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State of Minnesota

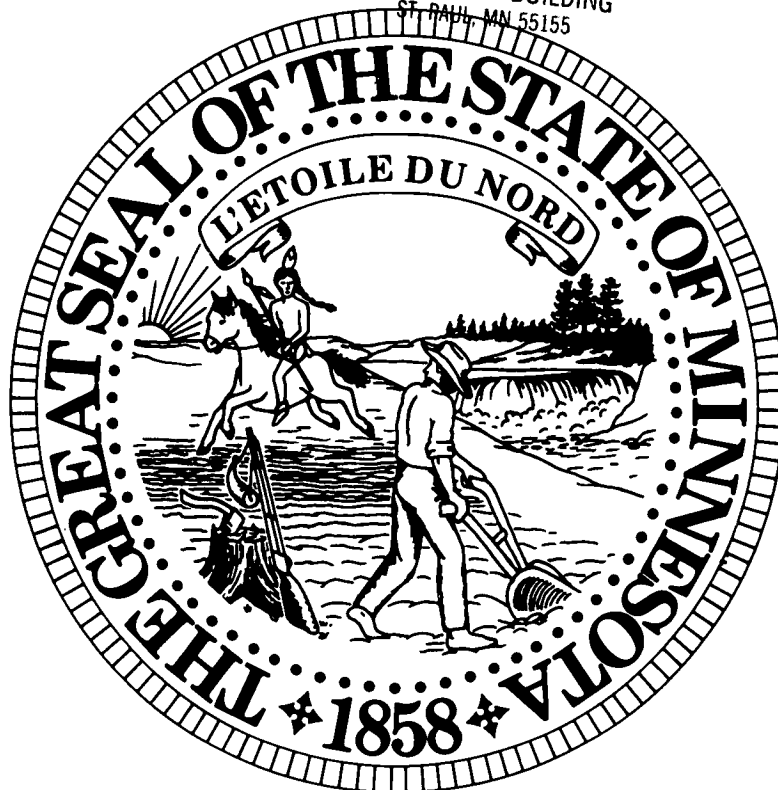
STATE REGISTER

Department of Administration - Print Communications Division

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Rules edition
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STATE REGISTER

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

The *State Register* is the official publication of the State of Minnesota, containing executive 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
47	Monday 7 May	Monday 14 May	Monday 21 May
48	Monday 14 May	Monday 21 May	Tuesday 29 May
49	Monday 21 May	Friday 25 May	Monday 4 June
50	Friday 25 May	Monday 4 June	Monday 11 June

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

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

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

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

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

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

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

Rudy Perpich, Governor
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FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

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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 Commerce

Proposed Permanent Rules Relating to Currency Exchange Rates

Notice of Hearing:

NOTICE IS GIVEN that a public hearing will be held pursuant to *Minnesota Statutes* § 14.14, Subd. 1, in the above-entitled matter in the Large Hearing Room, 133 E. 7th Street, St. Paul, Minnesota 55101, on June 25, 1990, at 9:30 a.m. and continuing until all interested persons and groups have had an opportunity to be heard concerning adoption of these proposed rules by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing by sending them to Administrative Law Judge Steve M. Mihalchick, Fifth Floor, Flour Exchange Building, 310 4th Avenue South, Minneapolis, Minnesota 55415, telephone (612) 349-2544. The rule hearing procedure is governed by *Minnesota Statutes* §§ 14.14 to 14.20, and by *Minnesota Rule* 1400.0200-1400.1200. Questions regarding procedure may be directed to the Administrative Law Judge at the above-listed address.

The Commissioner proposes to adopt rules relating to Currency Exchange Rates. Authority for adoption of these rules is contained in *Minnesota Statutes* §§ 53A.12 and 45.023. A copy of the proposed rules accompanies this notice.

The proposed rules, if adopted, will set forth the maximum rates presumed to be reasonable for check cashing services performed by currency exchanges in Minnesota, as well as the manner in which rates must be displayed.

NOTICE IS HEREBY GIVEN THAT A STATEMENT OF NEED AND REASONABLENESS is now available for review at the Department of Commerce and at the Office of Administrative Hearings. This Statement of Need and Reasonableness includes a summary of all evidence and argument which the Department of Commerce anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the Department of Commerce or the Office of Administrative Hearings. Copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

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

All interested or affected persons will have an opportunity to participate by presenting oral and/or written evidence at the hearing. Questioning of agency representatives or witnesses, and of interested person making oral statements will be allowed in order to explain the purpose or intended operations of the proposed rules, or a suggested modification, or for other purposes material to the evaluation or formulation of the proposed rules.

As a result of the hearing process, the proposed rule may be modified. Written material may be submitted to the Administrative Law Judge and recorded in the hearing record for five working days after the public hearing ends. The comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the five to twenty day submission period, there will be a three-day period in which the Commissioner and interested persons may respond in writing to any new information submitted. During the three-day period, the agency may indicate in writing whether there are any amendments suggested by other persons which the agency is willing to adopt. Additional evidence may not be submitted during the three-day period. The written responses will be added to the record of the proceeding.

NOTICE: Any person may request notification of the date on which the administrative law judge's report will be available, after which date the Department of Commerce 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 that the rules are filed. If you want to be 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.

Minnesota Statutes Ch. 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* § 10A.01, Subd. 11 as an individual:

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

(b) Who spends more than \$250, not including the individual's 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, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

One free copy of this Notice and the proposed rules may be obtained by contacting Jeanne Todd, Department of Commerce, 133 E. 7th Street, St. Paul, Minnesota 55101, telephone (612) 296-2852. Additional copies will be available at the door on the date of the hearing.

Thomas H. Borman
Commissioner of Commerce

Rules as Proposed (all new material)

2872.0100 CURRENCY EXCHANGE FEES.

Subpart 1. **Presumption.** It shall be presumed that fees and amendments of fees filed with the commissioner of commerce under Minnesota Statutes, section 53A.07, are fair and reasonable if they do not exceed the following amounts:

A. for cashing checks, drafts, money orders, or travelers' checks, the greater of (1) one and one-half percent of the face amount of the instrument, or (2) 50 cents; and

B. for cashing checks issued by a government entity in an amount up to \$500, the greater of (1) one percent of the face amount of the instrument, or (2) 50 cents.

Subp. 2. **Disapproval.** Fees and amendments of fees filed with the commissioner under Minnesota Statutes, section 53A.07, that exceed the maximum amounts in subpart 1 may be disapproved by the commissioner as not fair and reasonable based on a consideration of the standards in Minnesota Statutes, section 53A.07, subdivision 3.

2872.0200 POSTING OF FEE SCHEDULES.

The fees charged by a currency exchange for rendering any service authorized by Minnesota Statutes, chapter 53A, at all times shall be prominently posted on the premises. The notice shall be made of plastic or metal, be no less than 30 inches wide and 36 inches high, with letters between one-half inch and three-quarters inch in size.

For checks, other than those which are issued by a government entity in an amount up to \$500, the notice must indicate, in one cent increments, between 50 cents and \$7.50, the fee that applies to the full amount of the check to be cashed.

For checks which are issued by a government entity in an amount up to \$500, the notice shall indicate, in one cent increments, between 50 cents and \$5, the fee that applies to the full amount of the check to be cashed.

If a minimum fee of 50 cents is imposed, the notice must indicate that fact. The notice must be posted on two separate walls in the customers' area.

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

Department of Human Services

Proposed Permanent Rules Relating to Merit System

Notice of Intent to Adopt a Rule without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Human Services intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, section 256.012.

All persons have 30 days or until 4:30 p.m. on June 20, 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 the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

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 free copy of the rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822. A copy of the rule may also be viewed at any of the 87 county welfare or human services agencies in the State of Minnesota.

The Minnesota Merit System rules provide for a system of personnel administration for 74 county welfare and human service agencies. The rules apply to all positions and employees engaged in the administration of community social services or income maintenance programs funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

If adopted, proposed changes to 9575.1500 would create a single salary plan for each occupational grouping of classifications including professional, support, clerical, and maintenance and trade classes. The single salary plan would provide salary ranges which would encompass the minimum salary of the current lowest salary plan and the maximum salary of the current highest salary plan. This amendment will provide county agencies with more flexibility for individual class salary setting than what is allowed in the current multiple salary plan configuration. Other amendments to part 9575.1500 provide for different salary minimums and maximums for the classes Child Support Officer I, Collections Service Supervisor I and II, class titles and salary minimums and maximums for several new classifications, deletion of an abolished classification and retitling of another classification. Minor amendments are proposed to parts 9575.0300, 9575.0310, and 9575.0350 Subparts 2A. and 2C. as a result of our proposed amendments to 9575.1500. These amendments change rule language references so that there is consistency with the single salary schedule concept.

Proposed changes to 9575.0010 provide for a revised definition of "transfer". Amendments proposed to part 9575.0850 clarify the conditions under which transfers may occur and also when advisory testing is required by the Merit System. Amendments proposed to part 9575.0350 subpart 2G. provide county agencies with greater flexibility in giving lump sum payments to employees at as well as over the maximum for their salary range. A minor amendment is being proposed to part 9575.0380 to provide more flexibility to counties in giving salary increases for work out of class assignments.

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

Adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11. A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of

submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Ann Wynia
Commissioner of Human Services

Rules as Proposed

9575.0010 DEFINITIONS.

[For text of subs 1 to 46, see M.R.]

Subp. 47. **Transfer.** "Transfer" means the movement of ~~an~~ a probationary or permanent employee from ~~one~~ a position ~~to in one~~ class to another position in the same class ~~or in another class having the same salary range and usually involving the performance of similar duties and requiring essentially the same qualifications of training and experience in the same or different county agency or to a position in a different class in the same or different county agency that has a salary range within one step of the former class and similar comparable work value and that meets the requirements of part 9575.0850.~~

[For text of subs 48 and 49, see M.R.]

9575.0300 PREPARATION AND ADOPTION.

Subpart 1. **Preparation of plan.** In accordance with the Administrative Procedure Act, the commissioner shall formally adopt and make effective a comprehensive compensation plan including minimum and maximum salary rates as published in part 9575.1500, and recommended intervening steps as published in the Human Services Merit System Manual, as amended through May 29, 1982, for all classes of positions. The plan shall apply to all agencies covered by the merit system except as otherwise negotiated for employees in a bargaining unit in agencies where there is an exclusive representative or in those instances where the requirements of part 9575.0350, subpart 2, item C have been satisfied. The plan shall include salary ~~schedules~~ ranges for the various classes, with the salary of each class consistent with the functions outlined in the class specifications. Minimum, intervening, and maximum rates of pay for each class shall be established to provide for salary advancement without change in duty, in recognition of meritorious service. The advice and suggestions of appointing authorities, prevailing salary rates for similar and competing types of employment in business and government, and other relevant factors shall be taken into consideration in developing the salary schedules. Equitable compensation relationships shall be established between female-dominated classes, male-dominated classes, and balanced classes of employees in accordance with Minnesota Statutes, sections 471.991 to 471.999. Classes shall be evaluated in order to determine comparable work value and to establish equitable compensation relationships between classes of positions.

[For text of subp 2, see M.R.]

Subp. 3. **Salary plans and salary rates.** The comprehensive compensation plan adopted by the commissioner shall provide for ~~separate alphabetically designated salary plans for different occupational groupings of classes reflecting progressively higher salary ranges except for those classes where a single range of rates is found to be appropriate~~ a single salary schedule for each occupational grouping of classes including professional, support, clerical and maintenance, and trades classes. ~~The plans plan shall be established as provided in subpart 1- with minimum and maximum salaries shall be for each class as provided in part 9575.1500. The plan shall be the official plan for all appointing authorities until amended.~~

9575.0310 SELECTION OF SALARY RANGES BY APPOINTING AUTHORITY.

Subpart 1. [See Repealer.]

Subp. 2. **Selection of rates.** Within the minimum and maximum salaries for classes ~~in the adopted plans on the salary schedules for each occupational grouping of classes,~~ appointing authorities shall designate, by resolution, the minimum, intervening and maximum salary rates to be paid for each class of positions used by the appointing authority. The supervisor shall be promptly notified of the rates selected by each appointing authority.

Subp. 3. **Plan amendments.** The appointing authority may amend, by resolution, ~~its official plan for one or more occupational groupings of classes~~ the minimum, intervening, and maximum salary rates to be paid for any class of positions used by the appointing authority. The supervisor shall be promptly notified of the official action taken by the appointing authority to amend its plan.

Subp. 4. **Incumbents.** Salary rates for incumbents of positions shall be established in accordance with the provisions of part 9575.0350, subparts 2 and 3 on the basis of the comprehensive compensation plan adopted by the appointing authority as provided in part 9575.0300, subpart 3.

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

Proposed Rules

Subp. 5. **Nonrepresented employees.** In agencies with an exclusive representative, the appointing authority may pay confidential, supervisory, and other personnel not covered by an exclusive representative who are in the same class as employees who have an exclusive representative, the same rate of pay and salary ~~ranges~~ range as negotiated for the class under part 9575.0330, subpart 1. In no case would this rule allow the appointing authority to reduce the rate of pay of confidential, supervisory, or other excluded employees.

9575.0350 SALARY ADJUSTMENTS AND INCREASES.

[For text of subpart 1, see M.R.]

Subp. 2. **Plan requirements.** In agencies where there is no exclusive representative or collective bargaining agreement, negotiated adjustments in the rates of pay of incumbents of positions, in order to conform to a newly adopted or currently effective compensation plan, shall be in accordance with the following provisions:

A. If the rate of pay of an employee is below the minimum of the range prescribed for the employee's classification on the merit system compensation plan ~~adopted by the appointing authority~~, the rate shall be adjusted to that minimum.

[For text of item B, see M.R.]

C. In those situations where the appointing authority has determined that the general merit system adopted adjustment is inappropriate for its employees, it may grant a different adjustment; however, the authority must file with the supervisor the new salary steps by class and a salary conversion table as provided for in part 9575.1510. These adjustments shall at least place employees at the minimum salary and not over the maximum salary for their class ~~on the salary plan adopted by the agency~~.

[For text of items D to F, see M.R.]

G. Employees at or above the maximum salary rate for their class may be granted ~~merit system adopted salary adjustments only in the amount adopted for incumbents of that class. If an appointing authority wishes to grant a larger general adjustment to its employees than that adopted by the merit system and such an adjustment would place an employee's rate of pay above the maximum salary rate for their class; the appointing authority, by prior resolution, may grant to that employee the annual equivalent of the difference between the merit system adopted adjustment for incumbents and the agency adopted adjustment in the form of a single lump sum salary payment on the effective date of the general adjustment. The employee's base salary rate shall remain at the maximum salary rate for his or her class. a salary adjustment only in the amount adopted by the merit system for all employees whose positions are not covered by the terms and conditions of a collective bargaining agreement. If an appointing authority wishes to grant a larger general adjustment to its employees than that adopted by the merit system, the appointing authority, by prior resolution, may grant that employee the annual equivalent of the difference between the merit system adopted adjustment for all employees and the agency adopted adjustment for its employees in the form of a single lump sum payment or lump sum salary payments commencing on the effective date of the general adjustment. The employee's base salary rate shall be equal to the employee's salary before the agency adjustment plus the merit system adopted adjustment.~~

[For text of item H, see M.R.]

[For text of subps 3 to 5, see M.R.]

9575.0380 WORK OUT OF CLASS.

If an employee is expressly assigned in writing to perform all the duties of a position allocated to a higher classification that is temporarily unoccupied for reasons other than vacation or sick leave and that work exceeds 15 consecutive work days in duration, the employee so assigned shall be paid for all hours of the assignment at least at the minimum rate of pay of the salary range for the higher class or may be granted a ~~one-step~~ salary increase within the assigned employee's salary range. If the assignment is to a position in a classification at an equal or lower level, the employee shall be paid for all hours of the assignment at the employee's current rate of pay. A work out of class assignment is limited to no more than six months. An appointing authority may submit a written request to extend a work out of class assignment for up to an additional six months, specifying the reason why the extension is necessary. A request to extend a work out of class assignment must be initiated at least 15 days before the end of the initial six-month assignment. Approval of such assignments by the supervisor is required and must be received by the supervisor within five calendar days of the assignment. Upon completion of the work out of class assignment, the employee's salary shall be reduced to its previous level. This decrease is not subject to part 9575.0370 or part 9575.1180.

9575.0850 TRANSFERS.

[For text of subpart 1, see M.R.]

Subp. 2. **Same position in different counties.** Transfer of a probationary or permanent employee from a position on one county welfare staff to a position of the same class on another county welfare staff may be made with the approval of the appointing authorities concerned and the supervisor, subject to the provisions of parts ~~9575.0740 and~~ 9575.0720 and 9575.0760. All such transfers must be reported to the supervisor.

Subp. 3. ~~Same position in~~ Between different classes positions. With the approval of the merit system supervisor, a permanent employee may be ~~transferred~~ transfer from a position in one class in a county agency to a position in ~~another~~ a different class; the transfer being either within one county welfare staff or between county welfare staffs; providing that the supervisor certifies that the examination upon which appointment of the employee was based was of a character and standard to test the fitness of such employee for the position to which it is proposed to make such transfer and requires substantially similar qualifications; in the same or different county agency that has a salary range within one step of the former class and similar comparable work value. If the work behaviors and examination content areas of the two classes are not similar and if the employee has met the minimum qualifications of education and experience for the class to which transfer is proposed, the supervisor may require the employee to take and pass, on an advisory basis, the examination for the class to which transfer is proposed before approving the transfer.

9575.1500 COMPENSATION PLAN; HUMAN SERVICES, 1990.

Subpart 1. ~~Professional plan A.~~ The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum
Accountant	1762	2515 2749
Accounting Supervisor	2102	3141 3434
Administrative Assistant I	2199	3434 3758
Administrative Assistant II	2352	3674 4018
Administrative Assistant III	2805	4018 4378
Adult Day Care Center Supervisor	1611	2413 2632
Assistant Human Services Director	3073	4570
Assistant Welfare Director	3841	5694
Auditor	2102	3141 3434
Chemical Dependency Coordinator	1762	2632 2870
Collections and Accounting Unit Supervisor	1844	2749 3002
Collection Services Supervisor II	1799 1844	2688 3002
Community Health Services Supervisor	2102	3282 3587
Computer Programmer	1684	2413 2632
Contract Services Representative	2014	2870 3141
County Agency Social Worker (Licensing Specialist)	1611	2413 2632
County Agency Social Worker	1684	2749 3002
County Agency Social Worker (Child Protection Specialist)	1684	2749 3002
County Agency Social Worker (MSW)	1844	2749 3002
County Agency Social Worker (MSW) (Child Protection Specialist)	1844	2749 3002
Day Care Center Teacher	1611	2413 2632
Director of Business Management I	2352	3674 4018
Director of Business Management II	2805	4192 4570
Director of Financial Assistance	2805	4192 4570
Director of Planning	2805	4192 4570
Director of Public Health Nursing	2102	3141 3434
Director of Social Services	2805	4192 4570
Employment Guidance Counselor	1611	2199 2413
Family Based Services Supervisor	1762	2515 2749
Family Service Coordinator II	1611	2199 2413
Financial Assistance Supervisor I	1844	2749 3002
Financial Assistance Supervisor II	2102	3434
Financial Assistance Supervisor II	2199	3282 3587
Fiscal Manager	2199	3282 3587
Fiscal Officer	1611	2413 2632
Fiscal Supervisor I	1611	2515 2749
Fiscal Supervisor II	2102	3141 3434

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Proposed Rules

	Minimum	Maximum
Gerontology Counselor	1844	2749 <u>3002</u>
Human Services Director III	3357	4990
Human Services Supervisor I	2199	3434 <u>3758</u>
Human Services Supervisor II	2749	3930 <u>4288</u>
Jobs and Training Supervisor	1844	2749 <u>3002</u>
Mental Health Program Manager	2352	3674 <u>4018</u>
Mental Health Worker	2014	2870 <u>3141</u>
Methods & Procedures Analyst	1611	2413 <u>2632</u>
Nutrition Project Assistant Director	1611	2413 <u>2632</u>
Nutrition Project Director	2102	3141 <u>3434</u>
Office Services Supervisor II	1541	2199 <u>2413</u>
Planner (Human Services)	2014	2870 <u>3141</u>
Psychologist I	1844	2749 <u>3002</u>
Psychologist II	2102	3141 <u>3434</u>
Psychologist III	2805	3841 <u>4192</u>
Public Health Educator	1762	2515 <u>2749</u>
Public Health Nurse	1844	2632 <u>2870</u>
Public Health Nurse (Team Leader)	1925	2749 <u>3002</u>
Registered Dietician	1611	2413 <u>2632</u>
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	1762	2515 <u>2749</u>
Resident Activity Coordinator	1611	2413 <u>2632</u>
Sanitarian	1611	2413 <u>2632</u>
Senior Public Health Nurse	2014	2870 <u>3141</u>
Senior Staff Development Specialist	2102	3141 <u>3434</u>
Social Services Supervisor I	2199	3434 <u>3758</u>
Social Services Supervisor II	2413	3758 <u>4108</u>
Social Services Supervisor III	2749	3930 <u>4288</u>
Staff Development Specialist	1611	2413 <u>2632</u>
Student Social Worker (Intern)	Rate proposed by appointing authority.	
Support Services and Accounting Supervisor	2014	2870 <u>3141</u>
Support Services Supervisor	1762	2515 <u>2749</u>
Trainee	Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of human services.	
Volunteer Services Coordinator	1611	2413 <u>2632</u>
Welfare Director I	2632	3930
Welfare Director II	2870	4288
Welfare Director III	3073	4570
Welfare Director IV	3357	4990
Welfare Director V	3504	5218
Welfare Director VI	4474	6358

Subp. 2. and 3. [See Repealer.]

Subp. 4. **Support personnel: plan A.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

Account Clerk	1151	1575 <u>1721</u>
Accounting Technician	1204	1721 <u>1881</u>
Adult Day Care Center Program Coordinator	1233	1844 <u>2014</u>
Case Aide	1233	1844 <u>2014</u>
Chemical Dependency Counselor	1505	1971 <u>2146</u>
Child Health Aide	987	1351 <u>1611</u>
Child Support Officer (Administrative Process)	1611	<u>2413</u>
Child Support Officer I	1351 <u>1380</u>	1925 <u>2146</u>
Child Support Officer II	1611	2199 <u>2413</u>

Proposed Rules

	Minimum	Maximum
Collections Officer	1351	1925 <u>2102</u>
Collection Services Supervisor I	1684 <u>1762</u>	2300 <u>2870</u>
Community Service Aide	987	1351 <u>1611</u>
Community Support Technician	1505	1971 <u>2146</u>
Computer Operations Specialist	1204	1575 <u>1721</u>
Coordinator of Aging	1541	2199 <u>2413</u>
Developmental Achievement Center Instructor		
Crisis Center Resource Aide	<u>1204</u>	<u>1881</u>
Employment Technician	1233	1844 <u>2014</u>
Family Based Services Provider	1505	1971 <u>2146</u>
Family Service Aide I	1102	1575 <u>1721</u>
Family Service Aide II	1204	1721 <u>1881</u>
Family Service Coordinator I	1351	1844 <u>2014</u>
Family Service/Home Health Aide	1102	1575 <u>1721</u>
Financial Assistance Specialist	1541	2199 <u>2413</u>
Financial Worker	1233	1844 <u>2014</u>
Home Health Aide	1102	1575 <u>1721</u>
Home Health Aide Coordinator	1351	1844 <u>2014</u>
Housekeeper	Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of human services.	
Housing Coordinator	1762	2515 <u>2749</u>
Housing Rehabilitation Specialist	1351	1844 <u>2014</u>
Licensed Practical Nurse	1351	1844 <u>2014</u>
Methods and Procedures Technician	1505	1971 <u>2146</u>
Monitoring and Review Specialist	1233	1844 <u>2014</u>
Office Services Supervisor I	1351	1844 <u>2014</u>
Public Health Aide	987	1351 <u>1611</u>
Senior Citizen's Aide	1151	1575 <u>1721</u>
Support and Collections Specialist	1611	2199 <u>2413</u>
Support Enforcement Aide	1151	1575 <u>1721</u>
Welfare Fraud Investigator	1684	2199 <u>2413</u>

Subp. 5. and 6. [See Repealer.]

Subp. 7. **Clerical: plan A.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

Administrative Secretary	1215	1738 <u>1899</u>
Clerk I	836	1137 <u>1361</u>
Clerk II	956	1361 <u>1626</u>
Clerk III	1137	1556 <u>1778</u>
Clerk-Typist I	917	1245 <u>1483</u>
Clerk-Typist II	956	1361 <u>1626</u>
Clerk-Typist III	1215	1738 <u>1899</u>
Clerk-Steno	956	1361 <u>1626</u>
Data Entry Operator	917	1245 <u>1483</u>
Information Systems Specialist	956	1361 <u>1626</u>
Legal Secretary	1137	1556 <u>1778</u>
Switchboard Operator	917	1245 <u>1483</u>

Subp. 8. and 9. [See Repealer.]

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Proposed Rules

Subp. 10. **Maintenance and trades: plan A.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions. Janitors who are required to work for a period of at least five hours after 6 p.m. on a regularly scheduled basis may be paid a shift differential in the amount of one salary step above their normal day-work rate.

	Minimum	Maximum
Auto Driver	959	1237 <u>1522</u>
Bus Driver	1023	1369 <u>1621</u>
Janitor	1044	1340 <u>1588</u>
Maintenance Worker	1136	1522 <u>1727</u>

Subp. 11. [See Repealer.]

REPEALER. *Minnesota Rules*, parts 9575.0310, subpart 1; 9575.1500, subparts 2, 3, 5, 6, 8, 9, and 11 are repealed.

Department of Health

Proposed Permanent Rules Relating to Merit System

Notice of Intent to Adopt a Rule without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Health intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, section 144.071.

All persons have 30 days or until 4:30 p.m. on June 20, 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 the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

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 free copy of the rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

The Minnesota Merit System rules apply to all positions funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

If adopted, proposed changes to 4670.4210-.4240 would create a single salary plan for each occupational grouping of classifications including professional and administrative, health services support, clerical, and building maintenance classes. The single salary plan would provide salary ranges which would encompass the minimum salary of the current lowest salary plan and the maximum salary of the current highest salary plan. This amendment will provide county and local agencies with more flexibility for individual class salary setting than what is allowed in the current multiple salary plan configuration. Minor amendments are proposed to parts 4670.1020, and 4670.1120, 4670.1130, and 4670.1140 as a result of our proposed amendments to 4670.4210-.4240. These amendments change rule language references so that there is consistency with the single salary schedule concept.

Proposed changes to 4670.0100 provide for a revised definition of "transfer". Amendments proposed to part 4670.2800 clarify the conditions under which transfers may occur and also when advisory testing is required by the Merit System. Amendments proposed to part 4670.1310 G. provide county and local agencies with greater flexibility in giving lump sum payments to employees at as well as over the maximum for their salary range. A minor amendment is being proposed to part 4670.1600 to provide more flexibility to agencies in giving salary increases for work out of class assignments.

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

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

Adoption of these rules will not result in any cost to local public bodies. A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2 is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Sister Mary Madonna Ashton
Commissioner of Health

Rules as Proposed

4670.0100 DEFINITIONS.

[For text of subps 1 to 47, see M.R.]

Subp. 48. **Transfer.** "Transfer" means a ~~change from one position to another in the same class or in another class having the same salary range and usually involving the performance of similar duties and requiring essentially the same qualifications of training and experience~~ the movement of a probationary or permanent employee from a position in one class to another position in the same class in the same or different local agency or to a position in a different class in the same or different local agency that has a salary range within one step of the former class and similar comparable work value and that meets the requirements of part 4670.2800.

[For text of subps 49 and 50, see M.R.]

4670.1020 CLASSES OF POSITIONS IN PLAN.

The comprehensive compensation plan shall provide for ~~separate alphabetically designated salary plans for different occupational groupings of classes reflecting progressively higher salary ranges except for those classes for which a single range of rates is found to be appropriate~~ a single salary schedule for each occupational grouping of classes including professional and administrative, health services support, clerical, and building maintenance classes. ~~Plans~~ The plan shall be established as provided in part 4670.1000- ~~with minimum and maximum salaries shall be for each class as provided for in parts 4670.4200 to 4670.4240.~~ The plan shall be the official plan for all appointing authorities until amended.

4670.1110 SELECTION OF RATES.

By resolution, each appointing authority shall designate the minimum, intervening, and maximum salary rates to be paid for each class of positions used by the appointing authority. The rates must be within the minimum and maximum salaries for the classes ~~in the adopted plan on the salary schedules for each occupational grouping of classes.~~ The appointing authority shall promptly notify the supervisor about the rates selected.

4670.1120 PLAN AMENDMENTS.

By resolution, the appointing authority may amend ~~its official plan for one or more occupational groupings of classes~~ the minimum, intervening and maximum salary rates to be paid for any class of positions used by the appointing authority. The appointing authority shall promptly notify the supervisor about official action taken to amend its plan.

4670.1130 INCUMBENTS.

Salary rates for incumbents of positions shall be established in accordance with parts 4670.1310 and 4670.1320 on the basis of the comprehensive compensation plan adopted as provided in part 4670.1020.

4670.1140 NONREPRESENTED EMPLOYEES.

In agencies with an exclusive representative, the appointing authority may pay confidential, supervisory, and other personnel not covered by an exclusive representative who are in the same class as employees who have an exclusive representative, the same rate of pay and salary ~~ranges~~ range as negotiated for the class under part 4670.1210. In no case would this rule allow the appointing authority to reduce the rate of pay of confidential, supervisory, or other excluded employees.

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

4670.1310 PLAN REQUIREMENTS.

In agencies where there is no exclusive representative or collective bargaining agreement, negotiated adjustments in the rates of pay of incumbents of positions, in order to conform to a newly adopted or currently effective compensation plan, shall be in accordance with items A to H:

A. If the rate of pay of an employee is below the minimum of the range prescribed for the employee's classification on the merit system compensation plan ~~adopted by the local public health authority~~, the rate shall be adjusted to that minimum.

[For text of item B, see M.R.]

C. If a local public health authority determines the general merit system adopted adjustment is inappropriate for its employees, the authority may grant a different adjustment. The authority shall file with the supervisor the new salary steps by class and a salary conversion table as provided for in part 4670.4300. The adjustments shall at least place employees at the minimum salary and not over the maximum salary for their classes, ~~on the salary plan adopted by the authority.~~

[For text of items D to F, see M.R.]

~~G. Employees at the maximum salary rate for their class may be granted merit system adopted salary adjustments only in the amount adopted for incumbents of that class. If an appointing authority wishes to grant a larger general adjustment to its employees than that adopted by the merit system and that adjustment would place an employee's rate of pay above the maximum salary rate for the employee's class, the appointing authority by prior resolution may grant to that employee the annual equivalent of the difference between the merit system adopted adjustment for incumbents and the agency adopted adjustment in the form of a single lump-sum salary payment on the effective date of the general adjustment. The employee's base salary shall remain at the maximum salary rate for the class. Employees at or above the maximum salary rate for their class may be granted a salary adjustment only in the amount adopted by the merit system for all employees whose positions are not covered by the terms and conditions of a collective bargaining agreement. If an appointing authority wishes to grant a larger general adjustment to its employees than that adopted by the merit system, the appointing authority, by prior resolution, may grant that employee the annual equivalent of the difference between the merit system adopted adjustment for all employees and the agency adopted adjustment for its employees in the form of a single lump sum payment or lump sum salary payments commencing on the effective date of the general adjustment. The employee's base salary rate shall be equal to the employee's salary before the agency adjustment plus the merit system adopted adjustment.~~

[For text of item H, see M.R.]

4670.1600 WORK-OUT-OF-CLASS ASSIGNMENTS.

If an employee is expressly assigned in writing to perform all the duties of a position allocated to a higher classification that is temporarily unoccupied for reasons other than vacation or sick leave and that work exceeds 15 consecutive work days in duration, the employee so assigned shall be paid for all hours of the assignment at least at the minimum rate of pay of the salary range for the higher class or may be granted a ~~one step~~ salary increase within the employee's salary range. If the assignment is to a position in a classification at an equal or lower level, the employee shall be paid for all hours of the assignment at the employee's current rate of pay. A work-out-of-class assignment is limited to no more than six months. An appointing authority may submit a written request to extend a work-out-of-class assignment for up to an additional six months, specifying the reason why the extension is necessary. A request to extend a work-out-of-class assignment must be initiated at least 15 days before the end of the initial six-month assignment. Approval of these assignments by the supervisor is required and requests for approval must be received by the supervisor within five calendar days of the assignment. Upon completion of the work-out-of-class assignment, the employee's salary shall be reduced to its previous level, notwithstanding the provisions of parts 4670.1500, subpart 1, and 4670.3530.

4670.2800 TRANSFERS.

A transfer of an employee from a position in one organizational subdivision of a local public health agency to a position of the same class in another organizational subdivision of a local public health agency may be made at any time by the appointing authority concerned.

Transfer of a probationary or permanent employee from a position in one local public health agency to a position of the same class in another local public health agency may be made with the approval of the appointing authorities concerned and the supervisor, subject to the provisions of ~~part~~ parts 4670.2600, subpart 2, and 4670.2650. All such transfers must be reported to the supervisor.

~~A permanent employee may be transferred from a position in one class to a position in another class, the transfer being either within one local public health agency or between local public health agencies providing that the supervisor certifies that the examination upon which appointment of the employee was based was of a character and standard to test the fitness of such employee for the position to which it is proposed to make such transfer and requires substantially similar qualifications. With the approval of the merit system supervisor, a permanent employee may transfer from a position in one class in a county agency to a position in a different class in the same or different county agency that has a salary range within one step of the former class and similar comparable work value. If the work behaviors and examination content areas of the two classes are not similar and if the employee has met the minimum qualifications of education and experience for the class to which transfer is proposed, the supervisor may require the employee to take and pass, on an advisory basis, the examination for the class to which transfer is proposed before approving the transfer.~~

4670.4210 PROFESSIONAL AND ADMINISTRATIVE COMPENSATION PLAN.
Subpart 1. Plan A.

	Minimum	Maximum
Assistant Director of Environmental Health	2199	3141 3434
Director of Environmental Health	2515	3587 3930
Director of Public Health Nursing	2102	3141 3434
Public Health Educator	1762	2515 2749
Public Health Nurse	1844	2632 2870
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	1762	2515 2749
Sanitarian	1611	2413 2632
Senior Public Health Nurse	2014	2870 3141

Subp. 2. and 3. [See Repealer.]

4670.4220 HEALTH SERVICES SUPPORT PERSONNEL COMPENSATION PLAN.
Subpart 1. Plan A.

	Minimum	Maximum
Bookkeeper	1204	1721 1881
Home Health Aide	1102	1575 1721
Home Health Aide Coordinator	1351	1844 2014
Inspector	1351	1844 2014
Licensed Practical Nurse	1351	1844 2014
Public Health Aide	987	1351 1611

Subp. 2. and 3. [See Repealer.]

4670.4230 CLERICAL COMPENSATION PLAN.
Subpart 1. Plan A.

	Minimum	Maximum
Clerk I	836	1137 1361
Clerk II	956	1361 1626
Clerk III	1137	1556 1778
Clerk-Typist I	917	1245 1483
Clerk-Typist II	956	1361 1626
Clerk-Typist III	1215	1738 1899
Clerk-Steno	956	1361 1626
Switchboard Operator	917	1245 1483

Subp. 2. and 3. [See Repealer.]

4670.4240 BUILDING MAINTENANCE COMPENSATION PLAN.

Subpart 1. **Shift Differential.** Employees in the ~~classes~~ class specified in ~~subparts~~ subpart 2 and 3 who are required to work for a period of at least five hours after 6 p.m. on a regularly scheduled basis may be paid a shift differential in the amount of one salary step above their normal day work rate.

Subp. 2. ~~Plan A~~ Shift differential; janitors.

	Minimum	Maximum
Janitor	1044	1340 1588

Subp. 3. [See Repealer.]

REPEALER. *Minnesota Rules*, parts 4670.1100; 4670.4210, subparts 2 and 3; 4670.4220, subparts 2 and 3; 4670.4230, subparts 2 and 3; and 4670.4240, subpart 3, are repealed.

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.

Department of Public Safety

Proposed Permanent Rules Relating to Merit System

Notice of Intent to Adopt a Rule without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Public Safety intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, section 12.22, subd. 3.

All persons have 30 days or until 4:30 p.m. on June 20, 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 the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

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 free copy of the rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

The Minnesota Merit System rules apply to positions in 22 local and county emergency management agencies funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

If adopted, proposed changes to 7520.1000-.1100 would create a single salary plan for each occupational grouping of classifications including professional and clerical classes. The single salary plan would provide salary ranges which would encompass the minimum salary of the current lowest salary plan and the maximum salary of the current highest salary plan. This amendment will provide local and county agencies with more flexibility for individual class salary setting than what is allowed in the current salary configuration. Minor amendments are proposed to parts 7520.0600, 7520.0610, and 7520.0650 Subparts 2A. and 2C. as a result of our proposed amendments to 7520.1000-.1100. These amendments change rule language references so that there is consistency with the single salary schedule concept.

Proposed changes to 7520.0100 provide for a revised definition of "transfer". Amendments proposed to part 7520.0650 subpart 2G. provide county and local agencies with greater flexibility in giving lump sum payments to employees at as well as over the maximum for their salary range. A minor amendment is being proposed to part 7520.0680 to provide more flexibility to agencies in giving salary increases for work out of class assignments.

Minnesota Rules, part 7520.0200, subp. 2 makes *Minnesota Rules*, parts 9575.0400-9575.1300 which are the rules of the Department of Human Services Merit System applicable to county and local emergency management agencies. The proposed changes to *Minnesota Rules*, part 9575.0850 would then apply to local and county emergency management agencies. The proposed amendments to 9575.0850 clarify the conditions under which transfers may occur and also when advisory testing is required by the Merit System. A copy of the Human Services Notice is attached.

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

Adoption of these rules will not result in any cost to local public bodies. A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2 is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

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

who wish to receive a copy of the adopted rule, must submit the written request to Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Rudy Perpich
Governor

Rules as Proposed

7520.0100 DEFINITIONS.

[For text of subps 1 to 47, see M.R.]

Subp. 48. **Transfer.** "Transfer" means the movement of ~~an~~ a probationary or permanent employee from ~~one~~ a position ~~to another in the same class or in another class having the same salary range and usually involving the performance of similar duties and requiring essentially the same qualifications of training and experience in one class to another position in the same class in the same or different local agency or to a position in a different class in the same or different local agency that has a salary range within one step of the former class and similar comparable work value and that meets the requirements of part 9575.0850.~~

[For text of subps 49 and 50, see M.R.]

7520.0600 PREPARATION AND ADOPTION OF COMPENSATION PLAN.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Salary plans and salary rates.** The comprehensive compensation plan adopted by the commissioner shall provide for ~~separate alphabetically designated salary plans for different occupational groupings of classes reflecting progressively higher salary ranges except for those classes where a single range of rates is found to be appropriate~~ a single salary schedule for each occupational grouping of classes including professional and clerical classes. ~~Plans~~ The plan shall be established as provided in subpart 1- with minimum and maximum salaries ~~shall be for each class~~ as provided in parts 7520.1000 and 7520.1100. The plan shall be the official plan for all appointing authorities until amended.

7520.0610 SELECTION OF SALARY RANGES BY LOCAL CIVIL DEFENSE AUTHORITY.

Subpart 1. [See Repealer.]

Subp. 2. **Selection of rates.** Within the minimum and maximum salaries for classes ~~in the adopted plans on the salary schedules for each occupational grouping of classes,~~ appointing authorities shall designate by resolution the minimum, intervening, and maximum salary rates to be paid for each class of positions used by the appointing authority. The supervisor shall be promptly notified of the rates selected by each appointing authority.

Subp. 3. **Plan amendments.** The appointing authority may by resolution amend its ~~official plan for one or more occupational groupings of classes~~ the minimum, intervening, and maximum salary rates to be paid for any class of positions used by the appointing authority. The supervisor shall be promptly notified of the amendment.

Subp. 4. **Incumbents.** Salary rates for incumbents of positions shall be established in accordance with the provisions of part 7520.0650, subparts 2 and 3 on the basis of the comprehensive compensation plan adopted by the appointing authority as provided in part 7520.0600, subpart 3.

Subp. 5. **Nonrepresented employees.** In agencies with an exclusive representative, the appointing authority may pay confidential, supervisory, and other personnel not covered by an exclusive representative who are in the same class as the employees who have an exclusive representative, the same rate of pay and salary ~~ranges~~ range as negotiated for the class under part 7520.0630, subpart 1. In no case would this part allow the appointing authority to reduce the rate of pay of confidential, supervisory, or other excluded employees.

7520.0650 SALARY ADJUSTMENTS AND INCREASES.

[For text of subpart 1, see M.R.]

Subp. 2. **Plan requirements.** In agencies where there is no exclusive representative or collective bargaining agreement, negotiated adjustments in the rates of pay of incumbents of positions, in order to conform to a newly adopted or currently effective compensation plan, shall be in accordance with items A to H.

A. If the rate of pay of an employee is below the minimum of the range prescribed for the employee's classification on the merit system compensation plan ~~adopted by the appointing authority~~ the rate shall be adjusted to that minimum.

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

[For text of item B, see M.R.]

C. If an appointing authority has determined that the general merit system adopted adjustment is inappropriate for its employees, it may grant a different adjustment; however, it must file with the supervisor the new salary steps by class and a salary conversion table as provided for in part 7520.1200. The adjustments shall at least place employees at the minimum salary and not over the maximum salary for their class ~~on the salary plan adopted by the agency.~~

[For text of items D to F, see M.R.]

G. ~~Employees at the maximum salary rate for their class may only be granted merit system adopted salary adjustments in the amount adopted for incumbents of that class. If an appointing authority wishes to grant a larger general adjustment to its employees than that adopted by the merit system and the adjustment would place an employee's rate of pay above the maximum salary rate for the employee's class, the appointing authority by prior resolution may grant to an employee the annual equivalent of the difference between the merit system adopted adjustments for incumbents and the agency adopted adjustment in the form of a single lump sum salary payment on the effective date of the general adjustment. The employee's base salary will remain at the maximum salary rate for the employee's class. Employees at or above the maximum salary rate for their class may be granted a salary adjustment only in the amount adopted by the merit system for all employees whose positions are not covered by the terms and conditions of a collective bargaining agreement. If an appointing authority wishes to grant a larger general adjustment to its employees than that adopted by the merit system, the appointing authority, by prior resolution, may grant that employee the annual equivalent of the difference between the merit system adopted adjustment for all employees and the agency adopted adjustment for its employees in the form of a single lump sum payment or lump sum salary payments commencing on the effective date of the general adjustment. The employee's base salary rate shall be equal to the employee's salary before the agency adjustment plus the merit system adopted adjustment.~~

~~103~~
~~10~~

[For text of item H, see M.R.]

[For text of subps 3 to 5, see M.R.]

7520.0680 WORK OUT OF CLASS.

If an employee is expressly assigned in writing to perform all the duties of a position allocated to a higher classification that is temporarily unoccupied for reasons other than vacation or sick leave and the work exceeds 15 consecutive work days the employee so assigned shall be paid for all hours of the assignment at least at the minimum rate of pay of the salary range for the higher class or may be granted a ~~one step~~ salary increase within his salary range. If the assignment is to a position in a classification at an equal or lower level the employee shall be paid for all hours of the assignment at the employee's current rate of pay. A work out of class assignment is limited to no more than six months. An appointing authority may submit a written request to extend a work out of class assignment for up to an additional six months, specifying the reason why the extension is necessary. A request to extend a work out of class assignment must be initiated at least 15 days prior to the end of the initial six month assignment. Approval of the assignments by the supervisor is required and must be received by the supervisor within five calendar days of the assignment. Upon completion of the work out of class assignment the employee's salary shall be reduced to its previous level, notwithstanding the provisions of part 7520.0670 or ~~42 MCAR § 2-508 D 9575.1180.~~

7520.1000 COMPENSATION PLAN (EMERGENCY MANAGEMENT), 1990; PROFESSIONAL.

Subpart 1. Plan A.

	Minimum	Maximum
Administrative Officer	1762	2413 2632
Assistant Emergency Management Director	1541	2499 2413
Communications Officer	1541	2402 2300
Operations Officer	1762	2413 2632
Public Information Officer	1762	2413 2632
Radiological Officer	1541	2402 2300
Safety Services Coordinator	1762	2413 2632

Subp. 2. and 3. [See Repealer.]

7520.1100 COMPENSATION PLAN (EMERGENCY MANAGEMENT), 1990; CLERICAL.

Subpart 1. Plan A.

	Minimum	Maximum
Clerk I	836	1437 1361
Clerk II	956	1361 1626
Clerk III	1137	1556 1778
Clerk-Typist I	917	1245 1483

Clerk-Typist II	956	1361 1626
Clerk-Typist III	1215	1738 1899
Clerk-Steno	956	1361 1626

Subp. 2. and 3. [See Repealer.]

REPEALER. *Minnesota Rules*, parts 7520.0610, subpart 1; 7520.1000, subparts 2 and 3; 7520.1100, subparts 2 and 3, are repealed.

Pollution Control Agency

Proposed Permanent Rules Relating to Hazardous Waste and Polychlorinated Biphenyls

Notice of Intent to Adopt a Rules without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) intends to adopt the above-entitled rule amendments without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rule amendments without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1988). The MPCA's authority to adopt the rule amendments is set forth in *Minnesota Statutes* §§ 116.07, subd. 4 and 116.37 (1988).

All persons have until 4:30 p.m. on June 21, 1990 to submit comments in support of or in opposition to the proposed rule amendments or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rule amendments addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the proposed rule amendments within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held, unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing must 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 MPCA will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1988).

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

Nathan B. Cooley
Hazardous Waste Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
612/643-3477

The MPCA proposes in this rulemaking to adopt seven federal amendments pertaining to various portions of existing *Minnesota Rules* chs. 7001 and 7045 which govern management of hazardous wastes. It also proposes amending existing *Minnesota Rules* ch. 7100 governing certificates of exemption for the management of polychlorinated biphenyls.

The seven federal amendments were promulgated by the U.S. Environmental Protection Agency to correct and clarify existing regulations which govern the following: storage and treatment tank system standards, delisting of iron dextran, delisting of strontium sulfide, relisting of certain metal smelting wastes, statistical methods for ground water monitoring data, farmers' exemptions, and trial burn information requirements for the modification of existing hazardous waste thermal treatment permits. The MPCA proposes to adopt these federal amendments without substantial change in order to provide equivalent state rules and in order to retain federal authorization to administer its hazardous waste program.

The state initiated amendments to rules governing certificates of exemption serve to reduce the burden and the potential confusion from rules which have become duplicative due to changes in the corresponding federal regulations. These amendments provide a process wherein persons may obtain a state certificate of exemption by rule under certain circumstances. The proposed rule amendments are published below. One free copy of the rules is available upon request at the above address.

A STATEMENT OF NEED AND REASONABLENESS which describes the need for and reasonableness of each provision of the proposed rule amendments has been prepared and is available upon request at the above address.

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

You are hereby advised, pursuant to *Minnesota Statutes*, section 14.115 (1988), "Small Business Considerations in Rulemakings," that the economic effect of these proposed amendments on small businesses is anticipated to be either neutral or beneficial. Adopting the federal amendments governing the management of hazardous waste will correct and clarify existing rules. The only apparent increase in regulatory burden results from the federal relisting of certain metal smelting wastes. While the MPCA is required to relist these wastes in order to retain its authorization to administer its hazardous waste program, it does not believe that any businesses in Minnesota will be affected by this relisting. The state amendments governing certificates of exemption reduce duplicative requirements. The anticipated effect of this rulemaking is to save time and effort for the regulated community. This rulemaking amends existing rules. No substantive economic effects are anticipated for Minnesota businesses of any size due to these proposed amendments.

If no hearing is required, upon adoption of the rule amendments, the rule amendments and required supporting documents will be submitted to the Attorney General for review as to legality and form, to the extent that 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 rules, must submit a written request to Nathan Cooley at the above address.

Gerald L. Willet
Commissioner

Rules as Proposed

7001.0700 HAZARDOUS WASTE THERMAL TREATMENT FACILITY PERMITS.

[For text of subps 1 to 10, see M.R.]

Subp. 11. **Requirements for existing hazardous waste thermal treatment facilities.** To determine the feasibility of compliance with the performance standards of part 7045.0542, subpart 4, and to determine adequate operating conditions under part 7045.0542, subpart 6, the applicant for a permit for an existing hazardous waste thermal treatment facility ~~may~~ must prepare and submit to the commissioner a trial burn plan and perform a trial burn in accordance with subparts 3 to 8- and part 7001.0630, item B, or, instead, submit other information as specified in part 7001.0630, item C. Applicants submitting information under part 7001.0630, item A, are exempt from compliance with part 7045.0542, subparts 4 and 6, and, therefore, are exempt from the requirement to conduct a trial burn. An applicant who submits trial burn plans and who receives approval before submission of a permit application shall complete the trial burn and submit the results specified in subpart 6 with Part B of the permit application. Trial burn results must be submitted prior to issuance of the permit. If completion of this process conflicts with the date set for submission of the Part B application, the applicant shall contact the commissioner to establish a later date for the submission of the Part B application or trial burn results. ~~If~~ When the applicant submits a trial burn plan with Part B of the permit application, the commissioner shall specify a time period prior to permit issuance in which the trial burn must be conducted and the results must be submitted within a time period to be specified by the commissioner.

7045.0020 DEFINITIONS.

[For text of subps 1 to 15, see M.R.]

Subp. 15a. **Detect and detection.** "Detect" and "detection" refer to the finding of statistically significant evidence of contamination as described in part 7045.0484, subpart 12, item F.

[For text of subps 16 to 20, see M.R.]

Subp. 21. **Elementary neutralization unit.** "Elementary neutralization unit" means a device which:

[For text of item A, see M.R.]

B. meets the definition of tank, tank system, container, transport vehicle, or vessel.

[For text of subps 21a and 22, see M.R.]

Subp. 22a. **Exceed and exceeded.** "Exceed" and "exceeded" refer to the finding of statistically significant evidence of increased contamination as described in part 7045.0484, subpart 13, item D.

[For text of subps 23 to 102a, see M.R.]

Subp. 103. **Wastewater treatment unit.** "Wastewater treatment unit" means a device which:

[For text of items A and B, see M.R.]

C. meets the definition of "tank" as defined in subpart 90, or "tank system" as defined in subpart 90a.

[For text of subps 104 to 109, see M.R.]

7045.0120 EXEMPT WASTES.

The following wastes may be stored, labeled, transported, treated, processed, and disposed of without complying with the requirements of this chapter:

[For text of items A to H, see M.R.]

I. waste from the extraction, beneficiation, and processing of ores and minerals, including coal, and including phosphate rock and overburden from the mining of uranium ore;

Solid waste from the processing of ores and minerals does not include:

- (1) acid plant blowdown slurry or sludge resulting from the thickening of blowdown slurry from primary copper production;
- (2) surface impoundment solids contained in the dredged from surface impoundments at primary lead smelting facilities;
- (3) sludge from treatment of process wastewater or acid plant blowdown from primary zinc production;
- (4) spent potliners from primary aluminum reduction;
- (5) emission control dust or sludge from ferrochromiumsilicon production; or
- (6) emission control dust or sludge from ferrochromium production;

[For text of items J to P, see M.R.]

7045.0135 LISTS OF HAZARDOUS WASTES.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Hazardous waste from specific sources.** Hazardous wastes from specific sources are listed with the industry and hazardous waste number and hazard code in items A to ~~L~~ Q.

[For text of items A to H, see M.R.]

I. Primary copper: K064, acid plant blowdown slurry or sludge resulting from the thickening of blowdown slurry from primary copper production: (T).

J. Primary lead: K065, surface impoundment solids contained in and dredged from surface impoundments at primary lead smelting facilities: (T).

K. Primary zinc: K066, sludge from treatment of process wastewater and/or acid plant blowdown from primary zinc production: (T).

L. Primary aluminum: K088, spent potliners from primary aluminum reduction: (T).

M. Ferroalloys:

- (1) K090, emission control dust or sludge from ferrochromiumsilicon production: (T); and
- (2) K091, emission control dust or sludge from ferrochromium production: (T).

N. Secondary lead:

- (1) K069, emission control dust or sludge from secondary lead smelting: (T); and
- (2) K100, waste leaching solution from acid leaching of emission control dust or sludge from secondary lead smelting: (T).

~~†~~ Q. Veterinary pharmaceuticals:

(1) K084, wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo arsenic compounds: (T);

(2) K101, distillation tar residues from the distillation of aniline based compounds in the production of veterinary pharmaceuticals from arsenic or organo arsenic compounds: (T); and

(3) K102, residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo arsenic compounds: (T).

~~K~~ P. Ink formulation: K086, solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, dryers, soaps, and stabilizers containing chromium and lead: (T).

~~L~~ Q. Coke:

- (1) K060, ammonia still lime sludge from coking operations: (T); and

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(2) K087, decanter tank tar sludge from coking operations: (T).

Subp. 4. **Discarded commercial chemical products, off specification species, containers, and spill residues.** The following materials or items are hazardous wastes when they are discarded or intended to be discarded as described in part 7045.0020, subpart 18; when they are mixed with waste oil or used oil or other material and applied to the land for dust suppression or road treatment; when they are otherwise applied to the land in lieu of their original intended use; when they are contained in products that are applied to the land in lieu of their original intended use; or when, in lieu of their original intended use, they are produced for use as, or as a component of a fuel, distributed for use as a fuel, or burned as a fuel.

[For text of items A to D, see M.R.]

E. the commercial chemical products or manufacturing chemical intermediates, or off specification commercial chemical products or manufacturing chemical intermediates referred to in items A to D and listed in subitems (1) to (17), are identified as acute hazardous wastes (H) and are subject to the small quantity exclusion defined in part 7045.0219, subpart 1, items B and C. The primary hazardous properties of these materials have been indicated by the letters T (toxicity), and R (reactivity). Absence of a letter indicates that the compound is listed only for acute toxicity. These wastes and their corresponding hazardous waste numbers, Chemical Abstract Service registry numbers, if available, and hazard codes are listed in subitems (1) to (17).

[For text of subitems (1) to (12), see M.R.]

(13) Hazardous wastes from commercial chemical products beginning with the letter S:

- (a) P114, 12039-52-0, Selenious acid, dithallium(I +) salt;
- (b) P103, 630-10-4, Selenourea;
- (c) P104, 506-64-9, Silver cyanide;
- (d) P104, 506-64-9, Silver cyanide Ag(CN);
- (e) P105, 26628-22-8, Sodium azide;
- (f) P106, 143-33-9, Sodium cyanide;
- (g) P106, 143-33-9, Sodium cyanide Na(CN);
- (h) ~~P107, 1314-96-1, Strontium sulfide;~~
- (i) ~~P107, 1314-96-1, Strontium sulfide SrS;~~
- (j) P108, 57-24-9, Strychnidin-10-one, and salts;
- (k) ~~(i) P018, 357-57-3, Strychnidin-10-one, 2,3-dimethoxy-;~~
- (l) ~~(j) P108, 57-24-9, Strychnine and salts; and~~
- (m) ~~(k) P115, 7446-18-6, Sulfuric acid, dithallium(I +) salt.~~

[For text of subitems (14) to (17), see M.R.]

F. The commercial chemical products or manufacturing chemical intermediates, or off-specification commercial chemical products referred to in items A to D, and listed in subitems (1) to (24) are identified as toxic wastes (T) unless otherwise designated and are subject to the small quantity exclusion defined in part 7045.0219, subpart 1, item A. The primary hazardous properties of these materials have been indicated by the letters T (toxicity), R (reactivity), I (ignitability), and C (corrosivity). Absence of a letter indicates that the compound is listed only for toxicity. These wastes and their corresponding hazardous waste numbers, Chemical Abstract Service registry numbers, if available, and hazard codes are listed as follows:

[For text of subitems (1) to (8), see M.R.]

(9) Hazardous wastes from commercial chemical products beginning with the letter I:

- (a) U116, 96-45-7, 2-Imidazolidinethione;
- (b) U137, 193-39-5, Indeno[1,2,3cd]pyrene;
- (c) ~~U139, 9004-66-4, Iron dextran;~~
- (d) U190, 85-44-9, 1,3-Isobenzofurandione;
- (e) ~~(d) U140, 78-83-1, Isobutyl alcohol: (I,T); and~~
- (f) ~~(e) U141, 120-58-1, Isosafrole.~~

[For text of subitems (10) to (24), see M.R.]

[For text of subp 5, see M.R.]

7045.0139 BASIS FOR LISTING HAZARDOUS WASTES.

[For text of subpart 1, see M.R.]

Subp. 2. **Constituents.** The constituents which are the basis for listing the wastes identified in part 7045.0135, subparts 2 and 3 are listed in items A and B.

[For text of item A, see M.R.]

B. Constituents of wastes identified in part 7045.0135, subpart 3 are listed in subitems (1) to ~~(89)~~ (95).

[For text of subitems (1) to (54), see M.R.]

- ~~(55)~~ K064: Lead, cadmium;
- ~~(56)~~ K065: Lead, cadmium;
- ~~(57)~~ K066: Lead, cadmium;
- ~~(58)~~ K069: Hexavalent chromium, lead, cadmium;
- ~~(56)~~ ~~(59)~~ K071: Mercury;
- ~~(57)~~ ~~(60)~~ K073: Chloroform, carbon tetrachloride, hexachloroethane, trichloroethane, tetrachloroethylene, dichloroethylene, 1,1,1,2-tetrachloroethane;
- ~~(58)~~ ~~(61)~~ K083: Aniline, diphenylamine, nitrobenzene, phenylenediamine;
- ~~(59)~~ ~~(62)~~ K084: Arsenic;
- ~~(60)~~ ~~(63)~~ K085: Benzene, dichlorobenzenes, trichlorobenzenes, tetrachlorobenzenes, pentachlorobenzene, hexachlorobenzene, benzyl chloride;
- ~~(64)~~ ~~(64)~~ K086: Lead, hexavalent chromium;
- ~~(62)~~ ~~(65)~~ K087: Phenol, naphthalene;
- ~~(66)~~ K088: Cyanide (complexes);
- ~~(67)~~ K090: Chromium;
- ~~(68)~~ K091: Chromium;
- ~~(63)~~ ~~(69)~~ K093: Phthalic anhydride, maleic anhydride;
- ~~(64)~~ ~~(70)~~ K094: Phthalic anhydride;
- ~~(65)~~ ~~(71)~~ K095: 1,1,2-trichloroethane, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane;
- ~~(66)~~ ~~(72)~~ K096: 1,2-dichloroethane, 1,1,1-trichloroethane, 1,1,2-trichloroethane;
- ~~(67)~~ ~~(73)~~ K097: Chlordane, heptachlor;
- ~~(68)~~ ~~(74)~~ K098: Toxaphene;
- ~~(69)~~ ~~(75)~~ K099: 2,4-dichlorophenol, 2,4,6-trichlorophenol;
- ~~(70)~~ ~~(76)~~ K100: Hexavalent chromium, lead, cadmium;
- ~~(71)~~ ~~(77)~~ K101: Arsenic;
- ~~(72)~~ ~~(78)~~ K102: Arsenic;
- ~~(73)~~ ~~(79)~~ K103: Aniline, nitrobenzene, phenylenediamine;
- ~~(74)~~ ~~(80)~~ K104: Aniline, benzene, diphenylamine, nitrobenzene, phenylenediamine;
- ~~(75)~~ ~~(81)~~ K105: Benzene, monochlorobenzene, dichlorobenzenes, 2,4,6-trichlorophenol;
- ~~(76)~~ ~~(82)~~ K106: Mercury;
- ~~(77)~~ ~~(83)~~ K111: 2,4-Dinitrotoluene;
- ~~(78)~~ ~~(84)~~ K112: 2,4-Toluenediamine, o-toluidine, p-toluidine, aniline;

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- (79) (85) K113: 2,4-Toluenediamine, o-toluidine, p-toluidine, aniline;
(80) (86) K114: 2,4-Toluenediamine, o-toluidine, p-toluidine;
(81) (87) K115: 2,4-Toluenediamine;
(82) (88) K116: Carbon tetrachloride, tetrachloroethylene, chloroform, phosgene;
(83) (89) K117: Ethylene dibromide;
(84) (90) K118: Ethylene dibromide;
(85) (91) K123: Ethylene thiourea;
(86) (92) K124: Ethylene thiourea;
(87) (93) K125: Ethylene thiourea;
(88) (94) K126: Ethylene thiourea; and
(89) (95) K136: Ethylene dibromide.

7045.0141 HAZARDOUS CONSTITUENTS.

[For text of subps 1 to 9, see M.R.]

Subp. 10. **"I" constituents.** Hazardous constituents beginning with the letter I are as follows:

[For text of item A, see M.R.]

- B. ~~Iron dextran, 9004-66-4, U139;~~
C. Isobutyl alcohol, 78-83-1, U140;
D. Isodrin, 465-73-6, P060; and
E. Isosafrole, 120-58-1, U141.

[For text of subps 11 to 17, see M.R.]

Subp. 18. **"S" constituents.** Hazardous constituents beginning with the letter S are as follows:

[For text of items A to N, see M.R.]

- O. ~~Strontium sulfide, 1314-96-1, P107;~~
P. Strychnine, 57-24-9, P108; and
Q. ~~Strychnine salts, _____, P108.~~

[For text of subps 19 to 23, see M.R.]

7045.0213 FARMERS; PESTICIDES.

A farmer who generates waste pesticides which are hazardous waste and who complies with all of the requirements of part 7045.0304 is not required with respect to those pesticides, to comply with other standards in parts 7045.0205 to 7045.0304 or to comply with parts 7045.0450 to ~~7045.1030~~ 7045.1380, or to obtain a hazardous waste facility permit.

7045.0484 GROUNDWATER PROTECTION.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Groundwater protection standard.** The owner or operator shall comply with conditions specified in the facility permit that are designed to ensure that hazardous constituents ~~entering~~ detected in the groundwater from a regulated unit do not exceed the concentration limits in the groundwater at and beyond the point of compliance during the compliance period. The agency shall establish the groundwater protection standard in the facility permit when hazardous constituents have been detected in the groundwater based on data provided by monitoring of the groundwater quality as specified in subparts 11 and 12.

[For text of subps 4 to 10, see M.R.]

Subp. 11. **General groundwater monitoring requirements.** The owner or operator shall comply with the requirements of items A to J for any groundwater monitoring program developed to satisfy subpart 12, 13, or 14:

A. The groundwater monitoring system must consist of a sufficient number of wells, installed at appropriate locations and depths to yield groundwater samples from groundwater that:

(1) represent the quality of background groundwater that has not been affected by leakage from a regulated unit;

(a) a determination of background quality may include sampling of wells that are not hydraulically upgradient of the waste management area where:

i. hydrogeologic conditions do not allow the owner or operator to determine what wells are hydraulically upgradient;
and

ii. sampling at other wells will provide an indication of background groundwater quality that is representative or more representative than that provided by the upgradient wells; and

[For text of subitem (2), see M.R.]

(3) are likely to detect allow for the detection of potential contamination from the regulated unit.

[For text of items B to F, see M.R.]

G. The ground water monitoring program must establish background ground water quality for each hazardous constituent which may reasonably be expected to be in or derived from the wastes to be managed at the facility and for each of the hazardous constituents or monitoring parameters specified in the permit. The agency may also require the establishment of background values as well as periodic monitoring of ground water for chemical components and physical properties which are necessary to document ground water quality. The agency may require additional ground water monitoring systems if the subsurface beneath the regulated unit contains multiple soil or rock formations and if these formations have significant hydraulic or compositional differences. The basis of background ground water quality must be as follows:

(1) For new facilities, background ground water quality for a hazardous constituent or monitoring parameter must be based on data from at least quarterly sampling of all monitoring wells at the waste management area for one year prior to operation.

(2) For existing facilities, background ground water quality for a hazardous constituent or monitoring parameter must be based on data from at least quarterly sampling of all monitoring wells upgradient from the waste management area for one year.

(3) For facilities in a compliance monitoring program, background ground water quality for a hazardous constituent or monitoring parameter must be based on data from upgradient wells that: are available before the permit is issued; account for measurement errors in sampling and analysis; and account, to the extent feasible, for seasonal fluctuations in background ground water quality if the fluctuations are expected to affect the concentration of the hazardous constituent or monitoring parameter.

(4) Background ground water quality may be based on alternate procedures if the agency determines that sampling at other wells provides an indication of background ground water quality that is as representative as that provided by the procedures in subitems (1) and (2).

(5) In developing the data base used to determine a background value for a monitoring parameter or hazardous constituent, the owner or operator shall take a minimum of one sample from each well and a minimum of four samples from the entire system used to determine background ground water quality, each time the system is sampled.

H. The owner or operator shall use one of the statistical procedures given in subitems (1) and (2) in determining whether background values or concentration limits have been exceeded if, in a detection monitoring program, the level of a hazardous constituent or monitoring parameter at the compliance point is to be compared to the hazardous constituent's or monitoring parameter's background value and that background value has a sample coefficient of variation less than 1.00. The statistical procedures are:

(1) The owner or operator shall take at least four portions from a sample at each well at the compliance point and determine whether the difference between the mean of the hazardous constituent or monitoring parameter at each well, using all portions taken, and the background value for the hazardous constituent or monitoring parameter is significant at the 0.05 level using the Cochran's Approximation to the Behrens-Fisher Students' t-test as described in part 7045.0544. If the test indicates that the difference is significant, the owner or operator shall repeat the same procedure, with at least the same number of portions as used in the first test, with a fresh sample from the monitoring well. Within seven days of completing the statistical analysis of the data from the first round of sampling, the owner or operator shall collect the fresh ground water sample from the monitoring well. If the second round of analyses indicates that the difference is significant, the owner or operator shall conclude that a statistically significant change has occurred.

(2) The owner or operator may use an equivalent statistical procedure for determining whether a statistically significant change has occurred. The agency shall specify the procedure in the facility permit if it finds that the alternative procedure reasonably balances the probability of falsely identifying a noncontaminating regulated unit and the probability of failing to identify a contaminating regulated unit in a manner that is comparable to that of the statistical procedure described in subitem (1).

I. In a compliance monitoring program and in situations where the sample coefficient of variation is not less than 1.00 between the hazardous constituent's or monitoring parameter's background value and the level of a hazardous constituent or

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monitoring parameter at the compliance point in a detection monitoring program, the owner or operator shall use a statistical procedure providing reasonable confidence that the migration of hazardous constituents or monitoring parameters from a regulated unit into and through the ground water will be indicated. The agency shall specify a statistical procedure in the facility permit that it finds:

(1) is appropriate for the distribution of the data used to establish background values or concentration limits; and

(2) provides a reasonable balance between the probability of falsely identifying a noncontaminating regulated unit and the probability of failing to identify a contaminating regulated unit.

J. The owner or operator shall provide the commissioner in writing with any field data, analytical data, and statistical calculations from the sampling of ground water monitoring wells as part of establishing or complying with the general ground water monitoring requirements, ground water protection standard, detection monitoring program, compliance monitoring program, or corrective action program. The data and calculations shall be submitted within seven days after the completion of statistical calculations, unless a different reporting period is established in the permit.

G. In detection monitoring or where appropriate in compliance monitoring, data on each hazardous constituent specified in the permit shall be collected from background wells and wells at the compliance points. The number and kinds of samples collected to establish background shall be appropriate for the form of statistical test employed, following generally accepted statistical principles. The sample size shall be as large as necessary to ensure with reasonable confidence that a contaminant release to groundwater from a facility will be detected. The owner or operator shall determine an appropriate sampling procedure and interval for each hazardous constituent listed in the facility permit which shall be specified in the facility permit upon approval by the agency. This sampling procedure shall be:

(1) a sequence of at least four samples, taken at an interval that assures, to the greatest extent technically feasible, that an independent sample is obtained, by reference to the uppermost aquifer's effective porosity, hydraulic conductivity, and hydraulic gradient, and the fate and transport characteristics of the potential contaminants; or

(2) an alternate sampling procedure proposed by the owner or operator and approved by the commissioner.

H. The owner or operator shall specify one of the following statistical methods to be used in evaluating groundwater monitoring data for each hazardous constituent which, upon approval by the commissioner, will be specified in the facility permit. The statistical test chosen shall be conducted separately for each hazardous constituent in each well. Where practical, quantification limits are used in any of the following statistical procedures to comply with item I, subitem (5), the practical quantification limits must be proposed by the owner or operator and approved by the commissioner. Use of any of the following statistical methods must be protective of human health and the environment and must comply with the performance standards outlined in item I.

(1) A parametric analysis of variance (ANOVA) followed by multiple comparisons procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well's mean and the background mean levels for each constituent.

(2) An analysis of variance (ANOVA) based on ranks followed by multiple comparisons procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well's median and the background median levels for each constituent.

(3) A tolerance or prediction interval procedure in which an interval for each constituent is established from the distribution of the background data, and the level of each constituent in each compliance well is compared to the upper tolerance or prediction limit.

(4) A control chart approach that gives control limits for each constituent.

(5) Another statistical test method submitted by the owner or operator and approved by the commissioner.

I. Any statistical method chosen under item H for specification in the facility permit shall comply with the following performance standards, as appropriate:

(1) The statistical method used to evaluate groundwater monitoring data shall be appropriate for the distribution of chemical parameters or hazardous constituents. If the distribution of the chemical parameters or hazardous constituents is shown by the owner or operator to be inappropriate for a normal theory test, then the data should be transformed or a distribution-free theory test should be used. If the distributions for the constituents differ, more than one statistical method may be needed.

(2) If an individual well comparison procedure is used to compare an individual compliance well constituent concentration with background constituent concentrations or a groundwater protection standard, the test shall be done at a Type I error level no less than 0.01 for each testing period. If a multiple comparisons procedure is used, the Type I experiment wise error rate for each testing period shall be no less than 0.05; however, the Type I error of no less than 0.01 for individual well comparisons must be maintained. This performance standard does not apply to tolerance intervals, prediction intervals, or control charts.

(3) If a control chart approach is used to evaluate groundwater monitoring data, the specific type of control chart and its

associated parameter values shall be proposed by the owner or operator and approved by the commissioner to be protective of human health and the environment.

(4) If a tolerance interval or a prediction interval is used to evaluate groundwater monitoring data, the levels of confidence and, for tolerance intervals, the percentage of the population that the interval must contain, shall be proposed by the owner or operator and subject to an approval by the agency to be protective of human health and the environment. These parameters will be determined after considering the number of samples in the background data base, the data distribution, and the range of the concentration values for each constituent of concern.

(5) The statistical method shall account for data below the limit of detection with one or more statistical procedures that are protective of human health and the environment. Any practical quantification limit approved by the commissioner which is used in the statistical method shall be the lowest concentration level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions that are available to the facility.

(6) If necessary, the statistical method shall include procedures to control or correct for seasonal and spatial variability as well as temporal correlation in the data.

J. Groundwater monitoring data collected in accordance with item G, including actual levels of constituents, must be maintained in the facility operating record. The agency shall specify in the permit when the data must be submitted for review.

Subp. 12. **Detection monitoring program.** An owner or operator required to establish a detection monitoring program under this part shall perform the following:

[For text of items A and B, see M.R.]

~~C. The owner or operator shall establish a background value for each monitoring parameter or hazardous constituent which may reasonably be expected to be in or derived from the wastes to be managed at the facility. The permit must specify the hazardous constituents and monitoring parameters and their background values or specify the procedures to be used to calculate the background values.~~

~~The owner or operator shall comply with subpart 11, item G, in developing the data base used to determine background values.~~

~~The owner or operator shall express background values in a form necessary for the determination of statistically significant increases under subpart 11, items H and I.~~

~~In taking samples used in the determination of background values, the owner or operator shall use a ground water monitoring system that complies with subpart 11, items A, subitem (1); B; and C.~~

~~D. The owner or operator shall determine ground water quality at each monitoring well at the compliance point for a monitoring parameter or hazardous constituent under item A at least semiannually during the active life of a regulated unit, including the closure period; and the post closure care period. The owner or operator shall express the ground water quality at a monitoring well in a form necessary for the determination of statistically significant increases under subpart 11, items H and I.~~

C. The owner or operator shall conduct a groundwater monitoring program for each chemical parameter and hazardous constituent specified in the permit under item A in accordance with subpart 11, item G. The owner or operator shall maintain a record of groundwater analytical data as measured and in a form necessary for the determination of statistical significance under subpart 11, item H.

D. The agency shall specify the frequencies for collecting samples and conducting statistical tests to determine whether there is statistically significant evidence of contamination for any parameter or hazardous constituent specified in the permit under item A in accordance with subpart 11, item G. A sequence of at least four samples from each well, background, and compliance wells, must be collected at least semiannually during detection monitoring.

[For text of item E, see M.R.]

~~F. The owner or operator shall use procedures and methods for sampling and analysis that meet the requirements of subpart 11, items D and E.~~

~~G. The owner or operator shall determine whether there is a statistically significant increase over background values for a monitoring parameter or hazardous constituent specified in the permit pursuant to item A, or item E, subitem (2), where applicable, each time he or she determines ground water quality at the compliance point under items D and E.~~

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In determining whether a statistically significant increase has occurred, the owner or operator shall compare the ground water quality at each monitoring well at the compliance point for each monitoring parameter or hazardous constituent to the background value for that monitoring parameter or hazardous constituent, according to the statistical procedure specified in the permit under subpart 11, items H and I.

The owner or operator shall determine whether there has been a statistically significant increase at each monitoring well at the compliance point within the time period established in the permit.

H. If the owner or operator determines that there is a statistically significant increase for monitoring parameters or hazardous constituents specified under item A, or item E, subitem (2), where applicable, at any monitoring well at the compliance point, the owner or operator shall:

(1) Notify the commissioner of this finding in writing within seven days. The notification must indicate the monitoring parameters or hazardous constituents that have shown statistically significant increases and identify the wells in which the increases have occurred.

(2) Immediately sample the groundwater in all monitoring wells and determine whether hazardous constituents identified in the list in part 7045.0143 are present and, if they are present, determine the concentration for each.

(3) Determine a background value for each hazardous constituent that has been found at the compliance point under subitem (2), as follows:

(a) the owner or operator shall comply with subpart 11, item G, in developing the data base used to determine background values;

(b) the owner or operator shall express background values in a form necessary for the determination of statistically significant increases under subpart 11, items H and I; and

(c) in taking samples used in the determination of background values, the owner or operator shall use a ground water monitoring system that complies with subpart 11, items A, subitem (1); B; and C.

(4) Determine if statistically significant increases in the ground water have occurred for any hazardous constituent.

(5) Immediately institute a compliance monitoring program as specified in the permit and, within 90 days, submit to the agency an application for permit modification if it is necessary to revise the compliance monitoring program to meet the requirements of subpart 13. The application must include the following information:

(a) an identification of the concentration of each hazardous constituent found in the groundwater at each monitoring well at the compliance point;

(b) proposed changes to the ground water monitoring system at the facility necessary to meet the requirements of subpart 13;

(c) proposed changes to the monitoring frequency, sampling, and analysis procedures or methods, or statistical procedures used at the facility necessary to meet the requirements of subpart 13; and

(d) for each hazardous constituent that does not have a concentration limit established in the permit, a proposed concentration limit under subpart 6, items A, B; or 8.

I. If the owner or operator determines that there is a statistically significant increase of monitoring parameters or hazardous constituents specified under item A, or item E, subitem (2), where applicable, at any monitoring well at the compliance point, he or she may demonstrate that a source other than a regulated unit caused the increase or that the increase resulted from error in sampling, analysis, or evaluation. While the owner or operator may make a demonstration under this paragraph, he or she is not relieved of the requirement to submit a permit modification application within the time specified in item H, subitem (5), or of immediately instituting the compliance monitoring program until the demonstration successfully shows that a source other than a regulated unit caused the increase or that the increase resulted from error in sampling, analysis, or evaluation. In making a demonstration, the owner or operator shall:

(1) notify the commissioner in writing within seven days of determining a statistically significant increase at the compliance point that he or she intends to make a demonstration;

(2) within 90 days, submit a report to the commissioner which demonstrates that a source other than a regulated unit caused the increase, or that the increase resulted from error in sampling, analysis, or evaluation;

(3) within 90 days, submit to the agency an application for a permit modification to make any appropriate changes to the detection monitoring program at the facility; and

(4) continue to monitor in accordance with the compliance monitoring program established under item H, subitem (5).

J. If the owner, operator, or commissioner determines that the detection monitoring program no longer satisfies the

requirements of items A to I, the owner or operator shall, within 90 days, submit an application for a permit modification to make any appropriate changes to the program.

K. The owner or operator shall assure that monitoring and corrective action measures necessary to achieve compliance with the ground water protection standard are taken during the term of the permit.

F. The owner or operator must determine whether there is statistically significant evidence of contamination for any chemical parameter of hazardous constituent specified in the permit under item A at a frequency specified under item D.

(1) In determining whether statistically significant evidence of contamination exists, the owner or operator must use the methods specified in the permit under subpart 11, item H. These methods must compare data collected at the compliance points to the background groundwater quality data.

(2) The owner or operator must determine whether there is statistically significant evidence of contamination at each monitoring well as the compliance point within a reasonable period of time after completion of sampling. The agency shall specify in the facility permit what period of time is reasonable, after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of groundwater samples.

G. If the owner or operator determines under item F that there is statistically significant evidence of contamination for chemical parameters or hazardous constituents specified under item A at any monitoring well at the compliance point, the owner or operator must:

(1) Notify the commissioner of this finding in writing within seven days. The notification must indicate what chemical parameters or hazardous constituents have shown statistically significant evidence of contamination.

(2) Immediately sample the groundwater in all monitoring wells and determine whether constituents in the list of part 7045.0143 are present, and if so, in what concentration.

(3) For part 7045.0143 compounds found in the analysis under subitem (2), the owner or operator may resample within one month and repeat the analysis for those compounds detected. If the results of the second analysis confirm the initial results, then these constituents shall form the basis for compliance monitoring. If the owner or operator does not resample, the hazardous constituents found during this initial part 7045.0143 analysis shall form the basis for compliance monitoring.

(4) Within 90 days, submit to the commissioner an application for a permit modification to establish a compliance monitoring program meeting the requirements of subpart 13. The application must include the following information:

(a) an identification of the concentration or a part 7045.0143 constituent detected in the groundwater at each monitoring well at the compliance point;

(b) proposed changes to the groundwater monitoring system at the facility necessary to meet the requirements of subpart 13;

(c) proposed additions or changes to the monitoring frequency, sampling and analysis procedures or methods, or statistical methods used at the facility necessary to meet the requirements of subpart 13; and

(d) for each hazardous constituent detected at the compliance point, a proposed concentration limit under subpart 6, item A or B, or a notice of intent to seek an alternate concentration limit under subpart 8.

(5) Within 180 days, submit to the commissioner all data necessary to justify an alternate concentration limit sought under subpart 8, and an engineering feasibility plan for a corrective action program necessary to meet the requirement of subpart 14, unless:

(a) all hazardous constituents identified under subitem (2), are listed in subpart 7 and their concentrations do not exceed the respective values given in that table; or

(b) the owner or operator has sought an alternate concentration limit under subpart 8 for every hazardous constituent identified under subitem (2).

(6) If the owner or operator determines, under item F, that there is a statistically significant difference for chemical parameters or hazardous constituents specified under item A at any monitoring well at the compliance point, the owner or operator may demonstrate that a source other than a regulated unit caused the contamination or that the detection is an artifact caused by an error in sampling, analysis, or statistical evaluation or natural variation in the groundwater. The owner or operator may make a demonstration under this paragraph in addition to, or in lieu of, submitting a permit modification application under subitem (4); however, the owner or operator is not relieved of the requirement to submit a permit modification application within the time specified

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in subitem (4) unless the demonstration made under this subitem successfully shows that a source other than a regulated unit caused the increase, or that the increase resulted from error in sampling, analysis, or evaluation. In making a demonstration, the owner or operator shall:

(a) notify the commissioner in writing within seven days of determining statistically significant evidence of contamination at the compliance point that the owner or operator intends to make a demonstration under this subunit;

(b) within 90 days, submit a report to the commissioner which demonstrates that a source other than a regulated unit caused the contamination or that the contamination resulted from an error in sampling, analysis, or evaluation;

(c) within 90 days, submit to the commissioner an application for a permit modification to make any appropriate changes to the detection monitoring program facility; and

(d) continue to monitor in accordance with the detection monitoring program established under this subpart.

H. If the owner or operator determines that the detection monitoring program no longer satisfies the requirements of this subpart, the owner or operator must, within 90 days, submit an application for a permit modification to make any appropriate changes to the program.

Subp. 13. **Compliance monitoring program.** An owner or operator required to establish a compliance monitoring program under this part shall perform the following:

[For text of items A and B, see M.R.]

C. If a concentration limit is based on background ground water quality, the agency shall specify the concentration limit in the permit as described in subitems (1) and (2):

(1) The owner or operator shall comply with subpart 11, item G, in developing the data base used to determine background values; express background values in a form necessary for the determination of statistically significant increases under subpart 11, items H and I; and use a ground water monitoring system that complies with subpart 11, items A, subitems (2) and (3); B; and C.

(2) If a hazardous constituent is identified in subpart 7 and the difference between the respective concentration limit in subpart 7 and the background value of that constituent under subpart 11, item G, is not statistically significant, the owner or operator shall use the background value of the constituent as the concentration limit. In determining whether this difference is statistically significant, the owner or operator shall use a statistical procedure providing reasonable confidence that a real difference will be indicated. The statistical procedure must be appropriate for the distribution of the data used to establish background values and provide a reasonable balance between the probability of falsely identifying a significant difference and the probability of failing to identify a significant difference.

D. The owner or operator shall determine the concentration of hazardous constituents which have been detected in the ground water or are reasonably expected to be in or derived from the waste in the unit, in ground water at each monitoring well at the compliance point at least quarterly during the compliance period. The owner or operator shall express the concentration at each monitoring well in a form necessary for the determination of statistically significant increases under subpart 11, items H and I.

C. The agency shall specify the sampling procedures and statistical methods appropriate for the constituents and the facility, consistent with subpart 11, items G and H as described in subitems (1) and (2).

(1) The owner or operator must conduct a sampling program for each chemical parameter or hazardous constituent in accordance with subpart 11, item G.

(2) The owner or operator must record groundwater analytical data as measured and in the form necessary for the determination of statistical significance under subpart 11, item H, for the compliance period of the facility.

D. The owner or operator must determine whether there is statistically significant evidence of increased contamination for any chemical parameter or hazardous constituent specified in the permit, under item C, at a frequency specified under item F.

(1) In determining whether statistically significant evidence of increased contamination exists, the owner or operator must use the methods specified in the permit under subpart 11, item H. The methods must compare data collected at the compliance points to a concentration limit developed in accordance with subpart 6.

(2) The owner or operator must determine whether there is statistically significant evidence of increased contamination at each monitoring well at the compliance point within a reasonable time period after completion of sampling. The agency will specify that time period in the facility permit, after considering the complexity of the statistical test and the availability of laboratory facilities, to perform the analysis of groundwater samples.

[For text of item E, see M.R.]

F. The owner or operator shall use procedures and methods for sampling and analysis that meet the requirements of subpart 11, items D and E.

G. The owner or operator shall determine whether there is a statistically significant increase over the concentration limits for any hazardous constituents specified in the permit under item A each time he or she determines the concentration of hazardous constituents in ground water at the compliance point.

In determining whether a statistically significant increase has occurred, the owner or operator shall compare the ground water quality at each monitoring well at the compliance point for each hazardous constituent to the concentration limit for that hazardous constituent according to the statistical procedures specified in the permit under subpart 11, items H and I.

The owner or operator shall determine whether there has been a statistically significant increase at each monitoring well at the compliance point within the time period established in the permit.

F. The agency shall specify the frequencies for collecting samples and conducting statistical tests to determine statistically significant evidence of increased contamination in accordance with subpart 11, item G. A sequence of at least four samples from each background and compliance well must be collected at least semiannually during the compliance period of the facility.

G. The owner or operator must analyze samples from all monitoring wells at the compliance point for all constituents contained in part 7045.0143 at least annually to determine whether additional hazardous constituents are present in the uppermost aquifer and, if so, at what concentration, according to procedures in subpart 12, item F. If the owner or operator finds part 7045.0143 constituents in the groundwater that are not already identified in the permit as monitoring constituents, the owner or operator may resample within one month and repeat the part 7045.0143 analysis. If the second analysis confirms the presence of new constituents, the owner or operator must report the concentration of these additional constituents to the commissioner within seven days after the completion of the second analysis and add them to the monitoring list. If the owner or operator chooses not to resample, then the owner or operator shall report the concentrations of these additional constituents to the commissioner within seven days after completion of the initial analysis and add them to the monitoring list.

[For text of item H, see M.R.]

I. If the owner or operator determines, under item G or H, that the groundwater protection standard is being exceeded at any monitoring well at the point of compliance, ~~he or she~~ the owner or operator may demonstrate that a source other than a regulated unit caused the increase contamination or that the increase resulted from detection is an artifact caused by an error in sampling, analysis, or statistical evaluation, or natural variation in the groundwater. Until the owner or operator makes a demonstration, ~~he or she~~ the owner or operator is not relieved of the requirement to submit a permit modification application if necessary to comply with item H within the time specified in item H, subitem (2) or of the requirement to institute corrective actions as established in item H, subitem (2). In making a demonstration, the owner or operator shall:

[For text of items (1) to (4), see M.R.]

[For text of items J and K, see M.R.]

[For text of subp 14, see M.R.]

7045.0488 CLOSURE ACTIVITIES.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Disposal or decontamination of equipment, structures, and soils.** During the partial and final closure periods, all contaminated facility equipment, structures, and soils must be properly disposed of or decontaminated unless otherwise specified in part 7045.0528, subpart 9; 7045.0532, subpart 7; 7045.0534, subpart 7; 7045.0536, subpart 8; or 7045.0538, subpart 7, or under the authority of part 7045.0539, subparts 2 and 4. By removing any hazardous wastes or hazardous constituents during partial and final closure, the owner or operator may become a generator of hazardous waste and must handle that waste in accordance with all applicable requirements of parts 7045.0205 to 7045.0304.

[For text of subp 4, see M.R.]

7045.0528 TANKS.

Subpart 1. **Scope.** This part applies to owners and operators of facilities that use tanks to treat or store hazardous waste, except as part 7045.0450, and items A and B provide otherwise.

A. ~~Tanks~~ Tank systems that are used to store or treat hazardous waste that contains no free liquids and are situated inside a building with an impermeable floor are exempted from the requirements in subparts 4 and 5. To demonstrate the absence or presence

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of free liquids in the stored or treated waste, EPA Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Publication No. SW-846) must be used.

B. ~~Tanks~~ Tank systems, including sumps, as defined in part 7045.0020, that serve as part of a secondary containment system to collect or contain releases of hazardous wastes are exempt from the requirements in subparts 4 and 5.

[For text of subps 2 and 3, see M.R.]

Subp. 4. **Containment and detection of releases.** The following requirements apply to the containment and detection of releases from tanks:

[For text of items A to G, see M.R.]

H. Ancillary equipment must be provided with secondary containment, such as trench, jacketing, or double walled piping, that meets the requirements of items B and C, except for:

[For text of subitems (1) and (2), see M.R.]

(3) sealless or magnetic coupling pumps and sealless valves that are visually inspected for leaks on a daily basis; and

[For text of subitem (4), see M.R.]

[For text of subps 5 to 11, see M.R.]

7045.0596 CLOSURE ACTIVITIES.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Disposal or decontamination of equipment, structures, and soils.** During the partial and final closure periods, all contaminated facility equipment, structures, and soils must be properly disposed of or decontaminated, unless otherwise specified in part 7045.0628, subpart 9; 7045.0630, subpart 6; 7045.0632, subpart 7; 7045.0634, subpart 6; or 7045.0638, subpart 4. By removing any hazardous wastes or hazardous constituents during partial or final closure, the owner or operator may become a generator of hazardous waste and must handle that waste in accordance with all applicable requirements of parts 7045.0205 to 7045.0304.

[For text of subp 4, see M.R.]

7045.0600 POST CLOSURE.

Subpart 1. **Scope.** This part and parts 7045.0602 to 7045.0606 apply to the owners and operators of all hazardous waste disposal facilities, including surface impoundments and waste piles from which the owner or operator intends to remove the wastes at closure, to the extent that the owner or operator is required to provide post closure care in part 7045.0630, subpart 6, or in part 7045.0632, subpart 7, and also tank systems that are required under part 7045.0628, subpart 9, to meet the requirements for landfills, except as provided otherwise in part 7045.0552.

[For text of subps 2 and 3, see M.R.]

7045.0628 TANKS.

Subpart 1. **Scope.** This part applies to owners and operators of facilities that use tanks to treat or store hazardous waste, except as items A and B and part 7045.0552 provide otherwise.

A. ~~Tanks~~ Tank systems that are used to store or treat hazardous waste containing no free liquids and that are located inside a building with an impermeable floor are exempt from the requirements of subparts 4 and 5. To demonstrate the absence or presence of free liquids in the stored or treated waste, EPA Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Publication No. SW-846) must be used.

B. ~~Tanks~~ Tank systems, including sumps, as defined in part 7045.0020 that serve as part of a secondary containment system to collect or contain releases of hazardous wastes are exempted from the requirements in subparts 4 and 5.

[For text of subps 2 and 3, see M.R.]

Subp. 4. **Containment and detection of releases.**

[For text of items A to G, see M.R.]

H. Ancillary equipment must be provided with full secondary containment, such as trench, jacketing, or double walled piping, that meets the requirements of items B and C, except for:

[For text of subitems (1) and (2), see M.R.]

(3) sealless or magnetic coupling pumps and sealless valves, that are visually inspected for leaks on a daily basis; and

[For text of subitem (4), see M.R.]

[For text of subps 5 to 12, see M.R.]

7045.0629 REQUIREMENTS FOR SMALL QUANTITY GENERATORS THAT ACCUMULATE HAZARDOUS WASTE IN TANKS.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Inspections.** Small quantity generators must inspect, where present:

[For text of items A and B, see M.R.]

C. the level of waste in the tank at least once each operating day to ensure compliance with subpart 3 2, item C;

[For text of items D and E, see M.R.]

[For text of subps 4 to 6, see M.R.]

7100.0335 CERTIFICATE OF EXEMPTION REQUIRED.

Subpart 1. Certification of exemption required. Except as provided in subpart 2, no person may use, possess, sell, purchase, or manufacture PCB, a product containing PCB, or a class of products containing PCB without obtaining a certificate of exemption from the agency.

Subp. 2. Exclusions. The requirement to obtain a certification of exemption does not apply to the following uses or products:

A. any product containing PCB that was purchased or otherwise acquired by an individual person for consumer use in the home;

B. wastepaper, pulp, or other wood fiber materials purchased for use within this state in the manufacture of recycled paper products; and

C. any electrical ballast, capacitor, or transformer that contains less than one kilogram of PCB.

Subp. 3. Certification of exemption by rule. Any person who is required to obtain a certificate of exemption shall be considered to have obtained a certification of exemption without making application for it, if:

A. the person complies with the manufacturing, processing, distribution, use, disposal, storage, and labeling and marking requirements of the federal PCB program in Code of Federal Regulations, title 40, part 761;

B. the person's eligibility to obtain or maintain a certification of exemption by rule has not been terminated under subpart 4; and

C. the person submits a written notification to the commissioner that explains the PCB activities the person will be conducting that require a certification of exemption.

The notification requirement in item C does not apply to a person who was issued a certification of exemption under part 7100.0340 and then had the certification of exemption terminated under part 7100.0340, subpart 21, item A.

Subp. 4. Termination of eligibility for certification of exemption by rule. The eligibility of a person to receive or maintain a certification of exemption by rule under subpart 3 is subject to termination by the agency after notice and opportunity for a public informational meeting or a contested case hearing if the agency makes any of the findings in items A to C. A person whose eligibility to be exempted by rule under subpart 3 has been terminated shall apply for and obtain an individual certification of exemption under these parts. The following findings constitute justification for the commissioner to commence proceedings to terminate eligibility:

A. that the person does not comply with the manufacturing, processing, distribution, use, disposal, storage, and labeling and marking requirements of the federal PCB program in Code of Federal Regulations, title 40, part 761;

B. that the person is conducting other activities that are not regulated under the federal PCB program in Code of Federal Regulations, title 40, part 761, and are required to be covered by a certification of exemption; and

C. that under the circumstances, in order to protect human health or the environment, the person should be subject to the requirement to obtain an individual certification of exemption under these parts.

7100.0340 CERTIFICATE OF EXEMPTION.

[For text of subps 1 to 20, see M.R.]

Subp. 21. Termination of certification of exemption. A certificate of exemption is terminated and the terms and conditions of the certificate of exemption are no longer in force or effect under the following circumstances:

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A. the person issued the certificate of exemption meets the requirements for a certification of exemption by rule in part 7100.0335, subpart 3; or

B. the person issued the certificate of exemption no longer uses, possesses, sells, purchases, or manufactures PCB, a product containing PCB, or a class of products containing PCB and has submitted a written notification to the commissioner stating this fact.

A person described in item B shall submit written notification to the commissioner within 30 days of stopping PCB activities that require a certificate of exemption.

7100.0350 LABELS.

Subpart 1. Requirement. Any person after July 1, 1977, who adds PCB in the manufacture of any new item, product, or material or any person in this state who sells any new item, product, or material to which contains PCB has been added shall conspicuously label the PCB or product containing PCB comply with all of the labeling and marking requirements of the federal PCB program in Code of Federal Regulations, title 40, part 761. The above labeling requirements do not apply to the uses or products excluded in part 7100.0335, subpart 2.

A. The label shall disclose the following:

- (1) the presence of PCB in the item, product, or material;
- (2) the item, product, or material contains a concentration of PCB equal to or greater than 500 milligrams per kilogram (mg/kg);
- (3) a statement regarding proper disposal; and
- (4) a warning regarding potential environmental and public health hazards of PCB.

B. The label shall be written and affixed to the item, product, or material so that a reasonable person ought to have noticed it.

C. The following statement may be used to satisfy the requirements of item A:

WARNING: Contains a concentration of polychlorinated biphenyl (PCB) equal to or greater than 500 mg/kg. Severe environmental contaminant. Care should be taken to prevent entry into the environment through spills, leakage, use, vaporization, or disposal of liquid or containers. Avoid prolonged breathing of vapors or mists, contact with eyes, or prolonged contact with skin. This item must be used and disposed of in accordance with state and federal statutes and regulations.

REPEALER. Minnesota Rules, part 7100.0360, is repealed.

Pollution Control Agency

Proposed Permanent Rules Relating to Infectious Waste Management

Notice of Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) will hold a public hearing on the above entitled matter on June 11, 1990, at the Perham Area Community Center, 620 3rd Avenue S.E., Perham, Minnesota, beginning at 4:00 p.m. and proceeding until there is no remaining testimony, or until 7:00 p.m.

The proposed rules establish standards for the off-site management of infectious waste, including packaging and labeling, transport, storage, treatment, and disposal. The proposed rules apply to owners and operators of storage, treatment, and disposal facilities, and commercial transporters. The proposed rules will provide management methods that will ensure protection of human health and the environment.

All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

The matter will be heard before Administrative Law Judge Alan E. Giles, Office of Administrative Hearings, Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, 612/349-2543. The rule hearing procedure is governed by *Minnesota Statutes* §§ 14.131 to 14.20 (1988) and by the rules of the Office of Administrative Hearings, *Minnesota Rules* pts. 1400.0200 to 1400.1200. Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge at the address and telephone number stated above.

The subject of the hearing will be the proposed rules governing infectious waste management, *Minnesota Rules* pts. 7035.9100 to

7035.9150. The proposed rules are authorized by *Minnesota Statutes* §§ 116.75. The proposed rules were published in the *State Register*, Monday, April 9, 1990. One free copy of the proposed rules is available upon request by contacting:

Laurie Mezner
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
612/296-7388

Gerald L. Willet
Commissioner

Adopted Rules

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

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

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

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

Department of Agriculture

Adopted Permanent Rules Relating to Seed Fees

The rule proposed and published at *State Register*, Volume 14, Number 24, pages 1371-1374, December 11, 1989 (14 S.R. 1371) is adopted with the following modifications:

Rules as Adopted

1510.0281 CHARGES UNDER MINNESOTA SEED LAW.

Subp. 5. **Service testing and identification.** The fees in items A to D for purity, germination, identification, or other related tests of seeds or plants for farmers, dealers, and others are established pursuant to *Minnesota Statutes*, section 21.85, subdivision 12.

A. General crops, including corn, cereals, soybeans, sorghum, millet, sunflowers, clovers, alfalfa, ryegrass, timothy, flax, rape, vegetable, and other similar seeds:

- (1) Purity, ~~\$12~~ \$10 (includes a Minnesota noxious weed seed test);
- (2) Germination, ~~\$7.50~~ \$6.50;

B. Grasses, including bromes, fescues, orchardgrass, reed canary, wheat grasses, bluegrasses, bentgrasses, redtop, green needle grass, weeping lovegrass, sandlove, sanddrop seed, flower, and other similar seeds:

- (1) Purity, ~~\$18~~ \$15 (includes a Minnesota noxious weed seed test);
- (2) Germination, ~~\$10.50~~ \$9;

C. Chaffy range grasses, including big bluestem, Indiangrass, side oats grama, gramagrass, little bluestem, meadow foxtail, and similar seeds:

- (1) Purity, ~~\$30~~ \$25 (includes a Minnesota noxious weed seed test);
- (2) Germination, ~~\$15~~ \$13;

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Adopted Rules

Department of Human Services

Adopted Permanent Rules Relating to Community Alternatives for Disabled Individuals Under Age 65

The rules proposed and published at *State Register*, Volume 14, Number 27, pages 1627-1646, January 2, 1990 (14 S.R. 1627) and Volume 14, Number 29, pages 1796-1797, January 16, 1990 (14 S.R. 1796) are adopted with the following modifications:

Rules as Adopted

9505.3015 DEFINITIONS.

Subp. 37. **Public health nurse.** "Public health nurse" means a registered nurse ~~certified by the Minnesota Department of Health who is qualified as a public health nurse under Minnesota Statutes, section 145A.02, subdivision 48, the Minnesota nurse practice act and employed by a public health nursing service as defined in subpart 38.~~

Subp. 47. **Slot.** "Slot" means an opening available for services to ~~the person a~~ recipient under the waiver.

9505.3025 DUTIES OF PREADMISSION SCREENING TEAM.

Subpart 1. **General procedure for preadmission screening.** The preadmission screening team of the county of service must conduct the preadmission screening of a CADI applicant as specified in parts 9505.2425, subparts 1; 2; 3, items A, B, C, and D; 4; and 14; and 9505.3020. Additionally, the preadmission screening team must:

B. give the person who is not a medical assistance recipient a medical assistance application and help the person complete the medical assistance application as required under parts 9505.0010 to 9505.0150; and

C. in the case of an applicant applying on or after October 1, 1989, who was not a nursing home resident on October 1, 1989, inform the applicant about the right of the applicant and the applicant's spouse to retain assets up to the amount specified in *Minnesota Statutes*, section 256B.059; and

~~D. in the case of an applicant applying before October 1, 1989, inform the applicant about the right of the applicant and the applicant's spouse to retain assets that were exempt from consideration before October 1, 1989.~~

Subp. 4. **Application for CADI services; request for case manager.** If the team recommends the use of home and community-based services and the applicant chooses to remain in the community with the recommended services, the team must request that the person complete and sign an application for home and community-based services under CADI. To be eligible to receive CADI services, the person must also be eligible for medical assistance. If the person's eligibility for medical assistance has not been determined, a financial worker ~~shall~~ may accompany the team to the screening to take an application for medical assistance. If the applicant signs the application for home and community-based services under CADI, the preadmission screening team must notify the lead agency and request the lead agency to assign a case manager.

Subp. 7. **County of financial responsibility action.** The county of financial responsibility shall review the information submitted by the preadmission screening team of the county of service and keep a file on the CADI applicant. The county of financial responsibility must sign off on the care plan and approve the application no later than ten days after receiving the information if the applicant meets the eligibility requirements in part 9505.3035 and has been assigned a slot by the department. Disputes about the county of financial responsibility must be resolved according to *Minnesota Statutes*, section 256G.09.

9505.3030 INDIVIDUAL CARE PLAN.

Subp. 4. **Signatures on care plan.** The case manager shall request the applicant to sign the care plan specified in subpart 2 as an indication of the applicant's acceptance of the care plan ~~and authorization to send a copy of the care plan to the service providers that the plan specifies.~~ Additionally, the case manager must sign the care plan and, if authorized as in subpart 5, item D, request the recipient's physician to sign the recipient's care plan.

Subp. 5. **Distribution of care plan.** The case manager must give a copy of the applicant's or recipient's care plan to:

D. with the consent of the applicant or recipient, or the representative of the applicant or recipient, to the applicant's or recipient's physician and the provider or providers of the CADI services specified in the applicant's or recipient's care plan.

9505.3070 CASE MANAGEMENT SERVICES.

Subpart 1. **Case management services required.** Case management services are required under CADI. The lead agency must assure that a case manager is designated to provide case management services to each recipient.

Subp. 5. **Case manager decisions.** When the case manager receives the findings of the investigation conducted under *Minnesota Statutes*, section 626.556 or 626.557, the case manager shall amend the care plan as needed to assure the recipient's health and safety. Based on the findings, the case manager shall determine whether:

C. to suspend or terminate the CADI services. Notwithstanding any rule to the contrary, if the case manager decides to suspend or terminate the recipient's CADI services, the suspension or termination shall take effect upon the date of the notice of the suspension or termination to the recipient.

9505.3105 INDEPENDENT LIVING SKILLS SERVICES.

Subp. 2. **Standards for providers of independent living skills services.** Providers of independent living skills services may include the following:

C. a person who is employed by an independent living center and who is determined by the lead agency to meet the requirements in subitems (1) to (5): For purposes of this item, "independent living center" means a center that meets the requirements of parts 3300.3100 to 3300.3270.

(5) provides proof that the person:

(d) has completed a homemaker or home health aide preservice training program using a curriculum recommended by the Minnesota Department of Health and ~~the supervising nurse whose supervisor~~ has determined that the individual has the skills required to provide the independent living skills services as stated in the care plan; or

(e) has received a minimum of:

iii. a determination by the ~~supervising registered nurse person's supervisor~~ that the individual has the skills required to provide the independent living skills services stated in the care plan. For purposes of this item, "independent living center" means a center that meets the requirements of parts 3300.3100 to 3300.3270.

9505.3125 CONTRACTS FOR CADI SERVICES.

Subp. 3. **Information required in contract.** The contract must contain:

H. documentation of an individual abuse prevention plan that complies with parts 9555.8000 to 9555.8500 in the case of adults or with parts 9560.0210 to 9560.0234 in the case of children;

Board of Unlicensed Mental Health Service Providers

Adopted Permanent Rules Relating to Unlicensed Mental Health Service Providers

The rules proposed and published at *State Register*, Volume 14, Number 20, pages 1170-1176, November 13, 1989 (14 S.R. 1170) are adopted with the following modifications:

Rules as Adopted

9000.0100 DEFINITIONS.

Subp. 4. **Mental health services.**

A. "Mental health services" means the provision of any assessment; diagnosis; treatment; ~~aftercare;~~ counseling; therapy including guidance, pastoral ~~care~~ mental health counseling, treatment or therapy for addiction, abuse, or abusive behavior exhibited or received by an individual; psychotherapy; hypnotherapy or hypnoanalysis; personal analysis; or other mental health services for remuneration. Mental health services are services that are designed to alleviate symptoms, change or reduce disturbed patterns of behavior, enhance intrapsychic awareness, and increase the ability of the individual to adapt to and cope with internal and external stress. Mental health services must use interpersonal, intrapsychic, or behavioral methods. Mental health services may be provided to individuals, couples, families, or groups who are experiencing a problem behavior; have social, interpersonal, or intrapersonal dysfunction; or have cognitive or emotional distress, unwanted anxiety, or other mental, psycho-physiological, or psycho-social conditions that they seek to alleviate.

Subp. 5. **Provider.** "Provider" means a person who provides or purports to provide mental health services for remuneration. A mental health service provider may be:

A. a counselor (crisis, grief, eating disorder, compulsion, phobia or anxiety, drug and alcohol addiction, mental health, pastoral mental health, or sexual and physical abuse);

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Adopted Rules

Subp. 6. **Remuneration.** "Remuneration" means a fee, salary, gift, reward, compensation, barter, or the expectation of payment or voluntary donation from the mental health client, or from the client's agent, insurer, employer, or other representative for providing mental health services.

9000.0110 REQUIREMENT TO FILE.

Subp. 2. **Exclusions from filing.** Persons excluded from filing under subpart 1 include the following:

A. a person specifically excluded from the definition of mental health service provider in *Minnesota Statutes*, section 148B.40, subdivision 3; or

B. a person not providing mental health services as defined in part 9000.0100, subpart 4; ~~or~~

~~C. a person not providing mental health services for remuneration.~~

9000.0120 PROCEDURE FOR FILING.

Subp. 2. **Requirements to maintain current information.** A provider must notify the board within 30 days of occurrence of the following:

E. ~~other factors that may reasonably be construed to affect public safety activities that are specifically prohibited under~~ *Minnesota Statutes*, section 148B.44.

9000.0160 RENEWAL OF FILING.

Subp. 5. **Reduction of first renewal fee.** A provider who had a valid "Acknowledgment of Filing" before December 5, 1989, upon the first renewal under subpart 2, shall pay the current renewal fee minus a portion of the fee that is equal to 1/12th of the fee for each month from the date of initial acknowledgment to December 5, 1989.

For example, if the provider received a valid "Acknowledgment of Filing" in September of 1989, and the current filing fee is ~~\$60~~ \$50 upon renewal of filing, the provider would have three months credit and would pay only ~~\$45~~ \$37.50 for the next yearly filing fee, calculated as follows: ~~\$60~~ \$50 - (three months x 1/12th of ~~\$60~~ \$50) = ~~\$45~~ \$37.50.

Public Utilities Commission

Adopted Permanent Rules Relating to Utility Service Disconnection During Cold Weather

The rules proposed and published at *State Register*, Volume 14, Number 22, pages 1313-1320, November 27, 1989 (14 S.R. 1313) are adopted with the following modifications:

Rules as Adopted

7820.1600 DEFINITIONS.

Subp. 2d. **Monthly income.** "Monthly income" means the actual monthly income of all persons residing in the household, as defined in *Minnesota Statutes*, section 290A.03, subdivision 3, of a residential customer. For a residential customer who is normally employed only on a seasonal basis and whose annual income is over 135 percent of the federal poverty level, as provided under Public Law Number 97-35, as amended, monthly income is the average monthly income of the residential customer computed on an annual calendar year basis added to the monthly income of all persons residing in the household. Monthly income does not include any amount received for energy assistance.

Subp. 4b. **Reconnection plan.** "Reconnection plan" means a payment plan for ~~a~~ an income eligible residential customer whose service remains disconnected as of October 15 pursuant to part 7820.2300.

7820.1900 DECLARATION OF INABILITY TO PAY OR PLAN REQUEST.

Subpart 1. **Notice before disconnection of service.** Prior to disconnecting the service affecting the primary heat source of any residential unit for failure to make payment for such service, the utility shall serve, personally or by first class mail, the following upon the residential customer and any designated third party:

D. a commission-approved, addressed, postage-prepaid form on which a residential customer, or any designated third party, may declare inability to pay or request the ten percent plan. The residential customer shall indicate on the form whether the customer receives any type of public assistance, including energy assistance, that uses household income eligibility ~~at or below~~ of less than 185 percent of the federal poverty level. The residential customer shall provide on the form:

Subp. 1b. **Income verification and appeal.** If the residential customer does not receive any type of public assistance, including energy assistance, that uses household income eligibility ~~at or below~~ of less than 185 percent of the federal poverty level, and the

utility does not have information sufficient to determine income eligibility without income verification, the utility shall notify the local energy assistance provider. The local energy assistance provider shall verify to the utility that the residential customer's household income is ~~at or below~~ less than 185 percent of the federal poverty level within 21 calendar days after the local energy assistance provider receives notification of the need to verify from the utility. The local energy assistance provider shall document its verification and, upon request, provide a copy to the commission. If the local energy assistance provider fails to verify income within 21 days, the utility may determine income eligibility based upon the information available to it.

If the local energy assistance provider or utility determines that the residential customer's household income is equal to or greater than 185 percent of the federal poverty level, the utility shall provide the residential customer and any designated third party with a commission-approved written notice of the right to appeal the local energy assistance provider or utility determination. Any appeal must be made within seven working days after the residential customer's receipt of personally served notice, or for ten working days after the utility has deposited first class mail notice in the United States mail. In determining an appeal, the procedures set forth in part 7820.2000 shall apply. The determination shall be based upon 185 percent of the federal poverty level.

The utility shall not disconnect service while an appeal is pending, or until any appeal involving income verification has been determined by the commission. If no appeal is made by the residential customer or designated third party, the utility may disconnect service pursuant to the procedures and requirements of parts 7820.1000 to 7820.1400, 7820.2400, and 7820.2500.

7820.2000 COMMISSION DETERMINATION OF DECLARATION OR REQUEST.

Subpart 1. **Determination of appeal.** All appeals of declarations of inability to pay or eligibility for the ten percent plan shall be determined on an informal basis by the commission within 30 calendar days after receipt of the utility's written appeal. The commission shall determine the residential customer's inability to pay or eligibility for the ten percent plan based upon the following: a finding that the residential customer is in compliance with part 7820.1800, and a finding that the residential customer's household income is less than 185 percent of the federal poverty level.

In making its determination, the commission shall consider one or more of the following:

B. documentation that the residential customer is a recipient of any type of public assistance, including energy assistance, that uses household income eligibility in an amount ~~at or below~~ less than 185 percent of the federal poverty level;

7820.2010 BUDGET COUNSELING.

Subpart 1. **Requirement.** The following residential customers shall receive budget counseling from a local energy assistance provider, financial counseling provider, or other entity that provides budget counseling such as a church, community group, or outreach worker employed by a public or private social service agency:

7820.2300 RECONNECTION AT BEGINNING OF COLD WEATHER MONTHS.

Subpart 1. **Reinstatement of service.** The utility shall reinstate service which in any way affects the primary heat source of a residential unit if such service remains disconnected as of October 15 if the residential customer makes application for reinstatement and enters either a reconnection plan or a payment schedule. A residential customer may enter a reconnection plan only if the customer's monthly household income is less than 185 percent of the federal poverty level.

Subp. 2. **Reconnection plan.** Under a reconnection plan, the residential customer must pay the current utility bills and arrearages in monthly installments ~~until paid in full~~ during the cold weather months. Each monthly installment must not exceed ten percent of one-twelfth of the residential customer's annual income. The reconnection plan applies only to the cold weather months.

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.

Emergency Rules

Proposed Emergency Rules

According to Minn. Stat. of 1984, §§14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

- 1) that a free copy of the proposed emergency rule is available upon request from the agency;
- 2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
- 3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
- 4) that the emergency rule may be modified if the data and views submitted support such modification.

Adopted Emergency Rules

Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

Continued/Extended Emergency Rules

Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. 14.14-14.28 supercede emergency rules.

Department of Human Services

Proposed Emergency Amendments to Permanent Rules Relating to Chemical Dependency Care for Public Assistance Recipients and the Consolidated Chemical Dependency Treatment Fund

Notice of Intent to Adopt an Emergency Rule

NOTICE IS HEREBY GIVEN that the State Department of Human Services intends to adopt the above-entitled emergency rule. The statutory authority to adopt the emergency rule is contained in *Minnesota Statutes*, section 256B.03, subdivision 5, and *Laws of Minnesota 1990*, chapter 568, article 2, section 91. The agency, in adopting the rule, is following the procedures set forth in the Administrative Procedure Act for adopting emergency rules in *Minnesota Statutes*, sections 14.29 to 14.36.

All persons have 25 days or until 4:30 p.m. on June 15, 1990 after publication to submit data and views on the proposed emergency rule or any part or subpart of the rule in writing. Any comments must be submitted to: Nancy Bishop, Rules Division, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816.

These rule parts regulate the placement of clients in various chemical dependency treatment settings, when those clients require public funding from the consolidated chemical dependency treatment fund (CCDTF) to pay for that treatment. They also govern the collection of fees from extended care and halfway house clients. The rule parts will affect county chemical dependency assessors, CCDTF clients and CCDTF vendors.

Specific changes include changes to the placement criteria for outpatient primary rehabilitation and extended care. New rule parts include placement criteria for combination inpatient/outpatient treatment and provisions requiring extended care and halfway house vendors to collect client fees.

A free copy of the proposed emergency rule is available by contacting Nancy Bishop, Rules Division, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816, phone (612) 296-7454.

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

Upon adoption of the emergency rule by the agency, the emergency rule as adopted and its supporting documents will be delivered to the Attorney General for reviews as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Nancy Bishop, Rules Division, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816.

The emergency rule will take effect five working days after approval by the Attorney General and be effective for 180 days. The emergency rule will be continued in effect for an additional 180 days if the agency gives notice of continuation in accordance with *Minnesota Statutes*, section 14.35.

Emergency Rules

Adoption of these rules will save the state and local public bodies monies the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11. A fiscal note explaining the savings is available from Nancy Bishop.

Ann Wynia
Commissioner

Rules as Proposed

9530.6605 DEFINITIONS.

[For text of subps 1 to 10, see M.R.]

Subp. 10a. Combination inpatient/outpatient treatment. "Combination inpatient/outpatient treatment" means chemical dependency primary rehabilitation licensed as Category II under parts 9530.4100 to 9530.4450 of seven to 14 days duration followed by outpatient chemical dependency treatment licensed under parts 9530.5000 to 9530.6500 of three or more weeks duration.

[For text of subps 11 to 25, see M.R.]

9530.6625 PLACEMENT CRITERIA FOR OUTPATIENT TREATMENT.

A client shall be referred to outpatient treatment when the client is assessed as capable of functioning in the usual community environment in spite of the existing chemical use and meets the criteria in item A ~~or~~ B or C.

A. The client has been assessed as a chemical abuser under part 9530.6620, subpart 2, and is experiencing one or more of the following:

- (1) an arrest or legal intervention related to chemical use in the past year;
- (2) loss or impairment of employment or education due to chemical use; or
- (3) deterioration of family relationships due to chemical use.

B. The client has been assessed as chemically dependent under part 9530.6620, subpart 2.

C. The client has been assessed as meeting the criteria in part 9530.6630, subpart 1, and the client is residing in a residential facility that controls access to chemicals.

9530.6630 PLACEMENT CRITERIA FOR PRIMARY REHABILITATION OR COMBINATION INPATIENT/OUTPATIENT TREATMENT.

Subpart 1. Criteria for placement. A client shall be placed in primary rehabilitation ~~in a free standing facility or hospital setting~~ when the client meets the criteria in items A, B, and C.

A. The client has been assessed as chemically dependent under part 9530.6620, subpart 2.

B. The client ~~is unable to abstain~~ has abstained from chemical use ~~when for fewer than seven consecutive days during the 30 days preceding assessment while the client is~~ has been outside a residential facility that controls access to chemicals.

C. The client is experiencing one or more of the following:

- (1) loss or impairment of employment or education due to chemical use;
- (2) lack of family support;
- (3) an arrest or legal intervention related to chemical use in the past year; or
- (4) the client has participated in a chemical dependency treatment program within the past year.

Subp. 2. Type of placement. The county may choose between a placement in primary rehabilitation in a free standing facility or hospital setting or in combination inpatient/outpatient treatment unless the client meets the criteria in part 9530.6631 or 9530.6635. Clients who meet the criteria in part 9530.6631 must be placed in combination inpatient/outpatient treatment. Clients who meet the criteria in part 9530.6635 must be placed in primary rehabilitation in a hospital setting.

9530.6631 [Emergency] PLACEMENT CRITERIA FOR COMBINATION INPATIENT/OUTPATIENT TREATMENT.

A client shall be placed in combination inpatient/outpatient treatment when the client meets the criteria in part 9530.6630, subpart 1, and the client has abstained from chemical use outside a residential facility which controls access to chemicals for at least 30 consecutive days in the past 180 days.

9530.6640 PLACEMENT CRITERIA FOR EXTENDED CARE.

A client shall be placed in extended care if the client is assessed as chemically dependent under part 9530.6620, subpart 2, and is ~~experiencing four or more of the following~~ meets the criteria of item A or B:

A. The client is experiencing four or more of the following:

Emergency Rules

(1) The client has participated in primary rehabilitation treatment within the past two years or has participated in Category II, III, or IV programs three or more times in the client's lifetime.

~~B. (2) The client has a previous arrest or legal intervention related to chemical use in the past year.~~

~~C. (3) The client has a history of physical deterioration due to chemical use documented by a physician.~~

~~D. (4) The client lacks family support.~~

~~E. (5) The client has a loss of employment or has experienced suspension or expulsion from school due to chemical use.~~

~~F. (6) The client lacks recognition of the need to change harmful behaviors.~~

~~G. (7) The client has a history of a mental disorder which is now under control as documented by a psychiatrist, licensed consulting psychologist, or licensed psychologist.~~

B. The client has used chemicals to intoxication three or more times per week for two years and experienced item A, subitem (2), (3), (5), or (7).

9530.6641 [Emergency] REPEAT RESIDENTIAL PLACEMENTS.

A client who has participated in extended care under part 9530.6640 for 21 consecutive days within the past 24 months shall not be placed in primary rehabilitation or extended care treatment. The client shall be provided with other social services according to part 9550.0090. These services may include outpatient treatment, halfway house services, case management, and housing referral.

9530.6650 EXCEPTIONS TO PLACEMENT CRITERIA.

[For text of subs 1 and 2, see M.R.]

Subp. 3. **Exception to extended care criteria.** A client who meets the criteria for placement in an extended care program under part 9530.6640; has participated in an extended care program in the past year; and continues to experience problems due to chemical use may be placed in outpatient treatment or in a chemical dependency domiciliary facility licensed under parts 4625.0100 to 4625.2300 on the recommendation of the assessor. Residence in the facility must be based on a plan developed or approved by the county.

[For text of subp 4, see M.R.]

9530.7000 DEFINITIONS.

[For text of subs 1 to 9, see M.R.]

Subp. 9a. **Custodial parent.** "Custodial parent" means a natural or adoptive parent with whom a minor child is residing.

[For text of subs 10 to 21, see M.R.]

9530.7031 [Emergency] VENDOR'S DUTY TO COLLECT CLIENT FEES.

A vendor must collect client fees according to the requirements of items A to E.

A. A vendor of Category III or Category IV rehabilitation services shall determine the fee for each client who has no responsible relative and is not the custodial parent of a minor child. The fee shall be determined monthly according to part 9530.7024, as proposed at 14 State Register 2483, April 23, 1990, and as later adopted, for each month the client receives rehabilitation services from the vendor.

B. The vendor shall collect the fee from the client and provide the client with a receipt on a form supplied by the department.

C. A client's failure to pay a fee under this part shall be cause for discharge only if the discharge is in accordance with the vendor's discharge and transfer policy specified in part 9530.4300, subpart 5.

D. Within 15 days of the end of the month for which the fee was determined, the vendor shall remit to the department the client fee collected according to this part and client identifying information on a form specified by the department.

E. The department shall pay the vendor, at least quarterly, an amount equal to five percent of the client fees collected by the vendor and remitted to the department.

Official Notices

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

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

Minnesota State Agricultural Society—Minnesota State Fair

Meeting Notice

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

Minnesota State Arts Board

Notice of Board Meeting

A meeting of the Minnesota State Arts Board will take place at 9:30 a.m. on Thursday, May 24, 1990 at the Arts Board offices, 432 Summit Avenue in Saint Paul. The public is invited to attend. Open meeting law guidelines will be in effect.

Agenda items will include grant recommendations from Artist Assistance Fellowship, Folk Arts, and Artists in Education programs. For information on this meeting or other programs, contact the Arts Board at 432 Summit Avenue, Saint Paul, MN 55102, (612) 297-2603 or toll-free from greater Minnesota at (800) 652-9747.

Because the Arts Board is located in an historic building, handicap access to the building is limited. Anyone who may have difficulty attending because of a disability should contact Gail Swaim to make arrangements to attend.

Department of Commerce

Notice to Solicit Outside Opinion Regarding Proposed Rules and Amendments to Existing Rules Regarding Banking Including the Impact of the Rules on Small Business

NOTICE IS HEREBY GIVEN that the Department of Commerce is seeking information or opinions from persons outside the agency in preparing to promulgate new rules and amend existing rules relating to Bank Other Real Estate Owned. The department's primary focus is on accounting for other real estate sold where the seller bank provides financing to the purchaser. The rules will provide guidelines on the booking of gain from a seller financed other real estate transaction and in adjusting for discount when seller financing of other real estate is at a rate below that which the seller normally charges for similar transactions. Finally, the rule requiring removal of other real estate from the bank's books is being modified to require the Commissioner's approval to carry other real estate beyond five years. Promulgations of these rules is authorized by *Minnesota Statutes*, Section 45.023.

Outside opinion is also being solicited as to how these rules will affect small business as defined by *Minnesota Statutes*, Section 14.115, subdivision 1.

The Department of Commerce requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing to:

James G. Miller, Deputy Commissioner
Department of Commerce
133 East Seventh Street
St. Paul, Minnesota 55101
(612) 296-2715

Oral statements will be received during regular business hours over the telephone at (612) 296-2715.

All statements of information and comment shall be accepted until June 22, 1990. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are promulgated.

James G. Miller
Deputy Commissioner of Commerce

Official Notices

Department of Commerce

Notice to Solicit Outside Opinion Regarding Proposed Real Estate Appraiser Rules Including the Impact of Rules on Small Business

NOTICE IS HEREBY GIVEN that the Department of Commerce is seeking information or opinions from persons outside the agency to determine whether rules should be adopted in regard to the regulation of Real Estate Appraisers pursuant to *Minnesota Statutes*, Chapter 82B, and, if so, what those rules should be. Promulgation of these rules regarding Real Estate Appraisers is authorized by *Minnesota Statutes*, sections 45.023 and 82B.19.

Outside opinion is also being solicited as to how these rules will effect small businesses as defined by *Minnesota Statutes* Section 14.115, subdivision 1.

The Department of Commerce requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing to:

Lenor Scheffler-Rice
Director of Licensing
Department of Commerce
133 East 7th Street
St. Paul, Minnesota 55101

Oral statements will be received during regular business hours over the telephone at (612) 297-4630.

All statements of information and comment shall be accepted until June 22, 1990. Any written material received by the Department of Commerce shall become a part of the record in the event that the rules are promulgated.

Dated: 7 May 1990

Thomas H. Borman
Commissioner of Commerce

Department of Commerce

Notice to Solicit Outside Opinion Regarding Proposed Rules and Amendments to Existing Rules Regarding Banking Including the Impact of the Rules on Small Business

NOTICE IS HEREBY GIVEN that the Department of Commerce is seeking information or opinions from persons outside the agency in preparing to promulgate new rules to provide guidelines for submitting an application to the Commerce Department for approval to establish a bank subsidiary. The authority to organize, acquire, or invest in a subsidiary located in Minnesota is found in *Minnesota Statutes* § 48.61, Subd. 7 (1989 Laws of Minnesota, Chapter 129, Section 2) and became effective August 1, 1989. Promulgation of these rules is authorized by *Minnesota Statutes*, Section 45.023.

Outside opinion is also being solicited as to how these rules will affect small business as defined by *Minnesota Statutes*, Section 14.115, subdivision 1.

The Department of Commerce requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing to:

James G. Miller, Deputy Commissioner
Department of Commerce
133 East Seventh Street
St. Paul, Minnesota 55101
(612) 296-2715

Oral statements will be received during regular business hours over the telephone at (612) 296-2715.

All statements of information and comment shall be accepted until June 22, 1990. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are promulgated.

James G. Miller
Deputy Commissioner of Commerce

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

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

The Executive Council, State Board of Investment and Land Exchange Boards will meet on Wednesday, June 6, 1990 at 8:30 a.m. in Room 125, State Capitol, Saint Paul, MN.

The Investment Advisory Council will meet on Tuesday, June 5, 1990 at 2:00 p.m. in Conference Rooms "A" and "B", MEA Building, 41 Sherburne Avenue, Saint Paul, MN.

Gaming Department

Minnesota State Lottery

Notice of Meeting of the Minnesota State Lottery Board

The Minnesota State Lottery Board will hold a meeting at 10:30 a.m. on Friday, May 25, 1990. The Board meeting will be conducted at the Minnesota State Lottery offices at 2645 Long Lake Road, Roseville, Minnesota.

Among items on the agenda are the Board's review of the Lottery's proposed contract for on-line gaming system services with Control Data Corporation, and the Minnesota State Lottery's application to join Lotto America.

Department of Health

Community Health Services Division

Notice of the Creation of Dispatching Skills Task Force

In order to develop recommendations for supporting and assuring the quality of Minnesota's 911-related emergency dispatch services, the 1990 Minnesota Legislature has authorized the creation of a "Dispatching Skills Task Force." The purpose clause of the enabling legislation explains the charge to the new task force:

The Legislature requires the assistance of persons, organizations, and agencies involved in the regulation, management, and dispatching of emergency medical, fire protection, and law enforcement services in preparing recommendations on:

- (1) appropriate skill levels and related training needs of emergency dispatchers operating within the 911 system;
- (2) the cost of assuring that these skill levels are met and retained by all appropriate personnel; and
- (3) the appropriate roles of state and local government in the attainment of recommended skill levels. [H.F. 1930, Section 1, subdivision 1.]

The Dispatching Skills Task Force will consist of one representative each of the following:

Minnesota House of Representatives;
Minnesota Senate;
Department of Administration;
Department of Health;
Department of Public Safety;
Minnesota Telephone Association, Inc.;
Associated Public Safety Communications Officers, Inc.;
Minnesota State Sheriff's Association;
Minnesota Chiefs of Police Association;
Minnesota State Fire Chiefs Association;
Law Enforcement Dispatchers Association;
Minnesota Police and Peace Officers Association;

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Minnesota Association of Emergency Medical Technicians;

Minnesota Chapter of the American College of Emergency Physicians;

Minnesota Ambulance Association;

Association of Minnesota Counties;

League of Minnesota Cities;

the governing body of a regional emergency medical service system designated under *Minnesota Statutes*, section 144.8093;

the general public (a person who has no involvement in the management or the provision of 911 or other emergency medical or public safety services);

professional, full-time dispatchers (a professional dispatcher who is experienced in both receiving 911 calls and dispatching emergency medical and public safety services or relaying 911 calls to the appropriate emergency medical and public safety agencies);

managers who operate public safety answering points in the Metropolitan Area of the Twin Cities (to be nominated by the Metropolitan 911 Telephone Board); and

managers responsible for operating public safety operating points in the 80 non-Metropolitan Counties (to be nominated by the County Board of a County outside the Metropolitan Area).

Representation from these groups is requested by the Departments of Health, Public Safety and Administration.

The Task Force will hold at least half of its meetings in locations outside the Metropolitan Area of the Twin Cities. Members who are not state employees are eligible to receive reimbursement for their expenses in attending meetings according to *Minnesota Statutes*, section 15.059, subdivision 6. Although reimbursement is authorized, no funding was provided for this activity; and organizations represented on this Task Force are requested to make an effort to cover the expenses of the members they have nominated. To the degree that it is not possible for organizations to cover their own representatives' expenses, the Departments of Public Safety, Administration and Health will jointly provide expense reimbursement and staffing for the Task Force.

Nominations for membership must be submitted *not later than 30 days following the date of this notice*. Nominees or applications for appointment must submit a nomination that includes:

- (1) the nominee's name, address and day time phone number;
- (2) the membership category for which the nominee is recommended;
- (3) a brief statement explaining the reason why the nominee should be appointed to that position;
- (4) an indication of whether or not state reimbursement of expenses will be needed (for planning purposes only, not a criterion for appointment); and
- (5) assurances that the nominee will make a sufficient commitment to the appointment to attend a maximum of eight meetings prior to January 1, 1991.

Appointments based on these applications will be made by the Commissioners of Administration, Health and Public Safety not later than June 25, 1990.

The Task Force must submit its report to the 1991 Legislature no later than January 1, 1991; and it will expire no later than July 1, 1991.

Persons interested in the activities of the Dispatching Skills Task Force may call (612) 643-2160 (out of the Metro area, 1-800-747-2011) or write to the following address:

DISPATCHING SKILLS TASK FORCE
c/o Minnesota Department of Health
Emergency Medical Services Section
393 North Dunlap Street
Post Office Box 64900
Saint Paul, Minnesota 55164-0900

State Board of Investment

Notice of Meeting of the State Board of Investment Administrative Committee

The State Board of Investment Administrative Committee will meet on Tuesday, May 29, 1990 from 1:00-2:30 p.m. in the MEA Building, 41 Sherburne Avenue, Conference Room A, St. Paul, Minnesota.

Department of Labor and Industry

Workers' Compensation Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing the Workers' Compensation Targeted Industry Fund for Loggers under Minnesota Statutes Section 176.130

NOTICE IS HEREBY GIVEN that the State Department of Labor and Industry is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules governing the implementation of the Workers' Compensation Targeted Industry Fund for Loggers under *Minnesota Statutes*, Section 176.130. The adoption of the rule is authorized by *Minnesota Statutes*, section 176.83 and 175.17 which permit the agency to adopt rules and prescribe forms necessary to implement the provisions of *Minnesota Statutes* Chapter 176.

The State Department of Labor and Industry 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:

Gail Keckhafer, Assistant Fund Director
Department of Labor and Industry
Special Compensation Fund
First Floor, 443 Lafayette Road
St. Paul, MN 55155-4301

Oral statements will be received during regular business hours over the telephone at (612) 296-2117 and in person at the above address.

All statements of information and opinions are requested by June 22, 1990. Any written material received by State Department of Labor and Industry 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: 14 May 1990

Kenneth B. Peterson
Commissioner

Minnesota Pollution Control Agency

Division of Air Quality

Notice of Intent to Solicit Outside Information Regarding Revision of Rule Governing Construction and Operation of Indirect Sources

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is seeking information or opinions from outside sources in preparing to propose an amendment of rules governing construction and operation of indirect sources, *Minnesota Rules* pts. 7001.1250 to 7001.1350. The adoption of these changes is authorized by *Minnesota Statutes* § 116.07, Subd. 4, which allows the MPCA to adopt rules for the prevention, abatement, or control of air pollution.

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

Susanne Pelly Spitzer, AICP
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
Telephone: (612) 296-7723

Oral statements will be received during the hours of 8 a.m. to 3:30 p.m., Monday through Friday.

All statements of information and opinion will be accepted until July 27, 1990. Any written materials received by the MPCA shall become part of the rulemaking record in the event that the rule is amended.

Gerald L. Willet
Commissioner

Department of Revenue

Request for Bid Collection Agency Program

Section 1—Administrative Information

A. SCOPE OF PROJECT

The Commissioner of Revenue has, under authority of *Minnesota Statute* 270.063, the authority to contract with collection agencies for the purpose of collection of unpaid taxes owed to the State of Minnesota.

The purpose of this Request for Bid is to solicit proposals from collection agencies to collect delinquent tax liabilities owed by individuals and/or businesses for all taxes administered by the Minnesota Department of Revenue. This includes, but is not limited to, corporate and individual income tax, sales tax, consumer use tax, withholding tax, petroleum tax and local option taxes. Accounts receivable referred for collection will consist of out of state accounts (i.e. unpaid taxes of individuals and/or businesses located outside the State of Minnesota); and, in-state accounts (i.e. unpaid taxes of individuals and/or businesses located within the State of Minnesota) based on criteria established by the Minnesota Department of Revenue.

The Minnesota Department of Revenue will be selecting up to three (3) collection agencies to meet the needs of the program.

B. OBJECTIVE

The Minnesota Department of Revenue Collection Division is charged with the responsibility of collecting delinquent taxes concurrently with promoting continued and future compliance with Minnesota tax law. To complement the collection function, the Minnesota Department of Revenue contracts with collection agencies for the purpose of assisting the collection process under the collection agency program. It is the goal of this program to collect delinquent taxes owed to the Minnesota Department of Revenue at a maximum rate of return in an equitable and cost efficient manner which is consistent with the collection policy of the Minnesota Department of Revenue.

C. INQUIRIES

Prospective bidders who have any questions regarding the Request for Bid may call or write:

Karen Swanberg
Collections Investigations
P.O. Box 1755
St. Paul, Minnesota 55146-1755
(612) 296-7042

PLEASE NOTE: Other Minnesota Department of Revenue personnel are not allowed to discuss the project with bidders before the deadline for submission of bids. Verbal communication will not override written communication and only written communication is binding.

D. SUBMISSION OF BIDS

All bids must be sent to and received by:

Karen Swanberg, Group Manager
Collection Investigations
P.O. Box 1755
St. Paul, Minnesota 55146-1755

E. BID DEADLINE

All bids must be received no later than 4:30 p.m., June 8, 1990.

F. PACKAGING THE BID

Submit two (2) copies of the bid to the address shown in Part D. Submission of Bids. Bids are to be sealed in mailing envelopes or packages marked "BID ENCLOSED" with the bidder's name and address clearly written on the outside. Each copy of the bid must be signed in ink by an officer of the firm authorized to sign contracts in its behalf.

G. WITHDRAWAL OF BID

A bidder may withdraw a bid by submitting a written request for its withdrawal to Karen Swanberg at the address shown in Part D, Submission of Bids at any time prior to the bid deadline. Any written request to withdraw must be signed by an authorized member of the firm. The bidder may submit the same, a modified or a new bid prior to the bid deadline. Bids may not be withdrawn after the bid deadline.

H. LATE BIDS

Late bids will not be accepted. Bids received after the bid deadline will be returned unopened to the bidder.

I. ACCEPTANCE OF BIDS

If a bid is accepted, the Minnesota Department of Revenue will enter a contract with the collection agency submitting the proposal. The contract requires the collection agency to serve as an independent contractor and not as an employee of the State of Minnesota or the Department of Revenue. A signed contract must be returned by June 29, 1990.

J. REJECTION OF BIDS

1. **Right to reject.** The Minnesota Department of Revenue reserves the right to reject any or all bids.
2. **Insufficient information.** Failure to supply any information requested to accompany the bid is cause for rejection of the bid as non-compliant. The Minnesota Department of Revenue reserves the right to request additional information if clarification is needed.
3. **Compliance with tax laws.** All collection agencies submitting a bid as well as their officers must be in full compliance with the tax laws of the State of Minnesota. Non-compliance will result in automatic rejection of the bid.
4. **Notification to unsuccessful bidder.** The Minnesota Department of Revenue will send a letter to each unsuccessful bidder explaining why their bid was not accepted.

K. CANCELLATION

This Request for Bid does not obligate the State of Minnesota or the Department of Revenue to complete the project. The State and the Department reserve the right to cancel this solicitation if it is considered to be in their best interest.

L. CANCELLATION BY APPROPRIATION

Continuation of the contract beyond June 30 of any year is contingent upon continued State appropriation of funds. In the event that adequate funds are not so appropriated, the Minnesota Department of Revenue may cancel its contract upon thirty (30) days written notification. In such event, no penalty in any form shall be levied against the State of Minnesota, its officials or employees as a result of such cancellation.

M. TERMINATION OF CONTRACT

Any contract between the Minnesota Department of Revenue and a collection agency will be automatically terminated without notification upon verification of any of the following:

1. Violation of contract specifications.
2. Violation of the data privacy laws.
3. Violation of the Fair Debt Collection Practices Act.
4. Yearly average rate of recovery below minimum standard.

N. CONTRACT COSTS

The Minnesota Department of Revenue has established the cost of the contract to not exceed Two Hundred Thousand and 00/100 dollars (\$200,000.00) per year per collection agency. Prices and terms as stated in the bid must be valid for the length of the contract.

O. CONTRACT TERM

The contract will commence July 1, 1990 and terminate on June 30, 1992 with the option to renew by the Minnesota Department of Revenue for an additional two year period.

P. EVALUATION CRITERIA

All bids received by the deadline will be evaluated by personnel of the Minnesota Department of Revenue. Factors upon which bids will be judged include but are not limited to, the following:

1. Expressed understanding of project objectives and tasks.
2. Project work plan.
3. Project cost detail.
4. Qualifications of both the company and personnel.

Evaluation and selection will be completed by June 15, 1990.

Q. AFFIRMATIVE ACTION

In accordance with the provisions of *Minnesota Statutes*, 1990 supplement, section 363.073; for all contracts estimated to be in excess of \$50,000, all bidders having more than 20 full-time employees at any time during the previous 12 months must have an

Official Notices

affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted. If compliance with the Commissioner of Human Rights is not required, a bidder must submit a notarized letter indicating that the company did not have more than 20 full-time employees at any time during the last 12 months.

R. WORKER'S COMPENSATION

The successful bidder will be required to submit acceptable evidence of compliance with worker's compensation insurance coverage requirements prior to execution of the contract.

S. MINNESOTA STATUTES AND RULES

Minnesota law requires award of this contract to the bidder submitting the lowest responsible bid and meeting the specifications of the contract. The provisions of *Minnesota Statute* 16B.09 through 16B.102 apply to all bids.

T. INFORMATION CONFIDENTIALITY

On performance of the contract, the successful bidder will become a holder of and have access to private and confidential information as defined in the Minnesota Government Data Practices Act, *Minnesota Statute* Chapter 13 and *Minnesota Statute* 270B.

In performance of the contract, the bidder agrees that it will comply with the laws and regulations relating to the privacy and confidentiality of information received as a result of the contract. The bidder agrees that it, its officers, employees and agents will be bound by the above privacy and confidentiality laws and regulations in the same manner and to the same extent as the officials and employees of the Department of Revenue.

The bidder agrees to notify its officers, employees and agents of the requirements of privacy and confidentiality and of the penalties imposed by violation of these laws. The bidder agrees that neither it, nor its officers, employees or agents will disclose or make public any information received by the bidder on behalf of the Department of Revenue. The bidder agrees that it shall make no use of the information provided by the Department of Revenue other than for the sole purpose of the performance of the contract.

The bidder agrees to indemnify and hold harmless the State of Minnesota from any and all liabilities and claims resulting from the disclosure by the bidder, its officers, employees or agents of any information required to be held private and/or confidential under the provisions of the contract.

U. PROTEST

Within ten (10) days of the State of Minnesota's mailing of the rejection letter, the unsuccessful bidder can protest their disqualification. The protest must be made in writing and sent by certified or registered mail to Karen Swanberg at the address shown in Part D. Submission of Bids with a copy sent to: Gerald Joyce, 112 Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota 55105.

Section 2—Contract Specifications

A. PROJECT TASKS

The Minnesota Department of Revenue contracts with collection agencies for the purpose of assisting the internal process of collecting unpaid taxes from taxpayers under account referral guidelines established by the Minnesota Department of Revenue.

1. Accounts referred

All prospective bidders must have the capabilities to handle both out of state and in state accounts that are referred.

a. **Out of State:** Accounts referred for collection are taxpayers located outside the State of Minnesota who owe unpaid individual income tax or are personally liable for business trust taxes and are not subject to the civil or administrative procedures available under the laws of Minnesota; and businesses located outside the State of Minnesota who owe unpaid corporate or business trust taxes.

b. **In-State:** Accounts referred for collection are taxpayers who owe individual income tax, are personally liable for business trust taxes or businesses who owe unpaid corporate or business trust taxes that are located within the State of Minnesota. In-state accounts between \$100.00 and \$500.00 referred for collection will have gone through the Minnesota Department of Revenue's billing cycle (approximately 90 days) and have received an additional 30 day notification of potential referral to a collection agency. In state accounts between \$500.00 and \$1000.00 referred for collection will have also been through the Telephone Collections group of the Minnesota Department of Revenue prior to referral. This criteria is subject to change at the discretion of the Minnesota Department of Revenue Collection Division.

2. Volume of referrals

The total volume of cases referred will average between 50 to 100 cases per month.

3. Procedural specifications

Bidders must demonstrate an aggressive yet consistent collection process that maintains full compliance with the Fair Debt Collection Practices Act. Emphasis in all accounts referred must be on securing full payment within the shortest possible time frame. Payment

agreements may be arranged with the debtor after careful analysis of the debtor's financial condition and under guidelines established by the Minnesota Department of Revenue Collection Division.

a. Procedures to be used include, but are not limited to, telephone calls, mail efforts, skip tracing, locator networks, and, upon authorization by the Minnesota Department of Revenue, litigation.

b. Accounts referred for collection must be acknowledged within ten (10) business days of receipt by the collection agency.

c. Interest on tax and penalty will be updated by the collection agency at the current rate charged by the Minnesota Department of Revenue and will be included in the balance due and collected as part of the balance due.

d. Monthly statements from the collection agency will be provided to the Minnesota Department of Revenue detailing account name, identification number, payments credited and account status.

e. Accounts will remain with a collection agency for a period no longer than one year unless there is documented evidence of payments being regularly received or other evidence of collectibility.

f. Accounts referred that have filed for protection under the Federal Bankruptcy Law that owe in excess of \$300.00 will be returned immediately upon receipt of the notice of petition. The notice of petition will be forwarded to the Department of Revenue with the account.

g. Compromises of the amount owed will not be accepted without prior approval of an authorized employee of the Minnesota Department of Revenue. All documentation supporting the request for compromise is to be forwarded to the Department of Revenue with the taxpayers payment.

h. Minimum yearly average rate of recovery of 14%

Bidders may propose additional tasks or activities if they will substantially improve the results of the project.

PROPOSAL CONTENTS

All collection agencies submitting bids will be required to provide:

1. List of references indicating experience in governmental collection to include name, volume of referrals received, contact person, rate of recovery and type of debt collected.

2. Documentation of licenses and bonds including, for each license or bond, the issuer's name and address, certification number and bond amount indicating the collection agency is licensed to do business in the State of Minnesota or is registered with the office of the Minnesota Secretary of State.

3. Verification of compliance with the Affirmative Action laws of Minnesota.

4. State of Minnesota (if applicable) and Federal Identification number and social security numbers of all officers of the company/corporation.

5. Auditor's opinion of fair representation of the financial position of the company for the last three (3) years to include income statements, statements of retained earnings, statements of cash flow and balance sheet analyses.

6. Description of data processing system(s) including computer and/or mainframe capabilities and capacities; support systems, hardware and software used; system privacy and integrity; and, capabilities and specifications for magnetic tape or disc referral.

7. Description of skip tracing techniques, national locator network and access to credit reporting agencies.

8. Description of cash handling and control procedures.

9. Description of general account reporting systems and available client reports; including account activity reports, account status reports, and monthly remittance reports.

10. Description of management review process of client accounts.

11. Description of litigation procedures.

12. Knowledge of Minnesota tax law.

13. Organizational chart defining positions, reporting lines and lines of authority.

14. Copies of letters used for client notification, demand for payment, etc.

15. Comprehensive explanation of how accounts are handled upon referral to the collection agency, including but not limited to data security provisions, notification process and parameters for case assignment.

16. Comprehensive explanation of collection activity process upon case assignment to collector, including but not limited to, locator techniques, asset search, follow-up procedures and criteria for account close-out.

17. Documentation of average recovery rate over a two (2) year period.

Dated: May, 1990

Teachers Retirement Association

Notice of Regular Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Wednesday, June 13, 1990, at 9:00 a.m. in Suite 500, Gallery Building, 17 West Exchange Street, St. Paul, MN to consider matters which may properly come before the Board.

Department of Transportation

Notice of Appointment of State Aid Variance Committee and Meeting

NOTICE IS HEREBY GIVEN that the Commissioner of Transportation has appointed a State Aid Variance Committee who will conduct a meeting on Thursday, May 31, 1990, at 9:30 a.m. in room 300 north, State Office Building, 100 Constitution Avenue, St. Paul, Minnesota 55155.

This notice is given pursuant to *Minnesota Statute 47k.705*.

The purpose of this open meeting is to investigate and determine recommendations for variances from minimum State Aid roadway standards and administrative procedures as governed by *Minnesota Rules* for State Aid Operations 8820.3400 adopted pursuant to *Minnesota Statutes* 161 and 162.

The agenda will be limited to these questions:

1. Petition of the City of New Brighton for a variance from the State Aid requirement that a street must meet State Aid standards when using State Aid funds to construct sidewalk for a proposed sidewalk construction project on CSAH 15 (County Road E) from Stinson Boulevard to Silver Lake Road.

2. Petition of the County of Brown for a variance from minimum standards on a proposed resurfacing project on CSAH 13 between Hanska and New Ulm so as to permit a design speed of 38 miles per hour for one sag vertical curve on the south approach to Bridge 6534 instead of the required design speed of 40 miles per hour.

3. Petition of the City of St. Cloud for a variance from minimum standards on a proposed reconstruction project on MSAS 101 (Michigan Avenue) between Kilian Boulevard and 15th Avenue S.E. so as to permit a street width of 48 feet, two traffic lanes, a center two-way left turn lane, and no parking lanes, instead of the required minimum of 52 feet, four traffic lanes and no parking lanes.

4. Petition of the County of Winona for a variance from minimum standards on a proposed resurfacing project on CSAH 29 from the south county line to the junction of CSAH 2 so as to permit a design speed of 35 miles per hour for one sag vertical curve and three crest vertical curves instead of the required design speed of 40 miles per hour.

5. Petition of the City of Maplewood for a variance from minimum standards on a proposed reconstruction project on MSAS 114 (Upper Afton Road) from McKnight Road to Trunk Highway 120 so as to permit the construction of divided roadways with a 18 foot curb-to-curb width, a median island, and a 26 foot curb-to-curb width and no parking instead of the required minimum of a 25 foot curb-to-curb width, a median island, and a 25 foot curb-to-curb width and no parking.

6. Petition of the City of Mendota Heights for a variance from minimum standards on a proposed bituminous walkway project on MSAS 101 (Marie Avenue) from Dodd Road to Delaware Avenue so as to permit a design speed of 25 miles per hour for two crest vertical curves and one sag vertical curve between engineers stations 19 + 00 and 24 + 00 instead of the required minimum of 30 miles per hour and for a variance from the requirement that only those projects for which plans are approved by the State Aid engineer prior to the award of contract are eligible for State Aid construction funds.

The cities and counties previously listed are requested to follow the following time schedule when appearing before the Variance Committee:

9:30 a.m. City of New Brighton

9:50 a.m. County of Brown

10:10 a.m. City of St. Cloud

10:40 a.m. County of Winona

11:00 a.m. City of Maplewood

11:20 a.m. City of Mendota Heights

Dated: 10 May 1990

Leonard W. Levine
Commissioner
Minnesota Department of Transportation

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: 1 ton truck
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: May 24
Agency: Natural Resources Department
Deliver to: St. Paul
Requisition #: 29000-54135

Commodity: Heavy duty truck
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: May 24
Agency: Natural Resources Department
Deliver to: Bemidji
Requisition #: 29000-54074

Commodity: Data products printer
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: May 24
Agency: Housing Finance Agency
Deliver to: St. Paul
Requisition #: 34000-06199

Commodity: Packard Bell
Microcomputer
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: May 24
Agency: Anoka Ramsey Community
College
Deliver to: Virginia
Requisition #: 27152-46727

Commodity: Toshiba 3100 SX Laptop
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: May 34
Agency: Public Safety Department
Deliver to: Various
Requisition #: 07900-61404

Commodity: Waste paper sales contract
Contact: Norma Cameron 296-3779
Bid due date at 10:00am: May 30
Agency: Administration Department
Deliver to: Metro Area
Requisition #: Price Contract

Commodity: Traffic counters—Golden
River
Contact: Pamela Anderson 296-1053
Bid due date at 2pm: May 31
Agency: Transportation Department
Deliver to: Fort Snelling
Requisition #: 79000-05621

Commodity: Snowgrooming Tractor
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: May 31
Agency: Iron Range Resources and
Rehabilitation Board
Deliver to: Biwabik
Requisition #: 43000-11775

Commodity: Minnesota State Patrol
uniform fabric
Contact: Linda Parkos 296-3725
Bid due date at 2pm: May 31
Agency: Department Public Service,
Warehouse
Deliver to: St. Paul
Requisition #: 07500-61375

Commodity: Computer maintenance
service contract
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: June 1
Agency: Public Employees Retirement
Association
Deliver to: St. Paul
Requisition #: 63000-10300

Commodity: Brush chipper—rebid
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: May 24
Agency: Transportation Department
Deliver to: Golden Valley
Requisition #: 79382-01946-1

Commodity: Drafting supplies
Contact: Linda Parkos 296-3725
Bid due date at 4:30pm: May 24
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79000-05619

Commodity: Underground tank removal
in parking Lot M, capitol complex
Contact: Joyce Dehn 297-3830
Bid due date at 2:30p.m.: May 29
Agency: Building Construction—
Administration Department
Deliver to: St. Paul
Requisition #: 02310-17968

State Contracts and Advertised Bids

Commodity: Rock riprap
Contact: Joan Breisler 296-9071
Bid due date at 4:30pm: May 30
Agency: Natural Resources Department
Deliver to: Middle Branch Whitewater River
Requisition #: 29005-13847

Commodity: Bed frames
Contact: John Bauer 296-2621
Bid due date at 4:30pm: May 30
Agency: Giant's Ridge Recreation Area
Deliver to: Biwabik
Requisition #: 43000-11812

Commodity: Compactor
Contact: John Bauer 296-2621
Bid due date at 4:30pm: May 30
Agency: Normandale Community College
Deliver to: Bloomington
Requisition #: 27156-10631

Commodity: Reader/printers
Contact: John Bauer 296-2621
Bid due date at 4:30pm: May 30
Agency: Public Safety Department
Deliver to: St. Paul
Requisition #: 07700-61417

Commodity: Falling weight deflectometer test system
Contact: Joseph Gibbs 296-3750
Bid due date at 2pm: May 30
Agency: Transportation Department
Deliver to: Maplewood
Requisition #: 79000-05513

Commodity: Vax disk drives
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: May 30
Agency: Housing Finance Agency
Deliver to: St. Paul
Requisition #: 34000-06204

Commodity: Microfilm camera
Contact: Joan Breisler 296-9071
Bid due date at 2pm: May 30
Agency: Public Safety Department
Deliver to: St. Paul
Requisition #: 07700-61420

Commodity: Enlarging system-processor
Contact: Joan Breisler 296-9071
Bid due date at 2pm: May 30
Agency: Public Safety Department
Deliver to: St. Paul
Requisition #: 07300-68849

Commodity: Refrigerated microcentrifuge
Contact: Joseph Gibbs 296-3750
Bid due date at 4:30pm: May 30
Agency: Public Safety Department
Deliver to: St. Paul
Requisition #: 07300-68864

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 listing above, and in the Professional, Technical & Consulting Contracts section immediately following this section.

Commodity: 1989 Progress Report rerun, 2M 16-page books, 8½"x11" finished size, negs available, 2-sided, 4-color cover, bleeds, tints, saddle stitch
Contact: Printing Buyer's Office
Bids are due: May 25
Agency: Trade & Economic Development Department
Deliver to: St. Paul
Requisition #: 7292

Commodity: Secchi Disc Label, 1,100 sheets, 2.5"x4½"x2 mil thick, waterproof, pressure sensitive, type to set, 1-sided
Contact: Printing Buyer's Office
Bids are due: May 25
Agency: Pollution Control Agency
Deliver to: St. Paul
Requisition #: 7237

Commodity: Window Envelope, 5M 3¾"x7¼", 1-sided, union label required
Contact: Printing Buyer's Office
Bids are due: May 25
Agency: State Treasurer
Deliver to: St. Paul
Requisition #: 7221

Professional, Technical & Consulting Contracts

Department of Agriculture

Notice of Request for Proposals for Design and Fabrication of 1990 State Fair Exhibit

The Department of Agriculture will present a historical exhibit on farming in Minnesota at the Minnesota State Fair. Two-dimensional photo panel will exhibit approximately 50-60 photos distributed across 8-9 panels. We are estimating two-thirds black and white and one-third color for the photographs. Some farming implements will be displayed with photo panels through an eye level frieze. The exhibit will present past, present, and future views of agriculture. Proposals are being sought from organizations to prepare the photos and implements for display.

Proposals are due Friday, June 8, 1990.

To receive copies of the request for proposal contact:

Jo Blatti (612) 291-7048 or
Peg Korsmo-Kennor (612) 688-6690
History Afield
P.O. Box 75295
St. Paul, MN
or
Margaret Savard (612) 296-6992
Minnesota Department of Agriculture

Department of Corrections

Minnesota Correctional Facility-Sauk Centre

Notice of Request for Proposals for Qualified Positive Peer Culture Treatment Program Consultant Trainer

NOTICE IS HEREBY GIVEN that the Minnesota Correctional Facility at Sauk Centre is seeking consultant services to train staff and assist in the implementation of a treatment program for juvenile delinquents based on the Positive Peer Culture Treatment modality. Training must be in the form of on site staff training, on site supervision of program implementation and development and off site training in the form of observation of an existing program using the PPC treatment modality. This contract is for one year beginning July 1, 1990 and may be subject to renewal in future years. Estimated cost of contract should not exceed \$15,000.00.

Proposals for the above contract must be submitted by 4:00 p.m., June 8, 1990. To obtain further details of the project or to submit proposals, contact:

Warren E. Higgins
Program Director
MCF-Sauk Centre
Box C
Sauk Centre, Minnesota 56378
Phone (612) 352-2296

State Designer Selection Board

Request for Proposal for Two Community College Projects

To Registered Professional in Minnesota:

The State Designer Selection Board has been requested to select a designer for two Community College projects. Design firms who wish to be considered for this project should submit proposals on or before 4:00 p.m., June 12, 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.

Professional, Technical & Consulting Contracts

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) pages. 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.

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

7a) **PROJECT—12-90**

Campus Expansion

Austin Community College

PROJECT SUMMARY: Austin Community College has remained virtually unchanged since it was acquired in 1966. There has been no new construction or major renewal in 24 years. The physical plant has a large percentage of functionally obsolete and inappropriately sized spaces. It falls far short of meeting current life safety codes. While Austin has grown 28% in FTE since 1985 it is not short of raw square footage. The key feature of this request is qualitative. The learning resource center and fitness expansions are necessary since the size, quality and proximity of the required spaces cannot be cost-effectively accomplished through remodeling. The project is 74% remodeling and renewal.

PROJECT DESCRIPTION:

• **Learning Resources:** Taken together, the current library, computer labs and developmental learning center are 22% too small and are poorly configured. The spaces are awkward to access, poorly ventilated and improperly cabled. The three story expansion

Professional, Technical & Consulting Contracts

reconsidered these functions on the top two floors and creates space below for two special lecture halls adjacent to the campus center. Circulation, access and receiving all are improved.

- **Instructional Space:** Most of the classrooms at Austin are too small for efficient section sizes. In addition to the new special lecture halls, the project reconfigures under-utilized space into efficient teaching stations. These and journalism as well as general instruction.

- **Fitness:** Current facilities are 25% below standard, even if temporary fitness spaces in the gym lobby are counted. Project adds dedicated space for fitness.

- **Staff Space:** Project includes minor improvements to faculty, student services and administration space.

- **Child Care:** Adds facilities for 30 children.

- **Infrastructure:** The current mechanical system returns all air through the corridors; there is no ceiling space. Project includes revising ventilation to meet code plus air conditioning in selected spaces. It also addresses other life safety and access issues. This work comprises 28% of the project cost.

- **Fees:** \$440,000.00 has been appropriated for all costs associated with the preparation of working drawings.

- **Questions** concerning this project may be referred to Roger Boughton at (507) 433-0505.

7b) PROJECT—13-90

Campus Expansion
Worthington Community College

PROJECT SUMMARY: Worthington Community College has had no major construction since 1975. The main building remains as it was when acquired by the system 24 years ago. While Worthington has grown 23% since 1984, it is not short of space. The issues are qualitative. Classrooms are the wrong size. The agriculture building is under-utilized but is remote and difficult to remodel. Buildings are far apart and unlinked. The project is to renovate and construct space for laboratories, classrooms, administration, student services, offices, and other related services.

- **Project Budget:** \$1,500,000.00 has been appropriated for all costs associated with the design and construction of this project.

- Questions concerning these projects may be referred to Don Viesmann at (507) 372-0011.

Mark Anderson, Chairman
State Designer Selection Board

Minnesota Health Care Access Commission

Notice of Request for Proposal for Qualitative Market Research

The Minnesota Health Care Access Commission is requesting proposals from market and/or public policy research firms to do qualitative research among the under and uninsured and small employers. The results of the research will provide committees and the Commission with information about these affected populations' priorities and preferences at critical points in the planning process.

The Health Care Access Commission has been charged by the legislature with developing a program that would provide state residents who neither have access to employer-sponsored health insurance nor qualify for Medical Assistance or other state-subsidized programs that ensure access to health care.

The contract will commence in late June, 1990. Proposals are due no later than **4:00 p.m. June 13, 1990.**

Copies of the RFP are available upon request. Requests should be directed to:

Margaret Weber, research associate
Minnesota Health Care Access Commission
First Floor Centennial Building
658 Cedar Street
St. Paul, MN 55155
(612) 297-7297

Professional, Technical & Consulting Contracts

Department of Human Services

Request for Proposals (RFP) for Initiation or Development of Service Alternatives for Chronic Chemically Dependent Persons

The Chemical Dependency Program Division of the Minnesota Department of Human Services (hereinafter CDPD) is soliciting proposals for initiation or development of services for chronic chemically dependent people. Persons to be served are those who have repeated detoxification admissions, repeated exposure to treatment referral services, and evidence of physical or mental damage due to the abuse of alcohol or another drug.

The purpose of this RFP is to foster expansion or refinement of the current network of services for the chronic chemically dependent. The funding of up to three proposals is contemplated.

Funds may be used for planning, facility and program development activity, and operating costs. It is anticipated that the work called for would begin between October 1, 1990 and January 1, 1991. The funds contemplated for this RFP are state funds, and no grant may be extended beyond the end of the state fiscal year, June 30, 1991. Proposals should not exceed \$30,000.00.

Copies of the full Request for Proposals and grant application forms are available on request from:

Dorrie Hennagir, Grants Analyst
Chemical Dependency Program Division
Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3823
(612/296-4617)

Proposals must be received no later than 4:30 p.m., July 9, 1990, or have a legible postmark no later than July 6, 1990.

Department of Jobs and Training

Office of Services for the Blind and Visually Handicapped

Request for Proposals to Provide Can Pop Vending Services at Selected Interstate Rest Area Sites

The Minnesota Department of Jobs and Training, Services for the Blind and Visually Handicapped, Business Enterprises Program (BEP), desires proposals for the provision of can pop vending services at (7) selected Interstate Rest Area and Highway locations located in Greater Minnesota. These locations are divided into packages and proposals will be entertained for individual, multiple or all packages. A total of 9 can soda venders are required.

Product and services will be provided under contract, and all relevant information is outlined in detail in the RFP. The formal RFP may be requested and inquiries directed to: Charles E. Hamilton, Director of Business Enterprises, Services for the Blind and Visually Handicapped, 1745 University Avenue West, St. Paul, Minn. 55104-3690, (612) 642-0512. The deadline for completed proposals is the end of the business day (4:30 p.m.) June 4, 1990.

Department of Natural Resources

Fish & Wildlife Division

Request for Proposal for Professional Services to Assist the Division in Developing a Strategic Information System Plan for Information Management

The Division of Fish and Wildlife, Minnesota Department of Natural Resources (DNR) is requesting a proposal for professional consulting services to assist the Division in developing a strategic information system plan for information management performed within the Division, and in conjunction with other Department units, government agencies, and interested parties. This proposal does not obligate the state to complete this project, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

Background

The Division is structured into three primary sections (Fisheries, Wildlife, and Ecological Services), and a Central Administrative Unit. Central office staff are divided by function, with programs supported by six (6) regional offices containing respective supervisory

Professional, Technical & Consulting Contracts

and administrative support for 28 area fisheries offices, 6 fish hatcheries, 44 area wildlife offices, and 3 wildlife research stations. Ecological Services staff includes 2 laboratories and several field stations.

The Division currently has numerous data bases and data files ranging from substantial systems residing on the DNR's AS/400 to numerous field microcomputers and a considerable amount of file cabinets. Software ranges widely from IBM AS/400 applications to a XENIX system to field microcomputers of all types—all are operated and commonly used by personnel with widely varied levels of computer expertise.

The Section of Fisheries is presently seeking a contractor to design and develop specifications for a "lake and stream survey and management plan data base". The awarded contractor must, therefore, be familiar with the fore mentioned study when initiating this strategic information planning. Also a Department Geographic Information System (GIS) plan and a Forestry Blueprint are currently under development and compatibility with this plan must be considered for any proposed information systems plan.

A. Project Goals

Develop information requirements to serve the division and its users as a strategic plan for current and expected information systems designs, data bases, hardware and software acquisitions, personnel, training, and all aspects of maintenance. This must include issues of communications from field offices to St. Paul and within St. Paul offices, as well as other specifications deemed desirable by the contractor and project manager.

B. Project Tasks

The contractor shall perform the following tasks:

Conduct selected needs assessment in each section and administrative unit and perform information requirements analyses to determine desired information systems, database designs, and priorities as well as provide hardware and software recommendations (which must include issues of hardware/software/personnel maintenance, office space and related facilities). All project costs should be itemized for each of the 4 (four) projected levels of study listed below. Respondent may propose additional or replacement tasks or activities if they will substantially improve the results of the project.

Scope of Project

Task 1. *Develop information requirements for various functions and programs of each section.*

Approximately 25 to 30 group interviews are anticipated involving selected area, regional and St. Paul staff to review current manual and computerized systems that are being used or needed to handle internal information resource functions, responses public and other clientele. Methodology used for the needs assessment must be documented.

Task 2. *Analyze the results of the needs assessment.*

Using the above needs documentation, create a Division strategic information plan, a conceptual information architecture, with specific recommendations for a data base architecture compatible with department and state standards. This must include recommendations as to the type of data that should be computerized, estimated volumes, sources, products being produced including data flow diagrams, processes and relationships.

Task 3. *Recommend data base design, standards, and priorities.*

While a completed systems design is not anticipated, proposed information systems descriptions, data base structures, designs, priorities, and relationships should be developed that are consistent with department standards. In other words, entity-attribute relationships must be specified in as much detail as possible. This step enhances and builds on Task #2 activities. This task may be limited or adjusted depending upon the projected total cost of the responder's proposal.

Task 4. *Recommend hardware/software/personnel needs*

It is anticipated that hardware and software recommendations may vary for each section including respective field operations. A plan detailing recommended spending at three levels for FY92-93 is essential. Systems recommendations must include what equipment, software, personnel and all of their expected costs. Additionally, this should include recommendations regarding office space and facilities (e.g. furniture, support equipment, important supplies—including possible site licenses and upgrade fees). Alternative systems' and software costs may be recommended but must be consistent with state and department standards.

Role of the Contractor for this request is:

- 1) A restatement of the objectives, goals, and tasks to demonstrate the responder's interpretation of the nature of the project.
- 2) To identify and describe what services will be provided by the responder.
- 3) To outline the contractors background and experience with particular emphasis on local, state, and federal government work. Identify personnel to conduct the project and detail their training and work experience. Changes in personnel assigned to the project will not be permitted without the approval of the Project Manager.

Professional, Technical & Consulting Contracts

4) To prepare a detailed cost and work plan that will identify major tasks that can be used for scheduling, managing and invoicing purposes.

5) To identify the level of the Division participation in the project as well as any other services to be provided by the Division.

Deliverable of the Contractor

1. A summary of findings and recommendation for the division and each section 30 copies.
2. Strategic information plan outlining the needs, the analysis of the system(s) conceptual architecture and future direction, strategies and actions for the next biennium (7/91—6/93) 30 copies.
3. Technical document containing interview notes, background materials, literature cited, analysis procedure suitable for referencing during future problem solving, planning and decision making 3 copies.

Department Contracts

Prospective contractors who have any questions regarding the Request for Proposal may call or write:

Dick Carlson
Wildlife Development Coordinator
Section of Wildlife, Box 7
500 Lafayette Road
St. Paul, MN 55155-4007
(612) 296-3344

Tim Schlagenhaft
Survey and Systems Coordinator
Section of Fisheries, Box 12
500 Lafayette Road
St. Paul, MN 55155-4012
(612) 297-3287

Pat Karns
Long Range Planner
Section of E.S. Box 25
500 Lafayette Road
St. Paul, MN 55155-4025
(612) 297-4891

PLEASE NOTE: Other Department personnel are not allowed to discuss the project with the responder before the submittal of proposal deadline.

D. Submission of Proposal

All proposals must be sent to and received by:

Bruce Hawkinson
Fish and Wildlife Planning Supervisor
500 Lafayette Road, Box 25
St. Paul, MN 55155-4025

No later than 3:30 p.m., June 29, 1990.

Late proposals will not be accepted. Submit three (3) copies of the proposal sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of the project.

E. Project Costs

The Division has estimated that the cost of this project shall not exceed \$50,000.

F. Project Costs

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

- 1) Expressed understanding of project goals.
- 2) Project work plan.
- 3) Project cost detail.
- 4) Qualifications of both the company and its personnel. Experience of project personnel will receive greater consideration than that of the company.
- 5) Familiarity with the Fisheries Section RFP for the lake and stream survey data base, the Division of Forestry Blueprint, and the Department of Administration, Information Policy Office management principles and architecture for Information Systems.

Evaluation and selection is anticipated to be completed by July 15, 1990. Results will be sent immediately by mail to all responders.

Sentencing Guidelines Commission

Request for Data Collection Services for a Study of Felony Sentencing Issues

The Minnesota Sentencing Guidelines Commission is seeking two individuals to contract for data collection services for the purpose of studying felony sentencing issues. Services are needed for approximately six months, generally eight hours per day, five days per week. Services will be contracted for \$11.34 per hour. Seeking individuals with a social science background and research skills who can work independently. Some travel will be necessary. Send resumes to the Minnesota Sentencing Guidelines Commission, Meridian National Bank Building, 205 Aurora Ave., Suite 205, St. Paul, MN 55103 by May 25, 1990. For more information call 296-0144.

Department of Trade and Economic Development

Communications Office, Administration Division

Request for Proposals for General Graphic Design Services

The Department of Trade and Economic Development wishes to retain a contractor to provide general graphic design services for most literature published by the department, including graphic designs and layouts for various publications. The services of the contractor will begin July 1, 1990, and end on June 30, 1991, with an option to renew for 1991-92. It is estimated that the cost of this project will not exceed \$100,000 annually.

Proposals must be received by 4:30 p.m. Wednesday, June 6, 1990. To obtain a complete Request for Proposals that offers details, please contact the:

Communications Office
Minnesota Department of Trade and Economic Development
900 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
Phone: 612/297-1300

Supreme Court Decisions, Opinions & Rules --- ---

Decisions Filed 18 May 1990

C9-90-80 Walter E. Sundquist v. Kaiser Engineers, Inc. and Argonaut Insurance Company and Del Lynn Farms, Inc. and Farm Bureau Mutual Ins. Co., Relators and Minnesota Department of Human Services. Workers' Compensation Court of Appeals.

Under the applicable standards of review, the compensation judge's equitable apportionment determination had substantial evidentiary support and was subject to affirmance by the Workers' Compensation Court of Appeals.

Attorney fees are allowable under *Minnesota Statutes* § 176.191, or *Minnesota Statutes* § 176.081 where the record makes it absolutely clear the parties litigated the matter as one involving apportionment of liability between employers and their insurers.

Under the facts of this case, the penalty assessments were statutorily allowed and not unwarranted.

Affirmed in part and reversed in part. Popovich, C.J.

C8-89-1019 State of Minnesota, petitioner, Appellant v. Stephanie Ann Glidden. Court of Appeals.

Court of appeals erred in raising on its own and erred in concluding that trial court's failure to give an unrequested instruction was plain error.

Reversed and remanded to court of appeals. Wahl, J.

CX-89-924 In Re the Matter of: Cindy D. Vogt, petitioner, Appellant v. Thomas C. Vogt. Court of Appeals.

The role of Court Services in arranging visiting rights for the domestic abuse protection order in this case was improper; the other issue raised is moot.

Reversed. Simonett, J.

Supreme Court Decisions, Opinions & Rules

C1-89-1993 Patricia A. Ruether v. State of Minnesota, Mankato State University, Self-Insured, Relator and Blue Cross/Blue Shield of Minnesota, intervenor. Workers' Compensation Court of Appeals.

Where findings of the compensation judge are supported by substantial evidence, they should be left undisturbed.

Reversed. Coyne, J.

Order #C4-84-2133—Promulgating amendments to the Rules of Civil Appellate Procedure

Based upon all the files, records and proceedings herein,

IT IS HEREBY ORDERED that the Rules of Civil Appellate Procedure are amended to reflect increases in filing fees as follows:

Rule 103.01, subd. 1(d)(4)

The fee for filing a notice of appeal from \$150 to \$200.

Rule 105.01

The fee for filing a petition for permission to appeal from \$150 to \$200.

Rule 106

The fee for filing a notice of review from \$75 to \$100.

Rule 115.03, subd. 3 and Rule 116.03, subd. 3

The fee for filing a petition for a writ of certiorari unless a different filing fee is required by statute from \$150 to \$200.

Rule 117

The fee for filing a petition for review of a decision of the court of appeals from \$150 to \$200.

Rule 118, subd. 1

The fee for filing a petition for accelerated review from \$50 to \$100.

Rule 120.04

The fee for filing a petition for a writ of mandamus or of prohibition from \$150 to \$200.

Rule 121.03

The fee for filing a petition for a writ of mandamus or of prohibition in emergency situations from \$150 to \$200.

The foregoing increases in fees shall govern all filings on or after May 10, 1990.

Dated: 10 May 1990.

BY THE COURT:

Peter S. Popovich
Chief Justice

Order C5-84-2139: Amendment of the Rules of the State Board of Law Examiners for Admission to the Bar

Upon the recommendation of the State Board of Law Examiners, it is hereby ORDERED that Rule 105 of the Rules of the State Board of Law Examiners for Admission to the Bar is hereby amended as follows:

Rule 105. Fees

A. General. All fees required under these rules shall be paid in the form of certified check, money order or bank draft and payable to the Board. The fee applicable is determined as of the date of filing of a complete application under Rule 100.

B. Fee for Examination, Not Previously Admitted. An applicant taking the examination for the first time and making timely filing on or before October 15 for the February examination, or on or before March 15 for the July examination, shall submit a fee of ~~\$200~~ \$210.

An application for the examination submitted after the timely filing date but on or before December 15 for the February examination, or on or before May 15 for the July examination, shall include a fee of ~~\$350~~ \$360.

C. Fee for Examination, Prior Admission. An applicant licensed to practice in another jurisdiction more than six months preceding the date of the Minnesota examination and making a timely filing shall submit a fee of ~~\$500~~ \$510.

Supreme Court Decisions, Opinions & Rules

An application for the examination submitted after the timely filing date but on or before December 15 for the February examination, or on or before May 15 for the July examination, shall include a fee of ~~\$650~~ \$660.

An applicant licensed to practice in another jurisdiction less than six months preceding the date of the Minnesota examination shall comply with paragraph B.

D. Repeat Examination. An applicant who has previously been unsuccessful on the examination and filing on or before December 15 for the February examination or on or before May 15 for the July examination, shall include a fee of ~~\$200~~ \$210 and comply with Rule 100E and Rule 101D(5).

E. Fee for Admission Without Examination. An applicant for admission without examination shall submit a fee of \$500. An applicant pursuant to Rule VI shall submit a fee of \$700.

F. Refund of Fees. An applicant may request a refund in the amount of \$50 in the following circumstances:

(1) An applicant who advises the Board in writing at least four days prior to an examination of the applicant's desire to withdraw the application.

(2) An applicant denied permission to take an examination under Rule 101D(1) or 101D(5).

G. Carry-over of Fees. The fee of an applicant declared ineligible under Court Rule IV shall be applied to an examination held within the succeeding 15 months at the written request of the applicant received within 30 days of notice of the denial. No other transfers of fees shall be granted.

H. Transfer of Examination Scores. A request for transfer of scores pursuant to Rule 102B shall include a fee of ~~\$5~~ \$10. A score report may be obtained by submitting payment of ~~\$5~~ \$10 to the National Conference of Bar Examiners.

I. Copies of Examination Answers. An unsuccessful applicant may request copies of the applicant's essay answers upon written request to the Board within 30 days of the release of the examination results and submission of a fee of \$15.

J. Other Fees. For matters not covered in these Rules, The Director may set reasonable fee which reflect the costs of staff time, services, duplicating, postage, etc.

(Former Rules V and VIII renumbered and amended October 1, 1986; amended May 25, 1988).

DATED: 10 May 1990

BY THE COURT

Peter S. Popovich
Chief Justice

Order C6-90-649: Interactive Audio-Video Communications Evaluation Committee Appointments

WHEREAS, the Supreme Court in an Order dated March 22, 1990, authorized the Department of Human Services to conduct in the Fourth Judicial District, on an experimental basis, the use of interactive audio-video communications to receive the testimony of petitioner's physicians in proceedings pursuant to *Jarvis v. Levine* and *Price v. Sheppard*; and

WHEREAS, the Supreme Court, under the terms of the above-referenced Order, shall appoint an Evaluation Committee to review the experiment and file a final request with this court by September 22, 1990.

NOW, THEREFORE, IT IS ORDERED that the following individuals be appointed to the Interactive Audio-Video Communications Evaluation Committee:

Hon. Harry Seymour Crump, Judge of the Fourth District, Chair of the Committee
Coleen Brady, Office of the Hennepin County Attorney
Kathy Meade Hebert, Office of the Minnesota Attorney General
Mary McGurran, Ebenezer Society
Roger Root, Department of Human Services
Donald Betzold, Commitment Defense Project
Nancy Olkon, Commitment Defense Project
Michael Saeger, Commitment Defense Project

IT IS FURTHER ORDERED that Frederick K. Grittner, Supreme Court Administrator and Clerk of the Appellate Courts, shall serve as liaison to the Evaluation Committee.

DATED: 10 May 1990

BY THE COURT

Peter S. Popovich
Chief Justice

Announcements

Environmental Quality Board (EQB): Comments are due June 13 on EAWs (environmental assessment worksheets) for the following projects at their listed regional governing unit: **Renville Wastewater Treatment Facility Expansion**, MPCA (Minn. Pollution Control Agency) (612) 296-7795; **Pope Douglas MSW Incinerator Ash/Bypass Landfill**, MPCA (612) 296-8643; **New Richland Wastewater Treatment Facility**, MPCA (612) 296-7432; **Stacy Wastewater Treatment Facility**, MPCA (612) 296-7432; **Jordan Brewery**, City of Jordan (612) 492-3535; **Nine Mile Creek Lower Valley Bank Stabilization and Restoration**, Nine Mile Creek Watershed District (612) 333-4800; **Excelsior Bay Yacht Club**, Lake Minnetonka Conservation District (612) 473-7033; **Maple Lake Project—Phase I**, Red Lake Watershed District (218) 681-5800; **Gary Bailey Marina**, Lake of the Woods County, Gary Lockner, P.O. Box 808, County Courthouse, Baudette, MN 56623; **Irvingforo PUD**, City of Bemidji, Philip Shealy, 401 Minnesota Ave., Bemidji, MN 56601; **Kettle River Estates**, Wyoming Township, Cheryl Bengston, 7645 Wyoming Trail, Wyoming, MN 55092. • The Minn. Dept. of Transportation (MnDOT), in conjunction with the Federal Highway Administration (FHWA) has begun preparation of an EIS (environmental impact statement) for the project described as **T.H. 101/Grays Bay Bridge No 3334 Replacement**. For further information regarding the scoping decision or draft EIS, contact Steve Hay (612) 593-8535. An EIS is being prepared for the **Midway Corridor Light Rail Transit System**. Contact Kathryn DeSpiegelaere (612) 298-4145. • Comments will be accepted through June 20 on the **Trunk Highway 212-Southwest Corridor** by William Crawford (612) 593-8537. A public meeting will be held Wed. 6 June at Chanhassen Elementary School, 7600 Laredo Drive, Chanhassen at 7 p.m. and will be preceded by an informal open house from 5-7 p.m. • A Final EIS has been prepared for **West Publishing/Eagan Corporate Center**, City of Eagan (612) 454-8100. Copies are available for review at the Eagan City Hall and comments will be accepted through May 29. • **Special Local Need Registrations** have been requested for the use of Fulisade 2000 Herbicide, EPA Reg. No. 10182-104, and Gramoxone Extra Herbicide, EPA Reg. No. 10182-280, both manufactured by ICI Americas, Inc., Wilmington, DE 19897. The chemicals will be used on grass and seed production areas in Minnesota. Interested persons may submit written comment to Calvin Blanchard, Minn. Dept. of Agriculture, Agronomy Services Division, 90 West Plato Blvd., St. Paul, MN 55107.

Immunization Required: Beginning this fall, Minnesota college students will have to provide written proof that they've been immunized against five major vaccine-preventable diseases: measles, mumps, rubella at the age of 12 months or older, and diphtheria and tetanus within the past ten years. Health officials are urging students to find their immunization records, if necessary, before starting school in the fall. The new law affects students at a variety of "post secondary" educational facilities—both public and private. Included are all two and four year colleges, universities, technical schools, and other educational programs with "an academic year of more than six consecutive months." Only institutions with more than 100 students are covered by the law, which only applies to students who are enrolled in two or more classes, and who were born in 1957 or later. • The Minnesota Health Department is also recommending measles shots for all children in St. Paul who haven't already been immunized—down to the age of six months. The standard recommendation—for all children—is vaccination at 15 months. The lowering of the age of vaccination in St. Paul is in response to a current outbreak of measles.

Metro Rural Area Policies Meeting: The Metropolitan Council's Metropolitan and Community Development Committee will hold a public meeting on Thursday, June 7, to hear comments on its development policies for the region's rural area. The meeting will be held 4-6 p.m., at the Council Chambers, Mears Park Centre, 230 E. Fifth St., St. Paul, Minn. Twin Citians from either urban and rural communities are encouraged to attend. By the end of this year, the Council expects to be looking at policy alternatives for rural area land uses; development density; various implementation approaches, such as cluster development or lot-size standards; and planning for areas in transition from rural to urban use. Free copies of background reports are available at the Council's data center by calling 291-8140. Ask for the rural service area *Overview* and *Summary of Conclusions*. People who want to make a statement at the meetings can either sign up at the door or register by calling the Council's Community Outreach Division at 291-6500. Written comments can be sent to Carl Ohrn, Metropolitan Council, Mears Park Centre, 230 E. Fifth St., St. Paul, MN 55101.

Vacancies on Health Planning Board: The Metropolitan Council is now taking applications from Twin Citians interested in serving on the Metropolitan Health Planning Board. The board advises the Council on regional health care issues and works to improve people's health in the Twin Cities Area. There are eight openings on the 25-member board, five of which must be filled by health care consumers, and three by providers from the health care industry. Physicians, minorities and people representing business and labor who live in north Minneapolis, northern Ramsey, southern Anoka, northern Dakota or Scott Counties are encouraged to apply. Members volunteer their time and service on the board. For more information or application forms, call 291-6351. Applications are due on June 8.

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NEW PUBLICATIONS:

Minnesota Rules 1989. An 11-volume set of rules from the approximately 75 agencies empowered to promulgate rules by the Administrative Procedure Act. Stock #18-200, \$160.00 + tax, or \$15 for individual volumes. **NOTE:** This is a subscription service for the set, entitling subscriber to updates as they are produced.

Chemical Dependency Programs Directory 1989. Features comprehensive listings for programs ranging from Prevention/Intervention Services to a wide range of Treatment Services. Each type of program includes an alphabetical listing of facilities and brief narrative description of programming provided. Stock No. 1-12, \$15.00 plus tax.

Process Parenting—Breaking the Addictive Cycle. A training manual that provides parent education and treatment techniques for professionals who work with recovering chemically dependent parents or dysfunctional families. Stock No. 5-4, \$15.00 plus tax.

It's Never Okay: A Handbook for Professionals on Sexual Exploitation by Counselors and Therapists. Therapeutic and prevention issues and employer responsibilities are discussed in this task force report, as well as recommended curriculum for training institutions for counselors and therapists. Stock No. 14-16, \$19.95

Hazardous Waste Rules 1989. Governs the storage, treatment, utilization, processing, transfer, and disposal of hazardous waste. Contains the complete requirements for application for permits for discharge of hazardous waste on construction and operation of a treatment facility. Stock No. 3-71, \$16.95 plus tax.

Environmental Quality Board Rules 1989. Essential for long-term planning. Details the scope, purpose and objectives of the rules. Explains the need for environmental impact statements and the review process. Includes a special section on large energy facilities and high voltage transmission lines. Stock No. 3-54, \$5.00 plus tax.

OTHER PUBLICATIONS

Our Minnesota. More than 100 full-color photos by Les and Craig Blacklock portray Minnesota in her seasonal beauty, with text from the personal journal of Fran Blacklock's thirty years of traveling the state. Stock #9-23, \$13.95 plus tax.

Historic Sites and Place Names of Minnesota's North Shore. John Fritzen, long time employee of the Minnesota DNR draws upon his almost 40 years as a forester, mostly spent on Minnesota's colorful and legendary North Shore, to regale readers with tales of timbermen, pioneer settlers, miners, commercial fishermen and others. Black and white photos. Stock #9-11, \$3.50 plus tax.

Landscaping for Wildlife. Attract songbirds, deer, butterflies, hummingbirds, pheasants, and other wildlife to your property by using the tips in this 144-page, 4-color book. Stock #9-15, \$8.95 plus tax. See "Special Set Offer" below.

Woodworking for Wildlife. Carefully illustrated with a variety of game bird and mammal box designs, including maintenance requirements and important tips on placement of nests in proper habitat areas. 47 pages with diagrams. Stock #9-14, \$3.95 plus tax. See "Special Set Offer" below.

"Special Set Offer." Save 15% by purchasing the two books together on wildlife mentioned above. Stock #9-20, \$10.95 plus tax.

Minnesota Manufacturer's Directory, 1990. More than 7,000 entries listing name, address, phone, staff size, sales volume, market area, year of establishment, type of firm, CEO, sales or marketing and purchasing managers, and four manufactured products. Stock #40-2, \$78.50 + \$4.71 sales tax.

SUBSCRIPTIONS:

State Register. Minnesota's official weekly publication for agency rules and notices, executive orders of the Governor, state contracts, Supreme Court Calendar, Supreme Court and Tax Court Decisions. Annual subscription: Monday edition only \$130; Monday and Thursday's State Contract Supplement \$195; 13-week trial (includes both Monday and Thursday editions) \$60.00.

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