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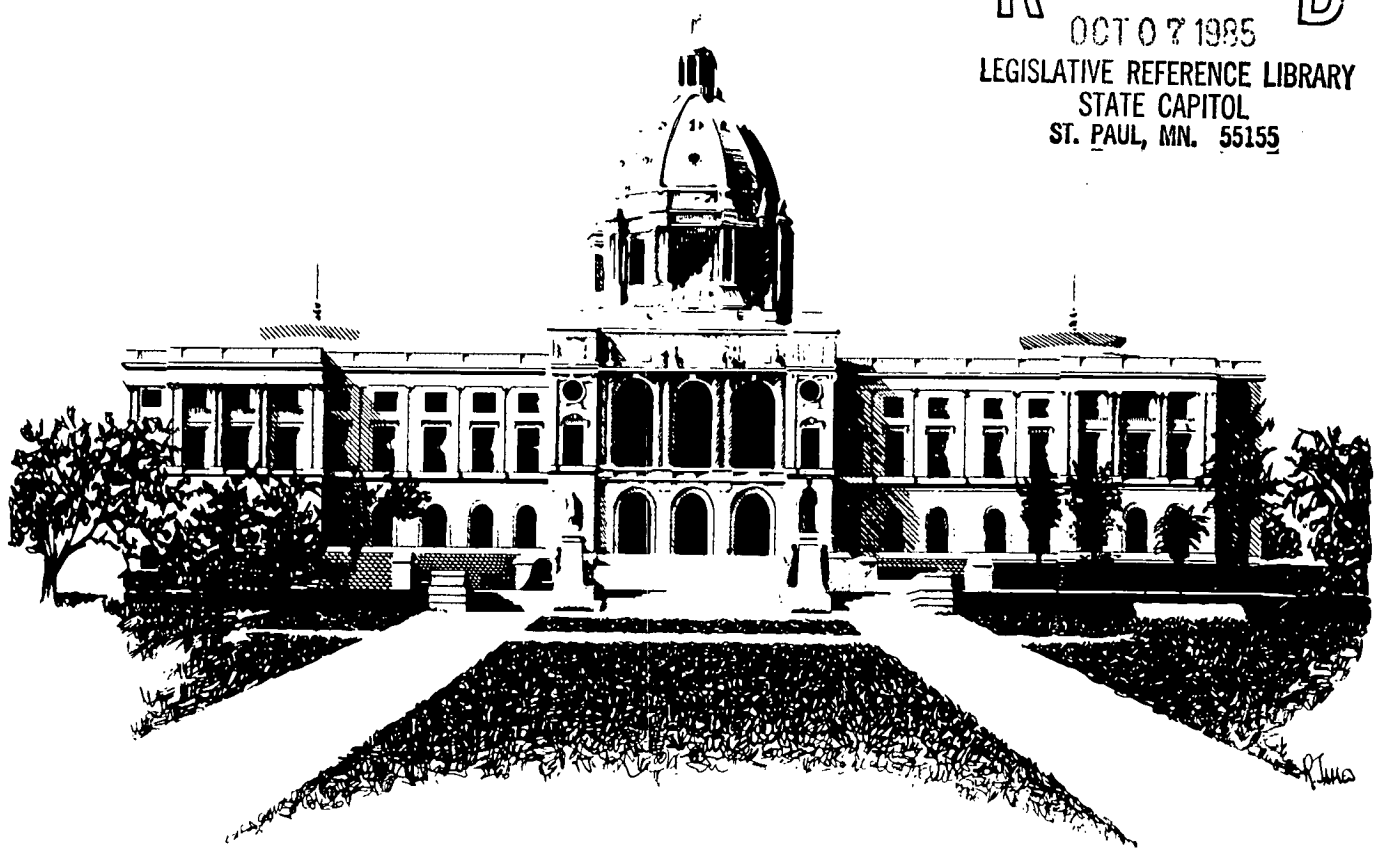


STATE OF MINNESOTA

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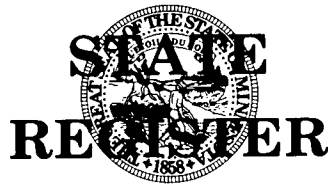
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VOLUME 10, NUMBER 15

October 7, 1985

Pages 813-876



Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
SCHEDULE FOR VOLUME 10			
16	Monday September 30	Monday October 7	Monday October 14
17	Monday October 7	Monday October 14	Monday October 21
18	Monday October 14	Monday October 21	Monday October 28
19	Monday October 21	Monday October 28	Monday November 4

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

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

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

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

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NOTICE

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

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

The **PROPOSED RULES** section contains:

- Calendar of public hearings on proposed rules.
- Proposed new rules (including notice of hearing and/or notice of intent to adopt rules without a hearing).
- Proposed amendments to rules already in existence in the Minnesota Rules.
- Proposed emergency rules.
- Withdrawal of proposed rules (option; not required).

The **ADOPTED RULES** section contains:

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

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

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

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

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

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

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

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EXECUTIVE ORDERS

Executive Order No. 85-15

Providing for the Issuance of Overweight Transportation Permits to Sugar Beet and Potato Haulers

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

WHEREAS, it is desirable to provide for a level of uniformity between border states as it relates to transportation of the fall sugar beet and potato harvests; and

WHEREAS, the economic vitality of the potato and sugar beet industry is extremely dependent on good weather conditions in the fall;

NOW, THEREFORE, I hereby direct the Commissioner of Transportation to issue overweight transportation permits to sugar beet and potato haulers subject to the following restrictions:

1. Permits are subject to conditions that no single axle, no group of axles, and no vehicle may exceed statutory weights by more than ten percent.
2. Permits shall apply to the first haul from farm fields to the first storage point. Shipments beyond that point must comply with the normal vehicle weight laws.
3. The permit shall remain in effect through completion of the 1985 sugar beet and potato harvest.
4. Vehicles that wish to take advantage of this overweight permit must be licensed for the increased weights which they will carry under this order.
5. Permits shall apply to travel on state trunk highways only and do not apply on interstate highways.
6. A permit fee of sixty dollars (\$60.00) shall be paid for each vehicle which is permitted to haul commodities under this executive order.
7. No tolerance in excess of the permit weight will be considered when enforcing the truck weight laws of this State.
8. Minnesota will honor overweight transportation permits issued by another state for trucks that are properly registered in that state provided that:
 - a. That state honors similar Minnesota overweight transportation permits that have been issued to trucks that are properly registered in Minnesota; and
 - b. The vehicle carries only sugar beets or potatoes; and
 - c. The vehicle travels only in the "free zone" adopted under the vehicle registration reciprocity agreement between that state and the State of Minnesota.

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

IN TESTIMONY WHEREOF, I hereunto set my hand this 12th day of September, 1985.



PROPOSED RULES

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

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

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

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

Higher Education Coordinating Board

Proposed Rules Relating to Supplemental Student Loans

Notice of Intent to Adopt a Rule without a Public Hearing

Notice is hereby given that the Minnesota Higher Education Coordinating Board proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in Minnesota Statutes, sections 14.22 to 14.28. The specific statutory authority to adopt the rule is contained in Minnesota Statutes 136A.111, and Minnesota Laws 1983, Chapter 258, Section 49, and Minnesota Laws 1984, Article 4, Section 3.

Persons interested in this rule shall 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 and 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. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

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

Rose Herrera Hamerlinck
Minnesota Higher Education Coordinating Board
400 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
612/296-7963

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

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

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Rose Herrera Hamerlinck upon request.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be delivered 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 this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Rose Herrera Hamerlinck.

September 20, 1984

David A. Longanecker
Executive Director
Minnesota Higher Education
Coordinating Board

Rules as Proposed (all new material)**STUDENT EDUCATIONAL LOAN FUND (SELF)
MINNESOTA HIGHER EDUCATION COORDINATING BOARD (MHECB)
SUPPLEMENTAL AND ADDITIONAL LOANS****4850.0010 PURPOSE.**

The purpose of parts 4850.0010 to 4850.0018 is to augment Minnesota Statutes, sections 136A.14 to 136A.141, and 136A.15 to 136A.1702, establishing a state program of supplemental loans to post-secondary students by providing standards, criteria, and rules for the program.

4850.0011 DEFINITIONS.

Subpart 1. **Academic year.** "Academic year" means:

A. a period of time, typically eight or nine months, in which a full-time student is expected to complete the equivalent of at least two semesters, two trimesters, or three quarters at an eligible school using credit hours; or

B. at least 900 clock hours of training for a program at an eligible school using clock hours.

Subp. 2. **Anticipated graduation date.** "Anticipated graduation date" means the date indicated by the eligible school at the time the student applies for a SELF loan, as the date that the student will graduate given the enrolled program and normal satisfactory academic progress.

Subp. 3. **Board.** "Board" means the Minnesota Higher Education Coordinating Board.

Subp. 4. **Capitalized interest.** "Capitalized interest" means accrued interest that is added to the outstanding loan principal.

Subp. 5. **Certificate or degree.** "Certificate" or "degree" means a written or printed statement of the fact that the holder has met the eligible school's minimum requirements for completion and certifying a minimum mastery of the subject matter for a particular academic or vocational program.

Subp. 6. **Certification.** "Certification" means the statement of an eligible school that verifies and documents the identity, eligible enrollment, satisfactory academic progress, and cost of attendance of the borrower; performs the "maximum effort" test; and calculates the maximum allowable SELF loan eligibility and recommends a specific loan amount. The certification also shall indicate whether or not the student is in default of previous loans through:

A. checking loan history at the school;

B. checking an available financial aid transcript from a school previously attended by a borrower who is a transfer student;
and

C. using any other information reasonably available to the school about the student's prior loan history, written, verbal, or electronic.

Subp. 7. **Correspondence or external degree program.** "Correspondence or external degree program" is one that has no campus-based requirements or that provides the student no face-to-face contact with the financial aid officer.

Subp. 8. **Cost of attendance.** "Cost of attendance" includes:

A. tuition and fees charged for the loan period;

B. room and board charged for the loan period, or a reasonable allowance as determined by the school, for off-campus living;
and

C. a reasonable allowance as determined by the school for books, supplies, transportation, and personal expenses.

Subp. 9. **Credit worthy cosigner.** "Credit worthy cosigner" means one who, in the judgment of the board has:

A. no credit bureau balances discharged through bankruptcy;

B. no garnishments, attachments, foreclosure, repossession, or suit;

C. no delinquent or unsatisfied credit obligation such as tax or mechanics liens, or judgments; or

D. no more than five percent of current credit bureau balances past due.

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

PROPOSED RULES

Subp. 10. **Cosigners.** All borrowers from the student educational loan fund shall have a credit worthy cosigner who is either a United States citizen or a permanent resident. The cosigner is jointly and separately responsible for making loan payments (principal, interest, and other charges). The cosigner is relieved of this financial responsibility only in the event of death or permanent disability of the borrower.

A. A cosigner must be at least 18 years old.

B. A cosigner must be a person or an eligible school.

If the cosigner is unemployed, retired, or has no credit history, credit-worthiness shall be determined by the board, by a review of banking references and a review of net worth data with a minimum test requiring that net worth equal or exceed a sum ten times the size of each loan amount requested.

Subp. 11. **Default.** "Default" means the condition that exists if the borrower fails to perform any of the conditions of the promissory note.

Subp. 12. **Delinquency.** "Delinquency" means the condition that exists when a borrower's scheduled payment of principal or interest or both is received by the board after the due date.

Subp. 13. **Due diligence.** "Due diligence" means the use of practices by the board in making, servicing, and collecting of SELF loans that are at least as extensive and forceful as those generally practiced by financial institutions for consumer loans.

Subp. 14. **Eligible school.** "Eligible school" means a school that:

A. has been approved by the United States Department of Education to participate in federal title IV financial aid programs;

B. is located in the United States or its territories; and

C. signs an institutional loan participation agreement with the Minnesota Higher Education Coordinating Board that lists the duties and responsibilities of both the school and the board.

Subp. 15. **Eligible student.** "Eligible student" means a student who:

A. is enrolled in an eligible school in Minnesota, or is a Minnesota resident enrolled in an eligible school in another state or United States territory;

B. is enrolled at least half-time in a program (other than a correspondence or external degree program) leading to a certificate, associate, baccalaureate, masters, doctorate, or other professional degree;

C. is making satisfactory academic progress as defined by the school;

D. is not currently in default, as defined by each specific program, of any student educational loan program (GSL, FISL, NDSL, HPL, HEAL, ALAS, or other state supplemental loan program) at the current or any previous school;

E. is not currently delinquent in payment of interest or principal on an outstanding loan from the student educational loan fund;

F. has a credit worthy cosigner;

G. demonstrates financial eligibility by meeting the "maximum effort" test; and

H. has an anticipated graduation date no later than November 1, 1992.

Subp. 16. **Enrolled student.** "Enrolled student" means a student who has registered for and begun the loan period at the eligible school.

Subp. 17. **Financial aid.** "Financial aid" includes all money flowing to the student that is contingent upon the student's enrollment at the eligible school.

Subp. 18. **Forbearance.** "Forbearance" means permitting the temporary halt of payments, allowing an extension of time for making payments, or accepting smaller payments than were scheduled.

Subp. 19. **Full-time student.** "Full-time student" means one who is enrolled in an eligible school and who carries a full-time post-secondary level, vocational or academic workload as determined by the eligible school, ending in a certificate or degree.

Subp. 20. **Grade level.** "Grade level" means the relative position of an eligible student in a degree or certificate granting program, and corresponds to an academic year. (For example, an eligible student in the second year of a four-year program would be in grade level 02.)

Subp. 21. **Graduate student.** "Graduate student" means a student who is pursuing a program, or has a baccalaureate degree and is enrolled in courses which are normally part of a program leading to a graduate or professional degree or certificate at an eligible school, and has successfully completed the equivalent of at least three years of full-time study at an eligible school either prior to entrance into the program or as part of the program itself.

Subp. 22. **Half-time student.** "Half-time student" means one who is enrolled in an eligible school and carrying a half-time academic workload as determined by the eligible school that amounts to at least one-half the workload of a full-time certificate or degree seeking student. In eligible schools utilizing clock hours, half-time enrollment includes programs requiring at least 300 clock hours.

Subp. 23. **In-school period.** "In-school period" means the period that the borrower is enrolled in an eligible school.

Subp. 24. **Late charge.** "Late charge" means a charge, not to exceed \$20, that is assessed against borrowers each time a payment of principal and/or interest is received by the board more than 15 days after the due date.

Subp. 25. **Loan period.** "Loan period" means the period for which the student receives the loan. The period begins on the first day of class and must not exceed 12 months.

Subp. 26. **Maximum effort.** To have used "maximum effort" means that the student has applied for and exhausted all eligibility for other forms of financial aid (except work-study, PLUS/ALAS, and HEAL) before applying for a SELF loan. Financial aid administrators must include any financial aid that has been awarded or is expected to be awarded to the student for the loan period.

Subp. 27. **Payout period.** "Payout period" means the time period which begins immediately following the transition period and runs to the earliest of:

- A. November 1, 2000; or
- B. ten years from the date the student ceases to be an eligible student; or
- C. fifteen years from the date of the first loan check; or
- D. a period negotiated with the borrower.

Subp. 28. **The bonds.** "The bonds" means the variable rate demand bonds series 1984 issued by the Minnesota Higher Education Coordinating Board due December 1, 2000, for purposes of funding the student educational loan fund.

Subp. 29. **Transition period.** "Transition period" means a one-year (365 days) period immediately following graduation or termination of enrollment.

Subp. 30. **Undergraduate student.** "Undergraduate student" means a student who is not a graduate student.

4850.0012 SCHOOL AGREEMENTS AND STUDENT APPLICATIONS.

Subpart 1. **Institutional loan participation agreement.** The eligible school and the board must sign a loan participation agreement that will:

- A. state the eligible school's responsibility for proper certification and delivery of loans to students; and
- B. name a representative of the eligible school who is to be responsible for the administration of the agreement.

Subp. 2. **Termination.** The board may terminate the agreement with an eligible school upon determining that the school is not complying with the rules in parts 4850.0010 to 4850.0018. All obligations of the school under the agreement shall continue in full force and effect with respect to all SELF loans then outstanding to students of the school.

Subp. 3. **Application, guarantee, and promissory note.** The student shall complete the SELF application and attached promissory note, and deliver or mail them to the eligible school for certification. The eligible school shall then deliver or mail the application and promissory note to the student who shall deliver or mail them to the cosigner who shall complete his or her portion of the application and promissory note and deliver or mail them to the board. The board will check the application and promissory note for completeness, determine the eligibility of the applicant, and conduct a credit check of the cosigner. If the board approves the loan application, the document file shall be sent to the trustee (or agent) for approval. The trustee (or agent) shall approve the application and forward the document file to the servicer or shall reject the application and return the document file to the board. The servicer shall enter the application on the servicing computer system, prepare and mail a disclosure statement to the borrower and cosigner, advise the school of the loan approval, schedule disbursements, deduct and mail the guarantee fee from the loan proceeds to the insurer, and place the document file in permanent storage. If the board rejects the loan application, the applicant and the cosigner must be advised in writing of the decision and the reasons for the rejection.

Subp. 4. **Release of information.** The following information about the borrower and cosigner will be periodically released to a consumer credit reporting agency throughout the life of the loan:

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

PROPOSED RULES

- A. the lender-assigned borrower identification number, if any;
- B. the name and address of borrower;
- C. the name and address of cosigner;
- D. the date the account is opened;
- E. the outstanding account balance;
- F. the dollar amount past due;
- G. the number of payments past due;
- H. the number of late payments in previous 12 months;
- I. the type of account;
- J. the responsibility for the account; and
- K. the status or remarks code.

4850.0014 AMOUNT AND TERMS.

Subpart 1. **Loan amounts.** The minimum loan amount from the student educational loan fund is \$1,000.

The maximum loan amounts are:

A. for an undergraduate student, \$4,000 per academic year as long as the loan amount does not exceed the cost of attendance less all other financial aid (including PLUS loans borrowed on the student's behalf); and the cumulative student loan debt (excluding PLUS loans borrowed on the student's behalf) does not exceed the following grade level limitations:

- (1) grade level 1, \$ 4,000;
- (2) grade level 2, \$ 8,000;
- (3) grade level 3, \$12,000;
- (4) grade level 4, \$16,000; and
- (5) grade level 5, \$16,000;

B. for a graduate student, \$6,000 per academic year as long as the loan amount does not exceed the cost of attendance less all other financial aid (including PLUS loans borrowed on the student's behalf); and the cumulative student loan debt of the student (excluding PLUS loans borrowed on the student's behalf) does not exceed \$25,000 for both undergraduate and graduate education.

Subp. 2. **Two loans in one year.** A student may borrow the annual maximum twice in the same academic year as long as:

- A. a total of 11 months elapses from the beginning of the first loan period to the beginning of the second loan period; or
- B. advances a grade level, but the student may not exceed the cumulative debt for that grade level.

Subp. 3. **Interest rate.** The interest rate on the loan must be fixed by the board at a margin in excess of the "index rate" on the bonds. If the bonds bear interest at more than one rate at any one time, the "index rate" will be the weighted average of the interest rates. The "index rate" may change on Thursday of each week. If the "index rate" increases or decreases, the interest rate on the loan increases or decreases automatically on the same day without notice to the borrower. If the board determines that the margin does not reflect the costs of the SELF program, the board may increase or decrease the margin within the limits of law. The board shall advise borrowers of changes in the margin. Information about how the interest rate is calculated will be available from the board or the financial aid office at the eligible school.

4850.0015 LOAN DISBURSEMENTS.

Subpart 1. **Disbursement scheduling.** Checks must be jointly payable to the borrower and the eligible school. If the loan period covers more than one academic or payment period, the loan must be disbursed in installments during each academic or payment period. (For example, if an eligible school's academic year is divided by quarters, the student's loan amount may be disbursed in three installments, once each quarter.) Disbursements must be made at the beginning of each academic term, unless the board requires or the school suggests other more appropriate dates.

Subp. 2. **Disbursement when check arrives before loan period.** A loan check must not be disbursed to the student before the start of the loan period. The school must wait until the student starts the loan period and after having checked enrollment and satisfactory academic progress requirements, must deliver the check to the student for the student's endorsement. The check must then be endorsed by the school. The school must next subtract from the proceeds the amount owed to it for the payment period, and make arrangements with the student for the use of any remaining proceeds. The remaining proceeds may be returned to the student or

retained on account at the election of the student. The school may not keep on account any more money than it charges for that payment period without the written permission of the student.

Subp. 3. **Disbursement when check arrives during loan period.** When the check arrives during the loan period, the school, having checked enrollment and satisfactory academic progress, shall endorse the check along with the student, subtract from the proceeds that amount owed to it for the payment period, and make arrangements with the student for the use of any remaining proceeds. The student has the same options for receiving any remaining proceeds as described in subpart 2. If the student is on a school approved leave of absence when the check arrives, the school may hold the check until the student returns. If the student fails to do so, the check must be returned to the board within 30 days from the date on the check.

Subp. 4. **Disbursement when check arrives after loan period.** When the check arrives after the loan period, the school, having checked enrollment and satisfactory academic progress, may endorse the check along with the student within 30 days from the end of the loan period, subtract from the proceeds that amount owed to it for the payment period, and make arrangements with the student for use of any remaining proceeds. The student has the same options for receiving any remaining proceeds as described in subpart 3. If the check arrives more than 30 days after the end of the loan period, the school must return the check to the board.

4850.0016 NONENROLLMENT, TRANSFER, AND WITHDRAWAL.

Subpart 1. **Nonenrollment.** A school shall return a check to the board for a student who fails to enroll within 30 days of the date on the check.

Subp. 2. **Withdrawal and transfer to another eligible school.** If the student fails to complete the loan period at the school where the loan application was certified and transfers to another eligible school, additional loan disbursements to the student shall be permitted at the new school as long as the board is notified by the student or the school of the new enrollment. The school must immediately notify the board of any borrower who withdraws for any purpose. Refunds due the student as a result of the process of withdrawing and transferring to another eligible school need not be returned to the board. The new school shall certify the enrollment of the transferring student.

Subp. 3. **Withdrawal.** In the event that a borrower, for any reason, fails to complete a loan period and withdraws at a time when the institution pays a refund of charges to the student, an amount equal to the ratio of the disbursed loan to the total amount of the borrower's financial aid package for the same period is to be subtracted from the institutional refund amount, returned to the board, and applied to the outstanding loan amount.

Subp. 4. **Reduction of enrollment to less than half-time status.** The school shall notify the board immediately when a student reduces enrollment below a half-time status, but remains enrolled. Such a student shall be permitted to remain in an in-school repayment period for no more than six months including normal school vacation periods before the transition period begins.

4850.0017 REPAYMENT PROCEDURES.

Borrowers shall make payments of principal and interest according to the following schedule:

A. During the school period, the board or its agent shall bill borrowers for accrued interest once during each calendar quarter. Payments are due by the 15th day following the date of the billing.

B. During the transition period, the board or its agent shall bill borrowers for accrued interest once during each calendar month. Payments are due by the 15th day following the date of the billing.

C. During the payout period, the board or its agent shall provide borrowers with the coupon books annually for repayment of loan principal and interest. The fixed amount of the coupon shall reflect (1) the interest rate in effect on the loan on the date the coupons are prepared (actual rate), added to a fixed percentage to be determined by the board (assumed rate), (2) the length of the payout period, and (3) the principal balance of the loan plus the amount of any unpaid interest as of the beginning of the year for which coupons are being prepared, assuming all scheduled payments are made. The actual interest rate on the loan must continue to vary. Payments of interest at the assumed rate exceeding actual interest accrued must be applied to the outstanding loan principal. If interest payments at the assumed rate are less than actual interest accrued, any unpaid interest not past due must be included in the calculation of the amount of the coupons for the following year. All of a borrower's SELF loans must be combined into one repayment schedule. The borrower must pay a total of at least \$600 each year on all of the borrower's SELF loans. If the borrower's spouse also has SELF loans, their combined annual payments on all SELF loans must be at least \$600.

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PROPOSED RULES

D. Late charges must be billed to the borrower on the 30-day delinquent letter mailed by the board and are due and payable immediately.

E. Interest payments during the in-school period that are delinquent in excess of 120 days from the billing date must be capitalized. Capitalization of past due interest must be limited to two occasions before filing a claim.

F. A prepayment penalty must be assessed against borrowers who elect to make unscheduled payments of loan principal.

G. The board may grant forbearances in those instances when the borrower experiences hardship in making payments of principal and/or interest, and when the cosigner has since died or become permanently disabled. Such a forbearance might be granted for documented unemployment or similar financial hardship cases and is limited to 90 days, renewable upon further documentation for another 90 days.

H. The board shall provide borrowers and cosigners with an annual statement of outstanding principal and interest paid during the previous calendar year.

4850.0018 CLAIMS.

Subpart 1. **When filed.** If after exercising due diligence, and after 120 days from the billing date the board fails to collect a payment from a borrower or the cosigner, a claim must be filed by the board with the program insurer for the outstanding principal of the loan plus accrued interest.

Subp. 2. **When paid.** Claims are paid in four categories:

A. A claim for death of the borrower must be filed by the board upon receipt of a death certificate. The cosigner's obligation to make any further payment of principal and interest or both on a SELF loan is canceled as of the date of death.

B. If the borrower becomes totally and permanently disabled, a claim must be filed by the board upon receipt of proper medical documentation. The cosigner's obligation to make any further payment of principal and interest on a SELF loan is canceled as of the date of medical documentation.

C. If a borrower or cosigner fails to perform any of the conditions of the promissory note, a claim must be filed by the board.

D. If a borrower is adjudicated bankrupt and has liability for the SELF loan discharged, the cosigner remains liable for unpaid principal and interest. If the cosigner fails to perform any of the conditions of the promissory note, the board shall file a claim.

Pollution Control Agency

Proposed Rules Relating to Hazardous Waste; Interim Status

Notice of Intent to Adopt Amendments to Rules without a Public Hearing

Notice is hereby given that the Minnesota Pollution Control Agency (Agency) intends to adopt without a public hearing, in accordance with the provisions of Minn. Stat. §§ 14.22-14.28 (1984), amendments to Minn. Rules Pts. 7045.0065, 7045.0552, 7045.0638, 7045.1240, 7045.1250, and 7045.1260, rules governing the availability of references, facilities governed by interim status, interim status landfills, and rule appendices.

The proposed amendments, if adopted, will update the reference for acceptable test methods, more specifically define the applicability of interim status standards, and impose more stringent requirements regarding closure and the management of containers at interim status landfills. The Agency also proposes to repeal Appendices K, L, and M under Minn. Rules pts. 7045.1240 to 7045.1260, because these appendices are now obsolete. The proposed rule amendments are authorized by Minn. Stat. § 116.07, subd. 4 (1984). The proposed rule amendments are published below. One free copy of the rule amendments is available on request from the Agency. Please contact the person whose name and address appears below.

The Agency has prepared a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule amendments and identifies the data and information relied upon by the Agency to support the proposed amendments. Copies of the Statement of Need and Reasonableness and of the proposed amendments are available and may be obtained by contacting:

Carol Nankivel
Minnesota Pollution Control Agency
1935 West County Road B-2
Roseville, Minnesota 55113
Telephone: (612) 296-7260

Interested persons have until 4:30 p.m. on November 8, 1985, to submit comments on the proposed rule amendments. Comments should be submitted to Carol Nankivel at the address stated above. The proposed rule amendments may be modified if the data and views received by the Agency before the end of the comment period warrant modification and the modification does not result in a substantial change in the proposed amendments.

Unless the Agency receives twenty-five written requests for a public hearing on the proposed rule amendments during the comment period, a public hearing will not be held. In the event that a public hearing is required, the Agency will proceed according to the provisions of Minn. Stat. § 14.131-14.20 (1984), as amended by Minn. Laws 1985, First Special Session, ch. 10, § 38. If a person desires to request a public hearing, the Agency requests that the person identify the particular provisions objected to, the suggested modifications to the proposed language, and the reasons and data relied on to support the suggested modifications.

Upon adoption of the amendments by the Agency Board, the rules as proposed, this notice, the Statement of Need and Reasonableness, all written comments received, and the final rule amendments as adopted will be sent to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final amendments as adopted, should submit a written statement of such request to Carol Nankivel at the address previously stated.

You are hereby advised, pursuant to Minn. Stat. § 14.115 (1984), "Small business considerations in rulemaking," that the proposed amendments will have a minimal effect on small businesses. The amendment which updates a document referenced in the rules and the amendments which make clarifying changes regarding the applicability of the interim status requirements will not change the effect of the hazardous waste rules as they have been previously implemented in Minnesota. The more stringent requirements for interim status landfills are not expected to affect any small businesses because no such facilities are being operated in Minnesota.

Thomas J. Kalitowski
Executive Director

Rules as Proposed

7045.0065 AVAILABILITY OF REFERENCES.

The documents referred to in this chapter may be obtained by contacting the appropriate offices as listed in this part.

A. to F. [Unchanged.]

G. Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, publication number SW 846, ~~First Edition, 1980 as updated by Revisions A (August 1980), B (July 1981), and C (February 1982) or Second Edition, 1982~~ as amended, of the Office of Solid Waste, United States Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460, available at the state of Minnesota Law Library and by subscription from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, (202) 783-3238; and

H. [Unchanged.]

7045.0552 FACILITIES GOVERNED BY INTERIM STATUS.

Subpart 1. **General requirements.** Parts 7045.0552 to 7045.0642 establish minimum standards for the management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure requirements, until post-closure responsibilities are fulfilled. These standards apply to owners and operators of existing facilities who have fully complied with the requirements for state or federal interim status ~~and those who have failed to achieve state or federal interim status, until final disposition of the owner's or operator's permit application is made~~ a permit is issued or until applicable interim status closure and post-closure responsibilities are fulfilled, and those who have failed to achieve state or federal interim status. These standards apply to all treatment, storage, or disposal of hazardous waste at these facilities after July 16, 1984, except as specifically provided otherwise.

For existing facilities which were not required to obtain federal interim status under the Resource Conservation and Recovery Act, United States Code, title 42, sections 6901 to 6986, as amended through June 30, 1983, but are required to obtain state interim status, the requirements of parts 7045.0590; 7045.0592; 7045.0632, subpart 4, items A and B; 7045.0634, subpart 2; 7045.0638, subparts 2, 7, and 8, become effective 12 months after July 16, 1984, and the requirements of parts 7045.0608 to 7045.0624 become effective 90 days after July 16, 1984.

Subp. 2. and 3. [Unchanged.]

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PROPOSED RULES

7045.0638 LANDFILLS.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Closure and post-closure.** Closure and post-closure requirements are as follows:

A. The owner or operator shall place a final cover over the landfill, and the closure plan under part 7045.0594 must specify the function and design of the cover. In the post-closure plan under part 7045.0600, the owner or operator shall include the post-closure care requirements of item D. At final closure of the landfill or upon closure of any landfill cell, the owner or operator shall cover the landfill or landfill cell with a final cover designed and constructed to:

- (1) provide long-term minimization of migration of liquids through the closed landfill;
- (2) function with minimum maintenance;
- (3) promote drainage and minimize erosion or abrasion of the cover;
- (4) accommodate settling and subsidence so that the cover's integrity is maintained; and
- (5) have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.

B. In the closure and post-closure plans, the owner or operator shall address the following objectives and indicate how they will be achieved. After final closure, the owner or operator shall comply with all post-closure requirements contained in parts 7045.0600 to 7045.0606 including maintenance and monitoring throughout the post-closure care period. The owner or operator must:

(1) control of pollutant migration from the facility via ground water, surface water, and air maintain the integrity and effectiveness of the final cover, including making repairs to the cover as necessary to correct the effect of settling, subsidence, erosion, or other events;

(2) control of surface water infiltration, including prevention of pooling; and maintain and monitor the ground water monitoring system and comply with all other applicable requirements of parts 7045.0590 and 7045.0592;

(3) prevention of erosion prevent run-on and run-off from eroding or otherwise damaging the final cover; and

(4) protect and maintain surveyed bench marks used in complying with part 7045.0638, subpart 3.

C. The owner or operator shall consider at least the following factors in addressing the closure and post-closure care objectives of item B:

(1) type and amount of hazardous waste and hazardous waste constituents in the landfill;

(2) the mobility and the expected rate of migration of the hazardous waste and hazardous waste constituents;

(3) site location, topography, and surrounding land use, with respect to the potential effects of pollutant migration including at a minimum the proximity to ground water, surface water, and drinking water sources;

(4) climate, including amount, frequency, and pH of precipitation;

(5) characteristics of the cover including material, final surface contours, thickness, porosity and permeability, slope, length of run of slope, and type of vegetation on the cover; and

(6) geological and soil profiles and surface and subsurface hydrology of the site.

D. In addition to the requirements of part 7045.0602 during the post-closure care period, the owner or operator of a hazardous waste landfill shall:

(1) maintain the function and integrity of the final cover as specified in the approved closure plan;

(2) maintain and monitor the leachate collection, removal, and treatment system to prevent excess accumulation of leachate in the system. If the collected leachate is a hazardous waste under parts 7045.0100 to 7045.0141, it must be managed as a hazardous waste in accordance with all applicable requirements of parts 7045.0205 to 7045.0397 and 7045.0552 to 7045.0642. If the collected leachate is discharged through a point source to waters of the United States, it is subject to the requirements of the Federal Water Pollution Control Act Amendments of 1972, United States Code, title 33, section 1342, as amended through June 30, 1983;

(3) maintain and monitor the gas collection and control system to control the vertical and horizontal escape of gases;

(4) protect and maintain surveyed bench marks; and

(5) restrict access to the landfill as appropriate for its post-closure use.

Subp. 5. to 7. [Unchanged.]

Subp. 8. **Special requirements for containers.** An empty container must be crushed flat, shredded, or similarly reduced in

volume before it is buried beneath the surface of a landfill. Unless they are very small, such as an ampule, containers must be either:

A. at least 90 percent full when placed in the landfill; or

B. crushed, shredded, or similarly reduced in volume to the maximum practical extent before burial in the landfill.

Subp. 9. [Unchanged.]

REPEALER. Minnesota Rules, parts 7045.1240, 7045.1250, and 7045.1260 are repealed.

Pollution Control Agency

Proposed Rules Relating to Hazardous Waste Recycling and Reuse

Notice of Intent to Adopt Amendments to Rules without a Public Hearing

Notice is hereby given that the Minnesota Pollution Control Agency (Agency) intends to adopt without a public hearing, in accordance with the provisions of Minn. Stat. §§ 14.22-14.28 (1984), amendments to Minn. Rules Pts. 7045.0020, 7045.0075, 7045.0120, 7045.0125, 7045.0135, 7045.0142, 7045.0214, 7045.0219, 7045.0450, 7045.0542, 7045.0552, 7045.0640, 7045.0665, 7045.0675, 7045.0685, and 7001.0520, rules governing hazardous waste which is reused or recycled.

The proposed amendments, if adopted, will set forth management requirements for generators, transporters, and facilities of recyclable hazardous waste, including waste used as feedstock, characteristic by-products and sludges, waste burned for energy recovery, and waste used in a manner constituting disposal. Specific requirements are also set forth for the management of hazardous waste being reclaimed for precious metals and spent lead-acid batteries. The proposed amendments are based on recent amendments to U.S. Environmental Protection Agency hazardous waste regulations. The proposed rule amendments are authorized by Minn. Stat. § 116.07, subd. 4 (1984). The proposed rule amendments are published below. One free copy of the rule amendments is available on request from the Agency. Please contact the person whose name and address appears below.

The Agency has prepared a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule amendments and identifies the data and information relied upon by the Agency to support the proposed amendments. Copies of the Statement of Need and Reasonableness and of the proposed amendments are available and may be obtained by contacting:

Melba Hensel
Minnesota Pollution Control Agency
1935 West County Road B-2
Roseville, Minnesota 55113
Telephone: (612) 296-7712

Interested persons have until 4:30 p.m. on November 8, 1985, to submit comments on the proposed rule amendments. Comments should be submitted to Melba Hensel at the address stated above. The proposed rule amendments may be modified if the data and views received by the Agency before the end of the comment period warrant modification and the modification does not result in a substantial change in the proposed amendments.

Unless the Agency receives twenty-five written requests for a public hearing on the proposed rule amendments during the comment period, a public hearing will not be held. In the event that a public hearing is required, the Agency will proceed according to the provisions of Minn. Stat. § 14.131-14.20 (1984), as amended by Minn. Laws 1985, First Special Session, ch. 10, § 38. If a person desires to request a public hearing, the Agency requests that the person identify the particular provisions objected to, the suggested modifications to the proposed language, and the reasons and data relied on to support the suggested modifications.

Upon adoption of the amendments by the Agency Board, the rules as proposed, this notice, the Statement of Need and Reasonableness, all written comments received, and the final rule amendments as adopted will be sent to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final amendments as adopted, should submit a written statement of such request to Melba Hensel at the address previously stated.

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PROPOSED RULES

You are hereby advised, pursuant to Minn. Stat. § 14.115 (1984), "Small business considerations in rulemaking," that the proposed amendments will affect those small businesses generating hazardous waste which is reused or recycled, and the proposed amendments do not contain less stringent requirements for small businesses. However, the objective of Minn. Stat. ch. 116 is to protect the public health and the environment from the adverse effects which result when hazardous waste is mismanaged. Providing consideration for small businesses by relaxing the management requirements applicable to hazardous waste which is reused or recycled would be contrary to the Agency's mandate.

Thomas J. Kalitowski
Executive Director

Rules as Proposed

7001.0520 PERMIT REQUIREMENTS.

Subpart 1. [Unchanged.]

Subp. 2. **Exclusions.** A person who conducts any of the following activities is not required to obtain a hazardous waste facility permit for that activity:

A. The accumulation by generators of hazardous waste on site for fewer than 90 days as provided in part 7045.0292.

B. The disposal by farmers of hazardous wastes that have been generated by their own use of pesticides as provided in part 7045.0304.

C. The ownership or operation of a totally enclosed treatment facility as defined in part 7045.0020.

D. The storage by transporters of manifested shipments of hazardous waste in containers that meet the requirements of part 7045.0270, subpart 4, at a transfer facility for a period of ten days or fewer as provided in part 7045.0365.

E. An activity conducted to immediately contain or treat a spill or an imminent and substantial threat of a spill of hazardous waste or a material that, when spilled, becomes a hazardous waste. This exclusion does not apply to a person who treats, stores, or disposes of the spilled material or spill residue or debris after the immediate response activities have been completed.

F. The addition of absorbent material to hazardous waste in a container, or the addition of hazardous waste to absorbent material in a container, if the addition occurs at the time waste is first placed in the container, and if the addition is accomplished in accordance with parts 7045.0456, subpart 2, and 7045.0526, subparts 2 and 3.

~~G. The ownership or operation of a facility that is used to manage hazardous waste described in part 7045.0125, subpart 2, item A or B, that is to be beneficially used, reused, recycled, or reclaimed, unless part 7045.0125, subpart 2, item A, subitem (10) provides otherwise.~~

~~H. To the extent provided by part 7045.0125, subpart 2, item C, D, or E, the ownership or operation of a facility that beneficially uses, reuses, recycles, or reclaims hazardous waste.~~

~~I. H. The management of hazardous waste as provided in part 7045.0120, item L; 7045.0127, subpart 1; 7045.0135, subpart 5, items C and E; 7045.0218; or 7045.0219, subpart 2.~~

~~I. To the extent provided by part 7045.0675, the ownership or operation of a facility that stores or reclaims hazardous waste for recovery of economically significant amounts of precious metals.~~

~~J. To the extent provided in part 7045.0685, the ownership or operation of a facility that stores or reclaims spent lead-acid batteries.~~

Subp. 3. and 4. [Unchanged.]

7045.0020 DEFINITIONS.

Subpart 1. to 6. [Unchanged.]

Subp. 6a. Boiler. "Boiler" means an enclosed device using controlled flame combustion and having the characteristics specified in item A or B.

A. (1) The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluid, or heated gases.

(2) The unit's combustion chamber and primary energy recovery sections must be of integral design (physically formed into one manufactured or assembled unit). A unit in which the combustion chamber and the primary energy recovery sections are joined only by ducts or connections carrying flue gas is not integrally designed; secondary energy recovery equipment (such as air preheaters or economizers) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. Process heaters which transfer energy directly to a process stream and fluidized bed combustion units are not precluded from being considered boilers under this definition solely because they are not of integral design.

(3) While in operation, the unit must maintain a thermal energy efficiency of at least 60 percent, calculated in terms of the recovered energy compared with the thermal value of the fuel.

(4) The unit must export and utilize at least 75 percent of the recovered energy, calculated on an annual basis. No credit shall be given for recovered heat used internally in the same unit for purposes such as preheating fuel or combustion air or the driving of induced or forced draft fans or feedwater pumps.

B. The unit is one which the director has determined meets the criteria for a boiler after considering the standards in part 7045.0075, subpart 4.

Subp. 6b. By-product. "By-product" means a material that is not one of the primary products of a production process and is not solely or separately produced by the production process. Examples are process residues such as slags or distillation column bottoms.

Subp. 7. to 14. [Unchanged.]

Subp. 15. **Designated facility.** "Designated facility" means a hazardous waste treatment, storage, or disposal facility which:

A. (1) has received interim status;

(2) has received an agency permit, or

(3) is subject to the requirements of part 7045.0125, subpart 5, 6, or 10, or subpart 9, item B, or part 7045.0685; or

(4) if located outside Minnesota, has been exempted from the requirements to obtain a permit by the United States Environmental Protection Agency, has either received an Environmental Protection Agency permit or a permit from an authorized state, or has interim status; and

B. has been designated on the manifest by the generator pursuant to part 7045.0261, or has been designated on a shipping paper or management plan required by part 7045.0125.

Subp. 16. and 17. [Unchanged.]

Subp. 18. **Discarded.** "Discarded" means abandoned by being:

A. disposed of;

B. burned or incinerated, except where the material is being burned as a fuel for the purpose of recovering useable energy;

or

C. physically, chemically, or biologically treated (other than burned or incinerated) in lieu of or prior to being disposed of accumulated, stored, or treated, but not recycled, before or in lieu of being disposed of, burned, or incinerated.

Subp. 19. to 34. [Unchanged.]

Subp. 35. **Hazardous waste incinerator.** "Hazardous waste incinerator" means an enclosed device using controlled flame combustion, a purpose of which is to thermally break down hazardous waste. ~~Examples of incinerators are rotary kiln, fluidized bed, and liquid injection incinerators and that neither meets the criteria for classification as a boiler nor is listed or can be classified as an industrial furnace.~~

Subp. 36. to 43. [Unchanged.]

Subp. 43a. Industrial furnace. "Industrial furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use controlled flame devices to accomplish recovery of materials or energy: cement kilns; lime kilns; aggregate kilns; phosphate kilns; coke ovens; blast furnaces; smelting, melting, and refining furnaces; titanium dioxide chloride process oxidation reactors; methane reforming furnaces; pulping liquor recovery furnaces; combustion devices used in the recovery of sulfur values from spent sulfuric acid; and such other devices as the director determines qualify for inclusion based on one or more of the following factors:

A. the design and use of the device primarily to accomplish recovery of material products;

B. the use of the device to burn or reduce raw materials to make a material product;

C. the use of the device to burn or reduce secondary materials as effective substitutes for raw materials, in processes using raw materials as feedstocks;

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PROPOSED RULES

D. the use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product, or

E. the use of the device in common industrial practice to produce a material product.

Subp. 44. to 62. [Unchanged.]

Subp. 63. **Other waste material.** “Other waste material” means any solid, liquid, semi-solid, or gaseous material, resulting from industrial, commercial, mining, or agricultural operations, or from community activities, and which:

A. is discarded or is being accumulated, stored, or physically, chemically, or biologically treated prior to being discarded; or

B. ~~has served its original intended use and sometimes is discarded~~ is recycled or is accumulated, stored, or treated prior to being recycled; or

C. is a ~~manufacturing or mining by-product and sometimes is discarded~~ spent material or by-product.

Subp. 64. to 68. [Unchanged.]

Subp. 69. [See Repealer.]

Subp. 70. to 73. [Unchanged.]

Subp. 73a. Reclamation. “Reclamation” means the processing or regeneration of a waste to recover a usable product. Examples are the recovery of lead values from spent batteries and regeneration of spent solvents.

Subp. 73b. Recycle. “Recycle” means the reclamation, reuse, or use of a hazardous waste.

Subp. 74. and 75. [Unchanged.]

Subp. 75a. Reuse. “Reuse” means employing a waste as an ingredient in an industrial process to make a product or as an effective substitute for a commercial product, provided that distinct components of the waste are not recovered as end products.

Subp. 76. to 79. [Unchanged.]

Subp. 79a. Scrap metal. “Scrap metal” means bits and pieces of metal parts (for example, bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (for example, radiators, scrap automobiles, railroad box cars) which when worn or superfluous can be recycled.

Subp. 80. to 84. [Unchanged.]

Subp. 84a. Speculative accumulation. “Speculative accumulation” means accumulation of a hazardous waste before it is recycled. Speculative accumulation does not include accumulation of a waste if there is a feasible method of recycling for the waste and at least 75 percent by volume or weight of the waste is recycled during a calendar year. The 75 percent requirement applies to each waste of the same type that is recycled in the same way.

Subp. 84b. Spent material. “Spent material” means a material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without processing.

Subp. 85. to 100. [Unchanged.]

Subp. 100a. Used oil. “Used oil” means any oil which has been refined from crude oil, used, and as a result of such use has become contaminated by physical or chemical impurities.

Subp. 101. to 108. [Unchanged.]

7045.0075 PETITIONS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. Petition for reduced regulation of hazardous waste being speculatively accumulated or reclaimed prior to use. The agency may, upon presentation of a petition for those purposes, reduce any of the requirements of chapter 7045 applicable to reclamation, reuse, or recycling. The agency shall apply the standards and criteria set forth below in determining whether to grant a petition to reduce the regulatory requirements for the following recycled hazardous wastes.

A. Any person seeking a reduction in regulation of hazardous wastes that are accumulated speculatively as defined in part 7045.0020 without sufficient amounts being recycled as defined in part 7045.0020 may petition under this subpart. The petitioner must demonstrate to the satisfaction of the agency that sufficient amounts will be recycled or transferred for recycling in the following year. Such a reduction in regulation is valid only for the following year, but may be renewed on an annual basis by filing a new petition. The agency’s decision to grant the petition shall be based on the following standards and criteria:

(1) the manner in which the hazardous waste is to be recycled, where the waste is expected to be recycled, and whether the expected disposition is likely to be affected by past practice, market factors, the nature of the hazardous waste, or contractual arrangements for recycling;

(2) the reason that the applicant has accumulated the hazardous waste for one or more years without recycling 75 percent of the volume accumulated at the beginning of the previous year;

(3) the quantity of the hazardous waste already accumulated and the quantity expected to be generated and accumulated before the hazardous waste is recycled;

(4) the extent to which the hazardous waste is handled to minimize loss; and

(5) any additional information the director may reasonably request which may be required to evaluate the petition.

B. Any person seeking a reduction in regulation of hazardous wastes that are reclaimed and then reused as feedstock within the original primary production process in which the hazardous wastes were generated if the reclamation is an essential part of the production process may petition under these provisions. The agency's decision regarding the petition shall be based on the following standards and criteria:

(1) how economically viable the production process would be if it were to use virgin materials rather than the reclaimed hazardous waste;

(2) the prevalence of the practice on an industry-wide basis;

(3) the extent to which the hazardous waste is handled before reclamation to minimize loss;

(4) the time periods between generating the hazardous waste and its reclamation and between reclamation and return to the original primary production process;

(5) the location of the reclamation operation in relation to the production process;

(6) whether the hazardous waste as reclaimed is used for the purpose for which it was originally produced when it is returned to the original process, and whether it is returned to the process in substantially its original form;

(7) whether the person who generates the hazardous waste also reclaims it; and

(8) any additional information the director may reasonably request which may be required to evaluate the petition.

C. Any person seeking a reduction in regulation of hazardous waste that has been reclaimed but must be reclaimed further before recovery is completed if, after initial reclamation, the resulting material is used like a commodity, may petition under this subpart. The agency's decision to grant the petition shall be based on the following standards and criteria:

(1) the degree of processing the hazardous waste has undergone and the degree of further processing that is required;

(2) the value of the hazardous waste after it has been reclaimed;

(3) the degree to which the reclaimed hazardous waste is like an analogous raw material;

(4) the extent to which an end market for the reclaimed hazardous waste is guaranteed;

(5) the extent to which the reclaimed hazardous waste is handled to minimize loss, and

(6) any additional information the director may reasonably request that may be required to evaluate the petition.

Subp. 4. Petition to be classified as a boiler. In accordance with the definition of boiler in part 7045.0020, the director may determine that certain enclosed devices using controlled flame combustion are boilers, although they do not otherwise meet the definition of boiler, based on the following standards and criteria:

A. the extent to which the unit has provisions for recovering and exporting thermal energy in the form of steam heated fluids or heated gases;

B. the extent to which the combustion chamber and energy recovery equipment are of integral design;

C. the efficiency of energy recovery, calculated in terms of the recovered energy compared with the thermal value of fuel;

D. the extent to which the exported energy is utilized;

E. the extent to which the device is in common and customary use as a "boiler" functioning to produce steam, heated fluids, or heated gases; and

F. any additional information the director may reasonably request which may be required to evaluate the petition.

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PROPOSED RULES

7045.0120 EXEMPT WASTES.

The following wastes may be stored, labeled, transported, treated, processed, and disposed of without complying with the requirements of this chapter:

A. to L. [Unchanged.]

M. ~~petroleum derived waste oils used oil~~ which ~~do~~ does not contain waste listed in part 7045.0135 and ~~are~~ is to be ~~beneficially used, reused, recycled, or reclaimed; or~~

N. [Unchanged.]

O. ~~scrap metal which is not hazardous because of a hazardous characteristic other than toxicity, is not a waste listed in part 7045.0135 and is to be beneficially used, reused, recycled, or reclaimed. Scrap metal means manufactured metal objects and products; metal workings including but not limited to sandings, grindings, shavings, cuttings, turnings, and stampings; and solid metallic residues of metal production excluding sludges, air pollution control dusts, semi solids, and liquid solutions pulping liquors (for example, black liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless they are accumulated speculatively as defined in part 7045.0020; or~~

P. ~~spent sulfuric acid used to produce virgin sulfuric acid, unless it is accumulated speculatively as defined in part 7045.0020.~~

7045.0125 MANAGEMENT OF WASTE BY USE, REUSE, RECYCLING, AND RECLAMATION.

Subpart 1. **Scope.** This part regulates hazardous waste that is to be ~~beneficially used, reused, or legitimately recycled or reclaimed~~ except as provided in parts 7045.0665, 7045.0675, and 7045.0685.

Subp. 2. [See Repealer.]

Subp. 3. [Unchanged.]

Subp. 4. **Management of specific hazardous wastes.** Management of the following wastes when recycled, is not subject to regulation under parts 7045.0205 to 7045.0685: industrial ethyl alcohol that is reclaimed; used batteries or used battery cells returned to a battery manufacturer for regeneration; and scrap metal.

Subp. 5. **Requirements for use of hazardous wastes as feedstock.**

A. Except as provided in items B to D, hazardous wastes that are shown to be recycled by being utilized in a manner specified in subitems (1) to (3), are not subject to regulation under parts 7045.0205 to 7045.0685. This subpart does not apply to wastes being accumulated speculatively as defined in part 7045.0020, or being managed by use constituting disposal, or burning for energy recovery, as regulated under part 7045.0665, or subpart 10. Hazardous wastes are considered to be used as feedstock if they are:

(1) used or reused as ingredients in an industrial process to make a product, provided the hazardous wastes are not being reclaimed;

(2) used or reused as effective substitutes for commercial products; or

(3) returned to the original process from which they are generated, without first being reclaimed. The hazardous waste must be returned as a substitute for raw material feedstock, and the process must use raw materials as principal feedstocks.

B. Generators of hazardous wastes for use as feedstock are subject to the following requirements:

(1) parts 7045.0214 to 7045.0217;

(2) parts 7045.0220 to 7045.0249;

(3) part 7045.0296, subpart 5;

(4) within 45 days of shipment, the generator must provide the director a copy of the shipping papers confirming that the hazardous waste was delivered to the designated facility as indicated in the management plan; and

(5) the generator must keep records showing: the volume of these wastes stored at the beginning of the calendar year; the amount of these hazardous wastes generated during the calendar year; the amount of these hazardous wastes used as a feedstock during the calendar year; and the amount of these hazardous wastes remaining at the end of the calendar year.

C. Transporters of hazardous wastes for use as feedstock must comply with all applicable requirements of Minnesota Statutes, section 221.033, and Code of Federal Regulations, title 49, parts 171 to 179.

D. Owners or operators of facilities that manage hazardous wastes for use as feedstock are subject to the following requirements:

(1) prior to receiving the waste, as a designated facility, the owner or operator must provide the director with written evidence to document that the hazardous waste is used as specified in item A and that the facility has the equipment necessary to manage the hazardous waste; and

(2) the owner or operator must keep records showing: the volume of these hazardous wastes stored at the beginning of the calendar year; the amount of these wastes received during the calendar year; the amount of these hazardous wastes used as a feedstock during the calendar year; and the amount of these hazardous wastes remaining at the end of the calendar year.

Subp. 6. Requirements for reclamation of specific hazardous wastes.

A. A by-product or a sludge that is hazardous only because it exhibits a characteristic of hazardous waste and is reclaimed is subject to the following requirements:

(1) Generators of such a hazardous waste are subject to regulation under parts 7045.0214 to 7045.0217; 7045.0220 to 7045.0255; and 7045.0296, subpart 5. In addition, within 45 days of shipment the generator must provide the director a copy of the shipping papers confirming that the waste was delivered to the designated facility as indicated in the management plan. The generator must keep records showing: the volume of such hazardous wastes stored at the beginning of the calendar year; the amount of these wastes generated during the calendar year; the amount of such waste reclaimed during the calendar year; and the amount of such hazardous wastes remaining at the end of the calendar year.

(2) Transporters of such a hazardous waste must comply with all applicable requirements of Minnesota Statutes, section 221.033, and Code of Federal Regulations, title 49, parts 171 to 179.

(3) Owners or operators of designated facilities receiving a hazardous characteristic by-product or sludge must provide written evidence to the director prior to receiving such hazardous waste that the owner or operator has the equipment and capability to reclaim such hazardous waste, and must keep records showing: the volumes of such hazardous waste stored at the beginning of the year; the amount of such hazardous waste received during the calendar year; the amount of such hazardous waste reclaimed during the calendar year; and the amount of such hazardous waste remaining at the end of the calendar year.

B. This subpart does not apply to hazardous wastes being accumulated speculatively as defined in part 7045.0020 or being managed by use constituting disposal, as regulated under part 7045.0665 or being burned for energy recovery under subpart 10.

Subp. 7. Generator requirements. Except as provided in subpart 4, 5, 6, or 10, generators of hazardous waste destined for recycle, are subject to the requirements of parts 7045.0205 to 7045.0304.

Subp. 8. Transporter requirements. Except as provided in subpart 4, 5, 6, or 10, transporters of hazardous waste destined for recycle are subject to the requirements of parts 7045.0351 to 7045.0397.

Subp. 9. Facility requirements. Except as provided in subpart 4, 5, 6, or 10, owners or operators of facilities which recycle hazardous waste are subject to the following requirements:

A. If the recyclable hazardous waste is stored before it is recycled, the owners or operators are subject to the requirements of parts 7045.0450 to 7045.0534, 7045.0552 to 7045.0632, and chapter 7001.

B. If the recyclable hazardous waste is recycled without storing before recycling, the owners or operators are subject to the requirements of parts 7045.0556, subpart 2; 7045.0580; and 7045.0582.

Subp. 10. Hazardous waste which is beneficially used by burning. Hazardous waste that is transported or stored prior to a beneficial use by burning is subject to regulation under the following:

A. A waste that is hazardous solely due to ignitability and is transported or stored prior to a beneficial use involving burning is subject to the agency's permitting procedures in chapter 7001 for hazardous waste storage facilities and the requirements of parts 7045.0205 to 7045.0534, 7045.0544, 7045.0552 to 7045.0632, and 7045.1000 to 7045.1030.

B. A hazardous waste that is a sludge, or is or contains a waste listed in part 7045.0135 for reasons other than ignitability, or is or contains a waste that is toxic under part 7045.0131, subpart 6, and is transported or stored prior to a beneficial use involving burning is subject to the agency's permitting procedures in chapter 7001 for hazardous waste storage facilities and the following requirements: parts 7045.0205 to 7045.0534; 7045.0544; 7045.0542, except subpart 4, item C, and subpart 7, item A, subitem (2); 7045.0552 to 7045.0632; 7045.0640; and 7045.1000 to 7045.1030; and must apply for or have an air quality facility permit as required.

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PROPOSED RULES

7045.0135 LISTS OF HAZARDOUS WASTES.

Subpart 1. [Unchanged.]

Subp. 2. **Hazardous wastes from nonspecific sources.** Hazardous wastes from nonspecific sources are listed as follows:

Hazardous Waste No.	Hazardous Waste	Hazard Code
Generic:		
F001	The following spent halogenated solvents used in degreasing: tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, and chlorinated fluorocarbons, and sludges from the recovery of these solvents in degreasing operations	(T)
F002	The following spent halogenated solvents: tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, orthodichlorobenzene, and trichlorofluoromethane, and the still bottoms from the recovery of these solvents	(T)
F003	The following spent nonhalogenated solvents: xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol, and the still bottoms from the recovery of these solvents	(I)
F004	The following spent nonhalogenated solvents: cresols and cresylic acid, and nitrobenzene, and the still bottoms from the recovery of these solvents	(T)
F005	The following spent nonhalogenated solvents: toluene, methyl ethyl ketone, carbon disulfide, isobutanol, and pyridine, and the still bottoms from the recovery of these solvents	(I,T)
F006	Wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum, (2) tin plating on carbon steel, (3) zinc plating (segregated basis) on carbon steel, (4) aluminum or zinc-aluminum plating on carbon steel, (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel, and (6) chemical etching and milling of aluminum	(T)
F019	Wastewater treatment sludges from the chemical conversion coating of aluminum	(T)
F007	Spent cyanide plating bath solutions from electroplating operations; except for precious metals electroplating spent cyanide plating bath solutions	(R,T)
F008	Plating bath sludges from the bottom of plating baths from electroplating operations where cyanides are used in the process; except for precious metals electroplating bath sludges	(R,T)
F009	Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process; except for precious metals electroplating spent stripping and cleaning bath solutions	(R,T)
F010	Quenching bath sludge residues from oil baths from metal heat-treating operations where cyanides are used in the process; except for precious metals heat treating quenching bath sludges	(R,T)
F011	Spent cyanide solutions from salt bath pot cleaning from metal heat-treating operations; except for precious metals heat-treating spent cyanide solutions from salt bath pot cleaning	(R,T)
F012	Quenching wastewater treatment sludges from metal heat-treating operations where cyanides are used in the process; except for precious metals heat-treating quenching wastewater treatment sludges	(T)

Subp. 3. [Unchanged.]

Subp. 4. **Discarded commercial chemical products, off-specification species, containers, and spill residues.** The following materials or items are hazardous wastes ~~if and~~ when they are discarded or intended to be discarded: as defined in part 7045.0020, when they are burned for purposes of energy recovery in lieu of their original intended use, when they are used to produce fuels in lieu of their original intended use, when they are applied to the land in lieu of their original intended use, or when they are contained in products that are applied to the land in lieu of their original intended use.

A. to F. [Unchanged.]

Subp. 5. [Unchanged.]

7045.0214 EVALUATION OF WASTES.

Subpart 1. **General requirement.** Any person who produces a waste within the state of Minnesota or any person who produces a waste outside the state of Minnesota that is managed within the state of Minnesota, must evaluate the waste to determine if it is hazardous. A material is determined to be a waste in accordance with the conditions specified under the definition of other waste material in part 7045.0020. Any waste evaluated and exempted under part 7045.0075 or 7045.0120 does not need to be reevaluated under this part.

Subp. 2. [Unchanged.]

Subp. 3. **Wastes generated by treatment, storage, or disposal.** Wastes generated by treatment, storage, or disposal of hazardous waste are as follows:

A. Except as provided in ~~item~~ items B and C, any waste generated from the treatment, storage, or disposal of hazardous waste, including any sludge, spill residue, ash, emission control dust or leachate, but not including precipitation run-off, is a hazardous waste if it meets the criteria of subpart 2 or if it is derived from a waste that is listed in part 7045.0135.

B. Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry, standard industrial classification codes 331 and 332, is not a hazardous waste unless it exhibits one or more characteristics of hazardous waste under part 7045.0131.

C. Materials that have been reclaimed from hazardous wastes and from wastes that have been reclaimed that are beneficially used are not hazardous wastes unless the reclaimed material is used in a manner constituting disposal under part 7045.0665 or burned for energy recovery under part 7045.0125, subpart 10.

7045.0219 SPECIAL REQUIREMENTS FOR SMALL QUANTITY GENERATORS OF HAZARDOUS WASTE.

Subpart 1. **Applicability; quantities.** A generator is a small quantity generator subject to the requirements of subparts 2 to 6 if, in a calendar month, he generates less than:

A. a total of 1,000 kilograms of hazardous waste not listed in part 7045.0135, subpart 4, item E; and

B. a total of one kilogram of commercial chemical products and manufacturing chemical intermediates having the generic names listed in part 7045.0135, subpart 4, item E and off-specification commercial chemical products and manufacturing chemical intermediates which, if they met specification, would have the generic names listed in part 7045.0135, subpart 4, item E; and

C. a total of 100 kilograms of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any commercial chemical products or manufacturing chemical intermediates having the generic names listed in part 7045.0135, subpart 4, item E, or any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any off-specification commercial chemical products or manufacturing chemical intermediates which, if they met specification would have the generic names listed in part 7045.0135, subpart 4, item E.

A generator shall not consider the wastes specified under part 7045.0125, subparts 4, 5, and 6 when calculating the volume of waste generated.

Subp. 2. to 6. [Unchanged.]

7045.0296 ANNUAL REPORTING.

Subpart 1. to 4. [Unchanged.]

Subp. 5. **Wastes which are recycled.** Generators of wastes that are recycled in accordance with the provisions of part 7045.0125 and are exempt from the requirements of parts 7045.0261 and 7045.0265 must include the following information in the annual report:

A. evidence that the waste was recycled as indicated in the management plan; and

B. evidence that a continuing market exists for the waste.

7045.0450 FACILITIES GOVERNED BY FACILITY STANDARDS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Exemptions.** Parts 7045.0450 to 7045.0544 do not apply to the following:

A. the owner or operator of a facility ~~which treats or stores hazardous waste if the treatment or storage meets the criteria in parts 7045.0125, subpart 2, item A or B except to the extent that part 7045.0125, subpart 2, item A, subitem (9), C, D, or E provides otherwise and part 7045.0292, subpart 1, items E to G is complied with~~ managing recyclable hazardous wastes subject to regulation under part 7045.0125, 7045.0665, 7045.0675, or 7045.0685, except to the extent that part 7045.0125, 7045.0665, 7045.0675, or 7045.0685 apply and make the requirements of parts 7045.0450 to 7045.0544 applicable;

B. to J. [Unchanged.]

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PROPOSED RULES

7045.0542 THERMAL TREATMENT.

Subpart 1. **Scope.** This part applies as follows:

A. This part applies to owners and operators of facilities that thermally treat hazardous waste, except as ~~provided otherwise in items B, C, and D; parts 7045.0125; and part 7045.0450 provides otherwise.~~ The following facility owners or operators are considered to thermally treat hazardous waste: owners or operators of hazardous waste incinerators as defined in part 7045.0020; and owners or operators who burn hazardous waste in boilers or in industrial furnaces in order to destroy the waste.

B. to F. [Unchanged.]

Subp. 2. to 9. [Unchanged.]

7045.0552 FACILITIES GOVERNED BY INTERIM STATUS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Exemptions.** The requirements of parts 7045.0522 to 7045.0642 do not apply to:

A. [Unchanged.]

B. The owner or operator of a facility ~~which treats or stores hazardous waste if the treatment or storage meets the criteria in part 7045.0125, subpart 2, item A or B; except to the extent that part 7045.0125, subpart 2, item C, D, or E; provide otherwise and part 7045.0292, subpart 1, items E to G; are complied with managing recyclable hazardous wastes subject to regulation under part 7045.0125, 7045.0665, 7045.0675, or 7045.0685, except to the extent that part 7045.0125, 7045.0665, 7045.0675, or 7045.0685 apply, and make the requirements of parts 7045.0450 to 7045.0544 applicable.~~

C. to J. [Unchanged.]

7045.0640 THERMAL TREATMENT FACILITIES.

Subpart 1. **Scope.** This part applies to owners and operators of facilities that thermally treat hazardous waste, except as ~~item B; and parts 7045.0125 and part 7045.0552 provide provides~~ otherwise.

The following facility owners or operators are considered to thermally treat hazardous waste: owners or operators of hazardous waste incinerators as defined in part 7045.0020; and owners or operators who burn hazardous wastes in boilers or in industrial furnaces in order to destroy the wastes.

Owners and operators of thermal treatment facilities that thermally treat hazardous waste are exempt from all the requirements of this part except subpart 5, if the owner or operator has documented, in writing, that the waste would not reasonably be expected to contain constituents listed in part 7045.0141, and the documentation is kept at the facility, and the waste to be treated is:

A. to D. [Unchanged.]

Subp. 2. to 6. [Unchanged.]

Rules as Proposed (all new material)

7045.0665 USE CONSTITUTING DISPOSAL.

Subpart 1. **Scope.** This part applies to hazardous wastes that are used in a manner constituting disposal. For the purposes of this part, use constituting disposal means the application or placement of recyclable wastes in or on the land:

A. without mixing with other substances;

B. after mixing with any other substances unless the recyclable waste undergoes a chemical reaction so as to become inseparable from the other substances by physical means; or

C. after combination with any other substances if the resulting material is not produced for the general public's use. Products produced for the general public's use that are used in a manner constituting disposal and that contain recyclable wastes that have undergone a chemical reaction in the course of producing a product so as to become inseparable by physical means are exempt from regulation under this part.

Subp. 2. **Standards applicable to generators of wastes used in a manner that constitutes disposal.** Generators of wastes that are used in a manner that constitutes disposal are subject to the requirements of parts 7045.0205 to 7045.0304.

Subp. 3. **Standards applicable to transporters of wastes used in a manner that constitutes disposal.** Transporters of wastes that are used in a manner that constitutes disposal are subject to the requirements of parts 7045.0351 to 7045.0397.

Subp. 4. **Standards applicable to facilities managing wastes that are to be used in a manner that constitutes disposal.** Facilities managing wastes in a manner that constitutes disposal are subject to the following requirements:

A. owners or operators of facilities that store recyclable wastes that are to be used in a manner that constitutes disposal, but

who are not the ultimate users of the wastes are subject to all applicable provisions of parts 7045.0450 to 7045.0534, 7045.0544, 7045.0552 to 7045.0632, and chapter 7001; and

B. owners or operators of facilities that use recyclable wastes that are to be used in a manner that constitutes disposal are subject to all applicable provisions of parts 7045.0450 to 7045.0538, 7045.0544, 7045.0552 to 7045.0638, and chapter 7001.

7045.0675 RECYCLABLE HAZARDOUS WASTE UTILIZED FOR PRECIOUS METAL RECOVERY.

Subpart 1. **Scope.** This part applies to recyclable hazardous waste that is reclaimed to recover economically significant amounts of gold, silver, platinum, palladium, iridium, osmium, rhodium, ruthenium, or any combination of these.

Subp. 2. **Requirements for generators.** Generators of recyclable hazardous waste regulated under this part are subject to the requirements of parts 7045.0205 to 7045.0304.

Subp. 3. **Requirements for transporters.** Transporters of recyclable hazardous waste regulated under this part are subject to the requirements of parts 7045.0351 to 7045.0397.

Subp. 4. **Requirements for persons who store.** Persons who store recyclable hazardous waste that is regulated under this part are subject to the following requirements:

A. If the hazardous waste is not being accumulated speculatively as defined in part 7045.0020, the following apply:

(1) parts 7045.0556, subpart 2, 7045.0580, and 7045.0582;

(2) the generator and facility must keep records showing: the volume of the hazardous wastes stored at the beginning of the calendar year; the amount of the hazardous wastes generated or received during the calendar year; and the amount of hazardous wastes remaining at the end of the calendar year.

B. If the hazardous waste is being accumulated speculatively as defined in part 7045.0020, the recyclable hazardous waste is subject to all applicable requirements of parts 7045.0205 to 7045.0642 and chapter 7001.

7045.0685 SPENT LEAD-ACID BATTERIES BEING RECLAIMED.

Subpart 1. **Scope.** The requirements of this part apply to persons who generate, transport, collect, store, or reclaim spent lead-acid batteries that are recyclable. Except as provided in subpart 2, persons who generate, transport, or collect spent batteries, or who store spent batteries but do not reclaim them are not subject to regulation under parts 7045.0205 to 7045.0685 and chapter 7001 for such generation, transportation, and storage of spent batteries. For the purpose of this part, indoor storage is storage within a permanently constructed building consisting of at least a roof and three walls permanently affixed to a masonry or other composition floor placed on the ground.

Subp. 2. **Standards for storage of spent batteries.** Storage of spent batteries by persons who do not reclaim them is subject to the following requirements:

A. Storage of batteries indoors shall be on an impermeable curbed surface and provisions shall be made to recontainerize leaking or broken batteries, with regular inspection to assure the integrity of the stored batteries.

B. Storage of spent batteries in a manner other than by indoor storage as defined in subpart 1 shall be subject to the following requirements:

(1) If the storage does not meet the criteria of speculative accumulation as described in part 7045.0020, the storage is subject to the following requirements: storage shall be on an impermeable curbed surface and provisions shall be made to recontainerize leaking or broken batteries, with regular inspection to assure the integrity of the stored batteries; and the requirements of part 7045.0526, subparts 2 to 6, and 9.

(2) If the storage of spent batteries meets the criteria of speculative accumulation as defined in part 7045.0020, the storage is subject to the following requirements: parts 7045.0452 to 7045.0456; 7045.0460 to 7045.0470; 7045.0478 to 7045.0534; 7045.0544; 7045.0552 to 7045.0562; 7045.0566 to 7045.0578; 7045.0584 to 7045.0632; and the permitting requirements of chapter 7001 for hazardous waste storage facilities.

Subp. 3. **Standards for owners or operators of facilities that store spent batteries before reclaiming them.** The owners or operators of facilities that store batteries before reclaiming them are subject to regulation under parts 7045.0452 to 7045.0456; 7045.0460 to 7045.0470; 7045.0478 to 7045.0534; 7045.0544; 7045.0552 to 7045.0562; 7045.0566 to 7045.0578; 7045.0584 to 7045.0632; and the permitting requirements of chapter 7001 for hazardous waste storage facilities.

REPEALER. Minnesota Rules, parts 7045.0020, subpart 69; 7045.0125, subpart 2; and 7045.0142 are repealed.

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ADOPTED RULES

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

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

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

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

Department of Commerce

Adopted Rules Relating to Uniform Conveying Blanks

The rules proposed and published at *State Register*, Volume 9, Number 38, pages 2036-2051, March 18, 1985 (9 S.R. 2036) are adopted as proposed.

Department of Human Services

Adopted Rules Governing the Funding and Administration of Home and Community-based Services for Persons with Mental Retardation

The rules proposed and published at *State Register*, Volume 10, Number 4, pages 141-155, July 22, 1985 (10 S.R. 141) are adopted with the following modifications:

Rules as Adopted

9525.1800 DEFINITIONS.

Subp. 2. **Billing rate.** "Billing rate" means the rate ~~charged~~ billed by the provider for providing the services. The rate may be used on a day, hour, or fraction of an hour of service.

Subp. 8. **Daily intervention.** "Daily intervention" means supervision, assistance, or training provided to a person in the person's residence by a provider, family member, or foster family member to help the ~~client~~ person manage daily activities. To qualify as daily intervention the supervision, assistance, or training must be provided each day for more than 90 consecutive days.

Subp. 14. **Home and community-based services.** "Home and community-based services" means the following services ~~for~~ which are provided to persons with mental retardation, ~~that if the services~~ are authorized under United States Code, title 42, section 1396 et. seq., and authorized in under the waiver granted by the United States Department of Health and Human Services: case management, respite care, homemaker, in-home family support services, supported living arrangements for children, supported living arrangements for adults, day habilitation, and minor physical adaptations to the home, as defined in part 9525.1860; and other home and community-based services authorized under United States Code, title 42, section 1396 et seq., if approved for Minnesota by the United States Department of Health and Human Services.

Subp. 25. **Short term.** "Short term" means a cumulative total of less than 90 24-hour days or 2,160 hours in a fiscal year.

Subp. 27. **Waiver.** "Waiver" means the waiver of requirements under United States Code, title XIX of the Social Security Act ~~requirements to allow 42, sections 1396 et seq., which allows~~ the state to pay for home and community-based services for persons with mental retardation; ~~and through the medical assistance program. The term includes~~ all amendments to the waiver including any amendments made after the effective date of parts 9525.1800 to 9525.1930, as approved by the United States Department of Health and Human Services under United States Code, title 42, section 1396 et. seq.

9525.1820 ELIGIBILITY.

Subpart 1. **Eligibility criteria.** A person is eligible to receive home and community-based services if the person meets all the criteria in items A to D and if home and community-based services may be provided in accordance with part 9525.1830:

C. the person is a resident of an ICF/MR or it is determined by the screening team that the person would be placed in an ICF/MR within one year if home and community-based services ~~are~~ were not provided; and

Subp. 2. **Medical assistance eligibility for children residing with their parents.** The county board shall determine eligibility

for medical assistance for a person under age ~~24~~ 18 who resides with a parent or parents without considering parental income and resources if:

Subp. 3. Beginning date. Eligibility for medical assistance begins on the first day of the month in which the client first receives home and community-based services.

9525.1840 PARENTAL CONTRIBUTION FEE.

Subpart 1. **Out-of-home placements.** ~~The parent or~~ parents of clients a client under age 18 shall be liable for a parental contribution fee determined according to Minnesota Statutes, section 256B.14, if the client resides outside the ~~parent's home of~~ the parent or parents.

9525.1850 PROVIDER REIMBURSEMENT.

A provider may receive medical assistance reimbursement for home and community-based services only if the provider meets the criteria in items A to J. The training, experience, and supervision required in items B to E only apply to persons who are employed by, or under contract with, the provider to provide services that can be billed under part 9525.1860, subpart 3, item A.

B. The provider ensures that the provider and all employees or subcontractors meet all professional standards established in Minnesota Statutes, Minnesota Rules, and Code of Federal Regulations that apply to the services to be provided. If no training standards have been established, the provider, employee, or subcontractor must have completed, within the last two years, at least 24 hours of documented training ~~subject to approval by the case manager.~~ subject to approval by the case manager. The training must be in areas related to the care, supervision, or training of persons with mental retardation including first aid, medication administration, behavior management, cardio-pulmonary resuscitation, human development, and obligations under Minnesota Statutes, sections 626.556 and 626.557. The county board may grant a written variance to the training requirements in this item for:

C. The provider ensures that the provider and all employees or subcontractors have at least one year of experience within the last five years in the care, training, or supervision of persons with mental retardation or related conditions as defined in Minnesota Statutes, section 252.27. The county board may grant a written variance to the requirements in this item for:

(1) a respite care provider who provides the respite care in his or her residence or in the client's residence; ~~or~~

(2) a provider, employee, or subcontractor who is a qualified mental retardation professional who meets the requirements in Code of Federal Regulations, title 42, section 442.401 and has been approved by the case manager; or

(3) an employee of the provider if the employee will work under the direct on-site supervision of a qualified mental retardation professional who meets the requirements in Code of Federal Regulations, title 42, section 442.401, and who has been approved by the case manager.

E. The provider ensures that the provider and all employees or subcontractors will complete the amount of ongoing training required in any Minnesota rules applicable to the home and community-based services to be provided. If no ongoing training is required by the applicable Minnesota rules, the provider, except a provider of minor physical adaptations, agrees that the provider and all employees or subcontractors will complete at least 18 hours of documented ongoing training each fiscal year. To meet the requirements of this item, the ongoing training must be in a field related to the care, training, and supervision of persons with mental retardation, and must either be identified as needed in the client's individual habilitation plans or be approved by the case manager based on the needs identified in the individual service plans of the clients served by the provider. The county board may grant a written variance to the requirements in this item for a respite care provider who provides the respite care in his or her residence or in the client's residence.

9525.1860 REIMBURSABLE SERVICES.

Subpart 1. **General limits.** The costs of providing the home and community-based services defined in subpart 2, provided in accordance with subparts 3 to ~~5~~ 7, are reimbursable under the medical assistance program for as long as the waiver from the United States Department of Health and Human Services is in effect in Minnesota.

Subp. 2. **Definitions.** For the purposes of this part the following terms have the meanings given them.

G. "Minor physical adaptations to the home" means one or more of the structural changes to the client's residence set forth in subpart ~~3~~ 4, item E. Minor physical adaptations to the home must be designed to enable the client to avoid placement in an ICF/MR by increasing the client's mobility or protecting the client or other persons from injury. Minor physical adaptations to the

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home are only reimbursable for clients with mobility problems, sensory deficits, or behavior problems. Minor physical adaptations are limited to those named in subpart 3 4, item E.

Subp. 3. **Billing for services.** Billings submitted by the provider, except a provider of minor physical adaptations, must be limited to time actually and reasonably spent:

Subp. 4. **Service limitations.** The provisions of home and community-based services is limited to ~~as stated in~~ items A to H.

A. Case management services may be provided as a single service for a period of no more than 90 days.

B. Day habilitation services must:

(4) be provided by an organization that does not have a direct or indirect financial interest in the organization that provides the client's residential services unless the client is residing with:

(a) his or her family; or

(b) a foster family that does not have a direct or indirect financial interest in the organization that provides the client's residential services.

~~B- C.~~ Homemaker services may be provided only if:

~~C- D.~~ Leave days are reimbursable for supported living arrangements for children or supported living arrangements for adults, if the client intends to return to the service. Billings may be made for leave days only when the client is:

~~D- E.~~ Reimbursement for minor physical adaptations to the home shall be limited to an average cost of ~~\$3,000~~ \$3,111 per client for all clients in the county in fiscal year ~~1985~~ 1986. The average cost will be increased each fiscal year based on the first quarter forecast of the projected percentage change in the annual value of the all urban consumer price index, (CPI-U) for Minneapolis-Saint Paul as published by the Bureau of Labor Statistics new series index (1967 = 100), from the preceding fiscal year. The CPI-U is incorporated by reference and is available from the Minitex Interlibrary Loan System. The average cost limitation applies to the entire period of time for which the waiver has been approved. Minor physical adaptations to the home must be limited to the purchase and installation of one or more of the following:

~~E- F.~~ Home and community-based services are not reimbursable if provided to a client while the client is a resident of or on leave from an ICF/MR, skilled nursing facility, intermediate care facility, or a hospital. This item shall not apply to leave days authorized in accordance with item C for a client who is hospitalized.

~~F- G.~~ Respite care must:

(1) be provided only for the relief of the client's family or foster family, or if the client is in a supported living arrangement in the provider's residence, for the relief of the client's primary caregiver; and

(2) be provided in a service site serving no more than six clients at one time.

If there are no service sites that meet the requirements in subitem (2) available in the community to serve clients with multiple handicaps, the county board may grant a variance to the requirement for a period of no more than one year for each client. When a variance is granted, the county board must submit to the commissioner a written plan documenting the need for the variance and stating the actions that will be taken to develop services within one year that meet the requirements of subitem (2).

~~G- H.~~ Room and board costs are not allowable costs for home and community-based services except respite care provided out of the client's residence. All room and board costs must be directly identified on reports submitted by the provider to the county board.

Subp. 5. Special services. The services listed in item A must be provided in accordance with items B to D.

~~H- A.~~ For the purposes of this ~~item subpart~~, the services in subitems (1) to (9) have the meanings given them in parts 9500.0750 to 9500.1080:

B. The services in ~~subitems (4) to (9)~~ item A, must be provided by a professional licensed or certified by the state to provide the services or by a person supervised by a licensed or certified professional.

C. If ~~any of these~~ the services in item A, subitems (1) to (6) are provided to a client, the cost of the services must be included in the rate or rates billed by the provider or providers for reimbursement under parts 9525.1800 to 9525.1930. These services are not reimbursable under any other rule or rules for clients in home and community-based services.

D. The cost of the services listed in item A, subitems (7) to (9) must not be included in the rate or rates billed by the provider or providers for reimbursement under parts 9525.1800 to 9525.1930.

Subp. 5- 6. **Other applicable rules.** Home and community-based services must be provided as required under items A to ~~G~~ E unless a variance has been approved in accordance with subpart 7.

Subp. 7. Licensing variances. Requests for variances to the licensing requirements in subpart 6 must be handled in accordance with items A to C.

~~F. A.~~ The county board may request a variance from compliance with parts 9545.0010 to 9545.0260 as required in subpart 6, item C, D, or E, for a provider who provides services to clients under 18 years of age if the county board determines that no providers who meet the licensing requirements are available and that granting the variance will not endanger the health, safety, or development of the persons receiving the services clients. The written variance request must be submitted to the commissioner and must contain:

(3) the specific measures that will be taken by the provider to ensure the health, safety, or development of the persons receiving the services clients.

~~G. B.~~ The county board may grant a written variance from compliance with parts 9545.0090, item A; 9545.0140; 9545.0180; 9545.0190, subparts 3 and 5; and 9555.6100 to 9555.6400 as required in subpart 6, items D and E, for a provider who provides services to adults if the county board determines that no providers who meet the licensing requirements are available and that granting the variance will not endanger the health, safety, or development of the persons with mental retardation clients.

C. Requests for a variance of the provisions in parts 9525.0210 to 9525.0430 must be submitted in accordance with part 9525.0250.

9525.1890 ALLOCATION OF HOME AND COMMUNITY-BASED SERVICE MONEY.

Subpart 1. **Allocation of diversions.** To allocate home and community-based services money for diversions, the commissioner shall project the number of diversions for the county based on the average of the projected utilization of state-operated and community-based ICF/MR beds using historical utilization for the county; and the projected per capita utilization of state-operated and community-based ICF/MR beds for the county, both of which are adjusted to conform with the number of diversions projected in the waiver. The projection shall be adjusted based on the county board's actual use of allocated diversions during the previous fiscal year. If the county board uses less than the number of diversions allocated for the ~~previous~~ fiscal year, the commissioner may decrease the number of diversions projected by the commissioner for the county for the next fiscal year. The county board's allocation of money for diversions shall be based on the lesser of the number of diversions in the approved county proposal and the number of diversions projected for the county by the commissioner.

Subp. 6. **Special projects.** The commissioner may reallocate or reserve available home and community-based service money to fund special projects designed to serve very dependent persons with special needs who meet the criteria in parts 9525.1820 and 9510.1050, subpart 2, items C and D as proposed at *State Register*, Volume 10, Number ~~2~~, pages ~~57~~ to ~~65~~ (July ~~8~~, 1985). The reallocated or reserved money may be used to provide additional money to county boards that are unable to fund home and community-based services for very dependent persons with special needs within the statewide reimbursement rate as required in part 9525.1910, subpart 2.

9525.1900 AGREEMENT BETWEEN STATE AND COUNTY.

Subpart 1. **Contents of agreement.** The county board must have a legally binding written agreement with the state in order to receive home and community-based services money. The agreement must include provisions specifying that:

D. the total cost of providing home and community-based services to all home and community-based service clients will not exceed the limits in part 9525.1910 except as provided in part 9525.1890, subpart 6;

I. the county board will comply with United States Code, title ~~49~~ 42, sections 1396 et seq., and all regulations promulgated thereunder.

9525.1910 COUNTY BOARD FUNDING OF HOME AND COMMUNITY-BASED SERVICES.

Subp. 4. **Cost limitations.** There is no dollar limitation on the amount of home and community-based services money that may be used per client. In authorizing and billing for home and community-based services for individual clients, the county board must comply with items A to C. For county boards applying jointly, the total cost and total allocation in item A shall be the total cost and total allocation for all of the county boards represented in the proposal and the average cost in item B shall be the average cost for all clients included in the proposal.

B. The county's average cost per day for all home and community-based services provided to all clients must not exceed the statewide average daily reimbursement rate.

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ADOPTED RULES

9525.1930 PENALTIES AND APPEALS.

Subp. 2. **Exception.** Providers who contracted with the county board to provide home and community-based services before May 1, 1985, have until January 1, 1986, to comply with parts 9525.1850, items B to F; 9525.1860, subpart 3 4, item G, subitem (2); 9525.1860, subpart 4 6; and 9525.1870, subpart 1, item E.

Subp. 4. **Appeals by county boards, providers, or subcontractors.** Before the commissioner withholds, recoups, or withdraws the county board's allocation under subpart 1, the commissioner shall give 30 days written notice to the county board and send a copy of the written notice to the affected providers or subcontractors. The written notice shall inform the county board, provider, or subcontractor of the right to a hearing under the contested case procedures of Minnesota Statutes, chapter 14. If the commissioner receives a written appeal of the commissioner's action within 30 days of the date the written notice is sent, the commissioner shall initiate a contested case proceeding. The written appeal must state the reasons the county board, provider, or subcontractor is appealing the commissioner's action. The commissioner shall not take the proposed action before the hearing unless, in the commissioner's opinion, the action is necessary to protect the public welfare and the interests of the home and community-based services program.

Department of Human Services

Adopted Rules Relating to Prior Authorization for Health Services and Second Surgical Opinion as a Condition for MA and GAMC Reimbursement

The rules proposed and published at *State Register*, Volume 9, Number 43, pages 2367-2374, April 22, 1985 (9 S.R. 2367) are adopted with the following modifications:

Rules as Adopted

9505.5005 DEFINITIONS.

Subp. 11. **Local trade area.** "Local trade area" means the geographic area surrounding the recipient's residence which the local agency identifies as is commonly used by other persons in the same area to obtain necessary goods and services.

Subp. 14. **Physician.** "Physician" means a person licensed to provide services within the scope of his or her profession as defined in Minnesota Statutes, chapter 147. For purposes of the second surgical opinion requirement in parts 9505.5035 to 9505.5100, "physician" shall also mean:

A. a person licensed to provide dental services within the scope of his or her profession as defined in Minnesota Statutes, section 150A.06, subdivision 1; or

B. a person who is certified by or eligible for certification from the appropriate specialty board, if applicable, to perform the surgical procedure for which his or her opinion is being requested qualified to render an opinion regarding the surgical procedure as evidenced by his or her certification or eligibility for certification from the appropriate specialty board if, according to the community standard, such certification or eligibility for certification is required of persons performing the surgical procedure in question.

9505.5010 PRIOR AUTHORIZATION REQUIREMENT.

Subpart 1. **Provider requirements.** Except as provided in part 9505.5015, a provider shall obtain prior authorization as a condition of reimbursement under the medical assistance and general assistance medical care programs for health services designated under ~~part~~ parts 9500.1070 and 9505.5025. Prior authorization shall assure the provider reimbursement for the approved health service only if the service is given during a time the person is a recipient and the provider meets all requirements of the medical assistance or general assistance medical care programs.

Subp. 2. **Expiration of eligibility.** When root canal therapy, removable dental prosthodontics, and other custom fabricated prosthetic, orthotic, or prosthodontic appliance services were started on a recipient who was eligible but whose eligibility for medical assistance or general assistance medical care expired prior to completion of the service, the department shall prorate its allowable reimbursement for the service based on the percentage of the service completed prior to the expiration of the recipient's eligibility; ~~provided that the provider was not aware of or should not have been aware of the impending expiration of eligibility.~~

9505.5020 DEPARTMENT RESPONSIBILITIES.

Subpart 1. **Notification requirements.** If the information submitted by the provider does not meet the requirements of part 9505.5030, the department shall notify the provider of what is necessary to complete the request ~~and~~ the time limit for its submission, and the provider's right to request an extension when good cause prevents the provider from complying with the time limit. If the department does not receive the requested information or a written request for an extension within 20 working days of the date

appearing on the notice which was sent to the provider, the request for prior authorization shall be denied ~~unless an extension is requested and granted.~~ Upon receipt of notice from the department denying an extension, the provider shall have 20 working days to submit the requested information. If the information is not submitted, the request shall be denied. Extensions shall be granted when circumstances beyond the provider's control prevent his or her compliance. The department shall send the provider, within 30 working days of receipt of all the information required in part 9505.5010, a notice of the action taken on the request for prior authorization. If the prior authorization request is denied, the department shall send the recipient within the same time period a copy of the notice sent to the provider and a statement of the recipients' right to appeal as provided in Minnesota Statutes, section 256.045.

Subp. 2. ~~Publication requirements.~~ The department shall annually publish in the last issue of the *State Register* for October a list of health services that require prior authorization. In addition, the department shall publish any revision of the list at least 45 days before the effective date if the revision imposes a prior authorization requirement on a health service. When a list is published, the department shall send each provider a copy of the list.

Subp. 3. ~~Retention of information submitted by provider.~~ The department shall have the right to retain information submitted to the department by the provider in accordance with part 9505.5010.

9505.5025 CRITERIA FOR SELECTING HEALTH SERVICES SUBJECT TO PRIOR AUTHORIZATION REQUIREMENT PROVIDED OUTSIDE OF MINNESOTA.

Subpart 1. ~~Criteria.~~ The commissioner with the advice of consultants shall use the criteria in items A to H to determine which health services shall be subject to the prior authorization requirement:

- A. the health service is of questionable medical necessity;
- B. utilization of the health service needs monitoring in order to control the expenditure of program funds;
- C. less costly appropriate alternatives to the health service are generally available;
- D. the health service is investigative;
- E. the health service is newly developed or modified;
- F. the health service is of a continuing nature and requires monitoring to prevent its continuation when it ceases to be beneficial;
- G. the health service is determined to be obsolete by the commissioner; or
- H. the health service is comparable to a service provided in a skilled nursing facility or hospital but which is provided in a recipient's home.

Subp. 2. ~~Health services provided outside of Minnesota.~~ In addition to the list of health services published in the *State Register* under part 9505.5020, subpart 2, Prior authorization is required for health services to be provided outside of Minnesota. A health service that is provided to a Minnesota resident outside of Minnesota but within the recipient's local trade area and that would not require prior authorization if it were provided to a Minnesota resident within Minnesota shall be exempt from the prior authorization requirement.

9505.5030 CRITERIA FOR APPROVAL OF PRIOR AUTHORIZATION REQUEST.

A request for prior authorization of a health service under part 9505.5020, subpart 2, shall be evaluated by consultants using the criteria given in items A to E F. A health service meeting the criteria in this part shall be approved, if the health service is otherwise a covered service under the MA or GAMC programs. The health service must:

- A. be medically necessary as determined by prevailing medical community standards or customary practice and usage;
- B. be appropriate and effective to the medical needs of the recipient;
- C. meet quality and timeliness standards be timely, considering the nature and present state of the recipient's medical condition;
- D. be furnished by a provider with appropriate credentials;
- E. be the least expensive appropriate alternative health service available; and
- E F. represent an effective and appropriate use of program funds.

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ADOPTED RULES

9505.5035 SURGICAL PROCEDURES REQUIRING SECOND OPINION.

Subpart 1. **General requirements.** Except as provided in part 9505.5040, second surgical opinions shall be required for medical assistance and general assistance medical care recipients for inpatient ~~and outpatient~~ elective surgical procedures according to the list published in the *State Register* under Minnesota Statutes, section 256B.02, subdivision 8. Publication shall occur annually in the last issue of the *State Register* for the month of October. In addition, the department shall publish any revision of the list at least 45 days before the effective date if the revision imposes a second surgical opinion requirement. The department shall send each provider a copy of the published list or a revision of the published list.

Subp. 2. **Requirements prior to eligibility determination.** The requirements of parts 9505.5035 to 9505.5100 ~~must be applicable~~ shall apply to individuals who have applied for MA or GAMC, but whose applications have not yet been approved or denied at the time the surgical procedure is ~~proposed~~ performed.

9505.5040 EXEMPTIONS TO SECOND SURGICAL OPINION REQUIREMENTS.

Provided the requirements of part ~~9505.5075~~ 9505.5095 are met, a second surgical opinion is not required when:

A. The surgical procedure is approved for reimbursement by Medicare.

B. The surgical procedure is a consequence of, or a customary and accepted practice as an incident to, a more major surgical procedure ~~which is subject to the second opinion requirement~~.

9505.5045 CRITERIA TO DETERMINE WHEN SECOND OPINION IS REQUIRED.

The commissioner shall use the criteria in items A to E to determine which surgical procedures shall be subject to the second surgical opinion requirement.

D. ~~Another surgical procedure that uses~~ Alternative methods of treatment which are less intrusive ~~measures could be employed~~ are available.

9505.5055 SECOND OR THIRD OPINION BY A PHYSICIAN.

Subpart 1. **Requirements of recommending physician.** The physician ~~who initially recommends surgery offering to provide the surgical service~~ shall provide to the recipient in need of a second or third surgical opinion, the names of at least two other physicians who are qualified to render a second or third opinion, or the name of an appropriate medical referral resource service, and information about the consequences of failing to obtain a second or third opinion. The physician offering the surgical service shall ensure that the required second opinion and, when required, third opinion, are obtained.

Subp. 2. **Qualifications of physician offering second or third opinions.** The ~~recommending~~ physician offering the surgical service and the physician named to render a second or third opinion or the medical referral resource service shall have no ~~common~~ direct shared financial interest or referral relationship resulting in a shared financial gain. The physician who gives a second or third opinion must be a provider.

REPEALER. Minnesota Rules, parts 9500.0980; 9500.1070, subparts 4, items A, subitem (4), and B, subitems (1) and (5); 6, ~~items A, subitem (3); B, subitem (3); C, subitem (1); item D, subitem (1), and that part of subitem (2) which reads: "The medical assistance program will pay for multiple family group-psychotherapy or group-psychotherapy for up to two hours per week for a ten-week period"; 7, item A; 10, item E, subitems (1), (2), (3), units (b) and (c) and (4); 16, item A; and 18, item B; and that part of subpart 19, item D, which reads: "Prior authorization must be obtained on any services for which payment is claimed under this section,"; and 9505.1020, subpart 4, items Q and R, are repealed.~~

Waste Management Board

Adopted Emergency Rules Governing The Solid Waste Processing Facility Capital Assistance Program

The rules proposed and published at *State Register*, Volume 10, Number 4, pages 220-226, July 22, 1985 (10 S.R. 220) are adopted with the following modifications:

Rules as Adopted, Emergency

9200.6000 [Emergency] DEFINITIONS.

~~Subp. 10. On-site transmission facilities.~~ "On-site transmission facilities" means any steam, water, or electrical facilities within the geographic boundaries of the waste processing facility site, which are used to transmit energy to markets.

~~Subp. 11. 10. On-site utilities.~~ "On-site utilities" means gas, electrical, water, and sewer facilities within the geographic

boundaries of the waste processing facility site, which are used for facility operations, excluding transmission of energy to markets.

Subp. ~~12-~~ 11. **Preliminary engineering/architectural plans.** "Preliminary engineering/architectural plans" means conceptual plans adequate to obtain preconstruction permits and to meet the needs of an environmental assessment.

Subp. ~~13-~~ 12. **Processing.** "Processing" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 25.

Subp. ~~14-~~ 13. **Project.** "Project" means a processing facility, together with any transfer stations, transmission facilities, and other related and appurtenant facilities primarily serving the processing facility.

Subp. ~~15-~~ 14. **Recyclable materials.** "Recyclable materials" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 25a.

Subp. ~~16-~~ 15. **Recycling.** "Recycling" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 25b.

Subp. ~~17-~~ 16. **Recipient.** "Recipient" means an applicant who has received a grant under the solid waste processing facilities capital assistance program.

Subp. ~~18-~~ 17. **Resource recovery.** "Resource recovery" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 27.

Subp. ~~19-~~ 18. **Resource recovery facility.** "Resource recovery facility" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 28.

Subp. ~~20-~~ 19. **Solid waste.** "Solid waste" has the meaning given it in Minnesota Statutes, section 116.06, subdivision 10.

Subp. ~~21-~~ 20. **Solid waste disposal facilities and equipment.** "Solid waste disposal facilities and equipment" means structures, machinery, or devices at a disposal site necessary for efficient land disposal of solid wastes, including machinery or devices designed to move earth during burial of wastes or to increase the density of wastes buried or to be buried, and facilities in which solid waste is temporarily stored and concentrated prior to transport to a disposal site.

Subp. ~~22-~~ 21. **Solid waste management district.** "Solid waste management district" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 32.

Subp. ~~23-~~ 22. **Special waste stream.** "Special waste stream" means materials normally found in the solid waste stream in sufficient quantity to be recovered for subsequent use, if separated from the solid waste stream and processed separately. Examples of special waste streams include ~~used~~ waste tires, wood wastes, and agricultural wastes.

Subp. 23. **Transmission facilities.** "Transmission facilities" means any steam, water, or electrical lines which are used to transmit energy to markets.

9200.6200 [Emergency] GRANT APPLICATION PROCEDURES.

Subp. 3. **Applications accepted.** The board shall accept applications for funds under the solid waste processing facilities capital assistance program until all funds for the program are ~~depleted~~ awarded or until ~~March 30, 1987~~ three months prior to the expiration of the board pursuant to law, whichever occurs first.

9200.6300 [Emergency] ELIGIBILITY CRITERIA.

Subp. 3. **Eligible costs.** Eligible costs under ~~part~~ parts 9200.6000 to 9200.6800 [Emergency] shall be limited to the costs of waste processing equipment; structures necessary to house the waste processing equipment; ~~on site~~ transmission facilities; appropriate and necessary on-site utilities; structures necessary to concentrate and temporarily store solid waste prior to transportation to a waste processing facility; trailers, containers, and roll-off boxes necessary to transport wastes from transfer stations to a processing facility, to transport processing facility products to market, or to transport residue from the processing facility to a solid waste land disposal facility; and final design and engineering specifications.

9200.6500 [Emergency] SUPPORTING DOCUMENTATION REQUIRED TO BE SUBMITTED WITH GRANT APPLICATION.

Applications for waste processing facilities grants must include the following supporting documentation:

B. A financial plan which contains:

(1) initial capital development costs and the method of financing those costs;

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

ADOPTED RULES

(2) annual operating and maintenance costs;

(3) ~~15 year~~ projections of total facility costs and revenues over 20 years or for the term of the longest debt obligation, whichever is longer; and

(4) total ~~facility capital~~ costs per ton;

~~(5) total facility costs to generator; and~~

~~(6) revenues or funds accruing to the facility through sales, tipping fees, taxes, and subsidies of installed daily capacity.~~

C. A report demonstrating that the project is not financially feasible without state assistance, due to the applicant's financial capacity and the problems inherent in waste management in the area. The report shall include the following documentation:

(1) capital financing alternatives and operational cost financing alternatives, both public and private, explored by the applicant for the projects and reasons for selecting the proposed ~~financial plan~~ financing methods;

(3) projected facility tipping fees, product revenues, ~~operating and maintenance costs and debt service on a per capita basis and other project revenues~~, with and without board assistance;

(4) impact of proposed project on existing solid waste commitments, obligations and expenditures, and total current solid waste management costs on a per capita and per ton basis;

(5) general information ~~on~~ pertinent to a determination of the applicant's financial capacity, including such factors as location, population characteristics, employment base, and other characteristics ~~pertinent to a discussion of financial capacity~~;

(6) transportation distances and estimated costs, both in waste collection and to markets for recovered resources;

F. Documentation that waste supplies will be committed to the project and that the applicant has the ~~authority and~~ mechanism to commit such wastes.

Waste Management Board

Adopted Rules Governing Hazardous Waste Reduction Grants

The rules proposed and published at *State Register*, Volume 10, Number 3, pages 106-108, July 15, 1985 (10 S.R. 106) are adopted as proposed.

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Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Commerce

Outside Opinion Sought Regarding Proposed Amendments to Rules Relating to Real Estate Education and Licensing (Chapter 2800 Minnesota Rules) Including the Impact of the Rules on Small Business

Notice is hereby given that the Department of Commerce is seeking information or opinions from persons outside the agency in preparing to promulgate new rules governing Real Estate Education. Promulgation of these rules is authorized by Minnesota Statutes, section 82.22 and 82.28. Many of the proposed amendments are for the purposes of changing current rules to reflect recent statutory changes.

Outside opinion is also being solicited as to how these rules will affect small businesses as defined by Minnesota Statutes § 14.115, subdivision 1. Most Real Estate licensees would be defined as small businesses.

The Department of Commerce requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing to: Richard G. Gomsrud, Department of Counsel, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101, (612) 296-5689.

All statements of information and comment shall be accepted until November 15, 1985. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are promulgated.

Michael A. Hatch
Commissioner of Commerce

Department of Commerce

Outside Opinion Sought Regarding Proposed Amendments to Rules Relating to Preferred Provider Arrangements Including the Impact of the Rules on Small Business

Notice is hereby given that the Department of Commerce is seeking information or opinions from persons outside the agency in preparing to promulgate new rules governing Preferred Provider Arrangement. Promulgation of these rules is authorized by Minnesota Statutes, Sections 72A.19, 60A.23 and 45.023. Preferred provider arrangements are also commonly known by terms such as Preferred Provider Option, Preferred Provider Plan, Preferred Provider Program, Preferred Provider Organization and similar designation.

Outside opinion is also being solicited as to how these rules will affect small businesses as defined by Minnesota Statutes § 14.115, subdivision 1.

The Department of Commerce requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing to: Judith A. Hale, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101, (612) 297-3976.

All statements of information and comment shall be accepted until November 15, 1985. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are promulgated.

Michael A. Hatch
Commissioner of Commerce

Department of Energy and Economic Development Minnesota Energy and Economic Development Authority

Notice of Public Hearing on Proposed Project and the Issuance of Bonds Under *Minnesota Statutes, Chapter 116M, Inclusive*

Notice is Hereby Given that the Minnesota Energy and Economic Development Authority (the "Authority") or its designated representative, shall meet on Oct. 23, 1985, at 3:00 p.m. o'clock, at 900 American Center Building, 150 East Kellogg Boulevard, Saint Paul, Minnesota, for the purpose of conducting a public hearing on a proposed issue of bonds (the "Bonds") under *Minnesota Statutes, Chapter 116M*, as amended and supplemented (the "Act"), to undertake and finance a project on behalf of Minnesota Agri-Resources, Inc., a Minnesota corporation, or a limited partnership of which said company is general partner (the "Company"). Such persons as desire to be heard with reference to said issue of Bonds will be heard at this meeting.

The project to be financed consists of the construction and equipping of a manufacturing plant complex to produce fuel-grade ethanol alcohol to be used as a fuel additive in gasoline with capacity of approximately 3.15 million gallons per year, together with related facilities for processing, distillation, evaporation, storage and treatment and aeration, and all related improvements and equipment, to be located in the City of Appleton, Swift County, Minnesota (general description of location: between Second Street West and Third Street West, north of the Pacific Chicago Milwaukee St. Paul Railroad line in the City of Appleton, Swift County, Minnesota) (the "Project"). The initial owner of the Project will be the Company, and the Project is expected to be operated and managed by the Company or its agent. It is contemplated that the ethanol alcohol produced by the Project will be sold to Tropicana Energy Company pursuant to an output contract to be mixed with gasoline by Tropicana Energy Company and sold as a fuel. The estimated maximum amount of the Authority's proposed bond issue is an amount equal to \$7,000,000. The Bonds shall be limited obligations of the Authority, and the Bonds and the interest thereon shall be payable solely from the revenue pledged to the payment thereof, except that such Bonds may be secured by a mortgage or security interest or other security arrangements to be created by the Company if subsequently required by the Authority. In addition, the Bonds and the Project may subsequently be considered by

OFFICIAL NOTICES

the Authority for financial assistance to be provided by the Energy Development Fund, created and established pursuant to the Act or other applicable financial assistance of the Authority. Notwithstanding the foregoing, no holders of any such Bonds shall ever have the right to compel any exercise of the taxing powers of the State of Minnesota or any political subdivision thereof to pay the Bonds or the interest thereon nor to enforce payment against any property of said State or said political subdivision.

A copy of the Application to the Authority for approval of the Project, together with all attachments and exhibits thereto and a copy of the Authority's resolution accepting the Application and accepting the Project is available for public inspection at the offices of the Authority at 900 American Center Building, 150 East Kellogg Boulevard, Saint Paul, Minnesota from the date of this notice to the date of the public hearing hereinabove identified, during normal business hours.

Dated: September 27, 1985.

BY ORDER OF THE MEMBERS OF THE
MINNESOTA ENERGY AND ECONOMIC
DEVELOPMENT AUTHORITY

Mark Dayton
Commissioner, Department of Energy
and Economic Development, and
Chairman, Minnesota Energy and
Economic Development Authority

Department of Energy and Economic Development Minnesota Agricultural Resource Loan Guaranty Board

Notice of Public Hearing on a Proposed Project Under the Agricultural Resource Loan Guaranty Program Pursuant to Minnesota Statutes, Chapter 41A, as Amended

Notice is Hereby Given that the governing body of the Agricultural Resource Loan Guaranty Board of the State of Minnesota (the "Board"), will meet on October 24, 1985, at 1:00 p.m. at the Minnesota Department of Energy and Economic Development, 900 American Center Building, Room 3, 150 East Kellogg Boulevard, Saint Paul, Minnesota for the purpose of conducting a public hearing on a proposal that the Board issue its revenue bonds under the Agricultural Resource Loan Guaranty Program pursuant to Minnesota Statutes, Chapter 41A, as amended, in order to finance the cost of a project. The proposed project will consist of the acquisition and installation of additional equipment in, rehabilitation and renovation of and construction of an addition to an existing meat processing and packaging facility located on the North side of State Highway 60 approximately one-half (1/2) mile East of the Windom city limits. The proposed project will be owned by Caldwell Packing Co., Inc. for use in its business. The estimated total amount of the proposed issue is \$1,250,000. The bonds shall be a limited obligation of the Board and the bonds and interest thereon shall be payable solely from the revenues pledged to the payment thereof, except that such bonds may be secured by a mortgage and other encumbrance on the project. No holder of any such bond shall ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bonds, or the interest thereon, nor to enforce payment against any property of the State except the project.

A draft copy of the proposed application to the Minnesota Department of Energy and Economic Development for approval of the project, together with all attachments and exhibits thereto, is available for public inspection at the Board offices.

All persons interested may appear and be heard at the time and place set forth above.

Dated: Sept. 27, 1985.

BY ORDER OF THE AGRICULTURAL RESOURCE
LOAN GUARANTY BOARD

By Jay Kiedrowski
Chair

Department of Energy and Economic Development Energy Division

Request for Proposals for Delivery of Commercial Energy Auditor Training

Notice is Hereby Given that the Energy Division of DEED (Dept. of Energy and Economic Development) is seeking qualified individuals and/or organizations with experience in delivering an energy systems and energy conservation/renewables education program. The person(s)/organization(s) chosen should be able to organize and deliver a prepared curriculum to train energy auditors for the Commercial and Apartment Conservation Service Program. This is a federally mandated program designed to reduce energy use in apartment and small commercial buildings. The two week training includes identification and analysis of energy efficient building modifications, efficiency testing of mechanical equipment, and utilization of a computer software package.

The contractor would be expected to coordinate and arrange for qualified instructors to present the curriculum, provide facilities for the training, handle registrations and other details.

Funding for this project will be determined following an examination of the cost recovery potential stated in the applications. If direct funding for DEED is provided, it will not exceed \$5,000.00. The Department reserves the option to not select any proposal or to limit the funding in support of the project.

Proposals are to be postmarked no later than October 25, 1985.

Requests for the RFP and inquiries should be directed to:

Dan Flaherty
D.E.E.D.—Energy Division
900 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
Telephone (612) 297-3293

Department of Energy and Economic Development Minnesota Energy and Economic Development Authority

Notice of Public Hearing on the Proposed Project and the Issuance of Bonds Under *Minnesota Statutes, Chapter 116M*

Notice is Hereby Given that the Minnesota Energy and Economic Development Authority (the "Authority"), shall meet on October 23, 1985, at 3:00 p.m. o'clock, at 900 American Center Building, 150 East Kellogg Boulevard, Saint Paul, Minnesota, for the purpose of conducting a public hearing on a proposed issue of bonds (the "Bonds") under *Minnesota Statutes, Chapter 116M*, as amended and supplemented (the "Act"), to undertake and finance a project on behalf of May Printing Company (the "Company"), a Minnesota corporation. Such persons as desire to be heard with reference to said issue of Bonds will be heard at this meeting.

The project to be financed consists of the acquisition of a printing press and the installation thereof in the Company's existing plant for use in connection with its business operations in sheet fed commercial printing, to be located in the City of St. Cloud, Benton, Stearns and Sherburne Counties, Minnesota (street address: 211 Southeast Lincoln Avenue, St. Cloud, Minnesota) (the "Project"). The initial owner, operator and manager of the Project will be the Company. The estimated maximum amount of the proposed bond issue is an amount equal to \$1,000,000. The Bonds shall be limited obligations of the Authority, and the Bonds and the interest thereon shall be payable solely from the revenue pledged to the payment thereof, except that such Bonds may be secured by a mortgage or security interest to be created by the Company if subsequently required by the Authority. In addition, the Bonds and the Project may subsequently be considered by the Authority for financial assistance to be provided by the Economic Development Fund, created and established pursuant to the Act or other applicable financial assistance of the Authority. Notwithstanding the foregoing, no holders of any such Bonds shall ever have the right to compel any exercise of the taxing powers of the State of Minnesota or any political subdivision thereof to pay the Bonds or the interest thereon nor to enforce payment against any property of said State or said political subdivision.

A copy of the Application to the Authority for approval of the Project, together with all attachments and exhibits thereto and a copy of the Authority's resolution accepting the Application and accepting the Project is available for public inspection at the offices

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of the Authority, at 900 American Center Building, 150 East Kellogg Boulevard, Saint Paul, Minnesota from the date of this notice to the date of the public hearing hereinabove identified, during normal business hours.

Dated: September 30, 1985.

BY ORDER OF THE MEMBERS OF THE
MINNESOTA ENERGY AND ECONOMIC
DEVELOPMENT AUTHORITY

Mark Dayton
Commissioner, Department of Energy
and Economic Development, and
Chairman, Minnesota Energy and
Economic Development Authority

Department of Energy and Economic Development Minnesota Energy and Economic Development Authority

Notice of Public Hearing on Proposed Project and the Issuance of Bonds Under *Minnesota Statutes*, Section 116M.01 to Section 116M.13, Inclusive

NOTICE IS HEREBY GIVEN that the Minnesota Energy and Economic Development Authority (the "Authority") or its designated representative, shall meet on October 23, 1985, at 3:00 p.m. o'clock, at 900 American Center Building, 150 East Kellogg Blvd., Saint Paul, Minnesota, for the purpose of conducting a public hearing on a proposed issue of bonds (the "Bonds") under *Minnesota Statutes*, Section 116M.01 to Section 116M.13, inclusive, as amended and supplemented (the "Act"), to undertake and finance a project on behalf of DCI, Inc. (The "Company"), a Minnesota corporation. Such persons as desire to be heard with reference to said issue of Bonds will be heard at this meeting.

The project to be financed consists of the acquisition and construction and equipping of an addition to an existing building on land to be owned by the Company and to renovate the production area of an existing building for use by the Company in connection with the Company's business operations in the design and manufacture of stainless steel tanks and process vessels for the dairy, food, beverage, pharmaceutical and chemical process industries, to be located in the City of St. Cloud, Benton, Stearns and Sherburne Counties, Minnesota (street address: 600 North 5th Avenue in the City of St. Cloud, Benton, Stearns and Sherburne Counties, Minnesota) (the "Project"). The initial owner, operator and manager of the Project will be the Company. The estimated maximum amount of the proposed bond issue is an amount equal to \$1,300,000. The Bonds shall be limited obligations of the Authority, and the Bonds and the interest thereon shall be payable solely from the revenue pledged to the payment thereof, except that such Bonds may be secured by a mortgage or security interest to be created by the Company if subsequently required by the Authority. In addition, the Bonds and the Project may subsequently be considered by the Authority for financial assistance to be provided by the Economic Development Fund, created and established pursuant to the Act or other applicable financial assistance of the Authority. Notwithstanding the foregoing, no holders of any such Bonds shall ever have the right to compel any exercise of the taxing powers of the State of Minnesota or any political subdivision thereof to pay the Bonds or the interest thereon nor to enforce payment against any property of said State or said political subdivision.

A copy of the application to the Authority for approval of the Project, together with all attachments and exhibits thereto and a copy of the Authority's resolution accepting the application and accepting the Project is available for public inspection at the offices of the Authority at 900 American Center Building, 150 East Kellogg Blvd., Saint Paul, Minnesota from the date of this notice to the date of the public hearing hereinabove identified, during normal business hours.

Dated: September 30, 1985.

BY ORDER OF THE MEMBERS OF THE
MINNESOTA ENERGY AND ECONOMIC
DEVELOPMENT AUTHORITY

Mark Dayton
Commissioner, Department of Energy
and Economic Development, and
Chairman, Minnesota Energy and
Economic Development Authority

Department of Energy and Economic Development Governor's Rural Development Council

Request for Proposals for the Planning and Implementation of a Series of Home-Based Business Seminars

The Minnesota Department of Energy and Economic Development/Governor's Rural Development Council (MN DEED/GRDC) is requesting proposals from qualified individuals interested in working with MN DEED/GRDC on a project to plan and implement a series of intensive one-day seminars to enable rural entrepreneurs to learn about home-based business as a self-employment option.

The seminars will be held no later than June 30, 1986. Proposals are being requested to complete the following major activities:

- A. Program Development
- B. Coordination
- C. Management of the Seminars

It is estimated that the cost of this activity need not approach but shall not exceed \$20,000. Proposals should be received by MN DEED/GRDC no later than 4:30 P.M. Friday November 1, 1985. The formal Request for Proposals document may be requested and inquiries should be directed to:

Jane Stevenson, Program Manager
Governor's Rural Development Council
Department of Energy and Economic Development
900 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
Phone: (612) 296-3993

HOME-BASED BUSINESS SEMINARS

I. Background

The concept of home-based business as a viable option for self-employment has been emerging at an increasing rate in Minnesota. Rural Minnesota women, particularly, are considering home-based business more and more often as a way of creating greater income, greater flexibility and generally more control over their own lives. The Council has decided to provide a forum for people interested in exploring the idea of home-based business, as well as for those already established, as a means of gaining additional knowledge, sharing information, and tapping into the existing network.

This Request for Proposal does not obligate the Governor's Rural Development Council to complete the project, and the GRDC reserves the right to cancel the solicitation if it is considered to be in its best interest.

II. Scope of the Project

The focus of the seminars is to provide a forum for rural Minnesotans to learn more about financing, marketing, and business planning for home-based businesses, and to hold from 4-6 seminars in different rural locations around the state. The project consists of the following general tasks:

1. To develop an integrated seminar program which may include other organizations interested in home-based business.
2. To determine the locations and facilities for the seminars.
3. To coordinate faculty and participants.
4. To handle registration and promotion of the seminars.
5. To develop a timeline and budget, including the solicitation of funds from other sources as necessary.

III. Specific Project Tasks

1. To obtain the support of other interested organizations as needed.
2. To determine the seminar programs.
3. To determine the sites and facilities of the seminar.
4. To coordinate all faculty and confirm participation.
5. To handle all advertising and promotion of the seminars.

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6. To obtain appropriate lists of possible attendees.
7. To plan and carry out a system of registration, including a system of tuition subsidies.
8. To provide overall coordination of the seminars.
9. To plan for seminars follow-up as appropriate.

IV. Proposal Format

Each proposer should submit a proposal or bid organized in the following manner:

- A. General background on proposer's qualification
- B. Objectives of the Seminars as you understand them
- C. Lesson Plan—General
- D. Budget—Tentative

V. Other Project Information

- A. Project Management

The project will be under the direction of MN DEED/GRDC. The Council and professional staff will serve as advisors to the contractor.

- B. Meeting Attendance

After contract approval by the GRDC, the contractor may be required to attend meetings of the Council as requested.

- C. Solicitation of Proposals

The GRDC shall seek proposals from prospective consultants. Such requests for proposals shall be distributed by the GRDC, who will not willfully nor intentionally omit any qualified proposer. The GRDC shall be held blameless for any failure to solicit responses from potential proposers.

- D. Department Contacts

Prospective responders who have questions regarding this request for proposal may call or write:

Jane Stevenson, Program Manager
Governor's Rural Development Council
Department of Energy and Economic Development
900 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
Phone: (612) 296-3993

PLEASE NOTE: Other Council personnel, members, representatives and advisors are not allowed to discuss the project with prospective proposers after the deadline for submission.

- E. Submission of Proposals

All proposals must be sent to and received by:

Jane Stevenson, Program Manager
Governor's Rural Development Council
Department of Energy and Economic Development
900 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
Phone: (612) 296-3993

Not later than 4:30 P.M. Friday, November 1, 1985. Late proposals will not be accepted. One complete copy of the proposal should be submitted. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed by the proposer or an authorized member of the firm. Prices and terms of the proposal must be valid as stated for the length of the project.

- F. Evaluation of Proposals

All proposals received by the deadline will be evaluated by representatives of the Governor's Rural Development Council. In some instances, an interview will be part of the evaluation process. Factors upon which proposals will be judged includes, but are not limited to, the following:

1. Expressed understanding of project objectives
2. Budget detail and amount and kinds of other funds identified
3. Program detail

4. Qualifications of responder and/or firm and associated personnel. Experience of project personnel will be given greater weight than that of the firm. Evaluation and selection will be completed by November 29, 1985. Results will be sent immediately by mail to all responders.

G. The successful proposer will be required to submit acceptable evidence of compliance with Workers Compensation Insurance Coverage requirements prior to the execution of the contract.

VI. Limitations

This Request for Proposal does not commit the Governor's Rural Development Council to award a contract, to pay any costs incurred in the preparation of a proposal to this request, or to procure a contract for services or supplies. The GRDC reserves the right to accept or reject any or all proposals received as a result of this request, to negotiate with any qualified source, or to cancel in part or in its entirety this Request for Proposal, if it is in the best interest of the GRDC to do so. The project manager may require the proposers selected to participate in negotiations and to submit such price, technical or other revisions of their proposals as may result from negotiations.

Department of Energy and Economic Development Division of Science & Technology Office of Software Technology Development

Notice of Request for Proposals for Agency to Provide Evaluation and Advisory Services

Notice is hereby given that the Office of Software Technology Development, Minnesota Department of Energy and Economic Development (DEED) requires the services of a qualified agency with established expertise to provide necessary evaluation and advisory services relating to the Technology Product Loan Program.

The Technology Product Loan Program was implemented to provide low-interest loans to eligible applicants for the development and marketing of technology-related products that exist as completed products, prototypes, or as conceptual product designs. Under the direction of the Office, the loan application process includes an evaluation analysis of the marketing and financial plans of applicant companies as well as a review of managerial strengths and weaknesses. It is anticipated that 10-15 reviews will be conducted by the Office this fiscal year. The awarded agency will also provide advisory (i.e., marketing, financial, technical advice) and referral services to software producers which have limited operating capital.

This activity will be conducted in the most effective and efficient manner possible. Therefore, due to the specific industry focus of the Technology Product Loan Program and the diverse types of services needed by loan applicants, it is recommended that RFP applicants have staffs with expertise in the following areas: research and evaluation, business services (i.e., legal, management and fiscal), quality assurance, market needs assessment and personnel development and supply. Also, due to the confidential nature of loan program applications, agency staffs must be without possible conflict of interest ties. In addition, technical consultation services will be provided over a broad range of application fields (i.e., education, agriculture, medical) as well as the computer technology field. Special consideration will be given to those agencies which have access to these fields in terms of technical support.

The estimated fee range for this project is \$17,000 to \$22,000. Firms desiring consideration should request a copy of the Request for Proposals (RFP) Statement of Work or direct inquiries to:

Dr. Rosemary T. Fruehling, Director
Office of Software Technology Development
Minnesota Department of Energy and Economic Development
900 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101

The deadline for submission of proposals will be the close of the working day October 28, 1985.

October 7, 1985

Rosemary T. Fruehling

**Department of Energy and Economic Development
Division of Science & Technology
Office of Software Technology Development**

Notice of Request for Proposals for Marketing and Communications Plan for the Office of Software Technology Development

Notice is hereby given that the Office of Software Technology Development, Minnesota Department of Energy and Economic Development (DEED) requires the services of a qualified marketing firm to develop a comprehensive marketing and communications plan.

Proposals should include specific objectives and activities which need to be undertaken in order to accomplish the following major goals of the Office: (1) Establish active communications between the Office and target audience groups both within Minnesota and nationally, and (2) Establish a technology product loan program application process for eligible Minnesota companies engaged in software development.

This activity will be conducted in the most effective and efficient manner possible. Therefore, due to the specific industry focus of this plan, it is highly recommended that applicants be knowledgeable about and professionally active in the Minnesota software industry. Further, it is recommended that the staffs include specialists in marketing research and creative communications.

It is the desire of the Office to have this plan in place within six weeks from the date of award. The estimated fee range for this project is \$5,000 to \$6,000 and firms desiring consideration should request a copy of the Request for Proposals (RFP) Statement of Work or direct inquiries to:

Dr. Rosemary T. Fruehling, Director
Office of Software Technology Development
Minnesota Department of Energy and Economic Development
900 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101

The deadline for submission of proposals will be the close of the working day October 28, 1985.

October 7, 1985

Rosemary T. Fruehling

Department of Finance

Pursuant to Minnesota Statutes, Section 475.55, Subdivision 4, Commissioner of Finance, Jay Kiedrowski, announced today that the maximum interest rate for municipal obligations in the month of October will be eleven (11) percent per annum. Obligations which are payable wholly or in part from the proceeds of special assessments or which are not secured by general obligations of the municipality may bear an interest rate of up to twelve (12) percent per annum.

September 23, 1985

Peter Sausen, Assistant Commissioner
Cash and Debt Management

**Department of Health
Health Resources Division**

Outside Opinion Sought Concerning Proposed Permanent Rules to Replace Parts 4656.0010 to 4656.0070 (Temporary) Relating to Procedures for the Assessment and Classification of Residents of Nursing Homes and Boarding Care Homes Participating in the Medical Assistance Program and Proposed Rules Relating to the Appropriateness and Quality of Care and Services Furnished to Recipients of Medical Assistance.

Notice is hereby given that the Minnesota Department of Health is considering a permanent rule to replace parts 4656.0010 to 4656.0070 (Temporary), establishing procedures for the assessment and classification of residents of nursing homes and boarding

care homes participating in the Medical Assistance program, and establishing procedures for the review of the appropriateness and quality of care and services furnished to recipients of medical assistance.

This rule is authorized by Minnesota Statutes, section 144.072.

All interested or affected persons or groups are requested to participate. Statements of information or comments may be made orally or in writing. Written statements of information and comment may be addressed to:

Gary Goetzke
Quality Assurance and Review
Minnesota Department of Health
717 Delaware Street S.E.
P.O. Box 9441
Minneapolis, Minnesota 55440

Oral statements of information and comment will be received over the phone at 612/623-5627 between 8:00 a.m. and 4:30 p.m. Mondays through Fridays.

Oral statements of information and comment will be received over the phone at 612/623-5627 between 8:00 a.m. and 4:30 p.m. Mondays through Fridays.

Statements of information and comment will be accepted until further notice. Any written material received by the Department shall become part of the rule record. Oral statements will be considered but will not become part of the rule record.

Department of Human Services

Notice of Intent to Solicit Outside Opinion Concerning Rules Relating to Nursing Home Payment Rate Determination

Notice is hereby given that the Minnesota Department of Human Services plans to promulgate permanent rule parts 9549.0050 to 9549.0059—Rules Relating to Nursing Home Payment Rate Determination.

This rule is authorized by Minnesota Statutes, section 256B.431; and governs the determination of operating cost payment rates for nursing homes licensed under Minnesota Statutes, Chapter 144A or boarding care facilities licensed under Minnesota Statutes, section 144.50 to 144.58 participating in the Medical Assistance Program.

These rules will replace temporary rule parts 9549.0050 to 9549.0059.

All interested or affected persons or groups are requested to participate.

Statements of information and comment may be made orally or in writing.

Written statements of information and comment may be addressed to:

Rosemary Chapin
Department of Human Services
Sixth Floor, Space Center
444 Lafayette Road
St. Paul, Minn. 55101

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 297-1488.

All statements of information and comment will be accepted until further notice is given. Any written material received by the Department shall become part of the hearing record.

Department of Jobs and Training

In the Matter of the Proposed Adoption of Rule of the State of Minnesota Governing the Summer Youth Employment Program

Notice is hereby given that the Department is seeking information or opinions from sources outside the Department in preparing to amend Minnesota Rules, parts 3300.0100 to 3300.0700, governing the Summer Youth Employment Program (Minnesota Youth Program), pursuant to Minnesota Statutes, section 14.10.

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The amendment of the rule is authorized by Minnesota Statutes, section 268.33, which permits the Department to promulgate rules regarding eligibility for employment and placement under this program.

The Department requests information and comments concerning the subject matter of the rule. Interested or affected persons or groups may submit statements of information or comment orally or in writing.

Statements should be submitted to:

Darvin Swanson, Manager, Program Services
Department of Jobs and Training
690 American Center Building
150 East Kellogg Blvd.
St. Paul, MN 55101
(612) 296-1194

Any written material received by the Department shall become part of the rulemaking record in the event the rule is adopted.

All statements of information and comment shall be accepted until notice of intent to adopt permanent rules is published.

Department of Jobs and Training

Statement of Policy and Commitment to Equal Opportunity

It is the policy of the State of Minnesota, the Minnesota Department of Jobs and Training, and the State Job Training Office (SJTO) to actively support and implement equal opportunity and non-discrimination within the job training services and programs established under the Job Training Partnership Act (JTPA).

The State Job Training Office will ensure that all programs and services provided under the Job Training Partnership Act are directed toward equal opportunity in job training and employment for minorities, women, handicapped, veterans, older workers, displaced homemakers, youth, and recovering chemically-dependents.

Equitable treatment and services will be provided without regard to race, color, creed, religion, sex, national origin, age, handicap, marital status, citizenship, public assistance, or political affiliation or belief. In particular, equitable services will be provided to recipients of aid to families with dependent children (AFDC) and high school dropouts, as directed by the Act.

Equal job training opportunity cannot occur in the presence of discrimination, irrespective of form. Therefore, the State Job Training Office supports the nondiscrimination provisions of all state and federal laws, rules, and regulations.

Implementation of this policy will occur through the combined efforts of the State of Minnesota, the Department of Jobs and Training, the Governor's Job Training Council, the State Job Training Office, and the Service Delivery Area Equal Opportunity designees.

To assure compliance throughout the JTPA jurisdiction with the principles of equal opportunity and nondiscrimination, the State Job Training Office makes public the Equal Opportunity/Affirmative Action designees for each Service Delivery Area (SDA) in Minnesota as follows:

NORTHWEST SDA

Gail Butenhoff, Director
Northwest RDC
425 Woodland
Crookston, MN 56716
(218) 281-1396

NORTHEAST SDA

Ed Putzel
NE Minnesota Office
of Job Training
Midway School
P.O. Box 1285
Virginia, MN 55792

RURAL MN CEP SDA

Sharon Santwire
Rural MN CEP, Inc.
803 Roosevelt Avenue
P.O. Box 1108
Detroit Lakes, MN 56501
(218) 847-9205

SOUTHEAST SDA

Karen Keller
Southeast MN PIC
1530 Highway 52 North
Rochester, MN 55901
(507) 281-1193

CITY OF DULUTH SDA

Julie Smith
 Duluth Job Training
 Programs Division
 Room 332, City Hall
 Duluth, MN 55802
 (218) 723-3771

EAST CENTRAL SDA

Dick Furcht, Director
 Private Industry Council 5
 P.O. Box 187
 Clearwater Shopping Center
 Clearwater, MN 55320
 (612) 558-6125

SOUTHWEST SDA

Winthro Block
 Southwest MN PIC
 700 North 7th St.
 P.O. Box 1213
 Marshall, MN 56258
 (507) 537-7172

SOUTH CENTRAL SDA

Sandy Oppegard, Director
 South Central PIC
 P.O. Box 3327
 410 Jackson
 Mankato, MN 56001
 (507) 345-6822

HENNEPIN-SCOTT-CARVER SDA

John McLaughlin
 Hennepin County Training and
 Employment Assistance Program
 300 S. 6th St.
 Minneapolis, MN 55487-0012
 (612) 348-5203

CITY OF MINNEAPOLIS SDA

Monica Krancevic
 Minneapolis Employment and
 Training Programs
 310½ City Hall
 Minneapolis, MN 55415
 (612) 348-4383

CITY OF ST. PAUL

Richard Thorpe
 Division of Job Creation
 and Training
 25 West 4th St.
 City Hall Annex
 St. Paul, MN 55102
 (612) 292-1557, Ext. 357

EAST METRO SDA

Kathleen Sweeney
 Anoka County Job Training Center
 7150 East River Road
 Fridley, MN 55432
 (612) 571-8500

**Judicial Department
 County Law Libraries**

Joint Notice of Filing Fees

Corrections to Listing published in 10 S.R. 279.

Pursuant to Minn. Stat. 140.422 subd. 4, fees shall be in effect until July 1, 1987.

County	Civil		Probate	Conciliation		Criminal Conviction	Misd./Traffic
	Pl.	Def.		Pl.	Def.		
Blue Earth	10	10	10	10	10	—	—
Chippewa	10	10	10	10	10	—	—
Faribault	10	10	10	10	10	—	—
Lac Qui Parle	10	10	10	10	10	—	—
Swift	10	10	10	10	10	10	10(j) 2(c)
Yellow Medicine	10	10	10	10	10	—	—

(c) Fee for petty misdemeanors.

(j) Fee for misdemeanors.

OFFICIAL NOTICES

Labor and Industry Prevailing Wage Division

Notice of Certified Prevailing Wage Rates for Highway and Heavy and Commercial Construction

On October 1, 1985 the commissioner certified prevailing wage rates for highway and heavy commercial construction projects in the following Minnesota counties: Blue Earth, Brown, Cottonwood, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Houston, Jackson, Lac Qui Parle, LeSueur, Lincoln, Lyon, Martin, Mower, Murray, Nicollet, Nobles, Olmsted, Pipestone, Redwood, Renville, Rice, Rock, Sibley, Steele, Wabasha, Waseca, Watonwan, Winona and Yellow Medicine.

A copy of the determined wage rates for Minnesota counties may be obtained by contacting the State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155. The charges for the cost of copying and mailing are \$.50 for the first county and \$.30 for any subsequent copies of the same or other counties. For all 87 counties the charge is \$25.00. A sales tax of 6% must be added to all orders.

A check or money order payable to the State of Minnesota must accompany each request.

Steve Keefe, Commissioner
Department of Labor and Industry

Metropolitan Council of the Twin Cities Area

Public Hearing on the Metropolitan Waste Control Commission's 1986-1990 Development Program

The Metropolitan Council will hold a public hearing on Monday, Oct. 28, at 4 p.m. in the Council Chambers, Metropolitan Council, 300 Metro Square Bldg., St. Paul, to receive public comments on the Metropolitan Waste Control Commission's 1986-1990 Development Program.

The development program contains proposals for the improvement of the wastewater treatment and handling systems for the Metropolitan Area. The program was submitted to the Council for review and approval as required by law (Minn. Stat. 473.161, Subd. 2).

All interested persons are encouraged to review the development program and to attend the hearing to offer comments. Persons wishing to speak at the hearing should register in advance by contacting Lucy Thompson at 291-6521 by Friday, Oct. 25. Written comments may be sent to the Metropolitan Council, 300 Metro Square Bldg., St. Paul, MN 55101, Attention: Jack Frost. The Council will accept written comments until Wednesday, Nov. 13. Copies of the development program are available free of charge from the Metropolitan Waste Control Commission at 222-8423. Copies are also available for public inspection at the following locations:

Metropolitan Council Library
300 Metro Square Building
St. Paul, Minnesota 55101

Minneapolis Public Library
Government Documents Room
300 Nicollet Mall
Minneapolis, Minnesota 55401

St. Paul Public Library
Science and Industry Room
90 W. Fourth St.
St. Paul, Minnesota 55102

Anoka County Library—Blaine Branch
707 Hwy. 10
Blaine, Minnesota 55434

Carver County Library—Chaska Branch
314 Walnut St.
Chaska, Minnesota 55318

Dakota County Library—Burnsville Branch
1101 W. County Rd. 42
Burnsville, Minnesota 55337

Hennepin County Library—Southdale Branch
7001 York Av. S.
Edina, Minnesota 55435

Ramsey County Library—Roseville Branch
2180 N. Hamline Av.
Roseville, Minnesota 55113

Scott County Library—Shakopee Branch
235 S. Lewis St.
Shakopee, Minnesota 55379

Washington County Library—Park Grove Branch
7520-80th St. S.
Cottage Grove, Minnesota 55106

Sandra S. Gardebring
Chair

State Designer Selection Board

Request for Proposal for State Projects

The State Designer Selection Board has been requested to select designer for **three Projects for the State University System**. Design firms who wish to be considered for this project should submit proposals on or before **4:00 P.M., October 29, 1985**, to George Iwan, Executive Secretary, State Designer Selection Board, Room G-10, Administration Building, St. Paul, Minnesota 55155-1495.

The proposal must conform to the following:

1. Six copies of the proposal will be required.
2. All data must be on 8½ × 11" sheets, soft bound.
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. The proposal should consist of the following information in the order indicated below:
 - a) Number and name of project.
 - b) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc.
 - c) 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 the applicant chooses to list projects which are relevant in type, scale, or character to the project at hand, the person's role in the project must be identified.
 - d) A commitment to enter the work promptly and to assign the people listed in "C" above and to supply other necessary staff.
 - e) A list of design projects in process or completed in the three (3) years prior to the date of this request for agencies or institutions of the State of Minnesota, including the University of Minnesota, by the firm(s) listed in "b" together with the approximate fees associated with each project.
 - f) A section of not more than fourteen (14) faces 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.

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

5. In accordance with the provisions of Minnesota Statutes, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000, all responders having more than 20 full-time employees at any time during the previous 12 months must have

OFFICIAL NOTICES

an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted. Your 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 your firm has a current certificate of compliance issued by the Commissioner of Human Rights; or
- c) A statement certifying that your firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months.

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.
- 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 or their schedule for the project herein described may be referred to George Iwan at (612) 296-4656.

7a) PROJECT-18-85

**Remodel Six Rooms for Electrical Engineering
Trafton Science Center
Mankato State University
Mankato, Minnesota**

Project Scope: Prepare programming, plans, specifications, and construction drawings to remodel existing space. Provide construction observation.

Purpose and Type of Project: Improve instructional support facilities by creating for the Electrical Engineering Department five specialized laboratories—Solid-State Research Clean Room, Solid-State Materials Laboratory, RF Communication Laboratory, Optics Laboratory, and Analytical Laboratory—and an equipment room and all appropriate service systems.

The rooms in Trafton that are to be remodeled require some rehabilitation but the major improvements will involve the installation of the necessary support systems, including but not limited to additional utilities, air filtration, hazardous gas burn-off, temperature and humidity control, anti-static flooring, and the specialized equipment required in each laboratory.

Site: Trafton Science Center rooms S-190, S-192, S-194, S-195, S-196, and S-182.

Appropriation: \$756,000.00 for programming, plans, specifications, construction drawings, construction, and construction observation.

Program Summary: There is no need for alterations of existing walls in these rooms with one possible exception. The construction will consist of the installation of specialized service systems and equipment. A brief summary follows:

- a) The Solid State Materials laboratory requires three-phase power, gas, vacuum, deionized water, filtered air (Class 10,000), hazardous gas burn-off and scrubbing equipment, chemical sink, and hoods.
- b) The Solid State Clean Room requires Class 10,000 air with independent filtered air conditioning, positive pressure environment, single entrance with double door air lock, toxic fume monitor, fume hoods with external vents, three-phase 208V, 200A power, gas, vacuum, telephone, semiconductor grade deionized water, temperature control at 68 ± 2 degrees Fahrenheit, humidity control at $43 \pm 2\%$ relative humidity.
- c) The RF Screen Room requires mu-metal magnetic and copper-mesh electromagnetic shielding on all sides, top, and bottom; three-phase 208V, 100A power, deionized water, and filtered air conditioning.
- d) The Optics Laboratory requires a vibration-free environment, two vibration isolation tables, cable raceways/perimeter wiring, telephone, deionized water, drains, vacuum, compressed air, filtered air conditioning, roughened dark interior with microwave and anechoic (absorptive) surface, clean bench, vent system/hoods, Class 10,000 air.
- e) The Analytic laboratory requires Class 10,000 air, three-phase 208V power, deionized water, compressed air, and air conditioning.
- f) The Equipment Room requires three-phase 440V, 40A power, deionized water, filtered air conditioning, and an external vent system.

Consultant Responsibilities: The consultant will be responsible for all phases of this project including preliminary schematics,

cost estimates, project design, working drawings and specifications, bid evaluation, project coordination, supplemental agreements, review and approval of shop drawings and payment requests, project supervision and oversight, and assisting with final acceptance of the project.

Each phase of the work leading to construction documents will receive a comprehensive review by the State University System Chancellor's Office.

The nature of this project requires that the consultant have current knowledge of specialized mechanical and electrical systems and architectural and engineering experience with the design and construction of technical facilities. The consultant must be qualified to address the environmental problem that might be incurred with the use of the equipment in these rooms.

Consultant Fee: Nine percent of the allocated construction cost.

Planning and Construction Schedule: Planning must begin fall of 1985 so that construction can begin spring 1986.

University Contact:

Dr. C. E. Faust
Vice President for Administrative Services
P.O. Box 1
Mankato, Minnesota 56001
(507) 389-5600

State University System Contact:

David Hardin
Suite 230, 555 Park Streek
St. Paul, Minnesota 55103
(612) 296-6624

7b) PROJECT-19-85

**Reroof Highland Arena
Mankato State University
Mankato, Minnesota**

Project Scope: Prepare reroofing plans, specifications, and construction drawings, and provide on-site construction observation.

Purpose and Type of Project: Replace the existing roof with a reliable roof system that will provide long term protection of the building and its contents from water damage, improve energy efficiency, and reduce maintenance expenditures.

The major users of this building are the Physical Education Department, Athletics, Health classes, Recreation classes, and athletic training. Many others, both University and community, use these facilities.

Appropriation: \$440,800.00 for plans, specifications, construction drawings, construction, and construction observation.

Program Summary: Total area to be reroofed is 117,054 square feet. This includes the large gymnasium, the dressing rooms, the swimming pool, the departmental and faculty offices, the athletic training areas, the field house, the weight training rooms, the equipment rooms, and the athletic laundry.

Building Construction: Includes removal of the existing roof and redesign and installation of new roof and roof drain systems. Attention must be given to scuppers, flashing, counterflashing, and expansion joints.

Architectural Responsibilities: The architect will be responsible for all phases of this project including preliminary schematics, cost estimates, project design, working drawings and specifications, bid evaluation, project coordination, supplemental agreements, review and approval of shop drawings and payment requests, project supervision and oversight, and assisting with final acceptance of the project.

Each phase of the work leading to construction documents will receive a comprehensive review by the State University System Chancellor's Office.

Architectural Fee: Negotiable.

Planning and Construction Schedule: Planning must begin fall 1985 so that construction can begin spring 1986.

University Contact:

Dr. C. E. Faust
Vice President for Administrative Services
P.O. Box 1
Mankato, Minnesota 56001
(507) 389-5600

OFFICIAL NOTICES

State University System Contact:

David Hardin
Suite 230, 555 Park Street
St. Paul, Minnesota 55103
(612) 296-6624

7c) PROJECT-20-85

Wiecking Center Remodeling Mankato State University Mankato, Minnesota

Project Scope: Prepare programming, plans, specifications, and construction drawings to construct new space and remodel existing space. Initial appropriation authorizes work only through construction drawings.

Purpose and Type of Project: Improve the operation and the efficiency of existing facilities and provide additional space for academic and service departments.

This project includes new construction related to enclosing two courtyards and the canopied entrance as well as remodeling some existing space and support systems. The following departments and activities will use the building: Dental Hygiene/Dental Education, the Counseling Center, KMSU, Community Relations Office, the Development Offices, Alumni Office, the Emeriti Faculty Office, Children's House, other academic departments which will require access to classrooms, and the Physical Plant department.

Site: Wiecking Center.

Appropriation: \$80,000.00-estimated total project cost is \$1,420,000.00.

Program Summary: Create 10,198 square feet of new space by enclosing two courtyards (6,998 sq. ft. total), and the front entrance canopy (3,200 sq. ft.).

Remodel 16,318 sq. ft. of existing space. Improve mechanical systems in another 54,644 sq. ft. of existing space.

The project when completed (construction and remodeling) will accommodate one laboratory (3,598 sq. ft.), fifteen classrooms (16,215 sq. ft.), five department offices (1,000 sq. ft.), twenty-one individual offices (3,150 sq. ft.), and storage and work space (2,193 sq. ft.).

Building Construction: The new construction will include footings, floor, and roof for the courtyard areas, and footings, floor, and one exterior wall for the canopy area. Mechanical and electrical systems will be extended from existing utility tunnels.

Remodeling areas will, for the most part, require installation of walls within existing areas with some alteration of mechanical and electrical systems.

Special consideration will need to be given to the improvement of the mechanical system of the entire building. Additionally, electrical, acoustical and isolation requirements of radio station KMSU will need to be accommodated.

Architectural Responsibilities: The architect will be responsible for all phases of this project including working with University personnel in programming and planning. The architect will also be responsible for preliminary schematics, cost estimates, project design, working drawings, bid specifications and drawings, bid evaluation, project coordination, supplemental agreements, review and approval of shop drawings and payment requests, project supervision and oversight, and assisting with final acceptance of the project.

Each phase of the work leading to construction documents will receive a comprehensive review by the State University System Chancellor's Office.

Architectural Fee: Eight percent of the allocated construction cost.

Planning and Construction Schedule: Planning should begin fall 1985 so that construction can commence as soon as possible following appropriation by the Legislature of construction funds.

University Contact:

Dr. C. E. Faust
Vice President for Administrative Services
P.O. Box 1
Mankato, Minnesota 56001
(507) 389-5600

State University System Contact:

David Hardin
Suite 230, 555 Park Street
St. Paul, Minnesota 55103
(612) 296-6624

George F. Klein, Chairman
State Designer Selection Board

Department of Transportation**Amended Order and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed under Minn. Stat. § 169.825**

Whereas, the Commissioner of Transportation has made his Order No. 68884 as amended by Orders Nos. 69226, 69269, 69270, 69344, 69353, 69595, 69770, 69796, 70006, 70031, 70152 and 70455 designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under Minnesota Statutes § 169.825, and

Whereas, the Commissioner has determined that the additional following routes, or segment of routes, should be designated to carry the gross weights allowed under Minnesota Statutes § 169.825.

IT IS HEREBY ORDERED that Commissioner of Transportation Order No. 68884 is amended this date by adding the following designated streets and highway routes, or segment of routes, as follows:

TRUNK HIGHWAYS

T.H. 61 — From Two Harbors to the Canadian Border (12 month).
(The effective date is October 1, 1985).

Dated this 30th day of September 1985.

Richard P. Braun
Commissioner

STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Commodities contracts with an estimated value of \$5,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers by calling 296-6152. If the appropriate buyer is not available, contact Harvey Leach or Barbara Jolly at 296-3779.

Department of Administration Procurement Division

Commodities Contracts and Requisitions Currently Open for Bidding

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
Contract	Rental of Grader & Snow Plowing Equip.	Natural Resources	Bemidji, Mn.	Contact buyer
79-000-49548	Snowblowers	Transportation	St. Paul	Contact buyer
75-250-06953	Boiler Project—Phase 1	Vets Home—Hastings	Hastings	Contact buyer
79-000-47040 A	Installation only of Telephone System	Transportation	Minneapolis	Contact buyer
07-700-36492-2595	MN License Plate Envelope	MN Correctional Facility	St. Paul	Contact buyer
79-000-49924	Traffic Control Cabinets	Transportation	St. Paul	Contact buyer
Sch. 93 REBID	Light Heating Fuel	Various	Various	Contact buyer
Sch. 4	Meat & Meat Products for the month of November	Various	Various	Contact buyer
Contract	Tools, Pipe—REBID	Various	Various	\$8,000-10,000
29-001-09457	East Steamboat Forest Road	Natural Resources—Forestry	Natural Resources—Forestry	Contact buyer
43-000-06616	Rainbow Trout	Iron Range Resources & Rehabilitation Board	Eveleth, Mn.	Contact buyer
78-620-25566	Mail Boxes	MN Correctional Facility	Stillwater	Contact buyer
79-000-49923	Radio Alarm & Control System	Transportation	Golden Valley, Mn.	Contact buyer
79-000-49615	Motor Graders	Transportation	Various	Contact buyer
Contract	Car Cash Wash Service—REBID	Various	Various	Contact buyer
10-100-02395	Purchase of Microfilm Reader/Printer	Finance	St. Paul	Contact buyer
29-000-42696-3116	1986 Resident Individual Angling Lic.	Natural Resources	St. Paul	Contact buyer
29-000-42697-3111	1986 Resident Combination (Husband & Wife) Angling Lic.	Natural Resources	St. Paul	Contact buyer
29-000-42709-3122	1986 Resident Small Game Hunting Lic.	Natural Resources	St. Paul	Contact buyer
29-000-42706-3126	1986 Nonresident Combination Angling Lic.	Natural Resources	St. Paul	Contact buyer
29-000-42705-3123	1986 Nonresident Individual Angling Lic.	Natural Resources	St. Paul	Contact buyer
55-201-06428	Refrigerators	Cambridge St. Hospital	Cambridge, Mn.	Contact buyer
55-105-07010	Dry Goods	St. Peter Regional Treatment Center	St. Peter, Mn.	Contact buyer
21-200-10817-2635	UI Benefits Claim Folder	Economic Security	St. Paul	Contact buyer
67-260-11223-3248	Declaration Forms	Revenue	St. Paul	Contact buyer

SUPREME COURT DECISIONS

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
02-509-46281	Electronic Typewriters lease/purchase	Administration— Printing & Mailing	St. Paul	Contact buyer
55-103-03257	Deaerator	Moose Lake St. Hospital	Moose Lake	Contact buyer
78-630-04449	Ring Binders	MN Correctional Facility	Oak Park Heights	Contact buyer
55-000-92699 & 92697	Vending Machines —REBID	Services for the Blind	St. Paul	Contact buyer

Contact 296-6152 for referral to specific buyers.

SUPREME COURT DECISIONS**Decisions Filed Friday, September 27, 1985****Compiled by Wayne O. Tschimperle, Clerk****C7-84-1445 State of Minnesota v. Jeffrey Wayne Galvan, Appellant. Court of Appeals.**

If a prosecutor interviews a witness, those parts of the prosecutor's notes summarizing the statement are not "work product" and are discoverable by the defense under Minn. R. Crim. P. 9.01, subd. 1(1)(a).

First-degree heat-of-passion manslaughter is a lesser-included offense of second-degree felony murder under Minn. Stat. § 609.04, subd. 1(1)(1984).

Petition for review granted; affirmed. Amdahl, C. J.

C5-84-214 Western National Mutual Insurance Company v. State Farm Insurance Company, petitioner, Appellant. Court of Appeals.

An out-of-state insurer, licensed to do business in Minnesota, is not primarily liable for Minnesota no-fault, basic economic benefits, unless a vehicle insured by the out-of-state insurer is present in the State of Minnesota at the time of the accident giving rise to the claim.

Reversed. Kelley, J.

Dissenting, Yetka J. and Scott, J.

Took no part, Coyne, J.

C7-84-859 AID Insurance Company (Mutual) v. Continental Western Insurance Company, petitioner, Appellant. Court of Appeals.

The Minnesota No-Fault Act does not require an insurer licensed to do business in Minnesota to afford basic economic loss benefits to a nonresident policyholder unless an insured vehicle was present in Minnesota at the time of the accident.

Reversed. Kelley, J.

Dissenting, Yetka, J. and Scott, J.

Took no part, Coyne, J.

C0-84-881 Carmen K. Reed v. Continental Western Insurance Company, petitioner, Appellant. Court of Appeals.

The Minnesota No-Fault Act does not require an insurer licensed to do business in Minnesota to afford basic economic loss benefits to a nonresident policyholder unless an insured vehicle was present in Minnesota at the time of the accident.

An insured is not barred from recovering economic loss benefits from an insurer who is primary obligor who initially refused coverage.

Reversed in part, affirmed in part, and remanded. Kelley, J.

Dissenting, Yetka, J. and Scott, J.

Took no part, Coyne, J.

SUPREME COURT DECISIONS

C7-84-831 In Re the Matter of the Appeal of Harold Kenney, Jr., of Paynesville, Minnesota, from Order Denying Administrative Appeal by Board of Adjustments. Court of Appeals.

County Board of Adjustment has the statutory authority to issue respondent a variance from county restrictions placed on his non-conforming use property.

Affirmed. Yetka, J.

C6-83-1393 In Re the Marriage of Kelly Jo Pikula v. Dana David Pikula, Appellant. Court of Appeals.

Appellate review of custody determinations is limited to whether the trial court abused its discretion by making findings unsupported by the evidence or by improperly applying the law.

The findings which the trial court made were supported by the evidence but there were insufficient findings to support the award of custody.

The best interests of the child as delineated by the statutory factors set out in Minn. Stat. § 518.17, subd. 1(1984), require that when both parents seek custody of a child too young to express a preference for a particular parent, and one parent has been the primary caretaker of the child, custody should be awarded to the primary caretaker absent a showing that that parent is unfit to be the custodian.

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

Took no part, Kelley, J.

C1-84-307 Kenneth R. Herrly v. Steven John Muzik and Floyd A. Eastlund, d.b.a. Forada Liquor Store, petitioner, Appellant, and Edgar J. Paine, d.b.a. Reno Inn, petitioner, Appellant, and Jerome and Linda Miller, d.b.a. The Barrell Inn. Court of Appeals.

Absent a clear indication from the legislation that it sought to expand the class of beneficiaries under Minn. Stat. § 340.95 (1984) to include participating accessories to a transaction violative of section 340.73, we hold that complicity remains an absolute bar to recovery in an action under the Civil Damage Act.

Reversed. Coyne, J.

Dissenting, Scott, J. and Yetka, J.

Took no part, Simonett, J.

ORDERS

C3-83-1030 In Re the Application for the Discipline of William R. Nordstrom, an Attorney at Law of the State of Minnesota. Supreme Court.

Attorney suspended. Amdahl, C. J.

C1-83-1933, C2-84-218 Zontelli & Sons, Inc. v. City of Nashwauk, Appellant, and Robert R. Wallace & Associates and American Fidelity Fire Insurance Company, intervenor. Court of Appeals.

Petition for Rehearing denied. Peterson, J.

Took no part, Coyne, J.

ERRATA

Higher Education Coordinating Board

Correction of Proposed Emergency Rules Relating to Education; Financial Aid, Grants, Part-time Students

An error occurred in the July 15, 1985 issue of the *State Register*, Volume 10, Number 3, pages 90-92 (10 S.R. 90). The error occurred on page 91 in the final paragraph of the Notice of Proposed Adoption of Emergency Rule, and gave the wrong date. The corrected date and line should read:

“The emergency rule will take effect five working days after approval by the Attorney General and may be effective until June 30, 1986.”

This change affects the following rules:

4830.1000-.1500 (proposed supercession); and

4830.1500-.1556 [Emer] (proposed).

Department of Human Services

Corrections to Adopted Rules Relating to Hospital Medical Assistance Reimbursement

The language of part 9500.1130, subpart 7, that is part of the adopted rule printed in Volume 10, number 4, July 22, 1985 of the *State Register* (10 SR 227) was published in error. The correct subpart 7 reads as follows:

9500.1130 REIMBURSEMENT PROCEDURES.

Subp. 7 Reimbursement for transfers. The department shall reimburse hospitals who discharge transfers and who admit transfers. Each hospital shall be reimbursed as follows:

Transfer Reimbursement = [(adjusted base year cost per admission) multiplied by (the relative value of the appropriate diagnostic category), divided by (the geometric mean length of stay of the diagnostic category) and multiplied by (the number of days of inpatient hospital services), plus (budget year pass-through cost per admission)]

In no case may a hospital receive a transfer reimbursement that exceeds the ~~adjusted base year cost per admission multiplied by the relative value of the appropriate diagnostic category unless the transfer is an outlier~~ category rate per admission, out of area category rate per admission, or the category rate per admission for MSA or non-MSA hospitals, unless the transfer is an outlier. Reimbursements for transfers under diagnostic category 0, under part 9500.1100, subpart 20, are not limited to the category rate per admission, out of area category rate per admission, or the category rate per admission for MSA or non-MSA hospitals and are not eligible for outlier reimbursements under subpart 9.

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