jim Harrington  
Commissioner of Transportation

**Notice of Filing of Petition for  
Retirement and Removal of  
Railroad Track at Blue Earth**

Notice is hereby given that the Chicago and North Western Transportation Company with offices at 4200 IDS Center, 80 - South 8th Street, Minneapolis, Minnesota 55402 has filed a petition with the Commissioner of Transportation

## OFFICIAL NOTICES

pursuant to Minn. Stat. § 219.741 (1977 Supplement) and § 218.041, Subd. 3 (10) (1977 Supplement) to retire and remove ICC tracks numbered 28, 29, 32, and 56, all located in Blue Earth, Minnesota. The petition recites among other matters that:

“The subject tracks are no longer needed for rail transportation service, and constitute a continuing and burdensome maintenance expense. The tracks are not used at the present time, and there is no present prospect that the subject tracks will be needed in the future. Further, removal of the subject tracks will reduce derailment hazards through turnouts and maintenance costs. The following constitute all of the patrons, shippers or members of the public who have used the tracks or facilities of Chicago and North Western Transportation Company at Blue Earth, Minnesota, proposed for retirement and removal, namely: ICC Track No. 28 — Swanson Oil Company; ICC Track No. 29 — Frank Brothers, Inc., Minnesota Lake Ready-Mix, Inc., B-E Petroleum, Inc.; ICC Track No. 32 — Lowell Vosburgh; ICC Track No. 56 — Midland Cooperatives, Inc.”

Any person may file a written objection to the proposed action by means of a letter addressed to the Commissioner of Transportation, Transportation Building, Saint Paul, Minnesota 55155, not later than the date specified below. An objection must be received on or before August 7, 1978. The objection should state specifically how the objector's interest will be adversely affected by the proposed action.

Upon receipt of a written objection, the commissioner will, with respect to the named petitioner, set the matter down for hearing. If no objections are received, the commissioner may grant the relief sought by the petitioner.

If this matter is set for hearing, any person who desires to become a party to this matter must submit a timely Petition to Intervene to the Hearing Examiner pursuant to Minn. Reg. HE 210, showing how the person's legal rights, duties and privileges may be determined or affected by the decision in this case. The petition must also set forth the grounds and purposes for which intervention is sought. All parties have the right to be represented by legal counsel or any other representative of their choice. In the event the objecting party does not do so, or otherwise does not participate in the hearing, the statements contained in the application filed may be taken as true.

### **Notice of Filing of Petition for Retirement and Removal of Railroad Track at Winona**

Notice is hereby given that the Chicago and North Western Transportation Company with offices at 4200 IDS Center, 80 - South 8th Street, Minneapolis, Minnesota 55402

has filed a petition with the Commissioner of Transportation pursuant to Minn. Stat. § 219.741 (1977 Supp.) and § 218.041, subd. 3 (10) (1977 Supp.) to retire and remove ICC Track No. 101 located at Winona, Minnesota.

The petition recites among other matters that:

“The subject track is no longer needed for rail transportation service, and constitutes a continuing and burdensome maintenance expense. The track is not used at the present time, and there is no present prospect that the subject track will be needed in the future. The City of Winona is the only patron who might have any interest in retention of the track or facility, and said City has requested that the track be removed.”

Any person may file a written objection to the proposed action by means of a letter addressed to the Commissioner of Transportation, Transportation Building, Saint Paul, Minnesota 55155, not later than the date specified below. An objection must be received on or before August 7, 1978. The objection should state specifically how the objector's interest will be adversely affected by the proposed action.

Upon receipt of a written objection, the commissioner will, with respect to the named petitioner, set the matter down for hearing. If no objections are received, the commissioner may grant the relief sought by the petitioner.

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### **Water Resources Board Notice of Hearing Regarding Buffalo-Red River Watershed District**

The Minnesota Water Resources Board gives notice that it will hold a hearing on Wednesday, July 26, 1978, at 8:30 a.m. Central Daylight Time, in the Hawley Community Building, corner of Main Street and 5th Street, Hawley, Minnesota, 56549.



## OFFICIAL NOTICES

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The purpose of the hearing will be to receive and consider testimony and evidence bearing upon the contents of an Overall Plan adopted by the managers of the Buffalo-Red River Watershed District, Barnesville, Minnesota 56514.

The board's Notice of Hearing has been published in the following newspapers:

*Fargo Forum* (Clay County); *Lake Park Journal* (Becker County); *Pelican Rapids Press* (Otter Tail County); and the *Wahpeton Daily News* (Wilkin County) in their July 6 and 13, 1978 issues, except in the *Fargo Forum* on July 7 and 14, 1978 issues.

### Notice of Hearing Regarding Clearwater River Watershed District

The Minnesota Water Resources Board gives notice that it will hold a hearing on Monday, July 24, 1978, beginning at 7:30 p.m., Central Daylight Time, in the Annandale City Hall, Annandale, Minnesota 55302. The hearing is concerned with a petition of certain land owners to remove certain parcels of land from the territory of the Clearwater River Watershed District, Annandale, Minnesota 55302.

The board's Notice of Hearing has been published in the following newspapers:

*Watkins Patriot* (Meeker County); *St. Cloud Times* (Stearns County); and the *Annandale Advocate* (Wright County) in their July 6 and 13, 1978 issues.

## Errata

1. At 3 S.R. 7: Change "Department of Agriculture, Planning Division" to "Department of Agriculture, Agronomy Division."

2. At 3 S.R. 7: The last sentence of 3 MCAR § 1.0338 should read, "The provisions specified in ~~these~~ this rules are in addition to those set forth in the Act itself."

3. At 2 S.R. 13: The notice given by the Ethical Practices Board concerning Adopted Temporary Rules Relating to Campaign Financing should read, "The rules published at *State Register*, Volume 2 Number 25, pp. 2005-2011, May 15, 1978 (2 S.R. 2005), are adopted as temporary rules as of June 23, 1978, with the following amendments."

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