

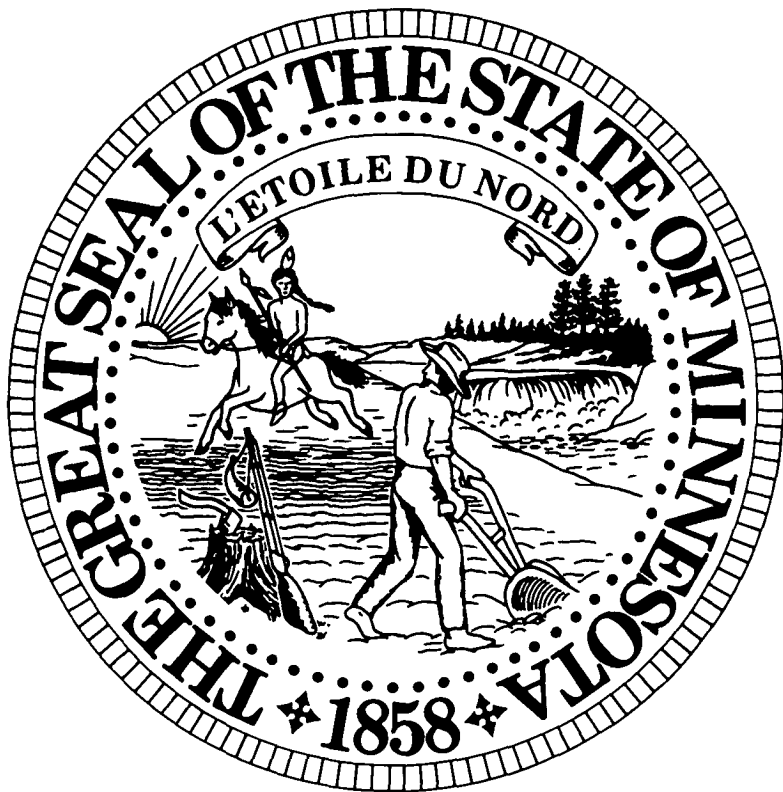
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State of Minnesota

STATE REGISTER

Department of Administration—Documents Division



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STATE REGISTER

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

The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, official notices to the public, state and non-state public contracts, grants, supreme court and tax court decisions, and a monthly calendar of cases to be heard by the state supreme court.

Printing Schedule and Submission Deadlines

Vol. 13 Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
15	Monday 26 September	Monday 3 October	Monday 10 October
16	Monday 3 October	Monday 10 October	Monday 17 October
17	Monday 10 October	Monday 17 October	Monday 24 October
18	Monday 17 October	Monday 24 October	Monday 31 October

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

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

Instructions for submission of documents may be obtained from the State Register editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

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

Rudy Perpich, Governor

**Sandra J. Hale, Commissioner
Department of Administration**

**Stephen A. Ordahl, Director
Minnesota Documents Division**

Robin PanLener, Editor

Paul Hoffman, Assistant Editor

Debbie Kobold, Circulation Manager

Bonita Karels, Staff Assistant

FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

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

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

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

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-652-9747 and ask for "Documents."

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Proposed Rules

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

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

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

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

Department of Human Services

Proposed Permanent Rules Relating to Revisor Instructions on the Human Services Licensing Act

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Human Services intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, section 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, section 14.07, subdivision 7 and section 245A.09.

All persons have 30 days or until 4:30 p.m. on November 9, 1988 in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing 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.

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

Jim Schmidt
Rules and Bulletins Division
444 Lafayette Road
St. Paul, Minnesota 55155-3816
(612) 296-7815.

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

The proposed rule is necessary to instruct the Revisor of Statutes to amend certain terms and statutory references in rules adopted under the former "Public Welfare Licensing Act" in order to conform to terms and statutory references under the "Human Services Licensing Act of 1987," *Laws of Minnesota 1987*, chapter 333. For example, references to the term "residential facility" will be changed to "residential program" when appropriate to conform with the Human Services Licensing Act. The proposed rule will not affect the operation of any licensed program, nor will it affect services provided.

A free copy of this rule is available upon request from Jim Schmidt. A copy of the rule may also be viewed at any of the 87 county welfare or human services agencies in the State of Minnesota.

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 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 Jim Schmidt.

Adoption of these rules will not result in additional spending by local public bodies.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Jim Schmidt.

Sandra S. Gardebring
Commissioner

REVISOR INSTRUCTIONS

The revisor of statutes is instructed to change in *Minnesota Rules* the following terms and statutory references to the Public Welfare Licensing Act, *Minnesota Statutes*, sections 245.781 to 245.812, which was repealed in Laws of Minnesota 1987, chapter 333. The revisor shall replace the following terms and statutory references with terms and statutory references that conform to the Human Services Licensing Act, *Minnesota Statutes*, sections 245A.01 to 245A.16.

Wherever the term "day care facility" or "residential facility" appears in *Minnesota Rules*, the revisor shall replace the term with "nonresidential program" or "residential program" or similar terms, where appropriate.

Wherever a term is used in *Minnesota Rules* to refer to "day care facility" or "residential facility," the revisor shall replace the term with "nonresidential program" or "residential program" or similar terms, where appropriate.

Wherever the term "day care and residential facilities," or "day care or residential facilities" is used in *Minnesota Rules*, the revisor shall replace the term with "residential and nonresidential programs" or "residential or nonresidential program" or similar terms, where appropriate.

Wherever the term "facility" or "facilities" is used in *Minnesota Rules* to refer to residential or nonresidential programs, the revisor shall replace the term with "residential and nonresidential programs" or "residential or nonresidential program," or similar terms, where appropriate.

The revisor shall replace references to repealed *Minnesota Statutes*, sections 245.781 to 245.812, with references to the proper sections in *Minnesota Statutes*, sections 245A.01 to 245A.16, or, where appropriate, with "chapter 245A."

Department of Labor and Industry

Proposed Permanent Rules Relating to Boilers and Power Boats

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

NOTICE IS HEREBY GIVEN that the State Department of Labor and Industry, Code Enforcement Boiler Inspection Division, intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rules is *Minnesota Statutes* § 183.44, subd. 2 (1986), *Minnesota Statutes* § 183.465 (1986) and *Minnesota Statutes* § 183.466 (1986).

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

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing 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.

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

Charles Curren, Assistant Commissioner
Department of Labor and Industry
4th Floor—443 Lafayette Road
St. Paul, Minnesota 55101
Phone: (612) 296-6529

Proposed Rules

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

A free copy of the rule is available upon request from the Department of Labor and Industry at the above address. A Statement of Need and Reasonableness that describes the need for a 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 also available from the Department of Labor and Industry at the above address upon request.

The rules proposed for adoption relate to four general areas. First, the rules modify language of existing rules for consistency of style and clarification. Second, the rules establish licensure requirements for boiler operators and pilots of boats for hire, including examination procedures and previous experience requirements. Third, the rules establish disciplinary and due process procedures for owners and license holders. The due process procedures also permit a mechanism for challenging decisions of the chief boiler inspector or commissioner. Fourth, the rules adopt professional codes (American Society of Mechanical Engineers Boiler and Pressure Vessel Code, The National Board Inspection Code, and the American Society of Mechanical Engineers Codes and Standards), and establish or clarify operational, manufacture, installation, repair, safety, inspection, and reporting standards in accordance with adopted professional codes. The rules also set forth requirements for establishing owner repair programs.

The Department has considered the impact on small business, as required by *Minnesota Statutes* § 14.115 (1986), and has determined that the rules should have minimal impact on small businesses.

The first two categories outlined above have no direct impact on small businesses. The third and fourth categories do include small businesses.

The disciplinary and due process rules include procedures for owners of boilers and pressure vessels where it has been determined that the object or operation of the object is unsafe. Owners of such objects may be small businesses. The due process procedures have been modified to conform to the requirements of the administrative procedures act and offer better protection of the rights of the owner. As there are fewer than a dozen proceedings a year, the impact on small businesses would be minimal.

Owners are required, under these rules, to notify the Department of accidents involving boilers or pressure vessels that cause personal injury, destruction of the object, or property damage involving repairs not of a routine nature. The impact on small business would be to report the accident, or to assure that their insurance carrier report the accident to the Department. As there are fewer than 50 such accidents a year, the impact on small business would be minimal.

The owner/user repair program would only affect owners of very large plants and would have no impact on small businesses.

Other changes to these rules affecting small business reflect existing code requirements and would have no greater impact than the current requirements. The department has documented its consideration of methods for reducing the impact of the rules on small business in the Statement of Need and Reasonableness.

The Department has considered the effect of the rules on local public bodies, agencies and school districts under *Minnesota Statutes* § 3.982 (1986) and *Minnesota Statutes* § 14.11, subd. 1 (1986), and has determined that no fiscal note is needed. No significant expenditures will be required by local governmental bodies and the rules do not establish a new program or require an increased level of service.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to the Department of Labor and Industry, Code Enforcement Boiler Inspection Division, at the above address.

Dated: 21 September 1988

Ray Bohn, Commissioner of the
Department of Labor and Industry

Rules as Proposed

5225.0010 SCOPE.

This chapter only addresses the manufacture, installation, repair, operation, safety, and inspection of boilers and pressure vessels pursuant to *Minnesota Statutes*, sections 183.375 to 183.62. Other related codes on high pressure piping, building, electrical, and

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Proposed Rules

plumbing are available from State Documents, Department of Administration, 117 University Avenue, Saint Paul, Minnesota, 55155.

5225.0090 INCORPORATION BY REFERENCE.

Subpart 1. General. To the extent referred to in this chapter, the codes and publications described in this part are incorporated by reference.

Subp. 2. American Society of Mechanical Engineers Boiler and Pressure Vessel Code. The American Society of Mechanical Engineers Boiler and Pressure Vessel Code is written and published by the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, New York 10017 and can be purchased from the same source. It is available for inspection at the Hill Reference Library, 80 East Fourth Street, Saint Paul, Minnesota 55102. It is subject to frequent change. The publication dates vary by subject. The most recent publication: July 1, 1986, as amended December 31, 1986, and December 31, 1987.

Subp. 3. National Board Inspection Code. The National Board Inspection Code is written and published by the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, Ohio 43229 and can be purchased from the same source. It is available for inspection at the Minnesota Law Library, 117 University Avenue, Saint Paul, Minnesota 55155. It is subject to frequent change. The publication date varies. The most recent publication: July 1, 1986, as amended December 31, 1986, and December 31, 1987.

Subp. 4. American Society of Mechanical Engineers Codes and Standards. The American Society of Mechanical Engineers Codes and Standards are submitted for publication to the American National Standards Institute, 1430 Broadway, New York, New York 10018 and can be purchased from the same source. They are available for inspection at the Hill Reference Library, 80 West Fourth Street, Saint Paul, Minnesota 55102. They are subject to frequent change. The publication dates vary by subject. The most recent publication: July 1, 1986, as amended December 31, 1986, and December 31, 1987.

5225.0500 EXAMINATIONS.

Subpart 1. Preparation of written examination. The examination questions shall will be prepared by the chief or deputy chief of the Division of Boiler Inspection boiler inspector. All examinations shall must be written unless the applicant is unable to write, in which case the examination may will be oral; provided for a special or second class license. The right to an oral examination for a first or chief class license shall be determined by the chief boiler inspector based on the applicant's ability to demonstrate reading comprehension of statutes, rules, technical boiler operation manuals, and safety warnings. Decisions of the chief boiler inspector regarding application for oral examination may be appealed to the commissioner under part 5225.3200. A written record of the same is examination shall be made, and examination papers shall will be kept on file for a period of at least one year.

Subp. 2. Minimum grade. No license of the any class applied for shall will be granted to any applicant who fails to obtain a grade score of 75 percent in an examination therefor, nor shall may any other class grade of license be granted.

Subp. 3. Effect of failure. Applicants who fail to pass an examination shall not be eligible to take another examination for the same class of license within the following periods thereafter:

- A. special ~~30-horsepower~~ engineer's (third class), hobby, or pilot's license, ~~30~~ ten days;
- B. first and second class license, ~~60~~ 30 days; and
- C. chief's license, ~~90~~ 60 days.

Failure of an applicant to obtain a passing mark shall score will not affect the status of any license previously granted to him, but the fee paid for such the examination shall will not be refunded.

5225.0550 DOCUMENTATION OF EXPERIENCE REQUIREMENTS FOR LICENSURE AS A BOILER OPERATOR.

Subpart 1. Compliance requirements. All applicants must comply with chapter 5225 and Minnesota Statutes, sections 183.375 to 183.62. Applicants with previous experience in a jurisdiction requiring licensure must show proof of compliance with the licensure requirements of that jurisdiction in order to receive credit for the experience. All applicants for licensure as a pilot, hobby boiler operator, or boiler operator shall provide documentation of operating experience for the level of class/grade applied for in accordance with subparts 2 to 9.

Subp. 2. Special class experience requirements. A special class license requires no previous experience and a signed application form.

Subp. 3. Second class experience requirements.

A. A second class license requires: one year of experience on a boiler of proper size to receive the second class license as documented by:

(1) one year of special class licensed operation; or

(2) one year of conventional or nuclear experience as a coal passer, fireman, oiler, water tender, engineer, boiler tender, engineering or machinery watch officer, engine room supervisor, or propulsion engineer; or

(3) one year of actual experience operating a boiler of sufficient size to qualify for a second class license under Minnesota Statutes, section 183.51.

B. Acceptable forms for documentation are:

(1) an application form; and

(2) a valid, current Minnesota special class license; or

(3) a sworn affidavit signed by a plant manager, an officer of the company responsible for engineering operations, or a supervisory engineer of a utility plant of a plant of a size equal to or greater than required for a first class license under Minnesota Statutes, section 183.51, or a sworn affidavit signed by two or more shift engineers of a plant of a size equal to or greater than required for a first class license under Minnesota Statutes, section 183.51; or

(4) a DD 214 separation form, a discharge, a DD 792 performance evaluation, or an affidavit signed by a superior officer.

Subp. 4. First class experience requirements.

A. A first class license requires three years of experience on a boiler of proper size to receive the first class license as documented by:

(1) one year of special class licensed operation and two years of second class licensed operation, or two years of special class licensed operation and one year of second class licensed operation, or three years of special class licensed operation; or

(2) three years experience as a coal passer, fireman, oiler, water tender, engineer, boiler tender, engineering or machinery watch officer, engine room supervisor, or propulsion engineer; or

(3) three years of actual experience operating a boiler of sufficient size to qualify for a first class license under Minnesota Statutes, section 183.51.

B. Acceptable forms for documentation are:

(1) an application form; and

(2) a valid, current Minnesota boiler operator's license; or

(3) a sworn affidavit signed by a plant manager, an officer of the company responsible for engineering operations, or a supervisory engineer of a utility plant or a plant of a size equal to or greater than required for a first class license under Minnesota Statutes, section 183.51, or a sworn affidavit signed by two or more shift engineers of a plant of a size equal to or greater than required for a first class license under Minnesota Statutes, section 183.51; or

(4) a DD 214 separation form, a discharge, a DD 792 performance evaluation, or an affidavit signed by a superior officer.

Subp. 5. Chief class experience requirements.

A. A chief class license requires five years of experience on a boiler of proper size to receive the chief class license as documented by:

(1) any combination of five years licensed boiler operation with at least one year as a first class license holder; or

(2) five years experience as an engineer, boiler tender, engineering or machinery watch officer, engine room supervisor, or propulsion engineer; or

(3) five years of actual experience operating a boiler of sufficient size to qualify for a chief class license under Minnesota Statutes, section 183.51, of which at least two years must have been in a supervisory capacity either as a shift engineer in charge or as the chief engineer of the facility from which the claimed experience was obtained.

B. Acceptable forms for documentation are:

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Proposed Rules

- (1) an application form; and
- (2) a valid, current Minnesota first class boiler operator's license; or
- (3) a sworn affidavit signed by a plant manager, an officer of the company responsible for engineering operations, or a supervisory engineer of a facility where the claimed experience was obtained; chief engineer of a utility plant or a plant of a size equal to or greater than required for a first class license under Minnesota Statutes, section 183.51; or
- (4) a DD 214 separation form, a discharge, a DD 792 performance evaluation, or an affidavit signed by a superior officer.

Subp. 6. Requirements for Grade A licensure. The requirements for a Grade A license are:

A. Second Class: one year of documented operation of a high pressure boiler which must include one year of operation of a steam engine or turbine.

B. First Class: three years of documented operation of a high pressure boiler of which at least two years must include operation of a steam engine or turbine.

C. Chief Class: five years of documented operation of a high pressure boiler, including at least two years acting as a shift engineer, and two years of operation of a steam engine or turbine.

Subp. 7. Pilot license experience documentation. An applicant for a pilot license for operation of a boat for hire must have at least one month or 30 days of experience operating a boat of not less than 20 feet in length and powered by a motor of not less than 50 horsepower, as rated by the manufacturer. Unless the applicant has a valid United States Coast Guard pilot's license, an affidavit of experience must be submitted by a person with sufficient knowledge of the applicant's experience prior to the applicant taking the examination. The person signing the affidavit must hold a valid Minnesota pilot's license or a United States Coast Guard pilot's license.

Subp. 8. Traction engine or hobby boiler license experience documentation. An applicant for a hobby boiler license must have at least 25 hours actual experience operating a steam traction engine under the supervision of a properly licensed operator, or a valid Minnesota second class, or higher, boiler operator's license. An affidavit of experience must be submitted by a person with sufficient knowledge of the applicant's experience prior to the applicant taking the examination. The person signing the affidavit must have observed the applicant operating the steam traction engine and must possess either a valid Minnesota hobby boiler license or a valid second class, or higher, Minnesota boiler operator's license.

Subp. 9. Other acceptable supporting documentation. Position descriptions, payroll records, jurisdiction or insurer inspection records, and documentation as to the size of the boilers operated may be used to support the application under subparts 2 to 5. Other operating experience may qualify the applicant for licensure under this part provided that the experience demonstrates the applicant's ability to safely and effectively perform at the level of licensure applied for. A decision of the chief inspector regarding applicability of other experience may be appealed to the commissioner pursuant to part 5225.3200.

Subp. 10. Year defined. For purposes of this chapter, a "year" is at least 2,000 hours.

5225.0600 PROHIBITION AGAINST FALSE STATEMENTS IN APPLICATION.

Any deliberate material false statement in an application, or in any affidavit presented in connection therewith such that the license would not have been granted if the accurate information had been provided, shall render the license issued thereon void. The license shall not be determined to be void until the license holder has been provided with the opportunity for a meet and confer conference and/or an administrative hearing pursuant to part 5225.0880, subpart 5, and the requirements of the Administrative Procedure Act, and the charge of a materially false statement is upheld. In lieu of requesting an administrative hearing pursuant to part 5225.0880, subpart 5, the license holder may reapply for licensure by providing the proper documentation, retaking the appropriate examination and paying the application fee, or may voluntarily relinquish the license.

5225.0700 LOSS OR DESTRUCTION OF LICENSE.

Upon presentation of a written statement of fact showing that a license has been lost, destroyed, or not received, a substitute license may will be issued by the chief of the Division of Boiler Inspection without cost to the licensee. The chief may require the presentation to be by affidavit if he deems the circumstances warrant it for a fee set by the commissioner of labor and industry.

5225.0880 DISCIPLINARY PROCEDURES.

Subpart 1. License revocation suspensions. The commissioner may suspend or revoke the engineer's or pilot's license, direct the person to cease the action or operation, seal the boiler or pressure vessel, or seek a restraining order in district court if the holder of a license of any class, including pilots of boats for hire, or the owner of a boiler or pressure vessel violates any provision of Minnesota Statutes, sections 183.375 to 183.62, or this chapter, or operates or allows a boiler or pressure vessel to be operated

under unsafe or dangerous conditions, or the holder of a license of any class, including pilots of boats for hire, has obtained a license of any grade based on a materially false application or affidavit, or an owner of a boiler fails to employ properly qualified engineers to operate the boiler or fails to make necessary repairs to an unsafe boiler or pressure vessel. In deciding what action to take, the commissioner shall consider the seriousness of the violation, the likelihood of a repeat occurrence, and the actual or potential threat to property or life caused by the violation.

Subp. 2. Complaints. All complaints related to license qualification or unsafe operating practices, whether filed by a boiler inspector of the Department of Labor and Industry or any other person, must be in writing to the chief boiler inspector on forms prescribed by the commissioner. Notices of unsafe objects shall be prepared by a boiler inspector of the Department of Labor and Industry on forms prescribed by the commissioner.

Upon the filing of a complaint with the chief boiler inspector charging the owner or license holder with engaging in a prohibited or unsafe activity described in subpart 1, the chief boiler inspector shall direct an investigation as necessary and report to the commissioner if the chief boiler inspector believes further action is necessary.

Unless the commissioner seeks a restraining order in district court, the commissioner shall serve on the owner or license holder, by first class or certified mail or in person, notice of the alleged violation, the proposed action to be taken, and of the opportunity for a conference and a contested case proceeding under subpart 3.

Subp. 3. Show cause conference. If the charge is that a license holder or owner has violated a provision of Minnesota Statutes, sections 183.375 to 183.62 or this chapter, or is operating a boiler or pressure vessel in an unsafe or dangerous condition, or with unlicensed or improperly licensed engineers, or a decision of a boiler inspector is being appealed pursuant to part 5225.3200, the commissioner shall give the owner or license holder the opportunity to request a conference to show cause (1) why an order should not be issued suspending or revoking the holder's license or directing the person to cease and desist the prohibited activity or operation, or (2) why the decision of the boiler inspector should not stand.

The person charged may request a show cause conference in writing that must be received by the commissioner within ten working days after the notice provided for in subpart 2 was served. If a timely request is not made, the commissioner may issue the proposed order.

The show cause conference must be scheduled within 20 working days of the receipt of a timely request. Findings and an order must be served and filed by the commissioner within ten working days after the conference is held.

Orders issued under this subpart must include notice of the right to a contested case proceeding under the Administrative Procedure Act before an administrative law judge. An owner or license holder who disagrees with the commissioner's order issued pursuant to this subpart may request a contested case hearing for a final determination in accordance with subpart 7. If a contested case hearing is requested, the commissioner's order shall be stayed pending a final determination after the contested case hearing.

Subp. 4. Unsafe objects; administrative conference. If an inspector of the Department of Labor and Industry has determined that the operation of a boiler by an unlicensed or improperly licensed person creates an imminent danger to human life or property or that repair or replacement is necessary to ensure safe operation of a boiler or pressure vessel, a notice of unsafe object must be placed on the boiler or pressure vessel. In addition to the notice requirements of subpart 2, the notice of unsafe object must state that the boiler or pressure vessel may not be operated until the object is satisfactorily repaired or replaced and the notice of unsafe object is removed by the inspector, until properly licensed persons are assigned to operate the equipment, or the commissioner orders the notice of unsafe object removed from the boiler or pressure vessel.

The commissioner shall give the owner of the boiler or pressure vessel the opportunity for a conference to show cause why the boiler or pressure vessel should not remain sealed until repaired or replaced or until properly licensed persons are available to operate the boiler. The owner must request a show cause conference in writing, in person, or by phone, within three working days of the date the notice of unsafe object was placed on the boiler or pressure vessel. If a request for a show cause conference is not timely received, the commissioner may order that the boiler or pressure vessel remain sealed pending repair, replacement, or operation by properly licensed personnel.

The show cause conference must be held within two working days of receipt of a timely request or at a later date upon mutual consent of the parties. Immediately upon completion of the conference, the commissioner must provide a verbal order, to be followed by written findings and an order, that must be served and filed within ten working days after the conference is held.

Orders must include notice of the right to a contested case proceeding under the Administrative Procedure Act before an

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administrative law judge. An owner who disagrees with the commissioner's order issued pursuant to this part, may request a contested case hearing for a final determination in accordance with subpart 7. Once a notice of unsafe object is placed on the boiler or pressure vessel, the boiler or pressure vessel may not be operated pending a show cause conference or a contested case proceeding until the tag is removed by the inspector, or the commissioner issues an order allowing the object to be placed into service.

Subp. 5. Materially false statement; meet and confer conference. If the charge is that the holder of a license obtained the license based on a materially false application or affidavit, the commissioner shall give the license holder the opportunity for an informal meet and confer session with representatives of the Department of Labor and Industry. The license holder must request the conference in writing within ten days of the date the notice in subpart 2 was served. The session must be scheduled within 20 working days of the receipt of a timely request.

If no timely request for a meet and confer session is received, or if no mutually acceptable resolution can be reached at the meet and confer session, the commissioner shall initiate a contested case hearing pursuant to the Administrative Procedure Act to determine whether the license should be revoked.

Subp. 6. Manner of conference. A show cause conference or a meet and confer session shall be conducted in an informal manner. No transcript will be made; however, the proceedings may be recorded. Each party may be represented by an attorney or may be accompanied by another person not an attorney. Parties may produce witnesses and documents to support their position.

Subp. 7. Contested case hearing. A person who disagrees with an order of the commissioner issued pursuant to subpart 3 or 4 may request a de novo hearing under the contested case proceedings of the Administrative Procedure Act within 30 days of service of the order. Upon receipt of the findings of fact and recommendations of the administrative law judge, the commissioner shall serve and file a final order by regular or certified mail. This order shall be the order of the commissioner in a contested case.

Subp. 8. Injunctive relief. At any time before or after the commissioner issues an order under this part, the commissioner may discontinue the administrative proceedings and initiate an action in district court for injunctive relief. A notice of unsafe object or an order of the commissioner issued pursuant to subpart 4, shall remain in effect until a district court judge orders otherwise.

5225.0900 DISPLAY OF LICENSE.

Licenses granted shall must be placed in a glassed frame and be displayed in a conspicuous place in the engine or boiler room, or pilot's station. Boiler plants operated by a contract boiler operator must have a copy of the engineer's license of each person who may be operating the boiler posted in each boiler room.

5225.1000 BOILER HORSEPOWER RATING.

Inspectors, In rating the boiler horsepower of a boiler plant, inspectors shall use the manufacturer's normal boiler horsepower of each boiler and compute the total horsepower as that of the combined horsepower of all boilers connected with to the header, whether all such the boilers are in use or not. If the manufacturer's rating cannot be found, ten square feet of heating surface (fire side of tube) shall be considered equivalent to one boiler horsepower. It shall be is the duty of all boiler inspectors, including those employed by the insurance companies, to promptly report to the chief of the Division of Boiler Inspection boiler inspector, any plant in which the engineer has no license or his a license is of a lower class than that required by law for the horsepower of said the plant.

Ten kilowatts equals one boiler horsepower for the engineer license requirement.

5225.1200 INSURANCE COMPANY INSPECTORS.

Subpart 1. License requirement. Inspectors in the employ of the insurance companies shall possess a chief engineer's license or a certificate of competency from the National Board of Boiler and Pressure Vessels Inspectors' Commission issued by the National Board of Boiler and Pressure Vessel Inspectors, and shall place on inspection reports the serial number of their license or certificate National Board of Boiler and Pressure Vessel Inspectors' Commission or Minnesota state certificate of competency. A Minnesota state certificate of competency is issued by the Boiler Inspection Division according to Minnesota Statutes, section 183.38, subdivision 2.

Subp. 2. Examination. State or insurance company boiler inspectors seeking a license as authorized shop inspectors on new construction of steam boilers and/or pressure vessels shall qualify by passing a written examination prepared by the National Board of Boiler and Pressure Vessel Inspectors. Such The examinations shall will be held at Saint Paul, Minnesota, by the Boiler Inspection Division of Boiler Inspection at such times as it the commissioner may prescribe. Applicants so qualifying shall be given obtain a National Board of Boiler and Pressure Vessel Inspectors' commission serial number, which from the National Board of Boiler and Pressure Vessel Inspectors. The serial number shall of the commission must be registered in the office of the chief of the Division of Boiler Inspection boiler inspector. Inspectors having National Board of Boiler and Pressure Vessel Inspectors' commissions obtained in other states shall be registered without another examination register the serial number of their commission with the commissioner and furnish a photocopy of their current National Board of Boiler and Pressure Vessel Inspectors' Commission to the Boiler Inspection Division.

5225.1350 PROPERTY DAMAGE OR PERSONAL INJURY REPORT.

Insurance inspectors or owners shall make a written report to the chief boiler inspector of incidents involving boilers and pressure vessels covered under this chapter that result in personal injury, total destruction of the object, or property damage involving repairs not of a routine nature. These incidents shall be reported on the National Board of Boiler and Pressure Vessel Accident Report form.

5225.2100 STAMPS ON BOILER AND PRESSURE VESSELS.

Every boiler or pressure vessel, unless specifically exempted by Minnesota Statutes, section 183.56, for use in this state shall ~~must~~ conform in every detail to the boiler and pressure vessel laws of the state and rules adopted by the Department of Labor and Industry, and when correctly constructed in accordance therewith shall the boiler or pressure vessel must be stamped with the respective ASME American Society of Mechanical Engineers code symbol, ~~or~~ and the National Board symbol (NB) or Minnesota Special (MINN. SPC) as the ease may be. Stamping must be witnessed by an inspector holding a National Board commission. Information as to construction stamp requirements shall be provided to contractors by the chief boiler inspector. The chief of the ~~Division of Boiler Inspection~~ boiler inspector may, at the request of the manufacturer, designate any inspector possessing the qualifications required by part ~~5225.2000~~ 5225.1200 to make the requested shop inspection, for which the manufacturer shall pay the statutory required fee pursuant to part 5225.8600, plus cost of transportation and subsistence as established by the Department of Administration travel expenses.

5225.2200 ITEMS REQUIRING INSPECTION.

The authorized boiler inspector shall inspect all ~~steam~~ boilers or steam generators, fired or unfired pressure vessels, and appurtenances ~~connected thereto~~ for their safe operation and condition, and all pressure piping connecting them to the appurtenances, and all piping up to the first stop valve, or the second valve when two are required in accordance with inspection requirements in Section 1 of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code and the National Board Inspection Code. They shall must be properly prepared for inspection and the inspector given at least 48 hours' notice before the time ~~set for~~ of the inspection.

Any pressure piping to ~~steam~~ the boiler, steam generator, or pressure vessel appurtenances such as water column, blowoff valve, feedwater regulator, superheater, economizer, or stop valves, ~~etc.~~, which are to be shipped connected to the ~~steam~~ boiler, steam generator, or pressure vessel as a unit, shall must be hydrostatically tested with the ~~steam~~ boiler, steam generator, or pressure vessel, and the hydrostatic test must be witnessed by an authorized inspector, and if approved recognized as being in conformance with accepted procedures by the inspector, so noted on the data sheet by the inspector.

5225.2400 TITLE TRANSFER TO USED BOILERS OR VESSELS.

Before the transfer of the title to a used boiler or pressure vessel and its future use in another location, the owner thereof shall cause the same ~~it~~ to be inspected by the state (or insurance company) boiler inspector, and in computing ~~its~~ the safe working pressure, the inspector shall use a safety factor of at least six on noncode boilers and pressure vessels having a butt strap joint and at least a factor of seven on a lap seam or welded joint. The maximum allowable working pressure for objects covered under Minnesota Statutes, section 183.411 must not exceed the requirements of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code for determining working pressure.

5225.2500 LOW WATER DEVICES.

Subpart 1. and 2. [See Repealer.]

Subp. 3. Requirements. The following must be equipped with a low water cutout that will shut off the fuel supply in case of a low water condition:

A. each automatically fired steam boiler; and

B. each automatically fired hot water heating boiler or other hot liquid boiler plants of two or more boilers with individual isolating valves connected to a common header with a total heat input exceeding 750,000 Btu per hour input.

Subp. 4. Flow-sensing device required. The following must have a flow-sensing device installed in the outlet piping instead of the low water fuel cutoff required in subpart 3 to automatically cut off the fuel supply when the circulating flow is interrupted:

A. a coil type boiler plant exceeding 750,000 Btu; and

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B. a watertube boiler plant with heat input greater than 750,000 Btu per hour requiring forced circulation to prevent overheating of the coils or tubes.

5225.2600 REPORTING REPAIRS AND ALTERATIONS.

Subpart 1. Prior notice of repair or alteration. The owner or person in charge of a steam boiler, steam generator, or pressure vessel shall notify the Boiler inspector of Inspection Division or if the object is insured, the owner or person in charge shall notify the insurer before each major repair or alteration made thereto, and all alterations made to the pressure containing parts of a boiler or pressure vessel, and the authorized inspector shall then will compute the safe working pressure by virtue of said the repair or alteration. In the event the boiler is insured, the owner or person in charge thereof shall notify the insurer.

Subp. 2. Standard of repairs. The National Board of Boiler and Pressure Vessel Inspectors' repair (R) stamp or applicable American Society of Mechanical Engineers Boiler and Pressure Vessel Code symbol stamp is required for welded repairs not of a routine nature to any boiler or pressure vessel subject to inspection as specified in Minnesota Statutes, sections 183.375 to 183.62.

All alterations must be in compliance with the latest edition of the National Board Inspection Code and the referencing sections of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

Repairs or alterations must be reported to the authorized inspection agency responsible for the inservice inspection of the boiler or pressure vessels by the repair firm as required by the National Board Inspection Code. Required certification of repairs and alterations must be made by an inspector holding a National Board of Boiler and Pressure Vessel Inspectors' commission, who is employed by an authorized inspection agency under contract with the firm doing the repairs. Authorized inspection agencies are:

- A. a jurisdictional authorized inspection agency;
- B. the Minnesota Department of Labor and Industry, Division of Boiler Inspection; and
- C. the authorized inspection agency which insures the boiler or pressure vessel.

It is the responsibility of the organization making the repair or alteration to provide for inspection, documentation, and certification of the work, and to ensure acceptance of the work by an authorized inspection agency.

Completion of the National Board of Boiler and Pressure Vessel R-1 form is required for all repairs not of a routine nature and all alterations. It is the responsibility of the repair organization to prepare the form and submit it to the authorized inspector for acceptance. Distribution of the form must be as provided in the National Board Inspection Code with one copy of the completed form sent to the Minnesota Department of Labor and Industry, Boiler Inspection Division.

5225.2610 OWNER REPAIR PROGRAM.

An owner with boilers exceeding 200,000 pounds per hour may perform repairs or alterations to their boiler systems, excluding high pressure piping under the authority of Minnesota Statutes, section 326.461, subject to written approval of their repair program from the Department of Labor and Industry.

The owner repair program must include: organization, design control, material control, control of work, inspection, welding, nondestructive testing, records, repair reporting, and provision for system test and inspection by an authorized national board inspector. Before acceptance of the repair program, the chief boiler inspector must review the program. The program shall not be approved until the chief boiler inspector is satisfied that the program elements listed in this part are complete and acceptable and the allowance for independent third-party inspection controls are adequate and acceptable.

The commissioner of the Department of Labor and Industry may withdraw program approval, with cause, upon the recommendation of the chief boiler inspector. The commissioner must provide the owner with written notification of the department's intent to withdraw program approval and the reasons for the action. The owner, upon receipt of the commissioner's notification, has 30 calendar days to implement the required corrective actions to the satisfaction of the chief boiler inspector. The acceptance or rejection of all corrective actions shall be by the chief boiler inspector and must be in writing.

5225.3100 INSURED COVERAGE REPORT.

Every insurance company insuring a boiler or pressure vessel shall must notify the chief of the Division of Boiler Inspection Division inspector in writing immediately within 30 days of such the effective date of coverage (including binders). It shall must also mail a duplicate of such the notification to the assured, who shall, until receipt of exemption certificate, post such display the notice in a conspicuous place near the boiler or pressure vessel. The person, firm, or corporation operating the insured boiler or pressure vessel shall procure and post display an exemption certificate within a period of 60 days from the date of coverage, and keep same posted it displayed in a conspicuous place near the insured object boiler or pressure vessel. If such the certificate is not posted displayed within said 60 days from date of coverage the boiler inspector shall make the usual and customary inspection of such the boiler or pressure vessel and charge the statutory fee therefor.

5225.3200 APPEALS.

Any person aggrieved by any action or decision of a boiler inspector may ~~appeal therefrom to~~ request a reconsideration by the chief of the Division of Boiler Inspection by filing written notice of such appeal with that officer commissioner, in the manner provided for a conference under part 5225.0880, subpart 3, who, after notice and hearing, may affirm, modify, or rescind such the action or decision. The parties affected by ~~any an~~ action or decision of the chief of the Division of Boiler Inspection commissioner may appeal therefrom to the Department of Labor and Industry request a hearing at the Office of Administrative Hearings under Minnesota Statutes, sections 14.57 to 14.70.

5225.3400 STANDARDS FOR BOILERS.

Subpart 1. **Blowdown.** The blowdown from a boiler or boilers that ~~enters~~ may enter a sanitary sewer system or blowdown which is ~~considered~~ a hazard to human life or property ~~shall~~ must pass through some form of blowoff equipment that will reduce pressure and temperature as required hereinafter. The temperature of the water leaving the blowoff equipment ~~shall~~ must not exceed ~~450~~ 180 degrees Fahrenheit. ~~The pressure of the blowdown leaving any type of blowoff equipment shall not exceed or a pressure of five pounds per square inch gage. If this pressure is exceeded additional vent area shall be provided. If during the blowdown the water seal level cannot be maintained, the water outlet line shall be reduced one pipe size. The rules of This section are part does not intended to apply to boiler blowoff tanks which are connected to boilers that operate at 400 pounds per square inch or over.~~

Subp. 2. **Blowoff tank.** A boiler blowoff tank ~~shall~~ must be designed and correctly fabricated in accordance with the ASME Unfired American Society of Mechanical Engineers Boiler and Pressure Vessel Code, Section VIII, Division 1 for at least 25 percent of the safe working pressure of the boilers to which it is connected, but in no case need a tank be constructed for a working pressure more than 100 pounds per square inch. The minimum thickness of the shell plate and heads shall be three eighths inch, and shall blowoff tank must be of a volume equal to at least twice the volume of water removed from the boiler when the normal water level is reduced not less than four inches.

Subp. 3. **Water outlet.** The water outlet connection ~~shall~~ must be connected to the tank so that the tank will remain half full of water after each blowdown, and this vertical leg ~~shall~~ must extend to within six inches of the bottom of the tank and the top of this water seal ~~shall~~ must also have a three ~~quarter~~-fourths inch opening to act as a syphon breaker.

Subp. 4. **Size opening.** The size opening of the blowoff line inlet, water outlet, and vent ~~shall~~ must have an area ratio of at least ~~4:15~~ (1:1.5 to the nearest pipe size. Table 1 in part 5225.3500 gives ratio of openings).

Subp. 5. **Inlet.** The inlet ~~shall~~ must enter the shell at a tangent and ~~shall~~ must be above the surface of the water in the tank. A wearing plate of steel of the same thickness as the shell ~~shall~~ must be attached to the inside of the shell opposite the inlet opening.

Subp. 6. **Vent pipe.** The vent pipe ~~shall~~ must be connected to the uppermost part of the tank and carried without any intervening stop valve or other obstruction as direct as possible to the outside atmosphere. It ~~shall~~ must discharge at a point of safety not less than seven feet above adjacent areas or walkways.

Subp. 7. **Access opening.** The tank ~~shall~~ must have a suitable access opening, a manhole if practical possible; if not possible, then handholes, for inspection and cleaning of the interior. All pipe connections ~~shall~~ must be made as direct as possible and ~~shall~~ must be equipped, where practical possible, with sweep bends having a radius of at least four times the diameter of the pipe. Where conditions make the use of sweep bends prohibitive, long sweep fittings may be used. If couplings are welded in the openings they ~~shall~~ must be extra heavy.

Subp. 8. **Drain.** The tank ~~shall~~ must be fitted with a drain connection which is at least 2-1/2 inch standard pipe size and with a cold water supply which is at least ~~one~~ three-fourths inch pipe size. The drain line ~~should~~ must contain fittings to facilitate cleaning.

Subp. 9. **Clearance from floor or ground.** The tank ~~shall~~ must be provided with supporting legs which shall give a distance of at least 12 inches from the bottom of the tank to the floor. Blowoff tanks placed under ground shall be installed in a properly walled pit having space of not less than 18 inches between the tank and the wall.

Subp. 10. **Pressure gage.** The tank ~~shall~~ must be fitted with a pressure gage graduated from 0 to 30 pounds, the minor graduations indicating a pressure not greater than one pound. The pressure gage ~~shall~~ must be connected to a siphon, the opening of which shall be at least one-fourth inch inside diameter.

Subp. 11. **Water gage glass.** The tank ~~shall~~ must be fitted with a water gage glass of at least one-half inch diameter. The lower connection to the glass shall be made at a point about four inches below the water line and the upper connection about six inches above the water line.

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Subp. 12. **Thermometer well.** The tank shall must be fitted with an opening for a thermometer well, located close to the water outlet connection and in contact with the water in the tank. If the outlet is not fitted with a water cooling device, the retained water shall must be reduced to at least room temperature before blowing down a boiler.

Subp. 13. **Permissible types of tanks.** Blowdown centrifugal separator, closed, and other types of blowoff tanks are permissible when approved by the chief of the ~~Division of boiler inspection~~ inspector.

5225.3500 TABLE NO. 1.

Boiler Blowoff Inlet	Water Outlet	Vent
* 3/4	3/4	2
1	1	2-1/2
1-1/4	1-1/4	3
<u>1-1/2</u>	<u>1-1/2</u>	<u>4</u>
2	2	5
2-1/2	2-1/2	6

To be used only with boilers of 100 square feet of heating surface or less.

5225.4000 BLOWOFF TANKS.

~~Suggested~~ Sizes of blowoff tanks are given in the following table:

Up to three ~~HP pipe boiler horsepower pipes~~ may be used, provided the volume of the water seal is at least equal to one gauge of water of the boiler to which it is connected and vapor space is at least 50 percent of the volume and boiler pressure is not over 100 pounds per square inch.

Boiler Rating	Tank Size
3 to 10 H.P.	24" x 36"
11 to 25 H.P.	24" x 48"
26 to 50 H.P.	30" x 36"
51 to 75 H.P.	30" x 48"
76 to 150 H.P.	36" x 54"
151 to 250 H.P.	36" x 60"
251 to 600 H.P.	42" x 66"
Over 600 H.P.	48" x 72"

5225.4100 SAFETY VALVES.

~~Each~~ Every high pressure or low pressure boiler shall must have at least one safety valve ~~and if, A high pressure boiler of more than 500 square feet of water heating surface it shall must~~ have two or more safety valves. Safety valves must meet American Society of Mechanical Engineers Boiler and Pressure Vessel Code requirements and be so stamped.

Every safety valve shall must be connected to the boiler independent of any other ~~steam~~ connections, and attached as close as possible to the boiler, without any unnecessary pipe or fitting and shall must stand in an upright position. No valve of any description shall may be placed between the required safety valve or valves and the boiler, nor on the discharge pipe between the safety valve and the atmosphere. All safety valves shall must discharge at a point of safety not less than seven feet from running boards, platforms, or adjacent areas. No reduction in pipe size is allowed in discharge piping from a safety valve.

5225.4200 WATER GAGE.

When the boiler operating pressure exceeds 100 ~~psi~~ pounds per square inch, the watergage glass shall must be fitted with a gate or plug-valved drain ~~to the ash pit or other a safe discharge point.~~

The lowest visible part of the water gage glass shall must be at least two inches above the lowest permissible water level, ~~which level shall be not less than one inch above the fire surface.~~ If the lowest water gage shutoff valve is more than seven feet above the floor or platform from which it is operated, the operating mechanism shall must indicate by its position whether the valve is opened or closed.

5225.4300 WATER COLUMN SHUTOFFS.

When shutoffs are used in pipe connections between a boiler and water column or between a boiler and the shutoff valves required for the gage glass they shall must be either outside-screw-and-yoke or leverlifting type gate valves or stopcocks with levers permanently fastened ~~thereto~~ and marked in line with their passage, or ~~such~~ other through-flow construction as to prevent stoppage by deposits of sediment; ~~and to.~~ These valves must indicate by the position of the operating mechanism whether they are in open or

closed position; and ~~such~~ the valves or cocks shall be locked or sealed open. Where stopcocks are used they ~~shall~~ must be a type with the plug held in place by a guard or gland.

Apparatus which does not permit the escape of an appreciable amount of steam ~~therefrom~~, may be placed in the pipes connecting a water column or gage glass to a boiler.

The steam and water connections to a water column, including all pipe, fittings, valves, and drains, ~~shall~~ must be ~~such that they are~~ readily accessible for internal inspection and cleaning by providing a cross or fitting with a back outlet at each right-angle turn, or by using pipe bends or fittings which will permit the passage of a rotary cleaner. The water column shall be fitted with at least a three-fourths inch pipe size cock or drain with a suitable connection to ~~the ash-pit, or other safe point of waste~~ a safe discharge point.

5225.4400 STEAM GAGE.

Each steam gage ~~shall~~ must be connected to a siphon of at least one-fourth inch pipe size and be fitted with a cock provided with a tee or lever handle arranged to be parallel to the pipe in which it is located when the cock is open. If the pipe is longer than ten feet, a shutoff valve or cock arranged so that it can be locked or sealed open may be used near the boiler.

The dial of the steam gage ~~shall~~ must be graduated to approximately double the pressure at which the safety valve is set but in no case to less than 1-1/2 times this pressure.

5225.4500 VALVES AND FITTINGS.

Valves and pipe fittings ~~shall~~ must conform to the American ~~standards~~ National Standards Institute for the maximum allowable working pressure. Fusion welded joints are permitted if the welding procedure and operator are qualified.

All valves and fittings on all feedwater piping from the boiler up to and including the first stop valve and the check valve ~~shall~~ must be equal at least to the requirements of ~~any~~ the standard accepted by the ASME American Society of Mechanical Engineers Boiler and Pressure Vessel code for pressure 1.25 times the maximum allowable working pressure of the boiler.

All valves and fittings for feed-water piping between the required check valve and the globe or regulating valve, and including any bypass piping up to and including the shutoff valves in the bypass, ~~shall~~ must be equal at least to the saturated requirements of any standard accepted by the ASME American Society of Mechanical Engineers Boiler and Pressure Vessel code ~~for a~~. The pressure rating must be equal to the expected operating pressure required to feed the boiler for a saturated steam temperature corresponding to the minimum set pressure of any safety valve on the boiler drum or the actual temperature of the water, whichever is greater.

Valves and fittings made of any material permitted by the ASME American Society of Mechanical Engineers Boiler and Pressure Vessel code for pressure ratings of 125 pounds or more and marked as required by the code may be used for feed line and blowoff service up to 80 percent of the rated pressure.

5225.4600 STOP VALVES.

Each steam-discharge outlet, except safety-valve, reheater inlet and outlet, or superheater inlet connections, ~~shall~~ must be fitted with a stop valve located at an accessible point in the steam-delivery line and as near to the boiler nozzle as convenient and practicable. When ~~such~~ the outlets are over two inches pipe size, the valve or valves used on the connection ~~shall~~ must be the outside-screw-and-yoke rising-spindle type ~~so as~~ to indicate at a distance by the position of its spindle whether it is closed or open. A plug-cock-type valve may be used provided the plug is held in place by a guard or gland, and it is equipped to indicate at a distance whether it is closed or open and it is equipped with a slow-opening mechanism.

5225.4700 COMMON MAIN CONNECTION.

When two or more boilers are connected to a common steam main, the steam connection from each boiler having a manhole opening ~~shall~~ must be fitted with two stop valves having an ample free-blow drain between them. The stop valves ~~shall~~ must consist preferably of one automatic nonreturn valve, set next to the boiler and a second valve of the outside-screw-and-yoke type; or as an alternative, two valves of the outside-screw-and-yoke type ~~shall~~ must be used.

5225.4800 BLOWOFF PIPING.

Each boiler ~~shall~~ must have a bottom blowoff pipe fitted with a valve or cock in direct connection with the lowest water space practicable.

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

All fittings between the boiler and valves shall must be of steel for pressure over 100 psi pounds per square inch. For pressures up to 200 psi pounds per square inch cast iron valves may be used if they meet the requirements of the American Standard for 250 pounds; and if of steel shall must be equal to the requirements of the American Standards as given in the ASME American Society of Mechanical Engineers Boiler and Pressure Vessel code. For pressures over 200 psi pounds per square inch the valves or cocks shall must be of steel and at least equal to the ASME American Society of Mechanical Engineers Boiler and Pressure Vessel code standard.

5225.4900 BLOWOFF VALVES.

On all stationary boilers, when the allowable working pressure exceeds 100 psi pounds per square inch, each bottom blowoff pipe shall must have two slow-opening valves, or one slow-opening valve and a quick-opening valve or a cock complying with the ASME American Society of Mechanical Engineers Boiler and Pressure Vessel code requirement.

The bottom blowoff pipes of every traction and/or portable boiler shall must have at least one slow-or-quick-opening blowoff valve or cock conforming to the ASME American Society of Mechanical Engineers Boiler and Pressure Vessel code requirement.

Blowoff valves and cocks shall must be located in some a convenient and accessible place, using extension valve stems if necessary to secure safe operation.

5225.5000 FEED PIPING.

The feed-pipe shall must be provided with a check valve near the boiler and a valve or cock between the check valve and the boiler, and when two or more boilers are fed from a common source, there shall must be a globe or regulating valve on the branch to each boiler between the check valve and the source of supply. Wherever globe valves are used on feed piping, the inlet shall must be under the disk.

A combination stop-and-check valve in which there is only one seat and disk, and a valve stem is provided to close the valve when the stem is screwed down, shall must be considered only as a stop valve, and a check valve shall must be installed as provided in the first paragraph of this part.

5225.5100 FEEDWATER SUPPLY.

A high pressure boiler having more than 500 square feet of water heating surface (50 BHP) shall must have at least two means of feeding; one of which shall be a pump, inspirator, or injector. Where a source of feed is available at a sufficient pressure six percent higher than that at which the safety valve is set to blow, this may be considered one of the means. For boilers other than those fired with spreader-type stokers or with gaseous, liquid, or pulverized fuels, if pumps only are used, one shall be steam driven. Each source of feeding must be capable of supplying water to the boiler at a pressure of three percent higher than the highest setting of any safety valve on the boiler. For boilers that are fired with solid fuel not in suspension, and for boilers whose setting or heat source can continue to supply sufficient heat to cause damage to the boiler if the feed supply is interrupted, one such means of feeding must not be susceptible to the same interruption as the other, and each must provide sufficient water to prevent damage to the boiler.

When electrically-driven feed pumps are used and there is no other reliable independent source of electrical supply, there shall must be maintained ready for service steam-driven feed pumps or injectors (inspirators) of sufficient capacity to safeguard the boilers in case of failure of electric power.

5225.5200 ELECTRICALLY HEATED GENERATORS.

All appliances required for electric steam generators shall be attached in accordance with the following:

A cable at least as large as one of the incoming power lines to the generator shall must be provided for grounding the generator shell. This cable shall must be permanently fastened on some part of the generator and shall must be grounded in an approved manner. A suitable screen or guard shall be provided around high tension bushings and a sign posted warning of high voltage. This screen or guard shall must be so located so that it will be impossible for anyone working around the generator to accidentally come in contact with the high tension circuits. When adjusting safety valves, the power circuit to the generator shall be open. The generator may be under steam pressure but the power line shall be open while the operator is making the necessary adjustments.

Each kilowatt of electrical energy consumed by an electric steam generator, operating at maximum rating, shall must be considered the equivalent of one square foot of heating surface of a fire tube boiler when determining the required amount of safety valve relieving capacity.

5225.9000 TRACTION ENGINE ATTENDANCE REQUIREMENTS.

A traction engine (hobby boiler) may not be left unattended when in operation and members of the public are present. For purposes of this part, a traction engine may be considered as not being in operation when all of the following conditions exist:

A. the water level is at least one-third of the water gage glass;

B. the header or dome valve is in a closed position;

C. the draft doors are closed;

D. the fire is banked or extinguished; and

E. the boiler pressure is at least 20 pounds per square inch below the safety valve relieving pressure.

REPEALER. Minnesota Rules, parts 5225.0800; 5225.2000; 5225.2500, subparts 1 and 2; and 5225.2800; are repealed.

Pollution Control Agency

Proposed Permanent Rules Relating to Hazardous Waste and Generator Fees

Notice of Hearing and Notice of Intent to Cancel Hearing if Fewer than 25 Persons Request a Hearing in Response to Notice of Intent to Adopt Rule Amendments Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) will hold a public hearing in the above-entitled matter at the MPCA Board room, 520 Lafayette Road North, St. Paul, Minnesota, commencing at 9:00 a.m. on November 17, 1988, and continuing in an evening session at the same location starting at 7:30 p.m. All interested or affected persons will have an opportunity to participate by submitting oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing. The proposed rule amendments may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rule amendments, you are urged to participate in the rule hearing process.

PLEASE NOTE, HOWEVER, THAT THE HEARING WILL BE CANCELED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SAME RULE AMENDMENTS WITHOUT A PUBLIC HEARING PUBLISHED IN THE *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE MPCA. To verify whether a hearing will be held, please call Patrick Carey, Minnesota Pollution Control Agency, between November 10, 1988, and November 17, 1988, at 612/296-7767.

The matter will be heard before Administrative Law Judge Stephen D. Swanson, Office of Administrative Hearings, Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, 612/341-7615. The rule hearing procedure is governed by *Minnesota Statutes* §§ 14.131 to 14.20 (1986) and by the rules of the Office of Administrative Hearings, *Minnesota Rules* pts. 1400.0200 to 1400.1200. Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge at the address and telephone number stated above.

The subject of the hearing will be the proposed rule amendments governing hazardous waste facility and generator fees, *Minnesota Rules* ch. 7046. The proposed rule amendments, if adopted, may increase the fees paid by hazardous waste facilities and generators in Minnesota. Prior to July, 1987 (Fiscal Year 1988), MPCA indirect costs were not included in the hazardous waste fee structure as required by *Minnesota Statutes* § 16A.128 (1986). In order to meet the revenue target for the 1988-89 biennium as established by statute, the MPCA needs to amend the hazardous waste facility and generator fee rules to include MPCA indirect costs in the fee structure. The proposed rule amendments are authorized by *Minnesota Statutes* §§ 116.12 (1986) and 16A.128 (1986). One free copy of the proposed rule amendments is available on request by contacting:

Patrick Carey
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
612/296-7767

NOTICE IS HEREBY GIVEN that a Statement of Need and Reasonableness is now available for review at the MPCA offices and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the MPCA anticipates presenting at the hearing justifying both the need for and reasonableness of the proposed rule amendments. Copies of the Statement of Need and Reasonableness may be reviewed at the MPCA offices or at the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

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

Any person may present his or her views on the proposed rules in one or more of the following ways: by submitting written data to the Administrative Law Judge at any time before the close of the hearing; by submitting oral or written data at the hearing; and by submitting written data to the Administrative Law Judge during the comment period following the hearing. The comment period will be not less than five working days after the public hearing ends. The comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. The written material received during the comment period shall be available for review at the Office of Administrative Hearings. Within three business days after the expiration of the comment period, the MPCA and interested persons may respond in writing to any new information received during the comment period; however, no additional evidence may be submitted during this three-day period.

The MPCA requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment period also submit a copy of the written data to Patrick Carey at the address stated above.

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

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

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1986), "Small business considerations in rulemaking," that the proposed rule amendments have a minimal effect on small businesses that generate hazardous waste in Minnesota. For additional information regarding possible effects, please see part V of the Statement of Need and Reasonableness.

Please be advised that *Minnesota Statutes* ch. 10A (1986) requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes* § 10A.01, subd. 11 (1986) as any individual:

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

(b) Who spends more than \$250 not including his own travel expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute contains certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101-2520, telephone 612/296-5148.

Gerald L. Willet
Commissioner

Notice of Intent to Adopt Rules Without a Public Hearing and Notice of Intent to Adopt Rules with a Public Hearing if 25 or More Persons Request a Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) intends to adopt the the above-entitled rule amendments without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rule amendments without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1986). The MPCA's authority to adopt the rule amendments is set forth in *Minnesota Statutes* §§ 116.12 (1986) and 16A.128 (1986).

All persons have until 4:30 p.m. on November 10, 1988, to submit comments in support of or in opposition to the proposed rule amendments or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rule amendments addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the proposed rule amendments within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless sufficient number withdraw their requests in writing. 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 amendments addressed, the reason for the request, and any change proposed. If a public hearing is required, the MPCA will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1986).

PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN THE 30-DAY COMMENT PERIOD, A HEARING WILL BE HELD ON NOVEMBER 17, 1988, UNLESS A SUFFICIENT NUMBER WITHDRAW THEIR REQUEST, IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING ON THESE SAME RULE

AMENDMENTS PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE MPCA. To verify whether a hearing will be held, please call Patrick Carey, MPCA, between November 10, 1988, and November 17, 1988, at 612/296-7767.

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

Patrick Carey
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
612/296-7767

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

The proposed rule amendments, if adopted, may increase the fees paid by hazardous waste facilities and generators in Minnesota. Prior to July 1, 1987 (Fiscal Year 1988), MPCA indirect costs were not included in the hazardous waste fee structure as required by *Minnesota Statutes* § 16A.128 (1986). In order to meet the revenue target for the 1988-89 biennium as established by statute, the MPCA needs to amend the hazardous waste facility and generator fee rules to include MPCA the indirect costs in the fee structure. The Proposed rule amendments also clarify the intent of existing language in the rules. The proposed rules are published below. One free copy of the rules is available upon request from Patrick Carey at the address and telephone number stated above.

Questions regarding the content of the proposed rules should be directed to Patrick Carey at the address and telephone number stated above.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule amendments has been prepared and is available from Patrick Carey upon request.

Copies of the proposed rule amendments and the Statement of Need and Reasonableness may also be viewed at the MPCA regional offices at the following locations:

Duluth Region
Duluth Government Service Center
320 West Second Street, #704
Duluth, Minnesota 55802
218/723-4660

Brainerd Region
1601 Minnesota Drive
Brainerd, Minnesota 56401
218/828-2492

Detroit Lakes Region
714 Lake Avenue
Lake Avenue Plaza, #220
Detroit Lakes, Minnesota 56501
218/847-1519

Marshall Region
RLC Building
109 South Fifth Street
Marshall, Minnesota 56258
507/537-7146

Rochester Region
2116 Campus Drive, Southeast
Rochester, Minnesota 55904
507/285-7343

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1986), "Small business considerations in rulemaking," that the proposed rule amendments may have an effect on small businesses that generate hazardous waste in Minnesota. For additional information regarding possible effects, please see part V of the Statement of Need and Reasonableness.

If no hearing is required, upon adoption of the rule amendments, the rule amendments and required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent 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 rules, must submit the written request to Patrick Carey.

Gerald L. Willet
Commissioner

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Proposed Rules

Rules as Proposed

7046.0020 HAZARDOUS WASTE FACILITY FEES.

Subpart 1. **Fee schedule for five-year permits.** A person applying for issuance or reissuance of a five-year permit for a hazardous waste facility shall remit the permit application fee or permit reissuance fee given in item A or B. A person who owns or operates a hazardous waste facility that is in operation on July 1 in any year shall remit the annual facility operator's fee for that fiscal year.

	Permit Application Fee	Annual Facility Operator's Fee	Permit Reissuance Fee
A. Storage			
Tanks and containers indoors			
Total capacity greater than 550 gallons	\$ 750 <u>1,820</u>	\$ 1,100 <u>2,670</u>	\$ 375 <u>910</u>
Total capacity 550 gallons or less	500 <u>1,210</u>	485 <u>1,180</u>	250 <u>610</u>
Tanks and containers outdoors			
Total capacity greater than 550 gallons	1,500 <u>3,640</u>	2,200 <u>5,350</u>	750 <u>1,820</u>
Total capacity 550 gallons or less	1,000 <u>2,430</u>	875 <u>2,130</u>	500 <u>1,210</u>
Piles	4,500 <u>10,930</u>	6,300 <u>15,310</u>	2,250 <u>5,470</u>
Surface impoundment	7,500 <u>18,220</u>	6,300 <u>15,310</u>	3,750 <u>9,110</u>
B. Disposal and treatment			
Surface impoundment	9,000 <u>21,870</u>	8,700 <u>21,140</u>	4,500 <u>10,930</u>
Treatment (not otherwise specified including open burning)	9,000 <u>21,870</u>	4,400 <u>10,690</u>	4,500 <u>10,930</u>
Thermal treatment (not including open burning)	22,500 <u>54,670</u>	15,300 <u>37,180</u>	11,250 <u>27,340</u>
Land treatment	22,500 <u>54,670</u>	15,300 <u>37,180</u>	11,250 <u>27,340</u>
Land disposal (includes surface impoundments in which waste remains after closure)	22,500 <u>54,670</u>	15,300 <u>37,180</u>	11,250 <u>27,340</u>

Subp. 2. and 3. [Unchanged.]

Subp. 4. **Environmental review costs.** The following additional fees are fee is required for a hazardous waste facility project that requires only an environmental review assessment worksheet under *Minnesota Statutes*, chapter 116D:

A. for projects that require only an environmental assessment worksheet (EAW), the fee is \$200 plus 0.10 percent of the project estimated costs; and

B. for projects with a project estimated cost of less than \$1,000,000, the environmental impact statement (EIS) assessed cost is 0.30 percent of the project estimated cost.

Nothing in this part precludes the applicability of the Environmental Impact Statement (EIS) cost assessment system as described in the rules of the Environmental Quality Board, parts 4410.6000 to 4410.6500.

Subp. 5. to 7. [Unchanged.]

7046.0031 NONMETROPOLITAN AREA GENERATOR FEES.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Retroactive fee collection.** Retroactive fees must be paid by the generator for each year in which hazardous waste was

generated but not disclosed, for each waste stream for a maximum retroactive period of two calendar years prior to the most current calendar year subject to fees. The retroactive fee is calculated by multiplying the statewide program fee and the current annual fee and surcharge or the portion of the current annual fee and surcharge subject to retroactive fees or flat fee, whichever applies, times the number of years, up to a maximum of two years, the generator had generated the waste. If a newly disclosed waste stream subjects a generator to a retroactive fee, the retroactive fee must be assessed as described above on the appropriate volume fee and base fee associated with the newly disclosed waste stream. Retroactive fees for waste produced for less than two years prior to the most current calendar year shall be calculated according to the closest number of years of production.

Subp. 4. **Annual fees.** An annual fee is the sum of the ~~review and maintenance fee, waste stream fees, and waste generation volume fees and the base fee.~~ Nonmetropolitan area generators shall submit annual fees as follows:

A. ~~A review and maintenance fee must be paid by all nonmetropolitan area generators. The review and maintenance fee is \$30 per calendar year for each identification number issued to the generator pursuant to part 7045.0221.~~

B. ~~A waste stream fee must be paid by all nonmetropolitan area generators for each waste stream generated over ten gallons or 100 pounds. The waste stream fee is \$20 for each unsewered waste stream per calendar year and \$20 for each sewerage waste stream per calendar year.~~

C. ~~A waste generation volume fee must be paid by all nonmetropolitan generators based on the amount of unsewered hazardous waste generated and method of waste management or disposal used in the calendar year. The base volume fee is assessed on a per gallon basis for liquid waste streams or a per pound basis for nonliquid waste streams. The base volume fee is \$0.06 \$0.09 per gallon and \$0.006 \$0.009 per pound for the first 2,000 each gallon and pound produced under 2,640 gallons or 26,400 pounds produced. The base volume fee for 2,001 to 6,000 gallons or each gallon and pound equal to or exceeding 2,640 gallons or 26,400 pounds is \$0.045 \$0.04 per gallon and \$0.0045 \$0.004 per pound. The base volume fee for more than 6,000 gallons or pounds is \$0.03 per gallon and \$0.003 per pound. There shall be no volume fee charged for that part of any waste stream in excess of 100,000 gallons or 1,000,000 pounds. The base volume fee shall be multiplied by the following factors for waste streams managed by the following methods:~~

Management Method	Factor
Recycle, feedstock, or by-product on-site	0
Recycle, feedstock, or by-product off-site	0.67
Burned for fuel	0.67
Neutralization	0.67
Incineration	0.67
Disposal and other methods	1.00

Any sludges or residues of recycling, burning for fuel, neutralization, or incineration are subject to the base volume fee.

B. A base fee must be paid by all nonmetropolitan area generators as follows:

(1) a nonmetropolitan area generator who does not qualify as a small quantity generator in part 7045.0219 must pay a base fee of \$350;

(2) a nonmetropolitan area generator, who qualifies as a small quantity generator in part 7045.0219 and is not a small quantity generator as described in subitem (3), must pay a base fee of \$105; and

(3) a nonmetropolitan area generator, who qualifies as a small quantity generator in part 7045.0219 and generates less than 100 kilograms of hazardous waste per calendar month, must pay a base fee of \$35.

Subp. 5. **Follow-up action fee.** A nonmetropolitan area generator is subject to payment of a follow-up action fee if the generator fails to respond within 30 days of receipt of a ~~registered certified~~ letter from the commissioner concerning the generator's noncompliance with part 7045.0240 requiring submission of a disclosure, part 7045.0216 requiring submission of an evaluation report, or part 7045.0296 requiring submission of an annual report. The agency shall charge a follow-up action fee only if the commissioner's follow-up action involves sending the generator one or more additional ~~registered certified~~ letters or causing an authorized representative of the agency to make an inspection for the purpose of obtaining the required information. The fee for each follow-up ~~registered certified~~ letter, not to include the initial ~~registered certified~~ letter, is \$25. The fee for each follow-up inspection is \$200.

Subp. 6. and 7. [Unchanged.]

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Proposed Rules

7046.0040 GENERATOR SURCHARGE STATEWIDE PROGRAM FEE.

Subpart 1. **In general.** All generators in Minnesota are subject to an annual surcharge statewide program fee equal to 45 68 percent of the annual fee or flat annual fee, whichever applies. Payment must be made as provided in subparts 2 and 3.

Subp. 2. **Nonmetropolitan area generators.** Nonmetropolitan area generators shall pay the surcharge statewide program fee to the commissioner at the time of payment of the annual fee or flat annual fee. A nonmetropolitan area generator who fails to pay the annual surcharge statewide program fee is considered delinquent and subject to the late fee penalty provided in part 7046.0031, subpart 7.

Subp. 3. **Metropolitan area generators.** Metropolitan area generators shall pay the surcharge statewide program fee with the license fee to the county in which the generating site is located. The metropolitan area counties (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington) that are responsible for collecting the surcharge statewide program fee shall remit the surcharge statewide program fee to the commissioner not later than the last day of the month following the month of collection.

7046.0050 GENERATOR FEE EXEMPTIONS.

Subp. 3. **Wastes generated as a result of response action.** A waste that is generated as a result of a response action is exempt from the generator fee.

Subp. 4. **Certain nonmetro area generators.** Small quantity nonmetropolitan area generators whose sole hazardous wastes are degreasing or drycleaning solvent related wastes reclaimed off-site under a maintenance agreement, lead acid batteries, gasoline tank bottoms, and scrap metal are not subject to annual fees for those calendar years for which they submit accurate disclosures under part 7045.0240, ~~or annual reports by March 1, under part 7045.0296,~~ but rather are subject to a flat annual fee of \$25. For the purposes of this part, a maintenance agreement is a written agreement acceptable to the commissioner between a generator and a transporter and a claimer under which waste is removed from the generator's site on a regularly scheduled basis for reclamation by distillation.

If a small quantity nonmetropolitan area generator, who qualifies for this exemption, fails to submit the annual report by March 1 under part 7045.0296, the generator shall pay a full annual fee. If the generator is also subject to retroactive fees, the retroactive fees must be based on the flat annual fee of \$25.

Subp. 5. Wastes generated as a result of household hazardous waste collections. A waste that is generated as a result of a household hazardous waste collection program under Minnesota Statutes, section 115A.95, is exempt from the generator fee.

7046.0070 APPEAL PROCEDURE.

A generator who believes that the fee requested by the commissioner is in error may appeal the fee levy. Within ten days of receipt of the fee statement from the commissioner, the generator shall provide written notice of the error in fee calculation, the fee the generator has calculated, and the method used by the generator in calculating the fee. ~~If the commissioner finds, upon reviewing the data, that the new data presented by the generator is correct, no penalty fee will be assessed. However, if the commissioner finds that the original calculated fee was correct, the generator shall be assessed any applicable penalty as provided in part 7046.0031, subpart 7 from the date of the commissioner's decision regarding the fee adjustment appeal. After review of the appeal, the commissioner shall send the generator a decision letter regarding the appeal. In the decision letter, the commissioner shall specify the fee to be remitted by the generator. The generator shall submit the specified fee within 30 days of receipt of the commissioner's decision letter or by the original due date, whichever is later. A generator who fails to submit the specified fee by the required date is delinquent and must pay the late fee penalty, specified in part 7046.0031, subpart 7.~~

Public Utilities Commission

Proposed Permanent Rules Governing the Determination of Significant Investment for Conservation Improvement Programs

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Public Utilities Commission (Commission) intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* sections 14.22 to 14.28 (1986). The Commission's authority to adopt the rule is set forth in *Minnesota Statutes* sections 216B.08 and 216B.241 (1986).

All persons have until 4:30 p.m. on November 9, 1988, to submit comments in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed,

Proposed Rules

the reason for the comment, and any change proposed. PLEASE USE DOCKET NO. G,E-999/R-85-847 ON ALL CORRESPONDENCE.

Any person may make a written request for a public hearing on the rule within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. 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 Commission will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20 (1986).

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

Caroline Heil
Minnesota Public Utilities Commission
780 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 296-9617

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

The proposed rule, if adopted, will establish criteria for the Commission to determine whether a proposed conservation improvement program or modified program results in significant investments in and expenditures for energy conservation improvements. The proposed rule is published below. One free copy of the rule is available upon request from the Commission by contacting the Commission's receptionist, Dawn Davison, at the above address or by calling (612) 296-7124.

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 the Commission by contacting the Commission's receptionist, Dawn Davison, at the above address or by calling (612) 296-7124.

You are hereby advised, pursuant to *Minnesota Statutes* section 14.115 (1986), "Small business considerations in rulemaking," that the proposed rule will not affect small businesses.

The adoption of this rule by the Commission will not require the expenditure of public money by local public bodies or have a direct impact on agricultural land. Therefore, *Minnesota Statutes* section 14.11 (1986) is not applicable to this rulemaking proceeding.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent 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 rule submitted to the Attorney General, must submit a written request to Caroline Heil at the above address.

Mary Ellen Hennen
Executive Secretary

Rules as Proposed (all new material)

7840.1150 APPROVAL, DISAPPROVAL, OR MODIFICATION.

Subpart 1. **Determination of significant investment.** The commission shall determine whether a proposed program or modified program will result in significant investments in and expenditures for energy conservation improvements. In making this determination, the commission shall consider the following information, which must be included in a public utility's filing:

- A. impact of the program or modified program on short-term and long-term peak and average energy consumption;
- B. total cost to the utility of the energy saved by the program or modified program compared to the cost to the utility to produce or purchase an equivalent amount of new supply of energy;
- C. short-term and long-term impact of the program or modified program on utility rates;
- D. total number of low-income and rental customers expected to be affected by the program or modified program;

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

- E. total dollars spent on energy conservation improvements annually, expressed as a percentage of gross revenues;
- F. total number of customers expected to participate in the program or modified program, expressed as a percentage of the total number of customers in a utility's service area;
- G. diversity of customer classes expected to participate in the program or modified program;
- H. benefits of the program or modified program to participants; and
- I. other facts and circumstances concerning a particular utility that are relevant to determining the overall importance of the investment in energy conservation improvements.

Subp. 2. **Approval.** On determining that the proposed program or modified program will result in significant investments in and expenditures for energy conservation improvements, the commission shall approve the proposed or modified program.

Subp. 3. **Disapproval and modification.** On determining that the proposed program or modified program will not result in significant investments in and expenditures for energy conservation improvements, the commission shall disapprove the proposed program or modified program and order a program that will result in significant investments in and expenditures for energy conservation improvements.

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.

Housing Finance Agency

Adopted Permanent Rules Relating to Urban Indian Housing Program

The rule proposed and published at *State Register*, Volume 13, Number 2, pages 80-81, July 11, 1988 (13 S.R. 80) is adopted as proposed.

Department of Jobs and Training

Adopted Permanent Rules Relating to Youth Employment Program

The rules proposed and published at *State Register*, Volume 12, Number 49, pages 2658-2660, June 6, 1988 (12 S.R. 2658) are adopted with the following modifications:

Rules as Adopted

3300.0601 SUPPORT SERVICES.

Contractors may provide or arrange for support services to eligible youth, using funds allocated under this act. The cost of the support services must not exceed 15 percent of the contract. The services may include transportation, meals, career information training, work-related protective devices, basic skills training, counseling services, reasonable and necessary safety equipment and materials, required uniforms, and other normal expenses associated with employment and training funded under the act. Contractors shall not be required to provide support services to eligible youth when funds received under the act have been exhausted.

Minnesota Constitutional Amendments

Proposed Amendments to the Minnesota Constitution

Statement of Purpose and Effect of Amendments

September, 1988

TO: The Voters of Minnesota

The following proposed amendments to the Constitution of the State of Minnesota will be submitted to the voters for their approval or rejection at the November 8, 1988 general election. Each amendment requires a separate vote. If a majority of all who vote in the November 8 election votes "YES", an amendment is adopted. A voter at the election who does not vote on an amendment is in effect voting "NO". Printed here are the proposed amendments as they will appear on the ballot. Following each question is a statement, prepared pursuant to M.S. 3.21 by Attorney General Hubert H. Humphrey III, of the purpose and effect of the proposed amendments.

Sincerely,
Joan Anderson Growe
Secretary of State

AMENDMENT NO. 1 — ENVIRONMENTAL TRUST FUND: TO ESTABLISH

YES
NO

"Shall the Minnesota Constitution be amended to establish a Minnesota Environment and Natural Resources Trust Fund for environmental, natural resource, and wildlife purposes?"

The purpose and effect of the amendment proposed in Minnesota Laws 1988, ch. 690, article 1, section 1, is:

1. A permanent Minnesota Environmental and Natural Resources Trust Fund would be established in the state treasury.

2. The Legislature would appropriate earnings from the Fund for protection, conservation, preservation and enhancement of the state's air, water, land, fish, wildlife and other natural resources.

3. The principal of the Fund would be perpetual and inviolate forever, except that appropriations could be made from up to 25 percent of the annual revenue deposited in the Fund until fiscal year 1997 and loans could be made of up to 5 percent of the principal of the fund for water system improvements as provided by law. Investments of the Fund could be sold at less than cost to the Fund, but losses not offset by gains would be repaid to the Fund from earnings.

In chapter 690, the Legislature also adopted statutory provisions which will be effective only if the people ratify the proposed amendment. The statutory provisions would, among other things, require that the Fund not be used as a substitute for traditional sources of funding environmental and natural resources activities, but supplement traditional sources; require certain proceeds from a state-operated lottery to be credited to the Fund; permit gifts and donations to be made to the Fund; create a Minnesota Future Resources Commission to develop a budget plan for expenditures from the Fund; create a citizens advisory committee to advise the Minnesota Future Resources Commission, and provide that money in the Fund may be spent only for specified types of programs.

If the amendment is adopted, a new section 14 of Article XI will read (additions indicated by underline):

Sec. 14. A permanent Minnesota environment and natural resources trust fund is established in the state treasury. The principal of the environment and natural resources trust fund must be perpetual and inviolate forever, except appropriations may be made from up to 25 percent of the annual revenue deposited in the fund until fiscal year 1997 and loans may be made of up to five percent of the principal of the fund for water system improvements as provided by law. This restriction does not prevent the sale of investments at less than the cost of the fund, however, all losses not offset by gains shall be repaid to the fund from the earnings of the fund. The net earnings from the fund shall be appropriated in a manner prescribed by law for the public purpose of protection, conservation, preservation, and enhancement of the state's air, water, land, fish, wildlife, and other natural resources.

AMENDMENT NO. 2 — JURIES: TO ALLOW LESS THAN TWELVE MEMBERS

YES
NO

"Shall the Minnesota Constitution be amended to allow the use of juries of less than 12 members in civil and non-felony cases?"

The purpose and effect of the amendment proposed in Minnesota Laws 1988, chapter 716, is:

1. The Legislature would be authorized to enact a statute providing for the number of jurors in a civil action, but the statute would have to provide for at least six jurors.

2. A person accused of a felony crime would have the right to a jury of twelve members. The Legislature would be authorized to enact a statute providing for the number of jurors in other criminal prosecutions, but the statute would have to provide for at least six jurors.

If the amendment is adopted, Article 1, Section 4 will read (additions indicated by underline):

Sec. 4. The right of trial by jury shall remain inviolate, and shall extend to all cases at law without regard to the amount in controversy. A jury trial may be waived by the parties in all cases in the manner prescribed by law. The Legislature may provide that the agreement of five-sixths of a jury in a civil action or proceeding, after not less than six hours' deliberation, is a sufficient verdict. The legislature may provide for the number of jurors in a civil action or proceeding, provided that a jury have at least six members.

If the amendment is adopted, Article 1, Section 6, will read (additions indicated by underline):

Sec. 6. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the county or district wherein the crime shall have been committed, which county or district shall have been previously ascertained by law. In all prosecutions of crimes defined by law as felonies, the accused has the right to a jury of 12 members. In all other criminal prosecutions, the legislature may provide for the number of jurors, provided that a jury have at least six members. The accused shall enjoy the right to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor and to have the assistance of counsel in his defense.

AMENDMENT NO. 3 — STATE LOTTERY: TO PERMIT LEGISLATURE TO AUTHORIZE

YES
NO

"Shall the Minnesota Constitution be amended to permit the legislature to authorize a lottery operated by the state?"

The purpose and effect of the amendment proposed in Minnesota Laws 1988, chapter 690, article 1, section 2, is that the Legislature would be authorized to enact a statute authorizing a lottery and sale of lottery tickets for a lottery operated by the state.

In chapter 690, the Legislature also adopted statutory provisions which will be effective only if the people ratify the proposed amendment. The statutory provisions would, among other things, require that during the first five full fiscal years in which proceeds from the lottery are received, the net lottery proceeds from the state-operated lottery would be shared equally by the Minnesota Environment and Natural Resources Trust Fund and the Greater Minnesota Corporation Fund. Thereafter, as determined by law each biennium, up to one-half of the net proceeds of the state-operated lottery must be credited to each of the two funds.

If the amendment is adopted, Article XIII, section 5 will read (additions indicated by underline):

Sec. 5. The legislature shall not authorize any lottery or the sale of lottery tickets, other than authorizing a lottery and sale of lottery tickets for a lottery operated by the state.

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.

Executive Orders

Order No. 88-11 Providing for the Establishment of State Agency Recycling Programs

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, the generation and disposal of solid waste has reached a crisis stage throughout the United States; and

WHEREAS, millions of pounds of solid waste includes items which were once manufactured as durable/reusable or recyclable; many of those items are now disposable/non-degradable and non-recyclable and contribute in great measure to the load on our waste disposal systems; and

WHEREAS, the Environmental Protection Agency has recently announced a federal strategy to reduce the nation's solid waste by 25 percent in the next four years; and

WHEREAS, the State of Minnesota has always been a leader in innovation and progressive environmental protection policy; and

WHEREAS, I have appointed a "Select Committee on Recycling and the Environment" made up of business, industry, labor, government, recyclers, legislators, and environmental group representatives, to develop recommendations for a comprehensive approach to recycling enhancement, waste and litter reduction; and

WHEREAS, the state agencies responsible for waste management are in the process of finalizing a "State Solid Waste Management Policy Report"; and

WHEREAS, a "Degradable Plastics Task Force" has been created to develop recommendations on the feasibility and consequences of requiring industry and consumer products to be degraded; and

WHEREAS, *Minnesota Laws, 1988*, Chapter 688, Article 17, provide that by July 1, 1990 all public agencies cannot use or purchase polyethylene disposal bags that are not degradable.

WHEREAS, I urge local government agencies in Minnesota to take a coordinated and aggressive approach to develop programs which will reduce solid waste and litter, remove problem materials from the waste stream, and encourage the use and production of environmentally safe recyclable materials; and

WHEREAS, I urge local government agencies in Minnesota to purchase recycled materials in order to help create markets for such materials and reduce the volume of the solid waste stream.

NOW, THEREFORE, I hereby order that:

1. State government agencies shall take an aggressive approach to develop programs which will reduce solid waste and litter, remove problem materials from the waste stream, and encourage the use and production of environmentally safe recyclable materials.

2. In order to take a demonstrated leadership position at the state level, each state agency, in consultation with the Department of Administration, shall provide convenient recycling programs for at least: newspapers, office paper, and metal beverage containers. These programs shall be implemented as soon as possible, and no later than June 30, 1989. Implementation plans for these programs shall be submitted to the Department of Administration by Jan. 31, 1989.

3. State government agencies shall when practicable purchase recycled materials in order to help create markets for such materials and reduce the volume of the solid waste stream.

Pursuant to *Minnesota Statutes* 1986, Section 4.035, Subdivision 2, this Order shall be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes* 1986, Section 4.035, Subdivision 3.

IN TESTIMONY WHEREOF, I have set my hand this 28th day of September, 1988.



Rudy Perpich
Governor

Official Notices

Pursuant to the provisions of Minnesota Statutes § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

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

State Board of Education

Notice of Solicitation of Outside Information or Opinions on Proposed Rule on Extended Day/School Age Child Care

NOTICE IS HEREBY GIVEN that the State Board of Education is seeking information or opinions from sources outside the agency in preparing to propose rules for Extended Day/School Age Child Care programs which are defined as adult supervised programs for children from Kindergarten through the 6th grade before school, after school or during vacation periods. The adoption of the rule is authorized by *Minnesota Statutes* 121.88, Subd. 10, Extended Day Programs, which authorizes the State Board of Education to develop standards for School Age Child Care programs.

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

Catharine Cuddeback and/or
Mary Jo Richardson
Coordinators, School Age Child Care Initiative
Minnesota Department of Education
550 Cedar Street
St. Paul, Minnesota 55101

Oral statements will be received during regular business hours over the telephone at (612) 296-1435 or 297-2443 to the above persons, or at an information session conducted by the State Board of Education on November 14, 1:00-3:00 p.m. in room 716, Capitol Square Building, St. Paul, Minnesota.

All statements of information and opinions shall be accepted until November 14, 1988. Any written material received by the State Board of Education shall become part of the rulemaking record to be submitted to the Attorney General or administrative law judge in the event the rule is adopted.

Dated: 30 September 1988

Catherine Cuddeback
Mary Jo Richardson
Coordinators, School Age Child Care Initiative

Department of Human Services

Notice of Health Services Requiring Prior Authorization for MA/GAMC

As authorized by *Minnesota Statutes*, section 256B.02, subdivision 8(20), the following list includes all health services that require prior authorization as a condition of MA/GAMC reimbursement. The list is presented in five sections: dental services, vision care services, medical supplies and durable medical equipment, hearing aids, and all other services. The criteria used to develop this list are as follows:

1. The health service could be considered, under some circumstances, to be of questionable medical necessity.
2. Utilization of the health service needs monitoring in order to control the expenditure of the program funds.
3. Less costly, appropriate alternatives to the health service are generally available.
4. The health service is investigative.
5. The health service is newly developed or modified.
6. The health service is of a continuing nature and requires monitoring to prevent its continuation when it ceases to be beneficial.
7. 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.

This list of health services requiring prior authorization is presently in effect. Services that were added to this list since it was last published are identified with an asterisk() to the left of the code. These newly added codes will require prior authorization for services provided on or after October 30, 1988.

I. DENTAL SERVICES

In addition to the specific services and procedures listed below, the following dental services always require prior authorization:

1. Hospitalization for dental treatment.
2. Surgical services, except emergencies and alveolectomies.
3. All removable prosthesis.

Please Note: It is essential that as you submit requests for prior authorization consideration they are accompanied by adequate case information and appropriate diagnostic materials (i.e., x-rays, prosthesis information, teeth to be replaced.)

<u>Service Code</u>	<u>Service Description</u>
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TESTS AND LABORATORY EXAMINATIONS

D0999	Unspecified diagnostic procedure, by report
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DENTAL PROPHYLAXIS (Prior to authorization required only if provided more than once in a six-month period)

D1110	Prophylaxis, adults)
D1120	Prophylaxis, children

OTHER RESTORATIVE SERVICES

D2960	Labial veneer (laminare)
D2999	Unspecified restorative procedure, by report

ROOT CANAL THERAPY (includes treatment plan, clinical procedures, and follow-up care)

Prior authorization is required for root canal therapy involving more than one molar only.

PERIAPICAL SERVICES

D3460	Endodontic endosseous implant
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OTHER ENDODONTIC PROCEDURES

D3999	Unspecified endodontic procedure
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SURGICAL SERVICES (including usual post-operative services)

D4210	Gingivectomy or gingivoplasty—per quadrant
D4211	Gingivectomy or gingivoplasty—per tooth

Service Code Service Description

PERIODONTICS

D4220	Gingival curettage—by report
D4240	Gingival flap procedures, including root planning—per quadrant
D4260	Osseous surgery (including flap entry and closure) per quadrant
D4261	Osseous graft—single site including flap entry, closure and donor site
D4262	Osseous grafts—multiple sites including flap entry, closure, and donor site
D4270	Pedicle soft tissue grafts
D4271	Free soft tissue grafts including donor site
D4272	Apically repositioning flap procedure

ADJUNCTIVE PERIODONTAL SERVICES

D4320	Provisional splinting, intracoronal
D4321	Provisional splinting, extracoronal
D4340	Periodontal scaling, and root planning entire mouth
D4341	Periodontal scaling, and root planning—per quadrant

OTHER PERIODONTIC SERVICES

D4910	Periodontal maintenance procedures following active therapy (periodontal prophylaxis)
D4999	Unspecified periodontal service (by report)

PROSTHODONTICS, REMOVABLE

COMPLETE DENTURES

D5110	Complete upper
D5120	Complete lower
D5130	Immediate upper
D5140	Immediate lower

PARTIAL DENTURES (including six months post-delivery care)

D5211	Upper partial—acrylic base (including any conventional clasps and rests)
D5212	Lower partial—acrylic base (including any conventional clasps and rest)
D5213	Upper partial—predominantly base cast base with acrylic saddles (including any conventional clasps and rests)
D5214	Lower partial—predominantly base cast base with acrylic saddles (including any conventional clasps and rests)
D5215	Upper partial—high noble cast base with acrylic saddles (including any conventional clasps and rests)
D5216	Lower partial—high noble cast base with acrylic saddles (including any conventional clasps and rests)

OTHER PROSTHETIC SERVICES

D5810	Denture—temporary complete upper
D5811	Denture—temporary complete lower
D5820	Denture—temporary (partial-stayplate) upper
D5821	Denture—temporary (partial-stayplate) lower
D5860	Overdenture complete (by report)
D5861	Overdenture partial (by report)
D5862	Precision attachment, by report
D5899	Unspecified removable prosthodontic procedure, by report

IMPLANTS

D5971	Simple implant
D5972	Complex implant
D5973	Subperiosteal implant
D5974	Endossious implant (in the bone)
D5976	Mandibular staple implant

OTHER FIXED PROSTHETIC SERVICES

D6940	Stress breaker
D6950	Precision attachment

Official Notices

Service Code Service Description

ORAL SURGERY EXTRACTION

D7210	Surgical removal of erupted tooth, requires elevation of mucoperiosteal flap and removal of bone and/or section of tooth
X7216	Removal and/or excision supernumerary tooth, impacted
D7220	Removal of impacted tooth—soft bone
D7230	Removal of impacted tooth—partially bone
D7240	Removal of impacted tooth—completely bone
D7241	Removal of impacted tooth—completely bone, with unusual surgical complications

OTHER SURGICAL PROCEDURES

D7271	Tooth implantation
D7272	Tooth transplantation
D7280	Surgical exposure of impacted or unerupted tooth for orthodontic reasons (including orthodontic attachments)
D7281	Surgical exposure of impacted or unerupted tooth to aid eruption
D7290	Surgical repositioning of teeth
D7291	Transseptal fibertomy

VESTIBULOPLASTY

D7340	Vestibuloplasty—ridge extension (secondary epithelialization)
D7350	Vestibuloplasty—ridge extension (including soft tissue grafts, muscle re-attachments, revision of soft tissue attachment, and management of hypertrophied and hyperplastic tissue)

EXCISION OF BONE TISSUE

D7470	Removal of exostosis—mandible or maxilla
D7480	Partial osteotomy guttering or saucerization
D7490	Radical resection of mandible with bone graft

REDUCTION OF DISLOCATION AND MANAGEMENT OF OTHER TEMPORMANDIBULAR, JOINT DYSFUNCTIONS

D7810	Open reduction of dislocation
D7820	Closed reduction of dislocation
D7830	Manipulation under anesthesia
D7840	Condylectomy
D7850	Meniscectomy
D7860	Arthrotomy
D7870	Arthrocentesis
D7880	Occlusal orthotic appliance

OTHER ORAL SURGERY

REPAIR OF TRAUMATIC WOUNDS

D7920	Skin grafts wounds, identify defect covered, location and type of graft
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OTHER REPAIR PROCEDURES

D7940	Osteoplasty for orthognathic deformities
D7941	Osteotomy, ramus, closed
D7942	Osteotomy, ramus, open
D7943	Osteotomy, ramus, open with bone graft
D7944	Osteotomy, segmented or subapical per sextant or quadrant
D7945	Osteotomy, body of mandible
D7946	Maxilla, total (Le Fort I)
D7947	Maxilla, segmented (Le Fort I)
D7948	Osteoplasty facial bones for midface hypoplasia or retrusion (Le Fort II or III) without bone graft
D7949	Le Fort II or III with bone graft
D7950	Osseous, osteoperiosteal, periosteal, or cartilage graft of the mandible—autogenous or nonautogenous
D7955	Repair of maxillofacial soft and hard tissue defect

<u>Service Code</u>	<u>Service Description</u>
D7970	Excision of hyperplastic tissue, per arch
D7991	Coronoidectomy
D7992	Eminectomy
D7999	Unspecified oral surgical procedure (by report)

ORTHODONTICS

MINOR TREATMENT FOR TOOTH GUIDANCE

D8110	Removable appliance therapy
D8120	Fixed or cemented appliance therapy

MINOR TREATMENT TO CONTROL HARMFUL HABITS

D8210	Removal appliance therapy
D8220	Fixed or cemented appliance therapy

INTERCEPTIVE ORTHODONTIC TREATMENT

D8360	Removable appliance therapy
D8370	Fixed appliance therapy

COMPREHENSIVE ORTHODONTIC TREATMENT

TREATMENT OF THE TRANSITIONAL DENTITION

D8460	Class I malocclusion
D8470	Class II malocclusion
D8480	Class III malocclusion

TREATMENT OF THE PERMANENT DENTITION

D8560	Class I malocclusion
D8570	Class II malocclusion
D8580	Class III malocclusion
D8650	Treatment of the atypical or extended skeletal case
D8750	Post-treatment stabilization
X0515	Orthodontic full case study
D8999	Unspecified orthodontic treatment

MISCELLANEOUS SERVICES

*D1202	Topical application of fluoride (including prophylaxis), adult
*D1204	Topical application of fluoride (excluding prophylaxis), adult
D9940	Occlusal guards, by report
D9941	Fabrication of athletic mouth guards
*D9951	Occlusal adjustment, limited
D9952	Occlusal adjustment, complete
D9999	Unspecified adjunctive procedure, by report

II. VISION CARE SERVICES

The following require Prior Authorization in addition to the codes specified below:

1. Tints other than #1 or #2.
2. Non-volume purchase eyeglasses, lenses, frames.

<u>Service Code</u>	<u>Service Description</u>
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CONTACT LENS TREATMENT SERVICES

92070	Prescription and management of contact lens for treatment of disease, including supply of lens
92310	Prescription and management of corneal contact lens, both eyes, except for aphakia
92311	Corneal lens for aphakia, one eye
92312	Corneal lens for aphakia, two eyes
92313	Corneoscleral lens

Official Notices

<u>Service Code</u>	<u>Service Description</u>
92314	Prescription and management of corneal contact lens by independent technician with optometric supervision, both eyes, except for aphakia
92315	Corneal lens for aphakia, one eyes
92316	Corneal lens for aphakia, two eyes
92317	Corneoscleral lens
92325	Modification of contact lens
92326	Replacement of contact lens

OPHTHALMIC TREATMENT SERVICES (PA required if the recipient utilized any service under this heading in the past 24 months)

*92004	Comprehensive service
92014	Comprehensive service
92340	Treatment with spectacles, except for aphakia, monofocal
92341	Bifocal
92342	Multifocal, other than bifocal
92352	Treatment with spectacles for aphakia, monofocal
92353	Multifocal
92358	Prosthesis service for aphakia; temporary
92370	Repair and adjusting spectacles; except for aphakia

LOW VISION TREATMENT SERVICES

92354	Treatment with spectacle mounted low vision aid; single-element system
92355	Telescopic or other compound lens system

VISION THERAPY SERVICES

92065	Orthoptic and/or pleoptic training
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PROSTHETIC EYE SERVICES

92330	Prescription, fitting, and supply of ocular prosthesis (artificial eye)
92335	Prescription of ocular prosthesis (artificial eye and direction of fitting and supply by an independent technician)

OTHER SPECIALIZED SERVICES

92285	External ocular photography for documentation of progress
*92354	Fitting of spectacle mounted low vision aid; single element system
*92355	Telescopic or other compound lens system
*92390	Supply of spectacles, except prosthesis for aphakia and low vision aids
*92391	Supply of contact lens
*92392	Supply of low vision aids
*92393	Supply of ocular prosthesis
*92396	Contact lens

MATERIAL CODES (exceptional cases only)

*V2500-2599	Contact lenses
*V2600-2615	Low vision aid
*V2622-V2623	Prosthetic eye, custom
*V2629	Not otherwise classified, prosthetic eye
V2743	Tint other than rose 1 or 2
V2744	Tint photochromic
V2755	U-V lens

III. MEDICAL SUPPLIES AND DURABLE MEDICAL EQUIPMENT, INCLUDING PROSTHETIC AND ORTHOTIC ITEMS

In addition to the specific supplies and equipment listed below, items in the following general categories always require prior authorization:

1. Durable medical equipment, including noncontract wheelchairs, when the purchase or projected cumulative rental cost exceeds \$350, except E0400-E0445 and E1388-E1396 which do not require prior authorization when their cumulative rental cost exceeds

\$350. Contract wheelchairs and wheelchair accessories, Z0260 and E1050 to E1299, do not require prior authorization if the total contract price (MA reimbursement) for the wheelchair and accessories does not exceed \$800. However, any wheelchair, regardless of the cost, which is provided to a recipient in a SNF or ICF requires prior authorization. Home health agencies are not subject to this requirement.

2. Nondurable medical supplies when the cost exceeds \$250, except for home health agencies which are excluded from this requirement.

3. Prostheses when the purchase or projected cumulative rental cost exceeds \$2,000, and orthoses when the purchase or projected cumulative rental cost exceeds \$2,000.

4. If a recipient resides in a long-term care facility (SNF or ICF), *all* durable medical equipment and nondurable medical supplies require prior authorization regardless of cost, if separate reimbursement is sought.

5. Repairs to durable medical equipment, prostheses, and orthoses when the cost exceeds \$300.

6. Maintenance of durable medical equipment.

7. Any item for which a HCPCS code has not been assigned, i.e., E1399, HCPCS codes ending in "99."

The items on the following list require Prior Authorization even if III. 1 to 3 are not applicable.

<u>Service Code</u>	<u>Service Description</u>
B4150-B4157*1	Enteral formulae and supply kits
B9998	Not otherwise classified enteral therapy
E0160	Sitz type bath, portable, fits over commode
E0161	Sitz type bath, over commode with faucet attachment
E0179	Bathroom equipment; rails, seats, stools, bench
E0183	Flotation pad, water or gel, for wheelchair
E0205	Heat lamp with stand including bulb or infrared element
E0236, E0237	Pump for water circulating bed/Water circulating head pad with pump
E0260-E0270	Hospital beds
E0280	Cradle any type
E0300	Mattress, replace, medically necessary bed owned by patient
E0607*2	Blood glucose analyzer/monitor
E0620-E0635	Patient lifts
E0650-E0668	Pneumatic compressor and appliances — lymphodema pump
E0690	Ultraviolet cabinet, appropriate home use
*E0720*3	TENS, 2 lead
*E0730*3	TENS, 4 lead
E0745	Neuromuscular stimulator
E0747	Osteogenesis stimulator, noninvasive
E0777*1	Enteral pump
E0778	Enteral pump with alarm
E0779	Parenteral infusion pump, portable
E0780	Parenteral infusion pump, stationary
E0781	External infusion pump
E0782	Parenteral infusion pump, implantable
E1300	Whirlpool, portable overtub type
E1310	Whirlpool, nonportable, built-in type
E1350	Repair (breaking down seal com-requires)
E1399	Durable medical equip not otherwise clas including Clinitron beds, etc. over \$25
E1500-E1699	Dialysis equipment and supplies
*L3216	Orthopedic footwear, ladies shoes
*L3220	Orthopedic footwear, men's shoes
*L3221	Orthopedic footwear, depth inlay
*L3230	Orthopedic footwear, custom shoes
*L3250	Orthopedic footwear, custom made shoes
Y4950	Enteral therapy, entire system
Z0260	Wheelchair accessories, includes tray, back rest, loops, any type
Z0999	Replacement, supply or accessory necessary for effective use of medically necessary medical equipment owned by the beneficiary (by report)

Official Notices

*¹ Prior authorization is required only if these services are provided for treatment of a condition other than phenylketonuria, hyperlysinemia, maple syrup urine disease, or a combined allergy to human milk and soy formula; and the cost exceeds the nondurable medical supply limitation of \$250 per month. A 30-day supply of an enteral nutritional product may be provided without prior authorization to a recipient being discharged from a hospital to a residence other than a long-term care facility.

*² Prior authorization only for individual who is not an insulin dependent diabetic.

*³ Prior authorization for rental beyond 3 month trial period, or for purchase.

IV. HEARING AIDS

In addition to the specific services listed below, services in the following categories require prior authorization:

1. Repairs to hearing aids when the cost of parts and labor exceeds \$100, or if a repair was made in the preceeding 12 months.
2. Home visits performed by a hearing aid dealer/servicer in the recipient's home in excess of three visits per year.
3. The purchase of a non-contract hearing aid.
4. The provision of more than one hearing aid in a five-year period.

<u>Supply Code</u>	<u>Supply Description</u>
V5299	Hearing aid, NOC
X5260	Home call, if in excess of three visits per year

V. ALL OTHER SERVICES

The following types of health services require prior authorization:

1. Any service on this list or of the type specified in 2-9 below. If not within Minnesota or the recipient local trade area, prior authorization is required for all out of state health services, and transportation to those services.
2. All weight reduction control programs, partial hospitalization programs, pain programs, cardiac rehabilitation programs, eating disorder programs, supplemental fasting programs, and other structured outpatient programs.
3. Investigative health services and procedures.
4. Elective plastic and reconstructive procedures.
5. Nonformulary drugs.
6. Inpatient chemical dependency services do not require prior authorization but do require a Rule 25 assessment. Only chemical dependency services provided by intermediate care facilities that were providing chemical dependency treatment on or before January 1, 1986, must obtain prior authorization.
7. All medical, surgical, or behavioral modification services aimed specifically at weight reduction.
8. Lung transplants.
9. In addition, the following specific procedures require prior authorization:

<u>Service Code</u>	<u>Service Description</u>
T5035	Renal transplant
X1420	Acupuncture
X2393-22*5	Nutritional consultation, evaluation by R.D.
X2393*5	Nutritional consultation, follow-up visit
X4020*2	Private duty nursing by RN
X4021*2	Private duty nursing by LPN
X4023*3	Personal care assistant services
X5310	Rehydration of pediatric patient 3-6 hours
X5315	Cardiac rehabilitation
X5320	Diabetic education
X5322	Weight control program
X5330	Partial hospitalization program—adult
X5331	Partial hospitalization program—adolescent
*X5495	PNI-antepartum management, high risk
*X5496	PNI-care coordination, high risk
*X5497	PNI-prenatal health education I and II

<u>Service Code</u>	<u>Service Description</u>
*X5498	PNI-prenatal nutrition education, high risk
*X5499	PNI-follow up home visit, high risk
X2010*1	Manual manipulation of the spine by a chiropractor, initial treatment
X2020*1	Manual manipulation of the spine by a chiropractor, subsequent treatment
X9995	Inpatient CD
11920	Tattooing, intradermal introduction of insoluble opaque pigments to correct color defects of skin
11921	6.1 to 20.0 sq cm
11922	each additional 20.0 sq cm
11950	Subcutaneous injection of "filling" material
11951	1 to 5 cc
11952	5 to 10 cc
11954	over 10 cc
*11960	Insertion of tissue expander
15775	Punch graft for hair transplant; 1 to 15 punch grafts
15776	more than 15 punch grafts
15780	Dermabrasion of skin
15781	less than total face
15782	regional
15783	Superficial, any size (e.g., tattoo removal)
15786	Dermabrasion; single lesion
15787	each additional four lesions or less
15790	Superficial chemical peel
15791	regional, face, hand, or elsewhere
15810	Salabrasion
15811	20 sq cm and over
15820	Blepharoplasty, lower eyelid
15821	with extensive herniated fat pad
15822	Blepharoplasty, upper eyelid
15823	with excessive skin weighting down lid
15824	Rhytidectomy; forehead
15826	glabellar frown lines
15828	cheek, chin and neck
15831	Excision, excessive skin and subcutaneous tissue (including lipectomy), abdomen (abdominoplasty)
15832	thigh
15833	leg
15834	hip
15835	buttock
15836	arm
15837	forearm or hand
15838	submental fat pad
*15875	Liposuction
17360	Chemical exfoliation for acne
17380	Electrolysis epilation
19316	Mastopexy
19318	Reduction mammoplasty
19324	Mammoplasty, augmentation without prosthetic implant
19325	with Prosthetic implant
19350	Nipple/areola reconstruction
19355	Correction of inverted nipples
21010	Arthrotomy, temporomandibular joint; unilateral
21011	bilateral
*21050	Condylectomy, temporomandibular joint (separate procedure)
21060	Meniscectomy, temporomandibular
21070	Coronoidectomy; unilateral
21071	bilateral
21116	Injection procedure for temporomandibular arthrotomography

Official Notices

<u>Service Code</u>	<u>Service Description</u>
21200	Osteoplasty; mandible, total or horizontal
21202	mandible, segmental
21204	maxilla, total
21206	maxilla, segmental
21240	Arthroplasty, temporomandibular joint
*21242	Arthroplasty, temporomandibular joint, with allograft
21243	Arthroplasty, temporomandibular joint with prosthetic
*21244	Reconstruction of mandible, extraoral, with transosteal bone plate
*21245	Reconstruction of mandible or maxilla, subperiosteal implant, partial
*21246	Reconstruction of mandible or maxilla, subperiosteal implant, complete
*21248	Reconstruction of mandible or maxilla, endosteal implant, partial
*21249	Complete
21250	Osteoplasty of maxilla and/or other facial bones
21254	with bone graft
21260	Periorbital osteotomies for orbital hypertelorism
21261	combined intra and extracranial approach
21263	with forehead advancement
21267	Orbit repositioning
21268	combined intra and extracranial approach
21270	Reconstruction for Treacher Collins Syndrome
21275	Secondary revision of orbitocraniofacial reconstruction
21462*11	Open treatment of closed or open mandibular fracture, with interdental fixation
*21485	Complicated manipulative treatment of TMJ dislocation, initial or subsequent
30120	Excision or surgical planing of skin of nose
30400	Rhinoplasty, primary
30410	complete
30420	including major septal repair
30430	Rhinoplasty, secondary
30435	intermediate
30450	major revision
33935	Heart-Lung Transplant
*33940	Donor cardiectomy, with prep, etc.
33945	Heart transplant with or without recipient cardiectomy
*38240	Bone marrow transplant
40650	Repair lip, full thickness, vermilion only
40652	up to half vertical height
40654	over one half vertical height, or complex
40700*9	Plastic repair of cleft lip
40701*9	primary bilateral, one stage
40702*9	primary bilateral, one of two stages
40720*9	secondary, unilateral
40740*9	secondary, bilateral
42200*9	Palatoplasty for cleft palate, soft and/or hard plate
42205*9	Palatoplasty for cleft palate, with closure of alveolar ridge
42210*9	with bone graft to alveolar ridge
42215*9	Palatoplasty for cleft palate, major revision
42220*9	secondary lengthening procedure
42225*9	attachment pharyngeal flap
43810	Gastroduodenostomy
43820	Gastroduodenostomy
43825	with vagotomy, any type
43844	Gastric bypass for morbid obesity
43845	Gastric stapling for morbid obesity
43846	Gastric bypass with Roux-en-Y gastroenterostomy
43850	Revision of gastroduodenal anastomosis with reconstruction; without vagotomy
43855	with vagotomy

<u>Service Code</u>	<u>Service Description</u>
43860	Revision of gastrojejunal anastomosis (gastrojejunostomy) with reconstruction; without vagotomy
43865	with vagotomy
44131	intestinal bypass for morbid obesity
47135	Liver transplantation
48160	Pancreatectomy, total with transplantation
50300	Donor nephrectomy, with preparation and maintenance of homograft, from cadaver donor, unilateral or bilateral
50320	from living donor, unilateral
50340	Recipient nephrectomy; unilateral
50341	bilateral
50360	Renal homotransplantation, implantation of graft; excluding donor and recipient nephrectomy
53065	with unilateral recipient nephrectomy
50366	with bilateral recipient nephrectomy
54400	Plastic operation for insertion of penile prosthesis
54405	Plastic operation for insertion of inflatable penile prosthesis
54660	Insertion of testicular prosthesis, penile prosthesis, unilateral
54661	bilateral
55200	Vasotomy cannulization
55400	Vasovasostomy, vasovasorrhaphy; unilateral
55401	bilateral
55970	Intersex surgery; male to female
55980	female to male
61850	Twist drill or burr hole(s) for implantation of neurostimulator electrodes; cortical
61855	subcortical
61860	Craniectomy or craniotomy for implantation of neurostimulator electrodes, cerebral; cortical
61865	subcortical
61870	Craniectomy for implantation of neurostimulator electrodes; cerebellar; cortical
61875	subcortical
61880	Revision or removal of intracranial neurostimulator electrodes
61885	Incision for subcutaneous placement of neurostimulator receiver, direct or inductive coupling
61888	Revision or removal of intracranial neurostimulator receiver
*63185	Laminectomy for rhizotomy; 1 or 2 segments
*63190	Laminectomy for rhizotomy; more than 2 segments
63650	Percutaneous implantation of neurostimulator electrodes
63652	intradural (spinal cord)
63655	Laminectomy for implantation of neurostimulator electrodes
63656	endodural
63657	subdural
63658	spinal cord (dorsal or ventral)
63660	Revision or removal of spinal neurostimulator electrodes
63685	Incision for subcutaneous placement of neurostimulator receiver
63688	Revision or removal of spinal neurostimulator receiver
64550	Application of surface (transcutaneous) neurostimulator
64553	Percutaneous implantation of neurostimulator electrodes; cranial nerve
64555	peripheral nerve
64560	autonomic nerve
64565	neuromuscular
64573	Incision for implantation of neurostimulator electrodes; cranial nerve
64575	peripheral nerve
64577	autonomic nerve
64580	neuromuscular
64585	Revision or removal of peripheral neurostimulator electrodes
64590	Incision for subcutaneous placement of neurostimulator receiver, direct or inductive coupling
64595	Revision or removal of peripheral neurostimulator receiver
67901	Repair blepharoptosis, frontalis muscle techniques with suture
67902	frontalis muscle technique with fascial sling
67903	(tarso) levator resection, internal approach

Official Notices

<u>Service Code</u>	<u>Service Description</u>
67904	(tarso) levator resection, external approach
67906	superior rectus technique with fascial sling
67907	superior rectus tendon transplant
67909	Reduction of overcorrection of ptosis
67911	Correction of lid retraction
69090	Ear piercing (noncovered)
69300	Otoplasty, protruding ear
69301	bilateral
85120	Bone marrow transplant
*88230*10	Tissue culture for chromosome analysis lymphocyte
*88233*10	Skin or other solid tissue biopsy
*88237*10	Bone marrow (myeloid) cells
*88239*10	Other tissue
88260*10	Chromosome analysis; lymphocytes, count 1-4 cells, screening
88261*10	count 1-4 cells, 1 daryotype
88262*10	count 1-20 cells for mosaicism, 2 karyotypes
88263*10	Chromosome analysis, count 45 cells for mosaicism 2 kanyotypes, with banding
88280*10	Chromosome analysis, additional karyotyping
88283*10	Chromosome analysis, additional specialized banding technique
88285*10	additional cells counted
88289*10	Chromosome analysis, additional high resolution study
88299	Unlisted cytogenetic study
90801*4	Psychiatric diagnostic interview exam
90841-90844*6	Psychotherapy
90844-22*6	Individual psychotherapy, discretionary visits, 45 to 50 minutes
90847*6	Family medical psychotherapy
90853*6	Group medical psychotherapy
90899*8	Unlisted psychiatric service or procedure, i.e., pain clinics

*1Prior authorization is required for treatments in excess of 6 per month and 24 per calendar year.

*2All hours of private duty nursing provided in a hospital or facility certified as an ICF, SNE, or ICF/MR.

*3Prior authorization is required for all personal care assistant services not provided by a Personal Care Assistant Provider Organization, and which are in excess of 200 hours per month.

*4Service is limited to not more than 2 two-hour exams per recipient per calendar year. This benefit level does not require prior authorization.

*5Prior authorization is required for nutrition counseling services in excess of one "nutritional consultation, evaluation" and two "nutritional consultation, follow-up" visits per calendar year

*6A. PA is required for more than twenty-six (26) hours (52 visits) of 90843 and twenty (20) hours of 90844 per calendar year.

B. In addition to the twenty hours of 90844 allowed in A above, a recipient is entitled to six (6) 90844-22's (the 22 modifier should be placed in boxes 28, 37, 46 of the practitioner invoice, Form DHS-1497) which are discretionary visits and may be used in any frequency or in combination with any other psychotherapy which is subject to the prior authorization requirement without requiring prior authorization. For example, a provider may choose to provide a group therapy session (90853) and an individual therapy session (90844 or 90844-22) during the same five (5) day calendar period. This would normally require prior authorization if the 90844 code was used. See F below. However, by using one of the six (6) 90844-22's the prior authorization system can be bypassed. THE PURPOSE OF THESE 90844-22's IS TO PROVIDE FLEXIBILITY WITHOUT THE NEED FOR OBTAINING PRIOR AUTHORIZATION. PLEASE UTILIZE THEM CAREFULLY AND THOUGHTFULLY.

C. PA is required when 90843 is provided more frequently than once every five (5) calendar days.

D. PA is required either when more than three (3) hours of 90853 are provided within a five (5) calendar day period, or when more than seventy-eight (78) hours per calendar year has been reached.

E. PA is required for 90847 in excess of 26 hours per calendar year or when provided more frequently than once every five (5) calendar days.

F. PA is required when more than one type of psychotherapy (individual, group, or family) is provided within a five (5) calendar day period. However, 90843 and 90844 cannot be provided more frequently than once every ten (10) calendar days without prior authorization.

G. PA is required for 90844 provided more frequently than once every ten (10) calendar days and when 90843 and 90844 are provided more frequently than ten (10) calendar days apart.

Calendar days are calculated by starting to count on the first day after rendering a service as day one (1) and counting forward for a total of five (5) or ten (10) days as applicable. Another service may not actually be provided until the sixth (6th) or eleventh (11th) day.

*⁸Prior authorization is required for pain clinic programs, eating disorder, supplemental fasting programs, and other structured outpatient programs.

*⁹Prior authorization required only when service is performed on a patient 18 and over.

*¹⁰Prior authorization is not required when these services are provided in the cases of still births or congenital abnormalities in children. These services, when provided to adults over 18, always require prior authorization.

*¹¹Prior authorization is required if this code is used more than 30 days after documented fracture.

Labor and Industry

Labor Standards Division

Notice of Certification Prevailing Wage Rates

On October 1, 1988 the commissioner will certify prevailing wage rates for commercial and highway/heavy 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, 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.

Ray Bohn, Commissioner
Department of Labor and Industry

Department of Public Safety

Office of Pipeline Safety

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules of the State Department of Public Safety Governing Initial Comprehensive Inspection Plan.

NOTICE IS HEREBY GIVEN that the State Department of Public Safety is seeking information or opinions from sources outside the agency in preparing to promulgate rules governing initial comprehensive pipeline inspections.

The promulgation of these rules is authorized by *Minnesota Statutes* section 299F.63, which authorizes the agency to conduct inspections of pipeline facilities.

The State Department of Public Safety requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

William C. Barbeau, Director
Office of Pipeline Safety
289 E. 5th Street
St. Paul, MN 55101

Oral statements will be received during regular business hours over the telephone at (612) 296-9638 and in person at the above address.

All statements of information and comment shall be accepted until October 31, 1988. Any written material received by the State Department of Public Safety shall become part of the rulemaking record in the event that the rules are promulgated.

State Contracts and Advertised Bids

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

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

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

Department of Administration: Materials Management Division

Contracts and Requisitions Open for Bid

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

Commodity: Lease/purchase of Kodak 300 AF and 85
Contact: Teresa Ryan 612-296-7556
Bid due date at 2pm: October 11
Agency: Community College, Lakewood
Deliver to: White Bear Lake
Requisition #: 27154 86831 1

Commodity: Curved plate bearing assemblies
Contact: Doug Thompson 612-296-3775
Bid due date at 2pm: October 13
Agency: Transportation
Deliver to: Oakdale
Requisition #: 79900 03653

Commodity: License plate steel
Contact: Doug Thompson 612-296-3775
Bid due date at 2pm: October 13
Agency: Correction Facility
Deliver to: St. Cloud
Requisition #: 07200 46961 02

Commodity: Security guard uniforms
Contact: Dale Meyer 612-296-3773
Bid due date at 2pm: October 13
Agency: Public Safety
Deliver to: Various
Requisition #: Price Contract

Commodity: Infranalyzer
Contact: Joseph Gibbs 612-296-3750
Bid due date at 2pm: October 13
Agency: Agriculture Department
Deliver to: Minneapolis
Requisition #: 04131 91710

Commodity: Flashers
Contact: Pam Anderson 612-296-1053
Bid due date at 2pm: October 14
Agency: Transportation Department
Deliver to: Rochester
Requisition #: 79600 03988

Commodity: Opticon
Contact: Pam Anderson 612-296-1053
Bid due date at 2pm: October 14
Agency: Transportation-Electrical Service
Deliver to: St. Paul
Requisition #: 79000 92217

Commodity: Incubators
Contact: Joseph Gibbs 612-296-3750
Bid due date at 2pm: October 14
Agency: Agriculture
Deliver to: St. Paul
Requisition #: 04121 91734

Commodity: Design consultant for Intertech (second computer room)
Contact: Don Olson 612-296-3771
Bid due date at 2pm: October 14
Agency: Inter Tech
Deliver to: St. Paul
Requisition #: Req. for Proposal

Commodity: Opticon
Contact: Pam Anderson 612-296-1053
Bid due date at 2pm: October 14
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79000 92217

Commodity: Mobile scanners
Contact: Pam Anderson 612-296-1053
Bid due date at 2pm: October 14
Agency: Public Safety Department
Deliver to: St. Paul
Requisition #: 07500 51654

Commodity: Floor tile
Contact: Pam Anderson 612-296-1053
Bid due date at 2pm: October 17
Agency: Transportation Department
Deliver to: Golden Valley
Requisition #: 79500 03175

Commodity: Lease of weather access system-rebid
Contact: Don Olson 612-296-3771
Bid due date at 2pm: October 18
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Steel, common use items
Contact: Pam Anderson 612-296-1053
Bid due date at 2pm: October 18
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Apple hardware and software
Contact: Don Olson 612-296-3771
Bid due date at 2pm: October 19
Agency: Various
Deliver to: Various
Requisition #: Volume Purchase Plan

State Contracts and Advertised Bids

Commodity: Installation of modular office systems
Contact: Ann Wefald 612-296-2546
Bid due date at 2pm: October 19
Agency: Correctional Facility
Deliver to: Stillwater
Requisition #: Price Contract

Commodity: Traffic tabulator
Contact: Pam Anderson 612-296-1053
Bid due date at 2pm: October 18
Agency: Transportation
Deliver to: Golden Valley
Requisition #: 79000 92187

Commodity: Hospital surgical clothing
Contact: Joe Gibbs 612-296-3750
Bid due date at 2pm: October 17
Agency: DHS-Regional Treatment Center
Deliver to: St. Peter
Requisition #: 55105 08240

Commodity: Sound level meter
Contact: Joe Gibbs 612-296-3750
Bid due date at 2pm: October 18
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79000 92176

Commodity: Re-roofing work
Contact: Pam Anderson 612-296-1053
Bid due date at 2pm: October 25
Agency: Military Affairs Department
Deliver to: St. Paul
Requisition #: 61000 05627

Materials Management Division—Contract Awards

Item: Photocopy and copy machine expense
Req. #: 02520 92050 01
Awarded to: Xerox Corporation, Edina, MN
Awarded amount: \$26,302.23
Awarded date: September 28, 1988
Expir/deliv date: September 28, 1988
Shipped to: Minnesota Department of Administration

Item: Binding equipment
Req. #: 21200 18851 01
Awarded to: Uarco Inc., St. Paul, MN
Awarded amount: \$11,134.00
Awarded date: September 28, 1988
Expir/deliv date: October 31, 1988
Shipped to: Minnesota Department of Jobs and Training

Item: Electrical work (remodeling)
Req. #: 21200 18993 01
Awarded to: CC & S Electric, Newport, MN
Awarded amount: \$19,400.00
Awarded date: September 28, 1988
Shipped to: Minnesota Department of Jobs and Training

Item: Service, other purchased
Req. #: 27154 46801 01
Awarded to: Arnt Construction Company, Hugo, MN
Awarded amount: \$8,000.00
Awarded date: September 28, 1988
Shipped to: Lakewood Community College

Item: Rents and leases—equipment, construction
Req. #: 29000 50832 01
Awarded to: Clay Beckaer Implement Company, Hawley, MN
Awarded amount: \$10,800.00
Awarded date: September 28, 1988
Expir/deliv date: October 1, 1988
Shipped to: Various Locations

Item: Fire fighting tool and equipment
Req. #: 29000 50830 02
Awarded to: Horvick Manufacturing Company, Inc., Fargo, ND
Awarded amount: \$5,160.00
Awarded date: September 28, 1988
Expir/deliv date: October 24, 1988
Shipped to: Department Natural Resources

Item: Computer equipment
Req. #: 55000 95000 01
Awarded to: Apple Computer Inc., Rolling Meadows, IL
Awarded amount: \$7,493.38
Awarded date: September 28, 1988
Expir/deliv date: October 30, 1988
Shipped to: Human Services

Item: Service, other purchased
Req. #: 55201 07367 01
Awarded to: Olson, Walter E. & Son Inc., Cambridge, MN
Awarded amount: \$13,120.00
Awarded date: September 28, 1988
Shipped to: Cambridge Regional Human Service Center

Item: Repair to other equipment
Req. #: 01000 05593 01
Awarded to: Midcon Power Service, Rockford, MN
Awarded amount: \$13,511,000.00
Awarded date: September 29, 1988
Shipped to: Department of Military Affairs

State Contracts and Advertised Bids

Item: Computer equipment
Req.#: 12500 25761 01
Awarded to: Computer Buying Services,
Bloomington, MN
Awarded amount: \$11,366.00
Awarded date: September 29, 1988
Expir/deliv date: October 14, 1988
Shipped to: Minnesota Department of
Health

Item: Maintenance contract, equipment
only
Req.#: 26071 18093 01
Awarded to: Minnesota Elevator Inc.,
Mankato, MN
Awarded amount: \$6,228.00
Awarded date: September 29, 1988
Shipped to: Mankato State University

Item: Satellite or microwave equipment
Req.#: 26074 12186 01
Awarded to: KSMQ-TV, Austin, MN
Awarded amount: \$18,660.00
Awarded date: September 29, 1988
Shipped to: Winona State University

Item: Autoclaves
Req.#: 27151 47748 01
Awarded to: Curtin Matheson Scientific,
Eden Prairie, MN
Awarded amount: \$29,750.00
Awarded date: September 29, 1988
Expir/deliv date: September 30, 1988
Shipped to: Minneapolis Community
College

Item: Material, uniform DNR and state
patrol
Req.#: 29000 50934 01
Awarded to: Hamburger Woolen Mill,
New York, NY
Awarded amount: \$6,332.50
Awarded date: September 29, 1988
Expir/deliv date: December 30, 1988
Shipped to: DNR—Northern Service
Center

Item: Maintenance contract, equipment
only
Req.#: 55103 05099 01
Awarded to: R & O Elevator Company
Inc., Bloomington, MN
Awarded amount: \$6,960.00
Awarded date: September 29, 1988
Shipped to: Moose Lake Regional
Treatment Center

Item: Janitorial and refuse disposal
service
Req.#: 55303 13186 01
Awarded to: Bauer Disposal Service,
Faribault, MN
Awarded amount: \$13,330.00
Awarded date: September 29, 1988
Shipped to: Faribault Regional Human
Service Center

Item: Truck and tractor attachments
Req.#: 79382 01520 01
Awarded to: Boyer Ford Trucks,
Minneapolis, MN
Awarded amount: \$22,632.00
Awarded date: September 29, 1988
Expir/deliv date: February 15, 1989
Shipped to: Mn/DOT, Central Shop

Item: Construction and highway
maintenance equipment
Req.#: 79382 01518 01
Awarded to: MacQueen Equipment Inc.,
St. Paul, MN
Awarded amount: \$29,438.00
Awarded date: September 29, 1988
Expir/deliv date: November 3, 1988
Shipped to: Minnesota Department of
Transportation

Item: Roofing, siding, material and
supplies
Req.#: 79050 21111 01
Awarded to: Itasca Lumber Company,
Grand Rapids, MN
Awarded amount: \$17,163.36
Awarded date: September 29, 1988
Expir/deliv date: November 1, 1988
Shipped to: Various Locations

Item: Truck HD over 27,000 GVW
Req.#: 79382 01511 01
Awarded to: Boyer Ford Trucks,
Minneapolis, MN
Awarded amount: \$33,950.00
Awarded date: September 29, 1988
Expir/deliv date: October 15, 1988
Shipped to: Mn/DOT, Central Shop

Item: Truck HD over 27,000 GVW
Req.#: 79382 01502 01
Awarded to: Mobile Drilling Inc.,
Indianapolis, IN
Awarded amount: \$69,625.00
Awarded date: September 29, 1988
Expir/deliv date: February 10, 1989
Shipped to: Mn/DOT, Central Shop

Item: Rents and leases—equipment,
construction
Req.#: 79000 92160 01
Awarded to: Wild Heerbrugg
Instrument, Norcross, GA
Awarded amount: \$23,800.00
Awarded date: September 29, 1988
Expir/deliv date: October 3, 1988
Shipped to: Minnesota Department of
Transportation

Item: Repair body vehicle
Req.#: 79990 00187 01
Awarded to: Auto Truck Service,
Minneapolis, MN
Awarded amount: \$11,891.69
Awarded date: September 29, 1988
Expir/deliv date: October 3, 1988
Shipped to: Minnesota Department of
Transportation

Item: Repair body vehicle
Req.#: 79990 00187 02
Awarded to: Minnesota State
Correctional, Stillwater, MN
Awarded amount: \$10,108.73
Awarded date: September 29, 1988
Expir/deliv date: October 3, 1988
Shipped to: Minnesota Department of
Transportation

Item: Radar vehicular/nautical
Req.#: 07500 46962 01
Awarded to: MPH Industries Inc.,
Chanute, KS
Awarded amount: \$73,300.00
Awarded date: September 30, 1988
Expir/deliv date: December 30, 1988
Shipped to: DPS, Warehouse

State Contracts and Advertised Bids

Item: Auto HD truck and van
Req.#: 07300 52359 01
Awarded to: Iten Chevrolet,
Minneapolis, MN
Awarded amount: \$28,691.00
Awarded date: September 30, 1988
Expir/deliv date: December 1, 1988
Shipped to: Department of Public Safety

Item: Computer software for PC's,
purchase
Req.#: 12500 26701 01
Awarded to: Quest Research,
Burnsville, MN
Awarded amount: \$12,315.00
Awarded date: September 30, 1988
Expir/deliv date: October 5, 1988
Shipped to: Minnesota Department of
Health

Item: Microscopes, fluorescence
Req.#: 27156 10403 01
Awarded to: Fryer, Frank E. Company,
Carpentersvi, IL
Awarded amount: \$7,331.00
Awarded date: September 30, 1988
Expir/deliv date: October 11, 1988
Shipped to: Normandale Community
College

Item: Rent lease office equipment
Req.#: 29002 15672 01
Awarded to: Midwest Business, Duluth,
MN
Awarded amount: \$7,461.00
Awarded date: September 30, 1988
Expir/deliv date: October 7, 1988
Shipped to: DNR Regional,
Headquarters

Item: Truck HD over 27,000 GVW
Req.#: 55106 07010 01
Awarded to: Lakeland Ford, South St.
Paul, MN
Awarded amount: \$17,800.00
Awarded date: September 30, 1988
Expir/deliv date: October 5, 1988
Shipped to: Willmar Regional
Treatment Center

Item: Switch electronic
Req.#: 79050 23289 01
Awarded to: Riddle Control Products,
Minnetonka, MN
Awarded amount: \$10,468.00
Awarded date: September 30, 1988
Expir/deliv date: November 1, 1988
Shipped to: Mn/DOT, Electrical
Services

Item: Automobile
Req.#: 07300 52360 01
Awarded to: Harold Chevrolet
Company, Bloomington, MN
Awarded amount: \$11,300.00
Awarded date: October 3, 1988
Expir/deliv date: October 10, 1988
Shipped to: Department of Public Safety

Item: Tools, equipment and accessories
for clients
Req.#: 21607 73882 01
Awarded to: Rowe, Dan & Associates,
St. Paul, MN
Awarded amount: \$6,878.00
Awarded date: October 3, 1988
Expir/deliv date: October 12, 1988
Shipped to: Various Locations

Item: Laboratory supply
Req.#: 26071 18324 01
Awarded to: Gopher Welding Supply,
Mankato, MN
Awarded amount: \$13,113.43
Awarded date: October 3, 1988
Expir/deliv date: October 18, 1988
Shipped to: Mankato State University

Item: Laboratory supplies
Req.#: 26074 12318 01
Awarded to: Lafayette Instruments,
Lafayette, IN
Awarded amount: \$9,752.00
Awarded date: October 3, 1988
Expir/deliv date: November 5, 1988
Shipped to: Winona State University

Item: Repair alteration to building and
Req.#: 27000 46829 01
Awarded to: Chiller Tech Services,
Corcoran, MN
Awarded amount: \$6,477.00
Awarded date: October 3, 1988
Expir/deliv date: October 9, 1988
Shipped to: Lakewood Community
College

Item: Fire protection service
Req.#: 27151 47715 01
Awarded to: Arrowhead Security, St.
Paul, MN
Awarded amount: \$7,000.00
Awarded date: October 3, 1988
Shipped to: Minneapolis Community
College

Item: Copying equipment
Req.#: 34000 05799 01
Awarded to: Metro Sales Inc., Richfield,
MN
Awarded amount: \$7,339.95
Awarded date: October 3, 1988
Expir/deliv date: October 4, 1988
Shipped to: Minnesota Housing Finance
Agency

Item: Employee relocation expense
Req.#: 67130 10047 01
Awarded to: A & M Moving & Storage
Company, Inver Grove Heights, MN
Awarded amount: \$107,251.20
Awarded date: October 3, 1988
Expir/deliv date: November 10, 1988
Shipped to: Department of Revenue

Item: Computer equipment
Req.#: 79000 90422 01
Awarded to: Datasource Connecting,
Bloomington, MN
Awarded amount: \$12,771.00
Awarded date: October 3, 1988
Expir/deliv date: October 18, 1988
Shipped to: Minnesota Department of
Transportation

Item: Road clearing and cleaning
equipment
Req.#: 79382 01521 01
Awarded to: Little Falls Machine, Little
Falls, MN
Awarded amount: \$7,700.00
Awarded date: October 3, 1988
Expir/deliv date: November 2, 1988
Shipped to: Minnesota Department of
Transportation

State Contracts and Advertised Bids

Item: Repair to other equipment
Req.#: 01000 05593 01
Awarded to: Midcon Power Service,
Rockford, MN
Awarded amount: \$13,511.00
Awarded date: October 4, 1988
Expir/deliv date: December 31, 1999
Shipped to: Department of Military
Affairs

Item: Aircraft engine parts
Req.#: 07500 51647 01
Awarded to: Boundary Water Aire Inc.,
Eveleth, MN
Awarded amount: \$11,024.00
Awarded date: October 4, 1988
Expir/deliv date: October 28, 1988
Shipped to: Department Public Safety/
State Patrol

Item: Computer equipment
Req.#: 21200 19382 01
Awarded to: Superior Computer
Exchange, Eden Prairie, MN
Awarded amount: \$11,925.00
Awarded date: October 4, 1988
Expir/deliv date: October 17, 1988
Shipped to: Various Locations

Item: Princ/pay equipment lease option/
buy
Req.#: 26073 20684 01
Awarded to: Chrysler Systems Leasing,
Minneapolis, MN
Awarded amount: \$8,545.00
Awarded date: October 4, 1988
Expir/deliv date: October 15, 1988
Shipped to: St. Cloud State University

Item: Princ/pay equipment lease option/
buy
Req.#: 26073 20659 01
Awarded to: Computers Etc., St. Cloud,
MN
Awarded amount: \$8,353.84
Awarded date: October 4, 1988
Expir/deliv date: October 15, 1988
Shipped to: St. Cloud State University

Item: Snowmobile half-track and
attachments
Req.#: 29002 16695 01
Awarded to: Gulbranson Equipment,
Park Rapids, MN
Awarded amount: \$7,142.00
Awarded date: October 4, 1988
Expir/deliv date: October 26, 1988
Shipped to: DNR—Northern Service
Center

Item: Motorcycle and scooter
Req.#: 29003 04899 01
Awarded to: Honda Yamaha Sports,
Bemidji, MN
Awarded amount: \$7,362.00
Awarded date: October 4, 1988
Expir/deliv date: October 14, 1988
Shipped to: DNR—Northern Service
Center

Item: Road clearing and cleaning
equipment
Req.#: 79382 01524 01
Awarded to: Little Falls Machine, Little
Falls, MN
Awarded amount: \$9,675.00
Awarded date: October 4, 1988
Expir/deliv date: October 6, 1988
Shipped to: Minnesota Department of
Transportation

Item: Service, other purchased
Req.#: 79000 91850 01
Awarded to: Television KTCA, St. Paul,
MN
Awarded amount: \$208,054.00
Awarded date: October 4, 1988
Expir/deliv date: October 4, 1988
Shipped to: Mn/DOT, Aeronautics

Department of Administration: Printing & Mailing Services

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

Commodity: Notice of delinquent tax
report, 65M 8½" × 11" continuous, 2-
sided, negs furnished
Contact: Printing Buyer's Office
Bids are due: October 11
Agency: Jobs & Training Department
Deliver to: St. Paul
Requisition #: 1915

Commodity: Benefit payment
authorization, 350M continuous form.
9" × 14" with standard pinfeed holes
on both sides, 2-sides, negs furnished
+ type to set
Contact: Printing Buyer's Office
Bids are due: October 11
Agency: Jobs & Training Department
Deliver to: St. Paul
Requisition #: 2058

Commodity: Revolving fund invoice,
1,000 3-part forms, 6¼" × 8½" with
stub, 1-sided, type to set, preprinted
numbering
Contact: Printing Buyer's Office
Bids are due: October 11
Agency: Administration: Plant
Management
Deliver to: St. Paul
Requisition #: 1992

Commodity: Positive acid-fast bacilli
report, 2½M 5-part form, 2-sided,
6¾" × 4" overall
Contact: Printing Buyer's Office
Bids are due: October 11
Agency: Health Department
Deliver to: Minneapolis
Requisition #: 2057

Commodity: Arts Board News, 7,600
per issue, 4 issues per year, 8-page
newsletter, 2-sided, 8½" × 11",
camera ready
Contact: Printing Buyer's Office
Bids are due: October 13
Agency: Minnesota State Arts Board
Deliver to: St. Paul
Requisition #: 2199

Commodity: MA/GAMC provider
manual update—printing and mail
prep., 15M books of 60pp., 8½" × 11",
stitch upper left, insert in kraft
envelope, 2-sided, camera ready
Contact: Printing Buyer's Office
Bid due date at 2pm: October 13
Agency: Human Services Department
Deliver to: St. Paul
Requisition #: 2264

Commodity: 1989 resident combination angling license, 465M numbered sets, 8" x 3½", includes ½" stub, 3-part form, camera ready, 2-sided, shrink wrap, 500 to pack

Contact: Printing Buyer's Office
Bid due date at 2pm: October 13
Agency: Department of Natural Resources
Deliver to: St. Paul
Requisition #: 2061

Commodity: Dealers and manufacturers snowmobile decals (Exp. '90) 1M sets of 3 3½" x 7¾", type to set, 2-sided, .002 clear mylar, with pressure sensitive dry acrylic adhesive

Contact: Printing buyer's office
Bids are due: October 14
Agency: DNR—License Bureau
Deliver to: St. Paul
Requisition #: 2333

Commodity: Sheriffs' boat inspection stickers 1989, 30M 1½" x 2¾", type to set + camera ready, 1-sided, .002 clear mylar on dry acrylic adhesive

Contact: Printing buyer's office
Bids are due: October 14
Agency: DNR—License Bureau
Deliver to: St. Paul
Requisition #: 2334

Commodity: Refund (regional treatment centers & state nursing homes) 1M, 8½" x 11", camera ready, 1-sided, 5 part form

Contact: Printing buyer's office
Bids are due: October 14
Agency: DHS—Reimbursement Division
Deliver to: St. Paul
Requisition #: 2351

Commodity: Fish and wildlife division report, 6M books 36 pages, 8½" x 11", saddle stitch, type to set

Contact: Printing buyer's office
Bids are due: October 18
Agency: DNR
Deliver to: St. Paul
Requisition #: 2315

Printing & Mailing Service—Contract Awards

Item: 1988-89 university class schedules
Req.#: 1478
Awarded to: House of Print, Madelia
Amount: \$17,704.44
Date: October 4
Deliver to: Winona State University
Delivery date: As Requested

Item: 1986 Minnesota health statistics
Req.#: 1581
Awarded to: Twin City Litho, Roseville
Amount: \$5,676.00
Date: October 3
Deliver to: MN Health Department, Minneapolis
Delivery date: 15 days

Item: Outlook—university tabloid
Req.#: 1787
Awarded to: St. Cloud Newspapers, St. Cloud
Amount: \$12,915.00
Date: October 4
Deliver to: St. Cloud State University
Delivery date: As Requested

Item: 1988 form W-2P
Req.#: 1857
Awarded to: Bann Division Stuart Hooper Company, St. Paul
Amount: \$228.35
Date: October 3
Deliver to: PERA, St. Paul
Delivery date: As Requested

Item: 1988 form W-2C
Req.#: 1859
Awarded to: Bann Division Stuart Hooper Company, St. Paul
Amount: \$116.00
Date: October 3
Deliver to: PERA, St. Paul
Delivery date: As requested

Item: Driver license receipt
Req.#: 1364
Awarded to: Printing Resources, Shoreview
Amount: \$3,351.00
Date: September 29
Deliver to: Public Safety Department, St. Paul
Delivery date: As requested

State Contracts and Advertised Bids

Item: Receipt books
Req.#: 1420
Awarded to: Bann Division Stuart
Hooper Company, St. Paul
Amount: \$75.00
Date: September 30
Deliver to: DHS Regional Treatment
Center, St. Peter
Delivery date: 12-15 working days

Item: Check blanks
Req.#: 1421
Awarded to: Bann Division Stuart
Hooper Company, St. Paul
Amount: \$328.00
Date: September 30
Deliver to: DHS Regional Treatment
Center, St. Peter
Delivery date: 12-15 working days

Item: Receipt books
Req.#: 1422
Awarded to: Bann Division Stuart
Hooper Company, St. Paul
Amount: \$626.25
Date: September 30
Deliver to: DHS Regional Treatment
Center, St. Peter
Delivery date: 12-15 working days

Item: Authorization form
Req.#: 1641
Awarded to: Pauly Business Forms,
Plymouth
Amount: \$2,677.50
Date: September 30
Deliver to: Jobs & Training Department,
St. Paul
Delivery date: 45 days

Item: Blank mailers
Req.#: 1858
Awarded to: Pauly Business Forms,
Plymouth
Amount: \$176.50
Date: September 30
Deliver to: PERA, St. Paul
Delivery date: 28 days

Item: Name tags
Req.#: 1911
Awarded to: Seven Corners Printing,
St. Paul
Amount: \$284.00
Date: September 29
Deliver to: Governor's Residence,
St. Paul
Delivery date: As requested

Item: Training applications
Req.#: 1959
Awarded to: Pauly Business Forms,
Plymouth
Amount: \$696.93
Date: September 30
Deliver to: Employee Relations
Department, St. Paul
Delivery date: 28 days

Item: #9 Window envelopes
Req.#: 2004
Awarded to: Heinrich Envelope
Corporation, Minneapolis
Amount: \$1,067.50
Date: September 30
Deliver to: Finance Department, St. Paul
Delivery date: 20 working days

Item: Permit status notice form
Req.#: 2022
Awarded to: Georgene Bergstrom
Company, Minneapolis
Amount: \$588.00
Date: September 30
Deliver to: Agriculture Department,
St. Paul
Delivery date: 30 days

Minnesota Historical Society

Advertisement for Bids for Microfilm Processor

BIDS

Sealed bids for a microfilm processor to be purchased by the Minnesota Historical Society, in accordance with specifications prepared by the Minnesota Historical Society, will be received in the office of the Contract Officer, Minnesota Historical Society, 1500 Mississippi Street, St. Paul, MN 55101 until 2:00 p.m., Central Daylight Time, on October 24, 1988, at which time the bids will be publicly opened and read aloud. Bids received after 2:00 p.m., October 24, 1988, will be returned unopened.

BID SECURITY

Each proposal must be accompanied by a cash deposit, cashier's check, certified check, or corporate surety bond of a surety company duly authorized to do business in Minnesota, in the sum of not less than 5% of the total bid, payable without condition to the Minnesota Historical Society, which is submitted as bid security.

SPECIFICATIONS

Copies of bidding documents for preparation of bids may be obtained by contacting Mark Schwartz, Contract Officer, Minnesota Historical Society, 1500 Mississippi St., St. Paul, MN 55101, (612) 296-2155.

CONDITIONS OF BIDS

The Minnesota Historical Society reserves the right to accept or reject any or all bids and to waive any irregularities therein. No bid may be withdrawn within thirty (30) days after the scheduled closing time for the receipt of bids.

Department of Jobs and Training/Minnesota Housing Finance Agency

Joint Request for Proposals for Housing and Life Skills Grants for Homeless Persons Demonstration Program

The Minnesota Housing Finance Agency and the Minnesota Department of Jobs and Training are seeking proposals from community action agencies and other private and non-profit agencies for projects to be funded under the Housing and Life Skills Grants for Homeless Persons Demonstration Program. MHFA was appropriated \$150,000 and DJT was appropriated \$50,000 to make grants. The first grants were awarded September 22nd. The MHFA has \$90,000 remaining for a second round, while DJT has \$43,000 available.

The MHFA will be accepting proposals to purchase, rehabilitate or construct permanent housing for homeless individuals or families. The DJT will accept proposals to develop and administer life skills and employment plans for the homeless individuals residing in these units. The organizations receiving these grants are required to coordinate their efforts. Applicants wishing to receive grants for both structural development and program expenses must submit separate applications to the MHFA and DJT requesting the appropriate grants. In order to receive a grant from DJT, you must have submitted an application for a housing grant or be working with an organization that has submitted a proposal to the MHFA.

To request an application packet and discuss your proposals the following staff members should be contacted.

Minnesota Housing Finance Agency
Rhonda Lundquist
(612) 296-9822

Minnesota Department of Jobs & Training
Mark Kaszynski
(612) 297-2590

An original and two copies of the completed application packets must be received at the MHFA offices no later than 4:30 p.m. on December 2, 1988. An announcement of awards is expected in December 1988. Applications for this RFP are prepared at the sole risk, cost and expense of the applicant. All applications should be submitted to:

Minnesota Housing Finance Agency
400 Sibley Street, Suite 300
St. Paul, MN 55101

Minnesota Department of Jobs and Training

Notice of Availability of Request for Proposal for Consultant to Assist in the Development of a Strategic Information Plan

The Minnesota Department of Jobs and Training (DJT) is requesting proposals from individuals and groups to assist in the development of a Strategic Information Plan for the department.

Purpose of Project

The purpose of the project is to develop a strategic Information System Architecture for the DJT.

Responsibilities of Consultant

The individual, company or organization that is the successful bidder for this contract will be responsible for working within the structure established by DJT. Some specific responsibilities will be:

1. Provide the project's executive director with information on strategic planning in the computing area;
2. Provide the project's executive director with advice on the development team's structure and work plan;
3. Facilitate development team meetings;
4. Coordinate development team activities;
5. Plan and coordinate data collection and compilation;
6. Plan and coordinate architecture plant preparation; and
7. Review and comment on the proposed architecture plan

Expected Contract Start and Completion Dates

The contract shall be effective November 11, 1988 and shall end no later than June 30, 1989.

State Contracts and Advertised Bids

Project Costs

The department has allocated \$20,000 for consultant fees and expenses.

Those interested in receiving requests for proposals should contact:

Mr. Joseph Bianchi
Minnesota Department of Jobs and Training
390 North Robert Street
St. Paul, MN 55101
(612) 296-6777

Proposals will be accepted until 4:30 p.m. October 24, 1988.

Non-State Public Contracts

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

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

Metropolitan Council

Request for Proposal for Travel Forecast Consulting Services for the Metropolitan Council

NOTICE IS HEREBY GIVEN that the Metropolitan Council is requesting proposals for consulting services to revise, upgrade and improve travel forecasting procedures.

As a component of this effort, it has been determined to implement a Micro Computer travel forecast package using an IBM PC2 model 80 and TRANPLAN software. The Council requires the assistance of a consultant familiar with the TRANPLAN software during the installation periods. The consultant will assist in installation and initial testing of the package, by advising on micro computer travel forecast procedure, modeling assumptions and selection of model parameter values required to install and calibrate the TRANPLAN system. Consultant assistance is expected to save time of Council staff by reducing the need for literature search and reading and by cutting down on trial and error time in the set up period.

The project should commence about November 15, 1988 and should be completed by July 31, 1989. All proposals must be received no later than 4:00 p.m. on October 31, 1988 to the attention of Stephen Alderson, Transportation Division.

Copies of the Request for Proposal (RFP) may be obtained from the Metropolitan Council, Mears Park Centre, 230 E. Fifth St., St. Paul, Minnesota 55101. Inquiries should be directed to Stephen Alderson (612) 291-6337.

Regional Transit Board

Roseville Transit Service Proposals

Notice for Requests for Proposals to Provide Approximately 19,900 Annual Hours of Suburban Circulation Service, Operating Seven Days a Week and Utilizing Small Vehicles (20-30 Passenger).

A major emphasis for the Regional Transit Board (RTB) in 1988 is the development and implementation of new transit services, especially in suburban areas. This Request for Proposals (RFP) marks the second suburban service to be implemented by the RTB in 1988.

It is estimated that six vehicles will be required for weekday service and that three vehicles will be required for weekend and holiday service. The contract for this service will be in effect for 18 months and may be extended for two additional years. The RTB expects to begin this new service on March 11, 1989.

The detailed Request for Proposal is available from:

Mark Ryan, Senior Project Administrator
Regional Transit Board
230 East Fifth Street
St. Paul, Minnesota 55101
(612) 229-2714

Responses to the Roseville Transit Service RFP must be received at the RTB offices no later than 4 p.m., October 19, 1988.

The Regional Transit Board is responsible for transit planning, policy making and administration in the Twin Cities Metropolitan Area.

State Grants

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

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

Department of Agriculture

Notice of Availability of Grant Funds for Sustainable Agriculture Demonstration Projects

The Minnesota Department of Agriculture Energy & Sustainable Agriculture Program will provide up to \$280,000 on a competitive basis for sustainable agriculture demonstration projects in Minnesota. Sustainable agriculture is considered to be agriculture where needs for purchased inputs are minimized by techniques which use and maintain local, renewable resources. These demonstration projects are intended to display and publicize the profitability, energy efficiency and environmental benefit of various agricultural practices. Interested persons or groups are encouraged to consider their own ideas and apply for a grant.

Grants will be awarded for promising and worthwhile demonstrations in Minnesota of sustainable agricultural methods. The demonstrations may be up to three years in duration and can illustrate either input reduction in agricultural practices or energy production at the farm scale.

Grants may cover the total costs for eligible projects requiring less than \$25,000. For projects costing more than \$25,000, the portion above \$25,000 will have to be cost shared by the recipient or another funding source at 50 percent. The matching share may be provided through cash, or in-kind contributions. When applicable, grantees will be encouraged to seek multiple sources of funding. Total state funding for any one grant may not exceed \$50,000.

Applications and questions about the Sustainable Agriculture Demonstration Grants can be directed to Energy & Sustainable Agriculture Program, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-1277.

Applications must be postmarked no later than November 15, 1988.

Supreme Court Decisions

Decisions Filed 7 October 1988

C5-88-240, C8-88-331 *Fridlund Securities Company and Scott Fridlund, Relators (C5-88-240) v. The Minnesota Commissioner of Revenue, Relator (C8-88-331)*. Tax Court.

Evidence was sufficient to support the tax court's findings of fact which deviated from the stipulation of facts.

Taxpayer's precious metal transactions were retail sales subject to taxation under *Minnesota Statutes* §§ 297A.01, subd. 3(a)(1986) and 297A.02, subd. 1 (1986) because there was a transfer of possession and consideration in money was paid.

The term "future delivery" contained in *Minnesota Statutes* § 80A.14, subd. 12 (1986) refers to transactions where delivery of a purchased item is made on a specific day or month in the future chosen by the seller and which are conducted in the context of "hedging" with respect to market price fluctuations. As taxpayer's customers purchased the metals outright and any delay in delivery was fortuitous, taxpayer's transactions were not investment metal contracts under *Minnesota Statutes* § 80A.14, subd. 12 (1986) and, as such, were not tax-exempt securities.

Supreme Court Decisions

Tax court correctly found that taxpayer had reasonable cause to believe that a court might find that the transactions were not subject to tax; therefore, the abatement of the penalty assessment was proper.

As taxpayer gained a benefit from 2-year delay in collection and did not have reasonable cause to believe that the transactions would not be taxed at the time of the delay, the tax court's refusal to abate the interest was proper.

Affirmed. Yetka, J.

Announcements

Environmental Quality Board (EQB): An environmental assessment meeting will be held on improvement of TH 5—Chanhasen to Eden Prairie (TH 4 to CSAH 4) from undivided two-lane to a four-lane roadway on Thursday 27 October at 7:30 p.m. in Chanhasen City Hall, 690 Coulter Drive, Chanhasen. A draft EIS (environmental impact statement) will be prepared for the Minneapolis IBM Office Complex with a meeting scheduled on October 25 at 3 p.m. in Room 210A City Hall, Minneapolis, with a comment period ending November 8; contact Neil Anderson at (612) 348-6578. A petition has been received by City of St. Francis for the S-B Mobile Home Park; to comment contact Sharon Fulkerson, clerk, City of St. Francis, Box 730, St. Francis, MN 55070. Environmental Assessment Worksheets (EAWs) comments due November 2 for the following projects at their assigned regional governing unit are: Cormorant Village, City of Island View; Maplewood Crossing Shopping Center, City of Maplewood; and Elm Lake Dugouts, MN DNR. A copy of the staff draft of the State Solid Waste Policy Report: *A Focus on Greater Minnesota* is available for public review and comment from the Waste Management Board or the Pollution Control Agency. The report focuses on solid waste management activities in Greater Minnesota including: recycling, composting, waste to energy, land disposal and county planning. The report also gives an overview of state law and policy in the area of solid waste management and describes the roles and programs of these agencies. For more information call Mary Vandenbosch (612) 649-5406 (WWB) or Julie Marien (612) 296-7388 (MPCA).

Public Transit Conference: The Minnesota Public Transit Assn will hold their fall conference Oct. 12-14 in Minneapolis, focusing on building alliances with advocacy groups, agencies and others to support building public transit and examining transit solutions to urban congestion.

New State Park Permit: The 1989 State Park annual vehicle entrance permit is available in all 64 Minnesota State Parks and selected state offices. The permit provides unlimited entry to all Minnesota Parks from date of purchase through Dec. 31, 1989. Cost is \$16. Several special permits are available at half price including a second vehicle permit, handicapped and seniors 65 years old. Over one-third of the annual state park operation budget is raised through user fees.

Health Department to Expand State WIC Program: Officials at the state health department are proceeding with plans to add some 9,000 new participants to the WIC nutrition program over the next few months. The program expansion was made possible by a new agreement, announced in July, under which an infant formula manufacturer will provide a rebate of \$1.15 for each 13 ounce can of infant formula purchased through the program. The manufacturer—Ross Laboratories—will be the sole source of infant formula for the WIC program, for the duration of the 33 month agreement. The rebate program is expected to yield nearly \$13.5 million in additional funds for the WIC program over the 33 month period—making it possible to add about 12,500 new participants to the 58,000 which had previously been served by the program. About 3,500 of those 12,500 new participants have already been added to the program. The program is administered in Minnesota by the state health department, and a statewide network of local WIC agencies is responsible for providing services under the program. Minnesota WIC officials are especially encouraging eligible pregnant women to enter the program. Many potentially eligible women in that group have not been participating in the program, they say, even though good nutrition is especially important during pregnancy. State WIC officials emphasized that WIC is operated as an equal opportunity program, in accordance with policies of the U.S. Department of Agriculture, which prohibit discrimination on the basis of race, color, national origin, age, sex or handicap. Persons who believe they have been discriminated against should write to the Administrator, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302.

Energy Assistance Program: The State of Minnesota has released \$15 million to the Energy Assistance Program, enabling the program to begin Oct. 3 as planned. The Energy Assistance Program (EAP) helps low-income households with winter heating expenses. The program is entirely federally funded. Congress has appropriated \$54.1 million for this year's heating program. This is 11 percent less than was available last year. People wishing to apply for Energy Assistance may call their local EAP agency for an appointment or use the state toll-free number, 1-800-652-9747, and ask for fuel assistance.

Property Tax Refunds: The Minnesota Department of Revenue has begun mailing out property tax refund checks to \$162,000 homeowners who have filed 1987 returns. The average refund will be \$216 for homeowners compared with \$161 last year, according to the department. The mailing is timed to coincide with the second-half property tax payment, which is due October 17 for non-farm property owners and November 15 for farm property owners. Taxpayers who waited until the August 15 deadline to file can expect their refunds within 60 days of filing. To qualify for a 1987 property tax refund, an applicant must have been a Minnesota resident for all or part of 1987 with an annual household income of \$35,000 or less. Homeowners must have owned and lived in their homes on Jan. 2, 1988, according to the department. If applicants filed after the deadline, the department will reduce their refund by five percent for each month the return is late, up to a maximum of 25 percent. The department will not issue a refund if a return is filed more than one year after the deadline. The department mailed 252,800 property tax refunds, averaging \$314 compared with \$216 last year, to renters beginning in mid-August.

Resolve Bargaining Disputes and Grievances

Public Employment Labor Relations Act 1987. The collective bargaining rights and responsibilities of public employers and public employees. Details employees' right to organize and the legislature's authority. Code #2-90, \$5.00 plus tax.

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

Minnesota Guidebook to State Agency Services 1987-1990. A treasure of helpful, useful, and interesting information about Minnesota state government. This important resource guides you through applications, fees, licenses, reports, history and travel highlights. Describes agencies in detail, giving addresses, phones and contact people. Code #1-4, \$15.00 plus tax.



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The Rules of the Game—a Wise Investment

Securities Laws, 1987. Governs the activities of broker/dealers, agents and investment advisors. *Minnesota Statutes* Chapter 80A. Code #2-12, \$6.00 plus tax.

Securities Rules, 1987. Rules implementing the legislative mandate. Subjects include equity securities and investment companies. *Minnesota Rules* Chapter 2875. Code #3-5, \$13.00 plus tax.

Minnesota Guidebook to State Agency Services, 1987-1990. Packed with information to help you, this 640-page resource guides you through license requirements, forms, fees, reports, services, grants, and more. Its listing of addresses, phones, and agency descriptions cut red tape for easy and fast service from state agencies. Code #1-4, \$15.00 plus tax.



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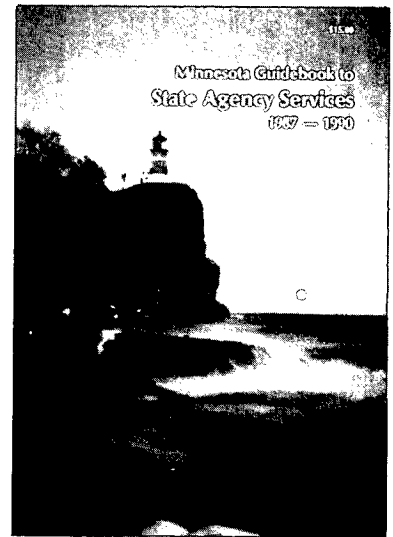
A Beacon to Guide You—Minnesota's Owners Manual

You'll enjoy smooth sailing through your business with state government with the *Minnesota Guidebook to State Agency Services 1987-1990*.

Considered one of the finest resources to Minnesota's state agencies, this valuable and useful book is a treasure awaiting your discovery.

Packed with information to help you, its 640 pages guide you through license requirements, forms, fees, reports, services, grants, hotlines, maps, history, travel highlights and more. Its listing of addresses, phones, and agency descriptions cuts red tape so you get easy and fast service.

Copies cost \$15.00 (+90¢ tax, MN residents only). Make checks out to the "State of Minnesota" and send to the Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. MasterCard and VISA orders can be taken over the phone by calling (612) 297-3000 or toll-free in Minnesota 1-800-652-9747.



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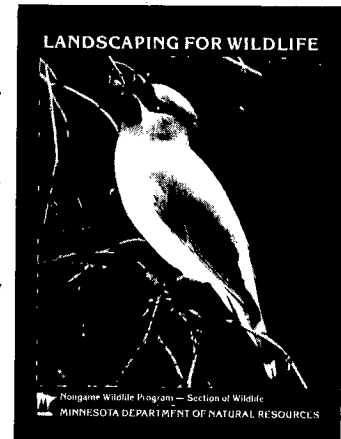
Welcome wildlife to your property

Landscaping for Wildlife. Attract wildlife to your land and gardens, farms and woodlots by spreading nature's welcome mat. Songbirds, butterflies, hummingbirds, pheasants, deer and other wildlife are drawn through these gardening tips and landscaping techniques that add natural beauty to your property and habitat for wildlife. Over 70 color photos and 144 pages give you simple, enjoyable, and inexpensive methods for adding the right touches for a "wildlife party" on your grounds, whether urban or rural. Stock #9-15, \$6.95 plus tax.

Woodworking for Wildlife. Songbirds, owls, ducks, geese, loons and other wildlife will show appreciation for your skills by adding a "wild" dimension to your property. Carefully illustrated with a variety of game bird and mammal box designs, this booklet provides important tips on the placement of nest in proper habitat areas and maintenance requirements. Construction diagrams included. 47 pp. Stock #9-14, \$3.95 plus tax.

Wildlife Set. Order both books above as a set and save 10%. Stock #9-20, \$9.95 plus tax.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and \$1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.



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Getaway in Style

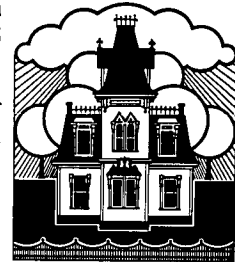
Room at the Inn Wisconsin. Includes hard-to-find lodgings in out-of-the-way places, as well as in Wisconsin's major metropolitan areas and most popular vacation destinations. 224pp. Stock #19-3. \$9.95 plus tax.

Room at the Inn Minnesota. Looking for a weekday or weekend get-away? For a business meeting or simply pleasure? This is the only guide to more than 50 historic "Bed & Breakfast" homes, hotels, and country inns and all are within a day's drive of the Twin Cities. 127pp. Stock #19-72, \$7.95 plus tax.

Roughing It Elegantly. A guide for the canoe camper visiting the BWCA, Voyageurs Park and Quetico Provincial Park. Full of practical tips and information: planning, organizing, packing, site location, and camp set-up. Simple, creative, enjoyable meals are a major feature. 159pp. Stock #9-3, \$9.95 plus tax.

Guide to Wilderness Canoeing. A unique blend of practical information and personal philosophy. Subjects covered include: spring and fall canoeing, traditional versus modern canoe design, and different paddling techniques. 143pp. Stock #19-81, \$6.95 plus tax.

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Geological Adventures in Minnesota

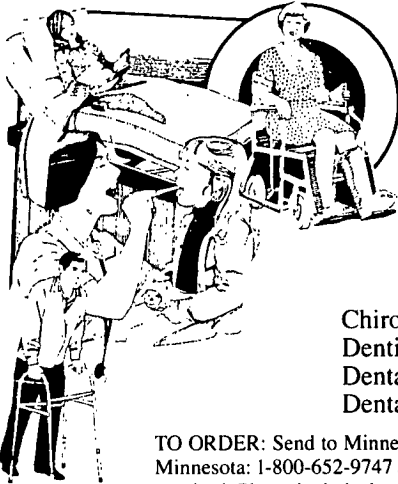
Our Minnesota. More than 100 full-color photos by Les and Craig Blacklock portray Minnesota in her seasonal beauty, with text from the personal journal of Fran Blacklock's thirty years of traveling the state. Stock #9-23. \$12.95 plus tax.

Minnesota's Geology. The fascinating story of Minnesota's geologic development, from early Precambrian to Quaternary Periods and the state's mineral resources. Stock #19-80. \$18.95 plus tax.

Historic Sites and Place Names of Minnesota's North Shore. John Fritzen, long time employee of the Minnesota DNR draws upon his almost 40 years as a forester, mostly spent on Minnesota's colorful and legendary North Shore, to regale readers with tales of timbermen, pioneer settlers, miners, commercial fishermen and others. Black and white photos. Stock #9-11. \$3.50 plus tax.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and \$1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

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Reach Minnesota's health care field decision makers

Health Care Facilities Directory 1988

A list of hospitals and related institutions licensed and/or certified to deliver various levels of care. The list is alphabetical by county, town and facility name. Stock No. 1-89. \$16.00.

Mailing Lists of Health Care Professionals Licensed by the State of Minnesota Now Available

Call 297-2552 for more information or write to the address below for your free mailing list catalog.

Chiropractors	Medical Corporations (Clinics)	Pharmacists
Dentists	Registered Nurses	Physical Therapists
Dental Assistants	Licensed Practical Nurses	Physicians
Dental Hygienists	Pharmacies	Veterinarians

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Minnesota's North Shore

Historic Sites and Place Names of Minnesota North Shore. Stories recounted by a retired DNR Forester about the North Shore's timbermen, pioneer settlers, commercial fishermen, and others who knew the area first hand. Stock #9-11. 35pp. \$3.50 + tax.

Up North. A memorable collection of essays and stories that capture the mystic moods, seasonal subtleties and colorful characters that fill the landscape up north. Stock #19-16. \$14.95 + tax.

A Family Guide to Minnesota's North Shore. The 150 miles from Duluth to the Canadian border offer travelers wilderness experiences, places of historic significance, and visions of astonishing beauty. Stock #19-84. \$3.95 + tax.

Boundary Waters. Almost 100 pages of beautiful color photographs of Minnesota's canoe country, by Jerry Stebbins with rich text by Greg Breining. Stock #19-69. \$24.99 + tax.

Minnesota II. Colorful photographs showing the lyrical balance between country and city, land and water, inhabited by 4.2 million people across 84,000 square miles. A delight for the eyes, with photos by Richard Hamilton Smith and text by Richard A. Coffey. Stock #19-30. \$32.50 + tax.



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Guides for Small Businesses

These helpful guides have been published to answer needs that have been expressed by graduates of the U.S. Small Business Administration's courses in business management. The books are designed to achieve a practical balance between basic theory and day-to-day business practices. Continuing self-education is important for small business owners in an ever changing business world, and these do just that in "shirt sleeves" fashion and in language that the chief executive of the small company can use to translate the ideas presented into decisions and actions.

Starting and Managing a Small Business of Your Own. Stock #16-40. \$4.75 + tax.

Guides for Profit Planning. Stock #16-41. \$4.50 + tax.

A Handbook of Small Business Finance. Stock #16-42. \$2.00 + tax.

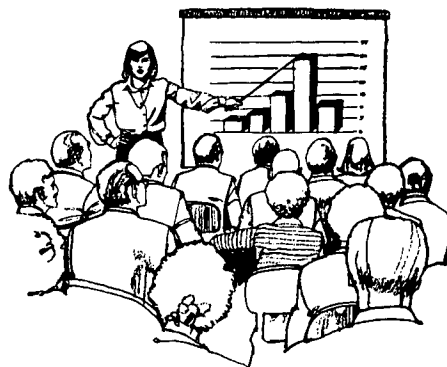
Starting and Managing a Small Service Business. Stock #16-48. \$2.00 + tax.

Insurance and Risk Management for Small Business. Stock #16-50. \$3.00 + tax.

Business Basics. Stock #16-48. \$4.75 + tax.

Managing for Profits. Stock #16-68. \$5.50 + tax.

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River Stories That Warm Your Heart

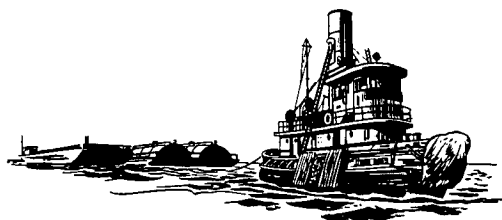
A Stretch on the River. 1950 novel about the son of a wealthy family who goes to work on a Mississippi River towboat to avoid being drafted. With power, gusto and humor, author Richard Bissel creates an energetic, rowdy, and delightful account of a typical trip up the river, accurately re-creating a colorful era of towboating on America's major waterway. Stock #17-6, \$8.95 plus tax.

High Water. During the worst flood on the Mississippi River anyone can remember, the mate of a towboat has his hands full on a perilous trip, working with an unhappy crew, an angry captain, and too many barges to push against too much river. A 1954 Richard Bissel novel reveals the drama, humor and charm of working on the river. Stock #17-8. \$8.95 plus tax.

Old Times on the Mississippi River. George Merrick's lively, loving, and humorous reminiscences of his steamboat life from the bottom up, as a pantry boy, apprentice engineer, second clerk, and "cub" pilot. First published in 1909, he describes steamboat operations—from machinery and personnel to the economics of the business—with vivid examples and rich detail. 323 pp. includes appendices and index. Stock #17-45. \$8.95 plus tax.

Canoeing with the Cree. Minnesota's distinguished newsman, Eric Sevareid, wrote his first book in 1935 about a canoe journey he and a classmate made to Hudson Bay. The classic recounts their trip on the Mississippi, Minnesota and Red River of the North Rivers into Lake Winnipeg, and then God's River to Hudson Bay. 209 pp. includes index, maps and photos. Stock #17-14. \$6.95 plus tax.

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Minnesota: national leader in education

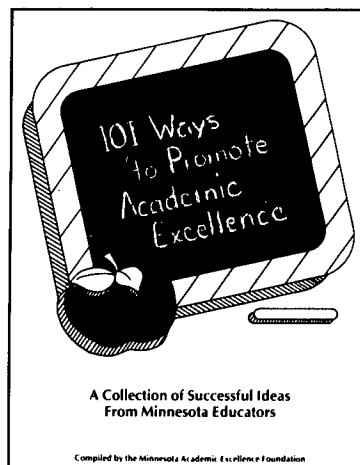
101 Ways to Promote Academic Excellence

A collection of nuts-and-bolts methods educators have successfully used to foster academic achievement. These are techniques that directly help students, can be replicated easily, are cost-effective, and that work in meeting public education's great challenge: helping every single child learn. Code #5-1, \$4.50.

Education Directory, 1987-88

This popular comprehensive directory contains Minnesota school districts, superintendents, principals, addresses, phone numbers, and enrollment. 128 pages, paperbound. Code #1-93, \$6.00.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and \$1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.



A Collection of Successful Ideas
From Minnesota Educators

Compiled by the Minnesota Academic Excellence Foundation

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MAILING LISTS GALORE

Successful business means successful sales

The Minnesota Documents Division has a variety of mailing lists of licensed professionals and permit holders that will enable you to focus your marketing efforts on a targeted audience.

Types of lists available are: registered nurses, real estate agents, physicians, insurance agents, boatowners, hunters, cosmetologists, teachers, and many more! And you can get them on printouts, cheshire/pressure sensitive labels, as well as 9-track magnetic tapes.

What's more, you can choose from several selection capabilities. You will find our selections most helpful and beneficial to your business when you learn that you can acquire names and addresses of individuals in the areas you need to target most.

Find out more about our mailing lists by writing for our free mailing list catalog. In a hurry? Call (612) 297-2552 for more information. Requests can be sent to: Minnesota Documents Division, Mailing List Operation, 117 University Avenue, St. Paul, MN 55155.

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Minnesota Manufacturer's Directory 1987-88

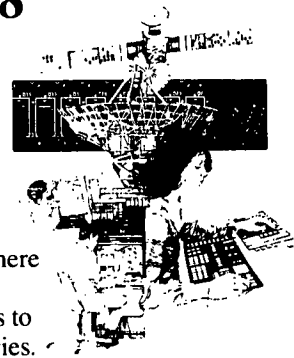


UPDATED: Name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2, \$73.00.

NEW: In the directory this year are two titles (where applicable) Chief Engineer and Data Processing Manager.



REVISED: There are more than 7,000 changes to the 7,068 entries.



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Voices of the Loon

Its voice severs the bonds to the world of cities, traffic, crowds, lights and noise. The lyrical magic of the loon, sometimes hauntingly eerie, makes the skin tingle, and the hair on the back of the neck stand on edge, awakening a primitive response. Its solitary wail turns the shadowy wilderness into a mysterious path into eternity.

Voices of the Loon, cassette tape, includes introduction and loon call identification, chorus from a distant lake, tremolo duet, wail duet, border confrontation, wails with morning songbird chorus, tremolos while running, wails during a thunderstorm, and coyotes calling with loons. Code #19-73, \$12.00.

The Loon: Voice of the Wilderness, hardbound with color plates and illustrations, 143 pages. Code #19-54, \$15.95.

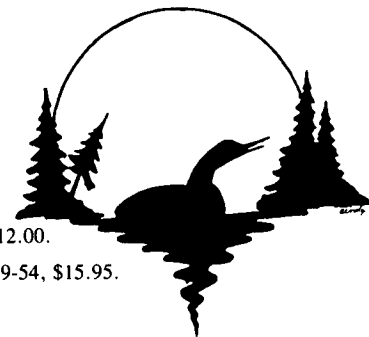
Loon Calendar 1988, beautiful photographs and scenes. Code #15-40, \$6.95.

Loon Lapel Pin. Code #15-30, \$2.49.

Loon Windsock, 56 inches long in full color. Code #15-29, \$19.95.

Loon Nature Print, full-color poster 16" x 22", Code #15-18, \$3.00.

Loon with baby—poster, 16" x 20". Code #15-48d, \$3.00.



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Minnesota's future environment

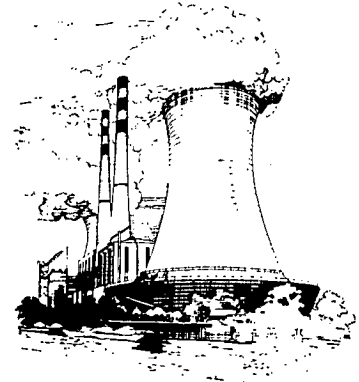
The issue of environmental protection is of continuing interest to both Minnesota business and the general public. Stay abreast of changes in state government regulations with these publications.

1987 Pollution Control Laws

Laws dealing with water pollution, disposal facilities, solid waste management, the MN Environmental Rights Act, recycling, and more. Code No. 2-21. \$15.00.

1987 Hazardous Waste Rules

Governs the production, storage, transportation and disposal of hazardous waste. MN Rules Chapter 7045 and 7046. Code No. 3-71. \$15.00.



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For Real Estate Professionals:

REAL ESTATE RULES 1987

Chapters 2800, 2805, and 2810 from the Minnesota Rules. *Essential* for both students and established brokers and salespersons. It contains all education and licensing requirements. Code No. 3-99. \$8.00

REAL ESTATE LAWS 1987

Includes all the changes made by the 1986 State Legislature. Complete and up-to-date. Code No. 2-92. \$6.00.



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Subscription Services

The Minnesota Documents Division offers several subscription services of activities, awards, decisions and special bulletins of various Minnesota state agencies.

Use the handy order form on the back of the *State Register* to order. Simply fill in the subscription code number, include your name, address and zip and your check made out to the State of Minnesota (PREPAYMENT IS REQUIRED) and send it in. We'll start your subscription as soon as we receive your order, or whenever you like.

SUBSCRIPTION	COST	CODE NO.	SUBSCRIPTION	COST	CODE NO.
Career Opportunity Bulletin, 1 year	\$ 25.00	90-3	State Register, 1 year	\$130.00	90-1
Career Opportunity Bulletin, 6 mos.	\$ 20.00	90-4	State Register, 3 mos. trial can be converted to a full subscription for \$90 at end of trial	\$ 40.00	90-2
Human Services Informational and Instructional Bulletin	\$100.00	90-6	Tax Court/Property Decisions	\$210.00	90-11
Human Services Bulletin List	\$ 30.00	90-7	Workers Compensation Decisions, unpublished subs run Jan-Dec; can be prorated	\$320.00	90-12
PERB (Public Employee Relations Board) Awards	\$285.00	90-9	Workers Compensation Decisions Vol. 38 (limited quantity)	\$ 89.50	
PERB (Public Employee Relations Board) Decisions	\$ 60.00	90-10	Vol. 40	\$105.00	
Minnesota Statutes Subscription Includes the complete 10-volume set of Minnesota Statutes 1986 and the 1987 Supplement	[Out of Stock]	18-8			

TO ORDER: Prepayment required to start your subscription. Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000 VISA/MasterCard orders accepted. Please include daytime phone.

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Morel: Minnesota's mushroom

ROON: A Tribute to Morel Mushrooms, this delightful treatise on the "filet mignon" of mushrooms will help the stalker of this elusive prey find, and prepare in a variety of ways, its mouth-watering madness. Code #19-55, \$12.00.

Edible Mushrooms, a classic guide to safe mushrooms, describes 60 species in detail, with photographs (many in color) to show each in its natural habitat. Advice to amateur mushroom hunters. Paperbound, 118 pp. Code #19-11, \$9.95.

Malfred Ferndock's Morel Cookbook, brim full of morel lore, interesting and tall tales, recounts of the hunt, and many savory recipes. Spiral bound, 117 pgs., black & white photos and drawings. Code #19-83, \$8.50.

Northland Wildflowers, the perfect mushroomers companion. An excellent guide for identification and enjoyment of wildflowers, with 308 color photographs and descriptions of 300 species. Paperbound. 236 pp. Code #19-9, \$12.95.

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NOTARY PUBLIC LAWS

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NOTARY PUBLIC-MINNESOTA
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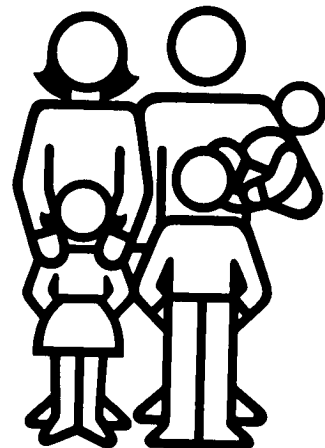
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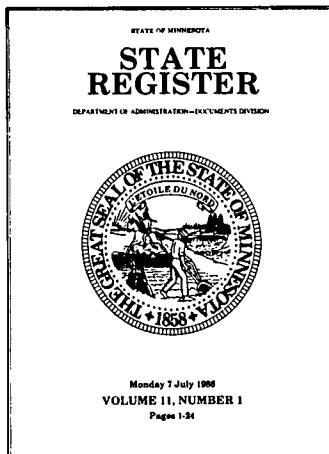
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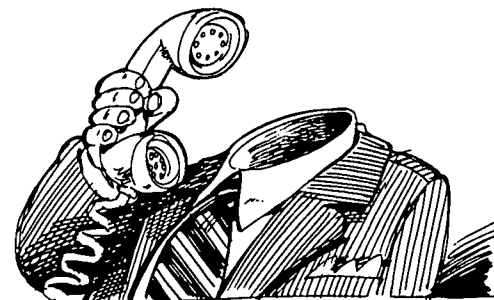
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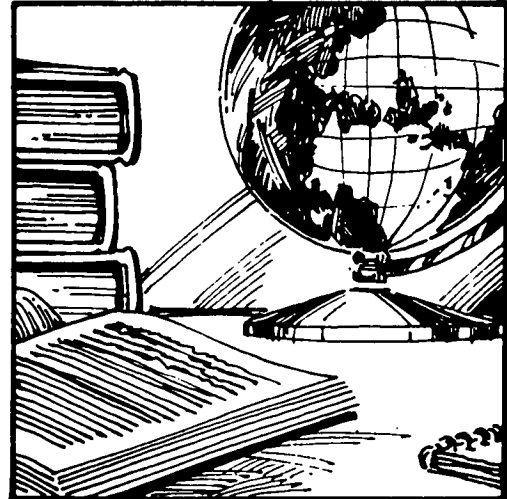
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