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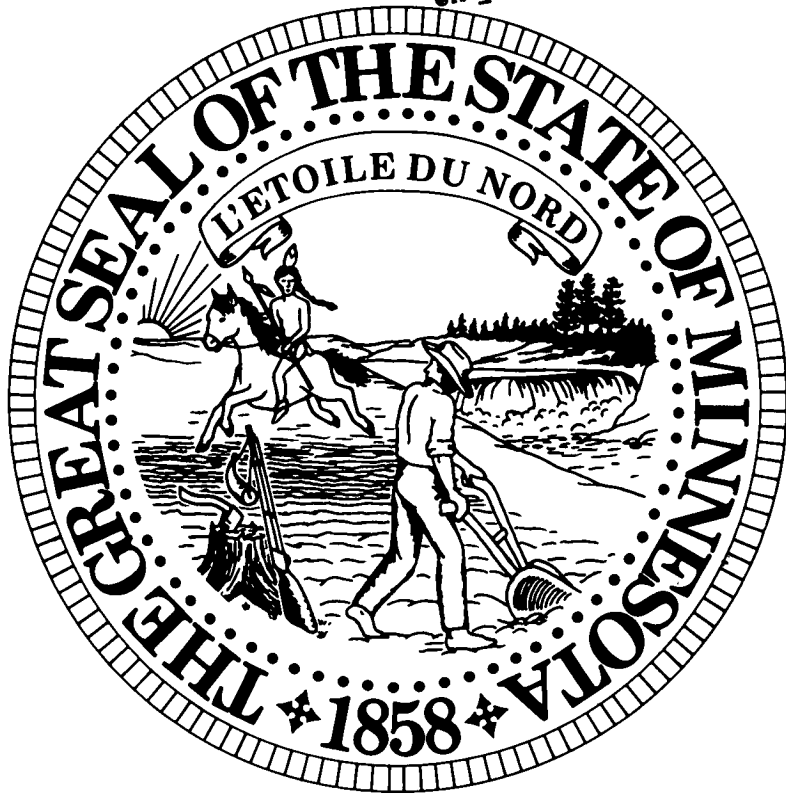
State of Minnesota

# STATE REGISTER

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# STATE REGISTER

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The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, 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

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\*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.

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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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9575.1500 (adopted)	1688

## 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.

## Board of Electricity

### Proposed Permanent Rules Relating to Licenses, Inspections, Qualifications for Electrician Licenses

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

NOTICE IS HEREBY GIVEN that the State Board of Electricity ("Board") proposes to adopt the above-entitled rule without a public hearing. The Board has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* § 14.22 to 14.28. Authority for the adopting of this rule is contained in *Minnesota Statutes* § 326.241, subd. 6. Additionally, a statement of need and reasonableness that describes the need for and identifies the data and information relied upon to support the proposed rule, has been prepared and is available from Mr. Quinn upon request.

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

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.13 to 14.20. If no hearing is requested, the agency will adopt the proposed rule effective five working days after final publication in the *State Register*.

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

Mr. John Quinn  
Executive Secretary  
State Board of Electricity  
S-173, Griggs-Midway Building  
1821 University Avenue  
St. Paul, Minnesota 55104  
Telephone: 612/642-0800

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

A copy of the proposed rule is attached to this notice. Additional copies may be obtained by contacting Mr. Quinn.

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

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1986), "Small business considerations in rulemaking," that the proposed rule amendments will have no adverse effect on small businesses.

*Minnesota Statutes*, Chapter 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes*, section 10A.10, Subdivision 11, as an individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250.00, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislation or administrative action by communicating or urging others to communicate with public officials; or,

(b) Who spends more than \$250.00, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

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

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General's Office for review as to legality and form to the extent the form relates to legality. Any person requesting notification of the date of submission of this material to the Attorney General, or who wishes to receive a copy of the adopted rule, must submit a written request to the State Board of Electricity.

John Quinn, Executive Secretary  
State Board of Electricity

### **Rules as Proposed (all new material)**

#### **3800.3500 DEFINITIONS.**

Subpart 1. **Words, terms, and phrases.** For the purposes of the Minnesota Electrical Act, *Minnesota Statutes*, sections 326.241 to 326.248, and parts 3800.3500 to 3800.3910, the following terms have the meanings given them.

Subp. 2. **Elevator constructor.** "Elevator constructor" means a person who has the necessary qualifications, training, experience, and technical knowledge to wire for, install, and repair electrical wiring, apparatus, and equipment for elevators and escalators and who is licensed by the Board of Electricity.

Subp. 3. **Employee.** "Employee" means:

A. a person whose compensation for electrical work is reported by the employer on an Internal Revenue Service W-2 form, and is also otherwise considered an employee under applicable laws; or

B. an instructor of an electrical wiring course and the instructor's students, while performing electrical work on projects on the school premises under the personal on-the-job supervision of a properly licensed employee of an electrical contractor.

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

## Proposed Rules

Subp. 4. **Experience acceptable to the board.** "Experience acceptable to the board" means the stated minimum number of months of experience on premises electrical systems, exclusive of manufacturing processes, under properly licensed supervision where supervision is otherwise required by law, for each category of work specified in part 3800.3520, subpart 5.

Subp. 5. **Graduate of a four-year electrical course.** "Graduate of a four-year electrical course" means an applicant who has received a bachelor's degree in Electrical Engineering from an accredited university or college.

Subp. 6. **Lineman.** "Lineman" means a person who has the necessary qualifications, training, experience, and technical knowledge to construct and maintain transmission and distribution systems that are or will be owned or leased by an electric utility, and who is licensed by the Board of Electricity.

Subp. 7. **Maintenance electrician.** "Maintenance electrician" means a person having the necessary qualifications, training, experience, and technical knowledge to properly maintain and repair electrical wiring, apparatus, and equipment, who is licensed by the Board of Electricity, or who is exempt from licensing by the Minnesota Electrical Act, *Minnesota Statutes*, sections 326.241 to 326.248.

Subp. 8. **Maintaining and repairing electrical wiring, apparatus, and equipment.** "Maintaining and repairing electrical wiring, apparatus, and equipment" means the adjustment or repair or replacement of worn or defective parts of electrical equipment and replacement of defective receptacle outlets and manual switches for lighting control, but does not include the installation of new wiring, apparatus, and equipment or additions, alterations, or extensions to existing wiring, apparatus, or equipment.

Subp. 9. **Master elevator constructor.** "Master elevator constructor" means a person who has the necessary qualifications, training, experience, and technical knowledge to properly plan, lay out, and supervise the installation of wiring, apparatus, and equipment for elevators and escalators, and who is licensed by the Board of Electricity.

Subp. 10. **Minor repair work.** "Minor repair work" means the adjustment or repair or replacement of worn or defective parts of electrical equipment and replacement of defective receptacle outlets and manual switches for lighting control.

Subp. 11. **Personal on-the-job supervision and job.**

A. For the purposes of *Minnesota Statutes*, section 326.242, subdivision 5, "personal on-the-job supervision" means that the unlicensed person will have a licensed person present on the job and providing supervision the entire working day. A licensed person shall supervise no more than two unlicensed persons.

B. For the purposes of *Minnesota Statutes*, section 326.242, subdivision 5, "job" means each separate building or structure where electrical work is being performed.

Subp. 12. **Signaling circuit.** "Signaling circuit" means an electric circuit that is used exclusively for the supply of energy to a device that gives a recognizable signal, including but not limited to door bells, digital data displays, and signal lights, and that does not supply energy to any device that controls electrical equipment other than the signaling devices.

### 3800.3510 PERMITTED WORK.

Subpart 1. **Elevator constructor.** A person licensed as an elevator constructor may install, maintain, and repair electrical wiring, apparatus, and equipment for elevators and escalators while in the employ of an electrical contractor.

Subp. 2. **Lineman.** A person licensed as a lineman may install, maintain, and repair transmission and distribution systems that are or will be owned or leased by an electric utility.

Subp. 3. **Maintenance electrician.** A person licensed as a maintenance electrician may maintain and repair electrical wiring, apparatus, and equipment while in the employ of an electrical contractor, or as a full-time employee of a single employer while engaged in the maintenance and repair of electrical wiring, apparatus, and equipment owned or leased by the employer and located within the limits of property owned or leased by the employer.

Subp. 4. **Master elevator constructor.** A person licensed as a master elevator constructor may, as a licensed electrical contractor or in the employ of an electrical contractor, plan, lay out, supervise and install, maintain, and repair wiring, apparatus, and equipment for elevators and escalators.

### 3800.3520 EXAMINATION; MINIMUM EXPERIENCE REQUIREMENTS FOR LICENSURE; EXPERIENCE ACCEPTABLE TO BOARD.

Subpart 1. **Examination requirements.** As a precondition to issuance of any electrician's license, an applicant is required to pass an examination for the type of license sought, in accordance with *Minnesota Statutes*, section 326.242, subdivision 7.

Subp. 2. **Minimum experience requirements.** Except as otherwise provided for a master electrician license under *Minnesota Statutes*, section 326.242, subdivision 1, clause (1), paragraph (a), and for a Class A or B installer license under *Minnesota Statutes*, section 326.242, subdivision 3b, an applicant for an electrician license shall have experience acceptable to the board before examination for licensure under *Minnesota Statutes*, section 326.242, subdivision 7.



Subp. 3. **Maximum allowable credit under certain conditions.** The maximum allowable electrical experience credit under the following conditions shall be as stated:

- A. before age 12, none;
- B. before age 16, six months;
- C. in the military service, 12 months;
- D. in foreign countries, 12 months; and
- E. acquired during the school term of a board-approved post high school electrical course, none.

Subp. 4. **Experience acceptable to board for certain categories in certain situations.** Experience in the categories of planning for the installation of wiring, apparatus, and equipment for light, heat, and power; laying out for the installation of wiring, apparatus, and equipment for light, heat, and power; supervising the installation of wiring, apparatus, and equipment for light, heat, and power; and wiring and installing electrical wiring, apparatus, and equipment for light, heat, and power is acceptable to the board in the situations described in items A to D.

A. Experience while in the employ of an electrical contractor licensed under *Minnesota Statutes*, section 326.242, subdivision 6.

B. Experience while working in Minnesota for an employer who is not required to be licensed as an electrical contractor, if the work is inspected under *Minnesota Statutes*, section 326.244, and done under the supervision of a properly licensed electrician.

C. Experience while performing electrical work in Minnesota for an employer who is exempt from licensing when the work is exempt from inspection under *Minnesota Statutes*, section 326.244, or when the work is performed on federal property by a federal employee, if the board has determined in either situation that the experience is substantially equal to that acquired in performing work while in the employ of a licensed electrical contractor. The determination shall be made after a personal inspection by not less than two board members and one staff employee of the board on the premises where the applicable work was performed.

D. Experience while performing electrical work outside of Minnesota, which the board has determined is substantially equivalent to the work performed while in the employ of a licensed electrical contractor in Minnesota. This determination must be based on a certification by the employer for the type of work performed.

Subp. 5. **Schedule of minimum experience requirements and maximum experience allowances.** The minimum required experience, and maximum experience allowance under subpart 2 shall be as shown in items A to H for the type of license sought.

A. Class A master electrician (60 months required):

(1) planning for the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of two months, maximum credit allowance of 12 months;

(2) laying out for the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of two months, maximum credit allowance of 12 months;

(3) supervising the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of two months, maximum credit allowance of 12 months;

(4) wiring for and installing electrical wiring, apparatus, and equipment: minimum experience of 12 months, maximum credit allowance of 48 months;

(5) maintaining and repairing electrical wiring, apparatus, and equipment: minimum experience of zero months, maximum credit allowance of 24 months;

(6) line work: minimum experience of zero months, maximum credit allowance of three months;

(7) installing elevators: minimum experience of zero months, maximum credit allowance of six months;

(8) laying out and installing wiring, apparatus, and equipment for home appliances: minimum experience of zero months, maximum credit allowance of three months; and

(9) wiring and maintaining electronic controls: minimum experience of zero months, maximum credit allowance of three months.

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## Proposed Rules

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### B. Class A journeyman electrician (48 months required):

- (1) planning for the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of zero months, maximum credit allowance of zero months;
- (2) laying out for the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of zero months, maximum credit allowance of zero months;
- (3) supervising the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of zero months, maximum credit allowance of zero months;
- (4) wiring for and installing electrical wiring, apparatus, and equipment: minimum experience of 24 months, maximum credit allowance of 48 months;
- (5) maintaining and repairing electrical wiring, apparatus, and equipment: minimum experience of one month, maximum credit allowance of 24 months;
- (6) line work: minimum experience of zero months, maximum credit allowance of three months;
- (7) installing elevators: minimum experience of zero months, maximum credit allowance of six months;
- (8) laying out and installing wiring, apparatus, and equipment for home appliances: minimum experience of zero months, maximum credit allowance of three months;
- (9) wiring and maintaining electronic controls: minimum experience of zero months, maximum credit allowance of three months; and
- (10) a maximum of one year of experience credit will be allowed for the successful completion of a two-year, post high school electrical course approved by the board.

### C. Master elevator constructor; the minimum total shall be 60 months, including:

- (1) planning for the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of zero months, maximum credit allowance of 12 months;
- (2) laying out for the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of zero months, maximum credit allowance of 12 months;
- (3) supervising the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of zero months, maximum credit allowance of 12 months;
- (4) wiring for and installing electrical wiring, apparatus, and equipment: minimum experience of zero months, maximum credit allowance of 48 months;
- (5) maintaining and repairing electrical wiring, apparatus, and equipment: minimum experience of zero months, maximum credit allowance of 24 months;
- (6) line work: minimum experience of zero months, maximum credit allowance of three months;
- (7) installing elevators: minimum experience of 24 months, maximum credit allowance of 60 months;
- (8) laying out and installing wiring, apparatus, and equipment for home appliances: minimum experience of zero months, maximum credit allowance of three months; and
- (9) wiring and maintaining electronic controls: minimum experience of zero months, maximum credit allowance of three months.

### D. Elevator constructor; the minimum total shall be 36 months, including:

- (1) planning for the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of zero months, maximum credit allowance of zero months;
- (2) laying out for the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of zero months, maximum credit allowance of zero months;
- (3) supervising the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of zero months, maximum credit allowance of zero months;
- (4) wiring for and installing electrical wiring, apparatus, and equipment: minimum experience of zero months, maximum credit allowance of 36 months;
- (5) maintaining and repairing electrical wiring, apparatus, and equipment: minimum experience of zero months, maximum credit allowance of 12 months;

- (6) line work: minimum experience of zero months, maximum credit allowance of three months;
- (7) installing elevators: minimum experience of 12 months, maximum credit allowance of 36 months;
- (8) laying out and installing wiring, apparatus, and equipment for home appliances: minimum experience of zero months, maximum credit allowance of three months;
- (9) wiring and maintaining electronic controls: minimum experience of zero months, maximum credit allowance of three months.

E. Maintenance electrician; the minimum total shall be 48 months, including:

- (1) planning for the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of zero months, maximum credit allowance of zero months;
- (2) laying out for the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of zero months, maximum credit allowance of zero months;
- (3) supervising the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of zero months, maximum credit allowance of zero months;
- (4) wiring for and installing electrical wiring, apparatus, and equipment: minimum experience of zero months, maximum credit allowance of 24 months;
- (5) maintaining and repairing electrical wiring, apparatus, and equipment: minimum experience of 24 months, maximum credit allowance of 48 months;
- (6) line work: minimum experience of zero months, maximum credit allowance of three months;
- (7) installing elevators: minimum experience of zero months, maximum credit allowance of six months;
- (8) laying out and installing wiring, apparatus, and equipment for home appliances: minimum experience of zero months, maximum credit allowance of three months;
- (9) wiring and maintaining electronic controls: minimum experience of zero months, maximum credit allowance of three months;
- (10) a maximum of one year of experience credit will be allowed for the successful completion of a two-year, post high school technical course approved by the board.

F. Lineman; the minimum total shall be 48 months, including:

- (1) planning for the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of zero months, maximum credit allowance of zero months;
- (2) laying out for the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of zero months, maximum credit allowance of zero months;
- (3) supervising the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of zero months, maximum credit allowance of zero months;
- (4) wiring for and installing electrical wiring, apparatus, and equipment: minimum experience of zero months, maximum credit allowance of 12 months;
- (5) maintaining and repairing electrical wiring, apparatus, and equipment: minimum experience of zero months, maximum credit allowance of 12 months;
- (6) line work: minimum experience of 24 months, maximum credit allowance of 48 months;
- (7) installing elevators: minimum experience of zero months, maximum credit allowance of three months;
- (8) laying out and installing wiring, apparatus, and equipment for home appliances: minimum experience of zero months, maximum credit allowance of three months;
- (9) wiring and maintaining electronic controls: minimum experience of zero months, maximum credit allowance of three months.

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## Proposed Rules

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G. Class A installer; the minimum total shall be 12 months, including:

(1) planning for the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of zero months, maximum credit allowance of zero months;

(2) laying out for the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of zero months, maximum credit allowance of zero months;

(3) supervising the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of zero months, maximum credit allowance of zero months;

(4) wiring for and installing electrical wiring, apparatus, and equipment: minimum experience of zero months, maximum credit allowance of 12 months;

(5) maintaining and repairing electrical wiring, apparatus, and equipment: minimum experience of zero months, maximum credit allowance of six months;

(6) line work: minimum experience of zero months, maximum credit allowance of three months;

(7) installing elevators: minimum experience of zero months, maximum credit allowance of three months;

(8) laying out and installing wiring, apparatus, and equipment for home appliances: minimum experience of zero months, maximum credit allowance of 12 months;

(9) wiring and maintaining electronic controls: minimum experience of zero months, maximum credit allowance of three months.

H. Class B installer; the minimum total shall be 12 months, including:

(1) planning for the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of zero months, maximum credit allowance of zero months;

(2) laying out for the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of zero months, maximum credit allowance of zero months;

(3) supervising the installation of wiring, apparatus, and equipment for light, heat, and power: minimum experience of zero months, maximum credit allowance of zero months;

(4) wiring for and installing electrical wiring, apparatus, and equipment: minimum experience of zero months, maximum credit allowance of 12 months;

(5) maintaining and repairing electrical wiring, apparatus, and equipment: minimum experience of zero months, maximum credit allowance of six months;

(6) line work: minimum experience of zero months, maximum credit allowance of three months;

(7) installing elevators: minimum experience of zero months, maximum credit allowance of three months;

(8) laying out and installing wiring, apparatus, and equipment for home appliances: minimum experience of zero months, maximum credit allowance of three months;

(9) wiring and maintaining electronic controls: minimum experience of zero months, maximum credit allowance of three months.

### **3800.3530 REQUIREMENTS FOR SECURING AND MAINTAINING AN ELECTRICAL CONTRACTOR'S LICENSE.**

Subpart 1. **Information required to be provided by applicants.** In addition to all other requirements of *Minnesota Statutes*, section 326.242, subdivision 6, an applicant for an electrical contractor's license shall supply the telephone number, exclusive of answering services, as listed under the contractor's or person's name in telephone directories, the mailing address, and the street address of:

- A. each partner or venturer, if the applicant is a partnership or joint venture;
- B. the owner, if the applicant is an individual proprietorship;
- C. the corporate officers, if the applicant is a corporation;
- D. each location from which the applicant's electrical contracting business is or will be conducted; and
- E. the applicant's responsible master electrician.

Subp. 2. **Information required where the applicant has employees.** In addition to the requirements of subparts 1 and 3, an applicant who has or will have employees shall provide:

- A. the applicant's social security account number;

- B. the applicant's workers' compensation insurance account number;
- C. the applicant's unemployment insurance account number;
- D. the applicant's state withholding tax account number;
- E. the applicant's federal withholding tax account number; and

F. upon request of the board, the names and employment records of all persons who are or will be performing electrical work for the applicant.

Subp. 3. **Applicants in states not contiguous with Minnesota.** In addition to the information required by subparts 1 and 2, if the applicant's place of doing business is not in a state contiguous with Minnesota, the applicant shall provide the street address and telephone number of the office within Minnesota from which the applicant's electrical contracting business is or will be conducted.

Subp. 4. **Duty to keep information current.** All of the information required by this part must be kept current. Licensees shall notify the board within 30 days of any changes in the required information.

### **3800.3540 DESIGNATION OF RESPONSIBLE MASTER ELECTRICIAN ON CONTRACTOR'S LICENSE APPLICATION.**

Each contractor shall designate the responsible master electrician employed by the contractor on the application for an electrical contractor's license. The board shall not grant a new contractor's license if it appears that the responsible electrician designated is also employed in the same capacity by any other electrical contractor. In the event that more than one previously licensed electrical contractor has designated the same responsible electrician on an application for a license renewal, the board shall return the application to the contractor who shall have 15 days to resubmit an application. If upon resubmission of the license application, it still appears that the same responsible electrician has been designated by more than one contractor, the board shall institute proceedings pursuant to *Minnesota Statutes*, section 326.242, subdivision 9, for nonrenewal of the licenses of each contractor by whom the same responsible electrician is employed.

Where the master electrician is not an owner or officer of the corporation of the electrical contractor, the Board of Electricity may require that the owner or chief executive officer of the corporation and the master electrician provide evidence of the manner in which the contractor will comply with the requirements of the Minnesota Electrical Act.

### **3800.3550 DESIGNATION OF RESPONSIBLE MASTER ELECTRICIAN, LICENSED MAINTENANCE ELECTRICIAN, OR ELECTRICAL ENGINEER BY AN EMPLOYER.**

Subpart 1. **Employees required to be licensed.** An employer who has one or more employees who perform electrical work on the employer's premises for which an electrical license is required shall submit to the Board of Electricity a certificate of employment executed by the properly licensed employee who is responsible for compliance with the Minnesota Electrical Act by that employer and the employer's employees.

Subp. 2. **Employees exempt from licensing.** An employer whose maintenance electricians are exempt from licensing under *Minnesota Statutes*, section 326.242, subdivision 12, shall provide the Board of Electricity with a certificate of employment executed by an employee who holds a bachelor of Electrical Engineering degree from an accredited university or college, or a master electrician license, and is responsible for compliance with the Minnesota Electrical Act by that employer and the employer's employees.

Subp. 3. **Notification of termination of employment.** The designated responsible person on the certificate of employment required under this part shall immediately notify the Board of Electricity in writing of termination of employment with that employer.

Subp. 4. **Evidence of compliance.** The Board of Electricity may require that the employer or designated responsible person provide evidence of the manner in which they will comply with the Minnesota Electrical Act.

### **3800.3560 ADVERTISING RESTRICTIONS.**

The electrical contractor's name as it appears on the contractor's license shall be provided in any advertisement or printed matter that offers or implies the performance of electrical work for which a license is required.

### **3800.3570 MARKING OF ELECTRICAL CONTRACTOR'S VEHICLES.**

Any vehicle used by an electrical contractor while performing electrical work for which an electrical contractor's license is required shall have the electrical contractor's name as it appears on the contractor's license in contrasting color with characters at least three inches high and one-half inch in width affixed to each side of the vehicle.

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## Proposed Rules

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### 3800.3580 REVOCATION OF ANY LICENSE.

The board may revoke, suspend, or refuse to renew any license granted pursuant to *Minnesota Statutes*, sections 326.242 and 326.2421 when the holder of a license:

A. does any of the acts specified in *Minnesota Statutes*, section 326.246; provided that proof of criminal conviction is not necessary for revocation, denial, or refusal to renew;

B. fails or refuses to pay any examination or license renewal fee required by law;

C. is an installer or electrical contractor or alarm and communication contractor and fails or refuses to furnish and maintain a valid and enforceable installer's or electrical contractor's bond or alarm and communication contractor's bond, as required by *Minnesota Statutes*, sections 326.242 and 326.2421; and

D. is an electrical contractor or alarm and communication contractor and fails or refuses to provide and keep in force a public liability insurance policy, as required by *Minnesota Statutes*, sections 326.242 and 326.2421.

### 3800.3590 LICENSES; EXPIRATION AND FEES.

Subpart 1. **Expiration.** Except as otherwise provided in this part, all licenses issued or renewed under this part expire two years from the date of issuance or renewal. Class A master and Class B master licenses renewed on March 1, 1988, expire one year from the date of issuance or renewal. Class A master and Class B master licenses issued or renewed on or after March 1, 1988, expire March 1 of the next odd-numbered year after issuance or renewal. Electrical contractor licenses expire March 1 of each even-numbered year after issuance or renewal. Alarm and communication contractor licenses expire July 1 of each odd-numbered year after issuance or renewal.

Subp. 2. **Examination, issuance, and renewal fees.** The following fees shall be payable for examination, issuance, and renewal:

A. For examination for each class of license, \$25.

B. For issuance of original license and renewal:

(1) Class A master and master elevator constructor, \$35 a year;

(2) Class B master, \$20 a year;

(3) Class A journeyman, Class B journeyman, Class A or B installer, elevator constructor, maintenance, lineman, or special electrician, \$10 a year; and

(4) electrical contractor and alarm and communication contractor, \$75 a year.

Subp. 3. **Prorating fees.** If a new Class A master license is issued in accordance with subpart 1 for less than two years, the fee for the license shall be prorated on a quarterly basis. The electrical contractor's and alarm and communication contractor's license fee shall be prorated on a quarterly basis for each quarter or part of a quarter that the license is issued in accordance with subpart 1.

Subp. 4. **Refunds.** A license fee may not be refunded after a license is issued or renewed. However, if the fee paid for a license was not prorated in accordance with subpart 3, the amount of the overpayment shall be refunded.

Subp. 5. **Reissuance fee.** Any electrical contractor or alarm and communication contractor who seeks reissuance of a license after it has been revoked or suspended pursuant to part 3800.3580 of the Board of Electricity shall submit a reissuance fee of \$100 before the license is reinstated.

Subp. 6. **Duplicate license fee.** The fee for the issuance of each duplicate license is \$5.

Subp. 7. **License service charge.** The fee for reissuance of an electrical contractor or alarm and communication contractor license due to name, structural, or classification change during a license period is \$10.

### 3800.3600 SERVICE CHARGES.

The Board of Electricity may collect administrative costs associated with searching files and providing copies of documents or information in the files, including office staff time and the cost of making copies and postage.

### 3800.3610 EXCLUSIVE ADMINISTRATIVE REMEDY.

The procedures prescribed by parts 3800.3660 to 3800.3690 constitute the exclusive administrative remedies for preventing connection or requiring disconnection of the supply of electrical power to a premises.

### 3800.3620 APPROVAL OF ELECTRICAL EQUIPMENT.

No electrical equipment, including material, fittings, devices, apparatus, fixtures, appliances, utilization equipment, and the like used as part of, or in connection with, an electrical installation shall be approved pursuant to *Minnesota Statutes*, sections 326.242 and 326.243, and National Electrical Code, Section 110-2, unless the electrical equipment has been listed by a qualified electrical

testing laboratory that is recognized as having the facilities listed in Section 90-6 of the National Electrical Code and that requires suitability for installation under the National Electrical Code. If (a) no suitable published safety standard for a specific type of equipment exists; or (b) the equipment is one-of-a-kind or limited production; or (c) the equipment is a new product that has been submitted for listing, but for which the listing procedure has not been completed, the board may require field testing by a qualified electrical testing laboratory or other procedures that satisfy the board that the equipment is safe. The costs of inspection shall be paid by the manufacturer of the component, apparatus, or appliance or, at the election of the board, the owner or lessee of the property on which the component, apparatus, or appliance is located.

**3800.3630 QUALIFICATIONS FOR INSPECTORS.**

All inspectors for the board shall hold licenses as master or journeyman electricians under *Minnesota Statutes*, section 326.242, subdivision 1 or 2 and shall give bond in the amount of \$1,000 conditioned upon the faithful performance of their duties.

**3800.3640 FORMS FOR ORDERS.**

Condemnation, disconnect, and correction orders shall be issued on forms prescribed by the board.

**3800.3650 SERVICE OF CORRECTION ORDER.**

A correction order made pursuant to part 3800.3680 shall be served personally or by mail only upon the contractor, installer, special electrician, or owner. All other orders shall be served personally or by mail upon the property owner and electrical contractor, installer, or special electrician making the installation.

The bonding company may, in either case, also be served when deemed necessary by the board.

The power supplier shall be served any time an order requires immediate disconnection or prohibits energizing an installation.

Service by mail is complete upon mailing, but three days shall be added to the prescribed time whenever the party served is required to do some act or entitled to respond thereto.

**3800.3660 CONDEMNATION OF HAZARDOUS INSTALLATIONS.**

When an electrical inspector finds that a new installation or part of a new installation that is not energized does not comply with accepted standards of construction as required by *Minnesota Statutes*, section 326.243, safety standards of the Minnesota Electrical Act, the inspector shall, if the installation or the noncomplying part is such as to seriously and proximately endanger human life and property if it was to be energized, order, with the approval of a superior, immediate condemnation of the installation or noncomplying part. When the person responsible for making the installation condemned under this part is notified, the person shall promptly proceed to make the corrections cited in this condemnation order.

**3800.3670 DISCONNECTION OF HAZARDOUS INSTALLATION.**

If, while making an inspection, the electrical inspector finds that a new installation that is energized does not comply with accepted standards of construction as required by *Minnesota Statutes*, section 326.243, safety standards of the Minnesota Electrical Act, the inspector shall, if the installation or the noncomplying part is such as to seriously and proximately endanger human life and property, order immediate disconnection of the installation or noncomplying part. When the person responsible for making the installation ordered disconnected under this part is notified, the person shall promptly proceed to make the corrections cited in this disconnect order.

**3800.3680 CORRECTION OF NONCOMPLYING INSTALLATIONS.**

When a noncomplying installation, whether energized or not, is not proximately dangerous to human life and property the inspector shall issue a correction order, ordering the owner or contractor to make the installation comply with accepted standards of construction for safety to life and property, noting specifically what changes are required. The order of the inspector shall specify a date not less than ten nor more than 17 calendar days from the date of the order when a final inspection shall be made. If at the time of the final inspection the installation has not been brought into compliance, a condemnation or disconnect order may be issued by the inspector with the approval of a superior. If the installation was installed by any person licensed by the board, and on the date of the final inspection the licensee has not corrected the deficiencies noted in the correction order, the board may notify the licensee's statutory bonding company of the default. The board may assist the owner in retaining another person licensed and qualified to correct the deficiencies noted. When the installation is brought into compliance to the satisfaction of the inspector the correction order shall be immediately countermanded.

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## Proposed Rules

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### **3800.3690 DISCONNECTION OF UNCOMPLETED OR UNINSPECTED INSTALLATIONS.**

When a request for electrical inspection has passed the 18-month expiration time and if, after the property owner and occupant have been duly notified in a form prescribed by the board, the electrical installation has not been completed or the owner or occupant has neglected or refused to make arrangements for the electrical inspector to make a final inspection of the installation during normal business hours at a mutually agreeable time, the installation may be presumed to be hazardous, and ordered disconnected pursuant to *Minnesota Statutes*, section 326.244, subdivision 2, paragraphs (c) and (d), and part 3800.3670.

### **3800.3700 COUNTERMAND OF CORRECTION ORDER.**

A correction order of an inspector properly issued under part 3800.3680 may be countermanded or extended by the inspector or the inspector's supervisor. Any interested party may demand that an outstanding order be countermanded or extended. The demand shall be in writing and shall be addressed to the area electrical field representative. If the request to countermand an order is rejected it shall be done in writing within ten days.

### **3800.3710 APPEALS TO BOARD: STAY OF ORDER.**

Any person aggrieved by a condemnation or disconnect order issued under this chapter may appeal the order by filing a written notice of appeal with the board within ten days after the date the order was served upon the owner or within ten days after the order was filed with the board, whichever is later.

Upon receipt of the notice of appeal by the board the order appealed from shall not be stayed, unless countermanded by the board.

### **3800.3720 CONDEMNATION OR DISCONNECT ORDER STAYED.**

Upon receipt of notice of appeal by the board the order appealed from shall be stayed until final decision of the board, and the board shall notify the property owner and the electrical contractor or installer or special electrician making the installation and also the statutory bonding company of this fact. The power supplier is also to be notified in those instances where the power supplier has been served.

### **3800.3730 NOTICE TO ALL INTERESTED PARTIES SERVED WITH ORDER.**

Upon receiving the notice of appeal the board shall notify all persons served with the order from which the appeal is taken. The persons may join in the hearing and give testimony in their own behalf. The board shall set the hearing date on a date not more than 14 days after receipt of the notice of appeal unless otherwise agreed by the interested parties and the board.

### **3800.3740 REQUESTS FOR NAME OF STATUTORY BONDING COMPANY.**

Any political subdivision having an ordinance similar to the Minnesota Electrical Act or any aggrieved owner may obtain the name and address of the statutory bonding company of any person licensed by the board by making written request to the board for information.

### **3800.3750 HEARING AND REVIEW.**

Upon receipt of a notice of appeal pursuant to part 3800.3710, the appeal shall be evaluated in accordance with *Minnesota Statutes*, section 214.10, subdivision 2. If the procedures in *Minnesota Statutes*, section 214.10, subdivision 2, do not result in the resolution of the issues raised in the notice of appeal, the board shall schedule a contested case hearing in accordance with *Minnesota Statutes*, chapter 14.

### **3800.3760 REQUEST FOR INSPECTION.**

Subpart 1. **Requested inspections.** The board's inspectors or agents may inspect minor repair work at the request of the owner or person making the repairs.

Subp. 2. **Filing procedures.** At or before commencement of any electrical installation that is required by law to be inspected, the person responsible for the installation shall forward a request for inspection to the board completed in the manner prescribed by the board.

### **3800.3770 ROUGH-IN INSPECTION OF WIRING TO BE CONCEALED.**

Where wiring is to be concealed, the inspector must be notified sufficiently in advance to permit completion of a rough-in inspection before concealment, exclusive of Saturdays, Sundays, and holidays. In the event wiring is concealed before rough-in inspection without adequate notice having been given to the inspector, the person responsible for having enclosed the wiring shall be responsible for all costs resulting from uncovering and replacing the cover material.

### **3800.3780 REQUEST FOR INSPECTION CERTIFICATES EXPIRATION.**

Request for inspection certificates on installations with inspection fees of \$100 or less are void 18 months from the original filing date. A new request for inspection shall be filed on all unfinished work.



**3800.3790 PRORATED FEE FOR INSPECTION OF CERTAIN INSTALLATIONS.**

On installations requiring more than six months in process of construction and in excess of \$1,000 total inspection fees, the persons responsible for the installation may, after a minimum filing fee of \$500, pay a prorated fee for each month and submit it with an order for payment, initiated by the electrical inspector.

**3800.3800 PAYMENT OF INSPECTION FEES.**

Except as provided in part 3800.3790, all state electrical inspection fees are due and payable to the board at or before commencement of the installation and shall be forwarded with the request for electrical inspection.

All requests for electrical inspection forms and fees submitted by mail by an electrical contractor shall originate from the contractor's principal place of business. Checks issued to the board by an electrical contractor shall be drawn on accounts normally serving the contractor's principal place of business.

Pursuant to *Minnesota Statutes*, section 15.415, overpayment of inspection fees of less than \$5 are not refundable.

**3800.3810 FEE SCHEDULE.**

Subpart 1. **Schedule.** State electrical inspection fees shall be paid according to the following schedule.

Subp. 2. **Fee for each separate inspection.** The minimum fee for each separate inspection of an installation, replacement, alteration, or repair limited to one inspection only is \$15.

Subp. 3. **Fee for services or power supply units.** The inspection fee for each service, change of service, temporary service, power supply unit, addition, alteration, or repair to a service or power supply unit shall be: 0- to and including 200-ampere capacity, \$15; for each additional 100-ampere capacity or fraction thereof, \$5. A separate request for electrical inspection shall be filed for temporary services.

Subp. 4. **Fee for circuits or feeders.** The fee for each circuit or feeder, or addition, alteration, or repair of a circuit or feeder including the equipment served, and including circuits fed from feeders, except as provided for in subpart 5, items A to K shall be:

- A. 0- to and including 100-ampere capacity, \$4; and
- B. for each additional 100-ampere capacity or fraction thereof, \$2.

Subp. 5. **Limitations and additions to the fees of subparts 2 to 4.**

A. The fee for a single-family dwelling, shall not exceed \$55 if the electrical service is not over 200-ampere capacity. This fee includes not more than three inspections. The fee for a single family dwelling over 200- to and including 400-ampere capacity shall not exceed \$100. This fee includes not more than four inspections. These fees shall apply to each separate service, and include the service, feeders, circuits, fixtures, and equipment. The fee for additional inspections shall be the reinspection fee in subpart 7. Multifamily dwellings with individual services to each unit are computed at the single family dwelling rate.

B. The fee for each farm building or farm structure with a service not over 200-ampere capacity shall not exceed \$55. This fee includes not more than three inspections. The fee for each building or structure with a service over 200- to and including 400-ampere capacity shall not exceed \$100. This fee includes not more than four inspections. These fees include the services, feeders, circuits, fixtures, and equipment. The fee for additional inspections shall be the reinspection fee in subpart 7. Pole-top current metering and pole-top disconnecting means on the farm yard pole are exempt from inspection and inspection fees.

C. The fee for each unit of a multifamily dwelling having three to six dwelling units shall not exceed \$30. The fee for each multifamily dwelling exceeding six units shall not exceed \$20 per dwelling unit. This fee includes only the wiring in an individual dwelling unit and the final feeder to that unit. The fee for the service and all other circuits shall be as specified in subparts 2 to 4, except that the fee for each house panel shall not exceed \$55. A separate request for electrical inspection is required for each building. The fee for a two-unit dwelling or duplex shall be the same as for two single-family dwellings.

D. Recreational vehicle parks fees shall be in accordance with subparts 2 to 4.

E. The fee for mobile home park stalls shall be \$6 per unit stall exclusive of the feeder to the mobile home with a minimum fee of \$15 per inspection trip. The fee for permanently installed feeders shall be in accordance with subpart 4.

F. In addition to the fees in items A to E, the fee for each street lighting standard shall be \$1, and the fee for each traffic signal standard shall be \$2. Circuits originating within the standard shall not be used when computing the fee.

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## Proposed Rules

G. In addition to the fees in items A to F, the fees for all transformers and generators for light, heat, and power shall be \$5 per unit plus \$3 per ten-kilovolt-amperes or fraction thereof. The maximum fee for a transformer or generator in this category is \$40.

H. In addition to the fees in items A to G, the inspection fees for transformers for signs and outline lighting shall be \$5 per unit.

I. In addition to the fees in items A to H, unless included in the maximum fee, the inspection fee for remote control, signal, alarm, or communication circuits and circuits of less than 50 volts shall be \$5 for ten openings or devices of each system plus \$2 for each additional ten or fraction thereof, with a minimum fee of \$15 per inspection trip.

J. In addition to the fees in items A to I, the inspection fee for each separate inspection of a swimming pool shall be \$15. Reinforcing steel and bonding for swimming pools requires a rough-in inspection.

K. In addition to the fees in items A to J, the fee for all wiring on center pivot irrigation booms shall be \$30. The fees for all other wiring for the irrigation system shall be as specified in this part.

### Subp. 6. Investigation fees: Work without a request for electrical inspection.

A. Whenever any work for which a request for electrical inspection is required by the board has begun without first obtaining the request for inspection, a special investigation shall be made before a request for electrical inspection is accepted by the board.

B. An investigation fee, in addition to the full fee required by subparts 1 to 5, shall be paid before an inspection is made. The investigation fee shall be equal to the amount of the fee required by subparts 1 to 5. The payment of the investigation fee does not exempt any person from compliance with all other provisions of the board rules or statutes nor from any penalty prescribed by law.

Subp. 7. **Reinspection fee.** When reinspection is necessary to determine whether unsafe conditions have been corrected and the conditions are not the subject of an appeal pending before the board or any court, a reinspection fee of \$15 may be assessed in writing by the inspector.

Subp. 8. **Special inspections.** For inspections not covered in this part, or for requested special inspections or services, the fee shall be \$23 per hour, including travel time, plus 24 cents per mile traveled, plus the reasonable cost of equipment or material consumed. This provision is applicable to inspection of empty conduits and other jobs as may be determined by the board.

Subp. 9. **Inspection of transient projects.** For inspection of transient projects, including but not limited to carnivals and circuses, the inspection fees shall be as specified in this subpart.

The fee for inspection of power supply units shall be that fee specified in subpart 3. A like fee will be required for power supply units at each engagement during the season. Rides, devices, or concessions shall be inspected at their first appearance of the season, and the inspection fee shall be \$15 per unit.

In addition to the fee for the power supply units, there shall be a general inspection for each engagement during the season at the hourly rate, with a two-hour minimum. In addition to the above fees, inspections required on Saturdays, Sundays, holidays, or after regular business hours will be at the hourly rate, including travel time. An owner of a migratory amusement enterprise shall notify the board of its season itinerary and make application for initial inspection a minimum of 14 days before its first engagement in the state. For subsequent engagements not listed on the itinerary sent to the board, where the board is not notified at least 48 hours in advance, a charge of \$100 will be made in addition to all required fees. Also, a fee at the hourly rate will be charged for additional time spent by the inspector if the equipment is not ready for inspection at the time and date specified on the request for electrical inspection. The fee for reinspection of corrections is \$15 for each reinspection.

Subp. 10. **Handling fee.** The handling fee to pay the cost of printing and handling of the form requesting an inspection shall be \$1.

Subp. 11. **National Electrical Code used for interpretation of provisions.** For purposes of interpretation of parts 3800.3760 to 3800.3810, the most recently published edition of the National Electrical Code shall be prima facie evidence of the definitions, interpretations, and scope of words and terms used.

**REPEALER.** *Minnesota Rules*, parts 3800.0200, 3800.0300, 3800.0400, 3800.0500, 3800.0600, 3800.0700, 3800.0800, 3800.0900, 3800.1000, 3800.1001, 3800.1002, 3800.1003, 3800.1004, 3800.1005, 3800.1006, 3800.1100, 3800.1200, 3800.1300, 3800.1400, 3800.1500, 3800.1600, 3800.2700, 3800.2800, 3800.2900, 3800.3000, 3800.3100, are repealed.

**RENUMBER.** Renumber the part numbers in column A with the part numbers in column B.

A	B
3800.1700	3800.3820
3800.1800	3800.3830

3800.1900	3800.3840
3800.2000	3800.3850
3800.2100	3800.3860
3800.2200	3800.3870
3800.2300	3800.3880
3800.2400	3800.3890
3800.2500	3800.3900
3800.2600	3800.3910

## Department of Human Services

### Proposed Permanent Rules Relating to Mental Health Services; Eligibility for Medical Assistance Payment

#### Notice of Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held in Rooms 5A, 5B, and 5C, Fifth Floor, 444 Lafayette Road, St. Paul, MN 55155 on April 5, 1989 commencing at 9:00 a.m. and continuing until all interested or affected persons have an opportunity to participate. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Peter Erickson, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415; telephone (612) 341-7606, either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge, may at the hearing, order the record be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings. Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the three-day period. The written responses shall be added to the rulemaking record. Upon the close of the record the Administrative Law Judge will write a report as provided for in *Minnesota Statutes*, section 14.50. The rule hearing is governed by *Minnesota Statutes*, section 14.14 to 14.20 and by *Minnesota Rules*, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

*Minnesota Rules*, parts 9505.0260 and 9505.0323 establish the standards that govern the payment eligibility of community mental health center services and mental health services provided to medical assistance recipients. Part 9505.0260 defines community mental health center services; specifies who may be a vendor in the medical assistance program; establishes supervisory requirements; and sets payment limitations applicable to community mental health center services. Part 9505.0323 defines mental health services including individual, family, and group psychotherapy, diagnostic assessment, day treatment services, partial hospitalization, explanation of findings, and psychological testing; sets payment limitations related to length and scope of these services; defines the eligible vendors of the services under medical assistance; specifies the standards for individual treatment plans; and specifies the records to be kept in the client's file as documentation. The proposed rules, if adopted, will repeal the present rule, part 9500.1070, subparts 4, 6, and 23 and are necessary in order to ensure consistency with state and federal laws and regulations.

The agency's authority to adopt the proposed rules is contained in *Minnesota Statutes*, sections 256B.02, subdivisions 8c and 8x; 256B.04, subdivisions 2 and 4.

In preparing these rules, the agency has considered the requirements of *Minnesota Statutes*, section 14.115 in regard to the impact of the proposed rules on small businesses. The agency believes that *Minnesota Statutes*, section 14.115, does not apply to these rules but in the event that section 14.115 does apply, the agency invites the public comment at the public hearing. Furthermore, if any person knows of anyone who may be affected as a small business, the person may address this concern at the public hearing.

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## Proposed Rules

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Adoption of these rules will not result in additional spending by local public bodies in the excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11. A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available upon request from:

Eleanor Weber  
Rules Division  
Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3816  
(612) 297-4301

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to

Eleanor Weber  
Rules Division  
Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3816

A copy of the rule may also be viewed at any of the 87 county welfare agencies in the State of Minnesota.

Additional copies will be available at the hearing. If you have any questions on the content of the rule, contact Ron Hook at (612) 296-8821.

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

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

*Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes*, section 10A.01, subdivision 11, as any individual:

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

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

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

Sandra S. Gardebring  
Commissioner

### Rules as Proposed

#### 9505.0175 DEFINITIONS.

Subpart 1. to 26. [Unchanged.]

Subp. 27. **Mental health practitioner.** "Mental health practitioner" means a staff person ~~qualified under part 9520.0760, subpart 17 to provide clinical services in the treatment of mental illness who is qualified in at least one of the ways specified in *Minnesota Statutes*, section 245.462, subdivision 17.~~

Subp. 28. **Mental health professional.** "Mental health professional" ~~has the meaning given it in part 9505.0477, subpart 17-~~ means a person providing clinical services in the treatment of mental illness who is qualified in at least one of the following ways:

A. in psychiatric nursing, a registered nurse licensed under *Minnesota Statutes*, sections 148.171 to 148.285 and certified as a clinical specialist in psychiatric or mental health nursing by the American Nurses Association;

B. in clinical social work, a person licensed as an independent clinical social worker under *Minnesota Statutes*, section 148B.21, subdivision 6;

C. in psychology, a psychologist licensed under *Minnesota Statutes*, sections 148.88 to 148.98 who has stated to the board of psychology competencies in the diagnosis and treatment of mental illness; or

D. in psychiatry, a physician licensed under *Minnesota Statutes*, chapter 147 and certified by the American Board of Psychiatry and Neurology or eligible for board certification in psychiatry.

Subp. 29. to 50. [Unchanged.]

### **Rules as Proposed (all new material)**

#### **9505.0260 COMMUNITY MENTAL HEALTH CENTER SERVICES.**

Subpart 1. **Definitions.** For purposes of this part, the following terms have the meanings given them.

A. "Community mental health center service" means services by a community mental health center that provides mental health services specified in part 9505.0323, subpart 2, and physician services under part 9505.0345, including the determination of a need for prescribed drugs and the evaluation of prescribed drugs.

B. Notwithstanding the definition of "supervision" in part 9505.0175, subpart 46, "supervision" means "clinical supervision" as defined in part 9505.0323, subpart 1, item D.

Subp. 2. **Eligible providers of community mental health center services.** To be eligible to enroll in the medical assistance program as a provider of community mental health center services, a provider must:

A. be established as specified in *Minnesota Statutes*, section 245.62;

B. obtain the commissioner's approval according to *Minnesota Statutes*, section 245.69, subdivision 2;

C. be a private, nonprofit corporation or a public agency;

D. have a board of directors established under *Minnesota Statutes*, section 245.66;

E. be operated by or under contract with a local agency to provide community mental health services;

F. comply with parts 9520.0750 to 9520.0870 and other parts of chapter 9520 applicable to community mental health centers;

G. provide mental health services as specified in *Minnesota Statutes*, section 245.62, subdivision 4;

H. provide mental health services specified in *Minnesota Statutes*, sections 245.461 to 245.486;

I. have a sliding fee schedule;

J. if providing services to persons with alcohol and other drug problems, be licensed to provide outpatient treatment under parts 9530.5000 to 9530.6500; and

K. if providing services to persons who have mental illness and mental retardation or related conditions, be licensed according to parts 9525.0750 to 9525.0830.

Subp. 3. **Payment limitation; community mental health center services.** Medical assistance payment limitations applicable to community mental health center services include the payment limitations in part 9505.0323.

Subp. 4. **Payment limitation; supervision of service before September 1, 1990.** To be eligible for medical assistance payment, a community mental health center service that is provided to a recipient before September 1, 1990, must be under the supervision of a psychiatrist, licensed consulting psychiatrist, or licensed psychologist who is a provider.

Subp. 5. **Excluded services.** The services listed in part 9505.0323, subpart 25, are not eligible for medical assistance payment as community mental health services.

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## Proposed Rules

### 9505.0323 MENTAL HEALTH SERVICES.

Subpart 1. **Definitions.** For this part, the following terms have the meanings given them.

A. "Biofeedback" means a service designed to assist a client to regulate a bodily function controlled by the autonomic nervous system, such as heartbeat or blood pressure, by using an instrument to monitor the function and signal the changes in the function.

B. "Child" means a person under 18 years of age.

C. "Client" means a recipient who is determined to be mentally ill as specified in subpart 2.

D. "Clinical supervision" means the process of control and direction of a client's mental health services by which a mental health professional who is a provider accepts full professional responsibility for the supervisee's actions and decisions, instructs the supervisee in the supervisee's work, and oversees or directs the work of the supervisee. The process must meet the conditions in subitems (1) to (3).

(1) The provider must be present and available on the premises more than 50 percent of the time during which the supervisee is providing a mental health service.

(2) The diagnosis and the client's individual treatment plan or a change in the diagnosis or individual treatment plan must be made by or reviewed, approved, and signed by the provider.

(3) Every 30 days the supervisor must review and sign the record of the client's care for all activities in the preceding 30-day period.

E. "Day treatment" or "day treatment program" means a structured program of treatment and care provided to persons in:

(1) an outpatient hospital accredited by the Joint Commission on the Accreditation of Hospitals and licensed under *Minnesota Statutes*, sections 144.50 to 144.55;

(2) a community mental health center under part 9505.0260; or

(3) an entity that is under contract with the county to operate a program that meets the requirements of *Minnesota Statutes*, section 245.471, subdivision 3, and parts 9505.0170 to 9505.0475.

Day treatment consists of group psychotherapy and other intensive therapeutic services that are provided by a multidisciplinary staff. The services are aimed at stabilizing the client's mental health status, providing mental health services, and developing and improving the client's independent living and socialization skills. The goal of day treatment is to reduce or relieve mental illness and to enable the client to live in the community. Day treatment services are not a part of inpatient or residential treatment services. Day treatment services are distinguished from day care by their structured therapeutic program of psychotherapy services.

F. "Diagnostic assessment" has the meaning given in part 9505.0477, subpart 10.

G. "Explanation of findings" means analysis and explanation of a diagnostic assessment, psychological testing, client's treatment program, or other accumulated data and recommendations to the client's family, primary caregiver, or other responsible persons. Examples of responsible persons are a qualified mental retardation professional; a case manager; providers; a child protection worker; a vulnerable adult worker; the recipient's guardian, if any; and representatives of a local education agency, school, or community corrections agency that has a responsibility to provide services for the recipient.

H. "Family psychotherapy" means psychotherapy as specified in subpart 13 that is designed for the client and one or more persons who are related to the client by blood, marriage, or adoption, or who are the client's foster parents, the client's primary caregiver, or significant other and whose participation is necessary to accomplish the client's treatment goals. For purposes of this item, "persons whose participation is necessary to accomplish the client's treatment goals" does not include shift or facility staff members at the client's residence.

I. "Group psychotherapy" means psychotherapy designed for more than four but not more than eight persons who because of the nature of their emotional, behavioral, or social dysfunctions can derive mutual benefit from interaction in a group setting.

J. "Hour" means a 60-minute session of mental health service. Up to ten minutes of the period may be spent in indirect client-related activities such as scheduling, maintaining clinical records, consulting with others about the client's mental health status, preparing reports, receiving clinical supervision, and revising the client's individual treatment plan. If the period of service is longer or shorter than one hour, up to one-sixth of the time may be spent in indirect client-related activities.

K. "Hypnotherapy" means psychotherapeutic treatment through hypnosis induced by a mental health professional trained in hypnotherapy.

L. "Individual psychotherapy" means psychotherapy designed for one client. For purposes of this part, hypnotherapy and biofeedback are individual psychotherapy.

M. "Individual treatment plan" has the meaning given it in part 9505.0477, subpart 14.

N. "Mental health services" means the services defined in items A, E, F, G, H, I, K, L, Q, S, T, and U.

O. "Mental illness" has the meaning given it in part 9505.0477, subpart 20.

P. "Neurological examination" means an examination of a person's nervous system by or under the supervision of a physician skilled in the diagnosis and treatment of disorders of the nervous system.

Q. "Partial hospitalization" or "partial hospitalization program" means a time-limited, structured program of psychotherapy and other therapeutic services provided in an outpatient hospital licensed under *Minnesota Statutes*, sections 144.50 to 144.55 and accredited by the Joint Committee on Accreditation of Hospitals. Partial hospitalization is an appropriate alternative or adjunct to inpatient hospitalization for a client who is experiencing an acute episode of mental illness that meets the criteria for an inpatient hospital admission as specified in part 9505.0540, subpart 1, and who has the family and community resources necessary and appropriate to support the client's residence in the community. Partial hospitalization consists of multiple and intensive therapeutic services provided by a multidisciplinary staff to treat the client's mental illness. The goal of partial hospitalization is to resolve or stabilize an acute episode of mental illness. Examples of services provided in partial hospitalization are individual, group, and family psychotherapy services.

R. Notwithstanding the definition in part 9505.0477, subpart 23, "primary caregiver" means a person who has primary responsibility for providing the recipient with food, clothing, shelter, direction, guidance, and nurturance. A primary caregiver is someone other than the recipient's parent or a shift or facility staff member in a facility or institution where the recipient is residing or receiving a health service. An example of a primary caregiver is a recipient's relative who is not the recipient's parent and with whom the recipient lives.

S. "Psychological testing" means the use of tests or other psychometric instruments to determine the status of the recipient's mental, intellectual, and emotional functioning. A face-to-face interview sufficient to validate the psychological test is a required component of psychological testing.

T. "Psychotherapy" means a health service for the face-to-face treatment of a client or clients with mental illness through the psychological, psychiatric, or interpersonal method most appropriate to the needs of the client and in conformity with prevailing community standards of mental health practice. The treatment is a planned structured program or other intervention based on a diagnosis of mental illness resulting from a diagnostic assessment and is directed to accomplish measurable goals and objectives specified in the client's individual treatment plan. Individual, family, and group psychotherapy are the types of psychotherapy. Examples of psychotherapy goals and objectives are alleviating specific existing symptoms, modifying specific patterns of disturbed behavior, stabilizing the level of functioning attainable by the client, and enhancing the ability of the client to adapt to and cope with specific internal and external stressors.

U. "Psychotherapy session" means a planned and structured face-to-face treatment episode between the vendor or provider of psychotherapy and one or more individuals. A psychotherapy session may consist of individual psychotherapy, family psychotherapy, or group psychotherapy.

Subp. 2. **Determination of mental illness.** Except as provided in subpart 3, a diagnostic assessment that results in a diagnosis of mental illness is the criterion used to determine a recipient's eligibility for mental health services under this part.

Subp. 3. **Payment limitation; recipient who is mentally ill.** Medical assistance payment is available for a diagnostic assessment, an explanation of findings, psychological testing, and one psychotherapy session before completion of the diagnostic assessment if the person is a recipient and the provider complies with the requirements of this part. Other mental health services to a recipient are eligible for medical assistance payment only if the recipient has a mental illness as determined through a diagnostic assessment.

Subp. 4. **Eligibility for payment; diagnostic assessment.** To be eligible for medical assistance payment, a diagnostic assessment carried out before September 1, 1990, must be conducted by a provider who is a psychiatrist, a licensed consulting psychologist, or a licensed psychologist, or conducted by a vendor who is a mental health professional, is not a provider, and is under the clinical supervision of a provider who is a psychiatrist, a physician who is not a psychiatrist, or licensed consulting psychologist. The diagnosis resulting from the assessment must be made by, or reviewed and approved by, the provider. A diagnostic assessment carried out on or after September 1, 1990, must be conducted by a provider who is a mental health professional. Additionally, to be eligible for medical assistance payment, a diagnostic assessment must comply with the requirements in items A to L.

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A. A provider may receive medical assistance reimbursement for only one diagnostic assessment per calendar year per recipient unless:

(1) the recipient's mental health status has changed markedly since the recipient's most recent diagnostic assessment by the same provider; or

(2) the provider conducting the diagnostic assessment who has referred the recipient to a psychiatrist for a psychiatric consultation needs to revise the recipient's diagnostic assessment as a result of the report of the psychiatric consultation. In the event of the recipient's referral to a psychiatrist, the provider referring the recipient shall document the reason for the referral in the recipient's record.

B. Medical assistance will not pay for more than four diagnostic assessments per recipient per calendar year.

C. Except as set forth in subparts 5 and 6, medical assistance payment for a diagnostic assessment is limited to two hours per assessment.

D. A recipient may choose another provider of a diagnostic assessment but the limit in item B shall apply.

E. The limits in this subpart apply whether all components of the diagnostic assessment are carried out by one mental health professional, by more than one mental health professional, or in a multiple provider setting. Examples of a multiple provider setting are outpatient hospitals, group practices, and community mental health centers.

F. The activities necessary to complete a recipient's diagnostic assessment may be spread out over more than one day but the billing for a diagnostic assessment must be dated as of the date the diagnostic assessment is completed.

G. A diagnostic assessment carried out by a mental health professional or a mental health practitioner in a multiple provider setting must be available to other mental health professionals, mental health practitioners, or other providers in the same setting who need the diagnostic assessment to provide mental health services to the recipient. Additional diagnostic assessments of the recipient in the same multiple provider setting are subject to the limit specified in item A.

H. Medical assistance does not pay for a recipient's diagnostic assessment performed on a day during which a recipient participates in a psychotherapy session unless the psychotherapy session is necessary because of an emergency or unless the psychotherapy session occurs as specified in subpart 3.

I. The mental health professional conducting the diagnostic assessment must:

(1) address the components in subpart 1, item F;

(2) conduct a face-to-face interview with the recipient;

(3) conduct a mental status examination which describes the recipient's appearance, general behavior, motor activity, speech, alertness, mood, cognitive functioning, and attitude toward his or her symptoms;

(4) review pertinent records;

(5) consider the recipient's need for referral for psychological testing, psychiatric consultation, a neurological examination, a physical examination, a determination of the need for prescribed drugs, the evaluation of the effectiveness of prescribed drugs, and a chemical dependency assessment as specified in part 9530.6615;

(6) refer the recipient for medically necessary services that are outside the scope of practice of the mental health professional;

(7) if clinically appropriate and if authorized as specified in subpart 19 or 20, contact the recipient's family or primary caregiver or document the reason the contact was not made; and

(8) record the results of the diagnostic assessment in the recipient's record.

J. Medical assistance will only pay for a neurological examination, psychiatric consultation, physical examination, determination of the need for prescribed drugs, evaluation of the effectiveness of prescribed drugs, and psychological testing carried out in conjunction with a diagnostic assessment if they are billed as separate procedures, distinct from a diagnostic assessment under medical assistance.

K. If the mental health professional who conducts the diagnostic assessment is not the mental health professional who referred the recipient for the diagnostic assessment or the mental health professional providing psychotherapy, the mental health professional conducting the diagnostic assessment shall request the recipient to authorize release of the information of the diagnostic assessment to the mental health professional who referred the recipient for the diagnostic assessment and the mental health professional who provides the psychotherapy. The authorization must meet requirements in subpart 19 or 20. The mental health professional conducting the diagnostic assessment shall tell the recipient that any mental health professional who provides the recipient's mental health services will need access to the diagnostic assessment to develop an individual treatment plan related to the services recommended in the diagnostic assessment and to receive medical assistance payment for the recipient's mental health services.



L. The mental health professional conducting the diagnostic assessment must complete the diagnostic assessment no later than the second meeting between the recipient and the mental health professional providing the recipient's psychotherapy.

Subp. 5. **Extension of time available to complete a recipient's diagnostic assessment.** The two-hour time limit in subpart 4, item C, for completing the diagnostic assessment does not apply if the mental health professional conducting the diagnostic assessment documents in the recipient's record that the recipient has a condition specified in item A and a circumstance specified in item B, C, or D, is present. In this event, medical assistance will pay for the recipient's diagnostic assessment of up to eight hours in length and the mental health professional conducting the diagnostic assessment must develop the recipient's individual treatment plan. The mental health professional conducting the diagnostic assessment must document in the recipient's record the circumstances requiring the extended time. For purposes of this subpart, "initial diagnostic assessment" refers to the first time that a recipient receives a diagnostic assessment of a set of symptoms indicating a possible mental illness.

A. The recipient has a diagnosis of mental illness and is:

(1) A person with mental retardation as defined in part 9525.0015, subpart 20, or a related condition as defined in *Minnesota Statutes*, section 252.27, subdivision 1.

(2) A hearing impaired person as defined in *Minnesota Statutes*, section 256C.23, subdivision 2.

(3) A person with a speech and language impairment. For purposes of this subitem, "speech and language impairment" means a speech behavior that deviates significantly from the normal or standard speech pattern and attracts attention to the process of speech or interferes with oral communication or adversely affects either the speaker or the listener. An impairment may affect:

(a) the way a sound is formed by persons with cleft palates, cerebral palsy, mental retardation, or related conditions;

(b) the time relationships between sounds, as in stuttering;

(c) the voice, as in a laryngectomy; and

(d) the ease in comprehending the speech of others or in orally projecting one's own ideas, as in cases of aphasia caused by strokes and other cerebral trauma.

(4) A child under 18 years of age who exhibits severe oppositional behavior during the diagnostic assessment, who has not had a previous diagnostic assessment, and whose case record documents the severe oppositional behavior.

(5) A child under 18 years of age whose mental illness results in behavior that unreasonably interferes with the mental health professional's ability to conduct the diagnostic assessment and whose case record documents the behavior.

(6) A person who meets the criteria in subpart 7, item B.

B. An extension of the time for an initial diagnostic assessment is necessary to develop the recipient's individual treatment plan.

C. An extension of the time for an initial diagnostic assessment has been authorized by the case manager according to parts 9525.0015 to 9525.0165.

D. An extension of the time to carry out the activities for a substantial revision of the client's individual treatment plan is necessary because of significant changes in the client's behavior or living arrangement.

Subp. 6. **Prior authorization of additional time to complete a diagnostic assessment.** A mental health professional must obtain prior authorization to exceed the time limits placed on a recipient's diagnostic assessment in subparts 4 and 5. Prior authorization of up to eight hours of diagnostic assessment in a calendar year in addition to the time limit of eight hours available under the circumstances specified in subpart 5 shall be approved if the mental health professional documents that the recipient meets the criteria in subpart 7. The additional hours of assessment must result in an individual treatment plan that has objectives designed to develop adaptive behavior and that specifies the anticipated behavioral change and the expected schedule for achieving the anticipated behavioral change.

Additionally, the request for prior authorization of additional hours to complete the diagnostic assessment must document that the additional hours are necessary and is limited to the additional observation and interviews needed to:

A. establish the baseline measurement of the recipient's behavior;

B. determine the cause of the recipient's behavior such as the recipient's attempts to communicate with others or control his or her environment; and

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C. determine the effects of the recipient's physical and social environments on the recipient's behavior.

Subp. 7. **Criteria for prior authorization of additional time to complete a diagnostic assessment.** A request for prior authorization of additional time to complete a recipient's diagnostic assessment shall be approved if the recipient meets the criteria in items A and B.

A. The recipient meets the criteria in subpart 5 for extended assessment activity.

B. The recipient has a severe behavior disorder that is manifested as:

(1) Self-injurious behavior that is a clear danger to the recipient. Examples of self-injurious behavior are ingesting inedibles; removing items of clothing; striking, biting, or scratching oneself; moving into dangerous situations that clearly threaten or endanger the recipient's life, sensory abilities, limb mobility, brain functioning, physical appearance, or major physical functions.

(2) Aggressive behavior that is a clear danger to others. Examples of aggressive behaviors are striking, scratching, or biting others; throwing objects at others; attempting inappropriate sexual activity with others; or pushing or placing others into dangerous situations that clearly threaten or endanger their life, sensory abilities, limb mobility, brain functioning, sexual integrity, physical appearance, or other major physical functions.

(3) Destructive behavior that results in extensive property damage.

Subp. 8. **Payment rate; diagnostic assessment.** Medical assistance for a diagnostic assessment that meets the requirements in subparts 4 to 7 shall be paid according to the hourly payment rate for individual psychotherapy.

Subp. 9. **Payment limitation; length of psychotherapy session.** Medical assistance payment for a psychotherapy session is limited according to items A to D.

A. The length of an individual psychotherapy session, including hypnotherapy and biofeedback, may be either one-half hour or one hour.

B. The length of a family psychotherapy session shall be one hour or 1-1/2 hours.

C. The length of a group psychotherapy session shall be one hour, 1-1/2 hours, or two hours.

D. If the length of a psychotherapy session is less than an hour or a whole number multiple of an hour, payment will be prorated according to the lesser length of time.

Subp. 10. **Limitations on medical assistance payment for psychotherapy sessions.** There are limitations on medical assistance payment for psychotherapy sessions as specified in the list of health services published according to *Minnesota Statutes*, section 256B.02, subdivision 8y.

Subp. 11. **Prior authorization of psychotherapy sessions beyond the limitations.** The provider must obtain prior authorization to exceed the limits in subpart 10 unless the psychotherapy session is in response to an emergency as specified in part 9505.5015, subpart 2. In the event of an emergency, the provider must submit a request for prior authorization within five working days after the emergency psychotherapy session.

Subp. 12. **Payment limitation; total payment for group psychotherapy.** To be eligible for medical assistance payment, a group psychotherapy session shall not have more than eight persons, regardless of their eligibility for medical assistance. Medical assistance payment for each client who participates in a session of group psychotherapy shall be one quarter of the hourly payment rate for an hour of individual psychotherapy.

Subp. 13. **Payment limitation; family psychotherapy.** Medical assistance payment for family psychotherapy shall be per psychotherapy session regardless of the medical assistance eligibility status or the number of family members who participate in the family psychotherapy session. Medical assistance payment for family psychotherapy is limited to face-to-face sessions at which the client is present throughout the family psychotherapy session unless the mental health professional believes the client's temporary absence from the family psychotherapy session is necessary to carry out the client's individual treatment plan. If the client is excluded, the mental health professional must document the reason for and the length of the time of the exclusion. Furthermore, the mental health professional must document the reason or reasons why a member of the client's family is excluded.

Subp. 14. **Payment limitation; partial hospitalization.** To be eligible for medical assistance payment, a partial hospitalization program must be reviewed by and have received a letter of approval from the department. Additionally, partial hospitalization must meet the requirements in items A to F.

A. The provider of the partial hospitalization must receive prior authorization before the client's partial hospitalization begins, except as set forth in part 9505.5015, subpart 2.

B. The service is provided to a client who is an outpatient with the diagnosis of mental illness and the service is provided more than 14 days after the client is discharged as an inpatient with a diagnosis of mental illness.

C. A partial hospitalization program for a client who is at least 18 years of age must provide at least six hours of services

per day. Medical assistance payment for partial hospitalization is limited to no more than 16 days within a 30 calendar day period. The partial hospitalization must take place on at least four but not more than five days in any week within the 30 calendar day period.

D. A partial hospitalization program for a client who is less than 18 years of age must provide at least five hours of services per day. Medical assistance payment for partial hospitalization is limited to no more than 40 days within a period of ten consecutive weeks. The partial hospitalization must take place on at least four but not more than five days in any week within the ten consecutive week period.

E. The definition of hour in subpart 1, item J, applies to partial hospitalization.

F. Prior authorization may be requested once for up to 16 days of additional partial hospitalization in the case of a client who is at least 18 years of age or for up to 40 days of additional partial hospitalization in the case of a client who is less than 18 years of age. If the request is approved by the department, the partial hospitalization must comply with the requirements of items A, B, and E, and also with item C in the case of a client who is at least 18 years of age or with the requirements of item D in the case of a client who is less than 18 years of age.

**Subp. 15. Payment limitation; general provisions about day treatment services.** Medical assistance payment for day treatment services to a client shall be limited to 390 hours of day treatment in a calendar year unless prior authorization is obtained for additional hours within the same calendar year. To be eligible for medical assistance payment, a day treatment program must be reviewed by and have received the approval of the department. The treatment must be provided to a group of clients by a multidisciplinary staff under the clinical supervision of a mental health professional. The treatment must be provided at least one day a week for a minimum three-hour time block. The day treatment may be longer than three hours per day but medical assistance payment is limited to three hours per day. To be eligible for medical assistance payment, the three-hour time block must include at least one hour but no more than two hours of individual or group psychotherapy. The remainder of the three-hour time block must not consist of more than one hour of any of the following: recreation therapy, socialization, and independent living skills. In addition, the remainder of the three-hour time block can include recreation therapy, socialization, and independent living skills only if they are included in the client's individual treatment plan as necessary and appropriate.

**Subp. 16. Payment limitation; noncovered services provided by day treatment program.** The following services are not covered by medical assistance if they are provided by a day treatment program:

A. A service that is primarily recreation-oriented or that is provided in a setting that is not medically supervised. This includes sports activities, exercise groups, activities such as craft hours, leisure time, social hours, meal or snack time, trips to community activities, and tours.

B. A social or educational service that does not have or cannot reasonably be expected to have a therapeutic outcome related to the client's mental illness.

C. Consultation with other providers or service agency staff about the care or progress of a client.

D. Prevention or education programs provided to the community.

E. Day treatment for recipients with primary diagnoses of alcohol or other drug abuse.

F. Day treatment provided in the client's home.

G. Psychotherapy for more than two hours daily.

H. Recreation therapy and teaching socialization and independent living skills for more than one hour daily each.

I. Participation in meal preparation and eating.

**Subp. 17. Payment limitation; service to determine the need for or to evaluate the effectiveness of prescribed drugs.** Payment for a physician service to a client to determine a client's need for a prescribed drug or to evaluate the effectiveness of a drug prescribed in a client's individual treatment plan is limited according to part 9505.0345, subpart 5. To be covered by medical assistance, the evaluation of the effectiveness of a drug prescribed in a client's individual treatment plan must be carried out face-to-face by a physician or by a mental health professional who is qualified in psychiatric nursing as specified in *Minnesota Statutes*, section 245.462, subdivision 18, clause (1), or a registered nurse who is qualified as a mental health practitioner as specified in *Minnesota Statutes*, section 245.462, subdivision 17. A nurse who evaluates a client's prescribed drugs must be employed by or under contract to a provider and must be under the supervision of a physician who is on site at least 50 percent of the time the service is being provided. For purposes of this subpart, "evaluation of the effectiveness of a drug prescribed in a client's individual treatment plan"

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or "evaluation of a client's prescribed drugs" means adjusting a client's medication to mitigate the client's symptoms, alleviate the client's distress, and determine the impact of the client's medication on the client's functioning at work and in daily living.

**Subp. 18. Payment limitation; explanation of findings.** Explanation of findings is a covered service under parts 9505.0170 to 9505.0475. Medical assistance payment for explanations of findings is limited to four hours per recipient per calendar year. Unless the recipient's diagnostic assessment meets the requirements of subparts 5 to 7, medical assistance payment will not pay for more than a one-hour explanation of findings after the mental health professional completes the recipient's diagnostic assessment. To be eligible for medical assistance payment, the mental health professional providing the explanation of findings must have obtained the authorization of the recipient or the recipient's representative to release the information as required in subpart 19 or 20. If the recipient's diagnostic assessment qualifies for an extension of or additional time as provided in subparts 5 to 7, the mental health professional providing the explanation of findings may allocate the calendar year total of four hours in any manner necessary to explain the findings. Medical assistance only pays for the actual time spent or four hours, whichever amount of time is less.

**Subp. 19. Authorization to access or release information about a recipient.** To obtain medical assistance payment, a mental health professional providing a mental health service must ask a recipient, the recipient's representative, or the person specified in subpart 20 to sign forms needed to authorize access or release of information about a recipient's health status. The form must contain the information in items A to H and room for the person's signature. If the recipient, the recipient's representative, or the person specified in subpart 20 refuses to sign the authorization, the mental health professional must not access or release the information and must document the refusal to sign and the reason for the refusal in the recipient's record. The period of authorization must not exceed one year. The authorization form must state:

- A. the person's name;
- B. the date;
- C. the specific nature of the information authorized to be accessed or released;
- D. who is authorized to give information;
- E. to whom the information is to be given;
- F. the information's use;
- G. the date of expiration of the authorization; and
- H. that the recipient may revoke consent at any time.

**Subp. 20. Authorization to provide service or to access or release information about a recipient who is a child.** To obtain medical assistance payment, a mental health professional who wants to provide a mental health service to a child or who is required to access or release information related to the child's mental health status and services must obtain the authorization of the child's parent, legal representative, or primary caregiver with whom the child is living unless a condition specified in item A, B, or C, applies.

The authorization of service must state the child's name, the service or services authorized, the person or persons authorized to provide the service, the amount, frequency, scope, and duration of each service, the goals of the service, the date of the authorization, and the relationship between the person giving the authorization and the child. The authorization to access or release information must comply with subpart 19, items A to H. An authorization of services under this subpart must not exceed one year. Authorization by the child's parent, legal representative, or primary caregiver is not required if:

A. The parent, legal representative, or primary caregiver with whom the child is living is hindering or impeding the child's access to mental health services.

B. The child:

- (1) has been married or has borne a child as specified in *Minnesota Statutes*, section 144.342;
- (2) is living separate and apart from the child's parents or legal guardian and is managing the child's financial affairs as specified in *Minnesota Statutes*, section 144.341;
- (3) is at least 16 but under 18 years old and has consented to treatment as specified in *Minnesota Statutes*, section 253B.03, subdivision 6; or
- (4) is at least 16 but under 18 years old and for whom a county board has authorized independent living pursuant to a court order as specified in *Minnesota Statutes*, section 260.191, subdivision 1, paragraph (a), clause (4).

C. A petition has been filed under *Minnesota Statutes*, chapter 260, or a court order has been issued under *Minnesota Statutes*, section 260.133 or 260.135, and a guardian ad litem has been appointed.

If item A or B applies, the mental health professional shall request the child to complete the required forms.

If item C applies, the mental health professional shall request the guardian ad litem to complete the required forms.

Subp. 21. **Payment limitation; psychological testing.** Medical assistance payment for psychological testing of a recipient in a calendar year shall not exceed eight times the medical assistance payment rate for an hour of individual psychotherapy. Psychological testing shall be reimbursed according to the psychological test used. The psychological testing must be conducted by a psychologist with competence in the area of psychological testing as stated to the board of psychology. The psychological testing must be validated in a face-to-face interview between the recipient and a licensed psychologist or licensed consulting psychologist with competence in the area of psychological testing. The report resulting from the psychological testing must be signed by the psychologist conducting the face-to-face interview, must be placed in the recipient's record maintained by the mental health professional providing the recipient's psychological testing, and must be released to each person authorized by the recipient. The required components of psychological testing, which include face-to-face interview, interpretation, scoring of the psychological tests, and the required report of testing, are not eligible for a separate charge to medical assistance. Payment for these required components is included in the amount paid for the psychological testing. The administration, scoring, and interpretation of the psychological tests may be carried out, under the clinical supervision of a licensed psychologist or licensed consulting psychologist, by a psychometrist or psychological assistant or as part of a computer-assisted psychological testing program.

Subp. 22. **Eligible vendors of mental health service before September 1, 1990.** Before September 1, 1990, a mental health service performed by a vendor who is an employee of a provider must meet the conditions in item A or B to be eligible for medical assistance payment.

A. A mental health professional must be, or be under the clinical supervision of, a psychiatrist, a physician who is not a psychiatrist, a licensed psychologist, or a licensed consulting psychologist. The supervisor must be a provider.

B. A mental health practitioner must be under the clinical supervision of a psychiatrist, a licensed psychologist, or a licensed consulting psychologist. The supervisor must be a provider.

Subp. 23. **Medical assistance payment for mental health service beginning September 1, 1990.** Beginning September 1, 1990, a mental health service provided by a mental health professional is a covered service. Beginning September 1, 1990, a mental health service other than day treatment that is provided by a mental health practitioner is not eligible for medical assistance payment. To be eligible for medical assistance payment, day treatment provided by a mental health practitioner or any other person who is not a mental health professional who is a provider must be under the clinical supervision of a mental health professional who is a provider.

Subp. 24. **Payment limitation; person completing requirements for licensure as mental health professional.** Medical assistance payment is available for mental health services provided by a person who has completed all requirements for licensure as a mental health professional except the requirements for supervised experience in the delivery of mental health services in the treatment of mental illness under this subpart. Mental health services may also be provided by a person who is a student in a bona fide field placement or internship under a program leading to completion of the requirements for licensure as a mental health professional. The person providing the service must be under the clinical supervision of a fully qualified mental health professional who is a provider. The person must be employed by or placed in an outpatient hospital, a physician-directed clinic, a community mental health center, or a facility approved for insurance reimbursement according to parts 9520.0750 to 9520.0870. Medical assistance for services performed according to this subpart shall be paid at one-half the medical assistance payment rate for the same service provided by a fully qualified person.

Subp. 25. **Individual treatment plan.** Except as provided in subpart 3, medical assistance payment is available only for services in accordance with the client's individual treatment plan. The individual treatment plan must meet the standards of this subpart. A client's individual treatment plan must be based on the information and outcome of the client's diagnostic assessment conducted as specified in subpart 4. Except as provided in subparts 5 and 6, the individual treatment plan must be developed by the mental health professional who provides the client's psychotherapy, or the mental health practitioner who is under the clinical supervision of a mental health professional who is a provider and must be developed no later than the end of the first psychotherapy session after the completion of the client's diagnostic assessment. The mental health professional or the mental health practitioner must involve the client in the development, review, and revision of a client's individual treatment plan. The plan must be reviewed at least once every 90 days, and if necessary revised. However, revisions of the initial individual treatment plan do not require a new diagnostic assessment unless the client's mental health status has changed markedly as provided in subpart 4, item A. The mental health professional shall request the client, or in the case of a child whose circumstances do not fall within subpart 21, the child's parent, primary caregiver, or other person authorized by statute to consent to mental health services for the child, to sign the client's individual treatment plan and revision of the plan unless the request is not appropriate to the client's mental health status. If the client refuses to sign the plan or a revision of the plan, the mental health professional or mental health practitioner shall note on the plan the client's refusal to sign

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the plan and the client's reason or reasons for the refusal. If the client's mental health status contraindicates the request, the mental health professional or mental health practitioner shall note on the plan the reason the client was not requested to sign the plan.

**Subp. 26. Documentation of the provision of mental health service.** To obtain medical assistance payment, a mental health professional or a mental health practitioner providing a mental health service must document in the client's record (1) each occurrence of the client's service including the date, type, length, and scope of the mental health service; (2) the name of the person who gave the service; (3) contact made with other persons interested in the recipient such as representatives of the courts, corrections systems, or schools including the name and date of the contact; (4) any contact made with the client's other mental health providers, case manager, family members, primary caregiver, legal representative, or, if applicable, the reason the client's family members, primary caregiver, or legal representative was not contacted; and (5) as appropriate, required clinical supervision. The documentation must be completed promptly after the provision of the service.

**Subp. 27. Excluded services.** The mental health services in items A to R are not eligible for medical assistance payment:

- A. a mental health service that is not medically necessary;
- B. a mental health service exceeding the limitations in subparts 6, 11, 14, and 15, that has not received prior authorization;
- C. a mental health service other than a diagnostic assessment, psychological testing, explanation of findings, or one hour of psychotherapy before completion of the diagnostic assessment to a recipient who has not been determined to have a mental illness;
- D. a diagnostic assessment made before September 1, 1990, that requires the clinical supervision of a provider, and the mental health service or services provided in response to the diagnosis made in the diagnostic assessment, if the clinical supervision was not provided;
- E. a mental health service other than a diagnostic assessment, psychological testing, explanation of findings, or one hour of psychotherapy before completion of the diagnostic assessment if the service is not recommended by a mental health professional and is not part of an individual treatment plan;
- F. a neurological examination carried out by a person other than a psychiatrist or psychologist with a competency in the area of neuropsychological evaluation listed with the board of psychology as in part 7200.4600, subpart 1;
- G. a mental health service provided to a resident of a long-term care facility other than an intermediate care facility for the mentally retarded without the written order of the recipient's attending physician;
- H. a service provided to a resident of an intermediate care facility for the mentally retarded if the service is not specified on the resident's individual service plan as set forth in part 9525.0075;
- I. an evaluation of a prescribed drug by a person other than a physician or a person supervised by a physician and qualified in psychiatric nursing or as a registered nurse;
- J. a service ordered by a court that is solely for legal purposes and not related to the recipient's diagnosis or treatment for mental illness;
- K. services dealing with external, social, or environmental factors that do not directly address the recipient's physical or mental health;
- L. a service that is only for a vocational purpose or an educational purpose that is not health related;
- M. staff training that is not related to a client's individual treatment plan or plan of care;
- N. child and adult protection services provided directly or indirectly by a governmental entity;
- O. mental health services other than psychological testing of a recipient who is an inpatient for the purposes of psychiatric treatment;
- P. psychological testing, diagnostic assessment, explanation of findings, and psychotherapy if the services are provided by an entity whose purpose is not health service related, such as a school, a local education agency, and the division of vocational rehabilitation of the department of jobs and training;
- Q. fundraising activities; and
- R. community planning.

REPEALER, *Minnesota Rules*, part 9500.1070, subparts 4, 6, and 23, 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.

## Minnesota Housing Finance Agency

### Adopted Permanent Rules Relating to Home Improvement Grants and Rehabilitation Loans Program

The rules proposed and published at *State Register*, Volume 13, Number 22, pages 1264-1266, November 28, 1988 (13 S.R. 1264) are adopted as proposed.

## Pollution Control Agency

### Adopted Permanent Rules Relating to Air Quality Definitions and Emission Offsets

The rules proposed and published at *State Register*, Volume 13, Number 18, pages 1092-1102, October 3, 1988 (13 S.R. 1092) are adopted with the following modifications:

#### Rules as Adopted

##### 7005.0100 DEFINITIONS.

Subp. 35a. **Potential emissions, potential to emit.** "Potential emissions" or "potential to emit" means the maximum capacity while operating at the maximum hours of operation of an emissions unit, emission facility, or stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant, including air pollution control equipment and restriction on hours of operation or on the type or amount of material combusted, stored, or processed must be treated as part of its design if the limitation or the effect it would have on emissions is:

A. federally enforceable with respect to permits for construction, modification, or reconstruction; or

B. enforceable by the state with respect to permits not included in item A.

Secondary emissions must not be counted in determining the potential to emit of an emissions unit, emission facility, or stationary source.

##### 7005.3030 DEFINITIONS.

Subp. 1b. **Affect, affected.**

C. The area that would be affected by a major stationary source or major modification is defined as follows:

(2) For a new or modified stationary source proposed to be located in an area designated as nonattainment for a criteria pollutant not listed in ~~item A~~ subitem (1), or located in an air quality region adjacent to that nonattainment area, the area that would be affected by the nonattainment criteria pollutant emitted by the new or modified stationary source is the area that modeling analysis performed in accordance with part 7005.3040, subpart 3, demonstrates to be affected by the emissions from the new or modified stationary source.

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

## Adopted Rules

Subp. 8. **Net air quality benefit.** "Net air quality benefit" means that, in the area that would be affected by the stationary source, offsets proposed to be obtained by a person pursuant to part 7005.3040, subpart 2 are sufficient to result in a net reduction, on both a pounds per hour and tons per year basis, in emissions and a reduction, on balance, in the ambient concentration of nonattainment criteria pollutants. A reduction in ambient concentration need not occur at every location affected by the source, but in no circumstance shall an increase exceed the levels in Code of Federal Regulations, title 40, section 51.165(b)(2), at any location within the nonattainment area that exceeds ambient air quality standards. The commissioner shall determine whether the net air quality benefit represents reasonable further progress toward compliance with ambient air quality standards.

Where the major stationary source or major modification is proposed to be located in a nonattainment area without a state implementation plan or at a location where the emissions from the major stationary source or major modification would affect a nonattainment area without a state implementation plan, the commissioner shall not find that there will be a net air quality benefit unless  $Y$  divided by  $X$  is equal to or greater than 1.2, where:

$X$  = the potential to emit emissions on a tons per year and pounds per hour basis to which the major stationary source or major modification will be limited; and

$Y$  = the offsets, equal to the lower of actual or allowable emissions, on a tons per year and pounds per hour basis, to be provided by the person proposing the major stationary source or major modification.

Subp. 14a. **Reasonable further progress.** "Reasonable further progress" means regular or annual incremental reductions in emissions of the applicable air pollutant that:

## Pollution Control Agency

### Adopted Permanent Rules Relating to Air Quality and Air Quality Permitting

The rules proposed and published at *State Register*, Volume 13, Number 18, pages 1086-1091, October 31, 1988 (13 S.R. 1086) are adopted as proposed.

## Department of Public Service

### Adopted Permanent Rules Relating to Fluorescent Lamp Ballasts

The rules proposed and published at *State Register*, Volume 13, Number 21, pages 1232-1235, November 21, 1988 (13 S.R. 1232) are adopted with the following modifications:

#### Rules as Adopted

##### 7605.0100 AUTHORITY.

The commissioner is authorized by Minnesota Statutes, section ~~416J.19~~ 216C.19, subdivision ~~7~~ 8, to establish minimum energy efficiency standards for fluorescent lamp ballasts. No person may sell, install, or place in inventory a fluorescent lamp ballast in Minnesota that does not comply with parts 7605.0100 to 7605.0160 after their effective dates.

##### 7605.0130 FLUORESCENT LAMP BALLAST STANDARDS.

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

	Ballast Input Voltage	Total Nominal Lamp Watts	Ballast Efficacy Factor
Application for Operation of one F40T12 lamp .....	120	40	1.805
	277	40	1.805
two F40T12 lamps .....	120	80	1.060
	277	80	<del>1.060</del> <u>1.050</u>
two F96T12 lamps .....	120	150	0.570
	277	150	0.570
two F96T12H0 lamps .....	120	220	0.390
	277	220	0.390



## Department of Trade and Economic Development

### Adopted Permanent Rules Relating to the Water Pollution Control Revolving Fund

The rules proposed and published at *State Register*, Volume 13, Number 12, pages 654-660, September 19, 1988 (13 S.R. 654) are adopted with the following modifications:

#### Rules as Adopted

##### 7380.0400 PURPOSE.

The Water Pollution Control Revolving Fund administered by the Minnesota Public Facilities Authority provides loans and other forms of financial assistance for the planning, designing, and construction of municipal wastewater treatment plants to assure maintenance of progress toward municipal compliance, or implementation of nonpoint source management controls, as required by the Federal Water Pollution Control Act, to municipalities for projects that have been certified by the Minnesota Pollution Control Agency. The United States Environmental Protection Agency provides a capitalization grant to the state of Minnesota to provide loans through the authority to ensure that the Revolving Fund is available to finance water pollution control projects in perpetuity. The terms and conditions of the loan agreement for financial assistance provided by the authority must be in conformance with the Federal Water Pollution Control Act, *United States Code*, title 33, particularly sections 1381 to 1387, the rules of the agency, and this part.

##### 7380.0410 DEFINITIONS.

Subp. 2. **Act.** "Act" means the Federal Water Pollution Control Act, ~~as defined in *Minnesota Statutes*, section 446A.02, subdivision 4~~ *United States Code*, title 33, sections 1251 to 1387.

Subp. 7. **Allowable costs.** Allowable costs that may be financed by the authority, provided the allowable cost item is reasonable ~~or~~, necessary, and permitted by the act, include those provided in the list of costs given below. The listing is only representative of allowable costs that may be financed by a loan from the authority. Other allowable costs may also fall within the language of the act, *United States Code*, title 33, sections ~~1381-1387~~ 1381 to 1387.

A. acquisition costs of ~~land, building, or both~~ buildings or land under *United States Code*, title 33, sections 1381 to 1387;

G. underwriting, financial advisors, or placement fees;

J. authority fees, including application and guaranty fees of the authority ~~and administrative costs and expenses~~;

Subp. 10. **Intended use plan.** "Intended use plan" means the document prepared annually by the agency according to requirements of the act and submitted to the United States Environmental Protection Agency ~~that identifies~~. The plan will identify the intended uses of the amounts available to the fund, including a list of wastewater treatment projects and other eligible activities scheduled to be funded during the fiscal year.

Subp. 16. **Project service area.** "Project service area" means that part of the sewer service area directly served by the project being constructed.

Subp. 19. **Sewer service charge.** "Sewer service charge" means a charge levied upon the users of the sewer service system to pay for the use of the system. Service charges include tax assessment, special assessments, user ~~fees~~ charges, or other charges identified by any other name.

##### 7380.0420 PROCEDURES FOR FINANCIAL ASSISTANCE APPLICATIONS PROCESSING.

Subp. 2. **Deadline for submission Authority review.** When an application that has been certified by the commissioner of the agency is returned to and received by the authority on or before the first business day of the month, the authority shall consider the application at the authority meeting that month. If the certified application is received after the first business day of the month and can be reviewed by the executive director prior to the authority agenda deadline, the authority may consider the application at the meeting in that month.

Subp. 6. **Rejection of loan applications by the authority.** The authority may reject an application for financial assistance for the following reasons:

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## Adopted Rules

B. failure to develop and document dedicated sources of revenue sufficient in the judgment of the authority to ensure repayment of the loan to the authority; and

C. failure to submit a completed application using the procedure provided in part 7380.0420, subpart 4; and

~~D. failure to demonstrate the legal, managerial, institutional, and financial capacity to provide for adequate operation, maintenance, and replacement cost of the municipal facility for the term of the loan.~~

### 7380.0430 AUTHORITY EVALUATION PROCEDURE.

#### Subp. 2. Loan terms and conditions.

A. The terms and conditions for loans and other forms of financial assistance provided by the authority to eligible applicants for certified projects are as provided by the Act; *Minnesota Statutes*, chapter 446A; this part; and as provided by the authority in the loan agreement for the project financing.

B. If the authority provides a loan to a municipality for planning or design engineering of a wastewater treatment facility, the interest rate, terms, and conditions must be the same as for loans elsewhere in this part.

~~Subp. 4. Project completion. The repayment of loans to the authority by the recipients must begin no later than one year after project completion.~~

Subp. 5 4. Dedicated sources of revenue. Loan recipients shall establish, and identify in the application, dedicated sources of revenue sufficient to operate and maintain the new facility, and fully amortize the loan for a term of not more than 20 years. The authority shall examine the identified dedicated sources of revenue to ensure that they are a sufficient amount and of sufficient certainty to fully repay the loan.

Subp. 6 5. Payments. The first principal and interest payment is due and payable not later than one year after project completion, or 24 months from the beginning of construction, whichever is earlier. Subsequent principal and interest payments by the loan recipient must be made at the times agreed upon by the loan recipient and the authority in the loan agreement. In general, semiannual loan payments will be required, unless a different payment schedule is agreed upon and provided in the loan agreement. However, in no case shall payments be less frequent than annual principal and interest payments sufficient to amortize the debt within the contracted period.

### 7380.0440 INTEREST RATE DETERMINATIONS.

#### Subp. 2. Setting of interest rates.

A. The interest rate charged to a loan recipient must be determined by the authority using as guidance the quarterly set rate in effect at either the time of the municipality's application to the authority, or at the time of the signing of the loan agreement by the authority and the municipality, as determined by the municipality at the signing of the loan agreement.

~~B. The applicant is, however, eligible for~~ entitled to the cumulative interest rate adjustments provided in this part, ~~or the applicant may request in its loan application a specified basis point reduction from the average coupon rate of bonds to be sold by the authority. If the loan applicant applies for the specified basis point reduction, the following requirements must be met: regardless of when the applicant chooses to set the interest rate as provided in item A.~~

C. If the authority funds an applicant's project through the sale of authority bonds, the applicant may request in its loan application the specific basis point reduction from the average coupon rate of the bonds sold by the authority as provided in item D. If an applicant chooses this option, the applicant will not be entitled to receive any other interest rate adjustment as provided in item B or subparts 4 to 6. The applicant also must comply with the following conditions:

~~A-~~ (1) the payment schedule agreed to ~~will follow~~ follows the payment schedule of the bonds sold by the authority;

~~B-~~ (2) acceptable agreement on fund accountability is reached;

~~C-~~ (3) the municipality can demonstrate its creditworthiness; and

~~D-~~ (4) the integrity of the fund is maintained.

D. The authority shall annually provide in its application material the specific basis point reduction it will allow under ~~this option~~ item C.

Subp. 5. **Interest rate adjustment.** Any applicant is eligible to receive consideration for interest rate adjustments to the interest rate to be charged by the authority as provided in this part.

C. If the ~~current estimated~~ annual sewer service charge of the project service area, ~~coupled with the financing, operation, maintenance, and replacement costs of the new facility results in an annual sewer service charge in excess of~~ after the completion of the project exceeds one percent of the median household income level of the project service area, the municipality is eligible for a 100 basis ~~points~~ point reduction in the interest rate.

Subp. 6. **Interest-free loans.** The authority may offer interest-free loans as provided in this part to municipalities demonstrating in their application that they are financially unable to pay any interest charge on the loan. The authority shall not offer interest-free loans if the offering of an interest-free loan results in the combined rate of interest on the authority's portfolio to yield less than the rate of inflation as determined by the consumer price index.

Interest-free loans for any applicant are limited to \$500,000, or the eligible cost of the project, whichever is less. The authority shall not provide interest-free loans, in total, exceeding up to ten percent of the total capitalization grant funds scheduled to be received by the authority.

To be eligible for consideration for an interest-free loan, an applicant must meet each of the following conditions:

B. the percent of ~~people in~~ poverty level households in the project service area of the project is at or ~~exceeds the poverty level above the national average~~; and

C. the ~~current estimated~~ annual sewer service charge of the project service area, coupled with the financing, operation, maintenance, and replacement costs of the new facility results in an annual sewer service charge in excess of after the completion of the project exceeds one and one-half percent of the median household income level of the project service area.

#### **7380.0450 OTHER FINANCIAL ASSISTANCE.**

In addition to the loans provided in parts 7380.0430 to 7380.0440, the authority may use any forms of financial aids provided in *United States Code*, title 33, section 1383(d). The use of specific financing tools will be determined by the authority based on existing financial market conditions at the time the financing of the project takes place.

The revolving loan fund authorized by the act may be used:

A. to buy or refinance the debt obligation of municipalities for treatment works for which the debt was incurred and construction begun after March 7, 1985, at or below market rate;

#### **7380.0480 REPORTS AND AUDITS.**

Subp. 2. **Audits.** Financial assistance recipients must arrange and pay for independent audits, acceptable to the authority and prepared in compliance with the Office of Management and Budget, Circular A-128, published in the *Federal Register*, volume 50, number 188, page 39083, on September 27, 1985, and in compliance with the Single Audit Act of 1984, *United States Code*, title 31, sections 7501-7507. ~~Costs incurred in preparation of the audit are an eligible activity or category under part 7380.0410, subpart 7.~~

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## **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.

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## **Department of Finance**

### **Maximum Interest Rate for Municipal Obligations in the Month of March**

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

Dated: 22 February 1989

Peter Sausen  
Assistant Commissioner  
Cash & Debt Management

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## **Department of Health**

### **Office of Health Systems Development**

#### **Notice of Intent to Solicit Outside Opinions Concerning a Request for a Waiver of HMO Statutes and Rules by Group Health Inc.**

NOTICE IS HEREBY GIVEN that the Department of Health is seeking opinions and comments pertaining to a request by Group Health Inc. for a waiver of HMO statutes and rules relating to mental health and chemical dependency services, services for TMJ, craniomandubular disorder, cleft lip and cleft palate, and full financial risk. The proposal also includes a maximum of \$10,000 in coverage annually for each enrollee. Such waivers are authorized for demonstration projects by *Minnesota Statutes* 62D.30. These waivers are proposed in relation to a demonstration project whereby Group Health Inc., Fairview Hospitals and Carondelet Community Hospitals would deliver and finance health care services on a transitional basis, for up to two years, to needy individuals without health insurance. Catholic Charities and Lutheran Social Services would perform intake and screening functions.

Under the proposal, enrollees would be notified of the time limited nature of the program and no replacement coverage would be offered. Payment would be on a sliding scale basis.

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

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

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

## **The Office of the Ombudsman for Mental Health and Mental Retardation**

### **Notice of Meeting**

The Ombudsman for Mental Health and Mental Retardation Advisory Committee will conduct a general meeting at 9:00 a.m. on Friday, March 10, 1989. The meeting will be held at the Ombudsman Office, Suite 202, Metro Square Building on 7th and Robert Street, St. Paul.

## **Minnesota Pollution Control Agency**

### **Division of Water Quality**

#### **Outside Information Sought Regarding Amendment of Rules Governing the Municipal Wastewater Construction Grant and Loan Programs (*Minnesota Rules Chapter 7075*)**

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (Agency) is seeking information and opinions from sources outside the agency to assist in the preparation of proposed amendments to the rules governing the administration of state municipal wastewater construction grant and loan programs. These rules are found in *Minnesota Rules Chapter 7075*. Amendments are needed to create state specific rules to be used after the federal Construction Grants Program ends on July 1, 1990. The amendment of this chapter is authorized by *Minnesota Statutes* sec. 115.03, subd. 1(g) (1988), which allows the Agency to prescribe and alter rules concerning pollution of Minnesota waters.

The Agency requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views in writing or orally. Written or oral statements or comments should be directed to:

Debbie Olson  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, MN 55155  
Telephone: (612) 296-7223

Oral statements will be received during regular business hours, 8 a.m. to 4:30 p.m., Monday through Friday. Copies of *Minnesota Rule Chapter 7075* are also available from Ms. Olson.

All statements of information and opinion will be accepted until June 5, 1989. Any written materials received by the Agency shall become part of the rulemaking record in the event that the rule is amended.

Gerald L. Willet  
Commissioner

**Notice—Pollution Control Agency continued on page 2183**

## **Teachers Retirement Association**

### **Notice of Regular Meeting**

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Wednesday, March 8, 1989 at 9:30 a.m. in Suite 500, Gallery Building, 17 West Exchange Street, St. Paul, MN to consider matters which may properly come before the Board.

## **Department of Trade and Economic Development**

### **Community Development Division**

### **Comments Sought on the Proposed Final Statement for the 1989 Small Cities Community Development Block Grant Program**

NOTICE IS HEREBY GIVEN that the Department of Trade and Economic Development, Community Development Division, is seeking comments or opinions from sources outside the agency in preparing to submit the Final Statement for the 1989 Small Cities Community Development Block Grant (CDBG) Program. The 1989 Final Statement will be submitted to the U.S. Department of Housing and Urban Development by March 31, 1989.

The State of Minnesota anticipates an allocation of \$18,308,000.

The 1989 Final Statement will consist of the Administrative Rules Governing the Community Development Block Grant Program, which are found in *Minnesota Rules*, Chapter 4300, and were published, as adopted, in the *State Register* on September 17, 1984 (9 S.R. 602-611); a description of the use of funds in the 1988 grant program; an assessment of the use of funds in the 1988 grant program in relation to the community development objectives in the Rules and to the requirements of section 104(G)(3) of the U.S. Housing and Community Development Act, as amended by the U.S. Housing and Community Development Act of 1974, as amended by the U.S. Housing and Urban Rural Recovery Act of 1983 (P.L. 98-181).

The Minnesota Department of Trade and Economic Development, Community Development Division, requests comments or opinions concerning proposed use of grant funds. Interested or affected persons, groups, or units of general purpose local government may submit statements or comments orally or in writing. Written statements should be addressed to:

Louis Jambois  
Community Development Division  
Minnesota Department of Trade and Economic Development  
8th Floor, American Center Building  
150 East Kellogg Boulevard  
St. Paul, MN 55101

A public hearing will be conducted by the Division of Community Development on March 13, 1989 at 1:00 p.m. in Conference Room 10, 8th Floor American Center Building. Oral statements will also be received during regular business hours over the telephone at (612) 297-3172 or in person at the above address until 4:30 p.m. on March 13, 1989.

### **Final Statement as Proposed**

Federal fiscal year 1989 Community Development Block Grant funds made available to the State for distribution to nonentitlement areas will be distributed in accordance with administrative rules adopted in Chapter 4300. These rules are the same as those under which fiscal year 1988 funds were administered. The text of said rules is as follows:

### **CHAPTER 4300 COMMUNITY BLOCK GRANTS**

#### **4300.0100. Definitions**

**Subp. 1. Scope.** As used in this chapter, the following terms have the meanings given them:

## Official Notices

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**Subp. 2. Application Year.** "Application year" means the federal fiscal year beginning October 1st and ending September 31st.

**Subp. 3. Community Development Need.** "Community development need" means a demonstrated deficiency in housing stock, public facilities, economic opportunities, or other services which are necessary for developing or maintaining viable communities.

**Subp. 4. Competitive Grant.** "Competitive grant" means a grant application that is evaluated and ranked in comparison to other applications in the same grant category and includes housing, public facilities and comprehensive applications.

**Subp. 5. Comprehensive Program.** "Comprehensive program" means a combination of at least two interrelated projects which are designed to address community development needs which by their nature require a coordination of housing, public facilities, or economic development activities. A comprehensive program must be designed to benefit a defined geographic area, otherwise known as a program area.

**Subp. 6. Economic Development Project.** "Economic development project" means one or more activities designed to create new employment, maintain existing employment, increase the local tax base, or otherwise increase economic activity in a community.

**Subp. 7. Eligible Activities.** "Eligible activities" means those activities so designated in *United States Code*, title 42, section 5305 (1981) and as described in *Code of Federal Regulations*, title 24, sections 570.200-570.207 (1981).

**Subp. 8. General purpose Local Government.** "General purpose local government" means townships as described in *Minnesota Statutes*, chapter 365; cities as described in *Minnesota Statutes*, chapters 410 and 412; and counties.

**Subp. 9. Grant.** "Grant" means an agreement between the state and an eligible recipient through which the state provides funds to carry out specified programs, services, or activities.

**Subp. 10. Grant Closeout.** "Grant closeout" means the process by which the office determines that all applicable administrative actions and all required work have been completed by the grant recipient and the department.

**Subp. 11. Grant Year.** "Grant year" means any period of time during which the United States Department of Housing and Urban Development makes funds from any federal fiscal year available to the state for distribution to local governments under *United States Code*, title 42, sections 5301-5316 (1981), and includes the period of time during which the office solicits applications and makes grant awards.

**Subp. 12. Infrastructure.** "Infrastructure" means the basic physical systems, structures, and facilities, such as roads, bridges, water, and sewer, which are necessary to support a community.

**Subp. 13. Low- and Moderate-Income.** "Low- and moderate-income" means income which does not exceed 80 percent of the median income for the area, with adjustments for smaller and larger families.

**Subp. 14. Metropolitan City.** "Metropolitan city" means a city over 50,000 population or a central city of a standard metropolitan statistical area that receives entitlement grants under *United States Code*, title 42, section 5306 (1981) directly from the United States Department of Housing and Urban Development.

**Subp. 15. Nonentitlement Area.** "Nonentitlement area" means an area that is not a metropolitan city or part of an urban county.

**Subp. 16. Office.** "Office" means the office or division in the Department of Energy and Economic Development to which the program is assigned.

**Subp. 17. Per Capita Assessed Valuation.** "Per capita assessed valuation" means the adjusted assessed valuation divided by population.

**Subp. 18. Population.** "Population" means the number of persons who are residents in a county, city, or township as established by the last federal census, by a census taken pursuant to *Minnesota Statutes* § 275.53, subd. 2, by a population estimate made by the Metropolitan Council, or by the population estimate of the state demographer made under *Minnesota Statutes* § 4.12, subd. 7, clause (10), whichever is most recent as to the stated date of count or estimate, up to and including the most recent July 1.

**Subp. 19. Poverty Persons.** "Poverty persons" means individuals or families whose incomes are below the poverty level as determined by the most current data available from the United States Department of Commerce, taking into account variations in cost of living for the area affected.

**Subp. 20. Program.** "Program" means the community development block grant program for nonentitlement areas.

**Subp. 21. Program Area.** "Program area" means a defined geographic area within which an applicant has determined that, based on community plans or other studies, there exists a need for community development activities. A program area may be a neighborhood in a community or an entire community.

**Subp. 22. Program Income.** "Program income" means gross income earned by the grant recipient from grant-supported activities, excluding interest earned on advances.

**Subp. 23. Project.** "Project" means one or more activities designed to meet a specific community development need.

**Subp. 24. Regional or Community Development Plans.** "Regional or community development plans" means written documents, resolutions, or statements which describe goals, policies, or strategies for the physical, social, or economic development of a neighborhood, community, or substate area. Regional or community development plans include comprehensive plans and elements of comprehensive plans, including land use plans, which have been approved by the governing boards of townships, counties, or cities, and also include regional development plans adopted under *Minnesota Statutes* § 462.281, where applicable.

**Subp. 25. Slums and Blight.** "Slums and blight" means areas or neighborhoods which are characterized by conditions used to describe deteriorated areas in *Minnesota Statutes* § 462.421 or which are characterized by the conditions used to describe redevelopment districts in *Minnesota Statutes* § 273.73, subd. 10.

**Subp. 26. Single-purpose Project.** "Single-purpose project" means one or more activities designed to meet a specific housing or public facilities community development need.

**Subp. 27. Urban County.** "Urban county" means a county which is located in a metropolitan area and is entitled to receive grants under *United States Code*, title 42, section 5306 (1981), directly from the United States Department of Housing and Urban Development.

**Statutory Authority:** MS s 116K.04; 116K.06; 116K.07

**History:** 8 SR 1263

#### **4300.0200. Purpose**

This chapter gives procedures for evaluating applications for grants and awarding them to eligible applicants by the Department of Energy and Economic Development under *United States Code*, title 42, sections 5301-5136 (1981), and regulations adopted in *Code of Federal Regulations*, title 24, part 570.

**Statutory Authority:** MS s 116K.04; 116K.06; 116K.07

**History:** 8 SR 1263.

#### **4300.0300. Objective of the Program**

The primary objective of this program is to develop viable urban communities by providing decent housing and a suitable living environment and by expanding economic opportunities, principally for persons of low- and moderate-income.

Activities funded under this program shall not benefit moderate-income persons to the exclusion of low-income persons. All funded activities must be designed to:

- A. Benefit low- and moderate-income persons;
- B. Prevent or eliminate slums and blight; or

C. Alleviate urgent community development needs caused by existing conditions which pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet those needs.

#### **4300.0400. Application of Federal Law**

If it is determined that any provisions of parts 4300.0100 to 4300.3200 are inconsistent with federal law, federal law controls to the extent necessary to eliminate the conflict.

**Statutory Authority:** MS s 116K.06; 116K.07

### **GRANT APPLICATION, EVALUATION, AND DETERMINATION**

#### **4300.1100. Types of Competitive Grants Available**

**Subp. 1. Single-purpose Grants.** The office shall approve single-purpose grants for funding from a single grant year for single-purpose projects. The office shall place single-purpose grant applications in one of the following categories for purpose of evaluation:

A. Housing projects which include one or more activities designed to increase the supply or quality of dwellings suited to the occupancy of individuals and families; or

B. Public facilities projects which include one or more activities designed to acquire, construct, reconstruct, or install buildings or infrastructure which serve a neighborhood area or community.

**Subp. 2. Comprehensive Grants.** The office shall approve comprehensive grants for two or more projects which constitute a comprehensive program as described in part 4300.0100.

**Statutory Authority:** MS s 116J.401; 116J.403; 116J.873

**History:** 11 SR 2416

## Official Notices

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### **4300.1101. Economic Development Grants, Noncompetitive**

The office shall approve grants for economic development projects for funding throughout a single application year, or until the funds reserved have been exhausted.

**Statutory Authority:** MS s 116K.04; 116K.06; 116K.07

**History:** 8 SR 1263

### **4300.1200. Application Process and Requirements**

**Subp. 1. Grant Application Manual.** The office shall prepare a manual for distribution to eligible applicants no later than 120 days before the application closing date for competitive applications. The manual must instruct applicants in the preparation of applications and describe the method by which the office will evaluate and rank applications.

**Subp. 2. Eligibility Requirements.** Any unit of general purpose local government, including cities, counties, and townships located in a nonentitlement area or electing exclusion from an urban county under *United States Code*, title 42, section 5302 (1981), may apply for a grant. An eligible applications may apply on behalf of other eligible applicants. Applicants submitted on behalf of other applicants must be approved by the governing body of all local governments party to the application. An eligible applicant may apply for only one competitive grant per grant year and no eligible applicant shall be included in more than one competitive application. An eligible applicant may apply for one economic development grant in addition to a competitive grant each application year.

**Subp. 3. Disqualification of Applicants.** Applications from otherwise eligible applicants shall be disqualified where for previously awarded grants under these rules or awarded by the Department of Housing and Urban Development under *United States Code*, title 42, section 5306 (1981), it is determined by the office that any of the following conditions exist:

A. There are outstanding audit findings on previous community development grants and the grantee has not objected on a reasonable basis to the findings or demonstrated a willingness to resolve the findings;

B. Previously approved projects have passed scheduled dates for grant closeout and the grantee's ability to complete the project in an expeditious manner is in question; or

C. The applicant has not made scheduled progress on previously approved projects and the grantee's ability to complete the project in an expeditious manner is in question.

**Subp. 4. Contents of Application.** The contents of the application must be consistent with the informational requirements of this chapter and must be on a form prescribed by the office. The application must be accompanied by:

A. An assurance, signed by the chief elected official, that the applicant will comply with all applicable state and federal requirements;

B. An assurance signed by the chief elected official certifying that at least one public hearing was held at least ten days but not more than 60 days before submitting the application; and

C. A copy of a resolution passed by the governing body approving the application and authorizing execution of the grant agreement if funds are made available.

The office may request additional information from the applicant if it is necessary to clarify and evaluate the application.

**Subp. 5. Time Limit for Submitting Applications.** Competitive applications must be received in the office or postmarked by the closing date. The office shall give notice of the period during which applications will be accepted. The notice must be published in the *State Register* at least 120 days before the closing date. Economic development project applications may be submitted at any time during the grant year.

**Subp. 6. Regional Review.** The applicant must submit a complete copy of the application to the Regional Development Commission, where such a commission exists, or the Metropolitan Council, where it has jurisdiction, for review and comment in accordance with *Minnesota Statutes* § 462.391, subd. 3, or *Minnesota Statutes* § 473.171, respectively.

**Statutory Authority:** MS s 116J.401; 116J.403; 116J.873

**History:** 11 SR 2416

### **4300.1300. Evaluation of Applications**

All applications shall be evaluated by the office. A fixed amount of points shall be established as the maximum score attainable by any application. Points shall be made available within each class of rating criteria in accordance with the percentages and fractions indicated in 4300.1400 to 4300.1900. Economic development project applications must meet threshold criteria in order to be evaluated.

**Statutory Authority:** MS s 116K.04; 116k.04; 116K.06; 116K.07

**History:** 8 SR 1263



**4300.1400. Comparison of all Competitive Applications, General Competition**

**Subp. 1. Points Available.** Thirty percent of the total available points shall be awarded by the office based on a general competition involving a comparison of all applications.

**Subp. 2. Evaluation of Community Need.** Two-thirds of the points in the general competition shall be awarded based on evaluation of community need, which shall include:

- A. The number of poverty persons in the area under the applicant's jurisdiction;
- B. The percentage of persons resident in the area under the applicant's jurisdiction who are poverty persons; and
- C. The per capita assessed valuation of the area under the jurisdiction of the applicant, such that points are awarded in inverse relationship to applicants' per capita assessed valuation.

**Subp. 3. Evaluation of Other Factors.** One-third of the points in the general competition shall be awarded based on evaluation of:

- A. The extent to which the proposed activities are compatible with regional or community development plans; and
- B. Adequacy of the applicant's management and financial plan.

**Statutory Authority:** MS s 116K.04; 116K.06; 116K.07

**History:** 8 SR 1263

**4300.1500. Comparison of Competitive Applications Within Categories**

After completing the general competition described in 4300.1400, the office shall place each application in the appropriate grant category in accordance with part 4300.1100. The categories are housing projects, public facilities projects, economic development projects, and comprehensive programs. Seventy percent of the total points available for each application shall be awarded based on a comparison of the applications within each of the categories, as further described in parts 4300.1600 to 4300.1900.

**Statutory Authority:** MS s 116K.04; 116K.06; 116K.07

**History:** 8 SR 1263

**4300.1600. Evaluation of Housing Projects**

**Subp. 1. Project Need.** Three-sevenths of the points available in the housing category competition shall be awarded by the office based on evaluation of the need for improvements or additions to the housing stock serving low- and moderate-income persons as evidenced by:

- A. Housing units which are occupied by low- and moderate-income persons and are either substandard or pose a threat to the health or safety of the occupants;
- B. An inadequate supply of affordable housing for low- or moderate-income persons; or
- C. Other documented conditions which give evidence of the need for improvements or additions to the housing stock serving low- and moderate-income persons.

**Subp. 2. Project Impact.** Three-sevenths of the points available in the housing category competition shall be awarded by the office based on evaluation of the extent to which the proposed activities will eliminate or reduce the need for improvements or additions to the housing stock serving low- or moderate-income persons.

**Subp. 3. Project Cost-effectiveness.** One-seventh of the points available in the housing category competition shall be awarded by the office based on:

- A. Evaluation of the extent to which the proposed activities will make cost effective and efficient use of grant funds including coordination with, and use of, funds from other public and private sources; and
- B. Evidence that the cost of the proposed activities per benefitting household is reasonable.

**Statutory Authority:** MS s 116K.06; 116K.07

**4300.1700. Evaluation of Public Facilities Projects**

**Subp. 1. Project Need.** Three-sevenths of the points available in the public facilities category competition shall be awarded by the office based on evaluation of the extent to which the proposed activities are necessary to improve provision of public services to low- and moderate-income persons or to eliminate an urgent threat to public health or safety.

**Subp. 2. Project Impact.** Three-sevenths of the points available in the public facilities category competition shall be awarded by the office based on evaluation of the extent to which the proposed activities will reduce or eliminate the need identified under Subp. 1., and, in the case of activities designed to improve the provision of public services to low- and moderate-income persons, an evaluation of the extent to which the proposed activities directly benefit low- and moderate-income persons.

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**Subp. 3. Project Cost-effectiveness.** One-seventh of the points available in the public facilities category competition shall be awarded by the office based on evaluation of the extent to which the proposed activities will make cost effective and efficient use of grant funds, including consideration of:

A. The extent to which the requested grant funds are necessary to finance all or a portion of the costs;

B. Evidence that the cost of the proposed activities per benefitting household or person is reasonable; and

C. The extent to which the project benefits existing, rather than future, population, except in cases where the proposed activities are necessary due to expected development or growth which is beyond the applicant's control.

**Statutory Authority:** MS s 116K.06; 116K.07

### **4300.1900. Evaluation of Comprehensive Program Projects**

**Subp. 1. Program Need.** Three-sevenths of the points available in the comprehensive program category competition shall be awarded by the office based on evaluation of need for the proposed comprehensive program, including consideration of:

A. The number of low- and moderate-income persons in the program area;

B. The percentage of residents in the program area which are of low- or moderate-income; and

C. The need for the proposed comprehensive program as evidenced by at least two of the following: the need for improvements or additions to the housing stock serving low- and moderate-income persons, the need for new or improved public facilities in the program area, or employment problems in the program area.

**Subp. 2. Program Impact.** Three-sevenths of the points available in the comprehensive program category competition shall be awarded by the office based on evaluation of the extent to which the proposed comprehensive program will eliminate or reduce the need identified under Subp. 1, and the extent to which the proposed program will improve the long-term physical or economic condition of the program area and its residents.

**Subp. 3. Program Cost-effectiveness.** One-seventh of the points available in the comprehensive program category competition shall be based on evaluation of the extent to which the proposed comprehensive program will make cost effective and efficient use of grant funds, including consideration of coordination with, and use of, funds from other public and private sources.

**Statutory Authority:** MS s 116K.06; 116K.07

### **4300.1901. Evaluation of Economic Development Projects**

**Subp. 1. In General.** Evaluation of economic development applications consists of eligibility threshold screening and project review. Applications must meet the eligibility thresholds in order to be referred for project review. Applications that fail to meet eligibility thresholds may be revised and resubmitted.

**Subp. 2. Federal and State Eligibility Thresholds.** Applicants shall provide a description of the ways that activities address one of the federal objectives described in Part 4300.0300. Each activity proposed for funding must be eligible under current federal regulations.

Applicants shall describe how they will meet two of the three following thresholds based on state economic development objectives:

A. Creation or retention of permanent private sector jobs;

B. Stimulation or leverage of private investment; or

C. Increase in local tax base.

**Subp. 3. Project Review.** Applications that meet eligibility thresholds will be awarded points by the office based on evaluation of the two rating categories: project design and financial feasibility. Applications must attain at least two-thirds of the total available points for economic development to be recommended for funding. Applications must score at least half of the points available in each of the two rating categories.

Two-thirds of the available points will be awarded based on an evaluation of project quality including an assessment of need, impact, and the capacity of the applicant to complete the project in a timely manner. Consideration of need for an economic development project must be based on deficiencies in employment opportunities and circumstances contributing to economic vulnerability and distress. Consideration of impact must be based on the extent to which the project reduces or eliminates the need. Consideration of capacity must be based on demonstration of administrative capability, realistic implementation schedules, and the ability to conform to state and federal requirements.

One-third of the available points will be awarded based on an evaluation of the effective use of program funds to induce economic development. Consideration of financial feasibility must include investment analysis, commitment of other funds, and other factors relating to the type of program assistance requested.

**Subp. 4. Funding Recommendations.** Applications that attain at least two-thirds of the available points will be recommended to the commissioner for funding. Applications not recommended for funding may be revised and resubmitted.

**Statutory Authority:** MS s 116K.04; 116K.06; 116K.07

**History:** 8 SR 1263

**4300.2000. Determination of Grant Awards**

**Subp. 1. Funds Available for Grants.** The amount of funds available for grants shall be equal to the total allocation of federal funds made available to the State under *United States Code*, title 42, section 5306 (1981), after subtracting an amount for costs available to the office for administration of the program, as allowed by that law. The office is not liable for any grants under this chapter until funds are received from the United States Department of Housing and Urban Development.

**Subp. 2. Division of Funds.** Of the funds available for grants in each grant year, 30 percent shall be reserved by the office to fund single purpose grants, 15 percent shall be reserved for economic development grants, and 55 percent shall be reserved by the office to fund comprehensive grants. However the office may modify the proportions of funds available for single purpose and comprehensive grants if, after review of all applications, it determines that there is a shortage of fundable applications in either category.

At least 30 percent of the funds made available for single purpose grants shall be awarded for applications in each of the two categories: housing and public facilities. However, no application with a rating below the median score for its category shall be funded by the office solely for the purpose of meeting this requirement.

**Subp. 3. Funding List.** Within each grant category, a list of applications shall be prepared in rank order of the scores received after evaluation pursuant to Parts 4300.1300 to 4300.1900. Based on these lists, and subject to the availability of funds within each category, applications with the highest rank shall be recommended to the commissioner for funding. In the case of a tie between any two applications within any category, the application with the higher score in the general competition shall receive the higher ranking on the list.

**Subp. 4. Approval by Commissioner.** The list of applications recommended for funding, including recommended grant awards, shall be submitted by the office to the commissioner for approval. A decision by the commissioner not to approve any application recommended for funding must be made in writing to the applicant, giving reasons for disapproval.

**Subp. 5. Reduction in Amount Requested.** The office may recommend an application for funding in an amount less than requested if, in the opinion of the office, the amount requested is more than is necessary to meet the applicant's need. If the amount of the grant is reduced, the reasons for the reduction shall be given to the applicant.

**Subp. 6. Grant Ceilings.** No competitive single-purpose grant may be approved for an amount over \$600,000. No comprehensive grant may be approved for an amount over \$1,400,000. No economic development grant may be approved for over \$500,000.

**Statutory Authority:** MS s 116J.401; 116J.403; 116J.873

**History:** 11 SR 2416

### CONTRACTS AND RECORDS

**4300.3100. Grant Agreements**

**Subp. 1. Grant Contract Required.** A grant contract shall be offered to each applicant whose application is approved for funding. The contract must be signed by a person authorized to commit the applicant to legally binding agreements and to execute the contract.

**Subp. 2. Contents of Grant Contract.** The grant contract must include:

A. A work program which indicates completion dates for major parts of the project and a projected budget supporting the work program;

B. Assurances that the grant recipient will comply with all applicable state and federal laws, including at least the federal laws or regulations for which the state is made responsible for enforcement in *Code of Federal Regulations*, title 24, sections 570.495 and 570.496.

**Subp. 3. Use of Program Income.** Program income from sources such as reimbursements to and interest from a grant recipient's loan program, proceeds from disposition of real property, and proceeds from special assessments must be used for eligible activities. The office shall reduce future grant payments by the amount of any unobligated program income that an applicant has and shall take whatever additional action is necessary to recover any remaining amounts owed.

**Subp. 4. Grant Account Required.** Grant recipients must establish and maintain separate accounts for grant funds. In accordance with *Code of Federal Regulations*, title 24, section 570.494, clause 4, interest earned by grant recipients on grant funds before disbursement is not program income, and it must be returned to the United States Treasury.

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**Subp. 5. Restrictions on Use of Funds.** No grant funds shall be used to finance activities not included in the grant agreement. If it is determined that an improper use of funds has occurred, the office will take whatever action is necessary to recover improperly spent funds.

**Subp. 6. Suspension of Payments.** The office shall suspend payments of funds to grant recipients which are not in compliance with applicable state and federal laws, rules, and regulations. Grant recipients must return funds which are improperly expended.

**Subp. 7. Amendments to the Agreement.** Amendments to the grant agreement must be in writing.

**Statutory Authority:** MS s 116J.401; 116J.403; 116J.873

**History:** 11 SR 2416

### **4300.3200. Recordkeeping and Monitoring**

**Subp. 1. Financial Records.** Grant recipients shall maintain financial records which identify the source and application of funds for grant-supported activities. These records must contain information about grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, income, and other information required by the office under the responsibilities it assumes under *Code of Federal Regulations*, title 24, section 570.497, clause b. Financial records, supporting documents, statistical records, and all other reports pertinent to a grant must be retained by the grant recipient for three years from the date of submitting the final financial report. No such records or documents may be disposed of while audits, claims, or litigations involving the records are in progress.

**Subp. 2. Audits.** Grant recipients must arrange for and pay for an acceptable independent audit prepared in compliance with OMB Circular A-128, which was published in the *Federal Register*, volume 50, number 188, page 39083, on September 27, 1985, and the Single Audit Act of 1984, Public Law Number 98-502, codified as 31 U.S.C. sections 7501-7507. Costs incurred pursuant to this requirement are eligible under this program.

**Subp. 3. Financial Status Reports.** Grant recipients shall file financial status reports at the close of each reporting period as designated by the office and shall file a final financial report before grant closeout. Financial status reports must be on forms prescribed by the office. The office may not require these reports more often than quarterly.

**Subp. 4. Performance Report.** Grant recipients shall also file performance reports at the close of each reporting period as designated by the office and shall file a final performance report before grant closeout. Performance reports shall be on forms prescribed by the office. The office may not require these reports more often than quarterly.

**Subp. 5. Access to Records.** Representative of the office, either the State Auditor or Legislative Auditor as is appropriate, and federal auditors shall have access to all books, records, accounts, files, and other papers, things, or property belonging to grant recipients which are related to the administration of grants and necessary for audits and monitoring compliance with Parts 4300.0100 to 4300.3200.

**Statutory Authority:** MS s 116J.401; 116J.403; 116J.873

**History:** 11 SR 2416

**Repealer.** *Minnesota Rules*, part 4300.1100, subpart 3 is repealed.

### **Proposed Distribution of Funds**

The exact amount of Federal FY 1989 CDBG funds for use by the Small Cities Development Program is \$18,308,000. To paraphrase and summarize the administrative rules for this program, 15 percent, will be reserved for economic development grants; 30 percent, will be reserved for single-purpose housing or public facilities grants; and 55 percent, will be reserved for comprehensive grants. Two percent plus \$100,000 of the available funds will be used by DTED for administration of the grant program.

### **Proposed Use of Funds for Activities That Will Benefit Persons of Low- and Moderate-Income**

The purpose of the Small Cities Development Program is to develop viable urban communities by providing decent housing and a suitable living environment and by expanding economic opportunities, principally for persons of low and moderate income. Activities funded under this program shall not benefit moderate income persons to the exclusion of low-income persons. All funded activities must be designed to:

- a) Benefit low- and moderate-income persons;
- b) Prevent or eliminate slums and blight; or
- c) Alleviate urgent community development needs caused by existing conditions which pose a serious and immediate threat to the health or welfare of the community, where other financial resources are not available to meet those needs.

Under the Housing and Community Development Act of 1974, as amended, at least 60 percent of the funds must be used for activities that benefit low and moderate income persons. The Department of Trade and Economic Development, Community Development Division, estimates that up to 80 percent of the funds will be used to benefit persons of low and moderate income.

**Recaptured and Reallocated Funds**

If FY '83 through FY '89 grant funds are returned to the Minnesota Department of Trade and Economic Development, Community Development Division, following audit resolution or project closeout, reuse of the funds will be conducted using one of two methods.

1. Fifteen percent could be used for funding economic development projects any time during the year following the recapture of funds. Eighty-five percent of the funds will be reserved for emergency, urgent need projects; or
2. All recaptured funds could be reserved for funding emergency, urgent need projects.

With either option, a balance of recaptured FY '83 through FY '88 funds will be carried forward only until the point at which competitive grant awards are made. Any balance of recaptured or reallocated funds that exists at the time grants are awarded for the annual competitive grant cycle will be used to finance new competitive or economic development projects. Further, fifteen percent of the recaptured funds will be used for economic development projects. Eighty-five percent of the recaptured funds will be used to finance competitive projects.

Following is the criteria under which emergency urgent-need projects could be funded:

- a. Applications for emergency urgent need could be submitted at any time during the year.
- b. The problem poses a serious and immediate threat to the health or welfare of the community.
- c. The problem is of recent origin or has recently become urgent. To qualify for emergency, urgent-need funds, recent is defined to mean that a problem has to become urgent no earlier than 60 days before the last competitive application deadline.
- d. The applicant can document inability to finance the project on its own and other resources to sufficiently finance the project are not available.
- e. The project would have to score well enough in the rating system to have received a grant, had an application been submitted during the last competitive cycle.

The recaptured and reallocated fund distribution methodology identified above is the same methodology which appeared in the previous Final Statement.

**Distribution of Program Income**

Any program income which is derived from the use of federal CDBG funds is retained by the recipient communities for the same activity. Thus, the state will not have the use of program income for distribution in FY '89.

**Description of the Use of Funds in the 1988 Small Cities Community Development Block Grant Program**

For the 1988 grant program, \$17,127,420 in federal fiscal year 1988 funds was available for grants to eligible applicants for the Small Cities Development Program. In addition, there was \$2,327,490 in unspent fiscal year 1987 federal funds available as well as \$124,170 in reverted funds all of which was available for grants. Under the administrative rules for the SCDP, economic development applications are accepted on a year-round basis and competitive single-purpose and comprehensive applications had an application deadline of January 28, 1988. The rules for the program establish the availability of 15 percent of the funds for economic development, 30 percent of the funds for single-purpose projects, and 55 percent of the funds for comprehensive programs. The rules also provide for the alteration of these percentages when a shortage of fundable applications occur in any specific category.

Upon completion of the competitive review and ranking process, 28 awards were made on May 10, 1988. The Department of Trade and Economic Development concludes that funds were awarded in accordance with the State's administrative rules for the program.

A formal Performance/Evaluation Report (PER) which provides a detailed description of the use of funds is available in this office for public inspection. A copy of the PER is also available at the HUD Minneapolis/St. Paul office.

**Assessment of the Relationship of 1988 Funds to State and Federal Objectives**

As in previous years, for the 1988 grant program, the Minnesota Department of Trade and Economic Development, Community Development Division, adopted the national objectives for the Community Development Block Grant program. Under these objectives, all funded activities must be designed to:

- a) Benefit low- and moderate-income persons;
- b) Prevent or eliminate slums or blight; or
- c) Alleviate urgent community development needs caused by existing conditions, which pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet those needs.

Based on the FY '88 award plus the unspent balance of FY '87 federal funds and reverted funds (or \$20,030,660), at least 60% (or \$12,018,396) must be awarded for activities designed to benefit persons of low- and moderate-income. To date, with an unobligated FY '88 balance of just under \$420,000, DTED has already approved more than \$15 million for activities designed to benefit

## Official Notices

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low- and moderate-income persons. Thus, even with a balance, DTED has already awarded well over 70 percent of our total FY '88 grant award for activities which benefit low- and moderate-income persons. The remainder of the funds currently awarded for grants has been awarded for activities designed to prevent or eliminate slums and blight and to alleviate urgent community development needs.

The funds budgeted for planning and administration include both the funds retained by the Minnesota Department of Trade and Economic Development for administration of the program and funds awarded to units of general local government for planning and administration of their grants. No more than 20 percent of the block grant can be used for planning and administration.

To date, for the 1988 grant program, the Minnesota Department of Trade and Economic Development, Community Development Division, and the 1988 grant recipients budgeted slightly less than \$1.0 million for planning and administration. These funds amount to just under five percent of the block grant, well below the 20.0 percent limit.

In addition to meeting one of the federal objectives listed above, economic development set aside grants must meet at least two of the following state objectives:

- a) Creation or retention of permanent private sector jobs, with a minimum threshold of one job created or retained for each \$20,000 of grant funds;
- b) Leverage of private investment, with a minimum threshold of one dollar private funds for each grant dollar requested; and
- c) Increase the local tax base, with a minimum threshold of an estimated 50 percent increase in the value of the parcel involved.

All economic development set aside grants awarded to date have met the state job creation/retention objective and the private investment objective. In addition, 93% of those jobs will be held by, and/or available to low and moderate income persons.

Based upon analysis of the 1988 Small Cities Development Program, The Minnesota Department of Trade and Economic Development, Community Development Division, concludes that the 1988 grant program fully meets state and national objectives for award of funds.

## Department of Transportation

### Amended Order and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed under *Minnesota Statutes* § 169.825

WHEREAS, the Commissioner of Transportation has made his Order No. 72156 designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under *Minnesota Statutes* § 169.825, and

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

IT IS HEREBY ORDERED that Commissioner of Transportation Order No. 72156 is amended this date by adding the following designated streets and highway routes, or segment of routes, as follows:

#### COUNTY ROADS

##### POLK COUNTY

- C.S.A.H. 2 from T.H. 92 to North limits of Gully.
- C.S.A.H. 46 from T.H. 2 to C.S.A.H. 11.
- C.S.A.H. 11 from T.H. 2 to C.S.A.H. 46.
- C.S.A.H. 61 from T.H. 75 to T.H. 2.

Dated: 26 February 1989

Leonard W. Levine  
Commissioner

## Board of Water and Soil Resources

### Change in Meeting Location for May 24

The Board of Water and Soil Resources has changed the meeting place of their May 24, 1989 monthly meeting. The meeting will be held at the Holiday Inn-Detroit Lakes, Minnesota. The Board of Water and Soil Resources will hold their June monthly meeting as scheduled in St. Paul.

# 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:** Toro Grandmaster #327 riding mowers  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 2pm:** March 8  
**Agency:** Natural Resources Department  
**Deliver to:** Various  
**Requisition #:** 29000 51666

**Commodity:** Ammco #400 brake/lathe disc/drum shop  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 2pm:** March 7  
**Agency:** Administration Department: Central Motor Pool  
**Deliver to:** St. Paul  
**Requisition #:** 02514 90365

**Commodity:** John Deere 420 tractor w/ mower  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 2pm:** March 7  
**Agency:** Natural Resources Department  
**Deliver to:** Brainerd  
**Requisition #:** 29000 51691

**Commodity:** Steel Exhibit  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 2pm:** March 8  
**Agency:** Iron Range Resources & Rehabilitation Board  
**Deliver to:** Chisholm  
**Requisition #:** 43000 10448

**Commodity:** CMC Turbo XT  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 2pm:** March 8  
**Agency:** Administration Department: Materials Management, Inventory Management  
**Deliver to:** St. Paul  
**Requisition #:** 02511 93194

**Commodity:** 1 ton truck  
**Contact:** Brenda Thielen 612-296-9075  
**Bid due date at 2pm:** March 9  
**Agency:** Natural Resources Department  
**Deliver to:** Various  
**Requisition #:** 29000 51685

**Commodity:** Furnish and install Carrier air conditioner  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 2pm:** March 9  
**Agency:** State University  
**Deliver to:** Mankato  
**Requisition #:** 26071 18426

**Commodity:** Replacement water cooled condenser for Trane DX air conditioner  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 2pm:** March 9  
**Agency:** Administration Department: Plant Management  
**Deliver to:** St. Paul  
**Requisition #:** 02307 91396

**Commodity:** Player/recorder optical  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 2pm:** March 9  
**Agency:** Transportation Department  
**Deliver to:** St. Paul  
**Requisition #:** 79000 94021

**Commodity:** CMC turbo XT-adden. #2  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 2pm:** March 10  
**Agency:** Administration Department: Materials Management/Inventory Management  
**Deliver to:** St. Paul  
**Requisition #:** 02511 93194

**Commodity:** Request for proposal for consultant or professional services contract optical image processing  
**Contact:** Don Olson 612-296-3771  
**Bid due date at 2pm:** March 10  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Trout and salmon feed  
**Contact:** Pat Anderson 612-296-3770  
**Bid due date at 2pm:** March 10  
**Agency:** Natural Resources Department  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Pharmaceuticals  
**Contact:** Donnalee Kutchera 612-296-3776  
**Bid due date at 2pm:** March 10  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Markers and pens  
**Contact:** Bernie Vogel 612-296-2546  
**Bid due date at 2pm:** March 13  
**Agency:** Administration Department: Central Stores and Transportation Department  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Tools: miscellaneous lawn, garden, snow tools, and garden hose and handles  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 2pm:** March 13  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

## State Contracts and Advertised Bids

**Commodity:** Mass selective detector  
**Contact:** Joseph Gibbs 612-296-3750  
**Bid due date at 2pm:** March 14  
**Agency:** Public Safety Department  
**Deliver to:** St. Paul  
**Requisition #:** 07300 56335

**Commodity:** A complete line of ball and roller bearings  
**Contact:** Dale Meyer 612-296-3773  
**Bid due date at 2pm:** March 14  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Genuine Vicom mower repair parts  
**Contact:** Dale Meyer 612-296-3773  
**Bid due date at 2pm:** March 14  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Books, library: trade & non-trade  
**Contact:** Bernadette Vogel 612-296-2546  
**Bid due date at 2pm:** March 14  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Six passenger cab truck with utility body  
**Contact:** Brenda Theilen 612-296-9075  
**Bid due date at 2pm:** March 15  
**Agency:** Transportation Department  
**Deliver to:** St. Paul  
**Requisition #:** 79382 01590

**Commodity:** Plumbing supplies  
**Contact:** Dale Meyer 612-296-3773  
**Bid due date at 2pm:** March 15  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Impact printer  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 2pm:** March 15  
**Agency:** State University  
**Deliver to:** St. Cloud  
**Requisition #:** 26073 20928

**Commodity:** Apple equipment  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 2pm:** March 15  
**Agency:** Employee Relations Department  
**Deliver to:** St. Paul  
**Requisition #:** 24000 95629

## Contract Awards—Materials Management Division

**Item:** Chromatographs, gas  
**Req. #:** 07300 55004 01  
**Awarded to:** Dionex Corp., Itasca, IL  
**Awarded amount:** \$21,358.00  
**Awarded date:** February 23, 1989  
**Expir/deliv date:** March 23, 1989  
**Shipped to:** Department of Public Safety

**Item:** Computer printer  
**Req. #:** 26073 20914 01  
**Awarded to:** Prodata Computer Systems, St. Cloud, MN  
**Awarded amount:** \$7,830.00  
**Awarded date:** February 23, 1989  
**Expir/deliv date:** March 10, 1989  
**Shipped to:** St. Cloud State University

**Item:** Computer, personal computers  
**Req. #:** 26073 20911 01  
**Awarded to:** Prodata Computer Systems, St. Cloud, MN  
**Awarded amount:** \$8,680.00  
**Awarded date:** February 23, 1989  
**Expir/deliv date:** March 10, 1989  
**Shipped to:** St. Cloud State University

**Item:** Computer printer  
**Req. #:** 26073 20915 01  
**Awarded to:** Prodata Computer Systems, St. Cloud, MN  
**Awarded amount:** \$8,085.00  
**Awarded date:** February 23, 1989  
**Expir/deliv date:** March 10, 1989  
**Shipped to:** St. Cloud State University

**Item:** Watercraft marine equipment supplies docks  
**Req. #:** 29000 51619 01  
**Awarded to:** Carr Enterprises, Ottertail, MN  
**Awarded amount:** \$7,716.00  
**Awarded date:** February 23, 1989  
**Expir/deliv date:** April 3, 1989  
**Shipped to:** DNR—Northern Service Center

**Item:** Watercraft marine equipment supplies docks  
**Req. #:** 29000 51622 01  
**Awarded to:** Carr Enterprises, Ottertail, MN  
**Awarded amount:** \$7,716.00  
**Awarded date:** February 23, 1989  
**Expir/deliv date:** April 3, 1989  
**Shipped to:** DNR—Northern Service Center



## State Contracts and Advertised Bids

**Item:** Furniture office  
**Req.#:** 67130 10339 01  
**Awarded to:** Elec Office Environment,  
Minneapolis, MN  
**Awarded amount:** \$14,338.14  
**Awarded date:** February 23, 1989  
**Expir/deliv date:** April 28, 1989  
**Shipped to:** Department of Revenue

**Item:** Hospital furniture equipment and  
utensil  
**Req.#:** 75200 30700 02  
**Awarded to:** Carmac Corp., Eden  
Prairie, MN  
**Awarded amount:** \$5,999.00  
**Awarded date:** February 23, 1989  
**Expir/deliv date:** March 28, 1989  
**Shipped to:** Minnesota Veterans Home

**Item:** Services other purchased  
**Req.#:** 21200 20070 01  
**Awarded to:** American Dist Telegraph,  
Minneapolis, MN  
**Awarded amount:** \$5,362.00  
**Awarded date:** February 24, 1989  
**Shipped to:** Minnesota Department Jobs  
and Training

**Item:** Automobile  
**Req.#:** 26073 20932 01  
**Awarded to:** Polar Chevrolet, White  
Bear Lake, MN  
**Awarded amount:** \$32,097.00  
**Awarded date:** February 24, 1989  
**Expir/deliv date:** May 31, 1989  
**Shipped to:** St. Cloud State University

**Item:** Auto hd truck and van  
**Req.#:** 55304 08050 01  
**Awarded to:** Polar Chevrolet, White  
Bear Lake, MN  
**Awarded amount:** \$9,477.00  
**Awarded date:** February 24, 1989  
**Expir/deliv date:** May 31, 1989  
**Shipped to:** Brainerd Regional Human  
Services

**Item:** Power plant equipment (furnish  
and  
**Req.#:** 02310 16697 01  
**Awarded to:** Combustion & Control,  
Maplewood, MN  
**Awarded amount:** \$9,995.00  
**Awarded date:** February 24, 1989  
**Expir/deliv date:** March 10, 1989  
**Shipped to:** Department Human  
Services

**Item:** Auto's trucks vans for clients only  
**Req.#:** 21607 76179 01  
**Awarded to:** Brookdale Ford, Brooklyn  
Center, MN  
**Awarded amount:** \$7,154.97  
**Awarded date:** February 27, 1989  
**Expir/deliv date:** March 2, 1989  
**Shipped to:** Various Locations

**Item:** Watercraft marine equipment  
supplies docks  
**Req.#:** 29000 51642 01  
**Awarded to:** Lund Boats, New York  
Mills, MN  
**Awarded amount:** \$10,410.00  
**Awarded date:** February 27, 1989  
**Expir/deliv date:** May 1, 1989  
**Shipped to:** DNR—Southern Service  
Center

**Item:** Truck, ¾ ton, regular cab, pickup  
(4 × 2)  
**Req.#:** 29000 51497 01  
**Awarded to:** North Star Dodge Center,  
Minneapolis, MN  
**Awarded amount:** \$32,784.00  
**Awarded date:** February 27, 1989  
**Expir/deliv date:** May 31, 1989  
**Shipped to:** DNR—Northern Service  
Center

**Item:** Truck, ¾ ton, regular cab, pickup  
(4 × 2)  
**Req.#:** 29000 51498 01  
**Awarded to:** North Star Dodge Center,  
Minneapolis, MN  
**Awarded amount:** \$98,352.00  
**Awarded date:** February 27, 1989  
**Expir/deliv date:** May 31, 1989  
**Shipped to:** DNR Regional  
Headquarters

**Item:** Truck, ¾ ton, regular cab, pickup  
(4 × 2)  
**Req.#:** 29000 51499 01  
**Awarded to:** North Star Dodge Center,  
Minneapolis, MN  
**Awarded amount:** \$10,790.00  
**Awarded date:** February 27, 1989  
**Expir/deliv date:** May 31, 1989  
**Shipped to:** DNR Regional  
Headquarters

**Item:** Truck, ¾ ton, regular cab, pickup  
(4 × 2)  
**Req.#:** 29000 51500 01  
**Awarded to:** North Star Dodge Center,  
Minneapolis, MN  
**Awarded amount:** \$10,790.00  
**Awarded date:** February 27, 1989  
**Expir/deliv date:** May 31, 1989  
**Shipped to:** DNR—Southern Service  
Center

**Item:** Van, panel  
**Req.#:** 55510 03363 01  
**Awarded to:** Polar Chevrolet, White  
Bear Lake, MN  
**Awarded amount:** \$9,494.00  
**Awarded date:** February 27, 1989  
**Expir/deliv date:** May 31, 1989  
**Shipped to:** Ah-Gwah-Ching Nursing  
Home

**Item:** Computer equipment  
**Req.#:** 67220 10361 01  
**Awarded to:** Apple Computer Inc.,  
Rolling Meadows, IL  
**Awarded amount:** \$20,504.00  
**Awarded date:** February 27, 1989  
**Shipped to:** Department of Revenue

**Item:** Auto hd truck and van  
**Req.#:** 02514 90358 01  
**Awarded to:** Polar Chevrolet, White  
Bear Lake, MN  
**Awarded amount:** \$58,915.00  
**Awarded date:** February 28, 1989  
**Expir/deliv date:** May 31, 1989  
**Shipped to:** Central Motor Pool

**Item:** Computer equipment  
**Req.#:** 07100 55853 01  
**Awarded to:** Boffin Ltd., Burnsville,  
MN  
**Awarded amount:** \$5,894.00  
**Awarded date:** February 28, 1989  
**Expir/deliv date:** March 10, 1989  
**Shipped to:** Department of Public Safety

**Item:** Computer equipment  
**Req.#:** 26074 12434 01  
**Awarded to:** Unisys, St. Paul, MN  
**Awarded amount:** \$9,444.00  
**Awarded date:** February 28, 1989  
**Expir/deliv date:** April 28, 1989  
**Shipped to:** Winona State University

## State Contracts and Advertised Bids

**Item:** Computer equipment  
**Req.#:** 26074 12435 01  
**Awarded to:** Data General Corp.,  
Minnetonka, MN  
**Awarded amount:** \$25,521.35  
**Awarded date:** February 28, 1989  
**Expir/deliv date:** April 10, 1989  
**Shipped to:** Winona State University

**Item:** Computer equipment  
**Req.#:** 26074 12438 01  
**Awarded to:** Data General Corp.,  
Minnetonka, MN  
**Awarded amount:** \$15,987.00  
**Awarded date:** February 28, 1989  
**Shipped to:** Winona State University

**Item:** Computer equipment  
**Req.#** 26074 12436 01  
**Awarded to:** Applied Communications,  
Spring Park, MN  
**Awarded amount:** \$5,328.00  
**Awarded date:** February 28, 1989  
**Expir/deliv date:** March 28, 1989  
**Shipped to:** Winona State University

**Item:** Computer equipment—supplies  
**Req.#:** 27138 50882 01  
**Awarded to:** Mullin Mark Sales, Apple  
Valley, MN  
**Awarded amount:** \$5,672.85  
**Awarded date:** February 28, 1989  
**Expir/deliv date:** March 20, 1989  
**Shipped to:** Community College Board  
Office

**Item:** Computer equipment  
**Req.#:** 27156 10450 01  
**Awarded to:** Capp, Santa Barbara, CA  
**Awarded amount:** \$10,800.00  
**Awarded date:** February 28, 1989  
**Expir/deliv date:** March 15, 1989  
**Shipped to:** Normandale Community  
College

**Item:** Tool planting forestry  
**Req.#:** 29003 04010 01  
**Awarded to:** Mechanical Transplanter,  
Holland, MI  
**Awarded amount:** \$8,510.00  
**Awarded date:** February 28, 1989  
**Expir/deliv date:** May 8, 1989  
**Shipped to:** Department Natural  
Resources

**Item:** Lumber and related basic wood  
**Req.#:** 29003 19453 01  
**Awarded to:** Two Harbors Lumber Co.,  
Two Harbor, MN  
**Awarded amount:** \$5,506.50  
**Awarded date:** February 28, 1989  
**Expir/deliv date:** March 30, 1989  
**Shipped to:** Department Natural  
Resources

**Item:** Truck ½ or ¾ ton with extended  
cab  
**Req.#:** 29000 51486 01  
**Awarded to:** Polar Chevrolet, White  
Bear Lake, MN  
**Awarded amount:** \$166,878.00  
**Awarded date:** February 28, 1989  
**Expir/deliv date:** May 31, 1989  
**Shipped to:** DNR—Northern Service  
Center

**Item:** Computer equipment  
**Req.#:** 99036 00705 01  
**Awarded to:** CPT Corp., Eden Prairie,  
MN  
**Awarded amount:** \$7,582.00  
**Awarded date:** February 28, 1989  
**Expir/deliv date:** March 12, 1989  
**Shipped to:** Board of Voc-Tech  
Education

**Item:** Loader skid steer type  
**Req.#:** 79382 01587 01  
**Awarded to:** Lano Equipment Inc.,  
Shakopee, MN  
**Awarded amount:** \$15,990.00  
**Awarded date:** February 28, 1989  
**Expir/deliv date:** April 1, 1989  
**Shipped to:** Minnesota Department of  
Transportation

## 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:** College credit course  
schedule, 21M 20 pages + cover,  
8½" × 11" page size, saddle stitch,  
camera ready  
**Contact:** Printing Buyer's Office  
**Bids are due:** March 9  
**Agency:** North Hennepin Community  
College  
**Deliver to:** Brooklyn Park  
**Requisition #:** 5123

**Commodity:** Certificate of title  
envelope, 1 million, 7½" × 3¾" with  
window, camera ready, 2-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** March 9  
**Agency:** Public Safety Department  
**Deliver to:** St. Paul  
**Requisition #:** 5206

**Commodity:** Warrant envelope 200M,  
3⅞" × 7¾", type to set, 1-sided, with  
window, black inside tint  
**Contact:** Printing Buyer's Office  
**Bids are due:** March 9  
**Agency:** Public Employees Retirement  
Association  
**Deliver to:** St. Paul  
**Requisition #:** 5219

**Subscription Services**

Minnesota's Bookstore offers several subscription services of activities, awards, decisions and special bulletins of various Minnesota state agencies.

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

SUBSCRIPTION	COST	CODE NO.	SUBSCRIPTION	COST	CODE NO.
Career Opportunity Bulletin, 1 year	\$ 20.00	90-3	State Register, 1 year	\$130.00	90-1
Career Opportunity Bulletin, 6 mos.	\$ 15.00	90-4	State Register, 3 mos. trial can be converted to a full subscription for \$90 at end of trial	\$ 40.00	90-2
Human Services Informational and Instructional Bulletin	\$100.00	90-6	Tax Court/Property Decisions	\$225.00	90-11
Human Services Bulletin List	\$ 50.00	90-7	Workers Compensation Decisions, unpublished subs run Jan-Dec; can be prorated	\$320.00	90-12
PERB (Public Employee Relations Board) Awards and Decisions	\$350.00	90-9	Workers Compensation Decisions Vol. 40	\$105.00	
Minnesota Statutes Subscription Includes the complete 10-volume set of Minnesota Statutes 1988	\$140.00	18-1	Workers Compensation Decisions Vol. 41	\$110.00	

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. *Prices are subject to change.*

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.

**Contract Awards—Print Communications Division**

**Item:** 1989 Moose hunt information booklet  
**Req.#:** 4706  
**Awarded to:** Printed Media Services, Golden Valley  
**Amount:** \$18,413.00  
**Date:** February 28  
**Deliver to:** DNR—License Bureau, St. Paul  
**Delivery date:** As Requested

**Item:** Boating safety workbook and test  
**Req.#:** 4141  
**Awarded to:** Printing Resources, Shoreview  
**Amount:** \$1,689.00  
**Date:** February 28  
**Deliver to:** DNR—Boat & Water Safety, St. Paul  
**Delivery date:** As Requested

**Item:** Reports to determine liability and succession  
**Req.#:** 4465  
**Awarded to:** Pauly Business Forms, Plymouth  
**Amount:** \$1,491.00  
**Date:** February 27  
**Deliver to:** Jobs & Training Department, St. Paul  
**Delivery date:** 28 days

**Item:** E48 envelopes  
**Req.#:** 4478  
**Awarded to:** Quality Park Products, St. Paul  
**Amount:** \$3,398.50  
**Date:** February 28  
**Deliver to:** Transportation Department, St. Paul  
**Delivery date:** 40-50 working days

**Item:** Record of drivers license exam  
**Req.#:** 4524  
**Awarded to:** Moore Business Forms, Bloomington  
**Amount:** \$8,800.00  
**Date:** February 27  
**Deliver to:** Public Safety Department, St. Paul  
**Delivery date:** As Requested

**Item:** Drivers license envelopes  
**Req.#:** 4525  
**Awarded to:** Mackay Envelope, Minneapolis  
**Amount:** \$1,270.00  
**Date:** February 27  
**Deliver to:** Public Safety Department, St. Paul  
**Delivery date:** As Requested

## State Contracts and Advertised Bids

**Item:** Uniform traffic ticket  
**Req.#:** 4562  
**Awarded to:** Moore Business Forms,  
Bloomington  
**Amount:** \$3,297.00  
**Date:** February 27  
**Deliver to:** Public Safety Department,  
St. Paul  
**Delivery date:** 42 days

**Item:** Inspection report  
**Req.#:** 4585  
**Awarded to:** Royal Business Forms,  
Brooklyn Center  
**Amount:** \$1,376.75  
**Date:** February 28  
**Deliver to:** Electricity Board, St. Paul  
**Delivery date:** 30 days

**Item:** Office pan ticket  
**Req.#:** 4784  
**Awarded to:** Royal Business Forms,  
Brooklyn Center  
**Amount:** \$2,767.00  
**Date:** February 28  
**Deliver to:** Agriculture Department,  
Grain Exchange, Minneapolis  
**Delivery date:** 30 days

**Item:** Submitted pan ticket  
**Req.#:** 4785  
**Awarded to:** Royal Business Forms,  
Brooklyn Center  
**Amount:** \$2,767.00  
**Date:** February 28  
**Deliver to:** Agriculture Department,  
Grain Exchange, Minneapolis  
**Delivery date:** 30 days

**Item:** Mailing label  
**Req.#:** 4801  
**Awarded to:** Applied Power Products,  
St. Paul  
**Amount:** \$287.00  
**Date:** February 27  
**Deliver to:** Trade & Economic  
Development Department, St. Paul  
**Delivery date:** 21 days

**Item:** Work registration information  
**Req.#:** 4907  
**Awarded to:** Pauly Business Forms,  
Plymouth  
**Amount:** \$403.50  
**Date:** February 28  
**Deliver to:** Human Services  
Department, St. Paul  
**Delivery date:** 28 days

**Item:** Payroll warrant envelopes  
**Req.#:** 4916  
**Awarded to:** Heinrich Envelope,  
Minneapolis  
**Amount:** \$467.50  
**Date:** February 28  
**Deliver to:** Agriculture Department, St.  
Paul  
**Delivery date:** 30 working days

**Item:** Food stamp application  
**Req.#:** 4650  
**Awarded to:** Moore Business Forms,  
Bloomington  
**Amount:** \$4,133.35  
**Date:** February 28  
**Deliver to:** Human Services  
Department, St. Paul  
**Delivery date:** As Requested

**Item:** Employer account abstract  
**Req.#:** 4717  
**Awarded to:** Bann Division Stuart  
Hooper Co., St. Paul  
**Amount:** \$310.00  
**Date:** February 28  
**Deliver to:** Jobs & Training Department,  
St. Paul  
**Delivery date:** As Requested

**Item:** Note card and envelope  
**Req.#:** 4739  
**Awarded to:** Hawkensen Printing, St.  
Paul  
**Amount:** \$140.00  
**Date:** February 28  
**Deliver to:** Pollution Control Agency, St.  
Paul  
**Delivery date:** 10-15 working days

**Item:** Engineer license  
**Req.#:** 4866  
**Awarded to:** Action Business Forms,  
Minneapolis  
**Amount:** \$772.00  
**Date:** February 28  
**Deliver to:** Labor & Industry  
Department, St. Paul  
**Delivery date:** 30 days

**Item:** State parks special tabloid  
**Req.#:** 4974  
**Awarded to:** House of Print, Madelia  
**Amount:** \$1,825.00  
**Date:** February 28  
**Deliver to:** State Parks  
**Delivery date:** As Requested

**Item:** Pesticide treatment sign notice  
**Req.#:** 4986  
**Awarded to:** Hawkensen Printing, St.  
Paul  
**Amount:** \$950.00  
**Date:** February 28  
**Deliver to:** DNR Forestry, St. Paul  
**Delivery date:** As Requested

**Item:** Odometer statement  
**Req.#:** 5034  
**Awarded to:** Moore Business Forms,  
Bloomington  
**Amount:** \$7,112.00  
**Date:** February 28  
**Deliver to:** Public Safety Department,  
St. Paul  
**Delivery date:** As Requested

**Item:** Miscellaneous receipt  
**Req.#:** 5035  
**Awarded to:** Pauly Business Forms,  
Plymouth  
**Amount:** \$166.46  
**Date:** February 28  
**Deliver to:** Public Safety Department,  
St. Paul  
**Delivery date:** 28 days

**Item:** Motor vehicle record request  
**Req.#:** 5065  
**Awarded to:** Royal Business Forms,  
Brooklyn Center  
**Amount:** \$610.50  
**Date:** February 28  
**Deliver to:** Public Safety Department,  
St. Paul  
**Delivery date:** 30 days

## **Office of the Attorney General**

### **State Sale of Surplus Property**

The Commissioner of Administration is offering for sale, by sealed bid, a surplus building and underlying land located at 449 East Seventh Street, St. Paul, Minnesota. This parcel will be sold on the basis of highest offer received which meets all state bid requirements.

All bids must be submitted by 2:00 p.m. on March 17, 1989, to the Department of Administration, Real Estate Management Division, 50 Sherburne Avenue, Room 309, St. Paul, Minnesota 55155. For bid requirements, information and forms, contact Steve Mackenthun at the above address or at (612) 296-2278.

## **State Designer Selection Board**

### **Request for Proposal for a Project at the University of Minnesota**

#### **To Registered Professional in Minnesota:**

The State Designer Selection Board has been requested to select designer for a project at the University of Minnesota. Design firms who wish to be considered for this project should submit proposals on or before 4:00 p.m., March 28, 1989, to George Iwan, Executive Secretary, State Designer Selection Board, Room G-10, Administration Building, St. Paul, Minnesota 55155-1495.

#### **The proposal must conform to the following:**

- 1) Six copies of the proposal will be required.
- 2) All data must be on 8½" × 11" sheets, soft bound.
- 3) The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 8 below, together with the designer's firm name, address, telephone number and the name of the contact person.
- 4) *Mandatory Proposal contents in sequence:*
  - a) Identity of firm and an indication of its legal status, i.e., corporation, partnership, etc. If the response is from a joint venture, this information must be provided for firms comprising the joint venture.
  - b) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. If desired, identify roles that such persons played in projects which are relevant to the project at hand.
  - c) A commitment to enter the work promptly, if selected, by engaging the consultants, and assigning the persons named 4b above along with adequate staff to meet the requirements of work.
  - d) A list of State and University of Minnesota current and past commissions under contract or awarded to the prime firm(s) submitting this proposal during the three (3) years immediately preceding the date of this request for proposal. The prime firm(s) shall *list and total* all fees associated with these projects whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects listed pursuant to the above.
  - e) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described. It must be noted if the personnel named were, at the time of the work, employed by other than their present firms.

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

#### *5) Statutory Proposal Requirements:*

In accordance with the provisions of *Minnesota Statutes*, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted.

#### **The proposal will not be accepted unless it includes one of the following:**

- a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
- b) A statement certifying that firm has a current certificate of compliance issued by the Commissioner of Human Rights;

## State Contracts and Advertised Bids

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or

c) A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months; or

d) A statement certifying that the firm has an application pending for a certificate of compliance.

6) In accordance with the provisions of *Minnesota Statutes* 16B.19, Subdivision 6, at least 10% of the amount of any contract in excess of \$200,000.00 must be subcontracted to certified small businesses owned and operated by S/E/D persons as defined by *Minnesota Statutes* 645.445. Alternatively, the requirement may be met by purchasing materials or supplies from S/E/D businesses. Any combination of subcontracting and purchasing that meets the 10% requirements is acceptable. If there are no S/E/D persons able to perform subcontracting or provide supplies and materials, other small businesses as defined are to be utilized instead of small businesses owned and operated by S/E/D persons.

7) Design firms wishing to have their proposals returned after the Board's review must follow one of the following procedures:

a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or

b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

In accordance with existing statute, the Board will retain one copy of each proposal submitted.

Any questions concerning the Board's procedures or their schedule for the project herein described may be referred to George Iwan at (612) 296-4656.

### 8) PROJECT—3-89

Fourth Street Parking Ramp

University of Minnesota—Minneapolis

The University of Minnesota is planning to construct a new Parking Ramp on the East Bank of the Minneapolis Campus. The new Fourth Street Parking Ramp will be located northwest of the intersection of Fourth Street Southeast and Seventeenth Avenue Southeast (current location of contract parking lot C-51). The facility is to be an 1,100 car parking ramp for contract and hourly parking. The construction budget is approximately \$7,500,000.00.

It is important that the design contribute to a positive image of the University. The ramp must be designed in such a way that it accommodates existing traffic flow and anticipated access to the University and the facility itself.

Questions concerning this project may be referred to Clinton Hewitt at (612) 625-7355.

Bernard Jacob, Chairman  
State Designer Selection Board

## Minnesota Historical Society

### Advertisement for Bids for Printing of 1989 Historic Sites Booklet

#### BIDS

Sealed bids for the printing of the Minnesota Historical Society's 1989 Historic Sites Booklet, in accordance with specifications prepared by the Minnesota Historical Society, will be received in the office of the Contract Officer, Minnesota Historical Society, 1500 Mississippi Street, St. Paul, MN 55101 until 2:00 p.m., on March 15, 1989, at which time the bids will be publicly opened and read aloud. Bids received after 2:00 p.m., March 15, 1989, will be returned unopened.

#### BID SECURITY

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

#### SPECIFICATIONS

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

#### CONDITION OF BIDS

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

## Minnesota Historical Society

### Request for Proposals for Historic Preservation Design for Historic Split Rock Lighthouse Tower

#### TO REGISTERED PROFESSIONALS IN MINNESOTA:

##### Scope of Proposal

The Minnesota Historical Society is seeking proposals from qualified architectural design firms for historic preservation design work for the restoration and stabilization of the Split Rock Lighthouse Tower (circa 1910), Split Rock Lighthouse State Park, near Two Harbors, Minnesota. Said design work must be completed by July 31, 1989.

The work will include assessment of the Split Rock Lighthouse Tower's exterior and interior features, and recommendations for necessary work based upon the analysis of existing conditions, damages, structural problems and material deterioration. Preparation of plans and specifications to accomplish the recommendations is also included.

The estimated construction budget is \$85,000.00

##### Submission of Proposals

All proposals must be sent to: Mark Schwartz, Contract Officer, Minnesota Historical Society, 1500 Mississippi St., St. Paul, MN 55101.

All proposals must be received no later than the close of the business day (5:00 p.m.), March 27, 1989. Late proposals will *not* be accepted.

Submit six (6) copies of proposal in 8½"×11" format, softbound. Proposals are to be sealed in mailing envelopes or packages with the responder's name, address and the name of the project for which the proposal is being submitted clearly written on the outside. The proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposal must be valid for the length of the project.

Firms who have demonstrated successful experience in historic preservation/restoration will be considered for this project. Upon completion of evaluation and selection, results will be sent immediately by mail to all responders.

Firms wishing to have their proposals returned after the Society's review must follow one of the following procedures:

1. Enclose a self-addressed stamped post card with the proposals. Firms will be notified when the material is ready to be picked up. Firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or
2. Enclose a self addressed, stamped mailing envelope with the proposals. When the Society has completed its review, proposals will be returned using this envelope.

The Society will retain one copy of each proposal submitted.

This Request for Proposals does not obligate the Society to complete this project, and the Society reserves the right to cancel solicitation if it is considered to be in the Society's best interests.

##### Proposal Contents

Proposals must include the following:

1. The cover of the proposal must list the name of the project, the name, address, telephone number and legal status of the firm, and the name of the staff person who will be directly responsible for the project.
2. A list of historic preservation projects completed by the firm in the last five years. Project lists should include restoration, reconstruction and rehabilitation projects completed in and outside of Minnesota. Approximate fees associated with each project should be listed.
3. A section containing graphic material (photos, plans, elevations, etc.) of projects completed in which the responsible staff person listed on the cover played a significant role in developing.
4. Fee proposal and estimated project schedule that identifies major tasks to be accomplished.

##### Society Contacts

Prospective responders who have questions regarding the proposal may call Tom Woods, Head, Historic Sites, (612) 726-1171.

## **Minnesota Pollution Control Agency**

### **Division of Air Quality**

#### **Request for Proposals for Analytical Services of Lake and Stream Samples**

The Minnesota Pollution Control Agency (Agency) is seeking proposals from qualified firms to analyze lake and stream samples for the biennium starting July 1, 1989. The Agency will continue a seasonal sampling program for lakes in Pine, Carlton, Itasca, St. Louis, Lake, and Cook Counties and an investigation into the decline of pH and alkalinity in streams along the North Shore of Lake Superior during snowmelt. Data obtained from the analyses of these lake and stream samples will be used to assess long-term water chemistry trends for lakes and the importance of acid deposition to spring snowmelt depressions of pH and alkalinity in streams.

The proposal should address the contractor's laboratory capabilities, proposed analytical methods, quality assurance and quality control, instrument maintenance and calibration, data reduction and reporting, sample handling, analyses turnaround, costs, and past and current work related to acid deposition. Information on any laboratory certifications that the contractor possesses should be reported in the proposal.

The proposal must also demonstrate the respondent meets the requirements of *Minnesota Statute* § 363.073 (1988), either by including with the proposal an affirmative action certificate of compliance or evidence the respondent has not had more than 20 full-time employees in the state at any time during the previous 12 months. Respondents may receive assistance in obtaining a certificate of compliance by contacting the Contract Compliance Unit, Minnesota Department of Human Rights at (612) 296-5663 (500 Bremer Tower, 7th Place and Minnesota Street, St. Paul, MN 55101).

Interested parties may request a detailed Request for Proposal by calling or writing to:

Cliff Twaroski  
Minnesota Pollution Control Agency  
Division of Air Quality  
520 Lafayette Road North  
St. Paul, Minnesota 55155  
(612) 296-7800

Proposals are due in Mr. Twaroski's office no later than 4:30 p.m. thirty (30) days following the date of publication of this request in the *State Register*.

The actual cost of the analyses performed by the contractor will depend upon the extent of funding from the Legislature, the number of samples collected, the extent of the Quality Assurance Program, and the contractor's cost per sample analyzed. The Agency anticipates the maximum cost of this contract to be \$60,000 spread over the two (2) year biennium. The Agency may extend this contract beyond the 1990/91 biennium by negotiating up to two (2) one (1) year extensions to the contract at a reasonable time (60 days) prior to the expiration of the contract for the 1990/91 biennium.

Gerald L. Willet  
Commissioner

## **Department of Trade and Economic Development**

### **Communications Office, Administration Division**

#### **Request for Proposals for General Graphic Design and Custom Publishing Services**

The Department of Trade and Economic Development wishes to retain a contractor to provide general graphic design and production services for the department's quarterly flagship business magazine, *Minnesota Enterprise*. This is in accordance with the department's Communications Plan. The services of the contractor will begin on April 14, 1989, and end on June 30, 1990, and the contractor will be expected to produce five issues during this time (June, September and December, 1989, and March and June 1990). This contract has a renewal option for the 1991 and 1992 fiscal years.

Proposals must be received by 4:30 p.m. March 16, 1989. To obtain a Request for Proposals that offers complete details, please contact the:

Communications Office  
Minnesota Department of Trade and Economic Development  
900 American Center Building

150 East Kellogg Boulevard  
St. Paul, Minnesota 55101  
Phone: 612/297-1300



## Non-State Public Contracts

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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.

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## Metropolitan Waste Control Commission

### Public Notice for Prequalifications for Engineering Services

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

1. Inventory and Preparation of Bidding Documents for Asbestos Removal at Various MWCC Facilities
2. Design of Seneca Sludge Handling Improvements, MWCC Project Number 85-52

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

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

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

By order of the  
Metropolitan Waste Control Commission  
Gordon O. Voss  
Chief Administrator

## State Grants

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

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

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## Department of Education

### Division of Development and Partnerships

### Availability of Federal Funds for Adult Basic Education

The Minnesota Department of Education announces the availability of funds for the 1989-1990 school year to subsidize Adult Basic Education under Public Law 91-230, as amended.

Public Law 91-230's purpose is to continue providing and expanding the availability of appropriate learning opportunities for adults with education needs below the level equivalent to high school completion that will:

1. Enable these adults to acquire the basic literacy, coping and learning-to-learn skills necessary to function fully and effectively in their own environments and in society at large;
2. Enable these adults who so desire to continue their education to at least the level of secondary school completion, and

## State Grants

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3. Enable these adults to secure and benefit from continued training and education that will further enhance their employability, productiveness, and responsible citizenship.

Applications for program design approval and funding to carry out the purposes of this act may be submitted by local educational agencies and by public or private agencies, organizations, and institutions with priority given to applications representing consortia of all available resources and services.

Application procedures and forms may be obtained after March 15, 1989 by writing to: Brian Kanen, Coordinator, Adult Basic Education, Minnesota Department of Education, 997 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101. To be considered for approval all completed applications must be delivered to the Department of Education's Community and Adult Education Section on or before June 1, 1989.

## Department of Education

### Division of Development and Partnerships

#### Availability of Federal Funds for Adult Basic Education for Special Experimental Demonstration Projects and Teacher Training

The Minnesota Department of Education announces the availability of Section 353 (formerly Section 310) funds for the 1989-1990 fiscal year for special experimental demonstration projects and teacher training under Public Law 91-230, as amended.

Not less than 10 percent of the funds granted to Minnesota under the Adult Education Act each year will be made available for:

##### **ADULT BASIC EDUCATION SPECIAL PROJECTS THAT:**

- Involve the use of innovative methods (including methods for educating persons of limited English proficiency), systems, materials or programs that may have significance in developing and implementing the self-directed, learner-centered ABE described in the Minnesota State Plan for Adult Education, or be of special value in promoting that effective adult learning, or
- Involve Adult Basic Education programs, including learning opportunities for limited English proficient adults, which are part of community learning centers, carried out in cooperation with other Federal, Federally assisted, State or local programs, that have unusual promise of promoting a comprehensive or coordinated approach to addressing appropriately the problems of educationally disadvantaged adults;

##### **and for ADULT BASIC EDUCATION PROJECTS that:**

enable persons engaged, or preparing to engage, as personnel in Adult Basic Education programs to carry out the purposes of the Adult Education Act as described in the Minnesota State Plan for Adult Education.

Applications for program design approval and funding to carry out the purposes of this act may be submitted by local educational agencies, and by public or private agencies, organizations, and institutions with priority given to applications representing consortia of all available resources and services.

Application procedures and forms may be obtained after March 15, 1989, by writing to: Brian Kanen, Coordinator, Adult Basic Education, Minnesota Department of Education, 997 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101.

To be considered for approval, all completed applications must be delivered to the Department of Education's Community and Adult Education Section on or before June 1, 1989.

## Pollution Control Agency

### Public Facilities Authority

#### Applications Accepted for the Individual On-site Wastewater Treatment Systems Grants Program, a Set Aside of the Independent State Grants Program for Construction of Individual On-site Wastewater Treatment Systems

NOTICE IS HEREBY GIVEN that the Minnesota Public Facilities Authority (PFA) is accepting applications for the Individual On-site Wastewater Treatment Systems Grants Program, a set aside of the Independent State Grants Program for construction of individual on-site wastewater treatment systems. This program was created to provide grants to municipalities to assist owners of individual on-site wastewater treatment systems to upgrade or replace their failed individual on-site wastewater treatment systems. (*Minnesota Statutes* Sec. 116.18, subd. 3c (1988)). The PFA has been authorized to set aside up to \$1,000,000 for this program.

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## Supreme Court Decisions

The Minnesota Pollution Control Agency (MPCA) will perform the necessary reviews for certification to the PFA for the award of grants.

MPCA program requirements (*Minnesota Rules* parts 7075.1400 to 7075.1530) including eligibility and application requirements were published in the August 15, 1988 *State Register* (13 S.R. 388). Copies of the administrative rules are also available from the MPCA or the PFA.

Applications will be accepted for a 90 day period ending at 4:30 p.m. on June 5, 1989. If mailed, applications must be postmarked by June 5, 1989.

For additional information or an application packet, please contact:

Nancy Hunt  
Municipal Wastewater Treatment Section  
Division of Water Quality  
Minnesota Pollution Control Agency  
520 Lafayette Rd.  
St. Paul, Minnesota 55155  
Phone: (612) 296-7210

Milan Thoreson  
Public Facilities Authority  
Minnesota Department of Trade and Economic Development  
Community Development Division  
900 American Center Building  
150 East Kellogg Blvd.  
St. Paul, Minnesota 55101-1421  
Phone: (612) 297-1982

## Supreme Court—Legal Services Advisory Committee

### Request for Proposals for Grant Funding for Legal Services and Alternative Dispute Resolution Programs for Low Income People

The Legal Services Advisory Committee is requesting proposals for grant funding for legal services and alternative dispute resolution programs for low income people.

To request information on the grant application process, please contact:

J. L. Rehak  
230 State Capitol  
St. Paul, MN 55155  
Phone: (612) 296-6822

Application deadline: April 14, 1989

Dated: 15 February 1989

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## Supreme Court Decisions

### Order Filed 27 February 1989

C3-88-2276 Linda D. (Schroeder) Krauss, Relator v. ITT Continental Baking Company and INA/CIGNA Insurance Company. Workers' Compensation Court of Appeals.

Affirmed in part, reversed in part and remanded. Popovitch, C.J.

Took no part, Keith, J.

# Announcements

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**Employment Statistics Book:** A complete assessment of the current and future job markets appear in *Minnesota Employment*, a new publication available from the Minn. Dept. of Jobs & Training. Summarizing the large quantity of labor market and economic information collected by the department's Research and Statistics Office, the book says that Minnesota workers in 1988 enjoyed the most favorable employment conditions in a decade and unemployment rates dropped to their lowest levels since the early 1970s. Topics covered are labor force and employment trends, wages, prices and income, employment conditions and outlook, and problems facing dislocated and other unemployed workers. The illustrated report, with graphic interpretations of the data, is available from the Research and Statistics Office, Minn. Dept. of Jobs & Training, 390 North Robert St., St. Paul, MN 55101, (612) 296-6545.

**Tipsters Help Nab 295 Poachers:** Based on information received from concerned citizens calling in the Turn In Poachers (TIP) hotline, the Minn. Dept. of Natural Resources Conservation Officers made 295 arrests for poaching in 1988. The conviction rate on these arrests was 100% for the first time since the program was begun in 1981. TIP arrests reached an all-time high of 356 in 1987. Almost \$21,000 was paid in rewards by TIP Inc. to persons supplying information that led to the arrest of poachers. The majority of 1988 TIP arrests were for deer (37%) and fish (36%), with water fowl at 12%, and the remainder for trapping of furbearer, moose, bear, small game and federally-protected species. The TIP hotline is answered 24-hours a day, seven days a week and is toll-free in Minnesota 1-800-652-9093.

**1988 Deer Harvest New Record:** At 138,167, the 1988 registered firearms deer harvest just exceeds the previous record of 138,065 set in 1985 and is a 2% increase over the 1987 harvest. A lower preliminary harvest estimate was announced when the firearms season closed. However, the final figures revealed greater than anticipated increases in harvest in counties south and west of the Minnesota River and northeastern Minnesota. The DNR says the figures show the deer herd in the state to be large and increasing their number.

**Public Boat Launch Guide Available:** A guide to steer the public to boat launches around the seven-county Metropolitan Area is now available through the Metropolitan Council's Data Center. The guide lists each boat launch site by county, and includes useful tips on ramp type and hours, parking, fees, and fish types near the site. The guide has directions to each site and includes a map of the seven-county area. The public boat launch guide was published by the Council, the Minnesota Department of Natural Resources, and the Department of Trade and Economic Development. Copies are available to the public by writing to the Metropolitan Council Data Center, Mears Park Centre, 230 E. Fifth St., St. Paul, MN 55101.

**Energy Assistance Funds Available:** Help with heating bills and heating emergencies continues to be available to people with low income. The Energy Assistance Program, commonly known as "fuel assistance," is taking applications at 44 community action agencies, counties and Indian reservations. In spite of the recent cold weather, 4,000 fewer families have applied for help this winter than had applied by this time last year. People who have not applied but need help to pay heating bills can call their local agency for an appointment. To obtain the name and number of the local agency, call toll-free 1-800-652-9747. Agencies will continue to take applications through April 30.

**Minnesota's Unemployment Rate 5.1% in January:** Minnesota's unemployment rate increased to 5.1 percent in January, up a full percentage point over December's revised rate of 4.1 percent. While this rise seems large, it's a normal seasonal shift. Since 1980, the December to January absolute change has averaged 1.1 percentage points. (Figures are not adjusted for seasonal variations.) Minnesota's jobless rate in January a year ago was 4.9 percent. The U.S. rate for the first month of 1989 was 6.0 percent. Total employment for the month was 2,204,200, down by 29,600 or 1.3 percent from December. The change was less than the seasonal decline that has averaged 2.2 percent between these two months since 1980. The number of people working in January was up 1.7 percent from the same month a year ago.

**Cultural Diversity Issues to be Studied:** The Minnesota State Arts Board recently voted to establish a formal advisory committee to address the subject of cultural diversity. Once created, the Cultural Diversity Advisory Committee's primary purpose will be to help the board determine the current status of cultural diversity in Minnesota, and if necessary, provide practical recommendations to improve the situation. Because Minnesota has many ethnic minorities, established traditions in the folk arts, and thousands of independent creative artists, the advisory committee will look beyond racial minorities and address all the issues of cultural diversity. One of its first responsibilities will be to create a working definition of the term *cultural diversity* as it relates to Minnesota. The advisory committee will be comprised of up to twenty members appointed by the Arts Board to serve one-year terms. The Arts Board will select committee members from a variety of government and cultural arenas, including the following: practicing minority artists, practicing ethnic or folk artists, professional managers of minority-based as well as larger arts organizations, recognized leaders from minority communities, designated representatives from the state's four minority councils (Black, Hispanic, Asian/Pacific, Native American), representatives from Minnesota's regional arts councils, auditing and participating members of the Arts Board staff and board, and guest resource people, among others. More information and a complete advisory committee job description is available from the Arts Board at 432 Summit Avenue, Saint Paul, Minnesota 55102, (612) 297-2603.

Notice—continued from page 2159

## Pollution Control Agency

### Addendum to Notice on NSP Minnesota Valley Generating Plant Petition to Exclude Certain Ash from Hazardous Waste Regulation

The following tables B and C are added to the notice that appeared in February 27, 1989 *State Register* Vol. 13 #35, pages 2093-2102.

**TABLE B FLY ASH — TEST BURN**

Constituent/ USEPA Std.	COMPOSITE A		COMPOSITE B		COMPOSITE B — DUP		COMPOSITE C		COMPOSITE D	
	EP Toxicity* leachable conc	VHS	EP Toxicity* leachable conc	VHS	EP Toxicity* leachable conc	VHS	EP Toxicity* leachable conc	VHS	EP Toxicity* leachable conc	VHS
Arsenic/.05	0.015	.00046	0.015	.00059	<0.05	<.002	0.012	.00037	<0.010	<.0003
Barium/1.0	0.7	.02	1.3	.04	0.01	.025	3.1	.09	4.1	.2
Cadmium/.01	<0.01	<.0003	<0.01	<.0003	<0.05	<.002	<0.01	<.0003	<0.01	<.0003
Chromium/.05	0.44	.014	0.40	.01	0.58	.018	0.58	.018	0.44	.014
Lead/.05	<0.05	<.002	<0.05	<.002	0.12	.0037	<0.05	<.002	<0.05	<.002
Mercury/.002	<0.001	<.00003	<0.001	<.00003	<0.001	<.00003	<0.001	<.00003	<0.001	<.00003
Selenium/.01	0.07	.002	0.06	.002	0.06	.002	0.06	.002	0.06	.002
Silver/.05	<0.05	<.002	<0.05	<.002	<0.1	<.003	<0.05	<.002	<0.05	<.002

\* all values are in mg/l

\*\* model assumes 475 yd<sup>3</sup> of waste evaluated (NSP actual projection 320 yd<sup>3</sup>)

**TABLE C BOTTOM ASH — TEST BURN**

Constituent/ USEPA Std.	COMPOSITE A		COMPOSITE B		COMPOSITE B — DUP		COMPOSITE C		COMPOSITE D	
	EP Toxicity* leachable conc	VHS	EP Toxicity* leachable conc	VHS	EP Toxicity* leachable conc	VHS	EP Toxicity* leachable conc	VHS	EP Toxicity* leachable conc	VHS
Arsenic/.05	<0.010	<.0003	<0.010	<.0003	<0.05	<.002	0.011	.0003	0.012	.0004
Barium/1.0	<0.5	<.02	<0.5	<.02	0.34	.011	<0.5	<.02	<0.5	<.02
Cadmium/.01	<0.01	<.0003	<0.01	<.0003	<0.05	<.002	<0.01	<.0003	<0.01	<.0003
Chromium/.05	0.16	.0054	0.16	.0050	0.52	.016	0.34	.011	0.24	.0074
Lead/.05	<0.05	<.002	<0.05	<.002	0.16	.0056	<0.05	<.002	<0.05	<.002
Mercury/.002	<0.001	<.00003	<0.001	<.00003	<0.001	<.00003	<0.001	<.00003	<0.001	<.00003
Selenium/.01	<0.010	<.0003	<0.010	<.0003	<0.05	<.002	<0.010	<.0003	<0.010	<.0003
Silver/.05	<0.05	<.002	<0.05	<.002	<0.1	<.003	<0.05	<.002	<0.05	<.002

\* all values are in mg/l

\*\* model assumes 475 yd<sup>3</sup> of waste evaluated (NSP actual projection 60 yd<sup>3</sup>)

# Minnesota Manufacturer's Directory 1988-89

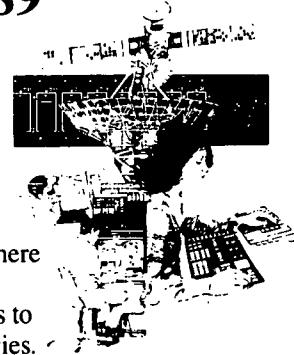
NEW: In the directory this year are two titles (where applicable) Chief Engineer and Data Processing Manager.



UPDATED: Name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2, \$76.50.



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



**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. *Prices are subject to change.*

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.

## Voices of the Loon

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

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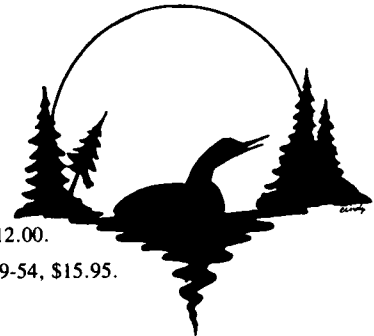
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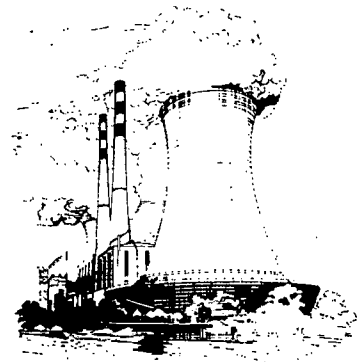
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