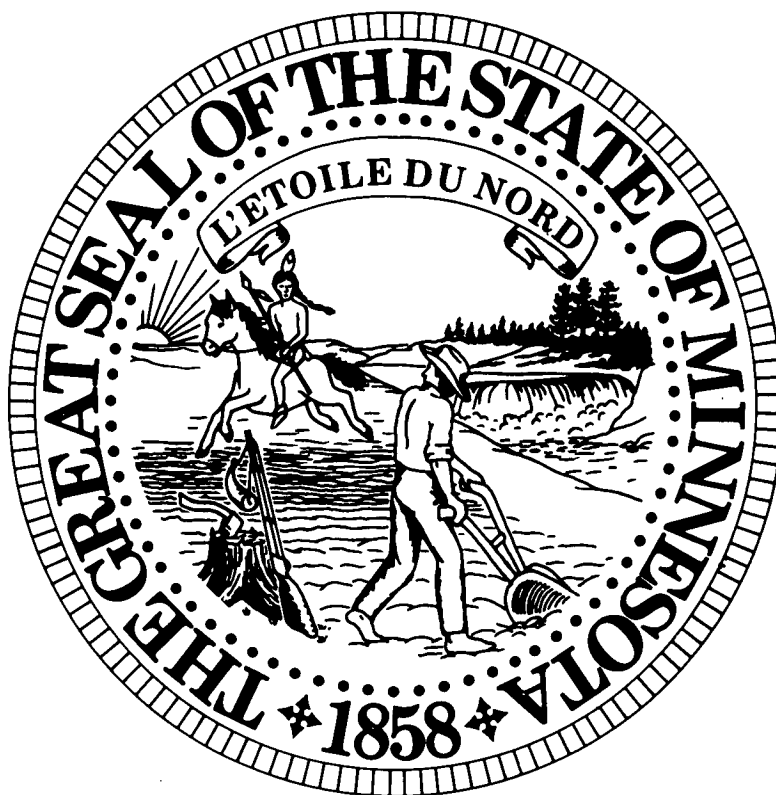


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The Minnesota
**State
Register**

Department of Administration—Print Communications Division



Rules edition
Published every Monday
(Tuesday if Monday is a holiday)

Monday 30 March 1992
Volume 16, Number 40
Pages 2141-2188

State Register

Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, state and non-state contracts, contract awards, grants, a monthly calendar of cases to be heard by the state supreme court, and announcements.

A *Contracts Supplement* is published every Thursday and contains additional state contracts and advertised bids, and the most complete source of state contract awards available in one source.

Printing Schedule and Submission Deadlines

Vol. 16 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
39	Monday 9 March	Monday 16 March	Monday 23 March
40	Monday 16 March	Monday 23 March	Monday 30 March
41	Monday 23 March	Monday 30 March	Monday 6 April
42	Monday 30 March	Monday 6 April	Monday 13 April

*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 *State Register* editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

The *State Register* is published every Monday (Tuesday when Monday is a holiday) by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. A *State Register Contracts Supplement* is published every Thursday. The Monday edition is the vehicle for conveying all information about state agency rulemaking, including official notices; hearing notices; proposed, adopted and emergency rules. It also contains executive orders of the governor; commissioners' orders; state contracts and advertised bids; professional, technical and consulting contracts; non-state public contracts; state grants; decisions of the supreme court; a monthly calendar of scheduled cases before the supreme court; and other announcements. The Thursday edition contains additional state contracts and advertised bids, and the most complete listing of contract awards available in one source.

In accordance with expressed legislative intent that the *State Register* be self-supporting, the following subscription rates have been established: the Monday edition costs \$140.00 per year and includes an index issue published in August (single issues are available at the address listed above for \$3.50 per copy); the combined Monday and Thursday editions cost \$195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for \$60.00, include both the Monday and Thursday edition, last for 13 weeks, and may be converted to a full subscription anytime by making up the price difference. No refunds will be made in the event of subscription cancellation.

Both editions are delivered postpaid to points in the United States, second class postage paid for the Monday edition at St. Paul, MN, first class for the Thursday edition. Publication Number 326630 (ISSN 0146-7751).

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.

Arne H. Carlson, Governor
Dana B. Badgerow, Commissioner
Department of Administration

Stephen A. Ordahl, Director
Print Communications Division
Paul Hoffman, Acting Editor

Katherine J. Artishon, Assistant Editor
Debbie George, Circulation Manager
Bonita Karels, Staff Assistant

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

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office
Room 231 State Capitol, St. Paul, MN 55155
(612) 296-0504

HOUSE

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.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office
Room 175 State Office Building, St. Paul, MN 55155
(612) 296-2146

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NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed-emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-9747.

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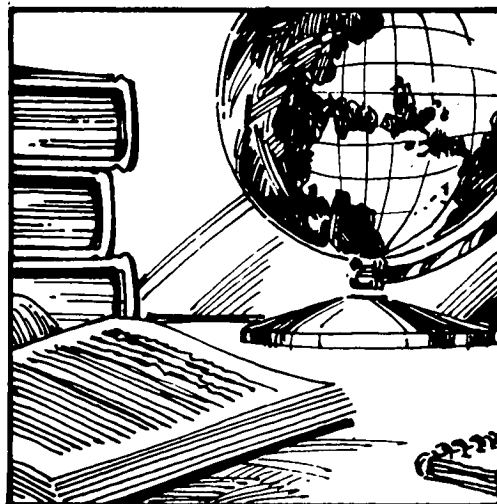
8840.5100; .5300; .5400; .5500; .5600; .5650; .5700; .5800; .5900; .5910; .5925; .5940; .5950; .5975; .6000; .6100; .6200; .6300 (proposed) 2145
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Get Smart with these Education Resources

Board of Teaching-Licensure Rules 1990. *Minnesota Rules* Chapter 8700. Requirements for the issuance and renewal of all licenses, from vo-tech and hearing impaired to librarians and media generalists. Includes the Code of Ethics for Minnesota Teachers, and standards for teachers prepared in other states. Code #3-74. \$14.95 plus tax.

Education Directory 1991-92. All the elementary and secondary schools in the state. Includes Minnesota school districts, superintendents, boards, principals, district addresses, phone numbers and enrollment figures. Code #1-93. \$9.95 plus tax.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-657-3757. Minnesota residents please include 6½% sales tax. On all orders, add \$2.00 per order for handling. Prepayment is required. Please include daytime phone. VISA/MasterCard, American Express and Discover orders accepted over phone and through mail. *Prices are subject to change.* FAX: (612) 296-2265.



Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Proposed Rules

Pursuant to Minn. Stat. §§ 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 Transportation

Proposed Permanent Rules Relating to Special Transportation Service

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Transportation intends to adopt the above-entitled rule without a public hearing following the procedures for adopting rules without a public hearing set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, section 174.30.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing must state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the department will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN THE 30 DAY COMMENT PERIOD, A HEARING WILL BE HELD ON TUESDAY, MAY 12, 1992, AT 9:30 A.M., IN THE HEARING ROOM OF THE MINNESOTA TRANSPORTATION REGULATION BOARD, 2ND FLOOR, ADMINISTRATIVE TRUCK CENTER, LIVESTOCK EXCHANGE BUILDING, 100 STOCKYARD ROAD, SOUTH ST. PAUL, MN, 55075, UNLESS A SUFFICIENT NUMBER WITHDRAW THEIR REQUEST, IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING ON THESE SAME RULES, PUBLISHED IN THIS ISSUE OF THE *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION.

TO VERIFY WHETHER A PUBLIC HEARING WILL BE HELD, YOU MUST CALL THE MINNESOTA DEPARTMENT OF TRANSPORTATION, OFFICE OF MOTOR CARRIER SAFETY AND COMPLIANCE BETWEEN MAY 1, 1992 and MAY 8, 1992 at (612) 297-7656.

Comments or written requests for a public hearing must be submitted to:

Ward Briggs
Office of Motor Carrier Safety and Compliance
151 Livestock Exchange Building
100 Stockyard Road
South St. Paul, MN 55075
(612) 297-7656

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

Proposed Rules

Comments or requests for a public hearing must be received by the department by 4:30 p.m. on April 29, 1992.

The proposed rule may be modified if the modifications are supported by data and views submitted to the department and do not result in a substantial change in the proposed rules as noticed.

The rule proposed for adoption amends current rules relating to operating standards for special transportation service. The amendments were mandated by the Minnesota Legislature when it amended *Minnesota Statutes*, section 174.30. The proposed rule contains provisions including, but not limited to, restrictions on names and descriptions of services provided, annual evaluations of compliance, suspension or revocation of certificates of compliance, qualifications of drivers and attendants, training requirements and criminal background checks, standards for the safety of vehicles, general requirements concerning inspection and maintenance of vehicles, requirements for vehicle construction and equipment, requirements for specialized equipment necessary to ensure vehicle usability and safety for disabled persons, record keeping requirements, minimum insurance requirements and provisions for granting variances. The proposed rule will affect compliance and reporting requirements for special transportation service providers. The proposed rule will also change training and equipment requirements that may result in additional cost of compliance. A free copy of the rule is available upon request from Ward Briggs, Department of Transportation, Office of Motor Carrier Safety and Compliance at the address given above and a copy of the proposed rule may be viewed at that address.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the date and information relied upon to support the proposed rule has been prepared and is available upon request from Ward Briggs, Department of Transportation, Office of Motor Carrier Safety and Compliance at the address given above.

Minnesota Statutes, section 14.115, subdivision 2 requires the Minnesota Department of Transportation, when proposing rules which may affect small businesses, to consider certain methods of reducing the impact on small businesses. *Minnesota Statutes*, section 14.115, subdivision 1, defines small businesses as:

“a business entity, including farming and other agricultural operations and its affiliates, that, (a) is independently owned and operated; (b) is not dominant in its field; and (c) employs fewer than 50 full-time employees or has gross annual sales of less than \$4,000,000. For purposes of a specific rule, an agency may define small business to include more employees if necessary to adapt the rule to the needs and problems of small businesses.”

A substantial majority of special transportation service providers are small businesses within the meaning of the statute. However, some small businesses offering this type of transportation are exempt from the commissioner's rules. The exemptions are found in *Minnesota Statutes*, section 174.30, subdivision 1.

The Commissioner of Transportation has determined that the proposed rule will have an impact on small businesses and has considered the provisions of *Minnesota Statutes*, section 14.115, subdivision 2, paragraphs (a) through (e). The proposed rule establishes, where feasible, simplified and less stringent schedules or deadlines for special transportation service providers. However, the proposed rule has additional training and equipment requirements which may involve some additional cost of compliance. The proposed rule does not contain separate rules for small businesses, nor does it exempt businesses just because they are “small.” Rather, it prescribes rules that are reasonably necessary to protect the health and safety of special transportation service passengers within the framework established by the Legislature. This subject is discussed in detail in the Statement of Need and Reasonableness and additional information may be obtained from Ward Briggs, Department of Transportation, Office of Motor Carrier Safety and Compliance at the address given above.

If no hearing is required, upon adoption of the rule, the rule and required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of the material to the Attorney General, or who wish to receive a copy of the adopted rules, must submit the written request to Ward Briggs, Department of Transportation, Office of Motor Carrier Safety and Compliance at the address given above.

Dated: 4 March 1992

James N. Denn, Commissioner
Department of Transportation

Notice of Intent to Adopt a Rule With a Public Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above entitled matter will be held pursuant to *Minnesota Statutes*, section 14.14, subdivision 1, in the hearing room of the Minnesota Transportation Regulation Board, 2nd Floor, Administrative Truck Center, Livestock Exchange Building, 100 Stockyard Road, South St. Paul, MN, 55075, on May 12, 1992, at 9:30 a.m. and continuing until all interested or affected persons have had an opportunity to participate. Notice of the hearing will be given to all persons who have registered with the Minnesota Department of Transportation in order to receive rulemaking notices. The proposed rule may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rule, you are urged to participate in the rule hearing process.

PLEASE NOTE, HOWEVER, THIS HEARING WILL BE CANCELED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SAME RULES WITHOUT A PUBLIC HEARING, PUBLISHED IN THIS *STATE REGISTER* AND MAILED THE SAME DAY AS THIS NOTICE.

TO VERIFY WHETHER A PUBLIC HEARING WILL BE HELD, YOU MUST CALL THE MINNESOTA DEPARTMENT OF TRANSPORTATION BETWEEN MAY 1, 1992 and MAY 8, 1992 at (612) 297-7656.

Following the department's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may be heard concerning the adoption of the proposed rule by submitting either oral or written data, statements, or arguments. Statements, briefs or written materials may be submitted within the comment period described in this notice without appearing at the hearing by sending them to the Administrative Law Judge assigned to conduct the hearing.

The matter will be heard before Administrative Law Judge Allan W. Klein, Office of Administrative Hearings, Fifth Floor, Flour Exchange Building, 310 4th Avenue South, Minneapolis, MN 55415, telephone (612) 341-7609.

Rule hearing procedure. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.14 to 14.20 and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.0200 to 1400.1200. Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge at the address and telephone number stated above.

Statutory authority. The Commissioner of Transportation's statutory authority to adopt the rules is *Minnesota Statutes*, section 174.30, subdivision 2.

Nature and effect of proposed rule. The subject of the hearing will be the proposed rule relating to operating standards for special transportation services. The proposed rule contains provisions including, but not limited to, restrictions on names and descriptions of services provided, annual evaluations of compliance, suspension or revocation of certificates of compliance, qualifications of drivers and attendants, training requirements and criminal background checks, standards for the safety of vehicles, general requirements concerning inspection and maintenance of vehicles, requirements for vehicle construction and equipment, requirements for specialized equipment necessary to ensure vehicle usability and safety for disabled persons, record keeping requirements, minimum insurance requirements, and provisions for granting variances. The proposed rule will affect compliance and reporting requirements for special transportation service providers. The proposed rule will also change training and equipment requirements that may result in additional cost of compliance.

Obtaining copies. A free copy of the proposed rule is available upon request by contacting:

Ward Briggs
Office of Motor Carrier Safety and Compliance
151 Livestock Exchange Building
100 Stockyard Road
South St. Paul, MN 55075
(612) 297-7656

Statement of Need and Reasonableness. Notice is hereby given that a Statement of Need and Reasonableness is now available for review at the Minnesota Department of Transportation, Office of Motor Carrier Safety and Compliance and at the Office of Administrative Hearings. This Statement of Need and Reasonableness includes a summary of all the evidence and argument which the department anticipates presenting at the hearing justifying both the need for and reasonableness of the proposed rules. A free copy of the Statement of Need and Reasonableness may be obtained from Ward Briggs at the address given above or a copy may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Participation by interested persons. Any person may present his or her views on the proposed rules in one or more of the following ways: by submitting written data to the Administrative Law Judge at any time before close of the hearing; by submitting oral or written data at the hearing; and, by submitting written data to the Administrative Law Judge during the comment period following the hearing.

The Minnesota Department of Transportation requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment period also submit a copy of the written data to Ward Briggs at the address given above.

The proposed rules may be modified if the data and views received during the hearing process warrant modification and the modification does not result in a substantial change in the proposed rules.

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

Submissions after hearing. Written material may be submitted and recorded in the hearing record for five working days after the public hearing ends. The comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. The written material received during the comment period will be available for review at the Office of Administrative Hearings. Within three business days after expiration of the comment period, the Minnesota Department of Transportation and interested persons may respond in writing to any new information received during the comment period. Any written material or responses must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the third day. No additional evidence may be submitted during this three-day period.

Lobbyists. Please be advised that *Minnesota Statutes*, chapter 10A requires each lobbyist to register with the State Ethical 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:

(1) engaged for pay or other consideration, or authorized to spend money by another individual, association, political subdivision, or public higher education system, who spends more than five hours in any month or more than \$250, not including the individual's own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action, or the official action of a metropolitan governmental unit, by communicating or urging others to communicate with public or local officials; or

(2) who spends more than \$250, not including the individual's 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 or local officials.

The statute contains certain exceptions. Questions should be directed to the Ethical Practices Board, First Floor, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (612) 296-5148.

Notice: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the Department of Transportation may not take 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 are adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be notified you may so indicate at the hearing or send a request in writing to the department at any time prior to the filing of the rules with the Secretary of State.

Impact on small businesses. *Minnesota Statutes*, section 14.115, subdivision 2 requires the Minnesota Department of Transportation, when proposing rules which may affect small businesses, to consider certain methods of reducing the impact on small businesses. *Minnesota Statutes*, section 14.115, subdivision 1, defines small businesses as:

"a business entity, including farming and other agricultural operations and its affiliates, that, (a) is independently owned and operated; (b) is not dominant in its field; and (c) employs fewer than 50 full-time employees or has gross annual sales of less than \$4,000,000. For purposes of a specific rule, an agency may define small business to include more employees if necessary to adapt the rule to the needs and problems of small businesses."

A substantial majority of special transportation service providers are small businesses within the meaning of the statute. However, some small businesses offering this type of transportation are exempt from the commissioner's rules. The exemptions are found in *Minnesota Statutes*, section 174.30, subdivision 1.

The Commissioner of Transportation has determined that the proposed rule will have an impact on small businesses and has considered the provisions of *Minnesota Statutes*, section 14.115, subdivision 2, paragraphs (a) through (e). The proposed rule establishes, where feasible, simplified and less stringent schedules or deadlines for special transportation service providers. However, the proposed rule has additional training and equipment requirements which may involve some additional cost of compliance. The proposed rule does not contain separate rules for small businesses, nor does it exempt businesses just because they are "small." Rather, it prescribes rules that are reasonably necessary to protect the health and safety of special transportation service passengers within the framework established by the Legislature. This subject is discussed in detail in the Statement of Need and Reasonableness and additional information may be obtained from Ward Briggs, Department of Transportation, Office of Motor Carrier Safety and Compliance at the address given above.

Expenditure of public money by local public bodies. The adoption of the proposed rules will not require a total expenditure of public monies by local public bodies of more than \$100,000 in either of the two years immediately following adoption nor will the rules have a direct or substantial adverse impact on agricultural land. Therefore, *Minnesota Statutes*, section 14.11, subdivision 1, is not applicable to this rulemaking proceeding.

Impact on agricultural land. Adoption of the proposed rules will not have a direct or substantial adverse impact on agricultural land. Therefore, *Minnesota Statutes*, section 14.11, subdivision 2, is not applicable to this rulemaking proceeding.

Dated: 4 March 1992

James N. Denn, Commissioner
Department of Transportation

Rules as Proposed**8840.5100 DEFINITIONS.**

[For text of subs 1 to 11, see M.R.]

Subp. 12. **Physical or mental impairment.** "Physical or mental impairment" means any physiological disorder or condition or anatomical loss, any mental or psychological disorder, and specific learning disabilities and includes but is not limited to, such diseases and nonacute conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, mental retardation, emotional illness, drug addiction, and alcoholism.

[For text of subs 13 to 20, see M.R.]

8840.5300 SCOPE.

[For text of subs 1 and 2, see M.R.]

Subp. 3. **Exemptions.** The standards ~~set forth~~ in parts 8840.5100 to 8840.6300 do not apply to transportation provided by:

A. a common carrier operating on fixed routes and schedules;

B. ~~a taxi;~~

~~C.~~ a volunteer driver using a private automobile ~~which that~~ belongs to the volunteer;

~~D.~~ C. a school bus as defined in *Minnesota Statutes*, section 169.01, subdivision 6; or

~~E.~~ D. an ambulance providing ~~life support transportation~~ ambulance service regulated under *Minnesota Statutes*, chapter 144. However, these standards apply to ambulances when they are providing special transportation services.

8840.5400 COMPLIANCE.

Subpart 1. **Certificate of compliance required.** No person shall provide special transportation service without a current annual certificate of compliance issued by the commissioner. No vehicle may be used to provide special transportation service until it has been inspected as required by part 8840.5700 and *Minnesota Statutes*, section 299A.14. However, when a certified provider acquires a newly manufactured vehicle from a factory or factory-authorized dealer and it is not equipped with a wheelchair securement device, the vehicle may be used to provide special transportation service if it is inspected as required by part 8840.5700 within 30 days of its receipt by the provider.

[For text of items A and B, see M.R.]

Subp. 2. **Ambulance service license required.** No special transportation service provider shall provide, offer to provide, or represent itself as capable of providing ~~life support transportation~~ ambulance service unless it is licensed as required by *Minnesota Statutes*, section 144.802.

8840.5450 RESTRICTIONS ON NAME AND DESCRIPTION OF SERVICE.

A special transportation service provider subject to *Minnesota Statutes*, section 174.30, shall not use, in its name or in advertisements or information describing the service, the words "medical," "emergency," "life support," "ambulance," or other forms of those words or any other similar words that offer, suggest, or imply the availability of ambulance service, as defined in *Minnesota Statutes*, section 144.801, subdivision 4, unless it is licensed as an ambulance service under *Minnesota Statutes*, section 144.802.

8840.5500 CERTIFICATION.

Subpart 1. **Forms.** Application for a certificate of compliance or for renewal of an existing certificate of compliance must be made on forms provided by the commissioner. Application forms for certificates of compliance may be obtained from ~~any the~~ Department of Transportation ~~district,~~ Office of Motor Carrier Safety and Compliance. All Applications must be delivered or mailed to the Minnesota Department of Transportation, ~~Program Management Division, Transportation Building, Saint Paul, Minnesota 55155~~ Office of Motor Carrier Safety and Compliance, Minnesota Administrative Truck Center, 100 Stockyards Road, South St. Paul, Minnesota 55075.

Subp. 2. **Required information.** Applicants shall submit the following information to the commissioner:

A. a provider application form containing the following information:

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- (1) whether the application is new or a renewal;
- (2) the name, address, telephone number, and area served by the provider;
- (3) the type of service provided, such as fixed route, route deviation, dial a ride, variable schedule, fixed schedule, or other;
- (4) whether the passengers served are elderly, handicapped, or disabled;
- (5) for each vehicle used:
 - (a) make and year;
 - (b) seating capacity; and
 - (c) completed ~~checklists~~ checklist showing whether ~~each~~ the vehicle carries the safety equipment required by part ~~8840.5900~~ 8840.5925, subpart 2, ~~item A 1~~;
- (6) if the vehicle will carry an occupied wheelchair:
 - (a) whether the vehicle is equipped with an approved wheelchair securement device; and
 - (b) the date that the wheelchair securement device was approved by the commissioner of public safety, and the number on the certificate issued by the commissioner of public safety;
- (7) the name ~~and~~ title, and phone number of the person who is responsible for the provider's special transportation service; and
- (8) the name and address of each driver, stating whether each complies with the standards ~~set forth~~ in parts 8840.5100 to 8840.6300; and

~~This information must be provided annually when the application for a certificate of compliance is filed.~~

B. a certificate of insurance which ~~shall~~ must be mailed to the Department of Transportation by the applicant's insurer.

[For text of subs 3 to 5, see M.R.]

Subp. 6. **Record.** The commissioner shall maintain a record of all certificates of compliance showing the date issued, renewed, suspended, or revoked.

8840.5600 RENEWAL.

[For text of subpart 1, see M.R.]

Subp. 2. **Written answer.** The commissioner shall grant or deny requests for renewal in writing ~~prior to the expiration date of the current certificate.~~

[For text of subp 3, see M.R.]

8840.5650 ANNUAL EVALUATION.

The commissioner shall annually evaluate whether the provider complies with parts 8840.5100 to 8840.6300. The evaluation must include (1) an audit of the provider's records to determine that the provider is keeping the records required by part 8840.6100, (2) an inspection of the vehicles, and (3) a determination whether wheelchair securement devices in the vehicle are certified by the commissioner of public safety.

8840.5700 INSPECTION.

Subpart 1. **Complaint received Commissioner shall inspect.** Upon receipt of a complaint that any certified provider does not comply with the standards set forth in parts 8840.5100 to 8840.6300, the commissioner shall conduct an inspection of the provider's records and vehicles. The inspection must be conducted within four weeks of receipt of the complaint. The commissioner shall inspect or provide for the inspection of each vehicle at least annually, and may inspect a vehicle on receipt of a complaint about the condition of the vehicle or its equipment. In addition, the commissioner shall inspect or provide for the inspection of at least five percent of the vehicles operated by certified providers on a quarterly, unannounced, random basis. The commissioner shall examine vehicle inspection, repair, and maintenance records for each vehicle at least annually. The results of an inspection of vehicles or records must be documented and a copy given to the provider. Vehicles and equipment, including specialized equipment to ensure usability or safety for disabled persons, may be inspected by employees of the Department of Public Safety, State Patrol Division, by agreement between the commissioners of transportation and public safety. These inspections must be conducted and documented in the manner provided by this part and part 8840.5800. A copy of an inspection report must be given to the commissioner when an inspection is conducted by employees of the Department of Public Safety, State Patrol Division. The commissioner or employees of the Department of Public Safety, State Patrol Division, shall direct a provider to immediately remove a vehicle from service on determining the vehicle is in a condition that is likely to cause an accident or break down. The "North American Uniform Vehicle Out-Of-Service Criteria," as adopted under Minnesota Statutes, section 221.031, must be followed in determining whether a vehicle is likely to cause

an accident or break down. When employees of the Department of Public Safety, State Patrol Division, remove a vehicle from service, copies of the inspection and out-of-service forms must be sent to the commissioner. If the vehicle is equipped with a wheelchair securement device, the inspection form must state whether the device is certified by the commissioner of public safety. Providers directed to repair or replace defective equipment shall provide written evidence of compliance to the commissioner of transportation. When the provider has taken the required corrective action, the provider may return the vehicle to service.

Subp. 2. **Complaint record.** ~~All~~ The commissioner shall document complaints must be documented and maintain a record maintained of the name and address of the person making the complaint, the date and reason for the complaint, and the result of the an inspection of the provider's vehicles or records, and the corrective action the provider must take.

Subp. 3. [See repealer.]

Subp. 4. **Items examined.** Annual inspections conducted under these standards must comprise:

A. examination of the records listed in part 8840.6100; ~~subpart 4~~ to determine whether the provider complies with parts 8840.5100 to 8840.6300; and

B. examination of the vehicles to determine whether the provider complies with the requirements of ~~part 8840.5900, subpart 2~~ parts 8840.5925, 8840.5940, 8840.5950, and 8840.5975, and may include inspection of any part of the vehicle subject to regulation under *Minnesota Statutes*, chapter 169; ~~when a complaint has been made about the condition of any component of the vehicle.~~

[For text of subp 5, see M.R.]

8840.5800 ENFORCEMENT.

Subpart 1. **Notice.** ~~Any~~ When a provider is found in violation of any provision of parts 8840.5100 to 8840.6300 shall and the violation is not likely to cause a breakdown or accident, the provider must be given a 30-day 15-day written notice to correct the violation. When the violation threatens the life or safety of passengers a provider is found to be operating a vehicle that is likely to break down or cause an accident, the commissioner shall require the provider to shall remove the driver or vehicle from operation immediately. The provider shall correct the defect before returning the vehicle to service. If the provider is violating the prohibition against providing ambulance service without a license issued under *Minnesota Statutes*, section 144.802, the commissioner shall direct the provider to stop the violation immediately and shall report the violation to the commissioners of health and human services. If a provider is found to be using a driver or attendant who has not completed the training required by part 8840.5910 or a driver who does not meet the standards provided in part 8840.5900, the commissioner shall direct the provider to stop, and the provider shall stop using the driver or attendant immediately. Before returning the driver or attendant to service, a provider must give the commissioner written evidence that the driver or attendant meets the requirements of parts 8840.5900 and 8840.5910.

Subp. 2. **Violation determination.** ~~At the expiration of 30~~ After 15 days, the commissioner may conduct an inspection to determine whether the violation has been corrected. The provider may mail evidence of compliance to the department or provide written notice that the vehicle has been removed from service.

Subp. 3. **Suspension.** ~~If the violation has not been corrected, the commissioner shall suspend the certificate of compliance until the provider complies with the provisions of parts 8840.5100 to 8840.6300. No suspension shall occur unless the commissioner has held a hearing, after 30 days notice to the provider, at which the provider has had the opportunity to show cause why the certificate of compliance should not be suspended. Repeated violations may result in revocation of the certificate. No provider may provide special transportation service or operate a special transportation service vehicle without correcting a violation of parts 8840.5100 to 8840.6300 as provided in subpart 1 or providing notice that a defective vehicle has been removed from service as provided in subpart 2. The commissioner shall suspend a provider's certificate of compliance until the provider complies with parts 8840.5100 to 8840.6300 if the commissioner determines a provider has:~~

A. failed to correct a violation within 15 days of receiving written notice;

B. operated a special transportation vehicle after the provider has been directed to remove the vehicle from service unless the defect has first been corrected;

C. used a driver or attendant after the provider has been directed by the commissioner to stop using the driver or attendant;

or

D. failed to permit an inspection as provided in part 8840.5700.

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Subp. 3a. Revocation. The commissioner shall revoke the certificate of compliance of a provider who provides special transportation service after the provider's certificate of compliance has been suspended. The commissioner shall revoke the certificate of compliance of a provider who provides ambulance service without a license issued under *Minnesota Statutes*, section 144.802. If the commissioner revokes a provider's certificate, the provider may not apply for a new certificate for at least 180 days from the date of revocation.

[For text of subp 4, see M.R.]

8840.5900 STANDARDS FOR OPERATION OF VEHICLES DRIVER QUALIFICATIONS.

Subpart 1. Personnel Standards. Standards for personnel drivers are as follows:

[For text of item A, see M.R.]

B. Every two years each driver shall obtain, on a form prescribed by the commissioner, a physician's statement or the statement of a nurse practitioner certified by the American Nurses' Association or other professional nursing certifying organization having authority to certify registered nurses in advanced nursing practice, that the driver has no current medical condition which that interferes with his or her the driver's ability to drive safely. This shall ~~It must~~ be obtained prior to employment as a driver of before driving a special transportation service vehicle. ~~Employees of Drivers for facilities which that~~ are licensed by the Department of Health or the Department of Human Services and required by either of those departments to provide a physician's or nurse practitioner's statement of health on a regular basis may substitute that form or statement for the form required in this section part. A driver who has a driver's license containing a valid school bus endorsement issued under *Minnesota Statutes*, section 171.321, or the rules of the commissioner of public safety, or a current United States Department of Transportation health card, may furnish the provider with a copy of that endorsement or card instead of furnishing the physician's statement of health.

C. Each driver shall ~~must~~ be able to perform a vehicle safety inspection ~~and~~. Each driver and attendant in the ease of, when a vehicle which is staffed by both a driver and an attendant, shall ~~must~~ be able to assist a passenger into and out of the vehicle and operate a wheelchair lift or ramp if the vehicle is equipped with it.

D. Each driver shall also meet the following criteria ~~must~~:

(1) possess a driver's license which is valid for the type class of vehicle which he or she drives driven and, if required under *Minnesota Statutes*, section 171.323, evidence of a special transportation service vehicle permit or endorsement issued by the commissioner of public safety;

(2) be at least 18 years of age and have not less than one year of experience as a licensed driver; and

(3) have a driving record clear of revocations, suspensions, and cancellations for the past three years except for suspensions which result from unpaid parking tickets-;

(a) have not had a driver's license canceled under *Minnesota Statutes*, section 171.14, revoked under *Minnesota Statutes*, section 171.17, or suspended under *Minnesota Statutes*, section 171.18, clause (2), (3), (4), (5), (7), or (11);

(b) have a driving record clear of convictions for operating a motor vehicle or motorcycle without insurance as required by *Minnesota Statutes*, section 65B.67; and

(c) have a driving record clear of convictions for driving a motor vehicle without a valid current license for the class of vehicle driven; and

(4) for the preceding three years, have a driving and criminal record clear of convictions for driving under the influence of alcohol or a controlled substance under *Minnesota Statutes*, section 169.121, or an ordinance in conformity with that section, of alcohol-related driving by commercial vehicle drivers under *Minnesota Statutes*, section 169.1211, and of driver's license revocations under *Minnesota Statutes*, section 169.123.

E. Each driver must also have a criminal record clear of convictions of crimes or anticipatory crimes against persons and crimes or anticipatory crimes reasonably related to providing special transportation services. For purposes of this part, "criminal record" means the conviction records of the Minnesota Bureau of Criminal Apprehension in which the last date of discharge from the criminal justice system is less than 15 years. The following offenses are considered crimes against persons or reasonably related to providing special transportation services, or both:

(1) *Minnesota Statutes*, section 609.17, attempts;

(2) *Minnesota Statutes*, section 609.175, conspiracy;

(3) *Minnesota Statutes*, section 609.185, murder in the first degree;

(4) *Minnesota Statutes*, section 609.19, murder in the second degree;

(5) *Minnesota Statutes*, section 609.195, murder in the third degree;

(6) *Minnesota Statutes*, section 609.20, manslaughter in the first degree;

- (7) Minnesota Statutes, section 609.205, manslaughter in the second degree;
- (8) Minnesota Statutes, section 609.21, criminal vehicular homicide and injury;
- (9) Minnesota Statutes, section 609.215, suicide;
- (10) Minnesota Statutes, section 609.221, assault in the first degree;
- (11) Minnesota Statutes, section 609.222, assault in the second degree;
- (12) Minnesota Statutes, section 609.223, assault in the third degree;
- (13) Minnesota Statutes, section 609.2231, assault in the fourth degree;
- (14) Minnesota Statutes, section 609.224, assault in the fifth degree;
- (15) Minnesota Statutes, section 609.228, great bodily harm caused by distribution of drugs;
- (16) Minnesota Statutes, section 609.23, mistreatment of persons confined;
- (17) Minnesota Statutes, section 609.231, mistreatment of residents or patients;
- (18) Minnesota Statutes, section 609.235, use of drugs to injure or facilitate crime;
- (19) Minnesota Statutes, section 609.24, simple robbery;
- (20) Minnesota Statutes, section 609.245, aggravated robbery;
- (21) Minnesota Statutes, section 609.25, kidnapping;
- (22) Minnesota Statutes, section 609.255, false imprisonment;
- (23) Minnesota Statutes, section 609.265, abduction;
- (24) Minnesota Statutes, section 609.2661, murder of an unborn child in the first degree;
- (25) Minnesota Statutes, section 609.2662, murder of an unborn child in the second degree;
- (26) Minnesota Statutes, section 609.2663, murder of an unborn child in the third degree;
- (27) Minnesota Statutes, section 609.2664, manslaughter of an unborn child in the first degree;
- (28) Minnesota Statutes, section 609.2665, manslaughter of an unborn child in the second degree;
- (29) Minnesota Statutes, section 609.267, assault of an unborn child in the first degree;
- (30) Minnesota Statutes, section 609.2671, assault of an unborn child in the second degree;
- (31) Minnesota Statutes, section 609.2672, assault of an unborn child in the third degree;
- (32) Minnesota Statutes, section 609.268, injury or death of an unborn child in the commission of a crime;
- (33) Minnesota Statutes, section 609.322, solicitation, inducement, and promotion of prostitution;
- (34) Minnesota Statutes, section 609.323, receiving profit from prostitution;
- (35) Minnesota Statutes, section 609.324, subdivisions 1 and 1a, other prohibited acts;
- (36) Minnesota Statutes, section 609.33, disorderly house;
- (37) Minnesota Statutes, section 609.342, criminal sexual conduct in the first degree;
- (38) Minnesota Statutes, section 609.343, criminal sexual conduct in the second degree;
- (39) Minnesota Statutes, section 609.344, criminal sexual conduct in the third degree;
- (40) Minnesota Statutes, section 609.345, criminal sexual conduct in the fourth degree;
- (41) Minnesota Statutes, section 609.3451, criminal sexual conduct in the fifth degree;
- (42) Minnesota Statutes, section 609.352, solicitation of children to engage in sexual conduct;
- (43) Minnesota Statutes, section 609.365, incest;
- (44) Minnesota Statutes, section 609.377, malicious punishment of a child;

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- (45) Minnesota Statutes, section 609.378, neglect or endangerment of a child;
- (46) Minnesota Statutes, section 609.498, tampering with a witness;
- (47) Minnesota Statutes, section 609.561, arson in the first degree;
- (48) Minnesota Statutes, section 609.582, subdivision 1, burglary;
- (49) Minnesota Statutes, section 617.23, indecent exposure;
- (50) Minnesota Statutes, section 617.241, obscene materials and performances;
- (51) Minnesota Statutes, section 617.243, indecent literature, distribution;
- (52) Minnesota Statutes, section 617.246, use of minors in sexual performance;
- (53) Minnesota Statutes, section 617.247, possession of pictorial representations of minors;
- (54) Minnesota Statutes, section 617.293, harmful materials; dissemination and display to minors; and
- (55) felony convictions under Minnesota Statutes, chapter 152, prohibited drugs.

Subp. 2. Provider responsibility. Before using or hiring a driver to provide special transportation service, a provider shall determine that the driver has a valid driver's license and, if required under Minnesota Statutes, section 171.323, evidence of a special transportation service vehicle permit or endorsement issued by the Department of Public Safety. Before using or hiring a driver who is not required to have a special transportation service vehicle endorsement or permit, a provider shall determine that the driver has a valid driver's license and, except as provided in subpart 3, must conduct a review of the driving and criminal record of a driver. In addition, a provider shall annually review the driving and criminal record of a driver it uses or employs. The driving and criminal record review must include an examination of the records of the Department of Public Safety, Division of Driver and Vehicle Services to determine if the driver meets the standards of subpart 1, item D, subitems (1), (3), and (4). The review must also include an examination of the conviction records of the Minnesota Bureau of Criminal Apprehension to determine if the driver has a criminal record of convictions for crimes listed in subpart 1, item E. If, during the time a provider is using or employing a driver, the driver's special transportation service vehicle permit or endorsement is withdrawn by the commissioner of public safety or if the driver no longer meets the standards of subpart 1, item D or E, the provider shall immediately stop using or employing the driver as a special transportation vehicle driver or attendant and shall report the withdrawal, the reason the driver no longer meets the standards, or both, to the commissioner.

Subp. 3. Limited criminal record review. Instead of conducting an initial or annual review of the criminal record of a driver under subpart 2, a provider may conduct a limited review of the criminal record of a driver determined to be not disqualified under parts 9543.3010 to 9543.3090. A provider choosing to conduct a limited criminal record review under this subpart must have written evidence of no disqualification issued by the commissioner of human services that is less than one year old before conducting the limited review. The limited review must include an examination of the conviction records of the Minnesota Bureau of Criminal Apprehension for crimes listed in subpart 1, item E, but not listed in part 9543.3070, subpart 1. A provider choosing to conduct a limited review must keep the written evidence of no disqualification together with the results of the limited review in the driver's file required by part 8840.6100, subpart 1, item A.

Subp. 4. Complaint records. A provider shall keep a record of a complaint, report, or allegation of misconduct made against a driver it uses or employs. The record must contain a copy of the complaint or report or a detailed written summary of the allegation. A provider shall investigate the accuracy of the complaint, report, or allegation and shall include a summary of the investigation and resulting action taken, if any, in the record. These records must be included in the driver's file or in a separate file kept by the provider.

8840.5910 DRIVER AND ATTENDANT TRAINING REQUIREMENTS.

Subpart 1. Training required before driving. Before providing special transportation service, each driver and attendant shall receive:

- A. passenger assistance training described in subpart 5, items E to I;
- B. instruction in operating the radio required by part 8840.5925, subpart 1, item C;
- C. instruction and demonstration in operating the vehicle ramp, wheelchair lift, and wheelchair securement devices, if the vehicle is so equipped;
- D. instruction in what to do and whom to call in a medical emergency or an accident; and
- E. instruction in conducting the daily vehicle inspection required by part 8840.5950, subpart 1, item B.

Subp. 2. Additional training required. Within 45 days after beginning to provide special transportation service, each driver and attendant shall complete:

A. four hours of training in first aid, except that this requirement does not apply to a person who possesses a current basic or advanced American Red Cross First Aid Certificate or who possesses a current certificate issued under parts 4690.3900 to 4690.7900;

B. four hours of classroom instruction in defensive driving;

C. passenger assistance training described in subpart 5 or 6; and

D. abuse-prevention training described in subpart 8.

Subp. 3. Training required for certain drivers after effective date of amendments. A person who is used or employed as a driver on the effective date of these amendments to parts 8840.5100 to 8840.6300 and who has not received defensive driver training during the two years preceding that date, must complete defensive driver training within 120 days from that date.

E. By January 1, 1982, Subp. 4. First aid training. Each driver and attendant shall successfully complete a first aid or emergency-care course of not less than four hours ~~which shall that~~ must include instruction in the following elements:

(1) A. preliminary treatment of shock;

(2) B. control of bleeding;

(3) C. airway management;

(4) D. prevention and treatment of frostbite and exposure to cold;

(5) E. prevention and treatment of heat exhaustion and heat stroke;

(6) ~~identification~~ F. recognition of sudden illness such as stroke, heart attack, convulsions, fainting, and seizures; and

(7) ~~appropriate use of~~ G. when and how to summon emergency medical assistance services.

F. By January 1, 1982, Subp. 5. Passenger assistance training. Each driver and attendant who transports passengers seated in wheelchairs or who assists passengers in transferring from a wheelchair to a vehicle shall complete a minimum of eight hours training in the techniques of transporting and assisting elderly and physically handicapped passengers ~~which shall~~ Passenger assistance training must include instruction in the following elements:

(1) A. discussion of characteristics functional limitations of the aging process and major disabling conditions and how those conditions affect mobility and communication, including:

(1) speech limitations;

(2) balance limitations;

(3) limb loss and muscle control loss;

(4) breathing disorders;

(5) skin sensation loss;

(6) vision and hearing impairments;

(7) emotional disorders and mental impairments;

(8) paralysis;

(9) endurance level diminishment; and

(10) temperature control loss;

(2) ~~discussion~~ B. description of the uses, functions, and limitations of common assistive devices used by elderly and handicapped persons and the proper means of providing assistance to persons using those devices;

(3) C. discussion of attitudes toward elderly and handicapped persons, which ~~includes~~ must include the participation of handicapped and elderly persons;

D. discussion of the effect of mobility impairments, medication, and past experiences on passengers and how to behave in a sensitive and professional manner;

(4) ~~instruction in~~ E. discussion, demonstration, and practice by students in methods of;

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(1) handling wheelchairs, including moving wheelchairs up and down steps, curbs, ramps, and lifts;

(2) folding and unfolding manual wheelchairs; and

(3) handling wheelchairs on uneven, wet, or icy surfaces;

(5) ~~instruction in F. if the service transfers passengers from a wheelchair to a seat, discussion and demonstration of moving, lifting, and transferring passengers, including assisted and unassisted transfers, two-handed transfers, and standing transfers;~~

(6) ~~G. instruction in guidelines for appropriate handling of a vehicle transporting handicapped persons that includes instruction that passengers may have balance or mobility problems and may not be able to grab railings or brace themselves for sudden stops, sharp turns, or other uneven or abrupt maneuvers; and~~

(7) ~~instruction in H. discussion and demonstration of placing the assistive devices, operating the operation of lifts, ramps, and wheelchair securement devices, and using them properly if the vehicle to be operated is equipped with them;~~

I. discussion and demonstration of the assistance to be offered to ambulatory passengers, including assistance for standing, sitting, and going up and down steps and curbs; and

J. if the service transports passengers who use assistive devices, discussion of common assistive devices including:

(1) manual and electric wheelchairs and electric scooters;

(2) canes;

(3) crutches;

(4) walkers;

(5) leg braces, prostheses, and slings; and

(6) guide dogs.

~~G. By January 1, 1982, Subp. 6. Ambulatory passenger assistance training. Each driver and attendant who transports elderly and physically handicapped passengers who do not use stretchers or wheelchairs, or who transports passengers who do not transfer from a wheelchair to a seat in the vehicle, shall complete a minimum of four hours training in the techniques of transporting and assisting elderly and physically handicapped passengers, which. The training must include instruction in the elements listed in item F, subitems (1) to (3) and (6) subpart 5, items A to D, G, I, and J.~~

~~H. Subp. 7. Fire extinguisher training. Each provider shall instruct each driver and attendant shall receive instruction in the use of using the fire extinguisher and shall record the date and location of the instruction in the driver's or attendant's file.~~

~~I. A driver or attendant who has not completed the required training prior to providing special transportation service, shall do so within 90 days after beginning to provide the service. Copies of certificates indicating successful completion of courses must be maintained in the provider's files.~~

~~Subp. 8. Abuse-prevention training. Each driver and attendant shall successfully complete an abuse-prevention training course of not less than four hours that must include instruction in statutes, rules, and applicable procedures relating to:~~

~~A. sexual abuse or misconduct;~~

~~B. the protection of vulnerable adults;~~

~~C. the maltreatment of minors;~~

~~D. the appropriate response to victims of abuse, neglect, maltreatment, or sexual misconduct; and~~

~~E. the reporting requirements for incidents of abuse, neglect, maltreatment, or misconduct.~~

~~J. Subp. 9. Refresher course. Each driver and attendant must shall successfully complete a refresher first aid or emergency-care course every three years. The refresher course shall must include instruction in the elements listed in item E subpart 4. Each driver and attendant shall complete the training described in either subpart 5 or 6 and the training described in subpart 8 every three years.~~

8840.5925 VEHICLE EQUIPMENT.

~~Subp. 2. Equipment. Standards for vehicle equipment are as follows:~~

~~A. Subpart 1. Safety equipment. Each vehicle when in use must carry the following safety equipment:~~

~~(1) one five-pound, A. The vehicle must carry a dry chemical fire extinguisher, A-B-C type with not less than a 5B:C rating, bearing a tag or gauge indicating that it has been serviced within the preceding year. Passenger automobiles that are not vans may carry the fire extinguisher in the trunk of the vehicle if the following notice is affixed to the dashboard of the vehicle: "A fire extinguisher is in the trunk of this vehicle." In other vehicles, the fire extinguisher must be securely mounted in a bracket and readily accessible to the driver in case of emergency.~~

(2) B. The vehicle must carry an emergency first aid kit in a dustproof container, labeled "FIRST AID," ~~and stored in a location visible to the driver.~~ The kit must contain at least the following items:

- (a) (1) six four-inch by four-inch sterile gauze pads;
- (b) (2) two soft roll bandages three inches to six inches by five yards;
- (c) (3) adhesive tape; and
- (d) (4) scissors.

(3) ~~A spare tire and jack unless the vehicle is radio-equipped and the provider has a service contract which enables him to summon assistance to change the tire or to summon a substitute vehicle~~

C. The vehicle must be equipped with a working radio capable of two-way communication. A citizen's band (CB) radio is acceptable.

(4) D. The vehicle must carry an operable flashlight.

(5) ~~If E. When a vehicle carries children who weigh less than 40 pounds, there shall be available in the vehicle under the age of four, a child-restraint system which that meets the requirements of federal motor vehicle safety standard number 213, Code of Federal Regulations, title 49, section 571.213, as revised through October 1, 1990, and which is incorporated by reference, must be available in the vehicle. This item does not apply to taxis.~~

(6) F. The vehicle must carry three emergency warning triangles. Both faces of each triangle ~~shall~~ must consist of red reflective and orange fluorescent material. Each of the three sides of the triangular device ~~shall~~ must be 17 to 22 inches long and ~~shall~~ be two to three inches wide. The units ~~shall~~ must be kept clean and in good repair and stored so as to be readily available when needed.

(7) G. Each vehicle must carry an ice scraper from October 1 to April 30, and each vehicle shall carry an ice scraper and that is not a taxi must carry a blanket at all times.

(8) ~~All H. vehicles with interior fuse boxes shall~~ must carry extra electrical fuses.

~~B. All I. If a vehicle is equipped with a wheelchair securement device, it must carry a tool designed and used for cutting securement straps. The tool must not have an exposed sharp edge or be of a type that could be used as a weapon.~~

Subp. 2. Seats. Seats ~~shall~~ must be securely fastened to the floor or frame of the vehicle ~~and all. Vehicles purchased after January 1, 1981 shall, except type I school buses, displaying a current certificate issued by the commissioner of public safety, must~~ have a usable seat belt for each person being transported and for the driver.

~~C. All Subp. 3. Ramps.~~ Ramps ~~shall~~ must have a slip-proof surface to provide traction ~~and. One end of the ramp shall~~ must be secured to the floor of the vehicle when the ramp is in use. Ramps put into service after the effective date of these rules must conform to the requirements of Code of Federal Regulations, title 49, section 38.23, paragraph (c), which is incorporated by reference.

~~D. Subp. 4. Wheelchair lifts, requirements.~~ A vehicle ~~which that~~ is equipped with a wheelchair lift and ~~which~~ carries semiamulatory persons who use the wheelchair lift must be equipped with either a wheelchair lift with an adjustable or removable railing ~~which~~ is 28 inches to 36 inches high on one side of the lift or with a folding wheelchair stored on the vehicle when it is in use.

A wheelchair lift put into service after the effective date of these rules must conform to the requirements of Code of Federal Regulations, title 49, section 38.23, paragraph (b), which is incorporated by reference.

~~E. Subp. 5. Securement devices.~~ Vehicles ~~which that~~ carry occupied stretchers or litters must comply with requirements for securement device requirements of the Minnesota Department of Health contained devices in part 4690.1700. Vehicles that carry wheelchairs must comply with the requirements for securement devices in parts 7450.0100 to 7450.0900.

8840.5940 VEHICLE CONSTRUCTION STANDARDS.

Subpart 1. Rollover protection. This subpart applies to all kinds of vans and buses but does not apply to passenger cars, taxis, or station wagons. A special transportation service vehicle obtained and first used by that provider after January 1, 1993, must meet federal motor vehicle safety standard number 220, rollover protection, found in Code of Federal Regulations, title 49, section 571.220, which is incorporated by reference. This subpart also applies to used vehicles that are purchased or obtained after that date. For a vehicle subject to this subpart, the provider must obtain from the manufacturer or from the person who manufactures, constructs, or

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reconstructs the roof of the vehicle, certification that the vehicle meets the requirements of federal motor vehicle safety standard number 220. The certification must be in a form prescribed by the commissioner and must contain the following information:

A. the vehicle identification number;

B. the make, model, and year of manufacture of the vehicle;

C. a statement that the vehicle was constructed according to standards that have been tested and found to meet the performance requirements for rollover protection established by federal motor vehicle safety standard number 220;

D. the name, address, and telephone number of the manufacturer or person who manufactured, constructed, or reconstructed the roof of the vehicle;

E. the name, address, and telephone number of the laboratory or testing facility that conducted tests on the manufacturer's or other person's test specimen and certified that a vehicle built to the design and construction standards used in the test specimen meets the performance requirements of federal motor vehicle safety standard number 220;

F. the date the test was conducted; and

G. the name, address, and telephone number of the provider to whom the vehicle described on the form was supplied.

Instead of the statement prescribed in items A to G, the provider may submit literature, letters, and memoranda from the manufacturer or other person who constructs or reconstructs the vehicle or from the testing facility if those documents establish that the vehicle meets the performance standards of federal motor vehicle safety standard number 220.

Subp. 2. Emergency exits. If a vehicle is equipped with a wheelchair lift, it must have a front entrance door in addition to the lift door.

If a vehicle is designed to carry more than ten persons, it must comply with the requirements of federal motor vehicle safety standard number 217, found in Code of Federal Regulations, title 49, section 571.217, which is incorporated by reference.

If a vehicle is designed to carry fewer than ten persons and is obtained and first used by a provider after January 1, 1993, it must also be constructed with one of the following:

A. windows that open;

B. at least one roof hatch; or

C. a rear exit door that can be opened from both the inside and the outside of the vehicle.

The location of exits must be marked on the interior and exterior of vehicles except for passenger cars, taxis, and station wagons.

Subp. 3. Holes. The vehicle must not have holes that admit exhaust gases.

Subp. 4. Doors and windows. Doors and windows must open and close as intended by the manufacturer.

Subp. 5. Door heights. This subpart applies to all kinds of vans and buses but does not apply to passenger cars, taxis, and station wagons. The door height of vehicles put into service after the effective date of these rules must conform to the requirements of Code of Federal Regulations, title 49, section 38.25, paragraph (c), which is incorporated by reference.

8840.5950 STANDARDS FOR OPERATION OF VEHICLES.

~~Subp. 3-~~ Subpart 1. Operation. Standards for vehicle operation are as follows:

A. ~~All~~ Vehicles must be operated in compliance with *Minnesota Statutes*, chapter 169, and rules adopted under that chapter.

B. ~~All~~ Providers shall conduct or cause to be conducted, a daily visual safety inspection of the following items:

- (1) coolant level;
- (2) lights, turn signals, hazard flashers;
- (3) tires;
- (4) windshield wipers and washer fluid;
- (5) mirrors; and
- (6) fuel level.

C. ~~All~~ Providers shall conduct or cause to be conducted a vehicle safety inspection once each week or every 1,000 miles, whichever comes first. The provider shall maintain a record that shows the date and mileage at each safety inspection and a notation of needed repairs and replacements shall be made in a driver's logbook which shall. The record must be maintained in the vehicle or in the provider's files. The safety inspection shall must include inspection of the following items:

- (1) coolant level;
- (2) oil level;
- (3) lights, turn signals, hazard flashers;
- (4) tires and tire pressure;
- (5) brake, parking brake, and brake fluid level, if visible in the engine compartment;
- (6) instrument panel;
- (7) horn;
- (8) windshield wipers and washer fluid;
- (9) fan belt;
- (10) mirrors, inside and outside;
- (11) wheelchair ramps and lifts and lift electrical systems, lubrication points, and fluid reservoirs, if applicable; ~~and~~
- (12) wheelchair securement or stretcher securement device, if applicable; ~~and~~
- (13) emergency doors or windows. Tests must be conducted to ensure that the emergency doors or windows function properly.

~~D.~~ Subp. 2. Smoking. Smoking ~~shall be~~ is prohibited in vehicles at all times. A sign stating "NO SMOKING" ~~shall must~~ be posted in the vehicle so that it is visible to all passengers. This subpart applies to a taxi only when it is providing special transportation.

~~E.~~ Subp. 3. Seat belts. Drivers and passengers shall use seat belts at all times ~~in vehicles which are equipped with them and.~~ Drivers shall instruct each passenger to use the seat belt. Before pulling away from a stop, drivers shall make sure that passengers are seated with seat belts properly secured. Children ~~who weigh less than 40 pounds under the age of four~~ shall use approved child-restraint systems at all times, except in taxis. This subpart does not apply to persons exempted by Minnesota Statutes, sections 169.685, subdivision 6, paragraph (b), and 169.686, subdivision 2, clause (3).

~~F.~~ Subp. 4. Emergency stopping. When ~~any~~ a vehicle is stopped for ~~any an~~ emergency purpose or is disabled on the roadway or shoulder of ~~any a~~ highway outside a business or residence district during the time when lighted lamps must be displayed, the driver shall promptly place an emergency warning triangle on the roadway on the traffic side of the vehicle ten feet from the vehicle in the direction of approaching traffic. A second emergency warning triangle ~~shall must~~ be placed approximately 100 feet from the vehicle in the direction of approaching traffic. If the vehicle is stopped or disabled on ~~any a~~ one-way roadway, the driver shall place an additional warning triangle approximately 200 feet from the vehicle in the direction of approaching traffic.

Subp. 5. Emergency policy. Each provider shall develop a written policy that describes what action the driver or attendant must take in the event of an accident or emergency.

8840.5975 STANDARDS FOR MAINTENANCE.

~~Subp. 4.~~ Subpart 1. Maintenance. Standards for vehicle maintenance are as follows:

- A. ~~All~~ Vehicles ~~shall must~~ be maintained in accordance with the manufacturer's recommended maintenance schedule or an improved schedule based on actual vehicle operating conditions.
- B. Providers shall correct ~~any a~~ deficiency ~~which that~~ might interfere with the safe operation of the vehicle before the vehicle is placed in service.
- C. Windows and lights ~~shall must~~ be kept clean.
- D. The interior of vehicles ~~shall must~~ be clean and in good repair.

Subp. 2. Wheelchair lifts. Wheelchair lifts must be maintained in conformance with the manual and instructions provided by the lift manufacturer. When the provider has the vehicle serviced, it shall instruct the mechanic or service facility to inspect, repair, or service the lift in accordance with the manufacturer's instructions.

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8840.6000 INSURANCE.

Subpart 1. **Minimum coverage.** Each A provider shall have in effect an insurance plan ~~which~~ that provides the following minimum coverage for each vehicle:

[For text of items A and B, see M.R.]

C. uninsured and underinsured motorist coverage as required by *Minnesota Statutes*, chapter 65B.

Subp. 2. **Certificate of insurance.** Each A provider shall obtain a certificate of insurance for the special transportation service vehicles ~~which~~ it operates. The provider's insurer shall mail the certificate of insurance to the Minnesota Department of Transportation, ~~Division of Public Transportation, Transportation Building, Saint Paul, Minnesota 55155~~ Office of Motor Carrier Safety and Compliance, Minnesota Administrative Truck Center, Livestock Exchange Building, 100 Stockyards Road, South St. Paul, Minnesota 55075. The certificate ~~shall~~ must show the vehicles covered by the policy and the policy limits. The insurer shall notify the department in writing ten days ~~prior to the~~ before termination of coverage by either party.

[For text of subp 3, see M.R.]

8840.6100 RECORDS.

Subpart 1. **Information required.** Each A provider shall maintain files containing the following information:

A. for each driver, a ~~driver's application form which file that~~ file that contains the following information:

- (1) the name, address, and birthdate of the driver;
- (2) the driver's license number ~~and~~, the class of the license, ~~and~~, if required under *Minnesota Statutes*, section 171.323, evidence of a special transportation vehicle endorsement or permit issued by the commissioner of public safety;
- (3) whether the driver has had at least one year of driving experience;
- (4) whether the driver's license ~~has been revoked, suspended, or canceled within the three-year period prior to this application record~~ meets the standards of part 8840.5900, subpart 1, item D, subitem (3), the date the driver's record was last checked, and the name of the person who checked the driver's record;
- (5) the date on which the driver successfully completed at least four hours of training in first aid as required by part ~~8840.5900~~ 8840.5910, subpart 1, ~~item E 4~~, or a certificate showing completion of one of the courses described in part 8840.5910, subpart 2, item A;
- (6) the date on which the driver successfully completed training in the techniques of transporting and assisting elderly and physically handicapped passengers as required by part ~~8840.5900~~ 8840.5910, subpart 1, ~~item F 5 or G 6~~, whichever is applicable; ~~and~~
- (7) the date and location at which the driver was trained in the use of the fire extinguisher;
- (8) the date the driver received the training required before driving, described in part 8840.5910, subpart 1;
- (9) the date or dates the driver received the additional training required by part 8840.5910, subpart 2;
- (10) the date the driver completed the refresher course described in part 8840.5910, subpart 9; and
- (11) a statement signed by the person who conducted the review of a driver's criminal and driving record as required by part 8840.5900, subpart 2. The statement must contain the date the driver's criminal record was checked and must state whether the driver was found to meet the standards of part 8840.5900, subpart 1, item E. If the driver was found not to meet the standards, the statement must contain the date the driver became disqualified, the reason for the disqualification, and the date the commissioner was notified;

B. for each driver, the physician's or nurse practitioner's statement that the driver has no current medical condition ~~which that~~ interferes with his or her the ability to drive safely or a copy of the school bus driver's endorsement or United States Department of Transportation health card;

C. for each attendant, ~~an attendant's application form which a file that~~ a file that contains the following information:

- (1) the name and address of the attendant;
- (2) the date on which the attendant successfully completed at least four hours of training in first aid as required by part ~~8840.5900~~ 8840.5910, subpart 1, ~~item E 4~~;
- (3) the date on which the attendant successfully completed training in the techniques of transporting and assisting elderly and physically handicapped passengers as required by part ~~8840.5900~~ 8840.5910, subpart 1, ~~item F 5 or G 6~~, whichever is applicable; ~~and~~
- (4) the date and location at which the attendant was trained in the use of the fire extinguisher;

[For text of items D and E, see M.R.]

F. a record of all insurance claims arising from the operation of the vehicle or a photocopy of claims documents submitted to an insurer;

G. service records for each vehicle and wheelchair lift indicating the date, the odometer reading, and the nature of the inspection, repair, or replacement maintenance each time the vehicle or wheelchair lift was serviced; and

H. the driver's logbook safety inspection record for each vehicle, unless the logbook is maintained in the vehicle; and

I. the certification of compliance with federal motor vehicle safety standard number 220 required by part 8840.5940, subpart 1.

Subp. 2. Documents required in vehicle. The following documents shall must be maintained in each vehicle:

A. a card showing the name of the insurance company which insures the vehicle and the telephone number of the insurance agent evidence of insurance required by Minnesota Statutes, section 65B.481, except that vehicles for which proof of insurance is filed under Minnesota Statutes, chapter 221, are not subject to this requirement;

B. accident report forms; and

C. a card showing local emergency telephone numbers.

8840.6200 CERTIFICATION OF TRAINING COURSES.

Subpart 1. Commissioner approval. All Training courses shall must be approved by the commissioner prior to before being offered to fulfill the requirements of parts 8840.5100 to 8840.6300.

Subp. 2. Application form. The application for approval of a training course shall must be made on a form prescribed by the commissioner.

Subp. 3. Minimum standards. The commissioner shall approve a course shall be approved if it meets the following minimum standards:

A. It shall must include instruction, demonstration, discussion, and, when applicable, an opportunity for student practice in the elements required by these standards.

[For text of items B to D, see M.R.]

Subp. 4. Instructors. Standards for instructors are as follows:

[For text of item A, see M.R.]

B. Passenger assistance technique training shall must be taught by any a person who is a licensed physician, registered nurse, registered physical therapist, registered occupational therapist, public health nurse, or other health professional person who has had work experience with physical disabilities, aging, and communication disorders, and their effect on transportation; or by a team which that includes one of those persons.

Subp. 5. Written answer. The commissioner shall grant or deny, in writing, applications for approval of training courses shall be granted or denied in writing by the commissioner within 30 days of receipt of the complete application.

Subp. 6. Notice to commissioner. Applicants who are approved to teach first aid or passenger assistance training courses shall notify the commissioner of the starting date, location, and time of each course at least 72 hours before that starting date.

8840.6250 AUDIT OF COURSES.

The commissioner may audit courses approved under part 8840.6200. The audit may include course inspection, classroom observation, review of instructor qualifications, and student interviews.

8840.6300 VARIANCE.

Subpart 1. Elements. The commissioner may grant a variance from any of these rules parts 8840.5100 to 8840.6300, except part 8840.5400. The commissioner shall grant a variance shall be granted if the applicant shows that:

[For text of items A to C, see M.R.]

Subp. 1a. Consultation with council on disability. Before granting a variance, the commissioner shall consult with the Minnesota state council on disability. The commissioner shall provide to the council a copy of the variance application, documents filed by the

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provider or other persons that support or oppose the variance, and other material that the commissioner intends to consult in deciding whether to grant or deny the variance. The commissioner shall not provide information that is classified as private, confidential, nonpublic, or protected nonpublic data under the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13. The commissioner shall transmit the relevant information to the council on receipt of the variance application and shall tell the council when the 30-day period for granting or denying the variance will expire. If the council chooses to make a recommendation to the commissioner, it shall do so in writing at least seven days before the 30-day period expires.

Subp. 2. **Written answer in 30 days.** The commissioner shall set forth in writing the reasons for granting or denying the variance within 30 days of receiving the application. If the variance is denied, the applicant may, within 30 days of receiving notice of the denial, request a contested case hearing. The commissioner shall notify the Minnesota state council on disability of each grant or denial of a variance and each request for a contested case hearing on a variance denial.

[For text of subps 3 and 4, see M.R.]

Subp. 5. **Revocation of variance.** A variance ~~shall~~ **must** be revoked if a material change occurs in the circumstances ~~which~~ that justified the variance or if the applicant fails to comply with the alternative practice specified in the application for a variance. The commissioner shall notify the Minnesota state council on disability of each variance revocation.

REPEALER. Minnesota Rules, parts 8840.5200 and 8840.5700, subpart 3, are repealed.

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.

Higher Education Coordinating Board

Adopted Permanent Rules Relating to Rural Physician Loan Forgiveness Program

The rules proposed and published at *State Register*, Volume 16, Number 27, pages 1586-1587, December 30, 1991 (16 SR 1586), are adopted as proposed.

Harmful Substance Compensation Board

Adopted Permanent Rules Relating to Compensation for Property Damage Losses

The rules proposed and published at *State Register*, Volume 16, Number 24, pages 1426-1429, December 9, 1991 (16 SR 1426), are adopted with the following modifications:

Rules as Adopted

7190.1100 DEFINITIONS.

Subp. 2. **Contamination.** "Contamination" means:

B. the imminent and substantial threat of contamination due to the movement of the harmful substance in the direction of the property, as determined by the Pollution Control Agency or the Department of Health or for agricultural chemical contamination, as determined by the Department of Agriculture or the Department of Health.

Public Utilities Commission

Adopted Permanent Rules Relating to Telephone Company Filing Requirements

The rules proposed and published at *State Register*, Volume 16, Number 8, pages 371-388, August 19, 1991 (16 SR 371), are adopted with the following modifications:

Rules as Adopted

7810.8100 PURPOSE.

The purpose of parts 7810.8100 to 7810.8940 is to describe the filing requirements for telephone companies under the jurisdiction of the commission for:

- C. competitive services under *Minnesota Statutes*, sections 237.59, 237.60, and 237.62, ~~and 237.625~~; and

7810.8200 DEFINITIONS.

Subp. 9. **Embedded cost of capital.** "Embedded cost of capital" means the weighted average cost of outstanding issues of long-term debt, short-term debt, and preferred stock in the capital structure, expressed as a sum of percentages. The sum of percentages is determined by multiplying the cost of each issue of long-term debt, short-term debt, or preferred stock by the ratio of the amount of that issue to the total amount of long-term debt, short-term debt, or preferred stock, respectively.

Subp. 10. **Emerging competition.** "Emerging competition" exists for services listed in *Minnesota Statutes*, section 237.59, subdivision 1. Emerging competition also exists when the commission determines that ~~the criteria of it exists under *Minnesota Statutes*, section sections 237.57, subdivision 4, and 237.59, subdivision 5, paragraphs (a) and (e), have been satisfied subdivisions 2 to 6.~~

Subp. 13. **General rate change.** "General rate change" means a change in rates for which the telephone company's gross revenue requirement must be determined to evaluate the reasonableness of the change in rates under *Minnesota Statutes*, sections 237.075 and 237.081, subdivision 2, paragraph (b).

7810.8400 TARIFFS AND PRICE LISTS.

Subpart 1. **Tariffs and price lists.** A telephone company shall keep on file with the department its tariffs and price lists showing or referencing specific rates, tolls, rentals, and other charges for the services offered by it either alone or jointly and concurrently with other telephone companies. The tariffs or price lists must also include the regulations, classifications, practices, and limitations on liability of the telephone company. The tariffs and price lists must:

- A. identify separately each telephone service and state, or by reference provide, the classifications, rates, charges, tolls, rules, regulations, and practices applicable to each service;
- B. identify whether the service classification is subject to emerging competition; and
- C. ~~for individually priced noncompetitive services, describe each service and include a statement that prices are determined on a contractual basis; and~~
- ~~D. for individually priced emerging competitive services, describe each service and the conditions that relate to each service.~~

7810.8500 NEW SERVICE OFFERINGS.

A telephone company shall file the following information with the department and the commission for each new service offering. The information must:

- D. include an incremental ~~cost~~ cost-of-service study for new emerging competitive services, or if allowed pursuant to *Minnesota Statutes*, section 237.60, subdivision 2, paragraph (h), a variable cost study, demonstrating that the rate for each new emerging competitive service offering is above incremental cost or, if allowed, variable cost.

7810.8615 TEST YEAR.

Subp. 2. **Historical test year.** The proposed test year is a historical test year if the filed data include:

- B. a notice of the company's intention to update the data to 12 months of actual, historical jurisdictional test year data if less than 12 months of actual, historical jurisdictional data is provided.

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Adopted Rules

The company shall file the data once and no later than 100 days after the original general rate change notice is filed.

Either an average or year-end rate base may be used. If a year-end rate base is selected, a year-end capital structure must be shown and the operating income statement must be adjusted to reflect known and measurable changes year-end levels. If an average rate base is selected, an average capital structure or a year-end capital structure may be shown.

7810.8635 SUPPLEMENTAL FINANCIAL INFORMATION.

Subp. 5. **Charitable contributions.** The company shall file a schedule of charitable contributions made or to be made by the telephone company during the test year for which the company seeks reimbursement. The schedule must show the recipient, the Minnesota company amount, the jurisdictional amount, and the amount for which the telephone company seeks reimbursement. The company shall also provide testimony and evidence that the contribution is prudent and complies with *Minnesota Statutes*, section 290.21, subdivision 3, clause (b) or (e). Charitable contributions include in-kind contributions such as donated employee time and other noncash contributions.

7810.8645 RATE STRUCTURE AND RATE DESIGN INFORMATION.

Subp. 3. **Supporting workpapers.** A general rate change notice must include an embedded direct cost study and an incremental cost study for each proposed rate change for those services that generate revenues in excess of the greater of either \$100,000 or one-tenth of one percent of the company's annual gross revenue for the test year period. The embedded direct cost study and incremental cost study must identify the procedures and underlying reasons for cost and revenue allocations. The company shall explain why the proposed method is appropriate for ratemaking purposes. The form, content, and level of detail of any cost study required by this subpart must reflect the relative size of the company's intrastate operations in Minnesota and the amount of revenues it receives from the services for which cost studies are required.

The workpapers must be filed with the commission, the department, and the attorney general's office, in quantities established by the agencies, and supplied to other parties on request.

7810.8655 NOTICE.

An interim rate change notice must include:

- B. tariff and price list information as prescribed in part 7810.8400, subpart 2 1;

7810.8670 RATE BASE SCHEDULES.

Subp. 3. **Comparison schedule and explanation.** A schedule comparing the following amounts must be included:

- B. the ~~corresponding~~ unadjusted rate base for the most recent fiscal year for which actual data are available before the test year; and

7810.8680 CAPITAL STRUCTURE AND RATE OF RETURN.

The interim rate exhibits must include a schedule showing the capital structure and rate of return calculation approved by the commission in the telephone company's most recent general rate change proceeding. The interim rate of return calculation must be based on the proposed test year capital structure and test year capital costs, except that the company must use the cost of equity that was allowed by the commission in the company's most recent general rate change proceeding or the company's proposed return on equity, whichever is lower. The schedule must include an explanation of the changes in dollar amounts of the telephone company's most recent general rate change proceeding capital structure and the proposed test year capital structure. In the case of a company that has not been subject to a commission determination or has not had a general rate adjustment in the preceding three years, the company must use the cost of equity that was allowed by the commission in its most recent determination concerning a similar company.

7810.8710 MISCELLANEOUS TARIFF CHANGE.

In addition to the notice requirements in part 7810.8700, a notice for a miscellaneous tariff change under *Minnesota Statutes*, section 237.63, must include:

- A. a statement of the proposed change in rates;
- B. statements of fact, expert opinions, substantiating documents, and exhibits supporting the change requested;
- C. the date when the new rates will go into effect;
- D. a statement that explains with particularity how the tariff will be changed and why;
- E. whether the proposed change is a rate increase or a decrease;

- F. the annual revenue impact; and
- G. the impact on affected customers.

The written statements, opinions, and explanations under item B must be in a question and answer format or a descriptive narrative, and must identify the preparer or the person under whose supervision they were prepared.

7810.8740 RATE INCREASE OR DECREASE.

In addition to the notice requirements in part 7810.8700, a notice for a rate increase under *Minnesota Statutes*, section 237.60, subdivision 2, paragraph (b), and a rate decrease under *Minnesota Statutes*, section 237.60, subdivision 2, paragraph (a), must include:

- B. an incremental cost-of-service study, or if allowed pursuant to *Minnesota Statutes*, section 237.60, subdivision 2, paragraph (h), a variable cost study, demonstrating that the proposed rate is above incremental cost or, if allowed, variable cost;

7810.8755 NEW PRICING PLAN.

In addition to the notice requirements in part 7810.8700, a notice for a new pricing plan under *Minnesota Statutes*, section 237.60, subdivision 2, paragraph (e), must include:

- C. the increases and decreases in price for the rate elements; ~~and~~
- D. the dollar and percentage change in total jurisdictional annual revenues resulting from the proposed price list change; and
- E. an incremental cost-of-service study or, if allowed pursuant to *Minnesota Statutes*, section 237.60, subdivision 2, paragraph (h), a variable cost study, demonstrating that the proposed pricing plan is above incremental cost or, if allowed, variable cost.

7810.8760 INDIVIDUALLY PRICED EMERGING COMPETITIVE SERVICE.

In addition to the notice requirements in part 7810.8700, a notice for individually priced emerging competitive service under *Minnesota Statutes*, sections 237.07 and 237.071, must include:

- B. an identification of the ~~affected~~ targeted customer or customer groups; and

7810.8900 REQUIREMENTS, GENERALLY.

Subpart 1. **Petition for approval.** A telephone company whose general revenue requirement is determined under *Minnesota Statutes*, section 237.075, and that elects to be subject to regulation under *Minnesota Statutes*, section 237.58, may file a petition with the commission for approval of an incentive plan under *Minnesota Statutes*, section 237.625.

EFFECTIVE DATE; TRANSITIONAL PROVISIONS.

Subpart 1. Part 7810.8645, subpart 3, is effective on a date 18 months after the effective date of the other provisions of parts 7810.8100 to 7810.8940.

Subp. 2. For a general rate change petition filed before the effective date of part 7810.8645, subpart 3, the only cost studies the company may be required to file with the commission under that subpart are any cost studies it may be required to perform under Part 36 of Rules of the Federal Communications Commission or any replacement part.

Subp. 3. The work papers provided pursuant to subpart 2 must be filed with the commission, the department, and the attorney general's office in quantities established by the agencies, and provided to other parties on request.

Board of Teaching

Adopted Permanent Rules Relating to Education; Teacher Licensure; Educational Speech/ Language Pathologist

The rules proposed and published at *State Register*, Volume 16, Number 26, pages 1273-1275, November 25, 1991 (16 SR 1273), are adopted as proposed.

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Withdrawn Rules

Pollution Control Agency

Notice of Intent to Withdraw Proposed Permanent Rules Governing Aboveground Storage of Regulated and Other Liquid Substances

The Minnesota Pollution Control Agency (Agency) hereby proposes to withdraw the above-referenced rules pursuant to the authority contained in *Minnesota Statutes*, §§ 14.05, subd. 3. These rules were proposed and published at *State Register* Volume 16, Number 20, pages 1159-1175, November 12, 1991 (16 SR 1159).

The storage of regulated and other liquid substances in aboveground storage tanks continues to be governed by *Minnesota Rules*, pts. 7100.0010 to 7100.0090. These rules contain requirements for secondary containment and for permitting of aboveground storage tanks. Aboveground storage tanks are also regulated by the Minnesota Uniform Fire Code, the Environmental Protection Agency's Spill Prevention Control and Countermeasures (SPCC) regulations (40 CFR Part 112), *Minnesota Statutes*, § 115E, and any local ordinances that may apply. In addition, most aboveground storage tanks should be registered with the Minnesota Pollution Control Agency pursuant to *Minnesota Statutes*, § 116.48.

Any questions about the MPCA's Aboveground Storage Tank Program should be directed to Joan deMeurisse, Aboveground Tank Program Coordinator, at (612) 297-8618.

Dated: 30 March 1992

Charles W. Williams
Commissioner

Executive Orders

Executive Department

Executive Order 92-3: Providing for the Establishment of the Governor's Job Training Coordinating Council

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

WHEREAS, the Job Training Partnership Act, Public Law 97-300, as amended, herein after referred to as JTPA, established programs to prepare youth, unskilled adults, and dislocated workers for entry into the labor force and to provide job training to those economically disadvantaged individuals and other individuals facing serious barriers to employment, who are in special need of such training to obtain productive employment; and

WHEREAS, it is vital that state and local units of government closely coordinate their efforts to develop plans which meet the locally determined needs, recommend meaningful programs to alleviate employment problems, reduce duplication and gaps in employment and training services, and effectively and economically utilize state and federal employment and training funds; and

WHEREAS, employment and training programs need to be integrated with all human services to assist the economically disadvantaged, unemployed, and underemployed; and

WHEREAS, it is required by JTPA to establish a State Job Training Coordinating Council made up of representatives of business and industry, the state legislature, state agencies and organizations, units of local government, organized labor and community-based organizations, and the general public to plan, coordinate and monitor the provision of employment and training services;

NOW, THEREFORE, I hereby order:

1. The formation of the Governor's Job Training Coordinating Council.
 - a. This Council, in accordance with the provisions of JTPA, shall be composed of 20 representatives of business and industry, the state legislature, state agencies, local units of government, labor,

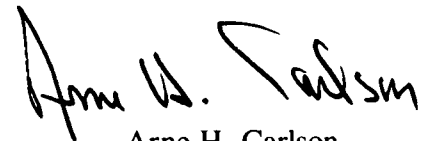
community-based organizations and the general public. Members may be reimbursed for expenses and paid per diems as provided in *Minnesota Statutes* 1990, Section 15.059.

- b. The Council shall be appointed by the Governor, who shall designate one non-governmental member thereof to be chairperson. In making appointments to the Council, the Governor shall ensure that the membership of the Council reasonably represents the population of the state.
- c. The Council shall not operate programs or provide services directly, but shall exist solely to plan, coordinate, and monitor the provision of such programs and services.
- d. The Council shall recommend a Governor's Coordination and Special Services Plan; recommend substate service delivery areas to the Governor; recommend certain resource allocations; develop linkages with other programs; coordinate activities with private industry councils; recommend variations in performance standards; review and comment on local job training plans; review the operation of programs conducted in each service delivery area and make recommendations with respect to ways to improve the effectiveness of such programs; review and comment on the state plan developed for the state employment service agency; make an annual report to the Governor and issue other reports as it deems advisable; identify the employment and training and vocational educational needs throughout the state; review plans of all state agencies providing employment and training, and related services and provide comments and recommendations on the effectiveness and relevancy of employment and training and related service delivery systems in the state; and perform all other functions required of it under JTPA.
- e. The Council shall meet at least four (4) times annually and shall operate in accordance with state and federal statutes and regulations, and council bylaws established by the Governor.

2. All state departments and agencies shall cooperate with the Council established in this Executive Order.

Pursuant to *Minnesota Statutes* 1990, Section 4.035, subd. 2, this Order shall be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes* 1990, Section 4.035, subd. 3.

IN TESTIMONY WHEREOF, I have set my hand this twenty-sixth day of February, 1992.



Arne H. Carlson
Governor

Filed According to Law:

Joan Anderson Growe
Secretary of State

Executive Department

Executive Order 92-4: Providing for the Use of Ethanol in State Vehicles

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

WHEREAS, the farm economy in Minnesota suffers from a variety of current problems including low prices for cash grain produced in the state; and

Executive Orders

WHEREAS, the technology exists for the cost-effective conversion of grain and agricultural waste products into ethanol; and

WHEREAS, there is a shortage of traditional fossil fuels in the state and agriculturally-derived ethanol when mixed with gasoline (and hereinafter called "ethanol") can help ease this shortage; and

WHEREAS, the use of ethanol in vehicles can help improve the efficiency of gasoline in engines and at the same time reduce harmful emissions from those engines; and

WHEREAS, the increased use of ethanol will help to encourage the construction of grain conversion facilities in the state resulting in the creation of new jobs and increased economic activity; and

WHEREAS, the increased use of ethanol will help reduce our dependence on foreign energy sources;

NOW THEREFORE, I hereby order that:

1. All agencies and employees of the state are directed to use ethanol in gasoline-powered vehicles owned by the state to the extent practicable and to the extent that no substantial increase in price will occur.
2. The Commissioner of Administration shall periodically report to me on the following:
 - a. the extent to which ethanol is used in state-owned gasoline-powered vehicles;
 - b. the purchase price differential between ethanol and gasoline.
3. The Commissioner of Agriculture, in association with other affected state agency heads, shall assess opportunities for using ethanol for other purposes, such as being blended with diesel fuels.
4. The Commissioner of Agriculture, in association with the heads of other affected agencies, shall encourage the development of new ethanol processing facilities in Minnesota.
5. State agencies shall provide appropriate technical advice and other forms of assistance to local governments, businesses and others interested in converting to the use of ethanol.
6. The Commissioner of Administration shall develop guidelines to implement this order as soon as possible. The commissioner shall:
 - a. to the extent practical, make bulk purchases of ethanol produced from Minnesota agricultural feedstocks;
 - b. place a list of Minnesota gasoline stations offering ethanol in each state-owned gasoline-powered vehicle;
 - c. provide a copy of this Order to every state agency head. Each agency head is responsible for informing his or her employees of this directive.

Pursuant to *Minnesota Statutes* 1990, Section 4.035, subd. 2, this Order shall be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes* 1990, Section 4.035, subd. 3.

IN TESTIMONY WHEREOF, I have set my hand this eighteenth day of March, 1992.



Arne H. Carlson
Governor

Filed According to Law:

Joan Anderson Growe
Secretary of State

Official Notices

Pursuant to the provisions of Minnesota Statutes § 14.10, 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.

Office of Administrative Hearings

Workers' Compensation Section

Department of Labor and Industry

Workers' Compensation Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Joint Rule Governing Workers' Compensation Litigation Procedures

NOTICE IS HEREBY GIVEN that the Office of Administrative Hearings and the Department of Labor and Industry are seeking information or opinions from sources outside the agencies in preparing to revise the existing rules and adopt additional rules governing Workers' Compensation Litigation Procedures, currently contained in *Minnesota Rules* Parts 1415.0100 through 1415.3600. The adoption of the rules is authorized by *Minnesota Statutes* §§ 14.51 and 176.83, which permits the agencies to adopt rules to govern the procedural conduct of workers' compensation hearings and which may be necessary in order to provide for the orderly processing of claims or petitions made or filed pursuant to *Minnesota Statutes* Chapter 176.

The Office of Administrative Hearings and the Department of Labor and Industry previously requested information and opinions concerning the subject matter of the rules through November 15, 1990. Persons who have previously submitted comments need not do so again insofar as they have been made a part of the rule-making record. Interested persons or groups may submit data or views on the subject matter of concern in writing. Written statements will continue to be accepted through June 15, 1992 or until the rules are published and thereafter as prescribed by law. Written statements should be addressed to:

Gary P. Mesna
Compensation Judge
Office of Administrative Hearings
400 Flour Exchange Building
310 Fourth Avenue South
Minneapolis, Minnesota 55415

Any written material received by the Office of Administrative Hearings shall become part of the rule-making record to be submitted to the attorney general or administrative law judge in the event that the rules are adopted.

William G. Brown
Chief Administrative Law Judge
Office of Administrative Hearings
John Lennes
Commissioner
Department of Labor and Industry

Board of Animal Health

Notice of Board Meeting

A meeting of the Board of Animal Health has been scheduled for Friday, April 10, 1992 at the Board offices. The meeting is to start at 9:30 a.m. in conference room I. The Board offices are located at 90 W. Plato Blvd., St. Paul, MN 55107.

Information about this meeting may be obtained by calling the Board office at 612-296-5000.

Eugene H. Kirchoff

Board of the Arts

Notice of Solicitation of Outside Information or Opinions

NOTICE IS HEREBY GIVEN that the State Board of the Arts is seeking information or opinions from sources outside the agency in preparing to propose the repeal and reenactment of the rules governing the agency's procedures for reviewing and distribution of grants loans and other forms of assistance. The adoption of the rule is authorized by *Minnesota Statutes*, section 129D.04, Subd. (e) and Subd. (f) (1990), which requires the agency to promulgate by rule procedures to be followed by the board in receiving and reviewing requests for grants, loans, and other forms of assistance and to promulgate by rule standards consistent with this chapter to be followed by the board in the distribution of grants, loans, and other forms of assistance.

The State Board of the Arts requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Sam W. Grabarski, Minnesota State Arts Board, 432 Summit Avenue, Saint Paul, Minnesota 55102. Oral statements will be received during regular business hours over the telephone at (612) 297-2603, or toll-free in Minnesota at (800) 652-9747, and in person at the above address.

All statements of information and opinions shall be accepted until **April 15, 1992**. Any written material received by the State Board of the Arts shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 16 March 1992

Sam W. Grabarski
Executive Director

Department of Labor and Industry

Order—In the Matter of Prevailing Wage

BACKGROUND

Minnesota Statutes, Sections 177.41 to 177.44 are Minnesota's prevailing wage provisions, enacted in 1973. The "Little Davis-Bacon" Act simply requires construction projects, financed in whole or in part by state funds, to pay wages comparable to wages paid for similar work in the community as a whole.

In 1990 the state legislature passed and Governor Perpich signed an appropriation bill allocating \$100,000 to study the prevailing wage law. The appropriation to the Department of Administration's Management Analysis Division (MAD) was to finance the review of:

1. whether the method of determining prevailing wage is adequate and reasonable;
2. whether enforcement of the law is consistent with the statutory intent; and,
3. the variations in prevailing wage rates among counties in Minnesota and between Minnesota and federal prevailing wage determinations.

This study was proposed and funded to address concerns expressed by local units of government which by an Attorney General interpretation in 1988 and an Appellate Court decision were determined to be included under the state's prevailing wage law.

Although the MAD report was presented to the legislature in April 1991 no legislative action ensued, nor were any interim hearings held by either the House or Senate on the policy questions raised therein. Likewise, during the 1992 legislative session, no initiatives in response to the report have emerged. This latter fact was uncontroverted at a March 13, 1992 Commissioner's informational hearing at the Centennial Office Building in St. Paul.

On April 18, 1991, Governor Carlson issued Executive Order #91-12 which directed state agencies to identify mandates that have increased costs, reduced flexibility, and created administrative burdens on local units of government. All state agencies were required to identify the mandates, to eliminate or modify the unnecessary or problematic mandates (if no legislation was required), or to identify by November 1, 1991, mandates that needed modification or elimination through administrative or legislative action.

The Department of Labor and Industry contacted the Association of Minnesota Counties and the League of Minnesota Cities seeking assistance in identifying the burdensome mandates administered by the Department. Despite repeated requests, neither group specifically responded to the Department on these matters.

Pursuant to the Executive Order, the Department on its own initiative identified the prevailing wage provisions as possibly meeting the criteria set forth therein, but indicated a need for legislative action to deal with the policy of including local units of government

projects under the prevailing wage law. The Department's Rules encompass only survey procedures and wage determinations, not the issue of inclusion itself.

In order to provide a means to implement the various suggestions contained in the MAD Report, as well as those offered by numerous groups and associations representing parties on various sides of the issues who have met with and discussed prevailing wage with the Department since last April, and to clear up its own concerns about the enforcement capabilities, statutory language has been drafted for the legislature. This language addresses a wide spectrum of possible outcomes and approaches, and is available for implementation.

Even now there remains ample time on the legislature's schedule to consider policy alternatives and respond to the report it commissioned in 1990, or to the demands of the local governments, local contractors, employee organizations, and other interested parties.

Although the first "committee deadline" has passed, no knowledgeable observer of the legislative process believes that this "hurdle" has any practical effect other than to serve as a basis for not pursuing uncomfortable or undesirable legislation. Doubters are encouraged to scan the legislative product of recent years and assess what portion of the major changes emerged well after the first "deadline." If the legislature wishes to pass legislation, it can and does do so at any time up until adjournment, subject only to the limitations of the copying machine, not the committee deadlines. The legislative option may in fact be fruitless, but it is indisputably available.

As indicated previously, the Department has been holding informational meetings for the purpose of gathering a better understanding of the concerns of all parties affected by the prevailing wage law. This process coincides with, but is not in place of, the formal process begun with publication of a Notice of Solicitation of Outside Information and Opinions in the STATE REGISTER on January 27, 1992. Parties wishing to participate in the formal process have until April 21, 1992 to provide written comments to the Department's Workplace Services Division.

Comments from parties at the March 13 meeting, and from the Department's own staff, indicate that the Department has limited ability to change the prevailing wage process without legislative clarification or authorization, or without resorting to a lengthy Administrative Procedures rulemaking process.

At the heart of many complaints about the current operation of the statute is the long-standing utilization of "mode" as the means of determining which wage levels prevail in an area. This usage was criticized in the Department of Administration report, but no legislative response was generated. As counsel for the Associated Builders and Contractors pointed out at the March 13 hearing, changes in this modality would certainly require formal rulemaking process (lasting between 453 to 503 days), and in candor probably ought to be addressed legislatively. Even if, as appears likely, the 1992 legislature takes no action, the process for changing a rule is so lengthy that the 1993 legislature will have an opportunity to speak well before any formal administrative change could be made effective. Proponents of change in this modality are encouraged to ascertain legislative intent and to secure statutory change.

Thus, the range of issues that can be dealt with summarily by the Department is limited. The Department has initiated negotiations with the State Department of Transportation to clarify the roles of the respective agencies; in actual fact, few obstacles to cooperation seem to exist there. The major issue that can be dealt with by the Department at this point involves the collection of wage data.

There appears to have been significant confusion among units of government and possibly among various contractors over how and whether to respond to the calls for wage information. Differing testimony was presented on the question of whether notice was received by those entities, or understood, or even detected in the general press of their business. It was felt by some that a better mailing list could have been used, that more attention could have been drawn to the requests, and that an explanation of the consequences of non-response could have been provided. One particularly telling factor was the observation that the request for wage information did not state specifically that this was "for prevailing wage determination" purposes.

In view of the controversy surrounding this matter over the past four years, and the involvement of local units of government in court over its implementation since that time, it seems disingenuous for affected parties to plead surprise. Nevertheless it may have occurred.

Surprise or at least lassitude can be the only explanation for the wide discrepancies between the data that was reported to the Department in accordance with long-standing procedures and the information that was provided to the Chair of the Senate Transportation Committee (and not acted upon), but not provided, curiously, to the Department of Labor and Industry. Interestingly, the new data obtained indirectly by the Department contain some of the same seeming contradictions or inconsistencies that critics complain of under the current system.

For example, in certain instances the new prevailing wages submitted exceed union scale, an unlikely circumstance (see Cottonwood County, job classes 101 and 212; Jackson County, class 212; Nobles County, class 212; Pipestone, Rock, and Redwood Counties, class 102; and Rock County, class 203). Indeed, if anomalous results are disqualifying, no definitive list has yet been or may ever be presented.

Those who believe that the data gathering mechanism has operated deficiently are not without blame themselves. Failure to actively pursue a legislative remedy in 1991 or 1992 based upon the Department of Administration's report is puzzling. Likewise, the evident

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failure on the part of statewide associations of governments to communicate to their memberships the most effective ways of coping with legislation that has been on the books for several years is contrary to the practice of every such association of which I am aware. Both the Association of Counties and the League of Cities have extensive member-education programs, and the omission of "how to cope with prevailing wage" is at least curious, and at worst a failure to understand that with which they should be most familiar, governmental process.

The Department's survey procedures, set forth in *Minnesota Rules* part 5200.1050, subp. 2c, for acquiring information needed to develop a data base upon which to determine prevailing wage rates for varying classes of labor have been the subject of debate at the informational hearings. Currently the state is broken down into three regions to gather contractor and wage-rate information.

There may be alternative and preferable means to collect the data. Perhaps a more "automatic" way of filing can be devised. In addition, Departmental mailing lists, which are extensive with over 8,482 names on file, will inevitably be out of date or incomplete.

ORDER

In order to ensure the most accurate prevailing wage determination, a complete and new survey will be conducted throughout the state beginning immediately.

The units of government throughout the state will receive a revised letter requesting the names of contractors working on construction projects in their county in the preceding 12 months. This statewide survey will comply with the requirements of *Minnesota Rules* part 5200.1050—Survey Procedures, as well as other relevant rules.

This survey process is expected to take a minimum of 120 days from the date of the Order, in order to comply with the provisions of current rules and to allow sufficient time to verify and certify the prevailing wages in all of the state's 87 counties.

While there are persons who may object to an extension or renewed surveys, the issue of fairness and equity should be the controlling factor. The currently certified prevailing wages will remain in effect throughout the state until new rates are determined and certified by the Commissioner. Although some seem unable to cope with the law and its administration, others have succeeded. The latter cannot and should not be faulted for having operated effectively under the current law and procedures. In fact, they should be commended.

The extension of current rates while new county rates throughout the state are determined will not be destructive of any rights. Paramount in this process is the statutory objective of determining what wages prevail for various jobs in areas throughout the state. On balance, that probably could be done more comprehensively than it has been for the past two decades. The concept of equity calls at least for receipt of additional data as may be appropriate.

THEREFORE, IT IS ORDERED that the Labor Standards Division of the Department of Labor and Industry implement survey procedures for all 87 counties of the state for the purpose of calculating and certifying prevailing wage rates as soon as legally possible and practical with the resources it has available.

21 March 1992

John B. Lennes, Jr.
Commissioner
Department of Labor and Industry

Public Employees Retirement Association

Board of Trustees Meetings

The next regular monthly meeting of the Board of Trustees of the Public Employees Retirement Association (PERA) will be on Thursday, April 9, 1992, at 9:30 a.m. in the Science Museum, 3rd Floor Penthouse, 30 East 10th Street, St. Paul, Minnesota.

A Public Safety Officers' meeting will be held on Wednesday, April 1, at 1:00 p.m. in the PERA offices, 514 St. Peter Street, St. Paul, Minnesota.

Department of Revenue

Appeals, Legal Services, and Criminal Investigation Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to a Rule Governing Subtraction for Interest on United States Government Obligations

NOTICE IS HEREBY GIVEN that the State Department of Revenue is seeking information or opinions from sources outside the agency in preparing amendments to *Minnesota Rule* part 8002.0300 which governs Subtraction for Interest on United States Government

Obligations. The adoption of the rule is authorized by *Minnesota Statutes*, section 270.06, clause (13), which permits the agency to make, publish, and distribute rules for the administration and enforcement of state tax laws.

The State Department of Revenue requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Jason P. Hardy
Department of Revenue
Appeals, Legal Services, and Criminal Investigation Division
10 River Park Plaza
Mail Station 2220
St. Paul, MN 55146-2220

Oral statements will be received during regular business hours over the telephone at (612) 296-1902 extension 117 and in person at the above address.

All statements of information and opinions shall be accepted until April 15, 1992. Any written material received by the State Department of Revenue shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Jason P. Hardy

Office of the Secretary of State

Notice of Vacancies in Multi-Member Agencies

NOTICE IS HEREBY GIVEN to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, St. Paul, MN 55155-1299; (612) 297-5845, or in person at Room 174 of the State Office Building. More specific information about these vacancies may be obtained from the agencies listed below. These vacancies will remain open for application through April 21, 1992. Appointing Authorities may also chose to review applications received after that date. Applications are kept on file for a one year period.

METROPOLITAN AIRPORTS COMMISSION

6040 28th Ave. S., Mpls. 55450. 612-726-8100
Minnesota Statutes 473.603

APPOINTING AUTHORITY: Governor. **COMPENSATION:** \$50 per diem.

VACANCY: Three members: One member must reside in MAC Precinct #3 consisting of Anoka county (excluding Spring Lake Park, Fridley, Hilltop, Columbia Heights), Ramsey county including Shoreview, Roseville, Arden Hills, New Brighton, Moundsview, St. Anthony, and Spring Lake Park, Hennepin county including St. Anthony, and Isanti county (within 35 miles of Minneapolis City Hall.) One member must be a resident of statutory or home rule charter cities, towns or counties containing an airport designated by the commissioner of Transportation as a key airport. One member must reside in MAC Precinct #1 consisting of the Ramsey county area including St. Paul (excluding area south of the river), Falcon Heights and Lauderdale.

The commission promotes air transportation locally, nationally, and internationally by developing the Twin Cities as an aviation center. The commission consists of fifteen members including the chair and twelve members appointed by the governor, including eight residing in precincts determined by the governor, and four residing outside the metro area, two from cities, towns or counties containing a key airport, and two from cities, towns or counties containing an intermediate airport. The mayors of Minneapolis and St. Paul, or designees, are ex-officio members. The chair receives \$20,226. per year plus expenses and serves at the pleasure of the governor. Monthly meetings. Members must file with the Ethical Practices Board.

SUBCOMMITTEE ON CHILDREN'S MENTAL HEALTH

444 Lafayette Rd., St. Paul 55155-3828. 612-297-4164
Laws of 1988, Chapter 689

APPOINTING AUTHORITY: Chairman, State Advisory Council on Mental Health. **COMPENSATION:** \$55 per diem plus expenses.

VACANCY: One member: must be a county commissioner.

The subcommittee must make recommendations to the advisory council on policies, law, regulations, and service relating to children's mental health. Members include: commissioners or designees of Department of Commerce, Corrections, Education, Health, Human Services, Finance, and State Planning; one member children's mental health advocacy group, three service providers (preadolescent, adolescent, and hospital-based), parents of emotionally disturbed children; a consumer of adolescent mental health services; educators

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currently serving emotionally disturbed children; people who worked with emotionally disturbed minority children, or with emotionally disturbed juvenile status offenders; social service representatives; county commissioners; advisory council members; one representative of the local corrections system; and one representative from the Minnesota District Judges Association juvenile committee. The subcommittee meets once a month.

D.A.R.E. ADVISORY COUNCIL

102 State Capitol, St. Paul 55155. 612-296-6196

Minnesota Statutes 299A.331

APPOINTING AUTHORITY: Attorney General, Commissioners of Public Safety & Education, POST Board. **COMPENSATION:** N/A.

VACANCY: Two members: to be appointed by the Attorney General.

The council works to expand the DARE program throughout the state. It develops advisory policies and procedures to guide local communities in the operation of DARE and works with the Bureau of Criminal Apprehension in maintaining appropriate training and teaching standards. The council consists of seventeen members including the attorney general serving as chair; the commissioner of Public Safety; the commissioner of Education; three representatives of law enforcement appointed by the commissioner of Public Safety; three representatives of education appointed by the commissioner of Education; a representative of the DARE officers association appointed by the Peace Officer Standards and Training Board from among recommendations of the association; and seven citizens appointed by the attorney general. Meeting schedule and location undetermined at this time.

ADVISORY COUNCIL ON PLUMBING CODE AND EXAMINATIONS

925 Delaware St. S.E., PO Box 59040, Mpls. 55414-3017. 612-627-5117

Minnesota Statutes 326.41

APPOINTING AUTHORITY: Commissioner of Health. **COMPENSATION:** \$55 per diem plus expenses.

VACANCY: One member: to be a representative of the commissioner of Health.

The council examines and licenses plumbers, recommends revisions to the plumbing code and licensing rules, and reviews new materials and methods. The council consists of seven members, including one journeyman plumber, one master plumber, and one representative of the commissioner of Health. Quarterly meetings.

AMERICAN INDIAN ADVISORY COUNCIL ON CHEMICAL DEPENDENCY

444 Lafayette Rd., St. Paul 55155-3823. 612-296-8941

Minnesota Statutes 254A.035

APPOINTING AUTHORITY: Commissioner of Human Services. **COMPENSATION:** \$55 per diem plus expenses.

VACANCY: One member: representing the Prairie Island Sioux Community chemical dependency concerns on the American Indian Advisory Council.

The council establishes policies and procedures for American Indian chemical dependency programs, and reviews and recommends proposals for funding. The council consists of seventeen members including one member from each of eleven reservations, two members from Minneapolis, two members from St. Paul, one member from Duluth, and one member from International Falls. Quarterly meetings.

MN BOARD OF CHIROPRACTIC EXAMINERS PEER REVIEW COMMITTEE

2700 University Ave. W., Suite 20, St. Paul 55114-1089. 612-642-0591

Minnesota Statutes 148.01-148.106

APPOINTING AUTHORITY: Executive Director, State Board of Chiropractic Examiners. **COMPENSATION:** \$55 per diem.

VACANCY: One professional member.

The committee makes determinations of whether or not certain chiropractors properly utilized services rendered or ordered appropriate treatment or service, and if the cost of treatment was unconscionable. The committee consists of seven members, including five chiropractors and two consumer members. Terms are varied.

Department of Transportation

Technical Services Division

Office of State Aid

Notice of Intent to Solicit Outside Opinions Concerning the Possible Adoption of Rules Relating to State Aid Operations

NOTICE IS HEREBY GIVEN that the Commissioner of Transportation is soliciting outside opinions and comments pertaining to the adoption of rules promulgated pursuant to or authorized by *Minnesota Statutes*, chs. 161 and 162 relating to State Aid Operations.

Please be advised the Commissioner of Transportation will meet in the near future with those county and municipal officials, through his authorized agent, as required and established in *Minnesota Statutes* 162.02, subd. 2 and 162.09 subd. 2 to consider rules for a category of roads designated Natural Preservation Routes within the County State Aid Highway System.

All interested or affected persons or groups are requested to participate. Statements of information and comment may be orally or in writing and must be received by April 29, 1992. Written statements of information and comment may be addresses to:

Mr. Dennis C. Carlson, Director
Office of State Aid
420 Transportation Building
395 John Ireland Boulevard
Saint Paul, MN 55155

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-3011 and in person at the above address. Any written material received by the above date will become a part of the record of any rules hearings which will be held.

Dated: 20 March 1992

Darryl Durgin
Deputy Commissioner

State Grants

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Minnesota Department of Human Services

Deaf Services Division

Contract Available for Provision of Interpreter Referral Services

The State of Minnesota Department of Human Services, Deaf Services Division is soliciting proposals for provision of interpreter referral services for the seven county Twin Cities Metro area. The purpose of the interpreter referral service is to ensure that access to interpreting services is available to deaf and hard of hearing individuals and human service agencies.

Activities of the interpreter referral service must include the following:

1. maintenance of a comprehensive directory of interpreters who use American Sign Language, oral interpretation methods, other visual-gestural or tactile techniques to facilitate communication;
2. filling interpreter referral requests from deaf and hard of hearing consumers, and public, private and non-profit human service agencies;
3. recruitment and screening of interpreters to fill referral requests;
4. evaluation of consumer satisfaction with interpreter services;
5. provision of back-up referral assistance to the Deaf Services Division Regional Service Center staff for referral requests in non-metro regions of the state;
6. coordination with the Deaf Services Division Regional Service Centers on projects to train interpreters and advocate for and evaluate interpreter services.

Contract activities will also include provision of statistical reports as specified by the State, and participation in the State's ongoing evaluation of the interpreter referral service.

State Grants

The total amount expended for this activity will not exceed \$70,000.00. The Department anticipates awarding the entire grant to one responder for Fiscal Year 1993 (July 1, 1992-June 30, 1993).

The full text of the Request for Proposals is available on request. Inquiries and responses should be directed to:

JoLynn Blaeser, Program Planner
Deaf Services Division
Human Services Building
444 Lafayette Road
St. Paul, Minnesota 55155-3814
(612) 296-6853 Voice/TDD

Responses must be received no later than 12:00 p.m. on Monday, May 4, 1992.

Late proposals will not be accepted. Award date for the contract will be May 29, 1992.

Professional, Technical & Consulting Contracts

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. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Minnesota Community College System

Request for Proposals for Recordkeeping for Defined Contribution Retirement Plans

The Minnesota Community College System (MCCS) administers two defined contribution retirement plans: Individual Retirement Account Plan (IRAP), established by the Legislature on July 1, 1988; and since July 1, 1991, the College Supplemental Retirement Plan (SRP). The System is requesting proposals from firms interested in providing recordkeeping services and consultative assistance to the MCCS. Specific tasks will include recording investments and maintaining individual participant records, preparing quarterly reports to individual participants, and providing staff with professional consultative services on an on-going basis. The contract will be effective on July 1, 1992 and run through June 30, 1995.

Background The MCCS Supplemental Retirement Plan has approximately 1,600 active and 300 inactive participants. Most participants contribute up to \$1,100 annually, while less than 100 contribute up to \$450 annually. These amounts are matched by the employer. The MCCS Supplemental Retirement Plan also includes the management of all past contributions made since its inception in 1965.

The majority of investments for Supplemental Retirement Plan participants are made with the State Board of Investment (SBI). Participants also have the option to select two other investment managers, Prudential and TIAA-CREF, and to change investment options within an investment manager's portfolio. Recordkeeping will be required only for those participants who retain or select the State Board of Investment as their investment manager.

The Minnesota Community College System IRAP has approximately 600 participants. Employee and Employer contributions presently are made at the rate of 4.5% of compensation. Although most participants invest their funds with Prudential or TIAA-CREF, a growing number have selected the SBI as their investment manager. Recordkeeping services will be required for those participants who choose the SBI.

Items to be addressed in the RFP shall include (but need not be limited to):

Cost of maintaining active and inactive accounts (data entry, data reconciliation, transactions, and allocations) for those SRP and IRAP participants who select the State Board of Investment as their investment manager. Tasks include updating individual records on a monthly basis for new participants, employee information changes, investment transfer requests and distribution requests.

Cost of completing plan management tasks for all State Board of Investment (SBI) investment accounts including but not limited to: receiving share valuation reports from the SBI; confirming accuracy of withdrawal amounts paid to participants from IRAP or SRP funds allocated to the SBI; reconciling the SBI fund balance to the total of all participant accounts; and after reconciliation of the assets described above, allocate contributions to all active participants eligible for contributions and allocate gains/losses to participant balances.

Cost of providing MCCS with the following reports: An activity summary which shows activity for the month for each person and

Professional, Technical & Consulting Contracts

each fund; trust accounting information for both plans which contains a reconciliation of the SBI fund balances to the total of the participant accounts; and distribution check requests for each person who requested a distribution from MCCS during the month.

Cost of preparing a statement format for and reporting information to individual participants on a quarterly basis on contributions received and investments made, net gain or loss, and the current value of such investments.

Cost of providing consultative services (please include a per hour charge) on such topics as plan design and interpretation, tax implications, and information management systems; in addition, advising MCCS regarding potential in-house administration of the recordkeeping function. Since this is a three-year agreement, respondents should provide specific cost information for the first year and projections for the subsequent periods.

In addition, respondents should provide the following background information:

- The number of firms/governmental units for whom the firm is currently providing recordkeeping services under a qualified plan, including the number of active and inactive accounts of the largest firm/governmental unit for whom the firm is currently providing recordkeeping services.
- Names of at least three firms/governmental units for whom similar work is currently being performed, and the length of time such work has been performed. Please list the name, address and phone number of an individual that a representative from the MCCS may contact.
- The name and a brief functional description of the software system to be used in providing the recordkeeping function.
- The hardware configuration used in the recordkeeping function.
- Available backup (e.g., the firm's disaster plan).

To assist potential respondents, the MCCS has background materials pertaining to both the Individual Retirement Account Plan and the Supplemental Retirement Plan and the current management structure.

For additional information, please contact:

Anne Weyandt
Director of Executive and Staff Services
Minnesota Community College System
203 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
612/296-5157

The RFP should be received by the Minnesota Community College System, addressed to Anne Weyandt, no later than 4:30 p.m. Friday, April 24, 1992.

The System reserves the right to withdraw this request or to determine whether or not to issue a contract to any of the respondents to this RFP.

A decision to issue a contract may be based on factors other than cost alone, including the results of written recommendations by other firms by which respondents have been engaged.

State Designer Selection Board

Request for Proposal for a Project at Camp Ripley

To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select a designer for a project at Camp Ripley. Design firms who wish to be considered for this project should deliver proposals on or before 4:00 p.m., April 21, 1992, to:

George Iwan
Executive Secretary, State Designer Selection Board
Room G-10, Administration Building
St. Paul, Minnesota 55155-3000

The proposal must conform to the following:

- 1) Six copies of the proposal will be required.
- 2) All data must be on 8½" x 11" sheets, soft bound.

Professional, Technical & Consulting Contracts

3) The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number and the name of the contact person.

4) Mandatory Proposal contents in sequence:

a) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc. If the response is from a joint venture, this information must be provided for firms comprising the joint venture.

b) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. If desired, identify roles that such persons played in projects which are relevant to the project at hand.

c) A commitment to enter the work promptly, if selected, by engaging the consultants, and assigning the persons named 4b above along with adequate staff to meet the requirements of work.

d) A list of State and University of Minnesota current and past projects and studies under contract or awarded to the prime firm(s) submitting this proposal during the three (3) years immediately preceding the date of this request for proposal. The prime firm(s) shall list and total all fees associated with these projects and studies whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects and studies listed pursuant to the above. NOTE: Please call for a copy of the acceptable format for providing this information.

e) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described. It must be noted if the personnel were, at the time of the work, employed by other than their present firms.

The proposal shall consist of no more than twenty (20) pages. Proposals not conforming to the parameters set forth in this request will be disqualified and discarded without further examination.

5) Statutory Proposal Requirements:

In accordance with the provisions of *Minnesota Statutes*, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted.

The proposal will not be accepted unless it includes one of the following:

a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or

b) A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights;

or

c) A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months; or

d) A statement certifying that the firm has an application pending for a certificate of compliance.

6) Design firms wishing to have their proposals returned after the Board's review must follow one of the following procedures:

a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or

b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

In accordance with existing statute, the Board will retain one copy of each proposal submitted.

Any questions concerning the Board's procedures, their schedule for the project herein described or the fee format form may be referred to George Iwan at (612) 296-4656.

7) PROJECT - 05-92

New Medical Unit Training Facility
Camp Ripley
Little Falls, Minnesota

General Description of Project: The proposed project consists of a new 12,000 Sq. Ft. building (approximate size). This building will serve as the medical clinic for Camp Ripley as well as a training facility for National Guard Medical personnel.

Estimated Project Construction Cost: \$1,235,000.00

Professional, Technical & Consulting Contracts

Project Details: The facility will be a one story masonry type building. Spaces within the facility include overnight patient holding areas; isolation room; diagnostic rooms; exam rooms (both medical and dental); offices; waiting/admission spaces; medical supply room; and emergency vehicle garage.

Included in the project will be connections to existing utilities; landscaping; sidewalks and vehicular parking; and an ongrade medivac helicopter pad.

Work to be performed by the Architect: The work includes: topographic survey and soil test borings; the design of the complete facility; the preparation of required drawings, specifications and allied documents to include bidding documents; presiding at the bid opening; the handling of contract documents; the general supervision of the construction work for the Owner; assisting in the preparation of supplemental agreements; review and approval of shop drawings and payment requests; assisting in final acceptance of the work. The specification format will be the architect's normal for commercial work, tailored to the project.

Architect's Fee for the Work: The fee for design, printing, travel, topographic survey, soil testing and supervision services is Government established on a variable scale at a percentage of the construction cost of the work. Estimated fee is 5.7%. The Department of Military Affairs will provide the designer with programming documents and Department construction standards which include space criteria, supporting facility criteria, construction standards, authorized finish schedules and use relationships.

Questions concerning this project may be referred to Thomas Vesely, Camp Ripley, Little Falls, Minnesota at (612) 632-6631 extension 7570.

James Tillitt, Chairman
State Designer Selection Board

Department of Health

Health Resources Division

Notice of Request for Proposals for Development and Implementation of a Survey Tracking System

The Minnesota Department of Health is seeking proposals to provide design, development, hardware, and implementation of a Survey Tracking System. The system is comprised of 5 modules which must be integrated into an existing Wang PACE database. The 5 modules listed in priority order are:

- Nursing Assistant Registry Module
- Nursing Assistant Registry STEP Module
- Deficiency Tracking Module
- Survey Scheduling Module
- Survey Time Tracking Module

The modules must be designed to integrate with the existing database and with each other.

Estimated development and implementation costs should not exceed \$250,000. Projected completion date is November 1, 1992. System requirements are contained in a request for proposal which may be obtained by calling or writing to:

Cecelia Weible
Information & Analysis Supervisor
Minnesota Department of Health
393 North Dunlap St.
St. Paul, MN 55164
(612) 643-2152

Professional, Technical & Consulting Contracts

Department of Human Services

Health Care Administration Division

Notice for Statements of Interest from Potential Prepaid Health Plan Contractors

The Department of Human Services is seeking statements of interest from prepaid health plans to provide health care services to the Medical Assistance (MA) population in Ramsey County eligible for enrollment in the Prepaid Medical Assistance Program (PMAP). The MA population groups required to enroll in PMAP include the Aid to Families with Dependent Children (AFDC), needy children, and aged eligibility groups. PMAP has been operational in Hennepin, Dakota, and Itasca Counties for over five years. During this time, PMAP has proven to be a cost effective alternative to the fee-for-service system while insuring access to quality care.

Prior to the issuance of a formal Request for Proposals to serve the MA population in Ramsey County, the Department is interested in discovering how many health plans would be interested in contracting with the Department and how many Ramsey County MA recipients each health plan could serve. The estimated number of recipients eligible for enrollment in PMAP in Ramsey County by eligibility category and the specific capitation premium assigned to each population is as follows:

	<u># of Eligibles/Month</u>	<u>PMAP Rate (Without Stop-Loss)</u>	
		<u>FY-93</u>	<u>FY-94</u>
AFDC	33,000	\$107.55	\$112.42
Needy Children	3,500	\$236.01	\$246.77
Aged	4,500	\$243.16	\$254.04

The following information must be included in all statements of interest submitted by the potential health plan contractors:

1. Name of health plan
2. Contact person, including title and phone number
3. The number of MA recipients which the health plan has the capacity to serve, delineated by the 3 eligibility groups listed above.
4. Clear instructions regarding the confidentiality of the information contained in the statement of interest.

All statements of interest must be signed by the chief executive officer of the health plan and received by the Department no later than 4:30 p.m. on April 24, 1992. Please direct all correspondence and inquiries to:

Rick Chiat
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3854
Phone: 612/296-1481

Department of Human Services

Moose Lake Regional Treatment Center

Request for Proposals for Services of Pharm. D to Provide Clinical Pharmacology Consultations and a Drug Utilization Program for the Moose Lake Regional Treatment Center

Estimated amount of contract: \$11,233.00.

Responses to the above services must be received no later than 12:00 p.m. on April 22, 1992.

Direct inquiries to:

Frank Milczark
Chief Executive Officer
Moose Lake Regional Treatment Center
1000 Lakeshore Drive
Moose Lake, MN 55767
(218) 485-4411 ext. 242

State Board of Investment

Money Management Services Sought

The Minnesota Board of Investment (SBI) retains private money management firms to manage a portion of the pension assets and other accounts under its control. Firms interested in managing either equity or fixed income assets for the SBI are asked to contact the following address for additional information:

Michael J. Menssen, Manager
External Equity Program

and

James H. Lukens
Manager, External Fixed Income Program

Minnesota State Board of Investment
Room 105—MEA Building
55 Sherburne Avenue
St. Paul, Minnesota 55155

Department of Natural Resources

Division of Parks and Recreation

Notice of Request for Proposal for Concessionaire to Operate the Fort Snelling State Park Golf Course, Officers' Row and Polo Grounds

The Minnesota Department of Natural Resources, Division of Parks and Recreation is requesting proposals from qualified individuals, firms or public entities interested in entering into a concession agreement for the management and operation of the Fort Snelling State Park golf course, polo grounds (athletic fields) and officers' row historic buildings. The agreement will be for a five year period beginning with the 1993 operating season.

Proposals must be received by 4:30 p.m. CDT, June 15, 1992.

A site visit will be scheduled for potential proposers.

For a copy of the Request for Proposals, contact:

Wayland Porter, Administrative Manager
Minnesota Department of Natural Resources,
Division of Parks and Recreation
500 Lafayette Road
St. Paul, MN 55155-4039
(612) 296-0744

Department of Natural Resources

Real Estate Management Bureau

Request for Proposals to Provide Real Estate Marketing and Auction Services—March, 1992

The Department of Natural Resources, Bureau of Real Estate Management is requesting proposals from any qualified firm interested in assisting the Department of Natural Resources lakeshore sales program in designing prospectuses, advertising, open houses and auction services for approximately 230 lakeshore sites in August, 1992 and another 250 in August 1993. More detailed information on the scope of the assignment will be provided upon request. Please submit the proposal by 4:00 p.m. on Friday, April 17, 1992. Submit all copies to: Jeff Hanson, Manager of Operations, Department of Natural Resources, 500 Lafayette Road, Box 30, St. Paul, MN 55155-4030. If there are any questions, please contact Teresa Thews, Lakeshore Sales Supervisor, 612-296-0639.

Non-State Public Contracts

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Lower Minnesota River Watershed District

Request for Interest Proposals for Engineering Consultant Services

Pursuant to MSA 103B.227, Subd. 5 the Lower Minnesota River Watershed District hereby solicits interest proposals for engineering consultant services for two years commencing in mid-1992.

Individuals interested in performing engineering consultant services for the Lower Minnesota River Watershed District should contact Bruce D. Malkerson, 3300 Piper Jaffray Tower, 222 South 9th Street, Minneapolis, Minnesota 55402 or 333-4800 to receive a proposal.

The Commission will review said proposals and reserves to itself the right to take such action as it deems in the best interest of the Watershed District. All proposals shall be submitted on or before May 1, 1992.

Minnesota Historical Society

Notice of Request for Proposals for Microfilm Reader-Printers

The Minnesota Historical Society is seeking proposals from qualified firms and individuals to provide six microfilm reader-printers which shall be Minolta R/P 606Z or substantially similar.

The Request for Proposals is available by calling or writing Gary W. Goldsmith, Contracting Officer, Minnesota Historical Society, 690 Cedar Street, St. Paul, MN 55101. Telephone (612) 296-2155.

Proposals must be received not later than April 6, 1992.

Details concerning submission requirements are included in the Request for Proposals.

State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. § 14.10, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Materials Management 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 whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Awards of contracts and advertised bids for commodities and printing, as well as awards of professional, technical and consulting contracts, appear in the midweek **STATE REGISTER Contracts Supplement**, published every Thursday. Call (612) 296-0931 for subscription information.

Materials Management Division—Department of Administration:

Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid.

COMMODITY CODE KEY

A = Sealed Bid
B = Write for Price
C = Request for Proposal
D = Request for Information
E = \$0-\$1,500 Estimated Dollar Value
F = \$1,500-\$5,000 Estimated Dollar Value

G = \$5,000-\$15,000 Estimated Dollar Value
H = \$15,000-\$50,000 Sealed Bid
I = \$50,000 and Over Sealed Bid/Human Rights Compliance Required

J = Targeted Vendors Only
K = Local Service Needed
L = No Substitute
M = Installation Needed
N = Pre-Bid Conference
O = Insurance or Bonding Required

Commodity: B F—Emissions tester
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 4:30pm: April 2
Agency: Minnesota Correctional Facility
Deliver to: Stillwater
Requisition #: B 78620-00438

Commodity: B E—Trece boiler gauges
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 4:30pm: April 2
Agency: Minnesota Correctional Facility
Deliver to: St. Cloud
Requisition #: B 78830-11175

Commodity: Gasoline and diesel fuel (transport and tankwagon deliveries)
Contact: Dale Meyer 612-296-3773
Bid due date at 2pm: April 6
Agency: Various
Deliver to: Willow River
Requisition #: Price contract

Commodity: B F—Lan testing EQ—rebid
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: April 2
Agency: Community College Board
Deliver to: St. Paul
Requisition #: B 27138-53145-1

Commodity: B F—Video equipment
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: April 2
Agency: Normandale Community College
Deliver to: Bloomington
Requisition #: B 27156-10903

Commodity: B F—Tree stump removal
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: April 6
Agency: Minnesota Correctional Facility
Deliver to: Sauk Centre
Requisition #: B 78770-03417

Commodity: B G—Signal conditioner
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: April 2
Agency: Minnesota Department of Transportation
Deliver to: Maplewood
Requisition #: B 79000-23130

Commodity: B F L—Soil pressure cells
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: April 2
Agency: Minnesota Department of Transportation
Deliver to: Maplewood
Requisition #: B 79050-28392

Commodity: A H K—Van modifications
Contact: Brenda Thielen 612-296-9075
Bid due date at 2pm: April 6
Agency: Minnesota Department of Jobs & Training
Deliver to: Various places
Requisition #: B 21607-38263

Commodity: B E—Air compressor
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 4:30pm: April 6
Agency: Minnesota Department of Transportation
Deliver to: Virginia
Requisition #: B 79382-02399

Commodity: B G—Aluminum window installation
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: April 6
Agency: Materials Management Division
Deliver to: Arden Hills
Requisition #: B 02512-21744

Commodity: B F—Slide projector w/o lens
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: April 2
Agency: I R R & R B
Deliver to: Chisholm
Requisition #: B 43000-60438

Commodity: B F—Video equipment
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: April 2
Agency: Minnesota Correctional Facility
Deliver to: St. Cloud
Requisition #: B 78830-11172

Commodity: A H—Mobile data analyzing trailer
Contact: Pam Anderson 612-296-1053
Bid due date at 2pm: April 6
Agency: Minnesota Department of Transportation
Deliver to: Fort Snelling
Requisition #: B 79382-02375

Commodity: B E L—Soil pressure cells
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: April 2
Agency: Minnesota Department of Transportation
Deliver to: Maplewood
Requisition #: B 79050-28393

Commodity: B F M—Roll files
Contact: Jack Bauer 612-296-2621
Bid due date at 4:30pm: April 6
Agency: Minnesota Department of Transportation
Deliver to: St. Paul
Requisition #: B 79000-23142

Commodity: B F—High pressure water pump
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 4:30pm: April 6
Agency: Minnesota Department of Transportation
Deliver to: St. Cloud
Requisition #: B 79382-02400

Commodity: B F—Flatbed stake body
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 4:30pm: April 6
Agency: Minnesota Department of Transportation
Deliver to: Fort Snelling
Requisition #: B 79382-02401

State Contracts and Advertised Bids

Commodity: Microwave communications tower
Contact: Pam Anderson 612-296-1053
Bid due date at 2pm: April 10
Agency: Minnesota Department of Transportation
Deliver to: Various places
Requisition #: B 79000-23131

Commodity: B G—Walk-in freezer
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: April 6
Agency: I R R & R B
Deliver to: Chisholm
Requisition #: B 43000-60489

Commodity: B F K M—Reader/printer
Contact: Jack Bauer 612-296-2621
Bid due date at 4:30pm: April 3
Agency: Mankato State University
Deliver to: Mankato
Requisition #: B 26071-07526

Commodity: B F—Helicopter inspection
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 4:30pm: April 3
Agency: Department of Public Safety/Finance
Deliver to: St. Paul
Requisition #: B 07500-27188

Commodity: B F—Sterner light pole
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: April 6
Agency: Southwest State University
Deliver to: Marshall
Requisition #: B 26175-02303

Commodity: B F—Primer topcoat
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: April 2
Agency: Minnesota Department of Transportation
Deliver to: Golden Valley
Requisition #: B 79500-22523

Commodity: B E—Helicopter repair parts
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 4:30pm: April 3
Agency: Department of Public Safety/Finance
Deliver to: St. Paul
Requisition #: B 07500-27187

Commodity: B G—Outboard motor
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 4:30pm: April 6
Agency: Department of Natural Resources—Regional Headquarters
Deliver to: Grand Rapids
Requisition #: B 29002-22072

Commodity: Steel: for license plates (rebid #3)
Contact: Patricia Anderson 612-296-3770
Bid due date at 2pm: April 17
Agency: Public Safety
Deliver to: MCF/St. Cloud
Requisition #: Price contract

Department of Administration: Print Communications Division

Printing vendors for the following printing contracts must review contract specifications in printing buyers office at 117 University Avenue, Room 134-B, St. Paul, MN.

Printing vendors NOTE: Other printing contracts can be found in the Materials Management Division listing above, and in the Professional, Technical & Consulting Contracts section immediately following this section.

Commodity: Title application form, camera ready copy, negs available, 400M sets, 3 part snapout, carbon interleave
Contact: Printing Buyer's Office
Bids are due: April 1
Agency: Public Safety
Deliver to: St. Paul
Requisition #: 22127

Good Business Decisions are Made with Good Information

Minnesota Manufacturer's Directory. More than 7,000 entries that include name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2, \$90.00 plus tax.

Business and NonProfit Corporation Act 1989. A handy reference that contains all the state laws governing the establishment and conduct of corporations in Minnesota. Includes *Minnesota Statutes* Chapters 308A, 302A and 317A. Code #2-87. \$19.95 plus tax.

Minnesota Guidebook to State Agency Services 1992-95. Packed with information to help you cut through red tape for easy and fast dealing with state agencies, this treasure of information opens state government to you. Its 640 pages describe agencies, how they work, listing contacts, addresses, phones, and license requirements, grants, forms, reports, maps, publications and much more. Gives historical, statistical and important data useful in hundreds of ways. Code #1-11. \$16.90 plus tax. FAX: (612) 296-2265.



Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Resolve Bargaining Disputes and Grievances

Public Employment Labor Relations Act 1989. The collective bargaining rights and responsibilities of public employers and public employees. Details employees' right to organize and the legislature's authority. Code #2-90, \$6.00 plus tax.

Public Sector Labor Relations in Minnesota. A practical resource and training guide analyzing public sector labor relations in Minnesota. A special emphasis on contract administration, grievance handling and the arbitration process. 286 pages, paperbound. Code #10-51, \$12.50.

Minnesota Guidebook to State Agency Services 1992-95. A treasure of helpful, useful, and interesting information about Minnesota state government. This important resource guides you through applications, fees, licenses, reports, history and travel highlights. Describes agencies in detail, giving addresses, phones and contact people. Code #1-11, \$16.90 plus tax. FAX: (612) 296-2265.



Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

A Wise Investment—the rules of the game

Securities Laws, 1990. Governs the activities of broker/dealers, agents and investment advisors. *Minnesota Statutes* Chapter 80A. Code #2-12, \$7.00 plus tax.

Securities Rules, 1991. Rules implementing the legislative mandate. Subjects include equity securities and investment companies. *Minnesota Rules* Chapter 2875. Code #3-5, \$14.00 plus tax.

Minnesota Guidebook to State Agency Services, 1992-95. Packed with information to help you, this 640-page resource guides you through license requirements, forms, fees, reports, services, grants, and more. Its listing of addresses, phones, and agency descriptions cut red tape for easy and fast service from state agencies. Code #1-11, \$16.90 plus tax.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-657-3757. Minnesota residents please include 6½% sales tax. On all orders, add \$2.00 per order for handling. Prepayment is required. Please include daytime phone. VISA/MasterCard, American Express and Discover orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.



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