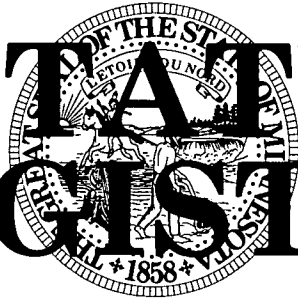


84 June 11

STATE REGISTER



STATE OF MINNESOTA

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VOLUME 8, NUMBER 50

June 11, 1984

Pages 2641-2676



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 VOLUMES 8 AND 9			
51	Monday June 4	Monday June 11	Monday June 18
52	Monday June 11	Monday June 18	Monday June 25
1	Monday June 18	Monday June 25	Monday July 2
2	Monday June 25	Friday June 29	Monday July 9

*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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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 spring of 1984. 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. Stat. of 1980, §§ 14.21, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

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

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.13-14.20 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. § 14.29, 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 Animal Health

Proposed Rules Governing Importation of Horses

Notice of Intent to Amend Rules without a Public Hearing

Notice is hereby given that the State Board of Animal Health proposes to amend the above-entitled rules without a public hearing. The Board had determined that the proposed amendment of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes section 14.21-14.28:

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules and that comment is encouraged. Any person requesting a public hearing should take his or her name and address, and each comment should identify the portion of the rule addressed, the reason for the comment, and any change proposed. The proposed rules 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 25 or more persons submit written requests for a public hearing on the proposed rules 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 14.13 thru 14.20.

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

Attention Dr. W. J. Mackey
State Board of Animal Health
90 West Plato Blvd.
160 Agriculture Building
St. Paul, MN 55107

Authority for the amendment of these rules is contained in Minnesota Statutes section 35.03 (1980). Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules identifies the data and information relied upon to support the proposed rules has been prepared and is available from Dr. W. J. Mackey upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Dr. W. J. Mackey.

The rules proposed for adoption relate to the following matters: The importation of horses in Minnesota.

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

J. G. Flint, D.V.M.
Secretary and Executive Officer

Rule as Proposed**1700.2300 CONTENTS OF HEALTH CERTIFICATE.**

The health certificate shall certify that the horses have been examined by an accredited veterinarian within 30 days prior to importation and shall include an accurate and complete description of each horse in the shipment including age, sex, color, and markings. Registered horses may be identified by registration name and number.

The health certificate shall certify that all horses in this shipment were negative to a test for EIA conducted at an approved laboratory within ~~six~~ 12 months prior to date of importation. The test date and the name of the laboratory shall be recorded on the health certificate.

A test is not required for horses listed as exceptions in part 1700.2200 or suckling foals accompanying a negative dam.

Where a blood sample has been drawn but there is insufficient time to obtain the laboratory results of the Coggins test prior to the importation, a permit for the importation of horses without final laboratory results may be obtained from the board if the veterinarian requesting the permit agrees to submit the laboratory results promptly to the board.

A copy of the health certificate approved by the chief livestock regulatory official of the state of origin shall be mailed to the board.

1700.2400 SALES.

Horses imported into Minnesota for sale or resale will be accompanied by a health certificate and shall be tested and negative for EIA before leaving the sale premises if sold to remain in Minnesota, unless the health certificate certifies to a negative test for EIA conducted at an approved laboratory within ~~six~~ 12 months prior to the date of sale. Suckling foals accompanying a negative dam are not required to be tested.

Reactors shall be quarantined and shall not be moved intrastate except on a permit issued by the board. Reactors may be moved interstate in accordance with the provisions of Code of Federal Regulations, part 75, revised as of January 1, 1974.

Reactors shall be destroyed, consigned for slaughter to a slaughtering establishment under federal inspection, or returned to the state of origin under a permit issued by the state of origin.

Department of Economic Security**Proposed Rule Relating to Opportunities Industrialization Centers; Job Training****Notice of Intent to Adopt Rule without Public Hearing**

Notice is hereby given that the Department of Economic Security proposes to adopt the above-entitled rule without a public hearing. The Commissioner has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, sections 14.21 to 14.28.

The promulgation of the proposed rule is authorized by Minnesota Statutes, section 268.61, subdivision 4, which requires the Department to establish by rule the criteria for determining an "economically disadvantaged" person, to be used in providing financial assistance for comprehensive job training and related services through opportunities industrialization centers.

The public is encouraged to comment on the proposed rule. The public shall have 30 days to submit comment in support of or in opposition to the proposed rule. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rule may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change in the proposed language.

If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. In the event a public hearing is required, the Department will proceed according to the provisions of Minnesota Statutes, sections 14.14 to 14.20.

If a public hearing is not required, notice of the date of submission of the proposed rule to the Administration Division of the Office of the Attorney General for review will be mailed to any person requesting to receive the notice.

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

Comments, written requests for a public hearing, and requests for notice of the date of submission to the Attorney General should be submitted to:

Larry Simmons, Director
Grants Management Unit
690 American Center Building
150 West Kellogg Blvd.
St. Paul, MN 55101
(612) 296-6066

Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available upon request from Mr. Simmons.

You are hereby advised, pursuant to Minnesota Statutes, section 14.115, small business considerations in rulemaking, that the proposed rule may affect small businesses in Minnesota. For more information, please see the Statement of Need and Reasonableness.

Barbara Beerhalter
Commissioner, Department of Economic Security

Rule as Proposed (all new material)

3300.3300 OPPORTUNITIES INDUSTRIALIZATION CENTERS; JOB TRAINING.

Subpart 1. Purpose. The purpose of this part is to define "economically disadvantaged" for the purpose of job training and related services through opportunities industrialization centers according to Minnesota Statutes, section 268.61.

Subp. 2. Economically disadvantaged, defined. The term "economically disadvantaged" means an individual who:

- A. receives, or is a member of a family which receives, cash welfare payments under a federal, state, or local welfare program;
- B. has, or is a member of a family which has, received a total family income for the six-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, and welfare payments) which, in relation to family size, was not in excess of the higher of the poverty level determined in accordance with criteria established by the director of the Office of Management and Budget, or 70 percent of the lower living standard income level;
- C. is receiving food stamps pursuant to the Food Stamp Act of 1977;
- D. is a foster child on behalf of whom state or local government payments are made; or
- E. in cases permitted by regulation of the Secretary of the Department of Labor, is an adult handicapped individual whose own income meets the requirements of item A or B, but who is a member of a family whose income does not meet those requirements.

Housing Finance Agency

Proposed Rules Governing Home Energy Loans

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Housing Finance Agency ("agency") proposes to adopt the above-entitled rules without a public hearing. The agency has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.21 to 14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules within the 30-day comment period. Such comments are encouraged, and should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rule may be modified as the result of comments received 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 twenty-five 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 Minn. Stat. § 14.14 *et. seq.* Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.

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

Kathleen J. Johnson
Legal Division
Minnesota Housing Finance Agency
Suite 200
333 Sibley Street
St. Paul, Minnesota 55101
Telephone: 612/296-9793

Authority for the adoption of these rules is contained in Minn. Stat. § 462A.06, Subd. 4 and 11. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules, and that identifies the data and information relied upon to support the proposed rules has been prepared and is available from Kathleen J. Johnson upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the Statement of Need and Reasonableness, all written comments received, and the final rules as adopted will be delivered to a designee of the Attorney General for review as to form and legality, including the issue of substantial change, and to determine whether the agency has the authority to adopt the rules and whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rules. Persons who wish to receive notice of the date of submission of these rules to the Attorney General for review, or who wish to receive a free copy of the final rules as adopted, should make such requests to Kathleen J. Johnson.

A copy of the proposed rule is attached to this notice. Additional copies may be obtained by contacting Kathleen J. Johnson.

Please be advised that Minn. Stat. Ch. 10A.03 requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, Subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250.00, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250.00, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

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

June 8, 1984

James J. Solem
Executive Director

Rules as Proposed (all new material)

HOME ENERGY LOANS

4900.0590 DEFINITIONS.

Subpart 1. Scope. For the purposes of parts 4900.0590 to 4900.0594, the following terms have the meanings given them.

Subp. 2. Borrower. "Borrower" means one or more persons who apply for and receive a loan under parts 4900.0590 to 4900.0594. A borrower must be a person or family, but need not be of low and moderate income.

Subp. 3. Home energy loan. "Home energy loan" means a loan made to a borrower, the proceeds of which are used for energy conservation improvements in an eligible property.

Subp. 4. Persons and families of low and moderate income. "Persons and families of low and moderate income" means persons and families whose adjusted income does not exceed \$24,000, or such lower amount as the agency may establish to assure that the interest on obligations of the agency will be exempt from federal income taxation.

4900.0591 ELIGIBLE BORROWERS.

Subpart 1. Interest in property. A borrower shall individually or in the aggregate possess at least a one-third interest in a fee title, a contract for deed, or a life estate in the property to be improved.

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Subp. 2. Credit review. A borrower shall be a reasonable credit risk, and shall be able to pay the loan obligation, as determined by the agency under part 4900.0080, or by a lending institution that originates a loan for sale to the agency.

Subp. 3. Principal place of residence. A borrower shall occupy the property to be improved as his or her principal place of residence.

4900.0592 ELIGIBLE PROPERTIES.

The property to be improved by a home energy loan is restricted as follows:

- A. The property to be improved may not contain more than one dwelling unit.
- B. The property to be improved may not be in violation of applicable zoning ordinances or other land use guides.
- C. Not more than 15 percent of the total area of the property to be improved may be used primarily in a trade or business.
- D. The property to be improved may not be used as investment property or as a recreational home.
- E. Mobile homes are not eligible for a home energy loan.

4900.0593 OTHER REQUIREMENTS.

Subpart 1. In general. Improvements made with home energy loan funds must satisfy the following requirements:

A. Improvements made with the proceeds of a home energy loan must be a permanent improvement made upon or in connection with an existing structure, and must improve the energy efficiency of the structure or be directly related to energy efficiency.

B. An improvement must be made in compliance with all applicable health, fire prevention, building, or housing codes and standards; provided, however, that no application for a home energy loan may be denied solely because the improvements will not bring the property into full compliance with these codes and standards.

C. The proceeds of a home energy loan must be used only to finance new improvements and may not be used to refinance an existing loan or mortgage.

D. A borrower shall agree to complete all improvements within nine months of the date of the loan.

Subp. 2. Conventional financing not available. At the time of application conventional financing must not be available from private lenders upon equivalent terms and conditions.

Subp. 3. Qualifications of income. In order for a borrower to obtain the preference for persons or families of low and moderate income, all persons who, individually or collectively, possess the type of ownership upon which the application is based, or whose income is to be included for purposes of determining the adjusted income, and spouses of these shall join in the application and shall execute the loan note.

4900.0594 PREFERENCE FOR PERSONS AND FAMILIES OF LOW AND MODERATE INCOME.

The agency may, in its sole discretion, give preference to persons and families of low and moderate income by:

- A. providing home energy loans to these persons and families at lower rates of interest;
- B. providing allocations of funds specifically for use by these persons and families; and
- C. other methods as the agency deems appropriate.

Housing Finance Agency

Proposed Emergency Rules Governing the Temporary Housing Demonstration Program

Request for Public Comment

Notice is hereby given that the Minnesota Housing Finance Agency has proposed the following emergency rules for the purpose of establishing procedures for application for participation in and setting income limits for the Temporary Housing Demonstration Program, pursuant to Subdivision 10 of Chapter 462A.03, Subdivision 11 of Chapter 462A.06, and Subdivision 20 of Chapter 462A.05 of Minnesota Statutes.

All interested persons are herein afforded the opportunity to submit their comments on the proposed rules for 25 days immediately following publication of this material in the *State Register* by writing to Kathleen J. Johnson, Legal Division,

Minnesota Housing Finance Agency, Suite 200, 333 Sibley Street, St. Paul, Minnesota 55101. The emergency rules may be revised on the basis of comments received. Any written material received shall become part of the record in the final adoption of the emergency rule. A free copy of the proposed rule is available on request from the Agency, and notice of the date of submission of the proposed emergency rule to the Attorney General will be mailed to any person requesting to receive the notice. Requests should be made to Kathleen J. Johnson at the above address, telephone number 612/296-9793. As required by the Administrative Procedures Act, this emergency rule will be effective for not more than 180 days and may be continued in effect for up to an additional 180 days.

June 8, 1984

James J. Solem
Executive Director

Emergency Rules as Proposed (all new material)

4900.1700 [Emergency] SCOPE.

Parts 4900.1700 to 4900.1703 [Emergency] govern temporary housing demonstration program grants for the construction, acquisition, or rehabilitation of residential housing for occupancy by persons of low and moderate income in immediate need of temporary housing.

4900.1701 [Emergency] DEFINITIONS.

Subpart 1. Scope. The terms used in parts 4900.1700 [Emergency] to 4900.1703 [Emergency] have the meaning given them in this part.

Subp. 2. Agency. "Agency" means the Minnesota Housing Finance Agency.

Subp. 3. Applicant. "Applicant" means one or more entities that submit an application for a temporary housing demonstration program grant.

Subp. 4. Application. "Application" means a submittal requesting a temporary housing demonstration program grant to pay the cost of the acquisition, construction, or rehabilitation of a structure to provide temporary housing for low and moderate income persons.

Subp. 5. Persons and families of low and moderate income. "Persons and families of low and moderate income" means, with respect to temporary housing grants, those persons and families whose income does not exceed 50 percent of the statewide median household income as estimated by the United States Department of Housing and Urban Development.

Subp. 6. Structure. "Structure" means a building to be constructed, acquired, or rehabilitated for use as temporary housing.

Subp. 7. Support services. "Support services" means an assessment service that identifies the needs of individuals for independent living and arranges or provides for the appropriate educational, social, legal, advocacy, child care, employment, financial, or information and referral services to meet these needs.

Subp. 8. Temporary housing. "Temporary housing" means housing provided for a limited duration not exceeding six months and available for occupancy on a continuous 24-hour basis.

Subp. 9. Temporary housing demonstration program grant, or grant. "Temporary housing demonstration program grant" or "grant" means an appropriation of money to an eligible applicant under the authority granted in Minnesota Statutes, section 462A.05, subdivision 20.

4900.1702 [Emergency] ELIGIBILITY.

Subpart 1. For applicants. To be eligible for selection for a grant, an applicant shall satisfy the following requirements:

A. The applicant must be a nonprofit entity as defined in part 4900.0010, subpart 21.

B. The applicant must provide a comprehensive plan for meeting the existing need for temporary housing and for the placement of persons in independent housing. At a minimum this plan must include:

(1) documentation of a need for temporary housing by the population to be served by the structure;

(2) a description of the applicant's goals and objectives for meeting the special needs of the population to be served;

(3) documentation of an ability to provide support services to assist persons in moving into independent or appropriate supportive living situations; and

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(4) a detailed budget for the first year and projected budgets for future years.

C. The applicant shall document fiscal responsibility and the ability to complete the construction, acquisition, or modification of the structure and to maintain the structure in accordance with its funded use for a specific period of time.

Subp. 2. For structures. To be eligible for selection for a grant, a proposed temporary housing structure must satisfy the following requirements:

- A. The structure must provide temporary housing for persons and families of low and moderate income.
- B. The structure must provide a physical environment that is responsive to the needs of the population to be served.
- C. The structure must comply with applicable state and local codes, zoning ordinances, land use provisions, and laws.
- D. The structure must be located in the state of Minnesota.

4900.1703 [Emergency] SELECTION CRITERIA FOR GRANTS.

The agency shall take the following criteria into consideration when determining which applications will be funded:

- A. the extent to which the grant is combined with funds or in-kind contributions from other public and private sources;
- B. the availability and source of funds to pay the cost of acquisition, construction, or rehabilitation of the structure not funded by the grant;
- C. the availability and source of funds to pay the ongoing cost of the support services;
- D. the distribution of funds to service a variety of populations, including but not limited to, families with children, couples, single persons, or persons leaving shelter for family abuse;
- E. the geographic distribution of the funded applications within the state;
- F. the immediacy of the need documented for temporary housing in the area in which the structure is located;
- G. the capacity of the applicant to proceed promptly with the acquisition, construction, or rehabilitation of the structure;
- H. the amount of the grant requested as compared to the total resources available for these grants;
- I. the extent to which the application receives the support and participation of the local community;
- J. the geographic location of the structure in relation to support services recreational facilities, medical facilities, and transportation;
- K. the reasonableness of the acquisition, construction, or rehabilitation cost with preference given to applications that minimize the cost per temporary housing units produced;
- L. the extent to which the application uses innovative cost-effective support services which are appropriate to the needs of the population served; and
- M. the experience of the applicant in developing or managing housing, providing support services, and servicing the specific target population of homeless persons.

Board of Nursing

Proposed Licensing Rules

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Board of Nursing proposes to adopt the above-entitled rules without a public hearing. The Board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes section 14.21-14.28.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules 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 twenty-five or more persons submit written requests for a public hearing on the proposed rules 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 sections 14.13-14.18.

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

Sandra MacKenzie
Minnesota Board of Nursing
717 Delaware Street, S.E.
Minneapolis, Minnesota 55414
(612) 623-5493

Authority for the adoption of these rules is contained in Minn. Stat. §§ 148.211, 231.291 & 296 (1982). Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Sandra MacKenzie upon request at the above listed address.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Sandra MacKenzie at the above listed address.

A copy of the proposed rules is attached to this Notice.

Copies of the notice and the proposed rules are available and may be obtained by contacting Sandra MacKenzie at the above listed address.

Joyce M. Schowalter
Executive Secretary
Minnesota Board of Nursing

Rules as Proposed (all new material)

6315.0100 DEFINITIONS.

Subpart 1. Scope. As used in parts 6315.0100 to 6315.0700, the following terms have the meanings given them.

Subp. 2. Affidavit of continuing education. "Affidavit of continuing education" means the form supplied by the board used to authenticate officially that the applicant has fulfilled all continuing education requirements for licensure.

Subp. 3. Affidavit of enrollment. "Affidavit of enrollment" means the form supplied by the board used to authenticate officially that the applicant is enrolled in the final term of study in an approved nursing program.

Subp. 4. Affidavit of graduation. "Affidavit of graduation" means the form supplied by the board used to authenticate officially that the applicant has fulfilled all requirements for graduation.

Subp. 5. Approved. "Approved" means the status granted to a professional nursing program or a practical nursing program by a nurse licensing agency or other official governmental agency in a state or territory of the United States, a Canadian province or a foreign country.

Subp. 6. Board. "Board" means the Minnesota Board of Nursing.

Subp. 7. Completion. "Completion" means that the applicant has fulfilled all the requirements of a program and is eligible for a degree, diploma, or certificate.

Subp. 8. Enrolled in. "Enrolled in" means to be satisfying the requirements of a specific course.

Subp. 9. Examination application. "Examination application" means the form supplied by the board used in applying for a professional or practical nurse examination.

Subp. 10. Final term of study. "Final term of study" means the last academic period (quarter, term, session, or semester) that is necessary for an applicant to complete graduation requirements.

Subp. 11. Jurisdiction. "Jurisdiction" means a state or territory of the United States.

Subp. 12. Graduation. "Graduation" means completion of an approved nursing program.

Subp. 13. License. "License" means the document issued by the board to an individual who meets for the first time the requirements for practicing professional or practical nursing in Minnesota.

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PROPOSED RULES

Subp. 14. Licensure application. "Licensure application" means the form supplied by the board used in applying for professional or practical nurse licensure.

Subp. 15. Mental health. "Mental health" means an individual's emotional or intellectual ability to adapt to a changing environment.

Subp. 16. Moral character. "Moral character" means the individual's ability to distinguish between right and wrong and act accordingly.

Subp. 17. Nursing ability. "Nursing ability" means the mental and physical capacity and skill necessary to perform nursing actions.

Subp. 18. Permit. "Permit" means the document issued by the board that authorizes the practice of professional or practical nursing in Minnesota prior to final board action on the application for licensure.

Subp. 19. Practical nursing program. "Practical nursing program" means a program designed to prepare students for licensure as licensed practical nurses.

Subp. 20. Professional nursing program. "Professional nursing program" means a program designed to prepare students for licensure as registered nurses.

Subp. 21. Program. "Program" means an organized set of courses designed to prepare students to meet the nursing education requirements for licensure as practical or professional nurses.

6315.0200 PURPOSE AND AUTHORITY.

Parts 6315.0100 to 6315.0700 are adopted pursuant to Minnesota Statutes, section 148.191. The parts pertain to the authorization to practice, the requirements for licensure by examination, the requirements for licensure without examination, and nullification of applications. Part 6315.0400 applies to applicants who have not passed an examination acceptable to the board. Part 6315.0500 applies to applicants who have passed an examination acceptable to the board.

6315.0300 AUTHORIZATION TO PRACTICE NURSING.

Subpart 1. Required authorization. A Minnesota license or permit is required if an individual practices professional nursing as defined in Minnesota Statutes, section 148.171, clause (3), or practical nursing as defined in Minnesota Statutes, section 148.29, subdivision 4, whether for monetary compensation or as a volunteer, except as provided in Minnesota Statutes, sections 148.271 and 148.295. If the permit is revoked or expires, whichever occurs first, an applicant must not practice nursing until a license has been issued.

Minnesota licensure is not required for a nurse licensed in another jurisdiction who is in Minnesota as a student enrolled in a course of study which involves nursing practice, such as a course leading to a higher degree or certification in a nursing specialty or to enhanced skills in a clinical field.

Subp. 2. License. The board shall license an applicant to practice when the applicant has met all requirements of applicable statutes and rules. The license must bear the seal of the board, date of issue, license number, and type of licensure.

Subp. 3. Duplicate original license. Duplicate original licenses are not issued for any reason.

Subp. 4. Eligibility for permit to practice nursing with direct supervision. The board shall grant an applicant a permit to practice nursing under the direct supervision of a registered nurse if the applicant:

- A. has not been licensed by examination in another jurisdiction;
- B. applies for a permit to practice on a form obtained from the board;
- C. has submitted the licensure application, licensure fee, examination application, examination fee, and affidavit of graduation;
- D. has not had an application nullified;
- E. has not had a permit revoked;
- F. has not had a permit expire;
- G. has graduated from an approved program as specified in part 6315.0400, subpart 4 or 5; and
- H. has written or is eligible to write the first examination administered after graduation. An applicant who has written the examination before graduating becomes eligible for a permit after graduation. An applicant who has written the examination in another jurisdiction must submit, on a form supplied by the board, proof from the other jurisdiction that the applicant wrote the first examination administered after graduation.

Subp. 5. Required supervision. An applicant who holds a permit to practice nursing with direct supervision must practice

under the direct supervision of a registered nurse licensed and currently registered in Minnesota. There must be a registered nurse assigned to observe, direct, and evaluate the performance of the permit holder. A permit holder shall be able to identify at all times the registered nurse who is providing direct supervision. The registered nurse shall not be engaged in other activities that would prevent the registered nurse from providing direct supervision to the permit holder. The registered nurse providing the supervision shall be physically present on the unit or within the facility where the permit holder is practicing nursing. If the assigned responsibilities for a given shift require nursing abilities that have not been acquired by the permit holder and if the care to be provided involves a patient with severe or urgent conditions or a patient with an unstable condition, the registered nurse providing the supervision must be on the unit with the permit holder. If the assigned responsibilities for a given shift require nursing abilities that have been acquired by the permit holder and the care to be provided is simple and routine, the registered nurse providing the supervision must be in the facility with the permit holder. The permit holder shall not function in a position that requires supervision of other nursing personnel.

Subp. 6. Permit to practice nursing without direct supervision. The board shall grant an applicant a permit to practice nursing that does not require direct supervision if the applicant:

- A. submits the licensure application and licensure fee;
- B. is licensed in another jurisdiction or Canadian province by an examination acceptable to the board;
- C. applies for a permit to practice on a form obtained from the board; and

D. submits evidence of licensure and current eligibility to practice in another jurisdiction or Canadian province. Evidence of licensure and eligibility to practice may include, but is not limited to, a notarized copy of the document from another jurisdiction or Canadian province that authorizes current practice, an official statement from another jurisdiction or Canadian province that the applicant is currently authorized to practice, or an official statement from another jurisdiction or Canadian province that the licensure examination was passed and that the applicant is authorized to practice pending licensure.

Subp. 7. Length of permit. The permit authorizing practice under the direct supervision of a registered nurse expires eight weeks after the administration of the examination or upon the applicant's notification by the board of failure on the examination, whichever occurs first. The board shall not extend this permit even if an applicant passes the examination.

The permit authorizing practice without direct supervision expires six months after the date of issue, but the board shall extend this permit if licensure cannot occur because of a processing delay by another nurse licensing agency.

Subp. 8. Revocation of permit. The board shall revoke a permit in the following situations.

A. The board shall revoke a permit if the permit holder:

- (1) does not write the scheduled examination;
- (2) has been notified of the results of the examination;
- (3) is licensed by the board;
- (4) did not write in another jurisdiction an examination acceptable to the board;
- (5) did not pass an examination in another jurisdiction with a score acceptable to the board; or
- (6) is not eligible for licensure.

B. The board may act to decide whether to revoke a permit if the board determines that:

- (1) an applicant for licensure by examination did not meet the graduation requirement specified in part 6315.0400, subpart 4 or 5;
- (2) an applicant for licensure without examination presented fraudulent evidence of licensure in another jurisdiction or Canadian province; or
- (3) an applicant has engaged in conduct which constitutes grounds for denial of a license.

Subp. 9. Designated titles. The permit holder who is an applicant for registered nurse licensure shall use the title "graduate nurse," abbreviated "GN." The permit holder who is an applicant for licensed practical nurse licensure shall use the title "graduate practical nurse," abbreviated as "GPN."

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6315.0400 REQUIREMENTS FOR LICENSURE BY EXAMINATION.

Subpart 1. Licensure application. An applicant shall obtain the application forms for licensure and instructions for filing from the board. An applicant shall respond to questions on the application that relate to causes for denial of licensure listed in Minnesota Statutes, section 148.261 for the registered nurse and Minnesota Statutes, section 148.297 for the licensed practical nurse. An applicant shall submit true information. Falsification or omission of information constitutes unethical conduct and provides grounds for denial of a license. The application must be notarized. If an application is received without a fee, it shall be returned to the applicant.

Subp. 2. Examination application. An applicant shall obtain an examination application from the board. The application and examination fee must be submitted to the agency specified by the board. The examination application and fee must be submitted to the agency each time an applicant wants to be scheduled to take an examination.

Subp. 3. Evidence of good moral character and good mental health. An applicant shall verify on the application that he or she is of good moral character and in good mental health. The board may require further evidence of an applicant's character or mental health if the board has information satisfying one of the following conditions:

- A. implying a violation of a federal, state, or local law or rule;
- B. constituting grounds for denial of a license, if true;
- C. implying that the applicant provided inaccurate information or omitted information solicited on the licensure or examination applications;
- D. pertaining to behavior of the applicant during the applicant's educational period which suggests that the applicant is not of good moral character or not in good mental health;
- E. showing that the applicant may have cheated on the licensing examination;
- F. showing that the applicant was discharged from employment;
- G. showing that disciplinary action was taken or is pending or the applicant is under investigation by another nurse licensing agency; or
- H. showing that at the time of board action on an application the applicant is hospitalized for treatment of mental illness.

Subp. 4. Graduation from approved professional nursing program. An applicant who has graduated from an approved professional nursing program is eligible for licensure as a registered nurse if the applicant's nursing education includes classroom and clinical instruction. The learning activities must have been provided in accordance with either item A or B.

- A. The learning activities involved patients in each of the following categories:
 - (1) newborn through 11 months;
 - (2) one year through 12 years;
 - (3) 18 years through 64 years;
 - (4) 65 years and older;
 - (5) healthy patients, such as patients in an uncomplicated maternity cycle or patients in need of health teaching;
 - (6) acutely ill patients suffering from an illness with a short and relatively severe course; and
 - (7) chronically ill patients suffering from an illness that persists over a long period of time.
- B. The learning activities involved patients in each of the following categories:
 - (1) patients having nursing care needs in all stages of illness;
 - (2) adults, including those over 65 years of age and children receiving medical and surgical therapy;
 - (3) patients having mental illness; and
 - (4) mothers and newborn infants in the maternity cycle.

Subp. 5. Graduation from approved practical nursing program. An applicant who has graduated from an approved practical nursing program is eligible for licensure as a licensed practical nurse if the applicant's nursing education includes classroom and clinical instruction. The learning activities must have been provided in accordance with either item A or B.

- A. The learning activities involved patients in each of the following categories:
 - (1) newborn through 11 months;
 - (2) one year through 12 years;

- (3) 18 years through 64 years;
- (4) 65 years or older;
- (5) healthy patients, such as patients in an uncomplicated maternity cycle;
- (6) acutely ill patients suffering from an illness with a short and relatively severe course; and
- (7) chronically ill patients suffering from an illness that persists over a long period of time.

B. The learning activities involved patients in each of the following categories:

- (1) children;
- (2) mothers of newborn infants;
- (3) newborn infants;
- (4) adults with common illnesses;
- (5) geriatric patients; and
- (6) patients with mental and emotional problems.

Subp. 6. Transcripts necessary for applicants educated in foreign countries. An applicant who has graduated from a program in another country shall submit a transcript. The applicant shall also submit a course description if the entries on the transcript are not self-explanatory as to course content. If the transcript and course description are not in English, a translation must be done by an agency or individual specified by the board. The cost of this translation must be paid by the applicant.

Subp. 7. Resolution of educational deficiencies. Any deficit in nursing education as outlined in subpart 4 or 5 must be made up prior to admission to the examination in one of the following ways:

A. The applicant must successfully complete a regular course or a course designed for an applicant that includes classroom instruction, clinical instruction, and evaluation of nursing ability in the area of deficit in an approved nursing program which prepares students for the type of licensure for which the applicant is applying.

B. If the deficit is a clinical instruction and evaluation of nursing ability deficit and not a classroom deficit, an applicant for registered nurse licensure must successfully complete 90 hours of clinical instruction including evaluation of nursing ability in the deficit area, and an applicant for licensed practical nurse licensure must successfully complete 65 hours of clinical instruction including evaluation of nursing ability in the deficit area. The clinical instruction including evaluation must be supervised by a registered nurse.

The applicant must submit evidence of having completed item A or B on an affidavit provided by the board and signed by all individuals responsible for the make-up activities.

Subp. 8. Affidavit of graduation. An applicant shall have an affidavit of graduation completed and signed by an official of the nursing program. The completed affidavit must bear the seal or stamp of the program. An applicant must submit the affidavit prior to the examination unless the applicant will be writing the examination before graduation. An applicant who graduates after writing an examination shall submit the affidavit after graduation but before licensure. An applicant who fails an examination shall submit the affidavit before reexamination.

Subp. 9. Affidavit of enrollment. An applicant who writes the examination before graduation shall have an affidavit of enrollment completed and signed by an official of the nursing program. The completed affidavit must bear the seal or stamp of the program and be submitted prior to the examination.

Subp. 10. Fees. The board shall charge the following fees.

A. The licensure fee is \$50 for an applicant for registered nurse licensure and \$35 for an applicant for licensed practical nurse licensure. This fee must be paid to the board and must be received prior to evaluation of an applicant's qualifications for examination and licensure.

B. The examination fee is set by the examination vendor and must be submitted to the agency specified by the board each time an applicant wants to be scheduled to write an examination.

C. The reexamination fee is \$25 for an applicant for registered nurse licensure and \$10 for an applicant for licensed practical nurse licensure. The fee must be paid to the board.

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D. A late filing fee of \$20 must be remitted to the board if one or more of the following materials is not properly postmarked or delivered by the deadline:

- (1) licensure application and fee;
- (2) examination application and fee;
- (3) reexamination application and fee.

E. Personal checks are not accepted. Each remittance must be in the form of United States currency, cashier's check, or money order.

F. If for any reason a license is not issued, fees are not refundable.

Subp. 11. Deadline for submitting material. The deadline for submitting all required applications and fees is 56 calendar days preceding an examination. The board shall use the postmark and address to determine compliance. If the required applications and fees are not received on time, the applicant must pay a late filing fee.

All other documents, late applications and fees, and the late filing fee is applicable, must be received no later than 4:30 p.m. the day prior to the examination.

Subp. 12. Written examination. The licensure examinations are the examinations of the National Council of State Boards of Nursing, Inc. The passing score required on the National Council Licensure Examination for Registered Nurses (NCLEX-RN) is a scaled score of 1,600. The passing score required on the National Council Licensure Examination for Practical Nurses (NCLEX-PN) is a scaled score of 350.

A. An applicant shall be scheduled for an examination when the following have been received by the required date or time: applications for licensure and examination; fees for licensure and examination; affidavit of graduation or enrollment; and, when applicable, reexamination application and fee; late filing fee, transcript, course description, translation of transcript and course description, and affidavit that any educational deficit was made up. An applicant may write an examination before graduation if he or she meets all of the following requirements:

- (1) The applicant must be enrolled in the final term of study in an approved Minnesota program.
- (2) The remaining course work must not include any elective or required nursing courses.
- (3) The applicant must not have been on academic probation in the term prior to the final term.
- (4) The applicant must not be repeating a course to improve the grade in the course in order to meet graduation requirements.
- (5) The applicant must not have written a previous NCLEX examination in Minnesota.

B. The board will notify the applicant by mail of the examination the applicant is scheduled to write. At least ten days prior to an examination the board shall mail an admission document to each applicant accepted to write the examination. Placing the notice and admission document in first class United States mail, postage prepaid and addressed to the applicant's last known address constitutes mailing.

C. For admission to the examination, the applicant must present the admission document, a head and shoulders photograph, and a document bearing the applicant's signature. The photograph must be part of a driver's license, nondriver's state identification card, passport, alien registration card, student identification card, or a photograph affixed with the school seal and signed by the director of the nursing program.

D. An applicant admitted late to any portion of the examination shall not be allowed extra time. An applicant will not be admitted to any portion of the examination after any applicant has finished that portion and left the examination room. An applicant who does not write the first portion of the examination shall not be allowed to write other portions.

E. Official notification of the score received shall be by first class United States mail, postage prepaid.

F. An applicant who has failed an examination may have the examination rescored by: submitting a written request to the board within one month following the release of the results of the examination; and meeting any procedural requirements including fees of the examination vendor.

G. An applicant who fails an examination may apply for reexamination on a reexamination application supplied by the board and must obey all other applicable rules. If an application is received without a fee, it shall be returned to the applicant.

H. An applicant may write the examination for Minnesota licensure specified in subpart 12 in another jurisdiction if the board authorizes the applicant to do so and the jurisdiction is willing to administer the examination. The applicant must meet any procedural requirements and pay any fees set by the other jurisdiction.

6315.0500 REQUIREMENTS FOR LICENSURE WITHOUT EXAMINATION.

Subpart 1. Proof of licensure in another jurisdiction or country. To be licensed to practice nursing in Minnesota without writing an examination, an applicant must submit proof, on a form provided by the board, that he or she is licensed in another jurisdiction, Canadian province, or country and has passed an examination acceptable to the board as listed in subparts 11 and 12. Proof of licensure must be obtained from the jurisdiction, Canadian province, or country in which the applicant was first licensed and in which the applicant was most recently employed.

Subp. 2. Licensure application. An applicant shall obtain the application forms and instructions for filing from the board. An applicant shall respond to questions on the application that relate to causes for denial of licensure listed in Minnesota Statutes, section 148.261, for the registered nurse and Minnesota Statutes, section 148.297, for the licensed practical nurse. An applicant shall submit true information. Falsification or omission of any information constitutes unethical conduct and provides grounds for denial of a license. The application must be notarized. If an application is received without a fee, it shall be returned to the applicant. Application for licensure begins on the date when an application and fee are received by the board.

Subp. 3. Fee. The fee for licensure is \$40 for registered nurse applicants and \$30 for licensed practical nurse applicants. This fee must be paid to the board and must be received prior to evaluation of an applicant's qualifications for licensure. Personal checks are not accepted. Remittance must be in the form of United States currency, cashier's check, or money order. If for any reason a license is not issued, the fee is not refundable.

Subp. 4. Evidence of good moral character and good mental health. An applicant shall verify on the application that he or she is of good moral character and in good mental health. The board may require further evidence of an applicant's character or mental health if the board has information satisfying one of the following conditions:

- A. implying a violation of a federal, state, or local law or rule;
- B. constituting grounds for denial of a license, if true;
- C. showing that disciplinary action was taken or is pending or the applicant is under investigation by another nurse licensing agency;
- D. showing that the applicant provided inaccurate information or omitted information solicited on the licensure application;
- E. showing that the applicant was discharged from employment; or
- F. showing that at the time of application the applicant is hospitalized for treatment of mental illness.

Subp. 5. Graduation from approved nursing program. An applicant who has graduated from an approved nursing program is eligible for licensure provided that the applicant can present evidence of graduation.

Subp. 6. Waiver of graduation requirement. The board shall waive the requirement of graduation from an approved nursing program if:

- A. an applicant has been licensed by another jurisdiction or Canadian province based on requirements equivalent to the qualifications required in Minnesota at the time of the applicant's original licensure; or
- B. an applicant for licensed practical nurse licensure has been licensed by another jurisdiction and passed NCLEX-PN with a score specified in subpart 12 and has had at least 4,000 clock hours of employment as a licensed practical nurse in the 60 calendar months preceding application for licensure in Minnesota.

Subp. 7. Current nursing education or experience. An applicant who has been employed in nursing or who has graduated from an approved nursing program during the two years immediately preceding application for licensure is exempt from the continuing education requirements as specified in subparts 8 and 9. Employment references must be submitted to verify employment dates. An affidavit of graduation or evidence from the nurse licensing agency in another jurisdiction or Canadian province must be submitted to verify the graduation date.

Subp. 8. Continuing education for registered nurses. An applicant for registered nurse licensure who has not been employed as a registered nurse during the two years immediately preceding receipt by the board of the application must participate in continuing education activities which meet the criteria specified in part 6310.2800 and must submit an affidavit of continuing education. The continuing education participation must have occurred within the 24 months preceding board action on the application for licensure.

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

PROPOSED RULES

Subp. 9. Continuing education for practical nurses. An applicant for licensed practical nurse licensure who has not been employed in nursing during the two years immediately preceding receipt by the board of the application must participate in one of the following continuing education activities: at least 15 clock hours of a nurse refresher course; at least 15 clock hours of nursing-related continuing education courses; or an orientation program at least 15 clock hours in length conducted by an employer or potential employer. The continuing education must have occurred within the 24 months preceding board action on the application for licensure. The applicant must submit an affidavit of continuing education.

Subp. 10. Affidavit of graduation. An applicant must submit an affidavit of graduation, signed by an official of the nursing program and bearing the seal or stamp of the program. An affidavit is not required if the licensing authority in another jurisdiction or Canadian province verifies graduation from an approved program. If a licensed practical nurse applicant has not graduated from an approved program, the applicant shall send his or her employer a form supplied by the board for documentation of 4,000 clock hours of employment. The form must be completed by the employer and returned to the board. The board shall determine if the employment fulfills the requirement of Minnesota Statutes, section 148.291, subdivision 3.

Subp. 11. Acceptable examinations for registered nurses. The requirement of having passed a written examination acceptable to the board for registered nurse licensure is fulfilled if an applicant has:

A. passed a state-constructed examination or the State Board Test Pool Examination for Registered Nurses (SBTPE-RN) prior to 1957;

B. passed the SBTPE-RN after December 31, 1956, and before July 1, 1982, with a scaled score of at least 350 on each of the five parts; or

C. passed NCLEX-RN after June 30, 1982, with a scaled score of 1,600.

Subp. 12. Acceptable examinations for practical nurses. The requirement of having passed a written examination acceptable to the board for licensed practical nurse licensure is fulfilled if an applicant has:

A. passed a state-constructed examination or the State Board Test Pool Examination for Practical Nurses (SBTPE-PN) prior to 1960;

B. passed the SBTPE-PN after December 31, 1959, and before January 1, 1970, with a scaled score of at least 370;

C. passed the SBTPE-PN after December 31, 1969, and before October 1, 1982, with a scaled score of at least 400; or

D. passed NCLEX-PN after September 30, 1982, with a scaled score of at least 350.

Subp. 13. Insufficient score. An applicant for licensure whose examination score does not meet the Minnesota score requirement specified in subpart 11 or 12 must write the examination currently used in Minnesota, achieve the passing score established for the current examination, and meet requirements specified in part 6315.0400, subparts 2, 10, 11, and 12.

6315.0600 APPLICATION NULLIFICATION.

Subpart 1. Licensure by examination. The board will nullify an application for licensure by examination if the applicant:

A. did not write the first or second examination available following submission of a licensure application and fee;

B. did not rewrite the examination within 24 months after the last examination failed;

C. wrote the examination while enrolled in the final term of study but did not complete the course work during the final term; or

D. did not submit the affidavit of graduation within 12 months after the examination.

The board will not nullify an application if it agrees on a different action during a disciplinary proceeding.

Subp. 2. Licensure without examination. The board will nullify an application for licensure without examination if the applicant fails to complete the application process within one year after submission of the application or within one year after notification by the board of a deficiency.

Subp. 3. Destruction of application materials and forfeiture of fees. For a nullified application, the fees shall be forfeited and the application and other documents may be destroyed according to the process specified in Minnesota Statutes, section 138.17, subdivision 7. If the applicant failed to submit the application and fees within one year after the board received any other documents relating to the application, the board may destroy the documents.

Subp. 4. Reapplication. If an individual whose application has been nullified wants to be licensed, a new licensure application must be submitted and all applicable licensure requirements must be met.

6315.0700 ADMINISTERING EXAMINATIONS FOR OTHER JURISDICTIONS.

The board will administer a licensure examination to a candidate applying for licensure in another jurisdiction. The fee for this service is \$20. Personal checks are not accepted. The \$20 fee, examination application and fee, and written authorization from

the jurisdiction in which the applicant has applied for licensure by examination must be submitted no later than the date required of applicants for Minnesota licensure by examination.

Rules as Proposed

6310.2900 REGISTRATION RENEWAL PROCEDURES.

Subpart 1. to 5. [Unchanged.]

Subp. 6. First registration renewal. An individual who is issued a license by the board shall also be registered by the board. The initial registration period is for less than two years. For registered nurses licensed August 1 through January 31 the registration period ends the next July 31. For those licensed February 1 through July 31 the registration period ends July 31 of the following year. If an individual is granted a Minnesota license within six calendar months prior to the first day of licensee's renewal period, the license fee shall serve as payment for the first renewal period. Fifteen contact hours of acceptable continuing education activities shall be required for the first registration renewal.

Subp. 7. to 10. [Unchanged.]

6310.7600 RENEWAL OF REGISTRATION.

Subpart 1. to 4. [Unchanged.]

Subp. 5. Initial registration period. A person who is issued a license by the board shall also be registered by the board. The initial registration period is for less than two years. For licensed practical nurses licensed January 1 through June 30 the registration period ends December 31 of the same year. For those licensed July 1 through December 31, the registration period ends December 31 of the next year.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.13-14.28 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. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under § 14.18.

Housing Finance Agency

Adopted Rules Governing Income Limits for Limited-Unit Developments and the Homeownership Assistance Fund

The rules proposed and published at *State Register*, Volume 8, Number 37, pages 2010-2013, March 12, 1984 (8 S.R. 2010) are adopted as proposed.

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

OFFICIAL NOTICES

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 Administration

Notice of State Surplus Real Property Sale

In compliance with M.S. 94.09, et seq, the Commissioner of Administration offers for sale by sealed bid a parcel of real estate comprising the former fisheries headquarters in Grand Rapids, Minnesota. Parcel "A" consists of approximately 2.75 acres with 400 feet of frontage on Old Golf Course Road and is improved with a two story office building (44X80) a shed and two fuel tanks. Appraised value and minimum bid is \$129,600.

The property will be made available for inspection by appointment only. Arrangements for show may be made by contacting:

John Chell, Regional Administrator
1201 East Highway 2
Grand Rapids, MN 55744
Tele. (218) 327-1702

The bids will be opened and read aloud publicly at Room G-22 Administration Bldg., 50 Sherburne Avenue, St. Paul, MN on July 3, 1984 at 2:30 p.m.

Bidders shall be required to submit a cashier's check with their bids in an amount not less than 10% of the bid. The checks of unsuccessful bidders will be returned.

The successful bidder will have the choice of making payment of the balance remaining after the down payment by one of the following two methods:

1. Payment in full of the balance no later than October 3, 1984, or
2. Payment of the remaining balance in not less than equal annual installments for not to exceed 5 years, with principal and interest payable annually in advance at the rate of 9% per annum on the unpaid balance, by certified check or cashier's check payable to the State of Minnesota on or before June 1 of each year.

For details and bid forms contact:

Real Estate Management Division
Department of Administration G-22
50 Sherburne Avenue
St. Paul, MN 55155
Tele: (612) 296-6674

Department of Commerce

Meeting Notice, Minnesota Comprehensive Health Association Board of Directors

Minnesota Comprehensive Health Association
Annual Meeting, Board of Directors
Tuesday, June 19, 1984, at 11:00 a.m.
Minnesota Club
317 Washington Street
St. Paul, MN 55102

Changes in any scheduled meetings and notices of any additional meetings will be posted or otherwise be available upon inquiry at the Department of Commerce, Life and Health Section, from John Ingrassia, (612) 296-9434.

Department of Commerce

Meeting Notice, Minnesota Comprehensive Health Association Members

Minnesota Comprehensive Health Association
Annual Meeting of Members
Tuesday, June 19, 1984, at 10:00 a.m.
Minnesota Club
317 Washington Street
St. Paul, MN 55102

Changes in any scheduled meetings and notices of any additional meetings will be posted or otherwise be available upon inquiry at the Department of Commerce, Life and Health Section, from John Ingrassia, (612) 296-9434.

Department of Commerce

Outside Opinion Sought Regarding Proposed Amendments to Rules Relating to the Minnesota Comprehensive Health Insurance Act Including the Impact of the Rules on Small Businesses

Notice is hereby given that the Department of Commerce is seeking information or opinions from persons outside the agency in preparing to promulgate amendments to rules relating to the Minnesota Comprehensive Health Insurance Act. Promulgation of these rules is authorized by Minnesota Statutes, section 62E.09(i).

Outside opinion is also being solicited as to how these rules will affect small businesses as defined by Minnesota Laws 1983, ch. 188, codified as Minnesota Statutes § 14.115, subd. 1.

The Department of Commerce requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing to: John Ingrassia, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101, (612) 296-9434.

All statements of information and comment shall be accepted until July 11, 1984. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are promulgated.

Michael A. Hatch
Commissioner of Commerce

State Board of Education Department of Education Partnerships Division

Outside Opinion Sought Regarding Proposed Rules Governing the Implementation of the Health Occupations Program, Secondary Vocational Education

Notice is hereby given that the State Board of Education is seeking information or opinions from sources outside the agency in preparing to amend the Rules for Implementation of the Health Occupations Program. The Minnesota Rule, part 3505.3300, item B., subitem (1) is being amended to read: In school the program shall be offered for a minimum of 280 hours in one or two years. The promulgation of these rules is authorized by Minn. Stat. §§ 121.11, subd. 12 and 121.21, subd. 6.

The State Board of Education requests information and comments concerning the subject matter of this rule. Interested persons may submit statements of information or comment orally or in writing. Written statements should be addressed to:

OFFICIAL NOTICES

Ardith Jones
Minnesota Department of Education
517A Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101

Oral statements will be received during regular business hours over the telephone at (612) 297-1271 and in person at the above address.

All statements of information and comments shall be accepted until July 10, 1984. Any written material received by the State Board of Education shall become part of the record in the event that the rules are amended.

June 11, 1984

Nan Skelton
Assistant Commissioner
Partnership Division

Department of Energy and Economic Development Energy Finance Division

Outside Opinion Sought Regarding Proposed Rules Governing the District Heating Grant Program

Notice is hereby given that the Department of Energy and Economic Development is seeking information or opinions from persons outside the Department in preparing to promulgate permanent rules governing the administration of the District Heating Grant Program. Promulgation of these rules is authorized by Minnesota Statutes, Section 116J.36, Sub. 3A and 11.

The Department of Energy and Economic Development requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing to:

Mr. Joseph Kubes
Department of Energy and Economic Development
900 American Center Building
150 East Kellogg Boulevard
Saint Paul, Minnesota 55101
Phone (612) 297-1329

All statements of information and comments shall be accepted until July 2, 1984. Any written material received by the Department of Energy and Economic Development shall become part of the record in the event that the rules are promulgated.

Mark B. Dayton
Commissioner

Department of Health Emergency Medical Services

Emergency Medical Services Licensure Application for a Statewide Service

As of June 11, 1984, a complete application was submitted for a change in the schedule of Bio Medical Research Associates, Inc., current statewide scheduled advanced life support transportation license. A base of operation is currently located at 336 Chester Street, St. Paul, Minnesota 55107.

This notice is given pursuant to Minnesota Statutes 1979, Section 144.802, which requires in part that the Commissioner of Health shall publish the notice in the *State Register* at the applicant's expense; and in a newspaper in the municipality in which the service will be provided.

Each municipality, county, community health services agency, and any other interested person wishing to comment on this application may submit comments to the Metropolitan Health Board, 300 Metro Square Building, 7th and Robert, St. Paul, MN. 55101, Attn: Tom Chapel, 612/291-6357. The comments must reach the Health Systems Agency before July 11, 1984, or be submitted at the public hearing.

After a public hearing has been held, the Health Systems Agency shall recommend that the Commissioner of Health grant or deny a license or recommend that a modified license be granted. The Health Systems Agency shall make the recommendations and reasons available to any individual requesting them.

Within 30 days of receipt of the recommendation to the Commissioner of Health, the Commissioner shall grant or deny the license to this applicant.

Department of Health Emergency Medical Services

Emergency Medical Services Licensure Application for Rochester, MN

As of June 11, 1984, a complete application for scheduled advanced life support transportation service was submitted by Mayo Medical Center Helicopter Transport Service, to operate a base of operation at St. Mary's Hospital, 1216 Second Street S.W., Rochester, Minnesota.

This notice is given pursuant to Minnesota Statutes 1979, Section 144.802, which requires in part that the Commissioner of Health shall publish the notice in the *State Register* at the applicant's expense; and in a newspaper in the municipality in which the service will be provided.

Each municipality, county, community health services agency, and any other interested person wishing to comment on this application may submit comments to the Minnesota State Planning Agency, Rm. 100 Capitol Square Building, 550 Cedar St., St. Paul, MN. 55101, Attn: John Dilley, Director. The comments must reach the State Planning Agency before July 11, 1984, or be submitted at the public hearing.

After a public hearing has been held, the Health Systems Agency shall recommend that the Commissioner of Health grant or deny a license or recommend that a modified license be granted. The Health Systems Agency shall make the recommendations and reasons available to any individual requesting them.

Within 30 days of receipt of the recommendation to the Commissioner of Health, the Commissioner shall grant or deny the license to this applicant.

Department of Human Services Income Maintenance Bureau Assistance Payments Division

Outside Opinion Sought Regarding Proposed Rules Governing Emergency General Assistance

Notice is hereby given that the Minnesota Department of Human Services is seeking information or opinions from sources outside the agency in preparing to promulgate permanent rule governing the subpart of the General Assistance Program (GA) having to do with the issuance of emergency assistance (EGA). EGA is governed under Minnesota Statute 256D.01-256D.21. EGA is the portion of the General Assistance Program that provides for immediate financial aid for GA recipients and other persons in situations that place a person in jeopardy and cannot be resolved with the person's current resources.

The Minnesota Department of Human Services requests information and comments concerning the subject matter of this part of the rule. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Dorothy Mosso
Rulemaking Unit
Minnesota Department of Human Services
444 Lafayette Road—4th Floor
St. Paul, MN 55101

OFFICIAL NOTICES

Oral statements of information and comment will be received over the telephone at (612) 296-1545 between 9:00 a.m. and 4:00 p.m.

All statements of information and comment shall be accepted until further notice. Any written material received by the Minnesota Department of Human Services shall become part of the record in the event the rule is promulgated.

Department of Human Services Income Maintenance Bureau Assistance Payments Division

Outside Opinion Sought Regarding Proposed Rules Governing the Aid to Families with Dependent Children—Emergency Assistance Rule

Notice is hereby given that the Minnesota Department of Human Services is seeking information or opinions from sources outside the agency in preparing to promulgate an emergency rule governing the subpart of the Aid to Families with Dependent Children program having to do with the issuance of emergency assistance (AFDC-EA). AFDC-EA is governed under Minnesota Rules, Part 9500.0330 of the AFDC rule, formerly known as DPW Rule 44 and 12 MCAR 2.044 H.2. AFDC-EA is the program that provides for immediate financial aid for AFDC recipients and other families in situations that place a child in jeopardy and cannot be resolved with the family's current resources. The promulgation of this emergency rule is authorized by Minnesota Statutes, section 256.871, subdivision 7, Supp. 1984. The subjects being considered in this proposed emergency rule include, but are not limited to:

1. Definitions of "emergency," "crisis," and "unexpectedness."
2. Program eligibility criteria.
3. Allowable need items.
4. Policies regarding the use of alternate resources.
5. Amount and method of payment.
6. Application process.
7. Appeal process.

Public comment was solicited earlier for the proposed amendment to the entire AFDC rule (see *State Register*, Volume 8, Number 30, Page 1751), and comments received by the Department pertaining to this section of the rule will be considered as the Department drafts the proposed emergency rule. Persons or groups who commented in response to that earlier solicitation need not repeat those comments, unless they wish to amend or elaborate on their original comments. All interested or affected persons or groups are invited to submit statements of information in writing to:

Dorothy Mosso
Rulemaking Unit
Minnesota Department of Human Services
444 Lafayette Road—4th Floor
St. Paul, MN 55101

Oral statements of information and comment will be received over the telephone at (612) 296-1545 between 9:00 a.m. and 4:00 p.m. Mondays through Fridays. All statements of information and comment will be accepted until further notice.

Minnesota State Retirement System

Regular Meeting, Board of Directors

A meeting of the Board of Directors, Minnesota State Retirement System, will be held on Friday, June 15, 1984, at 8:30 A.M., in the office of the System, 529 Jackson Street, St. Paul, Minnesota.

Water Resources Board

Notice of Hearing on Proposed Changes in the Boundary of the Ramsey-Washington Metro Watershed District

A public hearing on a petition to change the boundary of the Ramsey-Washington Metro Watershed District will be held on June 25, 1984, beginning at 9:30 a.m. in the Council Chambers of the City of Oakdale, 1584 Hadley Avenue North, Oakdale, Minnesota 55119. The hearing will be conducted by State Hearing Examiner, Phyllis Reha.

For more information, contact:

Mel Sinn, Executive Director
Minnesota Water Resources Board
555 Wabasha Street, Room 206
St. Paul, Minn. 55102
(612) 296-2840

Water Resources Board

Notice of Hearing on Proposed Changes in the Boundaries of the Wild Rice and Sand Hill River Watershed Districts

A public hearing on a petition to change the boundaries of the Wild Rice and Sand Hill River Watershed Districts will be held on June 26, 1984, beginning at 9:30 a.m. in the Auditorium of the Fertile Community Center, Fertile, Minnesota 56540. The hearing will be conducted by State Hearing Examiner, Richard Luis.

For more information, contact:

Mel Sinn, Executive Director
Minnesota Water Resources Board
555 Wabasha Street, Room 206
St. Paul, Minn. 55102
(612) 296-2840

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.

Commodities contracts with an estimated value of \$5,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers by calling 296-2513. If the appropriate buyer is not available, contact Harvey Leach or Barbara Jolly at 296-3779.

Department of Administration

Contract Available for Direct Marketing Consultant for State Documents Center Sales Program

The Department of Administration, State Register & Public Documents Division, is seeking the services of a direct marketing consultant to assist the division in meeting its objective of expanding and refining the Minnesota State Documents Center Sales Program.

STATE CONTRACTS

Tasks to be undertaken by the consultant include: consultation, training, and services in market research, development of marketing strategies and design of promotional materials; creative assistance; assistance in planning, conducting, and evaluating a strategic direct marketing campaign; and assistance in developing a telemarketing strategy.

The one year contract is expected to begin September 1, 1984. Total cost to the state for these consultant services is not to exceed \$8,000.00.

All proposals must be received by the State Register and Public Documents Division no later than 4:30 p.m. on July 6, 1984. For further information and to receive a Request for Proposal, please contact:

Stephen A. Ordahl, (612) 297-2553,
or
Deborah J. Svoboda, (612) 297-2552.

Department of Administration Procurement Division

Commodities Contracts Currently Open for Bidding

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
SCH 124-B	Grader Blades & Snow Plow Cutting Edges	Transportation	Various	Contact buyer
30-000-14276	Purchase of Disk Drive & Controller	State Planning Agency	St. Paul	Contact buyer
26-071-14104, 777557	Extended Campus Class Schedule Fall, Winter, Spring, Summer	Mankato University	Mankato	Contact buyer
02-511-41396	Dept. Purchase Order	Central Stores	St. Paul	Contact buyer
29-002-09482	All Terrain Vehicle	Natural Resources	Grand Rapids	Contact buyer
26-071-14093	Purchase of Monitors & Hard Disks	Mankato University	Mankato	Contact buyer
37-080-93930	Purchase of Printers	Dept. of Education	St. Paul	Contact buyer
37-030-94209, 777707	Statewide assessment Test Booklet and Answer Sheets	Education	St. Paul	Contact buyer
26-071-14132, 777666	Class Schedules	Mankato University	Mankato	Contact buyer
79-000-41821	Vacuum & Jet Sewer Cleaning Machine	Transportation	Golden Valley	Contact buyer
Contract	Rubbish-Ah-Ching Nursing Home	Ah-Gwah Ching Nursing Home	Ah-Gwah Ching	Contact buyer
37-090-93908-03	Text Editing Equip.	Education	St. Paul	Contact buyer
55-000-88002	Purchase CPT Word Processor	Public Welfare/Human Services	St. Paul	Contact buyer
07-500-29990	Monitor/Scanner Receivers	Transportation	St. Paul	Contact buyer
79-000-41782	Tractor Mounted Snowblower	Transportation	Golden Valley	Contact buyer
79-000-41779	Quick Coupler	Transportation	Various	Contact buyer
26-074-09332	Mail Processing System REBID	Winona University	Winona	Contact buyer
Contract	Rubbish Disposal Brainerd St. Hosp.	Brainerd State Hospital	Brainerd	Contact buyer
07-500-29738-23, 29855-29896	Navigation Equip.	State Patrol	State Patrol	Contact buyer
26-073-16311	Purchase of Terminals	St. Cloud University	St. Cloud	Contact buyer
27-148-42017	Purchase of Microcomputer Course Package	Rochester Comm. College	Rochester	Contact buyer
Sch. 124-B	Grader Blades & Snow Plow Cutting Blades—Add. #1	Transportation	Various	Contact buyer

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
02-430-41781	PBX Telephone System	Veterans Home	Hastings	Contact buyer
26-073-16299	Purchase of Computer Controlled Robot	St. Cloud University	St. Cloud	Contact buyer
Contract	Misc. papers	Central Stores	St. Paul	\$50,000-\$55,000
78-830-06899	Frozen Fish	Mn Corr. Facility	St. Cloud	Contact buyer
22-400-00288, 774770	Spring/Summer Calendar of Events	Tourism	St. Paul	Contact buyer
27-148-42027, 777685	Fall, Winter, Spring Quarter Brochures	Rochester Com. College	Rochester	Contact buyer

Contact the receptionist at 296-2513 for referral to specific buyers.

Department of Corrections Minnesota Correctional Facility—Oak Park Heights

Request for Proposals for Providing Dental Services

Notice is hereby given that the Minnesota Correctional Facility—Oak Park Heights is requesting proposals to provide part-time, on-site dental services to inmates. These services will include:

1. Routine dental care such as restorations, root canal therapy, oral surgery and denture problems.
2. Handle dental emergencies with a prescription or personal visit to the Dental Clinic.
3. Delegate those services which the dental assistant is trained and licensed to perform.
4. Refer patients which cannot be handled in the Dental Clinic to St. Paul Ramsey Medical Center or the University of Minnesota Hospital for further treatment.
5. Maintain charts and records so that accurate data is available in the future.

The estimated number of hours per week is 20 and the estimated cost for the period of July 1, 1984 through June 30, 1985 is \$25,000.00. Proposals must include hours available for service, service charge per hour and resume of education and employment history. The proposals must be submitted by 4:00 p.m., June 29, 1984 to Ken Carlson, Health Services Director. Please contact Dr. Carlson at (612) 779-1436 if interested.

Department of Health Maternal and Child Health Division

Request for Proposal for Technical Services Contract for Health Care for Children With Juvenile Diabetes Mellitus

Services For Children With Handicaps (the Crippled Children's Services agency in Minnesota) seeks to improve the health, both mental and physical, of children with diabetes by stimulating the development and availability of competent and comprehensive health education services for these children in the State of Minnesota.

Therefore SCH is requesting a proposal from a health care and education organization or facility to assist SCH in continuing a program to accomplish its goals by means of a technical services contract.

The contractor's duties shall be to provide a nurse practitioner, nutritionist, health educator, social worker, and pediatrician skilled in the understanding and clinical management of juvenile diabetes mellitus. This team will assist SCH staff in the provision of professional services at a series of field clinics throughout the state. The contractor must also provide certain administrative services. These duties shall include:

1. Maintenance of planning relationships with consumer groups interested in services to children and youth with diabetes.
2. Development with SCH staff of specific program initiatives and establishment of schedules for a program of clinics and workshops during the contract period.

STATE CONTRACTS

3. Provision of educational and orientation programs for local health professionals prior to field clinics.
4. Ongoing consultation with community health professionals to assure optimal care of children with diabetes.
5. Staffing at field clinics to provide interview, examination and counseling of children and families.
6. Submission of an evaluation report to SCH at conclusion of the contract period.

The total obligation of the State for all compensation and reimbursements to contractor shall not exceed seventy nine thousand two hundred and forty eight dollars (\$79,248.00).

Proposals shall be submitted to Alpha Adkins, Section Chief, Services For Children With Handicaps, 717 Delaware SE, Minneapolis, Minnesota, 55440, two weeks following publication of this request. The contract period will extend from August 1, 1984 through June 30, 1985.

Housing Finance Agency; and Department of Economic Security

Request for Proposals for the Temporary Housing Demonstration Program

The Minnesota Housing Finance Agency (MHFA) and the Minnesota Department of Economic Security (DES) request proposals from community action agencies or other public or private nonprofit agencies for projects to be funded under the Temporary Housing Demonstration Program. The MHFA and DES were each appropriated \$250,000 in funds to make grants.

The MHFA will be accepting proposals to acquire, construct or rehabilitate residential housing to be used to provide temporary housing for the homeless. The DES will be accepting proposals to initiate, maintain or expand programs which provide temporary housing and support services for the homeless. Applicants wishing to receive grants for both structural development and program expenses must submit separate applications to the MHFA and DES requesting the appropriate grants.

Applicants may request application packets by contacting staff at the MHFA or the DES. These staff may also be contacted to answer any questions or to clarify information contained in either the Request for Proposals or the application packet.

Minnesota Housing Finance Agency
Suite 200, Nalpak Building
333 Sibley
St. Paul, MN 55101

Minnesota Department of Economic Security
Office of Economic Opportunity
690 American Center Building
150 E. Kellogg Boulevard
St. Paul, MN 55101

(612) 296-9848

(612) 296-4657

A pre-proposal conference is scheduled to provide potential applicants with an opportunity to ask questions concerning the RFP/Application. The location and date is:

Monday, June 18, 1984
1:00 p.m.
Minnesota Housing Finance Agency
5th Floor Conference Room

An original and two copies of the completed application must be sent by mail or hand-delivered to the appropriate addresses below. All applications must arrive no later than 5:00 p.m. on July 13, 1984.

Minnesota Housing Finance Agency
Suite 200—Nalpak Building
333 Sibley
St. Paul, MN 55101

Minnesota Department of Economic Security
Office of Economic Opportunity
690 American Center Building
150 E. Kellogg Boulevard
St. Paul, MN 55101

Attention: Susan Haugen

Attention: Beverly J. Gleeson

An announcement of awards is expected in August of 1984.

This request for proposals is subject to all laws, rules and regulations promulgated by any federal, state and municipal authority having jurisdiction as the same and may be amended from time to time. MHFA reserves the right, in its sole discretion, to modify and/or to withdraw this RFP at any time. All applicants pursuant to this RFP are prepared at the sole risk, cost and expense of the applicant.

Metropolitan Council

Request for Proposal for Revision to Air Quality Control Plan for Transportation

The Metropolitan Council solicits proposals for entering into a contract for the preparation of a report on the evaluation of mitigation strategies to reduce carbon monoxide levels at the intersection of Snelling and University Avenues to meet National Ambient Air Quality Standards (NAAQS). Proposals received on or before 4 p.m., June 15, 1984 will be considered by the Council. Six copies of the proposal should be submitted to the Metropolitan Council, Suite 300, Seventh & Robert Sts., St. Paul, MN 55101. Attention: Carl Michaud (612) 291-6579.

SUPREME COURT

Decisions of the Court of Appeals Filed Tuesday, May 29, 1984

Compiled by Wayne O. Tschimperle, Clerk

C3-83-1609 Daisy M. Whitehill, et al., v. Seaway Port Authority of Duluth, Minnesota, and First National Bank of Columbus, Wisconsin, Objector, Appellant. St. Louis County.

Provisions in the bond resolution governing issuance of industrial development revenue bonds required that proceeds from sale of the project, after the tenant's default, be used to make scheduled principal and interest payments rather than a pro rata distribution.

Reversed. Popovich, C.J.

C6-83-1734 Green Tree Acceptance, Inc., Relator, v. Michael A. Reed, and Commissioner of Economic Security. Department of Economic Security.

An employee's receipt of compensation from a third party, without employer's knowledge, for conducting inspections of mobile homes his employer financed constituted misconduct disqualifying him from unemployment benefits.

Reversed. Popovich, C.J.

C3-84-51 Jack Fena, et al., v. Bo W. Wickstrom, Appellant. St. Louis County.

The Lease provision exculpating the landlord from liability for water damage was not ambiguous.

Affirmed. Popovich, C.J.

C1-83-1592 State of Minnesota v. Michael Lee Ramstad, Appellant. Kanabec County.

Affirmed. Foley, J.

C2-84-333 Diane C. Kirby v. Jerry D. Kirby, Appellant. Ramsey County.

An order to amend a dissolution judgment is not an appealable order. Appeal should be made from the amended judgment.

The trial court did not err in increasing child support from \$225 to \$540 per month where the record shows a substantial change in the income and needs of the parties.

The trial court did not abuse its discretion by awarding attorney fees.

Affirmed. Foley, J.

SUPREME COURT

C0-83-1891 In Re: the Marriage of: Scott A. Chambard, petitioner, v. Gail Chambard, Appellant.

Where evidence supports the trial court's determination of custody, this court will not disturb the custody order.

Affirmed. Wozniak, J.

C9-84-54 Kevin L. Benson v. Iowa Beef Processors, Relator, Commissioner of Economic Security. Department of Economic Security.

Where the employee, performing an unfamiliar task, performs it incorrectly, the employee is not guilty of misconduct when the employer gave no instructions on how to properly perform the task.

Affirmed. Wozniak, J.

C6-83-1863 In Re: the Marriage of: Nadine G. Kelly, Petitioner, v. Michael J. Kelly, Appellant. Dakota County.

Where the original judgment was not appealed, issues which could have been reviewed in that appeal and were undisturbed by the amended judgment are not reviewable on appeal from the amended judgment.

The trial court did not abuse its discretion in its division of real and personal property.

Affirmed. Lansing, J.

C5-84-312 Robert Alan Hirt, Relator, v. Lakeland Bakeries, and Commissioner of Economic Security. Department of Economic Security.

The record supports the Commissioner's decision that an employee's refusal to return to work in a lighter duty position offered by his employer, despite the authorization of a workers' compensation insurance company doctor and the testimony of his own chiropractor that he was capable of performing light work, constitutes voluntary termination.

Affirmed. Lansing, J.

C4-84-253 Larry Leroy Byrd v. Commissioner of Public Safety. Dakota County.

The out-of-state D.W.I. convictions of a Minnesota driver may be considered by the Commissioner of Public Safety when reviewing the driver's Minnesota driving privileges.

The Commissioner's refusal of a limited license was not arbitrary and capricious under the facts of this case.

Reversed. Huspeni, J.

C7-83-2004 Law Enforcement Labor Services, Inc., and its Local No. 69, Appellant, v. City of Moorhead, et al. Clay County.

A police department order governing off-duty employment for police officers is not subject to arbitration where the collective bargaining agreement does not deal with the issue.

Affirmed. Forsberg, J.

CX-83-1719, CX-83-1722 State of Minnesota, Appellant, v. Timothy Dennis Jensen, (CX-83-1719); and Terri Lawrence Picha, (CX-83-1722). Freeborn County.

Defendants involuntarily confessed to a burglary when induced by promises, threats, and misrepresentations by the interrogating officer, and their confessions were properly suppressed.

Physical evidence was tainted and properly suppressed where the evidence was surrendered by one defendant at a police officer's request shortly after an involuntary confession.

A second confession, given shortly after a confession obtained by coercion, is tainted by the first and properly suppressed.

Affirmed. Leslie, J.

C5-83-1739 Roger Haas, and Carla Haas, Appellants, v. Dr. James B. Gavisser. Washington County.

The trial court improperly excluded expert medical testimony in a malpractice action against a plastic surgeon where the expert, although not a plastic surgeon, had both occupational experience and scientific knowledge of the treatment of breast disease.

Reversed and remanded. Leslie, J.

C1-83-1771 Steve S. Brunello v. Mill City Auto Body, Appellant, and Commissioner of Economic Security. Department of Economic Security.

Claimant's and relator's original written statements that claimant was involuntarily terminated reasonably supported the Commissioner's finding and award of benefits.

Affirmed. Leslie, J.

C4-84-74 State of Minnesota v. Darryl Lex Porter, Appellant. Carlton County.

Minn. Stat. § 169.825, relating to weight limitations upon the highways of this state, and § 171.02, requiring an appropriate license before driving upon any street or highway in this state, apply to enrolled Indians residing within the Fond du Lac Indian Reservation. The county court had jurisdiction over the subject matter.

Affirmed. Leslie, J.

C7-83-1886 Lowell Nelson v. Gary Smith, Appellant. Clay County.

Evidence was sufficient to establish an oral agreement to lease farmland for a period of three years.

Lessor's misrepresentations estopped him from using the statute of frauds as a defense to an action to enforce an oral lease of farmland for three years.

Evidence supported a finding of no breach by tenant of an oral contract to lease farmland.

Proof of lost profits was neither speculative nor conjectural and farm tenant used reasonable diligence to minimize his damages.

A party cannot claim deprivation of a fair trial based on alleged juror bias where a challenge to said juror was first raised in post-trial motions.

Affirmed. Nierengarten, J.

C5-84-35 In Re: Estate of Beverly E. Lobe, Deceased. St. Louis County.

The evidence established that a gift, rather than a loan, had been made so as to preclude a claim against an estate.

Affirmed. Nierengarten, J.

C6-83-1393 Kelly Jo Pikula, Appellant, v. Dana David Pikula. Crow Wing County.

On the facts of this case, the trial court abused its discretion in awarding custody of the parties' two minor children to the husband.

Reversed. Randall, J.

C0-83-1681 State of Minnesota v. George Soine, Appellant. Kandiyohi County.

Evidence was sufficient to sustain the jury's verdict finding defendant guilty of two counts of second degree assault, Minn. Stat. § 609.222.

Affirmed. Randall, J.

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