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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 Adopted and Proposed Rules**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
28	Friday 23 December	Friday 30 December	Monday 9 January
29	Friday 30 December	Monday 9 January	Tuesday 17 January
30	Monday 9 January	Friday 13 January	Monday 23 January
31	Tuesday 17 January	Monday 23 January	Monday 30 January

*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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FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

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Minnesota Rules: Amendments and Additions

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

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

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

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

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Proposed Rules

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

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

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

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

Department of Education

Proposed Permanent Rules Relating to Curriculum, Youth Service-Learning, and Youth Service Activities

Notice of Intent to Adopt Rules Governing Youth Service and Youth Service-Learning Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota State Board of Education (Board) intends to adopt and amend the above-entitled rules, *Minnesota Rules* Parts 3500.1091-3500.2110 (3500.1091 is new; 3500.1100, .1150, .1600, .2200, and .2110 are amendments to existing rules), without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1986). The Board's authority to adopt the rule is set forth in *Minnesota Statutes* § 121.11, subd. 7 (Supp. 1987).

All persons have 30 days in which to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. That date would end on February 17, 1989 at 4:30 p.m. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the 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 should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1986).

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

Mary Jo Richardson
Minnesota Department of Education
Community Education
Room 920 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
(612) 296-1435

The proposed rule may be modified if the modifications are supported by data and views submitted to the Board and do not result in a substantial change in the proposed rule as noticed. The new portion of the rule (3500.1090) contains definitions of "youth service activities" and "youth service learning." The remaining changes are amendments to elementary, middle school, and secondary school curriculum rules, and incorporate the definitions into curriculum requirements.

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

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

Proposed Rules

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Mary Jo Richardson at the Minnesota Department of Education, upon request.

You are hereby advised, pursuant to *Minnesota Statutes* 14.11, that the proposed rule requires the expenditure of public money by local school districts which will exceed \$100,000 in either of the two years following adoption of the rule.

Among the school districts which currently offer Youth Service opportunities to students, the most common costs fall into four categories:

1. Curriculum development and adaptation.
2. In-service education for teachers and other staff members associated with the program and for the youth who are engaged in such activities as peer tutoring.
3. Coordination with community groups and agencies.
4. Special project costs which vary with the type of project; in many cases such costs are shared with other community groups. The following costs are based on an estimate of start-up costs for the above categories. The amounts vary with the size of districts.

Size of Districts (number of students)	Number of Districts	Cost Per District	Total
Over 20,000	3	\$50,000	\$ 150,000
10,000-20,000	6	25,000	175,000
2,500-9,999	54	12,500	675,000
1,000-2,499	85	6,250	531,250
Below 1,000	284	3,125	<u>887,500</u>
			\$2,418,750

Thus, the total cost would be approximately \$2.4 million for the biennium during the start-up phase.

In successive years the program would be integrated into the curricula, but some continued in-service education, coordination and resources for special projects are likely to be needed. The on-going costs will be approximately \$1.2 million for each year to maintain the program. This assumes that some costs, such as staff development, will be included in on-going district staff development activities. This also assumes that the Community Education programs which have included Youth Service in their Youth Development Plans will continue their activities in this area through Youth Development funds.

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

Mary Jo Richardson, Minnesota Department of Education,
550 Cedar Street, St. Paul, MN 55101

Dated: 7 November 1988

Ruth E. Randall, Commissioner
Minnesota Department of Education

Rules as Proposed

3500.1090 DEFINITIONS FOR YOUTH SERVICE.

Subpart 1. Youth service activities. Youth service activities means curricular or co-curricular activities performed by elementary or secondary school students that meet the needs of others in the school or community in such areas as peer tutoring or cross-age tutoring, work with children or seniors, and environmental or other projects.

Subp. 2. Youth service-learning. Youth service-learning means the integration into the curriculum of study and reflection on the experience of youth service activities. Youth service-learning must be designed to enhance the student in such areas as personal growth, career exploration, understanding of community and citizenship, social science skills, and communication skills.

3500.1100 ELEMENTARY SCHOOL CURRICULUM.

Subpart 1. to 3. [Unchanged.]

Subp. 4. Youth service-learning. Youth service-learning must be integrated into the elementary school curriculum.

Subp. 5. Youth service activities. A school district must provide opportunities for students to participate in youth service activities within the school or community.

3500.1150 REQUIRED OFFERINGS FOR ELEMENTARY SCHOOLS.

Subpart 1. to 4. [Unchanged.]

Subp. 5. **Integration of required curriculum offerings.** Environmental education, youth service-learning, and media and technology skills shall be taught in the context of the other required curriculum offerings. Although particular curriculum offerings in subpart 4 are clustered to indicate emphasis in a balanced elementary school curriculum, any curriculum offering may be taught in combination or cluster with any of the other offerings.

Subp. 6. and 7. [Unchanged.]

3500.1600 MIDDLE SCHOOL CURRICULUM.

Subpart 1. and 2. [Unchanged.]

Subp. 3. Youth service-learning. Youth service-learning must be integrated into the middle school curriculum.

Subp. 4. Youth service activities. A school district must provide opportunities for students to participate in youth service activities within the school or community.

3500.1900 CURRICULUM FOR JUNIOR SECONDARY SCHOOLS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. Youth service-learning. Youth service-learning must be integrated into the junior secondary school curriculum.

Subp. 4. Youth service activities. A school district must provide opportunities for students to participate in youth service activities within the school or community.

3500.2000 CURRICULUM FOR THREE-YEAR SENIOR SECONDARY SCHOOLS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. Youth service-learning. Youth service-learning must be integrated into the three-year senior secondary school curriculum.

Subp. 4. Youth service activities; credit. A school district must provide opportunities for students to participate in youth service activities within the school or community. The district shall acknowledge student participation in youth service activities through awarding credit. The district shall determine the amount of credit awarded for the activities.

3500.2110 REQUIRED CURRICULUM OFFERINGS FOR FOUR-YEAR SENIOR SECONDARY SCHOOLS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Required offerings without minimum hours.** The programs in items A and B must be offered to students. The number of clock hours to be devoted to each is up to the local school board. Satisfactory completion will be based on locally determined learner outcomes which are defined as knowledge, skills, or understandings that an individual student derives from a learning experience.

A. A school district must provide a career education program developed by involving parents or guardians and the community. The program must be designed to assist pupils in making career decisions including course selections.

B. A school district must provide an information technology program to meet individual student needs. Information technology includes such things as student learning about and with one or more of the following: computers, telecommunications, cable television, interactive video, film, low power television, satellite communications, and microwave communications. Information technology may be integrated with course content of other subject areas.

C. Youth service-learning must be integrated into the four-year senior secondary school curriculum.

D. A school district must provide opportunities for students to participate in youth service activities within the school or community. The district shall acknowledge student participation in youth service activities through awarding credit. The district shall determine the amount of credit awarded for the activities.

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Proposed Rules

Department of Health

Proposed Permanent Rules Relating to Filing Fees for HMOs

Notice of Hearing

NOTICE IS HEREBY GIVEN that a public hearing will be held in the above-entitled matter at the Board Room, Minnesota Department of Health, 717 S.E. Delaware St., Minneapolis, Minnesota 55440, on Tuesday, February 21, 1989, commencing at 9:00 a.m. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements or arguments. Statements or briefs may be submitted without appearing at the hearing.

This matter will be heard by Administrative Law Judge Jon Lunde, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone (612) 341-7645. The rule hearing procedure is governed by *Minnesota Statutes* sections 14.14 to 14.20 (1988) and by *Minnesota Rules*, parts 1400.0200 to 1400.1200 (1987). Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge at the address and telephone number stated above.

The proposed rules adjust health maintenance organization renewal fees, establish a fee for filing quarterly financial reports, and increase the filing fee for annual reports.

The proposed rules are authorized by *Minnesota Statutes* sections 62D.20, 62D.211, 62D.21 and 62D.08, subdivision 3 (1988). The adoption of these rules will not require the expenditure of public moneys in excess of \$100,000 by local public bodies in either of the two years following adoption. **SEE**, *Minnesota Statutes* section 14.11, subdivision 1. The proposed rules are published below. One free copy of the rules is available on request by contacting:

Dawna Tierney
Alternative Delivery Systems
Minnesota Department of Health
717 S.E. Delaware Street
Minneapolis, Minnesota 55440
(612) 623-5607

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

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

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

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

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

Please be advised that *Minnesota Statutes* Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes* Chapter 10A.01, subd. 11 (1099) 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 traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute contains certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101, telephone (612) 296-5615.

Dated: 27 December 1988

Sister Mary Madonna Ashton
Commissioner of Health

Rules as Proposed

4685.2800 FEES.

Subpart 1. Filing fees. Every filing submitted to the commissioner by a health maintenance organization subject to *Minnesota Statutes*, sections 62D.01 to 62D.29 (~~the Health Maintenance Act of 1973~~) shall be accompanied by the following fees:

A. for filing an application for a certificate of authority, \$1,500;

B. for filing each annual report, ~~\$50~~ \$200;

C. for filing a quarterly report, \$50;

D. for filing each amendment to a certificate of authority, including the filings required under *Minnesota Statutes*, section 62D.08, subdivision 1, \$50;

~~D.~~ E. for each examination, the costs, including staff salaries and fringe benefits and indirect costs, incurred in preparing for and conducting the examination and preparing the subsequent report. The commissioner shall provide the health maintenance organization an itemized statement at the time of billing.

For the purpose of this item, indirect costs include costs attributable to:

(1) supplies;

(2) professional and technical services;

(3) electronic data processing;

(4) variable telephone usage;

(5) correspondence delivery;

(6) travel and subsistence; and

(7) general overhead, including building rental, telephone systems, executive office services, personnel services, administrative services, and financial management.

The fee charged for the examination must be calculated by totaling staff salaries, fringe benefits, and the costs described in subitems (1) to (6) and adding the percentage of general overhead, described in subitem (7), attributable to the specific examination; and

~~E.~~ F. for all other filings, \$100. These filings include:

(1) requests for waiver of open enrollment;

(2) demonstration project applications; and

(3) expense and revenue reports required under *Minnesota Statutes*, section 62D.03, subdivision 4, clause (g).

Subp. 2. Renewal fee. The renewal fee for a certificate of authority is \$10,000 for each health maintenance organization plus 35 cents for each person enrolled in the health maintenance organization on December 31 of the preceding year.

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Proposed Rules

Pollution Control Agency

Proposed Permanent Rules Relating to Management of Hazardous Waste

Notice of Intent to Adopt Rule Amendments Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) intends to adopt the above-entitled rule amendments without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1986). The MPCA's authority to adopt the rule amendments is set forth in *Minnesota Statutes* § 116.07, subd. 4 (1986).

All persons have until 4:30 p.m. on February 9, 1989, to submit comments in support of or in opposition to the proposed rule amendments or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rule amendments addressed, the reason for the comment, and any change proposed.

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

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

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

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

The proposed rule amendments, if adopted, will pertain to the following:

1. Permitting and technical standards for miscellaneous hazardous waste management units. The amendments provide permitting and technical standards for hazardous waste management technologies that are not covered by the existing hazardous waste rules.
2. The codification of additional corrective action and permit provisions related to hazardous waste management facilities.
3. The definition of hazardous waste. The amendments provide a technical correction to the existing definition of hazardous waste.
4. The listing of spend pickle liquor. The amendments provide a technical correction to the listing of spent pickle liquor already existing in the hazardous waste rules.

The MPCA is proposing these amendments in response to amendments to the federal hazardous waste regulations promulgated by the U.S. Environmental Protection Agency on December 10, 1987; December 1, 1987; June 5, 1987; and August 3, 1987, respectively. The proposed rule amendments are published below. One free copy of the rule amendments is available upon request from Patrick Carey at the address and telephone number stated above.

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

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1986), "Small business considerations in rulemaking," that the proposed rules will have a minimal impact on small businesses. Since the amendments are based on federal regulations, incorporation of these provisions into the state rules will not impose any additional requirements on the owners and operators of hazardous waste facilities than would be imposed if Minnesota's rules were not equivalent.

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

Gerald L. Willet
Commissioner

Rules as Proposed

7001.0520 PERMIT REQUIREMENTS.

Subpart 1. **Permit required.** Except as provided in subpart 2, no person may do any of the following without obtaining a hazardous waste facility permit from the agency:

A. to D. [Unchanged.]

Owners or operators of surface impoundments, landfills, land treatment units, and waste piles that received wastes after July 26, 1982, or that certified closure according to part 7045.0596, subpart 4, after January 26, 1983, must have post-closure permits, unless they demonstrate closure by removal as provided in subparts 5 and 6. If a post-closure permit is required, the permit must address the applicable groundwater monitoring, unsaturated zone monitoring, corrective action, and post-closure care requirements in chapter 7045.

Subp. 2. to 4. [Unchanged.]

Subp. 5. Closure by removal. Owners or operators of surface impoundments, land treatment units, and waste piles closing by removal or decontamination under parts 7045.0552 to 7045.0642 must obtain a post-closure permit unless they can demonstrate to the agency that the closure met the requirements for closure by removal or decontamination in part 7045.0532, subpart 7; 7045.0536, subpart 8; or 7045.0534, subpart 7. The demonstration may be made in the following ways:

A. If the owner or operator has submitted a Part B application for a post-closure permit, the owner or operator may request a determination, based on information contained in the application, that the applicable closure by removal requirements in part 7045.0532, subpart 7; 7045.0536, subpart 8; or 7045.0534, subpart 7, were met. If the agency determines that the applicable closure by removal requirements were met, the agency will notify the public of this determination, allow for public comment, and reach a final determination as described in subpart 6.

B. If the owner or operator has not submitted a Part B application for a post-closure permit, the owner or operator may petition the agency for a determination that a post-closure permit is not required. The petition must include data demonstrating that the closure by removal or decontamination requirements in part 7045.0532, subpart 7; 7045.0536, subpart 8; or 7045.0534, subpart 7, were met. The agency shall approve or deny the petition as described in subpart 6.

Subp. 6. Procedures for closure equivalency determination. If a facility owner or operator seeks an equivalency demonstration under subpart 5, the agency will proceed as follows:

A. The agency will provide the public, through a notice published in a newspaper of general circulation, the opportunity to submit written comments on the information submitted by the owner or operator. The public comment period will be for 30 days from the date of the notice.

B. The agency will hold a public informational meeting if the agency believes that a meeting will clarify the equivalence of the closure to the applicable closure by removal requirements in part 7045.0532, subpart 7; 7045.0536, subpart 8; or 7045.0534, subpart 7. The agency will give public notice of the meeting at least 30 days before the meeting. Public notice of the meeting may be given at the same time as the notice for public comment described in item A, and the two notices may be combined.

C. The agency shall determine whether the closure met the applicable closure by removal or decontamination requirements in part 7045.0532, subpart 7; 7045.0536, subpart 8; or 7045.0534, subpart 7, within 90 days of receipt of the equivalency determination request. If the agency determines that the closure did not meet the applicable closure standards, the agency will provide the owner or operator with a written statement of the reasons why the closure failed to meet the applicable requirements. The owner or operator may submit additional information in support of an equivalency determination within 30 days after receiving the agency's written statement. The agency will review any additional information submitted and make a final determination within 60 days.

If the agency determines that the facility did not close in accordance with the applicable closure by removal standards in part 7045.0532, subpart 7; 7045.0536, subpart 8; or 7045.0534, subpart 7, the facility is subject to post-closure permitting requirements.

7001.0560 GENERAL INFORMATION REQUIREMENTS FOR PART B OF APPLICATION.

Part B of the application must contain the following information:

A. to D. [Unchanged.]

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E. A copy of the general inspection schedule required by part 7045.0452, subpart 5, item B, including, if applicable, the information set forth in parts 7045.0526, subpart 5; 7045.0528, subparts 5 and 7; 7045.0532, subpart 5; 7045.0534, subparts 5 and 6; 7045.0536, subpart 4; 7045.0538, subpart 5; 7045.0539, subpart 3; and 7045.0542, subpart 7.

F to K. [Unchanged.]

L. A copy of the closure plan and, where applicable, the post-closure plan required by parts 7045.0486, 7045.0490, and 7045.0528, subpart 9, including, if applicable, the specific information in parts 7045.0526, subpart 9; 7045.0528, subpart 9; 7045.0532, subpart 7; 7045.0534, subpart 7; 7045.0536, subpart 8; 7045.0538, subpart 7; 7045.0539, subparts 2 and 4; and 7045.0542, subpart 8.

M. to U. [Unchanged.]

7001.0625 PART B INFORMATION REQUIREMENTS FOR MISCELLANEOUS UNITS.

Except as otherwise provided in part 7045.0539, if the applicant proposes to treat, store, or dispose of hazardous waste in miscellaneous units, the applicant shall furnish the information in items A to E in addition to the information required by part 7001.0560:

A. A detailed description of the unit being used or proposed for use, including the following:

- (1) physical characteristics, materials of construction, and dimensions of the unit;
- (2) detailed plans and engineering reports describing how the unit will be located, designed, constructed, operated, maintained, monitored, inspected, and closed to comply with the requirements of part 7045.0539, subparts 2 and 3; and
- (3) for disposal units, a detailed description of the plans to comply with the post-closure requirements of part 7045.0539, subpart 4.

B. Detailed hydrologic, geologic, and meteorologic assessments and land-use maps for the region surrounding the site that address and ensure compliance of the unit with each factor in the environmental performance standards of part 7045.0539, subpart 2. If the applicant can demonstrate that the applicant does not violate the environmental performance standards of part 7045.0539, subpart 2, and the commissioner agrees with the demonstration, then preliminary hydrologic, geologic, and meteorologic assessments will suffice.

C. Information on the potential pathways of exposure of humans or environmental receptors to hazardous waste or hazardous constituents and on the potential magnitude and nature of the exposures.

D. For any treatment unit, a report on a demonstration of the effectiveness of the treatment based on laboratory or field data.

E. Any additional information determined by the commissioner to be necessary for evaluation of compliance of the unit with the environmental performance standards of part 7045.0539, subpart 2.

7001.0640 ADDITIONAL PART B INFORMATION REQUIREMENTS FOR SURFACE IMPOUNDMENTS, WASTE PILES, LAND TREATMENT UNITS, AND LANDFILLS.

Subpart 1. **Groundwater protection.** The additional information designated in items A to G H regarding protection of groundwater is required from owners or operators of hazardous waste facilities containing surface impoundments, waste piles, land treatment units, and landfills, except as otherwise provided in part 7045.0484, subpart 1, item B, and must be submitted with Part B of the permit application. The following information is in addition to the information requirements of parts 7001.0560, 7001.0590, 7001.0600, 7001.0610, and 7001.0620:

A. to G. [Unchanged.]

H. For each solid waste management unit at a facility seeking a permit:

- (1) designate the location of the unit on the topographic map required under part 7001.0560, item R;
- (2) designate the type of unit;
- (3) provide the general dimensions and a structural description and supply any available drawings;
- (4) specify when the unit was operated;
- (5) specify all of the wastes that have been managed at the unit, to the extent available;
- (6) submit all available information pertaining to any release of hazardous wastes or hazardous constituents from each solid waste management unit at the facility; and

(7) conduct and provide the results of sampling and analysis of groundwater, land surface and subsurface strata, surface water, or air, which may include the installation of wells, where the commissioner determines it is necessary to complete a facility assessment that will determine if a more complete investigation is necessary.

Subp. 2. [Unchanged.]

7045.0020 DEFINITIONS.

Subpart 1. to 48. [Unchanged.]

Subp. 49. **Landfill.** "Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment, or an underground injection well, a salt dome formation, a salt bed formation, an underground mine, or a cave.

Subp. 50. to 58. [Unchanged.]

Subp. 58a. **Miscellaneous unit.** "Miscellaneous unit" means a hazardous waste management unit where hazardous waste is treated, stored, or disposed of and that is not a container, tank, surface impoundment, pile, land treatment unit, landfill, incinerator, boiler, industrial furnace, underground injection well, or unit eligible for a research, development, and demonstration permit under part 7001.0712.

Subp. 59. to 109. [Unchanged.]

7045.0135 LISTS OF HAZARDOUS WASTES.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Hazardous waste from specific sources.** Hazardous wastes from specific sources are listed with the industry and hazardous waste number and hazard code in items A to L.

A. to G. [Unchanged.]

H. Iron and steel:

(1) [Unchanged.]

(2) K062, spent pickle liquor generated by steel finishing operations of plants that produce iron or steel facilities within the iron and steel industry that are classified as number 331 or 332 facilities under the Standard Industrial Classification Manual: (C,T) (1972), which is incorporated by reference. This document is prepared and issued by the Executive Office of the President, Office of Management and Budget, Statistical Policy Division. It is not subject to frequent change. It is available through the Minix interlibrary loan system.

I. to L. [Unchanged.]

Subp. 4. **Discarded commercial chemical products, off specification species, containers, and spill residues.** The following materials or items are hazardous wastes when they are discarded or intended to be discarded as described in part 7045.0020, subpart 18; when they are mixed with waste oil or used oil or other material and applied to the land for dust suppression or road treatment; when they are otherwise applied to the land in lieu of their original intended use; when they are contained in products that are applied to the land in lieu of their original intended use; or when, in lieu of their original intended use, they are produced for use as, or as a component of a fuel, distributed for use as a fuel, or burned as a fuel.

A. to F [Unchanged.]

Subp. 5. [Unchanged.]

7045.0452 GENERAL FACILITY STANDARDS.

Subpart 1. to 4. [Unchanged.]

Subp. 5. **General inspection requirements.** General inspection requirements include the following:

A. and B. [Unchanged.]

C. The frequency of inspection may vary for the items on the schedule. However, it must be based on the rate of possible deterioration of the equipment and the probability of an environmental or human health incident if the deterioration or malfunctions or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be

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inspected daily when in use. The inspection schedule must include the terms and frequencies called for in parts 7045.0526, subpart 5; 7045.0528, subparts 4, 5, and 7; 7045.0532, subpart 5; 7045.0534, subparts 5 and 6; 7045.0538, subpart 5; 7045.0539, subpart 3; and 7045.0542, subpart 7, where applicable. The inspection schedule must be submitted with the permit application. The commissioner shall evaluate the schedule along with the rest of the application to ensure that it adequately protects human health and the environment. As part of this review, the commissioner may modify or amend the schedule as necessary.

D. and E. [Unchanged.]

7045.0460 LOCATION STANDARDS.

Subpart 1. **Floodplains.** A facility located in a 100-year floodplain must be designed, constructed, operated, and maintained to prevent washout of any hazardous waste by a 100-year flood unless the owner or operator can demonstrate to the commissioner that the conditions in item A or B are met:

A. [Unchanged.]

B. For existing surface impoundments, waste piles, land treatment units, ~~and~~ landfills, and miscellaneous units, no adverse effects on human health or the environment will result if washout occurs, considering:

(1) to (4) [Unchanged.]

Subp. 2. and 3. [Unchanged.]

7045.0478 OPERATING RECORD.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Record information.** All of the following information must be recorded, as it becomes available, and maintained in the operating record until closure of the facility:

A. to G. [Unchanged.]

H. Monitoring, testing, or analytical data and corrective action where required by parts 7045.0484; 7045.0528, subparts 2, 4, 5, and 7; 7045.0532, subpart 5; 7045.0534, subparts 5 and 6; 7045.0536, subparts 5, 6, and 8; 7045.0538, subparts 5 and 6; 7045.0539, subpart 3; and 7045.0542, subpart 7.

I. to L. [Unchanged.]

7045.0484 GROUNDWATER PROTECTION.

Subpart 1. to 13. [Unchanged.]

Subp. 14. **Corrective action program.** An owner or operator required to establish a corrective action program shall perform the following:

A. to D. [Unchanged.]

E. In addition to the other requirements the owner or operator shall conduct a corrective action program to remove or treat in place hazardous constituents that exceed concentration limits in groundwater ~~that has passed the compliance point. The permit must specify the measures to be taken:~~

(1) between the compliance point and the downgradient property boundary; and

(2) beyond the facility boundary, where necessary to protect human health and the environment, unless the owner or operator demonstrates to the satisfaction of the commissioner that, despite the owner's or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake the action. The owner or operator is not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where off-site access is denied. On-site measures to address the releases will be determined on a case-by-case basis.

Corrective action measures must be initiated and completed within a reasonable period of time considering the extent and magnitude of contamination. If the owner, operator, or commissioner determines that corrective action measures are not initiated or completed within a reasonable period of time considering the extent and magnitude of contamination, the owner or operator shall cease accepting wastes at the facility.

Corrective action measures may be terminated once the concentration of hazardous constituents is reduced to levels below their respective concentration limits at the compliance point and areas downgradient of the compliance point including areas beyond the facility property line.

F. to H. [Unchanged.]

7045.0485 CORRECTIVE ACTION FOR SOLID AND HAZARDOUS WASTE MANAGEMENT UNITS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. Corrective actions beyond the facility boundary. The owner or operator must implement corrective actions beyond the facility property boundary, where necessary to protect human health and the environment, unless the owner or operator demonstrates to the satisfaction of the commissioner that, despite the owner's or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake the actions. The owner or operator is not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where off-site access is denied. On-site measures to address the releases will be determined on a case-by-case basis. Assurances of financial responsibility for the corrective action must be provided.

7045.0486 CLOSURE.

Subpart 1. [Unchanged.]

Subp. 2. Closure performance standard. The owner or operator shall close the facility in a manner minimizing the need for further maintenance. Closure procedures must result in controlling, minimizing, or eliminating, to the extent necessary to protect human health and the environment, post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run off, or hazardous waste decomposition products to the ground or surface waters or to the atmosphere, in accordance with the closure requirements, including the requirements of parts 7045.0526, subpart 9; 7045.0532, subpart 7; 7045.0534, subpart 7; 7045.0536, subpart 8; 7045.0538, subpart 7; 7045.0539, subparts 2 to 4; and 7045.0542, subpart 8.

Subp. 3. Submittal and contents of closure plan. The owner or operator of a hazardous waste facility shall submit a closure plan with the permit application, and the closure plan must be approved by the agency as part of the permit issuance procedure. The approved closure plan shall become a condition of any permit. The agency's approval must ensure that the approved closure plan is consistent with subparts 2, 4, and 5, and part 7045.0488, and the applicable closure requirements of parts 7045.0526, subpart 9; 7045.0532, subpart 7; 7045.0534, subpart 7; 7045.0536, subpart 8; 7045.0538, subpart 7; 7045.0539, subpart 2; and 7045.0542, subpart 8.

A copy of the approved closure plan and all revisions to the plan must be furnished to the commissioner upon request, including request by mail, until final closure is completed and certified. The plan must identify steps necessary to completely or partially close the facility at any point during its intended operating life and to completely close the facility at the end of its intended operating life. The closure plan must at least include all of the following:

A. A description of how each hazardous waste management unit will be closed, and how the facility will be finally closed. The description must identify the maximum extent of the operation which will be unclosed during the active life of the facility and how the requirements of subparts 2, 4, and 5, and part 7045.0488, and the applicable closure requirements of parts 7045.0526, subpart 9; 7045.0532, subpart 7; 7045.0534, subpart 7; 7045.0536, subpart 8; 7045.0538, subpart 7; 7045.0539, subpart 2; and 7045.0542, subpart 8, will be met.

B. to F. [Unchanged.]

Subp. 4. to 6. [Unchanged.]

7045.0488 CLOSURE ACTIVITIES.

Subpart 1. and 2. [Unchanged.]

Subp. 3. Disposal or decontamination of equipment, structures, and soils. During the partial and final closure periods, all contaminated facility equipment, structures, and soils must be properly disposed of or decontaminated unless otherwise specified in ~~parts~~ part 7045.0532, subpart 7; 7045.0534, subpart 7; 7045.0536, subpart 8; ~~and;~~ or 7045.0538, subpart 7, or under the authority of part 7045.0539, subparts 2 and 4. By removing any hazardous wastes or hazardous constituents during partial and final closure, the owner or operator may become a generator of hazardous waste and must handle that waste in accordance with all applicable requirements of parts 7045.0205 to 7045.0304.

Subp. 4. [Unchanged.]

7045.0490 POST-CLOSURE.

Subpart 1. and 2. [Unchanged.]

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Subp. 3. **Post-closure plan; amendment of plan.** A copy of the approved plan and all revisions to the plan must be furnished to the commissioner upon request, including request by mail until final closure of the facility. After final closure has been certified, the person or office in item C must keep the approved post-closure plan during the remainder of the post-closure period. For each hazardous waste management unit subject to post-closure care requirements the plan must identify the activities which will be carried on after closure and the frequency of these activities, and it must include at least:

A. a description of the planned monitoring activities and frequencies at which they will be performed to comply with parts 7045.0484 and 7045.0532 to ~~7045.0538~~ 7045.0539 during the post-closure care period;

B. a description of the planned maintenance activities and frequencies at which they will be performed to ensure the integrity of the cap and final cover or other containment systems according to parts 7045.0532 to ~~7045.0538~~ 7045.0539, and the function of the facility monitoring equipment according to parts 7045.0484 and 7045.0532 to ~~7045.0538~~ 7045.0539; and

C. [Unchanged.]

7045.0492 POST-CLOSURE CARE AND USE OF PROPERTY.

Subpart 1. **Post-closure care requirements.** post-closure care requirements are as follows:

A. Post-closure care of each hazardous waste management unit subject to parts 7045.0490 to 7045.0496 must continue for 30 years after the date of completing closure of the unit and must consist of at least monitoring and reporting according to parts 7045.0484 and 7045.0532 to ~~7045.0538~~ 7045.0539, and the maintenance of monitoring and waste containment systems, according to parts 7045.0484 and 7045.0532 to ~~7045.0538~~ 7045.0539.

B. to D. [Unchanged.]

Subp. 2. to 4. [Unchanged.]

7045.0502 COST ESTIMATE FOR FACILITY CLOSURE.

Subpart 1. **Cost estimate requirements.** The owner or operator shall have a detailed written estimate, in current dollars, of the cost of closing the facility in accordance with parts 7045.0486 and 7045.0488 and applicable closure requirements in parts 7045.0526, subpart 9; 7045.0532, subpart 7; 7045.0534, subpart 7; 7045.0536, subpart 8; 7045.0538, subpart 7; 7045.0539, subparts 2 to 4; and 7045.0542, subpart 8. The closure cost estimate must equal the cost of final closure at the point in the facility's active life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan. The closure cost shall be estimated as follows:

A. to C. [Unchanged.]

Subp. 2. to 4. [Unchanged.]

7045.0506 COST ESTIMATE FOR POST-CLOSURE CARE.

Subpart 1. **Cost estimate requirements.** The owner or operator of a facility subject to post-closure monitoring or maintenance requirements shall have a written estimate, in current dollars, of the annual cost of post-closure monitoring and maintenance of the facility in accordance with the applicable post-closure requirements in parts 7045.0490 to 7045.0496; 7045.0532, subpart 7; 7045.0534, subpart 7; 7045.0536, subpart 8; ~~and~~ 7045.0538, subpart 7; and 7045.0539, subpart 4. The post-closure cost estimate is calculated by multiplying the annual post-closure cost estimate by the number of years of post-closure care required under part 7045.0492. The post-closure cost estimate must be based on the costs to the owner or operator of hiring a third party to conduct post-closure care activities. A third party is neither a parent nor a subsidiary of the owner or operator.

Subp. 2. to 4. [Unchanged.]

7045.0518 LIABILITY REQUIREMENTS.

Subpart 1. [Unchanged.]

Subp. 2. **Coverage for nonsudden accidental occurrences.** An owner or operator of a surface impoundment, landfill, or land treatment facility, or miscellaneous disposal unit which is used to manage hazardous waste, or a group of such facilities, shall demonstrate financial responsibility for bodily injury and property damage to third parties caused by nonsudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator shall have and maintain liability coverage for nonsudden accidental occurrences in the amount of at least \$3,000,000 per occurrence with an annual aggregate of at least \$6,000,000, exclusive of legal defense costs. This liability coverage may be demonstrated in one of the following ways:

A. to D. [Unchanged.]

Subp. 3. to 7. [Unchanged.]

7045.0539 MISCELLANEOUS UNITS.

Subpart 1. Scope. The requirements in this part apply to owners and operators of facilities that treat, store, or dispose of hazardous waste in miscellaneous units.

Subp. 2. Environmental performance standards. A miscellaneous unit must be located, designed, constructed, operated, maintained, and closed in a manner that will ensure protection of human health and the environment. Permits for miscellaneous units are to contain the terms and provisions necessary to protect human health and the environment, including, but not limited to, as appropriate, design and operating requirements, detection and monitoring requirements, and requirements for responses to releases of hazardous waste or hazardous constituents from the unit. Permit terms and provisions shall include those requirements of parts 7045.0526 to 7045.0542 and chapter 7001 that are appropriate for the miscellaneous unit being permitted. Protection of human health and the environment includes, but is not limited to:

A. prevention of any releases that may have adverse effects on human health or the environment due to migration of waste constituents in the groundwater or subsurface environment, considering:

(1) the volume and physical and chemical characteristics of the waste in the unit, including its potential for migration through soil, liners, or other containing structures;

(2) the hydrologic and geologic characteristics of the unit and the surrounding area;

(3) the existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater;

(4) the quantity and direction of groundwater flow;

(5) the proximity to and withdrawal rates of current and potential groundwater users;

(6) the patterns of land use in the region;

(7) the potential for deposition or migration of waste constituents into subsurface physical structures, and into the root zone of food chain crops and other vegetation;

(8) the potential for health risks caused by human exposure to waste constituents; and

(9) the potential for damage to domestic animals, wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents;

B. prevention of any releases that may have adverse effects on human health or the environment due to migration of waste constituents in surface water, or wetlands or on the soil surface considering:

(1) the volume and physical and chemical characteristics of the waste in the unit;

(2) the effectiveness and reliability of containing, confining, and collecting systems and structures in preventing migration;

(3) the hydrologic characteristics of the unit and the surrounding area, including the topography of the land around the unit;

(4) the patterns of precipitation in the region;

(5) the quantity, quality, and direction of groundwater flow;

(6) the proximity of the unit to surface waters;

(7) the current and potential uses of nearby surface waters and any water quality standards established for those surface waters;

(8) the existing quality of surface waters and surface soils, including other sources of contamination and their cumulative impact on surface waters and surface soils;

(9) the patterns of land use in the region;

(10) the potential for health risks caused by human exposure to waste constituents; and

(11) the potential for damage to domestic animals, wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and

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C. prevention of any release that may have adverse effects on human health or the environment due to migration of waste constituents in the air, considering:

- (1) the volume and physical and chemical characteristics of the waste in the unit, including its potential for the emission and dispersal of gases, aerosols, and particulates;
- (2) the effectiveness and reliability of systems and structures to reduce or prevent emissions of hazardous constituents to the air;
- (3) the operating characteristics of the unit;
- (4) the atmospheric, meteorologic, and topographic characteristics of the unit and the surrounding area;
- (5) the existing quality of the air, including other sources of contamination and their cumulative impact on the air;
- (6) the potential for health risks caused by human exposure to hazardous constituents; and
- (7) the potential for damage to domestic animals, wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents.

Subp. 3. Monitoring, analysis, inspection, response, reporting, and corrective action. Monitoring, testing, analytical data, inspections, response, and reporting procedures and frequencies shall ensure compliance with subpart 2; parts 7045.0452, subpart 5; 7045.0462, subpart 4; 7045.0482, subparts 2 to 4; and 7045.0485, as well as meet any additional requirements needed to protect human health and the environment as specified in the permit.

Subp. 4. Post-closure care. A miscellaneous unit that is a disposal unit shall be maintained in a manner that complies with subpart 2 during the post-closure care period. In addition, if a treatment or storage unit has contaminated soils or groundwater that cannot be completely removed or decontaminated during closure, then that unit shall also meet the requirements of subpart 2 during post-closure care. The post-closure plan under part 7045.0490 must specify the procedures that will be used to satisfy this requirement.

7045.0665 USE CONSTITUTING DISPOSAL.

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

- A. without mixing with other substances; or
- B. after mixing or combination with any other substances unless the recyclable waste undergoes a chemical reaction so as to become inseparable from the other substances by physical means; or
- C. after combination with any other substances if the resulting material is not produced for the general public's use. Products produced for the general public's use that are used in a manner constituting disposal and that contain recyclable wastes that have undergone a chemical reaction in the course of producing a product so as to become inseparable by physical means are exempt from regulation under this part. Commercial fertilizers that are produced for the general public's use that contain recyclable materials also are not subject to regulation under this chapter.

Subp. 2. to 4. [Unchanged.]

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 Public Safety

Adopted Rules Relating to Deputy Registrars

The rules proposed and published at *State Register*, Volume 13, Number 16, pages 977-980, October 17, 1988 (13 S.R. 977) are adopted as proposed.

Emergency Rules

Proposed Emergency Rules

According to Minn. Stat. of 1984, §§ 14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

- 1) that a free copy of the proposed emergency rule is available upon request from the agency;
- 2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
- 3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
- 4) that the emergency rule may be modified if the data and views submitted support such modification.

Adopted Emergency Rules

Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§ 14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

Continued/Extended Emergency Rules

Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. 14.14-14.28 supercede emergency rules.

Board of Marriage and Family Therapy

Adopted Emergency Rules Relating to Marriage and Family Therapy

The rules proposed and published at *State Register*, Volume 13, Number 16, pages 984-998, October 17, 1988 (13 S.R. 984) are adopted with the following modifications:

Rules as Adopted

5300.0110 [Emergency] LICENSE REQUIREMENT.

Subpart 1. **License required.** No person, other than those individuals exempt in Minnesota Statutes, section 148B.38, shall engage in marriage and family therapy practice, advertise the performance of such services, or use a title or description denoting

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.

Emergency Rules

marriage and family ~~therapy~~ therapist without obtaining a license issued under *Minnesota Statutes*, sections 148B.29 to 148B.39, and parts 5300.0100 to 5300.0360 [Emergency].

5300.0120 [Emergency] EXCEPTIONS TO LICENSE REQUIREMENT.

As stated in *Minnesota Statutes*, section 148B.38, subdivision 1, those qualified individuals of other licensed or certified professions or occupations who are performing services consistent with their training are exempt from the provisions of ~~part parts~~ 5300.0110 to 5300.0360 [Emergency] so long as they do not represent themselves by a title denoting marriage and family ~~therapy~~ therapist, such as marriage and family therapist, marriage and family counselor, or any other similar title denoting marriage and family therapist.

5300.0140 [Emergency] EDUCATIONAL REQUIREMENTS; DETERMINATION OF EQUIVALENT DEGREE.

Subp. 4. **Proof of equivalency.** The burden is on the applicant to prove by a preponderance of the evidence that the coursework is equivalent to requirements in ~~subparts~~ subpart 2 and or 3.

5300.0150 [Emergency] EXPERIENCE REQUIREMENTS.

Subpart 1. **Supervised experience required.** ~~According to Minnesota Statutes, section 148B.33, subdivision 1, clause (4), an applicant must have two years of supervised, postgraduate experience.~~ The two years supervised, postgraduate experience required by Minnesota Statutes, section 148B.33, subdivision 1, clause (4), must meet the requirements in subparts 2 to 6.

Subp. 5. **Counseling Therapy requirements.** The applicant must demonstrate ~~counseling~~ therapy in the following categories of cases for at least 50 percent of the supervisory experience required:

Subp. 6. **Years of experience; computation.** One year of experience means a full calendar year, or any portions of a calendar year which add up to a full year.

In calculating two years of supervised postgraduate experience in marriage and family ~~counseling~~ therapy, the board shall accept a minimum of 1,000 hours of experience for a minimum of two years.

5300.0240 [Emergency] EXAMINATION METHODS; SUBJECTS AND PROCEDURES.

Subp. 4. **Oral part of examination.** Oral examination of an applicant shall be held according to those methods determined by the board to be the most practical and expeditious in testing the applicant's qualifications for licensure. Oral examination of an applicant shall take place after the applicant's application for licensure has been accepted by the board. Oral examination of an applicant shall cover:

- D. ~~the applicant's clinical practice skills;~~
- ~~E.~~ the applicant's declared competencies; and
- ~~F.~~ E. other related areas determined by the board.

5300.0290 [Emergency] FAILURE TO RENEW.

Subpart 1. **Procedures.** The following procedure applies if a licensee fails to submit the renewal application according to part 5300.0280 [Emergency], subparts 3, 4, 5, and 6 ~~and or~~ fails to fulfill continuing education requirements in part 5300.0310 [Emergency].

5300.0310 [Emergency] CONTINUING EDUCATION REQUIREMENTS.

Subp. 2. **Number of hours required.** Continuing education is not required during the licensee's initial licensure period. After the initial licensure period, the licensee must complete a minimum of 15 hours of continuing education by December 31 every year, ~~corresponding with the licensee's license renewal date.~~

5300.0340 [Emergency] VARIANCE.

Subp. 3. **Alternatives must be followed.** Any licensee or applicant who is granted a variance must comply with the alternative practices or measures specified in the ~~application~~ petition for the variance.

Subp. 4. **Renewal; notice of change; revocation.** A variance shall be renewed upon ~~reapplication~~ for a petition for a renewal of the variance if the circumstances justifying the variance continue to exist. A licensee or applicant who has been granted a variance must immediately notify the board of any material change in the circumstances that justified the variance. A variance is revoked if there is a material change in the circumstances which justify the variance.

5300.0350 [Emergency] CODE OF ETHICS.

~~Subp. 4. **Preamble.** Licensed marriage and family therapists are professional therapists trained in dealing with marriage and family problems. They must be conscious of their special skills and aware of their professional boundaries. They must perform their professional duties on the highest levels of integrity and confidentiality and must not hesitate to recommend assistance from other professional disciplines when circumstances dictate. They must be committed to protect the public against unethical practices and must not hesitate to expose unethical practices.~~

Subp. 5 4. **Integrity.** A marriage and family therapist must act in accordance with the highest standards of professional integrity and competence. A marriage and family therapist must be honest in dealing with clients, students, trainees, colleagues, and the public.

C. A therapist must recognize the potentially influential position the therapist may have with respect to students, employees, and supervisees, and must avoid exploiting the trust and dependency of these persons. A therapist must make every effort to avoid dual relationships that could impair the therapist's professional judgment or increase the risk of exploitation. Examples of such dual relationships include, but are not limited to, provision of therapy to students, employees, or supervisees, and business or close personal relationships with students, employees, or supervisees. Sexual intimacy between the therapist and students, employees, or supervisees is prohibited.

N. A therapist must file a complaint with the board when the therapist has reason to believe that another therapist is or has been engaged in conduct which violates subpart 6 5, item E D or J K. This requirement to file a complaint does not apply when the belief is based on information obtained in the course of a professional relationship with a client who is the other therapist; however, this does not relieve a therapist from the duty to file a report required by *Minnesota Statutes*, section 626.556 or 626.557, concerning abuse of children and vulnerable adults.

Subp. 6 5. **Relations to clients.** A marriage and family therapist's primary professional responsibility is to the client. A marriage and family therapist must make every reasonable effort to advance the welfare and best interests of families and individuals. A marriage and family therapist must respect the rights of those persons seeking assistance and make reasonable efforts to ensure that the therapist's services are used appropriately.

B. A therapist must recognize the potentially influential position the therapist may have with respect to clients, and must avoid exploiting the trust and dependency of clients. A therapist must make every effort to avoid dual relationships with clients that could impair the ~~therapists~~ therapist's professional judgment or increase the risk of exploitation. Examples of dual relationships include, but are not limited to, business or close personal relationships with clients.

Subp. 7 6. **Confidentiality and keeping of records.** A marriage and family therapist must hold in confidence all information obtained in the course of professional services. A marriage and family therapist must safeguard client confidences as permitted by law and rule.

Subp. 8 7. **Research.** A marriage and family therapist must conduct research activities with full respect for the rights and dignity of participants and with full concern for their welfare. Participation in research is voluntary.

~~EFFECTIVE DATE. The effective date of parts 5300.0100 to 5300.0360 [Emergency] is December 15, 1988.~~

Errata

Department of Human Services

Correction to Notice of Adopted Permanent Rules Relating to General Assistance Literacy Training Requirements

The wrong pages were cited in the notice of adoption that appeared in last week's *State Register*, Volume 13, Number 27, page 1688, January 3, 1989. The correct pages where the rules were first published in the *State Register* are pages 1028-1031 in Volume 13, Number 17, October 24, 1988.

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 Commerce

Notice of Activation of the Minnesota Joint Underwriting Association to Insure Specified Classes of Business and Public Hearing

NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes*, section 62I.21, the Minnesota Joint Underwriting Association (MJUA) and the Market Assistance Plan (MAP) are activated to provide assistance to the following classes of business unable to obtain insurance from private insurers:

- **Batting cage**

The MJUA and MAP are activated to provide assistance to the above classes of business for a period of 180 days following publication of this notice. A public hearing will be held, for the purpose of determining whether activation should continue beyond 180 days, at the Office of Administrative Hearings, 310 4th Avenue South, 5th Floor, Flour Exchange Building, Minneapolis, Minnesota 55415 on February 9, 1989 at 9:00 A.M. and continuing until all interested persons and groups have had an opportunity to be heard. The hearing shall be governed by *Minnesota Statutes* Sections 14.57-14.69 and by *Minnesota Rules* Parts 1400.5100-1400.8400, (1985). Questions regarding procedure may be directed to Administrative Law Judge, Peter Erickson, 310 4th Avenue South, 4th Floor Summit Bank Building, Minneapolis, Minnesota 55415, telephone (612) 341-7606. The authority for this proceeding is found in Chapter 62I of *Minnesota Statutes*, specifically sections 62I.21 and 62I.22. (A copy of those sections follows this notice.)

Prior to the hearing a pre-hearing conference will be held at 9:00 A.M. on February 2, 1989, at the Office of Administrative Hearings, 310 4th Avenue South, 5th Floor Flour Exchange Building, Minneapolis, Minnesota 55415.

Minnesota Statutes, Chapter 62I, which governs the Minnesota Joint Underwriting Association provides for temporary activation for 180 days by the Commissioner of Commerce. To extend the Minnesota Joint Underwriting Association's authority beyond the 180 day period a hearing must be held. Those classes of business for which the Minnesota Joint Underwriting Association was temporarily activated, by this notice and by previously published notices, must prove, at that hearing, that they meet the statutory requirements for coverage by the Minnesota Joint Underwriting Association.

Among those requirements are:

- (1) That members of those classes are unable to obtain insurance through ordinary means;
- (2) That the insurance being sought is required by statute, ordinance, or otherwise required by law, or is necessary to earn a livelihood or conduct a business; and
- (3) That the classes of business serve a public purpose.

The classes of business specified in this notice and previously published notices must be shown to meet the statutory requirements or the Minnesota Joint Underwriting Association's authority to provide coverage to them will end after 180 days from the date the notice of activation was published in the *State Register*.

Activation of a class of business does not guarantee coverage to any class member. Coverage of individual class members is determined by the Minnesota Joint Underwriting Association on a case by case basis once the class has been activated. The MJUA's address is: Pioneer Post Office Box 1760, St. Paul, MN 55101. Their phone number is (612) 222-0484.

The Department strongly suggests that any persons affected by this hearing or otherwise interested in the proceedings familiarize themselves with the requirements of Chapter 62I and the contested case procedures prior to the hearing, that they take such other steps as are appropriate to protect their interests and that any questions they may have as to how to proceed or how to participate at the hearing be directed to the Administrative Law Judge prior to the hearing.

All interested or affected persons will have an opportunity to participate at the hearing. Questioning of agency representatives or witnesses, and of interested persons making oral statements will be allowed in the manner set forth in the Rules pertaining to contested cases (*Minnesota Rules* Parts 1400.5100-1400.8400).

Anyone wishing to oppose activation beyond 180-days for any particular class, must file a petition to intervene with the administrative law judge at least 10 days before the hearing date. If no notice to intervene is filed for a class then the class is activated beyond the 180-day period without further action.

Minnesota Statutes chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes* Section 10A.01, subdivision 11 as an 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 travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

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

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

Dated: 3 January 1989

Michael A. Hatch
Commissioner of Commerce

62I.21 ACTIVATION OF MARKET ASSISTANCE PLAN AND JOINT UNDERWRITING ASSOCIATION.

At any time the commissioner of commerce deems it necessary to provide assistance with respect to the placement of general liability insurance coverage on Minnesota risks for a class of business, the commissioner shall by notice in the *State Register* activate the market assistance plan and the joint underwriting association. The plan and association are activated for a period of 180 days from publication of the notice. At the same time the notice is published, the commissioner shall prepare a written petition requesting that a hearing be held to determine whether activation of the market assistance plan and the joint underwriting association is necessary beyond the 180-day period. The hearing must be held in accordance with section 62I.22. The commissioner by order shall deactivate a market assistance program and the joint underwriting association at any time the commissioner finds that the market assistance program and the joint underwriting association are not necessary.

62I.22 HEARING.

Subdivision 1. ADMINISTRATIVE LAW JUDGE. The commissioner shall forward a copy of the petition to activate the market assistance plan and the joint underwriting association with respect to a class of business to the chief administrative law judge. The chief administrative law judge shall, within three business days of receipt of the copy of the petition, set a hearing date, assign an administrative law judge to hear the matter, and notify the commissioner of the hearing date and administrative law judge assigned to the matter. The hearing date must be no less than 60 days nor more than 90 days from the date of receipt of the petition by the chief administrative law judge.

Subd. 2. NOTICE. The commissioner of commerce shall publish notice of the hearing in the *State Register* at least 30 days before the hearing date. The notice should be that used for rulemaking under chapter 14. Approval by the administrative law judge of the notice prior to publication is not required. The notice must contain a statement that anyone wishing to oppose activation beyond 180 days for any particular class, must file a petition to intervene with the administrative law judge at least ten days before the hearing date. If no notice to intervene is filed for a class then the class is activated beyond the 180-day period without further action.

Subd. 3. CONTESTED CASE; REPORT. The hearing and all matters after the hearing are a contested case under chapter 14. Within 45 days from the commencement of the hearing and within 15 days of the completion of the hearing the administrative law judge shall submit a report to the commissioner of commerce. The parties, or the administrative law judge, if the parties cannot agree, shall adjust all time requirements under the contested case procedure to conform with the 45-day requirement.

Subd. 4. DECISION. The commissioner shall make a decision within ten days of the receipt of the administrative law judge's report.

Subd. 5. WAIVER OR MODIFICATION. If all parties to the proceeding agree, any of the requirements of this section may be waived or modified.

Subd. 6. CASE PRESENTATION. The department of commerce, upon request by small businesses as defined by section 14.115, subdivision 1, shall assist small businesses in any specific class requesting continuation of coverage beyond the 180-day period, in coordinating the class and presenting the case in the contested hearing.

Ethical Practices Board

Advisory Opinion #100 re: Public Financing

Issued 12-30-88 to Alan W. Weinblatt—SUMMARY—100. A candidate whose campaign spending is unlimited under conditions imposed by *Laws of 1988*, Chapter 707, Sections 2 and 4, and who certifies that the candidate made campaign expenditures equal

Official Notices

to the full amount of the public financing received is not required to return any portion of the money received from the State Elections Campaign Fund under the aggregate contribution limit provisions of *Minnesota Statutes* § 10A.32, subd. 3.

The full text of the opinion is available upon request from the Ethical Practices Board, 625 North Robert Street, St. Paul, MN 55101-2520; (612) 296-5148.

Department of Finance

Maximum Interest Rate for Municipal Obligations for the Month of January

Pursuant to *Minnesota Statutes*, Section 475.55, Subdivision 4, Commissioner of Finance, Tom Triplett, announced today that the maximum interest rate for municipal obligations in the month of January, 1989 would be nine (9) percent per annum. Obligations which are payable wholly or in part from the proceeds of special assessments or which are not secured by General Obligations of the municipality may bear an interest rate of up to ten (10) percent per annum.

Dated: 27 December 1988

Peter Sausen
Assistant Commissioner
Cash & Debt Management

Department of Health

Office of Health Systems Development

Notice of Intent to Solicit Outside Opinions Concerning a Request for a Waiver of HMO Statutes and Rules by NWNL Health Network, Inc.

NOTICE IS HEREBY GIVEN that the Department of Health is seeking opinions and comments pertaining to a request by NWNL Health Network, Inc. for a waiver of HMO statutes and rules relating to pharmacy benefits under Senior Health Plan. Such waivers are authorized for demonstration projects by *Minnesota Statutes* 62D.30.

The request submitted by NWNL Health Network, Inc. is available for inspection during normal business hours at the following location:

Alternative Delivery Systems
Room 450
Minnesota Department of Health
717 Delaware Street S.E.
Minneapolis, Minnesota 55440
(612) 623-5365

Comments on the request must be received by January 16, 1989.

Department of Health

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rule Changes Governing Intravenous Infusion by Emergency Medical Technicians and Governing the Number of Hours of Training Required to Perform Certain Emergency Service Activities

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health is seeking information or opinions from sources outside the agency in preparing to amend *Minnesota Rules*, Chapter 4690, Department of Health Life Support Transportation Services. The promulgation of these rule changes is authorized by *Minnesota Statutes*, section 144.804, subdivision 3.

Proposed amendments pertaining to intravenous infusions would authorize Emergency Medical Technician-Intermediates, by virtue of their training in the establishment and maintenance of intravenous infusions, and basic Emergency Medical Technicians who have received satisfactory training approved by the medical director of their licensed ambulance service, to initiate intravenous infusion for pre-hospital emergency medical conditions other than solely for fluid volume replacement.

Proposed amendments pertaining to the required number of training hours for emergency medical technicians would make the rules consistent with current practice and national requirements.

The Emergency Medical Services Section of the Minnesota Department of Health requests information and comments concerning the subject matter of the proposed rule changes. Interested or affected parties may submit written statements of information or comment orally by January 31, 1989. Written comments should be addressed to:

Norman Hanson, Chief
Emergency Medical Services
Minnesota Department of Health
393 North Dunlap Street
P.O. Box 64900
St. Paul, MN 55164-0900
612/643-2164

Department of Health

Office of Health Systems Development

Notice of Intent to Solicit Outside Opinions Concerning a Request for a Waiver of HMO Statutes and Rules by MedCenters Health Plan

NOTICE IS HEREBY GIVEN that the Department of Health is seeking opinions and comments pertaining to a request by MedCenters Health Plan for a waiver of HMO statutes and rules regarding adding outpatient prescription drug benefit to SeniorChoice Medical Supplement products. Such waivers are authorized for demonstration projects by *Minnesota Statutes* § 62D.30.

The request submitted by MedCenters Health Plan is available for inspection during normal business hours at the following location:

Alternative Delivery Systems
Room 456
Minnesota Department of Health
Minneapolis, Minnesota 55440
(612) 623-5365

Comments on the request must be received by January 16, 1989.

Department of Human Services

Assistance Payments Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing the Assignment of Representative Payees to Manage the General Assistance Benefits of Drug Dependent Recipients, part 9500.1272

NOTICE IS HEREBY GIVEN that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose the adoption of the rule governing the assignment of representative payees to manage the general assistance benefits of drug dependent recipients. The adoption of the rule is authorized by *Minnesota Statutes*, section 256D.09, subdivision 2a, which requires the agency to "adopt rules... governing the assignment of a representative payee and management of the general assistance grant of a drug dependent person...."

The State Department of Human Services requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Dan Lipschultz, Rules Division, Minnesota Department of Human Services, 444 Lafayette Rd. 55155-3816. Oral statements will be received during regular business hours over the telephone at (612) 297-4302 and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the State Department of Human Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Office of the Secretary of State

Notice of Vacancies in Multi-Member State Agencies

NOTICE IS HEREBY GIVEN to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul, MN 55155-1299; (612) 296-2805. Specific information about these vacancies may be obtained from the agencies listed below. The application deadline is January 31, 1989.

PHYSICAL THERAPY COUNCIL

1 member—aide or assistant to a physical therapist.

BOARD OF UNLICENSED MENTAL HEALTH SERVICE PROVIDERS

1 public member, as outlined in *Minnesota Statute* 214.02, to serve on board empowered to regulate mental health providers not otherwise licensed.

NONPUBLIC EDUCATION COUNCIL

1 member, knowledgeable about nonpublic schools, from Congressional District 6.

MN CRIME VICTIM AND WITNESS ADVISORY COUNCIL

1 member, District Court Judge.

CHILDREN'S TRUST FUND ADVISORY COUNCIL

1 member, required to be knowledgeable about child abuse and neglect, and to have a particular interest in furthering prevention efforts.

STATE CURRICULUM ADVISORY COMMITTEE

1 member, must be a MN State Board of Education member, at-large, and be a current or former member of a local curriculum advisory committee.

PHYSICAL THERAPY COUNCIL

2700 University Ave. W., St. Paul, 55114. 612-642-0538

Minnesota Statutes 148.67

APPOINTING AUTHORITY: Board of Medical Examiners. COMPENSATION: \$35 per diem plus expenses.

The council advises the board of medical examiners on all matters relating to physical therapy. Also, registers physical therapists and takes action against them. Seven members include three physical therapists, (one professor in the school of physical therapy), two doctors of medicine and surgery, one aide or assistant to a physical therapist, and one public member.

BOARD OF UNLICENSED MENTAL HEALTH SERVICE PROVIDERS

2700 University Ave. W. #225, Mpls 55440. 612-649-5490

Minnesota Statutes 148B.01.

APPOINTING AUTHORITY: Governor. COMPENSATION: \$35 per diem plus expenses.

The board adopts and enforces rules relating to the conduct of unlicensed mental health service providers. Seventeen members include two chemical dependency counselors, two professional counselors, two pastoral counselors, five members representing other identifiable specialties and subgroups of providers subject to filing requirements, and six public members.

NONPUBLIC EDUCATION COUNCIL

726 Capitol Square Bldg., St. Paul 55101. 612-296-3116

Minnesota Statutes 123.935

APPOINTING AUTHORITY: Commissioner of Education. COMPENSATION: Reimbursed for expenses.

The council advises the commissioner and the state board on non-public school matters. When requested by the commissioner or the state board, the council may submit its advice about other non-public school matters. The fifteen member council shall represent various areas of the state, methods of providing non-public education, and shall be knowledgeable about non-public education.

MN CRIME VICTIM AND WITNESS ADVISORY COUNCIL

Dept. of Public Safety, 211 Transportation Bldg., St. Paul 55155. 612-296-6642

Minnesota Statutes 611A.70

APPOINTING AUTHORITY: Commissioner of Public Safety. COMPENSATION: None.

The council reviews on a regular basis the treatment of victims by the criminal justice system and the need and availability of services to crime victims. Twelve members include two members of the Minnesota legislature who have demonstrated expertise and interest in crime victim issues, one from each house; one district court judge; one county attorney; one public defender; one peace officer; one medical or osteopathic physician licensed to practice in this state; five members who are crime victims or crime victims assistance representatives; three public members. The appointments should take into account sex, race and geographic distribution.

State Contracts and Advertised Bids

CHILDREN'S TRUST FUND ADVISORY COUNCIL 333 Sibley St., Suite 567, St. Paul 55101. 612-296-5437

Minnesota Statutes 299.23

APPOINTING AUTHORITY: Governor. COMPENSATION: \$35 per diem plus expenses.

The council distributes trust fund money to any public or private non-profit agency to fund a child abuse prevention program. The governor appoints seven members who will demonstrate knowledge in the area of child abuse and represent the demographic and geographic composition of the state, local government, parents, racial and ethnic minority communities, religious community, professionals and volunteers. The commissioners of human services, health, education and corrections each appoint one member. The legislature appoints two senators and two representatives, each with one member from both caucuses.

STATE CURRICULUM ADVISORY COMMITTEE 718 Capitol Square Bldg., St. Paul 55101. 612-296-8132

Minnesota Statutes 126.67

APPOINTING AUTHORITY: Commissioner of Education. COMPENSATION: None.

The committee advises the state board and dept. of education on the planning, evaluation, and reporting process. Eleven members include nine members, one appointed from each educational cooperative service unit and two at-large members.

Teachers Retirement Association

Notice of Regular Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Thursday, January 26, 1989 at 9:30 a.m. in Suite 500, Gallery Building, 17 West Exchange Street, St. Paul, MN to consider matters which may properly come before the Board.

Minnesota State Agricultural Society (State Fair)

Notice of 130th Annual Meeting

The 130th annual meeting of the Minnesota State Agricultural Society, governing body of the State Fair, will be held January 14, 15 and 16 at the St. Paul Radisson Hotel. For complete information, call (612) 642-2251.

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: Housekeeping equipment—
vacuums, wet vacuums, etc.
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: January 11
Agency: Building Construction
Deliver to: Red Lake
Requisition #: 02310 16594

Commodity: Software—rebid
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: January 11
Agency: Jobs & Training
Deliver to: St. Paul
Requisition #: 21200 20018 1

Commodity: Compaq 386
Contact: Bernadette Vogel 612-296-
3778
Bid due date at 2pm: January 11
Agency: Transportation
Deliver to: So. St. Paul
Requisition #: 79000 92828

State Contracts and Advertised Bids

Commodity: AT compatible
Contact: Bernadette Vogel 612-296-3778
Bid due date at 2pm: January 11
Agency: Community College
Deliver to: Arrowhead/Rainy River/International Falls
Requisition #: 27158 91008

Commodity: Traffic signal pedestal bases
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: January 11
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 7900 92801

Commodity: Melroe Bobcat 2400 MTC loader
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: January 12
Agency: Plant Management
Deliver to: St. Paul
Requisition #: 02307 93257

Commodity: Blood alcohol kits
Contact: Donnalee Kutchera 612-296-3776
Bid due date at 2pm: January 12
Agency: Public Safety, Criminal Apprehension
Deliver to: St. Paul
Requisition #: Price Contract

Commodity: Reverse trip blade snowplow, 12 ft.
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: January 12
Agency: Transportation Department
Deliver to: Rochester, Owatonna, St. Cloud
Requisition #: 79382 01566

Commodity: One way—12 ft. snowplow
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: January 12
Agency: Transportation Department
Deliver to: Owatonna, Mankato, Willmar, and Central Shop
Requisition #: 79382 01567

Commodity: V-plow for truck mounting
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: January 12
Agency: Transportation Department
Deliver to: Detroit Lakes, Windom
Requisition #: 79382 01565

Commodity: Forklift, 4000# capacity
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: January 13
Agency: Natural Resources
Deliver to: Grand Rapids
Requisition #: 29000 51454

Commodity: Twin engine flight simulator
Contact: Linda Parkos 612-296-3772
Bid due date at 2pm: January 13
Agency: Community College
Deliver to: Ely
Requisition #: 27158 91007

Commodity: Used automated power file
Contact: Linda Parkos 612-296-3725
Bid due date at 2pm: January 13
Agency: Administration Department: Micrographics
Deliver to: St. Paul
Requisition #: 02443 91622

Commodity: Arc welding electrodes & gas welding rods
Contact: Jim Johnson 612-296-3779
Bid due date at 2pm: January 18
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Software
Contact: Joan Breisler 612-296-3779
Bid due date at 2pm: January 17
Agency: Jobs & Training
Deliver to: St. Paul
Requisition #: 21200 20055

Commodity: Nursery stock
Contact: Doug Thompson 612-296-3775
Bid due date at 2pm: January 18
Agency: Transportation Department
Deliver to: Various
Requisition #: 79100 08974

Commodity: Miscellaneous office furnishings
Contact: Linda Parkos 612-296-3725
Bid due date at 2pm: January 13
Agency: Human Services
Deliver to: Red Lake
Requisition #: 02310 16581

Commodity: Bathlift, trolley & scale
Contact: Joseph Gibbs 612-296-3750
Bid due date at 2pm: January 13
Agency: Human Services
Deliver to: Red Lake
Requisition #: 02310 16591

Commodity: Hospital equipment
Contact: Joseph Gibbs 612-296-3750
Bid due date at 2pm: January 17
Agency: Human Service
Deliver to: Red Lake Reservation
Requisition #: 02310 16593

Commodity: Ammonia diazo white printer—rebid
Contact: Joyce Dehn 612-296-2621
Bid due date at 2pm: January 17
Agency: Transportation
Deliver to: St. Paul
Requisition #: 79000 92761 1

Commodity: Industrial arts training equipment
Contact: Linda Parkos 612-296-3725
Bid due date at 2pm: January 17
Agency: State University
Deliver to: St. Cloud
Requisition #: 25073 20820

Contract Awards—Materials Management Division

Item: Badges & insignia
Req.#: 07500 51728 01
Awarded to: Permanent Impressions,
White Bear Lake, MN
Awarded amount: \$8,720.00
Awarded date: December 28, 1988
Shipped to: DPS, Warehouse

Item: Carbon monoxide analyzers
Req.#: 12200 27198 01
Awarded to: Elvin Safety Supply Inc.,
Minneapolis, MN
Awarded amount: \$6,399.00
Awarded date: December 28, 1988
Expir/deliv date: February 3, 1989
Shipped to: Minnesota Department of
Health

Item: Van conversion for handicapped
Req.#: 21607 76093 01
Awarded to: Handicapped Driving,
Burnsville, MN
Awarded amount: \$5,550.00
Awarded date: December 28, 1988
Expir/deliv date: January 31, 1989
Shipped to: Various Locations

Item: Furniture, office
Req.#: 21200 19602 01
Awarded to: General Office Products,
Minneapolis, MN
Awarded amount: \$42,666.26
Awarded date: December 28, 1988
Expir/deliv date: March 10, 1989
Shipped to: Minnesota Department Jobs
& Training

Item: Furniture, office
Req.#: 21200 19603 01
Awarded to: General Office Products,
Minneapolis, MN
Awarded amount: \$19,260.92
Awarded date: December 28, 1988
Expir/deliv date: March 10, 1989
Shipped to: Minnesota Department Jobs
& Training

Item: Snowmobile half-track &
attachments
Req.#: 29002 17036 01
Awarded to: Gulbranson Equipment,
Park Rapids, MN
Awarded amount: \$7,108.00
Awarded date: December 28, 1988
Expir/deliv date: January 10, 1989
Shipped to: DNR—Northern Service
Center

Item: Motorcycle & scooter
Req.#: 29002 17040 01
Awarded to: Hilltop Sports, Hill City,
MN
Awarded amount: \$9,597.00
Awarded date: December 28, 1988
Expir/deliv date: February 15, 1989
Shipped to: DNR—Northern Service
Center

Item: Auto HD truck & van
Req.#: 29000 51455 01
Awarded to: Thane Hawkins, White
Bear, MN
Awarded amount: \$12,648.00
Awarded date: December 28, 1988
Expir/deliv date: March 1, 1989
Shipped to: DNR—Southern Service
Center

Item: Computer equipment
Req.#: 79000 92639 01
Awarded to: Corvallis Microtech Inc.,
Corvallis, OR
Awarded amount: \$8,260.00
Awarded date: December 28, 1988
Expir/deliv date: January 10, 1989
Shipped to: Minnesota Department of
Transportation

Item: Computer equipment
Req.#: 02410 90116 01
Awarded to: IBM Corp., Minneapolis,
MN
Awarded amount: \$4,724,157.12
Awarded date: December 29, 1988
Shipped to: Intertechologies Group

Item: Ammunition explosives flares
Req.#: 07500 51745 02
Awarded to: Streicher Don Guns,
Minneapolis, MN
Awarded amount: \$11,275.00
Awarded date: December 29, 1988
Expir/deliv date: February 13, 1989
Shipped to: DPS, Warehouse

Item: Computer software purchase (non-
PC)
Req.#: 21200 20003 01
Awarded to: Pansophic Systems Inc.,
Oakbrook, IL
Awarded amount: \$27,000.00
Awarded date: December 29, 1988
Expir/deliv date: January 2, 1989
Shipped to: Minnesota Department of
Jobs and Training

Item: Computer equipment
Req.#: 24000 95586 01
Awarded to: Wang Lab Inc.,
Bloomington, MN
Awarded amount: \$122,107.41
Awarded date: December 29, 1988
Expir/deliv date: March 5, 1989
Shipped to: Minnesota Department of
Employee Relations

Item: Auditorium & theater furniture
Req.#: 26073 20813 01
Awarded to: Hauenstein & Burmeister,
Minneapolis, MN
Awarded amount: \$51,765.00
Awarded date: December 29, 1988
Expir/deliv date: February 28, 1989
Shipped to: St. Cloud State University

Item: Copying equipment
Req.#: 27141 48157 01
Awarded to: Marco Business Products,
St. Cloud, MN
Awarded amount: \$6,028.00
Awarded date: December 29, 1988
Expir/deliv date: December 30, 1988
Shipped to: Cambridge Center

State Contracts and Advertised Bids

Item: Services, other purchased
Req.#: 43000 10346 01
Awarded to: Mesabi Bituminous Inc.,
Gilbert, MN
Awarded amount: \$9,120.00
Awarded date: December 29, 1988
Expir/deliv date: June 15, 1989
Shipped to: Iron Range Interpretation
Center

Item: Fixture—indoor electric lighting
Req.#: 55101 09248 01
Awarded to: Larson J.H. Electric,
Golden Valley, MN
Awarded amount: \$5,140.00
Awarded date: December 29, 1988
Expir/deliv date: February 5, 1989
Shipped to: Fergus Falls Regional
Treatment Center

Item: Hospital furniture, equipment &
utensil
Req.#: 75200 30700 01
Awarded to: Arjo Hospital Equipment
Inc., Morton Grove, IL
Awarded amount: \$6,738.30
Awarded date: December 29, 1988
Expir/deliv date: January 20, 1989
Shipped to: Minnesota Veterans Home

Item: Cone traffic & delineator
Req.#: 79500 03208 01
Awarded to: Riddle Control Products,
Minnetonka, MN
Awarded amount: \$5,882.25
Awarded date: December 29, 1988
Expir/deliv date: February 15, 1989
Shipped to: Minnesota Department of
Transportation

Item: Laboratory supplies
Req.#: 12200 29040 01
Awarded to: Panasonic Industries Co. 2,
Secaucus, NJ
Awarded amount: \$15,000.00
Awarded date: December 30, 1988
Expir/deliv date: March 26, 1989
Shipped to: Minnesota Department of
Health

Item: Computer equipment
Req.#: 21200 20010 01
Awarded to: IBM Corp., Minneapolis,
MN
Awarded amount: \$12,529.00
Awarded date: December 30, 1988
Expir/deliv date: January 15, 1989
Shipped to: Minnesota Department of
Jobs and Training

Item: Electrical hardware and supplies
Req.#: 26071 17921 01
Awarded to: Stans Door Service Inc.,
Blaine, MN
Awarded amount: \$6,325.00
Awarded date: December 30, 1988
Shipped to: Mankato State University

Item: Construction material,
miscellaneous
Req.#: 55101 09247 01
Awarded to: Sherwin Williams Co.,
Fergus Falls, MN
Awarded amount: \$7,727.20
Awarded date: December 30, 1988
Expir/deliv date: January 15, 1989
Shipped to: Fergus Falls Regional
Treatment Center

Item: Window shades and blinds
Req.#: 02310 16525 01
Awarded to: Final Touch Interior, West
St. Paul, MN
Awarded amount: \$5,347.34
Awarded date: December 30, 1988
Expir/deliv date: February 1, 1989
Shipped to: Brainerd Regional Human
Services

Item: Rent, lease, other and general
Req.#: 55304 08030 01
Awarded to: Computer I, Baxter, MN
Awarded amount: \$49,832.61
Awarded date: December 30, 1988
Expir/deliv date: January 15, 1989
Shipped to: Brainerd Regional Human
Services

Item: Computer, personal computers
Req.#: 67510 10308 01
Awarded to: Apple Computer Inc.,
Rolling Meadows, IL
Awarded amount: \$19,113.70
Awarded date: December 30, 1988
Expir/deliv date: January 30, 1989
Shipped to: Department of Revenue

Item: Maintenance & repair shop
equipment
Req.#: 79000 92657 01
Awarded to: Malco Parts Warehouse, St.
Paul, MN
Awarded amount: \$5,276.00
Awarded date: December 30, 1988
Expir/deliv date: February 21, 1989
Shipped to: Minnesota Department of
Transportation

Item: Laboratory supply
Req.#: 79900 03776 01
Awarded to: Humbolt Manufacturing
Co., Chicago, IL
Awarded amount: \$7,680.00
Awarded date: December 30, 1988
Expir/deliv date: January 23, 1989
Shipped to: Minnesota Department of
Transportation

Item: Construction equipment
miscellaneous parts & supplies
Req.#: 79990 00197 01
Awarded to: MacQueen Equipment Inc.,
St. Paul, MN
Awarded amount: \$6,572.50
Awarded date: December 30, 1988
Expir/deliv date: February 15, 1989
Shipped to: MN/Dot, Central Shop

Item: Computer equipment
Req.#: 99440 94002 01
Awarded to: Apple Computers Inc.,
Rolling Meadows, IL
Awarded amount: \$5,106.00
Awarded date: December 30, 1988
Expir/deliv date: January 30, 1989
Shipped to: Ombudsman for Mental
Health

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: Interagency request for State Employees Service, 800 5-part forms, 8 1/2" x 11" detached, 1-sided, negs furnished
Contact: Printing Buyer's Office
Bids are due: January 10
Agency: Central Stores Administration Department
Deliver to: St. Paul
Requisition #: 4079

Commodity: Two different 3-part forms: 1,500 8 1/2" x 7 3/4" detached, camera ready, 1-sided, and 15,000 8 1/2" x 7 3/4" detached, camera ready, 1-sided
Contact: Printing Buyer's Office
Bids are due: January 10
Agency: Public Safety Department
Deliver to: St. Paul
Requisition #: 4131 & 4154

Commodity: Enhance Minnesota (reprint with changes), 2,500 8 page book + cover, 8 1/2" x 11" camera ready, 4-color process
Contact: Printing Buyer's Office
Bids are due: January 11
Agency: Trade & Economic Development Department
Deliver to: St. Paul
Requisition #: 4123

Commodity: Envelopes, 5M 11 1/2" x 14 1/2" with clasp, camera ready, 1-sided
Contact: Printing Buyer's Office
Bids are due: January 10
Agency: Education Department
Deliver to: St. Paul
Requisition #: 4061

Commodity: Directions for Natural Resources Book, 10M, camera ready, 2-sided, 40 page books, 8 1/4" x 10 3/4", one fold, 45# upgraded newsprint, saddle stitch, with 22 halftones
Contact: Printing Buyer's Office
Bids are due: January 10
Agency: DNR—Office of Planning
Deliver to: St. Paul
Requisition #: 4080

Commodity: Medical assistance and general assistance medical care provider manual, 15M books, est. pages 100-250, 8 1/2" x 11", camera ready, 3-hole punch
Contact: Printing Buyer's Office
Bids are due: January 17
Agency: Human Services Department
Deliver to: St. Paul
Requisition #: 3995

Commodity: Pink bid return envelopes, 25M #9, 3 7/8" x 8 7/8", type to set, 1-sided
Contact: Printing Buyer's Office
Bids are due: January 10
Agency: Administration Department: Materials Management
Deliver to: St. Paul
Requisition #: 4081

Good Business Decisions are Made with Good Information

Minnesota Manufacturer's Directory. More than 7,000 entries that include name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2, \$73.00 plus tax.

Business and NonProfit Corporation Act 1987. A handy reference that contains all the state laws governing the establishment and conduct of corporations in Minnesota. Includes Minnesota Statutes Chapters 80B, 302, 302A and 317. Code #2-87, \$10.00 plus tax.

Minnesota Guidebook to State Agency Services 1987-1990. Packed with information to help you cut through red tape for easy and fast dealing with state agencies, this treasure of information opens state government to you. Its 640 pages describe agencies, how they work, listing contacts, addresses, phones, and license requirements, grants, forms, reports, maps, publications and much more. Gives historical, statistical and important data useful in hundreds of ways. Code #1-4, \$15.00 plus tax.



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

State Contracts and Advertised Bids

Contract Awards—Print Communications Division

Item: 1988 MN Statutes (addendum)
Req.#: 3028
Awarded to: Monotrade Company,
Minneapolis
Amount: \$514.00
Date: January 4
Deliver to: PERA, St. Paul
Delivery date: 15 days

Item: Mailing labels
Req.#: 3895
Awarded to: ACME Tag Company,
Minneapolis
Amount: \$584.07
Date: January 3
Deliver to: Trade & Economic
Development Department, St. Paul
Delivery date: 1-15-89

Item: Uniform case report
Req.#: 3900
Awarded to: Pauly Business Forms,
Plymouth
Amount: \$865.30
Date: January 3
Deliver to: Corrections Department, St.
Paul
Delivery date: 28 days

Item: Reimbursable account location
breakdown
Req.#: 3903
Awarded to: Custom Business Forms,
Minneapolis
Amount: \$518.90
Date: January 3
Deliver to: Jobs & Training Department,
St. Paul
Delivery date: 14 days

Item: MCCS communicator paper
Req.#: 3910
Awarded to: Printing Resources,
Shoreview
Amount: \$1,276.00
Date: January 3
Deliver to: Minnesota Community
College System, St. Paul
Delivery date: 10 days

Department of Administration

InterTechnologies Group

Notice of Availability of Strategic and Business Planning

The Processing Services Division, InterTechnologies Group, Department of Administration, for the State of Minnesota, is requesting a proposal from qualified firms to provide strategic and business planning to be used by the Division of Processing Services. This will involve strategic planning, business planning, processes, materials, and understanding necessary for the development of the two plans, the fit of the two plans, and ongoing processes needed to keep these plans current for processing services. The total amount expended for this activity will not exceed \$35,000 for January 15, 1989 through August 30, 1989.

The full text of the Request for Proposal is available on request from Marlene Plumbo at (612) 296-2618. Responses must be directed to:

Susan C. Rose, Manager
InterTechnologies Group
Processing Services Division
5th Floor Centennial Office Building
658 Cedar Street
St. Paul, MN 55155
(612) 296-6391

Sealed responses must be received no later than 4:30 p.m. on January 18, 1989. Responses must be properly marked to identify.

Department of Jobs and Training

Notice of Availability of Request for Proposals for Consultants to Advise, Test, Deliver and Install IBM System 36s

The Minnesota Department of Jobs and Training (DJT) is seeking proposals from qualified consultants to advise, test, deliver and install IBM system 36s in various field offices statewide.

Purpose of Project

The purpose of this project is to establish a working network of IBM equipment for use with a statewide Job Match program.

Responsibilities of Consultant

The successful bidder will be responsible for:

1. Advising field office managers of installation requirements, including but not limited to electrical and cable needs,
2. Testing, modifying as needed, department owned IBM equipment, IBM software and in-house developed software at the St. Paul test site,
3. Delivering to each field office all equipment, software specified, and
4. Installing and testing, on line, the delivered equipment.

Expected Contract Start and Completion Dates

The successful bidder is expected to begin work immediately after the contract has been signed and administratively processed. This is expected to be prior to February 1, 1989. The target completion date is June 1, 1989.

Project Costs

The department does not anticipate any proposal to exceed \$30,000.

Contact

Those interested in receiving Requests for Proposals should contact:

John Wirig
Minnesota Department of Jobs and Training
Data Processing Office
390 North Robert Street
St. Paul, MN 55101
(612) 296-6582

Proposals will be accepted until 4:30 January 23, 1989.

Department of Natural Resources

Notice of Availability of Contracts for Technical Assistance Service

The Minnesota Department of Natural Resources, Division of Forestry, desires to retain contractors to provide Forestry assistance to non-industrial private forest landowners in the following locations:

- **Deer River—Itasca County**
- **Cloquet—Carlton and Southern St. Louis**
- **Hibbing—Itasca and Northern St. Louis**
- **Duluth—Lake and Southern St. Louis**

The contractors' duties will primarily include promoting and assisting landowners with all state and federal Forestry cost share programs, preparing multiple use forest management plans and completing survival checks of private plantings. The contractor will be working under the direction of the Private Forest Management Specialist in the assigned Division of Forestry office and monthly accomplishment reports will be required.

Contract terms include: 1) Effective dates from approximately March 1, 1989, to September 30, 1989. 2) Compensation will include an hourly rate plus mileage expenses. The total contract compensation will vary by location, however, the maximum for each contract is: Deer River—\$5000, Cloquet—\$7000, Hibbing—\$10,000, Duluth—\$4000.

Please submit qualifications by 4:30 p.m. January 20, 1989, to:

Robert Tomlinson
DNR—Division of Forestry
500 Lafayette Road
St. Paul, MN 55155-4044
612-296-5970

Non-State Public Contracts

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

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

Ramsey County Regional Railroad Authority

Notice for Prequalifications for Light Rail Transit Planning and Preliminary Engineering

Ramsey County Regional Rail Authority is considering the merits of implementing Light Rail Transit between St. Paul and Minneapolis.

The Regional Rail Authority requires the services of a consultant for preliminary engineering (10% level) and an Environmental Impact Statement.

Consultants should submit six copies of a prequalification brochure and/or experience resume (max. 20 pages including federal forms 254 and 255) by February 6. The prequalifications will be used to select five firms to prepare formal proposals for the work. Final consultant selection will be made after proposal and oral interview evaluation.

Submit to Ramsey County Regional Rail Authority, 316 Court House, St. Paul, Minnesota 55102. Contact Jim Tolaas at 612-298-4145 for further information.

Dated: 29 December 1988

James E. Tolaas, P.E.
Project Engineer

Stearns County

Notice to Bidders on Computer Equipment

Sealed bids for computer equipment will be received in the office of the Stearns County Auditor until 10:00 a.m. on Friday, January 27, 1989 and will be publicly opened at that time. Bids received after that time will be returned unopened to the sender. All bids shall be submitted to:

Stearns County Auditor
Stearns County Courthouse—Room 209
P.O. Box 548
St. Cloud, MN 56302-0548

Bid awards will be considered at the regularly scheduled meeting of the Stearns County Board of Commissioners on Tuesday, February 3, 1989.

Specifications, details and documentation may be obtained from:

Stearns County Purchasing
Stearns County Courthouse—Room 103
P.O. Box 615
St. Cloud, MN 56302-0615
(612) 259-3607

Stearns County office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m.

All bids must be accompanied by a certified check or corporate surety bond in favor of the Stearns County Treasurer in the amount of five thousand dollars (\$5,000). Bids received without a bid bond shall be automatically rejected.

Dated in St. Cloud, Minnesota this 30th day of December, 1988.

Renee A. Tamm
Acting Purchasing Agent, Stearns County

Metropolitan Waste Control Commission

Public Notice for Prequalifications for Engineering Services

NOTICE IS HEREBY GIVEN that the Metropolitan Waste Control Commission is soliciting prequalifications for engineering services for the following:

1. MWWTP Energy Study, MWCC Project Number 83-54
2. MWWTP Fine Bubble Aeration and Return Liquor Study, MWCC Project Number 85-56-316
3. MWWTP Residual Solids Management Study, MWCC Project Number 85-56-317
4. Metering Evaluation Study, MWCC Project Number 87-53-580
5. St. Paul/MWCC Interceptor Extensions, MWCC Project Number 89-01
6. MWWTP Maintenance Facility Improvement Study, MWCC Project Number 89-65

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

The prequalification should include information on the firm's programs for compliance with equal employment opportunities, affirmative action and utilization of minority firms. The prequalifications will be used by the Commission as a mechanism for selecting firms to provide engineering services.

Firms not currently on the Commission's prequalification list should submit a letter stating their interest in the projects or services and one copy of its prequalifications. Firms presently on the Commission's prequalification list need only to submit a letter stating their interest in the projects or services and the necessary information, if any, to update their prior qualifications, to the Metropolitan Waste Control Commission, Mears Park Centre, 230 East 5th Street, St. Paul, Minnesota 55101. Inquiries regarding the solicitations should be directed to Mr. Ray Payne, Assistant Director of Engineering, (612) 229-2186.

By Order of the
Metropolitan Waste Control Commission
Mr. J. J. Hiniker
Acting Chief Administrator

Supreme Court Decisions

Decisions Filed 6 January 1989

C2-88-566 In the matter of the Welfare of: J.G.W. and J.L.W. Court of Appeals.

Parent's fifth amendment privilege against compelled self-incrimination protects him from being ordered by court to admit sexual abuse pre-requisite to visiting his children but the privilege does not protect him from the risk of being denied visitation for any failure in treatment resulting from his failure to admit guilt.

Affirmed. Amdahl, C.J.

C9-88-1293 Edward O. Jewison v. Frerichs Construction, Relator and Aetna Casualty. Workers' Compensation Court of Appeals.

A false representation as to physical condition or health made by an employee in procuring employment will preclude an award of workers' compensation benefits for an otherwise compensable injury if it is shown that: (1) the employee knowingly and willfully made a false representation as to his physical condition; (2) the employer substantially and justifiably relied on the false representation in the hiring of the employee; and (3) a causal connection existed between the false representation and the injury.

The compensation judge's finding there was no causal connection between the employee's previous injuries and his current injury was supported by substantial evidence.

Workers' compensation benefits awarded to the employee were received in good faith under *Minnesota Statutes* § 176.179 (1986).

Affirmed. Popovich, J.

Orders

C9-88-1889 Elsa K. Svenningsen v. Feinberg Distributing Company and Liberty Mutual Insurance Company, Relators.

Reversed and remanded. Coyne, J.

Announcements

Unemployment Rate: Minnesota's unemployment rate rose to 4.5% in Nov., up from 3.7% in Oct., an over-the-month increase that is typical this time of year according to state analysts. Since 1980, the average rise between Oct. and Nov. has been 0.7 of a point. Minnesota's jobless measure for November was well below last year's reading of 5.2% for the month, and also under the current U.S. rate of 5.2%. Total employment declined from Oct. by 0.4% but once again, the shift was seasonal and no cause for alarm. Compared to a year ago, employed in the state was up 3.3%.

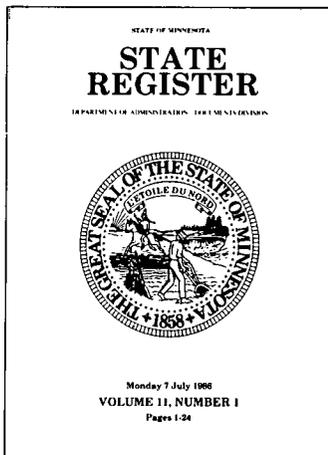
State Job Applications Can Now Be FAXED: The Department of Employee Relations will now accept job applications that are FAXED via facsimile machine. The number to use is (612) 296-8919. Users are warned that waiting until the end of the day will cause busy signals and may result in a late application that is not accepted. Applicants are also urged to FAX only the necessary pages of the state application that pertain to them which they have filled out, including the page with the applicant's signature.

Minnesota Property Tax Refund: In order to be eligible for the renters' and homeowners' tax refund this year, household income must be \$35,000 or less. However, there is a special property tax refund for taxpayers whose property tax increased by 10% or more from 1988 to 1989, even if their household income was more than \$35,000. This new refund is for one year only. Persons may be eligible for one or both of these refunds. The forms and instructions were mailed in the tax booklets to taxpayers who received property tax refunds last year. These refunds are due on Aug. 15, 1989. Persons who do not receive tax booklets in the mail may pick them up at post offices, libraries, many banks, county treasurers' offices and credit unions.

Arts Board Meeting: The public is invited to attend the next regular meeting of the Minnesota State Arts Board at 9:30 a.m. on Thursday 19 Jan., 1989 at the Arts Board offices, 432 Summit Avenue in St. Paul. Open meeting law guidelines will be in effect. Agenda items will include the selection of grantees for Artist Assistance fellowships in two and three dimensional visual arts, photography, and film and video. The Arts Board also reminds applicants of the approaching deadline, February 17, 1989, for inclusion in the Folk Artists Directory. The directory is a juried list of Minnesota folk artists and folk groups interested in public performance opportunities. The directory is used as a resource for organizations interested in presenting Minnesota folk arts and is distributed to fairs, festivals, libraries, colleges, and other presenters in the Upper Midwest. Call (612) 297-2603 for information. Deadline for the board's slide registry for the Minnesota Percent for Art in Public Places is February 1, 1989. The registry is a collection of slides and information on visual artists interested in having their work purchased or commissioned for placement in newly-constructed or renovated state building sites across Minnesota.

Nongame Wildlife Checkoff Sets Record: Minnesota citizens continued to increase their overwhelming support of the Nongame Wildlife Checkoff Program in 1988 by donating a record \$905,026.17 for wildlife. This amount reflects an increase of about \$70,000 over the previous record amount donated in 1987. Over 130 wildlife conservation projects were funded by checkoff donations in 1988. Last year's average donation was \$5.77.

Metro Council Appointments: The Metropolitan Council in December named 10 people to fill vacancies on two regional advisory committees. Diane B. Hanson, Minneapolis, was named to fill a vacancy on the Metropolitan Housing and Redevelopment Authority Advisory Committee which advises the council in planning and administering its HRA programs, which include a rental assistance program for 94 suburban communities and several housing rehabilitation loan programs. Nine people were appointed to two-year terms on the Metropolitan Waste Management Advisory Committee. They are: Mark Spurr, St. Paul; Charles Kutter, Minneapolis; Erika Sitz, Ramsey; Richard A. Person, St. Louis Park; Luther D. Nelson, Eden Prairie; Donald Chmiel, Chanhassen; Kevin Mulloy, Burnsville; Peter Yearneau, Prior Lake; and Larry Knutson, Apple Valley. The committee reviews county solid waste master plans, recycling implementation plans and permit applications for new or expanded solid waste disposal facilities. It also assists the Council in development of regional solid waste policies.



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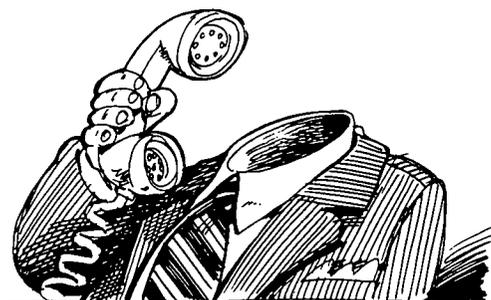
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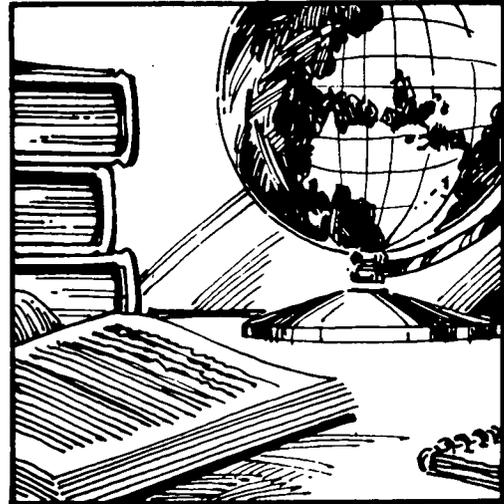
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