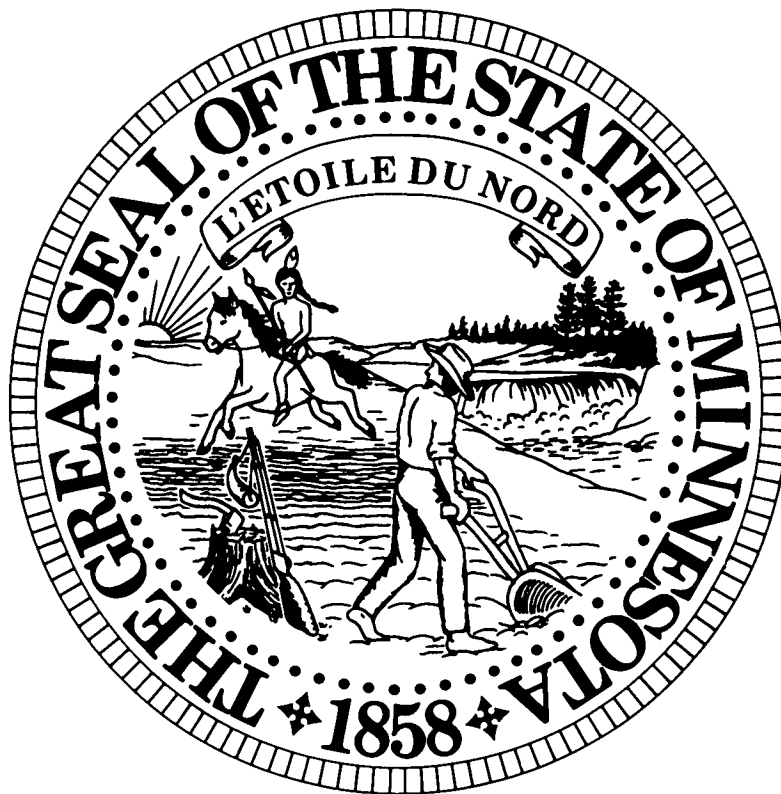


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State of Minnesota

# STATE REGISTER

Department of Administration—Print Communications Division



Rules Edition  
Published every Monday

**2 October 1989**

**Volume 14, Number 14**

**Pages 889-936**

# 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 and commissioners' orders, proposed and adopted rules, official notices, state and non-state contracts, contract awards, grants, supreme court and tax court decisions, and a monthly calendar of cases to be heard by the state supreme court.

A *Contracts Supplement* is published every Thursday and contains additional state contracts and advertised bids, and the most complete source of state contract awards available in one source.

### Printing Schedule and Submission Deadlines

Vol. 14 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
14	Monday 18 September	Monday 25 September	Monday 2 October
15	Monday 25 September	Monday 2 October	Monday 9 October
16	Monday 2 October	Monday 9 October	Monday 16 October
17	Monday 9 October	Monday 16 October	Monday 23 October

\*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.

The *STATE REGISTER* is published every Monday (Tuesday when Monday is a holiday) by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. A *STATE REGISTER Contracts Supplement* is published every Thursday. The Monday edition is the vehicle for conveying all information about state agency rulemaking, including official notices; hearing notices; proposed, adopted and emergency rules. It also contains executive orders of the governor; commissioners' orders; state contracts and advertised bids; professional, technical and consulting contracts; non-state public contracts; state grants; decisions of the supreme and tax courts; a monthly calendar of scheduled cases before the supreme court; and other announcements. The Thursday edition contains additional state contracts and advertised bids, and the most complete listing of contract awards available in one source.

In accordance with expressed legislative intent that the *STATE REGISTER* be self-supporting, the following subscription rates have been established: the Monday edition costs \$130.00 per year and includes an index issue published in August (single issues are available at the address listed above for \$3.50 per copy); the combined Monday and Thursday editions cost \$195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for \$60.00, include both the Monday and Thursday edition, last for 13 weeks, and may be converted to a full subscription anytime by making up the price difference. No refunds will be made in the event of subscription cancellation.

Both editions are delivered postpaid to points in the United States, second class postage paid for the Monday edition at St. Paul, MN, first class for the Thursday edition. Publication Number 326630 (ISSN 0146-7751).

Subscribers who do not receive a copy of an issue should notify the *STATE REGISTER* circulation manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

**Rudy Perpich, Governor**  
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## FOR LEGISLATIVE NEWS

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

### SENATE

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

**Perspectives**—Publication about the Senate.

**Session Review**—Summarizes actions of the Minnesota Senate.

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

### HOUSE

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

**This Week**—weekly interim bulletin of the House.

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

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

# Contents

## **Minnesota Rules: Amendments & Additions**

Issue 14 inclusive (issues #1-13 appeared in #13) . . . . . 892

## **Proposed Rules**

### **Human Services Department**

General Assistance representative payees . . . . . 892

## **Adopted Rules**

### **Health Department**

Health maintenance organizations . . . . . 901

HMO's quality assurance . . . . . 903

### **Pollution Control Agency**

Motor vehicle inspection and testing program . . . . . 905

### **Rural Finance Authority**

Beginning farmer program . . . . . 906

Seller-sponsored loan participation program . . . . . 906

## **Commissioners' Orders**

### **Natural Resources Department**

Order No. 2351: Regulations for the use of traps and  
for the taking of certain furbearers . . . . . 907

Order No. 2352: Regulations for the use of snares . . . . . 912

## **Official Notices**

### **Minnesota Comprehensive Health Association**

Board of directors meeting . . . . . 913

### **Finance Department**

Maximum Interest for Municipal Obligations for the  
month of September . . . . . 913

### **Minnesota Historical Society**

Comment period extended for State Archeology Plan . . . . . 913

### **Labor & Industry Department**

Prevailing wage determinations for highway heavy  
and commercial projects . . . . . 913

Reconvened hearing for rules on high pressure  
piping trainees . . . . . 914

### **Revenue Department**

Opinion sought on rules for sales tax on capital  
equipment . . . . . 914

Opinion sought on rules for sales tax on computer  
software . . . . . 915

## **State Contracts & Advertised Bids**

### **Administration Department**

**Materials Management Division:** Commodities and  
requisitions open for bid . . . . . 916

**Print Communications Division:** Printing,  
typesetting, design and mailing services open  
for bid . . . . . 918

## **Professional, Technical & Consulting Contracts**

### **Agriculture Department**

Proposals sought for computer programmer training,  
project management and program development . . . . . 918

### **Capitol Area Architectural and Planning Board**

Qualifications sought for design competition advisor . . . . . 919

### **Corrections Department**

Proposals sought for AIDS education services at the  
Stillwater facility . . . . . 919

Proposals sought for release services . . . . . 919

### **Governor's Advisory Council on Technology for People with Disabilities**

Proposals sought for technology services designed to  
assist the disabled and their families . . . . . 920

### **Minnesota Historical Society**

Advertisement for bids on the elevator addition to the  
Charles Lindbergh Interpretive Center . . . . . 920

### **Human Services Department**

Contract available for registered nurse consultants on  
case management . . . . . 921

### **Legislative Coordinating Commission**

Vendor information sought on computer software,  
hardware and technical services . . . . . 921

### **Minnesota Board of Public Defense**

Request for applications for State Public Defender . . . . . 922

### **Public Service Department**

Proposals sought for consultant services to evaluate  
the financial statements and accounting records  
used by Northwestern Bell/U.S. West  
Communications . . . . . 922

## **Non-State Public Contracts**

### **Anoka County**

Advertisement for bids on sheriff's department  
portion of a criminal justice information system . . . . . 924

### **Crow Wing County**

Proposals sought for composting facility to process  
municipal solid waste . . . . . 924

## **State Grants**

### **Agricultural Utilization Research Institute**

Notice of partnership opportunities . . . . . 925

## **Supreme Court Decisions**

Decisions, Opinions and Orders filed Friday 29  
September 1989 . . . . . 931

**Announcements** . . . . . 932

# Minnesota Rules: Amendments and Additions

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

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

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

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

## Issue 14

### Rural Finance Authority

1650.0010-.0070 (adopted) ..... 906  
 1651.0010-.0100 (adopted) ..... 906

### Health Department

4685.0100; .0805; .0815; .0900; .0905; .0910; .0915; .0925;  
 .0930; .0935; .0940; .0950; .1910; .1940; .1950; .1980;  
 .2100; .2250; .3000 (adopted) ..... 901  
 4685.3300 s. 1, 2, 4, and 5 (repealed) ..... 901

4685.0100; .1100; .1105; .1110; .1115; .1120; .1125; .1130;  
 .1700; .1900; .2100 (adopted) ..... 903  
 4685.1800 (repealed) ..... 903

### Pollution Control Agency

7005.5010; .5015; .5020; .5025; .5030; .5035; .5040; .5045;  
 .5050; .5055; .5060; .5065; .5070; .5075; .5080; .5085;  
 .5090; .5095; .5100; .5105 (adopted) ..... 905

### Human Services Department

9500.1272 (proposed) ..... 892

## Proposed Rules

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

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

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

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

## Department of Human Services

### Proposed Permanent Rules Relating to General Assistance Representative Payees

#### 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 Human Services 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 256D.09, subdivision 2a, which (1) provides that an applicant for or recipient of general assistance may be referred for a chemical health assessment when there is a reasonable basis for believing that the applicant or recipient is unable to manage his or her own finances responsibly because of drug dependency; (2) requires the provision of vendor payments or emergency general assistance payments in lieu of regular cash benefits until the chemical use assessment is completed; and (3) authorizes the assignment of a representative payee to manage a recipient's general assistance benefits if the assessment indicates that the recipient is drug dependent.

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 NOVEMBER 8, 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 HUMAN SERVICES. To verify whether a hearing will be held, please call the Department of Human Services between November 2, 1989 and November 7, 1989 at (612) 297-4302.

Persons who wish to submit comments or a written request for a public hearing must submit such comments or requests to: Dan Lipschultz, Rules and Bulletins Division, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816.

Comments or requests for a public hearing must be received by the Department by 4:30 p.m. on November 1, 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 rules as noticed.

A free copy of this rule is available upon request for your review from: Dan Lipschultz, Rules and Bulletins Division, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816, (612) 297-4302.

A copy of the proposed rule may be viewed at any of the county welfare or human service agencies in the State of Minnesota.

The general assistance (GA) program provides cash assistance to categorically eligible individuals who do not have adequate income or resources to maintain a subsistence reasonably compatible with decency and health and who are not otherwise provided for by law. The above-entitled rule affects Minnesota counties, and general assistance applicants and recipients who are drug dependent or suspected of being drug dependent.

The proposed rule establishes criteria for determining whether to refer an applicant or recipient for a chemical health assessment and for determining whether to assign a representative payee to manage the recipient's benefits. The rule also establishes notice and appeal procedures governing the process of referring recipients for chemical use assessments and assigning representative payees.

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

The adoption of this rule will increase aggregate local public body spending by over \$100,000 in either of the first two years following the rule's adoption. See the fiscal note attached to this notice which contains the Department's reasonable estimate of the total cost to all local public bodies in the state to implement the rule for the two years immediately following adoption of the rule.

If no hearing is required upon 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

**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

who wish to receive a copy of the adopted rule, must submit the written request to Dan Lipschultz, Rules and Bulletins Division, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816.

Ann Wynia  
Commissioner

### Fiscal Note

*Minnesota Rules*, part 9500.1272 allows counties to refer a General Assistance (GA) client for a chemical use assessment when there is reasonable basis for believing that the client cannot responsibly manage his or her financial affairs because of drug dependency.

The same part provides that, if the client is found to be drug dependent, a representative payee may be assigned to the client.

The representative payee must use the client's GA benefit to meet the client's basic needs and must maintain clear and current records showing all expenditures made on behalf of the client. The representative payee must also complete a report every six months containing the client's GA financial records and a recommendation as to whether the client continues to require a representative payee.

Nine counties were informally surveyed about their intentions to implement the proposed rule. These counties were those most likely to have a significant number of GA recipients or applicants affected by the proposed rule, if adopted. Hennepin, St. Louis, Beltrami, Scott, and Washington counties would implement this option while Ramsey, Blue Earth, Itasca, and Anoka counties would not.

Hennepin, St. Louis, and Washington counties indicated that there would be additional costs involved. Beltrami and Scott counties indicated that they would have so few cases that services for these clients would be provided by current staff.

Hennepin county anticipates that they will hire one full-time chemical dependency assessor and three case managers to implement this option. While the representative payee may be a friend or family member, a Hennepin County representative indicated that in the vast majority of cases the representative payees would be the client's case manager.

St. Louis county estimates that they would require an additional half-time social worker to conduct additional assessments and provide representative payee services.

Washington county contracts out their chemical dependency assessments and representative payee services. They estimate that implementation would require an additional 25 to 40 chemical dependency assessments per year at a cost of \$200 per assessment.

Washington county also estimates that approximately 15 cases would require 6 hours of representative payee services per year. There is a \$25 start-up fee for each client and subsequent services are billed at \$48 per hour.

The total annual cost of implementing this rule, based on salary, fringe benefits, and overhead expenses for one Chemical Health Counselor, 3.5 Social Workers, and the necessary contracted services would be \$129,601. Since these costs are for county administration, they would be borne entirely by the participating counties.

Salary, fringe benefits, and overhead for one Chemical Health Counselor	\$23,759
Salary, fringe benefits, and overhead for 3.5 Social Workers	+ 93,148
Contracted chemical dependency assessments	+ 8,000
Contracted representative payee services	+ 4,695
Total annual county cost	\$129,601

There is reason to believe that some program savings may result from this effort. A similar law in the State of Washington reportedly reduced the chemically dependent GA caseload by twenty-five percent.

Hennepin county representatives suggest that there are a number of chemically dependent GA recipients that are not actively pursuing a transfer to the more generous SSI program, which has a mandatory representative payee provision, preferring a lesser GA benefit with no restrictions on how the money is spent. This provision would eliminate the incentive to remain on GA and presumably shift some GA cases onto the federally funded SSI program.

Finally, it is likely that representative payee recipients will be less able to indulge in their use of drugs or alcohol when their access to their GA benefit is limited. The result should be reduced use of detox centers and related services.

The realization of savings from this proposal is dependent on the responses of a generally unpredictable group of recipients. Therefore, while acknowledging the potential for savings, none are estimated at this time.

Ann Wynia  
Commissioner

**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 on November 8, 1989 commencing at 9:00 a.m. and continuing until all interested or affected persons have an opportunity to participate. The hearing will be held at Room 300 North, State Office Building, 100 Constitution Avenue, St. Paul, Minnesota. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

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 HUMAN SERVICES. To verify whether a hearing will be held, please call the Department of Human Services between November 2, 1989 and November 7, 1989 at (612) 297-4302.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Howard Kaibel, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415; telephone (612) 341-7608, 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 to be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings. Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the three-day period. The written responses shall be added to the rulemaking record. Upon the close of the record the Administrative Law Judge will write a report as provided for in *Minnesota Statutes*, sections 14.15 and 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 general assistance (GA) program provides cash assistance to categorically eligible individuals who do not have adequate income or resources to maintain a subsistence reasonably compatible with decency and health and who are not otherwise provided for by law. The above-entitled rule affects Minnesota counties, and general assistance applicants and recipients who are drug dependent or suspected of being drug dependent.

The proposed rule establishes criteria for determining whether to refer an applicant or recipient for a chemical health assessment and for determining whether to assign a representative payee to manage the recipient's benefits. The rule also establishes notice and appeal procedures governing the process of referring recipients for chemical use assessments and assigning representative payees.

The agency's authority to adopt the proposed rules is contained in *Minnesota Statutes*, section 256D.09, subdivision 2a, which (1) provides that an applicant for or recipient of general assistance may be referred for a chemical health assessment when there is a reasonable basis for believing that the applicant or recipient is unable to manage his or her own finances responsibly because of drug dependency; (2) requires the provision of vendor payments or emergency general assistance payments in lieu of regular cash benefits until the chemical use assessment is completed; and (3) authorizes the assignment of a representative payee to manage a recipient's general assistance benefits if the assessment indicates that the recipient is drug dependent.

A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available upon request from Dan Lipschultz, Department of Human Services, 444 Lafayette Rd., St. Paul, Minnesota, 55155-3816.

The adoption of this rule will increase aggregate local public body spending by over \$100,000 in either of the first two years following the rule's adoption. See the fiscal note attached to this notice which contains the Department's reasonable estimate of the total cost to all local public bodies in the state to implement the rule for the two years immediately following adoption of the rule.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Dan Lipschultz, Department of Human Services. This rule is also available for viewing at each of the county welfare or human service agencies in the State of Minnesota.

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## Proposed Rules

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Additional copies will be available at the hearing. If you have any questions on the content of the rule contact Dan Lipschultz.

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; or

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

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

Ann Wynia  
Commissioner

### Fiscal Note

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Total annual county cost	\$129,601

There is reason to believe that some program savings may result from this effort. A similar law in the State of Washington reportedly reduced the chemically dependent GA caseload by twenty-five percent.

Hennepin county representatives suggest that there are a number of chemically dependent GA recipients that are not actively pursuing a transfer to the more generous SSI program, which has a mandatory representative payee provision, preferring a lesser GA benefit with no restrictions on how the money is spent. This provision would eliminate the incentive to remain on GA and presumably shift some GA cases onto the federally funded SSI program.

Finally, it is likely that representative payee recipients will be less able to indulge in their use of drugs or alcohol when their access to their GA benefit is limited. The result should be reduced use of detox centers and related services.

The realization of savings from this proposal is dependent on the responses of a generally unpredictable group of recipients. Therefore, while acknowledging the potential for savings, none are estimated at this time.

Ann Wynia  
Commissioner

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

#### **9500.1272 ASSIGNMENT OF REPRESENTATIVE PAYEE FOR RECIPIENTS WHO ARE DRUG DEPENDENT.**

Subpart 1. **Definitions.** As used in this part, the following terms have the meanings given them in this subpart.

A. "Basic needs" means the items necessary to maintain a subsistence level compatible with decency and health, including shelter, utilities, food, and clothing.

B. "Chemical use assessment" means the assessment defined in part 9530.6605, subpart 8.

C. "Client" means an applicant for or recipient of general assistance.

D. "Detoxification" means the program of services provided under *Minnesota Statutes*, section 254A.08.

E. "Disconjugate gaze" means an inability to move both eyes in unison.

F. "Drug abuse" means chemical abuse as defined in part 9530.6605, subpart 6.

G. "Drug dependency" means chemical dependency as defined in part 9530.6605, subpart 7.

H. "Intoxicated person" means an individual who has a blood alcohol content of 0.10 or greater, or whose mental or physical functioning is substantially impaired as a result of the physiological presence of a chemical.

I. "Representative payee" means a person or agency selected to receive and manage general assistance benefits provided by the local agency on behalf of a general assistance recipient.

J. "Vendor payment" means a payment made by a local agency directly to a provider of goods or services.

Subp. 2. **Referral for chemical use assessment.** A local agency may refer a client for a chemical use assessment by an assessor as defined in part 9530.6605, subpart 4, when there is a reasonable basis for suspecting that the client cannot responsibly manage his or her financial affairs because of drug dependency. A reasonable basis for referral exists when the conditions in items A and either B or C are satisfied.

A. Evidence indicates the client has, in the last six months, failed to use his or her income and resources, including public assistance, to meet the client's basic needs.

B. The client is eligible for general assistance under part 9500.1258, subpart 1, item M, subitem (5).

**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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C. Two or more of the following are present:

- (1) The client has required detoxification at least two times in the last 12 months.
- (2) The client was, in the last 12 months, the subject of arrest or legal intervention related to chemical use as defined in part 9530.6605, subpart 3.
- (3) The client has been involuntarily committed for drug dependency treatment at least once in the last five years; has received treatment, including domiciliary care, for drug abuse or dependency at least three times in the last five years; or has been convicted of driving under the influence of alcohol or a controlled substance under *Minnesota Statutes*, section 169.121, or a comparable statute in another state at least two times in the last five years.
- (4) The client has a permanent physical or mental impairment related to chemical use.
- (5) The client has been treated for temporary medical conditions related to chemical use two or more times in the last 12 months.
- (6) The client has been terminated from employment in the last 12 months due to chemical use.
- (7) The client has, within the last six months, been or appeared to be intoxicated while present at the local agency offices as indicated by the client's blood alcohol level, or two or more of the following:
  - (a) odor of alcohol;
  - (b) slurred speech;
  - (c) disconjugate gaze;
  - (d) impaired balance;
  - (e) difficulty remaining awake;
  - (f) consumption of a chemical;
  - (g) responding to sights or sounds that are not actually present; and
  - (h) extreme mental excitement marked by restlessness, fast speech, or unusual belligerence.

Subp. 3. **Referral procedures for chemical use assessment.** A referral for a chemical use assessment must be made according to items A to C.

A. When the local agency decides to refer a client for a chemical use assessment, the local agency shall notify the client of the referral in writing. The notice must inform the client of:

- (1) the basis for the referral;
- (2) the name, address, and phone number of the individual to contact to schedule the assessment, or the time, date, and location of the chemical use assessment if one has already been scheduled by the local agency;
- (3) the fact that the client's cash general assistance benefits will be changed to emergency general assistance payments or general assistance vendor payments under subpart 4 until the local agency decides whether to assign a representative payee under subpart 8;
- (4) the effect under subpart 8 of failing to participate in the chemical use assessment within 30 days of the date of referral;
- (5) the client's right to appeal the assessment results when the assessment has been completed; and
- (6) the need to contact the local agency and consult with the local agency concerning the choice of representative payee.

B. The client must be given the opportunity to participate in a chemical use assessment within 15 days after the date the notice of referral is mailed or delivered to the client.

Subp. 4. **Form of payment pending completion of assessment.** A local agency shall provide only emergency general assistance (EGA) or general assistance vendor payments to a client who has been referred for a chemical use assessment under subpart 2. EGA may be provided to clients only in emergency situations as provided in part 9500.1238. All other payments made under this subpart must be general assistance vendor payments.

Subp. 5. **Timing and duration of general assistance vendor payments or EGA.** A local agency shall not change the form of a recipient's benefit payments from cash general assistance to general assistance vendor payments under subpart 4 until the notice of referral under subpart 3 is mailed or delivered to the client. If the client meets the criteria for assignment of a representative payee under subpart 8, the local agency shall continue to provide EGA or general assistance vendor payments until the local agency begins making general assistance payments through the client's representative payee. If the client does not meet the criteria under subpart 8 for assignment of a representative payee, the local agency shall provide future general assistance benefits to which the client is entitled

in cash beginning on the first day of the payment month immediately following the date of the determination that the client does not meet the criteria for assignment of a representative payee.

Subp. 6. **Amount of vendor payments.** EGA or general assistance vendor payments may be provided only to the extent needed to meet the client's basic needs. If the local agency is unable to vendor pay the entire standard of assistance to which the client is entitled, the remaining amount of the standard of assistance must not be issued until a representative payee is assigned or until the local agency decides not to assign a representative payee. If a representative payee is assigned, the unissued amount must be provided to the representative payee within 15 days after the date the local agency begins making payments through the representative payee. If the client does not meet the criteria under subpart 8 for assignment of a representative payee, the unissued amount must be provided directly to the client within 15 days after the date of the determination that the client does not meet the criteria for assignment of a representative payee.

Subp. 7. **Assessment.** The chemical use assessment must be conducted according to parts 9530.6600 to 9530.6655.

Subp. 8. **Criteria governing assignment of representative payee.** The local agency may assign a representative payee to manage a client's general assistance if the client fails, without good cause as defined in part 9500.1206, subpart 15, to participate in a chemical use assessment within 30 days after referral under subparts 2 and 3 or if:

A. evidence indicates the client has, at any time in the last six months, failed to use his or her general assistance or other income to meet the client's basic needs; and

B. a chemical use assessment conducted within the last six months indicates that the client is drug dependent and eligible for placement in extended care under part 9530.6640.

Subp. 9. **Procedures governing assignment of representative payee after referral under subparts 2 and 3.** A representative payee must be assigned according to items A to C.

A. The local agency shall provide the client with an opportunity to consult with the local agency in selecting a representative payee. The local agency shall consider the client's preferences for particular individuals to serve as payees but the local agency's preference must prevail unless the client demonstrates that the client's choice would better ensure that the client's basic needs are met.

B. The local agency shall notify the client in writing of:

- (1) its decision to assign a representative payee;
- (2) the basis for its decision to assign a representative payee;
- (3) the identity, address, and phone number of the representative payee;
- (4) the date the local agency will begin making payments through the representative payee;
- (5) the circumstances under which a representative payee may be removed or replaced; and
- (6) the client's right to appeal the assignment under *Minnesota Statutes*, section 256.045.

C. The notice under item B must be mailed or delivered to the client or the client's last known address within 15 days after the date of the chemical use assessment on which the assignment is based, or within 30 days after the date of the referral under subparts 2 and 3 if a representative payee is assigned because of the client's failure to participate in an assessment. The notice must also be mailed or delivered at least ten days before the local agency begins making payments through the representative payee.

Subp. 10. **Procedures governing assignment of representative payee without referral under subparts 2 and 3.** A local agency may assign a representative payee to a client who meets the criteria for assignment under subpart 8 but who has not been referred for a chemical use assessment under subparts 2 and 3. A representative payee assigned under this subpart must be assigned according to items A to E.

A. The local agency may provide only emergency general assistance or general assistance vendor payments to a client who meets the criteria for assignment of a representative payee under subpart 8 until the local agency begins making general assistance payments through the client's representative payee or until the first day of the payment month following a determination that the client does not meet the criteria for assignment of a representative payee. Payments under this item shall be made according to subparts 4 and 6 and shall not begin until the date the local agency mails or delivers the notice under item C.

B. The local agency shall provide a client with an opportunity to consult with the local agency on the choice of representative payee as provided in subpart 9, item A.

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## Proposed Rules

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C. The local agency shall notify a client in writing of:

- (1) its decision to assign a representative payee;
- (2) the basis for its decision to assign a representative payee;
- (3) the client's right to consult with the local agency on the choice of representative payee;
- (4) the date by which the local agency must select a representative payee under item D; and

(5) the fact that the local agency will provide the client's general assistance benefits in the form of emergency assistance or vendor payments until the local agency begins making payments through a representative payee.

D. The local agency shall notify a client in writing of its selection of a representative payee within 15 days after issuing the notice required under item C. The notice shall inform the client of:

- (1) the identity, address, and phone number of the representative payee assigned to the client;
- (2) the date the local agency will begin making payments through the representative payee;
- (3) the circumstances under which a representative payee may be removed or replaced; and
- (4) the client's right to appeal the assignment of a representative payee under *Minnesota Statutes*, section 256.045.

E. The local agency shall not begin making payments through a representative payee until at least ten days after the notice under item D is mailed or delivered to the client.

**Subp. 11. Criteria governing the choice of representative payee.** A local agency shall appoint as representative payee an individual or agency who is likely to manage the client's income and resources in a manner that meets the client's basic needs. A local agency shall not appoint as representative payee any individual to whom the client is in financial debt. In selecting the representative payee, the local agency shall consider all factors relevant to the prospective payee's ability to manage the client's general assistance to meet the client's basic needs, including the following factors:

A. the prospective payee's experience and training in managing the finances of others;

B. the prospective payee's familiarity with the geographic area and the community resources available to meet the client's basic needs; and

C. the relationship between the prospective payee and the client, including any legal authority the prospective payee has to act on behalf of the client.

**Subp. 12. Responsibilities of the representative payee.** The representative payee assigned to a client must:

A. use the client's general assistance benefits to meet the client's current basic needs;

B. maintain clear and current records of all expenditures made on behalf of the client; and

C. complete a report every six months containing the client's general assistance financial records and a recommendation as to whether the client continues to require a representative payee. The report must be provided to the local agency and the client on request.

**Subp. 13. Review of client's representative payee status.** The local agency shall conduct a review of a client's need to continue receiving benefits through a representative payee within 12 months of the client's previous chemical use assessment. The local agency shall conduct the review under this subpart no earlier than six months after the client's previous chemical use assessment. A review requested by a client must be conducted within 15 days of the client's request. Each review conducted under this subpart must include a chemical use assessment to determine whether the recipient remains drug dependent and eligible for placement in extended care and an examination of the representative payee's report required under subpart 12.

**Subp. 14. Discontinuing a client's representative payee status.** A local agency shall discontinue the use of a representative payee only if a review conducted under subpart 13 indicates that the client is no longer eligible for placement in extended care or that the client's ability to function has improved to such a degree that the client is likely to manage the client's own finances in a way that meets his or her basic needs. A local agency shall not discontinue the use of a representative payee until at least six months have elapsed since the client last underwent a chemical use assessment showing the client to be chemically dependent and eligible for placement in extended care.

**Subp. 15. Investigating need for change in representative payee.** The local agency shall review a representative payee's performance and determine whether to appoint a new representative payee if the client alleges or the local agency has reason to believe that the representative payee is not complying with the requirements of subpart 12. When an investigation is initiated in response to a client's complaint, the local agency's decision to retain the current representative payee or appoint a new one must be made within 30 days of the date the complaint is received by the local agency. An investigation conducted under this subpart must include a review

of all financial records maintained by the representative payee concerning the use of the client's general assistance benefits and any other relevant evidence.

Subp. 16. **Duration of a representative payee designation.** Notwithstanding any gaps in the receipt of general assistance, the designation of a specific representative payee shall continue for at least six months unless:

- A. the client no longer meets the criteria for assignment of a representative payee under subpart 8;
- B. the representative payee is not fulfilling the responsibilities under subpart 12; or
- C. the representative payee requests to discontinue serving as the client's representative payee.

Subp. 17. **Change in representative payee.** The local agency shall appoint a new representative payee if the current representative payee fails to comply with the requirements of subpart 12 or requests that the local agency appoint a new representative payee.

Subp. 18. **Appealable issues.** A client may appeal:

- A. the proposed assignment of a representative payee, including the results of the chemical use assessment upon which the assignment is based; and
- B. the local agency's choice of representative payee.

If a representative payee is assigned under subpart 8 without a chemical use assessment, the client may appeal the local agency's finding of a reasonable basis for the initial referral under subpart 2 or the local agency's determination that the client did not have good cause for failing to participate in the chemical use assessment.

Subp. 19. **Appeal procedures and timing of appeals.** A client may appeal a local agency action under this part only after the client has been notified under subpart 9, item B, or 10, item D, of the local agency's proposal to assign a representative payee. If the client appeals before the date the representative payee is scheduled to begin receiving the client's general assistance benefits, the local agency shall continue to vendor pay the client's general assistance and shall not make general assistance payments through the representative payee until after the appeal is decided unless the client requests in writing to have payments made through the representative payee pending the outcome of the appeal.

## 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 Health

### Adopted Permanent Rules Relating to Health Maintenance Organizations

The rules proposed and published at *State Register*, Volume 13, Number 42, pages 2482-2494, April 17, 1989 (13 S.R. 2482) and Volume 13, Number 51, pages 2968-2981, June 19, 1989 (13 S.R. 2968) are adopted with the following modifications:

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

## Adopted Rules

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### Rules as Adopted

#### 4685.0100 DEFINITIONS.

Subp. 9a. **NAIC Blank.** "NAIC Blank" means the ~~1988~~ most recent version of the National Association of Insurance Commissioners' Blank for Health Maintenance Organizations (~~1988~~) published by the Brandon Insurance Service Company, Nashville, Tennessee. The NAIC Blank is incorporated by reference and is available for inspection at Ford Law Library, 117 University Avenue, Saint Paul, Minnesota 55155. The NAIC Blank is subject to annual changes by the publisher, but health maintenance organizations must use the 1988 version.

#### 4685.0805 UNCOVERED EXPENDITURES.

Subpart 1. **Defined.** Uncovered expenditures as referred to in *Minnesota Statutes*, section 62D.041, are expenditures by a health maintenance organization or a contracting provider for health care services by a provider who is not a participating entity and who is not under agreement with the health maintenance organization. Examples of providers not under such an agreement may include those providing out-of-area services, in-area emergency services, and certain referral services.

Subp. 4. **When guaranteed.** An uncovered expenditure may be considered guaranteed and covered if the health maintenance organization demonstrates to the commissioner that the guarantor has agreed to guarantee obligations of the health maintenance organization to nonparticipating providers and if:

A. the guarantor has demonstrated to the commissioner that it has set aside an amount of money in a restricted reserve or other method acceptable to the commissioner equal to the amount of deposit that it is guaranteeing; the guarantor has issued a letter of credit; or the guarantor has demonstrated to the commissioner that it is a governmental entity with the power to tax;

#### 4685.0815 INCURRED BUT NOT REPORTED LIABILITIES.

Subpart 1. **Written records of claims.** A health maintenance organization shall keep written records of claims, according to items A to C.

B. Written records pertaining to claims incurred but not reported shall be maintained separately from other records pertaining to claims payable.

#### 4685.0950 TEXT OF MODEL COORDINATION OF BENEFITS PROVISIONS FOR GROUP CONTRACTS.

Group contracts must contain language on coordination of benefits that is substantially similar to the following model provisions.

##### COORDINATION OF THE GROUP CONTRACT'S BENEFITS WITH OTHER BENEFITS

##### V. RIGHT TO RECEIVE AND RELEASE NEEDED INFORMATION.

Certain facts are needed to apply these COB rules. [health maintenance organization] has the right to decide which facts it needs. It may get needed facts from or give them to any other organization or person. [health maintenance organization] need not tell, or get the consent of, any person to do this. Unless applicable federal or state law prevents disclosure of the information without the consent of the patient or the patient's representative, each person claiming benefits under This Plan must give [health maintenance organization] any facts it needs to pay the claim.

##### VII. RIGHT OF RECOVERY.

If the amount of the payments made by [health maintenance organization] is more than it should have ~~been~~ paid under this COB provision, it may recover the excess from one or more of:

- A. The persons it has paid or for whom it has paid;
- B. Insurance companies; or
- C. Other organizations.

The "amount of the payments made" includes the reasonable cash value of any benefits provided in the form of services.

#### 4685.1910 UNIFORM REPORTING.

Beginning April 1, 1989, health maintenance organizations shall submit as part of the annual report a completed ~~1988~~ NAIC Blank, subject to the amendments in parts 4685.1930, 4685.1940, and 4685.1950.

#### 4685.1940 NAIC BLANK FOR HEALTH MAINTENANCE ORGANIZATIONS, REPORT #2: STATEMENT OF REVENUE AND EXPENSES.

Subpart 1. **Separate statements.** The NAIC Blank for health maintenance organizations is amended by requiring the submission of a separate STATEMENT OF REVENUE AND EXPENSES for each of the following:

- B. each demonstration project, as described under *Minnesota Statutes*, section 62D.30; and

**4685.3300 PERIODIC FILINGS.**

Subp. 1a. **Final form.** Copies of all contracts, contract forms or documents and their amendments which are required to be filed with the commissioner according to *Minnesota Statutes*, section 62D.08, subdivision 1, must be submitted in final typewritten form. However, minor legible handwritten changes to the typewritten form may be accepted.

Subp. 2a. **Insufficient information.** A filing shall be disapproved if supporting information is necessary to determine whether the filed material meets all standards in this chapter or *Minnesota Statutes*, chapter 62D, and supporting information does not accompany the filing, or the supporting information is not adequate.

In the disapproval letter, the commissioner shall specify the supporting information required, and the health maintenance organization may refile the additional information as an amended filing according to the provisions of subpart 6 7.

Subp. 7. **Amended filings.** A filing that has been disapproved may be amended and refiled with the commissioner without a filing fee, provided the health maintenance organization submits the amended filing to the commissioner within 30 days after the health maintenance organization receives notice of disapproval. An amended filing shall only address the issues that were the subject of the disapproval. When refiled an amended filing, the health maintenance organization shall use the same identification number that was used on the original filing.

When the health maintenance organization files an amended filing, it shall submit two copies of the amended filing. One copy must be stamped approved or disapproved and returned to the health maintenance organization within 30 days after the commissioner's receipt of the amended filing under subpart 6 7.

## Department of Health

### Adopted Permanent Rules Relating to HMO's Quality Assurance

The rules proposed and published at *State Register*, Volume 13, Number 42, pages 2495-2503, April 17, 1989 (13 S.R. 2495) are adopted with the following modifications:

#### Rules as Adopted

**4685.1110 PROGRAM.**

Subp. 9. **Complaints.** The quality assurance program shall conduct ongoing evaluation of enrollee complaints that are related to quality of care ~~and that are registered with the complaint system.~~ Such evaluations shall be conducted according to the steps in part 4685.1120. The data on complaints related to quality of care shall be reported to the appointed quality assurance entity at least quarterly.

Subp. 11. **Provider ~~credentials~~ qualifications and selection.** The health maintenance organization shall have policies and procedures for provider selection and ~~credentials~~ qualifications. The health maintenance organization shall have policies and procedures for contracting with or hiring staff and providers that are accredited or appropriately trained for their positions or, as in the case of durable medical equipment, offer products that meet standards generally accepted by the medical community.

Subp. 13. **Medical records.** The quality assurance entity appointed under subpart 3 shall conduct ongoing evaluation of medical records.

A. The health maintenance organization shall implement a system to ~~assess~~ assure that medical records are maintained with timely, legible, and accurate documentation of all patient interactions. Documentation must include information regarding patient history, health status, diagnosis, treatment, and referred service notes.

**4685.1120 QUALITY EVALUATION STEPS.**

Subpart 1. **Problem identification.** The health maintenance organization shall identify the existence of actual or potential quality problems or identify opportunities for improving care through:

A. ongoing monitoring of process, structure, and outcomes of patient care or clinical performance including the consumer components listed under part 4685.1115, subpart 2, item C; and

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## Adopted Rules

### 4685.1125 FOCUSED STUDY STEPS.

Subp. 2. **Topic identification and selection.** The health maintenance organization shall select topics for focused study that must be justified based on any of the following considerations:

- D. areas that can be corrected or where prevention may have an impact; ~~and~~
- E. areas that have potential adverse health outcomes; and
- F. areas where complaints have occurred.

### 4685.1130 FILED WRITTEN PLAN AND WORK PLAN.

Subp. 2. **Annual work plan.** The health maintenance organization shall annually file a proposed work plan with the commissioner on or before November 1 of every year. The proposed work plan must meet the requirements of items A and B.

B. The work plan shall give a description of the proposed focused studies to be conducted in the following year. The focused studies shall be conducted according to the steps in part 4685.1125. The description of the proposed studies shall include the following elements:

- (1) topic to be studied;
- (2) rationale for choosing topic for study according to part 4685.1125, subpart 1;
- (3) benefits expected to be gained by conducting the study;
- (4) study methodology;
- (5) sample size and sampling methodology;
- (6) criteria to be used for evaluation; and

(7) approval by the health maintenance organization's medical director or qualified director of health services designated by the governing body.

Each health maintenance organization shall annually complete a minimum of three focused studies. The focused study sample shall be representative of ~~the total health maintenance organization population~~ all health maintenance organization enrollees who exhibit characteristics of the issue being studied.

Subp. 5. Extension to filing annual work plan. The commissioner may, upon a health maintenance organization's showing of good faith efforts to meet the November 1 deadlines, grant an extension of up to 90 days for a health maintenance organization filing an annual work plan due November 1, 1989. The extension will not be granted for work plan filings in succeeding years.

### 4685.1700 REQUIREMENTS FOR COMPLAINT SYSTEM.

Subpart 1. **Health maintenance organization's internal complaint system.** A health maintenance organization's internal complaint system is considered reasonable and acceptable to the commissioner of health if the following procedures are followed.

A. If a complainant orally notifies a health maintenance organization that the complainant wishes to register a complaint, the health maintenance organization shall ~~make available~~ promptly provide a complaint form that includes:

C. If a complainant notifies the health maintenance organization in writing of the complainant's desire to appeal the health maintenance organization's initial decision, the health maintenance organization shall provide the complainant the option of a hearing or a written reconsideration.

(4) in the case of a written reconsideration, a written notice of all key findings shall be given the complainant within 30 days of the health maintenance organization's receipt of the complainant's written notice of appeal; and

(5) in the case of a hearing, concise written notice of all key findings shall be given the complainant within 45 days after the health maintenance organization receives the complainant's written notice of appeal.

D. A health maintenance organization shall provide the opportunity for impartial arbitration of any complaint which is unresolved by the mechanisms set forth in item B. Arbitration must be conducted according to the American Arbitration Association Minnesota Health Maintenance Organization Arbitration Rules, as amended and in effect November 1, 1988. These rules are incorporated by reference and are available for inspection at the State Law Library, 117 University Avenue, Saint Paul, Minnesota 55155.

The American Arbitration Association Minnesota Health Maintenance Organization Arbitration Rules are subject to changes by the American Arbitration Association. Only those rules in effect November 1, 1988, are incorporated by reference.

If the subject of the complaint relates to a malpractice claim, the complaint shall not be subject to arbitration.

The judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction under *Minnesota Statutes*, sections 572.16 and 572.21.



E. If a complaint involves a dispute about an immediately and urgently needed service that the health maintenance organization claims is experimental, not medically necessary, or otherwise not generally accepted by the medical profession, and that the health maintenance organization has not yet provided to the complainant, the procedures in items A to D do not apply. The health maintenance organization must use an expedited dispute resolution process appropriate to the particular situation. ~~Within 24 hours~~

(1) By the end of the next business day after the complaint is registered, the health maintenance organization shall notify the commissioner of the nature of the complaint, the decision of the health maintenance organization, if any, and a description of the review process used or being used.

(2) If a decision is not made by the end of the next business day following the registration of the complaint, the health maintenance organization shall notify the commissioner of its decision by the end of the next business day following its decision.

(3) For purposes of this item, complaints need not be in writing.

Subp. 2. **Dispute resolution by commissioner.** A complainant may at any time submit a complaint to the commissioner, who may either independently investigate the complaint or refer it to the health maintenance organization for further review. If the commissioner refers the complaint to the health maintenance organization, the health maintenance organization must notify the commissioner in writing of its decision and the reasons for the decision within 30 days after receiving the commissioner's initial correspondence to the health maintenance organization, unless otherwise ordered by the commissioner. If the health maintenance organization cannot make a decision within 30 days due to circumstances outside its control, the health maintenance organization may take up to an additional 14 days to notify the commissioner if the health maintenance organization notifies the commissioner in advance of the extension and the reasons for the delay. If the health maintenance organization's decision is partially or wholly adverse to the complainant, the complainant may pursue a hearing or written reconsideration and arbitration according to subpart 1, items C and D. After investigating a complaint, or reviewing the health maintenance organization's decision, the commissioner may order a remedy; ~~including one or more of the following:~~

~~A. imposition of a fine according to Minnesota Statutes, section 62D.17;~~

~~B. an order to provide a service; or~~

~~C. an order to reimburse an enrollee for a service already provided that the enrollee has paid for as authorized by Minnesota Statutes, sections 62D.15, 62D.16, and 62D.17.~~

## Pollution Control Agency

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

The rules proposed and published at *State Register*, Volume 13, Number 47, pages 2796-2811, May 22, 1989 (13 S.R. 2796) are adopted with the following modifications:

#### Rules as Adopted

##### 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 that meets the emission reduction requirements and criteria established by the United States Environmental Protection Agency.

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

## Adopted Rules

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### 7005.5030 EXHAUST EMISSION TEST.

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~~ or

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

### 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.

D. The vehicle presented for reinspection shall be inspected only for the ~~items which~~ portions of the test that 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.

### 7005.5055 CERTIFICATE OF WAIVER.

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~~ request the department not to renew the owner's registration unless the vehicle has been issued a certificate of compliance or certificate of waiver prior to registration renewal.

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

#### Subpart 1. Letter of temporary extension.

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~~ notify the department of such noncompliance and shall request the department not to renew the owner's registration unless the vehicle has been issued a certificate of compliance or certificate of waiver prior to registration or renewal.

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 from the commissioner that the owner's registration has been revoked owner has failed to comply with items D to F. The commissioner shall review the evidence. The commissioner shall approve or disapprove the application for the letter of temporary extension.

## Rural Finance Authority

### Adopted Rules Relating to the Beginning Farmer Program

The rules proposed and published at *State Register*, Volume 14, Number 2, pages 66-69, July 10, 1989 (14 S.R. 66) are adopted as proposed.

## Rural Finance Authority

### Adopted Rules Relating to Seller-Sponsored Loan Participation Program

The rules proposed and published at *State Register*, Volume 14, Number 2, pages 69-74, July 10, 1989 (14 S.R. 69) are adopted as proposed.

# Commissioners' Orders

## Department of Natural Resources

### Commissioner's Order No. 2351: Regulations for the Use of Traps and for the Taking of Certain Furbearers; Superseding Commissioner's Order No. 2312

PURSUANT TO AUTHORITY VESTED in me by *Minnesota Statutes* §§ 97B.605, 97B.621, 97B.625, 97B.631, 97B.635, 97B.901-97B.945 and other applicable law, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby prescribe the following regulations for the use of traps and for the taking of mink, muskrat, raccoon, opossum, lynx, bobcat, red fox, gray fox, badger, pine marten, fisher, beaver and otter. All dates and time periods specified in this order are inclusive, unless otherwise noted.

#### Section 1. FURBEARER ZONES.

(a) **Forest Furbearer Zone.** That portion of the state lying within the following described boundary shall be known as the Forest Furbearer Zone.

Beginning on U.S. Highway 59 at the northern boundary of the state; thence along U.S. Hwy. 59 to U.S. Hwy. 10; thence along U.S. Hwy. 10 to State Trunk Highway (STH) 210; thence along STH 210 to STH 18; thence along STH 18 to U.S. Hwy 169; thence along U.S. Hwy. 169 to STH 23; thence along STH 23 to STH 65; thence along STH 65 to STH 70; thence along STH 70 to the eastern boundary of the state; thence along the eastern and northern boundary of the state to the point of beginning.

(b) **Farmland Furbearer Zone.** That portion of the state lying outside of the Forest Furbearer Zone shall be known as the Farmland Furbearer Zone.

(c) **North Mink/Muskrat/Beaver/Otter Zone.** That portion of the state lying within the following described boundary shall be known as the North Mink/Muskrat/Beaver/Otter Zone.

Beginning on State Trunk Highway (STH) 200 at the western boundary of the state; thence along STH 200 to U.S. Highway 2; thence along U.S. Hwy. 2 to STH 73; thence along STH 73 to its junction with the Soo Line Railroad in the City of Moose Lake; thence easterly along the Soo Line Railroad to the eastern boundary of the state; thence along the eastern, northern and western boundaries of the state to the point of beginning.

(d) **South Mink/Muskrat/Beaver/Otter Zone.** That portion of the state lying outside of the North Mink/Muskrat/Beaver/Otter Zone shall be known as the South Mink/Muskrat/Beaver/Otter Zone.

#### Sec. 2. MINK AND MUSKRATS.

(a) **Season in North Mink/Muskrat/Beaver/Otter Zone.** Mink and muskrats may be taken by trapping from 9:00 a.m. on the Saturday nearest October 26 to December 31.

(b) **Season in South Mink/Muskrat/Beaver/Otter Zone.** Mink and muskrats may be taken by trapping from 9:00 a.m. on Saturday nearest October 30 to December 31.

(c) **Bag Limits.** Mink and muskrats may be taken and possessed without limit.

(d) **Special Provisions.**

(1) The taking of mink with the use of dogs or by digging in any manner whatsoever is prohibited.

(2) Traps may be set at natural entrances to muskrat runways and bank burrows.

(3) Openings can be made in any muskrat house for the purpose of trapping provided that they are plugged by replacing all materials removed and wetting said materials down in order to prevent freezing within the structure.

(4) No person may damage any muskrat house, muskrat runway or muskrat bank den, except as herein authorized.

#### Sec. 3. RACCOON.

(a) **Season.** Raccoons may be taken statewide with legal firearms, bow and arrow, and by trapping from 9:00 a.m. on the Saturday nearest October 22 to December 31.

(b) **Bag Limits.** Residents may take and possess raccoons without limit. Nonresidents may not take more than 20 raccoons per season, or possess more than 20 raccoons at any time.

**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.

## Commissioners' Orders

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### (c) Special Provisions.

(1) A person may use dogs to pursue and tree raccoons without killing or capturing the raccoons from:

(A) January 1 to April 15 and from July 15 to October 14 without a permit; and

(B) From April 16 to July 14 in raccoon dog field trials by special permit issued to the sponsoring organization.

(2) Each raccoon or, if the pelt is removed, the pelt thereof taken by a nonresident must be tagged by the person taking it at the time and place where taken with a locking possession tag furnished with the license. These tags must be fastened to the raccoon or its pelt in the manner prescribed by Sec. 11(b) of this order.

(3) To take raccoons between sunset and sunrise, a person: A) must be on foot; and B) may use an artificial light to locate, attempt to locate, or shoot a raccoon only if the raccoon has been treed or put at bay by dogs.

### Sec. 4. **RED FOX AND GRAY FOX.**

(a) Season. Red fox and gray fox may be taken statewide with legal firearms, bow and arrow and by trapping from 9:00 a.m. on the Saturday nearest October 22 to the last day in February.

(b) Bag Limits. Residents may take and possess red fox and gray fox without limit. Nonresidents may not take more than an aggregate of five red and gray fox per season, or possess more than an aggregate of five red and gray fox at any time.

(c) Tagging. Each red or gray fox or, if the pelt is removed, the pelt thereof taken by a nonresident must be tagged by the person taking it at the time and place where taken with a locking possession tag furnished with the license. These tags must be fastened to the fox or its pelt in the manner prescribed by Sec. 11(b) of this order.

(d) Special Provisions. Fox may be run without being taken by the use of dogs at any time during the year except from March 1 to July 14. Dogs may be used in taking fox during the open season.

### Sec. 5. **BADGER AND OPOSSUM.**

(a) Season. Badgers and opossums may be taken statewide with legal firearms, bow and arrow, and by trapping from 9:00 a.m. on the Saturday nearest October 22 to the last day in February.

(b) Bag Limits. Badgers and opossums may be taken and possessed without limit.

(c) Special Provisions. Badgers and opossums may be taken by hunting from one-half hour before sunrise to sunset, daily.

### Sec. 6. **LYNX AND BOBCAT.**

(a) Lynx. The taking of lynx is prohibited statewide.

(b) Bobcat. Bobcats may be taken with legal firearms, bow and arrow and by trapping from the Saturday nearest December 1 to the Sunday nearest January 10.

(c) Open Area. Bobcats may be taken only in that area of the state lying north of U.S. Hwy. 10.

(d) Bag Limits. No person may take more than five bobcats per season by either hunting or trapping or both. No person may possess more than five bobcats at any time, except that a person may possess additional pelts which he or she lawfully took, tagged and registered during previous seasons.

(e) Tagging. Each bobcat or, if the pelt is removed, the pelt thereof, taken by a nonresident must be tagged by the person taking it at the time and place where taken with a locking possession tag furnished with the license. These tags must be fastened to bobcat or their pelts in the manner prescribed by Sec. 11(b) of this order. Pelts and skinned carcasses are subject to the provisions of Sec. 11(c) of this order.

(f) Special Provisions. Bobcats may be taken by hunting from one-half hour before sunrise to sunset daily.

### Sec. 7. **FISHER.**

(a) Season. Fisher may be taken only in the Forest Furbearer Zone by trapping from the Saturday nearest December 1 to the Sunday nearest December 16.

(b) Bag Limits. No person may take more than one fisher per season or possess more than one fisher at any time, except that a person may possess additional pelts which he/she lawfully took, tagged and registered during previous seasons.

(c) Tagging. Each fisher or, if the pelt is removed, the pelt thereof, must be tagged by the person taking it at the time and place where taken with a locking possession tag issued by the state. All fisher trappers, regardless of age, must use the state-supplied possession tags. No tags will be issued to persons under five years of age. These tags must be obtained prior to the season according to the procedure in Sec. 11(a) of this order. These tags must be fastened to fisher or their pelts in the manner prescribed by Sec. 11(b) of this order. Pelts and skinned carcasses are subject to the provisions of Sec. 11(c) of this order.

**Sec. 8. PINE MARTEN.**

(a) **Season and Zone.** Pine marten may be taken by trapping from the Saturday nearest December 1 to the Sunday nearest December 16, only in the following described area:

Beginning at the northern boundary of the state at the point due north of the junction of State Trunk Highway (STH) 11 and STH 72; thence due South to said junction; thence southerly along STH 72 to STH 1; thence easterly along STH 1 to STH 65; thence southerly along STH 65 to U.S. Hwy. 169; thence easterly along U.S. Hwy. 169 to STH 37; thence easterly along STH 37 to U.S. Hwy. 53; thence southerly along U.S. Hwy. 53 to the north shore of Lake Superior; thence along the north shore of Lake Superior to the northern boundary of the state; thence along the northern boundary of the state to the point of beginning.

(b) **Bag Limit.** No person may take more than two pine marten per season or possess more than two pine marten at any time, except that a person may possess additional pelts which he/she lawfully took, tagged and registered during previous seasons.

(c) **Tagging.** Each pine marten or, if the pelt is removed, the pelt thereof, must be tagged by the person taking it at the time and place where taken with a locking possession tag issued by the state. All marten trappers, regardless of age, must use the state-supplied marten possession tags. No tags will be issued to persons under five years of age. These tags must be obtained prior to the season according to the procedure set forth in Sec. 11(a) of this order. These tags must be fastened to the marten or their pelts in the manner prescribed by Sec. 11(b) of this order. Pelts and skinned carcasses are subject to the provisions of Sec. 11(c) of this order.

**Sec. 9. BEAVER AND OTTER.****(a) Beaver.**

(1) **Season and Bag Limit in North Mink/Muskrat/Beaver/Otter Zone.** Beaver may be taken and possessed without limit by trapping from 9:00 a.m. on the Saturday nearest October 26 to the last day in April.

(2) **Season and Bag Limit in South Mink/Muskrat/Beaver/Otter Zone.** Beaver may be taken and possessed without limit by trapping from 9:00 a.m. on the Saturday nearest October 30 to the last day in April.

**(b) Otter.**

(1) **Season in North Mink/Muskrat/Beaver/Otter Zone.** Otter may be taken by trapping from 9:00 a.m. on the Saturday nearest October 26 to the Sunday nearest December 16.

(2) **Season in South Mink/Muskrat/Beaver/Otter Zone.** Otter may be taken only in that portion of the zone lying north of U.S. Hwy. 10 by trapping from 9:00 a.m. on the Saturday nearest October 30 to the Sunday nearest December 16.

(3) No person may take more than three otter per season, or possess more than three otter at any time, except that a person may possess additional pelts which he/she lawfully took, tagged and registered during previous seasons.

(4) Each otter or, if the pelt is removed, the pelt thereof must be tagged by the person taking it at the time and place where taken with a locking possession tag issued by the state. All otter trappers, regardless of age, must use the state-supplied possession tags. No tags will be issued to persons under five years of age. These tags must be obtained according to the procedure set forth in Sec. 11(a) of this order. These tags must be fastened to otter or their pelts in the manner prescribed by Sec. 11(b) of this order. Pelts are subject to the provisions of Sec. 11(c) of this order.

**(c) Special Provisions.**

(1) No traps of any kind may be set inside any beaver house or above the water line upon the outside of any beaver house.

(2) No person may molest or damage any beaver house or dam.

(3) Snowmobiles and all-terrain vehicles may be used statewide to transport or check beaver or otter traps and to transport beaver or otter carcasses.

(4) Beaver and otter may be taken within wildlife management areas in the respective open areas of the state by licensed trappers provided they have a permit issued by the appropriate state wildlife manager.

(5) No person may take beaver and otter in any state park or other areas under the administration of the Division of Parks and Recreation.

(6) Federal Waterfowl Production Areas which are located in the open zones of the state are open to the trapping of beaver.

(7) Within the Agassiz, Minnesota Valley, Rice Lake, Sherburne, Tamarac and Upper Mississippi National Wildlife Refuges, beaver may be taken by licensed trappers provided they have a permit issued by the appropriate refuge manager. All other National Wildlife Refuges are closed to beaver trapping. All National Wildlife Refuges are closed to otter trapping.

**Sec. 10. USE OF TRAPS.**

(a) **Tagging.** A person may not place, set, operate, possess or transport any trap in the field unless the following information is

## Commissioners' Orders

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etched legibly onto the trap or onto a metal tag no less than 30 gauge (0.012 inch) in thickness that is welded, brazed or soldered to the trap or affixed to the trap with a tightly twisted wire or solid metal ring: (1) the person's name and Minnesota driver's license number; or (2) the person's name and mailing address sufficiently complete to individually identify the person.

(b) **Trap-tending Hours.** No person shall set or tend any trap for any wild animals between the hours of 7:00 p.m. and 5:00 a.m.

(c) **Use of Lights.** During legal trap-tending hours, a person on foot may use a portable artificial light to tend traps. While using a light in the field, the person may not possess or use a bow and arrow or a firearm other than a handgun of .22 caliber with .22 short, long or long rifle rimfire ammunition.

(d) **Trap-tending Interval: Non-drowning Sets.** Any trap capable of capturing a protected wild animal and not capable of drowning the animal must be tended at least once each calendar day and any animal captured must be removed from the trap.

(e) **Trap-tending Interval: Drowning Sets.** Except for traps set under the ice, any trap capable of drowning the captured animal must be tended at least once each third calendar day and any animal captured must be removed from the trap.

(f) **Placement.**

(1) No person may set or maintain any leghold trap within 20 feet of bait located in such a manner that it may be seen by soaring birds. Bait is defined as any animal or parts thereof, including live or dead fish, except that small aggregates of fur and feathers may be used for flagging purposes.

(2) No person may set, place, or operate, except as a waterset, any body-gripping or "conibear" type trap that has a maximum jaw opening, when set, of greater than seven and one-half inches measured from the inside edges of the body-gripping portions of the jaws.

(3) No person may set, place, or operate in or within three feet of a culvert, except as a completely submerged waterset, any body-gripping or "conibear" type trap that has a maximum jaw opening, when set, of greater than six and one-half inches measured from the inside edges of the body-gripping portions of the jaws.

(4) A waterset is defined as any body-gripping trap or snare set in which the body-gripping portion of the jaws or the snare loop, when set, is at least half-submerged in water. A completely submerged waterset is any set in which the body-gripping portions of the jaws or the snare loop, when set, is completely submerged in water.

(5) The setting of any trap within 50 feet of any water other than temporary surface water within 30 days prior to the open season for trapping mink and muskrat in the respective zones is prohibited, except by permit issued by the Commissioner.

(6) No person may set, place, or operate any leghold trap that has a maximum jaw opening, when set, of greater than eight and three-quarter inches measured from the inside edges of the jaws.

(g) **Multiple-Catch Traps.** Traps capable of taking more than one animal at a time may not be used.

(h) **Pre-emption.** Prior to the opening of the trapping season for any protected species of wild animal, no trap, either set or un-set, may be placed or staked and no flag, stake or other device may be placed for the purpose of marking or pre-empting a trapping site.

(i) **Picking Up Traps.** No trap placed for a protected wild animal may be left in place, either set or un-set, after the close of the applicable trapping season.

(j) **Dogs.** No person may be accompanied by a dog or dogs while engaged in tending or setting traps for protected wild animals, unless such dog or dogs are harnessed and attached to a sled or securely tethered to a tree or other permanent device with a leash of no more than 15 feet in length.

(k) **Snares.** Snares may be used for taking protected furbearers pursuant to this order and the provisions of Commissioner's Order No. 2352 or superseding orders to the extent that such provisions are consistent with this order.

(l) **Authorized Agent.** A trapper may authorize, in writing, an agent who possesses all necessary licenses to check, pick up, or reset at the same set, traps set by the trapper. The agent may remove trapped animals and, if any animal removed from the trap is required to be tagged as specified in Sec. 11(b) of this order, the agent must affix his or her own tag to the animal as prescribed. Furbearer tags are not transferable.

### Sec. 11. PELT TAGGING AND REGISTRATION.

(a) **Possession Tag Application.**

(1) Application for fisher, otter, or pine marten possession tags must be made on an official possession tag application form. No person who has reached his or her 13th birthday by the Friday nearest October 29 may apply for possession tags without first purchasing a valid trapping license. A person who has not yet reached his or her 13th birthday by the Friday nearest October 29 may apply for possession tags by supplying his or her birth date in lieu of trapping license number, except that no possession tags will be issued to persons born less than five years prior to the application deadline.

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## Commissioners' Orders

(2) No person may submit more than one application for a legal allotment of fisher, otter, and pine marten possession tags. Any application that is not completed in accordance with the instructions on the application may be rejected.

(3) Completed applications must be either mailed or delivered to:

License Bureau  
Department of Natural Resources  
500 Lafayette Road  
St. Paul, Minnesota 55155-4026

(4) Applications that are mailed must be postmarked no later than the Friday nearest October 29. Applications that are delivered must be delivered no later than 4:30 p.m. on the Friday nearest October 29.

(5) The possession tag application stub will be completed by the Department of Natural Resources and returned to the applicant. This stub is a part of the trapper's licensing to take fisher, otter and pine marten and must be in the trapper's possession while taking or transporting these species. This stub must be presented on request of any Department of Natural Resources Enforcement Officer.

(b) **Possession Tagging.** Any possession tag or seal required by this order to be affixed to a pelt at the time and place where taken must be fastened through the mouth and one eye opening. Any seal furnished by the Commissioner must be affixed so that such seal cannot be removed without breaking the lock.

(c) **Registration.** The pelt of each bobcat, fisher, pine marten and otter and the whole carcass of each bobcat and pine marten must be presented, by the person taking it, to a conservation officer for registration before the pelt is sold and before the pelt is transported out of the state, but in no event more than 48 hours after the season closes. The entire carcass of bobcat and pine marten and the lower jaw or head of fisher must be surrendered to the conservation officer. The pelt of bobcat, fisher and pine marten must have been removed from the carcass.

(d) No person may affix any tag, seal or label required by this order to the pelt or carcass of any animal which he or she did not take.

(e) Any possession and registration tags or seals required by this order must remain affixed to the raw pelt until the pelt is tanned or mounted.

### Sec. 12. GENERAL PROVISIONS.

(a) **Possession of Live Animals Prohibited.** All animals taken pursuant to this order must be killed before being removed from the site where taken.

(b) **Accidental Captures—Possession and Transport.**

(1) No person may possess or transport a fisher, otter, pine marten, fox, bobcat, lynx or timber wolf which was accidentally killed or was lawfully killed while causing or threatening injury or damage until such person notifies the local conservation officer, other authorized department employee, or regional enforcement office, of the killing and receives authorization to possess, transport, or pelt the animal.

(2) A person may possess or transport mink, muskrat, beaver, badger, opossum or raccoon accidentally killed or lawfully killed while causing or threatening injury or damage only if the local conservation officer or other authorized employee of the Department is notified within 24 hours of such killing and before any pelting is begun.

(3) Regulations governing payment of pelting fees are set forth in Commissioner's Order No. 2117 or superseding orders.

(c) **Electronic Devices.** No person shall use any unattended electronic device for the purpose of taking wild animals.

(d) **Handguns.** Except as provided in Sec. 10(c), all species of small game which may lawfully be taken with a rifle may also be taken with a handgun, subject to the same caliber restrictions that apply to rifles.

(e) **Red/Orange Requirement.** A person may not hunt or trap during the open season in a zone or area where deer may be taken by firearms, unless the visible portion of the person's cap and outer clothing above the waist, excluding sleeves and gloves, is bright red or blaze orange. Blaze orange includes a camouflage pattern of at least 50 percent blaze orange within each foot square.

(f) None of the provisions of this order shall be construed as modifying or superseding any order establishing game refuges within the state nor as permitting the taking of any wild animals within such refuges or within state parks.

(g) This order shall not be construed to limit the number of any furbearing animals that may lawfully be possessed, transported or sold by any licensed fur dealer.

(h) This order shall remain in effect until amended, superseded or rescinded.

Sec. 13. Commissioner's Order No. 2312 is hereby superseded.

Dated at Saint Paul, Minnesota, this 12th day of September, 1989.

Joseph N. Alexander, Commissioner  
Department of Natural Resources

# Commissioners' Orders

## Department of Natural Resources

### Commissioner's Order No. 2352: Regulations for the Use of Snares; Superseding Commissioner's Order No. 2216

PURSUANT TO AUTHORITY VESTED in me by *Minnesota Statutes* §§ 97B.605, 97B.625, 97B.631, 97B.645 and other applicable law, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby prescribe the following regulations for the use of snares. All dates and times in this order are inclusive unless otherwise specified.

#### Section 1. PROTECTED MAMMALS.

(a) **General.** Snares may be used by licensed trappers for the taking of all species of protected wild mammals which may be taken by the use of steel traps, except as provided in Section 1(b) and 1(c) of this order. Such use of snares shall be subject to the provisions of this order and all regulations pertaining to the use of steel traps, to the extent they are not inconsistent with the provisions of this order.

(b) **Fox.** Snares may not be used for the taking of fox in the farmland furbearer zone as established by Commissioner's Order. Snares may be used by licensed trappers for the taking of fox in the forest furbearer zone as established by Commissioner's Order pursuant to a snaring permit issued by a conservation officer. Such permits shall be effective during the regular fox trapping season and are valid until revoked.

(c) **Bobcat, Lynx, Bear and Timber Wolf.** Bobcat, lynx, bear and timber wolf shall not be taken by the use of snares.

#### Sec. 2. UNPROTECTED MAMMALS.

Snares may be used for the taking of unprotected wild mammals in the forest furbearer zone, as established by Commissioner's Order, pursuant to a snaring permit issued by a conservation officer. Such permits shall be effective between the opening of the fox trapping season and March 31, and are valid until revoked.

#### Sec. 3. SPECIAL REGULATIONS.

(a) **Watersets in Farmland Zone.** In the farmland furbearer zone, as established by the Commissioner's Order regulating the taking of furbearers, no person shall set, place or operate any snare except as a waterset.

(b) **Culverts.** No person shall set, place, or operate a snare in a culvert, except as a completely submerged waterset.

(c) **Picking Up Snares.** No snare set for a protected mammal shall be left in place after the close of the applicable trapping season. No snare set for an unprotected mammal shall be left in place after the effective date of the permit.

(d) **Deer Trails.** Snares shall not be set in deer trails.

(e) **Spring Poles.** Snares shall not be used with spring poles or other devices whereby an animal caught in the snare will be wholly or partly lifted from the ground.

(f) **Snare Height.** No snare shall be set such that the top of the loop is more than sixteen (16) inches above the ground or, when the ground is snow-covered, more than sixteen (16) inches above the bottom of a man's footprint made in the snow beneath the snare with full body weight on the foot.

(g) **Loop Diameter.** The diameter of the snare loop shall not exceed ten (10) inches.

(h) **Cable Diameter.** All snare cable or wire shall have a diameter not exceeding one-eighth (1/8) inch.

(i) **Tagging.** A person may not place, set, operate, possess or transport any snare in the field unless the following information is etched legibly onto a metal tag no less than 30 gauge (0.012 inch) in thickness that is affixed to the anchor end of the snare with a tightly twisted wire or solid metal ring: (1) the person's name and Minnesota driver's license number; or (2) the person's name and mailing address sufficiently complete to individually identify the person.

(j) **Tending.** All snares not capable of drowning the captured animal shall be tended at least once each calendar day and any animal captured must be removed from the snare.

#### Sec. 4. PREDATOR CONTROLLERS.

Certified predator controllers may use snares statewide at any time while acting in compliance with Commissioner's Order No. 2209 or superseding orders governing the predator control program.

Sec. 5. Commissioner's Order No. 2216 is hereby superseded.

Dated at Saint Paul, Minnesota, this 12 day of September, 1989.

Joseph N. Alexander, Commissioner  
Department of Natural Resources



# Official Notices

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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 Comprehensive Health Association

### Notice of Board of Directors Meeting

NOTICE IS HEREBY GIVEN that a meeting of the Board of Directors of the Minnesota Comprehensive Health Association will be held at 10:00 a.m. on Tuesday, October 10, 1989, in the Board Room of Blue Cross and Blue Shield of Minnesota, 3535 Blue Cross Road, Eagan, Minnesota, 55165. For additional information, please call (612) 456-8466.

## Department of Finance

### Maximum Interest for Municipal Obligations for the Month of September

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

Peter Sausen  
Assistant Commissioner  
Cash & Debt Management

## Minnesota Historical Society

### State Historic Preservation Office

### Comment Period Extended for State Archaeology Plan

The original comment period for the state archaeology plan has been extended to November 30, 1989. (See Vol. 14 No. 9 of the *State Register* for the original notice.)

## Department of Labor and Industry

### Labor Standards Division

### Notice of Prevailing Wage Determination for Highway/Heavy and Commercial Projects

On October 1, 1989 the commissioner will certify prevailing wage rates for commercial and highway/heavy construction projects in the following Minnesota counties: **BLUE EARTH, BROWN, COTTONWOOD, DODGE, FARIBAULT, FILLMORE, FREEBORN, GOODHUE, HOUSTON, JACKSON, LAC QUI PARLE, LESUEUR, LINCOLN, LYON, MARTIN, MOWER, MURRAY, NICOLLET, NOBLES, OLMSTED, PIPESTONE, REDWOOD, RENVILLE, RICE, ROCK, SIBLEY, STEELE, WABASHA, WASECA, WATONWAN, WINONA, YELLOW MEDICINE.**

A copy of the determined wage rates for Minnesota counties may be obtained by contacting the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155. The charges for the cost of copying and mailing are \$.50 for the first county and \$.30 for any subsequent copies of the same or other counties. The cost for a complete set of the above counties will be \$15.00. A sales tax of 6% must be added to all orders.

A check or money order payable to the State of Minnesota must accompany each request.

Ken Peterson, Commissioner  
Department of Labor and Industry

## Official Notices

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### Department of Labor and Industry

#### Code Enforcement

#### Notice of Reconvened Hearing in the Matter of the Proposed Amendment of Rules of the Minnesota Department of Labor and Industry, Code Enforcement, Governing High Pressure Piping Trainees

NOTICE IS HEREBY GIVEN that the public hearing will be reconvened pursuant to *Minnesota Statutes* § 14.14, subdivision 1 and *Minnesota Rules*, part 1400.0500, subp. 2 in the above-captioned matter. The statutory authority to promulgate these proposed rules can be found in *Minnesota Statutes*, section 175.171 (2) and section 326.48, subd. 1. The proposed amendments clarify the requirements for the registration of pipefitter trainees and set minimum licensed pipefitter/trainee ratios for supervision of the trainees on permitted projects. The rules also change the term "steamfitter apprentice" to "pipefitter trainee".

This public hearing in this matter was commenced on September 21, 1989. Following a full day of testimony, Administrative Law Judge Allen Giles allowed a recess of 25 days so that all those affected by the rules would have a full opportunity to respond to the presentation of the Department of Labor and Industry.

The reconvened hearing will be held at 9:00 AM on October 16, 1989 at State Office Building, Room 10, 100 Constitution Avenue, St. Paul, Minnesota and continue until all interested persons and groups have had an opportunity to be heard concerning the proposed amendment of the above-captioned rule. The proposed rules may be modified as a result of the hearing process. You are encouraged to participate if you are in any way affected by these rules.

Please refer to the August 21, 1989 edition of the *State Register* at 14 S. R. 357-360 to review the original Notice of Hearing describing the hearing procedures and the proposed rule. You may contact the following for information concerning procedures:

Allen Giles  
Administrative Law Judge  
Office of Administrative Hearings  
500 Flour Exchange Building  
310 Fourth Avenue South  
Minneapolis, Minnesota 55416  
Phone (612) 341-7604

B. James Berg  
Director, Code Enforcement  
4th Floor, Labor and Industry Building  
443 Lafayette Road  
St. Paul, Minnesota 55155-4304  
(612) 297-1727

Dated: 26 September 1989

Ken Peterson, Commissioner  
Department of Labor and Industry

### Department of Revenue

#### Appeals and Legal Services Division

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Sales Tax on Capital Equipment

NOTICE IS HEREBY GIVEN that the State Department of Revenue is seeking information or opinions from sources outside the agency in preparing to propose the adoption of the rule governing Sales Tax on Capital Equipment. The adoption of the rule is authorized by *Minnesota Statutes*, section 297A.29, which requires the agency to promulgate all needful rules for the administration and enforcement of *Minnesota Statutes*, sections 297A.01 to 297A.44 not inconsistent with its provisions.

Outside opinion is also being solicited as to how this rule will affect small businesses as defined by *Minnesota Statutes*, section 14.115, subdivision 1.

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

Stephen E. Krenkel  
Minnesota Department of Revenue  
Appeals and Legal Services Division  
10 River Park Plaza  
Mail Station 2220  
St. Paul, Minnesota 55146-2220.

Oral statements will be received during regular business hours over the telephone at (612) 296-1022 and in person at the above address.

All statements of information and opinions shall be accepted until November 1, 1989. Any written material received by the State Department of Revenue shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 19 September 1989

Stephen E. Krenkel  
Attorney

## Department of Revenue

### Appeals and Legal Services Division

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Sales Tax on Computer Software

**NOTICE IS HEREBY GIVEN** that the State Department of Revenue is seeking information or opinions from sources outside the agency in preparing to propose the adoption of the rule governing Sales Tax on Computer Software. The adoption of the rule is authorized by *Minnesota Statutes*, section 297A.29, which requires the agency to promulgate all needful rules for the administration and enforcement of *Minnesota Statutes*, sections 297A.01 to 297A.44 not inconsistent with its provisions.

Outside opinion is also being solicited as to how this rule will affect small businesses as defined by *Minnesota Statutes*, section 14.115, subdivision 1.

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

Terese Koenig Smith  
Minnesota Department of Revenue  
Appeals and Legal Services Division  
10 River Park Plaza  
Mail Station 2220  
St. Paul, Minnesota 55146-2220.

Oral statements will be received during regular business hours over the telephone at (612) 296-1022 and in person at the above address.

All statements of information and opinions shall be accepted until November 1, 1989. Any written material received by the State Department of Revenue shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 19 September 1989

Terese Koenig Smith  
Attorney

# 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:** Winter sand—rebid  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** October 4  
**Agency:** Transportation  
**Deliver to:** Duluth  
**Requisition #:** 79100 09052 2

**Commodity:** Rental of Kodak 235  
**Contact:** Teresa Ryan 296-7556  
**Bid due date at 2pm:** October 6  
**Agency:** Employee Relations  
**Deliver to:** St. Paul  
**Requisition #:** 24000 01144

**Commodity:** New or used truck mounted sweeper  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** October 6  
**Agency:** Transportation (Central Shop)  
**Deliver to:** St. Paul  
**Requisition #:** 79382 01808

**Commodity:** All terrain snow groomer—Grand Rapids  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** October 6  
**Agency:** Natural Resources  
**Deliver to:** Grand Rapids  
**Requisition #:** 29000 52846

**Commodity:** Signs  
**Contact:** John Bauer 296-2621  
**Bid due date at 2pm:** October 9  
**Agency:** Natural Resources  
**Deliver to:** Various  
**Requisition #:** 29000 52900

**Commodity:** Truck chassis and body-weights and measures  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** October 9  
**Agency:** Public Service  
**Deliver to:** St. Paul  
**Requisition #:** 80300 04093

**Commodity:** Move of lab equipment  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** October 9  
**Agency:** Transportation  
**Deliver to:** Various  
**Requisition #:** 79000 03117

**Commodity:** Developer, toner, splicing tape  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 2pm:** October 9  
**Agency:** InterTech  
**Deliver to:** St. Paul  
**Requisition #:** 02410 02092

**Commodity:** Zenith Supersport 286  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 2pm:** October 9  
**Agency:** Jobs & Training  
**Deliver to:** St. Paul  
**Requisition #:** 21200 22590

**Commodity:** Snowmobiles  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** October 9  
**Agency:** Natural Resources  
**Deliver to:** St. Paul  
**Requisition #:** 29002 18792

**Commodity:** Repair parts for computers, printers, miscellaneous EDP equipment  
**Contact:** Pat Anderson 296-3770  
**Bid due date at 2pm:** October 9  
**Agency:** Transportation  
**Deliver to:** St. Paul  
**Requisition #:** Price Contract

**Commodity:** 10-ton trailer trailer—10-ton capacity  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** October 9  
**Agency:** DNR  
**Deliver to:** New Ulm  
**Requisition #:** 29004 12909

**Commodity:** Sun upgrade  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 2pm:** October 10  
**Agency:** Health Department  
**Deliver to:** Minneapolis  
**Requisition #:** 12500 42404

**Commodity:** Artwork & install—rebid  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 2pm:** October 10  
**Agency:** Revenue Department  
**Deliver to:** St. Paul  
**Requisition #:** 67130 10550 1

**Commodity:** Sensors for neotronics meters  
**Contact:** Joseph Gibbs 296-3750  
**Bid due date at 2pm:** October 10  
**Agency:** Labor & Industry  
**Deliver to:** St. Paul  
**Requisition #:** 42701 14360

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## State Contracts and Advertised Bids

**Commodity:** Fiber fuel pellets  
**Contact:** Jim Johnson 296-3779  
**Bid due date at 2pm:** October 10  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Genuine repair parts for  
caterpillar loaders, 4 wheel, motor  
graders & crawler tractors  
**Contact:** Dale Meyer 296-3773  
**Bid due date at 2pm:** October 10  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Genuine repair parts—  
Sullair air compressor products  
**Contact:** Dale Meyer 296-3773  
**Bid due date at 2pm:** October 11  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Meat for October—  
November & delivery  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 2pm:** October 12  
**Agency:** Correctional Facility  
**Deliver to:** St. Cloud  
**Requisition #:** 78830 10049

**Commodity:** Employee service awards  
**Contact:** Pam Anderson 296-1053  
**Bid due date at 2pm:** October 12  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Wheel loaders  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** October 12  
**Agency:** Transportation Department  
**Deliver to:** Various  
**Requisition #:** 79382 01821

**Commodity:** Wheel loaders  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** October 12  
**Agency:** Transportation Department  
**Deliver to:** Various  
**Requisition #:** 79382 01820

**Commodity:** Mobile home seals—rebid  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 2pm:** October 9  
**Agency:** Building Codes  
**Deliver to:** St. Paul  
**Requisition #:** 02525 03484 1

**Commodity:** Computer projection panel  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 2pm:** October 6  
**Agency:** State University  
**Deliver to:** Moorhead  
**Requisition #:** 26072 02051

**Commodity:** Zenith laptops  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 2pm:** October 6  
**Agency:** Transportation Department  
**Deliver to:** St. Paul  
**Requisition #:** 79000 03111

**Commodity:** Video equipment—rebid  
**Contact:** Pam Anderson 296-1053  
**Bid due date at 2pm:** October 9  
**Agency:** Workers' Compensation Court  
of Appeals  
**Deliver to:** St. Paul  
**Requisition #:** 25000 02108 1

**Commodity:** Compaq 386133  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 2pm:** October 11  
**Agency:** Sentencing Guidelines  
Commission  
**Deliver to:** St. Paul  
**Requisition #:** 99300 29015

**Commodity:** Draperies & install—rebid  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 2pm:** October 10  
**Agency:** Veterans Homes  
**Deliver to:** Hastings  
**Requisition #:** 75250 60391

**Commodity:** Gas-filter correlation CO  
analyzer  
**Contact:** Joseph Gibbs 296-3750  
**Bid due date at 2pm:** October 11  
**Agency:** Pollution Control Agency  
**Deliver to:** St. Paul  
**Requisition #:** 32200 21385

**Commodity:** Pulsed fluorescence SO-2  
analyzer  
**Contact:** Joseph Gibbs 296-3750  
**Bid due date at 2pm:** October 11  
**Agency:** Pollution Control  
**Deliver to:** St. Paul  
**Requisition #:** 32200 21384

**Commodity:** Genuine triumph mower  
repair parts  
**Contact:** Dale Meyer 296-3773  
**Bid due date at 2pm:** October 11  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Color copier trial  
**Contact:** Teresa Ryan 296-7556  
**Bid due date at 2pm:** October 11  
**Agency:** Administration Department  
**Deliver to:** St. Paul  
**Requisition #:** 02520 00896

## State Contracts and Advertised Bids

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### 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:** Drivers license envelopes, 8M 8<sup>7</sup>/<sub>16</sub>"x4<sup>1</sup>/<sub>4</sub>", camera ready, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** October 4  
**Agency:** Public Safety Department  
**Deliver to:** St. Paul  
**Requisition #:** 1941

**Commodity:** Statement of Need, 300M sets 22"x8<sup>1</sup>/<sub>2</sub>" and 26<sup>3</sup>/<sub>8</sub>"x8<sup>1</sup>/<sub>2</sub>", saddle stitch  
**Contact:** Printing Buyer's Office  
**Bids are due:** October 10  
**Agency:**  
**Deliver to:** St. Paul  
**Requisition #:** 1220

**Commodity:** 2-year plan (3M-48 pages + cover) and 1990 report (10M-36 pages + cover), 8<sup>1</sup>/<sub>2</sub>"x11", saddle stitch  
**Contact:** Printing Buyer's Office  
**Bids are due:** October 10  
**Agency:** State Planning Agency  
**Deliver to:** St. Paul  
**Requisition #:** 1865 & 6

**Commodity:** Mn Explorer (fall, winter, spring/summer) 150M 2x/yr and 1M 1x/yr, 12-24 pages, 27<sup>1</sup>/<sub>2</sub>"x23<sup>3</sup>/<sub>4</sub>", camera ready  
**Contact:** Printing Buyer's Office  
**Bids are due:** October 10  
**Agency:** Trade & Economic Development Department  
**Deliver to:** St. Paul  
**Requisition #:** 1765

**Commodity:** Improve and Managing Your Land and Woodland for Wildlife (120M), for Wild Turkeys (2,500), for White-tailed Deer (6M), for Sharp-tailed Grouse (2,500), and for Ruffed Grouse (6M), various books 8-12 pages, 9"x4" finished size, camera ready, saddle stitch, 4-color  
**Contact:** Printing Buyer's Office  
**Bids are due:** October 10  
**Agency:** DNR  
**Deliver to:** St. Paul  
**Requisition #:** 1116 7 8 9 20

## Professional, Technical & Consulting Contracts

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### Department of Agriculture

#### Laboratory Services Division

#### Notice of Request for Proposals to Provide Computer Programmer Training, Project Management and Program Development

The Laboratory Services Division of the Minnesota Department of Agriculture in conjunction with the Department of Agriculture Computer Committee is seeking to upgrade the services of staff programmers leading to the information of an Information Services Division. To this end a request for proposal is sought concerning a broad program of training and preparation for the programming group, using the creation of a Laboratory Information Management system as a central project.

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## Professional, Technical & Consulting Contracts

For additional information or to receive a copy of the Request for Proposal contact:

Mr. William Krueger  
Director of Laboratories  
Minnesota Department of Agriculture  
90 West Plato Boulevard  
St. Paul, MN 55107  
Phone (612) 296-1572

**PLEASE NOTE:** Other department personnel are not allowed to discuss the project with responders before the submittal of proposal deadline.

All proposals must be sent to and received by Mr. William Krueger at the address listed above not later than 5 PM, October 23, 1989.

### Capitol Area Architectural and Planning Board

#### Request for Qualifications for Design Competition Advisor

The Capitol Area Architectural and Planning Board (CAAPB) in conjunction with the Minnesota Vietnam Veterans Memorial Board (MVVM) is seeking an experienced, professional competition advisory to plan, organize and manage a design competition. MVVM and CAAPB are co-sponsors of a competition to select a design for a Minnesota Vietnam veterans memorial to be sited on the Capitol Mall.

Interested parties are invited to submit their qualifications to:

Capitol Area Architectural & Planning Board  
Attention: RFQ  
B-46 State Capitol Building  
St. Paul, Minnesota 55155

Qualifications must be received by 4:30 p.m. October 13, 1989.

### Department of Corrections

#### Minnesota Correctional Facility—Stillwater

#### Notice of Request for Proposal for AIDS Education Services

**NOTICE IS HEREBY GIVEN** that the Minnesota Correctional Facility—Stillwater is seeking the services of an experienced educator/counselor to develop and coordinate a behaviorally-based AIDS education and risk reduction program for inmates and staff.

Experience should include development and implementation of an educational curriculum, counseling, and the ability to evaluate programs. A Master's degree or equivalent experience in Health Education, Human Services or Corrections is preferred.

The contract will be for the period of January 2, 1990 through December 31, 1990. Director inquiries to Mary Croft, Minnesota Correctional Facility—Stillwater, P.O. Box 55, Stillwater, MN 55082 or call (612) 779-2700, extension 2633.

Resumes must be submitted no later than October 16, 1989.

### Department of Corrections

#### Notice of Request for Proposals for Release Services

Proposals are being accepted by the Minnesota Department of Corrections for the provision of release services. These services are to be provided male and female offenders who are in the custody of the Minnesota Department of Corrections. Proposals are being accepted from community corrections facilities throughout the State licensed by the State of Minnesota, or eligible for licensing, to provide community residential facilities to adult offenders. It is anticipated that the contract which may arise out of this Request for Proposal will cover the 19 month period of time, December 1, 1989-June 30, 1991. Details regarding the format required by this Request for Proposal and the types of services to be provided can be obtained by contacting:

## **Professional, Technical & Consulting Contracts**

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Denis A. Doege  
Alternative Programs Manager  
Department of Corrections  
300 Bigelow Building  
450 North Syndicate Street  
St. Paul, Minnesota 55104

All interested persons are encouraged to contact the issuing office as soon as possible. The deadline for proposals is 4:30 p.m., Wednesday, November 1, 1989.

## **Governor's Advisory Council on Technology for People with Disabilities**

### **Minnesota State Council on Disability**

### **Request for Proposals for Technology Services Designed to Assist the Disabled and Their Families**

The Governor's Advisory Council on Technology for People with Disabilities is requesting proposals from individuals and firms to provide assistive technology services to individuals with disabilities and their families in the areas of training services, developing educational brochures, developing and conducting needs assessments and providing professional and technical services in the coordination of activities under the Council's S.T.A.R. (A System of Technology to Achieve Results) projects.

These projects will begin November 1, 1989. Proposals must be received no later than 4:30 p.m., October 20, 1989. Copies of the RFP's are available on request. Inquiries and requests should be directed to:

Rachel Wobschall  
Governor's Advisory Council on Technology for People with Disabilities  
Minnesota State Council on Disability  
Room 145 Metro Square Building  
St. Paul, Minnesota 55101  
(612) 297-1554

## **Minnesota Historical Society**

### **Advertisement for Bids on the Elevator Addition to the Minnesota Historical Society's Charles Lindbergh Interpretive Center**

#### **1. BIDS**

Sealed bid proposals for an elevator addition at the Charles Lindbergh Interpretive Center, Little Falls, Minnesota, in accordance with bidding documents dated August 24, 1989, and prepared by The Associated Architects, Inc. will be received in the office of the Contract Officer, Minnesota Historical Society, 1500 Mississippi Street, St. Paul, MN 55101 until 2:00 p.m., Central Daylight Time, on October 12, 1989, at which time the bid proposals will be publicly opened and read aloud. Bids received after 2:00 p.m., October 12, 1989, will be returned unopened.

#### **2. BID SECURITY**

Each proposal must be accompanied by a cash deposit, cashier's check, certified check, or corporate surety bond of a surety company duly authorized to do business in Minnesota, in the sum of not less than five percent (5%) of the total bid, payable without condition to the Minnesota Historical Society, which is submitted as bid security to guarantee that the bidder, if awarded the contract, will promptly execute such contract in accordance with the bid proposal and will furnish the required Payment and Performance bond.

#### **3. PLANS AND SPECIFICATIONS**

Copies of bidding documents for preparation of bids will be available for inspection at the Builders Exchanges in St. Paul, Minneapolis, St. Cloud, Duluth, and Brainerd, Minnesota, and at the F.W. Dodge Corporation Plan Room, Edina, Minnesota.

#### **4. CONDITIONS OF BIDS**

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



## **Department of Human Services**

### **Notice of Availability of Contract for Registered Nurse Consultants on Case Management**

The Health Care Management Division of the Minnesota Department of Human Services is seeking applications for professional services from two qualified registered nurses who are experienced in case management functions for inappropriate utilizers of medical services. The Medical Assistance Program requires these services in its restricted ID card program.

Consultant experience and background will consist of shown expertise in the following areas:

1. Knowledge of case management operational services.
2. Experience working with Medical Assistance recipients, counties, physicians and other medical providers in accessing appropriate medical care.
3. Demonstrated ability to determine appropriate medical care and assist providers in the limiting of inappropriate utilization of medical services by recipients.

The total contract price will not exceed \$40,000 for each contract, based on a 40-hour work week. Each contract will be effective on or about November 15, 1989 and will be for one year in length. Interested parties must submit a written response containing the following information:

- Educational background;
- Professional qualifications and experience; and
- Previous relevant consulting experience.

All written responses received by the deadline will be evaluated according to relevant education, professional qualifications and experience. The Department may consider any previous contracting history with the State of Minnesota. Evaluation and contractor selection will be completed by October 24, 1989. All responders will receive written notification of the results. The Department is not obligated in any way by this notice and reserves the right to reject all responses if such action is determined to be in the best interests of the Department.

All written responses must be received at the following address no later than 4:30 p.m., October 17, 1989. Responses and inquiries should be directed to:

Patricia MacTaggart  
Department of Human Services  
Health Care Management Division  
444 Lafayette Road  
St. Paul, Minnesota 55155-3854  
612/297-4671

## **Legislative Coordinating Commission**

### **Subcommittee on Redistricting**

#### **Request for Information on Computer Software, Hardware and Technical Services**

The Subcommittee on Redistricting of the Legislative Coordinating Commission is requesting information about vendor software, hardware, and technical services available for a computer system to enable the Legislature to draw legislative and congressional redistricting plans for consideration by the Legislature at its 1992 regular session.

The Subcommittee will review the information submitted by vendors and invite selected vendors to demonstrate their wares. Following the demonstrations, the Subcommittee will finalize the specifications for the system and request formal proposals that include prices and delivery dates.

The deadline for submitting information is October 25, 1989.

Copies of the Request for Information can be obtained from:

Janet Lund, Director  
Legislative Coordinating Commission  
85 State Office Building  
St. Paul, Minnesota 55155  
(612) 297-3697

# Professional, Technical & Consulting Contracts

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## State Public Defender

### Minnesota Board of Public Defense

#### Request for Applications for State Public Defender

Full time position under the supervision and direction of the State Board of Public Defense. The State Public Defender shall be a full time qualified attorney, licensed to practice law in the State of Minnesota, serve in the unclassified service of the State, and shall not engage in the general practice of law. Requires extensive experience and must exhibit a demonstrated commitment as an advocate to the protection of the rights of indigents, and a comprehensive knowledge of due process as well as criminal law and procedure. Salary and benefits commensurate with experience and set by Board of Public Defense. Applications must be completed and can be obtained from the State Board of Public Defense, 875 Summit Avenue, LEC 303, St. Paul, Minnesota, 55105 (612/290-6418). Applications accepted until 4:30 p.m., October 13, 1989.

## Minnesota Department of Public Service

### Request for Proposal for Consultant Services to Evaluate the Financial Statements and Accounting Records Used by Northwestern Bell/U.S. West Communications

#### I. Introduction

A consultant is needed to evaluate the financial statements and accounting records used by Northwestern Bell/U.S. West Communications (Bell or Company) to support a proposed incentive plan filing under *Minnesota Statutes* § 237.625 (Supp. 1989). The proposed incentive plan will be filed on or about October 1, 1989. The Minnesota Department of Public Service (Department) is soliciting proposals from qualified consultants to audit and investigate Northwestern Bell's financial statements and accounting records in order to determine the appropriateness of the proposed incentive plan.

This Request For Proposal does not obligate the State to complete the project and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

#### II. Qualifications Of Respondents

Qualified respondents must be able to demonstrate experience and expertise in auditing and evaluating the financial and accounting records of regional Bell operating companies. The respondent must also be a certified public accountant and have experience presenting testimony in contested cases before one or more public utility commissions in the United States or Canada. Preference will be given to respondents who have experience with incentive plans considered by public utility commissions in the United States.

The qualified respondent will provide a list of every commission or regulatory body before which the consultant/firm has presented testimony of this nature, and other reports which the consultant/firm has done of this nature and for what entities.

#### III. Scope Of Project

##### A. Duration of the Project

The duration of this project is from November 1, 1989 through July 31, 1990. The results of this project may be used as evidence in a contested hearing either during the above project time period or at a later date. Any expert testimony that is required after the project is completed will be arranged under a separate contract. However, the work on this project must be performed in such a way that it will be defensible by the consultant in sworn testimony in a contested hearing.

##### B. Tasks to be Performed

The Department's objective in this project is to have an accounting and financial expert evaluate the Company's financial claims for authorization to implement an incentive plan for rate adjustments under *Minnesota Statutes* §§ 237.075 and 237.625. The consultant will recommend financial adjustments to the Company's financial statements to correct inaccuracies, noncompliance with the Uniform System of Accounts for Telephone Companies, and to adjust for financial issues which are inappropriate for setting rates. The consultant will also recommend procedures for streamlining the incentive plan process. The consultant is expected to complete a report of recommendations and complete adjusted financial statements within 4 months. To accomplish this the consultant will be expected to perform the following tasks:

1. Audit, analyze and evaluate all financial statements and accounts used by Northwestern Bell to support its incentive plan filing.
2. Develop and prepare information requests which are necessary to obtain information to perform the audit and evaluation.
3. Recommend financial adjustments to the Company's filed financial statements to correct inaccuracies, noncompliance with the Uniform System of Accounts for Telephone Companies, and to adjust for financial issues which are inappropriate for setting rates.

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## Professional, Technical & Consulting Contracts

4. Identify and review any additional information and records necessary to evaluate the Company's proposed incentive plan.
5. Recommend procedures for streamlining the incentive plan process.
6. Work closely with designated members of the Department in all stages of the project to assure compliance with the tasks identified by the Department. The Department staff will assist the consultant, as necessary, in obtaining required information from the Company and other sources. Also, the consultant will provide designated staff with a progress report every two weeks throughout the duration of the project.
7. Provide a written report of the investigation and the consultant's analysis of the Company's incentive plan, together with detailed adjusted financial statements. This should include thorough documentation of the investigation, analysis and issues. All documents used by the consultant in making this evaluation shall be provided to the Department.
8. If the results of this investigation are subjected to a critical review in a contested hearing, the Department will negotiate a separate contract with the consultant. Under that contract, the consultant may be expected to perform the following tasks as a member of the Department's staff participating in that evidentiary proceeding:
  - a) Develop and prepare information requests which are necessary to fully discover and develop issues related to investigation of this project.
  - b) Assist Department counsel in the preparation of cross-examination of Northwestern Bell and intervenor witnesses.
  - c) Develop and deliver direct, rebuttal and/or surrebuttal testimony on any issues relating to the Company's incentive plan proposal.
  - d) Assist Department counsel in the preparation of briefs related to issues developed in testimony.
9. The consultant may propose additional tasks or activities if they will substantially improve the results of the project.

### C. Project Costs

The Department has estimated that the cost of this project, exclusive of III.B.8 above, should not exceed \$50,000 for professional services and expenses.

### IV. Proposal Contents

The following will be considered minimum contents of the consultant's proposal:

- A. An outline of the consultant's background and experience in conducting this type of analysis and testifying on these matters.
- B. A restatement of the objectives and task of the project to illustrate the consultant's understanding of the proposal. The restatement should also include a description of the consultant's experience with incentive plans, if any.
- C. An identification of the consultant's personnel who will perform each task, their training and experience. No change in personnel assigned to this project will be permitted without written approval of the Department's project manager. Assurance must be given that the personnel who conduct the project will be available under a separate contract to fulfill any requirements as an expert witness as enumerated under part III.B.8.
- D. A detailed work plan which identifies in specific terms all the tasks to be performed in fulfilling the obligations of the tasks enumerated under parts III.B.1 through III.B.7 with cost estimates for each, the total of which shall not exceed \$50,000. Also, provide an estimate of the additional costs to be incurred in fulfilling the evidentiary proceeding tasks enumerated under part III.B.8. In addition, the proposed shall:
  - 1) Identify and describe the deliverables to be provided by the consultant.
  - 2) Identify the level of Department participation as well as other services to be provided by the Department.
- E. Copies of recently delivered testimony, studies or reports regarding the items described above.

### V. Evaluation

All proposals received by the deadline will be evaluated by representatives of the Department. In some instances an interview will be part of the evaluation process. Factors upon which proposals will be judged include, but are not limited to the following:

- 1) Expressed understanding of the project objectives.
- 2) Project work plan.
- 3) Project cost detail.
- 4) Qualifications of both consultant/firm and personnel. Experience of project personnel will be given greater weight than that of the firm.

### VI. Submission of Proposals

Responses to this request for proposal are due on or before 4:30 p.m. CST October 27, 1989. Two (2) copies of the proposal must be sent to and received by:

## Professional, Technical & Consulting Contracts

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Mr. Harold D. Nicholson, Jr.  
Manager, Computational Services  
Minnesota Department of Public Service  
790 American Center Building  
160 East Kellogg Boulevard  
St. Paul, Minnesota 55101  
(612) 297-1842

Under *Minnesota Statutes* § 363.073, any proposal in excess of \$50,000 from a company who has had, during the past year, 20 or more full-time employees in Minnesota, must furnish evidence that the company has received a Certificate of Compliance from the Minnesota Department of Human Rights. Acceptable evidence includes a copy of the Certificate of Compliance, or a notarized statement from an officer of the company that the company has a Certificate of Compliance.

Late proposals will not be accepted. Each proposal must be signed in ink by an authorized member of the firm. Proposals are to be sealed in mailing envelopes or packages with the consultant's name and address clearly written on the outside. Prices and terms of the proposal as stated must be valid for the length of the project. These should include work related to testifying in a proceeding held later. Prospective respondents who have questions concerning this request for proposal may call or write Mr. Nicholson. Other Department personnel are not allowed to discuss the project before the submitted proposal deadline.

## 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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## Anoka County

### Advertisement for Bids on Anoka County Request for Proposals for the Sheriff's Department Portion of a Criminal Justice Information System

The County of Anoka, State of Minnesota, is requesting sealed proposals from qualified vendors for the Sheriff's Department portion of a criminal justice information system.

The request for proposals will be available to vendors on September 18, 1989 from Stan Mork, McGladrey & Pullen, 1300 Midwest Plaza East, 800 Marquette Avenue, Minneapolis, Minnesota 55402, (612) 332-4300.

There will be a bidders conference on October 6, 1989 at 9 a.m. in the County Board Room, Anoka County Courthouse, 325 E. Main Street, Anoka, MN 55303. All vendors must confirm their attendance, in advance, with Richard Pearson, Director of Purchasing, phone number (612) 421-4760, ext. 1851.

Three (3) copies of the proposal should be delivered to Richard Portnoy, Assistant to the County Administrator, Anoka County Administration Office, 325 E. Main Street, Anoka, MN 55303, by 11 a.m. on October 25, 1989.

Proposals must be accompanied by a surety bond or a certified check payable to the Anoka County Treasurer in the amount specified in the bid documents for hardware and software.

The Anoka County Board of Commissioners reserves the right to reject any or all bids and to waive any irregularities or information in the interests of Anoka County.

John "Jay" McLinden  
Anoka County Administrator

## Crow Wing County

### Request for Proposals for Composting Facility to Process Municipal Solid Waste

Proposals for a Composting Facility to Process Municipal Solid Waste are hereby requested from qualified individuals or organizations. The facility will handle all municipal solid waste generated in Crow Wing County. This Request for Proposals includes two

alternatives, one for turnkey equipment supply in conjunction with an Architect/Engineer facility design and one for a turnkey supply of the complete facility.

Specifications for the Proposals will be available on September 29, 1989, for a non-refundable fee of \$45 and may be obtained by sending a letter of interest with check or money order to Charles Lederer, R.W. Beck and Associates, Suite 214, 2901 Metro Drive, Minneapolis, Minnesota 55425. Checks should be made payable to the Crow Wing County Treasurer.

Proposals shall be submitted to the Office of the County Auditor, Courthouse, Brainerd, Minnesota 56401 no later than 1:00 p.m. CST on November 13, 1989.

All Proposals will be reviewed and evaluated by the Board of Commissioners.

The County assumes no liability for costs incurred in responding to this Request for Proposals.

Dated: 11 September 1989

Roy A. Luukkonen, County Auditor  
Crow Wing County, Minnesota

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## State Grants

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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## Agricultural Utilization Research Institute

### Notice of Partnership Opportunities

This notice is to announce the availability of a limited amount of technical assistance funds from the Agricultural Utilization Research Institute. This program is designed to allow Minnesota-based companies to work directly with the AURI regional director in solving technical production problems relating to commercialization efforts on products that will expand the use of Minnesota ag commodities, new crops, and animal products.

These partnerships must be originated by visiting with the closest regional AURI office to discuss the project and the technical development assistance needed. The partnership funds are not a grant but represent a collaborative research involvement, on AURI's part, in good, sound and beneficial projects, on a regional basis. The funds will have to be repaid with interest, and royalties, and patent ownership will have to be negotiated on a case-by-case basis. All proposed projects must pass peer review process to be funded.

Businesses and entrepreneurs interested in applying for AURI Partnership Funds must first contact one of the four AURI regional centers:

Keith N. Sannes, Ph.D.  
AURI Regional Center  
530 Fisher Avenue  
Crookston, Minnesota 56716  
(218) 281-7601

Mary Ann Scharf  
AURI Regional Center  
600 Atlantic Avenue  
Morris, Minnesota 56267  
(612) 589-4532

Duaine E. Flanders  
AURI Regional Center  
Southwest State University  
Marshall, Minnesota 56358  
(507) 537-7441

William F. Stoll, Ph.D.  
AURI Regional Center  
1000 University Drive SW  
Waseca, Minnesota 56093  
(507) 835-1000

The following pages comprise the program guidelines:

### Partnership Program Guidelines

The Greater Minnesota Corporation's Agricultural Utilization Research Institute (AURI) seeks to establish partnerships in the form of long-term joint ventures with businesses for the purpose of developing and commercializing new ag product ideas, processes and technologies that will expand the use of Minnesota ag commodities, new crops, and animal products.

## State Grants

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The partnership should directly involve and be originated by one or more businesses who will drive the commercialization process. In product development disciplines these are called the "product champions." In most cases, partnerships will also involve recognized experts in required aspects of research and development business, marketing or technology. The AURI will join into selected partnerships by providing or supporting funding of technical expertise, technical information, access to technology, business development services, marketing assistance and financial support.

AURI will consider entering into these partnerships as they are presented to AURI. The decision to enter into a partnership is entirely at the discretion of AURI. AURI will evaluate each partnership on a case by case basis and determine whether it meets the long-term research objectives and growth and development plans for AURI, as well as meeting the other criteria described in the following protocols.

### Target Areas

Participation in the AURI Partnership Program should focus on one or more of the following areas:

1) Developing new products and processes, using present and future Minnesota crops, to meet industrial, food, feed, and fiber market opportunities.

2) Pursuing new opportunities and processes for utilizing existing and new Minnesota livestock products such as dairy, cattle, sheep, poultry and aquaculture products and new alternative crops such as canola, rape, specialty corn or soybeans, etc.

### Partnership Services

The AURI's participation in a Partnership may take one or both of the following forms:

**A. BUSINESS DEVELOPMENT SERVICES.** AURI staff and consultants can provide direct advice and assistance on matters related to agri-product development and processing issues. AURI staff and consultants also provide linkages to other GMC services, to public and private business development services, to university and private research experts, to the corporate sector and to other sources appropriate to the need. Whether services are provided by AURI, by AURI consultants or by another organization, the AURI commitment to prompt, quality, client oriented services will be maintained.

**B. PARTNERSHIP FUND.** Through the Partnership Fund, the AURI will negotiate a contractual partnership to provide matching financial support for activities necessary to achieve commercialization. The fund provides early support for selected product development projects, thereby enhancing the business/entrepreneur partner's ability to bring a product to the marketplace. The Fund can help support later stages of applied research and development, technology transfer and application and related business development activities required for commercialization. A partnership contract with the AURI must include provisions for repayments or royalties to the Fund, if the project is commercially successful, in order to allow the Fund to help others in the future.

Following are guidelines for application to the Partnership Fund.

**Application procedures begin on page 9.**

### Eligible Participants

Private, for-profit, businesses located or operating in Minnesota are eligible to be considered for an AURI Partnership. These firms must have the capability to directly commercialize the intended product. Commodity groups and non-profit organizations are eligible only if the organization is directly involved in the commercialization of the project.

Preference will be given to Partnerships with businesses located in Greater Minnesota that can guarantee that the technology will benefit Greater Minnesota in the form of new business, increased demand for commodities, or establishment of a new industry for the region.

### Evaluation and Funding Criteria

Proposals will be evaluated with the following criteria:

- Business plan development and feasibility (stability of expected company and product).
- Market niche identification and potential.
- Conversion Technology feasibility and innovation.
- Production facility appropriateness (economy of scale).
- Raw material availability and cost effectiveness.
- Technical and financial feasibility of proposed research project.
- Scientific merit and degree of innovation of proposed product or process.
- Technical qualifications and competence of the investigator(s) or project principal(s).

If the proposal meets the above criteria, the project will be funded based on the following additional criteria:

- Anticipated economic benefit of the proposed research to one or more sectors of the agricultural industry in Minnesota in the form of increased markets and value added to agricultural products.
- Number of jobs potentially created within the appropriate region in Greater Minnesota.
- Location of applicant (preference will be given to non metropolitan applications).
- Degree of collaboration planned between AURI, the business and any needed post-secondary educational institutions (preference will be given to proposals from businesses giving evidence of willingness to collaborate).
- Type and quantity of matching funds (see requirements below) and size of the request. Smaller requests will be easier to fund.
- General soundness of the partnership company and ability to commercialize the proposed project.

The AURI will consider the general soundness of the project and the likelihood that the project objectives will be achieved by the proposed partner.

### **Matching Requirements**

Proposers must provide matching fund commitments from sources other than AURI and other Greater Minnesota Corporation programs. Matching funds may include federal funds and funds from other private or public sources.

Matching funds may be in the form of cash and/or in-kind services. Preference will be given to cash and private matching funds. Indirect costs, such as overhead not directly attributable to the proposed research or commercialization project, will not qualify as matching funds.

Disbursement of AURI funds awarded will be contingent upon evidence that matching funds have been made available and properly expended on the research project.

#### **Matching Funds Schedule**

<b>Lead Proposer</b>	<b>Matching Requirement</b>
1. Business with 50 or fewer employees	\$1 for every \$2 requested
2. Business with 51 to 250 employees	\$1 for every \$1 requested
3. Business with over 250 employees	\$2 for every \$1 requested

### **Funding Requests**

Proposers may request Partnership Funds in amounts of up to \$100,000 for projects of one or two years in duration. It is expected that most awards will be less than \$50,000/year.

### **Multiple Proposals and Allowable Submissions**

Multiple proposals from the same applicant will be considered if each proposal covers distinctly different research projects. GMC has a strong policy forbidding funding of the same or related projects from more than one GMC funding source.

Proposals which have been submitted under the Agricultural Energy Savings Program and the Technology Research Grant program may not be simultaneously submitted under the AURI Partnership program. Proposals submitted under the Agri-Product Research Grant Program may be considered for transfer to the Partnership Program if the AURI Board of Directors determines that the project will prosper better with a long-term relationship.

New proposals for a partnership should meet the above guidelines and follow the described process for determining acceptability by AURI.

### **Evaluation Process**

Applications will be reviewed and evaluated by peer reviewers selected by the AURI. The peer review group will include representatives from the impacted agricultural industry, post-secondary educational institutions, and at least one out of state reviewer, all with expertise appropriate to evaluating the scientific merit, technical feasibility, and business proposal soundness and economic development potential of the project. Reviewers shall remain anonymous.

Merit reviews will be considered by the AURI Board of Directors in the Board's review and selection of projects to recommend for funding.

By law, any director, employee, or officer of the AURI may not participate in or vote on a decision of the Board relating to an organization in which that individual has a direct or indirect financial interest.

Proposals not meeting the requirements of these guidelines may be returned to the applicant without merit review. It will not be possible to fund all meritorious proposals, and those funded may not be at the level requested. Should the review process produce a recommendation to fund a smaller portion of the effort than requested, the AURI staff will discuss this with the applicant to determine whether the amount requested would alter the project's feasibility.

## State Grants

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### Administration and Monitoring and Fund Disbursement

Successful applicants are expected to adhere to the conditions outlined in these guidelines. Following approval of the partnership, a formal working agreement will be executed between the AURI and the company. This agreement will specify the agreed upon tasks to be performed, timeline and budget, and any other conditions specific to the individual proposal.

Final negotiations for royalties, patent ownership, or conditions of payback will be negotiated after the Board of Directors approves funding of the project.

Under the terms of the Partnership agreement, AURI staff will work with the partner in reviewing and giving input to the project to ensure that it is being conducted in a timely and appropriate fashion.

Continued funding will be contingent on successful completion of the project objectives. Often funding for the entire project will be based upon significant completion of a series of steps described in the original proposal.

Successful applicants who fail to abide by the terms of the Partnership agreement risk the discontinuation of funding and/or repayment of funds inappropriately spent.

AURI can terminate any project at any time if the working conditions and communication required for a successful partnership cease to exist between AURI and the partner.

### Reporting Requirements

Quarterly reports detailing progress to date and financial expenditures attributable to the project will be required.

Project Champions also will be required to submit a final written report describing the work performed and the results obtained, including any appendices on materials developed and any supporting documentation. This report must be supplemented by a financial report of all expenses actually incurred and income generated for the project.

### Audit

To protect the public investment in the project, the books, receipts, orders, documents and accounting procedures and practices of the grantee are subject to examination by the AURI and the Greater Minnesota Corporation.

### Eligible Uses of AURI Funds

AURI Partnership Program Funds may be used to pay salaries, buy supplies and cover the day-to-day expenses of a research and development project. Purchases of equipment not directly related to the project or real estate and payment of all travel expenses must be made with matching funds and not AURI funds. Limited market research to show the commercial feasibility of a product, process or service is permissible and should be specified in the budget, but other market testing or market activities are not eligible. The principal investigator of the project must be an employee of the company(s) which enter into the partnership commitment with AURI.

### Confidentiality

*Minnesota Statutes* section 1160.03, subdivision 7 stipulates that information provided to or gathered by the AURI related to funding programs must be treated as private data with regard to individuals under section 13.02, subdivision 12 of the *Minnesota Statutes*, or as non public data with regard to data not on individuals under section 13.02, subdivision 9. Such data include:

1) financial data, statistics and information furnished in connection with AURI financial assistance, including credit reports, financial statements of net worth, income tax returns (either personal or corporate) and any other business and personal financial records;

2) security information, trade secret information, or labor relations information as defined in section 13.37 subdivision 1, disclosed to members of the board or employees of the AURI with regard to AURI financial assistance.

However, the AURI discourages the inclusion of proprietary information in proposals unless such information is necessary for evaluation of the proposed activities. If proprietary information is included, it should be limited, set apart from the rest of the text of the application, and clearly marked as confidential. The AURI will limit the dissemination of such information to staff, Board members, and project reviewers, on a confidential basis, but in any event the Greater Minnesota Corporation and AURI do not assume any liability for inadvertent disclosure.

Once a project is funded, to the extent permitted by law, the AURI will not make public any information disclosing an invention funded under the Partnership program until a patent is secured or for two years after completion of the project, whichever comes first. In any event, the AURI does not assume any liability for inadvertent disclosure.

Project partners normally may copyright and publish material developed with funds awarded under the Partnership Program. At the request of the AURI, the sponsor will provide copies of any articles, pamphlets, books or other publications or materials that result from the project. Acknowledgment of AURI support must appear on all such publications and materials. AURI reserves the right to publish any reported material or details of the project with the mutual consent of the partner.



**Ownership**

Subject to policies of participating post-secondary educational institutions and federal programs, rights to use products, processes or services developed under the Partnership Program will remain with the project sponsor, with negotiated royalty payments to AURI.

Subject to policies of participating post-secondary educational institutions and federal agencies and programs, ownerships and all rights to project outcomes shall revert to the AURI if the firm (or at least one collaborator in an AURI-supported project) fails to market the product, process or service successfully within two years of the end of the partnership period.

In such cases, the AURI shall provide notice and the opportunity to others to assume control of research project outcomes. In these cases, priority will be given to any licensee under such property or others who benefit Minnesota commercially, with first priority being given to small firms in the state.

Joint ownership of inventions may exist when developed by private sector business participants. Subject to policies of participating post-secondary educational institutions and/or federal agencies and programs, the private sector participant may be given the prior right to file for patent protection, domestic and/or foreign, with a reserved right by the AURI for any filing not elected by the private sector participant. Suitable agreements for license(s) may be negotiated.

Businesses and educational institutions normally may retain the principal world-wide patent rights to any invention developed with funds awarded under the Partnership Program subject to agreements worked out in advance between AURI and the partner. Any patent and new technology rights and obligations between the AURI or a post-secondary educational institution and a participating private firm will be spelled out in written agreements. Such agreements shall survive and continue after any expiration or termination of funding and shall bind the parties and their legal representatives, successors, heirs, and assigns. Such agreements shall provide for reversion of such new technology and patent rights in the event either party becomes insolvent or inoperative.

Title to new technology in the form of trade secrets (technology which is not copyrighted or patented but which is considered by the private sector participant to be proprietary information) may be retained by the private sector participant under terms and conditions similar to those entered into under exclusive licenses and subject to the policies of the AURI and/or participating post-secondary educational institutions and federal programs and agencies. Owners of technologies, innovations, products, processes or services will assure that the initial manufacture of new technologies and patented products derived from AURI funds will be located in Minnesota. In the rare case this is not possible, then the primary commercialization of the product must be located in and benefit Greater Minnesota. In the event that a patentable or trade secret is being developed, a system to reimburse AURI the funds will be negotiated.

**Manufacturing and Development in Minnesota**

One of the objectives of the Partnership program is to encourage and facilitate the development and application of new agricultural products and process within the State of Minnesota for the benefit of the state and its citizens. To this end, it is expected that fund recipients will respect this objective, and use any technology or technique funded by the program in Minnesota.

**Repayment of AURI Funds**

The AURI may receive royalties on the sale or lease of any product, process or service developed with AURI Partnership funds. Royalty agreements will be negotiated at the time of the Partnership fund award and will be structured so that the AURI may recoup its investment of public funds.

**APPLICATION PROCEDURES**

Businesses and entrepreneurs interested in applying for AURI Partnership Funds must first contact one of the four AURI regional centers:

Keith N. Sannes, Ph.D.  
AURI Regional Center  
530 Fisher Avenue  
Crookston, Minnesota 56716  
(218) 281-7601

Mary Ann Scharf  
AURI Regional Center  
600 Atlantic Avenue  
Morris, Minnesota 56267  
(612) 589-4532

Duaine E. Flanders  
AURI Regional Center  
Southwest State University  
Marshall, Minnesota 56358  
(507) 537-7441

William F. Stoll, Ph.D.  
AURI Regional Center  
1000 University Drive SW  
Waseca, Minnesota 56093  
(507) 835-1000

**Preliminary Letter of Intent**

If, following discussion with one of the above AURI officials, it is determined that the proposed project is appropriate to be considered under the AURI Partnership Program, the proposer should submit a follow-up Letter of Intent.

## State Grants

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The Letter of Intent should be approximately two to four pages in length and include:

- The project title (limit to five words); lead business applicant, principal investigator, address and phone number;
- A brief description of the project and rationale explaining how it will meet the Partnership Program guidelines.
- The funding request and total project budget
- A list of project participants and key personnel;
- Length of the project including start and completion dates.

Fifteen copies of the letter should be submitted to:

Partnership Program  
Agricultural Utilization Research Institute  
530 Fisher Avenue  
Crookston, Minnesota 56716

The Letter of Intent will be reviewed by the AURI Board at the first meeting of the Board of Directors following receipt of the letter to determine if the project meets the priorities and long-term mission and research goals of the AURI.

If the Board approves, the project's development team can then work with the AURI in developing a more detailed proposal for peer review.

### Required Proposal Contents

Applications should be limited to 20 typed, single or double-spaced 8½" by 11" pages, including the application cover sheet and any attachments.

Proposals should be stapled together—paper clips or any type of cover binder should not be used.

Faxed proposals will not be accepted.

Applicants are required to include the following in their proposals:

**Application cover sheet**, including names and addresses of the applicant firm, principal investigator, project title, fund request, and total project budget. The cover sheet form is provided at the end of these guidelines.

**Executive Summary**, limited to two pages, including the cover sheet, summarizing the essential elements of the proposal in narrative form.

#### Project Narrative, including:

- Description of the product(s) or process(es) which will result from the research;
- Description of the planned commercialization efforts, including market research to date by the applicant or others and potential market for product(s) or process(es) to be developed;
- Description of the research methodology to be employed including objectives, tasks, milestones and research site(s). Include a schedule of planned activities, and timeframe for completion.
- Summary of prior research done by the applicant or others and the development of the product or process to date;
- Explanation of how the technology or innovation will benefit the applicant and/or end user of the product;
- Explain why this particular project is needed and how the project will further develop existing technologies;
- Explanation of patents or regulatory approval granted or expected to be granted as result of successful outcome of research;
- Explanation of the estimated benefit of the project to one or more sectors of Minnesota agriculture, such as increased markets, new uses, and/or value added to agricultural products;
- Explanation of the estimated benefit of the project in terms of job creation and economic development;
- List of project co-sponsors (including name of organization, address, telephone, key contact and nature of participation, and attach letters of intent to participate); and
- List of principal investigator and other members of the research team, including their respective expertise and responsibilities under the project. Attach resumes limited to 2 pages each.

**List and Explain Other Funding Sources** (use the attached form)

#### Project Budget

Attach a detailed project budget including the following categories:

- Salaries, wages and fringe

- Equipment
- Materials and supplies
- Travel (must be matching funds)
- Publication costs
- Computer costs
- All other direct costs

Include breakdowns of the planned expenditures by funding source:

- AURI funds requested
- Federal funds
- Other matching funds, identified by individual source

Attach letters of commitment for matching funds to be provided contingent upon approval of this grant.

**Supplementary Attachments**, will be counted within the 20 page proposal limitation. Promotional materials or materials not directly related to the proposal are discouraged. Applicants are encouraged to submit direct, concise and informative proposals.

### **Deadline for Full Proposals**

The AURI Board of Directors will meet to review and recommend proposals for funding at the next board meeting following the successful completion of the peer review process. Proposers may call 218-281-7600 to inquire as to scheduled Board of Directors meetings.

Proposals must be submitted at least three months prior to the month the applicant wants the AURI Board to consider the proposal. All eligible proposals are thoroughly evaluated by peer reviewers and staff, prior to submission to the AURI Board. The proposal review process generally takes 3 months for complete proposals.

Fifteen copies of the full proposal should be submitted to:

Partnership Program  
Agricultural Utilization Research Institute  
530 Fisher Avenue  
Crookston, Minnesota 56716

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## Supreme Court Decisions

### **Decisions Filed 29 September 1989**

**C4-88-2187 In Re Petition for Disciplinary Action against David A. Hart, an Attorney at Law of the State of Minnesota. Supreme Court.**

Respondent's conduct, including misappropriating funds, deceiving a client, failing to cooperate with disciplinary investigations, failing to send suspension notices, and failing to refund unearned fees to a client as required by court order, warrants indefinite suspension; ineligibility to file for reinstatement until September 1, 1992; conditioning reinstatement upon fulfilling requirements of Rule 18, RLPR with the exception that the attorney need take only the ethics portion of the bar examination; and requiring attorney to pay Seven Hundred Fifty and No/100 Dollars (\$750.00) in costs to the Director of Lawyers Professional Responsibility Board.

Indefinitely suspended. Per Curiam.

### **Orders**

**C2-88-2480 In Re Petition for Disciplinary Action against John F. Markert, an Attorney at Law of the State of Minnesota. Supreme Court.**

Publicly reprimanded. Kelley, J.

**C8-89-1053 In Re Petition for Disciplinary Action against James N. Bradford, an Attorney at Law of the State of Minnesota. Supreme Court.**

Publicly reprimanded. Kelley, J.

# Announcements

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**Where to Hunt in Minnesota:** Minnesota has millions of acres of public land open for hunting—a higher percentage of public land than any state east of the Mississippi River. For example, only 2 percent of Texas is public land. Seventeen percent of Minnesota is public. (Of course, not all the public land in Minnesota is open to hunting—most state parks, for example, are closed to hunting.) So how do you find all of this land? Maps. How do you get the map? Invest a few dollars in paper, envelopes and stamps, and sit down and write for them. Within a few weeks you'll have the locations and boundaries of more hunting areas than you'll know what to do with. The map no Minnesota hunter should be without is the DNR's free "Guide to Minnesota Wildlife Lands," which shows the location of 1,400 wildlife management areas (WMAs) scattered across the state. WMAs are public hunting areas purchased and managed by the DNR. The map shows which county each WMA is in, the nearest town, and the number of acres. It also lists the WMAs that have resident managers. Most of these major areas have their own detailed maps, which you can get for free by writing to the DNR Section of Wildlife at 500 Lafayette Road, St. Paul, MN 55155-4020. You can also hunt in the 3 million acres encompassed by Minnesota's 56 state forests. For a map showing the location of state forests, get the Minnesota Department of Transportation state highway map (the first one is free and each additional map is 58 cents) by writing to: Map Sales, Transportation Building, John Ireland Blvd., Room B-20, St. Paul, MN 55155. Also, you may want to write to the DNR Information Center (Box 40, 500 Lafayette Road, St. Paul, MN 55155) for the DNR's free brochure, "Minnesota's State Forest Campgrounds and Recreation Areas." Wait, there's more. You can also hunt the Chippewa and Superior National Forests. Get maps of these massive areas by sending \$1 for each to: Chippewa National Forest, Cass Lake, MN 55663 or Superior National Forest, P.O. Box 338, Duluth, MN 55801. Waterfowl and pheasant hunters looking for more places to shoot will want the free map of federal waterfowl production areas (WPAs) open to hunting. Write to the U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, MN 55111. If that isn't enough, there are also the old "Fire Plan" maps for \$2.25 each available at the Minnesota's Bookstore, 117 University Ave., St. Paul, MN 55155 (612) 297-3000 or toll free in Minnesota 1-800-652-9747 for credit card orders. If you know the specific county you want to hunt you can get detailed county highway maps from the Department of Transportation at the above address. These maps list the WPAs and WMAs and cost 53 cents for a 18-by-28-inch map and \$1.06 for a 3-by-5-foot map. For more information, contact: Tom Dickson, DNR Fish and Wildlife Information Officer, (612) 296-0795.

**DNR Advice for Hunting Private Land:** Hunters are finding less private land to hunt on due to trespassing, related acts of vandalism and game law violations. Hunters need to earn back the respect of landowners, according to DNR Enforcement Officer Captain Fred Hammer and Regional Wildlife Supervisor Larry Nelson. They urge hunters going afield this fall to familiarize themselves with trespassing laws and keep in mind the following suggestions: (Nelson calls these tips "an almost guaranteed method for gaining—and retaining—access to private land.") 1.) Scout and ask permission before the hunting season. 2.) Remember that hunting private land is a privilege. In exchange, offer the landowner something in return, before and after the hunt. You might consider offering free labor before you hunt. Afterwards, offer some of your game, canned goods, or some other gesture of appreciation. Something as simple as a note of thanks is often fine. 3.) Leave the land as good as you found it. When you are gone, the landowner should not be able to tell you were even there. Gates left open and littering are major sins. 4.) Obey the game laws. Landowners don't want violators on their property. 5.) Spread the word among your hunting friends. "Ask First!" must become the slogan of today's hunter. A final note to hunters and landowners alike: It is illegal to enter without permission any posted land or farmland. (Farmland is land that is plowed or tilled, or that has standing crops or crop residues, or is within a maintained fence for enclosing domestic livestock.) Also, written permission is required for a hunter to take wild animals within 500 feet of a building occupied by people or livestock. Land in the federal Conservation Reserve Program (CRP) or state RIM program often does not look like farmland because it is usually planted to grasses. Because CRP and RIM land are actually defined as farmland, however, they are technically off-limits to hunters who do not have permission. But because hunters will not be able to tell such land is farmland, the DNR advises landowners who don't want hunters on their CRP or RIM land to post it. Hunters and trappers should read the trespass regulations in the small game, waterfowl, and deer regulations before going afield.

**Health Department's Tobacco Report:** Health officials report that 81 hospitals, 44 medical clinics and 20 nursing homes across the state have already eliminated all smoking on their premises, according to a new report from the Minnesota Department of Health (MDH). In addition, 290 of the state's 435 school districts have prohibited tobacco use by anyone using school facilities—including students, staff and visitors. At the same time, adult smoking rates have been dropping in Minnesota. Preliminary survey results for 1988 indicate that only 24% of all Minnesotans over the age of 18 are still smoking, according to the MDH report. That compares with 29% as recently as 1985. Per capita cigarette consumption also decreased between 1985 and 1988, the report notes, dropping from 145 to 120 packs a year for every Minnesotan over the age of 15.

**Initial Claims for Unemployment Insurance Down:** Initial claims filed for unemployment insurance in August totaled 13,011, a decline of 24.6 percent from July, the Minnesota Department of Jobs and Training reported. The August figure is 5.8 percent below the 13,809 initial claims filed during August 1988. Total unemployment insurance claimants under Minnesota's regular program numbered 29,370 for the last week of August, down from 34,510 at the end of July. The number of claimants under the regular state program compares with 29,641 claimants on file at the end of August 1988. Benefits paid under the state program amounted to \$20,468,323 in August. As of Aug. 31, the unemployment fund balance to pay benefits was \$343.4 million. This is a new record end-of-the-month balance in nominal dollars, \$35.9 million higher than the previous record set last month.

**1990 State Park Permits Available:** The new Minnesota State Park annual vehicle entrance permits will be available in all 64 Minnesota State Parks starting Friday, Sept. 29. The permit provides unlimited entry to all Minnesota state parks from the date purchased through Dec. 31, 1990. The new 1990 permit features a dramatic scene in the historic suspension bridge over the St. Louis River gorge in Jay Cooke State Park. The design was created by Howard Hanson of Excelsior. The permit commemorates the 75th anniversary of Jay Cooke State Park. The new permits remain the same price as the 1989 permits—\$16 with tax included. Several special permits are available at half-price. A person with a second vehicle may purchase a second permit for half-price. Minnesotans 65 years or older, or resident vehicle owners with handicap symbol license plates or permanent disability certificates, may also purchase annual permits for \$8 per vehicle. Vehicle permits and camping fees are dedicated to the operation and maintenance of Minnesota's 64 state parks. More than one-third of the annual state park operation budget is raised through user fees.

## Minnesota: national leader in education

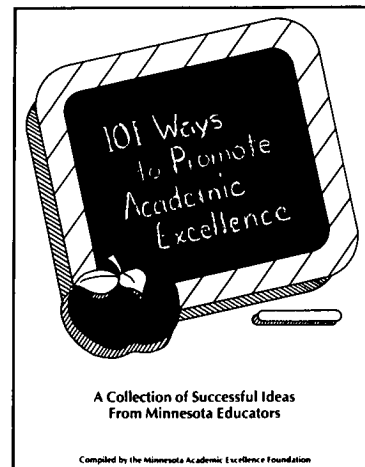
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This popular comprehensive directory contains Minnesota school districts, superintendents, principals, addresses, phone numbers, and enrollment. 128 pages, paperbound. Code #1-93, \$7.00.

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



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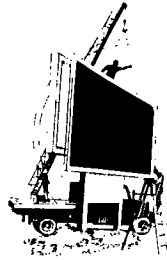
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# Minnesota Manufacturer's Directory 1988-89

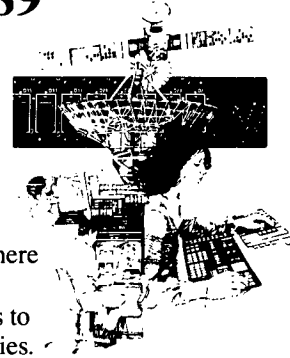


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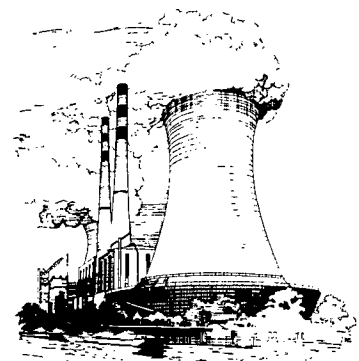
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