

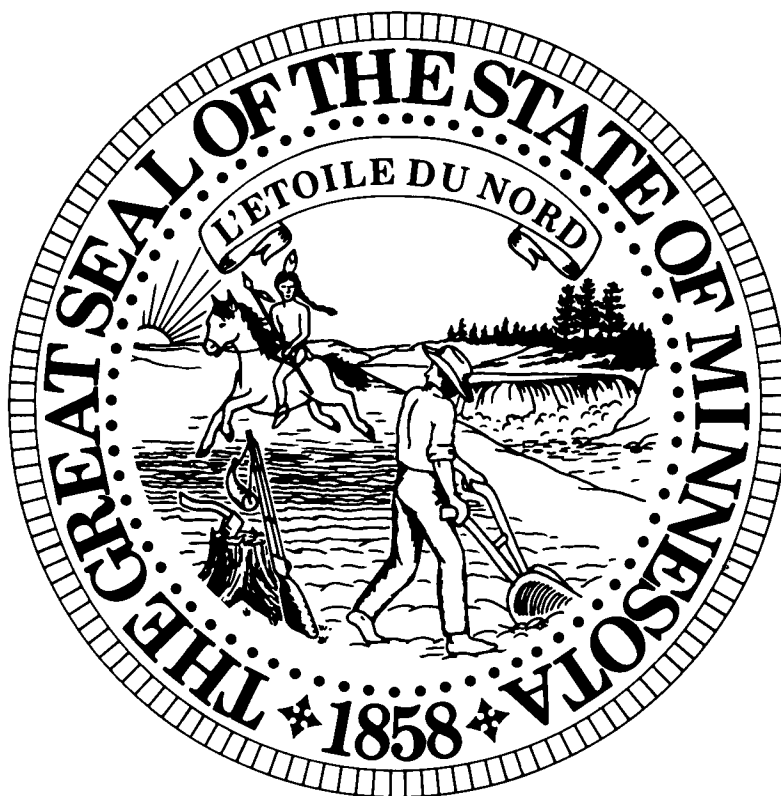
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P182

State of Minnesota

# STATE REGISTER

Department of Administration—Print Communications Division



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**22 May 1989**

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# STATE REGISTER

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

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

## Printing Schedule and Submission Deadlines

Vol. 13 Issue Number	*Submission deadline for Adopted and Proposed Rules**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
47	Monday 8 May	Monday 15 May	Monday 22 May
48	Monday 15 May	Monday 22 May	Tuesday 30 May
49	Monday 22 May	Tuesday 30 May	Monday 5 June
50	Tuesday 30 May	Monday 5 June	Monday 12 June

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

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

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

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## 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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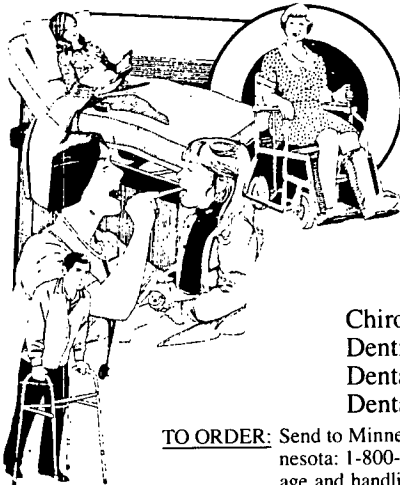
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## Proposed Rules

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

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

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

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

## Department of Commerce

### Proposed Permanent Rules Relating to Sales of Securities

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

NOTICE IS HEREBY GIVEN that the Department of Commerce intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in *Minnesota Statutes*, section 14.22-14.28. Authority for the adoption of these rules is contained in *Minnesota Statutes*, Section 45.023 and 80A.25.

All persons have 30 days to submit comments in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change.

Any person may make a written request for a public hearing within the 30 days comment period. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a 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 Department will proceed pursuant to *Minnesota Statutes*, sections 14.13 to 14.20.

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

Patricia L. Peterson  
Staff Attorney  
Department of Commerce  
500 Metro Square Building  
St. Paul, MN 55101  
(612) 296-2284

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 rules has been prepared and is available upon request from Patricia Peterson.

Pursuant to *Minnesota Statutes*, Section 14.115, subdivision 2, the impact on small business has been considered in the promulgation of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

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

Michael A. Hatch  
Commissioner of Commerce

**Rules as Proposed****2875.0145 REGULATION D.**

“Regulation D” as used in Minnesota Statutes, section 80A.15, subdivision 2, paragraph (h), and in this chapter means regulation D promulgated by the Securities and Exchange Commission, Code of Federal Regulations, title 17, sections 230.501 to 230.508, as amended effective April 19, 1989.

**2875.0146 RULE 701.**

“Rule 701” as used in this chapter means rule 701 promulgated by the Securities and Exchange Commission, Code of Federal Regulations, title 17, section 239.701, effective May 20, 1988.

**2875.0150 ISOLATED SALES.**

Subpart 1. **Up to five ten sales.** Up to ~~five ten~~ sales of securities of an issuer in any 12 consecutive months shall be exempted by *Minnesota Statutes*, section 80A.15, subdivision 2, clause (a), provided, that in the case of sales by an issuer except sales of securities registered under the Securities Act of 1933 or exempted by section 3(b) of that act, the seller reasonably believes that all buyers are purchasing for investment.

Subp. 2. **Computation.** For the purpose of computing the number of sales that have been made, or will have been made upon completion of a proposed offering pursuant to *Minnesota Statutes*, section 80A.15, subdivision 2, clause (a):

A. to C. [Unchanged.]

D. the sales to any “accredited investor” within the meaning of ~~Code of Federal Regulations, title 17, section 230.501(a)~~ rule 501(a) of regulation D shall be excluded.

Subp. 3. and 4. [Unchanged.]

**2875.0160 RECOGNIZED MANUALS APPROVED BY COMMISSIONER.**

“Recognized manuals approved by the commissioner,” as that term is used in *Minnesota Statutes* 1978, section 80A.15, subdivision 2, clause (b), are limited to the following:

- A. Standard & Poor's Corporation Records;
- B. Moody's Industrial Manual and Industrial News Reports;
- C. Moody's Bank & Finance Manual and Bank & Finance News Reports;
- D. Moody's Transportation Manual and Transportation News Reports;
- E. Moody's Public Utility Manual and Public Utility News Reports;
- F. Moody's OTC Industrial Manual and OTC Industrial News Reports;
- G. Moody's International Manual.

Provided that the issuer, as of the date of the balance sheet required by *Minnesota Statutes*, section 80A.15, subdivision 2, clause (b)(1), had a net worth of at least \$250,000 and had at least 200 shareholders.

**2875.0170 FINANCIAL INSTITUTION OR INSTITUTIONAL BUYER.**

The term “financial institution or institutional buyer” contained in *Minnesota Statutes*, ~~section sections 80A.14, subdivision 4, clause (5), and 80A.15, subdivision 2, paragraph (g), and the term “institutional investors” contained in Minnesota Statutes, section 80A.04, subdivision 3,~~ includes but is not limited to a corporation with a class of equity securities registered under section 12(b) or 12(g) of the Securities Exchange Act of 1934, as amended; and a person who is an “accredited investor” within the meaning of rule 501(a) ~~adopted by the Securities Exchange Commission in Federal Register, volume 47, page 11262, to be codified as Code of Federal Regulations, title 17, section 230.501(a)~~ of regulation D.

**2875.0180 PERSONS TO WHOM SALES HAVE BEEN MADE.**

Subpart 1. **Computing.** For the purpose of calculating the number of persons to whom sales have been made, or will have been made upon completion of a proposed offering pursuant to *Minnesota Statutes*, section 80A.15, subdivision 2, clause (h), the calculation shall follow the rules for calculation in ~~Code of Federal Regulations, title 17, section 230.501(e)~~ rule 501(e) of regulation D.

**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

Clients of an investment adviser, customers of a broker-dealer, or persons with similar relationships shall be considered to be separate purchasers regardless of the amount of discretion given to the investment adviser, broker-dealer, bank trust department, or other person to act on behalf of the client, customer, or trust.

Subp. 2a. Sales to 35 persons. The number of persons to whom sales may be made pursuant to the exemption contained in Minnesota Statutes, section 80A.15, subdivision 2, paragraph (h) is increased to 35 persons if the sales are made in compliance with regulation D or rule 701.

Subp. 3. **When exemptions withdrawn.** Exemption withdrawals:

A. The exemption contained in *Minnesota Statutes*, section 80A.15, subdivision 2, paragraph (h) is withdrawn for any security representing an interest in, or formed for the purpose of investing in, any oil and gas venture, or any partnership, joint venture, group, or association formed principally for the purpose of exploring for oil and gas or developing oil and gas reserves unless the security is sold in compliance with rule 506 adopted by the Securities and Exchange Commission in Federal Register, volume 47, page 41266, to be codified as Code of Federal Regulations, title 17, section 230.506 of regulation D.

B. The exemption contained in *Minnesota Statutes*, section 80A.15, subdivision 2, paragraph (h) is withdrawn for any security representing an interest in, or issued for the purpose of investing in, any animal breeding, animal feeding, animal leasing, or similar venture, unless said security is sold in compliance with rule 506 adopted by the Securities and Exchange Commission in Federal Register, volume 47, page 41266, to be codified as Code of Federal Regulations, title 17, section 230.506 of regulation D.

C. to G. [Unchanged.]

Subp. 4. and 5. [Unchanged.]

### 2875.0400 SCOPE AND APPLICATION.

Subpart 1. Generally. Rules are divided into separate areas, based upon the type of security involved. However, parts 2875.3000 to 2875.3120 shall apply to all securities, and should be followed in all instances unless they are inconsistent with another part in the appropriate area for the type of security proposed to be registered. In that instance, the area requirements will apply. This part and parts 2875.3000 to 2875.7280 shall not apply to securities or transactions exempted by *Minnesota Statutes* 1978, section 80A.15, subdivision 1 or 2, as amended, nor shall they apply to securities registered by notification.

A. Equity securities regulation, parts 2875.3000 to 2875.3120;

B. Senior securities regulation, parts 2875.3500 to 2875.3540;

C. Investment companies regulation, parts 2875.3900 to 2875.4330;

D. Real estate limited partnerships, parts 2875.4500 to 2875.5280;

E. Oil and gas programs, parts 2875.5600 to 2875.5780;

F. Cattle feeding programs, parts 2875.6100 to 2875.6260;

G. Real estate investment trusts, parts 2875.7100 to 2875.7280; and

H. Commodity pool guidelines, parts 2875.8100 to 2875.8450, and 2875.9900 to 2875.9970.

Subp. 2. Scope of rules pertaining to real estate limited partnerships. Rules pertaining to real estate partnerships shall be applied to real estate partnerships and, to the extent practical, to limited partnerships to which no other specific rules apply. Particularly, such nonreal estate limited partnerships shall meet the standards provided in parts 2875.4510 to 2875.4550, 2875.5000 to 2875.5120 and 2875.5140 to 2875.5280. With respect to the remaining rules, parts 2875.4560 to 2875.4610 and part 2875.5135, variance from the established standards may be permitted provided that the variance is justified and provides investor protection equal to that afforded by the rules.

### 2875.0410 EFFECTIVE DATE OF INCORPORATIONS BY REFERENCE.

Unless otherwise indicated, whenever a reference is made in this chapter to a federal or state statute, rule, decision, or opinion, ~~such~~ the reference shall be deemed to refer to the version of the statute, rule, decision, or opinion as of December 1, 1980.

### 2875.0960 FINANCIAL STATEMENTS.

Subpart 1. **Content.** Whenever in these rules financial statements of an issuer or other person are required by a particular part or form without further description, ~~such~~ the requirement refers to a balance sheet as of a date within 90 ~~135~~ days ~~prior to~~ before the date of the application, and profit and loss statements for each of the three fiscal years preceding the date of the balance sheet and for the period, if any, between the close of the last of ~~such~~ these fiscal years and the date of the balance sheet. The balance sheet as of a date within 90 ~~135~~ days ~~prior to~~ before the date of the application need not be audited. However, if the balance sheet is not audited and the application is for a registration, there shall be filed in addition an audited balance sheet as of the end of the person's last fiscal year ~~unless such.~~ If the last fiscal year ended within 90 days of the date of the application in which case, there shall be

filed an audited balance sheet as of the end of the person's next preceding fiscal year. The income statements and statement of changes in financial position shall be audited up to the date of the last audited balance sheet filed, if any.

Subp. 2. **Delays.** If amendments or other delays cause the financial statements described in subpart 1 to become more than ~~four months~~ 134 days old as of the effective date of the registration statement, then updated financial statements as of a date within ~~four months~~ 135 days of the effective date shall be filed if the company has no established record of earnings or is currently showing losses or a weak financial condition. If the company has an established record of earnings and is in sound financial condition, a paragraph containing later information as to sales, net income, and financial condition may be added in lieu of updating the financial statements, in the discretion of the commissioner. However, in no case shall the financial statements be more than six months old as of the effective date of the registration statement. If a delay carries beyond the end of the fiscal year, and by applying due diligence the registrant and accountant can have the audit completed ~~prior to~~ before the effective date, certified statements should be filed as of the end of the fiscal year.

#### **2875.1010 INVESTMENT ADVISORY CONTRACTS.**

Subpart 1. [Unchanged.]

Subp. 1a. **Exception.** Subpart 1, item A, does not apply to an investment advisory contract that provides for compensation to the investment adviser on the basis of a share of the capital gains upon, or the capital appreciation of, the funds, or any portion of the funds, of a client if all the conditions in items A to D are satisfied, or if the condition specified in item E is satisfied.

A. to D. [Unchanged.]

E. The client entering into the contract subject to this subpart is a person specified in Minnesota Statutes, section 80A.04, subdivision 3, or other institutional investor as designated by rule or order of the commissioner under Minnesota Statutes, section 80A.04, subdivision 3.

Subp. 2. [Unchanged.]

#### **2875.3030 OPTIONS, WARRANTS, AND CHEAP STOCK TO UNDERWRITERS.**

Options, warrants, and cheap stock issued to underwriters or other persons as compensation, in whole or in part, for the sale of securities, shall meet all of the following criteria:

A. and B. [Unchanged.]

C. Neither the exercise of the options or warrants, nor the resale, transfer, or assignment (except as provided in item D) of any cheap stock may be accomplished for a period of one year from the completion of the public offering effective date of the registration statement.

D. During the one-year period following the effective date of the registration statement, the securities shall be nontransferable except by will, pursuant to the laws of descent and distribution, or pursuant to the operation of laws, provided, however, the securities may be transferred without payment therefor to:

- (1) partners of the underwriter if the underwriter is a partnership;
- (2) persons who are both officers and shareholders of the underwriter if the underwriter is a corporation; or
- (3) employees of the underwriter.

E. to J. [Unchanged.]

#### **2875.3050 COMMISSIONS AND EXPENSES.**

Subpart 1. [Unchanged.]

Subp. 1a. **Reasonable selling expenses.** Selling expenses shall at all times be reasonable, and, unless good cause for an exception is shown, shall not exceed the following percentages for the specified types of companies or securities based upon percentages of the aggregate offering price:

- A. finance, mortgage, and related companies, ten percent;
- B. bonds, notes, debentures, and secured issuers, ten percent;
- C. common stocks, 15 percent;

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## Proposed Rules

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- D. preferred stocks and other stock senior to common stock, ~~ten~~ 15 percent;
- E. investment companies, ten percent;
- F. REITS, ten percent; and
- G. investment contracts, ten percent.

Subp. 2. to 4. [Unchanged.]

### 2875.7100 DEFINITIONS.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Real estate investment trust (REIT).** "Real estate investment trust (REIT)" means an unincorporated a corporation, trust, or association which intends to comply with sections 856, 857, and 858 of the Internal Revenue Code of 1954, as amended, other than a real estate syndication, that is engaged primarily in investing in equity interests in real estate, including fee ownership and leasehold interests, or in loans secured by real estate or both.

## Pollution Control Agency

### Proposed Permanent Rules Relating to Motor Vehicle Inspection and Testing Program

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

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (Agency) intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28 (1988). The Agency's authority to adopt the rule is set forth in *Minnesota Statutes*, section 116.62, subd. 2 (1988).

All persons have until 4:30 p.m. on June 21, 1989, to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20 (1988).

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

Mr. David Kelso  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155  
(612) 297-5488

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

The proposed rules, if adopted, will implement a motor vehicle Inspection/Maintenance program required by *Minnesota Statutes*, sections 116.60 to 116.65 (1988) for the Twin Cities metropolitan area. The program requires that subject motor vehicles comply with certain emission and testing standards set forth in the rules. A fee not to exceed \$10.00 (established by *Minnesota Statutes*, section 116.64) will be assessed for the inspection, and repairs could be required to attain compliance. The purpose of the rule is to bring the metropolitan area into compliance with the national ambient air quality standard for carbon monoxide. The proposed rules are published below. One free copy of the rules is available upon request from David Kelso at the address and telephone number stated above.

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

You are hereby advised, pursuant to *Minnesota Statutes*, section 14.115 (1988), "Small business considerations in rulemaking," that the proposed rules will not adversely affect small businesses. The Agency in proposing the rule considered the feasibility of establishing lesser requirements for inspection of vehicles owned by small businesses but concluded that, because air pollutant

emissions from vehicles owned by small businesses have an equally deleterious impact on air quality as any other vehicles, the purposes of the rules would be defeated by such a measure. The proposed rules are not expected to have a significant impact on small businesses because the inspection fee is low (no more than \$10 per vehicle). The proposed rules will most likely affect certain small businesses in a positive manner. Because of the repairs required for those vehicles that fail the inspection, the Inspection/Maintenance program will provide more business for small businesses involved in automotive repair and the sale of automotive parts.

You are hereby advised, pursuant to *Minnesota Statutes*, section 14.11 (1988), "Special Notice of Rulemaking," that the proposed rule will require the expenditure of public money by local public bodies in the metropolitan area. The Agency has estimated the total annual cost for state, county and city vehicles to comply with the rule to be approximately \$281,870. This estimate is based on the number of state, county and city tax-exempt motor vehicles in the seven county metropolitan area, and therefore overstates the estimate of expenditures by local public bodies because it includes vehicles owned by the state in the calculation. Based on Department of Public Safety figures, 16,828 state, county and city tax-exempt motor vehicles are in the seven county metropolitan area. The inspection fee per vehicle charged under the rules may not exceed \$10, *Minnesota Statutes*, section 116.64, subd. 1 (1988), so the cost to inspect these vehicles annually is \$168,280 or less. The repair cost was calculated based on data from Wisconsin's experience with a similar motor vehicle inspection and maintenance program. In Wisconsin, 15% of the motor vehicles failed the emissions test and the average repair cost per vehicle was less than \$45. Using these figures, the Agency estimated the annual cost to repair state, county and city vehicles in the metropolitan area to be approximately \$113,590.

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

Gerald L. Willet  
Commissioner

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

#### **7005.5010 DEFINITIONS.**

Subpart 1. **Scope.** The definitions in part 7005.0100 apply to the terms used in parts 7005.5010 to 7005.5105, unless the terms are defined in this part.

Subp. 2. **Agency representative.** "Agency representative" means an agency employee or contractor designated by the commissioner to conduct inspections and tests, gather information, and perform other activities related to vehicle inspection and testing.

Subp. 3. **Calibration gas.** "Calibration gas" means a gas or gas mixture of known concentration that is used to establish the response curve of an emission analyzer.

Subp. 4. **Certificate of compliance.** "Certificate of compliance" means a serially numbered inspection report marked "passed" indicating a motor vehicle complies with the requirements of parts 7005.5010 to 7005.5105.

Subp. 5. **Certificate of waiver.** "Certificate of waiver" means a serially numbered inspection report marked "waived" indicating that a motor vehicle complies with the requirements of part 7005.5055.

Subp. 6. **Commissioner.** "Commissioner" means the commissioner of the Pollution Control Agency.

Subp. 7. **Constant four-wheel drive.** "Constant four-wheel drive" means four-wheel drive that cannot be converted to two-wheel drive except by removing one of the vehicle's drive shafts.

Subp. 8. **Contractor.** "Contractor" means a person, business firm, partnership, or corporation with whom the agency has a contract that provides for the operation of one or more inspection stations.

Subp. 9. **Customarily domiciled.** "Customarily domiciled" means that a vehicle, although registered to an owner residing in the metropolitan area, is kept outside the metropolitan area for a minimum of 11 months each calendar year and is not generally used for transportation within the metropolitan area.

Subp. 10. **Dealer.** "Dealer" has the meaning given in *Minnesota Statutes*, section 168.27.

Subp. 11. **Department.** "Department" means the Department of Public Safety.

Subp. 12. **Drive wheels.** "Drive wheels" means the pair of wheels that propel a vehicle.

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Subp. 13. **Emission control equipment inspection.** "Emission control equipment inspection" means the inspection of the emission control equipment conducted by the waiver surveillance inspector under part 7005.5060.

Subp. 14. **Emission inspector.** "Emission inspector" means the individual who performs the vehicular inspection for the contractor.

Subp. 15. **Exhaust emissions.** "Exhaust emissions" means substances emitted into the atmosphere from the tailpipe of a motor vehicle.

Subp. 16. **Field audit gas.** "Field audit gas" means a gas with assigned concentrations that is required to check the accuracy of emission analyzers and calibration gas used by inspection stations, fleet inspection stations, and vehicular repair facilities.

Subp. 17. **Fleet inspection station.** "Fleet inspection station" means a facility for the inspection of motor vehicle fleets operated under a permit issued by the agency under part 7005.5080.

Subp. 18. **Fleet owner.** "Fleet owner" means an owner of at least 50 subject vehicles, or two or more persons each owning 25 or more subject vehicles.

Subp. 19. **Fleet vehicle.** "Fleet vehicle" means a subject motor vehicle owned by a person holding a fleet inspection station permit.

Subp. 20. **Idle mode test.** "Idle mode test" means an exhaust emission test conducted with the vehicle at idle.

Subp. 21. **Inspection report.** "Inspection report" means a document issued by an inspection station or fleet inspection station that indicates the vehicle has been inspected in accordance with parts 7005.5010 to 7005.5105.

Subp. 22. **Inspection station.** "Inspection station" means a facility for motor vehicle inspection operated under contract with the agency.

Subp. 23. **Letter of annual exemption.** "Letter of annual exemption" means a letter issued by the commissioner for the annual exemption of a vehicle from the state vehicle inspection requirements as prescribed in part 7005.5070.

Subp. 24. **Letter of temporary extension.** "Letter of temporary extension" means a letter issued by the commissioner for the extension of the time period for a vehicle to meet state vehicle inspection requirements as prescribed in part 7005.5070.

Subp. 25. **Loaded mode.** "Loaded mode" means operation of a vehicle at approximately 30 miles per hour on the chassis dynamometer as prescribed in part 7005.5030, subpart 6.

Subp. 26. **Low emission adjustment.** "Low emission adjustment" means diagnostic or repair procedures that are likely to reduce carbon monoxide or hydrocarbon emissions and are included on a list established by the commissioner under part 7005.5065, subpart 4.

Subp. 27. **Metropolitan area.** "Metropolitan area" has the meaning given in *Minnesota Statutes*, section 473.121.

Subp. 28. **Model year.** "Model year" means the date of manufacture of the original vehicle within the annual production period of the vehicle as designated by the manufacturer. If the manufacturer does not designate a production period, "model year" means the calendar year.

Subp. 29. **Motor vehicle or vehicle.** "Motor vehicle" or "vehicle" means a passenger automobile, station wagon, pickup truck, or van, as defined in *Minnesota Statutes*, section 168.011, licensed for use on the public streets and highways or a passenger automobile, station wagon, pickup truck, or van exempt from registration or fees under *Minnesota Statutes*, section 168.012, subdivision 1, or 437.448.

Subp. 30. **Nonfleet vehicle.** "Nonfleet vehicle" means any subject vehicle except for a subject vehicle owned by a person holding a fleet inspection station permit.

Subp. 31. **Owner.** "Owner" means "registered owner" as defined in *Minnesota Statutes*, section 168.011, subdivision 5a.

Subp. 32. **Registrar.** "Registrar" means the registrar or deputy registrar of motor vehicles under *Minnesota Statutes*, section 168.33.

Subp. 33. **Rescue vehicles.** "Rescue vehicles" means vehicles that are used for rescue operations.

Subp. 34. **Span gas.** "Span gas" means a gas of known concentration that is used routinely to set the output level of an emission analyzer.

Subp. 35. **Subject vehicle.** "Subject vehicle" means a non-tax-exempt motor vehicle registered to an owner residing in the metropolitan area or a tax-exempt motor vehicle customarily domiciled in the metropolitan area except:

- A. a motor vehicle manufactured before the 1976 model year;
- B. a motor vehicle with an engine manufactured for a model year before 1976;
- C. a motor vehicle registered as classic, pioneer, collector, or street rod under *Minnesota Statutes*, section 168.10;



- D. a motor vehicle powered solely by diesel fuel, electricity, natural gas, propane, pure alcohol, or hydrogen;
- E. a motor vehicle powered solely by a diesel cycle engine; and
- F. fire apparatus, ambulances, and rescue vehicles.

Subp. 36. **Tampering inspection.** "Tampering inspection" means the inspection of the catalytic converter, fuel inlet restrictor, and the gas cap conducted by the emission inspector under part 7005.5025.

Subp. 37. **Tax-exempt.** "Tax-exempt" means exempt from license fees under *Minnesota Statutes*, section 168.012, subdivision 1, or 473.448.

Subp. 38. **Waiver.** "Waiver" means the act of excusing a motor vehicle from complying with part 7005.5050, subpart 2.

Subp. 39. **Waiver surveillance inspector.** "Waiver surveillance inspector" means the agency employee or contractor charged with performing the emission control equipment inspection and approving or disapproving applications for certificates of waiver.

#### **7005.5015 INSPECTION REQUIREMENT.**

Subpart 1. **General.** In accordance with *Minnesota Statutes*, sections 116.60 to 116.65, and parts 7005.5010 to 7005.5105, subject vehicles shall be inspected annually at an inspection station or a fleet inspection station.

Subp. 2. **Inspection requirement.** Subject vehicles shall be inspected according to the following schedule:

A. for non-tax-exempt subject vehicles, the inspection must be completed at an inspection station or fleet inspection station as a prerequisite to registration renewal within 90 days before expiration of current registration; or

B. for tax-exempt subject vehicles, the inspection shall be completed annually:

(1) at an inspection station during the months of January and February; or

(2) at a fleet inspection station at a time designated by the owner and approved by the commissioner.

Subp. 3. **Reinspections.** Subject vehicles exceeding the maximum allowable emission concentrations or failing the tampering inspection during the vehicle's inspection are entitled to reinspection under part 7005.5035.

#### **7005.5020 DESCRIPTION OF INSPECTION AND DOCUMENTS REQUIRED.**

Subpart 1. **Location and components of inspection.** Except as provided in part 7005.5035, item D, an inspection shall consist of a tampering inspection and an exhaust emission test. The inspection and testing shall be performed at an inspection station or fleet inspection station.

Subp. 2. **Document requirements.** Each vehicle that is inspected at an inspection station must be accompanied by one of the following documents that identifies the vehicle by make, model year, vehicle identification number, license plate number, and registered owner's name and address: a current Minnesota registration renewal notice, a current Minnesota registration card, or a Minnesota certificate of title.

#### **7005.5025 TAMPERING INSPECTION.**

Each subject vehicle shall be visually inspected for and shall be required to have an unvented fuel cap, a fuel inlet restrictor, and a catalytic converter if the vehicle was equipped with these items at the time of manufacture. If an unvented fuel cap is not in place, the tampering inspection shall continue and the owner shall be advised to replace the unvented fuel cap. If the fuel inlet restrictor or catalytic converter is not in place or is damaged, the vehicle shall fail the tampering inspection, except as provided in items C and D.

A. If the catalytic converter is not in place or is damaged, the owner shall replace the catalytic converter. If the fuel inlet restrictor is not in place or is damaged, the owner shall repair or replace the fuel inlet restrictor and replace the catalytic converter. Fuel inlet restrictors shall be replaced with original manufacturer's equipment or equivalent. Catalytic converters shall be replaced with original manufacturer's equipment or new after-market equipment certified by the United States Environmental Protection Agency.

B. In a tampering dispute, the vehicle owner or operator may elect to leave the tampering inspection area to seek proof of nontampering, such as obtaining emission control system information from another source, and return to the same inspection facility with documentation within 20 days and continue with the tampering inspection. The contractor may not bill the agency for an inspection upon the owner's or operator's return visit to continue the tampering inspection.

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C. If the vehicle owner provides to the waiver surveillance inspector a release letter concerning the vehicle from the United States Environmental Protection Agency addressed to the United States Customs Service granting the vehicle exemption from conformity with federal emission requirements, the vehicle shall pass the tampering inspection.

D. If the vehicle owner presents satisfactory evidence and signs an affidavit certifying to the waiver surveillance inspector that the vehicle is a show car used primarily for transportation to and from and in exhibitions of show cars, and that the vehicle is not generally used for transportation, the vehicle shall pass the tampering inspection.

### 7005.5030 EXHAUST EMISSION TEST.

Subpart 1. **Procedure.** The exhaust emission testing procedure shall consist of the following procedure performed in accordance with Code of Federal Regulations, title 40, section 85.2212, as amended:

A. the vehicle shall be tested in idle mode with the transmission in neutral;

B. the vehicle shall be tested with the engine running at normal operating temperature and not overheating, as indicated by gauge, warning light, or boiling radiator, with all accessories off;

C. the vehicle shall be nearly level when tested, to prevent abnormal fuel distribution; and

D. vehicles with multiple exhaust pipes may be tested by simultaneous sampling of all tail pipes or by sampling each tail pipe. In the later case, the measurements for hydrocarbon as hexane, carbon monoxide, and carbon dioxide shall be numerically averaged.

Subp. 2. **Exhaust emissions to be tested.** The emission test for subject vehicles shall consist of sampling the exhaust emissions from the vehicle tail pipe or tail pipes and measuring the concentrations of hydrocarbon as hexane, carbon monoxide, and carbon dioxide. Exhaust emission concentrations shall be recorded after stabilized readings are obtained or at the end of 30 seconds, whichever occurs first.

Subp. 3. **Exhaust emission standards.** A motor vehicle that is subject to inspection under part 7005.5015 and *Minnesota Statutes*, sections 116.60 to 116.65, must not emit carbon monoxide or hydrocarbon as hexane from the exhaust system in concentrations greater than those in Table 1 or 2, whichever is in effect, when measured in an inspection conducted under parts 7005.5010 to 7005.5105. A subject vehicle that emits carbon monoxide or hydrocarbon as hexane from the exhaust system in concentrations greater than those in Table 1 or 2, whichever is in effect, shall fail the emission test. Table 1 is effective through December 31, 1992. Table 2 is effective beginning January 1, 1993.

TABLE 1

TABLE OF MAXIMUM ALLOWABLE EMISSION CONCENTRATIONS EFFECTIVE UNTIL DECEMBER 31, 1992

Model Year	Maximum Allowable Emission Hydrocarbon as hexane (parts per million of exhaust)	Concentrations Carbon Monoxide (as a percent of exhaust)
1976-1977	600	6.0
1978-1979	400	4.0
1980	275	2.5
1981 and later	220	1.2

TABLE 2

TABLE OF MAXIMUM ALLOWABLE EMISSION CONCENTRATIONS EFFECTIVE JANUARY 1, 1993

Model Year	Maximum Allowable Emission Hydrocarbon as hexane (parts per million of exhaust)	Concentrations Carbon Monoxide (as a percent of exhaust)
1976-1977	600	5.5
1978-1979	400	3.5
1980	275	2.0
1981 and later	220	1.2

Subp. 4. **Grounds for prohibition of inspection.** Items A to C constitute grounds for the emission inspector to prohibit the inspection in part 7005.5020 and the entrance of the vehicle into the testing lanes:

A. the vehicle is carrying explosives or other hazardous material not used as fuel for the vehicle;

B. gasoline, oil, or other fluid leaks are apparent and constitute a safety hazard; or

C. the vehicle is being towed or is towing a trailer.

Subp. 5. **Grounds for prohibiting or invalidating the exhaust emission test.** Items A and B constitute grounds for the emission inspector to invalidate the exhaust emission test results and refuse to continue with the test until the conditions are corrected:

A. the vehicle's exhaust system has an obvious leakage or other condition that could affect the validity of the exhaust sample readings as determined by the emission inspector; and

B. the measured carbon dioxide concentration is less than four percent by volume.

Subp. 6. **Loaded mode preconditioning after failing exhaust emission test.** If the vehicle fails the exhaust emission test, the vehicle shall be preconditioned on the chassis dynamometer and the procedures and diagnostic testing shall be conducted in accordance with items A and B. After preconditioning, the vehicle shall be tested at idle according to subparts 1 to 3.

A. The loaded mode preconditioning and diagnostic analysis consist of positioning the vehicle driving wheels on a chassis dynamometer, placing an emission sampling probe into the tailpipe, and analyzing the collected exhaust sample. The analysis for hydrocarbon as hexane and carbon monoxide is for diagnostic information only.

B. Vehicles shall be tested in the following manner:

(1) vehicles shall be run in drive for automatic transmissions and third gear for manual transmissions;

(2) during the loaded mode, the vehicle's engine shall be run at a constant throttle position to maintain the cruising speed for at least 30 seconds;

(3) the vehicle speed of 30 plus or minus two miles per hour as measured from the dynamometer idle roll shall be used for all loaded conditions to provide appropriate diagnostic information for vehicles that fail the emission test;

(4) the vehicle shall be tested with the engine running at normal operating temperature and not overheating, as indicated by gauge, warning light, or boiling radiator, with all accessories turned off;

(5) the vehicle shall be nearly level when tested, to prevent abnormal fuel distribution; and

(6) vehicles with multiple exhaust pipes shall be tested by simultaneous sampling of all tail pipes or by sampling each tail pipe. In the latter case, the measurements for hydrocarbon as hexane, carbon monoxide, and carbon dioxide shall be numerically averaged.

Subp. 7. **Grounds for omitting loaded mode preconditioning.** The following constitute grounds for the emission inspector to omit the loaded mode preconditioning on a vehicle:

A. the vehicle has a driving wheel with a tire having less than 2/32 inch of tread or with metal protuberances or with obviously low tire pressure, as determined by superficial visual inspection; or

B. any other condition that in the opinion of the vehicle emission inspector precludes the use of loaded mode preconditioning for reasons of health and safety or damage, or both, to personnel, facilities, equipment, or the vehicle.

Subp. 8. **When loaded mode preconditioning shall be omitted.** Loaded mode preconditioning shall be omitted if:

A. the person presenting the vehicle for inspection refuses loaded mode preconditioning;

B. the vehicle is unable to attain the speed specified in subpart 6, item B, subitem (3);

C. the vehicle is equipped with constant four-wheel drive;

D. the vehicle is driven by a person who, because of physical incapacity, is unable to yield the driver's seat to the emission inspector; or

E. the vehicle is driven by a person who refuses to yield the driver's seat to the emission inspector.

Subp. 9. **Alternate preconditioning.** A vehicle for which loaded mode preconditioning is omitted under subpart 7 or 8 shall be preconditioned by completing items A to D.

A. the vehicle's transmission shall be placed in neutral;

B. the vehicle's engine speed shall be increased to 2,500 plus or minus 300 revolutions per minute as measured by a tachometer;

C. the speed in item B shall be maintained for at least 30 seconds; and

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D. the vehicle engine speed shall be returned to idle.

After preconditioning, the vehicle shall be tested at idle as described in subparts 1 to 3.

Subp. 10. **Reconstructed vehicles.** All reconstructed subject vehicles shall be tested for compliance with the exhaust emission standards in subpart 3, Table 1 or 2, whichever is in effect, using the standards applicable to the year of manufacture of the engine installed in the vehicle.

Subp. 11. **Exchanged engines.** For the purposes of parts 7005.5010 to 7005.5105, a motor vehicle with an exchanged engine shall be classified by the model year and manufacturer's make of the exchanged engine. Classification of a motor vehicle with an exchanged engine under parts 7005.5010 to 7005.5105, and receipt of a certificate of compliance or certificate of waiver for the motor vehicle shall not exempt the owner of the motor vehicle from the requirements of part 7005.1190 and *Minnesota Statutes*, section 325E.0951.

### 7005.5035 REINSPECTIONS.

Vehicles that fail the inspection under parts 7005.5020 to 7005.5030 shall be allowed reinspection after repair or adjustment of the vehicle.

A. A vehicle failing the inspection may be reinspected at any inspection station after the vehicle has been repaired under part 7005.5050.

B. The vehicle shall be accompanied by its previous inspection reports and repair information. The repair information must be completed by the person performing the repairs and shall be indicated in the space provided on the inspection report form.

C. The reinspection must take place within 30 consecutive calendar days after the initial inspection, unless the owner presents satisfactory evidence that the repairs and adjustments that were performed on the vehicle and the reinspection could not have been completed within 30 days.

D. The vehicle presented for reinspection shall be inspected only for the items which were failed as indicated on the vehicle's previous inspection report form. If the owner or operator does not provide a copy of the inspection report forms as required in item B, then both a tampering inspection and exhaust emission test shall be conducted.

E. A vehicle shall be eligible for no more than two reinspections unless the owner pays an additional fee under part 7005.5105, subpart 2.

F. If the vehicle passes the reinspection, the contractor shall issue a vehicle inspection report under part 7005.5040 and certificate of compliance under part 7005.5045. The certificate of compliance and the inspection report may be combined into a single form.

G. If the vehicle cannot pass the reinspection, the contractor shall issue a vehicle inspection report under part 7005.5050 indicating noncompliance. The owner may then be eligible to apply for a certificate of waiver under part 7005.5055. If the owner requests a certificate of waiver, the waiver surveillance inspector shall review the request and shall approve or deny the request in accordance with part 7005.5055.

### 7005.5040 VEHICLE INSPECTION REPORT.

Subpart 1. **Required items.** The owner or operator of each vehicle inspected shall be provided with a vehicle inspection report at the time of each inspection. The vehicle inspection report shall be a design approved by the commissioner and shall provide space for the following information:

- A. license plate number;
- B. vehicle identification number;
- C. model year of vehicle;
- D. model year of engine;
- E. make of vehicle;
- F. vehicle type;
- G. odometer reading, in thousands of miles;
- H. maximum allowable exhaust emission concentrations;
- I. exhaust emission measurements of hydrocarbon as hexane, carbon monoxide, and carbon dioxide;
- J. statement of pass/fail or valid/not valid, or waiver and the reasons, if applicable;
- K. inspection/reinspection number for subject vehicle;
- L. date and time of inspection;

- M. serial number of report;
- N. inspection station number, lane, inspector, and analyzer number;
- O. reason for test termination before completion of test;
- P. description of the low emission adjustment that is likely to reduce a vehicle's carbon monoxide and hydrocarbon emissions;
- Q. tampering inspection and results;
- R. for a failed vehicle:
  - (1) serial number of the previous test reports;
  - (2) for a post-1980 model year vehicle, certification that the test was performed in accordance with the emission control system performance warranty short test;
  - (3) for a nonfleet vehicle, the printed name or identification number of an individual who either performed the test or has actual knowledge of the performance of the test, or for a fleet vehicle, the signature of the individual who performed the test; and
  - (4) diagnostic information, as appropriate;
- S. itemization of the repairs performed (repair actions or parts replacement may be coded);
- T. cost of the emission-related repairs, or estimated cost of the emission-related repairs required if the repairs exceed the maximum specified repair cost, and cost of the low emission adjustment;
- U. analyzer serial or identification number, if used by the individual performing the repairs;
- V. idle exhaust emission concentrations of hydrocarbon as hexane and carbon monoxide, if an analyzer is used when making repairs;
- W. complete name, address, telephone number, and federal identification number or social security number of the business or person making the repairs; and
- X. date and signature of the person making the repairs.

Subp. 2. **Responsibility for completion of form.** The contractor shall be responsible for the completion of subpart 1, items A to R, for all nonfleet vehicles. The person performing the repairs or making the cost estimates shall be responsible for completion of subpart 1, items S to X.

Subp. 3. **Inspection report supplement.** The owner or operator of each vehicle failing the initial inspection shall receive an inspection report supplement, approved by the commissioner, containing:

- A. the repair cost limit for emission-related repairs;
- B. a description of low emission adjustment list;
- C. the probable causes of noncompliance if diagnostic information is provided; and
- D. instructions for waiver applications if failure of reinspection has occurred.

#### **7005.5045 CERTIFICATE OF COMPLIANCE.**

A certificate of compliance must be issued by an inspection station or fleet inspection station to a subject vehicle that passes the tampering inspection and exhaust emission test.

The certificate of compliance shall be presented to the owner by personnel employed by the inspection station, fleet inspection station, or by the waiver surveillance inspector, as appropriate, upon receipt of the final vehicle inspection report indicating that the vehicle is in compliance with parts 7005.5010 to 7005.5105. The certificate of compliance shall be of a design approved by the department and the commissioner and shall contain, at a minimum, the date of the test and the vehicle identification number to uniquely identify the vehicle. The owner shall present the certificate of compliance to the department when making application for registration renewal.

#### **7005.5050 VEHICLE NONCOMPLIANCE AND REPAIR.**

Subpart 1. **Tampering inspection.** If the subject vehicle fails the tampering inspection or reinspection under part 7005.5025 or 7005.5035, the contractor shall issue an inspection report that indicates noncompliance.

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A subject vehicle that fails its tampering inspection shall not be eligible to have its registration renewed unless:

- A. the owner replaces or repairs the fuel inlet restrictor or replaces the catalytic converter under part 7005.5025;
- B. the person completing the repairs has properly completed the repair portion of the vehicle inspection report form;
- C. the person completing the repairs has signed the repair portion of the inspection report form; and
- D. the vehicle passes the tampering reinspection.

Subp. 2. **Exhaust emission test.** If the subject vehicle fails the exhaust emission test or retest under part 7005.5030 or 7005.5035, the contractor shall issue an inspection report that indicates noncompliance.

A subject vehicle that fails its exhaust emission test shall not be eligible to have its registration renewed until items A to D have been completed or a certificate of waiver has been issued under part 7005.5055:

- A. the owner repairs or adjusts the vehicle to reduce carbon monoxide and hydrocarbon as hexane emissions in accordance with the inspection report form and its supplement under part 7005.5040;
- B. the person completing the repairs has completed the repair portion of the vehicle inspection report form;
- C. the person completing the repairs has signed the repair portion of the vehicle inspection report form; and
- D. the vehicle passes the exhaust emission retest.

### 7005.5055 CERTIFICATE OF WAIVER.

Subpart 1. **Eligibility.** A vehicle, including a fleet vehicle, that has failed its initial exhaust emission test and at least one exhaust emission retest is eligible for a waiver, valid for no longer than the annual registration period, if it meets the following criteria:

A. the vehicle has failed to meet the appropriate standards of compliance for hydrocarbon as hexane or carbon monoxide emissions on its initial test and at least one exhaust emission retest after repair of the vehicle;

B. for post-1980 model year vehicles whose mileage is less than 50,000 miles and whose age is less than five years, the vehicle owner presents a signed statement from an appropriate new car dealership stating that the vehicle is not eligible for emission control system warranty work;

C. the owner or a mechanic has diagnosed and attempted to repair the vehicle to pass reinspection, including interrogation of appropriate on board diagnostic systems;

D. except as provided in item E, the owner presents satisfactory evidence to the waiver surveillance inspector that a low emission adjustment, as described in part 7005.5065, subpart 4, as appropriate according to the exhaust emission test results, has been performed on the vehicle after the initial exhaust emission test and within 90 days before renewal of registration;

E. the owner presents satisfactory evidence to the waiver surveillance inspector that either of the following exceeds the repair cost limit under part 7005.5065, as modified by part 7005.5055, subpart 2, item B:

(1) the actual cost of the low emission adjustment as appropriate to the exhaust emission test results on the inspection report form; or

(2) the actual cost under subitem (1) plus the actual or estimated cost of additional repairs or adjustments necessary to bring the vehicle into compliance with exhaust emission standards;

F. the owner complies with evidence requirements under part 7005.5065;

G. the person performing the repairs or preparing the estimate completes all parts of the repair portion of the vehicle inspection report form and signs the report form; and

H. the vehicle passes the tampering inspection under part 7005.5025 or 7005.5035, if applicable, and emission control equipment inspection under part 7005.5060.

#### Subp. 2. **Waivers following repairs by persons other than mechanics.**

A. In cases in which a person other than a mechanic, including an owner, attempts to repair a vehicle, the person must take the actions listed on the low emission adjustment list, as appropriate according to the exhaust emission test results, and attempt to diagnose and perform other repairs necessary to bring the vehicle into compliance as if the vehicle were being presented for repair to a mechanic.

B. In cases where a person other than a mechanic attempts repair or in cases where there is no charge for the labor of vehicle repair, the repair cost limit of part 7005.5065 must be reduced solely by the expenditure for emission-related parts including parts on the low emission adjustment list. The owner shall comply with evidence requirements under part 7005.5065.

Subp. 3. **Waiver documentation review.** The waiver surveillance inspector's duties in reviewing waiver requests consist of the provisions in items A to E.

A. To deny the issuance of a waiver to a vehicle unable to pass the emission control equipment inspection required by part 7005.5060.

B. To determine whether the vehicle should qualify for warranty repairs under applicable federal law. If so, the waiver surveillance inspector shall determine whether the owner has a signed statement from an appropriate new car dealership stating that the vehicle is not eligible for emission control system warranty work. The agency shall distribute and require the use of a standard form for this purpose. The statement shall be signed and dated by the new car dealership after the vehicle failed its initial inspection and shall identify the vehicle and the dealership. If the owner has a statement conforming to these requirements, it shall be delivered to the waiver surveillance inspector who shall proceed with the remainder of the waiver duties described in items C to E. If the owner does not have a statement conforming to these requirements, no waiver shall be issued.

C. To verify that the repair and waiver documentation presented by the owner is properly completed and that the documents indicate that the waiver criteria have been met. The inspector shall also verify that the repair facility name and location are legible.

D. To issue a certificate of waiver if all waiver criteria have been met.

E. If a waiver has been requested but not all criteria have been met, explain to the owner what criteria are not satisfied and how they may be met. The agency shall provide printed explanations of the waiver process and criteria that the inspector will distribute to owners who are denied a waiver.

Subp. 4. **Form of certificate of waiver.** The owner of a vehicle granted a waiver shall receive a certificate of waiver, which shall be proof of compliance with part 7005.5055. Each valid certificate of waiver shall contain, at a minimum, the date of the test and the vehicle identification number to uniquely identify the vehicle.

The certificate of waiver and the vehicle inspection report printed by an automated emission testing system may be combined into a single form. The owner shall present the certificate of waiver to the department when making application for registration renewal.

Subp. 5. **Waiver due to technical difficulties.** The waiver surveillance inspector shall issue a waiver for a vehicle that cannot be subjected to the inspection required by parts 7005.5010 to 7005.5105 because of technical difficulties inherent in the manufacturer's design or construction, excluding tampering, of the vehicle. A copy of the waiver shall be retained for the agency's use.

A vehicle that, in the opinion of a mechanic employed by a fleet station, cannot be inspected because of technical difficulties inherent in the manufacturer's design or construction, excluding tampering, or because of limitations of the fleet station's inspection equipment, shall be referred to the waiver surveillance inspector. The waiver surveillance inspector shall indicate concurrence on that vehicle's inspection report by signature if the inspector concurs that a waiver due to technical difficulties should be issued for the vehicle. The fleet station mechanic shall then issue a certificate of waiver. A copy of the waiver shall be returned for the agency's use.

Subp. 6. **Thirty-day waiver.** The waiver surveillance inspector shall issue a temporary waiver valid for no more than 30 days to allow time for repair and reinspection after the registration renewal date. If the vehicle is not issued a certificate of waiver or certificate of compliance within the 30-day period, the commissioner shall send a notice requesting registration cancellation to the department.

#### **7005.5060 EMISSION CONTROL EQUIPMENT INSPECTION AS A CONDITION OF WAIVER.**

Subpart 1. **Emission control equipment inspection.** If a certificate of waiver is requested under part 7005.5055, the vehicle shall be checked by the waiver surveillance inspector for obvious tampering with the emission control equipment. The waiver surveillance inspector shall visually inspect for obvious tampering, removal, or disassembly of parts. At a minimum, the waiver surveillance inspector shall check if any elements of the factory-installed motor vehicle pollution control system are not in place or have been modified, altered, or damaged in a manner that decreases its efficiency or effectiveness in control of air pollution in violation of part 7005.1190 or *Minnesota Statutes*, section 325E.0951.

Subp. 2. **Failure of emission control equipment inspection.** Except for vehicles described in part 7005.5025, item C or D, the vehicle shall fail the emission control equipment inspection if any elements of the factory-installed motor vehicle pollution control system are not in place or have been modified, altered, or damaged in a manner that decreases its efficiency or effectiveness in the control of air pollution in violation of part 7005.1190 or *Minnesota Statutes*, section 325E.0951.

Subp. 3. **Repair or replacement.** The owner shall repair or replace any elements of the factory-installed motor vehicle pollution control system that are not in place as identified in subpart 1 unless the vehicle is a vehicle described in part 7005.5025, item C or D.

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Subp. 4. **Tampering dispute.** In a tampering dispute, the vehicle owner or operator may elect to leave the inspection area to seek proof of nontampering, such as obtaining emission control system information from another source, and return to the same inspection facility with documentation within 20 days and continue with the inspection. The contractor must not bill the agency for an emission control equipment inspection upon the owner's or operator's return visit.

### **7005.5065 REPAIR COST LIMIT AND LOW EMISSION ADJUSTMENT.**

Subpart 1. **Cost limit.** The repair cost limit is \$75 for vehicles of model years before 1981 and \$200 for vehicles of 1981 and later model years.

Subp. 2. **Exclusions.** In determining the costs of repairs and adjustments included in the repair cost limit, the following costs shall be excluded:

A. costs covered by a warranty; and/or

B. costs necessary to repair or replace any emission control part or parts that have been removed, dismantled, or rendered inoperative in violation of part 7005.1190 or *Minnesota Statutes*, section 325E.0951.

Subp. 3. **Evidence of repair cost.** Except as provided in part 7005.5055, subpart 2, item B, the cost of repair or estimate of the cost of repair under this part is eligible to be credited to the repair cost limit when applying for a waiver if the owner presents to the waiver surveillance inspector a legible and itemized receipt for parts replaced and labor, provided that the costs relate to the emission control system. The receipt must have a legible date and the date must be within 90 days before registration expiration and after the vehicle failed its initial inspection. The waiver surveillance inspector shall be responsible for examining receipts for such items and determining which costs are eligible to be credited toward the repair costs limit. The eligible total cost shall be indicated on the vehicle inspection report form.

Subp. 4. **Low emission adjustment.** The commissioner shall establish a list of diagnostic and repair procedures that are likely to reduce a vehicle's carbon monoxide and hydrocarbon exhaust emissions. The commissioner shall modify the list to reflect changes in motor vehicle technology.

### **7005.5070 LETTER OF TEMPORARY EXTENSION AND LETTER OF ANNUAL EXEMPTION.**

Subpart 1. **Letter of temporary extension.**

A. If a subject vehicle requiring registration renewal will not be available, due to the vehicle's absence or storage, or the owner's absence or illness, for an inspection within the state during the 90-day period before the registration renewal, the owner may apply in writing to the commissioner for a letter of temporary extension.

B. The owner shall provide the reason for requesting a letter of temporary extension, certify that the vehicle will not be available for inspection during the 90-day period before the registration renewal, and state when the vehicle will be operated again within the metropolitan area. The owner shall sign the application and certify that the information contained in the application is correct.

C. Upon approval of the application by the commissioner, a letter of temporary extension shall be issued to the vehicle owner. The letter shall allow the owner to proceed with vehicle registration renewal.

D. An owner of a vehicle who has received a letter of temporary extension shall have the vehicle inspected:

(1) during the 90-day period preceding the registration renewal date;

(2) by an inspection station outside Minnesota which, in the judgment of the commissioner, performs inspections equivalent to those established in parts 7005.5010 to 7005.5105; or

(3) within 30 days of again operating the vehicle within the metropolitan area.

E. The owner shall complete and sign the affidavit portion of the letter of temporary extension and submit it to the registrar when making application for registration renewal. A letter of temporary extension is valid for no longer than the annual registration period. The registrar shall forward all extension affidavits to the agency within ten days after the end of the calendar month in which the affidavits are received.

F. If the owner who has received a letter of temporary extension has the vehicle inspected at an inspection station outside of Minnesota, the owner shall submit evidence of the inspection to the commissioner within 30 days of commencement of the operation of the vehicle in the metropolitan area.

G. If the owner of the subject vehicle fails to comply with items D to F, the agency shall request the department to revoke the owner's registration.

H. If the owner fails to comply with items D to F, the owner of the subject vehicle shall not be eligible to receive a letter of temporary extension for the next annual registration period.



I. If a dispute arises regarding whether the owner has complied with items D to F, the owner may elect to present evidence of compliance. The owner shall provide evidence to the commissioner within 30 days of notification that the owner's registration has been revoked. The commissioner shall review the evidence. The commissioner shall approve or disapprove the application for the letter of temporary extension.

**Subp. 2. Letter of annual exemption.**

A. An owner whose subject vehicle is customarily domiciled outside of the metropolitan area may apply in writing to the commissioner for a letter of annual exemption.

B. The owner shall complete and sign the affidavit portion of the letter of annual exemption and present it to the registrar when making application for registration renewal. A letter of annual exemption shall not be valid for longer than the annual registration period.

**7005.5075 EVIDENCE OF MEETING STATE INSPECTION REQUIREMENTS.**

Either of the documents listed in items A and B shall be accepted by the department, the agency, and the registrar as evidence that a subject vehicle is in compliance with the requirements of parts 7005.5010 to 7005.5105, unless there is reason to believe that it is a false document:

A. a certificate of compliance or certificate of waiver issued by an inspection station or fleet inspection station; or

B. a letter of annual exemption, as provided in part 7005.5070.

**7005.5080 FLEET INSPECTION STATION PERMITS, PROCEDURES, AND INSPECTION.**

**Subpart 1. Permit application.** A registered owner of a fleet of 50 or more subject vehicles may apply to the agency for a permit to establish a fleet inspection station. Two or more persons each owning 25 or more subject vehicles may apply jointly for a fleet inspection station permit. The agency must not issue a fleet inspection station permit unless the agency finds that the applicant maintains an established facility that meets the requirements in items A to C.

A. The applicant shall provide a facility with a building or a portion of a building devoted principally to maintaining or repairing the fleet's motor vehicles on a regular basis. The facility shall be of sufficient space to conduct maintenance or repair of at least one fleet motor vehicle.

B. At a minimum, the applicant shall own or lease the following equipment and maintain it in good working condition:

(1) ignition timing light with timing advance tester;

(2) ignition-operated tachometer;

(3) dwell meter;

(4) positive crankcase ventilation tester; and

(5) tools necessary for the installation, adjustment, repair, or replacement of items in the low emission adjustment list.

C. The applicant shall either:

(1) obtain a hydrocarbon, as hexane, and carbon monoxide emission analyzer that meets or exceeds the equipment specifications for performance warranty short tests in Code of Federal Regulations, title 40, section 85.2215, as amended, and employ a mechanic to conduct the required inspections; or

(2) enter into an agreement with the agency's inspection and maintenance contractor to have the required inspection performed. Only the equipment required to test and repair the types of vehicles in the fleet inventory will be required in the fleet station. The commissioner shall maintain a list of analyzers that the commissioner finds will perform in a manner that produces accurate test results.

**Subp. 2. Permits.**

A. Before the initial application for a fleet inspection station permit is approved, an application fee must be paid to the agency as provided in part 7005.5105 and an inspection of the premises shall be made by the agency.

B. A fleet inspection station permit shall expire one year from the date of issuance.

C. A permitted fleet inspection station shall not inspect or certify vehicles unless the vehicles are owned by the fleet owner.

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D. An application for renewal of a fleet inspection station permit must be submitted to the agency at least 45 days before permit expiration.

E. A fleet inspection station permit is only applicable to the fleet's inspection facility located at the address shown on the fleet station permit. If a fleet owner wishes to have a permit for inspection facilities at more than one address, separate permits must be obtained for each facility.

F. A fleet inspection station permit issued by the agency is not transferable.

G. If a permittee desires to change the name or address on a permit and the changes do not involve a change of ownership, the permittee shall return the permit to the agency for cancellation and submit an application form for a new permit to the agency, along with an application fee as provided in part 7005.5105. The agency shall cancel the returned permit and issue a new permit.

H. A fleet inspection station whose permit has been revoked, suspended, or has expired shall immediately cease the activity requiring a permit.

I. In the event of loss, destruction, or mutilation of the permit, the permittee may obtain a duplicate upon furnishing satisfactory proof of the fact. A fleet inspection station that loses a fleet station permit issued by the agency and finds the original after obtaining a duplicate shall immediately surrender the original permit to the agency.

J. A fleet inspection station that does not employ a mechanic to conduct the inspections shall immediately cease to operate as a fleet inspection station. The permittee shall immediately notify the agency if it has ceased to employ a mechanic and that it has ceased to operate as a fleet station.

K. When a fleet inspection station permit is surrendered, suspended, or revoked, all unused vehicle inspection report forms must be returned to the agency.

L. Surrender, suspension, or revocation of a permit shall not prevent the agency from carrying out investigative or enforcement actions against the permittee for violations of state statutes, rules, or conditions of the permit.

### Subp. 3. Equipment and records.

A. All testing equipment and instrumentation must be maintained in good condition. Periodic calibration and maintenance of testing equipment must be accomplished under performance short test specifications in Code of Federal Regulations, title 40, section 85.2217, as amended. Recommendations by the commissioner for calibration and intervals between calibration shall be a condition of the fleet inspection station permit and shall supersede all other conflicting recommendations.

B. A record of calibrations performed on each instrument shall be maintained by the fleet inspection station, indicating the date and signature of the technician performing the calibration.

C. The fleet inspection station equipment, span gases, records, and premises shall be subject to scheduled and unscheduled checks for accuracy and condition by an agency representative.

D. The applicant or permittee shall provide information relevant to the operation of the fleet inspection station to the agency if requested by the commissioner.

Subp. 4. **Inspection frequency.** All fleet vehicles for which a fleet inspection station permit has been issued shall be inspected by the fleet station mechanic according to the schedule in part 7005.5015.

Subp. 5. **Test procedure.** The tampering inspection and exhaust emission test shall be conducted on fleet vehicles by a fleet inspection station mechanic under parts 7005.5015 to 7005.5030 with the exception of part 7005.5030, subpart 6. If the fleet vehicle fails the exhaust emission test, the vehicle shall be preconditioned according to either the procedure in part 7005.5030, subpart 6, or if the fleet inspection station does not have a dynamometer, the procedure in part 7005.5030, subpart 9. The idle speed of each tested vehicle shall be adjusted to manufacturer's specifications if it deviates from the specified value by more than plus or minus 75 revolutions per minute.

Subp. 6. **Vehicle inspection reports.** Inspection reports must be issued and processed by the fleet inspection station according to items A to H.

A. A vehicle inspection report shall be completed, marked "passed," and issued for each vehicle passing the inspection.

B. Vehicle inspection reports that are incorrect shall have corrections authenticated and initialed by the mechanic conducting the inspection. Voided or unusable reports and certificates shall be returned to the agency.

C. Only the fleet station mechanic may sign a fleet vehicle inspection report, except in the case of a fleet station permit holder who secures the services of the agency's inspection and maintenance contractor to perform the inspection.

D. Upon completion of the tampering inspection, exhaust emission test, and the vehicle inspection report, the original copy of each completed fleet vehicle inspection report must be forwarded to the agency within two weeks of completion of the inspection.

E. A legible copy of each completed vehicle inspection report must be retained by the fleet station conducting the inspection for a minimum period of 24 months after inspection.

F. The completed vehicle inspection report marked "passed" or "waived" shall be accepted as evidence that the vehicle is a fleet-inspected vehicle and has met the requirements of parts 7005.5010 to 7005.5105 if the vehicle registration has not expired.

G. Vehicle inspection report forms shall be obtained from the agency for a fee specified in part 7005.5105. If the number of vehicles to be inspected by the fleet inspection station is reduced after receipt of the report forms and before their use, the excess report forms shall be returned to the agency or used in later years.

H. The fleet inspection station permittee is responsible for the security and accountability of the vehicle inspection report forms. If the vehicle inspection report forms are lost or stolen, the fleet station operator shall notify the agency in writing within 24 hours of discovery of the loss and indicate the number of report forms and the serial number of the report forms. Refusal or failure to report lost report forms are grounds for revoking a fleet station permit.

Subp. 7. **Fleet audit.** Upon request of the commissioner, a fleet inspection station permittee shall submit vehicles designated by the commissioner numbering five percent of the fleet or five motor vehicles annually, whichever is greater, but no more than 25 vehicles, for inspection at inspection stations operated by the contractor.

Subp. 8. **Analyzer inspections.** A fleet station emission analyzer shall not be used for an exhaust emission test under part 7005.5030 if it does not register the agency's field audit gases within the tolerances prescribed in part 7005.5090, if there is a leak in the sampling system or the calibration port, or if the sample handling system is restricted. An agency representative shall tag a fleet inspection station's emission analyzer upon a determination that the analyzer does not meet the requirements of this subpart. The analyzer must not be used for testing until the tag is removed by an agency representative. The analyzer failure tag must be affixed to the analyzer in a manner so that the tag cannot be removed without breaking a seal or mutilating the tag. The tag must contain the following information, at a minimum:

- A. a brief statement that the analyzer does not meet agency operating requirements for exhaust emission test purposes;
- B. the reason for tagging;
- C. the values of the agency's field audit gases used and the analyzer readings obtained;
- D. the date of the agency's inspection; and
- E. the signature of the agency representative tagging the analyzer.

A fleet inspection station may lease or borrow an emission analyzer for temporary use while the station's approved analyzer is being repaired, provided that an agency representative has approved its use.

#### **7005.5085 INSPECTION STATIONS ACTING AS FLEET INSPECTION STATIONS.**

A. Inspection stations may provide inspection services to a holder of a fleet inspection station permit under a separate agreement between the inspection station contractor and the holder of a fleet inspection station permit.

B. The agency may not be billed for inspection fees for a fleet vehicle inspected under an agreement between the contractor and the holder of a fleet inspection station permit.

C. Vehicle inspection reports must be filled out at the time of inspection by an inspection station operating as a fleet inspection station in the same manner required for nonfleet vehicles.

D. The holder of the fleet inspection station permit is responsible for maintaining records and reports required by part 7005.5080.

#### **7005.5090 EXHAUST GAS ANALYZER SPECIFICATIONS.**

Exhaust gas analyzers used at inspection stations and fleet inspection stations must comply with the specifications in items A to J.

A. Analyzer accuracy: the hydrocarbon analyzer must have an accuracy of plus or minus 15 parts per million at 200 to 220 parts per million concentration hydrocarbon as hexane; the carbon monoxide analyzer must have an accuracy of plus or minus 0.10 percent carbon monoxide from 1.0 percent to 1.2 percent concentration; and the carbon dioxide analyzer must have an accuracy of plus or minus 0.5 percent carbon dioxide from 5.0 percent to ten percent concentration.

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B. Response time: response time of the analyzers must be 15 seconds to 95 percent of the final reading.

C. Analyzer drift: analyzer drift (up-scale and down-scale zero and span wander) must not exceed plus or minus 0.1 percent carbon monoxide, plus or minus 15 parts per million hydrocarbon as hexane, and plus or minus 0.5 percent carbon dioxide on the lowest range capable of reading 1.0 percent carbon monoxide, 200 parts per million hydrocarbon as hexane, or five percent carbon dioxide during a one-hour period.

D. Calibration: the analyzer must have the capability of being calibrated electronically or by gas.

E. Flow restriction indicator: the analyzer must be operated within manufacturer's specifications for sample flow. The sampling system must be equipped with a visual and audible warning that sample flow is not within operating requirements.

F. Interference effects: sampling the following concentrations of interfering gases must not cause the hydrocarbon as hexane reading to change plus or minus ten parts per million: 15 percent carbon dioxide in nitrogen, ten percent carbon monoxide in nitrogen, 3,000 parts per million nitrogen oxide in nitrogen, ten percent oxygen in nitrogen, and three percent water vapor in air.

Sampling the following concentrations of interfering gases must not cause the carbon monoxide reading to change plus or minus 0.05 percent: 15 percent carbon dioxide in nitrogen, 1,600 parts per million hydrocarbon in nitrogen, 3,000 parts per million nitrogen oxide in nitrogen, ten percent oxygen in nitrogen, and three percent water vapor in air.

Sampling the following concentrations of interfering gases must not cause the carbon dioxide reading to change plus or minus 0.5 percent: 1,600 parts per million hydrocarbon in nitrogen, ten percent carbon monoxide in nitrogen, 3,000 parts per million nitrogen oxide in nitrogen, ten percent oxygen in nitrogen, and three percent water vapor in air.

G. Repeatability: the repeatability of the exhaust analyzers used must be within plus or minus ten parts per million hydrocarbon as hexane; plus or minus 0.05 percent carbon monoxide; and plus or minus 0.2 percent carbon dioxide during five successive measurements of the same sample.

H. Sensitivity: the analyzer sensitivity must be ten parts per million hydrocarbon as hexane, 0.05 percent carbon monoxide, and 0.2 percent carbon dioxide.

I. Temperature and humidity operating range: the analyzer must be capable of meeting all specifications from zero to 85 percent relative humidity and temperature of 35 to 110 degrees Fahrenheit.

J. Range of measurement: the analyzer must have a range of zero to 2,000 parts per million hydrocarbon as hexane, zero to ten percent carbon monoxide, and zero to at least ten percent carbon dioxide.

### 7005.5095 TEST EQUIPMENT CALIBRATION.

Calibration procedures at least as stringent as those required for the federal warranty short test in Code of Federal Regulations, title 40, section 85.2217, as amended, shall be performed on test equipment by the inspection station contractor and fleet inspection stations. In addition, the procedures in items A to E shall be performed by all inspection and fleet inspection stations, unless an alternative equivalent procedure has been approved by the commissioner. In the absence of appropriate procedures, all equipment shall be calibrated and maintained according to manufacturer's specifications.

A. Exhaust analyzers shall be warmed up for at least 30 minutes before performing a test or equipment calibration, span, or zero checks.

B. If, during a test, the sampling flow restriction indicator becomes activated, the test shall be stopped and restarted after the necessary repairs to the analyzer have been completed.

C. The exhaust analyzer shall not be used to test vehicles unless a multipoint calibration has been performed within the last 30 days.

D. A multipoint calibration shall be performed before the analyzer is used for certification testing following replacement of an optical or electrical component that can cause a variation in the analyzer reading.

E. Complete records shall be kept for maintenance, repair, and calibration of all testing equipment.

### 7005.5100 PUBLIC NOTIFICATION.

A. The department shall notify each registered owner of a motor vehicle required to be inspected under parts 7005.5010 to 7005.5105 before the time of each annual registration renewal that the vehicle will be required to satisfy the requirements of parts 7005.5015 to 7005.5030. The agency shall also attempt to notify all nonregistered tax-exempt vehicle owners of the requirements of inspection.

B. The agency or the contractor shall establish a system to respond to inquiries from members of the public regarding the compliance status of a subject vehicle under the program including last inspection date, whether a certificate of compliance or certificate of waiver has been issued, and the reason for waiver.

**7005.5105 INSPECTION FEES.**

Subpart 1. **Inspection fee.** Beginning with the effective date of parts 7005.5010 to 7005.5105, the fee for inspection at an inspection station must not exceed \$10. The fee must be paid to the registrar for subject vehicles at the time of reregistration. After that, the commissioner shall annually establish the inspection fee at an amount of up to \$10. The fee shall be established by October 1 for later years, and 30 days' notice shall be given to the registrar of changes in the fee.

Deputy registrars shall report to the department letters of extension along with registrations made and inspection fees collected in the same manner required for registrations under *Minnesota Statutes*, section 168.33, subdivision 2.

**Subp. 2. Reinspections; elective inspections.**

A. The inspection fee shall entitle an owner to an initial inspection and two reinspections. The commissioner shall establish a fee for each third and subsequent reinspection. The fee must not be more than \$10 and shall be paid to the commissioner by the owner.

B. Elective inspections not required by parts 7005.5010 to 7005.5105 shall be allowed only upon approval of the commissioner. The commissioner shall establish a fee for each elective inspection. The fee must not be more than \$10 and must be paid to the commissioner by the owner.

**Subp. 3. Fleet inspection stations.**

A. The fee due upon initial application for a permit for a fleet inspection station as required in part 7005.5080, subpart 2, shall be \$200.

B. The fee due upon application for permit renewals shall be \$100.

C. The agency shall charge a fee of \$1.50 for each inspection report form requested under part 7005.5080, subpart 6, item G.

Subp. 4. **Use of funds.** Fees collected under this part must be deposited in the vehicle emission inspection account under *Minnesota Statutes*, section 116.65. Fees collected by deputy registrars are subject to deposit requirements in *Minnesota Statutes*, section 168.33, subdivision 2.

## Department of Public Safety

### Proposed Permanent Rules Relating to the Uniform Fire Code

#### Notice of Intent to Adopt a Rule Without a Public Hearing and Notice of Intent to Adopt a Rule With a Public Hearing If Twenty-Five or More Persons Request a Hearing

NOTICE IS HEREBY GIVEN that the State Department of Public Safety proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in *Minnesota Statutes*, section 14.22 to 14.28. The specific statutory authority to adopt the rule is *Minnesota Statutes*, section 299F011.

Persons interested in this rule shall 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 and comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, section 14.131 to 14.20. PLEASE NOTE THAT IF TWENTY-FIVE OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN THE 30-DAY COMMENT PERIOD, A HEARING WILL BE HELD ON JUNE 29, 1989 UNLESS A SUFFICIENT NUMBER WITHDRAW THEIR REQUEST, IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING ON THESE SAME RULES PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT OF PUBLIC SAFETY. To verify whether a hearing will be held, please call the Department of Public Safety between June 22 and June 29 at (612) 296-7870.

**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

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People who want to submit comments or a written request for a public hearing must submit such comments or requests to:

Connie Weaver  
State Fire Marshal Division  
Market House  
289 East Fifth Street  
St. Paul, Minnesota 55101

Comments or requests for a public hearing must be received by the Department by 4:30 p.m. on June 22, 1989.

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

A free copy of this rule is available on request for your review from Connie Weaver.

The proposed rule establishes minimum uniform rules for the State of Minnesota by adopting the entire model code and making minor amendments to it in order to be consistent with *Minnesota Statutes* and laws and rules promulgated by other state agencies, as well as to address fire safety concerns specific to the State of Minnesota.

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

The proposed rules may impact small business as defined in *Minnesota Statutes*, section 14.115, division 1. Pursuant to *Minnesota Statutes*, section 14.115, subdivision 2 methods were considered to reduce the impact of the proposed rules on small business. These methods are discussed in the Statement of Need and Reasonableness pertaining to the proposed rules. The impact of these rules on most small businesses will be minor because these rules do not make major changes in the existing rule as they apply to small businesses in most cases. The major changes that may effect small businesses detrimentally are added restrictions to the requirements for the storage of hazardous materials.

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.

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

Dated: 5 May 1989

Paul J. Tschida, Commissioner  
Department of Public Safety

### **Notice of Hearing and Notice of Intent to Cancel Hearing If Fewer than Twenty-Five Persons Request a Hearing in Response to Notice of Intent to Adopt Rules Without a Public Hearing**

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held in Room 5 of the State Office Building, 100 Constitution Avenue, St. Paul, Minnesota, on June 29, 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 rule, you are urged to participate in the rule hearing process.

PLEASE NOTE, HOWEVER, THAT THE HEARING WILL BE CANCELLED IF FEWER THAN TWENTY-FIVE PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SAME RULES WITHOUT A PUBLIC HEARING PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT OF PUBLIC SAFETY. To verify whether a hearing will be held, please call the Department of Public Safety between June 22 and June 29, 1989 at (612) 296-7870.

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. 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 Bruce Campbell, Administrative Law Judge, Office of Administration Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415; telephone (612) 341-7602, 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

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## Proposed Rules

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*, sections 14.15 to 14.50. The rule hearing is governed by *Minnesota Statutes*, sections 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.

The proposed rule establishes minimum uniform rules for the State of Minnesota by adopting the entire model code and making minor amendments to it in order to be consistent with *Minnesota Statutes* and laws and rules promulgated by other state agencies, as well as to address fire safety concerns specific to the State of Minnesota.

The agency's authority to adopt the proposed rules is contained in *Minnesota Statutes*, section 299F011.

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

The proposed rules may impact small business as defined in *Minnesota Statutes*, section 14.115, subdivision 1. Pursuant to *Minnesota Statutes*, section 14.115, subdivision 2 methods were considered to reduce the impact of the proposed rules on small business. These methods are discussed in the Statement of Need and Reasonableness pertaining to the proposed rules. The impact of these rules on most small businesses will be minor because these rules do not make major changes in the existing rule as they apply to small businesses in most cases. The major changes that may effect small businesses detrimentally are added restrictions to the requirements for the storage of hazardous materials.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Connie Weaver, Fire Marshal Office, Market House, 289 East Fifth Street, St. Paul, Minnesota 55101.

Additional copies will be available at the hearing. If you have any questions on the content of the rule contact Connie Weaver, (612) 296-7870.

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 communication or urging others to communicate with public officials;

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

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

Dated: 5 May 1989

Paul J. Tschida, Commissioner  
Department of Public Safety

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# Proposed Rules

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## Rules as Proposed (all new material)

### 7510.3100 PURPOSE.

The purpose of parts 7510.3100 to 7510.3270 is to adopt uniform fire safety standards governing the maintenance of buildings and premises; regulate the storage, use, and handling of dangerous and hazardous materials, substances, and processes; and regulate the maintenance of adequate egress facilities.

### 7510.3110 SCOPE.

The scope of parts 7510.3100 to 7510.3270 is intended to be consistent with *Minnesota Statutes*, section 299F011.

### 7510.3120 RULES AND STANDARDS ADOPTED BY REFERENCE.

The Uniform Fire Code, as promulgated by the International Conference of Building Officials, and the Western Fire Chiefs Association (Whittier, California, 1988) is incorporated by reference and made a part of *Minnesota Rules* pursuant to statutory authority, subject to the alterations and amendments in parts 7510.3100 to 7510.3270. The Uniform Fire Code is not subject to frequent change and is available at the State Law Library, 117 University Avenue, Saint Paul, Minnesota 55155.

## UNIFORM FIRE CODE AMENDMENTS

### 7510.3130 ARTICLE 1 OF UNIFORM FIRE CODE.

Sec. 1.101 of the Uniform Fire Code is amended to read:

**Sec. 1.101.** This code shall be known as the Minnesota Uniform Fire Code, may be cited as such, and will be referred to herein as "this code."

### 7510.3140 ARTICLE 2 OF UNIFORM FIRE CODE.

Subpart 1. **Sec. 2.102.** Sec. 2.102 of the Uniform Fire Code is amended to read:

**Sec. 2.102. (a) Local Government Amendments to Article 2.** Any jurisdiction which adopts this code is authorized to make amendments, by ordinance or regulation, to Article 2 hereof to provide for a system of enforcement and administration within the jurisdiction. These amendments shall be equal to, in addition to, or more stringent than this code. None of the existing provisions of Article 2 shall be changed nor shall any amendment be made which interferes with the intent of the existing provisions nor the state fire marshal's duties and powers thereunder.

**(b) Local Government Rules.** Any jurisdiction which adopts this code is authorized to adopt, by ordinance or regulation, rules for the prevention and control of fires and fire hazards as may be necessary from time to time, to carry out the intent of this code, and which may be more restrictive than this code when the rules are necessary to protect life or property in the community. The governing body may adopt this code by ordinance. One certified copy of the ordinance containing the rules shall be filed with the clerk of the jurisdiction and shall be in effect immediately thereafter, and additional copies shall be kept in the office of the fire department for distribution to the public.

**(c) Chief Defined.** Wherever the term "chief" appears in Articles 2 to 87 or in the Appendix of this code, it shall mean state fire marshal, except that it shall also include the chief of any jurisdiction adopting this code.

Subp. 2. **Sec. 2.103.** Sec. 2.103 of the Uniform Fire Code is amended to read:

**Sec. 2.103.** A fire prevention bureau may be established within the fire department under the direction of the fire chief, which shall consist of such fire department personnel as may be assigned thereto by the fire chief. The function of this bureau shall be to assist the fire chief in the administration and enforcement of the fire prevention provisions of this code.

Subp. 3. **Sec. 2.202.** Sec. 2.202 of the Uniform Fire Code is amended to read:

**Sec. 2.202. (a) Investigation.** The fire department of any jurisdiction adopting this code shall investigate promptly the cause, origin, and circumstances of each and every fire occurring in the municipality involving loss of life or injury to person or destruction or damage to property, and if it appears to the members of the fire department making the investigation that such fire is of suspicious origin, they shall then take immediate charge of all physical evidence relating to the cause of fire, shall notify the proper authorities designated by law to pursue the investigation of such matters, and shall cooperate with the authorities in the collection of evidence and in the prosecution of the case. The chief shall make a report in writing to the state fire marshal of all facts and findings relative to each investigation.

**(b) Police Department Assistance.** The police department may assist the fire department in its investigation whenever requested to do so.

Subp. 4. **Sec. 2.205.** Sec. 2.205 of the Uniform Fire Code is amended to read:

**Sec. 2.205.** Any order or notice authorized or required by this code shall be given or served upon the owner, operator, occupant,



or other person responsible for the condition or violation either by oral notification, personal service, or by delivering the same to and leaving it with some person of suitable age and discretion upon the premises; or, if no such person is found on the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises and by mailing a copy thereof to such person by mail to the person's last known address. Orders or notices given orally shall be confirmed by service in writing as herein provided.

Subp. 5. **Sec. 2.303.** Sec. 2.303 of the Uniform Fire Code is deleted.

Subp. 6. **Sec. 2.304(b).** The first paragraph of Sec. 2.304(b) of the Uniform Fire Code is deleted and replaced with the following:

**Sec. 2.304. (b) Recognized Standards.** The following standards are intended for use as a guide in the design, fabrication, testing, and use of equipment regulated by this code:

Subp. 7. **Sec. 2.304(c).** Sec. 2.304 of the Uniform Fire Code is amended by adding a subsection to read:

**Sec. 2.304. (c) Standard 101 Incorporated.** Whenever the Uniform Fire Code, as amended by parts 7510.3100 to 7510.3270, is silent on any subject, for any reason, in any situation, the provision of protection shall be in accordance with National Fire Codes, 1988, Standard Number 101, issued by the National Fire Protection Association (Quincy, Massachusetts, 1988) which is adopted by reference as part of this code as though set forth herein in its entirety. Standard Number 101 is not subject to frequent change and is available at the State Law Library, 117 University Avenue, Saint Paul, Minnesota 55155.

#### **7510.3150 ARTICLE 4 OF UNIFORM FIRE CODE.**

Subpart 1. **Sec. 4.103.** Sec. 4.103 of the Uniform Fire Code is amended to read:

**Sec. 4.103.** All applications for a permit required by this code shall be made to the chief in such form and detail as required by the chief. Applications for permits shall be accompanied by such plans as required by the chief.

Subp. 2. **Sec. 4.108.** The first sentence of Sec. 4.108 of the Uniform Fire Code is amended to read:

**Sec. 4.108.** When required by the chief, a permit shall be obtained prior to engaging in the following activities, operations, practices, or functions:

#### **7510.3160 ARTICLE 9 OF UNIFORM FIRE CODE.**

Subpart 1. **Sec. 9.103; adult day-care center defined.** Sec. 9.103 of the Uniform Fire Code is amended by adding a definition to read:

**Sec. 9.103. ADULT DAY-CARE CENTER** shall mean a facility, licensed by the Department of Human Services under *Minnesota Rules*, parts 9555.9600 to 9555.9730, which provides a program of services to adults for periods of less than 24 hours per day.

Subp. 2. **Sec. 9.103; authority having jurisdiction defined.** Sec. 9.103 of the Uniform Fire Code is amended by adding a definition to read:

**Sec. 9.103. AUTHORITY HAVING JURISDICTION** shall mean any municipal fire code official or the state fire marshal or any of their authorized representatives.

Subp. 3. **Sec. 9.104; Building Code definition amended.** The definition of Building Code in Sec. 9.104 of the Uniform Fire Code is amended to read:

**Sec. 9.104. BUILDING CODE** shall mean the Minnesota State Building Code.

Subp. 4. **Sec. 9.108; family day-care home defined.** Sec. 9.108 of the Uniform Fire Code is amended by adding a definition to read:

**Sec. 9.108. FAMILY DAY-CARE HOME** shall mean a residence, licensed by the Department of Human Services under *Minnesota Rules*, parts 9502.0315 to 9502.0445, in which no more than ten children receive care, maintenance, and supervision by other than their relatives or legal guardians for less than 24 hours per day.

Subp. 5. **Sec. 9.109; group day-care home defined.** Sec. 9.109 of the Uniform Fire Code is amended by adding a definition to read:

**Sec. 9.109. GROUP DAY-CARE HOME** shall mean a residence, licensed by the Department of Human Services under *Minnesota Rules*, parts 9502.0315 to 9502.0445, in which at least 11 but not more than 14 children receive care, maintenance, and supervision by other than their relatives or legal guardians for less than 24 hours per day.

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## Proposed Rules

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Subp. 6. **Sec. 9.109; guest room defined.** Sec. 9.109 of the Uniform Fire Code is amended by adding a definition to read:

**Sec. 9.109. GUEST ROOM** shall mean a room used exclusively for living or sleeping purposes excluding storage rooms, laundry rooms, furnace rooms, and similar common areas. Every 100 square feet of superficial floor area in a dormitory shall be considered to be a guest room.

Subp. 7. **Sec. 9.115; mechanical code definition amended.** The definition of mechanical code in Sec. 9.115 of the Uniform Fire Code is amended to read:

**Sec. 9.115. MECHANICAL CODE** shall mean the Minnesota Heating, Ventilation, Air Conditioning and Refrigeration Code, in *Minnesota Rules*, chapter 1345.

Subp. 8. **Sec. 9.115; municipality defined.** Sec. 9.115 of the Uniform Fire Code is amended by adding a definition to read:

**Sec. 9.115. MUNICIPALITY** shall mean any statutory or home rule charter city, county, or town meeting the requirements of *Minnesota Statutes*, section 368.01, subdivision 1, the University of Minnesota, or the state for public buildings.

Subp. 9. **Sec. 9.117; Group E Occupancies definition amended.** The definition of Group E Occupancies in Sec. 9.117 of the Uniform Fire Code is amended to read:

**Sec. 9.117. Group E Occupancies:**

**Division 1.** Any building used for educational purposes through the 12th grade by 50 or more persons for more than 12 hours per week or four hours in any one day.

**Division 2.** Any building used for educational purposes through the 12th grade by less than 50 persons for more than 12 hours per week or four hours in any one day.

**Division 3.** Any building used for child day-care purposes for more than ten children, or for adult day-care centers serving four or more ambulatory and mobile persons who are capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

Subp. 10. **Sec. 9.117; Group I Occupancies definition amended.** The definition of Group I Occupancies in Sec. 9.117 of the Uniform Fire Code is amended to read:

**Sec. 9.117. Group I Occupancies:**

**Division 1.** Nurseries for the full-time care of children under the age of six, each accommodating more than four persons; and, hospitals, sanitariums, nursing homes, and similar buildings, each accommodating more than four persons.

**Division 2.** Detoxification centers; homes for children six years of age or over; Class B supervised living facilities for the mentally retarded, mentally ill, or the physically handicapped, defined in Sec. 9.121; and, adult day-care centers serving ambulatory, nonambulatory, mobile, or nonmobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions, each accommodating more than four persons.

**EXCEPTION:** Adult day-care centers meeting the following criteria may be classified as Group E, Division 3 Occupancies:

1. not more than 50 percent of the center's licensed capacity shall be made up of participants who are not capable of taking appropriate action for self-preservation under emergency conditions;

2. the center shall be located on a floor level with all exits directly to grade without intervening stairs;

3. the center shall be protected with a complete automatic fire detection system consisting of:

(i) automatic smoke detectors in all corridors and at the top of all stairways;

(ii) automatic detectors in boiler and furnace rooms, kitchens, storage rooms, janitor closets, laundries, and other hazardous areas; and

(iii) in buildings equipped with manual fire alarm systems, the manual fire alarm and automatic detection systems shall be electrically interconnected; and

4. the center shall demonstrate the ability to evacuate the entire center population within three minutes.

**Division 3.** Mental hospitals, mental sanitariums, jails, prisons, reformatories, and buildings where personal liberties of inmates are similarly restrained.

**EXCEPTION:** Group I Occupancies shall not include buildings used only for private residential purposes or for a family group.

Subp. 11. **Sec. 9.117; Group R Occupancies definition amended.** The definition of Group R Occupancies in Sec. 9.117 of the Uniform Fire Code is amended to read:

**Sec. 9.117. Group R Occupancies:**

**Division 1.** Hotels and apartment houses. Convents and monasteries, each accommodating more than ten persons; and Class A-2 supervised living facilities, defined in Sec. 9.121, for the mentally retarded, mentally ill, chemically dependent, and physically handicapped, each accommodating more than four persons. Physically handicapped persons shall be housed at street level in supervised living facilities.

**EXCEPTION:** Class A-2 supervised living facilities, defined in Sec. 9.121, having more than six but not more than 15 ambulatory or mobile disabled persons, duly licensed before April 11, 1983, and complying with the requirements for lodging and rooming houses as set forth in Standard 101 in the National Fire Codes, 1973, issued by the National Fire Protection Association (Boston, Massachusetts, 1973), are classified as Group R, Division 3 Occupancies.

**Division 2.** Not used.

**Division 3.** Dwellings, lodging houses, and Class A-1 supervised living facilities defined in Sec. 9.121.

Subp. 12. **Sec. 9.120; required by chief defined.** Sec. 9.120 of the Uniform Fire Code is amended by adding a definition to read:

**Sec. 9.120. REQUIRED BY THE CHIEF** shall mean determined by the chief to be directly related to the safeguarding of life and property from the hazards of fire and uniform for each class or kind of building, structure, or property covered.

Subp. 13. **Sec. 9.121; state fire marshal defined.** Sec. 9.121 of the Uniform Fire Code is amended by adding a definition to read:

**Sec. 9.121. STATE FIRE MARSHAL** shall mean the Minnesota state fire marshal or the state fire marshal's authorized representatives.

Subp. 14. **Sec. 9.121; supervised living facility defined.** Sec. 9.121 of the Uniform Fire Code is amended by adding a definition to read:

**Sec. 9.121. SUPERVISED LIVING FACILITY** means a facility in which supervision, lodging, meals, and in accordance with the rules of the Department of Human Services and the Department of Health, counseling and developmental habilitative or rehabilitative services are provided to five or more persons who are mentally retarded, chemically dependent, adult mentally ill, or physically handicapped.

**Class A** supervised living facility shall mean a supervised living facility for ambulatory and mobile persons who are capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

**Class A-1** supervised living facilities shall include homes providing boarding and lodging for six or fewer ambulatory or mobile disabled persons.

**Class A-2** supervised living facilities shall include homes providing boarding and lodging for more than six ambulatory or mobile disabled persons.

**Class B** supervised living facility shall mean a supervised living facility for ambulatory or nonambulatory, mobile or nonmobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

#### 7510.3170 ARTICLE 10 OF UNIFORM FIRE CODE.

Subpart 1. **Sec. 10.207(m).** Sec. 10.207 of the Uniform Fire Code is amended by adding a subsection to read:

**Sec. 10.207. (m) Marking Fire Lanes.** The marking of fire lanes on private and public property shall be designated and approved by the chief.

Subp. 2. **Sec. 10.207(n).** Sec. 10.207 of the Uniform Fire Code is amended by adding a subsection to read:

**Sec. 10.207. (n) Obstruction of Fire Lanes.** Parking of motor vehicles in, or otherwise obstructing, fire lanes shall be prohibited at all times.

Subp. 3. **Sec. 10.301(f).** Sec. 10.301(f) of the Uniform Fire Code is amended to read:

**Sec. 10.301. (f) Approval and Testing.** All fire alarm systems, fire hydrant systems, fire-extinguishing systems (including automatic sprinklers), wet and dry standpipes, basement inlet pipes, and other fire-protection systems and appurtenances thereto shall meet

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## Proposed Rules

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the approval of the chief as to installation and location and shall be subject to periodic tests required by the chief. Plans and specifications shall be submitted to the chief for review and approval before installation.

Subp. 4. **Sec. 10.309(b).** Sec. 10.309(b) of the Uniform Fire Code is amended to read:

**Sec. 10.309. (b) Where Required.** Standpipe systems shall be provided as set forth in Table No. 10.309 and shall have a constant water supply and pressure.

**EXCEPTION:** Dry standpipes may be installed with prior approval of the chief.

Subp. 5. **Table No. 10.309.** Table No. 10.309, Item No. 2, "Occupancy" column, of the Uniform Fire Code is amended to read:

**TABLE NO. 10.309.** Item No. 2, "Occupancy" column: Occupancies 3 stories or more but less than 150 feet in height, except Group R, Division 3. Class II standpipes are not required in Group E or Group R-1 Occupancies.

### 7510.3180 ARTICLE 11 OF UNIFORM FIRE CODE.

Subpart 1. **Sec. 11.117.** Article 11 of the Uniform Fire Code is amended by adding a section to read:

#### **Fires or Barbecues on Balconies or Patios**

**Sec. 11.117. (a) Open Flame Prohibited.** When required by the chief, in any structure containing three or more dwelling units, no person shall kindle, maintain, or cause any fire or open flame on any balcony above ground level, or on any ground floor patio within 15 feet of the structure.

(b) **Fuel Storage Prohibited.** No person shall store or use any fuel, barbecue, torch, or other similar heating or lighting chemical or device in the locations designated in subsection (a).

**EXCEPTION:** Listed electric or gas-fired barbecue grills that are permanently mounted, wired, or plumbed to the building's gas supply or electrical system and that maintain a minimum clearance of 18 inches on all sides, unless listed for lesser clearances, may be installed on balconies and patios when approved by the chief.

Subp. 2. **Sec. 11.204.** Sec. 11.204 of the Uniform Fire Code is amended by adding an Exception to read:

**Sec. 11.204. Exception.** For requirements relating to Christmas trees, see Sec. 11.210.

Subp. 3. **Sec. 11.210.** Article 11 of the Uniform Fire Code is amended by adding a section to read:

#### **Christmas Trees**

**Sec. 11.210. (a) Group I Occupancies.** The use or display of natural or resin-bearing trees or decorations in Group I Occupancies is prohibited.

(b) **Public Buildings.** The use, display, or storage of natural or resin-bearing trees without open flames or electric light decorations is permitted in schools, churches, hotels, and business and mercantile occupancies. See Sec. 11.203(c).

(c) **Flame-retardant Artificial Trees.** The use or display of flame-retardant artificial trees decorated with U.L. listed electric lighting systems is acceptable in all occupancies.

(d) **R-1 Occupancies.** Natural or resin-bearing trees shall not be stored on balconies or grounds of R-1 Occupancies. See Sec. 11.203(c).

Subp. 4. **Sec. 11.302(e).** Sec. 11.302 of the Uniform Fire Code is amended by adding a subsection to read:

**Sec. 11.302. (e) Misdemeanor.** Whoever intentionally gives a false alarm of fire, or unlawfully tampers or interferes with any station or signal box of any fire alarm system or any auxiliary fire appliance, or unlawfully breaks, injures, defaces, or removes any such box or station, or unlawfully breaks, injures, destroys, or disturbs any of the wires, poles, or other supports and appliances connected with or forming a part of any fire alarm system or any auxiliary fire appliance is guilty of a misdemeanor.

### 7510.3190 ARTICLE 12 OF UNIFORM FIRE CODE.

Subpart 1. **Sec. 12.101.** Sec. 12.101 of the Uniform Fire Code is amended by adding a paragraph to read:

**Sec. 12.101.** Egress requirements in family and group day-care homes located in a single family dwelling located on a residential lot in which the day-care provider provides the services referred to in *Minnesota Statutes*, section 245A.02, subdivision 10, to one or more persons, shall not exceed the egress requirements that apply to the home as a single family dwelling.

Subp. 2. **Sec. 12.106(a).** Sec. 12.106(a) of the Uniform Fire Code is amended to read:

**Sec. 12.106. (a) General.** Stairways shall conform to the provisions of the Building Code.

**EXCEPTION:** Stairs or ladders used only to attend equipment are exempt from the requirements of this section when properly maintained.

**7510.3200 ARTICLE 14 OF UNIFORM FIRE CODE.**

**Sec. 14.104(b).** Sec. 14.104(b) of the Uniform Fire Code is amended to read:

**Sec. 14.104. (b) Type of System.** A manual or automatic fire alarm system or both shall be installed in occupancies in accordance with the following:

1. A manual fire alarm system shall be installed in:
  - A. Group A, Divisions 1, 2, and 2.1 Occupancies
  - B. Group H Occupancies used for the manufacture of organic coatings
  - C. Group H, Division 6 Occupancies as set forth in Article 51
2. An automatic fire alarm system shall be installed in:
  - A. Group B, Division 2 Occupancies as set forth in Chapter 33 of the Building Code
  - B. As set forth in Article 81 of this code
3. A manual and automatic fire alarm system shall be installed in:

A. Group E Occupancies having more than 50 occupants and as set forth in Chapter 33 of the Building Code, and in Group E, Division 3 Occupancies having more than 29 occupants. In every Group E Occupancy with an automatic sprinkler or detection system, the operation of the system must automatically activate the building fire alarm system.

In Group E Occupancies, an approved fire alarm system shall mean a complete, noncoded, continuously sounding until manually reset, electronically supervised fire alarm system consisting of the following:

(i) Sounding stations on 100-foot to 150-foot spacing: (1) in corridors, (2) in areas of high noise levels, such as band rooms, shops, and boiler rooms, and (3) on a weatherproof station on the exterior of the building facing residential areas.

(ii) Automatic sending stations (detectors) in boiler rooms, kitchens, shops, painting areas, lounges, laundries, janitor's closets, storerooms, unsupervised and unoccupied spaces, and critical or hazardous areas.

(iii) Unobstructed, readily accessible manual sending stations at visible locations in the natural path of escape from fire, near each exit from an area on each floor.

B. Group I Occupancies

C. Group R, Division 1 Occupancies specified in subsection (c).

**7510.3210 ARTICLE 26 OF UNIFORM FIRE CODE.**

Subpart 1. **Title.** The title of Article 26 of the Uniform Fire Code is deleted and replaced with the following:

**RESURFACING AND REFINISHING**

Subp. 2. **Sec. 26.101.** Sec. 26.101 of the Uniform Fire Code is amended to read:

**Sec. 26.101.** Bowling alleys, roller skating rinks, and other public assembly occupancies shall conform to all other applicable requirements of this code, as well as the following provisions.

Subp. 3. **Sec. 26.102.** Sec. 26.102 of the Uniform Fire Code is amended to read:

**Sec. 26.102.** No person shall conduct bowling pin refinishing and bowling alley or floor resurfacing and refinishing operations involving the use and application of flammable liquids or materials without a local permit.

Subp. 4. **Sec. 26.103.** The subtitle of Sec. 26.103 of the Uniform Fire Code is amended to read:

**Resurfacing and Refinishing**

Subp. 5. **Sec. 26.104.** The subtitle of Sec. 26.104 of the Uniform Fire Code is amended to read:

**Refinishing****7510.3220 ARTICLE 61 OF UNIFORM FIRE CODE.**

Sec. 61.105 of the Uniform Fire Code is amended to read:

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## Proposed Rules

**Sec. 61.105.** The grade of fuel oil used in a burner shall be that for which the burner is approved and as stipulated by the manufacturer. The installation and use of waste oil burners shall conform to the provisions of *Minnesota Statutes*, section 299F015.

### 7510.3230 ARTICLE 77 OF UNIFORM FIRE CODE.

Subpart 1. **Sec. 77.104.** Sec. 77.104 of the Uniform Fire Code is deleted.

Subp. 2. **Sec. 77.105.** Sec. 77.105 of the Uniform Fire Code is deleted.

### 7510.3240 ARTICLE 79 OF UNIFORM FIRE CODE.

Subpart 1. **Sec. 79.101(a).** Sec. 79.101(a), Exception 1 of the Uniform Fire Code is amended to read:

**Sec. 79.101. (a) General.**

#### EXCEPTIONS:

1. The transportation of flammable and combustible liquids when in conformity with the United States Department of Transportation regulations on file with and approved by the United States Department of Transportation.

Subp. 2. **Sec. 79.101(d).** Sec. 79.101 of the Uniform Fire Code is amended by adding a subsection to read:

**Sec. 79.101. (d) Review of Plans.** Requirements for the review of plans, as covered in the following items 1 to 7, are herein incorporated as part of this code, to read:

1. Before any construction or new or additional installation for the storage, handling, or use of flammable liquids is undertaken in bulk plants, service stations, chemical plants, refineries, and processing plants, drawings or blueprints of them made to scale shall be submitted to the state fire marshal with an application, all in duplicate, for review. Within a reasonable time, usually ten days after receipt of the application with drawings or blueprints, the state fire marshal shall examine them. On finding that they conform to the applicable requirements of this code, the state fire marshal shall so signify either by endorsement on them or by attachment to them, retain one file copy, and return to the applicant the other copy plus any additional copies submitted by the applicant. If the drawings or blueprints do not conform to the applicable requirements of this code, the state fire marshal shall notify the applicant in writing within the time allowed for the examination of the application.

2. Drawings shall show the name of the person, firm, or corporation proposing the installation, its location, and the adjacent streets or highways and surface waters of the state.

3. In the case of bulk plants, the drawings shall show, in addition to any applicable features required under items 5 and 6, the plot of ground to be utilized and its immediate surroundings on all sides; complete layout of buildings, tanks, and loading and unloading docks; type of construction of each building and the type and location of heating devices for each building, if any.

4. In the case of service stations, the drawings, in addition to any applicable features required under items 5 and 6, shall show the plot of ground to be utilized; the complete layout of buildings, drives, dispensing equipment, and greasing or washing stalls; and the type and location of any heating devices.

5. In the case of aboveground storage, the drawings shall show the location and capacity of each tank; dimensions of each tank that has a capacity exceeding 50,000 gallons; the class of liquids to be stored in each tank; the type of tank supports; the clearance as covered in sections 79.503 and 79.504; the type of venting and pressure relief relied upon and the combined capacity of all venting and pressure relief valves on each tank, as covered in Sec. 79.509; the tank control valves as covered in Sec. 79.509(c); the location of the pumps and other facilities by which liquid is filled into and withdrawn from the tanks; and diking provided, if any.

6. In the case of underground storage, the drawings shall show the locations of fill gauge and vent pipes and openings, the location and capacity of each tank, and the class of liquid to be stored in each tank, along with the clearance and requirements as covered in sections 79.601 to 79.605.

7. In the case of an installation for storage, handling, or use of flammable liquids within buildings or enclosures at any establishment or occupancy covered in this section, the drawings shall be in such detail as will show whether applicable requirements are to be met.

Subp. 3. **Sec. 79.902(e).** Sec. 79.902(e) of the Uniform Fire Code is amended by adding an exception to read:

**Sec. 79.902. (e) Dispensing.**

**EXCEPTION:** When approved by the chief, the dispensing of Class I and Class II liquids from a fuel dispensing system supplied by exterior aboveground tanks may be permitted under the following conditions:

1. Not more than three aboveground storage tanks shall be used for dispensing. Tanks shall not exceed 6,000 gallons individual capacity.

2. The tank system shall be listed or approved for such aboveground use.

3. Fuel delivery from aboveground tanks shall be from the top of the tank with the dispensing line equipped with an approved antisiphon system, or by a remote submersible pump system located in a tank of not over 60 gallons capacity attached to the main storage tank, provided the line between the main tank and the remote pump is equipped with a normally closed solenoid valve and fire valve at the tank opening.
4. Dispensing lines between the diked area and the dispenser shall be located underground. These lines shall be equipped with approved leak detection devices connected to an audible and visual alarm as required by the chief. These lines shall also be equipped with approved excess flow valves and a normally closed solenoid valve at each dispenser located below the impact valve.
5. The tank shall be equipped with overfill protection and the fill pipe between the opening and the diked area shall be underground. In addition to the normal valving requirements of the code, there shall be a manually operated, mechanical shut-off valve on the fill line inside the diked area which is operated from a location outside the dike.
6. Dispensing lines and fill piping shall not penetrate the dike.
7. The tanks and piping shall be safeguarded against collision, spillage, and overfill as required by the chief.
8. The tanks shall comply with requirements for emergency relief venting, and the tanks and dispensing system shall meet the electrical classification requirements of the code.
9. Tanks, piping, valves and fittings, and diking shall be constructed and maintained in accordance with Article 79.
10. Tanks shall be provided with lightning protection as specified in National Fire Protection Association Standard 78, Lightning Protection Code, by the National Fire Protection Association (Quincy, Massachusetts, 1986). Standard 78 is incorporated by reference, is not subject to frequent change, and is available at the State Law Library, 117 University Avenue, Saint Paul, Minnesota 55155.
11. Tank location and distance shall be two times that specified in sections 79.503 and 79.504, but not less than 30 feet from the nearest side of any public way or from the nearest building and dispensing units on the same property.
12. Where more than one tank is used, all aboveground tanks shall be protected by an approved fire protection system when required by the chief.
13. Variances shall not be granted from any of the provisions contained in items 2 to 12.

Subp. 4. **Sec. 79.903(a)**. The first paragraph of Sec. 79.903(a) of the Uniform Fire Code is amended to read:

**Sec. 79.903. (a) Design and Construction.** Except as otherwise provided in Sec. 79.902(e), Class I and Class II liquids shall be transferred from underground tanks by means of fixed pumps so designed and equipped as to allow control of the flow and to prevent leakage or accidental discharge. Supplemental means shall be provided outside of the dispensing device so that the source of power may be readily disconnected in the event of fire or other accident. Dispensing devices for Class I, II, or III-A liquids shall be of approved type. See Sec. 2.303(b). Class I, II, or III-A liquids shall be dispensed by approved pumps taking suction through the top of the container. Class I, II, or III-A liquids shall not be dispensed by a device that operates through pressure within a storage tank or container unless the tank or container has been approved as a pressure vessel for the use to which it is subjected. In no case shall air or oxygen pressure be used for dispensing flammable Class I, II, or III-A liquids. This section does not prohibit use permitted by Sec. 79.904.

Subp. 5. **Sec. 79.903(g)**. Sec. 79.903 of the Uniform Fire Code is amended by adding a subsection to read:

**Sec. 79.903. (g) Age Requirement.** Flammable and combustible liquids shall be dispensed only by persons 16 years of age or older. Prominent signs shall be posted at self-service stations prohibiting flammable liquids from being dispensed by anyone under age 16.

#### **7510.3250 ARTICLE 80 OF UNIFORM FIRE CODE.**

Sec. 80.104(e) of the Uniform Fire Code is amended to read:

**Sec. 80.104. (e) IDENTIFICATION.** Visible hazard identification signs as specified in Uniform Fire Code Standards, Standard No. 79-3, Identification of the Health, Flammability, and Reactivity of Hazardous Materials, published by the International Conference of Building Officials and the Western Fire Chiefs Association, 1988, (Whittier, California), shall be placed at entrances to locations where hazardous materials are stored, dispensed, used, or handled in quantities requiring a permit. The chief shall designate the specific entrances where signs are required.

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# Proposed Rules

The chief may waive this requirement in special cases when consistent with safety, if the facility owner or operator, in conjunction with the chief, develops an approved preemergency plan consistent with the Hazardous Materials Management Plan (HMMP) in Appendix II-E. The owner or operator shall make copies of this plan available to other emergency response agencies on request.

In addition, when required by the chief, hazard identification signs mounted on a building shall include a sign indicating the hazard type and range value for the average daily amount of hazardous materials present, as required on the Tier I hazardous chemical inventory form under the Superfund Amendments and Reauthorization Act of 1986, Public Law Number 99-499, section 312, subsection (d)(1) "Tier I Information," which is incorporated by reference. The placard symbols for hazard type and range value are as follows:

## 1. HAZARD TYPE:

### Physical Hazards

Fire—The 3-letter placard abbreviation is:	FIR
Sudden Release of Pressure—The 3-letter placard abbreviation is:	SRP
Reactivity—The 3-letter placard abbreviation is:	REA

### Health Hazards

Immediate (acute)—The 3-letter placard abbreviation is:	HHI
Delayed (chronic)—The 3-letter placard abbreviation is:	HHD

## 2. RANGE VALUE:

Placard Abbreviation	Weight Range in Pounds	
	From	To
—	None Present	
00	0	99
01	100	999
02	1,000	9,999
03	10,000	99,999
04	100,000	999,999
05	1,000,000	9,999,999
06	10,000,000	49,999,999
07	50,000,000	99,999,999
08	100,000,000	499,999,999
09	500,000,000	999,999,999
10	1 billion or greater	

### 7510.3260 ARTICLE 82 OF UNIFORM FIRE CODE.

Sec. 82.102 of the Uniform Fire Code is amended by adding a subsection to read:

**Sec. 82.102. (d) Submittal of Plans.** Where an underground container is permitted, plans of its installation, regardless of capacity, shall be submitted for review to the state fire marshal before construction.

For any installation utilizing aboveground storage containers of over 2,000 gallons water capacity, or when aggregate water capacity of all aboveground containers exceeds 4,000 gallons, plans shall be submitted to the state fire marshal before construction.

### 7510.3270 ARTICLE 85 OF UNIFORM FIRE CODE.

Sec. 85.109 of the Uniform Fire Code is amended to read:

**Sec. 85.109.** Electrical appliances or fixtures shall not be used unless they are of an approved type.

### 7510.3280 AMENDMENTS TO APPENDIXES OF UNIFORM FIRE CODE.

Subpart 1. **Adoption.** Appendixes I-A, I-C, II-A, II-B, II-C, IV-A, and VI-D of the Uniform Fire Code, as amended by this part, shall be deemed a part of this code and shall be enforced as such.

Subp. 2. **Appendix I-A, Sec. 1(b).** Appendix I-A, Sec. 1(b), is deleted in its entirety.

Subp. 3. **Appendix I-A, Sec. 2(a).** The first paragraph and the accompanying exception in Appendix I-A, Sec. 2(a), are amended to read:

### Sec. 2. EXITS



(a) **Number of Exits.** Every basement and every floor above the first story used for human occupancy shall have access to at least two separate exits, one of which may be an exterior fire escape complying with subsection (d) of this section. Subject to the approval of the chief, an approved ladder device may be used in lieu of a fire escape when the construction feature or location of the building on the property makes the installation of a fire escape impractical.

**EXCEPTIONS:**

1. In all occupancies, basements and second stories with an occupant load of ten or less may have one exit.
2. When the third floor within an individual dwelling unit does not exceed 500 square feet, only one exit need be provided from that floor.
3. Floors and basements used exclusively for service of the building may have one exit. For the purposes of this exception, storage rooms, laundry rooms, maintenance offices, and similar uses shall not be considered as providing service to the building.
4. Storage rooms, laundry rooms, and maintenance offices not exceeding 300 square feet in floor area may be provided with only one exit.

Subp. 4. **Appendix I-A, Sec. 2(c).** Appendix I-A, Sec. 2(c), is amended to read:

**Sec. 2. EXITS**

(c) **Corridors.** Corridors serving a Group R, Division 1 or Group I Occupancy having an occupant load of ten or more and corridors serving other occupancies having an occupant load of 30 or more shall have walls and ceilings of not less than one-hour fire-resistive construction as required by the Building Code. Existing walls surfaced with wood lath and plaster in good condition or 1/2-inch gypsum wallboard or openings with fixed wired glass set in steel frames are permitted for corridor walls and ceilings and occupancy separations when approved. Doors opening into such corridors shall be protected by 20-minute fire assemblies or solid wood doors not less than 1-3/4 inches thick. Where the existing frame will not accommodate the 1-3/4 inches thick door, a 1-3/8 inches thick solid bonded wood core door or equivalent insulated steel door shall be permitted. Doors shall be self-closing or automatic-closing by smoke detection. Transoms and openings other than doors from corridors to rooms shall comply with Section 3305(h) of the Building Code or shall be covered with a minimum of 3/4-inch plywood or 1/2-inch gypsum wallboard or equivalent material on the room side.

**EXCEPTION:** Existing corridor walls, ceilings, and opening protection not in compliance with the above may be continued when such buildings are protected with an approved automatic sprinkler system throughout. Such sprinkler system may be supplied from the domestic water system if it is of adequate volume and pressure.

Subp. 5. **Appendix I-A, Sec. 5.** Appendix I-A, Sec. 5, is amended to read:

**Sec. 5. STANDPIPES**

When required by the chief, any building three stories or more in height shall be provided with an approved Class I or Class III standpipe system.

**REPEALER.** *Minnesota Rules*, parts 7510.0200, 7510.0300, 7510.0400, 7510.0500, 7510.1100, 7510.1200, 7510.1300, 7510.1400, 7510.1500, 7510.1600, 7510.1700, 7510.1800, 7510.1900, 7510.2000, 7510.2100, 7510.2200, 7510.2300, 7510.2400, 7510.2500, 7510.3000, 7510.4100, 7510.4200, 7510.4300, 7510.4400, 7510.5100, 7510.5200, 7510.5300, and 7510.5400, are repealed.

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## Adopted Rules

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

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

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

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

## Department of Commerce

### Adopted Permanent Rules Relating to Developmental Lending and Investment Performance Ratings of Financial Institutions Owned by Interstate Holding Companies

The rules proposed and published at *State Register*, Volume 13, Number 13, pages 691-696, September 26, 1988 (13 S.R. 691) are adopted as proposed.

## Department of Health

### Adopted Permanent Rules Relating to Public Water Supplies

The rules proposed and published at *State Register*, Volume 13, Number 30, pages 1807-1821, January 23, 1989 (13 S.R. 1807) are adopted with the following modifications:

#### Rules as Adopted

#### 4720.1510 VOLATILE ORGANIC CHEMICALS CONTAMINANT SAMPLING AND ANALYTICAL REQUIREMENTS.

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

D. The supplier of a community water supply and nontransient, noncommunity water supply as defined in part 4720.0100, subpart 16, serving more than 10,000 people shall analyze all distribution or entry-point samples, as appropriate, representing all source waters beginning no later than January 1, 1988. A supplier of a community water supply and nontransient, noncommunity water supply serving from ~~3,000~~ 3,300 to 10,000 people shall analyze all distribution or entry-point samples, as required in this subpart, representing source waters no later than January 1, 1989. All other community and nontransient, noncommunity water suppliers shall analyze distribution or entry-point samples, as required in this subpart, representing all source waters beginning no later than January 1, 1991.

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

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

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

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

## Department of Human Rights

### Adopted Permanent Rules Relating to Processing Charges of Discrimination

The rules proposed and published at *State Register*, Volume 13, Number 32, pages 1899-1901, February 6, 1989 (13 S.R. 1899) are adopted as proposed.

## Department of Natural Resources

### Adopted Permanent Rules Relating to Water Permit Fees

The rules proposed and published at *State Register*, Volume 13, Number 21, pages 1229-1232, November 21, 1988 (13 S.R. 1229) and Volume 13, Number 27, pages 1680-1683, January 3, 1989 (13 S.R. 1680) are adopted with the following modifications:

#### Rules as Adopted

##### 6115.0060 PERMIT FEES APPLICATIONS.

Subp. 2. **Protected waters; fee.** The permit application fee for works affecting protected waters, authorized under *Minnesota Statutes*, sections 105.42 and 105.64, shall be based on estimated project cost, the amount of material deposited in or removed from the protected waters, and the amount of shoreline affected by the project. The commissioner shall make the final determination of project costs used to calculate the permit application fee. The permit application fee shall be at least \$75 but otherwise the lesser of \$500, or the largest the greater of the fees calculated from the following ~~three~~ parameter schedules, but not less than \$75 nor more than \$500:

##### 6115.0080 FIELD INSPECTION FEES.

Subp. 2. **Computation.** If a field inspection is conducted, field inspection fees shall be charged only for: (1) projects requiring an environmental assessment worksheet (EAW) or environmental impact statement (EIS) pursuant to *Minnesota Statutes*, chapter 116D and the environmental review program rules, parts 4410.0200 to 4410.6500, Projects that do not require a mandatory environmental assessment worksheet (EAW) or environmental impact statement (EIS) under parts 4410.4300 and 4410.4400, at the time the permit application is made, shall not be charged field inspection fees; (2) projects undertaken without a permit or application as required by *Minnesota Statutes*, sections 105.37 to 105.64; or (3) projects undertaken in excess of limitations established in an issued permit.

The fee charged will be the actual cost of the field inspection, but shall not be less than \$100. Examples of field inspection costs are:

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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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## Minnesota State Agricultural Society—Minnesota State Fair

### Annual meeting notice

The board of managers of the Minnesota State Agricultural Society, governing body of the Minnesota State Fair, will conduct a business meeting at 10 a.m. Wednesday June 7 at the Administration Building on the fairgrounds. Preceding the general meeting will be a meeting of the board's space rental committee at 9 a.m.

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# Minnesota State Arts Board

## Notice of Regular Board Meeting

The next regular meeting of the Minnesota State Arts Board will take place at 9:30 a.m. on Thursday, May 25, 1989 at the Arts Board offices, 432 Summit Avenue in Saint Paul. The public is invited to attend. Open meeting law guidelines will be in effect.

Agenda items will include the selection of grantees for Artist Assistance Fellowships in Poetry, Prose, and Theater Arts, and for Folk Arts Apprenticeships. Artist selections will also be finalized for the Arts Board's second annual Folk Artists Directory.

# Department of Health

## Services for Children with Handicaps

### Notice of Services for Children with Handicaps Cost-Sharing Schedule

NOTICE IS HEREBY GIVEN that the Cost-Sharing Schedule, prepared according to *Minnesota Rules*, Chapter 4705.0600 Subp. 3 and published here will be effective July 1, 1989.

The applicant's share is one percent of cost for each \$1,000 or fraction of \$1,000 of income above 60 percent of the State gross median income for a household of the same size as the applicant's. The applicant's percent share is found on the schedule by looking under the number which is the number of members of applicant's household to find the income level which includes the applicant's annual household income. The applicant's percent share is shown on the far left of that income level. For each additional household member greater than 10, add 3% to 144% for each additional household member and multiply the new percentage by the State's dollar amount for 4-person households.

Percentage which eligible applicants share in the cost of treatment

#### Income Levels by Number of Members in Household

%	1	2	3	4	5
0	0-12,410	0-16,228	0-20,047	0-23,865	0-27,683
1	12,411-13,410	16,229-17,228	20,048-21,047	23,866-24,865	27,684-28,683
2	13,411-14,410	17,229-18,228	21,048-22,047	24,866-25,865	28,684-29,683
3	14,411-15,410	18,229-19,228	22,048-23,047	25,866-26,865	29,684-30,683
4	15,411-16,410	19,229-20,228	23,048-24,047	26,866-27,865	30,684-31,683
5	16,411-17,410	20,229-21,228	24,048-25,047	27,866-28,865	31,684-32,683
6	17,411-18,410	21,229-22,228	25,048-26,047	28,866-29,865	32,684-33,683
7	18,411-19,410	22,229-23,228	26,048-27,047	29,866-30,865	33,684-34,683
8	19,411-20,410	23,229-24,228	27,048-28,047	30,866-31,865	34,684-35,683
9	20,411-21,410	24,229-25,228	28,048-29,047	31,866-32,865	35,684-36,683
10	21,411-22,410	25,229-26,228	29,048-30,047	32,866-33,865	36,684-37,683
11	22,411-23,410	26,229-27,228	30,048-31,047	33,866-34,865	37,684-38,683
12	23,411-24,410	27,229-28,228	31,048-32,047	34,866-35,865	38,684-39,683
13	24,411-25,410	28,229-29,228	32,048-33,047	35,866-36,865	39,684-40,683
14	25,411-26,410	29,229-30,228	33,048-34,047	36,866-37,865	40,684-41,683
15	26,411-27,410	30,229-31,228	34,048-35,047	37,866-38,865	41,684-42,683
16	27,411-28,410	31,229-32,228	35,048-36,047	38,866-39,865	42,684-43,683
17	28,411-29,410	32,229-33,228	36,048-37,047	39,866-40,865	43,684-44,683
18	29,411-30,410	33,229-34,228	37,048-38,047	40,866-41,865	44,684-45,683
%	6	7	8	9	10
0	0-31,502	0-32,218	0-32,934	0-33,650	0-34,366
1	31,503-32,502	32,219-33,218	32,935-33,934	33,651-34,650	34,367-35,366
2	32,503-33,502	33,219-34,218	33,935-34,934	34,651-35,650	35,367-36,366
3	33,503-34,502	34,219-35,218	34,935-35,934	35,651-36,650	36,367-37,366
4	34,503-35,502	35,219-36,218	35,935-36,934	36,651-37,650	37,367-38,366
5	35,503-36,502	36,219-37,218	36,935-37,934	37,651-38,650	38,367-39,366
6	36,503-37,502	37,219-38,218	37,935-38,934	38,651-39,650	39,367-40,366

7	37,503-38,502	38,219-39,218	38,935-39,934	39,651-40,650	40,367-41,366
8	38,503-39,502	39,219-40,218	39,935-40,934	40,651-41,650	41,367-42,366
9	39,503-40,502	40,219-41,218	40,935-41,934	41,651-42,650	42,367-43,366
10	40,503-41,502	41,219-42,218	41,935-42,934	42,651-43,650	43,367-44,366
11	41,503-42,502	42,219-43,218	42,935-43,934	43,651-44,650	44,367-45,366
12	42,503-43,502	43,219-44,218	43,935-44,934	44,651-45,650	45,367-46,366
13	43,503-44,502	44,219-45,218	44,935-45,934	45,651-46,650	46,367-47,366
14	44,503-45,502	45,219-46,218	45,935-46,934	46,651-47,650	47,367-48,366
15	45,503-46,502	46,219-47,218	46,935-47,934	47,651-48,650	48,367-49,366
16	46,503-47,502	47,219-48,218	47,935-48,934	48,651-49,650	49,367-50,366
17	47,503-48,502	48,219-49,218	48,935-49,934	49,651-50,650	50,367-51,366
18	48,503-49,502	49,219-50,218	49,935-50,934	50,651-51,650	51,367-52,366

## State Board of Investment

### Official Notice of Meeting of the State Board of Investment's Investment Advisory Council

The State Board of Investment will meet on Wednesday, June 7, 1989 at 8:30 a.m. in Room 118, State Capitol, Saint Paul, MN.

The Investment Advisory Council will meet on Tuesday, June 6, 1989 at 2:00 p.m. in Conference Room "A," MEA Building, 41 Sherburne Avenue, Saint Paul, MN.

## Department of Jobs & Training

### Notice of Revised Policy and Procedure for the Purchase of Employment-Related Services

NOTICE IS HEREBY GIVEN that the Minnesota Department of Jobs and Training, Division of Rehabilitation Services/Vocational Rehabilitation (DRS/VR) Program has adopted a revised policy and procedure for the purchase of employment-related services. Employment-related services are defined as: vocational evaluation, work adjustment training, on-the-job training (unless the employer is the sole service-provider), job development/job placement and job coaching.

This policy makes provision for the purchase of services from "accredited providers" and "limited-use-providers." Accredited providers are providers who are accredited for the services purchased by DRS/VR by the Commission on Accreditation of Rehabilitation Facilities (CARF).

A "limited-use-provider" is a provider that is required to meet a set of standards as delineated in the Statement of Assurances, but is not accredited by CARF. Effective October 1, 1989, DRS/VR will limit its purchase of employment-related services from providers not accredited by CARF to \$10,000 per year or \$20,000 over a two-year period.

Inquiries may be directed to any Division of Rehabilitation Services Area Office or to:

James R. House, Director  
Office of Vocational Rehabilitation  
Minnesota Department of Jobs and Training  
Division of Rehabilitation Services  
Fifth Floor, 390 North Robert Street  
St. Paul, Minnesota 55101  
Telephone Number: (612) 296-5622

## Board of Unlicensed Mental Health Providers

### Notice of Outside Information or Opinions Being Sought Regarding Proposed Rules of the Board of Unlicensed Mental Health Service Providers Governing the Practice of Unlicensed Mental Health Services

NOTICE IS HEREBY GIVEN that the State Board of Unlicensed Mental Health Service Providers is seeking information or

## Official Notices

opinions from sources outside the agency in preparing to propose the adoption of rules governing the practice of Unlicensed Mental Health Services, including the definition of mental health service provider. The adoption of rules is authorized by *Minnesota Statutes*, and Section 148B.17, Section 148B.41 Subdivision 4, and Section 148B.47, which permits the Board to adopt rules governing the practice of Unlicensed Mental Health Services.

The State Board of Unlicensed Mental Health Service Providers requests information and opinions concerning the subject matter of concerning in writing or orally. Written statements should be addressed to:

Robert A. Sullivan  
Board of Unlicensed Mental Health Service Providers  
2700 University Avenue West, Suite 225  
St. Paul, Minnesota 55114

Oral statements will be received during regular business hours over the telephone at (612) 649-5490 and in person at the above address.

All statements of information and opinions shall be accepted for 20 days from the date of this publication. Any written material received by the State Board of Unlicensed Mental Health Service Providers shall become part of the rulemaking record regarding these rules.

Dated: 8 May 1989

Robert A. Sullivan  
Executive Director  
Board of Unlicensed Mental  
Health Service Providers

## Board of Water and Soil Resources

### Notice of Change in Location of Monthly Meeting

The Board of Water and Soil Resources has changed the location of their May 24, 1989 monthly meeting. The Board will be meeting at the Holiday Inn in Detroit Lakes. The Board of Water and Soil Resources will resume their June 28, 1989 meeting at the Department of Agriculture Building, 90 W. Plato Blvd., St. Paul.

### Minnesota's North Shore

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

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

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

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

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

**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.

# 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.

Awards of contracts and advertised bids for commodities and printing, as well as awards of professional, technical and consulting contracts, appear in the midweek **STATE REGISTER Contracts Supplement**, published every Thursday. Call (612) 296-0931 for subscription information. Thank you.

## 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:** Four door vehicle/Spec 18K-88  
**Contact:** Brenda Thielen 612-296-9075  
**Bid due date at 2pm:** May 23  
**Agency:** Natural Resources Department  
**Deliver to:** Grand Rapids  
**Requisition #:** 29000 51710

**Commodity:** Traffic signal cabinet  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 2pm:** May 25  
**Agency:** Transportation Department  
**Deliver to:** St. Paul  
**Requisition #:** 79050 23907

**Commodity:** Power supply  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 2pm:** May 25  
**Agency:** Agriculture Department  
**Deliver to:** St. Paul  
**Requisition #:** 04111 93299

**Commodity:** Rubbish disposal—Willmar  
**Contact:** Joyce Dehn 612-297-3830  
**Bid due date at 2pm:** May 26  
**Agency:** Community College  
**Deliver to:** Willmar  
**Requisition #:** Price Contract

**Commodity:** 800 service outside of 296/297 Area/Conference Calling  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 2pm:** May 26  
**Agency:** Administration Department—Telecommunications  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Paper  
**Contact:** John Bauer 612-296-2621  
**Bid due date at 2pm:** May 26  
**Agency:** Jobs & Training Department  
**Deliver to:** St. Paul  
**Requisition #:** 21200 20523

**Commodity:** Refrigerators  
**Contact:** Margaret Frank 612-296-3778  
**Bid due date at 2pm:** May 30  
**Agency:** Correctional Facility  
**Deliver to:** Sauk Center  
**Requisition #:** 78770 02865

**Commodity:** Lounge area furniture  
**Contact:** Linda Parkos 612-296-3725  
**Bid due date at 2pm:** May 30  
**Agency:** DHS—Metro Treatment Center  
**Deliver to:** Anoka  
**Requisition #:** 55100 04202 1

**Commodity:** IBM PS/2  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 2pm:** May 31  
**Agency:** State University  
**Deliver to:** Moorhead  
**Requisition #:** 26072 01726

**Commodity:** Linen service  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 2pm:** May 30  
**Agency:** Military Affairs  
**Deliver to:** Minneapolis, St. Paul  
**Requisition #:** Price Contract

**Commodity:** Truck lamps, lenses, etc.  
**Contact:** Dale Meyer 612-296-3773  
**Bid due date at 2pm:** May 30  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Used copier purchase  
**Contact:** Theresa Ryan 612-296-7556  
**Bid due date at 2pm:** May 30  
**Agency:** DNR Service Center  
**Deliver to:** New Ulm  
**Requisition #:** 29004 11679

**Commodity:** Laser printing of SESA reports  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 2pm:** May 31  
**Agency:** Jobs & Training Department  
**Deliver to:** St. Paul  
**Requisition #:** 21200 20806

**Commodity:** Wang computer equipment  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 2pm:** May 30  
**Agency:** Employee Relations Department  
**Deliver to:** St. Paul  
**Requisition #:** 24000 98862

## State Contracts and Advertised Bids

**Commodity:** Informer terminal workstation  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 2pm:** May 31  
**Agency:** Revenue Department  
**Requisition #:** 67120 10540

**Commodity:** Slide projectors, accessories and slide trays  
**Contact:** Don Olson 612-296-3771  
**Bid due date at 2pm:** May 31  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Water—drinking and cooler rental  
**Contact:** Bernadette Vogel 612-296-2546  
**Bid due date at 2pm:** May 31  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

## 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:** Envelope for nonessential material, 10M 11<sup>7</sup>/<sub>8</sub>" × 9<sup>1</sup>/<sub>2</sub>" plus flap, type to set, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 24  
**Agency:** Jobs & Training Department  
**Deliver to:** St. Paul  
**Requisition #:** 7189

**Commodity:** Minnesota agricultural statistics 1989, 4M books 100pp + cover, 8<sup>1</sup>/<sub>2</sub>" × 11", camera ready, 2-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 24  
**Agency:** Agriculture Department  
**Deliver to:** St. Paul  
**Requisition #:** 6928

**Commodity:** Notice of benefits chargeable, 150M continuous form, 8<sup>1</sup>/<sub>2</sub>" × 11" plus feeder strip, camera ready + negs, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 24  
**Agency:** Jobs & Training Department  
**Deliver to:** St. Paul  
**Requisition #:** 7007

**Commodity:** Dealer purchase receipt, 180M 3-part forms, 5<sup>3</sup>/<sub>4</sub>" × 3" overall, camera ready, pts 1&2 1-sided, pt 3 2-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 24  
**Agency:** Public Safety Department  
**Deliver to:** St. Paul  
**Requisition #:** 6967

**Commodity:** Digest binders, 100 3-ring, 15 gauge vinyl, 1<sup>1</sup>/<sub>2</sub>" slant D ring, 11" × 8<sup>1</sup>/<sub>2</sub>" sheet size, silk screening, plus 100 sets of 18 reinforced printed tabs, union bug or "printed by state facilities"  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 24  
**Agency:** Mediation Services Bureau  
**Deliver to:** St. Paul  
**Requisition #:** 6975

**Commodity:** Intoxication % cards, 50M sheets 2<sup>1</sup>/<sub>2</sub>" × 3<sup>1</sup>/<sub>2</sub>", 2-sided, 4-color, negs furnished  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 24  
**Agency:** Natural Resources Department  
**Deliver to:** St. Paul  
**Requisition #:** 6974

**Commodity:** Schedule assignments, 5M 4-part sets, 4<sup>1</sup>/<sub>2</sub>" × 5<sup>1</sup>/<sub>2</sub>" overall, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 25  
**Agency:** Mediation Services Bureau  
**Deliver to:** St. Paul  
**Requisition #:** 7245

**Commodity:** Anterless lottery applications, 130M continuous fanfold postcards 2 across, 13" × 4<sup>1</sup>/<sub>4</sub>" with perfs, plus label 2<sup>3</sup>/<sub>8</sub>" × 4<sup>5</sup>/<sub>8</sub>" 2-sided, type to set  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 25  
**Agency:** Natural Resources Department  
**Deliver to:** St. Paul  
**Requisition #:** 7225

**Commodity:** Window envelopes, 800M 3<sup>3</sup>/<sub>4</sub>" × 7<sup>3</sup>/<sub>8</sub>"  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 30  
**Agency:** Finance Department  
**Deliver to:** St. Paul  
**Requisition #:** 7159

**Commodity:** Statement of fees due, 5M continuous feed 3-part sets, type to set, 1-sided, 8<sup>1</sup>/<sub>2</sub>" × 5<sup>1</sup>/<sub>2</sub>", preprinted numbering  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 25  
**Agency:** Commerce Department  
**Deliver to:** St. Paul  
**Requisition #:** 6932

**Commodity:** Kraft envelopes, 7.5M, 11<sup>1</sup>/<sub>2</sub>" × 14<sup>1</sup>/<sub>2</sub>", gummed flap and metal clasp, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 25  
**Agency:** VoTech Education Bd  
**Deliver to:** St. Paul  
**Requisition #:** 6909

**Commodity:** Acknowledgement card, 2.5M continuous feed 2-part sets, 13<sup>1</sup>/<sub>4</sub>" × 4<sup>1</sup>/<sub>4</sub>"  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 25  
**Agency:** Natural Resources Department  
**Deliver to:** Willow River  
**Requisition #:** 7001



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## Professional, Technical & Consulting Contracts

**Commodity:** Report of unclaimed property, verification and checklist, 22M sheets, 9½"x14" type to set + negs, 2-sided; and 22M 3-part form, type to set + negs, 1-sided, 8½"x14¾"

**Contact:** Printing Buyer's Office  
**Bids are due:** May 25  
**Agency:** Commerce Department  
**Deliver to:** St. Paul  
**Requisition #:** 6934 and 6935

**Commodity:** Laboratory report, 50M 5-part sets, 10"x5½" overall, camera ready, 1-sided, fan fold 2-up  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 25  
**Agency:** Health Department  
**Deliver to:** Minneapolis  
**Requisition #:** 7223

**Commodity:** Order determining sales and use tax liability, 10M 3½ art continuous form, camera ready, 8½"x7" overall  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 25  
**Agency:** Revenue Department  
**Deliver to:** St. Paul  
**Requisition #:** 6866

**Commodity:** Nursing license, 6M sheets 8"x5½", negs furnished, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 25  
**Agency:** Health Department  
**Deliver to:** Minneapolis  
**Requisition #:** 7222

**Commodity:** Voucher and characteristic, 15M 4-part sets, 8½"x11" pts 3 and 4, and 8½"x5¾" pts 1 and 2, type to set, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 25  
**Agency:** Jobs & Training Department  
**Deliver to:** St. Paul  
**Requisition #:** 7227

**Commodity:** Salary deduction report envelope, 30M 10¼"x11½" plus flap, negs available, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 25  
**Agency:** Public Employees Ret. Association  
**Deliver to:** St. Paul  
**Requisition #:** 6916

**Commodity:** Notification card, 2.5M continuous feed fan fold 2-per layer, 8¼"x3½" sheet size  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 25  
**Agency:** Natural Resources Department  
**Deliver to:** Willow River  
**Requisition #:** 7002

**Commodity:** Tree shipping tabs/labels, 15M continuous feed forms fan fold 3-up, 8¾"x3½" sheet size  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 25  
**Agency:** Natural Resources Department  
**Deliver to:** Willow River  
**Requisition #:** 7003

**Commodity:** Registration planning forms, 20M 3-part sets, 5"x8", 2-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 26  
**Agency:** Anoka-Ramsey Community College  
**Deliver to:** Coon Rapids  
**Requisition #:** 7249

**Commodity:** Titled registration card, 300M 12"x3½" sheet size, type to set, 2-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 26  
**Agency:** Public Safety Department  
**Deliver to:** St. Paul  
**Requisition #:** 7274

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## Professional, Technical & Consulting Contracts

### Citizens' Council on Voyageurs National Park

#### Request for Proposal for Natural Resource Consultant

The Citizens' Council on Voyageurs National Park needs to employ a consultant to evaluate specific projects and proposals of the United States National Park Service so as to carry out the Council's statutory duty to make recommendations regarding operation of Voyageurs National Park.

The selected consultant shall make reports directly to the Council. The consultant must be available to and prepared to share evaluations and assessments with individual Council members. The consultant must be accessible to the Council both on a daily basis and on some trips that are taken by Council members.

The contract is subject to legislative appropriation.

The estimated yearly cost of the contract is \$27,000.00.

Copies of RFP can be obtained from:

Jane Besch, Administrative Secretary  
Citizens' Council on Voyageurs National Park  
509 Third Street  
International Falls, MN 56649

Applications due no later than May 31, 1989.

## State Designer Selection Board

### Request for Proposal for Two Construction Projects at Camp Ripley

#### To Registered Professional in Minnesota:

The State Designer Selection Board has been requested to select designer for two projects. Design firms who wish to be considered for this project should submit proposals on or before 4:00 P.M., June 20, 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 the firm has a current certificate of compliance issued by the Commissioner of Human Rights;
- 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) 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.

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## Professional, Technical & Consulting Contracts

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.

### 7a) PROJECT—10-89

Organization Maintenance Shops  
Camp Ripley  
Estimated Construction Cost: \$1,480,000.00

**General Description of Project:** The proposed project consists of two new vehicle maintenance facilities each approximately 11,000 Sq. Ft., and renovation of a third existing vehicle maintenance facility.

**Project Details:** Construction of the two new maintenance facilities will be one story masonry construction with single ply roof and concrete floors. One Facility will contain 6 (six) work bays and the other facility will contain 7 (seven). Other spaces to be provided include, wash and warming bays, equipment storage, administrative and locker/toilet facilities.

**Work to be Performed by the Architect:** The work includes: topographic survey and soil test borings; the design of the complete facility; the preparation of required drawings, specifications and allied documents to include bidding documents; presiding at the bid opening; the handling of contract documents; the general supervision of the construction work for the owner; assisting in the preparation of supplemental agreements; review and approval of shop drawings and payment requests; assisting in final acceptance of the work. The specification format will be the architect's normal for commercial work, tailored to the project.

**Architect's Fee for the Work:** The fee for design, printing, travel, topographic survey, soil testing and supervision services is Government established on a variable scale at a percentage of the construction cost of the work. Estimated fee is 5.7%. The Department of Military Affairs will provide the designer with programming documents and Department construction standards which include space criteria, supporting facility criteria, construction standards, authorized finish schedules and use relationships.

### 7b) PROJECT—11-89

Troop Area 7, Phase I  
Winterized Facilities  
Camp Ripley  
Estimated Construction Cost: \$3,400,000.00

**General Description of Project:** The total Area 7 project will ultimately provide year-round housing for 2500 troops. This first phase consists of new masonry construction of five buildings that will provide winterized housing and support facilities for approximately 510 troops. These facilities include three unit housing buildings with food service, supply, central issue, and administrative areas; one bachelor enlisted quarters building; and one bachelor officers quarters building.

**Project Details:** The facilities will have concrete floors, truss roofs, concrete block walls, and be heated with the most economical energy source. Construction to be in accordance with State of Minnesota Building and Energy Codes plus all other applicable codes and standards. Basic room areas in a unit housing building include: sleeping bays, restrooms with shower areas, supply and administration rooms, a dining facility, and mechanical room. Other aspects of the project include construction of new access roads, parking areas, and sidewalks, as well as necessary demolition and utility connections. Total square footage for Phase I is approximately 72,700.

**Work to be Performed by the Architect:** The work includes: topographic survey and soil test borings; the design of the complete facility; the preparation of required drawings, specifications and allied documents to include bidding documents; presiding at the bid opening; the handling of contract documents; the general supervision of the construction work for the owner; assisting in the preparation of supplemental agreements; review and approval of shop drawings and payment requests; assisting in final acceptance of the work. The specification format will be the architect's normal for commercial work, tailored to the project.

**Architect's Fee for the Work:** The fee for design, printing, travel, topographic survey, soil testing and supervision services is Government established on a variable scale at a percentage of the construction cost of the work. Estimated fee is 5.5%. The Department of Military Affairs will provide the designer with programming documents and Department construction standards which include space criteria, supporting facility criteria, construction standards, authorized finish schedules and use relationships.

Questions concerning these projects may be referred to Lt. Col. Wayne Johnson at Camp Ripley (612) 632-6631 Extension 315.

Bernard Jacob, Chairman  
State Designer Selection Board

## Department of Employee Relations

### Request for Employee Health Promotion Newsletter

NOTICE IS HEREBY GIVEN that the Department of Employee Relations is requesting proposals from qualified proposers to provide a health promotion newsletter to be distributed six times a year to approximately 36,000 state employees.

#### Background

The Minnesota Department of Employee Relations (DOER) serves as the employer for the executive branch of state government, which includes more than 36,000 employees. Through the Employee Health and Benefits Division, DOER has made a commitment to enhance the health of state employees. One of the long-term objectives is to contain the rising costs of health care while improving productivity and decreasing absenteeism. Programs will be developed on a state-wide level that will assist employees in attaining optimal health status.

#### Objectives

The objectives of this project are to provide a high-quality newsletter which will:

- Enhance state employees' awareness about their health
- Serve as a vehicle for communicating valuable employee benefits information
- Promote the statewide health promotion program
- Educate employees on how their state of health and their use of health care services affects benefits costs
- Meet the health and benefits informational needs of the state work force

#### Department Contacts

Prospective proposers who wish to receive a copy of the complete RFP may call or write:

Rick Stenerson  
Marketing Director  
520 Lafayette Road  
3rd Floor  
St. Paul, MN 55155  
(612) 296-5444

Sandy Cavanaugh, Director  
Statewide Health Promotion  
520 Lafayette Road  
3rd Floor  
St. Paul, MN 55155  
(612) 296-1689

#### Submission of Proposals

The deadline for submissions is 4:30 p.m., Monday, June 12, 1989. Please submit four complete copies to one of the above personnel.

## Department of Health

### Community Health Services Division—Emergency Medical Services Section

### Notice of Request for Proposal for an Inventory of Minnesota Pre-Hospital and Hospital Trauma Care Capacity and Capabilities

The Minnesota Department of Health is requesting proposals from interested parties to undertake a prospective study of pre-hospital and hospital trauma care capacity and capabilities within Minnesota.

The goal of the proposed project is to systematically study and evaluate trauma care capabilities of the emergency medical care system within Minnesota, both pre-hospital and in-hospital.

The objective of the proposed project is to assist the Department of Health in establishing reasonable and realistic priorities and recommendations, consistent with the outcomes of the study, to initiate further study and possible implementation of a pre-hospital trauma care system and trauma registry system within the state.

Applicants must respond in the form of a proposal to enter into a contract with the Department of Health for an amount not to exceed \$20,000. The study is expected to begin July 1, 1989, and be completed by September 30, 1989. Deadline for the submission of proposals is June 16, 1989.

Copies of the Request for Proposal are available from:

Wayne Arrowood, Assistant Chief  
Emergency Medical Services Section  
Minnesota Department of Health  
393 North Dunlap Street Box 64900  
St. Paul, MN 55164-0900  
(612) 643-2162

## **Department of Human Services**

### **Family Support Programs**

### **Refugee and Immigrant Assistance Division**

#### **Request for Proposal for Information Management Consulting and Technical Services**

NOTICE IS HEREBY GIVEN that the Refugee and Immigrant Assistance Division, Family Support Programs, Minnesota Department of Human Services, published an RFP notice on April 17, 1989. The Department has decided to republish its request for proposals under revised criteria, and is seeking proposals concerning the identification of the information needs of the Division, an analysis of the extent to which an existing microcomputer-based system meets Division information needs, and the development of recommendations for system improvements.

Funding is from the federal Refugee Resettlement Program. A contract will be issued to the successful bidder subject to the availability of federal funds.

A bidders conference will be held on May 31, 1989, from 9:30 to 11:30 a.m., CDT, in Room 4B at the Human Services Building, 444 Lafayette Road, St. Paul, Minnesota.

Proposals must be received in the Refugee and Immigrant Assistance Division by June 12, 1989, by 4:30 p.m., CDT. The Refugee and Immigrant Assistance Division reserves the right not to act on this RFP.

Please direct requests for the complete RFP, any questions, and proposals to:

Maureen O'Brien  
Minnesota Department of Human Services  
Refugee and Immigrant Assistance Division  
444 Lafayette Road, 3rd Floor  
St. Paul, Minnesota 55155-3837  
(612) 296-1887

## **Iron Range Resources and Rehabilitation Board**

### **Request for Proposal to Identify and Attract Candidates for Industrial and Commercial Development in Northeast Minnesota from the Upper Midwest and Minnesota**

The Iron Range Resources and Rehabilitation Board requests proposals from qualified consultants to assist in the identification and attraction of bonafide candidates for industrial and commercial development within the Taconite Tax Relief Area of northeastern Minnesota. The consultant shall concentrate its efforts primarily to the upper Midwest and Minnesota.

To this aim, the consultant shall identify specific individuals or groups whose task will be to work directly and singularly with IRRRB staff to attract potential business leads for these areas.

#### **Background**

A primary mission of the Iron Range Resources and Rehabilitation Board is the economic development of the Taconite Tax Relief Area (*Minnesota Statutes* § 273.134, § 298.22, § 298.223, § 298.292, and § 298.296).

Towards this objective, the IRRRB has identified specific sectors of economic opportunity in which the agency has focused its efforts to promote the initiation or growth of businesses perceived as leaders in the economic diversification of northeastern Minnesota. These sectors include minerals, wood products, alternate energies, tourism, and technologically innovative fields such as electronics, medical specialties, or information.

## Professional, Technical & Consulting Contracts

The consultant selected would provide assistance to IRRRB in meeting economic development objectives in the aforementioned or other sectors of economic opportunity, working directly with the IRRRB staff in support of business development.

### Project Scope and Work Program

The IRRRB requests that respondents address the following general areas of consideration, explaining in detail their proposed plans to accomplish stated objectives in each field. Respondents should estimate what percentage of the total time and total cost allotted will be devoted to each area of consideration, correspondingly breaking down each general area of consideration into specific tasks and detailing the respective time and money needed to accomplish each specific task.

General areas of consideration:

1. Identification and contact of qualified candidates for industrial and commercial development within the Taconite Tax Relief Area.
  - a. From the noted target sectors or other sectors which the consultant and the IRRRB mutually ascertain as viable options for northeastern Minnesota.
  - b. While IRRRB suggests that this candidate search be limited to the upper Midwest and Minnesota; the consultant should propose a specific geographic search area, justifying same.
2. Assistance to the IRRRB staff in researching and developing proposals necessary to attract and secure such industrial and commercial development.
3. Formulation of strategies, detailing specific objectives, for same.
4. Coordination of preliminary negotiations with qualified business development candidates.
5. Progress reports covering all of the above.

### Time Schedule

The proposed starting date of the project is July 1, 1989, with all work to be completed by June 30, 1990.

### Cost of Contract

The total cost of this contract for all services and for all costs, both direct and indirect, shall not exceed \$50,000.00.

### Type of Contract

The contract shall be of a fixed-term of service, not-to-exceed variety. Reimbursement of costs and services, direct and indirect, shall be made upon submission of invoices for work as completed.

### Limitation of Allowable Costs

The allowable costs must be in conformance with State regulations and the signed contractual agreement. The contractor shall provide a list of the personnel who will be performing work and their respective fee schedules on an hourly basis. The contractor will not be reimbursed for any costs or services not in conformance with such schedules, regulations, or the signed contractual agreement.

### Consultant Selection

The consultant is expected to possess all technical skills required to deliver the services requested. Respondents should include information pertaining to the credentials and experience of all primary personnel they propose to utilize in project execution.

IRRRB shall select a consultant based on the review of proposals received. This review may also include interviews of firms selected as finalists among initial respondents.

The IRRRB Commissioner shall appoint a committee of IRRRB staff or other appropriate individuals, who, along with himself, shall be responsible for final consultant selection.

### Submission of Proposals

Completed proposals should be mailed or delivered to:

Iron Range Resources and Rehabilitation Board  
Highway #53 South, P.O. Box 441  
Eveleth, MN 55734  
(218) 744-2993  
Attention: Phil Bakken

Proposals responding to this RFP must be received by 4:30 P.M., Wednesday, June 14, 1989.

Late proposals will not be accepted. Please provide an original and seven copies. Each copy of the proposal must have an original

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## Professional, Technical & Consulting Contracts

signature of an authorized member of the responding firm, sealed in mailing envelopes or packages with the respondent's name and address clearly written on the outside. Such envelopes or packages should be stamped in bold letters, **NE MN REGIONAL RECRUITMENT PROPOSAL—DO NOT OPEN**.

The IRRRB shall not be responsible for any costs incurred in responding to this RFP.

### Anticipated Date of Award

The IRRRB anticipates award of this contract by June 23, 1989.

### Tentative Proposal/Contract Timelines

Publication in *State Register*: Monday, May 22, 1989.

Response Period: Tuesday, May 23, 1989-4:30 P.M., Wednesday, June 14, 1989.

Tentative Respondent Interviews: June 19-22, 1989.

Anticipated Date of Contract Award: June 23, 1989.

Effective Contract Date: On or near July 1, 1989.

Term of Contract: July 1, 1989-June 30, 1990.

### Cancellation of Solicitation

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

### Statutory Proposal Requirements

In accordance with the provisions of *Minnesota Statute* § 363.073, for state contracts 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 a certificate of compliance issued 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 the firm's current certificate issued by the Commissioner of Human Rights.
- B. A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights.
- 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.

Any questions concerning a Certificate of Compliance may be referred to the Contract Compliance Unit of the Minnesota Department of Human Rights at (612) 296-5663.

## Iron Range Resources and Rehabilitation Board

### Request for Proposal to Identify and Attract Candidates for Industrial and Commercial Development in Northeast Minnesota from the Twin Cities Metro Area

The Iron Range Resources and Rehabilitation Board requests proposals from qualified consultants to assist in the identification and attraction of bonafide candidates for industrial and commercial development within the Taconite Tax Relief Area of northeastern Minnesota. The consultant shall concentrate its efforts primarily in the Twin Cities Metro area.

To this aim, the consultant shall identify specific individuals or groups whose task will be to work directly and singularly with IRRRB staff to attract potential business leads for these areas.

### Background

A primary mission of the Iron Range Resources and Rehabilitation Board is the economic development of the Taconite Tax Relief Area (*Minnesota Statutes* § 273.134, § 298.22, § 298.223, § 298.292, and § 298.296).

Towards this objective, the IRRRB has identified specific sectors of economic opportunity in which the agency has focused its efforts to promote the initiation or growth of businesses perceived as leaders in the economic diversification of northeastern Minnesota. These sectors include minerals, wood products, alternate energies, tourism, and technologically innovative fields such as electronics, medical specialities, or information.

The consultant selected would provide assistance to IRRRB in meeting economic development objectives in the aforementioned or other sectors of economic opportunity, working directly with the IRRRB staff in support of business development.

# Professional, Technical & Consulting Contracts

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## Project Scope and Work Program

The IRRRB requests that respondents address the following general areas of consideration, explaining in detail their proposed plans to accomplish stated objectives in each field. Respondents should estimate what percentage of the total time and total cost allotted will be devoted to each area of consideration, correspondingly breaking down each general area of consideration into specific tasks and detailing the respective time and money needed to accomplish each specific task.

General areas of consideration:

1. Identification and contact of qualified candidates for industrial and commercial development within the Taconite Tax Relief Area.
  - a. From the noted target sectors or other sectors which the consultant and the IRRRB mutually ascertain as viable options for northeastern Minnesota.
  - b. While IRRRB suggests that this candidate search be limited to the upper Midwest, Minnesota, or mainly the Twin Cities metro area; the consultant should propose a specific geographic search area, justifying same.
2. Assistance to the IRRRB staff in researching and developing proposals necessary to attract and secure such industrial and commercial development.
3. Formulation of strategies, detailing specific objectives, for same.
4. Coordination of preliminary negotiations with qualified business development candidates.
5. Coordination of the Northeast Minnesota Cities Metro-Advisory Board.
6. Progress Reports covering all of the above.

## Time Schedule

The proposed starting date of the project is July 1, 1989, with all work to be completed by June 30, 1990.

## Cost of Contract

The total cost of this contract for all services and for all costs, both direct and indirect, shall not exceed \$75,000.00.

## Type of Contract

The contract shall be of a fixed-term of service, not-to-exceed variety. Reimbursement of costs and services, direct and indirect, shall be made upon submission of invoices for work as completed.

## Limitation of Allowable Costs

The allowable costs must be in conformance with State regulations and the signed contractual agreement. The contractor shall provide a list of the personnel who will be performing work and their respective fee schedules on an hourly basis. The contractor will not be reimbursed for any costs or services not in conformance with such schedules, regulations, or the signed contractual agreement.

## Consultant Selection

The consultant is expected to possess all technical skills required to deliver the services requested. Respondents should include information pertaining to the credentials and experience of all primary personnel they propose to utilize in project execution.

IRRRB shall select a consultant based on the review of proposals received. This review may also include interviews of firms selected as finalists among initial respondents.

The IRRRB Commissioner shall appoint a committee of IRRRB staff or other appropriate individuals, who, along with himself, shall be responsible for final consultant selection.

## Submission of Proposals

Completed proposals should be mailed or delivered to:

Iron Range Resources and Rehabilitation Board  
Highway #53 South, P.O. Box 441  
Eveleth, MN 55734  
(218) 744-2993  
Attention: Phil Bakken

Proposals responding to this RFP must be received by 4:30 P.M., Wednesday, June 14, 1989.

Late proposals will not be accepted. Please provide an original and seven copies. Each copy of the proposal must have an original signature of an authorized member of the responding firm, sealed in mailing envelopes or packages with the respondent's name and



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## Professional, Technical & Consulting Contracts

address clearly written on the outside. Such envelopes or packages should be stamped in bold letters, **NE MN REGIONAL RECRUITMENT PROPOSAL—DO NOT OPEN.**

The IRRRB shall not be responsible for any costs incurred in responding to this RFP.

### Anticipated Date of Award

The IRRRB anticipates award of this contract by June 23, 1989.

### Tentative Proposal/Contract Timelines

Publication in *State Register*: Monday, May 22, 1989.

Response Period: Tuesday, May 23, 1989-4:30 P.M., Wednesday, June 14, 1989.

Tentative Respondent Interviews: June 19-22, 1989.

Anticipated Date of Contract Award: June 23, 1989.

Effective Contract Date: On or near July 1, 1989.

Term of Contract: July 1, 1989-June 30, 1990.

### Cancellation of Solicitation

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

### Statutory Proposal Requirements

In accordance with the provisions of *Minnesota Statute* § 363.073, for state contracts 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 a certificate of compliance issued 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 the firm's current certificate issued by the Commissioner of Human Rights.
- B. A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights.
- 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.

Any questions concerning a Certificate of Compliance may be referred to the Contract Compliance Unit of the Minnesota Department of Human Rights at (612) 296-5663.

## Iron Range Resources and Rehabilitation Board

### Request for Proposal for Professional Marketing Services for the Agency and Northeastern Minnesota Clients

The Iron Range Resources and Rehabilitation Board requests proposals from qualified consultants to provide professional services in the area of marketing; for both the agency and existing or potential northeastern Minnesota clients identified by the agency.

#### Background

In administration of its various financial assistance programs within the Taconite Relief Area of northeastern Minnesota, IRRRB staff have noted that a critical need exists for marketing expertise in support of successful community and business development efforts.

Since these community and business efforts encompass a broad spectrum of industries and products, the IRRRB seeks to engage a consultant with correspondingly varied background(s), knowledge, and abilities at its disposal.

The IRRRB proposed to utilize the professional expertise of such a consultant to satisfy both the internal needs of the agency as well as the needs of existing or future IRRRB clients.

#### Project Scope and Work Program

The IRRRB requests that respondents explain in detail their proposed plans to accomplish stated objectives in each of the following areas of consideration:

1. Assistance to IRRRB staff in evaluating marketing programs of IRRRB funding applicants.

## Professional, Technical & Consulting Contracts

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2. Assistance to existing or new northeastern Minnesota businesses in the development of marketing strategies (at IRRRB's discretion and direction).

3. Assistance to IRRRB staff in identifying community and business development opportunities relative to existing and future market opportunities.

Respondents should estimate what percentage of the total time and total allotted costs will be devoted to each area of consideration, breaking down each general area of consideration into specific tasks and detailing the respective time and money needed to accomplish each task.

Respondents should also outline how they would propose to work with and report to IRRRB staff concerning their ongoing progress in each area of consideration.

### Time Schedule

The proposed starting date of the project is July 1, 1989, with all work to be completed by June 30, 1990.

### Cost of Contract

The total cost of this contract for all services and for all costs, both direct and indirect, shall not exceed \$50,000.00.

### Type of Contract

The contract shall be of a fixed-term of service, not-to-exceed variety. Reimbursement of costs and services, direct and indirect, shall be made upon submission of invoices for work as completed.

### Limitation of Allowable Costs

The allowable costs must be in conformance with State regulations and the signed contractual agreement. The contractor shall provide a list of the personnel who will be performing work and their respective fee schedules on an hourly basis. The contractor will not be reimbursed for any costs or services not in conformance with such schedules, regulations, or the signed contractual agreement.

### Consultant Selection

The consultant is expected to possess all technical skills required to deliver the services requested. Respondents should include information pertaining to the credentials and experience of all primary personnel they propose to utilize in project execution.

IRRRB shall select a consultant based on the review of proposals received. This review may also include interviews of firms selected as finalists among initial respondents.

The IRRRB Commissioner shall appoint a committee of IRRRB staff or other appropriate individuals, who, along with himself, shall be responsible for final consultant selection. Such final selection shall then be reviewed and approved by the IRRR Board prior to formal contractual arrangements.

### Submission of Proposals

Completed proposals should be mailed or delivered to:

Iron Range Resources and Rehabilitation Board  
Highway #53 South, P.O. Box 441  
Eveleth, MN 55734  
(218) 744-2993  
Attention: Phil Bakken

Proposals responding to this RFP must be received by 4:30 P.M., Wednesday, June 14, 1989.

Late proposals will not be accepted. Please provide an original and seven copies. Each copy of the proposal must have an original signature of an authorized member of the responding firm, sealed in mailing envelopes or packages with the respondent's name and address clearly written on the outside. Such envelopes or packages should be stamped in bold letters, **IRRRB MARKETING PROPOSAL—DO NOT OPEN**.

The IRRRB shall not be responsible for any costs incurred in responding to this RFP.

### Anticipated Date of Award

The IRRRB anticipates award of this contract by June 23, 1989.

### Tentative Proposal/Contract Timelines

Publication in *State Register*: Monday, May 22, 1989.

Response Period: Tuesday, May 23, 1989-4:30 P.M., Wednesday, June 14, 1989.

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## Professional, Technical & Consulting Contracts

Tentative Respondent Interviews: June 19-22, 1989.

Anticipated Date of Contract Award: June 23, 1989.

Effective Contract Date: On or near July 1, 1989.

Term of Contract: July 1, 1989-June 30, 1990.

### Cancellation of Solicitation

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

### Statutory Proposal Requirements

In accordance with the provisions of *Minnesota Statute* § 363.073, for state contracts 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 a certificate of compliance issued 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 the firm's current certificate issued by the Commissioner of Human Rights.
- B. A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights.
- 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.

Any questions concerning a Certificate of Compliance may be referred to the Contract Compliance Unit of the Minnesota Department of Human Rights at (612) 296-5663.

## Iron Range Resources and Rehabilitation Board

### Request for Proposal to Publish a Quarterly Tabloid Magazine for Business Recruitment

The Iron Range Resources and Rehabilitation Board requests proposals from qualified consultants and companies to publish a quarterly tabloid magazine that is intended to assist the business recruitment efforts of the agency's economic development division.

#### Background

A primary mission of the Iron Range Resources and Rehabilitation Board is the economic development of the Taconite Tax Relief Area (*Minnesota Statutes* § 273.134, § 298.22, § 298.223, § 298.292, and § 298.296).

Toward this objective, the IRRRB has identified specific sectors of economic opportunity in which the agency has focused its efforts to promote the initiation or growth of businesses perceived as leaders in the economic diversification of northeastern Minnesota. These sectors include minerals, wood products, alternate energies, tourism, and technologically innovative fields such as electronics, medical specialties, or information.

#### Project Scope and Work Program

The IRRRB requests that respondents address the following general areas of consideration, explaining in detail their proposed plans to accomplish stated objectives in each field. Respondents should estimate the total time and total cost allotted that will be devoted to each area of consideration, correspondingly breaking down each general area of consideration into specific tasks and detailing the respective time and money needed to accomplish each specific task.

In addition, the IRRRB will furnish a printed list of 60,000 names and addresses of former Iron Range residents that will become the base mailing list for each publication. The successful bidder will be required to furnish plate-ready film to a printer of the agency's choice.

General areas of consideration:

1. In addition to the base mailing list of 60,000, please list the costs and methods for developing a qualified mailing list of businesses and C.E.O.'s names that would target other S.I.C. industry groups that are compatible with the agency's marketing efforts.

2. Identify the following costs or estimates associated with publishing each quarterly magazine:

Format: Eight-page expanded tabloid, self-cover, self-mailer

Frequency: Quarterly

Size: Page size: 11" × 17"

# Professional, Technical & Consulting Contracts

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Color: Four color throughout

Photos: Ten color photos per issue (3" × 5" to 8" × 12" size)

Editorial Focus: To encourage and inform former Rangers and business leaders of opportunities in northeastern Minnesota. Stories will also cover business development; tourism; investment opportunities; quality of life; cross marketing of IRRRB facilities and area resorts; tourism amenities; and economic development incentives.

In your proposal, outline the estimated costs per issue on the following items:

- Editorial Development
- Photography
- Typesetting rate (per page/hour)
- Client meetings, review, miscellaneous
- Design, Keyline
- Plate-ready Litho preparation/color separations
- Mailing services for 60,000. Includes label costs, labeling, sorting, bulk rate postage, coordination.

3. Mailing list maintenance per quarter. Itemize maintenance costs for adding/deleting name/address changes per unit, estimate of changes per issue are 800-1,000.

## Time Schedule

The proposed starting date of the project is July 1, 1989, with all work to be completed by June 30, 1990.

## Cost of Contract

The total cost of this contract for all services and for all costs, both direct and indirect, shall not exceed \$80,000.00.

## Type of Contract

The contract shall be of a fixed-term of service, not-to-exceed variety. Reimbursement of costs and services, direct and indirect, shall be made upon submission of invoices for work as completed.

## Limitation of Allowable Costs

The allowable costs must be in conformance with State regulations and the signed contractual agreement. The contractor shall provide a list of the personnel who will be performing work and their respective fee schedules on an hourly basis. The contractor will not be reimbursed for any costs or services not in conformance with such schedules, regulations, or the signed contractual agreement.

## Consultant Selection

The consultant is expected to possess all technical skills required to deliver the services requested. Respondents should include information pertaining to the credentials and experience of all primary personnel they propose to utilize in project execution.

IRRRB shall select a consultant based on the review of proposals received. This review may also include interviews of firms selected as finalists among initial respondents.

The IRRRB Commissioner shall appoint a committee of IRRRB staff or other appropriate individuals, who, along with himself, shall be responsible for final consultant selection.

## Submission of Proposals

Completed proposals should be mailed or delivered to:

Iron Range Resources and Rehabilitation Board  
Highway #53 South, P.O. Box 441  
Eveleth, MN 55734  
(218) 744-2993  
Attention: Phil Bakken

Proposals responding to this RFP must be received by 4:30 P.M., Wednesday, June 14, 1989.

Late proposals will not be accepted. Please provide an original and seven copies. Each copy of the proposal must have an original signature of an authorized member of the responding firm, sealed in mailing envelopes or packages with the respondent's name and address clearly written on the outside. Such envelopes or packages should be stamped in bold letters, **NE MN QUARTERLY TABLOID PROPOSAL—DO NOT OPEN.**

The IRRRB shall not be responsible for any costs incurred in responding to this RFP.

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## Professional, Technical & Consulting Contracts

### Anticipated Date of Award

The IRRRB anticipates award of this contract by June 23, 1989.

### Tentative Proposal/Contract Timelines

Publication in *State Register*: Monday, May 22, 1989.

Response Period: Tuesday, May 23, 1989-4:30 P.M., Wednesday, June 14, 1989.

Tentative Respondent Interviews: June 19-22, 1989.

Anticipated Date of Contract Award: June 23, 1989.

Effective Contract Date: On or near July 1, 1989.

Term of Contract: July 1, 1989-June 30, 1990.

### Cancellation of Solicitation

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

### Statutory Proposal Requirements

In accordance with the provisions of *Minnesota Statute* § 363.073, for state contracts 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 a certificate of compliance issued 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 the firm's current certificate issued by the Commissioner of Human Rights.
- B. A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights.
- 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.

Any questions concerning a Certificate of Compliance may be referred to the Contract Compliance Unit of the Minnesota Department of Human Rights at (612) 296-5663.

## Department of Jobs and Training

### Request for Proposals for the Transitional Housing Program

The Minnesota Department of Jobs and Training seeks proposals from community action agencies, housing and redevelopment authorities and other public and private non-profit agencies for projects to be funded under the Transitional Housing Program, formerly called the Temporary Housing Demonstration Program. Jobs and Training is expecting to receive an appropriation of \$170,000 to make grants in this fiscal year. Actual appropriations is unknown and grants will be awarded on funding available.

Jobs and Training will accept proposals that initiate, maintain or expand programs which provide housing and support services for the homeless. Applicants wishing application guideline packages or further information regarding the program may contact Barbara Krech 612-296-4658 (for application packages) or Mark Kaszynski (information) at 612-297-2590. An original and five copies of the completed application package must be received no later than 4:30 p.m. on June 30, 1989.

Applications should be sent to:

Department of Jobs and Training  
Economic Opportunity Office  
670 American Center Building  
150 East Kellogg Boulevard  
St. Paul, MN 55101  
ATTN: Mark Kaszynski

An announcement of awards is expected in July, 1989. This request for proposals is subject to all laws, rules and regulations promulgated by a federal, state and municipal authority having jurisdiction as the same and may be amended from time to time. Applications for this RFP are prepared at the sole risk, cost and expense of the applicant.

## Professional, Technical & Consulting Contracts

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### Department of Natural Resources

#### Request for Proposals to Determine Content and Design Exhibits for an Interpretive Center at the Peterson State Fish Hatchery

The Department of Natural Resources is seeking proposals from qualified firms or individuals to perform concept development, phasing, schematic design, and cost estimating of an interpretive/visitor center to be located at the Peterson State Fish Hatchery. The results of any awarded contract will be used to guide the Department in development of the center. Installation of the various components of the center will be accomplished in phases over the next three fiscal years, and will be performed either by Department personnel or outside vendors.

This Request for Proposal does not obligate the State to initiate or complete the project, and the State reserves the right to cancel the solicitation.

The goal of this project is to produce a feasible, logical, and sequential development plan for the Peterson Interpretive Center. The Center must provide relevant information to visitors, and provide a positive family recreation experience.

Prospective respondents who have any questions regarding the Request for Proposal or who would like a more detailed version of this Request for Proposal may call or write:

Michael W. DonCarlos  
Coldwater Production Supervisor  
MN/DNR Section of Fisheries  
500 Lafayette Road  
St. Paul, MN 55155-4012  
(612) 296-1329

All final deliverables will be submitted to the Department by August 31, 1989.

The Department estimates the cost of this proposal should not exceed \$10,000.

### Board of Water and Soil Resources

#### Flood Control Structure Design Consultant Services Sought—Notice to Licensed Civil and Structural Engineers

The Minnesota Board of Water and Soil Resources (BWSR) anticipates retaining engineering consultants to assist in the design of flood control structures in a portion of the Minnesota River basin in southwestern Minnesota and eastern South Dakota designated as Study Area II. This area encompasses the watersheds of all southern tributaries of the Minnesota River between the cities of Ortonville and Mankato.

The BWSR is responsible for the engineering of flood control projects in Study Area II under the state Area II grant program authorized by *Minnesota Statutes*, Sections 104.42 to 104.50.

Engineering services could range in scope from the design of multi-purpose earthen dams with up to 50 square miles of drainage area, to relatively minor modifications of road crossings to increase their floodwater detention capabilities.

Qualified firms desiring to be considered as design contractors must submit information demonstrating their qualifications to Darrell Apelgrain, BWSR Staff Engineer, 1400 E. Lyon Street, Box 267, Marshall, MN 56258, telephone (507) 537-1324.

Submissions should include a list of the personnel who would perform the work and their hourly costs. Information on qualifications must be received in the office of the Staff Engineer by 4:30 p.m. on Friday, June 16, 1989 to be considered during 1989. Applicants may be interviewed.

## 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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### Dakota County

#### Request for Proposals for Ash Residue Recycling and Disposal Services

Dakota County is seeking proposals to recycle and/or dispose of ash residue resulting from the processing of municipal solid waste at the Dakota County Resource Recovery Facility. Ash residue recycling and disposal services will be required when the resource recovery facility starts operating in 1992. Proposals are due by noon on June 30, 1989 at the Dakota County Government Center, 1560 Highway 55, Hastings, MN, 55033. A copy of the RFP can be obtained by calling Mr. Louis Breimhurst at (612) 438-4418.

Dated: 17 May 1989

### Metropolitan Council

#### Request for Proposals for a Minnesota Industrial Containment Facility Environmental Impact Statement

NOTICE IS HEREBY GIVEN that the Metropolitan Council is requesting proposals for consulting services to prepare a draft environmental impact statement (EIS) for this project and assist in presenting the EIS and responding to public comments. The Minnesota Industrial Containment Facility proposal is a private initiative to build a nonhazardous industrial waste containment facility in Rosemount, Minnesota.

The services should commence about July 13, 1989 and should be completed by January 1990. All proposals must be received no later than 4:00 p.m. on June 12, 1989 and sent to the attention of Wayne Nelson, Solid Waste Division.

Copies of the RFP may be obtained from the Metropolitan Council, Mears Park Centre, 230 E. Fifth St., St. Paul, Minnesota 55101. Inquiries should be directed to Wayne Nelson (612) 291-6406.

## 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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### Minnesota Pollution Control Agency

#### Division of Water Quality

#### Applications Accepted for Project Development and Project Implementation Grants Through the Clean Water Partnership Program

The Minnesota Pollution Control Agency (MPCA) hereby announces that it will accept applications for Project Development and Project Implementation Grants through the Clean Water Partnership Program (CWP).

In 1987, the Minnesota Legislature established the Clean Water Partnership Program (*Minnesota Statutes*, Sections 115.091 through 115.103) to protect and improve surface and ground water in Minnesota through financial and technical assistance to local units of government.

## State Grants

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Applications will be accepted from local units of government interested in leading a nonpoint source pollution control project. Clean Water Partnership project funding is awarded in two phases. The first phase, the Project Development Grant, involves the completion of a diagnostic study and implementation plan that identifies pollution problems, their causes, and identifies the combination of management practices necessary to improve or protect water quality. The second phase, the Project Implementation Grant, involves implementing the activities identified in the first phase as necessary to improve or protect water quality.

Applications will be accepted from June 30 through August 30, 1989. All applications must be received by 4:30 p.m. on August 30, 1989.

*Minnesota Rules*, Parts 7076.0100 through 7076.0290 provide the criteria and procedural conditions under which the MPCA may award assistance to local units of government.

An information package is available for all interested parties. This package includes: 1) the CWP grant application, 2) a copy of *Minnesota Rules*, Parts 7076.0100 through 7076.0290, 3) a copy of *Minnesota Statutes*, Sections 115.091 through 115.103, 4) a copy of *Protecting Minnesota's Waters, The Land Use Connection*, and 5) guidance documents.

Three pre-application workshops will be given by MPCA staff. Times and locations are:

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| 1) Date: June 19, 1989<br>Time: 10:00 A.M. to 4:00 P.M.<br>Location: Minnesota Pollution<br>Control Agency Board Room<br>520 Lafayette Road<br>Saint Paul, Minnesota | 2) Date: June 20, 1989<br>Time: 10:00 A.M. to 4:00 P.M.<br>Location: Brainerd Public Library<br>416 South Fourth Street<br>Brainerd, Minnesota |
| 3) Date: June 22, 1989<br>Time: 10:00 A.M. to 4:00 P.M.<br>Location: Mankato Regional Library<br>100 East Main Street<br>Mankato, Minnesota                          |  |

Request additional information and the CWP Application Information Package from:

Mr. Gaylen Reetz  
Program Development Section  
Division of Water Quality  
Minnesota Pollution Control Agency  
520 Lafayette Road  
St. Paul, Minnesota 55155  
Phone: (612) 296-8834

## Supreme Court Decisions

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### Decision Filed 11 May 1989

**C0-89-513** In the Matter of the Condemnation by the Minneapolis Community Development Agency of Certain Lands in the City of Minneapolis. Hennepin County.

The inclusion of a YMCA health and recreation facility in a development project does not cause the taking of other property in this condemnation proceeding for the project to violate the First Amendment.

Affirmed. Simonett, J.

### Decisions and Orders Filed 19 May 1989

#### Decisions

**C6-89-127** Melvin Swanson, by Sharon Swanson vs. Fairway Foods and National Union Fire Insurance Company. Workers' Compensation Court of Appeals.

Relator's death while commuting home from work after a normal work shift is not compensable under the Workers' Compensation Act since it did not arise out of and in the course of employment.

Affirmed. Popovich, C.J.

Dissenting, Yetka and Wahl, JJ.



**C5-87-2351 James D. Roemer, et al., v. David E. Martin, M.D., et al., and Tri-State Insurance Company. Court of Appeals.**

The evidence considered as a whole and in the light most favorable to the verdict supports the jury's finding of no causation.

Reversed, and the jury's verdict reinstated. Simonett, J.

Took no part, Keith, J.

**Orders****C8-88-2029 In Re Petition for Disciplinary Action against James A. Del Vecchio, an Attorney at Law of the State of Minnesota. Supreme Court.**

Disbarred. Popovich, C.J.

**C9-89-1848 In Re Reinstatement of John R. Speakman, an Attorney at Law of the State of Minnesota. Supreme Court.**

Reinstated. Kelley, J.

**C4-88-1993 In Re Petition for Disciplinary Action against Dennis W. Strid, an Attorney at Law of the State of Minnesota. Supreme Court.**

Publicly Reprimanded. Kelley, J.

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**Announcements**

**Environmental Quality Board (EQB):** A public meeting will be held to discuss the Minneapolis West Business Center Park on Wednesday, May 31 at 4 P.M. in the City Council Chambers, City of St. Louis Park, 5005 Minnetonka Blvd. The comment period ends June 12. A draft environmental impact statement (EIS) is available by contacting Don Rye (612) 924-2573. • A petition for review of the Glendorado Township Landfill has been received by the Minn. Pollution Control Agency. Contact Cliff Anderson (612) 296-7799.

**Metro Council Hearing on Dakota Co. Garbage Incinerator:** The Metropolitan Council will hold a public meeting on Tuesday, June 6, to receive comments on a draft environmental assessment worksheet (EAW) and scoping documents for Dakota County's Resource Recovery Project. Dakota County has contracted with Combustion Engineering, Inc., to build and operate a facility that will burn 800 tons of municipal garbage per day beginning in 1992. The county has located three potential sites for the facility: on the University of Minnesota Rosemount Research Center property and in the townships of Vermillion and Empire. The draft EAW and scoping documents describe the project, its anticipated environmental impacts and the issues that should be addressed in an environmental impact statement the Council will undertake this year. The EAW/scoping documents are available for review at the following Dakota County libraries: Burnsville, Eagan, Farmington, Hastings and West St. Paul. The libraries at Inver Hills Community College, Dakota County Technical Institute and the Metropolitan Council also have copies. The meeting will be held at 7 p.m. at the Rosemount Senior High School Student Center, 3335 142nd St. W. To register in advance to speak at the meeting, call Bernadine Scott of the Council staff at 291-6500. Written comments will be accepted until June 14, 1989, and should be addressed to Paul Smith, Metropolitan Council Solid Waste Division, Mears Park Centre, 230 E. 5th St., St. Paul, Minn. 55101.

**DNR Marketing Plan:** The Department of Natural Resources has just completed its first-ever agency-wide marketing plan. The plan reflects a major step forward for the Department in its attempt to focus on custom service in the management and regulation of the state's natural resources. For a copy of the plan, please contact Tom Baumann (612) 297-4192 or Sheila Gebhard (612) 296-6038.

**Fishing Pier Map Available:** A brochure which gives the location of Minnesota's 66 handicapped-accessible fishing piers is now available through the Department of Natural Resources (DNR) Trails and Waterways Unit. The brochure, which includes a map of the state, gives directions pin pointing the location of each of the piers. The T-shaped piers have an average length of 84 feet and are designed to be used by children, adults and the handicapped. Parking is available and handicapped-accessible trails connect the parking lots to the piers. This year, nine additional piers are being built by the DNR to improve fishing opportunities around the state. The piers are operated and maintained through cooperative agreements with local units of government. To receive a free brochure about the fishing piers, contact the DNR Information Center, 500 Lafayette Road, St. Paul, MN 55155-4040. In the metro area call 296-6157 or in other parts of the state 1-800-652-9747 (ask for the DNR). The Telecommunications Device for the Deaf (TDD) number is 612-296-5484.

## Announcements

**Governor's Bass Fishing Opener is May 27:** Bass enthusiasts will join other anglers on Minnesota lakes and rivers as the bass season opens May 27. The event is being held this year on Green and Nest lakes in Spicer, Minnesota, 12 miles northeast of Willmar in Kandiyohi County. Registration opens at 6:00 a.m. followed by a continental breakfast at the Safari South Restaurant in Spicer. The event will officially begin at 8:00 a.m. as the governor and his fishing party head out onto the water to fish. By 1:00 p.m., the guests at the Governor's Opener will return to see who brought in the largest bass. The fish will be kept alive in tanks, weighed, and released after ceremonies are complete and prizes are handed out. The Governor's Bass Opener is being sponsored by The Minnesota Bass Federation, the Spicer Commercial Club and the Minnesota Department of Natural Resources (DNR). It's estimated that 500,000 bass anglers will be fishing 2 million acres of bass fishing waters in 1,200 lakes and 1,300 miles of streams this year.

**Arts Board Meets:** The Minnesota State Arts Board will hold a regular meeting at 9:30 a.m. on Thursday, May 25, 1989 at the Arts Board offices, 432 Summit Avenue in Saint Paul. The public is invited to attend. State open meeting law guidelines will be in effect. Agenda items will include the selection of grantees for Artist Assistance Fellowships in Poetry, Prose, and Theater Arts, and for Folk Arts Apprenticeships. Artist selections will also be finalized for the Arts Board's second annual Folk Artists Directory.

**Grants to Arts Organizations Artists:** On April 5, the Minnesota State Arts Board awarded grants totalling \$104,100 to six arts organizations specializing in school residencies. The organizations may use these funds to underwrite the cost of presenting residencies in visual, performing, and literary arts to Minnesota elementary and secondary school students. Organizations successfully completing one year of school programming are then considered for continued funding for a second year. Recommendations for these grants were made by a volunteer panel of artists, educators, and arts professionals. Awards were made to: **Ballet Harren**, Minneapolis, \$6,500; **CLIMB Theatre Company**, Saint Paul, \$24,000; **COMPAS**, Saint Paul, \$49,600; **Film in the Cities**, Saint Paul, \$14,000; **The Minnesota Opera**, Saint Paul, \$5,000; and the **Playwrights' Center**, Minneapolis, \$5,000. Artists in Education Organizational Support is one of several arts education programs administered by the Arts Board. This program is supported by an appropriation from the Minnesota State Legislature, by a grant from the National Endowment for the Arts, and through the cooperative efforts of local communities and Minnesota organizations concerned with arts and education.

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These helpful guides are designed to achieve a practical balance between basic theory and day-to-day business practices. Continuing self-education is important for small business owners in an ever changing business world, and these do just that in "shirt sleeves" fashion and in language the small company can use to translate ideas into decisions and actions.

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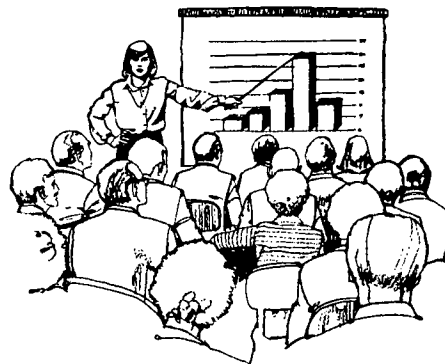
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