

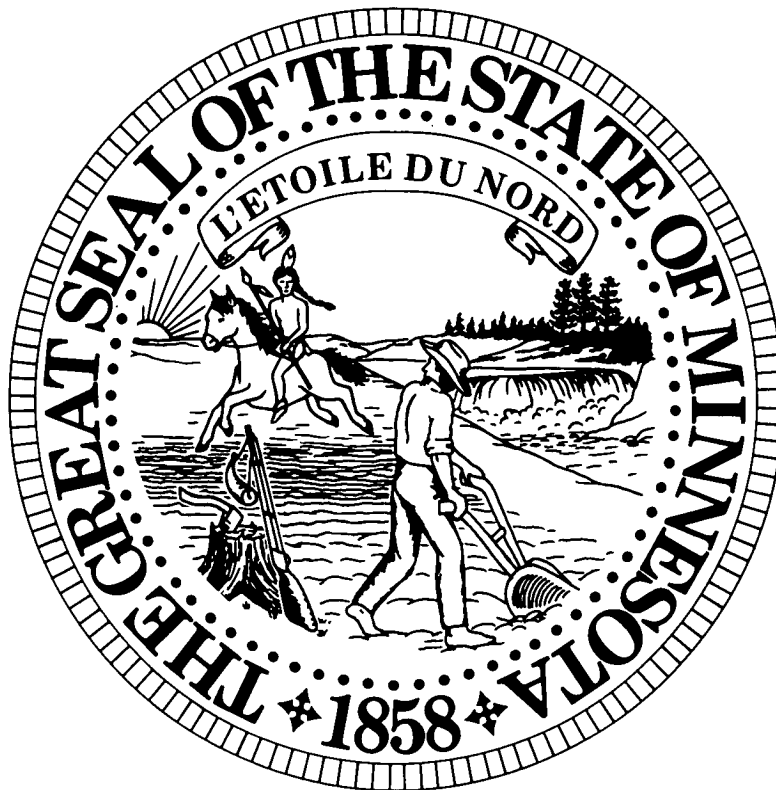
88, November 21

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State of Minnesota

STATE REGISTER

Department of Administration—Documents Division



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Volume 13, Number 21

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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
21	Monday 7 November	Monday 14 November	Monday 21 November
22	Monday 14 November	Thursday 17 November	Monday 28 November
23	Thursday 17 November	Monday 28 November	Monday 5 December
24	Monday 28 November	Monday 5 December	Monday 12 December

*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.

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

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Room 175 State Office Building, St. Paul, MN 55155
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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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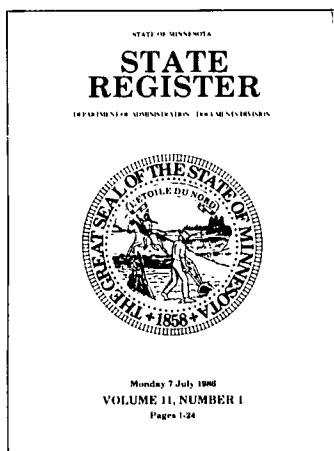
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Proposed Rules

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 Medical Assistance Hospice Care Services

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 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 rule is *Minnesota Statutes*, section 256B.02, subdivision 8, clause (20).

All persons have 30 days or until 4:30 p.m. on December 21, 1988, in which 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 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:

Chris Kiefer
Rules Division
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3832
Telephone (612) 297-1461

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 adds hospice to the services that will be paid for by the Medical Assistance program, under *Minnesota Rules*, parts 9505.0170 to 9505.0475 (Rule 47). The hospice services will be available under the same terms as provided by Medicare, except that the annual limit (cap) on payments to each hospice program imposed by Medicare will not be imposed by Medical Assistance. The rule provides for election and revocation of hospice by a recipient who has a life expectancy of six months or less, or by the recipient's representative; waiver of benefits for services related to the terminal illness; no limit on the duration of services; requirements that the hospice provide all necessary services; requirements for services during a medical crisis, respite care, and bereavement counseling for survivors. The rule also sets forth the categories of service for purposes of payment, limitations on payment, and provides for payment to hospices for the room and board of recipients who reside in long-term care facilities. The rule also has provisions defining terms. The rule will affect hospice programs and recipients of Medical Assistance by providing to them the option of hospice services under the Medical Assistance program. The rule may also affect long-term care facilities, in that they will receive payment from hospices for their residents who elect hospice services, rather than from the Department of Human Services.

A free copy of the rule is available upon request from Chris Kiefer at the address noted above. 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.

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 Chris Kiefer at the address noted above upon request.

Adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11.

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 Chris Kiefer at the address noted above.

Dated: 29 November 1988

Sandra S. Gardebring
Commissioner

Rules as Proposed (all new material)

9505.0297 HOSPICE CARE SERVICES.

Subpart 1. **Applicability.** Parts 9505.0297 and 9505.0446 must be read in conjunction with *United States Code*, title 42, section 1396a, and *Code of Federal Regulations*, title 42, part 418.

Subp. 2. **Definitions.** For purposes of this part and part 9505.0446, the following terms have the meanings given them.

A. "Business days" means every day except Saturday, Sunday, and legal holidays in Minnesota.

B. "Cap amount" means the limit on overall hospice reimbursement provided by part 9505.0446, subpart 4, and *Code of Federal Regulations*, title 42, sections 418.308 and 418.309, as amended through October 1, 1987.

C. "Employee" means an employee of the hospice or, if the hospice is a subdivision of an agency or organization, an employee of the agency or organization who is assigned to the hospice unit. Employee also includes a volunteer under the supervision of the hospice.

D. "Home" means the recipient's place of residence.

E. "Hospice" has the meaning given to hospice program in *Minnesota Statutes*, section 144A.48, subdivision 1, clause (4).

F. "Hospice care" means the services provided by a hospice to a terminally ill recipient under this part.

G. "Inpatient care" means the services provided by an inpatient facility to a recipient who has been admitted to a hospital, long-term care facility, or facility of a hospice that provides care 24 hours a day.

H. "Inpatient facility" means a hospital, long-term care facility, or facility of a hospice that provides care 24 hours a day.

I. "Interdisciplinary group" has the meaning given to interdisciplinary team in *Minnesota Statutes*, section 144A.48, subdivision 1, clause (5).

J. "Palliative care" has the meaning given in *Minnesota Statutes*, section 144A.48, subdivision 1, clause (6).

K. "Representative" means a person who, because of the terminally ill recipient's mental or physical incapacity, may execute or revoke an election of hospice care on behalf of the recipient under Minnesota law.

L. "Respite care" means short-term inpatient care provided to the recipient only when necessary to relieve the family members or other persons caring for the recipient.

M. "Social worker" means a person who has at least a bachelor's degree in social work from a program accredited or approved by the Council of Social Work Education and who complies with *Minnesota Statutes*, sections 148B.21 to 148B.28.

N. "Terminally ill" means that the recipient has a medical prognosis that life expectancy is six months or less.

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

Proposed Rules

Subp. 3. **Provider eligibility.** A provider of hospice services is eligible for medical assistance payments if the provider is:

A. licensed or registered as a hospice under *Minnesota Statutes*, section 144A.48 or 144A.49; and

B. certified as a provider of hospice services under Medicare, in accordance with title XVIII of the Social Security Act, and *Code of Federal Regulations*, title 42, part 418.

Subp. 4. **Recipient eligibility.** To be eligible for medical assistance coverage of hospice care, a recipient must be certified as being terminally ill in the manner required by subpart 5.

Subp. 5. **Certification of terminal illness.** Within two calendar days after hospice care is initiated, the hospice must obtain written statements certifying that the recipient is terminally ill, signed by:

A. the medical director of the hospice or the physician member of the hospice's interdisciplinary group; and

B. the recipient's attending physician, if the recipient has one.

Within two calendar days after the recipient's first 90 days of hospice care and within two calendar days after the beginning of each subsequent 90-day period, the hospice must obtain a written statement certifying that the recipient is terminally ill, signed by the medical director of the hospice or the physician member of the hospice's interdisciplinary group.

Subp. 6. **Election of hospice care.** A recipient who is eligible for hospice care under subpart 4 and elects to receive hospice care, must submit an election statement to the hospice. The statement must include:

A. designation of the hospice that will provide care;

B. the recipient's acknowledgement that the recipient fully understands that the hospice provides palliative care rather than curative care with respect to the recipient's terminal illness;

C. the recipient's acknowledgement that the services under subpart 9 are waived by the election;

D. the effective date of the election, which must be no earlier than the date that the election is signed; and

E. the recipient's signature.

Subp. 7. **Election by representative.** A representative of the recipient may make the election and sign and submit the election statement to the hospice for the recipient according to subpart 6.

Subp. 8. **Notification of the election.** The hospice must mail or deliver a copy of the election statement required by subpart 6 to the local agency of the recipient's county of service, as defined by part 9505.0015, subpart 27, within two business days after the date the hospice receives the signed election statement.

Subp. 9. **Waiver of other benefits.** A recipient who elects hospice care under subpart 6 or for whom a representative elects hospice care under subpart 7 waives the right to medical assistance payments during the recipient's hospice stay for the following services:

A. Hospice care provided by a hospice other than the hospice designated by the recipient or the recipient's representative, unless the care is provided under arrangements made by the designated hospice.

B. Health services related to treatment of the terminal illness for which hospice care was elected or a condition related to the terminal illness, or services that are equivalent to hospice care, except for services:

(1) provided by the designated hospice;

(2) provided by another hospice under arrangements made by the designated hospice; and

(3) provided by the recipient's attending physician if that physician is not employed by the designated hospice or receiving compensation from the hospice for those services.

C. Personal care services, under part 9505.0335.

Subp. 10. **Duration of hospice services.** A recipient may receive hospice care until the recipient revokes the election under subpart 11 or no longer is eligible for hospice care under subpart 4.

Subp. 11. **Revoking the election.** A recipient or the recipient's representative may revoke the election of medical assistance coverage of hospice care at any time. To revoke the election, the recipient or representative must submit a statement to the hospice that includes:

A. a signed statement that the recipient or representative revokes the recipient's election of medical assistance coverage of hospice care; and

B. the date that the revocation is to be effective, which must be no earlier than the date on which the revocation is signed.

Subp. 12. **Notification of revocation.** The hospice must mail or deliver a copy of the revocation statement submitted under subpart

11 to the local agency of the recipient's county of service, as defined by part 9505.0015, subpart 27, within two business days after the date that the hospice receives the signed statement revoking the election.

Subp. 13. **Effect of revocation.** A recipient, upon revoking the election of medical assistance coverage of hospice care under subpart 11:

- A. is no longer covered under medical assistance for hospice care;
- B. resumes medical assistance coverage of the benefits waived under subpart 9; and
- C. may elect to receive medical assistance coverage of hospice care at a later time, if eligible under this part at that time.

Subp. 14. **Change of hospice.** A recipient or the recipient's representative may change the designation of the hospice from which the recipient will receive hospice care. The change of the designated hospice is not a revocation of the election of medical assistance coverage of hospice care. To change the designation of the hospice, the recipient or the recipient's representative must submit both to the hospice where care has been received and to the newly designated hospice a signed statement that includes the following information:

- A. the name of the hospice where the recipient has received care and the name of the hospice from which the recipient plans to receive care; and
- B. the date the change is to be effective.

Subp. 15. **Requirements for medical assistance payment.** To be eligible for medical assistance coverage, hospice care must be:

- A. reasonable and necessary for the palliation or management of the terminal illness and conditions related to the terminal illness;
- B. in compliance with *Minnesota Statutes*, sections 144A.43 to 144A.49, and with the rules adopted under *Minnesota Statutes*, section 144A.48; and
- C. consistent with the recipient's plan of care, established by the hospice.

Subp. 16. **Covered services.** As required by the recipient's plan of care, the services listed in items A to D must be provided directly by hospice employees, except that the hospice may contract for these services under the circumstances provided for in *Code of Federal Regulations*, title 42, section 418.80. As required by the recipient's plan of care, the services listed in items E to I must be provided directly or be made available by the hospice.

- A. Nursing services provided by or under the supervision of a registered nurse.
- B. Medical social services provided by a social worker under the direction of a physician.
- C. Services performed by a physician, dentist, optometrist, or chiropractor.
- D. Counseling services provided to the terminally ill recipient and the family members or other persons caring for the recipient at the recipient's home. Counseling, including dietary counseling, may be provided both to train the recipient's family or other caregiver to provide care, and to help the recipient and those caring for the recipient adjust to the recipient's approaching death.
- E. Inpatient care, including procedures necessary for pain control or acute or chronic symptom management provided in a Medicare or medical assistance certified hospital, skilled nursing facility, or hospice unit that provides inpatient care. Inpatient care must conform to the written plan of care. A hospice that provides inpatient care must meet the standards in *Code of Federal Regulations*, title 42, sections 418.100(a) and (f), as amended through October 1, 1987.
- F. Inpatient care, as a means of providing respite for the recipient's family or other persons caring for the recipient at home, provided in a Medicare or medical assistance certified hospital, skilled nursing facility, or hospice unit that provides inpatient care, or in a medical assistance certified intermediate care facility, subject to subpart 18.
- G. Medical equipment and supplies, including drugs. Only drugs approved by the commissioner under part 9505.0340, subpart 3, item A, and used primarily to relieve pain and control symptoms of the recipient's terminal illness are covered. Medical equipment includes durable medical equipment as well as other self-help and personal comfort items related to the palliation or management of the recipient's terminal illness. Medical equipment must be provided by the hospice for use in the recipient's home while the recipient is under hospice care. Medical supplies include those specified in the written plan of care.

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H. Home health aide services and homemaker services. Home health aides may provide personal care services as described in part 9505.0335, subparts 8 and 9. Home health aides and homemakers may perform household services to maintain a safe and sanitary environment in areas of the home used by the recipient, such as changing the recipient's bed linens or light cleaning and laundering essential to the comfort and cleanliness of the recipient. Home health aide services must be provided under the supervision of a registered nurse.

I. Physical therapy, occupational therapy, and speech-language pathology services provided to control symptoms or to enable the recipient to maintain activities of daily living and basic functional skills.

Subp. 17. **Services provided during a crisis.** A hospice may provide nursing services, including homemaker or home health aide services, to a recipient on a continuous basis for as much as 24 hours a day during a crisis as necessary to maintain a recipient at home. More than half of the care during the crisis must be nursing care provided by a registered nurse or licensed practical nurse. A crisis is a period in which the recipient requires continuous care for palliation or management of acute medical symptoms.

Subp. 18. **Respite care.** A hospice may provide respite care to a recipient only on an occasional basis and may not be paid for more than five consecutive days of respite care at a time. A hospice shall not provide respite care to a recipient who resides in a long-term care facility.

Subp. 19. **Bereavement counseling.** Bereavement counseling services must be made available by the hospice to the recipient's family until one year after the recipient's death. For purposes of this subpart, family includes persons related to the recipient or those considered by the recipient to be family because of their close association.

Subp. 20. **Medical assistance payment for hospice care.** Medical assistance shall be paid to a hospice for covered services according to part 9505.0446.

9505.0446 HOSPICE CARE PAYMENT RATES AND PROCEDURES.

Subpart 1. **Rate categories.** Providers of hospice care as described in part 9505.0297 are paid at one of four fixed daily rates that apply to each of the four categories of services in subpart 3. The fixed daily rates apply to all services, except for certain physician services as described in subpart 5, and room and board in a long-term care facility as described in subparts 6 and 7.

Subp. 2. **Long-term care facility as residence.** For purposes of this part, a recipient who resides in a long-term care facility is considered to live at home.

Subp. 3. **Categories of service.** Except as otherwise provided by subparts 4 to 6, no payments shall be made for specific services provided by the hospice. Fixed daily rates are calculated under subpart 4 for each of the following categories of services:

A. Routine home care day, which is a day on which a recipient who has elected to receive hospice care is at home and is not receiving continuous care as defined in item B.

B. Continuous home care day, which is a day on which a recipient who has elected to receive hospice care has not been admitted to a facility that provides inpatient care, except when a long-term care facility is the recipient's residence under subpart 2, and the recipient receives hospice care consisting of nursing services, including home health aide or homemaker services, on a continuous basis at home, as provided by part 9505.0297, subpart 17. No fewer than eight hours a day of nursing care must be provided by a registered nurse or licensed practical nurse. Continuous home care may be furnished only during periods of crisis as described in part 9505.0297, subpart 17, and only as necessary to maintain the terminally ill recipient at home.

C. Inpatient respite care day, which is a day on which the recipient who has elected hospice care receives inpatient care in an inpatient facility certified for medical assistance on a short-term basis for respite. This item is subject to the limits provided by part 9505.0297, subpart 18. This item does not apply to a recipient whose residence is a long-term care facility under subpart 2.

D. General inpatient care day, which is a day on which a recipient who has elected hospice care receives general inpatient care in a hospital or skilled nursing facility that provides inpatient care for control of pain or management of acute or chronic symptoms that cannot be managed in other settings. This item does not apply to a recipient who receives inpatient care in a long-term care facility in which the recipient is a resident under subpart 2.

Subp. 4. **Payments and limitations.** Medical assistance will pay a hospice for each day a recipient is under the hospice's care. Payment is in the same amounts, uses the same methodology, and is subject to the same limits and cap amount used by Medicare under *Code of Federal Regulations*, title 42, sections 418.301 to 418.309, as amended through October 1, 1987, except that the inpatient day limit on both inpatient respite care days and general inpatient care days does not apply to recipients afflicted with acquired immunodeficiency syndrome (AIDS), as provided by *United States Code*, title 42, section 1396d(o)(1)(B). The rates are determined by the Health Care Financing Administration (HCFA), United States Department of Health and Human Services, as provided by *Code of Federal Regulations*, title 42, section 418.306, as amended through October 1, 1987, and as adjusted by HCFA for the Medicare co-pay amounts not allowed under medical assistance. Payments to long-term care facilities under subparts 6 and 7 are not included in the cap amount. Changes in rates are announced in the *Federal Register*. No payment will be made for bereavement counseling under part 9505.0297, subpart 19.

Subp. 5. **Payment for physician services.** Physician services are paid according to items A to C.

A. The services specified in subitems (1) and (2) are included in the rates provided by subpart 4:

(1) general supervisory services of the hospice's medical director; and

(2) participation in the establishment of plans of care, supervision of care and services, periodic review and updating of plans of care, and establishment of governing policies by the physician member of the hospice's interdisciplinary group.

B. Other than for services described in item A, medical assistance shall pay the hospice for physician services furnished by physicians who are employees of the hospice or who provide services under arrangements with the hospice, at the rate provided by part 9505.0445, item E. Payment for these physician services is included in the amount subject to the cap amount in subpart 4. No payment will be made to the hospice for services donated by physicians who are employees of the hospice or who provide services under arrangements with the hospice.

C. Services of the recipient's attending physician, if the physician is not an employee of the hospice or is not providing services under arrangements with the hospice, are not considered hospice services and are not included in the amount subject to the cap amount in subpart 4. These services are reimbursed according to parts 9505.0345 and 9505.0445, item E.

Subp. 6. **Payment for room and board in long-term care facilities.** If a recipient resides in a long-term care facility under subpart 2 that is certified as a medical assistance provider and the recipient has elected medical assistance coverage of hospice services, the long-term care facility shall not be paid by medical assistance under parts 9549.0010 to 9549.0080, but shall be paid by the hospice at a rate negotiated by the long-term care facility and the hospice.

Subp. 7. **Payment to hospice for residents of long-term care facilities.** The commissioner shall establish the payments to hospices for the room and board of medical assistance recipients who reside in long-term care facilities certified by medical assistance, as provided by items A and B.

A. The daily room and board payment rate shall be either:

(1) 83 percent of the long-term care facility's daily payment rate for the recipient's resident class, as determined under parts 9549.0010 to 9549.0080; or

(2) 83 percent of the long-term care facility's daily payment rate for the recipient's certification level, if the long-term care facility is not subject to parts 9549.0010 to 9549.0080.

B. The payment to the hospice is the product of the hospice's daily room and board payment rate determined in item A and the number of days for which the recipient resides in the long-term care facility in the month, less the recipient's spend-down amount for that month under part 9505.0065, subpart 11, item F.

Department of Natural Resources

Proposed Permanent Rules Relating to Water Permit Fees

Notice of Intent to Adopt Rule Amendments Without a Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Natural Resources intends to adopt the above entitled amendments without a public hearing, following the procedures set forth in *Minnesota Statutes*, § 14.21-14.28.

Changes are proposed to sections concerning fees for permit applications, amendments and transfers, and field inspection fees. New material covers water appropriation processing fee exemptions. The rules are authorized by *Minnesota Statutes* section 105.44 subdivision 10. The amendments are being made to conform the rule to changes in the statute made by *Laws of Minnesota 1988*, chapter 686, article 1, section 56.

Persons interested shall have 30 days to submit comments on the proposed amendments. The proposed amendments may be modified in final adoption if modifications are supported by the data and views submitted to the Department of Natural Resources and do not result in a substantial change in the proposed language.

Unless twenty-five or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period, a public hearing will not be held. The written request must be specific on which amendment(s) a hearing is desired.

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Identification of the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. In the event a public hearing is required, the department will proceed according to the provisions of *Minnesota Statutes*, §§ 14.13-14.20.

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

Dave Milles—DNR Waters
500 Lafayette Road
St. Paul, Minnesota 55155-4032

A statement that describes the need for and reasonableness of each provision of the proposed amendments is available from the Department of Natural Resources upon request.

Upon adoption of the final amendments without a public hearing, the proposed amendments, this notice, the statement of need and reasonableness, all written comments received, and the final amendments as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final amendments as proposed for adoption, should submit a written request to the above address.

Please be advised that *Minnesota Statutes* chapter 10A requires to register with the State Ethical Practices Board within five days after he or she commences lobbying. *Minnesota Statutes* § 10A.01, subdivision 11 defines a lobbyist as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250 not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101-2520, telephone (612) 296-5148.

Dated: 28 October 1988

Joseph N. Alexander
Commissioner of Natural Resources

Rules as Proposed

6115.0060 PERMIT APPLICATION FEES APPLICATIONS.

Subpart 1. Fee. A permit application fee of ~~\$30~~ \$75 shall accompany permit applications submitted under *Minnesota Statutes*, section 105.41, appropriation and use of water, *Minnesota Statutes*, section 105.535, relating to dams, ~~*Minnesota Statutes*, section 105.42, relating to alterations of protected waters,~~ *Minnesota Statutes*, section 105.64, relating to the drainage or diversion of water to facilitate mining, and *Minnesota Statutes*, section 105.391, relating to water bank.

~~A minimum additional permit application fee of \$20 if required by part 6115.0080 must accompany each permit application for applications submitted under *Minnesota Statutes*, section 105.42, relating to alterations of protected waters and *Minnesota Statutes*, section 105.64, relating to the drainage or diversion of water to facilitate mining. (For permit applications requiring an additional permit application fee, the minimum payment to accompany the application is \$50; a \$30 application fee plus a \$20 additional permit application fee.)~~

Subp. 2. Protected waters; fee. The permit application fee for works affecting protected waters, authorized under *Minnesota Statutes*, sections 105.42 and 105.64, shall be based on estimated project cost, the amount of material deposited in or removed from the protected waters, and the amount of shoreline affected by the project. The commissioner shall make the final determination of project costs used to calculate the permit application fee. The permit application fee shall be at least \$75 but otherwise the lesser of \$500, or the largest of the fees calculated from the following three parameter schedules:

A. Project cost parameter. If the project cost is greater than \$7,500, the fee shall be one percent of the project cost. If a dispute arises between the commissioner and a permit applicant over project cost, the commissioner may require the permit applicant to submit a project cost estimate prepared by a registered professional engineer, contractor, planning consultant, or other qualified professional entity.

B. Shoreline affected parameter. If the project affects more than 100 feet of shoreline, the fee shall be 75 cents per foot of shoreline affected. For channel excavation projects, the shoreline affected is the difference in length in feet between the existing channel and the proposed channel.

C. Fill-excavation parameter. If the project requires more than 100 cubic yards of fill or excavation, the fee shall be 75 cents per cubic yard of material filled or excavated. For channel excavation projects, the volume in cubic yards is only that material filled or excavated in existing protected waters.

D. The permit application fee for protection of shoreline from erosion by placement of riprap and to recover shoreland lost by erosion or other natural forces, shall be limited to \$75.

Subp. 3. Failure to remit. If the permit application fee ~~and the minimum additional permit application fee~~ required by part 6115.0080 ~~do~~ does not accompany the application, the applicant will be so notified. If no fee is received within 30 days from mailing of the written notice, the commissioner shall consider the application withdrawn and no further action shall be taken on it unless the applicant submits a new application accompanied by the minimum fee.

Subp. 4. Multiple applications. If a project requires several permit applications, the permit application fee ~~and minimum additional permit application fee~~ must accompany each application. ~~For example, if a project entails both appropriating water and changing the course, current, or cross-section of a lake, there shall be two applications and two sets of fees. Projects that involve a combination of work that results in both the alteration of protected waters and the use of waters of the state, shall be required to submit only one permit application and one set of fees. The type of permit application to be used and the fees to be charged shall be determined by the ultimate purpose of the project.~~

Subp. 5. Nonrefundable. The permit application fee ~~and minimum additional permit application fee~~ are is not returnable, whether the application is permitted, modified, or denied, unless the commissioner determines the activity does not require a permit.

Subp. 6. Applications after commencement. ~~The permit application fee for permit applications filed after the work applied for has been partially or wholly completed, except for emergency work provided for in existing permit rules and policies, shall be double the amount that would have been charged if a timely application had been filed. In the case of a belated permit application, the permit application fee shall accompany the application or the commissioner shall proceed to issue a restoration order under Minnesota Statutes, section 105.461.~~

Subp. 7. Fees following a hearing. ~~If a hearing is demanded, and if the outcome of the hearing is a decision to issue a permit, payment of all required fees must precede issuance. The fee charged will be based on the schedules contained in this part regardless of whether a permit application has been filed.~~

Subp. 8. Form of payment. Payment of all fees covered by parts 6115.0010 to 6115.0030, 6115.0060, 6115.0080 to 6115.0100, and 6115.0130 shall be made by check or money order payable to the Minnesota state treasurer Department of Natural Resources. Cash cannot be accepted.

6115.0065 AMENDMENT AND TRANSFER FEE.

Each request by a permittee to amend or transfer an existing permit shall be accompanied by a \$30 ~~\$75~~ fee-

~~The effective date of this part is August 1, 1985, unless exempted under part 6115.0120. Any amendment initiated by the department is exempt from fees. Projects that involve a combination of transfer and amendment requests shall only be required to pay the \$75 fee.~~

6115.0080 ADDITIONAL FIELD INSPECTION FEES AUTHORIZED BY MINNESOTA STATUTES, CHAPTER 105.

Subpart 1. [See repealer.]

Subp. 2. ~~Field inspection fees~~ Computation. If a field inspection is conducted, field inspection fees shall be charged only for: (1) projects requiring an environmental assessment worksheet (EAW) or environmental impact statement (EIS) pursuant to *Minnesota Statutes*, chapter 116D and the environmental review program rules, parts 4410.0200 to 4410.6500; (2) projects undertaken without a permit or application as required by *Minnesota Statutes*, sections 105.37 to 105.64; or (3) projects undertaken in excess of limitations established in an issued permit.

The fee charged will be the actual cost of the field inspection, but shall not be less than \$25 ~~nor greater than \$750~~ \$100. Examples of field inspection costs are:

A. state salaries, including fringe benefits and overhead, (travel and inspection time of state employees multiplied by actual hourly rates);

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Proposed Rules

- B. transportation to and from inspection site, laboratories and other documented travel sites, based on current Department of Administration rates or rates specified in applicable bargaining unit agreements;
- C. expense of purchase, rental, or repair of special equipment and supplies;
- D. living expenses away from home, based on current Department of Administration rates or rates specified in applicable bargaining unit agreements;
- E. inspection and consultant services contracted for by the state; and
- F. laboratory expenses and analysis of data.

Subp. 2a. Dams and water level controls. Field inspection fees shall not be charged for any dam subject to parts 6115.0300 to 6115.0520. Such dams are subject to the inspection fee requirements of part 6115.0520. Field inspection fees for all other water level control structures shall be charged pursuant to parts 6115.0010 to 6115.0130.

~~The effective date of this subpart is August 1, 1985.~~

6115.0120 WATER APPROPRIATION PROCESSING FEE EXEMPTIONS.

The following water appropriation permit actions are exempt from amendment or transfer fees:

- A. a change in mailing address;
- B. a change of authorized agent when land ownership has not changed;
- C. an assignment of a permit within the immediate family;
- D. a change in pump location on surface water sources for the same operation;
- E. an addition of a new well that replaces an old well for the same permitted operation and is completed at a similar depth in the same aquifer;
- F. a decrease in the permitted pumping rate, amount of water authorized, or irrigated acreage;
- G. an increase in the permitted pumping rate within ten percent;
- H. an increase in the permitted appropriation within ten percent of the annual authorization for nonirrigation permits; or
- I. an increase of less than 30 acres in the number of permitted irrigated acres.

Any amendments or transfers that exceed the exemptions in items A to I require a processing fee under part 6115.0065.

REPEALER. *Minnesota Rules*, part 6115.0080, subpart 1, is repealed.

Department of Public Service

Proposed Permanent Rules Relating to Fluorescent Lamp Ballasts

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Public Service proposes to adopt *Minnesota Rules*, Chapter 7605 without a public hearing. The Commissioner has determined that the proposed rules will be noncontroversial in nature and has elected to follow the procedures set forth in the *Minnesota Statutes*, sections 14.22 to 14.28.

Minnesota Rules, Chapter 7605 apply to manufacturers and sellers of all fluorescent lamp ballasts sold or installed in Minnesota.

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

All persons may make a written request for a public hearing on the proposed 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 requests in writing. Any person requesting a public hearing must state his or her name and address and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or requests to: Bruce D. Nelson, Department of Public Service, Energy Division, 900 American Center Building, 150 East Kellogg Boulevard, St. Paul, Minnesota 55101 (612) 297-2313.

Comments or requests for a public hearing must be received by the Department of Public Service, Energy Division by 4:00 p.m., Dec. 21, 1988. The proposed rule may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change in the proposed rule as noticed.

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 by requesting a copy from Mr. Nelson at the address listed above.

The implementation of this rule will not require the expenditure of public money in excess of \$100,000 by local bodies in either of the two years following their adoption, nor do the rules have any impact on agricultural land.

The adoption of this rule would not affect small businesses in Minnesota. The Department has evaluated the effect of the proposed rules on small businesses and has considered each of the methods prescribed by *Minnesota Statutes* Section 14.155, subd. 2, for reducing the impact of the rules on small businesses. Small businesses would benefit from the proposed rule, since the required frequency of testing is reduced, resulting in less stringent compliance, schedules and deadlines in conformance with *Minnesota Statutes* Section 14.155, subd. 2(a) and (b). The standards to be imposed by *Minnesota Rules*, Chap. 7605 would be substantially the same as those currently required by federal legislation. The Department has determined that small businesses cannot be exempted from any or all requirements of the rules in conformance with *Minnesota Statutes* Section 14.155, subd. 2(e).

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 that 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 rules, must submit a written request for such to Mr. Nelson at the above address.

Dated: 4 November 1988

Tony Perpich
Commissioner
Department of Public Service

Rules as Proposed (all new material)

7605.0100 AUTHORITY.

The commissioner is authorized by *Minnesota Statutes*, section 116J.19, subdivision 7, to establish minimum energy efficiency standards for fluorescent lamp ballasts. No person may sell, install, or place in inventory a fluorescent lamp ballast in Minnesota that does not comply with parts 7605.0100 to 7605.0160 after their effective dates.

7605.0110 APPLICABILITY.

Subpart 1. **Applicability.** Parts 7605.0100 to 7605.0160 apply to fluorescent lamp ballasts distributed in commerce for personal or commercial use or consumption that are:

- A. manufactured on or after January 1, 1990; or
- B. sold by the manufacturer on or after April 1, 1990; or
- C. incorporated into a luminaire by a luminaire manufacturer on or after April 1, 1991; and
- D. designed to operate at nominal input voltages of 120 or 277 volts;
- E. designed to operate with an input current frequency of 60 Hertz; and
- F. designed for use in connection with F40T12, F96T12, or F96T12HO lamps.

Subp. 2. **Exclusion.** Fluorescent lamp ballasts excluded from parts 7605.0100 to 7605.0160 are:

- A. those designed for dimming or for use in ambient temperatures of zero degrees Fahrenheit or less; and
- B. those with a power factor of less than 0.90 and sold for use in residential building applications.

7605.0120 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 7605.0100 to 7605.0160.

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Proposed Rules

Subp. 2. **ANSI standard.** "ANSI standard" means a standard approved by a committee accredited by the American National Standards Institute.

Subp. 3. **Ballast efficacy factor.** "Ballast efficacy factor" means the relative light output divided by the power input of a fluorescent lamp ballast, as measured under test conditions specified in ANSI standard C82.2-1984.

Subp. 4. **Ballast input voltage.** "Ballast input voltage" means the rated input voltage of a fluorescent lamp ballast.

Subp. 5. **Energy efficiency standard.** "Energy efficiency standard" means a performance standard:

A. that prescribes a minimum level of energy efficiency for a covered product, determined in accordance with test procedures prescribed under *United States Code*, title 42, section 6293; and

B. that includes any other requirement that the department may prescribe.

Subp. 6. **Fluorescent lamp ballast.** "Fluorescent lamp ballast" means a device used to start and operate fluorescent lamps by providing a starting voltage and current and limiting the current during normal operation.

Subp. 7. **F40T12.** "F40T12" means a nominal 40 watt tubular fluorescent lamp that is 48 inches in length and 1.5 inches in diameter and conforms to ANSI standard C78.1-1978 (R1984).

Subp. 8. **F96T12.** "F96T12" means a nominal 75 watt tubular fluorescent lamp that is 96 inches in length and 1.5 inches in diameter and conforms to ANSI standard C78.3-1978 (R1984).

Subp. 9. **F96T12H0.** "F96T12H0" means a nominal 110 watt tubular fluorescent lamp that is 96 inches in length and 1.5 inches in diameter and conforms to ANSI standard C78.1-1978 (R1984).

Subp. 10. **Input current.** "Input current" means the root-mean-square (RMS) current in amperes delivered to a fluorescent lamp ballast.

Subp. 11. **Luminaire.** "Luminaire" means a complete lighting unit consisting of a fluorescent lamp or lamps and parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply through the ballast.

Subp. 12. **Nominal lamp watts.** "Nominal lamp watts" means the wattage at which a lamp is designed to operate.

Subp. 13. **Power factor.** "Power factor" means the power input divided by the product of ballast input voltage and input current of a fluorescent lamp ballast, as measured under test conditions specified in ANSI standard C82.2-1984.

Subp. 14. **Power input.** "Power input" means the power consumption in watts of a ballast and fluorescent lamp or lamps, as determined in accordance with the test procedures specified in ANSI standard C82.2-1984.

Subp. 15. **Relative light output.** "Relative light output" means the light output delivered through the use of a ballast divided by the light output delivered through the use of a reference ballast, expressed as a percent, as determined in accordance with the test procedures specified in ANSI standard C82.2-1984.

Subp. 16. **Test procedures.** "Test procedures" means the test procedures prescribed by the United States Department of Energy under *United States Code*, title 42, section 6293.

7605.0130 FLUORESCENT LAMP BALLAST STANDARDS.

A fluorescent lamp ballast covered by parts 7605.0100 to 7605.0160 must have a power factor of 0.90 or greater and a ballast efficacy factor not less than the following:

<u>Application for Operation of</u>	<u>Ballast Input Voltage</u>	<u>Total Nominal Lamp Watts</u>	<u>Ballast Efficacy Factor</u>
one F40T12 lamp	120	40	1.805
	277	40	1.805
two F40T12 lamps	120	80	1.060
	277	80	1.060
two F96T12 lamps	120	150	0.570
	277	150	0.570
two F96T12H0 lamps	120	220	0.390
	277	220	0.390

7605.0140 TESTING AND QUALITY ASSURANCE.

Subpart 1. **Procedures.** For fluorescent lamp ballasts manufactured on or after January 1, 1990, a manufacturer shall provide for the testing of each type of model of any covered product which it manufactures, using test procedures applicable to that model that comply with ANSI standard 82.2-1984.

Subp. 2. **Samples.** The manufacturer shall cause the testing of samples of each model of fluorescent lamp ballast to be sold or

installed in Minnesota of the type described in part 7605.0110, subpart 1. A sample of sufficient size of each model must be tested to ensure that the ballast efficacy factor is no greater than the mean of the sample or the lower 97-1/2 percent confidence limit of the true mean divided by 0.95. A minimum of four ballasts of each model must be randomly selected and tested at least once a year.

Subp. 3. **Power input and relative light output.** The power input and relative light output must be determined in accordance with the ANSI standard C82.2-1984.

7605.0150 LABELING.

The labeling of a fluorescent lamp ballast manufactured on or after January 1, 1990, must indicate conspicuously, in accordance with *United States Code*, title 42, section 6294, a capital letter "E" printed within a circle on the ballast and on the packaging of the ballast or of the luminaire into which the ballast has been incorporated.

7605.0160 INCORPORATIONS BY REFERENCE.

Subpart 1. **Generally.** The portions of the standards listed in subpart 2 that are specified in parts 7605.0100 to 7605.0160 are incorporated by reference. The material is subject to frequent change, and all of the standards listed are available to the public at the libraries listed in subpart 3.

Subp. 2. **Standards.** The following American National Standards Institute standards are incorporated by reference:

- A. ANSI Standard C78.1-1978 (R1984): Dimensional and Electrical Characteristics of Fluorescent Lamps, Rapid Start Types;
- B. ANSI Standard C78.3-1978 (R1984): Dimensional and Electrical Characteristics of Fluorescent Lamps, Instant Start and Cold Cathode Types; and
- C. ANSI Standard C82.2-1984: Methods of Measurement of Fluorescent Lamp Ballasts.

Subp. 3. **Availability.** The standards incorporated by reference are available to the public at the locations in items A and B.

- A. All documents incorporated by reference in this chapter are available at the following locations in Saint Paul, Minnesota:
 - (1) Minnesota State Law Library; and
 - (2) James J. Hill Reference Library.
- B. All ANSI standards are also available at the following locations:
 - (1) University of Minnesota Engineering Library; and
 - (2) American National Standards Institute, 1430 Broadway, New York, New York 10018, telephone (212) 354-3300.

Adopted Rules

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

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

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

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

Department of Natural Resources

Adopted Permanent Rules Relating to Permit Requirements for Water Aeration Systems

The rules proposed and published at *State Register*, Volume 13, Number 3, pages 124-128, July 18, 1988 (13 S.R. 124) are adopted with the following modifications:

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

Adopted Rules

Rules as Adopted

6116.0020 PERMIT.

Subp. 3. **Winter operation.** An aeration permit shall not be issued for winter operation of a system where the diffusers are placed in a configuration where more than one open water area is created during ordinary winter weather, ~~except that the system may be specifically allowed when unless:~~

A. there is no public access; and

B. the permittee owns all land riparian to the protected water, or all of the possessory rights to the land riparian to the protected water, or has leased all access rights to the protected water; or

C. the commissioner has first determined that ~~such a system~~ will provide substantial benefit to the lake resource.

6116.0030 APPLICATION FOR PERMIT.

Subp. 2. **Criteria for granting a permit.** The commissioner shall grant a permit for an aeration system when the commissioner concludes that:

A. operation of a system will result in substantial benefit to the lake resource; and

Subp. 4. Private hatchery or fish farm license holders. Beginning March 1, 1989, a private fish farm or hatchery license may contain authorization for the operation of aeration systems on protected waters without public access if the licensee owns all riparian land or all of the possessory rights to the riparian lands. A private hatchery or fish farm license application requesting authorization for aeration system operation shall be subject to the same review as the aeration permit application. The license application shall include:

A. the legal description and Division of Waters inventory number of each water body;

B. location of the aeration system in each water body;

C. enough detail so the systems can be located for inspection and emergency access; and

D. a signed statement attesting that the requirements of this subpart are met.

Subp. 4 ~~5~~. **Public input.** Upon receipt of a new application for installation and operation of an aeration system on protected waters with public access the commissioner shall issue public notice and may conduct a public meeting to assist in deciding whether to issue, deny, or modify a permit. Reissuance of permits for existing permitted aeration systems does not require a public meeting, however, upon request of 25 or more residents of the state a public meeting will be held.

Subp. ~~5~~ **6**. **Applicants.** The applicant shall be a governmental entity such as a county, city, town, watershed district, or lake improvement district; or a private person, group, or entity.

Subp. ~~6~~ **7**. **Financial responsibility.** All permittees, except those permittees operating an aeration system in protected waters without public access, where the permittee owns all land riparian to the protected water, or all of the possessory rights to the land riparian to the protected water, or has leased all access rights to the protected water, and state agencies subject to the State Tort Claims Act or municipalities subject to the Municipal Tort Claims Act, must provide proof that the permittee is financially able to meet any liability that should arise from the presence or operation of the system. This shall be done by:

A. posting a bond for \$500,000; or

B. providing a certificate of insurance for the current period of operation. An insurance policy of \$500,000 (minimum) combined single limit (~~minimum~~) general liability coverage must be in effect while the system is in operation during all times any portion of the lake is ice-covered. An insurance binder is adequate until a certificate is issued, at which time the certificate must be delivered to the appropriate regional fisheries manager.

6116.0040 PERMIT CONDITIONS.

Subp. 4. **Aeration periods.** The start-up and stopping dates for aerating during periods of ice cover shall be determined by the regional fisheries manager and shall be specified in the permit. ~~Unless specifically permitted,~~ No aeration system ~~shall~~ will be operated during the ~~freeze-up~~ period of ice formation until sufficient ice has formed so that marking requirements can be safely met, unless the permittee has posted the approximate area of the open water before ice formation by using signs placed on buoys or posts driven into the lake bottom or by other methods approved by the commissioner.

Subp. 5. **Hold harmless.** Permittee agrees to assume the entire responsibility and liability for all damages or injury to all persons and to all property arising out of, resulting from, or in any manner connected with the design, construction, installation, operation, maintenance, supervision, or inspection of the permitted aeration system. Permittee agrees to indemnify, defend, and hold harmless the state of Minnesota, its agents and employees, from all claims, damages, or injury except those arising from the state's own negligence to the extent authorized by Minnesota Statutes, section 3.736, the Minnesota Tort Claims Act. This indemnity agreement

includes, but is not limited to, claims that the permittee was negligent or otherwise liable for allowing, designing, constructing, installing, operating, inspecting, maintaining, supervising, or approving the permitted aeration system, or failing to do so.

Subp. 6. **Revocations.** The commissioner may revoke a permit without prior notice whenever, in the commissioner's opinion, revocation is necessary to ~~protect the interests of the public,~~ to protect human life or natural resources, ~~or for violation of this part or any permit issued hereunder.~~

6116.0070 APPEAL.

The terms, conditions, ~~or denial,~~ or revocation of any permit issued pursuant to parts 6116.0010 to 6116.0060 may, within 30 days of receipt of written notice, be appealed to the commissioner by filing a written request for review. If written request is not submitted within 30 days, the permit decision becomes final.

Board of Podiatric Medicine

Adopted Permanent Rules Relating to Licensure; Fees

The rules proposed and published at *State Register*, Volume 12, Number 42, pages 2290-2296, April 18, 1988 (12 S.R. 2290) are adopted with the following modifications:

Rules as Adopted

6900.0020 LICENSURE REQUIREMENTS.

Subp. 3. **Examination.** The applicant must have received a passing score on each section of all parts of the National Board of Podiatric Medical Examiners Licensing Examination. A passing score is the number corresponding to or greater than the cut score recommended by the national board. The cut score is the score which separates passing scores from failing scores.

A copy of the applicant's scores must be submitted. The copy must contain an original seal of the national board.

The applicant must pass a state clinical examination as required in Minnesota Statutes, section 153.16, subdivision 1, paragraph (d).

A state clinical examination shall include demonstration of the clinical application of podiatric medical knowledge and skill, but need not include demonstrations on actual patients. The examination may be developed in cooperation with boards of podiatric medicine in other states. ~~The~~ A passing score is the number corresponding to or greater than the cut score recommended by a test development consultant.

Subp. 4. Graduate training. Applicants graduating in 1987 and thereafter from a podiatric medical school must present evidence of satisfactory completion of a clinical residency, preceptorship, or other graduate training as required in Minnesota Statutes, section 153.16, subdivision 1, paragraph (d), and described in subparts 5, 6, and 7 or 8.

Subp. 4 5. **Clinical residency.** An acceptable clinical residency must be at least 12 consecutive months in length and be approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association.

Subp. ~~5~~ 6. **Preceptorship.** An acceptable preceptorship must:

- A. consist of a minimum of 12 consecutive months of study;
- B. operate under the control and supervision of an accredited college of podiatric medicine; and
- C. have written objectives appropriate to all training aspects of the program.

Subp. ~~6~~ 7. **Preceptor requirements.** The preceptor must:

A. ~~have a practice~~ Provide training that offers experience as defined by the statutory scope of practice ~~with the care of children and adults and in~~ including drug therapy, radiology, local anesthesia, analgesia, biomechanics, physical medicine, rehabilitation, and the following surgeries:

- (1) nail;
- (2) digital;
- (3) soft tissue;

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Adopted Rules

- (4) forefoot;
- (5) metatarsal;
- (6) midfoot; and
- (7) rearfoot or ankle;

The care of children and adults must be included.

B. Hold a clinical appointment at a college or be a member of the teaching staff of a hospital sponsoring a residency program;

C. Have a hospital staff appointment with podiatric surgical privileges, however, the granting of staff privileges is solely within the discretion of individual institutions; ~~and~~

D. Not have been the subject of disciplinary action concerning professional conduct or practice.

Subp. 7 8. **Other graduate training.** Other acceptable training must meet the following standards:

Subp. 8 9. **Personal appearance.** The applicant shall be scheduled for a personal appearance before one or more members of the board or the executive director when the other requirements for licensure have been met. The board may waive the personal appearance if one or more board members has personal knowledge of the accuracy of the applicant's application.

Subp. 9 10. **License in another state.** ~~The~~ If an applicant is licensed in another state, the applicant must cause a form supplied by the board to be submitted from the board of podiatric medicine in the state of original licensure and the other states in which a license was held during the five years immediately preceding application.

Pollution Control Agency

Adopted Permanent Rules Relating to Capital Cost Component Grant Program

The rules proposed and published at *State Register*, Volume 12, Number 50, pages 2694-2698, June 13, 1988 (12 S.R. 2694) are adopted with the following modifications:

Rules as Adopted

7075.1160 RECOVERY OF FUNDS.

Violation of permit conditions by reason of improper design, improper construction, or improper operation and maintenance shall constitute grounds for the commissioner to recommend that the authority seek to recover grant funds tendered or disbursed to a grantee. In determining whether to recommend such action to the authority, the commissioner shall consider the steps the grantee has undertaken to correct the problem that caused the violation of permit conditions. The commissioner shall advise the agency whenever a recommendation is made to the authority to seek recovery of grant funds.

Pollution Control Agency

Adopted Permanent Rules Relating to Hazardous Waste; Land Disposal Restrictions

The rules proposed and published at *State Register*, Volume 12, Number 50, pages 2698-2712, June 13, 1988 (12 S.R. 2698) are adopted as proposed.

State Board of Vocational Technical Education

Adopted Permanent Rules Relating to Administrative Licenses; Director and Assistant Director

The rules proposed and published at *State Register*, Volume 13, Number 5, pages 254-257, August 1, 1988 (13 S.R. 254) are adopted with the following modifications:

Rules as Adopted**3700.0901 DIRECTOR IN DISTRICTS OPERATING A TECHNICAL INSTITUTE.**

Subp. 4. **Licensure criteria.** An applicant for licensure as a technical institute director shall meet the following requirements:

(5) A total of twelve quarter credits or 180 clock hours covering at least three of the following subjects: school law, institutional and educational planning, program or curriculum development, supervision, personnel management, finance and budget, public relations, building management, organization and administration, labor relations, and evaluation techniques. If clock hours are used, the subjects must be covered in units of no fewer than 15 clock hours.

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.

**Department of Agriculture
Food Inspection Division****Outside Information or Opinions Sought Regarding Proposed Rules Governing Bottled
Water and Water Vending Machines**

NOTICE IS HEREBY GIVEN that the Minnesota Department of Agriculture is seeking information or opinions from sources outside the department in preparing to propose the adoption of rules governing bottled water and water vending machines. The adoption of these rules is authorized by *Minnesota Statutes* section 31.11, which permits the department to adopt rules as necessary to protect and preserve the public health and enforce provisions of law relating to food.

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

Ms. Carol Milligan
Minnesota Department of Agriculture
90 West Plato Boulevard
St. Paul, MN 55107

Oral statements will be received during regular business hours over the telephone at (612) 296-6906, and in person at the above address.

All statements of information and opinions shall be accepted until December 23, 1988. Any written material received by the department shall become part of the rulemaking record to be submitted to the attorney general or the administrative law judge in the event that the rule is adopted.

10 November 1988

Jim Nichols
Commissioner

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Official Notices

Board of Animal Health

Meeting Notice

A meeting of the Board of Animal Health has been scheduled for Thursday, December 15, 1988 at the Board offices at 9:30 a.m. The Board offices are located at 90 W. Plato Blvd., St. Paul, Minnesota.

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

Thomas J. Hagerty, DVM.
Executive Secretary

Minnesota Comprehensive Health Association Legislative and Public Policy Committee

Meeting Notice

NOTICE IS HEREBY GIVEN that a meeting of the Legislative and Public Policy Committee of the Minnesota Comprehensive Health Association will be held at 2:00 p.m. on Monday, November 28, 1988, at Group Health, Inc., 2829 University Avenue Southeast, Minneapolis, in the sixth floor large conference room. For additional information, please call Mr. Brian Osberg at (612) 623-8464.

Office of the Ombudsman for Mental Health and Mental Retardation

Meeting Notice

The Ombudsman for Mental Health and Mental Retardation Advisory Committee will conduct a general meeting at 9:00 a.m. on Friday, December 9, 1988. The meeting will be held at the Capitol Holiday Inn, Sibley Room A & B, second floor.

Board of Water and Soil Resources

Meeting Notice

The Board of Water and Soil Resources has changed the date of their regularly scheduled monthly meeting date from November 23, 1988 to November 30, 1988. The meeting will start at 9:00 a.m. in Conference Room A of the Department of Agriculture Building, 90 W. Plato Blvd., St. Paul, Minnesota. The Board will resume their regularly scheduled meeting in December.

Department of Public Safety Office of Pipeline Safety

Notice of Intent to Solicit Outside Opinion Regarding Proposed Emergency Rules of the State Department of Public Safety Governing Pipeline Safety Design

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 emergency rules governing funding of the Office of Pipeline Safety.

The promulgation of these rules is authorized by *Minnesota Statutes* section 299F.63, which authorizes the agency to assess and collect an inspection fee from pipeline operators.

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:

State Contracts and Advertised Bids

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.

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.

Commodity: Metallurgical specimen
Contact: Joseph Gibbs 612-296-3750
Bid due date at 2pm: November 28
Agency: State University
Deliver to: Mankato
Requisition #: 26871 18252

Commodity: Automated power file
Contact: Linda Parks 612-296-3725
Bid due date at 2pm: November 28
Agency: Human Services
Deliver to: St. Paul
Requisition #: 55000 95470

Commodity: State patrol automboiles
Contact: Dale Meyer 612-296-3773
Bid due date at 2pm: November 28
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Rotary two-stage snow
plow attachments
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: November 28
Agency: Transportation
Deliver to: Oakdale
Requisition #: 79382 01517

Commodity: Press
Contact: Doug Thompson 612-296-
3775
Bid due date at 2pm: November 23
Agency: MCF
Deliver to: Oak Park Heights, MN
Requisition #: 78630 08382

Commodity: Van conversion
Contact: Brenda Thielen 612-296-9075
Bid due date at 2pm: November 23
Agency: Jobs & Training
Deliver to: Minneapolis, MN
Requisition #: 21607 72627

Commodity: 79500 RM ready mix
concrete
Contact: Joan Breisler 612-297-2729
Bid due date at 2pm: November 23
Agency: MN Department of
Transportation
Deliver to: Golden Valley
Requisition #: 79500 RM

Commodity: Aggregates
Contact: Joan Breisler 612-297-2729
Bid due date at 2pm: November 23
Agency: Transportation
Deliver to: Oakdale, MN
Requisition #: 79900 A

Commodity: Portland cement
Contact: Joan Breisler 612-297-2729
Bid due date at 2pm: November 23
Agency: Transportation
Deliver to: Golden Valley, MN
Requisition #: 79500 PC

State Contracts and Advertised Bids

Commodity: Ready mix
Contact: Joan Breisler 612-297-2729
Bid due date at 2pm: November 23
Agency: Transportation
Deliver to: Ready Mix
Requisition #: 79900 RM

Commodity: Rear mount left-type
fireline plow
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: November 29
Agency: Natural Resources
Deliver to: Bemidji
Requisition #: 29001 14512

Commodity: Lumber/roofing materials
Contact: Pam Anderson 612-296-1053
Bid due date at 2pm: November 29
Agency: Transportation
Deliver to: Little Falls
Requisition #: 79 050 21117

Commodity: Lease/purchase of Xerox
1075 copier
Contact: Teresa Ryan 612-296-7556
Bid due date at 2pm: November 29
Agency: Health
Deliver to: Minneapolis
Requisition #: 12100 28299

Commodity: Lease/purchase of Xerox
1090 & 2 Xerox 5052
Contact: Teresa Ryan 612-296-7556
Bid due date at 2pm: November 29
Agency: State Planning
Deliver to: St. Paul
Requisition #: 30000 17208

Commodity: Binocular & metallurgica
microscope—rebid
Contact: Joseph Gibbs 612-296-3750
Bid due date at 2pm: November 29
Agency: State University
Deliver to: Mankato
Requisition #: 26071 18271

Commodity: Overheaddoors/install
Contact: Pam Anderson 612-296-1053
Bid due date at 2pm: November 29
Agency: Transportation
Deliver to: Various
Requisition #: 79000 92476

Commodity: Tractor loader-backhoe—
Mn/Dot Windom
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: November 29
Agency: Transportation
Deliver to: Windom
Requisition #: 79382 01543

Commodity: Tractor loader-backhoe—
Mn/Dot Oakdale
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: November 29
Agency: Transportation
Deliver to: Oakdale
Requisition #: 79382 01545

Commodity: Lumber-roofing
materials—rebid
Contact: Pam Anderson 612-296-1053
Bid due date at 2pm: November 29
Agency: Transportation
Deliver to: Little Falls
Requisition #: 79050 21116

Commodity: Lighting transformer bases
Contact: Joan Breisler 612-297-2729
Bid due date at 2pm: November 30
Agency: Transportation
Deliver to: St. Paul
Requisition #: 92507

Commodity: Gas chromatographs
Contact: Joe Gibbs 612-296-3750
Bid due date at 2pm: December 1
Agency: Rochester Community College
Deliver to: Rochester
Requisition #: 27 148 50342

Contract Awards—Materials Management Division

Item: Fire alarms (furnish & install)
Req.#: 02310 16463 01
Awarded to: Honeywell Inc., Edina, MN
Awarded amount: \$10,600.00
Awarded date: November 9, 1988
Shipped to: State of Minnesota

Item: Maintenance contract equipment
only
Req.#: 02307 91200 01
Awarded to: Schindler Elevator Corp.,
Toledo, OH
Awarded amount: \$100,704.00
Awarded date: November 9, 1988
Shipped to: Various Locations

Item: Laboratory supplies
Req.#: 04131 91710 01
Awarded to: Datatron Elec., Plymouth
MN
Awarded amount: \$15,000.00
Awarded date: November 9, 1988
Shipped to: Various Locations

Item: Aircraft fixed wing
Req.#: 07500 51678 01
Awarded to: STC Aviation Inc.,
St. Cloud, MN
Awarded amount: \$67,500.00
Awarded date: November 9, 1988
Expir/deliv date: November 21, 1988
Shipped to: Department Public Safety/
State Patrol

Item: Sound reproduction equipment
Req.#: 26073 20773 01
Awarded to: Blumberg
Communications, Minneapolis, MN
Awarded amount: \$6,689.64
Awarded date: November 9, 1988
Shipped to: St. Cloud State University

Item: Rent lease other and general
Req.#: 29001 14094 01
Awarded to: Waldoch Sports, Forest
Lake, MN
Awarded amount: \$8,910.00
Awarded date: November 9, 1988
Expir/deliv date: December 1, 1988
Shipped to: DNR Regional
Headquarters

Item: Rent lease other and general
Req.#: 29001 14096 01
Awarded to: Waldoch Sports, Forest
Lake, MN
Awarded amount: \$5,739.60
Awarded date: November 9, 1988
Expir/deliv date: December 1, 1988
Shipped to: DNR Regional
Headquarters

State Contracts and Advertised Bids

Item: Rent lease other and general
Req.#: 29002 17027 01
Awarded to: Waldoch Sports, Forest Lake, MN
Awarded amount: \$8,910.00
Awarded date: November 9, 1988
Expir/deliv date: December 1, 1988
Shipped to: DNR Regional Headquarters

Item: Rent lease other and general
Req.#: 29003 08145 01
Awarded to: Waldoch Sports, Forest Lake, MN
Awarded amount: \$8,910.00
Awarded date: November 9, 1988
Expir/deliv date: December 1, 1988
Shipped to: DNR Regional Headquarters

Item: Rent lease other and general
Req.#: 29004 11260 01
Awarded to: Waldoch Sports, Forest Lake, MN
Awarded amount: \$5,346.00
Awarded date: November 9, 1988
Expir/deliv date: December 1, 1988
Shipped to: DNR Regional Headquarters

Item: Radio Communication equipment: mobile/portable
Req.#: 29003 04894 01
Awarded to: General Electric Co., Minneapolis, MN
Awarded amount: \$5,755.00
Awarded date: November 9, 1988
Expir/deliv date: November 15, 1988
Shipped to: Mn/DOT Communications

Item: Furniture office
Req.#: 42701 11810 01
Awarded to: Barry Office Products Co., Burnsville, MN
Awarded amount: \$10,687.08
Awarded date: November 14, 1988
Expir/deliv date: December 19, 1988
Shipped to: Department of Labor & Industry

Item: Furniture office
Req.#: 55000 95186 01
Awarded to: Elec. Office Environment, Minneapolis, MN
Awarded amount: \$26,400.00
Awarded date: November 14, 1988
Expir/deliv date: December 22, 1988
Shipped to: Department Human Services

Item: Lumber & related basic wood
Req.#: 01000 05641 01
Awarded to: Itasca Lumber Co., Grand Rapids, MN
Awarded amount: \$5,503.50
Awarded date: November 10, 1988
Expir/deliv date: November 21, 1988
Shipped to: Facilities Management Office

Item: Books & pamphlets
Req.#: 02515 92141 01
Awarded to: Nelson Marketing Service, Burnsville, MN
Awarded amount: \$31,365.00
Awarded date: November 10, 1988
Expir/deliv date: December 30, 1988
Shipped to: State Register & Publications Documents

Item: Automobile
Req.#: 07300 52590 01
Awarded to: Tousley Ford Subaru, White Bear Lake, MN
Awarded amount: \$10,866.00
Awarded date: November 10, 1988
Expir/deliv date: November 16, 1988
Shipped to: Department of Public Safety

Item: Clothing outerwear men
Req.#: 29007 10127 01
Awarded to: Continental Safety Equipment, Eagan, MN
Awarded amount: \$5,142.25
Awarded date: November 10, 1988
Expir/deliv date: December 30, 1988
Shipped to: DNR—Northern Service Center

Item: Services other purchased
Req.#: 36000 13144 01
Awarded to: Visual Tech Inc., Minneapolis, MN
Awarded amount: \$47,489.50
Awarded date: November 10, 1988
Expir/deliv date: November 14, 1988
Shipped to: Board of Voc-Tech Education

Item: Laboratory supplies
Req.#: 42701 12905 01
Awarded to: Process Systems Corporation, Minneapolis, MN
Awarded amount: \$11,010.00
Awarded date: November 10, 1988
Expir/deliv date: November 22, 1988
Shipped to: Department of Labor & Industry

Item: Furniture office
Req.#: 55000 95263 01
Awarded to: S&T Office Products Co., St. Paul, MN
Awarded amount: \$5,320.00
Awarded date: November 10, 1988
Expir/deliv date: February 20, 1989
Shipped to: Department Human Services

Item: Radio navigation equipment non-air
Req.#: 79000 92335 01
Awarded to: CHU Associates, El Cajon, CA
Awarded amount: \$5,426.19
Awarded date: November 10, 1988
Expir/deliv date: November 15, 1988
Shipped to: Mn/DOT, Aeronautics

Item: Safety & rescue equipment
Req.#: 07500 51694 01
Awarded to: Riordan Safety Inc., Virginia, MN
Awarded amount: \$5,858.00
Awarded date: November 15, 1988
Expir/deliv date: November 30, 1988
Shipped to: DPS, Warehouse

Item: Auto HD truck & van
Req.#: 07300 52628 01
Awarded to: Harold Chevrolet Co., Bloomington, MN
Awarded amount: \$17,908.00
Awarded date: November 15, 1988
Shipped to: Department of Public Safety

State Contracts and Advertised Bids

Item: Automobile
Req.#: 07300 52623 01
Awarded to: Midway Chevrolet
Awarded amount: \$12,100.00
Awarded date: November 15, 1988
Shipped to: Department of Public Safety

Item: Van conversion for handicapped
Req.#: 21607 73137 01
Awarded to: Handicapped Driving,
Burnsville, MN
Awarded amount: \$6,495.00
Awarded date: November 15, 1988
Expir/deliv date: November 25, 1988
Shipped to: Various Locations

Item: Tools equipment and access for
clients
Req.#: 21603 72410 01
Awarded to: Schmalz Industries, Thief
River Falls, MN
Awarded amount: \$9,803.92
Awarded date: November 15, 1988
Expir/deliv date: November 25, 1988
Shipped to: Various Locations

Item: Van conversion for handicapped
Req.#: 21603 71271 01
Awarded to: Handicapped Driving,
Burnsville, MN
Awarded amount: \$5,510.00
Awarded date: November 15, 1988
Expir/deliv date: November 25, 1988
Shipped to: Various Locations

Item: Physical testing equipment
Req.#: 26073 20771 01
Awarded to: Kay Elemetrics Corp., Pine
Brook, NJ
Awarded amount: \$15,395.00
Awarded date: November 15, 1988
Expir/deliv date: January 30, 1989
Shipped to: St. Cloud State University

Item: Computer equipment
Req.#: 55000 95395 01
Awarded to: Recognition Equipment
Inc., Minneapolis, MN
Awarded amount: \$5,382.00
Awarded date: November 15, 1988
Expir/deliv date: December 20, 1988
Shipped to: Department Human
Services

Item: Preservative & sealing compound
Req.#: 79500 03183 01
Awarded to: Brock White Co., St. Paul,
MN
Awarded amount: \$21,416.00
Awarded date: November 15, 1988
Expir/deliv date: November 30, 1988
Shipped to: MN Department of
Transportation

Item: Tools equipment and access for
clients
Req.#: 21607 73561 01
Awarded to: Complete Mobility
Systems, Minneapolis, MN
Awarded amount: \$6,247.00
Awarded date: November 16, 1988
Expir/deliv date: December 1, 1988
Shipped to: Various Locations

Item: Binding equipment
Req.#: 26074 12117 02
Awarded to: Moore Business Forms,
Bloomington, MN
Awarded amount: \$6,493.00
Awarded date: November 16, 1988
Expir/deliv date: December 30, 1988
Shipped to: Winona State University

Item: Laboratory supply
Req.#: 29000 50942 01
Awarded to: Bio Products Inc.,
Warrenton, OR
Awarded amount: \$6,394.00
Awarded date: November 16, 1988
Expir/deliv date: December 1, 1988
Shipped to: Department Natural
Resources

Item: Mechanical work, plumbing,
heating (remodeling)
Req.#: 75200 00596 01
Awarded to: Owens Service Co.,
Minneapolis, MN
Awarded amount: \$7,203.00
Awarded date: November 16, 1988
Expir/deliv date: December 10, 1988
Shipped to: MN Veterans Home

Item: Painting
Req.#: 78620 00266 01
Awarded to: Artisan Construction,
St. Paul, MN
Awarded amount: \$12,960.00
Awarded date: November 16, 1988
Expir/deliv date: December 16, 1988
Shipped to: MN Correctional Facility

Item: Auto HD truck & van
Req.#: 78770 02818 01
Awarded to: Voigts
Awarded amount: \$10,500.00
Awarded date: November 16, 1988
Shipped to: MN Correctional Facility

Item: Electronic component parts &
accessories
Req.#: 79050 23427 01
Awarded to: Traffic Systems Corp.,
Edina, MN
Awarded amount: \$34,540.00
Awarded date: November 16, 1988
Expir/deliv date: February 1, 1989
Shipped to: Mn/Dot, Electrical Services

Department of Administration: Print Communications Division

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

Commodity: 1989 spring turkey hunt zone map 4,500, two-sided, 70 lb white offset, folded

Contact: Printing Buyers Office

Bids are due: November 23

Agency: Natural Resources

Deliver to: St. Paul

Requisition #: 3114

Commodity: DL withdrawal notice, camera-ready copy, 300,000, 15 lb white, perforations

Contact: Printing Buyers Office

Bids are due: November 23

Agency: Public Safety

Deliver to: St. Paul

Requisition #: 3106

Commodity: Index deposit list, carbon interleave, perforations, type to be set, 25,000 sets

Contact: Printing Buyers Office

Bids are due: November 23

Agency: Public Safety

Requisition #: 3101

Commodity: 1988 MN statutes, 3,000 books—104 pp each. saddle-stitched, two-sided

Contact: Printing Buyers Office

Bids are due: November 23

Agency: PERA

Requisition #: 3028

Commodity: MA invoice processing envelopes, type to be set, one-sided, 5,000

Contact: Printing Buyers Office

Bids are due: November 23

Agency: Human Services

Deliver to: St. Paul

Requisition #: 3142

Commodity: Explore Minnesota travel directories

Contact: Printing Buyers Office

Bids are due: November 30

Agency: Tourism

Deliver to: St. Paul

Requisition #: 22400 02666 7 8

Commodity: 1988 roster of ARCH/Engr/Ls/La, 4,000 books of 144 pp + cover, type to be set, saddle-stitched

Contact: Printing Buyers Office

Bids are due: November 28

Agency: Board of Architects

Deliver to: St. Paul

Requisition #: 3179

Commodity: Drinking & driving outdoor boards, full strength poster paper, 272" x 125", one-sided, camera-ready copy

Contact: Printing buyer's office

Bids are due: November 28

Agency: Public Safety

Deliver to: St. Paul

Requisition #: 3161

Contract Awards—Print Communications Division

Item: AFDC household report envelope

Req.#: 2653

Awarded to: Quality Park Products

Amount: \$4,023.00

Date: November 4, 1988

Deliver to: New Brighton

Delivery date: January 20, 1989

Item: Test for syphilis form

Req.#: 2709

Awarded to: PAULY Business Forms

Amount: \$1,536.00

Date: November 4, 1988

Deliver to: Minneapolis

Delivery date: 28 days

Item: Consolidated sales tax return

Req.#: 2727

Awarded to: Royal Business Forms

Amount: \$1,490.00

Date: November 4, 1988

Deliver to: Arden Hills

Delivery date: 45 days

Item: DL renewal zip plus 4 envelope

Req.#: 2714

Awarded to: Tension Envelope Corporation

Amount: \$5,845.50

Date: November 4, 1988

Deliver to: St. Paul

Delivery date: 60 days

Item: Records container label

Req.#: 2708

Awarded to: PAULY Business Forms

Amount: \$147.31

Date: November 4, 1988

Deliver to: Minneapolis

Delivery date: 28 days

Item: Organ donor pamphlet

Req.#: 2642

Awarded to: John Roberts Co.

Amount: \$1,035.00

Date: November 9, 1988

Deliver to: St. Paul

Delivery date: January 15, 1989

State Contracts and Advertised Bids

Item: Salary deduction report

Req.#: 1839

Awarded to: PAULY Business Forms

Amount: \$981.56

Date: November 10, 1988

Deliver to: St. Paul

Delivery date: A/R

Item: Clearing account deposit slip

Req.#: 2681

Awarded to: Royal Business Forms

Amount: \$268.97

Date: November 4, 1988

Deliver to: St. Paul

Delivery date: 30 days

Item: Unit service record form

Req.#: 2797

Awarded to: Bahn Division Stuart
Hooper Co.

Amount: \$1,180.00

Date: November 8, 1988

Deliver to: St. Paul

Delivery date: 30 days

Item: Inpatient hospital administration
physical certificate

Req.#: 2698

Awarded to: Custom Business Forms

Amount: \$995.10

Date: November 4, 1988

Deliver to: St. Paul

Delivery date: 15 days

Item: Gas tickets

Req.#: 2720

Awarded to: Action Business Forms

Amount: \$747.00

Date: November 4, 1988

Deliver to: St. Paul

Delivery date: 30 days

Item: Commerce license form

Req.#: 2759

Awarded to: Custom Business Forms

Amount: \$1,132.00

Date: November 4

Deliver to: St. Paul

Delivery date: 15 days

Item: Non-credit continuing education
registration form

Req.#: 2738

Awarded to: PAULY Business Forms

Amount: \$2,611.50

Date: November 4, 1988

Deliver to: St. Paul

Delivery date: 28 days

Department of Corrections Health Care Unit

Request for Proposal for Physical Therapist Services

Notice is hereby given that the Minnesota Department of Corrections is seeking the following service for the period January 1, 1989 to June 30, 1989. These services are to be performed at the Minnesota Correctional Facilities—Stillwater and Oak Park Heights.

Services of a Physical Therapist approximately 12 hours per week to provide physical therapist services at the Minnesota Correctional Facilities—Stillwater and Oak Park Heights. Estimated contract amount—\$7,200.00.

Direct Inquiries to:

Dana P. Baumgartner, Acting
Health Care Coordinator
Minnesota Department of Corrections
612/642-0248
300 Bigelow Building
450 North Syndicate Street
St. Paul, Minnesota 55104

Proposals for the above contract must be submitted no later than December 12th, 1988.

Department of Health

Request for Proposal to Determine the Incidence of Cocaine Use in Pregnant Women in Minnesota

The Minnesota Department of Health is soliciting proposals to coordinate a multiple hospital project to determine the incidence of cocaine use among pregnant women in Minnesota. Currently no such data exist. The objective of this project is to improve the Department's knowledge of prenatal cocaine abuse through establishment and completion of a survey project. This project will screen the urine of women admitted to several urban and suburban hospitals for labor and delivery.

It is the Department's intent that the Project be conducted by a Survey Project Coordinator who will work with the staff of the participating hospitals to establish, implement, and monitor the project protocol; collect the outcome data; and create a final report to the Minnesota Department of Health.

Project Tasks:

1. Identify and hire, as necessary, a survey project assistant and other appropriate personnel to work directly with hospitals' staff to assure project continuity.
2. Establish project protocol for anonymous screening of urine collected from women admitted to the participating hospitals for labor and delivery. This protocol must conform with legal requirements for client confidentiality. Approval of each participating hospital's review board must be obtained.
3. Contact and make arrangements with the staff of each participating hospital, initially and on a regular and continuing basis, to assure understanding of and cooperation in completing the purposes and procedures of the project.
4. Prepare and present to the Minnesota Department of Health a final report of this project to include descriptions of the survey design, protocols, and outcome data.

Responder may propose additional tasks or activities if they substantially improve the results of the project.

Project Costs:

The Department has estimated that the cost of this project should not exceed \$100,000.

Project Completion Date:

This project will be completed by June 30, 1989.

Proposal Contents:

The following will be considered minimum contents of the proposal:

1. A restatement of the objective and tasks to show or demonstrate the responder's view of the nature of the project.
2. An identification and description of the deliverables to be provided by the responder.
3. An outline of the responder's background and experience identifying personnel to conduct the project and detailing their training and work experience. No change in personnel assigned to the project will be permitted without the approval of the State Project Director/Manager.
4. A detailed cost and work plan which identifies the major tasks to be accomplished and can be used as a scheduling and managing tool as well as the basis for invoicing.
5. Letters of intent to cooperate on the study from participating hospitals.

Worker's Compensation:

The successful applicant will be required to submit acceptable evidence of compliance with worker's compensation insurance coverage requirements prior to execution of the contract.

Affirmative Action Requirement:

Minnesota Statutes, 1981 Supplement, section 363.073 requires that no state agency accept any proposal or execute any contract for services in excess of \$50,000 with any business having more than 20 full-time employees in Minnesota at any time during the previous 12 months unless the business has an affirmative action plan that has been approved by the Commissioner of Human Rights. Applicants submitting proposals to this RFP for contracts estimated to be in excess of \$50,000 must include either: (1) a copy of their current certificate of compliance issued by the Commissioner of Human Rights; or (2) a statement certifying that their firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months and is therefore exempt from this requirement. Proposals received without evidence of compliance or exemption will not be accepted.

State Contracts and Advertised Bids

Right of Refusal:

The MDH reserves the right to reserve any and all of proposals in whole or in part if, in the Commissioner of Health's judgement, the best interests of the State of Minnesota will be served.

All proposals and inquiries should be directed to:

Carolyn McKay, M.D., M.P.H., Director
Maternal and Child Health Division
Minnesota Department of Health
Box 9441
717 S.E. Delaware Street
Minneapolis, Minnesota 55440
612/623-5166

Proposals must be received by 4:30 p.m., December 23, 1988.

Late proposals will not be accepted. Submit 3 copies of proposal. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed in ink by a person authorized to enter into this contract. Prices and terms of the proposal as stated must be valid the length of the project. Final award decisions will be made by December 30, 1988. A formal contract will be executed prior to initiation of the project.

Minnesota Historical Society

Request for Proposals for Historic Structure Report for Historic House-Museum

Scope of Proposal

The Minnesota Historical Society is seeking proposals from qualified research/architectural historians and/or architects for an historic structure report to address the preservation needs of an historic house-museum in the Twin Cities metropolitan area to be completed by February 28, 1989.

The work will include a brief history of the property, chronology of construction based upon available historical documentation, description of alterations and changes to the structure and the interior and exterior fabric, analysis of existing conditions, and recommendations for necessary work.

The report will follow a format based on the National Park Service's standards for preservation, conservation, and restoration of historic structures.

Specific information concerning the structure is available for review by appointment at the Fort Snelling History Center during business hours. To schedule an appointment, call Merry van den Honert at (612) 726-1171.

Submission of Proposals

All proposals must be sent to: Mark Schwartz, Contract Officer, Minnesota Historical Society, 1500 Mississippi Street, St. Paul, Minnesota 55101, (612) 296-2155.

All proposals must be received no later than the close of the business day (5:00 p.m.), Wednesday, December 7, 1988. Late proposals will not be accepted.

Submit two copies of the proposal in an 8½ x 11 format. Proposals are to be sealed in mailing envelopes or packages with responder's name, address, and the name of the project for which the proposal is being submitted clearly written on the outside. The proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposal must be valid for the length of the project.

Qualified firms or individuals who have demonstrated experience in preparing comparable historic structure reports will be considered for this project. Responder experience and qualifications, quality of proposal, and project cost detail will be considered in awarding the contract. Upon completion of evaluation and selection, results will be sent immediately by mail to all responders.

This Request for Proposals does not obligate the Society to complete the project, and the Society reserves the right to cancel solicitation if it is considered to be in the Society's best interests. The Society also reserves the right to accept or reject any or all proposals and to waive any irregularities therein.

Proposal Contents

The following will be considered minimum contents of a proposal:

1. Narrative project proposal identifying and describing the services and products to be provided.

2. A resume outlining the responder's capabilities and experience on comparable projects.
3. Identify the personnel who will supervise and conduct this project and detail their training and work experience. No change in personnel will be permitted without the approval of the Society.
4. Cost breakdown, work plan, and project schedule that identifies major tasks to be accomplished. Responder should state how project will be billed.
5. Sample completed historic structure report or comparable report prepared by responder for comparable projects.

Department of Human Services

Request for Proposals for Special Focus-Indian Child Welfare Programs

The Department of Human Services is seeking proposals for Indian child welfare programs which have a Special Focus on service areas of particular concern to the Indian community. The goals of these programs are consistent with those of the federal Indian Child Welfare Act and the state Indian Family Preservation Act. These goals refer to services which enhance family function and prevent the separation of Indian children from their families through foster care. Services which are included in the Request for Proposals are directed at permanency planning, teenage pregnancy, independent living skills, child abuse and chronic neglect of children, coordination of child welfare and mental health services, youth suicide, information dissemination of successful service approaches, family retrieval, and other activities and services approved by the Commissioner of Human Services.

Local social service agencies, tribes, Indian organizations or any other social service organization may submit proposals for Special Focus-Indian Child Welfare Grants. Proposals may be submitted alone or in combination with other tribes or Indian organizations. Preference will be given to programs that use Indian staff, contract with Indian organizations or tribes, or whose proposed program is a joint effort between the Indian and non-Indian community.

Interested organizations will be required to respond to all of the specifications contained in the Request for Proposal. A maximum grant of \$100,000 for a one year period beginning July 1, 1989 will be awarded to approved programs. Awards will be made on the basis of criteria which includes the following: documented need for program, program goals and measurable objectives, expected outcome, organizational and fiscal stability, successful agency experience in the provision of Indian social services, collaborative service relationships and program cost.

The Request for Proposal containing specifications and application forms may be obtained from the Department of Human Services by calling (612) 296-3800.

The deadline for submission of proposals is, either, to be postmarked by January 15, 1989 or received by 4:00 p.m. of that date at:

Children's Services Division
Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3832

Department of Jobs and Training State Job Training Office

Request for Proposals for Job-Training Program Evaluator

The State Job Training Office, Minnesota Department of Jobs and Training, is seeking an evaluator who will test the hypothesis that functional basic skills training is more effective for at-risk youth when linked with work experience. As part of this examination, the evaluator will review data from two demonstration programs which are operating under this premise. A maximum of \$14,000 is available for this effort.

Eligible applicants are individuals and/or organizations which have demonstrated experience in evaluating human service and/or job training programs involving at-risk youth. Individuals and/or organizations can come from the public, private non-profit, or private for-profit sectors.

Proposals must be RECEIVED in the State Job Training Office no later than 4:30 p.m. on December 16, 1988 in order to be considered. A full copy of the Request for Proposals can be obtained by contacting:

State Contracts and Advertised Bids

Larry Eisenstadt
State Job Training Office
Minnesota Department of Jobs and Training
690 American Center Building
150 East Kellogg Boulevard
Saint Paul, Minnesota 55101
Telephone Number: 612-296-6073

Department of Transportation

Bridge Design and Construction Consultants Sought—Notice to Consulting Engineers—Registered Civil and Structural

The Minnesota Department of Transportation (Mn/DOT) anticipates retaining Bridge Design Consultants to design and prepare construction plans for a limited number of bridges of average complexity during 1989.

Applicants must have an office in Minnesota staffed to handle the work. Recent experience in the production of bridge plans for the State Highway System, the County State Aid Highway System, or equivalent, is required.

Eligible design firms desiring to be considered as design contractors are asked to submit a brochure or resume giving qualifications and experience to D.J. Flemming, State Bridge Engineer, 610D Transportation Building, Mn/DOT, St. Paul, Minnesota 55155. Identify personnel to conduct the work and detail their training and experience. Brochures and resumes will be received until 12:00 p.m., December 9, 1988. Applicants may be requested to interview at the Mn/DOT Building in St. Paul.

Names of selected firms will be retained on file with Mn/DOT for consideration during 1989.

Supreme Court Decisions

Decisions Filed 18 November 1988

C6-88-120 State of Minnesota v. Norman Dean Hayes, Appellant. Court of Appeals.

Trial court in deershining prosecution erroneously instructed jury on aiding and abetting but error was not prejudicial.

Affirmed. Amdahl, C.J.

C2-88-1376 Cathy J. Vait, Relator v. Merillat Industries, Self-Insured. Workers' Compensation Court of Appeals.

Injured workers who are participating in an on-the-job training program are entitled to reasonable reimbursement for travel and custodial daycare under *Minnesota Statutes* § 176.102, subd. 9(c) (1986).

Reversed, Wahl, J.

Announcements

Environmental Quality Board (EQB): Petitions have been received on the following projects: Anderson Oxboro Lake Development, City of Bloomington, Contact Rick Geshweiler, (612) 887-9635; Ridgevale Festival, City of Minnetonka, Contact Ms. Ann Perry (612) 933-2511. Environmental Assessment Worksheets (EAW) have been set for the following projects: Anderson Corp. Building #46 Addition, City of Bayport; Browerville Wastewater Treatment Facility, Minnesota Pollution Control Agency; Minnesota Holmenkollen, City of Bloomington.

Environmental Quality Board (EQB): Environmental Assessment Worksheets (EAWs) Comments are due on November 30, 1988 for the following projects and their regional governing units: Maplewood Multi-Family Housing, City of Maplewood; The Lexington, City of Roseville.

Metro Council Sets LRT Priority Corridor for Federal Funding: The priority corridor in the region for building light rail transit (LRT) is a route that connects downtown Minneapolis with downtown St. Paul, together with extensions from downtown Minneapolis to the northwest and southeast. The priority corridor consists of three routes. They are: from downtown Minneapolis to downtown St. Paul, with the precise route yet to be decided; a route out of downtown Minneapolis along Hwy. 55 and an existing railroad right-of-way north to 63rd Av. N. in Brooklyn Park; and from downtown Minneapolis along Hiawatha Av., where yard and shop facilities would be located, south to 46th St. Hennepin County has been discussing applying for a \$2.4 million federal grant that would be used to entice the private sector to get involved in planning and building their LRT system. That grant might be followed by a \$100 million request for federal funds to build the system. Under federal regulations, the Council must approve any LRT grant applications before they are submitted to federal funding agencies.

1989 Spring Turkey Hunt Applications Available: Applications for the 1989 spring turkey hunt computer drawing should now be available from county auditors, license dealers, and area wildlife offices.

An application for the computer drawing must be postmarked by Dec. 9, 1988 or delivered to the DNR License Bureau at 500 Lafayette Road in St. Paul no later than 4:30 p.m., Friday, Dec. 9, 1988. The 1989 turkey season will open on April 12, 1989. A total of 4,000 licenses are available within seven different zones. Two new zones have been opened near Forest Lake and Mankato in response to successful transplants of wild turkeys. For more information, contact: Tom Keefe, Wildlife Section (612) 296-0704.

DNR Announces Bowhunter Education Program: Enforcement officials from the Minnesota Department of Natural Resources (DNR) this week announced the adoption of the International Bowhunter Education Program (IBEP) as one of its official hunter education programs. Anyone wanting to take a hunter education program should write: Roger Grosslein, DNR Division of Enforcement, 500 Lafayette Road, St. Paul, MN 55155-4047. Phone: (612) 296-0890.

Airport Public Meeting Broadcast on Cable TV Channel 6: The Metropolitan Council's Nov. 22 public meeting on the future of Minneapolis-St. Paul International Airport will be broadcast "live" on regional cable tv Ch. 6. The program will begin at 11 a.m. The purpose of the meeting is to hear public comments on the recommendations of a task force that has studied the future of the airport. The task force has recommended building a new north-south runway at the airport and securing a site for a possible replacement airport in the future. The meeting will rebroadcast on Ch. 6 at 8 p.m. on Nov. 25. Minneapolis cable will also carry the program at 6 p.m., Dec. 3, on Ch. 34A. The public is also invited to attend the Nov. 22 meeting, which will be held in the Metropolitan Council Chambers, Mears Park Centre, 230 E. Fifth St., in downtown St. Paul.

September Unemployment Rate: Twin Cities metropolitan area unemployment rate was 3.2 percent in September. ST. PAUL—The Minneapolis-St. Paul metropolitan area's unemployment rate declined to 3.2 percent in September, a slight drop from the 3.3 percent rate in August, but well below the 3.8 percent reading for September 1987, Commissioner Joe Samargia of the Minnesota Department of Jobs and Training reported today. The comparable national unemployment rate for September was 5.2 percent. The statewide unemployment rate in September was 3.4 percent. Contact: Kevin Alaspa or Bruce Steuernagel, Research Office, 612/297-3111 or 296-8716.

Revenue and Public Safety Commissioners Sign Vehicle Excise Tax Agreement: Effective November 1, interstate motor carriers who currently hold a Motor Carrier Direct Pay Certificate (MCDP) will no longer be submitting sales tax returns directly to the Minnesota Department of Revenue. Instead, the Department of Public Safety will collect the prorated tax on purchases of vehicles to be used in interstate commerce at the time the vehicle is registered. Minnesota Revenue Commissioner John James and Public Safety Commissioner Paul Tschida signed an agreement simplifying the collection of motor vehicle excise tax from interstate common carriers. That agreement allows for more efficient state administration and less paperwork for the carrier. Carriers are required to have only one license and one decal to comply with fuel license requirements in all member states. Carriers file only one report to their base state for all fuel purchases in member states. The base state collects all fees due and remits the amount due to each of the states. In addition, it reduces the cost to the carrier by eliminating the cost of bonding and by balancing and tax liabilities in one state against the tax credits in another.

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.

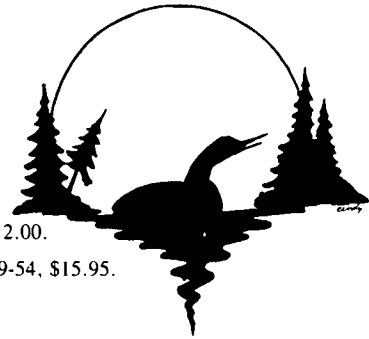
Loon Calendar 1988, beautiful photographs and scenes. Code #15-40, \$6.95.

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

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Minnesota's future environment

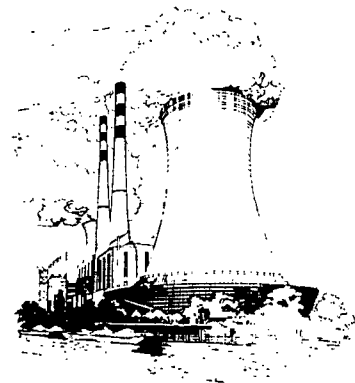
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Jane Smith
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY

My Commission Expires January 1, 1994

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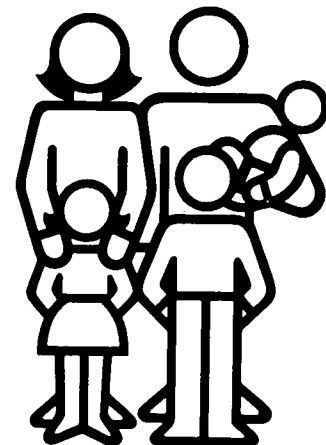
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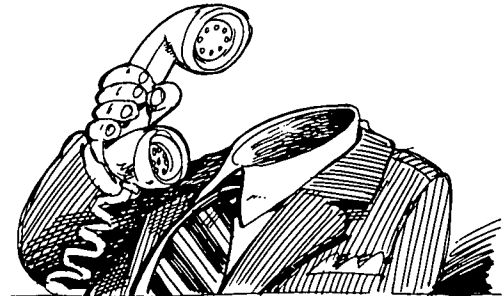
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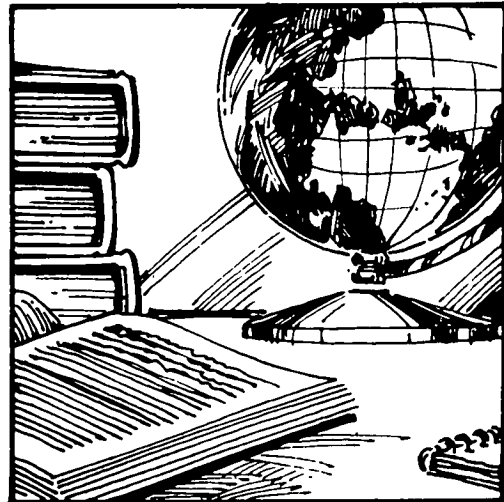
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