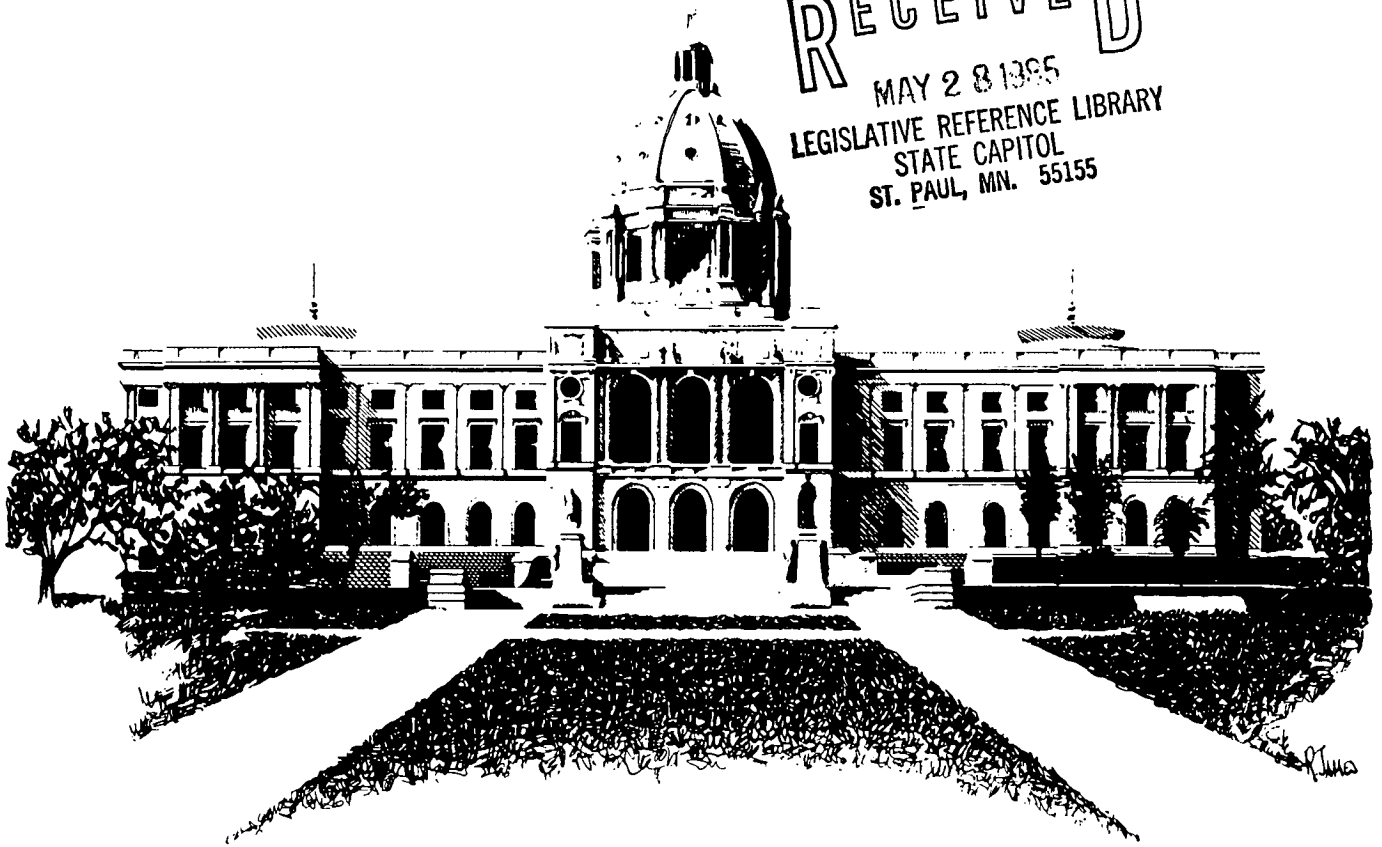


85, May 27

STATE REGISTER

STATE OF MINNESOTA

RECEIVED
MAY 28 1985
LEGISLATIVE REFERENCE LIBRARY
STATE CAPITOL
ST. PAUL, MN. 55155



VOLUME 9, NUMBER 48

May 27, 1985

Pages 2559-2606



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			
49	Monday May 20	Friday May 24	Monday June 3
50	Friday May 24	Monday June 3	Monday June 10
51	Monday June 3	Monday June 10	Monday June 17
52	Monday June 10	Monday June 17	Monday June 24

*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.

The *State Register* is published by the State of Minnesota, State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 14.46. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$130.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at \$3.25 per copy.

Subscribers who do not receive a copy of an issue should notify the *State Register* Circulation Manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

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*.

Rudy Perpich
Governor

Marsha Storck
Editor

Sandra J. Hale
Commissioner
Department of Administration

Robin PanLener, Paul Hoffman,
Margaret Connelly, Ruth Werness
Editorial Staff

Stephen A. Ordahl
Director
State Register and
Public Documents Division

Debbie Kobold
Circulation Manager

CONTENTS

MCAR AMENDMENTS AND ADDITIONS

Issues 40-48, inclusive 2562

MINNESOTA RULES AMENDMENTS AND ADDITIONS

Issues 40-48, inclusive 2563

PROPOSED RULES

Commerce Department

Proposed Rules Prohibiting Discrimination in Insurance Due to Blindness 2565
Proposed Rules Repealing Commercial Insurance Filing Exemptions 2566

Human Services Department

Proposed Rules Relating to Administration of Community Social Services 2566

Peace Officer Standards and Training Board

Proposed Rules Governing Part-time Officers and Constables Selection, Training, and Testing Requirements 2576

ADOPTED RULES

Commerce Department

Adopted Rules Governing Self-Insurance Plan Administrators 2580

Health Department

Adopted Rules Governing Communicable Diseases: Duties of the Commissioner and Local Boards of Health 2584

Labor and Industry Department

Occupational Safety and Health Division

Adopted Revisions to the Occupational Safety and Health Standards 2585

OFFICIAL NOTICES

Agriculture Department

Agronomy Division

Outside Opinion Sought Regarding Proposed Rules Governing Variety Labeling Agricultural and Vegetable Seed 2586

Commerce Department

Outside Opinion Sought Regarding Proposed Rules Relating to Workers' Compensation Self-Insurance Including the Impact of the Rules on Small Business 2586

Commerce Department

Financial Examinations Division

Outside Opinion Sought Concerning Amendments to Rules Governing the Operation of Commercial Banks Annual Audit and Report 2587

Investment Board

Investment Advisory Council

Notice of Regular Meeting 2587

Medical Examiners Board

Outside Opinion Sought Concerning a Proposed Rule Prohibiting the Prescribing, Ordering, Dispensing, Administering, Supplying, Selling, or Giving of Any Amphetamine, Sympathomimetic Drug or Compound, or Any Controlled Substance Anorectic for the Purposes of Weight Control 2587

Outside Opinion Sought Concerning a Proposed Rule

Prohibiting Use of Chelation Therapy for Treatment of Cardiovascular Disease or Conditions, Atherosclerosis, Rheumatoid Arthritis, or Cancer 2588

Public Defense Board

Applications Accepted for State Public Defender's Office 2588

Transportation Department

Petition of Hennepin County for a Variance from State Aid Standards for Design Speed, Recovery Area, and Inslopes 2588
Petition of Hennepin County for a Variance from State Aid Standards for Street Width 2589
Petition of Rock County for a Variance from State Aid Standards for Diagonal Parking 2589
Petition of the City of Brooklyn Center for a Variance from State Aid Standards for Street Width 2589
Petition of the City of Moorhead for a Variance from Aid Standards for Street Width 2590
Petition of the City of New Ulm for a Variance from State Aid Standards for Design Speed 2590
Petition of the City of Rochester for a Variance from State Aid Standards for Street Width 2591
Petition of the City of St. Paul for a Variance from State Aid Standards for Street Width 2591

STATE CONTRACTS

Administration Department

Request for Proposals for Customer List Maintenance and Management 2592

Administration Department

Procurement Division

Commodities Contracts and Requisitions Currently Open for Bidding 2592

Electricity Board

Request for Proposals for Electrical Inspectors 2593

Labor and Industry Department

Request for Proposals for Medical Consultant 2594

Metropolitan Waste Control Commission

Prequalifications Requested to Prepare a Design for a New Lakeville/Apple Valley Lift Station 2594
Prequalifications Requested to Prepare a Design for Seneca Sludge Handling Improvements 2595

Transportation Department

Finance and Administration Division

Correction of Request for Proposals for Leadership of Internal Training and Development Task Force 2595

Veterans Affairs Department

Contract Available for Dental, Chaplain, Optical, Medical, Dietician and Podiatry Services 2595

SUPREME COURT

Decisions Filed Friday, May 17, 1985 2596
Order Filed May 8, 1985 2597

TAX COURT

Orders Dated May 15, 1985 2598

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	

The listings are arranged in the same order as the table of contents of the *Minnesota Rules 1983*.

MCAR AMENDMENTS AND ADDITIONS

TITLE 12 SOCIAL SERVICE

Part 2 Public Welfare Department (now Human Services)

12 MCAR §§ 2.04601-2.04606 [Emer] (extended) 2177

MINNESOTA RULES AMENDMENTS AND ADDITIONS

BOARD OF ACCOUNTANCY

1100.3600 (proposed) 2511

OFFICE OF ADMINISTRATIVE HEARINGS

1400.0250-.1200 (adopted) 2276
 1400.0250-.1200 [Errata] 2497
 1400.5100;.5200;.5250;.5275;.5300;.5400;.5500;
 .5600;.5700;.5800;.5900;.5950;.6000;.6100;.6200;
 .6350;.6400;.6500;.6550;.6600;.6700;.6800;.6900;
 .7000;.7050;.7100;.7200;.7300;.7400;.7500;.7600;
 .7700;.7800;.7900;.8000;.8100;.8200;.8300 (adopted) 2282

DEPARTMENT OF AGRICULTURE

1545.3350 (adopted) 2341

DEPARTMENT OF COMMERCE

2700.2100;.2200;.2300 (proposed repeal) 2566
 2700.3200 (proposed) 2565
 2735.0100-.0500 (proposed) 2144
 2740.0100;.1100;.1200;.1600;.2100;.2400;.2500;
 .2600;.2900;.3100;.3600;.3700;.3900;.4400;.5200;
 .9904;.9909;.9914;.9919;.9924;.9929;.9934;.9939;
 .9944;.9949;.9954;.9959;.9964;.9979;
 .9991-.9993 (proposed) 2146
 2767.0100-.0900; 2768.0950 [8 SR 2765] (adopted) 2580
 2791.0100 (proposed) 2511
 2875.1590 (withdrawn) 2170

DEPARTMENT OF ECONOMIC SECURITY

3300.0100;.0300;.0400;.0500;.0700 (adopted) 2526

STATE BOARD OF EDUCATION

3500.0605 (proposed) 2328
 3505.2510 (withdrawn) 2170
 3505.3300 (adopted) 2402

ENERGY, PLANNING AND DEVELOPMENT

Energy Division

4155.0100-.0180 (proposed) 2424
 4170.4105;.4110 [Emer] (extended) 2441
 4170.4105;.4110 (proposed) 2437
 4215.1400;.2100;.2200;.2450;.2750;.4700;
 .4901 (proposed) 2523

DEPARTMENT OF HEALTH

4605.7000-.7800; 4735.0100-.0300 [8 SR 2690]
 (adopted) 2584
 4615.0500 (proposed) 2365
 4655.6810-.6830 (proposed) 2330
 4656.0010-.0070 [Temp] (proposed) 2245

HIGHER EDUCATION COORDINATING BOARD

4830.0300 (adopted) 2341
 4850.0010-.0018 [Emer] (second notice) 2400

MN HOUSING FINANCE AGENCY

4900.0293 (adopted) 2174
 4900.0640 (adopted) 2174
 4900.1200;.1210 (proposed) 2400
 4900.1700-.1703 (proposed) 2472

DEPARTMENT OF HUMAN RIGHTS

5000.0100;.0400;.0510;.0600;.0700;
 .0800;.0810;.1100;.1200;.1300;.2210;
 .2220;.2230;.2240 (proposed) 2248
 5000.0100;.0400;.0510;.0600;.0700;

.0800;.0810;.1100;.1200;.1300;.2210;
 .2220;.2230;.2240 (second notice) 2438

DEPARTMENT OF LABOR AND INDUSTRY

5205.0010 [standards] (proposed) 2171
 5205.0010 [standards] (adopted) 2585
 5220.1400 (proposed) 2172

MN MUNICIPAL BOARD

6000.0100;.0110;.0200;.0400;.0500;.0600;.0700;.0800;
 .0900;.1000;.1150;.1200;.1310;.1400;.1510;.1600;
 .1700;.1900;.2210;.2500;.2600;.3000;.3100;.3400
 (adopted) 2442

DEPARTMENT OF NATURAL RESOURCES

6100.5700 (withdrawn) 2474
 6105.0340 (adopted) 2476
 6105.0911 (adopted) 2341

BOARD OF PEACE OFFICER STANDARDS AND TRAINING

6700.1100;.1101;.1200;.1201 (proposed) 2576

POLLUTION CONTROL AGENCY

7001.0650;.0135;.0214 (proposed) 2333

Solid & Hazardous Waste Division

7042.0010-.0060 (adopted) 2472
 7046.0010-.0050 (adopted) 2341

BOARD OF PSYCHOLOGY

7200.1700 (proposed) 2474

DEPARTMENT OF PUBLIC SAFETY

Driver and Vehicle Services Division

7411.7100;.7200;.7400;.7500;.7600;.7700 (adopted) 2383

Fire Marshal Division

7510.6200;.6300;.6350;.6910 (adopted) 2383

RACING COMMISSION

Chap. 7869; 7870; 7872; 7873; 7875; 7876; 7877;
 7878; 7883; 7884; 7890; 7891; 7892; 7895;
 7897; 7899 (adopted) 2527

REVENUE DEPARTMENT

Property Equalization Division

8100.0300 (proposed) 2374
 8105.0400 [Emer] (proposed) 2336

Alcohol, Tobacco and Special Taxes Div.

8121.0100-.0500 (adopted) 2298

SECRETARY OF STATE

8260.0100;.0200 (proposed) 2173

SMALL BUSINESS FINANCE AGENCY

8300.0050;.0100;.3011;.3012;.3013;.3020;.3021;.3022;
 .3023;.3024;.3025;.3026;.3030;.3031;.3032;.3033;.3034;
 .3039;.3040;.3041;.3042 (proposed) 2513
 8300.3000-.3004 [Emer] (extended) 2383
 8300.3060-.3070 [Emer] (adopted) 2527
 8300.4100-.4112 [Emer] (adopted) 2381
 8300.5000-.5006 [Emer] (proposed) 2243

SOIL AND WATER CONSERVATION BOARD

8400.0100;.0200;.0300;.0400;.0600;.0700;.0900;
 .1000;.1100;.1200;.1300;.1400;.1405;.1500;.1600;
 .1700;.1800;.1950;.2000;.2100;.2200;.2300;.2400;
 .2500;.2600;.2700;.2705;.2800 [Amend] (adopted) 2439

MINNESOTA RULES AMENDMENTS AND ADDITIONS

WASTE MANAGEMENT BOARD

9200.6000-.6011 (proposed) 2271

DEPARTMENT OF PUBLIC WELFARE (Now HUMAN SERVICES)

9505.5000-.5105 (proposed) 2367

9545.2000-.2040 (proposed) 2252

9546.0010-.0060 (proposed) 2255

9549.0050-.0059 [Temp] (proposed) 2259

9500.0031; .0051; .0071; .0081; .0091; .0111;
.0331-.0339; .0351-.0353 [Emer] (extended) 2175

9500.1450-.1475 [Emer] (extended) 2176

9505.0500-.0540 (adopted) 2296

9505.5000-.5030 [Emer] (extended) 2176

9510.1020-.1140 [Emer] (extended) 2176

9525.0015-.0145 [Emer] (extended) 2175

9525.1800-.1930 [Emer] (extended) 2178

9525.1850-.1870 [Emer] (adopted) 2441

9550.0010-.0092 (proposed) 2566

9555.3410-.3412 [Emer] (extended) 2177

9555.3415 [Emer] (extended) 2175

9555.3417 [Emer] (extended) 2176

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 Prohibiting Discrimination in Insurance Due to Blindness

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.

Persons who wish to submit comments or a written request for a public hearing should submit them to Richard G. Gomsrud, General Counsel, 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 and 72A.19. 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.

Pursuant to Minn. Laws 1983, ch. 188 codified as Minn. Stat. section 14.115, subd. 2, the impact on small business had been considered in the promulgation of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

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, 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

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

Rule as Proposed

2700.3200 UNFAIR AND DECEPTIVE PRACTICES.

Subpart 1. to 10. [Unchanged.]

Subp. 11. Discrimination because of blindness. It is unfair and deceptive to discriminate between individuals of the same class by refusing to insure, or refusing to continue to insure, or limiting the amount, extent, or kind of coverage available to an individual, or charging an individual a different rate for the same coverage, solely because of blindness.

Department of Commerce

Proposed Rules Repealing Commercial Insurance Filing Exemptions

Notice of Intent to Repeal Rules without a Public Hearing

Notice is hereby given that the Department of Commerce proposes to repeal the above-entitled rules without a public hearing. The Commissioner of Commerce has determined that the proposed repeal of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Sec. 14.21.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the repeal of the rules. 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.

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, Sec. 14.14, subd. 1.

Persons who wish to submit comments or a written request for a public hearing should submit them to Richard G. Gomsrud, Department Counsel, 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 rules that are to be repealed is contained in Minnesota Statutes, Sec. 70A.02, subd. 3. 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 repeal of the rules has been prepared and is available upon request.

Pursuant to Minn. Laws 1983, ch. 188 codified as Minn. Stat. Sec. 14.115, subd. 2, the impact on small business has been considered in the repeal of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

Upon repeal of the final rules without a public hearing, the rules, this notice, the Statement of Need and Reasonableness, all written comments received, and the repealed rules 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, Department of Commerce, 500 Metro Square Bldg., St. Paul, MN 55101.

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

Michael A. Hatch
Commissioner of Commerce

Rules as Proposed (all new material)

REPEALER. Minnesota Rules, parts 2700.2100; 2700.2200; and 2700.2300 are repealed.

Department of Human Services

Proposed Rules Relating to Administration of Community Social Services

Notice of Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held in Room 10, State Office Building, 435 Park Ave., St. Paul, MN 55155 on June 28, 1985 commencing at 9:00 a.m. and continuing until all interested or affected

persons have an opportunity to participate. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Howard Kaibel, Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 South Fourth Avenue, Minneapolis, Minnesota, 55415, telephone 612/341-7608, either before the hearing or within five working days after the public hearing ends.

The Administrative Law Judge may, at the hearing, order the record be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings. Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the three-day period. The written responses shall be added to the rulemaking record.

Upon the close of the record the Administrative Law Judge will write a report as provided for in Minnesota Statutes, section 14.50. The rule hearing is governed by Minnesota Statutes, section 14.01-14.56 and by Minnesota Rules, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

Minnesota Rules, parts 9550.0010 to 9550.0092 establish minimum standards for the administration of community social services. The Community Social Services Act, Minnesota Statutes, chapter 256E, which authorizes these rules, establishes a system of planning for and providing community social services administered by the boards of county commissioners of each county under the supervision of the Commissioner of Human Services. The proposed rules, parts 9550.0010 to 9550.0092, would replace Minnesota Rules, parts 9550.0100 to 9550.2900, formerly known as Rule 160.

The rules include a definition section; a section on county responsibility for community social services; community social services plan requirements; provisions for grants and purchase of service contracts; provisions for agreements between a county of services and a county of financial responsibility; a section on social service fees; provisions for application for social services; a section governing information about clients; provisions for individual service plans; a section on client's right to accept or reject services; and a section on fair hearings.

The agency's authority to adopt the proposed rules is contained in Minnesota Statutes, section 256E.05, subdivision 1. The cost to local public bodies of implementing the proposed rule changes will not exceed \$100,000 for either of the first two years following passage of the rule.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Jerry Ferguson, Social Services Division, Department of Human Services, 4th Floor, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155, phone 612/297-3635. Additional copies will be available at the hearing. If you have any questions on the content of the rules, contact Jerry Ferguson.

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

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

Minnesota Statutes, chapter 10A, requires each lobbyist to register with the State Ethnical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minnesota Statutes, section 10A.01, subdivision 11, as any individual:

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

(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 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 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, telephone 612/296-5615.

May 7, 1985

Leonard W. Levine, Commissioner
Department of Human Services

Rules as Proposed (all new material)

9550.0010 DEFINITIONS.

Subpart 1. Scope. For the purposes of parts 9550.0010 to 9550.0092 the following terms have the meanings given them.

Subp. 2. Approved vendors. "Approved vendors" means providers of community social services that have met the standards established by state licensing laws, department rules, or local agency criteria.

Subp. 3. Commissioner. "Commissioner" means the commissioner of the Minnesota Department of Human Services or his or her designee.

Subp. 4. Community social services. "Community social services" means the services included in a county's community social services plan in order to fulfill the county responsibility to target populations specified in Minnesota Statutes, section 256E.03, subdivision 2. These services are administered by county boards and provided or arranged for the target populations according to the county board's community social services plan.

Subp. 5. Community social services plan. "Community social services plan" means the biennial social services plan required of the county board by Minnesota Statutes, section 256E.09, subdivision 3.

Subp. 6. County board. "County board" means the county board of commissioners in each county. When a human services board has been established under Minnesota Statutes, sections 402.02 to 402.10 it shall be considered to be the county board for purposes of this chapter.

Subp. 7. County of financial responsibility. "County of financial responsibility" means the county responsible for the payment of individual client social services under Minnesota Statutes, section 256E.08, subdivision 7.

Subp. 8. County of service. "County of service" means the county arranging for or providing community social services to individual clients at the request of the client, the client's representative, or the county of financial responsibility.

Subp. 9. Department. "Department" means the Minnesota Department of Human Services.

Subp. 10. Developmental achievement services. "Developmental achievement services" means those community social services provided to a client on a scheduled basis for periods of less than 24 hours each day away from the client's place of residence in order to assist the client in developing and maintaining life skills and community integration.

Subp. 11. Emergency social services. "Emergency social services" means immediate intervention on behalf of an individual to stop or prevent abuse, neglect, or exploitation by others, or to prevent an individual from harming himself or herself or others when there is reason to believe the individual may do so.

Subp. 12. Goal. "Goal" means the desired outcome of an activity.

Subp. 13. Host county. "Host county" means a county contracting for the provision of social services with an approved vendor within its county boundaries at the request of another county.

Subp. 14. Individual service plan. "Individual service plan" means the plan agreed upon between the local agency and the client or client's representative for the provision of social services to the client by the local agency.

Subp. 15. Local agency. "Local agency" means the social services agency authorized by the county board to provide community social services.

Subp. 16. Objectives. "Objectives" means the specific steps to be taken in order to achieve a desired goal. Objectives must be quantifiable, measurable, and set within a specific time frame.

Subp. 17. Outcome. "Outcome" means the measure of change or the degree of attainment of specified goals and objectives resulting from the provision of service to a client or clients.

Subp. 18. Placement agreement. "Placement agreement" means a written document specifying the terms for provision of services to a client that is signed by the approved vendor, the county board where the vendor is located, and, where applicable, the county of financial responsibility.

Subp. 19. Publish. "Publish" means to print in the official newspaper of the county, or if there is no official newspaper, in a newspaper of general circulation in the county.

Subp. 20. Residential social support services. "Residential social support services" means the community social services provided to a client within a 24-hour per day therapeutic or supportive care live-in setting.

Subp. 21. State facility. "State facility" means the state hospitals located at Anoka, Brainerd, Cambridge, Faribault, Fergus Falls, Moose Lake, St. Peter, and Wilmar; Ah-Gwah-Ching and Oak Terrace Nursing Homes; the state school for the deaf located at Faribault; and the state Braille and Sight-Saving School.

Subp. 22. Target populations. "Target populations" means the groups of persons, identified by Minnesota Statutes, section 256E.03, subdivision 2, who are potential recipients of community social services provided or arranged for by county boards.

9550.0020 COUNTY RESPONSIBILITY FOR COMMUNITY SOCIAL SERVICES

Subpart 1. Responsibility of counties. A county board is responsible for administering, planning, monitoring, and evaluating community social services, and for disbursing funds made available for community social services under Minnesota Statutes, sections 256E.06 and 256E.07.

Subp. 2. Recipients of services. A county board shall provide community social services in accordance with Minnesota Statutes, section 256E.08, subdivision 1, to groups of persons identified in Minnesota Statutes, section 256E.03, subdivision 2.

Subp. 3. Methods of providing services. A county board shall provide community social services directly through the local agency, by contracting with or through grants to approved vendors or by arranging for the voluntary provision of services at no cost to the county board.

Subp. 4. Eligibility criteria. The county board shall set eligibility criteria for community social services. The eligibility criteria established by the county board must be described in the county's biennial community social services plan.

Subp. 5. Annual effectiveness report. The county board shall submit an annual effectiveness report to the commissioner pursuant to Minnesota Statutes, section 256E.10, subdivision 1. The report must include an evaluation of the outcomes of each service based on the achievement of measurable goals and objectives.

9550.0030 COMMUNITY SOCIAL SERVICES PLAN.

Subpart 1. County board responsibility. No later than 120 calendar days after receipt of plan format and instructions from the department, the county board shall submit a proposed biennial community social services plan to the commissioner for certification.

Subp. 2. Citizen participation. The county board shall provide opportunities for citizens, including users and approved vendors to participate in the development of the community social services plan.

Subp. 3. Publication of plan. Upon submission of the proposed plan to the commissioner, the county board shall publish notice of the availability of their proposed community social services plan and make the proposed plan available to residents of the county upon request.

Subp. 4. Minimum standards. The county board shall comply with the following minimum standards in order to obtain certification from the commissioner that the community social services plan fulfills the purposes and requirements of Minnesota Statutes, section 256E.09, state and federal law, and the rules of the department.

A. The proposed community social services plan must provide the following documentation of citizen participation in the development of the plan:

- (1) documentation that notice of opportunities for citizen participation was published at least 60 calendar days prior to the publication of the proposed plan;
- (2) documentation of the methods and timetables chosen by the county board in order to achieve citizen participation;
- (3) a summary of the content and source of public comments; and

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> 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 — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
--

PROPOSED RULES

(4) documentation of the effect which public comments had on needs assessment, on selection of target populations to be served and services to be offered, and on the allocation of money for those services.

B. The plan must specify each target population group or subgroup identified in Minnesota Statutes, section 256E.03, subdivision 2, which the county proposes to serve. Target populations included under Minnesota Statutes, section 256E.03, subdivision 2, clause (i), must be consistent with the overall purpose of Minnesota Statutes, chapter 256E.

C. The plan must include eligibility criteria and client fee policies.

D. The plan must include the methods used to assess the needs of each target population group or subgroup for community social services, and the information obtained through the needs assessment process. The plan must contain information which indicates:

- (1) total county population for each target population;
- (2) the segment of each target population which the county board anticipates serving;
- (3) availability and capacity of community resources, both public and private, including associations of volunteers;
- (4) needed but unavailable resources;
- (5) new resources to be developed during the biennium;
- (6) for persons from each target population:
 - (a) the number of persons currently residing in a state facility;
 - (b) the number of persons currently residing in a state facility for whom available community resources exist;
 - (c) service development needed to move additional persons out of state facilities;
 - (d) the estimated number of current state facility residents who will continue to need state facility services; and
 - (e) the estimated number of new state facility admissions;
- (7) the priorities for meeting the needs of each target population;
- (8) the methods used for setting these priorities; and
- (9) the unmet needs of each target population.

E. The plan must include for each target population group or subgroup at least one biennial goal that reflects the needs assessment for that target population. For each goal, the plan must include at least one specific objective for each calendar year in the biennium.

F. The plan must include strategies for early intervention, prevention, and education designed to reduce or eliminate the need for services for each target population.

G. The plan must specify how the county board plans to make the following services available for persons identified by the county as in need of these services:

- (1) developmental achievement services;
- (2) subacute detoxification services; and
- (3) residential and nonresidential social support services.

H. The plan must identify for each target population all services the county board proposes to provide, who the service providers shall be, and the planned expenditures for each service.

I. The plan must contain evidence that serious consideration was given to the purchase of services from both private and public agencies, a statement of the county board's policies on purchase of service contracts, and local agency criteria for approval of vendors established under part 9550.0040, subpart 4.

J. The plan must identify all anticipated federal, state, and local funding sources, and all anticipated expenditures for community social services. The planned expenditures must reflect the assessed needs of each target population and must support the implementation of the services designed to meet the stated goals and objectives for each target population.

K. The plan must describe the methods that the county board plans to use for monitoring and evaluating community social services during the biennium.

Subp. 5. Publication of final plan. The county board shall publish a final community social services plan no later than 60 days following certification of the final plan by the commissioner, and make the plan available to residents of the county upon request.

Subp. 6. Duration of plan. The community social services plan shall be in effect from January 1 of each odd-numbered year through December 31 of the following year.

Subp. 7. Amendment to plan. The county board shall amend its community social services plan pursuant to Minnesota Statutes, section 256E.09, subdivision 6, and this subpart when the county proposes to:

- A. add, reduce, or delete a service;
- B. change eligibility categories, including expansion, restriction, or deletion of a category; or
- C. change fee policies.

The county board shall provide notice of the proposed amendment and make it available to county residents upon request. The county board shall permit the public to review and comment on the proposed amendment for a minimum of 14 calendar days following notice of the proposed amendment. If the county board approves the proposed amendment following the period for public comment, it shall submit the amendment to the commissioner.

All provisions of the current approved plan must remain in effect until the proposed amendment becomes final. The proposed amendment becomes final when the commissioner certifies that the amended plan fulfills the purpose and requirements of the law and rules of the department.

Subp. 8. Exception to amendment process. A county board need not go through the amendment process to implement the following changes:

A. a specific proposal already contained in the approved community social services plan for a future change of the type specified in subpart 7, items A to C, provided the dates of proposed implementation are included in the original plan; or

B. a contingency plan, already specified in the approved community social services plan, for prioritizing and delivering nonmandated services when funds are insufficient to provide services to all applicants.

9550.0040 GRANTS AND PURCHASE OF SERVICE CONTRACTS.

Subpart 1. Authority. The local agency may purchase community social services by grant or purchase of service contract from public, nonprofit, or proprietary agencies or from individuals approved as vendors. Services purchased in this manner must be identified in the biennial community social services plan and must conform to the standard contract procedures established by this part.

Subp. 2. Contract requirements. Contracts for the purchase of community social services must contain the following:

- A. the beginning and ending dates of the contract;
- B. an explicit description of the service or services to be purchased;
- C. the total dollar amount of the contract;
- D. the unit cost of the services provided, either by hour, day, week, or month;
- E. a statement affixing responsibility for making a preliminary determination of client eligibility in accordance with the criteria established by the community social services plan;
- F. a statement that the amount, frequency, and duration of purchased services will be provided in accordance with the client's individual service plan and, where applicable, the individual habilitation plan, and shall be directed toward clients' achievement of goals and objectives;
- G. procedures for discharge or termination of services to an individual client;
- H. the site where the services will be provided;
- I. procedures for certification of expenditures;
- J. procedures for reimbursement;
- K. an itemized list of program and fiscal records to be maintained by the approved vendor;
- L. a retention schedule for program and fiscal records;
- M. local agency procedures for monitoring and evaluation of the contract, including monitoring and evaluating clients' achievement of goals and objectives identified on individual service plans;
- N. statement of compliance with the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13;

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

O. provisions for bonding, indemnification, auditing, and insurance;

P. grounds for termination of the contract; and

Q. provisions permitting the local agency, the department, and the Department of Health and Human Services access to and authority to copy program and fiscal records.

In addition, if proof of applicable licensure or certification and an exposition of staffing, including job descriptions and professional qualifications of personnel, are not contained in the body of the contract, the contract must have them attached to it.

Subp. 3. Duties of local agency. The local agency shall:

A. Use a written contract containing all provisions specified in subpart 2 when purchasing community social services. Every grant and purchase of service contract shall be completed, signed, and approved by all parties to the agreement, including the county board. Grants and contracts with individual approved vendors for an amount not to exceed \$10,000 in a calendar year need not be signed by the county board if the county board has designated the local agency to sign on its behalf. No service shall be provided before the effective date of the contract.

B. Determine client's eligibility for purchased services, or delegate the responsibility for making the preliminary determination to the approved vendor under the terms of the contract;

C. Develop an individual social service plan based on the needs of the individual;

D. Monitor purchased services and evaluate contracts on the basis of outcomes; and

E. Purchase only from approved vendors.

Subp. 4. Local agency criteria. When the local agency chooses to purchase community social services from a vendor that is not subject to state licensing laws or department rules, the local agency shall establish written criteria for vendor approval which will ensure the health, safety, and well-being of service recipients. The local agency criteria must be included in the community social services plan.

Subp. 5. Case records and reporting requirements. Case records and reporting requirements for grants and purchased services are the same as case record requirements for direct services.

Subp. 6. Files. The local agency shall keep an administrative file for each contract. The file must contain:

A. a copy of the signed and completed contract;

B. copies of correspondence between the approved vendor and the local agency;

C. copies of monitoring and evaluation reports;

D. copies of correspondence between the local agency and the department relating to the contract;

E. copies of hearing transcripts, complaints, grievances, and inquiries relating to contract performance; and

F. financial, statistical, social services, and any other reports specified in the contract.

Subp. 7. Host county contracts. The following provisions govern host county contracting:

A. The local agency of the county where an approved vendor is located shall negotiate and administer host county purchase-of-service contracts on behalf of other local agencies requesting to purchase services from the approved vendor, unless one of the exceptions in subpart 8 apply.

B. All local agencies that purchase services from an approved vendor who has entered into a host county contract shall abide by the terms of the contract.

C. The host county shall monitor the terms of the contract.

D. The host county shall make available, upon request of other local agencies, copies of the host county contract.

Subp. 8. Exceptions to host county contracts. Host county contracting is not required where the following exceptions apply:

A. The local agency of the county where an approved vendor is located need not negotiate a host county contract unless asked to do so by another local agency wishing to purchase from that approved vendor.

B. A local agency may refuse to act as the host county in situations where the prospective vendor has failed to comply with the terms of a past contract or has had a prior contract terminated within the last 12 months for failure to provide adequate services. A county of financial responsibility may not contract directly with an approved vendor located in another county when the exception in this item applies.

C. A local agency within the geographic area served by a community mental health board authorized by Minnesota Statutes, sections 245.61 to 245.69, may contract directly with that community mental health board. However, if a local agency outside of the

geographic area served by a community mental health board wishes to purchase services from the board, the local agency shall follow the requirements in subpart 5.

Subp. 9. Placement agreements. A placement agreement must be used for residential services. Placement agreements are valid when signed by authorized representatives of the facility, the county where the approved vendor is located, and the county of financial responsibility, if other than the county where the approved vendor is located. The placement agreement must specify the provisions of the client's placement, including the unit cost, the date of placement, and the date for the review of the placement. A placement agreement may also be used for nonresidential services.

9550.0050 AGREEMENTS BETWEEN COUNTY OF SERVICE AND COUNTY OF FINANCIAL RESPONSIBILITY.

Subpart 1. Agreement required. When a local agency takes an application from a client who is the financial responsibility of another county, the local agency in the county of service shall obtain a written agreement to the individual service plan and assurance of reimbursement from the county of financial responsibility before providing services to the client. When emergency social services are necessary, this prior agreement is not required.

Subp. 2. Client information for county of financial responsibility. The county of service shall send the county of financial responsibility copies of the client's application, eligibility documents, and individual service plan. These documents must be sent within five calendar days of the date the application process has been completed.

Subp. 3. Disapproval of an individual service plan by county of financial responsibility. The county of financial responsibility may disapprove an individual service plan for one or more of the following reasons:

- A. the proposed service or eligibility category does not appear in the county of financial responsibility's community social services plan;
- B. the client's need for service is not established to the satisfaction of the county of financial responsibility;
- C. the client's need for the service is established but the plan for meeting the need is inappropriate; or
- D. the county of financial responsibility makes an alternative offer of service within its own county that meets the needs of the client.

When the county of financial responsibility disapproves an individual service plan, the county shall document the reasons for the decision and shall send this information to be received by the county of service no later than 25 calendar days after receiving the client's application, eligibility documents, and the individual service plan.

Subp. 4. Implied consent and agreement to pay. If the county of financial responsibility fails to respond to the documents sent to it by the county of service within the time period in subpart 3 or 7, the county waives its right to refuse consent and becomes responsible for payment.

Subp. 5. Notice to client. Within 15 calendar days of receipt of the county of financial responsibility's decision, the county of service shall notify the client in writing that the county of financial responsibility approves or disapproves the individual service plan. If the county of financial responsibility disapproves the individual service plan, the county of service shall advise the client in writing that he or she has the right to appeal this decision. The county of service shall at the same time provide written information describing the appeal procedure.

Subp. 6. Emergency social services. The county of service shall provide emergency social services when necessary. The county of financial responsibility shall fully reimburse the county of service for emergency social services for up to 30 calendar days for each client in need of these services.

When a service initiated as an emergency social service must be extended beyond 30 calendar days, the county of service shall obtain the prior approval of the county of financial responsibility as prescribed in subpart 1.

Subp. 7. Financial responsibility denied. When a county, contacted under subpart 2, determines it is not financially responsible for the client for whom it has been requested to assure reimbursement for services, the following procedures shall apply:

- A. the county denying financial responsibility shall record the reasons for its decision and send copies of the client's application, eligibility documents, and records documenting the county's decision to deny financial responsibility to the county where the application was taken and to any other county it believes to be financially responsible within ten days of receipt of information under subpart 2;

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

B. the county denying financial responsibility shall send a copy of the information identified in item A to the commissioner within ten days of receipt of the information under subpart 2;

C. the county where the application was taken shall provide or arrange for services to the client within 30 days of receipt of information under item A;

D. the commissioner shall review the information received under item B, provide counties with an opportunity to state their position, decide which county is financially responsible, and issue an order in accordance with the procedures identified in Minnesota Statutes, section 256D.18, subdivision 4;

E. the commissioner's order shall be binding on counties, and must be complied with until it is appealed and reversed in district court; and

F. the county determined to be financially responsible under the procedures of item D shall reimburse any other county in accordance with the commissioner's order for the cost of any community social services provided or arranged for in accordance with item C.

9550.0060 SOCIAL SERVICES FEES.

Subpart 1. Fee schedule. The county board may establish a fee policy and schedule for any or all community social services, subject to the approval of the commissioner. Fee policies must be included in the community social services plan.

Subp. 2. Criteria for approval. Fees must be based upon the client's ability to pay. Counties may consider family size, income, and other resources affecting ability to pay if they are defined in the fee schedule and approved by the commissioner.

Fees must not be based upon a minimum charge to all clients or solely upon a percentage of the cost of service. Fees charged must not exceed the actual cost of the service. A written copy of the fee schedule must be made available to the client upon request.

Subp. 3. Exceptions. The county board shall not charge a fee to recipients of public assistance maintenance grants, or to persons wishing to adopt a hard-to-place or special needs child as defined by Minnesota Statutes, section 259.40, subdivisions 1, 2, and 4.

9550.0070 APPLICATION FOR SOCIAL SERVICES.

Subpart 1. Right to apply. The local agency shall advise all individuals who request social services of their right to sign an application for social services without delay during normal business hours and that the application will be processed after it is signed and completed.

Subp. 2. Information about available services. The local social services agency must give prospective applicants a written list of the services available according to the county's community social services plan.

Subp. 3. Application requirement. Except for information and referral services, an individual must make written application prior to receiving community social services.

Subp. 4. Statement of applicant rights and responsibilities. Before the applicant signs the application, the local agency shall provide to the applicant, on a form prescribed or approved by the department, a written statement containing information on the applicant's rights, the applicant's responsibilities, and how data collected about the applicant will be used. If for any reason an applicant does not understand the written statement, an agency representative shall read the written statement aloud and explain the written statement to the applicant or the applicant's representative. The local agency shall provide foreign and sign language interpretive services if necessary. The agency's representative shall answer any questions the applicant or applicant's representative asks regarding the application process.

Subp. 5. Filling out application. The applicant or the applicant's representative shall complete, sign, and date the application form prescribed or approved by the department. If the applicant cannot or does not sign the application, the following persons in descending order of priority may sign the application form: the applicant's legal guardian or representative, or the agency representative. The reasons why the applicant did not sign the application must be recorded in the case record.

Subp. 6. Eligibility. In addition to submitting the application, the applicant or applicant's representative shall provide information about the applicant's eligibility on forms made available by the local agency and approved by the department. The forms must be signed and dated by the applicant or the applicant's representative.

Subp. 7. Local agency decision about eligibility and notification to applicant. The county of financial responsibility shall determine the applicant's eligibility within 30 calendar days after the date on which the application and eligibility forms are completed and signed. Within 15 calendar days after determining eligibility, the local agency shall notify the applicant in writing that the application has been approved or denied unless the community social services are provided prior to the end of the 15 calendar day notice period.

Subp. 8. Denial of application. If the application is denied, the local agency shall record the notification date and the reason for

denial. The local agency shall also notify the applicant in writing within 15 calendar days after denying eligibility. The notice shall contain the following information:

- A. the reason for denial;
- B. an explanation of the applicant's right to appeal the decision to the department; and
- C. a description of the appeal procedure.

Subp. 9. Approval of application. If the application is approved, the local agency shall provide the social services within 15 calendar days after the applicant has been notified of his or her eligibility or at an appropriate later date which has been mutually agreed upon by the local agency and the applicant.

9550.0080 INFORMATION ABOUT CLIENTS.

Subpart 1. Client data. All data collected, stored, used, and disseminated about an applicant or client by the local agency shall be governed by the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13.

Subp. 2. Contracts and grants. When a contract or grant administered by the local agency requires that data on applicants or clients be made available to the contracting parties, access to that data shall be governed by Minnesota Statutes, chapter 13, except that access to medical data shall also be subject to provisions of Minnesota Statutes, section 144.335.

9550.0090 INDIVIDUAL SERVICE PLAN.

Subpart 1. Agreement upon plan. The local agency and the recipient or recipient's representative shall agree upon a plan for the provision of community social services.

Subp. 2. Requirements. The individual service plan must:

- A. be developed with the recipient of the service or the recipient's representative;
- B. identify the need for service; reasons for local agency involvement; the specific services to be provided; the amount, frequency, and duration of service; the service provider; and the goals and objectives to be achieved;
- C. specify the purpose of contacts between the social worker and the client and the frequency of the contacts;
- D. state the anticipated time necessary to accomplish the identified goals and objectives; and
- E. specify agreed upon times to review the plan, to address the client's progress toward achieving goals and objectives, and to revise the plan as necessary. The plan must be reviewed at least annually. The review and assessment requirements of this part do not negate the requirements of other laws or department rules.

9550.0091 CLIENT'S RIGHT TO ACCEPT OR REJECT SERVICES.

An applicant or client may accept or reject a local agency assessment of a need for community social services or an offer of community social services. A refusal to accept community social services shall not affect payment of grants under public assistance grants maintenance programs except in the Work Incentive Program.

When a mandatory social service is rejected by a client the local agency shall give a clear explanation of the possible consequences of that choice to the applicant or client, or his or her caretaker or guardian. Local agencies are required to offer and provide protective services under Minnesota Statutes, sections 626.556 and 626.557. When an individual who needs protective services or a person acting on the individual's behalf rejects those services, the local agency shall follow the procedures established under parts 9555.7600 and 9560.0280.

9550.0092 RIGHT TO A FAIR HEARING.

Subpart 1. Right to a fair hearing. An applicant for or recipient of community social services has the right to a fair hearing under Minnesota Statutes, section 256E.045.

Subp. 2. Notice of adverse action. The local agency shall notify the recipient of community social services ten calendar days before taking any action which may adversely affect the recipient. The notice must be in writing and must inform the recipient of the right to appeal the action, the right to be represented by an attorney or other interested party at the hearing, and the conditions under which community social services may be continued. The notice must also cite the specific rule or approved community social services plan amendment upon which the reduction or termination of services is based.

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. 3. Appealable actions. The applicant or recipient may appeal if:

- A. the local agency fails to act upon the application within the time limits prescribed in parts 9550.0050 and 9550.0070;
- B. the local agency reduces the quantity of social services from that agreed on in the individual service plan;
- C. the local agency denies a request for a specific social service that is part of the approved community social services plan;
- D. the local agency suspends or terminates social services; or
- E. the applicant or recipient fails to agree with the individual service plan developed between the applicant or recipient and the local agency.

Subp. 4. Submittal of appeals. All appeals must be submitted in writing within 30 days after receiving written notice of the appealable action, or within 90 days of such written notice if a justified reason for delay can be shown.

Subp. 5. Notice in suspected fraud cases. If the local agency obtains information indicating that social services should be discontinued, reduced, or terminated because of suspected fraud of the recipient, and, where possible, evidence of fraud has been verified through collateral sources, then notice of agency action is timely if it is mailed at least five calendar days before the action becomes effective.

REPEALER. Minnesota Rules, parts 9550.0100, 9550.0200, 9550.0300, 9550.0400, 9550.0500, 9550.0600, 9550.0700, 9550.0800, 9550.0900, 9550.1000, 9550.1100, 9550.1200, 9550.1300, 9550.1400, 9550.1500, 9550.1600, 9550.1700, 9550.1800, 9550.1900, 9550.2000, 9550.2100, 9550.2200, 9550.2300, 9550.2400, 9550.2500, 9550.2600, 9550.2700, 9550.2800, and 9550.2900 are repealed.

Board of Peace Officers Standards and Training

Proposed Rules Governing Part-time Officers and Constables Selection, Training, and Testing Requirements

Notice of Intent to Adopt Rules without a Hearing

Notice is hereby given that the Minnesota Board of Peace Officer Standards and Training (POST) is proposing 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 procedures set forth in Minn. Stat. 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 the comment, and any change proposed. The proposed rules may be modified prior to final adoption if modifications are supported by the evidence, data or views submitted to the POST Board and the modifications 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 evidence, reasons or data relied upon to 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, POST 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:

Mark K. Shields
POST Board
333 Sibley Street, Suite 495
St. Paul, MN 55101

The Board's authority to adopt the proposed rules is contained in Laws of Minnesota 1985, Chapter 13, in Minn. Stat. 626.843, Subd. 1(g), 626.843, Subd. 1(k), 626.843, Subd. 3(d), and 626.845, Subd. 1(i). 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 the board upon request.

You are advised, pursuant to Minn. Stat. Section 14.115 "Small business consideration in rulemaking," that the proposed rules will not have an impact on small business in Minnesota. Also, pursuant to Minn. Stat. 14.11, "Special Notice of Rulemaking", the

adoption of these rules will not have any impact upon agricultural land nor cost local public bodies any money for two years immediately following the adoption of these rules within the meaning of that law.

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 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 for the same to the above address.

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, Subd. 11, defines a lobbyist as any individual: 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. The statute provides certain exceptions. Questions as to this requirement should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, MN 55155. Telephone (612) 296-5615.

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

Mark K. Shields, Executive Director
Minnesota Board of Peace Officer
Standards and Training

Rules as Proposed

6700.1100 LICENSING OF PART-TIME PEACE OFFICERS.

Subpart 1. to 10. [Unchanged.]

Subp. 11. Applicability. This rule applies only to part-time peace officers appointed before August 1, 1985.

Subp. 12. Inapplicability. This part does not apply to peace officers who are employed on a part-time basis.

REPEALER. Minnesota Rules, part 6700.1100 is repealed August 1, 1987.

6700.1200 CONSTABLES.

Subpart 1. to 9. [Unchanged.]

Subp. 10. Applicability. This rule applies only to constables appointed before August 1, 1985.

REPEALER. Minnesota Rules, part 6700.1200 is repealed August 1, 1987.

Rules as Proposed (all new material)

6700.1101 PART-TIME PEACE OFFICERS.

Subpart 1. Scope and purpose. In view of the legislature's stated policy on part-time peace officers in Minnesota Statutes, section 626.8461, and the board's respect for the varied services of these supplemental and supervised part-time employees, the board deems that it is most appropriate for the chief law enforcement officer to be responsible for the training and continuing education of the part-time peace officers working in the chief law enforcement officer's agency. Although the board mandates continuing education for peace officers and constables, the board feels that it is incumbent upon each chief law enforcement officer to assess and meet the training needs of these part-time peace officers inasmuch as such assessment and training realistically can be best accomplished at the local level. This rule shall apply only to part-time peace officers appointed on or after August 1, 1985.

Subp. 2. Minimum selection and training standards. An applicant for a part-time peace officer license shall meet the following minimum selection and training standards set forth in Minnesota Statutes, section 626.8463, prior to being appointed. The chief law enforcement officer must certify that the applicant has completed these standards and maintained appropriate documentation pursuant to subpart 3.

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

A. The applicant must not have been convicted of a felony in this state or in any other state or federal jurisdiction or of any offense in any other state or federal jurisdiction which would have been a felony if committed in Minnesota. The applicant shall be fingerprinted for the purpose of disclosure of any felony convictions. Fingerprint cards shall be forwarded to the appropriate divisions of the Bureau of Criminal Apprehension and the Federal Bureau of Investigation. The chief law enforcement officer shall immediately notify the board if a felony conviction is discovered.

B. A licensed physician or surgeon shall make a thorough medical examination of the applicant to determine whether the applicant is free from any physical condition which would adversely affect the performance of part-time peace officer duties.

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

D. The applicant for a part-time peace officer license shall successfully complete a first aid course and a firearms training course.

E. The applicant shall pass the part-time peace officer licensing examination. An applicant is eligible to take the part-time peace officer licensing examination only after the provisions of items A to D have been met and the board has received a written application to take the examination signed by the chief law enforcement officer and the appropriate fee. This application shall also serve to certify compliance with the provisions of this subpart. If the applicant is not licensed within one year of taking the examination, the applicant shall retake it.

Subp. 3. Documentation. The chief law enforcement officer shall maintain the documentation necessary to show compliance with subpart 2, items A to D. The documentation is subject to periodic review by the board and shall be made available to the board upon its request.

Subp. 4. Notification of appointment of part-time peace officer. The chief law enforcement officer shall notify the board in writing before the first day of employment of an individual who has been appointed to the position of part-time peace officer. Notification shall be made on a form provided by the board and shall include the appointee's full name, sex, date of birth, and the effective date of appointment. If the appointee is not currently licensed, the appointee shall apply for a license pursuant to the provisions of subpart 5.

Subp. 5. License application procedure. If the appointee is not already a licensed part-time peace officer, but has met all selection, training, and testing criteria outlined in subpart 2, the appointee shall apply to be licensed before the first-day of employment. Application shall be made on a form provided by the board, and both the applicant and the chief law enforcement officer shall affirm that the applicant is eligible to be licensed. The applicant shall also submit the licensing fee as prescribed in subpart 6.

Subp. 6. Issuance of part-time peace officer license. The executive director shall issue a part-time peace officer license to an individual who has met the requirements stated in subpart 2, submitted a written application for licensure, and paid the appropriate licensing fee. The period of initial licensure is determined by the initial letter of the licensee's surname, the date of expiration being determined by the provisions of part 6700.1000, subpart 1. The appropriate licensing fee is \$7.50 if the license is valid for at least 30 months but less than 36 months; \$5 if the license is valid for at least 18 months but less than 30 months; and \$2.50 if the license is valid for at least six months but less than 18 months. No fee is required if the applicant is to be licensed for less than six months.

Subp. 7. Inactive status of part-time peace officer license. The chief law enforcement officer shall notify the board within ten days of all voluntary or involuntary terminations of part-time peace officers. The notification shall include the name of licensee, licensee's forwarding address, unless the licensee requests that this information not be divulged, and date of termination.

An individual possessing a part-time peace officer license may maintain the license in inactive status provided that he or she meets the requirements of part 6700.1000, subpart 3.

An individual who is appointed to the position of a part-time peace officer within one year of the date when the individual's license was placed on inactive status is not required to comply with selection standards outlined in subpart 2, items A to C.

An individual who is appointed as a part-time peace officer more than one year after the date the individual's license was placed on an inactive status is required to comply with selection standards outlined in subpart 2, items A to C, prior to his or her first day of employment.

Subp. 8. Inapplicability. This part does not apply to peace officers who are employed on a part-time basis.

6700.1201 CONSTABLES.

Subpart 1. Applicability. This rule shall apply only to constables appointed on or after August 1, 1985.

Subp. 2. Minimum selection and training standards. An applicant for a constable license shall meet the following minimum selection and training standards set forth in Minnesota Statutes, sections 367.41 and 626.8463, prior to being appointed. The chief law enforcement officer must certify that the applicant has completed these standards and maintained appropriate documentation pursuant to subpart 3.

A. The applicant must not have been convicted of a felony in this state or in any other state or federal jurisdiction or of any offense in any other state or federal jurisdiction which would have been a felony if committed in Minnesota. The applicant shall be fingerprinted for the purpose of disclosure of any felony convictions. Fingerprint cards shall be forwarded to the appropriate divisions of the Bureau of Criminal Apprehension and the Federal Bureau of Investigation. The chief law enforcement officer shall immediately notify the board if a felony conviction is discovered.

B. A licensed physician or surgeon shall make a thorough medical examination of the applicant to determine whether the applicant is free from any physical condition which would adversely affect the performance of constable duties.

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

D. The applicant shall successfully complete a first aid course and a firearms training course.

E. The applicant shall pass the constable licensing examination. An applicant is eligible to take the constable licensing examination only after the provisions of items A to D have been met and the board has received a written application to take the examination signed by the chief law enforcement officer and the appropriate fee. This application shall also serve to certify compliance with the provisions of this subpart. If the applicant is not licensed within one year of taking the examination, the applicant shall retake it.

Subp. 3. Documentation. The chief law enforcement officer shall maintain the documentation necessary to show compliance with subpart 2, items A to D. The documentation is subject to periodic review by the board and shall be made available to the board upon its request.

Subp. 4. Notification of appointment of constable. The chief law enforcement officer shall notify the board in writing before the first day of employment of an individual who has been appointed to the position of constable. Notification shall be made on a form provided by the board and shall include the appointee's full name, sex, date of birth, and the effective date of appointment. If the appointee is not currently licensed, the appointee shall apply for a license pursuant to the provisions of subpart 5.

Subp. 5. License application procedure. If the appointee is not already a licensed constable, but has met all selection, training, and testing criteria outlined in subpart 2, the appointee shall apply to be licensed before the first day of employment. Application shall be made on a form provided by the board, and both the applicant and the chief law enforcement officer shall affirm that the applicant is eligible to be licensed. The applicant shall also submit the licensing fee as prescribed in subpart 6.

Subp. 6. Issuance of constable license. The executive director shall issue a constable license to an individual who has met the requirements stated in subpart 2, submitted a written application for licensure, and paid the appropriate licensing fee. The period of initial licensure is determined by the initial letter of the licensee's surname, the date of expiration being determined by the provisions of part 6700.1000, subpart 1. The appropriate licensing fee is \$7.50 if the license is valid for at least 30 months but less than 36 months; \$5 if the license is valid for at least 18 months but less than 30 months; and \$2.50 if the license is valid for at least six months but less than 18 months. No fee is required if the applicant is to be licensed for less than six months.

Subp. 7. Inactive status of constable license. The chief law enforcement officer shall notify the board within ten days of all voluntary or involuntary terminations of constables. The notification shall include the name of licensee, licensee's forwarding address, unless the licensee requests that this information not be divulged, and date of termination.

An individual possessing a constable license may maintain the license in inactive status provided that he or she meets the requirements of part 6700.1000, subpart 3.

An individual who is appointed to the position of a constable within one year of the date when the individual's license was placed on inactive status is not required to comply with selection standards outlined in subpart 2, items A to C.

An individual who is appointed as a constable more than one year after the date the individual's license was placed on an inactive status is required to comply with selection standards outlined in subpart 2, items A to C, prior to his or her first day of employment.

Subp. 8. Inapplicability. This part does not apply to peace officers who are appointed to a constable position.

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

ADOPTED RULES

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

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

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

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

Department of Commerce

Adopted Rules Governing Self-Insurance Plan Administrators

The rules proposed and published at *State Register*, Volume 8, Number 52, pages 2765-2769, June 25, 1984 (8 S.R. 2765) and Volume 9, Number 9, pages 410-411, August 27, 1984 (9 S.R. 410) are adopted with the following modifications:

Rules as Adopted

2767.0100 DEFINITIONS.

Subpart 1. Scope. The following definitions apply to parts 2767.0100 to 2767.0950 unless the context clearly indicates a different meaning.

Subp. 2. Administrator or self-insurance plan administrator. "Administrator" or "self-insurance plan administrator" means vendors of risk management services and entities administering self-insurance plans as defined in Minnesota Statutes, section 60A.23, subdivision 8, clause (2), that provide coverage to residents of and risks located in Minnesota.

Subp. 3. Affiliated company. "Affiliated company" means any company that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with, the applicant company.

Subp. 4. ~~Certified audit or certified financial statement~~ Key employees. "~~Certified audit~~" or "~~certified financial statement~~" means an audit or financial statement concerning which an independent certified public accountant or licensed public accountant expresses his or her professional opinion as to whether the accompanying statements present fairly the financial position of the administrator in conformity with generally accepted accounting principles and generally accepted auditing standards consistently applied. "Key employees" means those persons who, notwithstanding their titles, are of substantial importance to the operation of the self-insurance plan administrator. Persons who have substantial discretionary, supervisory, or decision making authority which has a significant impact on the operation of the self-insurance plan administration are key employees. Officers and managers are presumptively included within this definition.

Subp. 5. Financial statements. "Financial statements" means an income statement and a balance sheet prepared in conformity with generally accepted accounting principles.

Subp. 6. Area or areas of risk management. "Area" or "areas of risk management" means the following lines of insurance: life; accident and health; workers' compensation; other liability; and property or casualty.

Subp. 7. Services or risk management services. "Services" or "risk management services" includes accounting and record retention, actuarial in conjunction with other services, claims administration, general administration, insurance, legal, loss control and safety, rehabilitation, risk management and analysis, and other services related to the establishment and maintenance of a program of self-insurance.

2767.0200 PURPOSE AND SCOPE.

Parts 2767.0100 to 2767.0950 are designed to assure that self-insurance plan administrators are capable of providing risk management services, financially solvent, and able to process claims in a prompt and equitable manner; and to allow the commissioner to authorize qualified entities to engage in the business in a manner which is fair, equitable, and consistent with all applicable Minnesota statutes.

2767.0300 AUTHORITY.

Parts 2767.0100 to 2767.0950 are adopted under the authority of Minnesota Statutes, section 60A.23, subdivision 8, clause (5).

2767.0400 REQUIREMENTS FOR LICENSING.

Subpart 1. Application procedure. Any person or entity desiring to be licensed as a self-insurance plan administrator pursuant to Minnesota Statutes, section 60A.23, subdivision 8, shall apply to the commissioner in writing and on forms available from the

commissioner. The licensee shall designate areas of risk management services which the self-insurance plan administrator may perform. Any license granted is effective for a period of two years unless surrendered by the licensee, or unless the license is revoked or suspended by order of the commissioner. The license is transferable only upon prior written approval by the commissioner as to new ownership or new management of the self-insurance plan administrator.

Subp. 2. Application contents. Each application for a license as a self-insurance plan administrator must:

A. Be signed and sworn to by the applicant, or its owners, and be accompanied by the license fee required by Minnesota Statutes, section 60A.23. If the applicant is a corporate applicant, it must be verified by the president and secretary of the corporation. All fees must be paid by check, draft, or other negotiable instrument. Cash will not be accepted.

B. Describe the specific areas of risk management services intended to be provided.

C. Identify the owners of the company, including all partners of a partnership and all officers of a corporation.

D. Describe the organization and staff, with specific information concerning their expertise to provide service in the areas stated. This information must include detailed resumes of the applicant's key employees and all officers of any subcontractor. Resumes must state each person's name, age, resident address, licensing history, and qualifications and experience relating to the work they are to perform. The information must include:

(1) the experience and history of accountants, if applicable;

(2) if the applicant or its subcontractor intends to provide workers' compensation and other liability claims adjusting, a resume detailing the experience of the supervisor who shall possess at least three years' experience adjusting claims in the area of services to be provided; and

(3) a copy of the license of the adjuster responsible for adjusting workers' compensation or other liability claims, if applicable. The self-insurance plan administrator or its subcontractor shall have at least one adjuster who holds a license under Minnesota Statutes, chapter 72B and that adjuster shall be a resident of Minnesota.

E. Fully describe violations or investigations by any governmental agency which are known to the applicant concerning any person who is or may be affiliated with the applicant as an owner, shareholder, officer, employee, subcontractor, or employee of a subcontractor.

F. Submit proof of coverage under a fidelity bond for all persons involved in collecting money and making claims payments, and all officers of the company. The bond must cover losses from dishonesty, theft, forgery or alteration, and misplacement or mysterious and unexplainable disappearance. The bond must cover the actions of the persons subject to the bond as to their handling of clients' money as well as the administrator's money.

G. State the name and address of a resident agent who is authorized to act on behalf of the administrator and to accept service of process.

H. Include financial statements for the previous three years, or for as many years as the administrator has been in business up to three years; ~~and a certified financial statement for the most recent fiscal year.~~ Certified Financial statements for a period ending more than six months prior to the date of the application must be accompanied by an affidavit signed by a company officer under oath describing any material change in the net worth or the financial condition of the applicant since the date of the ~~certified~~ last financial statement. ~~If the applicant has no financial history as an administrator or if the company has a gross income of less than \$15,000 per year so that the completion of the certified financial statement proves to be an undue financial burden, it may have this requirement waived if:~~

(1) ~~it has three years of operation within Minnesota on a solvent basis with no history of corporate bankruptcy or personal bankruptcy among chief officers and stockholders; and~~

(2) ~~the administrator provides for a review audit by an independent certified public accountant or licensed public accountant, and provides to the department a copy of the review letter pursuant to the audit and corporate bank references.~~

I. Contain a statement that the applicant and its officers and supervising managers shall be responsible for the supervision of the actions of any and all personnel and subcontractors acting on behalf of the applicant.

2767.0500 AMENDED LICENSES.

A licensee may apply to amend a license to include services or areas of risk management for which it was not previously licensed by submitting:

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

ADOPTED RULES

- A. information detailing the expanded services it wishes to provide;
- B. such other information relating to the expanded services as required by part 2767.0400, subpart 2; and
- C. proof of coverage under the fidelity bond for a new or changed personnel, if the services to be provided include handling of funds.

2767.0600 LICENSE RENEWALS.

Subpart 1. Time of filing. Application for renewal of a license must be filed with the commissioner at least 60 days prior to the expiration date of that license.

Subp. 2. Required information. In support of the application for license renewal, a self-insurance plan administrator shall submit:

- A. Any changes in the description of the administrative services intended to be provided.
- B. Any changes in ownership of the company, including detailed information about the new owners.
- C. Any changes in key staff or an employee's responsibilities, including resumes of all new key staff members or additional information to show qualifications of current staff to take on new responsibilities.
- D. An explanation of any changes of the responsibilities of any subcontractor, including changes in firms contracted with, services provided, or individuals providing services contracted for.
- E. Financial statements for the previous two years, including a certified financial statement for the most recent fiscal year. Certified financial statements for a period ending more than six months prior to the date of the application must be accompanied by an affidavit signed by a company officer under oath describing any material change in the net worth or financial condition of the applicant since the date of the certified financial statement. If the company has a gross income of less than \$15,000 per year so that the completion of the certified financial statement proves to be an undue financial burden, the applicant may have this requirement waived if:

(1) it has two years of operation within Minnesota on a solvent basis with no history of corporate bankruptcy or personal bankruptcy among chief officers and stockholders; and

(2) the administrator provides for a review audit by an independent certified public accountant or licensed public accountant, and provides to the department a copy of the review letter pursuant to the audit and corporate bank references.

F. Proof of coverage under a fidelity bond for all persons involved in making claims payments, and all officers of the company.

G. Information relating to any changes in personnel acting as resident agent for the self-insurance plan administrator.

2767.0700 LICENSE REPORTING REQUIREMENTS.

Subpart 1. Time limit. Within 30 days after signing a self-insurance plan administrator contract, a licensee shall inform the department in writing of the name or names of the self-insured under contract and the areas for which the client is self-insured, excepting qualified ERISA clients if this information is classified as nonpublic by the commissioner of administration.

Subp. 2. Examinations. The commissioner may make examinations within or outside of the state of each licensee's records at a reasonable time and in the scope necessary to enforce the provisions of Minnesota Statutes and rules of the Department of Commerce.

Subp. 3. Report compliance. Each licensee shall file or ensure that the self-insurers it services file all required reports relating to those services which the administrator provides within the times established by statute, rule, or order of the commissioner. Required reports include:

- A. an annual activity report, filed within 60 days of the end of the calendar year, stating:
 - (1) the name and address of self-insurance clients administered by the licensee in Minnesota during the previous calendar year, excepting qualified ERISA clients if this information is classified as nonpublic by the commissioner of administration;
 - (2) the area and type of service provided to each plan;
 - (3) the starting and/or termination date each client was serviced;
 - (4) the total number and total amount of claims paid and loss payments disbursed on behalf of each client; and
 - (5) the reserves established for each client;
- B. loss information reports required by part 2780.0500;
- C. any reports required by the Workers' Compensation Reinsurance Association, if applicable;

- D. any report required by the Minnesota Department of Labor and Industry, if applicable; and
- E. any other report required by the Department of Commerce.

Subp. 4. Notification of contract termination. If the contract between a licensee and a self-insured is terminated, the licensee shall notify the commissioner in writing within 30 days after termination. The licensee shall maintain copies of all records relating to the self-insured for six years after the termination date of each contract, if the records are not returned to the client.

Subp. 5. Notification of cessation of business activities. If a licensee ceases doing business as a self-insurance plan administrator, the license must be surrendered and the commissioner must be informed in writing of the name and address of the custodian and the location of any files of self-insured clients formerly administered by the licensee.

Subp. 6. Notification of material changes. The administrator shall notify the commissioner in writing of any change in supervisory personnel, management, or any other material change within 30 days after the change and shall include a detailed explanation of the change.

2767.0800 PREMIUM COLLECTIONS.

Subpart 1. Fiduciary relationship. All insurance charges or premiums collected by an administrator on behalf of or for a client, and return premiums received from the client, shall be held by the administrator in a fiduciary capacity. These funds must be remitted ~~immediately~~ promptly to the person entitled to them, or must be deposited promptly in a fiduciary bank account established and maintained by the administrator.

Subp. 2. Commingling. If charges or premiums deposited in the fiduciary account have been collected on behalf of or for more than one client, the administrator shall cause the bank in which the fiduciary account or claims-paying account is maintained to keep records clearly recording the deposits in and withdrawals from the account on behalf of or for each principal. The administrator shall promptly obtain and keep copies of these records and shall furnish the principal with copies of these records monthly pertaining to deposits and withdrawals on behalf of or for the client unless the contract between the licensee and the client provides otherwise.

Subp. 3. Interest. Any interest earned on deposits is the property of the client on whose behalf the deposit was made unless the contract between the licensee and the client provides otherwise.

Subp. 4. Limitation on claims payment. The administrator may not pay any claim by withdrawals from the fiduciary account. Claims payments must be made from a claims-paying account established and maintained by the administrator on behalf of the client. The administrator shall keep a record of all transactions and shall monthly furnish the client with copies of these records pertaining to deposits, withdrawals, and claims payments on behalf of and for the client.

Subp. 5. Withdrawals. Withdrawals from the fiduciary account may be made, as provided in the written agreement under Minnesota Statutes, section 60A.23, for any of the following:

- A. remittance to a client entitled to the withdrawal;
- B. deposit in an account maintained in the name of the client;
- C. transfer to and deposit in a claims-paying account;
- D. payment to the administrator of its commission, fees, or charges; and
- E. remittance of return premiums to the person entitled to the remittance.

Withdrawals on behalf of a client may not be greater than the sum of the deposits and interest made on behalf of that client.

2767.0900 BOND AMOUNTS.

Subpart 1. Administrator not commingling funds. The amount of the fidelity bond required under part 2767.0400, subpart 2, item F for an administrator that does not commingle funds of either its fiduciary account or claims-paying account must be in the amount of the average daily balance of all trust accounts, or ~~\$500,000~~ \$100,000, whichever is greater, up to a maximum of ~~\$2,000,000~~ \$1,000,000.

Subp. 2. Administrator commingling funds. The amount of the fidelity bond required under part 2767.0400, subpart 2, item F for an administrator that commingles funds of either its fiduciary account or claims-paying account must be in the amount of the average daily balance of all trust accounts, or ~~\$1,000,000~~ \$250,000, whichever is greater, up to a maximum of ~~\$5,000,000~~ \$2,000,000.

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

ADOPTED RULES

2767.0950 DENIAL, SUSPENSION, REVOCATION, OR CENSURE OF LICENSES.

Subpart 1. Commissioner's findings. The commissioner will investigate and may by order deny, suspend, or revoke any license, or may censure a license if the commissioner finds:

A. that the order is in the public interest; and

B. that the applicant or licensee, or in the case of a corporation or partner, any officer, director, partner, employee, sub-contractor, or any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the licensee, or controlled by the licensee:

(1) has filed an application for a license which is incomplete in any material respect or contains any statement which, in light of the circumstances under which it is made, is false or misleading with respect to any material fact;

(2) has engaged in a fraudulent or deceptive practice as defined by Minnesota Statutes, chapters 60A and 72A, and rules adopted thereunder;

(3) is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of insurance administration;

(4) ~~failed to act reasonably as a supervisor so as to cause injury or harm to the public;~~

(5) ~~failed to act reasonably in the conduct of claims adjustment or claims administration;~~

(6) does not possess the necessary organization, background, expertise, and financial integrity to supply the services sought to be offered; or

(7) (5) violated or failed to comply with any provision for proper claims administration as set forth in Minnesota Statutes, chapters 60A to 79, and 176, and any rules adopted thereunder.

Subp. 2. Informal conferences. The commissioner may request an informal conference to discuss and resolve any allegations of violations.

Department of Health

Adopted Rules Governing Communicable Diseases; Duties of the Commissioner and Local Boards of Health

The rules proposed and published at *State Register*, Volume 8, Number 51, pages 2690-2698, June 18, 1984 (8 S.R. 2690) are adopted with the following modifications:

Rules as Adopted

4605.7030 PERSONS REQUIRED TO REPORT DISEASE.

Subp. 6. Others. Unless previously reported, it shall be the duty of every other licensed health care provider who examines any patient who has or is suspected of having any of the diseases listed in part 4605.7040 to report within one working day to the commissioner as much of the information outlined in part 4605.7090 as is known.

4605.7040 DISEASE AND REPORTS.

Cases, suspected cases, carriers, and deaths due to the following diseases and disease agents shall be reported. The diseases followed by an asterisk shall be reported immediately by telephone to the commissioner.

R. *Haemophilus influenzae* disease (~~all~~ only invasive disease including epiglottitis, cellulitis, bacteremia, and meningitis)

S. Hepatitis (~~all~~ viral types A, B, and non-A, non-B)

T. *Herpes simplex* types I and II infections (neonatal, less than 30 days of age, disease only)

BBB. Typhus (*Rickettsia prowazeki* and *R. typhus*)

4605.7600 RABIES

Subpart 1. Treatment of exposed person. When any person has been bitten or is otherwise exposed to the rabies virus by an animal known or suspected to be rabid, a physician shall determine as soon as practical the advisability of the person receiving preventive treatment.

Subp. 2. Dogs and cats. The commissioner shall ensure that dogs and cats which bite or otherwise expose a person to rabies virus are confined and observed for signs suggestive of rabies for a period of ten days or are sacrificed, and the tissues of the brain examined for evidence of infection by the rabies virus. If at any time during the ten-day observation the veterinarian determines that

the animal shows signs suggestive of rabies or the animal dies, the commissioner shall have the brain tissue examined for evidence of infection by ~~the~~ rabies virus.

Subp. 3. Test mammals. The following mammals are suspected of being rabid at any time following a bite or other exposure of a person to the rabies virus. The commissioner shall have the animal sacrificed immediately and the tissues of the brain tested for evidence of infection by ~~the~~ rabies virus; or in the case where the animal is owned, the commissioner shall have the animal examined by a veterinarian who shall advise the commissioner as to the health of the animal, and whether the animal should be sacrificed, and the tissues of the brain examined for evidence of infection by rabies virus:

Subp. 4. Mammal examined. The following mammals are suspected of being rabid at any time following a bite or other exposure of a person to ~~the~~ rabies virus. The commissioner shall have the animal examined by a veterinarian who shall advise the commissioner and the animal's owner as to the health of the animal and whether the animal shall be sacrificed and the tissues of the brain examined for evidence of infection by ~~the~~ rabies virus:

Subp. 5. Commissioner determination of mammal testing. The commissioner shall determine if any mammal not otherwise addressed in these rules which bites or otherwise exposes a human is possibly rabid, and whether to have the animal sacrificed and the tissues of the brain examined for evidence of infection by ~~the~~ rabies virus.

Department of Labor and Industry Occupational Safety and Health Division

Adopted Revisions to the Occupational Safety and Health Standards

Pursuant to Minn. Stat. § 182.655 (1984) notice was duly published at *State Register*, Volume 9, Number 40, dated April 1, 1985 [9 SR 2171] specifying the establishment and modification of certain Occupational Safety and Health Standards; specifically, the establishment of guidelines for determining whether a scientific diving program can avail itself of the exemption from the standard for commercial diving operations (Appendix B to Subpart T of 29 CFR Part 1910), and the addition of definitions for "sulky type mower" and "deadman control" that were incorrectly revoked from 29 CFR 1910.243(e)(3)(vii) and (e)(4)(vi) respectively.

No objections, comments or written requests for public hearing have been received; therefore, these Occupational Safety and Health Standards are adopted and are identical in every respect to their proposed form.

Steve Keefe
Commissioner of Labor and Industry

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 Agriculture Agronomy Division

Outside Opinion Sought Regarding Proposed Rules Governing Variety Labeling Agricultural and Vegetable Seed

Notice is hereby given that the Minnesota Department of Agriculture is seeking information or opinions from sources outside the agency in preparing rules governing variety labeling of agricultural and vegetable seed. The adoption of these rules is authorized by Minnesota Statutes, section 21.82, subd. 2, which permits the department to adopt rules to designate which seeds are required to be labeled as to variety.

The Department 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. Written statements of information and comment may be addressed to:

Mr. Gerald Heil
Minnesota Department of Agriculture
90 West Plato Boulevard
St. Paul, MN 55107

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-1486, and in person at the above address.

All statements of information and comment must be received by June 21, 1985. Any written material received by the Department shall become part of the rulemaking record.

May 14, 1985

Jim Nichols
Commissioner

Department of Commerce

Outside Opinion Sought Regarding Proposed Rules Relating to Workers' Compensation Self-Insurance Including the Impact of the Rules on Small Business

Notice is hereby given that the Department of Commerce is seeking information or opinions from persons outside the agency in preparing to promulgate new rules governing workers' compensation self-insurance. Promulgation of these rules is authorized by Minnesota Statutes, section 176.181, subd. 2.

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: David Corum, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101, (612) 297-3301.

All statements of information and comment shall be accepted until June 28, 1985. 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

**Department of Commerce
Division of Financial Examinations****Outside Opinion Sought Concerning Amendments to Rules Governing the Operation of
Commercial Banks Annual Audit and Report**

Notice is hereby given that the Minnesota Department of Commerce is soliciting information and opinions from sources outside the agency and is preparing to promulgate new rules relating to commercial banks to establish directors audit scope and reporting pursuant to Minn. Stat. § 48.10.

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 comments orally or in writing. Written statements should be addressed to:

David A. Shern, Deputy Commissioner
Division of Financial Examinations
500 Metro Square Building
Seventh and Robert Streets
St. Paul, Minnesota 55101
(612) 296-2135

All statements of information and comments shall be accepted until June 30, 1985. 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

**Board of Investment
Investment Advisory Council****Notice of Regular Meeting**

The State Board of Investment will meet on Wednesday, June 5, 1985, at 9:00 a.m. in Room 112, State Capitol, Saint Paul, MN.

The Investment Advisory Council will meet at 2:00 p.m. on Tuesday, June 4, 1985, in Conference Room "A", MEA Building, 41 Sherburne Avenue, Saint Paul, MN.

Board of Medical Examiners**Outside Opinion Sought Concerning a Proposed Rule Prohibiting the Prescribing,
Ordering, Dispensing, Administering, Supplying, Selling, or Giving of Any
Amphetamine, Sympathomimetic Drug or Compound, or Any Controlled Substance
Anorectic for the Purpose of Weight Control**

Notice is hereby given that the Minnesota Board of Medical Examiners is considering the adoption of a rule which would prohibit the prescribing, ordering, dispensing, administering, supplying, selling or giving of any amphetamine, sympathomimetic drugs or compound, or any controlled substance anorectic for the purpose of weight control.

The proposed rule is authorized by Minnesota Statute §§ 147.01, subdivision 3, which establishes the authority for the Board of Medical Examiners to adopt rules as necessary to carry out the purposes of the Medical Practices Act, Minnesota Statute 147.01 et. seq.

All interested or affected persons or groups of persons may submit information on this subject. The rule may be revised on the

OFFICIAL NOTICES

basis of comments received. Any written material received will become part of the record of any rule hearings held on this subject. Written or oral information and comments should be addressed to:

Arthur W. Poore, Executive Secretary
Minnesota Board of Medical Examiners
717 Delaware Street SE, Suite 352
Minneapolis, MN 55414

Arthur W. Poore
Executive Secretary

Board of Medical Examiners

Outside Opinion Sought Concerning a Proposed Rule Prohibiting Use of Chelation Therapy for Treatment of Cardiovascular Disease or Conditions, Atherosclerosis, Rheumatoid Arthritis, or Cancer

Notice is hereby given that the Minnesota Board of Medical Examiners is considering the adoption of a rule which would prohibit the use of chelation therapy for treatment of cardiovascular disease or conditions, atherosclerosis, rheumatoid arthritis, or cancer.

The proposed rule is authorized by Minnesota Statute §§ 147.01, subdivision 3, which establishes the authority for the Board of Medical Examiners to adopt rules as necessary to carry out the purposes of the Medical Practices Act, Minnesota Statute 147.01 et seq.

All interested or affected persons or groups may submit information on this subject. The rule may be revised on the basis of comments received. Any written material received will become part of the record of any rule hearings held on this subject. Written or oral information and comments should be addressed to:

Arthur W. Poore, Executive Secretary
Minnesota Board of Medical Examiners
717 Delaware Street SE, Suite 352
Minneapolis, MN 55414

Arthur W. Poore
Executive Secretary

Board of Public Defense

Applications Accepted for State Public Defender's Office

The State Board of Public Defense is accepting applications for the Office of State Public Defender. Applications and resumes should be sent to the State Board of Public Defense, 95 SubPlaza, University of Minnesota Law School, Minneapolis, Minnesota 55455, to the attention of Mrs. Peggy Walstead.

Applications must be received on or before June 10, 1985.

Department of Transportation

Petition of Hennepin County for a Variance from State Aid Standards for Design Speed, Recovery Area, and Inslopes

Notice is hereby given that the County Board of Hennepin County has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a reconstruction project on CASH 15 (Shoreline Boulevard) from CSAH 19 (Shadywood Road) to Hillside Drive.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9911 adopted pursuant to Minnesota Statutes Chapter 161 and 162, so as to permit design speeds of 25 and 35 instead of the required 40 miles per hour. Variances are also requested from the required 4:1 Inslopes and the 20 foot Recovery Area.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

May 20, 1985

Richard P. Braun
Commissioner of Transportation

Department of Transportation

Petition of Hennepin County for a Variance from State Aid Standards for Street Width

Notice is hereby given that the County Board of Hennepin County has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for the reconstruction of County State Aid Highway 15 (Shoreline Boulevard) from Commerce Boulevard in Mound to Shadywood Road in Orono.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9912 adopted pursuant to Minnesota Statutes Chapter 161 and 162, so as to permit a street width of 44' instead of a required width of 52' when undivided or 68' when a 14' median is present.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

May 20, 1985

Richard P. Braun
Commissioner of Transportation

Department of Transportation

Petition of Rock County for a Variance from State Aid Standards for Diagonal Parking

Notice is hereby given that the County of Rock has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for the reconstruction of County State Aid Highway 25 (1st Avenue) from 4th Street to a point 150 feet West of the center of 3rd Street in the City of Beaver Creek.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9916 adopted pursuant to Minnesota Statutes Chapter 161 and 162, so as to permit a roadway width of 63 feet instead of the required 66 feet.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

May 20, 1985

Richard P. Braun
Commissioner of Transportation

Department of Transportation

Petition of the City of Brooklyn Center for a Variance from State Aid Standards for Street Width

Notice is hereby given that the City Council of Brooklyn Center has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a resurfacing project on Xerxes Ave. N. from Northway Drive to FAI 95.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9919 adopted pursuant to Minnesota Statutes Chapter 161 and 162, so as to permit a divided roadway from Northway Drive to 59th Avenue North with a 22' lane with

OFFICIAL NOTICES

parking permitted on the west side, on the South Bound lane and an 18' lane, with no parking permitted, on the North Bound lane instead of the required 32' lanes with parking permitted on one side. Also, to permit a divided roadway from 59th Avenue North to 65th Avenue North with 22' lanes, and parking permitted on one side, instead of the required 32' lanes with parking permitted on one side. This includes a transition to meet the existing Bridge width at FAI 94.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

May 20, 1985

Richard P. Braun
Commissioner of Transportation

Department of Transportation

Petition of the City of Moorhead for a Variance from State Aid Standards for Street Width

Notice is hereby given that the City Council of Moorhead has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a reconstruction project on MSAS 104 (4th Street South) from 7th Avenue to 12th Avenue.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9912 adopted pursuant to Minnesota Statutes Chapter 161 and 162, so as to permit street widths of 28 feet with no parking and 34 feet with parking on one side instead of the required 32 and 36 foot street widths.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

May 20, 1985

Richard P. Braun
Commissioner of Transportation

Department of Transportation

Petition of the City of New Ulm for a Variance from State Aid Standards for Design Speed

Notice is hereby given that the City Council of New Ulm has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a reconstruction project on MSAS 101 (Center Street) at the Chicago and Northwestern Railroad tracks.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9912 adopted pursuant to Minnesota Statutes Chapter 161 and 162, so as to permit a design speed of 15 miles per hour instead of the required 30 miles per hour.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

May 20, 1985

Richard P. Braun
Commissioner of Transportation

Department of Transportation

Petition of the City of Rochester for a Variance from State Aid Standards for Street Width

Notice is hereby given that the City Council of Rochester has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a reconstruction project on Sixth Street Southwest (M.S.A.S. 115) from Fourteenth Avenue to Seventeenth Avenue.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9912 adopted pursuant to Minnesota Statutes Chapter 161 and 162, so as to permit a street width of 32 feet instead of the required 36 feet.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

May 20, 1985

Richard P. Braun
Commissioner of Transportation

Department of Transportation

Petition of the City of St. Paul for a Variance from State Aid Standards for Street Width

Notice is hereby given that the City Council of St. Paul has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a resurfacing project on MSAS 132 (Edgecumbe Road) from St. Paul Avenue to Sunny Slope Road.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9919 adopted pursuant to Minnesota Statutes Chapter 161 and 162, so as to permit street widths of 48 feet divided and 48 feet undivided with 2 parking lanes instead of the required 68 feet divided, and 62 undivided street widths.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

May 20, 1985

Richard P. Braun
Commissioner of Transportation

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

Request for Proposals for Customer List Maintenance and Management

The Department of Administration, State Register and Public Documents Division (SRPD) is requesting proposals from list maintenance and management firms to manage and maintain the customer files of SRPD. The cost of this project should not exceed \$15,000 for one year. For a copy of the Request for Proposal write or call:

Ruth Werness
 State Register and Public Documents
 504 Rice Street
 St. Paul, MN 55103
 (612) 297-3979

The Request for Proposals are due by 4:30 p.m., June 14, 1985.

Department of Administration Procurement Division

Commodities Contracts and Requisitions Currently Open for Bidding

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
Contract 79-000-46858	Storage Batteries Truck with Articulating Crane and Pole Grip	Various Transportation	Various St. Paul	Contact buyer Contact buyer
55-103-03427	Rental of Photocopy Machine	Moose Lake State Hospital	Moose Lake	Contact buyer
32-300-12582	Furnish & Install Winch & Mud Pump	Pollution Control Agency	St. Paul	Contact buyer
07-500-33859	Overhaul of Aircraft Engine	Public Safety—State Patrol	St. Paul	Contact buyer
34-000-04552	Painting of Office Furniture	Housing Finance Agency	St. Paul	Contact buyer
29-000-40045 78-630-06303	Addendum #1 Used Snowmobiles Lift Truck	Natural Resources MN Correctional Facility	Grand Rapids Oak Park Heights	Contact buyer Contact buyer
27-145-46379	Wrestling Mat	Willmar Community College	Willmar	Contact buyer
79-450A Contract Sch. 152 C & P	Aggregates Repair of Aluminum Posts Heat Treated High Strength Carriage & Plow Bolts	Transportation Transportation Transportation	Morris Various—St. Paul Various	Contact buyer \$10,000-20,000 Contact buyer
32-200-12558	Purchase of Graphic Terminals	Pollution Control Agency	Roseville	Contact buyer

STATE CONTRACTS

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
21-200-09454	Blanket Insurance Coverage for Fire, Extended Coverage, Vandalism, & Malicious Mischief	Economic Security	St. Paul	Contact buyer
26-071-15116	Furnish & Install Water Softener	Mankato State University	Mankato	Contact buyer
29-000-40045	Used Snowmobiles	Natural Resources	Grand Rapids	Contact buyer
29-000-37722	Vibratory Ring Pulverizer	Natural Resources	Hibbing	Contact buyer
Rebid 12-200-84695	Radon Gas Emanation Apparatus	Health	Minneapolis	Contact buyer
29-000-37932, etc. 04-361-26931	Addendum #1 Industrial Tractors Fume Removal System	Various Agriculture	Various St. Paul	Contact buyer Contact buyer
Rebid 12-200-84696	Autoanalyzer Sampler	Health	Minneapolis	Contact buyer
Rebid 60-000-04198	Telephone Answering System	Higher Education Board	St. Paul	Contact buyer
29-000-37932, etc. 79-000-46867	Industrial Tractors Traffic Signal Bases	Various Transportation	Various St. Paul	Contact buyer Contact buyer
43-000-06032	Rainbow and Lake Trout	Iron Range Resources & Rehabilitation Board	Various	Contact buyer
26-072-09287	Purchase of Photocopy Machine	Moorhead State University	Moorhead	Contact buyer
55-105-06799	Dishwasher	St. Peter State Hospital	St. Peter	Contact buyer
Rebid 42-207-07891	Automated Record Retrieval System	Labor & Industry	St. Paul	Contact buyer

Contact 296-6152 for referral to specific buyers.

Board of Electricity

Request for Proposals for Electrical Inspectors

The Minnesota State Board of Electricity is seeking the services of contract electrical inspectors who must hold a Class "A" Journeyman or Class "A" Master electrician's license in Minnesota to make electrical inspections in designated geographical areas. Compensation is based on a percentage of the inspection fee paid by the installer of wiring when the inspections are completed.

There are no geographical areas open currently, but all applications submitted will be kept on file for future openings. Copies of the request for proposals are available from:

John Quinn
Executive Secretary
State Board of Electricity
Griggs Midway Bldg. Room N-191
1821 University Avenue
St. Paul, Minnesota 55104

Inquiries may also be directed to the same source.

Department of Labor and Industry

Request for Proposals for Medical Consultant

The Minnesota Department of Labor and Industry is requesting proposals from eligible physicians who would be able to serve as medical consultant to the Rehabilitation Services Section of the Workers' Compensation Division, and to the Rehabilitation Review Panel and Medical Services Review Board, for the time period of July 1, 1985 through June 30, 1986. Qualifications for the position include: current active practice of medicine, preferably with active practice in the area of workers' compensation; recognized standing in the professional community in the form of current or recent chairmanships or memberships of the Minnesota Medical Association and relevant professional associations; experience in working with governmental agencies; familiarity with the state workers' compensation rehabilitation program and other relevant programs; an interest in assisting the Department of Labor and Industry in developing and achieving its goals in the planning and implementation of an effective workers' compensation rehabilitation and medical services program, the regulation of current services, and the development of appropriate guidelines and standards.

Minimum tasks include: assisting the Department and its boards in the development and administration of rules and regulations pertaining to workers' compensation medical and rehabilitation services, representing the Department to various professional, governmental, and public entities, providing general technical assistance to the Department, and providing regular progress reports on program operations.

Candidates must respond in the form of a proposal to enter into a contract as required by the Department of Labor and Industry. Maximum reimbursement for a total of 1500 to 2000 hours assistance will be \$85,000, which includes travel and expenses. The deadline for proposals, which must include current resume or curriculum vitae, is June 15, 1985.

Copies of the request for proposals, and related information, are available from:

David Renz, Assistant Commissioner
Minnesota Department of Labor and Industry
500 Space Center Building
444 Lafayette Road
St. Paul, Minnesota 55101

Metropolitan Waste Control Commission

Prequalifications Requested to Prepare a Design for a New Lakeville/Apple Valley Lift Station

Notice is hereby given that the Metropolitan Waste Control Commission is soliciting prequalifications for the preparation of a design for a new Lakeville/Apple Valley Lift Station, MWCC Project Number 85-63.

The prequalification should include the firm's interest to provide services, background data, qualifications and disciplines of employees, and the demonstratable experience of the firm.

The prequalification should include information on the firm's programs for compliance with equal employment opportunities, affirmative action and utilization of minority firms. The prequalifications will be used by the Commission as a mechanism for selecting a firm to prepare plans and specifications for a new Lakeville/Apple Valley Lift Station.

Firms not currently on the Commission's prequalification list should submit a letter stating their interest in the project and one copy of its prequalifications. Firms presently on the Commission's prequalification list need only to submit a letter stating their interest in the project and the necessary information, if any, to update their prior prequalifications.

Please submit letters with prequalifications or updated information within one week of this notice to the Chief Administrator of the Metropolitan Waste Control Commission, 350 Metro Square Building, St. Paul, Minnesota 55101. Inquiries regarding the solicitation should be directed to Mr. Ray Payne, Acting Director of Engineering, 612-222-8423.

May 13, 1985

By Order of the
Metropolitan Waste Control Commission,
Mr. Louis J. Breimhorst
Chief Administrator

Metropolitan Waste Control Commission

Prequalifications Requested to Prepare a Design for Seneca Sludge Handling Improvements

Notice is hereby given that the Metropolitan Waste Control Commission is soliciting prequalifications for the preparation of a design for Seneca Sludge Handling Improvements, MWCC Project Number 85-52.

The prequalification should include the firm's interest to provide services, background data, qualifications and disciplines of employees, and the demonstratable experience of the firm.

The prequalification should include information on the firm's programs for compliance with equal employment opportunities, affirmative action and utilization of minority firms. The prequalifications will be used by the Commission as a mechanism for selecting a firm to prepare plans and specifications for the Seneca Sludge Handling Improvements.

Firms not currently on the Commission's prequalification list should submit a letter stating their interest in the project and one copy of its prequalifications. Firms presently on the Commission's prequalification list need only to submit a letter stating their interest in the project and the necessary information, if any, to update their prior prequalifications.

Please submit letters with prequalifications or updated information within one week of this notice to the Chief Administrator of the Metropolitan Waste Control Commission, 350 Metro Square Building, St. Paul, Minnesota 55101. Inquiries regarding the solicitation should be directed to Mr. Ray Payne, Acting Director of Engineering, 612-222-8423.

May 15, 1985

By Order of the
Metropolitan Waste Control Commission,
Mr. Louis J. Breimhurst
Chief Administrator

Transportation Department Finance and Administration Division

Correction of Request for Proposals for Leadership of Internal Training and Development Task Force

Two paragraphs were inadvertently omitted from the May 13, 1985 printing of this request for proposals. The error occurred on page 2494 of the *State Register*. The omitted paragraphs are as follows:

Please contact Betsy Brown, Employee Training and Development, at (612) 296-1363 with any questions.

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

Department of Veterans Affairs

Contracts Available for Dental, Chaplain, Optical, Medical, Dietician and Podiatry Services

In accordance with Minn. Stat. § 16.0981, the Department of Veterans Affairs is publishing notice that the contracts listed below are available and will be awarded for Fiscal Year 1986 (July 1, 1985 to June 30, 1986).

A. Minnesota Veterans Home—Minneapolis

1. The Veterans Home—Minneapolis intends to engage the services of licensed individuals (where applicable) to provide

STATE CONTRACTS

various medical and related services to the residents of the facility. The estimated amount of the individual contracts are outlined below:

a. Dental Services	\$28,000
b. Chaplain Services (Catholic)	\$ 6,000
c. Optical/related Services	\$ 3,000
d. Medical Services	\$50,000

2. The Veterans Home intends to engage services of licensed individuals (where applicable) to provide services to the residents of the Minneapolis and Hastings facilities. The estimated amounts of the contracts are as follows:

a. Dietician	\$15,000
b. Podiatry Services	\$ 6,500

B. Minnesota Veterans Home—Hastings

The Veterans Home—Hastings intends to engage the services of licensed individuals to provide various medical and related services to the residents of the facility. The estimated amount of the individual contracts are outlined below:

a. Medical/Physician Services	\$20,000
b. Dental Services	\$17,000
c. Optical/Related Services	\$ 3,500

C. Inquiries and formal expressions of interest in the proposed contracts outlined above should be submitted by June 15, 1985 to:

Tom Barrett, Administrative Management Director
Veterans Home—Minneapolis
5101 Minnehaha Ave. South
Minneapolis, Mn. 55417

SUPREME COURT

Decisions Filed Friday, May 17, 1985

Compiled by Wayne O. Tschimperle, Clerk

C9-84-281 In Re: The Marriage of: Dorothy F. Angelos, n.k.a. Dorothy F. Ekegren, Petitioner, Appellant, v. Matthew G. Angelos. Court of Appeals.

Although denials of motions for modifications of property settlements are not appealable under Minn. R. Civ. App. P. 103.03, awards of occupancy are not final under Minn. Stat. § 518.64, subd. 2 (1984), and are subject to modification in "special proceedings," and thus orders denying these modifications are appealable under Rule 103.03(g).

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

C1-83-1320 Frank L. Ario, et al., v. Metropolitan Airports Commission, Petitioner. Hennepin County.

Although, at an earlier stage in these proceedings, this court had affirmed a denial of petitioners' proposed class action, that prior ruling is not the "law of the case" so as to preclude consideration of a new proposal for a class, where the current proposed class and the basis for it are so different as to constitute a new issue.

The proposed class in this proceeding for inverse condemnation of avigational easements meet the four prerequisites of Minn. R. Civ. P. 23.01.

The proposed class action fails, however, to meet the two conditions for maintenance of a class action required by Minn. R. Civ. P. 23.02(3).

Reversed. Simonett, J.

Dissenting, Scott, Yetka, and Wahl, JJ.

C4-84-124 Joseph Draganosky, Relator, v. Minnesota Board of Psychology, State of Minnesota. Court of Appeals.

The determination of the Minnesota Board of Psychology that applicant's doctorate degree did not meet the requirements for a licensure variance is supported by the evidence and is affirmed.

The record does not support applicant's claim that the Board's denial of his application for a licensure variance was arbitrary and capricious or denied equal protection of the law.

Reversed. Simonett, J.

C4-84-771, CX-84-936 In the Matter of the State of Minnesota, by Marilyn E. McClure, and her Successor, Irene Gomez-Bethke, Commissioner, Department of Human Rights, Relator (CX-84-936) v. Sports and Health Club, Inc., d.b.a. St. Louis Park Sports and Health Club, et al., Relators (C4-84-771). Minnesota Department of Human Rights.

The Minnesota Human Rights Act, Minn. Stat. § 363.01 (1983) et seq., facially and as applied does not violate an employer's rights of free speech, free exercise of religion or freedom of association as guaranteed by the First Amendment to the United States Constitution and Article I, Section 16 of the Minnesota Constitution.

Sole owners of a corporation which engaged in discriminatory employment practices are not liable as accessories under Minn. Stat. § 363.03, subd. 6, when the owners were the ones who discriminated and where the "corporate veil" was pierced by the hearing examiner in personally enjoining them from continuing those practices.

In determining whether to certify a class in a class action, the hearing examiner is limited to considering only the factors set forth in Minn. Rule 5000.1100 (1983).

Affirmed in part; reversed in part; and remanded for further certification proceedings. Kelley, J.

Dissenting, Peterson, J. and Yetka, J.

Took no part, Coyne, J.

CX-84-601 Eric David Melby v. Commissioner of Public Safety, Petitioner, Appellant. Court of Appeals.

Minn. Stat. § 169.123 (1984), the Implied Consent Law, applies to operators of snowmobiles only when the snowmobile is operated on a street or highway.

The court's determination that a snowmobile was not operated on a street or highway was clearly erroneous.

Reversed. Kelley, J.

CX-84-2007 Goldberger Foods, Inc. and Liberty Mutual Insurance Company, Relators, v. Mary Ann Lewis. Workers' Compensation Court of Appeals.

Reversed and remanded. Kelley, J.

C5-83-882 State of Minnesota v. Charles Alfred Beer, Appellant. Freeborn County.

Defendant received a fair trial by an impartial jury and was properly found guilty of criminal sexual conduct in the third degree.

Affirmed. Coyne, J.

Order Filed May 8, 1985

CX-85-722 In the Matter of the Application for the Discipline of Walter Anastas, Respondent. Supreme Court.

Publicly reprimanded and placed on probation for two years. Amdahl, C.J.

TAX COURT

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

Tax Court, Regular Division

Hossein Tavakolian, Appellant, v. the Commissioner of Revenue, Appellee, Docket No. 3923

Orders Dated May 15, 1985

This is an appeal from the Commissioner of Revenue's Order dated June 17, 1983 relating to appellant's property tax refund for the year 1980.

The matter came on for hearing on May 14, 1985 at the Hennepin County Government Center in Minneapolis, Minnesota, Judge Earl B. Gustafson presiding.

Appellant Hossein Tavakolian appeared pro se.

Thomas K. Overton, Special Assistant Attorney General, appeared for the appellee.

The Court finds, based upon the evidence adduced, that appellant was residing in Minnesota from and after July, 1978, and from and after September, 1978 intended to permanently reside in the United States and the State of Minnesota and therefore established the State of Minnesota as his domicile for tax purposes.

IT IS THEREFORE ORDERED that the Commissioner's Order denying a property tax refund for 1980 is hereby reversed.

May 15, 1985

By the Court,
Earl B. Gustafson, Judge
Minnesota Tax Court

ORDER FORM

State Register. Minnesota's official weekly publication for agency rules and notices, executive orders of the Governor, state contracts, Supreme Court and Tax Court decisions.

- _____ Annual subscription \$130.00
- _____ Trial subscription (13 weeks) \$40.00
- _____ Single copies \$3.25 each

Minnesota Guidebook to State Agency Services 1984-85. A 623-page guide to services provided by Minnesota agencies.

- _____ Single copy: \$12.50 + \$.75 tax = \$13.25* each

Minnesota Statutes 1984. 10-volume set.

- _____ Set: \$129.00 + \$7.74 = \$136.74.*
 - _____ Each volume: \$13.00 + \$.78 = \$13.78.
- No handling charge.

Minnesota Rules Supplement—1984. All rules adopted between 8/1/83-8/31/84.

- _____ \$15.00 + \$.90 = \$15.90.*
- No handling charge.

*To avoid Minnesota sales tax, please include your Certificate of Exempt Status issued by the Department of Revenue.

Please enclose full amount for items ordered; prepaid orders only. Make check/money order payable to "State of Minnesota." (Phone orders are taken only with a Mastercard/VISA charge number.)

EACH ORDER MUST INCLUDE \$1.50 POSTAGE AND HANDLING FEE.

State Register Binder. Durable 3½ inches, forest green binders imprinted with the *State Register* logo.

- _____ *State Register Binder* \$6.50 + \$.39 tax = \$6.89* each

State Register Index. Contains cumulative findings aids to Volume 8 of the *State Register*, including MCAR Amendments and Additions, Executive Orders List, Executive Orders Index, Agency Index, Subject Matter Index.

- _____ Single copy \$5.00

Worker's Compensation Decisions. Volume 37. Selected landmark decisions of the Worker's Compensation Court of Appeals. Annual subscription, quarterly updates.

- _____ Annual subscription \$85.00

Minnesota Outdoors Catalog—1985. Complete listing of material on the Minnesota outdoor activities. Bikeways, canoeing, county, lake and other maps. Books, charts, rules, laws, posters and more.

- _____ FREE COPY

Name _____

Attn of: _____

Street _____

City/State/Zip _____

Telephone # _____

CHANGE OF ADDRESS NOTICE

Please notify us as soon as your address changes so that we can continue to serve you.

OLD ADDRESS

NEW ADDRESS

Publication(s) you are receiving from us: _____

FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

SENATE

HOUSE

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

Perspectives—Publication about the Senate.

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

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

Interoffice