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STATE OF MINNESOTA



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Printing Schedule for Agencies

| Issue Number | *Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules | *Submission deadline for State Contract Notices and other **Official Notices | Issue Date |
|------------------------------|---|--|---------------|
| SCHEDULE FOR VOLUME 7 | | | |
| 44 | Monday Apr 18 | Monday Apr 25 | Monday May 2 |
| 45 | Monday Apr 25 | Monday May 2 | Monday May 9 |
| 46 | Monday May 2 | Monday May 9 | Monday May 16 |
| 47 | Monday May 9 | Monday May 16 | Monday May 23 |

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

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

Instructions for submission of documents may be obtained from the Office of the State Register, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

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The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

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NOTICE

How to Follow State Agency Rulemaking Action in the *State Register*

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a **NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION**. Such notices are published in the **OFFICIAL NOTICES** section. Proposed rules and adopted rules are published in separate sections of the magazine.

The **PROPOSED RULES** section contains:

- Calendar of Public Hearings on Proposed Rules.
- Proposed new rules (including Notice of Hearing and/or Notice of Intent to Adopt Rules without A Hearing).
- Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
- Proposed temporary rules.

The **ADOPTED RULES** section contains:

- Notice of adoption of new rules and rule amendments (those which were adopted without change from the proposed version previously published).
- Adopted amendments to new rules or rule amendments (changes made since the proposed version was published).
- Notice of adoption of temporary rules.
- Adopted amendments to temporary rules (changes made since the proposed version was published).

ALL **ADOPTED RULES** and **ADOPTED AMENDMENTS TO EXISTING RULES** published in the *State Register* and filed with the Secretary of State before September 15, 1982, are published in the *Minnesota Code of Agency Rules 1982 Reprint*. **ADOPTED RULES** and **ADOPTED AMENDMENTS TO EXISTING RULES** filed after September 15, 1982, will be included in a new publication, *Minnesota Rules*, scheduled for publication in late summer 1983. In the **MCAR AMENDMENT AND ADDITIONS** listing below, the rules published in the *MCAR 1982 Reprint* are identified with an asterisk. Proposed and adopted **TEMPORARY RULES** appear in the *State Register* but are not published in the *1982 Reprint* due to the short-term nature of their legal effectiveness.

The *State Register* publishes partial and cumulative listings of rule action in the **MCAR AMENDMENTS AND ADDITIONS** list on the following schedule:

| | |
|-------------------------------|-------------------------------|
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| Issues 14-25, inclusive | Issues 40-51, inclusive |
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PROPOSED RULES

Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, 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 seven 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 modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven 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 § 15.0412, subs. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

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.

Board of Assessors**Proposed Amendment of the Rule Regarding License Fees (4 MCAR § 15.001)****Notice of Intent to Adopt Rule without a Public Hearing**

Notice is hereby given that the Board of Assessors proposes to adopt the above entitled rule without a public hearing. The board has determined that the proposed adoption of this rule is noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes section 14.21 for adoption of noncontroversial rules.

Persons interested in this rule shall have 30 days to submit comments on the proposed rule. The proposed rule may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

This rule will be adopted as published and no public hearing will be held even if seven or more requests are received to change or modify the rule. Minnesota Statute section 16A.128 exempts the public hearing requirement for adopting this rule.

Persons who wish to submit comments may submit such comments or requests to:

Board of Assessors
658 Cedar Street
Centennial Office Building
St. Paul, Minnesota 55145
(612) 296-5040

Authority for the adoption of this rule is contained in Minnesota Statutes section 270.47. Additionally, a statement of need and reasonableness that describes the need for the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from the Board of Assessors upon request.

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

Upon adoption of the final rule without a public hearing, the proposed rule, this notice, the statement of need and reasonableness, all written comments received, and the final rule as adopted will be delivered to the Attorney General for review as to form and legality.

Persons who wish to be advised of the submission of this material to the Attorney General, or wish to receive a copy of the final rule as proposed for adoption, should submit a written statement of such request to:

Board of Assessors
658 Cedar Street
Centennial Office Building
St. Paul, Minnesota 55145
(612) 296-5040

Under the present law Certified Assessors license fees are \$3.00 and Accredited Assessors license fees are \$5.00.

Copies of this notice and the proposed rule are available and may be obtained by contacting

Board of Assessors

Rule as Proposed (all new material)

4 MCAR § 15.001 License fees.

The annual license fees for assessors shall be:

| | |
|----------------------------------|------|
| A. certified assessor | \$ 6 |
| B. certified specialist assessor | \$10 |
| C. accredited assessor | \$10 |
| D. senior accredited assessor | \$10 |

Board of Assessors

Proposed Amendment to Rule Regarding License Period (4 MCAR § 15.005)

Notice of Intent to Adopt Rule without a Public Hearing

Notice is hereby given that the Board of Assessors proposes to adopt the above entitled rule without a public hearing. The board has determined that the proposed adoption of this rule is noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes section 14.21, (1982) for adoption of noncontroversial rules.

Persons interested in this rule shall have 30 days to submit comments on the proposed rule. The proposed rule may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes section 14.14.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Board of Assessors
658 Cedar Street
Centennial Office Building
St. Paul, Minnesota 55145
(612) 296-5040

Authority for the adoption of this rule is contained in Minnesota Statutes section 270.47. Additionally, a statement of need and reasonableness that describes the need for the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from the Board of Assessors upon request.

Upon adoption of the final rule without a public hearing, the proposed rule, this notice, the statement of need and reasonableness, all written comments received, and the final rule as adopted will be delivered to the Attorney General for review as to form and legality.

Persons who wish to be advised of the submission of this material to the Attorney General, or wish to receive a copy of the final rule as proposed for adoption, should submit a written statement of such request to

Board of Assessors
658 Cedar Street
Centennial Office Building
St. Paul, Minnesota 55145
(612) 296-5040

Under the current laws the license covers the calendar year and applications are due by December 15th annually.

Copies of this notice and the proposed rule are available and may be obtained by contacting

Board of Assessors

Rule as Proposed (all new material)

4 MCAR § 15.005 License period.

Assessors' licenses will be issued to cover a fiscal year beginning July 1 and ending June 30 beginning July 1, 1983. The application for licensure must be received 15 days prior to the fiscal year of licensure.

Board of Examiners for Nursing Home Administrators

Proposed Rules Governing Licensure and Relicensure of Nursing Home Administrators

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Board of Examiners for Nursing Home Administrators proposes to amend the above-entitled rules without a public hearing. A copy of the proposed amendments is attached to this notice.

The board has determined that the proposed adoption of these rules will be noncontroversial in nature. Therefore, this proceeding is being made under the provisions of Minn. Stat. §§ 14.21-14.28 (1982) which provides for an expedited process for the adoption of noncontroversial administrative rule changes without the holding of a public hearing.

The public is hereby advised that:

1. There is a period of 30 days in which to submit comment on the proposed rules which are included herein;
2. No public hearing will be held on this matter unless seven or more persons make a written request for a hearing within the 30-day comment period;
3. All comments and any written requests for a public hearing may be submitted to Phillip C. Newberg, Executive Director, Minnesota Board of Examiners for Nursing Home Administrators, Minnesota Department of Health Building, 717 Delaware Street, Southeast, Minneapolis, Minnesota 55414. If a person desires to request a public hearing, the board requests that the person identify the particular provisions objected to, the suggested modifications to the proposed language, and the reasons and data relied on to support the suggested modifications.
4. The proposed amendments may be modified if modifications are supported by the data and views submitted, and do not result in a substantial change in the proposed language;
5. Authority to amend these rules is contained in Minn. Stat. § 144A.21, subd. 2 and 144A.24 (1982). Additionally, a statement of need and reasonableness which describes the need for and reasonableness of each provision of the proposed amendments has been prepared and is now available. Anyone wishing to receive a copy of this document may contact Mr. Newberg at the above-listed address;
6. Under this expedited procedure, the agency must submit its rules to the Attorney General for review of the form and legality of the rule change. Notice of the submission of this matter to the Attorney General will be made to all persons who request to be informed of the submission. Requests to be informed must be submitted to Mr. Newberg at the above-listed address;
7. If seven or more persons request a public hearing on this matter, notice of any such hearing will be given in the same manner as has this notice, and the agency will then proceed pursuant to Minn. Stat. §§ 14.14-14.20 (1982).

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

8. Any rule change made pursuant to this proceeding shall be effective five days after publication in the *State Register* of notice of the adoption of the change.

April 11, 1983

Phillip C. Newberg, Executive Director
Board of Examiners for Nursing Home Administrators

Rules as Proposed

~~NHA 3-7~~ MCAR § 6.003 Definitions.

A. Scope. Whenever used in ~~these rules and regulations~~ 7 MCAR §§ 6.003-6.024, unless expressly otherwise stated, the following terms shall have the ~~respective meaning hereinafter set forth~~ meanings given them.

(a)-(b) [Reletter as B.-C.]

(e) ~~“Nursing home administrator in training” means an individual recorded as such with the board under and pursuant to the law and these rules and regulations.~~

(d)-(g) [Reletter as D.-G.]

(h) H. Acting license. ~~“Temporary Acting license”~~ means a license issued by the board to an individual who meets the statutory qualifications of Minnesota Statutes, section ~~144.953, section 2~~ 144A.20.

(i) ~~“Temporary permit” means a permit issued by the board to an individual who meets the statutory qualifications of Minnesota Statutes, section 144.953, section 2, but whose service as a nursing home administrator began during the period from January 1, 1969 and through June 30, 1972.~~

~~NHA 6-7~~ MCAR § 6.006 Meetings of the board.

(a) [Reletter as A.]

(b) B. Special meetings. The ~~chairman~~ chair or other officer of the board may call special meetings thereof when circumstances or functioning of the board require it.

(c) [Reletter as C.]

~~NHA 7-7~~ MCAR § 6.007 Organization.

(a) ~~A. Officers.~~ The board shall elect annually at its first meeting in its calendar year from among its membership, a ~~chairman~~ chair, ~~vice-chairman~~ vice-chair, and secretary/treasurer. Vacancies in the officer positions of the board shall be filled in like manner at any meeting.

(b) B. Presiding officer. The ~~chairman~~ chair shall preside at all meetings of the board and shall sign all official documents of the board. In the absence of the ~~chairman~~ chair, the ~~vice-chairman~~ vice-chair shall preside at meetings and perform the duties of ~~chairman~~ the chair.

(c)-(d) [Reletter as C.-D.]

(e) E. Committees; appointments. The board may establish any committees it deems appropriate. All standing committee appointments shall be made annually at the first meeting in the calendar year by the chair with the advice and consent of the board.

F. Records. The board shall maintain a register of all applications for licensing of nursing home administrators which register shall show: name, address, education and experience qualifications of each applicant; name and address of current employer or business connection; date of application; date and serial number of the license issued to the applicant; the date on which action was taken by the board; and such other information as may be pertinent in the opinion of the board.

7 MCAR § 6.010 License requirements.

A. In general. No initial license shall be issued to a person as a nursing home administrator unless the individual:

1.-6. [Unchanged.]

7. ~~has satisfactorily completed a board approved practicum course in long-term care administration of a minimum of 300 clock hours under the guidance of a licensed nursing home administrator preceptor and the supervision of a faculty person coordinating the course at the college or university offering the course.~~

8. ~~has a baccalaureate degree (or a higher degree) from an accredited institution. If this degree is not in health care administration with courses in long-term care, the degree must include at least one course in each of the following areas: management, long-term care programs, gerontology, issues in health care, medical terminology, business or health care law,~~

accounting or fiscal management. The requirements of this section do not apply to those individuals who are applying for renewal of their license. has a baccalaureate or higher degree from an accredited institution and has satisfactorily completed an approved academic course in each of the following areas:

a. a course in the principles of organizational management and administration which delineates the role, functions, and process of management including planning, staffing, organizing, controlling, delegating, and evaluating outcomes;

b. an accounting course which provides an introduction to basic financial concepts, financial statements, definition of accounting terminology, and the recording and reporting of financial events including budgeting;

c. a course in social gerontology which includes the study of the social aspects of aging in our society as they relate to services and programs for the infirm or aged, or both;

d. a course on issues in health care in which there is a study of at least three of the major social, economic, and ethical issues confronting long-term health care which include nontraditional approaches to health care, relationships of life style to health, patients' rights, right-to-die issues, and dilemmas of health care professionals in terms of morals, ethics and professional commitments;

e. a course in health care law which studies common case law and types of legal entities that affect or govern long-term health care organizations including its board and staff and the laws that affect guardianship or conservatorship;

f. a course in the administration of long-term care services and programs which is a study of the function and role of professional and nonprofessional personnel, their services, and organizational programs which are needed to provide therapeutic-geriatric services for those requiring long-term health care, including a study of commonly accepted medical terms in long-term health care;

g. a human resource or personnel management course which is a study of recruitment, screening and selection processes, job descriptions, job evaluations, personnel policies affecting management and human resources, including orientation and development of employees, personnel records, wage and salary administration, labor laws, affirmative action planning, and equal employment opportunity legislation;

h. a board pre-approved practicum course which relates knowledge courses to the practice of administration in long-term health care organizations. The course, which must be of a minimum of 300 clock hours, must be under the direction of a faculty person of the educational institution coordinating the course and carried out by a licensed nursing home administrator preceptor.

8. Applicants with a degree in health care administration rather than long-term health care administration need only satisfy the practicum requirement of 7.h. and satisfactorily complete the courses described in 7.c. and 7.f.

B. Waiver provisions:

1. The board shall waive 7 MCAR § 6.010 A.7 and A.8 if the applicant submits satisfactory evidence of having actively served full time (40 hrs. per week) as a licensed nursing home administrator in another state for a minimum period of two continuous years within the immediate past five licensure years and meets all other licensure requirements.

2. The board shall waive 7 MCAR § 6.010 A.7 h. if the applicant submits evidence of having completed satisfactorily one year full time as an administrator or in an assistant administrator position in a health an acute care, skilled care, or intermediate care facility.

3.-6. [Unchanged.]

~~NHA 11~~ 7 MCAR § 6.011 Application.

(a) [Reletter as A.]

~~(b)~~ B. Grounds for rejection. The board, in its discretion, may reject any application where the applicant has not shown by his the application to have complied compliance with the requirements set forth in NHA 10, paragraphs 4-5 of 7 MCAR §§ 6.010.

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)~~ C. Notice of rejection. Any applicant for licensure whose application has been rejected by the board shall be given written notice of ~~his~~ the disqualification, and the reasons therefor, and of ~~his~~ a right to a hearing.

~~(d)~~ ~~In the event the board is unable to conduct a hearing as provided for in NHA 11 (c) prior to the date of the examination, the board may permit the disqualified applicant to take the examination, conditioned upon the applicant's showing, at the hearing or otherwise, that he is qualified for licensure.~~

~~(e)~~ D. Discrimination prohibited. There shall be no discrimination with regard to applicants or license holders on the ground of age, race, color, sex, creed, or national origin.

(f) [Reletter as E.]

7 MCAR § 6.013 License; issuance.

A. [Unchanged.]

~~(b)~~ The board may issue a temporary permit to any individual applying therefor who:

~~(1)~~ Begins service as a nursing home administrator after January 1, 1969; and

~~(2)~~ Meets the statutory qualifications for licensing as a nursing home administrator.

~~(e)~~ B. Use of title restricted. Only an individual who is qualified as a licensed nursing home administrator and who holds a valid license pursuant to ~~the provision of these rules~~ 7 MCAR §§ 6.003-6.024 for the current registration period shall have the right and privilege of using the title "Licensed Nursing Home Administrator" and of using the abbreviation "L.N.H.A." after his or her name.

~~(d)~~ ~~In the event~~ C. Acting administrator. If a licensed nursing home administrator is removed from his position by death or other unexpected cause, the owner, governing body, or other appropriate authority of the nursing home suffering such removal may designate an acting nursing home administrator who may serve ~~without a license for no more than ninety (90) days unless an extension is granted by the board~~ only after getting an acting license and for no more than 180 days. The owner, governing body or other appropriate authority of the nursing home suffering such removal shall notify the licensure board in writing within ~~fifteen (15)~~ 15 days of the termination of service of the administrator as well as the appointment of the new administrator.

~~NHA 14~~ 7 MCAR § 6.014 Reciprocity.

~~(a)~~ A. General requirements. The board, subject to the law pertaining to the licensing of nursing home administrators prescribing the qualifications for nursing home administrator license, may endorse, without examination, a nursing home administrator license issued by the proper authorities of any other state or political subdivision of the United States, and upon payment of a fee established by the board, ~~but not to exceed one hundred (100) dollars, provided;~~

(1)-(2) [Re-number as 1.-2.]

~~(3)~~ 3. that applicant for endorsement is in good standing as a nursing home administrator as such in each state or subdivision of the United States from which he or she has ever received a nursing home administrator license or reciprocal endorsement.

(b) [Reletter as B.]

~~NHA 15~~ 7 MCAR § 6.015 Display of license.

(a) [Reletter as A.]

~~(b)~~ B. Duplicate licenses. Upon receipt of satisfactory evidence that a license has been lost, mutilated, or destroyed, the board may issue a duplicate license upon payment of a ~~\$10.00~~ fee established by the board.

~~NHA 16~~ 7 MCAR § 6.016 Renewal.

~~(a)~~ A. Forms from board. Every person who holds a valid license as a nursing home administrator issued by the board shall annually apply on or before June 1, to the board for a renewal of ~~his~~ the license and report any information deemed pertinent and requested by the board on forms provided for ~~such~~ that purpose.

~~(b)~~ B. Fees; time for renewal. Upon making an application for a renewal of his license such licensee shall pay the annual fee of ~~\$75.00~~ as established by the board. Renewal applications received ~~between one month and up to six months~~ after July 1 shall pay a ~~late filing fee of \$10.~~ Renewal applications received six months or longer after July 1 shall pay a late filing fee of \$20.00 the late filing fees as established by the board. ~~He~~ The applicant shall submit evidence satisfactory to the board that during the annual period immediately preceding such application he has complied with the rules and regulations of this board and continues to meet the requirements as established, including, but not limited to, continuing educational requirements for relicensure. Nonacademic continuing education requirements of relicensure shall be completed by May 1 of each year for the

ensuing licensure year; however, upon presentation of a written petition, licensees may be granted an extension for an appropriate period of time. Extensions will only be granted in unusual circumstances. Applicants granted extensions will be required to make payment of applicable late filing fees.

C. Continuing education requirements. Licensees, in order to be eligible for consideration for renewal of their license, shall be required to satisfy the following continuing educational requirements:

~~(aa) (non-academic requirement)~~ 1. annual attendance at licensure board approved seminars, institutes, or workshops totalling at least 20 clock hours; and

~~(bb) (Academic requirement)~~ 2. satisfactory completion during each three-year license renewal period of at least 6-quarter credit hours ~~of or~~ 4-semester hours in health care courses related to long-term health care administration from an educational institution accredited by the appropriate regional accrediting agency or attendance during the same time period at an additional 30 clock hours of board-approved seminars, institutes, or workshops. ~~Administrators holding at least a baccalaureate degree shall have the following options of satisfying the academic requirement:~~

~~1. Attendance during the first 3-year license renewal period of an additional 20 clock hours of board approved seminars, institutes or workshops.~~

~~2. Administrators licensed after 7-1-76 shall not be granted option (1); but shall have the option of attending an additional 30 clock hours of approved seminars, institutes or workshops.~~

~~3. Attendance, during the second and succeeding 3-year license renewal period at an additional 30 clock hours of board approved seminars, institutes or workshops.~~

(cc) [Reletter as D.]

1.-5. [Unchanged.]

A.-D. [Reletter as a.-d.]

6. [Unchanged.]

(a)-(g) [Reletter as a.-g.]

(dd) [Reletter as E.]

1. [Unchanged.]

(a)-(c) [Reletter as a.-c.]

2. [Unchanged.]

(a)-(c) [Reletter as a.-c.]

(c)-(e) [Reletter as F.-H.]

~~NHA 17 7 MCAR § 6.017~~ Revocation, suspension, refusal.

(a) [Reletter as A.]

(1)-(4) [Renumber as 1.-4.]

~~(b) B. Criteria for disciplinary action.~~ In determining whether a person is incompetent to serve in the profession of nursing home administration as provided in ~~NHA 17 (a), (1-4) A.~~, the following non-inclusive items listed in 1.-11. may be considered. No person shall be licensed or continue to be licensed as a nursing home administrator if he or she:

~~(1)~~ 1. Has practiced fraud, deceit, or misrepresentation in his or her capacity as a nursing home administrator; or

~~(2)~~ 2. Has committed acts of misconduct in the operation of a nursing home under his or her jurisdiction; or

~~(3) Is habitually intemperate; or~~

~~(4) Is addicted or dependent upon the use of morphine, opium, cocaine or other drugs, or derivatives thereof to include synthetic drugs recognized as habit forming or addictive; or~~

3. Is habitually overindulgent or addicted to the use of habitforming drugs, including alcohol, a legend drug as defined in

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

Minnesota Statutes, chapter 151, a chemical as defined in Minnesota Statutes, chapter 151, or a controlled substance as defined in Minnesota Statutes, chapter 152;

- ~~(5)~~ 4. Has practiced without annual registration; or
- ~~(6)~~ 5. Has wrongfully transmitted or surrendered possession of his or her license or certificate to any other person, either temporarily or permanently; ~~his license or certificate to any other person;~~ or
- ~~(7)~~ 6. Has paid, given, has caused to be paid or given or offered to pay or give to any person, a commission or other consideration for solicitation or procurement either directly or indirectly for nursing home patronage; or
- ~~(8)~~ 7. Has practiced fraudulent, misleading, or deceptive advertising with respect to the institution of which he or she is an administrator, to any person; or
- ~~(9)~~ 8. Has falsely impersonated another licensee of a like or different name; or
- ~~(10)~~ 9. Has failed to exercise true regard for the safety, health, and life of a patient; or
- ~~(11)~~ 10. Has wilfully permitted unauthorized disclosure of information relating to a patient or ~~his~~ the patient's record; or
- ~~(12)~~ 11. Has discriminated ~~in~~ with respect to patients, employees, or staff on account of age, race, sex, religion, color, or national origin.

~~NHA 18~~ 7 MCAR § 6.018 Restoration and reinstatement.

(a) [Reletter as A.]

~~(b) Upon application for restoration of a license, the Board in its discretion, may grant the applicant a formal hearing.~~

B. Hearing on request. If the board refuses to grant an application for restoration of a license, then, upon written request of the applicant, a formal hearing shall be held on the application for restoration.

~~(c) C. Lapsed licenses. If the application for renewal has not been received by July ~~thirty (30)~~ 31 of each year, the license will be lapsed and the holder of a lapsed license will be subject to reinstatement procedure. Holders of a license that has been lapsed for five years or longer shall be regarded as having forfeited all rights and privileges for restoration of the lapsed license.~~

~~NHA 19~~ 7 MCAR § 6.019 Program approval.

~~Any course of study offered by an educational institution, association, professional society, individual or any organization sufficient to meet the education and training requirements for the purpose of qualifying applicants for licensing or re-licensing as nursing home administrators shall be approved by the board.~~

~~A program of study designed to train and qualify for licensing or relicensing as a nursing home administrator as required by these rules and regulations offered by any accredited university or college, individual or association, shall be deemed acceptable and approved for such purposes, provided, however, that:~~

- ~~(a) Such program shall have been approved as above required of these rules and regulations:~~
- ~~(b) Such programs may include the following general subject areas or their equivalents:~~
 - ~~(1) Applicable standards of environmental health and safety.~~
 - ~~(2) Local health and safety regulations.~~
 - ~~(3) General Administration.~~
 - ~~(4) Psychology of patient care.~~
 - ~~(5) General principles of medical care.~~
 - ~~(6) Personal and social care.~~
 - ~~(7) Therapeutic and supportive services in long-term care.~~
 - ~~(8) Departmental organization and management.~~
 - ~~(9) Community inter-relationships.~~

A. Approval of programs for licensure. A program of study offered by an accredited educational institution must have prior approval of the board in order to be acceptable for meeting nursing home administrator licensure requirements. The board shall approve programs of study which include courses in the areas described in 7 MCAR § 6.010 A.7.a.-h.

B. Approval of programs for relicensure. Any program of study offered by an educational institution, association, professional society, individual, or organization must be approved by the board before it will qualify as sufficient to meet the

education and training requirements necessary for relicensure of applicants as nursing home administrators. A program of study designed to train and qualify for relicensure as a nursing home administrator offered by any accredited university or college, individual, association, or organization shall be deemed acceptable and approved for such purposes if the information required under 7 MCAR § 6.016 D. is provided to the board by the program sponsor.

~~NHA 20~~ 7 MCAR § 6.020 Applicant responsibility.

The applicant shall furnish the board evidence of satisfactory completion of an approved program of study.

Renumbering. Renumber NHA 1 as 7 MCAR § 6.001. Renumber NHA 12 as 7 MCAR § 6.012. Renumber NHA 22 to 24 as 7 MCAR §§ 6.022 to 6.024.

Repealer. Rule NHA 21 is repealed.

ADOPTED RULES

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 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.

Department of Natural Resources

Commissioner's Order No. 2142

Amending Commissioner's Order No. 1516 to Include Finnraccoon

Pursuant to authority vested in me by law, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby amend Commissioner's Order No. 1516 to include Finnraccoon (*Nyctereutes procyonoides*), also known as Raccoon dogs, Ussurian raccoon and Tanuki.

Section 1. Section 2 of Commissioner's Order No. 1516 is amended to read as follows:

Sec. 2. No person shall possess, sell or give, or import into this state any strain of nutria (*Myocastor coypu*) or any Finnraccoon (*Nyctereutes procyonoides*) except in accordance with a special permit first obtained from the Commissioner of Natural Resources.

Sec. 2. Section 3 of Commissioner's Order No. 1516 is amended to read as follows:

Sec. 3. No person shall release in this state any strain of nutria (*Myocastor coypu*) or any Finnraccoon (*Nyctereutes procyonoides*). In the event of the escape of any nutria or Finnraccoon, the owner thereof shall immediately notify a local conservation officer, and the owner shall be personally responsible for the recovery of any escaped or released nutria or Finnraccoon.

Except as provided in this order, all provisions of Commissioner's Order No. 1516 shall remain in full force and effect.

Dated at Saint Paul, Minnesota, this 12th day of April, 1983.

Joseph N. Alexander, 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.

TAX COURT

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

State of Minnesota
County of Hennepin

Tax Court
Regular Division

Robert Kinkead,
Appellant,
v.
Commissioner of Revenue,
Appellee.

In the Matter of the Appeal from the Commissioner's
Order dated June 1, 1982, relating to the income tax of
Appellant for the years 1976, 1977, 1978, 1979 and 1980
Docket No. 3623
Order dated April 13, 1983

The above matter was tried by the Minnesota Tax Court, Judge Carl A. Jensen presiding, on November 23, 1982, in the Tax Court Hearing Room at 444 Lafayette, St. Paul, Minnesota. Briefs were subsequently filed by the parties.

Robert Kinkead, Appellant, appeared on his own behalf.

Paul R. Kempainen, Special Assistant Attorney General, appeared on behalf of Appellee.

Syllabus

Where a taxpayer has failed to file a tax return within the allotted time and the commissioner subsequently files a return for the taxpayer assessing a tax, rent credit which could have been applied against the income tax will be allowed as a setoff, but no refund shall be made if the rent credit exceeds the tax assessed.

Findings of Fact

1. The Appellant is a cash-basis calendar year taxpayer who resided in the State of Minnesota throughout the years at issue herein which are: 1976, 1977, 1978, 1979 and 1980.

2. During all the years at issue herein the Appellant was employed as a lab technician at Precision Associates, Inc. of Minneapolis, Minnesota. He earned the following amounts of wage and profit sharing income from Precision Associates, all of which was duly reported to him on either a Form W-2 Wage and Tax Statement, or a Form 1099 Dividend and Distribution Statement:

| <u>Year</u> | <u>Wages</u> | <u>Profit Sharing</u> |
|-------------|--------------|-----------------------|
| 1976 | \$10,808.38 | \$2,526.13 |
| 1977 | \$11,317.87 | \$1,005.08 |
| 1978 | \$ 4,358.23 | \$1,287.24 |
| 1979 | \$11,250.09 | \$ 935.95 |
| 1980 | \$ 9,886.04 | \$ 835.26 |

3. At the trial Appellant submitted various claims for deductions and credits, and the parties were directed to review these for possible agreement and to submit to the Court any matters on which there was not agreement.

4. The Court has been advised that the parties have arrived at a resolution of all deduction and credit claims with the exception of Appellant's claims for property tax refunds for the years in issue.

5. The Property Tax Refunds should be allowed as a setoff against the tax but if they exceed the tax, no refund should be made.

Conclusions of Law

1. The Appellant's claims for rent credits for the years in question should be allowed as setoffs against the income tax assessed, but in the event the credit exceeds the tax, no refund shall be made. The credit shall be applied only against the income tax for the same year and no credit shall be carried over to subsequent years so if in any year the income tax assessed exceeds the credit for that year, the commissioner shall assess the tax due plus full penalties and interest.

2. The commissioner's assessments of tax penalty and interest herein are remanded for revision in accordance with this Order.

IT IS SO ORDERED. A STAY OF 15 DAYS IS HEREBY ORDERED.

By the Court,
Carl A. Jensen, Judge
Minnesota Tax Court

Memorandum

Most of the issues in this case were resolved by agreement of the parties. The only remaining unresolved issue was the question of the allowance of rent credits for the years in question.

The Appellee has submitted a very thorough brief with appropriate citations. The principal issue considered by the Appellee is in connection with the statute of limitations and counterclaims.

It appears that the specific issue involved in this case is really one of first impression. The taxpayer should be censured for not filing the tax returns. He stated that he was attempting to get the necessary figures, but this does not justify failure to file or at least to file for an extension. The taxpayer stated that he thought he was entitled to a refund, so he did not think there was any particular time limit. Although the statutes do require returns to be filed, the only civil penalty is a percentage of the tax due so where a refund is due, there is no civil penalty provided in the law. Under these circumstances, it is easy to understand how a taxpayer who expects a refund could be delinquent in filing when he has not been able to obtain all of the necessary information needed.

The principal question is the proper interpretation of 290A.06 which provides that claims for rent credit must be filed prior to August 31st of the year following the year in which the rent was paid, and that statute provides that no claim shall be allowed if the initial claim is filed two years after the original due date for filing the claim.

That statute standing alone appears to be very clear and explicit. We find the principal problem is that the tax returns for the years in question included on page 2 of the Income Tax Return the following credit:

36. Property Tax Refund for Renters, Senior Citizens and Disabled Persons—(Attach Form M-1PR). Homeowners under age 65 who are not disabled cannot use their refund as a credit on this return.

In some respects the rent credit provided for in Section 290A.06 appears to be separate and distinct from income taxes. If the Income Tax Return did not allow this refund to be used as a credit, we would concur with Appellee that the renter's credit is a counterclaim which could not be revived as a credit against the Income Tax Return.

We find it is equitable that the taxpayer be allowed to use the refund as a setoff but only against the income tax in the same year. We find that the allowance of this as a setoff does not revive any balance that might have been refunded if the return had been filed in time. We, therefore, hold that any excess refund in any one year may not be carried forward to a later year.

C.A.J.

SUPREME COURT**Decisions Filed Friday, April 15, 1983****Compiled by Wayne Tschimperle, Clerk**

C2-82-196 State of Minnesota v. Joseph Nathan Givens, Appellant. Hennepin County.

Minnesota's Sentencing Guidelines are neither on their face nor as applied unconstitutional on vagueness or overbreadth grounds.

The trial court's treble departure from the presumptive sentence for murder in the third degree was not justified.

The durational departure from the presumptive sentences did not violate defendant's right to equal protection under the fourteenth amendment.

Affirmed as modified. Peterson, J.

C2-82-1445 Rebecca S. White, Relator, v. Metropolitan Medical Center, Commissioner of Economic Security, Department of Economic Security.

An employee who was dismissed, pursuant to terms of a collective bargaining agreement, for nonpayment of union dues is not entitled to unemployment compensation benefits.

Affirmed. Todd, J. Dissenting, Peterson and Kelley, JJ.

SUPREME COURT

CX-82-1239 Albert H. Crepeau, deceased, by Dorothy E. Crepeau, widow, v. Krost Insulation Company, Inc., *et al.*, Relators, Paul W. Abbott Company, Inc., *et al.*, Home Insurance Company, *et al.*, Hicktory Insulation Company, *et al.*, Federal Cartridge Corporation, *et al.*, Blue Cross & Blue Shield, intervenor, Travelers Insurance Company. Workers' Compensation Court of Appeals.

The evidence supports imposition of liability for workers' compensation due for disability and death resulting from employment-related asbestosis and cancer on the compensation insurer furnishing the employer insurance during the employee's last substantial exposure to asbestos.

The deceased employee was properly considered a full-time employee for purposes of computing his daily and weekly wage pursuant to Minn. Stat. § 176.011, subds. 3 and 18 (1982).

Affirmed in part, reversed in part, and remanded. Scott, J.

C2-82-1056 Farmers Home Mutual Insurance Company, Appellant, v. George Lill, Lowell Knoll and Michael Scott Knoll. Traverse County.

The declarations page of a farm liability policy unambiguously shows that no premium charge was made for farm employee coverage.

Reversed. Simonett, J.

C9-82-972 Steve Mark Brown, Relator, v. Arrowhead Tree Service, Inc., *et al.* Workers' Compensation Court of Appeals.

The injury sustained by an employee of an employer engaged in removing brush and trees from a powerline right-of-way did not arise out of and in the course of the employee's employment when the activity in which the employee was engaged had been specifically prohibited by the employee's supervisor.

Affirmed. Kelley, J. Dissenting. Yetka, Todd, Scott, and Wahl, JJ.

C7-81-894, C0-81-1188 Electro-Craft Corporation v. Controlled Motion, Inc., *et al.*, Appellants. Hennepin County.

An action for misappropriation of trade secrets requires both proof of the existence of a trade secret and proof of the wrongful appropriation of such trade secret.

In order to sustain an action for misappropriation a plaintiff must specifically identify its claimed trade secrets and must introduce evidence of the supposedly secret information.

The common law test for the existence of a trade secret is generally carried forward by the Uniform Trade Secrets Act, Minn. Stat. §§ 325C.01-325C.08 (1982), but the language of the Act must be followed to the extent that it modifies or clarifies the common law.

The requirement that the information sought to be protected must not be generally known or readily ascertainable, is satisfied if the information is not quickly available through reverse engineering and if the total combination of information is unique, even though the information lacks sufficient novelty for potentiality.

The secrecy of information provides the owner with independent economic value if substantial time and money would be required of a competitor to develop the same information.

A necessary element of trade secret status is proof by the owner of a continuing course of efforts reasonable under the circumstances to maintain secrecy. A showing of a mere "intention" to keep the information secret is not sufficient. Reasonable efforts by an employer to maintain secrecy involve some combination of physical security and confidentiality procedures designed to signal to the employees the secret nature of certain information.

The duty of an employee to maintain secrecy, the breach of which duty constitutes misappropriation, is based on a confidential employer-employee relationship. This confidential relationship does not exist unless the employer has treated its own information as confidential.

When an injunction is violated under the pretext of an interpretation which would render the injunction meaningless, the party violating the injunction is in contempt of court.

Appeal No. C7-81-894 is affirmed; appeal No. C0-81-1188 is reversed. Coyne, J.

C1-82-1307 State of Minnesota v. Douglas Svoboda, Appellant. Hennepin County.

Trial court in rape prosecution did not err prejudicially in refusing to give specific instruction on eyewitness identification testimony requested by defense counsel, in refusing to admit evidence that victim had venereal disease but defendant did not, or in refusing to grant a defense request for a continuance.

Affirmed. Coyne, J.

STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, 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 Disease Prevention and Control Division

Notice of Request for Proposals for Hypertension Control Programs

The Division of Disease Prevention and Control is seeking non-profit or public organizations to provide hypertension control programs. These programs, which will be provided under contract, are outlined in detail in the Request for Proposal (RFP) statement of work. The formal RFP may be requested and inquiries should be directed to:

Hypertension Control Program
Minnesota Department of Health
Division of Disease Prevention and Control
717 S.E. Delaware Street
Minneapolis, Minnesota 55440
(612) 623-5216

It is anticipated that five projects will be funded for approximately \$15,000 to \$20,000 per project. The deadline for the Letter of Intent to submit a proposal is June 1, 1983.

Department of Public Welfare Minnesota Correctional Facility-Red Wing

Notice of Availability of Contract for Medical Clinic Services

The program at the Minnesota Correctional Facility-Red Wing requires the services of a medical clinic. This clinic will provide all clinic services as ordered by the medical staff at MCF-Red Wing. Annual cost is limited to \$10,000.00.

Notice of Availability of Contract for Psychological Evaluation Services

The program at the Minnesota Correctional Facility-Red Wing requires the services of a licensed psychologist. This person will provide the written psychological evaluation through testing, interviews, etc., on up to a twice weekly basis for all new admissions to the institution, to re-test selected youths based upon specific staff referral, plus limited staff training in the area of his/her expertise. Payment is \$215.79 per 8-hour day. Annual cost is limited to \$20,500.00.

Notice of Availability of Contract for Volunteer Services Coordinator

The program at the Minnesota Correctional Facility-Red Wing requires the services of a volunteer coordinator. Position requires up to 50 hours per week for 10 months (September-June), and up to 15 hours per week for the two months in July and August. Responsibilities include the providing of professional volunteer services for juvenile clients at the institution through the recruiting and training of volunteers, plus the development of a coordinated scheduling of the volunteers to augment the on-going programs. Payment is \$1,600.00 per month from September-June, and \$500.00 per month in July and August. Annual cost is limited to \$17,000.00.

Notice of Availability of Contract for Dietetic Services

The program at the Minnesota Correctional Facility-Red Wing requires the services of a licensed dietician. This person will provide professional dietetic consultation, enabling dietetic staff to provide hygienic dietetic services that meet the daily nutritional needs of residents, ensure that special dietary needs are met, and provide palatable, attractive and acceptable meals. The consultant will provide a minimum of 12 hours per month of professional services. Annual cost is limited to \$3,000.00.

STATE CONTRACTS

Notice of Availability of Contract for Catholic Chaplain

The program at the Minnesota Correctional Facility-Red Wing requires the services of an ordained Catholic priest. This person will provide weekly Mass and spiritual guidance and counseling for the Catholic students at MCF-Red Wing as requested. This person will provide up to 5 hours per week at \$10.00 per hour. Annual cost is limited to \$2,600.00.

For further information on these contracts, contact:

Thomas P. Kernan, Assistant Superintendent
Minnesota Correctional Facility-Red Wing
Box 45
Red Wing, Minnesota 55066
Telephone: (612) 388-7154

Final submission date for these contracts is May 1, 1983.

Notice of Availability of Contract for Certified Driver Education Instructor Services

The program at the Minnesota Correctional Facility requires the services of a certified driver education instructor. This position requires up to 50 hours per month of instruction. Responsibilities include classroom and behind-the-wheel instruction, testing and record keeping. The instructor shall provide a safety certified driver education car. The instructor would also be required to provide special instruction to students on a special need basis. Hours of instruction will be coordinated with general school schedules. Payment is \$10.00/hr. Annual cost would be limited to \$6000.00.

For further information on this contract, contact:

John Odden, Director of Education
Minnesota Correctional Facility-Red Wing
Box 45
Red Wing, Minnesota 55066
Telephone: (612) 388-7154

Final submission date for this contract is May 1, 1983.

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.

Department of Finance

Notice of Maximum Interest Rate for Municipal Obligations

Pursuant to Laws of Minnesota 1982, Chapter 523, Commissioner of Finance, Gordon M. Donhowe, announced today that the maximum interest rate for municipal obligations in the month of May will be eleven (11) percent per annum. Obligations which are payable wholly or in part from the proceeds of special assessments or which are not secured by general obligations of the municipality may bear an interest rate of up to twelve (12) per annum.

Department of Health

Special Supplemental Food Program for Women, Infants, and Children (WIC)

Notice of Availability of Grants

Purpose and Eligibility

In preparation for the Federal Fiscal Year 1984 funding cycle, the Minnesota Department of Health requests that all parties interested in initiating a Special Supplemental Food Program for Women, Infants, and Children (commonly referred to as the

WIC Program) contact the Minnesota Department of Health within 30 days. Funds are also now available to start new programs this fiscal year, through September 30, 1983.

The WIC Program is a Federally funded grant program administered through the Minnesota Department of Health. Grants are made available to qualified local agencies to establish the program, which provides vouchers for the purchase of specified nutritious food supplements and nutrition education services to pregnant, post-partum, and nursing women, and to infants and children up to five years of age who are judged by health professionals to be a nutritional risk and who have family incomes at or below 185 percent of the United States Department of Agriculture Secretary's income poverty guidelines.

The types of local agencies which may apply are listed as follows in order of their priority for application approval established by Federal Rule:

1. First consideration is given to a public Community Health Services Agency which can provide health and administrative services.
2. Second consideration is given to a public or private nonprofit health or human service agency which can provide health and administrative services.
3. Third consideration is given to a public or private, nonprofit health or human service agency which must enter into a written agreement with another such agency for either health or administrative services.
4. Fourth consideration is given to a public or private, nonprofit health or human service agency which must enter into a written agreement with a private physician in order to provide health services to a specific category of participants—women, infants, or children, or to participants not eligible for health services at the local agency due to family income which exceeds the standards for health services as established by the local agency.
5. Fifth consideration is given to a public or private, nonprofit service agency which must enter into a written agreement with a private physician to provide health services.

Effect of Grant Rules

These grants are subject to provisions of Minnesota Department of Health Rules 451-460.

How to Apply for Funds

A local agency which provides ongoing health services to women, infants, and children and is capable of administering the WIC Program should contact in writing the WIC Program Administrator, Minnesota Department of Health, 717 SE Delaware Street, Minneapolis, Minnesota, 55440, within 30 days of this notice if applying for fiscal year 1983 funds. Agencies which wish to apply for fiscal year 1984 funds must submit a letter of intent to the above address by June 1, 1983. A copy of the letter of intent should also be submitted to the local Board of Health. Community Health Services (CHS) Agencies may apply by using the WIC Application Appendix I to the 1984-1985 Community Health Services Plan. Non-CHS agencies will be sent an application packet upon receipt of a letter of intent to administer the program.

It should be noted that the WIC application form has been revised. Consequently, any interested parties who have requested and received an application form prior to 1983 should request a copy of the revised form.

An applicant agency will be informed of the status of the application within thirty (30) days of its receipt by the department. The approval process includes consideration of comments prepared by the Regional Development Commission and Health Systems Agency, if appropriate, and local Community Health Services (CHS) agency if the applicant is other than a CHS agency. Grants will be awarded in keeping with the agency priority system as listed above, the relative need of the applicant's intended service area as determined by the Affirmative Action Plan in the Minnesota State Plan of Program Operation and Administration for the WIC Program, and the receipt of funds from the United States Department of Agriculture. Further information regarding the program and application procedure may be obtained by contacting Mary Jane Davis, Minnesota Department of Health, (612) 623-5233.

Duration of Funds

Fiscal Year 1983 funds for approved grants for these purposes will be available for April 1, 1983 through September 30, 1983. Fiscal Year 1984 funds will be available from October 1, 1983 through September 30, 1984.

Office of the Secretary of State

Notice of Vacancies in Multi-member State Agencies

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to Minn. Stat. § 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155-1299; (612) 296-2805. Application deadline is May 17, 1983.

OFFICIAL NOTICES

GREAT LAKES COMMISSION has 1 vacancy open for a member. The commission promotes development, use and conservation of the water resources of the Great Lakes Basin. Five members include 2 State Senators appointed by the Committee on Committees, 2 State Representatives appointed by the Speaker of the House, and 1 member appointed by the Governor. Quarterly meetings are held in St. Paul and Duluth. For specific information contact the Great Lakes Commission, 360 N. Robert Street, Room 317 E. Empire Bldg., St. Paul 55101; (612) 224-5705.

REAL ESTATE ADVISORY COUNCIL has 1 vacancy open for a broker with at least 5 years experience as a licensed real estate broker in Minnesota. The council advises the Commissioner of Securities and Real Estate on licensing real estate brokers and salespersons. Members are appointed by the Commissioner. Quarterly meetings are held at the call of the commissioner. Members receive \$35 per diem. For specific information contact the Real Estate Advisory Council, 500 Metro Square Building, St. Paul 55101; (612) 296-2594.

MINNESOTA INDIAN SCHOLARSHIP COMMITTEE has 11-15 vacancies open for members. The committee advises the Board of Education on amounts and types of scholarships granted to American Indian post-secondary students. Members are appointed by the Board of Education, and include representatives of the Duluth area, the Minneapolis area, the St. Paul area, the Minnesota Chippewa Tribe, the Minnesota Sioux Tribes, and the Red Lake Tribal Council. Between 4 and 6 meetings per year are held at various sites statewide. Members are compensated for expenses. For specific information contact Indian Scholarship Committee, Indian Education Section, 303 Capitol Square Building, St. Paul 55101; (612) 296-6458.

ADVISORY TASK FORCE ON AMERICAN INDIAN LANGUAGE AND CULTURE EDUCATION PROGRAMS has 9-15 vacancies open for members. The task force advises the Board of Education in the administration of the American Indian Language and Culture Education Act; reviews proposals and makes recommendations to the board on approval and funding of bicultural programs in Minnesota schools. Members are appointed by the Board of Education, and include representatives of the Minnesota Sioux Tribe, the Minnesota Red Lake Tribe, the Minnesota Chippewa Tribe, the metropolitan areas of Duluth, Minneapolis, and St. Paul, and a member representing Indian Alternative Schools. Members include representatives of community groups, parents of children eligible to be served by the programs, American Indian administrators and teachers, and persons knowledgeable in the field of American Indian language and culture education. Between 3 and 5 meetings per year are held at various sites statewide; members are reimbursed for expenses. For specific information contact Advisory Task Force on American Indian Language and Culture Education Programs, Indian Education Section, 303 Capitol Square Building, St. Paul 55101; (612) 296-6458.

SOLID WASTE MANAGEMENT ADVISORY COUNCIL has 2 vacancies open immediately for representatives of the public and local government units. Experience is desirable but not required in the following areas: solid waste collection, processing and disposal, and solid waste reduction and resource recovery. The council makes recommendations to the Waste Management Board on its solid waste management activities. Members are appointed for two year renewable terms by the chairperson of the Waste Management Board. The current appointment term expires 6/30/84. Meetings are held twice monthly in the metropolitan area; members are compensated for expenses. For specific information, contact Robert Dunn, Chairman, Waste Management Board, 7323-58th Ave. N., Crystal 55428; (612) 536-0816.

INVESTMENT ADVISORY COUNCIL has 2 vacancies open for public employees who are active members of funds whose assets are invested by the State Board. The council advises the board of investment on policy relating to investment of state funds. Public members are appointed by the Governor for a 4 year term. Members must file with EPB and receive no compensation. For specific information contact the Investment Advisory Council, Room 105, MEA Bldg., 55 Sherburne Ave., St. Paul 55155; (612) 296-3328.

METROPOLITAN COUNCIL has 16 vacancies open immediately for public members, (one from each council district—1 through 16). The council coordinates planning and development of the 7 county Twin Cities metropolitan area; establishes a long range development plan containing regional plans for aging, the arts, aviation, health, housing, law and justice, parks and open space, solid waste, transportation, wastewater management and water resources; reviews the long range plans for local governments, and can require them to be consistent with the regional plans. Members are appointed by the Governor and confirmed by the Senate. Each council member shall reside in the council district he represents. Members serve staggered four-year terms. Each member must file with EPB. Meetings are twice a month, Metro Square Bldg., St. Paul. Members receive \$50 per diem plus expenses. For specific information contact the Metropolitan Council, 300 Metro Square Bldg., St. Paul 55101; (612) 291-6359.

METROPOLITAN PARKS AND OPEN SPACE COMMISSION has 9 vacancies open for 8 members (one from each commission district, A through H) and 1 member for a chairman representing region at-large. The commission assists the Metropolitan Council in planning the regional recreation open space system and in making grants for the acquisition and development of facilities in that regional system; and reviews master plans for regional facilities prepared by metropolitan area park districts and counties to make sure they are consistent with the metropolitan council regional plans for parks. Members appointed by the Metropolitan Council and confirmed by the Senate. Members may not be members of Metropolitan Council, or any other

metropolitan agency, board, commission or hold judicial office; must file with EPB. Four year terms are staggered. Members must reside in the commission district to which they are appointed, except chairman, who need only to reside within the metropolitan area. Meetings are twice monthly at the Metro Square Bldg. Members receive \$50 per diem. For specific information contact the Metropolitan Parks and Open Space Commission, 300 Metro Square Bldg., St. Paul 55101; (612) 291-6401.

METROPOLITAN TRANSIT COMMISSION has 8 vacancies open immediately for residents (one from each commission district A through H). The commission owns and operates mass transit services in the metropolitan area; sets policy for coordination of transit programs with the objective of improving existing mass transit systems; promotes the use of car pools and employer vans. Members are appointed by the Metropolitan Council, confirmed by the Senate, and may not be members of the Metropolitan Council or any other metropolitan agency, board, commission or hold judicial office. Members must file with EPB. Four-year terms are staggered. Members must reside in commission district to which appointed. Members receive \$50 per diem plus expenses. Meetings are once a month at American Center Bldg. For specific information contact the Metropolitan Transit Commission, 801 American Center Bldg., St. Paul 55101; (612) 221-0939.

METROPOLITAN WASTE CONTROL COMMISSION has 8 vacancies open immediately for members (one from each commission district, A through H). The commission establishes and controls a regional wastewater system, and adopts rules and regulations relating to operation of metropolitan wastewater treatment works. Members are appointed by the Metropolitan Council and confirmed by the Senate, must reside in the commission district to which appointed, and must file with EPB. Members may not be members of the Metropolitan Council, or any other metropolitan agency, board, commission or hold judicial office. Monthly meetings are at Metro Square Bldg. Members receive \$50 per diem. For specific information, contact the Metropolitan Commission, 350 Metro Square Bldg., St. Paul 55101; (612) 222-8423.

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