

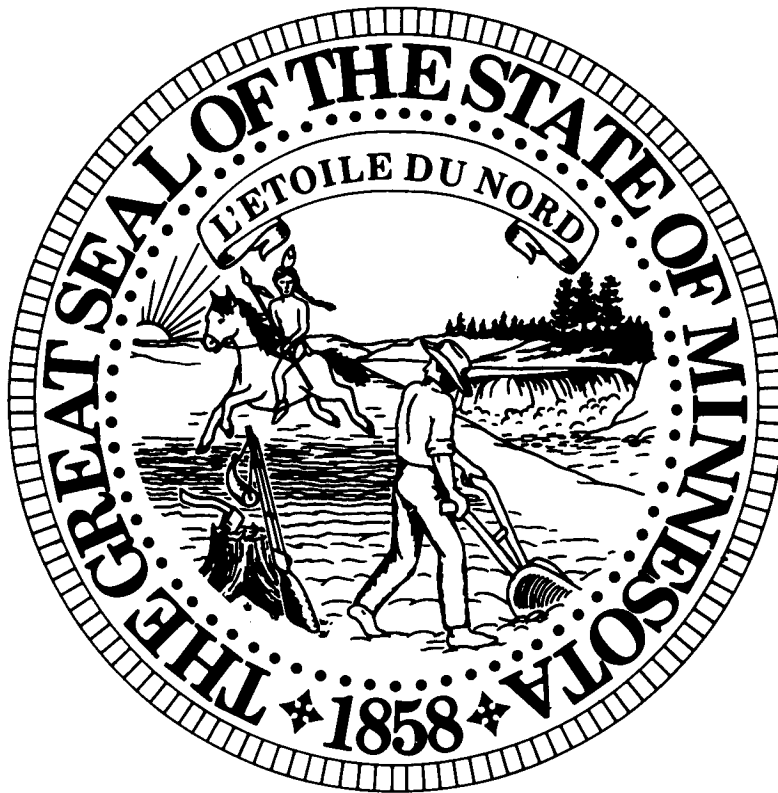
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State of Minnesota

# STATE REGISTER

Department of Administration—Print Communications Division



Rules edition

Published every Monday

20 February 1990

Volume 14, Number 34

Pages 2039-2074

# 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
34	Monday 5 February	Monday 12 February	Tuesday 20 February
35	Monday 12 February	Friday 16 February	Monday 26 February
36	Friday 16 February	Monday 26 February	Monday 5 March
37	Monday 26 February	Monday 5 March	Monday 12 March

\*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**  
**Sandra J. Hale, Commissioner**  
**Department of Administration**

**Stephen A. Ordahl, Director**  
**Print Communications Division**  
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## FOR LEGISLATIVE NEWS

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

### SENATE

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

**Perspectives**—Publication about the Senate.

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

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

### HOUSE

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

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

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

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

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## 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 1-800-9747.

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## Proposed Rules

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

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

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

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

## Department of Public Safety

### Office of Pipeline Safety

#### Proposed Permanent Rules Relating to Pipeline Safety Enforcement and Sanctions

##### Notice of Intent to Adopt a Rule without Public Hearing and Notice of Intent to Adopt a Rule with a Public Hearing if Twenty-Five or More Persons Request a Hearing

**NOTICE IS HEREBY GIVEN** that the State Department of Public Safety proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in *Minnesota Statutes*, section 14.22 to 14.28. The specific statutory authority to adopt the rule is *Minnesota Statutes*, sections 299F.57 and 299J.04.

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 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 APRIL 25, 1990, UNLESS A SUFFICIENT NUMBER WITHDRAW THEIR REQUEST, IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING ON THESE SAME RULES PUBLISHED IN THIS STATE REGISTER AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT OF PUBLIC SAFETY.** To verify whether a hearing will be held, please call the Office of Pipeline Safety between 8:00 a.m. and 4:30 p.m. at (612) 296-9636.

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

Office of Pipeline Safety  
Suite 130 MarketHouse  
289 E. 5th Street  
St. Paul, MN 55101  
(612) 296-9636

Comments or requests for a public hearing must be received by the Office by 4:30 p.m. on March 28, 1990.

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

A free copy of this rule is available on request for your review from the Office of Pipeline Safety at the address or telephone number listed above.

The proposed rule provides the enforcement mechanism and procedures for implementing the inspection compliance program for all natural gas, other gas and hazardous liquid pipeline operators for minimum pipeline safety standards. This rule will have a direct effect on pipeline operators that transport natural and other gas or hazardous liquids and on the office of pipeline safety.

A **STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied on to support the proposed rule has been prepared and is available from the Office of Pipeline Safety on request.

This rule will have no direct impact on small business as the parties directly affected by this rule are not small businesses as defined in *Minnesota Statutes*, section 14.115.

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

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

Dated: 2 February 1990

Paul J. Tschida, Commissioner  
Department of Public Safety

**Notice of Hearing and Notice of Intent to Cancel Hearing if Fewer Than Twenty-Five Persons Request a Hearing in Response to Notice of Intent to Adopt Rules without a Public Hearing**

**NOTICE IS HEREBY GIVEN** that a public hearing on the above-entitled matter will be held in Conference Room D, 5th Floor of the Veterans Services Building, 20 West 12th Street, St. Paul, MN, on April 25, 1990, commencing at 9:00 a.m. and continuing until all interested or affected persons have an opportunity to participate. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rule, you are urged to participate in the rule hearing process.

**PLEASE NOTE, HOWEVER, THAT THE HEARING WILL BE CANCELLED IF FEWER THAN TWENTY-FIVE PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SAME RULES WITHOUT A PUBLIC HEARING PUBLISHED IN THIS STATE REGISTER AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT OF PUBLIC SAFETY.** To verify whether a hearing will be held, please call the Office of Pipeline Safety between 8:00 a.m. and 4:30 p.m. at (612) 296-9636.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to the Administrative Law Judge,

Steve Mihalchick  
Office of Administrative Hearings  
5th Floor, Flour Exchange Bldg.  
310 4th Avenue South  
Minneapolis, MN 55415  
(612) 341-7600

either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge may at the hearing, order the record be kept open for a longer period not to exceed 20 calendar days. 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 to 14.50. The rule hearing is governed by *Minnesota Statutes*, sections 14.14 to 14.20 and by *Minnesota Rules*, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

The proposed rule provides for the enforcement mechanism and procedures for implementing the inspection compliance program for all natural gas, other gas and hazardous liquid pipeline operator for minimum pipeline safety standards. This rule will have a direct effect on pipeline operators that transport natural or other gas or hazardous liquids and on the office of pipeline safety.

**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

The agency's authority to adopt the proposed rules is contained in *Minnesota Statutes*, sections 299F.57 and 299J.04.

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

This rule will have no direct impact on small business as the parties directly affected by this rule are not small businesses as defined in *Minnesota Statutes*, section 14.115.

Copies of the proposed rules are now available and one free copy may be obtained by writing to: Office of Pipeline Safety, Suite 130 MarketHouse, 289 East 5th Street, St. Paul, MN 55101.

Additional copies will be available at the hearing. If you have any questions on the content of the rule contact William Barbeau, Director, Office of Pipeline Safety, at (612) 296-9636.

**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 Office of Pipeline Safety 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 Office of Pipeline Safety 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 his own traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

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

Dated: 2 February 1990

Paul J. Tschida, Commissioner  
Department of Public Safety

### Rules as Proposed (all new material)

#### 7530.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Director.** "Director" means the director of the office of pipeline safety.

Subp. 3. **Good cause to believe.** "Good cause to believe" means grounds put forth in good faith that are not arbitrary, irrational, unreasonable, or irrelevant and that are based on at least one of the following sources:

- A. information from a person;
- B. facts supplied by the pipeline operator;
- C. facts of which the director or an agent of the director has personal knowledge; or
- D. information obtained by the office during an inspection.

Subp. 4. **Office.** "Office" means the Minnesota office of pipeline safety, a division of the Minnesota department of public safety.

Subp. 5. **Pipeline operator.** "Pipeline operator" means a person who engages in the transportation of gas or hazardous liquid or who owns or operates pipeline facilities.

#### 7530.0300 INSPECTIONS.

Subpart 1. **Purpose and scope.** For determining and enforcing compliance with safety standards, the office shall conduct periodic



inspections and spot checks of records and property in the possession, custody, or control of pipeline operators to determine compliance with applicable pipeline safety standards under *Minnesota Statutes*, section 299F.57. This chapter does not apply to interstate gas pipeline facilities subject to the enforcement jurisdiction of the federal Office of Pipeline Safety under the federal Natural Gas Pipeline Safety Act.

Subp. 2. **Reasons.** Inspections will be conducted pursuant to item A, B, C, D, or E:

- A. routine scheduling by the director;
- B. a complaint received from a member of the public;
- C. information obtained from a previous inspection;
- D. an accident or reportable incident; or
- E. when there is good cause to believe that a threat to public safety may exist.

#### **7530.0400 INSPECTION RESULTS.**

Subpart 1. **Requests for specific information.** After a complaint, report, or inspection, the office shall send the pipeline operator a request for specific information (1) if further information is necessary to determine appropriate action, (2) when further information is necessary to determine if the office has jurisdiction to act, or (3) when necessary to determine compliance with applicable pipeline safety standards. The pipeline operator has five days to respond to a request for information that is necessary to determine if a reportable incident has taken place or that arises from a reportable incident. The pipeline operator has 30 days to respond to all other requests for specific information. The office may allow more than 30 days to respond based on the quantity of information requested, the difficulty in obtaining the requested information, and the potential hazard to public safety.

Subp. 2. **Warning letters; response.** The office shall issue a warning letter when (1) the office has good cause to believe a violation of the federal Natural Gas Pipeline Safety Act; the federal Hazardous Liquid Pipeline Safety Act; *Minnesota Statutes*, sections 299F.56 to 299F.641 and 299J.01 to 299J.09; or a rule, regulation, or order issued under any of these laws, has occurred and (2) the office determines that no immediate threat to public safety exists but that a threat to public safety will develop if the violation is not corrected within a reasonable time. The letter must indicate the nature of the probable violation and advise that the pipeline operator must correct the violation or be subject to further enforcement action by the office.

The pipeline operator has 30 days to respond to the warning letter. The office may allow more than 30 days to respond based on the quantity of information requested, the difficulty in obtaining the requested information, and the potential hazard to public safety. If more than 30 days is required to respond, the operator must request a time extension in writing to the office.

Subp. 3. **Notice of probable violation; response.** The office shall issue a notice of probable violation when (1) the office has good cause to believe a violation of the federal Natural Gas Pipeline Safety Act; the federal Hazardous Liquid Pipeline Safety Act; *Minnesota Statutes*, sections 299F.56 to 299F.641 and 299J.01 to 299J.09; or a rule, regulation, or order issued under any of these laws, has occurred and (2) the office determines that a warning letter issued under subpart 2 will not be effective or will not adequately address public safety issues. The notice must contain a proposed compliance order or proposed civil penalty.

The pipeline operator has 30 days to respond to the notice of probable violation. The office may allow more than 30 days to respond based on the quantity of information requested, the difficulty in obtaining the requested information, and the potential hazard to public safety. If more than 30 days is required to respond, the operator must request a time extension in writing to the office.

Subp. 4. **Contents of warning letter or notice.** A warning letter or notice of probable violation must include:

- A. a statement of the statute, regulation, or rule allegedly violated by the pipeline operator and a description of the evidence on which the allegation is based;
- B. notice of response options available to the pipeline operator;
- C. if a civil penalty is proposed, the amount of the proposed civil penalty and the maximum civil penalty applicable under law; and
- D. if a compliance order is proposed, a statement of the remedial action being sought in the form of a proposed compliance order.

Subp. 5. **Response options.** The pipeline operator shall respond to the warning letter or notice of probable violation in the following way:

**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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- A. When the warning letter or notice of probable violation contains a proposed compliance order, the pipeline operator shall:
- (1) agree to the proposed compliance order;
  - (2) request the execution of a consent order;
  - (3) object to the proposed compliance order and submit written explanations, information, or other materials in answer to the allegations in the notice; or
  - (4) request the office to initiate a hearing under *Minnesota Statutes*, sections 14.50 to 14.69.
- B. When the warning letter or notice of probable violation contains a proposed civil penalty, the pipeline operator shall:
- (1) pay the penalty and close the case;
  - (2) submit an offer in compromise of the proposed civil penalty;
  - (3) submit a written explanation, information, or other material in answer to the allegations or in mitigation of the proposed civil penalty; or
  - (4) request the office to initiate a hearing under *Minnesota Statutes*, sections 14.50 to 14.69.

### 7530.0500 DIRECTOR REVIEW.

If the pipeline operator objects to the proposed compliance order or civil penalty and submits written explanations, information, or other materials in response to a warning letter or notice of probable violation, the director shall review the submissions and determine whether to negotiate further, modify, or withdraw the warning letter or notice of probable violation, or initiate a hearing under *Minnesota Statutes*, sections 14.50 to 14.69.

### 7530.0800 CONSENT ORDER.

An executed consent order must contain:

- A. admission by the pipeline operator of all jurisdictional facts;
- B. waiver of further procedural steps and of all right to seek judicial or administrative review or otherwise challenge or contest the validity of the consent order;
- C. agreement that the warning letter or notice of probable violation may be used to construe the terms of the consent order; and
- D. a description of the actions required of the pipeline operator and the time by which the actions must be accomplished.

### 7530.1000 CIVIL PENALTIES.

Subpart 1. **Proceedings.** When the office has good cause to believe that a pipeline operator is engaging or has engaged in conduct that involves a violation of minimum pipeline safety requirements, the office shall conduct proceedings under parts 7530.0100 to 7530.1100 to determine the nature and extent of the violation and assess and, if appropriate, negotiate a civil penalty under *Minnesota Statutes*, section 299F.60.

Subp. 2. **Assessment considerations.** In assessing a civil penalty under this part, the office shall consider the following factors:

- A. the nature, circumstances, and gravity of the violation;
- B. the degree of the pipeline operator's culpability;
- C. the pipeline operator's history of previous offenses;
- D. the pipeline operator's ability to pay;
- E. good faith on the part of the pipeline operator in attempting to achieve compliance;
- F. the effect of the penalty on the pipeline operator's ability to continue in business; and
- G. whether the pipeline is a hazardous liquid pipeline or a gas or other pipeline.

Subp. 3. **Payment procedures.** The pipeline operator shall pay a civil penalty that has been proposed, assessed, or compromised by submitting to the office a certified check or money order in the correct amount, payable to the commissioner of public safety.

### 7530.1200 HAZARDOUS FACILITY ORDERS.

Subpart 1. **In general.** After an inspection, report, or complaint, the office shall find a particular facility to be hazardous to life or property under *Minnesota Statutes*, section 299F.57, subdivision 4, if under the facts and circumstances:

- A. the office determines the particular facility is hazardous to life or property; or
- B. the pipeline facility, or a component, has been constructed with equipment, material, or technique that is hazardous to life or property, unless the pipeline operator demonstrates that the equipment, material, or technique is not hazardous to life or property.

Subp. 2. **Determination factors.** In considering whether a facility will be determined to be hazardous to life or property, the office shall consider:

A. the characteristics of the pipe and other equipment used in the pipeline facility involved, including its age, manufacturer, physical properties, resistance to corrosion and deterioration, and methods of manufacture, construction, and assembly;

B. the nature of the materials transported by the facility, including their corrosive and deteriorative qualities, and the sequence in which the materials are transported;

C. the area in which the pipeline facility is located, the climatic and geologic conditions associated with the area, and the population, population density, and growth patterns of the area; and

D. the adequacy of the pipeline operator's records to show the absence of hazardous conditions.

Subp. 3. **Order.** If the office finds a particular pipeline facility to be hazardous to life or property, the director shall issue a hazardous facility order if failure to do so would result in the likelihood of serious harm to life or property. The hazardous facility order shall provide an opportunity for a contested case hearing as soon as practical.

Subp. 4. **Order contents.** The order must contain:

A. a finding that the pipeline facility is hazardous to life or property;

B. the facts on which the finding is based;

C. the legal basis of the order;

D. the nature and description of the particular corrective action required of the respondent;

E. the date by which the required action must be taken or completed and, when appropriate, the duration of the order; and

F. if a hearing has been waived under this part, a statement that an opportunity for a hearing is provided as soon as practical.

#### **7530.1400 REPORTABLE INCIDENT INVESTIGATION.**

After a reportable incident, the office may interview personnel, view failed equipment or pipe, issue a subpoena for failed equipment or pipe relating to the incident, for independent preservation, order independent laboratory tests of failed pipe or equipment, view related documents, and take other investigatory measures as needed to complete a comprehensive independent investigation.

#### **7530.1500 TESTING AND TEST RESULTS.**

Subpart 1. **Applicability.** This part applies to tests following reportable incidents in preparation to returning the pipeline to service.

Subp. 2. **Notice.** At least 48 hours before conducting pressure testing, including hydrostatic, air, nitrogen, or other test medium, the pipeline operator shall give notice of the test to the office and to the local governmental units traversed by the portion of pipeline to be tested, unless the operator determines that an emergency exists requiring immediate testing of the pipeline.

For an emergency requiring immediate testing, the pipeline operator shall notify the office before initiating the test.

Subp. 3. **Notice contents.** The notice of the test must include:

A. a statement of the purpose of the test with supporting documents;

B. the name, address, and telephone number of the pipeline operator;

C. the specific location of the pipeline or pipeline section to be tested, including a suitable map of the route of the pipeline and the location of the test;

D. the date and time the test is to be conducted;

E. the method by which the test will be accomplished and the type of test medium to be used; and

F. the name and telephone number of an independent testing firm or other person responsible for certification of results.

Subp. 4. **Observation.** Authorized representatives of the director and affected local governmental units may observe the test.

Subp. 5. **Results reported.** The results of a hydrostatic test conducted by the pipeline operator or by an independent testing company must be sent to the office and if requested, every local governmental unit traversed by the tested portion of the pipeline within ten days of the completion of the test. The test results must include:

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## Proposed Rules

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- A. the date of the test;
  - B. the specific location of the pipeline or pipeline section to be tested, including a suitable map of the route of the pipeline;
- and
- C. the results of the test.

## State Board of Vocational Technical Education

### Proposed Permanent Rules Relating to License for Financial Aid Administrator

#### Notice of Intent to Adopt a Rule without a Public Hearing

**NOTICE IS HEREBY GIVEN** that the State Board of Vocational Technical Education intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, Section 14.22 to 14.28. The statutory authority to adopt the rules is *Minnesota Statutes* 136C.04, Subdivision 9.

All persons have 30 days until 4:30 p.m., 23rd day of March, 1990, in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for 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*, Sections 14.131 to 14.20.

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

Jeanette Daines, Supervisor  
Minnesota Technical College System  
100 Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101  
Telephone: 612-296-0679

Georgia Pomroy, License Revision Specialist  
Minnesota Technical College System  
100 Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101  
Telephone: 612-296-0680

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

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

**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 Jeanette Daines or Georgia Pomroy at the above address and phone, upon request.

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

Jeanette Daines, Supervisor  
Minnesota Technical College System  
100 Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101  
Telephone: 612-296-0679

Georgia Pomroy, License Revision Specialist  
Minnesota Technical College System  
100 Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101  
Telephone: 612-296-0680

Helen Henrie, Interim State Director  
Minnesota Technical College System

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

##### 3700.1100 FINANCIAL AID ADMINISTRATOR.

Subpart 1. **License required.** A person must be licensed as a financial aid administrator under this part if the person is responsible for any of the activities listed in this subpart:

A. serving as a primary resource person on financial aid and providing information on financing higher education to current and prospective students, parents, secondary counselors, social service agencies, and technical institute staff members;

B. completing all institutional applications and reports for program participation required by the institute, the state and federal government, or other agencies;

C. interpreting state and federal regulations for the development of policies and procedures in administering financial aid programs and services;

D. establishing uniform procedures and standards for the awarding and disbursing of financial aid and the monitoring of student academic progress;

E. complying with federal, state, and local audit requirements for financial aid administrators;

F. coordinating the integration of agency funding into the awarding process; and

G. developing forms and brochures providing student consumer information regarding applications and rights and responsibilities, as well as all documents necessary for program management.

Subp. 2. **Other requirements.** The applicant must meet the requirements in part 3700.0100, except that the applicant need not comply with part 3515.1400, items A to D.

Subp. 3. **Educational and occupational experience requirement.** An applicant for a license as financial aid administrator must meet the requirements listed in item A, B, C, or D. The education must be from an accredited postsecondary institution.

A. 4,000 hours of verified occupational experience as a financial aid office administrator/director and a bachelor's or higher degree with a major in educational counseling and guidance, postsecondary student personnel administration, federal aid administration, or business administration.

B. 6,000 hours of verified occupational experience providing administrative support to a financial aid administrator/director and a two-year program or a program of 90 or more quarter credits or associate degree in financial aid assistant.

C. 8,000 hours of verified occupational experience as a financial aid administrator/director.

D. 8,000 hours of verified occupational experience providing administrative support to a financial aid administrator/director, and 60 hours of beginning or intermediate student financial aid administration workshops sponsored by professional national, state, or regional financial aid administrator associations or 15 quarter credits in student financial aid and administration theory and practice.

Subp. 4. **Initial renewal requirements.** An applicant must submit verification of completion of philosophy of vocational education and an approved human relations course before the applicant's first license renewal.

Subp. 5. **Conversion of current financial aid officers.**

A. A current financial aid officer license converts to a financial aid administrator license on the effective date of this part and upon the next renewal the applicant's license will indicate financial aid administrator.

B. Applicants verifying one year of experience within a Minnesota technical institute performing the duties listed in part 3700.0350, subpart 1, within five years before the effective date of this part are eligible for a license as a financial aid administrator.

**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

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.

## Board of Animal Health

### Adopted Permanent Rules Relating to Sale of Swine

The rule proposed and published at *State Register*, Volume 14, Number 20, pages 1159-1160, November 13, 1989 (14 S.R. 1159) is adopted as proposed.

## Department of Commerce

### Adopted Permanent Rules Relating to Modified Guaranteed Annuities

The rules proposed and published at *State Register*, Volume 14, Number 2, pages 45-50, July 10, 1989 (14 S.R. 45) and Volume 14, Number 15, pages 942-948, October 9, 1989 (14 S.R. 942) are adopted as proposed.

## Withdrawn Rules

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## Department of Revenue

### Division of Appeals and Legal Services

### Notice of Withdrawal of Rule as Proposed

NOTICE IS HEREBY GIVEN that the rule regarding Sales and Use Taxation of Advertising and Promotional Material is hereby withdrawn. The rule as proposed was published in the *State Register*, December 4, 1989, at 14 S.R. 1347.

## 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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## Board of Chiropractic Examiners

### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Relating to Chiropractic Inactive License and Continuing Education Approval

NOTICE IS HEREBY GIVEN that the Minnesota Board of Chiropractic Examiners hereinafter "Board", is seeking information or opinions from sources outside the Board in preparing to propose the adoption of the rules relating to Chiropractic Inactive License and Continuing Education Program Approval. The adoption of the rules is authorized by *Minnesota Statutes* 148.08, Subdivision 3, which requires the Board to define terms related to the governance of the Practice of Chiropractic.

The Board requests information and opinions concerning the subject matter of the rules. 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:

Executive Director  
2700 University Avenue West - Suite 20  
St. Paul, MN 55114-1089

Oral statements will be received during regular business hours over the telephone at (612) 642-0591 and in person at the above address.

All statements of information and opinions shall be accepted until March 15, 1990. Any written material received by the Minnesota Board of Chiropractic Examiners shall become part of the rulemaking record to be submitted to the Attorney General or Administrative Law Judge in the event that the rules are adopted.

Dated: 7 February 1990

Patricia J. Putz  
Executive Director  
MN Board of Chiropractic Examiners

## **Minnesota Health Care Access Commission**

### **Notice of Meeting of Health Care Access Commission**

The next meeting of the Minnesota Health Care Access Commission will be Thursday, February 22, 1990 from 1:00 to 4:00 p.m. at the Centennial Office Building, Room 301. Please call the Health Care Access Commission office, 297-5980, for further information.

## **Department of Human Services Department of Health Department of Public Safety**

### **Notice of Intent to Solicit Outside Information or Opinions Regarding Proposed Merit System Rules Governing Definitions, the Compensation Plan, Work Out of Class and Transfers**

**NOTICE IS HEREBY GIVEN** that the State Departments of Human Services, Health, and Public Safety are seeking information or opinions from sources outside the agencies in preparing to propose amendments to the Merit System rules governing definitions, the compensation plan, work out of class and transfers. The amendments to the rules are authorized by *Minnesota Statutes*, sections 256.012, 144.071 and 12.22, subd. 3, which permit the Merit System to establish rules to provide local and county appointing authorities with an effective system of personnel administration based on merit principles. The amendments would provide for a new definition for "transfer"; clarification of factors used in determining when a transfer may occur; and more flexibility to counties in giving salary increases for work out of class assignments. Amendments to our compensation plan rules would provide county agencies with increased flexibility in giving lump-sum increases and would combine the three Merit System salary plans into a single plan with broad salary ranges for each occupational grouping of classes, enabling counties to establish salary ranges that are internally consistent.

The State Departments of Human Services, Health and Public Safety request information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements of information and comment should be addressed to:

Ralph W. Corey  
Minnesota Merit System  
Human Services Building  
444 Lafayette Road  
St. Paul, Minnesota 55155-3822

Oral statements will be received during regular business hours over the telephone by Ralph Corey at (612) 296-3996 and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the Minnesota Merit System 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: 8 February 1990

## Department of Human Services

### Chemical Dependency Division

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to Rules Governing Inpatient and Outpatient Alcohol and Drug Treatment Programs

NOTICE IS HEREBY GIVEN that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose the amendment of the rules governing Inpatient and Outpatient Alcohol and Drug Treatment Programs. The amendment of the rule is authorized by *Minnesota Statutes*, section 245A.09, which permits the agency to adopt rules to govern the operation, maintenance, and licensure of residential and non-residential chemical abuse or dependency treatment services. The proposed amendment will consolidate and make uniform definitions and licensing standards for residential and non-residential chemical dependency programs regulated under *Minnesota Rules* Parts 9530.5000 to 9530.6500, and will include regulations affecting inpatient programs where clients may bring minor children.

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

James Denzer  
Rules Division  
Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55101-3816

Oral statements will be received during regular business hours over the telephone at (612) 297-4302 and in person at the above address.

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

Date: 7 February 1990

James Denzer  
Rulemaker, Rules Division

## State Board of Investment, the Investment Advisory Council, the Executive Council and the Land Exchange Board

### Official Notice of Meetings of the State Board of Investment, the Investment Advisory Council, the Executive Council and the Land Exchange Board

The **State Board of Investment** will meet on Thursday, March 15, 1990 at 8:00 a.m. in the Governor's Reception Room, State Capitol, Saint Paul, MN.

The **Investment Advisory Council** will meet on Wednesday, March 14, 1990 at 2:00 p.m. in Conference Rooms "A" and "B", MEA Building, 41 Sherburne Avenue, Saint Paul, MN.

The **Executive Council** and **Land Exchange Boards** will meet on Wednesday, March 7, 1990, at 8:30 a.m. in Room 125, State Capitol, Saint Paul, MN.

## Pollution Control Agency

### Notice of Intent to Solicit Outside Information Regarding Repeal of State Ambient Air Quality Standards for Hydrocarbons (Minnesota Rules Part 7005.0080)

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is seeking information or comments from outside sources in preparing to propose the repeal of that part of *Minnesota Rules*, part 7005.0080 which establishes the State Ambient Air Quality Standards for Hydrocarbons.



On April 30, 1971, the U.S. Environmental Protection Agency (EPA) promulgated a primary and secondary National Ambient Air Quality Standard (NAAQS) for Hydrocarbons (HC). The NAAQS for HC was established as a "guide in devising state implementation plans to achieve oxidant standards." Minnesota had adopted the identical standard for HC by 1972.

NAAQS for HC, excluding methane, were not based on direct health or welfare effects of HC but were promulgated because they represented EPA's judgment of the maximum level of hydrocarbons that would ensure the attainment of the NAAQS for photochemical oxidants. EPA has since determined that there is no single, universally applicable relationship between HC and welfare effects at or near ambient levels. EPA revoked the federal primary and secondary NAAQS for HC on January 5, 1983.

The MPCA requests information and comments concerning the subject matter of the standard. Interested persons or groups may submit statements of information or comments in writing or orally. Written statements relating specifically to the subject matter of the standard should be addressed to Norma L. Florell at the address and telephone number listed below.

Minnesota Pollution Control Agency  
Division of Air Quality  
520 Lafayette Road North  
St. Paul, Minnesota 55155  
Telephone: 612/296-7712

Oral comments will be received during regular business hours over the telephone at the MPCA offices.

All statements of information and oral comments will be accepted until March 30, 1990. Any written material received by the MPCA shall become part of the rulemaking record to be submitted to the Office of the Attorney General in the event that the standard is repealed.

Gerald L. Willet  
Commissioner

## **State Board of Vocational Technical Education**

### **Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing the Rules for Licensure of Postsecondary Technical Education Personnel**

**NOTICE IS HEREBY GIVEN** that the State Board of Vocational Technical Education is seeking information or opinions from sources outside the agency in preparing to amend Chapter Thirty-Five: Rules for Licensure of Vocational Technical Education Personnel and specifically in Surface Finishing and Plating. The adoption of these rules is authorized by *Minnesota Statutes* § 136C.04, subd. 9, and 125.185 subd. 4.

The State Board of Vocational Technical Education requests information and comments concerning the subject matter of these rules. Interested or affected persons may submit written statements of information or comment orally. Written comments should be addressed to:

Ms. Jeanette Daines  
State Board of Vocational  
Technical Education  
100 Capitol Square Bldg.  
550 Cedar Street  
St. Paul, MN 55101  
(612) 296-0679

Ms. Georgia Pomroy  
State Board of Vocational  
Technical Education  
100 Capitol Square Bldg.  
550 Cedar Street  
St. Paul, MN 55101  
(612) 296-0680

Oral statements will be received during regular business hours over the telephone at (612) 296-0680 or in person at the above address.

All statements of information and comments shall be accepted until 4:30 p.m., Thursday, March 29, 1990. Any written material received by the State Board of Vocational Technical Education shall become part of the record to be submitted to the Attorney General or Administrative Law Judge in the event the rule is adopted.

Helen Henrie, Interim State Director  
State Board of Vocational Technical Education

## Official Notices

# Department of Transportation

## Technical Services Division

**NOTICE OF MEETING** of Rules Committee assembled for the purpose of reviewing the Rules for State Aid Operations as required by *Minnesota Statutes* 162.02 Subd. 2 and 162.09 Subd. 2.

**NOTICE IS HEREBY GIVEN** that the Commissioner of Transportation has called a meeting of the Rules Committee for Thursday, February 22, 1990 in the Fairview/Grand room of the Embassy Suites, 175 East 10th Street, St. Paul, Minnesota, starting at 9:00 a.m.

The purpose of the meeting is to review the Rules for State Aid Operations (Chapter 8820), comments and opinions as submitted by concerned parties, and to deliberate and make recommendations to the Commissioner as to proposed amendments thereto.

The Commissioner has previously asked for public opinion and comment by publication in the *State Register* (Monday, October 16, 1989) and by individual letters dated October 10, 1989, December 24, 1989 and February 9, 1990, to County Engineers, City Engineers, Department of Transportation staff, the Minnesota Legislature, the Regional Development Commissions, the Metropolitan Councils, the Legislative Study Commission and to interested parties on record with the Department of Transportation.

The public is invited to the meeting to witness the proceedings.

Dated: 9 February 1990

Leonard W. Levine  
Commissioner

## 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.**

## 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:** Cheshire Lease  
**Contact:** John Bauer 296-2621  
**Bid due date at 2pm:** February 21  
**Agency:** Jobs & Training Department  
**Deliver to:** St. Paul  
**Requisition #:** 21200 23120

**Commodity:** Data General Terminals  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 4:30pm:** February 22  
**Agency:** Metro State University  
**Deliver to:** St. Paul  
**Requisition #:** 26176 03049

**Commodity:** Campaq SLT & Toshiba Expresswriter 311  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 2pm:** February 26  
**Agency:** Revenue Department  
**Deliver to:** St. Paul  
**Requisition #:** 67350 23422

**Commodity:** Pole Vaulting Pit  
**Contact:** Linda Parkos (612) 296-3725  
**Bid due date at 4:30pm:** February 21  
**Agency:** Southwest State University  
**Deliver to:** Marshall  
**Requisition #:** 26175 00317

**Commodity:** Miscellaneous Drivers & Controllers  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 4:30pm:** February 23  
**Agency:** State University  
**Deliver to:** St. Cloud  
**Requisition #:** 26073 21609

**Commodity:** IBM PS/2 Model 55SX  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 2pm:** February 26  
**Agency:** Revenue Department  
**Deliver to:** St. Paul  
**Requisition #:** 67410 23424

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## State Contracts and Advertised Bids

**Commodity:** Rev. Snow Plow  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** February 26  
**Agency:** Transportation Department  
**Deliver to:** Various  
**Requisition #:** 79382 01899

**Commodity:** Electronic Component Parts  
**Contact:** Pam Anderson 296-1053  
**Bid due date at 4:30pm:** February 26  
**Agency:** Administration Department  
**Deliver to:** St. Paul  
**Requisition #:** 02307 01387

**Commodity:** Manufacturing Line  
**Contact:** Doug Thompson 296-3775  
**Bid due date at 2pm:** March 1  
**Agency:** State University  
**Deliver to:** St. Cloud  
**Requisition #:** 26073 21614

**Commodity:** Copier Lease/Purchase  
**Contact:** Teresa Ryan 296-7556  
**Bid due date at 2pm:** February 26  
**Agency:** State University Board  
**Deliver to:** St. Paul  
**Requisition #:** 26137 05247

**Commodity:** Lathe  
**Contact:** Doug Thompson 296-3775  
**Bid due date at 2pm:** March 1  
**Agency:** State University  
**Deliver to:** St. Cloud  
**Requisition #:** 26073 21613

**Commodity:** TPEXEC Elimination  
**Contact:** Don Olson 296-3771  
**Bid due date at 2pm:** March 6  
**Agency:** InterTechnology Group  
**Deliver to:** St. Paul  
**Requisition #:** Price Contract

**Commodity:** Solid State DOAD  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 2pm:** March 6  
**Agency:** Community College Board  
**Deliver to:** St. Paul  
**Requisition #:** 27138 51526

**Commodity:** Tires—Retread  
**Contact:** Dale Meyer 296-3773  
**Bid due date at 2pm:** March 6  
**Agency:** Transportation Department  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Meat for April Delivery  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 4:30pm:** March 9  
**Agency:** Correctional Facility  
**Deliver to:** St. Cloud  
**Requisition #:** 78830 10234

**Commodity:** Precision Approaches for 8 MN Airports  
**Contact:** Joseph Gibbs 296-3750  
**Bid due date at 2pm:** April 17  
**Agency:** Transportation Department  
**Deliver to:** St. Paul  
**Requisition #:** 79000 04950

**Commodity:** Submersible Sampling Pumps  
**Contact:** Joseph Gibbs 296-3750  
**Bid due date at 4:30pm:** February 27  
**Agency:** Pollution Control Agency  
**Deliver to:** St. Paul  
**Requisition #:** 32300 22011

## 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.

**Printing vendors NOTE:** Other printing contracts can be found in the Materials Management Division list-  
ing above, and in the Professional, Technical & Consulting Contracts section immediately following this  
section.

**Commodity:** Culture for Acid-Fast Bacilli, 10M 6¾"x4" overall, 5-part form, negs. available, 2-sided, perf. 1" stub at left  
**Contact:** Printing Buyer's Office  
**Bids are due:** February 22  
**Agency:** Minnesota Health Department  
**Deliver to:** Minneapolis  
**Requisition #:** 5050

**Commodity:** Central Office Manilla Envelopes, 50M 12"x9" plus flap, camera ready, 1-sided, union label required  
**Contact:** Printing Buyer's Office  
**Bids are due:** February 22  
**Agency:** Jobs & Training Department  
**Deliver to:** St. Paul  
**Requisition #:** 5079

**Commodity:** Notice of Benefits form, 10M continuous sets 8½"x11" plus pinfeed strip, negs available, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** February 23  
**Agency:** Jobs & Training Department  
**Deliver to:** St. Paul  
**Requisition #:** 5132

## State Contracts and Advertised Bids

**Commodity:** Salary Deduction Report, 200M continuous 3-part forms 97/8"x11" overall with pinfeed, negs available, 2-sided

**Contact:** Printing Buyer's Office

**Bids are due:** February 23

**Agency:** Public Employees Retirement Association

**Deliver to:** St. Paul

**Requisition #:** 5111

**Commodity:** Certificate of Title Envelope, 250M windows per specs, 7 1/2"x3 3/4", camera ready, 2-sided

**Contact:** Printing Buyer's Office

**Bids are due:** February 23

**Agency:** Public Safety Department

**Deliver to:** St. Paul

**Requisition #:** 5094

**Commodity:** Thin Ice Poster, 2M 14"x17 3/4", 2-colors, type to set, 1-sided, clear coat one side

**Contact:** Printing Buyer's Office

**Bids are due:** February 23

**Agency:** Natural Resources Department

**Deliver to:** St. Paul

**Requisition #:** 5165

**Commodity:** County Snowmobile Maps, 50 composites 18"x27" made from 102 negatives and 50 screens

**Contact:** Printing Buyer's Office

**Bids are due:** February 23

**Agency:** Natural Resources Department

**Deliver to:** St. Paul

**Requisition #:** 4971

**Commodity:** State Trail and State Forest Maps, 81,810 sheets of 31 different trail maps, 2-sided, 11"x17", camera ready, 5-accordion folds to 3 3/8"x5 1/2" 4-color

**Contact:** Printing Buyer's Office

**Bids are due:** February 27

**Agency:** Natural Resources Department

**Deliver to:** St. Paul

**Requisition #:** 5082

## Professional, Technical & Consulting Contracts

### Minnesota Center for Arts Education

#### Notice of Request for Proposal for a Dance Education Project Consultant

The Resource Center of the Minnesota Center for Arts Education is seeking a qualified consultant to coordinate the implementation of a K-12 dance education initiative which includes 1) pilot dance units to be developed and implemented with selected schools and teachers throughout the state and 2) developing a comprehensive K-12 dance curriculum.

The specific services to be provided under this contract are outlined in detail in the Dance Education Request for Proposal (RFP) Statement of Project Scope and Tasks. The formal RFP may be requested from:

Karon Sherarts, Resource Center Director  
Minnesota Center for Arts Education  
6125 Olson Memorial Highway  
Golden Valley, MN 55422

It is anticipated that the cost of services, as described in the RFP, to be provided during the contract period from April 2, 1990 - June 30, 1991, will not exceed a total of \$40,000 with a fee range of \$150 to \$200 per day.

The deadline for submission of completed proposals is 4:00 p.m., March 12, 1990. Proposals must include a resume, qualifications for the position as related to the responsibilities described in the RFP, cost estimate for the project and three professional references. Proposal will be reviewed according to the following criteria:

- 1) Qualification
- 2) Areas of expertise
- 3) Cost effectiveness

Three to four finalists will be interviewed for the position.

## State Designer Selection Board

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

#### To Registered Professional in Minnesota:

The State Designer Selection Board has been requested to select designer for a project at the University of Minnesota, Duluth. Design firms who wish to be considered for this project should deliver proposals on or before 4:00 p.m., March 13, 1990, to George Iwan, Executive Secretary, State Designer Selection Board, Room G-10, Administration Building, St. Paul, Minnesota 55155-1495.

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

- 1) Six copies of the proposal will be required.
- 2) All data must be on 8½" x 11" sheets, soft bound.
- 3) The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number and the name of the contact person.

#### 4) *Mandatory Proposal contents in sequence:*

a) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc. If the response is from a joint venture, this information must be provided for firms comprising the joint venture.

b) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. If desired, identify roles that such persons played in projects which are relevant to the project at hand.

c) A commitment to enter the work promptly, if selected, by engaging the consultants, and assigning the persons named 4b above along with adequate staff to meet the requirements of work.

d) A list of State and University of Minnesota current and past commissions under contract or awarded to the prime firm(s) submitting this proposal during the three (3) years immediately preceding the date of this request for proposal. The prime firm(s) shall **list and total** all fees associated with these projects whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects listed pursuant to the above.

e) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described. It must be noted if the personnel named were, at the time of the work, employed by other than their present firms.

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

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

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

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

- a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
  - b) A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights; or
  - c) A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months; or
  - d) A statement certifying that the firm has an application pending for a certificate of compliance.
- 6) Design firms wishing to have their proposals returned after the Board's review must follow one of the following procedures:
- a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or
  - b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

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

## Professional, Technical & Consulting Contracts

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

- 7) **PROJECT—3-90**  
Ventilation Upgrade  
University of Minnesota  
Duluth, Minnesota

**PROJECT DESCRIPTION:** The Ventilation Upgrade Project consists of improving, replacing, and providing supply and exhaust ventilation systems in A.B. Anderson Hall for ceramic, sculpture, welding/casting, crafts, and associated areas to meet the ventilation requirements for artists to safely carry on their work. Humanities Building requires the installation of supply and exhaust ventilation to control the fumes from painting and other graphic art forms. Associated with this project are the general and electrical construction necessary to provide vertical duct space, additional equipment space, and electric feeder/breaker upgrade to meet the increased electrical loads.

The estimated preliminary construction cost of these improvements is \$511,000.00, of which \$352,000.00 is mechanical.

The firm must be familiar with, and have prior experience in the design of facilities for gas fired kilns, metal casting and welding, the safe use and storage of solvents, and other special requirements associated with a studio arts installation.

Costs for these services will be negotiated between the selected designer and the University.

The project is scheduled for construction during the summer of 1991.

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

Mark Anderson, Chairman  
State Designer Selection Board

## Gaming Department

### Minnesota State Lottery

### Notice of Request for Proposal for Banking, Custodial and Investment Management Services

The Minnesota State Lottery intends to issue a Request for Proposal on February 20, 1990 for the provision of banking, custodial and investment management services. Persons may submit proposals for all services, or for investment management services only. Proposals must be submitted to the Lottery by 4:30 p.m. on March 6, 1990. Persons interested in obtaining a copy of the RFP may call or write:

Dale L. McDonnell  
Legal Counsel  
Minnesota State Lottery  
2645 Long Lake Road  
Roseville, Minnesota 55113  
(612) 635-8213  
Fax #: (612) 297-7496

## Minnesota Historical Society

### Advertisement for Bids for Printing of Minnesota Historical Society 1990 Historic Sites Booklet

#### BIDS

Sealed bids for the printing of the Minnesota Historical Society's 1990 Historic Sites Booklet, in accordance with specifications prepared by the Minnesota Historical Society, will be received in the office of the Contract Officer, Minnesota Historical Society, 1500 Mississippi Street, St. Paul, MN 55101 until 2:00 p.m., Central Standard Time, on March 1, 1990 at which time the bids will be publicly opened and read aloud. Bids received after 2:00 p.m., March 1, 1990, will be returned unopened.

## BID SECURITY

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

## SPECIFICATIONS

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

## 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.

# Minnesota Housing Finance Agency

## Notice of Request for Proposals for Marketing Services

The Minnesota Housing Finance Agency (MHFA) Homeownership Opportunity Division is seeking proposals for advertising concept development for its Purchase Plus Mortgage Loan Program. The objectives of this project are:

1. To develop a marketing communications plan for MHFA's Purchase Plus Program which includes all recommendations for marketing that program.
2. To conduct a limited amount of market research necessary to develop an effective marketing communication plan. This will not involve a full market research campaign, but will be limited to items such as determination of the needs of prospective community facilitators and target audiences, a brief competitive analysis of the product, etc.
3. To develop an implementation plan, including a timeline and budget for the marketing communication plan.

Up to \$20,000 is available for this contract.

MHFA reserves the right to accept all or a portion of a vendor's proposal and to negotiate changes in the proposal before signing a contract.

The request for proposals does not obligate the MHFA to complete the project, and MHFA reserves the right to cancel the solicitation if it is considered to be in MHFA's best interest.

## MHFA CONTACTS

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

Bruce Strong  
Homeownership Opportunity Division  
Minnesota Housing Finance Agency  
400 Sibley Street, Suite 300  
St. Paul, MN 55101  
(612) 297-3131

## SUBMISSION OF PROPOSALS

All proposals must be sent to and received by:

Michael Haley, Director  
Homeownership Opportunity Division  
Minnesota Housing Finance Agency  
400 Sibley Street, Suite 300  
St. Paul, MN 55101

not later than 4:00 p.m. on March 16, 1990. Proposals that are mailed must be mailed "Return Receipt Requested". Vendors who hand-deliver their proposals must ask for a receipt.

Late proposals will not be accepted. Two (2) copies must be submitted. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Each copy must be signed by an authorized member of the firm. Prices and terms of the proposal must be valid for the length of the project.

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

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### **COMPLETION DATE**

Preliminary advertising concept development should be completed by April 15, 1990, but need not include final creative development or actual materials. Complete program development and materials must be available by May 15, 1990.

### **DESCRIPTION OF THE PURCHASE PLUS PROGRAM**

The Purchase Plus Program is a "purchase/rehabilitation" mortgage program that will enable borrowers to raise the funds to simultaneously purchase and rehabilitate or refinance and rehabilitate existing housing through the execution of a single mortgage. The program is designed to encourage preservation of the existing housing stock by providing a financing mechanism through which homes in need of moderate rehabilitation, abandoned and/or boarded up homes, or substandard and/or deteriorating homes may be purchased and rehabilitated or refinanced and rehabilitated. Under the program, MHFA will make, process and/or purchase market rate FHA and conventional mortgage loans secured by properties that have been purchased or refinanced and rehabilitated.

The program will be delivered using a varied network of loan origination. MHFA will take on the new responsibility of acting in the classic definition of a mortgage lender by taking applications, processing and closing loans directly from the general public or through referral from a Realtor, lender or local government. Mortgage lenders and local governments will also be recruited for the program to originate loans in their own name which will be sold to MHFA after the loan closing. Proposals for advertising concept development should address all components of the program delivery network. For further information regarding the program contact Bruce Strong at (612) 297-3131.

### **RESPONSE REQUIREMENTS**

Responses must include at least the following:

1. A description of the qualifications and experience of the vendor personnel who will be assigned to this project, if the proposal is selected.
2. Three client references for whom the specified personnel proposed for this project have completed equivalent work within the last two years.
3. A suggested work plan for the project including a schedule and list of products to be provided or outcomes to be achieved.
4. The total cost of the proposed project, and a breakdown of those costs for the components of the proposal.
5. A description of the methods to be used in the advertising concept development.

Responses may, but are not required to, include additional options directed at assisting MHFA in meeting the objectives of this project, as described above. MHFA may incorporate all or a part of the response of the vendor selected, if any, into the contract executed between MHFA and the vendor. The responses to the request for proposals are in the public domain.

### **PROPOSAL EVALUATION**

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

1. The total cost of the proposal (this will be a major factor, but not the only factor in the evaluation).
2. The work plan and product.
3. The likelihood that the approach will satisfy the objectives.
4. The qualifications and experience of the personnel who will perform the work. Experience with governmental and financial institutions clients is desirable.
5. Client references.

## **Department of Jobs and Training**

### **Division of Rehabilitation Services**

### **Minnesota Supported Employment Project**

### **Notice of Proposed Contract for Cost-Benefit Study Data Consultant Services**

The Minnesota Supported Employment Project, Division of Rehabilitation Services is seeking to employ a consultant who can provide data collection for a comprehensive cost-benefit study of services for Supported Employment in Minnesota.

Emphasis will be placed on cash and non-cash benefits obtained through Supported Employment of persons with severe disabilities. Activities will be coordinated through the Minnesota Supported Employment Project, Division of Rehabilitation Services, Department



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## Professional, Technical & Consulting Contracts

of Jobs and Training, located at 390 North Robert Street, St. Paul, Minnesota 55101. A total of \$10,000 to \$15,000 is available. Data collection dates will be July 1, 1990 through December 31, 1991. In addition, emphasis will be placed on an ability to provide technical assistance in cost accounting for the participant programs and agencies within the cost study. Final analysis of the collected data will be due by February 15, 1991.

Inquiries should be directed to: 390 North Robert Street, 5th Floor, St. Paul, Minnesota 55101. Attention: Ed Boeve. Proposals must be submitted by 4:30 p.m. on Monday, March 12, 1990.

## Minnesota Department of Natural Resources

### Division of Forestry

### Applications Accepted for Technical Service Assistance to Duluth Forestry Staff

The Department of Natural Resources—Division of Forestry is requesting applications and resumes from applicants to fill a part-time Contract Service Position to provide technical service assistance to the regular Division of Forestry staff in the Duluth Administrative Area.

Desirable qualifications of the successful applicant will be:

1. Minimum of 2 years vocational training in Natural Resource Management or other training in Forest Management.
2. Minimum of 1 season of experience working with plantation survival checks, site prescription and other general forest management work.

The successful applicant's principle job duties will be:

1. Perform plantation survival and condition inspections
2. Natural Regeneration Stand Surveys
3. Project Site traverses
4. Miscellaneous Timber Stand Improvement Activities
5. Assist in Prescribed Burning Activities
6. All other forest development and management activities as directed in the Duluth Administrative Area

The position will be active for 10 months of each calendar year. Depending upon fiscal appropriations, it is the intent to fund this contract 3 calendar years, beginning about April 1st of 1990. The layoff period will be during mid winter.

The salary will be \$11.55 per hour without any medical, vacation or other employment benefits. It is desirable but not necessary that the successful applicant provide a pickup capable of hauling an A.T.V. The contractor would be reimbursed for daily vehicle use at the current AFSCME schedule for mileage.

The contractor will be supervised by Forestry Station Foresters at Duluth, Two Harbors and Finland. The contractor must have the ability to be fairly mobile between these offices.

A maximum of \$20,000 will be encumbered to fund this contract on an annual basis. There is no guarantee the contract will be funded past the first calendar year due to any unforeseen budgeting restrictions.

Please submit a resume and other supporting qualifications by March 1, 1990 to:

Joe Gummerson  
DNR-Forestry  
6163 Rice Lake Road  
Duluth, MN 55803

or

James R. Dahlman  
DNR-Forestry  
1201 East Hwy. 2  
Grand Rapids, MN 55744

## State Board of Public Defense

### Notice of Position Opening for Administrative Fiscal Director

**NOTICE IS HEREBY GIVEN** that a position is open for a full-time administrative position under general supervision of the Chief Administrator of the State Board of Public Defense, performing work of considerable difficulty in the planning, preparation and development of budget and related policies. Requires related College degree and considerable administrative experience related to State of Minnesota accounting, budgetary, auditing, and fiscal policies, as well as interaction with Minnesota Legislature, State and Local officials. Employee description and application requirements are available at 875 Summit Avenue, LEC 303, St. Paul, MN 55105 (612/290-6418). Applications accepted until 4:30 p.m., February 23, 1990.

# Non-State Public Contracts

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

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

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## Metropolitan Transit Commission (MTC)

### Request for Proposals for Automated Telephone Information System for MTC Customers

NOTICE IS HEREBY GIVEN that the Metropolitan Transit Commission (MTC) will receive proposals at its offices at 560 Sixth Avenue North, Minneapolis, Minnesota, 55411-4398, from firms interested in developing an automated telephone information system to provide route information to MTC customers. (Call volume currently 2 million/year.)

The MTC reserves the right to reject any and all proposals.

The successful proposer shall be required to comply with all applicable Equal Employment Opportunity laws and regulations. Proposals will not be subjected to discrimination on the basis of race, color, sex or national origin in consideration for an award.

The contract will be awarded to the firm judged to be the most advantageous to the MTC.

Prospective proposers may obtain Request for Proposals by contacting Mary Cosgrove, Manager of Communications, at (612) 349-7681.

## State Grants

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

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

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## Minnesota Pollution Control Agency

### Division of Water Quality

### Request for Proposal for Regional Water Quality Grant Program

The Minnesota Pollution Control Agency is requesting proposals for projects with the purpose of conducting regional workshops for water quality data interpretation and developing educational materials that demonstrate interpretation of water quality data.

#### Regional Water Quality Grant Program

##### Introduction and Background

The Minnesota Pollution Control Agency (MPCA) is requesting proposals from Regional Public Comprehensive Planning Agencies\* to develop training educational materials for water quality data interpretation and general public information use.

\*Regional Public Comprehensive Planning Agencies include regional planning agencies, councils of government, cities, counties, other appropriate substate public planning agencies, and interstate agencies with the capability to carry out water quality management planning. This interpretation includes all organizations which are eligible to receive funding prior to the passage of the Water Quality Act of February 1987.

Water resources are vital in the United States and Minnesota. In Minnesota, water resources are tied to our two major industries—tourism and agriculture. Our economy, life style and quality of life are based on our 12,000 lakes, 90,000 miles of streams and rivers and 260,000 wetlands. Additionally, a trillion gallons of ground water provide drinking water for 75 percent of Minnesota's residents.

The value of water is related to its quality; once degraded it becomes harder to use and could require costly cleanup to restore it to its original condition. Planning and wise management of our water resources can correct many problems before they occur.

Recognizing the need for clean water, the Congress of the United States passed the Clean Water Act (CWA) of 1987. Included in the CWA under Section 205(j)(3), Congress required that 40 percent of the states 205(j) water quality planning grants be awarded to other organizations as defined by the U.S. Environmental Protection Agency (EPA). In Minnesota, up to \$70,000 will be available in Greater Minnesota for water quality educational activities by Regional Public Comprehensive Planning Agencies.

### **Program Description**

For Greater Minnesota, up to \$70,000 will be available to conduct the workshops and develop the educational materials. Total awards will be based on need. There will be *no maximum grant award or local match required*. However, *priority will be given to cost effective proposals which include a local match*. The Metropolitan Council will receive a separate allocation and will not be included in this program.

This year's Regional Water Quality Grant Program has three statewide objectives:

1. Conduct two-day training workshops for local government officials on understanding and interpreting water quality data. A workshop should be held in each of the following regional locations: in the northwest, northeast, east central, west central, southwest-southcentral and southeastern regions of the state.

2. In conjunction with the University of Minnesota Continuing Education Department, develop a common course workbook that workshop participants can use during the workshop and serve as a reference manual after the workshop. (The University of Minnesota will have the lead in developing the workbook, such that the introduction and basics are consistent throughout the state. Each contractor will be required to identify and develop case specific examples with the University of Minnesota.) Any questions regarding this arrangement should be addressed to Claire Walter-Marchetti at (612) 624-2027.

3. Develop regional educational materials that can be used by local government officials to educate the general public about water quality issues and concerns.

### **Proposal Content and Format**

Each proposal submitted to the MPCA should be organized in the following sections to insure comparability and consistency during the evaluations. All proposals must contain:

#### **I. Summary**

Each proposal should contain an executive summary

#### **II. Workshop Program Draft—"Understanding Your Water Quality Data"**

Day one should address the basics of water quality. What is water quality? What can geology, biology and chemistry tell us about water quality? Public perception—do I have 'good' water or 'bad' water? Why are the participants attending? What are their needs? Day one should address terms and definitions on overview of the geochemistry of natural waters including water types and composition of rain, snow, runoff, lakes, streams, soil water and ground water. How geochemical tools and biochemical tools can help us understand water quality and water flow. How can water quality be assessed by ecoregions and hydrogeological settings? Lastly, day one should address some of the basic biochemical and geochemical processes that influence Minnesota's waters, i.e., pH and redox relationship, the carbonate system. Why are Minnesota's waters dominated by calcium, magnesium and bicarbonate? What influence does dissolved oxygen have on aquatic life?

Day two should address specific regional water quality issues. However, the day should begin with an introduction to water quality data interpretation principles and methodology. What is natural versus anthropogenic? Explain several regional case examples followed by a hands-on application of one of two hypothetical case examples for students to practice what they have learned. Some discussion should be given to assessing errors and uncertainties in data—both from collection and mishandling of numbers.

Information protocol should be addressed, i.e. numbers on a page versus useful information that the decision makers can understand. This area should address the use of statistics, reporting and methods of graphical presentation.

Lastly, some discussion should be given to how water quality data relates to health concerns and risk assessment, i.e., is my water safe to drink?

#### **III. Workbook Content Draft—Understanding Your Water Quality Data**

The content should be divided into two parts:

A. Basics

B. Regional Specific Case Examples

Part A should address the following: What is water quality? How geological, biological and chemical characteristics determine the quality of water. Public perception of water quality. Who needs to know about water quality? Why do we need to know about water quality? Basic terms and definitions that describe water quality. Geochemistry and biochemistry of natural waters, i.e. rain, snow, runoff, lakes, wetlands, streams, soil—water and ground water. Regional variations based on climate and hydrogeological settings.

## State Grants

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Water chemistry as a diagnostic tool for understanding water movement and quality. Geochemical processes such as the carbonate system and pH control. The importance of proper sample collection and organized data compilation, i.e. methods used to collect the sample and assessing errors and uncertainties. Principles and methodology of data interpretation including assessment of histogram's distribution of ions. Lastly, what divergence from the calcium magnesium biocarbonate waters tell us. (For consistency, this part of the workbook will be developed by the University of Minnesota with input from the contractor.)

Part B should address: Regional specific case examples of both surface and ground water data interpretation, and hands-on application of hypothetical cases. Examples which show how to assess errors, perform charge balances, and how to organize data into useful information. Lastly, a discussion of how to relate water quality data to health concerns and risk management.

### IV. Water Quality Educational Materials

- From sections II and III above, identify issues that need to be communicated to the general public.
- Identify materials and methodologies for communicating these ideas and concepts, i.e., fact sheets, information booklets or newsletters.

### V. Work Plan and Timeline

In the proposal, this section should be used to explain the work plan and project timeline. It should be noted that the project should be completed within one year of contract initiation or as specified in the proposal.

Also, include in this section the anticipated tasks to be undertaken and their relationship to the proposal's objectives. Tasks would include:

- The development of a local steering committee that will work in conjunction with the Environmental Quality Board's "Regional Focus Groups" to identify water quality needs and further coordinate and conduct the water quality workshops.
- Identify workshop times and facilities within the given locations.
- Work with the University of Minnesota to develop the regional specific case studies for the workbook.
- Develop educational materials for communicating water quality issues and concerns of regional significance.

In the work plan and time line, indicate a general schedule of completion, including intermediate or milestone dates and products produced.

### VI. Project Budget

A proposed budget for each proposal should be included in this section and consist of:

- Total and itemized costs of staff time, consultant fees, travel, indirect costs, fringe benefits, etc.
- An itemization of sources of funding including MPCA, local shares and other contributions.
- Documentation that other sources of funding are available.

Presently, there is not local match requirement or maximum grant award. However, priority will be given to the most cost-effective proposals which have a local match, whether in-kind or cash.

### VII. Staffing

In this section, identify professional and technical staff along with their experience, qualifications and skills as they apply to the project. Any consultant services used should also be noted in this section.

### VIII. Fiscal Management

Under this section of the proposal, briefly describe your office's fiscal management-accounting techniques and how the grant funds will be managed, along with overall workshop management.

### IX. Appendix

The appendix should contain any supporting material necessary to supplement information in the proposal.

### Proposal Review and Evaluation

All proposals must be received by Friday, March 23, 1990, at 4:00 p.m. Please send proposals to:

Curt J. Sparks, P.E., Chief  
Program Development Section  
Division of Water Quality  
Minnesota Pollution Control Agency  
520 Lafayette Road  
St. Paul, MN 55155

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## Supreme Court Decisions, Opinions & Rules

Please submit 10 copies of the proposal. The proposal must be signed by an authorized representative of the organization.

This request for proposal does not obligate the MPCA to complete any educational efforts undertaken or work partially completed as a result of an organization participating in this program. The MPCA reserves the right to cancel this RFP if it is considered in its best interest or for just cause.

All proposals received by the deadline will be reviewed for completeness. Incomplete proposals will be declared ineligible. All eligible proposals will be reviewed by a team consisting of MPCA Division of Water Quality and MPCA Regional personnel having knowledge in local water quality issues. Once reviewed and ranked by the review team, the proposals will be provided to the Environmental Quality Board's Water Resources Committee for their output. All funding will be awarded and administered by the MPCA.

All proposals will be reviewed and ranked using the following criteria:

- Distribution of funds to the six identified regions, so workshops are held in the northwest, northeast, east central, west central southwest, south central and southeast regions of the state,
- An assessment of each educational teams' current or proposed water quality staff to manage the proposed work,
- Any previous water quality or environmental educational experience,
- The degree of proposed coordination between ongoing and prospective water quality education,
- The project work plan and cost,
- The amount of local contribution,
- The degree of intergovernmental and private sector involvement anticipated in the project, and
- The anticipated long-term outcomes of the workshop(s) and educational materials.

The review and evaluation of the proposals will be completed by May 25, 1990. Funded projects will be announced on that date.

### Grant Management Procedures

Upon acceptance of a proposal, the MPCA will assign a central office hydrologist to provide technical assistance and coordination of the workbook. The MPCA will also assign a regional office representative to act as a support person for the project. This person will be responsible for monitoring progress, providing information, and assisting with the workshop coordination. A grant manager will be assigned to the project to approve any modifications of work plans and disburse funds.

Funding will be disbursed in three payments. The first payment of 50 percent will be awarded upon contract acceptance. Payment Two; of 40 percent, will be disbursed upon completion of the tasks specified in the contract. The final 10 percent will be awarded at completion of the proposed work. All unspent funds at the end of the project must be returned to the MPCA.

During the study, periodic progress reports with a minimum of two at six month intervals will be required. The first progress report will be an interim report. The second or final report will be completed at the end of the project.

A project contract between the MPCA and successful applicant will be signed at the beginning of the project specifying the above-mentioned items plus any others required. Any changes in the contract must be approved by both parties.

Upon completion of the project, the educational materials will become public property and available to interested parties upon request.

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## Supreme Court Decisions, Opinions & Rules

### Decisions Filed 16 February 1990

#### C1-89-1248 William Edward Marhoun, Appellant v. State of Minnesota. Chisago County.

The trial court correctly denied post-conviction relief on claims of flawed grand jury proceedings and suggestive identification procedures that were disposed of in a pretrial appeal and known, but not raised, in direct appeal. The trial court also correctly found that new evidence related to the propriety of that pathologist's grand jury testimony did not establish a threat to the grand jury system so as to warrant post-conviction relief. Finally, because trial counsel did not deny defendant the right to testify, the trial court correctly denied post-conviction relief on the claim of ineffective assistance of counsel.

Affirmed. Yetka, J.

#### C7-89-1237 Metropolitan Sports Facilities Commission, Minnesota Twins, Inc. v. County of Hennepin, Relator. Tax Court.

In this Chapter 278 proceeding brought by property owners contesting their tax assessment, the County of Hennepin has standing to challenge the constitutionality of the statute exempting the taxpayers' property from taxation.

Reversed. Simonett, J.

# Supreme Court Decisions, Opinions & Rules

## C4-89-353 State of Minnesota v. Matthew Charles Gore, Appellant. Olmsted County District Court.

Trial court properly admitted testimony of physician after defendant in his testimony impliedly waived physician-patient privilege, properly refused to submit lesser offense of first degree "heat of passion" manslaughter, and properly excluded defendant's proffered rebuttal testimony; although defendant did not preserve other claims of trial error, we nonetheless address those claims and hold that no error occurred.

Evidence was sufficient to support jury's determination that defendant committed first degree premeditated murder and knew the nature of his act and that it was wrong.

Affirmed. Coyne, J.

## Order

### C6-84-2165 Promulgation of Amendments to the Rules of Juvenile Procedure

WHEREAS, the Minnesota Supreme Court promulgated the Rules of Juvenile Procedure on December 17, 1982, and

WHEREAS, the Rules contain outdated information on appellate procedure and other minor matters,

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The attached amendments to the Rules of Juvenile Procedure be, and the same are hereby, prescribed and promulgated for the regulation of juvenile procedure in the State of Minnesota.
2. These amendments shall govern all juvenile matters on or after March 1, 1990.

DATED: 8 February 1990

BY THE COURT:  
Peter S. Popovich, Chief Justice

## Amendments to the Rules of Juvenile Procedure

### C6-84-2165 Effective March 1, 1990

#### RULE 24.04

**Subd. 5. Transcription, Certification and Filing.** When the testimony is fully transcribed, the person before whom the deposition was taken shall certify on the deposition that the witness was duly sworn and that the deposition is a verbatim record of the testimony given by the witness. That person shall then securely seal the deposition in an envelope endorsed with the title of the case and marked "Deposition of (here insert name of witness)" and shall promptly file it with the court in which the case is pending or send it by registered or certified mail to the ~~clerk~~ court administrator thereof for filing.

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#### RULE 31. APPEAL

### RULE 31.01 APPEAL BY CHILD, PARENT(S), OR GUARDIAN OF THE CHILD

#### Subd. 1. Appealable Orders.

(A) *Appeal by Child.* A child may appeal as of right to the Court of Appeals from a final order of the district court.

(B) *Appeal by Parent(s) or Guardian of the Child.* If the parent(s) or guardian participate separately pursuant to Rule 3.03, Subd. 2, they may appeal from a final order of the district court which occurs after the allegations of the petition have been proved.

**Subd. 2. Procedure.** The procedure upon appeal by the child or the parent(s) or guardian of the child shall be as follows.

(A) *Stay.* An appeal does not stay the order of the district court but the ~~reviewing~~ eCourt of Appeals may in its discretion and upon application stay the order.

(B) *Notice of Appeal.* Within thirty (30) days of the filing of the appealable order, the child's counsel or counsel for the parent(s) or guardian of the child shall file a ~~written~~ notice of appeal with the clerk of the appellate courts, where the matter was heard. ~~Within five (5) days after filing the notice of appeal, that notice shall be served upon together with proof of service on the county attorney,~~ and the child's counsel or counsel for child's parent(s) or guardian when the child or the child's parent(s) or guardian have not filed the appeal, and the court administrator of the district court in which the order appealed from is entered. ~~Proof of such service must be filed with the clerk of court not more than three (3) days after such service.~~ Failure to file proof of service does not deprive the ~~reviewing~~ eCourt of Appeals of jurisdiction over the appeal, but is grounds only for such action as the ~~reviewing~~ eCourt of Appeals deems appropriate, including dismissal of the appeal.

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## Supreme Court Decisions, Opinions & Rules

(C) *Transcript, Affidavits, Papers, Files, Exhibits.* The court reporter shall file with the clerk of court the original transcript and affidavits of delivery of the transcript to the county attorney and the child's counsel and to the counsel for the parent(s) or guardian of the child when they have appealed. The clerk of court shall transmit to the reviewing court any original papers, files and exhibits. The Minnesota Rules of Civil Appellate Procedure to the extent applicable shall govern the transcript of the proceedings and the transmission of the transcript and record to the Court of Appeals.

### RULE 31.02. APPEAL BY COUNTY ATTORNEY

**Subd. 1. Appealable Orders.** The county attorney may appeal from any pretrial orders of the district court except an order dismissing a petition for lack of probable cause. The county attorney may not appeal until after the pretrial conference or pretrial evidentiary hearing has been held, whichever is held later, and all issues raised in the pretrial conference or evidentiary hearing have been determined by the court. No appeal by the county attorney may be taken after jeopardy has attached.

**Subd. 2. Procedure.** The procedure upon appeal by the county attorney shall be as follows:

(A) *Stay.* Upon oral notice on the record or upon written notice filed with the district court that the county attorney intends to appeal, the court shall order a stay of the proceedings of five (5) days to allow time to perfect the appeal.

(B) *Notice of Appeal.* Within five (5) days after entry of the order staying the proceedings pursuant to Rule 31.02, Subd. 2(A), the county attorney shall file a written notice of appeal with the clerk of the appellate courts, ~~where the matter was heard.~~ Within five (5) days after filing the notice of appeal, that notice shall be served upon together with proof of service on the child's counsel for child's parent(s) or guardian and the court administrator of the district court. ~~proof of such service must be filed with the clerk of court not more than three (3) days after such service.~~ Failure to file proof of service does not deprive the reviewing eCourt of Appeals of jurisdiction over the county attorney's appeal, but is grounds only for such action as the reviewing eCourt of Appeals deems appropriate, including dismissal of the appeal.

(C) *Transcript, Affidavits, Papers, Files, Exhibits.* ~~The court reporter shall file with the clerk of court the original transcript and affidavits of delivery of the transcript to the county attorney and the child's counsel. The clerk of court shall transmit to the reviewing court any original papers, files and exhibits.~~ The Minnesota Rules of Civil Appellate Procedure to the extent applicable shall govern the transcript of the proceedings and the transmission of the transcript and record to the Court of Appeals.

(D) *Attorney's Fees.* Upon appeal by the county attorney, reasonable attorney's fees incurred shall be allowed to the child and shall be paid at public expense.

(E) *Joinder.* The county attorney may appeal from one or several of the pretrial orders joined in a single appeal.

(F) *Effect on Case in Court.* An appeal by the county attorney under this rule bars further appeal by the county attorney from orders existing at the time of appeal.

An appeal by the county attorney does not deprive the court of jurisdiction from any existing orders not included in this appeal.

**Subd. 3. Cross-Appeal by Child.** Upon appeal by the county attorney, the child's counsel may obtain review of any pretrial order which will adversely affect the child by filing a notice of cross-appeal with the clerk of the reviewing appellate courts together with proof of service on the county attorney, counsel for the child's parent(s) and guardian and the court administrator of the district court within ten (10) days after service of notice of appeal by the county attorney. ~~Within five (5) days after the notice of cross-appeal is filed, the notice of cross-appeal shall be served upon the county attorney and counsel for the child's parent(s) and guardian by the child's counsel.~~ Failure to serve the notice does not deprive the reviewing eCourt of Appeals of jurisdiction over the child's cross-appeal, but is grounds only for such action as the reviewing eCourt of Appeals deems appropriate, including a dismissal of the cross-appeal.

### RULE 31.03 COURT HEARING APPEAL

~~**Subd. 1. Appeal from a District Court Juvenile Court.** An appeal from a district court juvenile court is taken directly to the Supreme Court of Appeals in the same manner in which appeals are taken in civil actions.~~

~~**Subd. 2. Appeal from a County Probate Juvenile Court.** An appeal from a county probate juvenile court is taken to the district court and shall be on the record in the same manner in which appeals are taken in civil actions.~~

### RULE 48.01 MOTION FOR SUBPOENAS

On the court's own motion or at the request of counsel for a person who has the right to participate or the county attorney, the ~~clerk~~ court administrator shall issue subpoenas requiring the attendance and testimony of witnesses and the production of records, documents or other tangible objects at any hearing.

### RULE 57.09 DEPOSITIONS

#### Subd. 5. Procedure

(F) *Certification of Deposition and Exhibits.* The officer shall certify on the deposition that the deponent was duly sworn and that the

## Supreme Court Decisions, Opinions & Rules

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deposition is a true record of the testimony given by the deponent. The officer shall then place the deposition in an envelope addressed with the title of the matter and marked "Deposition of (here insert the name of the deponent)" and shall promptly deliver or mail it to the clerk of court administrator.

### RULE 63.01 APPEAL

**Subd. 1. Appealable Orders.** Any person with the right to participate may appeal to the Court of Appeals from a final order of the court.

**Subd. 2. Procedure.** The procedure upon appeal shall be as follows:

(A) *Stay.* An appeal does not stay the order of the court but the reviewing eCourt of Appeals may in its discretion and upon application stay the order.

(B) *Notice of Appeal.* Within thirty (30) days of the filing of the appealable order, the person appealing shall file a written notice of appeal with the clerk of appellate courts together with proof of service upon all other persons who exercised their right to participate and upon the court administrator for the district court, where the matter was heard. Within five (5) days after filing the notice of appeal, that notice shall be served upon all other persons who exercised their right to participate and proof of such service must be filed with the clerk of court not more than three (3) days after such service. Failure to file proof of service does not deprive the reviewing eCourt of Appeals of jurisdiction over the appeal, but is grounds only for such action as the reviewing eCourt of Appeals deems appropriate, including a dismissal of the appeal.

(C) *Transcript, Affidavits, Papers, Files, Exhibits.* ~~The court reporter shall file with the clerk of court the original transcript and affidavits of delivery of the transcript to any person who exercised their right to participate or who has appealed. The clerk of court shall transmit to the reviewing court any original papers, files and exhibits. The Minnesota Rules of Civil Appellate Procedure to the extent applicable shall govern the transcript of the proceedings and the transmission of the transcript and record to the Court of Appeals.~~

(D) *Attorney's Fee.* Upon appeal if the child or the child's parent(s) or guardian cannot afford the costs of appeal, these costs shall be paid at public expense in whole or in part depending on the ability of the child, and the child's parent(s) to pay.

**Subd. 3. Cross-Appeal.** Upon appeal by a person with the right to participate, any other person with the right to participate may obtain review of any pretrial order which will adversely affect that person by filing a notice of cross-appeal with the clerk of the reviewing appellate courts together with proof of service upon counsel for the other persons who exercised their right to participate and the person who appealed and the court administrator of the district court within ten (10) days after service of notice of appeal. ~~Within five (5) days after the notice of cross-appeal is filed, notice of cross-appeal shall be served upon counsel for the other persons who exercised their right to participate and the person who appealed, by the counsel for the person bringing the cross-appeal.~~ Failure to serve the notice does not deprive the reviewing eCourt of Appeals of jurisdiction over the child's cross-appeal, but is grounds only for such action as the reviewing eCourt of Appeals deems appropriate, including a dismissal of the cross-appeal.

### RULE 63.02 COURT HEARING APPEAL

**Subd. 1. Appeal from a District Court Juvenile Court.** An appeal from a district court juvenile court is taken directly to the Supreme Court of Appeals in the same manner in which appeals are taken in civil actions.

**Subd. 2. Appeal from a County Probate Juvenile Court.** ~~An appeal from a county probate juvenile court is taken to the district court and shall be on the record in the same manner in which appeals are taken in civil actions.~~

### RULE 65.01 COMPUTATION

Unless otherwise provided by statute the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period shall be included, unless it is a Saturday, or Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday. When a period of time prescribed or allowed is three days or less, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation. As used in these rules, "legal holiday" includes New Year's Day, Martin Luther King's Birthday, Washington's Birthday (President's Day), Memorial Day, Independence Day, Labor Day, ~~Columbus Day~~, Veteran's Day, Thanksgiving Day, the day after Thanksgiving Day, Christmas Day, and any other day appointed as a holiday by the President or Congress of the United States or by the State.

## Announcements

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**Governor's Appointments:** Governor Rudy Perpich named two special members to the Judicial Merit Advisory Commission. The special members will help select finalists to fill vacancies in Albert Lea, Owatonna and Elk River at a meeting on March 23. **Rolf Slen**, an Albert Lea attorney, was appointed to help select finalists for the Third Judicial District openings at Owatonna and Albert Lea. **John MacGibbon**, the Sherburne County Attorney, was appointed to help select finalists for the Tenth Judicial District seat in Elk River.



**State Park Permit Art Contest:** Artwork featuring Itasca State Park is being sought for the 1991 Minnesota State Park Centennial Permit. The Department of Natural Resources (DNR), which is sponsoring a contest to select a design for the 1991 permit, will accept entries now through 4 p.m. on March 9, 1990. Entries will be returned after judging. The 1991 permit will commemorate the centennial anniversary of the Minnesota State Parks system. The permit will feature Itasca State Park, which will be 100 years old in 1991. The design should feature an illustration or graphic representation of one or more of the following elements associated with the park: a mature red pine stand (such as at Preacher's Grove); Lake Itasca; flora or fauna of Itasca; or Jacob Brower, who was instrumental in establishing Itasca State Park and is considered to be the founder of the Minnesota State Parks system. Historical black-and-white photos of Brower are available by contacting Joe Niznik at (612) 296-6669. Designs must be in at least two colors. They may be done in any one or combination of the following mediums: acrylic, oil, watercolor, tempera, screen printing, intaglio, lithography, pen-and-ink, colored pencil, gouache, and pastels. High contrast designs reproduce most successfully on the final permit. The complete set of Minnesota State Park permits from 1953 to present is displayed on the third floor of the DNR office at 500 Lafayette Road, St. Paul. Artists are welcome to view them during office hours. For more information, rules and an official entry blank, write: State Park Permit Contest, Division of Parks and Recreation, 500 Lafayette Road, St. Paul, MN 55155-4039. Twin Cities metro area residents may call (612) 296-6157. In Greater Minnesota, call 800-652-9747 (ask for DNR).

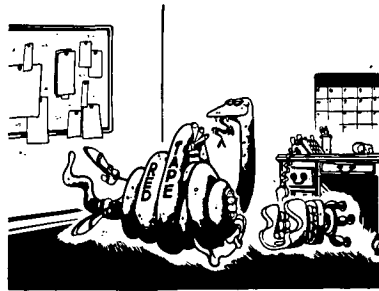
**Election Campaign Fund "Check Offs":** Minnesota residents may assign "money to the State Elections Campaign Fund when they file their 1989 Minnesota Income Tax Returns by April 16, 1990, says the Ethical Practices Board. Tax filers may use the check off boxes in the upper right hand corner of either the "short form" or the "long form." The Legislature established this fund in 1974 to support public financing of state election campaigns. Each filer of a Minnesota state income tax return may have \$5 go to the fund, and on a joint return \$10. Checking one of the boxes does not change the tax or refund shown on the filer's return. The money assigned to the fund comes from taxes which have been collected already, goes to candidates who are running for election to state executive and legislative offices and who agree to limit their campaign spending. Additionally, a new law, effective January 1, 1989, provides that ten per cent (10%) of the money checked off to a political party will go to the party's "state committee" for deposit in a separate account. The public money must be spent for advertising on behalf of candidates generally without reference to any specific candidate; expenditures for an official party sample ballot listing the names of three or more candidates; telephone conversations that include the names of three or more candidates; or expenditures for political party fundraising on behalf of three or more candidates.

### "Red Tape" Choking You?

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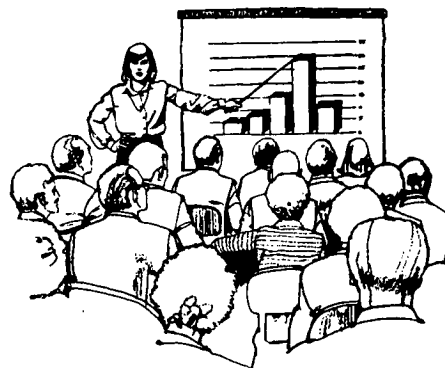
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