

89, January 23

State of Minnesota

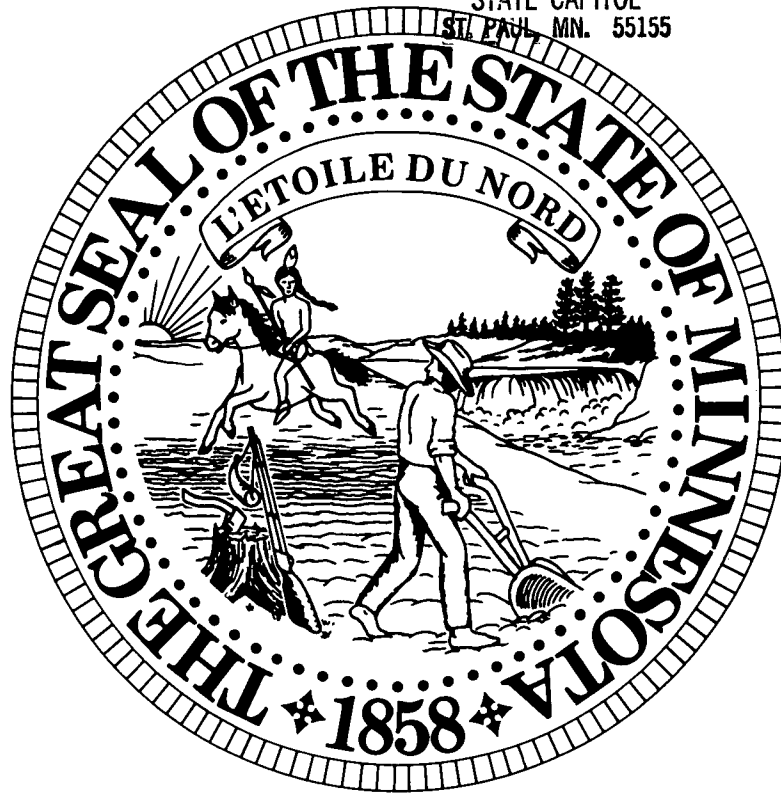
STATE REGISTER

Department of Administration—Print Communications Division

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STATE REGISTER

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

The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, official notices to the public, state and non-state public contracts, contract awards, 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
30	Monday 9 January	Friday 13 January	Monday 23 January
31	Tuesday 17 January	Monday 23 January	Monday 30 January
32	Monday 23 January	Monday 30 January	Monday 6 February
33	Monday 30 January	Monday 6 February	Monday 13 February

*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:

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

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

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

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

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

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

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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

Management Effectiveness Division

Notice of Withdrawal of Proposed Rules

NOTICE IS HEREBY GIVEN that the Proposed Rules Relating to School Buses, and Notice of Intent to Adopt Proposed Rules without a Public Hearing published at 11 *State Register* 2374-2402, June 29, 1987 are hereby withdrawn.

Ruth E. Randall
Secretary, State Board of Education

Department of Health

Proposed Permanent Rules Relating to Public Water Supplies

Notice of Intent to Adopt Rule Amendments Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health (hereinafter "Department") 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 (1988). The statutory authority to adopt the rule amendments is *Minnesota Statutes* § 144.383 (1988).

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule amendments or any part or subpart of the rule amendments. 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 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless

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a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rule amendments addressed, the reason for the request, and any change proposed. If a public hearing is required, the Department will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1988).

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

Richard D. Clark
Division of Environmental Health
Minnesota Department of Health
717 Delaware Street Southeast
PO Box 9441
Minneapolis, Minnesota 55440
Telephone: (612) 623-5227

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

The rule amendments proposed for adoption would allow Minnesota to retain primacy for enforcement of the requirements contained in federal safe drinking water rules. The federal law requires that a state which assumes primacy must meet certain minimum requirements prescribed in federal rules in order to be eligible to receive federal grant monies to support its administration of the federal program. Since the United States Environmental Protection Agency ("EPA") granted primacy enforcement responsibility to the state in 1977 the EPA has amended the federal rules and Minnesota must now amend its rules similarly if it wishes to retain primacy. The proposed amendment defines a nontransient, noncommunity water supply as a supply that serves at least 25 of the same persons over six months per year. If the state does not require these systems to monitor for volatile organic chemicals ("VOC"s) the federal rules will require it. The proposed rule amendments also adjust the maximum contaminant level ("MCL") for fluoride to reflect the MCL in the federal rule. The term "synthetic" is added to "organic chemicals" to describe pesticides now included in the EPC classification. Eight VOCs are listed for which MCLs are being established consistent with federal rules. Changes are made to reflect the analytical methods for determining fluoride concentrations and revised fluoride monitoring requirements are included. A new part is added to establish sampling and analytical requirements for VOCs. Special reporting and public notification requirements are set forth for eight VOCs for which MCLs are established. Monitoring requirements are established for up to 51 VOCs for which no MCLs are established. A new part is created to specify conditions under which the use of point-of-entry and point-of-use treatment devices and bottled water are appropriate methods of addressing water system contamination. Changes are also made to reflect revised federal rules pertaining to public notification. A free copy of the rule amendments is available upon request from Richard D. Clark.

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 Richard D. Clark upon request.

The Department is subject to *Minnesota Statutes* § 14.115 (1986) regarding small business considerations in rulemaking. The Department's evaluation of the applicability of the methods contained in *Minnesota Statutes* § 14.115, subd. 2 (1986) for reducing the impact of the proposed rule amendments are addressed in the statement of need and reasonableness.

The total cost to local governments of the sampling that will be required under the proposed rule amendments may exceed \$100,000 in either of the first two years immediately following adoption of the rule. The number of samples to be analyzed is dependent upon a number of factors and the Department's estimate of the range of costs is addressed in the statement of need and reasonableness as set forth in *Minnesota Statutes* § 14.11, subd. 1 (1986). However, as also stated in the statement of need and reasonableness even if the proposed state rules were not adopted the local public water systems would still be obligated to perform the monitoring under federal rules enforceable by the United States Environmental Protection Agency.

There is no impact on agricultural lands within *Minnesota Statutes* §§ 14.11, subd. 2 and 17.80 to 17.84 (1986) from the proposed rule amendments.

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 the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the adopted rule amendments must submit the written request to Richard D. Clark.

Dated: 6 January 1989

Sister Mary Madonna Ashton
Commissioner of Health

Rules as Proposed**4720.0100 DEFINITIONS.**

Subpart 1. [Unchanged.]

Subp. 1a. Best available technology. “Best available technology” means the best technology, treatment, techniques, or other means which the administrator of the United States Environmental Protection Agency finds are available, after examination for efficacy under field conditions and not solely under laboratory conditions, taking cost into consideration. For the purposes of setting maximum contaminant levels for synthetic organic chemicals, the best available technology must be at least as effective as granular activated carbon.

Subp. 1b. Central water treatment. “Central water treatment” means providing treatment at a common location or facility and subsequently delivering it to the consumer of the public water supply.

Subp. 2. [Unchanged.]

Subp. 2a. Composite. “Composite” means a sampling technique in which two or more samples are combined before an analysis is performed.

Subp. 3. [Unchanged.]

Subp. 3a. Distribution system. “Distribution system” means a network of pipes, valves, storage reservoirs, and pumping stations that delivers water to homes, businesses, and industries for drinking and other uses.

Subp. 4. [Unchanged.]

Subp. 4a. Entry point samples. “Entry point samples” means water samples collected at a location after any application of treatment but before the water is delivered to any consumer.

Subp. 4b. Environmental Protection Agency methods. “Environmental Protection Agency methods” means methods contained in “Methods for the Determination of Organic Compounds in Finished Drinking Water and Raw Source Water,” September 1986. These methods are issued by the Environmental Monitoring and Support Laboratory (EMSL) of the United States Environmental Protection Agency, Cincinnati, Ohio 45268. The methods described in part 4720.1510, subparts 1, item J; and 3, item G, are incorporated by reference and are not subject to frequent change. The methods are available through the Minitex interlibrary loan system.

Subp. 5. to 9. [Unchanged.]

Subp. 9a. Groundwater. “Groundwater” means the water in the zone of saturation in which all of the pore spaces of the subsurface material are filled with water. The water that supplies a well is groundwater.

Subp. 10. to 13. [Unchanged.]

Subp. 13a. Performance evaluation sample. “Performance evaluation sample” means a reference sample provided to a laboratory to demonstrate that the laboratory can successfully analyze the sample within limits of performance specified by the United States Environmental Protection Agency or other laboratory accreditation organization. The true value of the concentration of the reference material is unknown to the laboratory at the time of the analysis.

Subp. 14. and 15. [Unchanged.]

Subp. 15a. Point-of-entry treatment device. “Point-of-entry treatment device” is a device that treats the drinking water entering a house or building to reduce contaminants in the drinking water distributed throughout the house or building.

Subp. 15b. Point-of-use treatment device. “Point-of-use treatment device” is a treatment device applied to a single tap used to reduce contaminants in drinking water at that one tap.

Subp. 16. Public water supply or supply. “Public water supply” or “supply” means a system providing piped water for human consumption, and either containing a minimum of 15 service connections or 15 living units, or serving at least 25 persons daily for 60 days of the year. ~~Such~~ The term includes:

A. Any collection, treatment, storage, and distribution facilities under control of the operator of the supply and used primarily in connection with the supply; ~~and~~

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B. Any collection or pretreatment storage facilities used primarily in connection with the supply but not under control of the operator. A public water supply is either a community or a noncommunity water supply.

(1) "Community water supply" means a public water supply or system which serves at least 15 service connections or living units used by year-round residents, or regularly serves at least 25 year-round residents.

(2) "Noncommunity water supply" means any public water supply that is not a community water supply. The following are given as examples of noncommunity water supplies and are in no way meant to be an exhaustive list: seasonal facilities such as children's camps, recreational camping areas, resorts, or year-round facilities which serve at least 25 persons who are not residents thereof, such as churches, entertainment facilities, factories, gasoline service stations, marinas, migrant labor camps, office buildings, parks, restaurants, schools.

(3) "Nontransient, noncommunity water supply" means a public water supply that is not a community water supply and that regularly serves at least 25 of the same persons over six months per year. Factories, office buildings, day care centers, and schools are examples of nontransient, noncommunity water supplies.

Subp. 17. to 19. [Unchanged.]

Subp. 20. **Supplier.** "Supplier" means any person who owns, manages, or operates a public water supply, whether or not he the supplier is an operator certified pursuant to under Minnesota Statutes, sections 115.71 to 115.82.

Subp. 20a. Surface water. "Surface water" means water that rests or flows on the surface of the ground such as lakes and rivers.

Subp. 21. to 25. [Unchanged.]

4720.0700 MAXIMUM LEVEL OF INORGANICS.

Subpart 1. **Maximum levels in community water supplies.** The following are the maximum contaminant levels in milligrams per liter, for inorganic chemicals applicable to community water supplies:

A. to D. [Unchanged.]

E. fluoride, ~~2.2~~ 4.0;

F to J. [Unchanged.]

Subp. 2. **Compliance.** Compliance with maximum contaminant levels for inorganic chemicals shall be calculated in accordance with part 4720.1400, subparts 3 to 6 7.

Subp. 3. [Unchanged.]

4720.0800 MAXIMUM CONTAMINANT LEVEL OF ORGANIC CHEMICALS.

Subpart 1. **Levels for community water supplies.** The following are the maximum contaminant levels for synthetic organic chemicals. They apply only to community water supplies. Compliance with maximum contaminant levels for synthetic organic chemicals is calculated pursuant to part 4720.1500, subparts 2, 3, and 4.

A. Chlorinated hydrocarbons:

(1) Endrin (1,2,3,4,10, 10-hexachloro-6,7-epoxy-1, 4, 4a,5,6,7,8,8a-octa-hydro- 1,4-endo, endo-5,8-dimethano-naphthalene), 0.0002 milligrams per liter;

(2) Lindane (1,2,3,4,5,6-hexachloro-cyclohexane, gamma isomer), 0.004 milligrams per liter;

(3) Methoxychlor (1,1,1-Trichloro 2,2-bis [p-methoxyphenyl] ethane), 0.1 milligrams per liter;

(4) Toxaphene (C₁₀H₁₀Cl₈-Technical chlorinated camphene, 67-69 percent chlorine), 0.005 milligrams per liter.

B. Chlorophenoxy:

(1) 2,4-D, (2,4-Dichlorophenoxyacetic acid), 0.1 milligrams per liter;

(2) 2,4,5-TP Silvex (2,4,5-Trichloro- phenoxypropionic acid), 0.01 milligrams per liter.

Subp. 2. [Unchanged.]

Subp. 3. Maximum levels for volatile organic chemicals. The following are the maximum contaminant levels, in milligrams per liter, for volatile organic chemicals applicable to community and nontransient, noncommunity water supplies:

A. benzene, 0.005;

B. vinyl chloride, 0.002;

C. carbon tetrachloride, 0.005;

D. 1,2-dichloroethane, 0.005;

E. trichloroethylene, 0.005;

F. 1,1-dichloroethylene, 0.007;

G. 1,1,1-trichloroethane, 0.20; and

H. para-dichlorobenzene, 0.075.

Compliance with maximum contaminant levels for volatile organic chemicals is calculated according to part 4720.1510, subpart 1, item I.

4720.1400 INORGANIC CHEMICAL CONTAMINANT SAMPLING AND ANALYTICAL REQUIREMENTS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Methods of analysis.** Analyses conducted to determine compliance with part 4720.0700 shall be made in accordance with items A to J. See part 4720.1100 for complete title of reference sources.

A. to D. [Unchanged.]

E. Fluoride: EPA Chemical, Method 340.1 or 340.2, or 340.3; or Standard Methods, Method 414-A 413-A and 413-C, or ~~414-B 413-B~~, or ~~414-C~~, or ~~603 413-E~~; or USGS 1979, Method I-3325-78; or ASTM, Method D-1179-72A, or D-1179-72B; or Industrial Method #129-71W, Fluoride in Water and Wastewater, Technicon Industrial Systems, Tarrytown, New York 10591, December 1972; or Industrial Method #380-75WE, Automated Electrode Method, Fluoride in Water and Wastewater, Technicon Industrial Systems, Tarrytown, New York, February 1976.

F to I. [Unchanged.]

Subp. 4. **Notification of commissioner when maximum contaminant level exceeded.** If the result of an analysis made pursuant to subpart 1 indicates that the level of any contaminant listed in part 4720.0700 exceeds the maximum contaminant level, the supplier of water shall report to the commissioner within seven days from the time ~~he~~ the supplier receives the results and ~~he~~ shall collect and submit for analysis three additional samples taken at the same sampling point within one month from the time the commissioner is notified.

Subp. 5. [Unchanged.]

Subp. 6. **Compliance.** The provisions of subparts 4 and 5 notwithstanding, compliance with the maximum contaminant level for nitrate shall be determined on the basis of the mean of two analyses. When a level exceeding the maximum contaminant level for nitrate is found, a second analysis shall be initiated within 24 hours, and if the mean of the two analyses exceeds the maximum contaminant level, the supplier of water shall report ~~his~~ any findings to the commissioner within 48 hours pursuant to part 4720.3700 and shall notify the public pursuant to part 4720.3900.

Subp. 7. Fluoride monitoring. In addition to complying with subparts 1 to 6, public water supplies that monitor for fluoride must comply with this subpart.

A. Sampling of water sources must comply with the following procedures:

(1) If the public water supply draws water from one source, the supplier shall take one sample at the entry point to the distribution system.

(2) If the public water supply draws water from more than one source, the supplier must sample each source at the entry points to the distribution system.

(3) If the public water supply draws water from more than one source and sources are combined before distribution, the supplier must take one sample at an entry point to the distribution system during periods representative of the maximum fluoride levels occurring under normal operating conditions.

B. The commissioner may alter the frequencies for fluoride monitoring in subpart 1 to increase or decrease the frequency considering the following factors:

(1) reported concentrations from previously required monitoring;

(2) the degree of variation in reported concentrations; and

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(3) other factors which may affect fluoride concentration such as changes in pumping rates in groundwater supplies or significant changes in the system's configuration, operating procedures, source of water, and changes in stream flows.

C. Monitoring may be decreased from the frequencies in subpart 1 upon application in writing by the supplier if the commissioner determines in writing that the supply is unlikely to exceed the maximum contaminant level, considering the factors in item B. The determination must state the basis for the determination. Monitoring must not be reduced to less than one sample every ten years. For public water supplies that monitor once every ten years, the commissioner shall review the monitoring results every ten years to determine whether more frequent monitoring is necessary.

D. Analyses for fluoride under this part shall only be used for determining compliance with maximum contaminant levels if conducted by laboratories that have analyzed performance evaluation samples to within plus or minus ten percent of the references value at fluoride concentrations from 1.0 mg/l to 10.0 mg/l, within the last 12 months.

E. Compliance with the maximum contaminant level is determined based on each sampling point. If any sampling point is determined to be out of compliance, the public water supply is considered out of compliance.

4720.1500 SYNTHETIC ORGANIC CHEMICAL CONTAMINANT SAMPLING AND ANALYTICAL REQUIREMENTS.

Subpart 1. to 4. [Unchanged.]

4720.1510 VOLATILE ORGANIC CHEMICALS CONTAMINANT SAMPLING AND ANALYTICAL REQUIREMENTS.

Subpart 1. Analysis. Analysis of the contaminants listed in part 4720.0800, subpart 3, to determine compliance with maximum levels allowed in part 4720.0800, subpart 3, must follow the procedures in items A to M.

A. A supplier of groundwater must take samples at points of entry to the distribution system representative of each well after any application of treatment. Sampling must be conducted at the same locations or more representative locations every three months for one year except as provided in item H, subitem (1).

B. A supplier of surface water must take samples at points in the distribution system representative of each source or at entry points to the distribution system after any application of treatment. Each source of surface water supply must be sampled every three months except as provided in item H, subitem (2). Sampling must be conducted at the same location or a more representative location each quarter.

C. If the supply draws water from more than one source and sources are combined before distribution, the supplier must sample at an entry point to the distribution system during periods of normal operating conditions.

D. The supplier of a community water supply and nontransient, noncommunity water supply as defined in part 4720.0100, subpart 16, serving more than 10,000 people shall analyze all distribution or entry-point samples, as appropriate, representing all source waters beginning no later than January 1, 1988. A supplier of a community water supply and nontransient, noncommunity water supply serving from 3,000 to 10,000 people shall analyze all distribution or entry-point samples, as required in this subpart, representing source waters no later than January 1, 1989. All other community and nontransient, noncommunity water suppliers shall analyze distribution or entry-point samples, as required in this subpart, representing all source waters beginning no later than January 1, 1991.

E. The commissioner may require samples to confirm positive or negative results. If a confirmation sample is required, then the confirmation sample result is averaged with the first sampling result and used for compliance determination in accordance with item I. The commissioner may delete results of obvious sampling errors from this calculation.

F. Analysis for vinyl chloride is required only for groundwater supplies that have detected one or more of the following two-carbon organic compounds: trichloroethylene, tetrachloroethylene, 1,2-dichloroethane, 1,1,1-trichloroethane, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene, or 1,1-dichloroethylene. The groundwater supplier must analyze for vinyl chloride at each distribution or entry point where one or more of the two-carbon organic compounds were found. If the first analysis does not detect vinyl chloride, vinyl chloride monitoring must be conducted every three years for that sample location or other sample locations which are more representative of the same source. If vinyl chloride is detected in the first analysis, monitoring shall be conducted according to item A. Surface water suppliers may be required to analyze for vinyl chloride, when the commissioner determines the supply may be vulnerable to vinyl chloride contamination.

G. The public water suppliers may composite up to five samples from one or more public water supplies for analysis under this subpart. Composite samples must be analyzed within 14 days of collection. If any volatile organic contaminant listed in part 4720.0800, subpart 3, is detected in the composite sample, a sample from each source that made up the composite sample must be reanalyzed individually. The sample for reanalysis must be a duplicate sample from each source, taken when the sample for the composite sample was taken. If a duplicate sample is not available, new samples must be taken from each source and analyzed for volatile organic contaminants. Reanalysis must be accomplished within 14 days of the collection of the duplicate sample or new sample.

H. The commissioner may reduce the monitoring frequency specified in items A and B as explained in this item:

(1) Monitoring frequency for groundwater supplies is as follows:

(a) When volatile organic contaminants are not detected in the first sample, or any subsequent samples, and the supply is not determined to be vulnerable under subitem (4), monitoring may be reduced to one sample and must be repeated every five years.

(b) When volatile organic contaminants are not detected in the first sample, or any subsequent sample, and the supply is determined to be vulnerable under subitem (4):

(i) monitoring must be repeated every three years for a supply with more than 500 service connections; and

(ii) monitoring must be repeated every five years for a supply with less than 500 service connections.

(c) If volatile organic contaminants are detected in the first sample, or any subsequent sample, regardless of vulnerability, monitoring must be repeated every three months, as required under item A.

(2) Monitoring frequency for surface water supplies is as follows:

(a) When volatile organic contaminants are not detected in samples taken during the first year of sampling, or in subsequent samples, and the supply is not determined to be vulnerable under subitem (4), monitoring is required at the discretion of the commissioner.

(b) When volatile organic contaminants are not detected in samples taken during the first year of sampling, or in subsequent samples, and the supply is vulnerable as defined in subitem (4):

(i) monitoring must be repeated every three years for a supply with more than 500 service connections; and

(ii) monitoring must be repeated every five years for a supply with less than 500 service connections.

(c) When volatile organic contaminants are detected in samples taken during the first year of quarterly sampling, or in subsequent samples, regardless of vulnerability, monitoring must be repeated every three months, as required under item B.

(3) Monitoring may be reduced to once per year for a groundwater supply or surface water supply that has volatile organic contaminants at levels consistently less than the maximum contaminant levels for three consecutive years.

(4) The commissioner shall determine whether each public water supply is vulnerable to contamination, assessing the following factors:

(a) previous monitoring results;

(b) number of persons served by public water supply;

(c) proximity of a smaller public water supply to a larger supply;

(d) proximity to commercial or industrial use, disposal, or storage of volatile synthetic organic chemicals; and

(e) protection of the water source.

(5) A supply is considered vulnerable for a period of three years after any positive measurement of one or more contaminants listed in part 4720.0800, subpart 3, or 4720.1510, subpart 3, item E, except for trihalomethanes or other demonstrated disinfection byproducts.

I. Compliance with contaminant levels allowed in part 4720.0800, subpart 3, is determined based on the running annual average of the results of quarterly sampling for each sampling location. If one location's average is greater than the maximum contaminant level, the supply is considered out of compliance. If a public water supply has a distribution system that is separate from other parts of the distribution system with no interconnections, only that part of the supply that has a contaminant level that exceeds the maximum levels in part 4720.0800, subpart 3, is considered out of compliance. The commissioner may authorize that the public notice required in part 4720.3900 need only be given to the area served by the portion of the supply that is out of compliance. If a sample result causes the annual average to be exceeded, then the supply is considered out of compliance immediately. For supplies that only take one sample per location because no volatile organic contaminants were detected, compliance is based on that sample. If a supply does not comply with a maximum contaminant level allowed in part 4720.0800, subpart 3, the supplier must report to the commissioner according to part 4720.3700 and notify the public according to part 4720.3900.

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I. A supplier must conduct analysis under this item, using the following Environmental Protection Agency methods or their equivalent, as approved by the Environmental Protection Agency.

(1) Method 502.1, "Volatile Halogenated Organic Chemicals in Water by Purge and Trap Gas Chromatography."

(2) Method 503.1, "Volatile Aromatic and Unsaturated Organic Compounds in Water by Purge and Trap Gas Chromatography."

(3) Method 524.1, "Volatile Organic Compounds in Water by Purge and Trap Gas Chromatography/Mass Spectrometry."

(4) Method 524.2, "Volatile Organic Compounds in Water by Purge and Trap Capillary Column Gas Chromatography/Mass Spectrometry."

(5) Method 502.2, "Volatile Organic Compounds in Water by Purge and Trap Capillary Gas Chromatography with Photoionization and Electrolytic Conductivity Detectors in Series."

Subp. 2. Reporting and public notification for certain unregulated contaminants. The requirements of this subpart apply only to the contaminants listed in subpart 3, item E.

A. A supplier of a community water supply or nontransient, noncommunity water supply who is required to monitor under subpart 3 must send to the commissioner a copy of the results of the monitoring within 30 days of receipt and provide public notice under item C.

B. The supplier of a community water supply or a nontransient, noncommunity water supply must give the following information to the commissioner for each sample analyzed under subpart 3:

(1) results of all analytical methods, including negatives;

(2) name and address of the supply from which the sample was taken and location from which it was taken;

(3) contaminants found;

(4) analytical methods used;

(5) date of sample; and

(6) date of analysis.

C. The supplier must notify, in writing, persons served by the supply of the availability of the results of sampling conducted under subpart 3. The supplier must include the notice in the first set of water bills issued by the supplier after the receipt of the results or must give persons a written notice within three months after receipt of the results. The notice must tell people whom to contact and what telephone number to call for information about the monitoring results.

For surface water systems, public notification is required only after the first quarter's monitoring. The notice must include a statement that additional monitoring will be conducted for three more quarters and that the results will be available upon request.

Subp. 3. Special monitoring for organic chemicals.

A. Suppliers of community and nontransient, noncommunity water supplies must monitor the supplies for the contaminants listed in item E as specified in subitems (1) to (3):

(1) for supplies serving over 10,000 persons, sampling must begin no later than January 1, 1988;

(2) for supplies serving 3,300 to 10,000 persons, sampling must begin no later than January 1, 1989; and

(3) for supplies serving less than 3,300 persons, sampling must begin no later than January 1, 1991.

B. All community and nontransient, noncommunity water supplies must conduct the monitoring required in this subpart at least every five years from the dates specified in item A.

C. Suppliers of surface water shall take samples in the distribution system representative of each water source or at entry points to the distribution system after any application of treatment. At least one sample per water source must be taken every three months.

D. Suppliers of groundwater shall take samples at points of entry to the distribution system representative of each well after any application of treatment. At least one sample per entry point to the distribution system must be taken.

E. Community water suppliers and nontransient, noncommunity water suppliers shall monitor for the following contaminants except as provided in item F:

(1) Chloroform;

(2) Bromodichloromethane;

(3) Chlorodibromomethane;

- (4) Bromoform;
- (5) trans-1,2-Dichloroethylene;
- (6) Chlorobenzene;
- (7) m-Dichlorobenzene;
- (8) Dichloromethane;
- (9) cis-1,2-Dichloroethylene;
- (10) o-Dichlorobenzene;
- (11) Dibromomethane;
- (12) 1,1-Dichloropropene;
- (13) Tetrachloroethylene;
- (14) Toluene;
- (15) p-Xylene;
- (16) o-Xylene;
- (17) m-Xylene;
- (18) 1,1-Dichloroethane;
- (19) 1,2-Dichloropropane;
- (20) 1,1,2,2-Tetrachloroethane;
- (21) Ethylbenzene;
- (22) 1,3-Dichloropropane;
- (23) Styrene;
- (24) Chloromethane;
- (25) Bromomethane;
- (26) 1,2,3-Trichloropropane;
- (27) 1,1,1,2-Tetrachloroethane;
- (28) Chloroethane;
- (29) 1,1,2-Trichloroethane;
- (30) 2,2-Dichloropropane;
- (31) o-Chlorotoluene;
- (32) p-Chlorotoluene;
- (33) Bromobenzene;
- (34) 1,3-Dichloropropene;
- (35) Ethylene dibromide (EDB); and
- (36) 1,2-Dibromo-3-chloropropane (DBCP).

F. Community water suppliers and nontransient, noncommunity water suppliers must monitor supplies for EDB and DBCP only if the commissioner determines the supplies are vulnerable to contamination by either or both of these substances. For the purpose of this item, a "vulnerable supply" is a supply that has the potential to be contaminated by EDB and DBCP. Vulnerable supply includes surface water supplies where these two compounds are applied, manufactured, stored, disposed of, or shipped upstream; groundwater supplies where the compounds are applied, manufactured, stored, disposed of, or shipped in the groundwater recharge basin; and groundwater supplies that are close to underground storage tanks that contain leaded gasoline.

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G. Analysis under this subpart shall be conducted using Environmental Protection Agency methods listed in subitems (1) to (5), or other equivalent methods as determined by the Environmental Protection Agency.

(1) 502.1, "Volatile Halogenated Organic Compounds in Water by Purge and Trap Gas Chromatography";

(2) 503.1, "Volatile Aromatic and Unsaturated Organic Compounds in Water by Purge and Trap Gas Chromatography";

(3) 524.1, "Volatile Organic Compounds in Water by Purge and Trap Gas Chromatography/Mass Spectrometry";

(4) 524.2, "Volatile Organic Compounds in Water by Purge and Trap Capillary Column Gas Chromatography/Mass Spectrometry";

(5) 502.2, "Volatile Organic Compounds in Water by Purge and Trap Gas Chromatography with Photoionization and Electrolytic Conductivity Detectors in Series"; or

(6) Analysis of 1,2-dibromo-3-chloropropane (DBCP) and 1,2-dibromoethane (EDB) shall be conducted by Method 504, "Measurement of 1,2-Dibromoethane (EDB) and 1,2-Dibromo-3-chloropropane (DBCP) in Drinking Water by Microextraction and Gas Chromatography."

H. Instead of performing the monitoring required by this subpart, the supplier of a community water supply or nontransient, noncommunity water supply serving fewer than 150 service connections may send a letter to the commissioner stating that its supply is available for sampling. This letter must be sent no later than January 1, 1991. The supplier shall not send such samples unless requested to do so by the commissioner.

I. The public water suppliers may composite up to five samples from one or more public water supplies for analysis under this subpart. Composite samples must be analyzed within 14 days of collection. If any volatile organic contaminant listed in item D is detected in the composite sample, a sample from each source that made up the composite sample must be reanalyzed individually. The sample for reanalysis must be a duplicate sample from each source, taken when the sample for the composite sample was taken. If a duplicate sample is not available, new samples must be taken from each source and analyzed for volatile organic contaminants. Reanalysis must be accomplished within 14 days of the collection of the duplicate sample or new sample.

4720.3510 STANDARDS FOR ALTERNATIVE COMPLIANCE TECHNOLOGIES.

Subpart 1. Criteria and procedures for public water supplies using point-of-entry devices. The criteria and procedures for public water supplies using point-of-entry devices are described in items A to E.

A. A public water supply may use point-of-entry devices to comply with maximum contaminant levels only if they meet the requirements of this subpart.

B. The supplier must operate and maintain the point-of-entry treatment system.

C. The supplier must develop and obtain approval from the commissioner for a monitoring plan before point-of-entry devices are installed for compliance. Under the approved plan, point-of-entry devices must provide health protection equivalent to central water treatment. "Equivalent" means that the water would meet all maximum contaminant levels contained in this chapter and would be of acceptable quality similar to water distributed by a well-operated central treatment plant. In addition to providing for monitoring of volatile organic contaminants, the plan must also include monitoring of physical measurements and observations such as total flow treated and mechanical condition of the treatment equipment.

D. Effective technology must be properly applied under a plan approved by the commissioner and the microbiological safety of the water must be maintained.

(1) The plan must include methods to ensure proper performance of point-of-entry devices, field testing, and an engineering design review of the point-of-entry devices.

(2) The design and application of the point-of-entry devices must address the tendency for increase in heterotrophic bacteria concentrations in water treated with activated carbon and allow frequent backwashing, postcontractor disinfection, and heterotrophic plate count monitoring to ensure the microbiological safety of the water.

E. Every building connected to the supply must have a point-of-entry device installed, maintained, and adequately monitored. The public water supply must provide documentation to the commissioner that every building is subject to treatment and monitoring, and that the rights and responsibilities of the public water supply customer convey with title upon sale of property.

Subp. 2. Bottled water; point-of-use devices; limitations. Public water supplies shall not use bottled water or point-of-use devices to achieve compliance with a maximum contaminant level. Bottled water or point-of-use devices may be used on a temporary basis to avoid an unreasonable risk to health, or as provided under subpart 3.

Subp. 3. Bottled water and point-of-use devices.

A. A public water supply may be required to use bottled water or point-of-use devices as a condition for receiving an exemption or variance from the requirements of part 4720.0800, subpart 3.

B. A public water supply that uses bottled water as a condition of obtaining an exemption or variance from the requirements of part 4720.0800, subpart 3, must meet the requirements in either subitem (1) or (2), in addition to requirements in subitem (3).

(1) The commissioner must approve a monitoring program for bottled water. The supplier must develop and use a monitoring program that provides reasonable assurances that the bottled water contains contaminants that are below the maximum contaminant level for all contaminants regulated under part 4720.0800, subpart 3. Notice of the results of this monitoring shall be provided to the commissioner during the first quarter that it supplies the bottled water to the public. After the first quarter, the supplier shall provide the commissioner with notice of the results of this monitoring on an annual basis.

(2) The public water supply must receive a certification from the bottled water company that the bottled water supplied has been taken from an approved source as defined in Code of Federal Regulations, title 21, section 129.3, paragraph (a); the bottled water company has conducted monitoring in accordance with Code of Federal Regulations, title 21, section 129.80, paragraph (g), clauses (1) to (3); and the bottled water does not exceed any maximum contaminant levels or quality limits in Code of Federal Regulations, title 21, sections 103.35, 110, and 129. The public water supply shall provide the certification to the commissioner during the first quarter it supplies bottled water. After the first quarter, the supplier shall provide the commissioner with the certification on an annual basis.

(3) The supplier must provide sufficient quantities of bottled water to every person supplied by the public water supply, by door-to-door bottled water delivery.

C. Public water supplies that use point-of-use devices for an exemption or variance from the requirements of part 4720.0800, subpart 3, must meet the following requirements:

(1) The supplier must operate and maintain the point-of-use treatment system.

(2) The supplier must develop a monitoring plan and obtain approval from the commissioner for the plan before point-of-use devices are installed for compliance. This monitoring plan must include health protection equivalent to a monitoring plan for central water treatment.

(3) The plan must provide for effective technology to maintain the microbiological safety of the water.

(4) The design and application of the point-of-use devices must consider the tendency for increase in heterotrophic bacteria concentrations in water treated with activated carbon. It may be necessary to use frequent backwashing, postcontractor disinfection, and heterotrophic plate count monitoring to maintain the microbiological safety of the water.

(5) The plan must include methods to ensure proper performance of point-of-use devices, field testing, and rigorous review of the engineering design of the point-of-use devices.

(6) Every building connected to the supply must have a point-of-use device installed, maintained, and adequately monitored. The plan must include procedures the supplier must follow to assure the commissioner that every building is subject to treatment and monitoring, and that the rights and responsibilities of the public water supply customer convey with title upon sale of property.

4720.3900 PUBLIC NOTIFICATION OF VIOLATIONS OF MAXIMUM CONTAMINANT LEVELS, TREATMENT TECHNIQUES, OR VARIANCES.

Subpart 1. to 6. [See Repealer.]

Subp. 7. Notice of violations and exemptions required. If a supplier fails to comply with a maximum contaminant level, variance or exemption, or monitoring or testing technique, or receives an exemption under part 4720.3100, the supplier must notify persons served by the supply of the violation, failure, or exemption. Subparts 2 to 8 describe requirements for notice under this part.

Subp. 8. Notice of violation of a maximum contaminant level, variance, or exemption. The supplier must issue notice of a violation of a maximum contaminant level, variance, or exemption according to the procedures in items A to D.

A. Except as provided in item C, the owner or operator of a public water supply must:

(1) Publish the notice in a daily newspaper of general circulation in the area served by the supply as soon as possible, but no later than 14 days after the violation or failure is determined. If the area served by a public water supply is not served by a daily newspaper of general circulation, notice must be published in a weekly newspaper of general circulation serving the area;

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(2) Mail or hand deliver the notice not later than 45 days after the violation or failure is determined. The notice may be mailed separate from or along with the water bill. Mail or hand delivery may be waived if the commissioner determines in writing that the supplier has corrected the violation or failure within the 45-day period. The commissioner must issue the waiver within the 45-day period; and

(3) For violations of the maximum contaminant levels of contaminants that may pose an acute risk to human health, furnish a copy of the notice to the radio and television stations in the area served by the public water supply as soon as possible but in no case later than 72 hours after the violation or failure is determined. The following violations require radio and television notices as required under this subitem:

(a) violations specified by the commissioner as posing an acute risk to human health; and

(b) violation of the maximum contaminant level for nitrate as defined in part 4720.0700, subpart 1, and determined according to part 4720.1400, subpart 6.

B. Except as provided in item C, following the initial notice given under item A, the owner or operator of the public water supply must give notice at least once every three months by mail delivery or by hand delivery, for as long as the violation or failure exists. The notice may be mailed separate from or along with the water bill.

C. In place of the requirements of item A, subitem (1), the owner or operator of a community water supply in an area that is not served by either a daily or weekly newspaper of general circulation must give notice by hand delivery or by continuous posting in conspicuous places in the area served by the supply. The notice must be given within 14 days after the violation or failure is determined. Posting must continue for as long as the violation or failure exists. Notice by hand delivery must be repeated at least every three months for as long as the violation or failure exists.

D. In place of the requirements of items A and B, the owner or operator of a noncommunity water supply may give notice by hand delivery or by continuous posting in conspicuous places within the area served by the supply. The notice must be given within 14 days after the violation or failure is determined. Posting must continue for as long as the violation or failure exists. Notice by hand delivery must be repeated at least every three months for as long as the violation or failure exists.

Subp. 9. Notice of a violation of monitoring or testing techniques or issuance of an exemption. A supplier who fails to perform monitoring according to parts 4720.1000 to 4720.2500, fails to comply with an applicable testing method established in parts 4720.1000 to 4720.2500, or is granted an exemption under part 4720.3100, must notify persons served by the supply as follows:

A. Except as provided in item C, D, or E, the supplier must publish notice of the violation, variance, or exemption in a daily newspaper of general circulation in the area served by the supply. The notice must be published within three months after the violation is determined or a variance or exemption is granted. If the area served by a public water supply is not served by a daily newspaper of general circulation, the supplier must publish the notice in a weekly newspaper of general circulation serving the area.

B. Except as provided in item C, D, or E, after the notice under item A, the supplier must, at least once every three months, notify persons served by the supply of the violation, or the granting of the exemption or variance. Notice may be mailed or hand delivered. Notice must be given for as long as the violation exists or the variance or exemption is in effect.

C. In place of the requirements of items A and B, the supplier of a community water supply in an area that is not served by a daily or weekly newspaper of general circulation must hand deliver the notice or post the notice in conspicuous places in the area served by the supply. The notice must be issued within three months after the violation is determined or the variance or exemption is granted. Posting must continue for as long as the violation exists in a variance or exemption remains in effect. Notice by hand delivery must be repeated at least every three months for as long as the violation exists or a variance or exemption is in effect.

D. In place of the requirements of items A and B, the supplier of a noncommunity water supply must hand deliver the notice or post the notice in conspicuous places in the area served by the supply. The notice must be issued within three months after the violation is determined or the variance or exemption is granted. Posting must continue for as long as the violation exists, or a variance or exemption remains in effect. Notice by hand delivery must be repeated at least every three months for as long as the violation exists or a variance or exemption remains in effect.

E. In place of the requirements of items A to D, the supplier of a public water supply, at the discretion of the commissioner, may provide less frequent notice for minor monitoring violations as defined by the commissioner, if EPA has approved the commissioner's application for a program revision under Code of Federal Regulations, title 40, section 142.16. Notice of violations must be given at least annually.

Subp. 10. Notice to new consumers. A supplier of a community water supply must give to new consumers of the supply a copy of the most recent public notice required under this part. The notice must be given to new consumers before or when service begins.

Subp. 11. General content of public notice. A notice required by this part must provide a clear and readily understandable explanation of the violation, potential adverse health effects, the population at risk, the steps that the supplier is taking to correct the violation, the need to seek alternative water supplies, if any, and preventive measures the consumer should take until the violation is corrected. A notice must be conspicuous and written in plain language and readable print. Each notice must include the telephone number of the supplier as a source of additional information concerning the notice. When appropriate, the notice shall be multi-lingual.

Subp. 12. Mandatory health effects language. If a variance, violation, or exemption involves one of the contaminants described in items A to H, the notice required under this part must include the language in items A to H for the particular contaminant involved.

A. Trichloroethylene. The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that trichloroethylene is a health concern at certain levels of exposure. This chemical is a common metal cleaning and dry cleaning fluid. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. The EPA has set forth the enforceable drinking water standard for trichloroethylene at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of the risk and should be considered safe.

B. Carbon tetrachloride. The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that carbon tetrachloride is a health concern at certain levels of exposure. This chemical was once a popular household cleaning fluid. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. The EPA has set the enforceable drinking water standard of carbon tetrachloride at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which may have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

C. 1,2-Dichloroethane. The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that 1,2-dichloroethane is a health concern at certain levels of exposure. This chemical is used as a cleaning fluid for fats, oils, waxes, and resins. It generally gets into drinking water from improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. The EPA has set the enforceable drinking water standard for 1,2-dichloroethane at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of the risk and should be considered safe.

D. Vinyl chloride. The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that vinyl chloride is a health concern at certain levels of exposure. This chemical is used in industry and is found in drinking water as a result of the breakdown of related solvents. The solvents are used as cleaners and degreasers of metals and generally get into drinking water by improper waste disposal. This chemical has been associated with significantly increased risks of cancer among certain industrial workers who were exposed to relatively large amounts of this chemical during their working careers. This chemical has also been shown to cause cancer in laboratory animals when the animals are exposed at high levels over their lifetimes. Chemicals that cause increased risk of cancer among exposed industrial workers and in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. The EPA has set the enforceable drinking water standard for vinyl chloride at 0.002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in humans and laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

E. Benzene. The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that benzene is a health concern at certain levels of exposure. This chemical is used as a solvent and degreaser of metals. It is also a major component of gasoline. Drinking water contamination generally results from leaking underground gasoline and petroleum tanks or improper waste disposal. This chemical has been associated with significantly increased risks of leukemia among certain industrial workers who were exposed to relatively large amounts of this chemical during their working careers. This chemical has

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Proposed Rules

also been shown to cause cancer in laboratory animals when the animals are exposed at high levels over their lifetimes. Chemicals that cause increased risk of cancer among exposed industrial workers and in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. The EPA has set the enforceable drinking water standard for benzene at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in humans and laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

F. 1,1-Dichloroethylene. The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that 1,1-dichloroethylene is a health concern at certain levels of exposure. This chemical is used in industry and is found in drinking water as a result of the breakdown of related solvents. The solvents are used as cleaners and degreasers of metals and generally get into drinking water by improper waste disposal. This chemical has been shown to cause liver and kidney damage in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals which cause adverse effects in laboratory animals also may cause adverse effects in humans who are exposed at lower levels over long periods of time. The EPA has set the enforceable drinking water standard for 1,1-dichloroethylene at 0.007 parts per million (ppm) to reduce the risk of these adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

G. Para-dichlorobenzene. The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that para-dichlorobenzene is a health concern at certain levels of exposure. This chemical is a component of deodorizers, moth balls, and pesticides. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause liver and kidney damage in laboratory animals such as rats and mice when the animals are exposed to high levels over their lifetimes. Chemicals which cause adverse effects in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. The EPA has set the enforceable drinking water standard for para-dichlorobenzene at 0.075 parts per million (ppm) to reduce the risk of these adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

H. 1,1,1-Trichloroethane. The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that the 1,1,1-trichloroethane is a health concern at certain levels of exposure. This chemical is used as a cleaner and degreaser of metals. It generally gets into drinking water by improper waste disposal. This chemical has been shown to damage the liver, nervous system, and circulatory system of laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during their working careers also suffered damage to the liver, nervous system, and circulatory system. Chemicals which cause adverse effects among exposed industrial workers and in laboratory animals may also cause adverse health effects in humans who are exposed at lower levels over long periods of time. The EPA has set the enforceable drinking water standard for 1,1,1-trichloroethane at 0.2 parts per million (ppm) to protect against the risk of these adverse health effects which have been observed in humans and laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

Subp. 13. Public notices for fluoride. A notice of violations of the maximum contaminant level for fluoride, a notice of a variance or exemption from the maximum contaminant level for fluoride, and a notice of failure to comply with variance and exemption schedules for the maximum contaminant level for fluoride must describe steps the supplier is taking to comply with standards and must use the following language:

Public Notice

Dear User:

The United States Environmental Protection Agency requires that we send you this notice on the level of fluoride in your drinking water. The drinking water in your community has a fluoride concentration of (insert the test result) milligrams per liter (mg/l).

Federal regulations require that fluoride, which occurs naturally in your water supply, not exceed a concentration of 4.0 mg/l in drinking water. This is an enforceable standard called a Maximum Contaminant Level (MCL), and it has been established to protect the public health. Exposure to drinking water levels above 4.0 mg/l for many years may result in some cases of crippling skeletal fluorosis, which is a serious bone disorder.

Your water supplier can lower the concentration of fluoride in your water so that you will still receive the benefits of cavity prevention while the possibility of stained and pitted teeth is minimized. Removal of fluoride may increase your water costs. Treatment systems are also commercially available for home use. Information on such systems is available at the address given below. Low fluoride bottled drinking water that would meet all standards is also commercially available.

For further information contact (insert the name, address, and telephone number of the supplier and the name of contact person) at your public water supply.

Subp. 14. Public notification by the commissioner. The commissioner may give notice required by this part to the public on behalf of the supplier. A notice given by the commissioner must meet the requirements of this part. However, the supplier is legally responsible for ensuring that the requirements of this part are met.

REPEALER. Minnesota Rules, part 4720.3900, subparts 1, 2, 3, 4, 5, and 6 are repealed.

Adopted Rules

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

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

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

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

Pollution Control Agency

Adopted Permanent Rules Relating to Hazardous Waste and Generator Fees

Rules as Adopted

The rules proposed and published at *State Register*, Volume 13, Number 15, pages 925-930, October 10, 1988 (13 S.R. 925) are adopted with the following modifications:

7046.0031 NONMETROPOLITAN AREA GENERATOR FEES.

Subp. 3. **Retroactive fee collection.** Retroactive fees must be paid by the generator for each year in which hazardous waste was generated but not disclosed, for each waste stream for a maximum retroactive period of two calendar years prior to the most current calendar year subject to fees. The retroactive fee is calculated by multiplying the statewide program fee and the current annual fee or flat annual fee, whichever applies, times the number of years, up to a maximum of two years, the generator had generated the waste. If a newly disclosed waste stream subjects a generator to a retroactive fee, the retroactive fee must be assessed as described above on the appropriate volume fee and base fee associated with the newly disclosed waste stream. If the newly disclosed waste stream subjects the generator to a higher base fee in the most recent calendar year, then the retroactive fee must be assessed as described above on the difference between the higher base fee and the lower base fee. Retroactive fees for waste produced for less than two years prior to the most current calendar year shall be calculated according to the closest number of years of production.

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

A. A waste generation volume fee must be paid by all nonmetropolitan generators based on the amount of unsewered hazardous waste generated and method of waste management or disposal used in the calendar year. The ~~base~~ volume fee is assessed on a per gallon basis for liquid waste streams or a per pound basis for nonliquid waste streams. The ~~base~~ volume fee is \$0.09 per gallon and \$0.009 per pound for each gallon and pound produced under 2,640 gallons or 26,400 pounds. The ~~base~~ volume fee for each gallon and pound equal to or exceeding 2,640 gallons or 26,400 pounds is \$0.04 per gallon and \$0.004 per pound. The ~~base~~ volume fee shall be multiplied by the following factors for waste streams managed by the following methods:

Management Method	Factor
Recycle, feedstock, or by-product on-site	0
Recycle, feedstock, or by-product off-site	0.67

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Adopted Rules

Burned for fuel	0.67
Neutralization	0.67
Incineration	0.67
Disposal and other methods	1.00

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

7046.0070 APPEAL PROCEDURE.

If a generator who believes that the fee requested by the commissioner is in error or exceeds the hazardous waste generator fees assessed by the metropolitan area county with the highest fee structure, then the generator may appeal the fee levy. Within ten days of receipt of the fee statement from the commissioner, the generator shall provide a written notice of the error in fee calculation, appeal which includes the fee the generator has calculated, and the method used by the generator in calculating the fee. After review of the appeal, the commissioner shall send the generator a decision letter regarding the appeal. In the decision letter, the commissioner shall specify the fee to be remitted by the generator. The generator shall submit the specified fee within 30 days of receipt of the commissioner's decision letter or by the original due date, whichever is later. A generator who fails to submit the specified fee by the required date is delinquent and must pay the late fee penalty, specified in part 7046.0031, subpart 7.

Pollution Control Agency

Adopted Permanent Rules Relating to Individual On-Site Wastewater Treatment Grants

The rules proposed and published at *State Register*, Volume 13, Number 7, pages 338-344, August 15, 1988 (13 S.R. 338) are adopted as proposed.

Department of Trade and Economic Development

Adopted Permanent Rules Relating to the Public Facilities Authority

The rules proposed and published at *State Register*, Volume 13, Number 13, pages 745-746, September 26, 1988 (13 S.R. 745) are adopted as proposed.

Official Notices

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

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

State Board of Investment

Notice of Board Meeting of the Investment Advisory Council to the State Board of Investment

The Investment Advisory Council will hold a special meeting on Monday, January 30, 1989 at 2 p.m. in conference room "A", MEA Building, 41 Sherburne Avenue, St. Paul, MN.

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: Bi-directional tractor
MnDOT Bemidji-rebid
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: January 24
Agency: Minnesota Department of
Transportation
Deliver to: Bemidji
Requisition #: 79382 01556 1

Commodity: Tractor loader MnDOT
various locations-rebid
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: January 24
Agency: Minnesota Department of
Transportation
Deliver to: Various Locations
Requisition #: 79382 01542 1

Commodity: Purchase of Xerox 1075
copier
Contact: Teresa Ryan 612-296-7556
Bid due date at 2pm: January 25
Agency: Minnesota Department of
Education
Deliver to: St. Paul
Requisition #: 37090 52219

Commodity: Security service
Contact: Juanita Steffen 612-297-3830
Bid due date at 2pm: January 25
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Public safety equipment
dashlaser with red dome
Contact: Mary Jo Bruski 612-296-3772
Bids are due: January 25
Agency: Public Safety
Deliver to: St. Paul
Requisition #: 07500 51775

Commodity: Hand held bar code
readers
Contact: Bernadette Vogel 612-296-
3778
Bid due date at 2pm: January 26
Agency: Jobs and Training
Deliver to: St. Paul
Requisition #: 21200 20054

Commodity: Retrofitting of light
fixtures
Contact: Joan Breisler 612-296-9071
Bids are due: January 26
Agency: Administration Department:
Building Construction
Deliver to: Brainerd
Requisition #: 02310 16620.

Commodity: Lamp
Contact: Joan Breisler 612-296-9071
Bids are due: January 26
Agency: Administration Department:
Plant Management
Deliver to: St. Paul
Requisition #: 02307 91373

Commodity: Washer extractor
Contact: D.R. Thompson 612-296-3775
Bid due date at 2pm: January 27
Agency: Minnesota Corrections Facility
Deliver to: St. Cloud
Requisition #: 78830 09647

Commodity: OCR reading system
Contact: Bernadette Vogel 612-296-
3778
Bid due date at 2pm: January 27
Agency: Jobs & Training
Deliver to: St. Paul
Requisition #: 21200 20034

Commodity: Telephone handsets for the
hearing impaired
Contact: Pam Anderson 612-296-1053
Bid due date at 2pm: February 1
Agency: Various
Deliver to: Various
Requisition #: Price Contract

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State Contracts and Advertised Bids

Commodity: Tables and stack chairs
Contact: Linda Parkos 612-296-3725
Bid due date at 2pm: January 31
Agency: Metro St. Univ.
Deliver to: St. Paul, MN
Requisition #: 26176 02890

Commodity: Software program—
Addendum #1—Date change
Contact: Bernadette Vogel 612-296-
3778
Bid due date at 2pm: January 31
Agency: Lakewood Com. College
Deliver to: White Bear Lake, MN
Requisition #: 27154 50848

Contract Awards—Materials Management Division

Item: Automobile
Req.#: 29000 51465 01
Awarded to: Thane Hawkins, White
Bear, MN
Awarded amount: \$39,308.00
Awarded date: January 11, 1989
Expir/deliv date: March 15, 1989
Shipped to: Various Locations

Item: Plumbing fixture & accessory
Req.#: 79000 92655 01
Awarded to: SPS Co., Inc., St. Paul, MN
Awarded amount: \$6,427.27
Awarded date: January 11, 1989
Expir/deliv date: January 26, 1989
Shipped to: Various Locations

Item: Automobile
Req.#: 02514 90354 01
Awarded to: Thane Hawkins, White
Bear, MN
Awarded amount: \$263,601.00
Awarded date: January 12, 1989
Expir/deliv date: March 15, 1989
Shipped to: Central Motor Pool

Item: Truck, pick up ½ ton 4 × 2 per
state s
Req.#: 02514 90353 01
Awarded to: Southdale Ford,
Bloomington, MN
Awarded amount: \$62,896.00
Awarded date: January 12, 1989
Shipped to: Central Motor Pool

Item: Automobile
Req.#: 02514 90356 01
Awarded to: Southdale Ford,
Bloomington, MN
Awarded amount: \$146,234.00
Awarded date: January 12, 1989
Expir/deliv date: March 15, 1989
Shipped to: Central Motor Pool

Item: Automobile
Req.#: 02514 90355 01
Awarded to: Thane Hawkins, White
Bear, MN
Awarded amount: \$213,780.00
Awarded date: January 12, 1989
Expir/deliv date: March 15, 1989
Shipped to: Central Motor Pool

Item: Computer software purchase (non-
PC)
Req.#: 21200 20018 01
Awarded to: Online Software
International, Fort Lee, NJ
Awarded amount: \$30,000.00
Awarded date: January 12, 1989
Expir/deliv date: January 15, 1989
Shipped to: Minnesota Department of
Jobs and Training

Item: Service, other purchased
Req.#: 26071 18420 01
Awarded to: Unisys, St. Paul, MN
Awarded amount: \$39,142.00
Awarded date: January 12, 1989
Expir/deliv date: February 17, 1989
Shipped to: Mankato State University

Item: Computer equipment
Req.#: 27152 46594 01
Awarded to: Rochester Business,
Rochester, MN
Awarded amount: \$16,806.00
Awarded date: January 12, 1989
Expir/deliv date: January 24, 1989
Shipped to: Anoka-Ramsey Community
College

Item: Seed
Req.#: 29002 17235 01
Awarded to: Hibbing Feed & Seed,
Hibbing, MN
Awarded amount: \$8,020.00
Awarded date: January 12, 1989
Expir/deliv date: April 1, 1989
Shipped to: DNR Regional
Headquarters

Item: Large van
Req.#: 29000 51456 01
Awarded to: North Star Dodge Center,
Minneapolis, MN
Awarded amount: \$14,030.00
Awarded date: January 12, 1989
Expir/deliv date: March 30, 1989
Shipped to: DNR—Northern Service
Center

Item: Large van
Req.#: 29000 51501 01
Awarded to: North Star Dodge Center,
Minneapolis, MN
Awarded amount: \$14,030.00
Awarded date: January 12, 1989
Expir/deliv date: March 30, 1989
Shipped to: DNR—Southern Service
Center

Item: Automobile
Req.#: 29000 51462 01
Awarded to: Thane Hawkins, White
Bear, MN
Awarded amount: \$37,011.00
Awarded date: January 12, 1989
Expir/deliv date: March 15, 1989
Shipped to: Various Locations

State Contracts and Advertised Bids

Item: Automobile
Req.#: 29000 51463 01
Awarded to: Thane Hawkins, White Bear, MN
Awarded amount: \$67,104.00
Awarded date: January 12, 1989
Expir/deliv date: March 15, 1989
Shipped to: Various Locations

Item: Automobile
Req.#: 29000 51464 01
Awarded to: Thane Hawkins, White Bear, MN
Awarded amount: \$33,552.00
Awarded date: January 12, 1989
Expir/deliv date: March 15, 1989
Shipped to: Various Locations

Item: Auto hd truck & van
Req.#: 55105 08278 01
Awarded to: North Star Dodge Center, Minneapolis, MN
Awarded amount: \$16,060.00
Awarded date: January 12, 1989
Expir/deliv date: March 15, 1989
Shipped to: St. Peter Regional Treatment Center

Item: Auto hd truck & van
Req.#: 55105 08285 01
Awarded to: Superior Ford, Minneapolis, MN
Awarded amount: \$12,720.00
Awarded date: January 12, 1989
Expir/deliv date: March 15, 1989
Shipped to: St. Peter Regional Treatment Center

Item: Auto hd truck & van
Req.#: 79382 01576 01
Awarded to: Thane Hawkins, White Bear, MN
Awarded amount: \$8,433.00
Awarded date: January 12, 1989
Expir/deliv date: March 15, 1989
Shipped to: MnDOT, Central Shop

Item: Auto hd truck & van
Req.#: 79382 01552 01
Awarded to: Midwest Wrecker Sales, Minneapolis, MN
Awarded amount: \$45,000.00
Awarded date: January 12, 1989
Expir/deliv date: February 15, 1989
Shipped to: Minnesota Department of Transportation

Item: Computer equipment
Req.#: 79000 92828 01
Awarded to: Inacomp Computer Centers, Plymouth, MN
Awarded amount: \$19,380.00
Awarded date: January 12, 1989
Expir/deliv date: February 10, 1989
Shipped to: MnDOT Motor Carrier Safety & Co

Item: Janitorial & refuse disposal service
Req.#: 79990 00203 01
Awarded to: Minnesota Association of Rehabilitation, St. Paul, MN
Awarded amount: \$11,187.00
Awarded date: January 12, 1989
Shipped to: MnDOT, Central Shop

Item: Auto hd truck & van
Req.#: 80300 03885 01
Awarded to: North Star Dodge Center, Minneapolis, MN
Awarded amount: \$10,636.00
Awarded date: January 12, 1989
Expir/deliv date: March 30, 1989
Shipped to: Department of Public Service

Item: Earth moving excavating equipment
Req.#: 02307 93257 01
Awarded to: Tri State Bobcat, Burnsville, MN
Awarded amount: \$26,800.00
Awarded date: January 13, 1989
Expir/deliv date: February 14, 1989
Shipped to: Department of Administration

Item: Laboratory supplies
Req.#: 26071 18439 01
Awarded to: Seritex Inc., Caristadt, NJ
Awarded amount: \$5,547.00
Awarded date: January 13, 1989
Expir/deliv date: January 23, 1989
Shipped to: Mankato State University

Item: Road clearing & cleaning equipment
Req.#: 27157 48057 01
Awarded to: Tennant Co., Minneapolis, MN
Awarded amount: \$17,246.35
Awarded date: January 13, 1989
Expir/deliv date: February 15, 1989
Shipped to: Inver Hills Community College

Item: Plumbing fixture & accessory
Req.#: 78620 00272 01
Awarded to: Goodin Co., St. Paul, MN
Awarded amount: \$10,605.00
Awarded date: January 13, 1989
Expir/deliv date: February 28, 1989
Shipped to: Minnesota Correctional Facility

Item: Pole standard & hardware metal
Req.#: 79000 92801 01
Awarded to: Tucker Co., Inc., Wauwatosa, WI
Awarded amount: \$13,910.40
Awarded date: January 13, 1989
Expir/deliv date: January 17, 1989
Shipped to: MnDOT, Electrical Services

Item: Construction & highway maintenance equipment
Req.#: 79382 01579 01
Awarded to: Long Lake Ford Tractor, Long Lake, MN
Awarded amount: \$36,984.00
Awarded date: January 13, 1989
Expir/deliv date: May 10, 1989
Shipped to: Minnesota Department of Transportation

Item: Construction & highway maintenance equipment
Req.#: 79382 01555 01
Awarded to: Road Machinery & Supplies, Bloomington, MN
Awarded amount: \$26,212.00
Awarded date: January 13, 1989
Expir/deliv date: February 28, 1989
Shipped to: Minnesota Department of Transportation

State Contracts and Advertised Bids

Item: Motor vehicle parts and accessories

Req.#: 79990 00208 01

Awarded to: Road Machinery & Supplies, Bloomington, MN

Awarded amount: \$8,184.00

Awarded date: January 13, 1989

Expir/deliv date: February 10, 1989

Shipped to: MnDOT, Central Shop

Item: Construction equipment, miscellaneous parts & supplies

Req.#: 79990 00211 01

Awarded to: Carlson Equipment Co., St. Paul, MN

Awarded amount: \$27,512.00

Awarded date: January 13, 1989

Expir/deliv date: February 28, 1989

Shipped to: MnDOT, Central Shop

Item: Auto hd truck & van

Req.#: 02514 90357 01

Awarded to: Thane Hawkins, White Bear, MN

Awarded amount: \$46,725.00

Awarded date: January 17, 1989

Expir/deliv date: April 1, 1989

Shipped to: Central Motor Pool

Item: Computer equipment

Req.#: 04631 92178 01

Awarded to: On Line International, Minneapolis, MN

Awarded amount: \$5,985.00

Awarded date: January 17, 1989

Expir/deliv date: February 7, 1989

Shipped to: Minnesota Department of Agriculture

Item: Service, other purchased

Req.#: 21200 19589 01

Awarded to: Murphy Warehouse, Minneapolis, MN

Awarded amount: \$320,000.00

Awarded date: January 17, 1989

Shipped to: Minnesota Department of Jobs and Training

Item: Fish hatchery equipment

Req.#: 29001 14194 01

Awarded to: Ewerts Fiberglass, Bemidji, MN

Awarded amount: \$5,175.50

Awarded date: January 17, 1989

Expir/deliv date: March 15, 1989

Shipped to: Department of Natural Resources

Item: Truck, pick up ½ ton 4 × 2 per state s

Req.#: 29000 51467 01

Awarded to: Thane Hawkins, White Bear, MN

Awarded amount: \$9,479.00

Awarded date: January 17, 1989

Expir/deliv date: April 1, 1989

Shipped to: DNR—Southern Service Center

Item: Truck, pick up ½ ton 4 × 2 per state s

Req.#: 29000 51468 01

Awarded to: Thane Hawkins, White Bear, MN

Awarded amount: \$28,437.00

Awarded date: January 17, 1989

Expir/deliv date: April 1, 1989

Shipped to: DNR Regional Headquarters

Item: Truck, pick up ½ ton 4 × 2 per state s

Req.#: 29000 51469 01

Awarded to: Thane Hawkins, White Bear, MN

Awarded amount: \$28,662.00

Awarded date: January 17, 1989

Expir/deliv date: April 1, 1989

Shipped to: DNR Regional Headquarters

Item: Truck, pick up ½ ton 4 × 2 per state s

Req.#: 29000 51470 01

Awarded to: Thane Hawkins, White Bear, MN

Awarded amount: \$18,954.00

Awarded date: January 17, 1989

Expir/deliv date: April 1, 1989

Shipped to: DNR Regional Headquarters

Item: Truck, pick up ½ ton 4 × 2 per state s

Req.#: 29000 51471 01

Awarded to: Thane Hawkins, White Bear, MN

Awarded amount: \$37,908.00

Awarded date: January 17, 1989

Expir/deliv date: April 1, 1989

Shipped to: DNR—Northern Service Center

Item: Truck, pick up ½ ton 4 × 2 per state s

Req.#: 29000 51472 01

Awarded to: Thane Hawkins, White Bear, MN

Awarded amount: \$28,431.00

Awarded date: January 17, 1989

Expir/deliv date: April 1, 1989

Shipped to: DNR Regional Headquarters

Item: Truck, ½ ton 4 × 4 wide box, 8 ft.

Req.#: 29005 12277 01

Awarded to: Thane Hawkins, White Bear, MN

Awarded amount: \$11,584.00

Awarded date: January 17, 1989

Expir/deliv date: April 1, 1989

Shipped to: DNR Regional Headquarters

Item: Fabrics

Req.#: 55101 09251 01

Awarded to: Final Touch International, W. St. Paul, MN

Awarded amount: \$8,687.50

Awarded date: January 17, 1989

Expir/deliv date: February 28, 1989

Shipped to: Fergus Falls Regional Treatment Center

Item: Printing equipment

Req.#: 79000 92761 01

Awarded to: Ozalid Corp., Rolling Meadows, IL

Awarded amount: \$23,062.35

Awarded date: January 17, 1989

Expir/deliv date: February 27, 1989

Shipped to: Minnesota Department of Transportation

Item: Auto hd truck & van

Req.#: 79382 01578 01

Awarded to: Thane Hawkins, White Bear, MN

Awarded amount: \$8,468.00

Awarded date: January 17, 1989

Expir/deliv date: April 1, 1989

Shipped to: MnDOT, Central Shop

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: Baudette Area Forest Road Maps, 1,000 31" x 41", camera ready, 1-sided, 5 folds to 7 3/4" x 10 1/4"

Contact: Printing Buyer's Office

Bids are due: January 25

Agency: Natural Resources Department

Deliver to: Baudette

Requisition #: 4272

Commodity: Trees of Minnesota, 64-page book + cover, type to set/negs furnished, 2-sided, 11" x 7 1/2" sheet size folded to 5 1/2" x 7 1/2", 4-color process, 2,500 copies

Contact: Printing Buyer's Office

Bids are due: January 25

Agency: Natural Resources Department

Deliver to: St. Paul

Requisition #: 4395

Pheasants in Minnesota

Pheasants in Minnesota, focusing exclusively on the ringneck pheasant, this DNR booklet tells of this popular game bird's origin, introduction and development in Minnesota. Through many full-color photos the book shows the pheasant in various settings, tells how to maintain wildlife habitat and explains the wise management of the hunt. A great gift for each member of your hunting party, or as a memento to a special Minnesota hunting vacation. Quantity discounts available. Code #9-13, \$5.95.

Woodworking for Wildlife, delightfully written and carefully illustrated with a variety of game bird and mammal box designs. Includes important information on the placement of nests in proper habitat areas and maintenance requirements. Diagrams, 48 pp. Code #9-14, \$3.95.



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

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.

Department of Commerce Regulated Profession Publications

Banking Laws 1986. Complete text of state law governing banks, trust companies and other financial institutions. Code #2-76 \$29.95

Business and Nonprofit Corporation Act 1987. Laws governing establishment and conduct of for-profit and non-profit corporations in Minnesota. Chapters 80B, 302A, 317. Code #2-87 \$10.00

Fair Labor Standards Act 1987. Minimum wage and overtime compensation standards for employers: Chapter 177. Code #2-75 \$5.00

Insurance Laws 1987. A compendium of laws applicable to the insurance business. Includes chapters on company and individual agents licensing requirements. Code #2-1, \$20.00

Insurance Rules 1987. Essential licensing information for businesses and agents. Includes standards on policies, practices, marketing and continuing education. Code #3-1 \$15.00

Notary Public Laws 1987. Statutory requirements regarding the oath of office, necessary bond, and taking of depositions. Includes an explanation of the term of the office and procedures for removal from office. Code #2-13 \$4.00

Real Estate Laws 1987. Complete and up-to-date extract from the 1986 Minnesota Statutes. Code #2-92 \$6.00

Real Estate Rules 1987. Contains all education and licensing requirements for agents. Chapters 2800, 2805, and 2810. Code #3-99 \$8.00

Securities Laws 1987. Governs the activities of broker/dealers, agents or investment advisors. Chapter 80A. Code #2-12 \$6.00

Securities Rules 1987. Subjects include standards of conduct, equity securities, investment companies and more. Chapter 2875. Code #3-5 \$13.00

Banking Rules 1987. New rules are expected in early fall '87. Call then for more information. Code #3-81, \$6.00

Uniform Commercial Code 1986. Chapter 336. U.S. laws governing trade, including contracts, title, payment, warranties, performance and liability. Code #2-2 \$10.00

Mailing Lists. All kinds available. A catalog will be available in late summer '87. Call to receive a copy. (612) 297-2552 or 296-0930.

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

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: Viewbook

Req.#: 3878

Awarded to: The John Roberts
Company, Minneapolis

Amount: \$4,475.00

Date: January 13

Deliver to: North Hennepin Community
College, Brooklyn Park

Delivery date: As requested

Item: TACIP equipment distribution
labels

Req.#: 3959

Awarded to: Applied Power Products,
St. Paul

Amount: \$626.00

Date: January 9

Deliver to: Deaf Services Division,
DHS, St. Paul

Delivery date: 14 days

Item: DDS-1 14" return envelope

Req.#: 3982

Awarded to: MacKay Envelope,
Minneapolis

Amount: \$927.60

Date: January 10

Deliver to: Jobs & Training Department,
St. Paul

Delivery date: 15-20 working days

Item: MAID card

Req.#: 3996

Awarded to: Moore Business Forms,
Bloomington

Amount: \$13,160.00

Date: January 9

Deliver to: DHS Forms Supply, Arden
Hills

Delivery date: 60 days

Item: Handicapped parking certificate

Req.#: 4014

Awarded to: Royal Business Forms,
Brooklyn Center

Amount: \$620.00

Date: January 10

Deliver to: Public Safety Department,
St. Paul

Delivery date: 45 days

Item: Administration letter head

Req.#: 4015

Awarded to: Royal Business Forms,
Brooklyn Center

Amount: \$297.55

Date: January 10

Deliver to: Public Safety Department,
St. Paul

Delivery date: 30 days

Item: Envelopes for imprinting

Req.#: 4018

Awarded to: Printing Resources,
Shoreview

Amount: \$490.00

Date: January 10

Deliver to: Transportation Department,
St. Paul

Delivery date: 7 days

Item: Teacher licenses

Req.#: 4055

Awarded to: Royal Business Forms,
Brooklyn Center

Amount: \$1,424.70

Date: January 9

Deliver to: Education Department, St.
Paul

Delivery date: 30 days

Item: Evidence cassette tape labels

Req.#: 4057

Awarded to: Applied Power Products;
St. Paul

Amount: \$190.20

Date: January 9

Deliver to: Public Safety-Bureau of
Criminal Apprehension, St. Paul

Delivery date: 21 days

Item: Interagency request for state
employee service

Req.#: 4079

Awarded to: Bann Division Stuart
Hooper Co., St. Paul

Amount: \$226.25

Date: January 12

Deliver to: Administration Department:
Central Stores, St. Paul

Delivery date: As requested

Item: Department of Education
envelopes

Req.#: 4061

Awarded to: Heinrich Envelope Corp.,
Minneapolis

Amount: \$713.00

Date: January 12

Deliver to: Education Department, St.
Paul

Delivery date: 30 working days

Item: Pink bid return envelopes

Req.#: 4081

Awarded to: Heinrich Envelope Corp.,
Minneapolis

Amount: \$505.25

Date: January 12

Deliver to: Administration Department:
Materials Management, St. Paul

Delivery date: 20 working days

Item: Fin 8 form

Req.#: 4131

Awarded to: Bann Division Stuart
Hooper Co., St. Paul

Amount: \$70.00

Date: January 12

Deliver to: Public Safety Department,
St. Paul

Delivery date: As requested

Item: Fin 8 for DL

Req.#: 4154

Awarded to: Bann Division Stuart
Hooper Co., St. Paul

Amount: \$674.25

Date: January 12

Deliver to: Public Safety Department,
St. Paul

Delivery date: As requested

Item: Enhance Minnesota reprint with
changes

Req.#: 4123

Awarded to: Bolger Publications,
Minneapolis

Amount: \$2,990.00

Date: January 13

Deliver to: Tourism Office, St. Paul

Delivery date: 8 working days

Department of Administration**InterTechnologies Group****Notice of Request for Proposal for Consultant Services to Prepare a Cost Management Plan**

The Department of Administration InterTechnologies Group (InterTech), is requesting a proposal (RFP) for preparation of a comprehensive cost management plan. From these proposals, a single vendor will be selected to prepare the plan.

This request for proposal does not obligate the State to complete the project and the State reserves the right to cancel this RFP if it is considered to be in its best interest.

I. SCOPE OF PROJECT

InterTech charges its customers (state and local government entities) for products and services (examples are mainframe computing and support, micro and minicomputer consulting, executive information systems, telecommunications, and micrographics). Rates are recommended by InterTech and approved by the InterTech Board, the Information Policy Council, the Department of Administration, and the Department of Finance. InterTech operates through a revolving fund on a zero-profit basis.

The cost management plan sought by this RFP is a comprehensive analysis which will review cost allocation and the rate structure at InterTech, allocate costs to rate units, and develop methods to produce cost information for management. The plan will be used as a basis for modifying InterTech's rate structure as necessary, for setting rates for fiscal year 1990, and to develop cost information used for business management, planning and evaluation.

II. OBJECTIVES

A report which analyzes how InterTech's activities cause costs to be incurred in electronic data processing, telecommunications, and micrographics; reviews InterTech's rate structure and recommends possible modifications; and recommends an allocation of costs to the rate units.

A report which recommends how cost information should be reported to assist InterTech strategic managers and business unit managers, and which includes prototype management reports.

Consulting advice to help the project staff, InterTech Board, Management Team and business unit managers increase their understanding of cost management principles and chargeback for technology services.

III. PROJECT TASKS

1. Determine and report how InterTech's costs are caused in electronic data processing, telecommunications, and micrographics. Review InterTech's rate structure and recommend possible modifications. Recommend an allocation of costs to rate units.

a. Identify appropriate responsibility centers within InterTech's organizational structure. For each responsibility center, recommend whether it should be treated as a cost, profit, or investment center.

b. Assist the project staff in recommending to the InterTech Management Team and Board modifications in the rate structure as necessary. Alternative pricing structures to that currently used by InterTech will be examined.

Criteria for modifying rates and price structures (and for assigning costs to rate units as described in part d, below) include, but are not limited to: maintaining InterTech's zero-profit requirement at varying customer demand levels; pricing which is more understandable and manageable by customers; pricing which allows incentive or below-cost rates; increased simplicity; and matching rates to the products and services of business units. Respondent's rate modification recommendations must also be sensitive to InterTech's need to remain competitive with other providers of information services, and to budgetary effects on InterTech's customers.

c. Assist the project staff in making recommendations to the InterTech Management Team and Board on issues such as the purposes of rate setting and chargeback in data processing; operation and function of cost, profit, and investment centers; and relationships between cost allocation and information needed for business management.

State Contracts and Advertised Bids

d. Assign costs to rate units.

1. Identify all cost components for each rate unit as fixed or variable, and direct or indirect. InterTech project staff will provide best estimates of actual costs for fiscal year 1990. Recommend a method for allocation of indirect costs to rate units. One method of allocation to be examined is to be based on the statistical relationships between customer demand and indirect costs. Upon approval of allocation method and rate units by InterTech management, product a rate matrix assigning all cost components to rate units.

2. Identify how cost components may change based on a range of probable volumes of customer demand.

3. Review federal and state statutes and regulations to assure that recommendations conform to regulatory requirements.

e. Recommend a detailed method for transfer pricing between business units, divisions, and operating funds.

2. Determine and report how cost information should be reported to assist InterTech strategic managers and business unit managers. At the direction of InterTech management and the project staff, develop a cost reporting system to supplement the State-Wide Accounting (SWA) system.

a. Assist the project staff, InterTech managers, and the InterTech Board in determining what kinds of cost information are necessary for management of individual business units, and for planning and assessment of businesses.

b. Develop a cost reporting system to support business unit management, responsibility center management, and strategic management.

1. Determine what cost and resource use information is required to support the reporting system. With assistance from InterTech staff and vendors now under contract with InterTech, determine how accounting software products currently installed can support cost reporting. Make recommendations about additional or alternative methods needed to adequately automate cost and resource use reporting.

2. Develop standardized methods for assigning expenses to appropriate accrual periods, for automating the process of assigning expenses, and for reporting accrued costs to managers.

3. Integrate cost reporting with revenue information in order to develop model variance reports for managers, staff and customers.

4. Develop standardized financial statements, based on the cost reporting system, to be used by the InterTech Board, InterTech managers and customers, which report performance of InterTech as a whole and of individual business units.

Responder may propose additional tasks or activities, or suggest modifications in project tasks, if they will substantially improve the results of the project while continuing to meet project deadlines.

IV. DEPARTMENT CONTACTS

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

Mr. Christopher Ross
Manager, Long-Range Planning and Control
InterTechnologies Group
Department of Administration
State of Minnesota
Centennial Building
658 Cedar Street
5th Floor
St. Paul, MN 55155
(612) 297-4785

Please Note: Other department personnel are not permitted to discuss the project with responders before the deadline for submittal of proposals.

V. SUBMISSION OF PROPOSALS

All proposals must be sent to:

Mr. Christopher Ross
Manager, Long-Range Planning and Control
InterTechnologies Group
Department of Administration

State of Minnesota
Centennial Building
658 Cedar Street
5th Floor
St. Paul, MN 55155
(612) 297-4785

All proposals must be received by 4:30 p.m. on Wednesday, February 8, 1989. Late proposals will not be accepted. Include two (2) copies of the proposal. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of the project and may not be conditioned on subsequent approvals by the bidder.

VI. PROJECT COSTS

The Department has estimated that the cost of this project should not exceed \$100,000 for professional services and expenses.

VII. PROJECT COMPLETION SCHEDULE

February 24, 1989—Completion of task 1, parts a, b, and c.

March 10, 1989—Completion of task 1, parts d and e, and overall completion of task 1.

April 11, 1989—Completion of task 2, part a.

May 23, 1989—Completion of task 2, part b, and overall completion of task 2.

VIII. PROPOSAL CONTENTS

The following will be considered minimum contents of the proposal:

- A. A restatement of the objectives to show or demonstrate the responder's view of the nature of the project.
- B. Identification and description of the deliverables to be provided by the responder.
- C. An outline of the responder's background and experience with particular emphasis on experience with electronic data processing and telecommunications chargeback, experience with local, state and federal government. Identification of personnel to conduct the project and indication of their training and work experience. Change in personnel assigned to the project will be permitted only with the approval of the state project manager.
- D. A detailed cost and work plan which will identify the major activities to be accomplished in order to complete project tasks on schedule. The plan will include all costs, including personnel, software, hardware and other resources. This plan will be used as a project scheduling and managing tool as well as the basis for invoicing.
- E. Identification of the extent of the Department's participation in the project as well as any other services to be provided by the Department.

IX. EVALUATION

All proposals received by the deadline will be evaluated by representatives of the Department of Administration. An interview may be part of the evaluation process, at the Department's discretion. Factors upon which proposals will be judged include, but are not limited to, the following:

- A. Ability to assure availability of personnel and other resources to meet project deadlines.
- B. Expressed understanding of project objectives.
- C. Project work plan.
- D. Project cost detail.
- E. Qualifications of both company and personnel. Experience of project personnel will be given greater weight than that of the firm.

Evaluation will be made by a six member committee consisting of:

- Project manager
- Director of Processing Services Division
- Director of Business Technologies Division
- Director of Products and Services Division

State Contracts and Advertised Bids

- Manager of Resource Management unit
- Project leader of Service Level Management

Evaluation and selection will be completed by one week after the deadline for submission of proposals. Notification as to the bidder selected will be mailed immediately thereafter to all responders.

Department of Education

Development and Partnership Effectiveness Division

Request for Proposals for Educational Evaluation Services

The Minnesota Department of Education is seeking qualified individuals or organizations with experience in educational evaluation to assist the Department in developing a comprehensive plan for evaluating adult basic skills programs.

The evaluation should include, but not be limited to, the following:

1. A comprehensive system for evaluating adult literacy/basic skills programs in Minnesota. The criteria and standards for judging the worth and value of adult literacy/basic skills programs are to be identified and defined. Criteria will include minimum standards proposed by the Inter-Agency Policy Group or other criteria that may result from the evaluation plan development process.
2. A description of the existing evaluation/reporting system of each of the major provider groups.
3. A summary of the degree of congruence among the provider groups in regard to the terms used and their definitions in their evaluation/reporting systems.
4. A summary of the kinds of data collected by the provider groups and the instrumentation/methods used.
5. A summary of the various audiences who receive results obtained from the existing evaluation systems and the use(s) made of those reports.
6. An assessment of the reliability and validity of the existing data collection efforts.
7. A summary of the (a) alternative criteria and standards used by the provider groups for evaluation and (b) the recommendations for criteria and standards which would be appropriate for evaluating all adult literacy/basic skills programs.
8. A summary of evaluation/reporting strategies used in other states which might have application in Minnesota.

The formal RFP may be requested, and inquiries should be directed to:

Robert O. Gramstad, Manager
Community and Adult Education
Room 991 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
612/296-8311

The cost of services to be provided during the contract period will be determined by the scope and extent of the accepted or negotiated contract, but will not exceed the actual appropriation.

A meeting to answer any questions which prospective responders may have will be held on February 10, 1989, at 2:00 p.m. in Conference Room 960, Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101.

The deadline for submission of completed proposals will be 30 days after publication of this notice.

Department of Human Services

Long Term Care Management Division

Correction to the Request for Proposals Notice to Evaluate:

- 1) the Home and Community Based Waiver for Individuals Who Are Technology Dependent (Community Alternative Care Program—CAC); and/or
- 2) the Home and Community Based Waiver for Disabled Individuals (Community Alternatives for Disabled Individuals—CADI).

The cost limits stated in the January 16, 1989, *State Register* were incorrectly stated as:

The cost of the assessment of the CAC Program may not exceed \$16,000.

The cost of the assessment of the CADI Program may not exceed \$20,000.

The correct cost limits for each assessment should be:

The cost of the assessment of the CAC Program may not exceed \$20,000.

The cost of the assessment of the CADI Program may not exceed \$25,000.

For more information relating to this request for proposals, contact:

Carol A. Benson
Long Term Care Management Division
Minnesota Department of Human Services
612/297-4669

Department of Natural Resources

Request for Contractor to Prepare Studies on Wood Residue and Fuelwood Use in Minnesota

The Minnesota Department of Natural Resources, Division of Forestry, desires to retain a contractor to assist in the preparation of the "1989 Minnesota Wood Residue Study" and a survey of "1989 Residential Fuelwood Use in Minnesota".

The contractor's duties will include:

- 1) Assisting with the collection of data on primary wood manufacturers using mail surveys, direct contacts and phone contacts.
- 2) Supervise student workers for a statewide phone survey of household use of firewood.
- 3) Process, organize and summarize the data collected.
- 4) Prepare tables and graphics of the results.
- 5) Assist with preparation of the rough and final drafts of the study.

The contractor will be working under the direction of the Study Coordinator. Monthly accomplishment reports will be required.

The contractor will need to:

- 1) have experience managing data bases.
- 2) be able to prepare camera ready copies of tables and graphics.
- 3) have experience with the wood industry and understand the terminology.
- 4) have a working knowledge of SAS.
- 5) have experience using "Ventura Publishing".
- 6) have experience using "Word Perfect" word processing.

The contract will run from approximately February 5, 1989 to approximately August 31, 1989. The contractor will work part time and be compensated at an hourly rate. Total contract will not exceed \$15,500.

Please submit a work proposal, qualifications and examples of previous work by 4:30 p.m., February 3, 1989 to:

Rick Dahlman
DNR—Division of Forestry
500 Lafayette Road
St. Paul, MN 55155-4044
(612) 296-6502

Department of Public Service

Notice of Request for Proposals for Contractual Services

The Department of Public Service (DPS), is requesting proposals from firms interested in providing services in the development of a comprehensive regulatory framework for implementation and support of an integrated least-cost electric utility planning process in Minnesota.

State Contracts and Advertised Bids

Objective:

The objective of this project is to identify resources, strategies and procedures for effective implementation of a least cost utility planning process.

Project dates:

This project will start March 1, 1989 and will be completed by June 30, 1990. All proposals must be submitted to DPS no later than 4:00 p.m. Monday, February 13, 1989.

Copies of the Request for Proposal are available from:

Ms. Marice Rosenb erg
Minnesota Department of Public Service
790 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 296-7128

The Department of Public Service reserves the right not to award any contract, to negotiate modifications with the selected contractor, and to limit funding.

Department of Public Service/Energy Division

Notice of Request for Proposals for a Maintenance Guide for Small Community Buildings

The Department of Public Service, Energy Division has issued a request for proposals for a contractor to develop a guide/manual to help maintenance personnel of small communities understand how energy conservation is achieved through regular repairs and maintenance of their equipment.

The total funding available for this project is \$15,000. A project start date of March 1, 1989 is anticipated and the project must be completed by June 1, 1989. The deadline for receipt of proposals is 3:00 p.m. February 13, 1989.

A copy of the Request for Proposals may be obtained from Narvel Somdahl, Department of Public Service, 900 American Center Building, 150 E. Kellogg Boulevard, St. Paul, MN 55101, Telephone (612) 297-2117.

Department of Transportation

Announcement of Request for Proposals/Request for Qualifications for Underground Storage Tank Assessment and Prioritization

The Minnesota Department of Transportation (MnDOT) is requesting proposals and statements of qualifications from qualified consulting firms for a study of MnDOT's underground storage tanks (USTs). The objective of the study is prioritization of the USTs owned by MnDOT to identify those tanks which have the highest probability of leakage and which should therefore be upgraded or replaced first to meet the technical standards for USTs.

It is anticipated that this investigation will include the following tasks, unless the proposer wishes to proposed alternative or additional methods to meet the objective stated above: placement of soil borings adjacent to each UST or tank cluster and measurement of volatile organic vapors using a portable photoionization or flame ionization detector in order to detect any release; soil sampling to measure the corrosion potential of the soil; and physical assessment of site and tank conditions. The consultant will prepare a report ranking USTs in order of their likelihood to leak, identifying those USTs which already meet technical standards for USTs contained in 40 CFR Part 280, and identifying those USTs which do not presently meet technical standards but which can be upgraded instead of replaced without significant risk of leakage.

The consulting firm selected for this study will be qualified in conducting soil surveys and collection of soil samples, the use of portable organic vapor analyzers to detect contamination with petroleum products, soil chemistry and corrosiveness analysis, and interpretation of data obtained through the program described above to prioritize USTs for their potential for leakage.

The requirements of *Minnesota Statutes* Section 16B.19, subd. 6 (1988) regarding Socially or Economically Disadvantaged (SED) firms will apply to any contract in excess of \$200,000.

Proposals and statements of qualifications must be received by February 10, 1989. A copy of the Request for Proposals/Request for Qualifications may be obtained from:

Stephen D. Riner
Hazardous Waste Coordinator
Minnesota Department of Transportation
Room 704, Transportation Building
St. Paul, MN 55155
Phone (612) 296-8707.

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.

Stearns County

Addendum Number Two to Notice to Bidders on Computer Equipment

There is an error in the specification for the printers. Please correct to read the following:

II. ITEM: EPSON LQ 1050 PRINTERS
QUANTITY: FOUR (4)

A. Printers shall have/include:

1. 24 pin
2. 130 character wide
3. Ten foot printer cable

Note that the correction is from a twenty-seven (27) pin to a twenty-four (24) pin printer. If you should have any questions or problems concerning this, please do not hesitate to contact the Stearns County Purchasing Department at (612) 259-3607.

Supreme Court Decisions

Decisions Filed 20 January 1989

CX-87-1583 Annandale Advocate v. City of Annandale, William Ledwein, petitioner, Appellant. Court of Appeals.

Appellant had standing to oppose release of the investigative report detailing his misconduct as Chief of Police.

The city council's resolution to discharge appellant was not a "final disposition" under *Minnesota Statutes* § 13.43 (1986) because appellant had exercised his right to a further hearing under the Veterans Preference Act.

The Annandale City Council meeting, at which appellant was discharged, was improperly closed under the Minnesota Open Meeting Law.

When it is necessary to discuss data classified as private by the Minnesota Government Data Practices Act at a meeting required to be open by the Minnesota Open Meeting Law, under *Minnesota Statutes* § 471.705, subd. 1b (1986), that portion of the meeting in which private data is discussed must be closed. The remainder of the meeting shall be open pursuant to the Open Meeting Law.

Reversed. Yetka, J.

Dissenting, Popovich, J.

Supreme Court Decisions

CX-88-119 State of Minnesota v. Lawrence Washington Triplett, Appellant. Dakota County.

The evidence was sufficient to support defendant's conviction for first-degree felony murder and first-degree premeditated murder. Affirmed. Yetka, J.

C0-88-274 Guy James Hathaway, petitioner, Appellant v. State of Minnesota. Ramsey County.

District court properly denied petition for postconviction relief based on claim of ineffective assistance of counsel and newly discovered evidence.

Affirmed. Coyne, J.

C1-87-1889 C3-87-1926 John Keenan, petitioner, Appellant v. HydraMac, Inc., Appellant (C3-87-1926) v. Joe Prom, individually, and d.b.a. Prom's Auto Salvage, third party defendant. Court of Appeals.

Plaintiff, a workers' compensation beneficiary, by proceeding to trial against third-party tortfeasors included the subrogation claims of his employer, and therefore the collateral source statute, *Minnesota Statutes* § 548.36 (1986), was not applicable.

Reversed and remanded. Popovich, J.

Took no part, Coyne, J.

Tax Court

Pursuant to Minn. Stat. § 271.06, subd. 1, an appeal to the tax court may be taken from any official order of the Commissioner of Revenue regarding any tax, fee or assessment, or any matter concerning the tax laws listed in § 271.01, subd. 5, by an interested or affected person, by any political subdivision of the state, by the Attorney General in behalf of the state, or by any resident taxpayer of the state in behalf of the state in case the Attorney General, upon request, shall refuse to appeal. Decisions of the tax court are printed in the *State Register*, except in the case of appeals dealing with property valuation, assessment, or taxation for property tax purposes.

Tax Court—Regular Division

Docket No. 4813—Dated: 7 December, 1988

Clifford L. Hay, Appellant, vs. Commissioner of Revenue, Appellee.

The above-entitled matter was presented to this Court by a Stipulation of Facts dated July 15, 1988. The case was assigned to Arthur C. Roemer, Judge of the Minnesota Tax Court.

Neil B. Dieterich, Attorney at Law, represented the appellant.

Sarah G. Mulligan, Special Assistant Attorney General, represented the appellee.

Briefs were filed by both parties and the matter was submitted to the Court for decision on October 11, 1988.

The Court, having reviewed and considered the stipulation and briefs of the parties, and upon all of the files and records herein, now makes the following:

FINDINGS OF FACT

1. Appellant Clifford L. Hay rented two apartments during calendar year 1984. Both were located at 2200 Midland Grove, although owned by different owners. From January 1 through August 31, 1984, he rented apartment 101, and from September 1 through December 31, 1984, he rented apartment 207.

2. Appellant filed a 1984 Minnesota Property Tax Refund Return (Form M1-PR) on November 12, 1986.

3. Accompanying appellant's return were a Certificate of Rent Paid (Form CRP) from the landlord of apartment 207, and a Rent Paid Affidavit relating to the rent paid on apartment 101, appellant having been unable to obtain a Form CRP from the landlord for apartment 101.

4. Appellant's return claimed a total property tax refund of \$1,074, of which \$923.96 was for apartment 101 and \$224.52 was for apartment 207.

5. Appellant also requested a waiver of any penalty for late filing.

6. The printed instructions for the 1984 Minnesota Property Tax Refund Return stated that any refund would be denied if the return was not filed within two years after the due date (September 5, 1985).

7. By Order dated December 3, 1986, the Commissioner denied appellant's claimed property tax refund. This was based on legislation enacted June 28, 1985 reducing the statutory period for filing refund claims from two years to one year.
8. The attached Memorandum is hereby made a part of these Findings of Fact.

CONCLUSIONS OF LAW

1. The 1985 amendment to *Minnesota Statutes* § 290A.06 does not violate the Due Process Clause of the United States Constitution.
2. The Order of the Commissioner of Revenue dated December 3, 1986 is hereby affirmed.

LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

BY THE COURT,
Arthur C. Roemer, Judge
Minnesota Tax Court

Announcements

Regional Dairy Task Force Meetings: A series of public hearings will be conducted to receive input for a report recommending actions to revitalize the state's dairy industry. The task force, chaired by Linda Rotz, a dairy farmer from Clitherall, Minn., is seeking advice from dairy farmers, dairy leaders, technical experts and the general public to help make its recommendations. Topics of the hearings will include improvement of farm profitability, development and application of technology, marketing and promotion of dairy products, the role of the extension service and continuing education, regulation, legislation and farm financial concerns. According to the state Department of Agriculture, the state has lost nearly 9,000 dairy farmers during the 1980s. Milk production continues to decline in the Midwest while showing sharp increases in the South. Comments and testimony on these or any other relevant issues are welcome and encouraged from everyone with an interest or involvement in the state's dairy industry to attend one of the hearings. Each meeting is scheduled from 1 to 4 p.m. Dates and locations are: **January 24**—Lewiston, Community Center **February 1**—New Ulm, Holiday Inn **February 8**—Albany, Sands Restaurant **February 15**—Young America (Norwood), Kube's Supper Club **February 22**—Crookston, University of Minnesota ARC Auditorium **March 1**—Wadena, Four Seasons Restaurant **March 8**—Pine City, Pine Technical Institute.

Deadlines Extended For Regional Arts Grants: The deadline for Metropolitan Council Regional Arts Council grants to art organizations for artistic and managerial development partnerships has been extended to Monday, February 13, 1989. Grants of a minimum of \$1,000 will be given to small art organizations in the seven-county Metropolitan Area for partnerships or collaborations with other art groups selected for their artistic or management expertise. The project grants, totaling \$110,000, are funded by the McKnight Foundation and are available for projects up to two years in length. The intent of the awards is to assist nonprofit art groups with annual operating budgets of under \$300,000 to benefit from the expertise of other nonprofit art organizations. Eligible organizations are those with a primary mission of creating art works or serving professional artists whose career goal is to work full-time in their artistic disciplines; social service, educational and community arts organizations are generally not eligible for these grants. Letters of intent must have a dated postmark or be delivered to the Council by Feb. 13 to be considered for eligibility. The Council address is Mears Park Centre, 230 E. Fifth St., St. Paul, MN 55101. Notification of eligibility to the program will be sent to applicants after March 1. The proposal deadline is April 21. For more information and grant guidelines, call 291-6303.

Volunteer Sought For Metro Waste Management Advisory Committee: The Metropolitan Council is seeking a waste professional representative to fill a vacancy on its Waste Management Advisory Committee. The 30-member committee, made up of waste professionals, agency representatives and private citizens, helps the Council develop a long-range plan for the reuse or disposal of solid and hazardous waste. It reviews county solid waste plans, county annual reports on landfills and waste abatement, and permit applications for new disposal facilities. The committee also advises the Council on sewage sludge management, landfill siting and other metropolitan waste management issues. Applicants may reside anywhere in the seven-county Metropolitan Area. The person chosen will serve the remainder of a term that expires on Dec. 1, 1991. Committee members volunteer their time but are reimbursed for travel and parking expenses incurred. The application deadline is Feb. 10. The appointment will be made on Feb. 23. For more information and an application form, call Vivian Ramirez at 291-6468.

1989 Transportation Conference: "Transportation 2000: A Strategy for the Future" is the theme of the 1989 Transportation Conference, which will be held Feb. 15-17 at the Radisson South hotel, Bloomington. North Pole explorer Ann Bancroft, former Pittsburgh Steelers quarterback Terry Bradshaw and astronaut Sam Gemar will be featured speakers. Also scheduled are a number of sessions presented by MnDOT employees. For conference registration materials or more information, contact Anna Cady, (612) 297-3079 at MnDOT Employee Development.

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Minnesota Tax Filing Tips: All domestic corporations organized under *Minnesota Statutes*, Chapter 302A, must file an annual registration with the Secretary of State each calendar year. You may file the form with your corporate tax return or submit it directly to the Secretary of State. A registration form, Form M-SS1, will be included with your income tax forms. Fill out the form and attach it to the front of your tax return. The Department of Revenue will forward the information to the Secretary of State.



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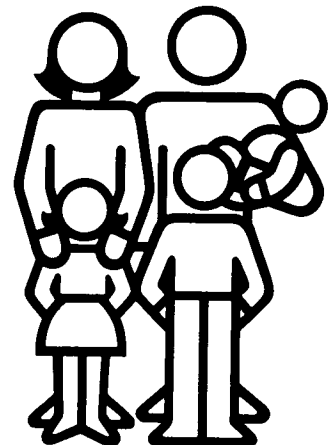
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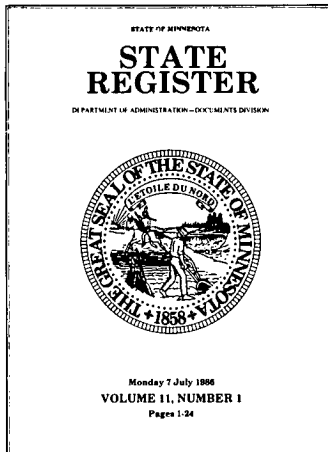
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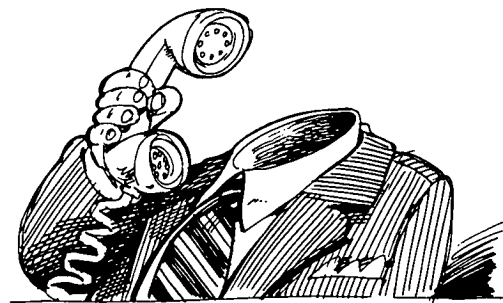
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