

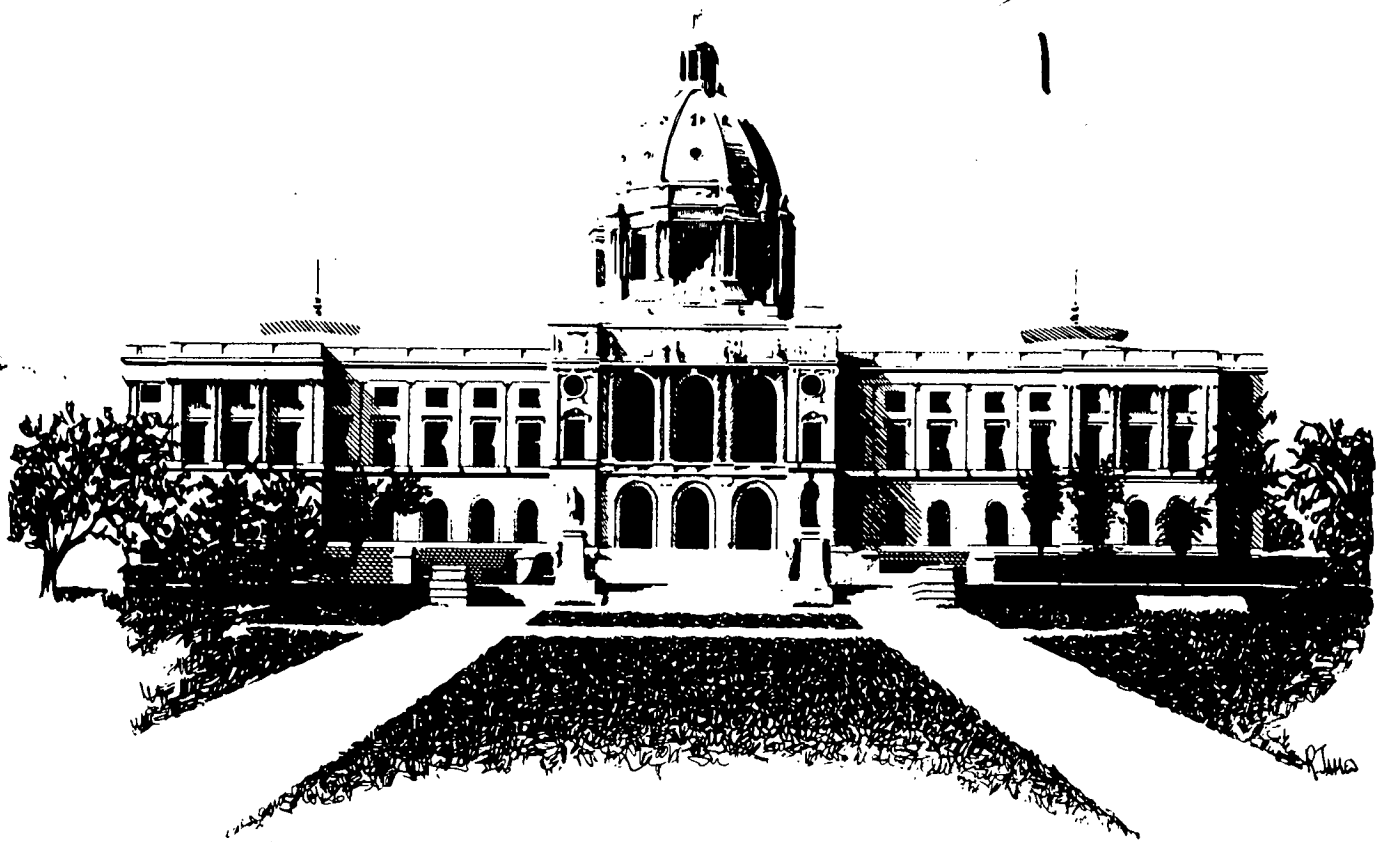
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STATE OF MINNESOTA



VOLUME 9, NUMBER 30

January 21, 1985

Pages 1637-1668



Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
SCHEDULE FOR VOLUME 9			
31	Monday Jan 14	Monday Jan 21	Monday Jan 28
32	Monday Jan 21	Monday Jan 28	Monday Feb 4
33	Monday Jan 28	Monday Feb 4	Monday Feb 11
34	Monday Feb 4	Monday Feb 11	Monday Feb 18

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

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

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

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

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NOTICE

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

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a **NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION** also.

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 Rules.
- Proposed emergency rules.
- Withdrawal of proposed rules (option: not required).

The **ADOPTED RULES** section contains:

- Notice of adoption of new rules and rule amendments adopted without change from the previously published proposed rules. (Unchanged adopted rules are not republished in full in the *State Register* unless an agency requests this.)
- Adopted amendments to new rules or rule amendments (adopted changes from the previously published proposed rules).
- Notice of adoption of emergency rules.
- Adopted amendments to emergency rules (changes made since the proposed version was published).
- Extensions of emergency rules beyond their original effective date.

The **OFFICIAL NOTICES** section includes (but is not limited to):

- Notice of intent to solicit outside opinion before promulgating rules.
- Additional hearings on proposed rules not listed in original proposed rules calendar.

ALL ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the *State Register* and filed with the Secretary of State before July 31, 1983 are published in the *Minnesota Rules 1983*. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after July 31, 1983 will be included in a supplement scheduled for publication in mid-1984. Proposed and adopted EMERGENCY (formerly called TEMPORARY) RULES appear in the *State Register* but are generally not published in the *Minnesota Rules 1983* due to the short-term nature of their legal effectiveness. Those that are long-term may be published.

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

Issues 1-13, inclusive	Issue 39, cumulative for 1-39
Issues 14-25, inclusive	Issues 40-51, inclusive
Issue 26, cumulative for 1-26	Issue 52, cumulative for 1-52
Issues 27-38, inclusive	

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EXECUTIVE ORDERS

Executive Order No. 84-14

Providing for the Creation of a Council of Economic Advisors

I, RUDY PERPICH, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, formation of public policy in Minnesota requires the best available information and advice, and

WHEREAS, both the executive and legislative branches have a need for a policy sounding board to review concepts of taxation and spending; and

WHEREAS, there is not now a broad-based group of economic experts to provide advice, oversight, and counsel to the Governor and the Legislature, and

WHEREAS, creation of a Council of Economic Advisors would fill such a role;

NOW, THEREFORE, BE IT ORDERED by the Governor of the State of Minnesota as follows:

1. There is hereby created a Council of Economic Advisors.
2. Its purpose will be to act as a policy sounding board for both the executive and legislative branches of state government.
3. Duties of the Council will include:
 - a. Review and critique of the Department of Finance's economic and revenue forecasts, and its methodology.
 - b. Review forecasts, projections, and studies of other state departments, and methodology, as appropriate.
 - c. Provide policy oversight to the state data base project.
 - d. Initiate or recommend special studies where economic research and analysis are relevant to evaluation of public policy options.
 - e. Provide public policy counsel at the request of the Governor, commissioners of state government, or the Legislature.
4. Members of the Council will be appointed by, and serve at the pleasure of, the Governor of Minnesota. Initial appointees are the following:

John S. Adams, Professor, Department of Geography, University of Minnesota
Paul Anton, Director of Economics, First Bank Minneapolis
Donald Ault, Vice President, Land O'Lakes, Incorporated
Edward M. Foster, Professor, Department of Economics, University of Minnesota
Wilbur Maki, Professor, Department of Agricultural and Applied Economics, University of Minnesota
Gary Stern, Vice President and Director of Research, Federal Reserve Bank of Minneapolis.
5. The Council shall meet as needed, and may request assistance as needed from the Department of Finance and other agencies of state government.

Pursuant to Minnesota Statutes, Section 4.035, this Order shall be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with Minnesota Statutes, Section 4.035, Subdivision 3.

IN TESTIMONY WHEREOF I have set my hand this 20th day of December, 1984.



PROPOSED RULES

Pursuant to Minn. Stat. of 1982, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

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

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

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

Department of Commerce

Proposed Rules Relating to Cosmetology

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Department of Commerce proposes to adopt the above-entitled rules without a public hearing. The Commissioner of Commerce 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.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the rules. Each comment should identify the portion of the proposed 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.

No public hearing will be held unless twenty-five (25) or more persons make a written request for a hearing within the 30-day comment period. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, Sect. 14.14, subd. 1.

Persons who wish to submit comments or a written request for a public hearing should submit them to Mel Boynton, Director of Licensing, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. Any person requesting a

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

public hearing should state her/his name and address, identify the portion of the proposed rule addressed, the reason for the request and any change proposed and send this information to the above address.

Authority for the adoption of these rules is contained in Minnesota Statutes, Section 155A.05. Additionally, a Statement of Need and Reasonableness describing the need for and reasonableness of each provision and identifying the data and information relied upon to support the proposed rules has been prepared and is available 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 Richard G. Gomsrud, General Counsel Department of Commerce, 500 Metro Square Bldg., St. Paul, MN 55101.

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

Copies of this notice and the proposed rules are available and may be obtained by contacting Rose Weiner at the above address.

Michael A. Hatch
Commissioner of Commerce

Rules as Proposed

2640.0100 DEFINITIONS.

Subpart 1. to 15. [Unchanged.]

Subp. 16. **Good repair.** "Good repair" means that a ~~thing~~ an item is clean, with no holes, frayed wires, or tears in coverings, and fully operational for the purpose intended.

Subp. 17. [Unchanged.]

Subp. 18. **Office.** "Office" means the ~~Office of Consumer Services~~ Department of Commerce.

Subp. 19. [Unchanged.]

Subp. 20. **Staff.** "Staff" means the personnel of the ~~cosmetology unit,~~ Office of Consumer Services Department of Commerce.

Subp. 21. and 22. [Unchanged.]

2640.0600 ADVERTISING.

The following provisions govern all advertising relating to the education, licensing, or practice of cosmetology:

A. All advertising shall comply with Minnesota Statutes, sections 325F.67 to 325F.70 and related rules. It is a violation of chapter 2640 to advertise in any manner that is misleading or inaccurate with respect to any services or policies offered by the licensee.

B. No advertisement shall state or imply favorable consideration by the ~~Office of Consumer Services~~ Department of Commerce other than to state that the salon or school is licensed by the ~~office~~ department.

C. Any salon or school advertisement ~~that a salon or school is licensed by the state of Minnesota~~ shall specify list the licensed name of the establishment and the type of license held and the license number.

D. to F. [Unchanged.]

2640.0700 INSPECTIONS.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Cost and frequency of inspections.** Each cosmetology salon and school shall be inspected annually. Additional inspections may be made as necessary to confirm correction of previous noncompliance. The cost of the annual inspection shall be included in the licensing fee. The cost of additional inspections to confirm correction of previous noncompliance shall be assessed to the school or salon.

Subp. 5. and 6. [Unchanged.]

2640.1100 EXAMINATION ADMINISTRATION.

Subpart 1. to 3. [Unchanged.]

Subp. 4. Reexam limit. ~~No license applicant may take an exam more than three times in 12 months.~~ No passing score on an examination shall be considered valid for more than 12 months.

Subp. 5. Exam administered in English. Examinations shall be administered and conducted in English ~~without an interpreter or reader.~~ A reader may be used if documentation is provided that substantiates a reading disability. Documentation must be adequate so as to allow the commissioner to identify the reading disability, verify its existence as to the examination applicant, and confirm that it prevents the applicant from taking the examination in the prescribed manner. Use of a reader must be approved by the commissioner prior to application for the examination.

2640.1200 APPLICANTS FOR INDIVIDUAL LICENSE.

Applications for licensure shall be made in writing and contain the requirements of items ~~B to F~~ A to C.

A. [Unchanged.]

~~B. The applicant shall provide written evidence on a standardized form, from a physician, dated within one year, that he or she is free from all communicable diseases and parasites.~~

~~C. The applicant shall demonstrate by examination minimal skills and knowledge necessary for the license sought. The applicant shall successfully complete a written examination demonstrating knowledge of professional, health, and safety methods and procedures and knowledge of Minnesota statutes and rules pertinent to the practice of cosmetology at the level of the license sought.~~

~~D. The applicant shall attach to the application a two-inch by two-inch photograph taken within the past year.~~

~~E. C.~~ The applicant shall pay the required examination and license fees. Applicants whose professional training is documented under ~~the provisions of parts 2640.1300, items B and C, and 2640.1600~~ shall also pay the processing fee.

2640.1300 COSMETOLOGISTS, MANICURISTS, AND ESTHETICIANS.

In addition to the requirements of part 2640.1200, the applicant shall provide documentation of having obtained the following professional training, within three years prior to this application:

A. and B. [Unchanged.]

C. current licensure from another state, District of Columbia, territory, or country. ~~A copy of the current license or a certified statement from the licensing body that the applicant is currently licensed shall be attached to the application. If the other jurisdiction does not issue a license, the applicant shall provide documentation of lawful practice for at least 1,800 hours within three years prior to the application. Applicants claiming training and experience in a foreign country shall supply official English language transcripts of all documentation and evidence submitted to the office.~~

2640.1500 INSTRUCTORS.

Subpart 1. Full instructors. In addition to the requirements of part 2640.1200, the applicant shall pay a processing fee and shall successfully complete a practical examination demonstrating teaching skills and techniques as related to the instruction of cosmetology practices and provide documentation of:

A. [Unchanged.]

B. successful completion of at least ~~48~~ 38 hours of training in a program or programs approved by the office and which will provide the knowledge and skills necessary to instruct in the field of cosmetology;

C. and D. [Unchanged.]

Subp. 2. [Unchanged.]

2640.1700 LICENSE RECIPROCITY WITH OTHER JURISDICTIONS.

Subpart 1. [Unchanged.]

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

PROPOSED RULES

Subp. 2. Compliance with state rules. The applicant shall demonstrate compliance with part 2640.1200, items A, ~~B~~, ~~D~~, and ~~E~~ C, and shall successfully complete a written examination demonstrating knowledge of Minnesota statutes and rules pertinent to the practice of cosmetology at the level of the license sought.

Subp. 3. [Unchanged.]

Subp. 4. Specific requirements for instructor. An applicant for an instructor's license shall provide evidence of ~~48~~ 38 hours of training comparable to the requirement of part 2640.1500, item B, and 1,800 hours of licensed or lawful practice as a cosmetologist, manicurist, or esthetician in a salon within the three years prior to application.

2640.1800 MAINTAINING INDIVIDUAL LICENSES.

Subpart 1. Compliance with applicable law. The licensee shall continuously comply with all applicable provisions of Minnesota Statutes and rules.

Subp. 2. Health. ~~The licensee shall continue to be free from communicable diseases and parasites.~~

Subp. ~~3~~ 3. Change of name or address. The licensee shall advise the office of a change of name or address in writing, including both new and old name and address, within 30 days of the change, and pay the duplicate license fee.

Subp. ~~4~~ 3. Renewal. The licensee shall renew the license as required by part 2640.1900 prior to its expiration date.

Subp. ~~5~~ 4. Display of license. The licensee shall post his or her license as required by part 2640.3900, item Y.

Subp. ~~6~~ 5. Additional requirements for manager. In addition to the requirements of subparts 1 to ~~5~~ 4, the manager shall ensure that all salon or school personnel comply with all applicable statutes and rules, and that the salon or school which he or she manages is in compliance with all applicable statutes and rules.

Subp. ~~7~~ 6. Additional requirements for instructor. In addition to the requirements of subparts 1 to ~~5~~ 4, the instructor shall carry out the curriculum of the school, as approved by the office, preparing students for licensure under the laws of Minnesota.

2640.1900 LICENSE RENEWAL FOR INDIVIDUALS.

Subpart 1. Application. ~~The licensee shall submit a written renewal application request before his or her current license expires. This may be accomplished on the license renewal notice form provided by the office. However, if this renewal notice is not received, the licensee is still responsible for timely renewal. All licenses expire on December 31 of the year due and each licensee is responsible for renewing his or her license. An individual who does not renew his or her license by December 31 of the year in which it is due is considered unlicensed as of January 1. A postmark of December 31 constitutes timely renewal. Failure to receive a notice of renewal from the office does not constitute a valid excuse for not renewing the license.~~

Subp. 2. and 3. [Unchanged.]

Subp. 4. [See repealer.]

Subp. 5. Inactive license. An applicant who has ceased all practice of cosmetology and who wishes to receive an inactive license shall meet the requirements of subparts 1, ~~3~~, and ~~4~~ 3. An inactive license shall not authorize any individual to engage in the practice of cosmetology as defined in Minnesota Statutes, section 155A.03, subdivision 2.

2640.2000 PROCEDURE FOR ACTIVATING A LAPSED PRACTITIONER LICENSE.

Subpart 1. Failure to renew. Failure to renew a practitioner license prior to its expiration date results in a lapsed license. The applicant shall comply with the requirements of part 2640.1900, subpart 2 and:

A. if fewer than 30 days have elapsed since the license expiration, the applicant shall submit a written application for renewal of license, the license fee, and the late penalty;

B. if more than 30 days have elapsed, the individual shall not practice cosmetology until he or she has applied for and received a new license in accordance with the provisions of parts 2640.1200, items B to E and, if applicable, 2640.1600.

Subp. 2. Procedure for inactive lapsed licensee. If a licensee has not actively practiced cosmetology during the period of 30 days to three years after expiration of the license, he or she ~~If after an individual's license expires, the individual shall be reissued a license after submission of an affidavit attesting to the fact that the applicant has not practiced cosmetology since the expiration date~~ a request for renewal, proof of experience or education as required in part 2640.1900, subpart 2, payment of the license fee, and payment of the processing fee. If more than ~~three years have~~ one year has elapsed, the applicant shall apply for a new license in accordance with the provisions of parts 2640.1200 to 2640.1600.

Subp. 3. 2. Penalty. The manager of a salon or school shall pay a penalty of \$25 for each individual practicing in the salon or school who was not properly licensed at the time he or she ~~commenced this practice~~ was hired.

2640.2100 REINSTATEMENT AFTER DENIAL, SUSPENSION, OR REVOCATION.

An applicant shall have a license reinstated for the remainder of its unexpired term or shall be relicensed in the following circumstances;

A. [Unchanged.]

B. after revocation or if the suspended license has expired by ~~more than 30 days~~, reinstatement will be accomplished by meeting the following requirements:

(1) to (4) [Unchanged.]

(5) the individual applicant shall meet the requirements of part ~~2640.1600~~ 2640.1200, items ~~C to F~~ A to C and, if applicable, part 2640.1600, and the renewal requirements of part 2640.1900, subpart 2.

2640.3200 SALON LICENSURE.

Subpart 1. [Unchanged.]

Subp. 2. Application. The person, association, firm, or corporation proposing to establish a cosmetology or manicure salon shall apply in writing to the office, on forms supplied by the office, giving the following information:

A. to C. [Unchanged.]

D. evidence of the salon's compliance with local zoning requirements, local building codes and ordinances, and the rules of the Minnesota Department of Health, ~~State Building Code and Standards~~, and the State Fire Marshall if no local fire codes exist;

E. and F. [Unchanged.]

Subp. 3. to 5. [Unchanged.]

2640.3400 SALON LICENSE RENEWAL.

Subpart 1. [Unchanged.]

Subp. 2. Request for renewal. ~~The licensee shall be responsible for requesting renewal of his or her salon license, in writing, before the license expires. This may be accomplished on the license renewal notice form provided by the office. However, if this renewal notice is not received, responsibility for proper and timely renewal remains with the licensee. All licenses expire on December 31 of the year due and each licensee is responsible for renewing his or her license. A salon license that is not renewed by December 31 of the year due is considered unlicensed as of January 1. A postmark of December 31 constitutes timely renewal. Not receiving a notice of renewal from the office does not constitute a valid excuse for not renewing the license.~~

Subp. 3. to 5. [Unchanged.]

Subp. 6. [See repealer.]

Subp. 7. Identity of manager. The licensee shall state the name of the salon manager and the number and expiration date of his or her license on the renewal application.

2640.3600 SALON REQUIREMENTS.

Subpart 1. to 3. [Unchanged.]

Subp. 4. Termination of license. A salon license ~~shall~~ is not be permanently transferable and ~~shall terminate upon the terminates after occurrence~~ of a change of either ownership or location. ~~The old license shall be returned to the office and an application for a new license shall be made in the same manner as if no license had been issued previously. Upon change of either salon ownership or location, the salon's designated manager will have 60 days to apply for and receive a new salon license in accordance with part 2640.3200.~~

Subp. 5. [Unchanged.]

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.

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2640.3700 PHYSICAL REQUIREMENTS.

Subpart 1. [Unchanged.]

Subp. 2. Entrance and exit. ~~Each salon shall have at least two entrance/exit points~~ Entrances and exits shall comply with local building codes and ordinances.

Subp. 3. [Unchanged.]

Subp. 4. Floors. ~~Floors:~~

~~A-~~ All floors shall be kept clean and free from hair and other debris at all times and shall be in good repair, free from crevices, cracks, holes, or tears which could collect dirt or hair.

~~B-~~ Carpet shall not be an acceptable floor covering unless it is commercial grade carpet.

Subp. 5. Lighting and electricity. ~~Lighting and electricity:~~

~~A-~~ Each salon shall provide direct lighting to all work areas. Light fixtures shall be clean and dust-free.

~~B-~~ There shall be at least one electrical outlet in each work station.

Subp. 6. Plumbing; water supply. ~~Plumbing; water supply:~~

~~A-~~ There shall be clean, hot, and sanitary running water provided in the work area, dispensary area, and toilet facilities.

~~B-~~ Each salon shall provide toilet facilities, on its premises or in an adjacent common area, which are not used for any unrelated purpose such as storage or as a dispensary. The toilet facilities shall be clean and sanitary and shall contain, at a minimum, a commode, lavatory, soap dispenser, single-service sanitary towels, and a waste basket. The door shall be kept closed at all times.

Subp. 7. Ventilation. Salon ventilation shall comply with ~~the requirements of the state building code.~~ Window ventilation shall not be acceptable as a method of meeting the standard local building codes and ordinances.

2640.3800 FIXTURES, FURNITURE, AND EQUIPMENT.

A salon shall meet the following minimum requirements:

A. to C. [Unchanged.]

D. There shall be at least one ~~nonporous~~ wet disinfecter large enough to completely immerse all items to be disinfected.

E. All furniture in the service area shall have a washable covering or finish and shall at all times be kept clean and in good repair.

F. There shall be a waste receptacle at each work station. This receptacle shall be emptied at least daily. It shall be lined with a disposable plastic bag or liner, or washed daily.

There shall be at least one ~~covered metal~~ container which shall be used exclusively as a receptacle for soiled towels and linen. It shall be kept closed at all times. It must comply with local fire codes. If there are no applicable local fire codes, the state fire code applies.

There shall be at least one large covered ~~metal~~ container for disposal of garbage. This container shall be emptied at intervals necessary to maintain cleanliness. The container shall be lined with a disposable plastic bag or liner, or be washed daily; It must comply with local fire codes and must be kept closed at all times. If there are no applicable local fire codes, the state fire code applies.

G. to K. [Unchanged.]

2640.3900 OPERATIONAL REQUIREMENTS FOR SALONS.

It is the responsibility of the manager of the salon and of each operator to comply with the following operational requirements:

A. to I. [Unchanged.]

J. Each towel, robe, and linen shall be used only once and then be properly laundered. After use and until laundering, each item shall be placed in ~~the required metal receptacle, which shall be kept covered~~ a container which complies with local fire codes or the state fire code where no local fire codes exist. All soiled towels and linens shall be laundered in washing machines with laundry detergent, in water of a temperature of at least 160 degrees Fahrenheit. Commercial laundering is acceptable.

K. The procedures contained in subitems (1) to (7) shall be used to disinfect items:

(1) and (2) [Unchanged.]

(3) Each item shall be immersed for at least ten minutes in a disinfectant solution comprised of the following: sodium hypochlorite (200 ppm of available chlorine); or iodophor germicidal detergent (200 ppm of available iodine); or quaternary ammonium germicidal detergent solution (200 ppm); or ~~70 percent ethyl alcohol or 95 percent~~ 70 to 95 percent ethyl or isopropyl alcohol.

(4) Metal implements and tools shall be disinfected by immersion in a solution of ~~70 percent ethyl alcohol or 95 percent~~ 70 to 95 percent ethyl or isopropyl alcohol.

(5) to (7) [Unchanged.]

L. to X. [Unchanged.]

Y. Current licenses of salon personnel shall be conspicuously posted at ~~approximately eye level~~ in the reception area or in each licensee's assigned work station. The licensee's street address may be obliterated with tape, but name and town must remain unobstructed. ~~A two inch by two inch photograph of the licensee, alone, taken within the last three years, shall be attached to each license.~~ If the license is at the reception area, the licensee's name ~~and type of license held~~ shall be posted at the work station. The salon manager is responsible for assuring that all licenses are current and renewed.

Z. The current shop license ~~and the salon rules~~ shall be conspicuously posted ~~together~~ in the reception area at ~~approximately eye level.~~

AA. and BB. [Unchanged.]

2640.4100 SPECIFIC TYPES OF SALON LICENSES.

Subpart 1. to 3. [Unchanged.]

Subp. 4. [See repealer.]

Subp. 5. [Unchanged.]

Subp. 6. Salons in private residences. Salons may be established in private residences, if the following conditions are met:

A. to D. [Unchanged.]

E. If the primary residential toilet facilities ~~shall not be~~ are used for salon clients, they must comply with the standards in part 2640.3700, subpart 6.

Subp. 7. [Unchanged.]

REPEALER. Minnesota Rules, parts 2640.1900, subpart 4, 2640.3400, subpart 6, and 2640.4100, subpart 4 are repealed.

Department of Commerce

Proposed Rules Relating to Financial Planners

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Department of Commerce proposes to adopt the above-entitled rules without a public hearing. The Commissioner of Commerce 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.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the rules. Each comment should identify the portion of the proposed 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.

No public hearing will be held unless twenty-five (25) or more persons make a written request for a hearing within the 30-day comment period. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, section 14.14, subd. 1.

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.

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Persons who wish to submit comments or a written request for a public hearing should submit them to Kris Eiden, Deputy Commissioner for Registration, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. Any person requesting a public hearing should state her/his name and address, identify the portion of the proposed rule addressed, the reason for the request and any change proposed and send this information to the above address.

Authority for the adoption of these rules is contained in Minnesota Statutes, sections 45.023, 60A.17, 80A.25, and 82.28. Additionally, a Statement of Need and Reasonableness describing the need for and reasonableness of each provision and identifying the data and information relied upon to support the proposed rules has been prepared and is available 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 Richard G. Gomsrud, General Counsel Department of Commerce, 500 Metro Square Bldg., St. Paul, MN 55101.

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

Copies of this notice and the proposed rules are available and may be obtained by contacting Rose Weiner at the above address.

Michael A. Hatch
Commissioner of Commerce

Rules as Proposed

2800.0100 DEFINITIONS.

Subpart 1. to 13. [Unchanged.]

Subp. 14. Business of financial planning. “Business of financial planning” means providing, or offering to provide, financial planning services or financial counseling or advice, on a group or individual basis. A person who, on advertisements, cards, signs, circulars, letterheads, or in any other manner, indicates that he or she is a “financial planner,” “financial counselor,” “financial advisor,” “investment counselor,” “estate planner,” “investment advisor,” “financial consultant,” or any other similar designation or title or combination thereof, is considered to be representing himself or herself to be engaged in the business of financial planning.

2800.4600 FRAUDULENT, DECEPTIVE, AND DISHONEST PRACTICES.

Subpart 1. Prohibitions. For the purposes of Minnesota Statutes, section 82.27, subdivision 1, clause (b), the following acts and practices constitute fraudulent, deceptive, or dishonest practices:

A. to P. [Unchanged.]

Q. represent on advertisements, cards, signs, circulars, letterheads, or in any other manner, that he or she is engaged in the business of financial planning unless he or she provides a disclosure document to the client. The document must be signed by the client, and a copy must be left with the client. The disclosure document must contain the following:

(1) the basis of fees, commissions, or other compensation received by him or her in connection with rendering of financial planning services or financial counseling or advice in the following language:

“My compensation will be based on the following:

(a) . . . commissions generated from the products I sell you,

(b) . . . fees, or

(c) . . . a combination of (a) and (b). [Comments]”;

(2) the name and address of any company or firm that supplies the financial services or products offered or sold by him or her in the following language:

“I am authorized to offer or sell products and/or services issued by or through the following firm(s):

[List]

The products will be traded, distributed, or placed through the clearing/trading firm(s) of:

[List]";

(3) the license(s) held by the person under Minnesota Statutes, chapter 60A, 80A, or 82 in the following language:

"I am licensed in Minnesota as a(n):

(a) . . . insurance agent

(b) . . . securities agent or broker/dealer

(c) . . . real estate broker or salesperson

(d) . . . investment adviser"; and

(4) the specific identity of any financial products or services the person is authorized to offer or sell in the following language:

"The license(s) entitles me to offer and sell the following products and/or services:

(a) . . . securities, specifically the following: [List]

(b) . . . real property

(c) . . . insurance

(d) . . . other: [List]."

Subp. 2. and 3. [Unchanged.]

Rules as Proposed (all new material)

2790.0550 REGULATION OF BUSINESS OF FINANCIAL PLANNING.

Subpart 1. Definition. "Business of financial planning" means providing, or offering to provide, financial planning services or financial counseling or advice, on a group or individual basis. An agent or insurer who, on advertisements, cards, signs, circulars, letterheads, or in any other manner, indicates that he or she is a "financial planner," "financial counselor," "financial advisor," "investment counselor," "estate planner," "investment advisor," "financial consultant," or any other similar designation or title or combination thereof, is considered to be representing himself or herself to be engaged in the business of financial planning.

Subp. 2. Prohibition. No agent or insurer may represent on advertisements, cards, signs, circulars, letterheads, or in any other manner, that he or she is engaged in the business of financial planning unless he or she provides a disclosure document to the client. The document must be signed by the client, and a copy must be left with the client. The disclosure document must contain the following:

A. the basis of any fees, commissions, or other compensation received by him or her in connection with the rendering of financial planning services or financial counseling or advice in the following language:

"My compensation may be based on the following:

(a) . . . commissions generated from the products I sell you,

(b) . . . fees, or

(c) . . . a combination of (a) and (b). [Comments.]"

B. the name and address of any company or firm that supplies the financial services or products offered or sold by him or her in the following language:

"I am authorized to offer or sell products and/or services issued by or through the following firm(s):

[List]

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PROPOSED RULES

The products will be traded, distributed, or placed through the clearing/trading firm(s) of:
[List]";

C. the license(s) held by the person under Minnesota Statutes, chapter 60A, 80A, or 82 in the following language:

"I am licensed in Minnesota as a(n):

- (a) . . . insurance agent,
- (b) . . . securities agent or broker/dealer,
- (c) . . . real estate broker or salesperson,
- (d) . . . investment adviser"; and

D. the specific identity of any financial products or services the person is authorized to offer or sell in the following language:

"The license(s) entitles me to offer and sell the following products and/or services:

- (a) . . . securities, specifically the following: [List],
- (b) . . . real property,
- (c) . . . insurance,
- (d) . . . other: [List]."

2875.1051 REGULATION OF BUSINESS OF FINANCIAL PLANNING.

Subpart 1. Definition. "Business of financial planning" means providing, or offering to provide, financial planning services or financial counseling or advice, on a group or individual basis. Any person who, on advertisements, cards, signs, circulars, letterheads, or in any other manner, indicates that he or she is a "financial planner," "financial counselor," "financial advisor," "investment counselor," "estate planner," "investment advisor," "financial consultant," or any other similar designation or title or combination thereof, is considered to be representing himself or herself to be engaged in the business of financial planning.

Subp. 2. Prohibition. It is a "manipulative, deceptive, or fraudulent device or contrivance" within the meaning of Minnesota Statutes, section 80A.03, for any person to represent on advertisements, cards, signs, circulars, letterheads, or in any other manner, that he or she is engaged in the business of financial planning unless he or she provides a disclosure document to the client. The document must be signed by the client, and a copy must be left with the client. The disclosure document must contain the following:

A. the basis of any fees, commissions, or other compensation received by him or her in connection with the rendering of financial planning services or financial counseling or advice in the following language:

"My compensation may be based on the following:

- (a) . . . commissions generated from the products I sell you,
- (b) . . . fees, or
- (c) . . . a combination of (a) and (b). [Comments]";

B. the name and address of any company or firm that supplies the financial services or products offered or sold by him or her in the following language:

"I am authorized to offer or sell products and/or services issued by or through the following firms(s):

[List];

The products will be traded, distributed, or placed through the clearing/trading firm(s) of:
[List]";

C. the license(s) held by the person under Minnesota Statutes, chapter 60A, 80A, or 82 in the following language:

"I am licensed in Minnesota as a(n):

- (a) . . . insurance agent,
- (b) . . . securities agent or broker/dealer,
- (c) . . . real estate broker or salesperson,
- (d) . . . investment adviser"; and

D. the specific identity of any financial products or services the person is authorized to offer or sell in the following language:

“The license(s) entitles me to offer and sell the following products and/or services:

- (a) . . . securities,
- (b) . . . real property,
- (c) . . . insurance,
- (d) . . . other: [List].”

Department of Public Safety

Proposed Rules Governing Motor Vehicle Accident Prevention Courses

Notice of Intent to Adopt Rules without a Hearing

Notice is hereby given that the State Department of Public Safety is proposing to adopt the above entitled rules without a public hearing. The Commissioner of Public Safety has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow procedures set forth in Minn. Stat. Sections 14.21 through 14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules. Public comments are encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for comment, and any change proposed. The proposed rules may be modified prior to final adoption if modifications are supported by the data and views submitted to the Department of Public Safety and do not result in a substantial change in the proposed language.

If 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 be held. The written request must be specific on which rule(s) a hearing is desired. Identification of the portion of the proposed rule addressed, the particular objection, the suggested modifications, and the reasons or data relied upon the support the suggested modifications are requested. Any person requesting a public hearing should state his or her name and address. In the event a public hearing is required, the department will proceed according to the provisions of Minn. Stat. Sections 14.13 through 14.20.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a free copy of this notice and/or a free copy of the proposed rules, should address their correspondence to the address below and include the name of the rulemaking:

Department of Public Safety
211 Transportation Building
St. Paul, MN 55155

The Department's authority to adopt the proposed rules is contained in Minnesota Statute 65B.28. 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 free from the Department of Public Safety upon request to the above address.

You are hereby advised, pursuant to Minn. Stat. Section 14.115, “Small business consideration in rulemaking,” that the proposed rules may have an impact on some small businesses in Minnesota. These rules establish and regulate accident prevention courses for persons 65 years of age and older, to enable them to obtain a discount on their automobile insurance premiums. Insofar as the persons or organizations offering such accident prevention courses are small businesses, these rules specify application, approval, course content and business responsibility requirements for such businesses. The cost impact is negligible; these rules will enable such persons to market their product (accident prevention course) to a large segment of the driving public. These rules will benefit such small businesses and that segment of the public.

Insofar as insurance companies giving the premium discount are small businesses, these rules, per se, will not have an

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economic impact on them. The enabling legislation provided for the premium discount. These rules are directed at the person offering accident prevention courses and do not impact the insurance companies.

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 date of 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 request to the above address.

Please be advised that Minn. Stat. Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. Minn. Stat. Section 10A.01, subdivision 11 defines a lobbyist as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

The department estimates that there will be no cost to local public bodies in the state to implement the rules for the two years immediately following their adoption, within the meaning of Minnesota Statutes Section 14.11, subdivision 1. Any costs incurred by local jurisdictions in the permit issuance process can be recovered through imposition of a fee authorized by the rules.

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

Paul J. Tschida
Commissioner of Public Safety

Rules as Proposed (all new material)

7411.7100 PURPOSE.

The purpose of parts 7411.7100 to 7411.7700 is to effectuate the mandate of the legislature as set forth in Minnesota Statutes, section 65B.28, to establish and regulate accident prevention courses for persons 65 years of age and older.

7411.7200 SCOPE.

The scope of parts 7411.7100 to 7411.7700 is confined to and consistent with Minnesota Statutes, section 65B.28.

7411.7300 DEFINITIONS.

Subpart 1. Scope. The terms used in parts 7411.7100 to 7411.7700 have the meanings given them in this part.

Subp. 2. Certificate. "Certificate" means a course completion certification.

Subp. 3. Commissioner. "Commissioner" means the commissioner of the Department of Public Safety.

Subp. 4. Satisfactorily complete. "Satisfactorily complete" means attendance at all periods of the course offered.

7411.7400 APPLICATION TO PROVIDE COURSE.

A person or organization may apply for approval to offer an accident prevention course to insureds 65 years of age and older. The application must include the name of the person or organization offering the course, the name of the course administrator, an outline of the course curriculum, and the amount of the fees to be charged.

7411.7500 APPLICATION APPROVAL.

Subpart 1. When application received. Upon receiving an application from a person or an organization for the approval of an accident prevention course, the commissioner shall review the information submitted, determine approval, and if approved, issue a certificate of approval.

Subp. 2. Approval withdrawal. With evidence that an approved accident prevention course is operated contrary to Minnesota Statutes, section 65B.28 or parts 7411.7100 to 7411.7700, the commissioner shall notify the sponsoring person or organization in writing that approval is withdrawn, whereupon the certificate of approval must be returned.

7411.7600 REQUIREMENTS FOR APPROVAL AND OPERATION.

Subpart 1. Certificate of approval. No accident prevention course is approved for purposes of an automobile insurance

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premium reduction if the course provider does not have a certificate of approval issued by the commissioner under part 7411.7500, subpart 1.

Subp. 2. Operation responsibility. The operation of each accident prevention program, including course content, methods of instruction, and general conduct of the course, is the responsibility of the designated course administrator.

Subp. 3. Course length restrictions. The course of study may not be less than a total of eight hours, with no more than three hours of instruction required in a 24-hour period.

Subp. 4. Subjects. The curriculum of the course must include periods of instruction in the following subject areas:

A. orientation and administration;

B. driver fitness, including emotions, frustrations, attitudes, temporary disabilities, vision, hearing, chronic illness, drugs, and alcohol; and

C. driving strategies, including factors affecting perception, identification, and prediction of traffic situations; evaluation of traffic hazards; decision making; and defensive driving.

Subp. 5. Workshops. Each administrator or an instructor designated by the administrator shall attend any workshop set up by the sponsor to develop curricula, to share ideas, or to discuss methods of improvement of the course of instruction.

Subp. 6. Recordkeeping. The administrator of each accident prevention course shall keep attendance records and shall report to the sponsor whether each individual enrolled has satisfactorily completed or failed to complete the course.

Subp. 7. Certificate of completion. The administrator shall issue a certificate of completion to each person who satisfactorily completes the accident prevention course.

7411.7700 QUALIFICATION FOR INSURANCE PREMIUM REDUCTION.

Satisfactory completion of an approved accident prevention course evidenced by possession of a certificate of completion indicates that the insured has met the requirements of Minnesota Statutes, section 65B.28 for an appropriate automobile insurance premium reduction. Persons 65 years of age or older who complete an accident prevention course every three years remain eligible for an appropriate automobile insurance premium reduction.

ADOPTED RULES

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

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

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

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

Department of Corrections

Adopted Rules Governing Adult Halfway Houses

The rules proposed and published at *State Register*, Volume 9, Number 3, pages 152-160, July 16, 1984 (9 S.R. 152) are adopted with the following modifications:

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ADOPTED RULES

Rules as Adopted

2920.6000 PERSONAL POSSESSIONS.

Subp. 4. System of accounting. Policy must dictate the system of accounting for the individual's personal items if stored in the facility and a procedure to be followed for dispersal of these items if a resident absconds or leaves the facility without taking these items.

Department of Corrections

Adopted Rules Governing Group Foster Homes

The rule(s) proposed and published at *State Register*, Volume 9, Number 3, pages 160-168, July 16, 1984 (9 S.R. 160) are adopted with the following modifications:

Rules as Adopted

2925.0100 DEFINITIONS.

Subp. 22a. ~~Treatment Institutional~~ group homes. Treatment Institutional group homes'' means group homes designed to care for more than eight children. These group homes have staff in addition to or rather than group home parents.

2925.0200 INTRODUCTION.

Minnesota Statutes, section 241.021, provides that the commissioner of corrections adopt rules establishing minimum standards for all correctional facilities throughout the state whether public or private, established and operated for the detention and confinement of persons detained or confined therein according to the law except to the extent that they are inspected or licensed by other state regulating agencies. The rules which follow are minimum standards for all correctional group foster homes including ~~treatment~~ institutional group homes.

2925.0600 RENEWAL LICENSE.

Subp. 2. Materials filed with application. The materials to be filed with group foster home license renewal application are:

C. written documentation that the fire, safety, and health rules are met. Fire inspections are required at the time of initial licensing and every three years after that. The commissioner ~~has the right to~~ may require a new fire inspection at anytime it is determined appropriate that there may be unsafe practices in the facility which may threaten the life safety of residents.

Board of Pharmacy

Adopted Rules Relating to the Board of Pharmacy

The rules proposed and published at *State Register*, Volume 9, Number 20, pages 1038-1051, November 12, 1984 (9 S.R. 1038) are adopted as proposed.

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 Commerce

Public Hearing on Liquor Liability Insurance

Notice is given that a public hearing will be held in regard to liquor liability insurance at the Metropolitan Council Chambers, Room 300, Metro Square Building, St. Paul, Minnesota on February 4, 1985 at 10:00 a.m. Statements and other materials may be submitted without appearing at the hearing.

Information will be solicited by the Commissioner of Commerce at that hearing in regard to the following:

1. The availability of liquor liability insurance;
2. The appropriateness of the existing rates for liquor liability insurance;
3. The need for the implementation of the assigned risk plan for liquor liability insurance prescribed by Minn. Stat. 340.11, subds. 21 and 23.

Anyone having questions in regard to the hearing or their attendance at the hearing should contact David Corum at the Department of Commerce, 500 Metro Square Building, St. Paul, Minnesota 55101, telephone number (612) 297-3301.

Michael A. Hatch
Commissioner, Department of Commerce

Pollution Control Agency

Public Meetings on Acid Deposition

Minnesota law requires the Minnesota Pollution Control Agency (Agency) to adopt, by January 1, 1986, an acid deposition standard to protect sensitive resources in Minnesota and an acid deposition control plan to assure that the standard is maintained. See Minnesota Statutes sections 116.42-116.45. In accordance with these requirements, the Agency expects to purpose the adoption of an acid deposition standard later this spring and to conduct a rulemaking hearing on that proposed standard beginning in August, 1985. In anticipation of this hearing, the Agency would now like to hear the views of the public on issues relevant to the adoption of an acid deposition standard.

THEREFORE, PLEASE TAKE NOTICE that public meetings will be held by the Minnesota Pollution Control Agency in order to provide the public with an opportunity to present comments and information regarding the Agency's upcoming plans to adopt an acid deposition standard. The public meetings are scheduled for the following times and places:

1. Monday, February 25, 1985, 2:00 p.m. and 7:00 p.m.
Minnesota Pollution Control Agency
Board Room
1935 W. County Road B-2
Roseville, Minnesota 55113
2. Tuesday, February 26, 1985, 7:00 p.m.
Room 120, Friedell Building
109 South 5th Street
Rochester, Minnesota
3. Tuesday, March 5, 1985, 2:00 p.m. and 7:00 p.m.
Commissioners' Boardroom
St. Louis County Courthouse
Duluth, Minnesota
4. Wednesday, March 6, 1985, 7:00 p.m.
City Council Chambers
420 Pokegama Avenue North
Grand Rapids, Minnesota
5. Thursday, March 7, 1985, 7:00 p.m.
American Legion Hall
900 East 1st Street
Park Rapids, Minnesota

The meetings will be conducted by Allan W. Klein, Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 S. 4th Avenue, Minneapolis, Minnesota 55415, telephone (612) 341-7609.

Staff members of the Minnesota Pollution Control Agency will make a presentation at the beginning of each of these public meetings to explain the status of research and investigations regarding acid deposition impacts in Minnesota and the adoption of a proposed standard. The Agency staff will outline the Agency's schedule for adopting an acid deposition standard.

Following the presentation by the MPCA staff, the public will be provided with an opportunity to state its views and present information that would be helpful to the Agency in developing an acid deposition standard. While expert testimony

OFFICIAL NOTICES

would be welcome, the Agency does not intend these public meetings to focus on expert views. Through these public meetings, the Agency hopes to obtain general information regarding the attitudes and concerns of the public so that the Agency can consider and respond to these concerns in the process of adopting an acid deposition standard. At the meetings the Agency hopes to receive public input on such issues as public concern for Minnesota resources at risk from acid deposition and what Minnesota resources are of particular concern and value, attitudes regarding public willingness to pay for emission reductions to reduce the risk of resource damage through possible increases in electric utility rates, and public sentiments relating to environmental treatments like lake liming as an alternative to emission reductions for dealing with acid deposition.

All oral comments received at the meetings will be recorded by a court reporter and a transcript of each meeting will be made. Written comments may also be submitted to the Administrative Law Judge at the address given above. The Agency will submit these transcripts into the official rulemaking record this summer and the testimony received at the public meetings in February and March will be considered by the Agency when it reviews the rulemaking record regarding the adoption of a proposed acid deposition standard.

PLEASE BE FURTHER ADVISED that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five working days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1984) as any individual:

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

(b) Who spends more than \$250, not including his or her 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, Saint Paul, Minnesota, telephone (612) 296-5615.

Any questions about the procedure to be followed at the meetings can be directed to Administrative Law Judge Klein. Questions about the Agency's progress in developing an acid deposition standard and a control plan may be directed to David Thornton, MPCA acid rain coordinator, at the MPCA offices in Roseville, phone (612) 296-7336.

January 14, 1985

Thomas J. Kalitowski
Executive Director

Regional Transit Board

Public Hearing on Adoption of Proposed 1985 Budget for Regional Transit Board

PLEASE TAKE NOTICE that pursuant to Minn. Stat. § 473.163, and Laws 1984, Ch. 654, Art. III, § 119, notice is hereby given that a public hearing will be held on January 21, 1985, at 4:30 p.m. in the Metropolitan Council Chambers, 3rd Floor Metro Square Building, St. Paul, Minnesota on the proposed 1985 budget of the Regional Transit Board. The proposed budget may be examined by any interested person at the offices of the Regional Transit Board at 270 Metro Square Building, St. Paul, Minnesota.

January 7, 1985

Elliott Perovich
Chairman
Regional Transit Board

Board of Vocational Technical Education

**Public Hearing on Post-Secondary Vocational Supplemental Aid Allocations for
FY 84-85**

A Public Hearing pursuant to M.S. 124.561, Subd. 3a, will be held for the purpose of post-secondary vocational supplemental aid allocations and reallocations for FY 84-85. The hearing will be held on February 11, 1985, Conference Room D, Veterans Service Building, 20 West 12th St. and Columbus Ave., St. Paul, Minnesota, at 9:00 a.m. For more information, contact Ronald Dreyer, 559 Capitol Square Building, 550 Cedar St., St. Paul, Minnesota, 55101, phone (612) 297-1477.

State Council on Vocational Technical Education

Meeting Notice

The State Council on Vocational Technical Education will meet at 1:00 p.m. on Friday, January 25, 1985 in Room 118 of the State Capitol in Saint Paul. The public is welcomed. Inquiries regarding the meeting may be directed to the Council Offices at 612/377-6100.

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 296-6152. If the appropriate buyer is not available, contact Harvey Leach or Barbara Jolly at 296-3779.

**Department of Administration
Procurement Division**

Commodities Contracts and Requisitions Currently Open for Bidding

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
79-000-46368 Contract	Squeeze Roll Applicator Paint & Related Material	Transportation MN Correctional Facility	N. St. Paul Lino Lakes	Contact buyer \$24,000-26,000
Contract 29-000-37254	Fuel Peat (Sod Form)	Natural Resources—Minerals	To be picked up	\$45,000
78-830-07317	Light Fixtures	MN Correctional Facility	St. Cloud	Contact buyer
78-550-04768, 04769	Lumber & Fiberwood	MN Correctional Facility	Lino Lakes	Contact buyer
07-300-32696	Camera	Public Safety	St. Paul	Contact buyer

STATE CONTRACTS

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
26-072-09179	Video Equipment	Moorhead State University	Moorhead	Contact buyer
77-000-09075	Lumber & Building Materials	MN Zoological Garden	Apple Valley	Contact buyer
78-830-07223 Rebid	Replacement Steam Traps	MN Correctional Facility	St. Cloud	Contact buyer
26-071-14744	Robot & Accessories	Mankato State University	Mankato	Contact buyer
04-411-26511	Displays	Agriculture	St. Paul	Contact buyer
75-200-06149, etc.	Water Heaters	Veterans Home	Minneapolis	Contact buyer
79-000-46215	Semifores Parts	Transportation	St. Paul	Contact buyer
29-005-07489	Truckster	Natural Resources	St. Paul	Contact buyer
55-106-05764 Rebid	Stacking Chairs	Willmar State Hospital	Willmar	Contact buyer
Various	Prime Vendor Programs	Various	Various	Contact buyer
07-300-32697	Marijuana Eradication Program	Public Safety—Bureau of Criminal Apprehension	St. Paul	Contact buyer
79-000-46228	Fiberglass Underground Fuel Storage Tanks	Transportation	Morris	Contact buyer
79-000-46222	Fiberglass Underground Fuel Storage Tanks	Transportation	Morris	Contact buyer
67-190-10347	Check Endorsing Machine	Dept. of Revenue	St. Paul	Contact buyer
Sch 113-E	Cars	Various	Various	Contact buyer
Various	Germicidal Disinfectant Compounds	Various	Various	Contact buyer
21-200-09182, 5265	Unemployed? Booklet	Economic Security	St. Paul	Contact buyer
07-300-32678	Addendum #1—Cars & Trucks	Public Safety	St. Paul	Contact buyer
99-730-28345	Addendum #1—Automobiles	Public Safety	Minneapolis	Contact buyer
21-200-09104, 5287	Notice of Determination on Initial Claim for Benefits	Economic Security	St. Paul	Contact buyer
55-000-90628, 90651, 5322 & 5353	MA & GA ID Cards	DHS Human Services	St. Paul	Contact buyer
26-073-17231	Purchase of CPT Word Processing System	St. Cloud State University	St. Cloud	Contact buyer
07-700-33023	Purchase of Microfilmer	Dept. of Public Safety	St. Paul	Contact buyer
78-830-07335	Stainless Steel Dishtable & Sink	MN Correctional Facility	St. Cloud	Contact buyer
29-004-06025	Fish Netting	Natural Resources	Hutchinson	Contact buyer

Contact 296-6152 for referral to specific buyers.

Department of Energy and Economic Development Energy Division Alternative Energy Engineering

Request for Proposals for Development of Fiber Fuel Standard Specifications Program

Proposals are requested from organizations to work with the Energy Division of the Minnesota Department of Energy and Economic Development, other State agencies, the fiber fuel industry and a contract engineer, on a project to develop a program for fiber fuel standard specifications development.

The objective of this program is to provide users of fiber fuel burners and fuels with consumer information. Specifically, it will:

- Raise matching funding from other government and industry sources to broaden the scope and output of the project.
- Refine a glossary of terms for the fiber fuel industry.
- Sample fuel producers repeatedly, testing for important and problem characteristics.
- Prepare Users' Manual.

Funding for this study has been provided by the Minnesota Legislature.

The work scope and project are outlined in the RFP document.

The formal RFP may be requested and inquiries should be directed to:

James Idzorek
Minnesota Department of Energy and Economic Development
Energy Division
900 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101

It is anticipated that the activity to accomplish these services will not exceed a total cost to the State of \$16,500. The deadline for submission of completed proposals will be 4:30 p.m., January 29, 1985.

This notice does not obligate the State to complete the project. The State reserves the right to cancel this solicitation if it is considered to be in the best interest of the State.

Department of Energy and Economic Development Energy Division Office of Energy Conservation

Request for Proposals for Dynamic Computer Simulation of Various Thermal and Ventilation Systems

The Energy Division has issued a Request for Proposals (RFP) from qualified contractors to perform dynamic computer simulation to determine the cost-effectiveness of various thermal and ventilation systems in new and existing residential construction in Minnesota. The computer model used must have the capability of using real-time energy use and indoor air quality data for dynamic simulation. The Energy Division does not expect the cost of this contract to exceed \$36,000.00.

Qualified contractors interested in obtaining a copy of the RFP should contact:

Charles A. Lane
Research Scientist
Minnesota Department of Energy
and Economic Development
Energy Division
900 American Center
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
612/297-2496

All proposals must be received by the Energy Division by 4:00 p.m. on February 11, 1985.

Department of Labor and Industry State Employees' Workers' Compensation Fund

Request for Proposals for Cost Containment for Injured Employees—Medical Advisory Services

The Minnesota State Employees' Workers' Compensation Fund is requesting proposals for a pilot project(s) for selected

STATE CONTRACTS

state agencies for early intervention and containment for workers' compensation claims. The project goal is design and implementation of a permanent systematic plan for individual state agencies to control workers' compensation costs based on early intervention by medical personnel, early return to work, and provision of medical and physician advisory services in a comprehensive manner.

Respondents should have prior experience in doing similar projects for government or private industry.

This request for proposals does not obligate the State to complete the project and the State reserves the right to cancel solicitation if it is considered to be in its best interest.

The Department has estimated that the cost of the project(s) should not exceed \$20,000,00 for each pilot project.

Questions and submission of proposals should be directed to Denise Fleury, Director of State Employees' Workers' Compensation Fund, 444 Lafayette Road, St. Paul, Minnesota 55101, telephone (612) 296-1093. All proposals must be received not later than February 22, 1985, at 2:00 p.m. Late proposals will not be accepted.

January 3, 1985

Department of Labor and Industry State Employees' Workers' Compensation Fund

Request for Proposals for Cost Containment Program for Workers' Compensation to Provide Expertise on High Exposure Claims

The Minnesota State Employees' Workers' Compensation Fund is requesting bids for claims adjustment work on a temporary and/or permanent basis with a demonstration of significant reduction of workers' compensation costs due to a bulk rate or an hourly rate based on the volume of referrals. The project should encompass investigation of workers' compensation claims as well as expertise with high exposure claims.

Respondents should have prior experience in doing similar projects for government or private industry.

This request for proposals does not obligate the State to complete the project and the State reserves the right to cancel solicitation if it is considered to be in its best interest.

Questions and submission of proposals should be directed to Denise Fleury, Director of State Employees' Workers' Compensation Fund, 444 Lafayette Road, St. Paul, Minnesota 55101, telephone (612) 296-1093.

January 3, 1985

University of Minnesota Office of Physical Planning Department of Interior Design and Graphics

Request for Proposals for Cooperative Research and Development to Equip the Dairy Cattle Teaching and Research Center Facility

The University of Minnesota is requesting proposals from qualified manufacturers and suppliers of equipment used in milking, feeding and management of dairy cattle interested in participating in a cooperative and exclusive research and development agreement for equipping the Dairy Cattle Teaching and Research Center facility. A copy of the Request for Proposal (RFP) can be obtained from the Department of Interior Design and Graphics, Office of Physical Planning, 530 Johnston Hall, 101 Pleasant Street Southeast, Minneapolis, Minnesota 55455 (612-373-2030). The RFP will be available Friday, January 18, 1985. Proposal submissions will be received February 12, 1985 at 2:00 p.m. at the office of the University's Director of Purchasing.

SUPREME COURT

Decisions Filed Friday, January 11, 1985

Compiled by Wayne O. Tschimperle, Clerk

C9-83-447 In the Matter of Rita Peterson. Hennepin County.

In proceedings to revoke a provisional discharge from commitment within 60 days of its issuance, brief rehospitalization without a prior hearing is authorized provided that within 48 hours of the rehospitalization, the head of the facility provides the court with an affidavit detailing the patient's recent actions and the reasons for the return. The patient and his counsel must be provided with a copy of the affidavit within the same 48-hour period. Thereafter, the trial court shall then determine the propriety of the rehospitalization.

Affirmed. Amdahl, C.J.

C3-84-650 Leo William Nord, Deceased, by Marion Nord, Petitioner, v. City of Cook, d.b.a. Cook Community Hospital, Self Insured, Relator, and Blue Cross and Blue Shield of Minnesota. Workers' Compensation Court of Appeals.

The Workers' Compensation Court of Appeals (WCCA) applied the correct standard of review by reviewing the findings of the compensation judge under the substantial evidence test.

The WCCA was correct in concluding that the compensation judge's findings were unsupported by substantial evidence, and the WCCA's substituted findings were supported by substantial evidence.

Affirmed. Amdahl, C.J.

C5-83-1515 David E. Miller v. Commissioner of Revenue, Relator. Tax Court.

Liability for use tax, Minn. Stat. §§ 297A.14, 297A.24, must be measured in accordance with the statutory formula, and no pro rata reduction may be made to reflect the proportion that in-state use bears to total use.

Imposing full use tax liability for any use in Minnesota of property purchased out of state does not impermissibly burden interstate commerce.

Affirmed in part; reversed in part. Yetka, J.

C0-83-1292 In the Matter of the Trust Created Under the Maurice J. Florance, Jr. Trust Agreement Dated January 14, 1954. Patricia Florance and Frank Gaertner, Appellants, v. Mercantile National Bank at Dallas, Trustee, and Florence A. Florance. Court of Appeals.

We affirm the decision of the Court of Appeals in ruling (a) that a letter amendment to a trust instrument was executed with proper formalities, and (b) that the letter amendment was effective notwithstanding that the settlor died before the 1-year period required under the trust instrument for a notice to amend the trust had elapsed.

With respect to the issues of the validity of the letter amendment to the Texas trust so far decided by the Minnesota courts, Minnesota was not precluded, by reasons of comity or *forum non conveniens*, from so deciding.

With respect to the issues of the validity and meaning of the letter trust still to be litigated, this case is remanded to the district court to decide whether these issues, under the doctrine of *forum non conveniens*, should be tried in Minnesota or Texas. In so deciding, the trial court is to consider, as one of the factors, the extent of the burden that would be imposed on the Minnesota court in applying Texas law.

The opinion of the Court of Appeals is affirmed in part and reversed in part, the case is remanded to the district court for further proceedings in accordance with this opinion. Simonett, J.

Order Filed December 24, 1984

C5-84-2223 In the Matter of the Application for the Discipline of Patrick K. Fallon, an Attorney at Law of the State of Minnesota. Supreme Court.

Immediate suspension. Amdahl, C.J.

ERRATA

Jackson County

Correction to Notice of Law Library Fee for Criminal Complaints and Moving Traffic Violations

The \$1.00 Law Library fee (to be added to all moving traffic violations and criminal complaints) published in the January 7, 1985 issue of the *State Register*, has been added to all such complaints filed within the jurisdiction of the County Court of Jackson County. (The January 7 issue mistakenly reported this as the jurisdiction of the District Court of Jackson County.)

For further information, contact David E. Johnson, Clerk of District Court, Jackson County.

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Briefly/Preview—Senate news and committee calendar; published weekly during legislative sessions.

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Contact: Senate Public Information Office
 B29 State Capitol, St. Paul, MN 55155
 (612) 296-0504

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Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

This Week—weekly interim bulletin of the House.

Contact: House Information Office
 Room 8 State Capitol, St. Paul, MN 55155
 (612) 296-2146

Legislative Reference Library
Room 111 Capitol

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