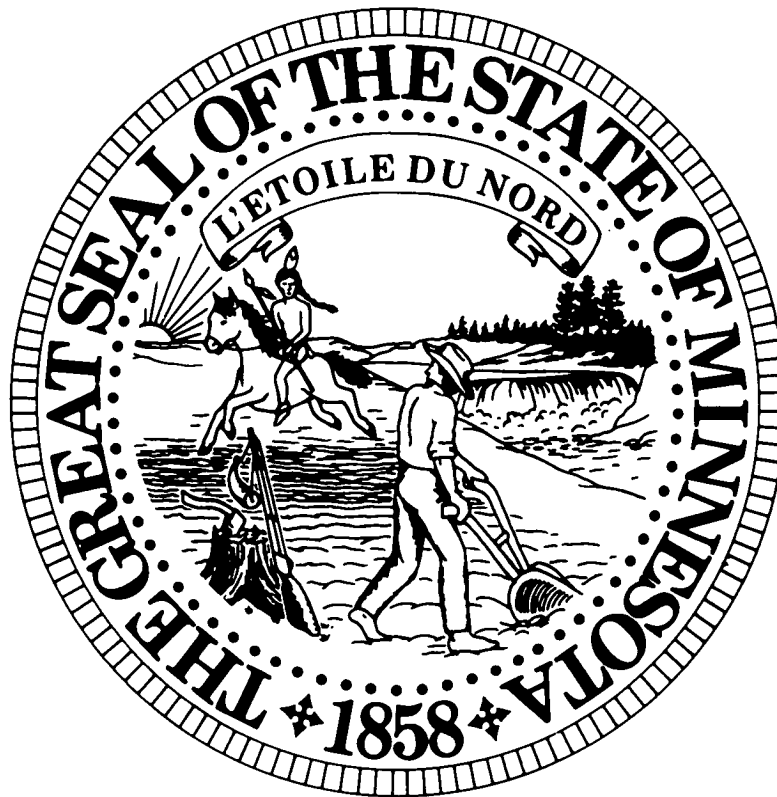


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The Minnesota  
**State  
Register**

Department of Administration—Print Communications Division



Rules edition  
Published every Monday

**Monday 22 October 1990**  
**Volume 15, Number 17**  
**Pages 925-980**

# 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, 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. 15 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
17	Monday 8 October	Monday 15 October	Monday 22 October
18	Monday 15 October	Monday 22 October	Monday 29 October
19	Monday 22 October	Monday 29 October	Monday 5 November
20	Monday 29 October	Monday 5 November	Monday 12 November

\*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 court; 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 \$140.00 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.

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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:

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# Minnesota Rules: Amendments and Additions

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

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

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

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

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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 Labor and Industry

### Proposed Permanent Rules Relating to Joint Rules of Practice of the Medical Services Review Board and the Rehabilitation Review Panel

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

**NOTICE IS HEREBY GIVEN** that the State Department of Labor and Industry 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 176.102, subd. 3b and 176.103, subd. 3(c).

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

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their 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:

Janis Keesling  
Department of Labor and Industry  
443 Lafayette Road  
St. Paul, MN 55155  
(612) 296-8213

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

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

A free copy of the rule is available upon request from Janis Keesling at the above listed address.

**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 Janis Keesling at the above listed address upon request.

These rules establish procedural rules of practice for the Board and Panel. The Panel and Board have considered the methods enumerated in *Minnesota Statutes* 14.115, subd. 2 of reducing the impact of rules on small businesses. The procedural rules for the

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

## Proposed Rules

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Panel and Board has been drafted to provide due process for parties while allowing the Panel and Board to perform their duties efficiently and within statutory deadlines. The impact of the rules on small businesses is negligible and cannot be reduced by revision of the rules. For the same reasons there is no anticipated cost to local public bodies under *Minnesota Statutes* 14.11.

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 Janis Keesling.

Dated: 28 September 1990

Janis Keesling  
Executive Secretary  
Rehabilitation Review Panel and  
Medical Services Review Board

### Rules as Proposed (all new material)

#### 5217.0300 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 5217.0300 to 5217.1000, the terms defined in this part have the meanings given them.

Subp. 2. **Board.** "Board" means the Medical Services Review Board created by Minnesota Statutes, section 176.103, subdivision 3.

Subp. 3. **Chair.** "Chair" means the member selected by the board or panel to accomplish or delegate the administrative tasks of the board or panel and to take action as directed.

Subp. 4. **Commissioner.** "Commissioner" means the commissioner of the Department of Labor and Industry.

Subp. 5. **Department.** "Department" means the Department of Labor and Industry.

Subp. 6. **Executive secretary.** "Executive secretary" means the person assigned to the board or panel by the department to communicate with the parties concerning the procedural aspects of cases and to receive documents filed by the parties.

Subp. 7. **Panel.** "Panel" means the rehabilitation review panel created by Minnesota Statutes, section 176.102, subdivision 3.

Subp. 8. **Party.** "Party" means each person named as a party in the notice of hearing or later intervening as a party.

Subp. 9. **Person.** "Person" means an individual, business entity, or governmental unit.

Subp. 10. **Quorum.** "Quorum" means a majority of the total voting members.

Subp. 11. **Voting members.** "Voting members" means:

- A. a member of the board or panel who is physically present at the meeting and who has not been disqualified; or
- B. an alternate who has filled a vacancy or an absence.

Board alternates shall fill vacancies or absences for members as they appear for the meeting. The chair shall decide which alternates will serve as members if there is a controversy. Alternates shall fill vacancies according to their statutory classification.

#### 5217.0400 ACTION.

No business shall be conducted without a quorum. The vote of a majority of the voting members present, so long as there is a quorum, is necessary for the board or panel to take any action.

#### 5217.0500 OFFICERS.

At the first meeting after the last day of April of each year, the voting members shall elect from among their numbers persons to serve as chair and vice-chair. Persons elected shall take office at the first meeting following their election or through the duration of the meeting at which their successors are elected. Officers may be reelected. In the event of the absence of the chair and vice-chair the members may elect a member to have the same authority as the chair.

#### 5217.0600 MEETINGS.

The board or panel shall schedule monthly meetings. Additional meetings may be scheduled by a majority vote at a monthly meeting.

#### 5217.0700 DISQUALIFICATION OF BOARD OR PANEL MEMBER.

Any member of the board or panel shall voluntarily disqualify himself or herself and withdraw from any case in which the member cannot accord a fair and impartial hearing or consideration. At least ten days before the hearing, at which the board or panel votes to render a final decision, any party may request the disqualification of any board or panel member by filing an affidavit which states with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded. The affidavit shall be

filed with the executive secretary of the board or panel. If a party requests that a member be disqualified, the disqualification issue shall be determined by majority vote of the other members present even if the other members do not constitute a quorum.

**5217.0800 CONTESTED CASES.**

Subpart 1. **Written exceptions.** The parties may file written exceptions to the administrative law judge's report with the executive secretary of the board or panel no later than 20 calendar days after service and filing of the administrative law judge's report.

Written exceptions shall be accompanied by an affidavit stating that service of a copy of the written exceptions has been made upon all other parties to the action. In matters before the board, the original and 21 copies of written exceptions and arguments shall be filed with the executive secretary of the board; in matters before the panel, the original and 15 copies shall be filed with the executive secretary of the panel.

Subp. 2. **Reply written exceptions.** The parties may file reply written exceptions with the executive secretary of the board or panel within ten days after service and filing of the written exceptions. Reply written exceptions shall address only issues outlined in the opposing party's written exceptions and arguments. In matters before the board, the original and 21 copies with proof of service listing all other parties shall be filed with the executive secretary of the board; in matters before the panel, the original and 15 copies with proof of service listing all other parties shall be filed with the executive secretary of the panel.

Subp. 3. **Oral arguments.** The board or panel shall schedule oral argument in addition to written exceptions. The board or panel shall notify the parties by first class mail as to the date set for oral argument at least 14 calendar days in advance.

Each party shall be allotted ten minutes for oral argument to the board or panel and five minutes for rebuttal argument. Any party may waive oral argument.

Subp. 4. **Representation.** A party may appear before the board or panel in person or through a representative. A representative of a party need not be an attorney. A nonattorney representative must not engage in the unauthorized practice of law as defined in Minnesota Statutes, section 481.02. If the panel or board is notified that the party will be represented, all documents required to be served on the party will also be served on the party's representative.

**5217.0900 SETTLEMENT AGREEMENTS.**

Approval or disapproval of proposed settlement agreements that come before the board or panel shall be by affirmative vote of at least a majority of voting members present so long as there is a quorum. The chair shall execute approved settlement agreements on behalf of the board or panel.

**5217.1000 DECISION AND ORDER AND APPEALS.**

Every decision and order in a contested case shall be in writing, shall be by a majority of voting members present so long as there is a quorum, and shall contain a statement of findings of fact, conclusions of law, and an order of the board or panel. Parties to the proceedings and Office of Administrative Hearings shall be served in person or by first class mail with a copy of the findings and order.

Final decisions of the board or panel in a contested case may be appealed to the Workers' Compensation Court of Appeals pursuant to the procedures in Minnesota Statutes, section 176.421, except that all appeals shall be filed through the executive secretary of the board or panel.

## **Board of Marriage and Family Therapy**

### **Proposed Permanent Rules Relating to Marriage and Family Therapy**

#### **ALTERNATIVE NOTICES: Notice of Intent to Adopt Rules Without a Public Hearing, Notice of Intent to Adopt Rules With a Public Hearing If 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing If Fewer Than 25 Persons Request a Hearing**

##### **I. Explanation of Alternative Notices**

The Minnesota Board of Marriage and Family Therapy (hereinafter "Board") is hereby giving notice of its intent to adopt rules without a public hearing under the noncontroversial rulemaking procedure of *Minnesota Statutes* sections 14.22 to 14.28 (1988).

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

## Proposed Rules

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However, in case 25 or more persons request a hearing, thus necessitating that one be held pursuant to *Minnesota Statutes* section 14.25 (1988), and in order to expedite the rulemaking process should that occur, the Board is at the same time hereby giving notice of the hearing on the proposed rules pursuant to *Minnesota Statutes* sections 14.131 to 14.20 (1988). The hearing will, of course, be cancelled if 25 or more people do not request that one be held. The comment period will close on November 26, 1990. This period will give interested persons time to contact the Board to find out whether the hearing will be cancelled and to plan accordingly.

### II. Notice of Intent to Adopt Proposed Rules Without a Public Hearing

**NOTICE IS HEREBY GIVEN** that the Minnesota Board of Marriage and Family Therapy (hereinafter "Board") proposed to adopt the above-captioned rules without a public hearing unless 25 or more persons submit written requests for a public hearing. The Board has determined that the proposed changes will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* sections 14.22 to 14.28 (1988).

Interested persons shall have 30 days from the date this notice is published in the *State Register* to submit comments in support of or in opposition to the proposed rules. The 30 days will expire on November 26, 1990. Comment is encouraged. Each comment should identify the comment, and any change proposed to the rules by the comment. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Board and do not result in a substantial change in the proposed language.

In addition to submitting comments, interested persons may request in writing during the 30-day period that a hearing be held on the proposed rules. Any person requesting a hearing should state his or her name, address, and telephone number and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any changes they want made to the proposed rules. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed rules or a portion thereof by November 26, 1990. If a hearing is required, it will be held in accordance with the provisions of *Minnesota Statutes* sections 14.131 to 14.20 (1988) and the hearing notice provided below.

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

Sharon Davern-Fecker, Chairperson  
Board of Marriage and Family Therapy  
2700 University Avenue West, Suite 225  
Saint Paul, Minnesota 55114  
(612) 643-2580

The statutory authority to adopt the rule is contained in *Minnesota Statutes* sections 148B.31, 148B.31, (1), (2), (4), (6), (7), 148B.33 subdivision 2, 148B.37 Subdivision 1(3), and 214.06 (1988).

If adopted, the proposed rules would establish definitions, set forth education, experience and supervision requirements for licensure, establish license examination requirements, define standards for reciprocity licensure, license renewal and reinstatement, continuing education and variances, formulate and implement a code of ethics, and set fees.

The proposed rules are published below and a free copy of the rules may be obtained from the Board by writing or telephoning the Board at the address or telephone number listed above.

**A STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of the proposed rules and identifies the data and information relied upon to support the proposed changes has been prepared and may be obtained from the Board by writing or telephoning the Board at the address and telephone number listed above.

Promulgation of the proposed rules will not result in the expenditure of public monies by public bodies nor have an impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes* section 14.115 (1988) regarding small business considerations in rulemaking. It is the position, and the Board's evaluation of the applicability of the methods contained in *Minnesota Statute* section 14.115, subdivision 2 (1988) for reducing the impact of the proposed rules, should it be determined that the Board is governed by section 14.115, are addressed in the Statement of Need and Reasonableness.

Upon completion of the proposed rules without a public hearing, the rules as proposed, this notice, the Statement of Need and Reasonableness, all written comments received, the rules as adopted, and a statement explaining any difference between the rules as proposed and as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. 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 as adopted should submit a written request to the Board at the address listed above.

### III. Notice of Intent to Adopt Rules With a Public Hearing If 25 or More Persons Request a Hearing

**PLEASE NOTE** that if 25 or more persons submit written requests for a public hearing with respect to the above-captioned rules within the 30-day comment period pursuant to the notice given in part II above, a hearing will be held on December 13, 1990 in accordance with the following notice of public hearing.

**NOTICE IS HEREBY GIVEN** that a public hearing in the above-captioned matter will be held pursuant to *Minnesota Statutes*

sections 14.131 to 14.20 (1988), in Room 225, Colonial Office Park, 2700 University Avenue West, St. Paul, MN 55114, on December 13, 1990, commencing at 9:00 a.m.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Jon Lunde, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone (612) 341-7601. Unless a longer period not to exceed 20 calendar days is ordered by the administrative law judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received during this period will be available for review at the Office of Administrative Hearings. The Board and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three-day period. This rule hearing procedure is governed by *Minnesota Statutes* Sections 14.131 to 14.20 (1988) and by *Minnesota Rules* Parts 1400.0200 to 1400.1200 (1989). Questions about procedure may be directed to the administrative law judge.

If adopted, the proposed rules would establish definitions, set forth education, experience and supervision requirements for licensure, establish license examination requirements, define standards for reciprocity licensure, license renewal and reinstatement, continuing education and variances, formulate and implement a code of ethics, and set fees.

A free copy of the rules is attached and will be published in the *State Register* issue of October 22, 1990, Volume 15, Number 17, and may be obtained from the Board by writing or telephoning the Board at the address or telephone number listed above.

The statutory authority to adopt the rule is contained in *Minnesota Statutes* Sections 148B.31, (1), (2), (4), (6), (7), 148B.33 Subd. 2, 148B.37, Subd. 1(3), and 214.06 (1988).

The proposed rules may be modified as a result of the rule hearing process. Those who are potentially affected in any manner by the substance of the proposed rules are therefore advised to participate in the process.

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

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

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101, telephone number (612) 296-5615.

**Notice is hereby given that a statement of Need and Reasonableness** is now available for review at the Board and at the Office of Administrative Hearings. This Statement of Need and Reasonableness includes a summary of all the evidence which the Board 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 Board or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

**PLEASE NOTE** that any person may request notification of the date on which the administrative law judge's report will be available, after which date the Board may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day the rules are filed. If you want to be notified, you may so indicate at the hearing or send a request in writing to the Board at any time prior to the filing of the rules with the Secretary of State.

Promulgation of the proposed rules will not result in the expenditure of public monies by local public bodies nor have any impact on agricultural land—see *Minnesota Statutes* Section 14.11 (1988).

It is the position of the Board that it is not subject to *Minnesota Statutes* section 14.115 (1988) regarding small business considerations

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## Proposed Rules

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in rule-making. The basis for this position, and the Board's evaluation of the applicability of the methods contained in *Minnesota Statutes* section 14.115, subdivision 2 (1988) for reducing the impact of the proposed rules, should it be determined that the Board is governed by sections 14.115, are addressed in the Statement of Need and Reasonableness.

### IV. Notice of Intent to Cancel Hearing If Fewer than 25 Persons Request a Hearing

**PLEASE NOTE that the hearing, notice of which is given in part III above, will be cancelled if fewer than 25 persons request a hearing in response to the notice given in part II above.**

To be informed whether the hearing notice in Part III above will be held, please call or write the Board before November 30, 1990 and leave your name, address, and telephone number. You will be notified as soon as possible after this date and prior to the hearing, if the hearing has been cancelled.

Dated: 10 October 1990

Sharon Davern-Fecker, Chairperson  
Board of Marriage and Family Therapy  
(612) 643-2580

### Rules as Proposed (all new material)

#### 5300.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of parts 5300.0100 to 5300.0360, unless the context otherwise requires, the following terms have the meanings given.

Subp. 2. **Advertising.** Advertising includes, but is not limited to, business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on a building; or in a newspaper, magazine, directory, or other printed matter. Advertising also includes business solicitations communicated by individual, radio, video, or television broadcasting.

Subp. 3. **Applicant.** "Applicant" means an individual seeking licensure by the Board of Marriage and Family Therapy as a marriage and family therapist.

Subp. 4. **Board.** "Board" means the Board of Marriage and Family Therapy created in Minnesota Statutes, section 148B.30, subdivision 1.

Subp. 5. **Certified professions or occupations.** "Certified professions or occupations" means those professions or occupations that have a certification process based upon specific criteria identified as necessary for effective performance of the profession or occupation. The certification process must include:

- A. eligibility requirements established through education or experience or both;
- B. successful completion of a competency-based written examination;
- C. successful demonstration of competent clinical skills; and
- D. assurance of practitioner competencies through mandatory recertification and continuing education requirements.

Subp. 6. **Dual relationship.** "Dual relationship" means a relationship between a therapist and a client that is both professional and one or more of the following: cohabitational, familial, or supervisory, or that includes significant personal involvement or financial involvement other than legitimate payment for therapeutic services rendered.

Subp. 7. **Fee splitting.** "Fee splitting" means the practice of paying commissions to colleagues out of the fees received from clients who have been referred by the colleague.

Subp. 8. **Licensee.** "Licensee" means a licensed marriage and family therapist.

Subp. 9. **LMFT.** "LMFT" are the initials permitted to be used by a licensed marriage and family therapist to designate that the individual is licensed by the Board of Marriage and Family Therapy.

Subp. 10. **Marriage and Family Therapy.** "Marriage and Family Therapy" has the meaning given in Minnesota Statutes, section 148B.29, subdivision 3.

Subp. 11. **Postgraduate supervised experience.** "Postgraduate supervised experience" means supervised experience occurring after the educational institution grants the degree for licensure as shown on the applicant's transcript.

Subp. 12. **Regionally accredited.** "Regionally accredited" means those educational institutions accredited by the North Central Association of Schools and Colleges or a similar accrediting body with accreditation standards equal to or greater than the accreditation standards used by the North Central Association of Schools and Colleges.

Subp. 13. **Sexual contact.** "Sexual contact" means any of the following, whether or not occurring with the consent of a patient or former patient:

A. sexual intercourse, cunnilingus, fellatio, anal intercourse or any intrusion, however slight, into the genital or anal openings of the patient's or former patient's body by any part of the therapist's body or by any object used by the therapist for this purpose, or any intrusion, however slight, into the genital or anal openings of the therapist's body by any part of the patient's or former patient's body or by any object used by the patient or former patient for this purpose, if agreed to by the therapist;

B. kissing of, or the intentional touching by the therapist of the patient's or former patient's genital area, groin, inner thigh, buttocks, or breast or of the clothing covering any of these body parts;

C. kissing of, or the intentional touching by the patient or former patient of the therapist's genital area, groin, inner thigh, buttocks, or breast or of the clothing covering any of these body parts if the therapist agrees to the kissing or intentional touching.

Sexual contact includes requests by the therapist for conduct described in items A to C.

Sexual contact does not include conduct described in items A or B that is a part of standard medical treatment of a patient.

Subp. 14. **Sexual harassment.** "Sexual harassment" includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:

(1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment, public accommodations or public services, education, or housing;

(2) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, public accommodations or public services, education, or housing; or

(3) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education, or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, public services, educational, or housing environment; and in the case of employment, the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

Subp. 15. **Supervisee.** "Supervisee" means an individual who is engaged in postgraduate, supervised experience under the direction of a supervisor.

Subp. 16. **Supervision.** "Supervision" means taking full professional responsibility for training, work experience, and performance in the practice of marriage and family therapy of a supervisee, including planning for and evaluation of the work product of the supervisee, and including face-to-face contact between the supervisor and supervisee.

Subp. 17. **Supervisor.** "Supervisor" means an individual who has met the requirements in part 5300.0160, and takes responsibility for the practice of the supervisee during a specific time to enable the supervisee to meet the requirements of licensing.

Subp. 18. **Therapeutic deception.** "Therapeutic deception" means a representation by a therapist that sexual contact with the therapist is consistent with or part of the patient's or former patient's treatment.

Subp. 19. **Therapist.** "Therapist" means a licensee of the board.

Subp. 20. **Variance.** "Variance" means permission from the board to comply with a rule in a manner other than that generally specified in parts 5300.0100 to 5300.0360.

#### **5300.0110 LICENSE REQUIREMENT.**

Subpart 1. **License required.** No person, other than those individuals exempt in Minnesota Statutes, sections 148B.32, subdivision 2, and 148B.38, shall engage in marriage and family therapy practice, advertise the performance of such services, or use a title or description denoting marriage and family therapist without obtaining a license issued under Minnesota Statutes, sections 148B.29 to 148B.39, and parts 5300.0100 to 5300.0360.

Subp. 2. **Engaging in marriage and family therapy practice, defined.** An individual engages in marriage and family therapy practice if the individual performs or offers to perform marriage and family therapy or if the individual is held out as able to perform such a service.

#### **5300.0120 EXCEPTIONS TO LICENSE REQUIREMENT.**

As stated in Minnesota Statutes, section 148B.38, those qualified individuals of other licensed or certified professions or occupations who are performing services consistent with their training are exempt from parts 5300.0110 to 5300.0360 so long as they do not represent themselves by a title denoting marriage and family therapist, such as marriage and family therapist, marriage therapist, family therapist, marriage and family counselor, marriage counselor, or family counselor unless specifically allowed to do so under

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Minnesota Statutes, section 148B.32, subdivision 2. Those qualified individuals listed in Minnesota Statutes, section 148B.38 may advertise the performance of marriage and family therapy services.

### 5300.0130 REQUIREMENTS FOR LICENSURE.

Subpart 1. **Requirements.** To be eligible for licensure, an applicant must meet the following requirements:

- A. complete the education requirements in Minnesota Statutes, section 148B.33, subdivision 1, clauses (5)(i) and (ii);
- B. have obtained the age of majority, the age of majority being 18 years according to Minnesota Statutes, section 645.451, subdivision 5.
- C. complete the experience requirements in Minnesota Statutes, section 148B.33, subdivision 1, clause (4), and defined in part 5300.0150;
- D. provide evidence of meeting the requirements of Minnesota Statutes, section 148B.33, subdivision 1, clause (2), through endorsements from at least two individuals with the qualifications in part 5300.0230;
- E. agree to conduct all professional activities as a licensed marriage and family therapist in accordance with the code of ethics for marriage and family therapists in part 5300.0350; and
- F. pass both parts of the examination listed in part 5300.0240.

Subp. 2. **Denial of licensure to applicant.** An applicant who fails to meet all requirements in this part shall be denied a license.

### 5300.0140 EDUCATIONAL REQUIREMENTS; DETERMINATION OF EQUIVALENT DEGREE.

Subpart 1. **Evaluation by board.** In determining whether an applicant holds a master's or doctoral degree that is equivalent to degrees described in Minnesota Statutes, section 148B.33, subdivision 1, clause (5)(i), the board shall evaluate the applicant's transcripts, documentation from the educational institution that describes the substance and purpose of the applicant's academic training, accreditation and other professional recognition of the educational institution by accrediting bodies, and other necessary information as determined by the board. All requested documentation must be sent directly from the educational institution to the board.

Subp. 2. **Degrees; course work requirements.** A master's or doctoral degree is equivalent to a master's or doctoral degree in marriage and family therapy if the degree is from a regionally accredited institution, if the degree is in a related subject field, and if the degree contains the following coursework:

- A. three courses in human development covering human development, human behavior, personality theory, human sexuality, psychopathology, and behavior-pathology;
- B. three courses in marital and family studies covering theories of family development, theories of family functioning, the family life cycle, sociology of the family, families under stress, contemporary family forms, family subsystems, and theories of marital and family interaction;
- C. three courses in marital and family therapy covering marital and family communication, family psychology, family therapy, methods of intervention, family assessment, sex therapy, major theories of marital and family therapy such as structural, strategic, transgenerational, experiential, object relations, contextual, and systemic therapy;
- D. one course in research covering research design, methods, statistics, and special issues research in marital and family studies or a related field;
- E. one course in professional studies covering professional socialization, professional organizations, legal issues, interprofessional cooperation, professional ethics, and family law; and
- F. a clinical practicum in marriage and family therapy of at least 300 hours of clinical client contact with individuals, couples, and families for the purpose of assessment and intervention. Of the 300 hours, no more than 150 hours may be with individuals.

Each course listed in items A to F must be equivalent to a three-credit semester or four-credit quarter course. This curriculum may be completed during the qualifying master's or doctoral degree programs; or additional course work may be taken at a college or university accredited by a regionally accredited educational institution after receiving the graduate degree in order to fulfill the requirements for each of the areas described in items A to F. An applicant may not use a course for more than one area described in items A to F.

Subp. 3. **Proof of equivalency.** The burden is on the applicant to prove by a preponderance of the evidence that the coursework is equivalent to the requirements in subpart 2.

### 5300.0150 EXPERIENCE REQUIREMENTS.

Subpart 1. **Supervised experience required.** The two years supervised, postgraduate experience required by Minnesota Statutes, section 148B.33, subdivision 1, clause (4), must meet the requirements in subparts 2 to 6.



Subp. 2. **Years of experience; computation.** In calculating two years of supervised postgraduate experience in marriage and family therapy, the board shall accept a minimum of 1,000 hours of clinical client contact and 200 hours of supervision over a period of not less than 24 months.

Subp. 3. **Clinical client contact; requirements.** The applicant must demonstrate at least 500 hours of the clinical client contact required in the following categories of cases:

- A. unmarried couples;
- B. married couples;
- C. separating and divorcing couples; and
- D. family groups including children.

Subp. 4. **Supervision; setting.** The supervision shall take place in individual and group settings, according to items A and B.

- A. The individual supervision shall take place in a setting in which a supervisor and not more than two supervisees are present.
- B. The group supervision shall take place in a setting in which a supervisor and not more than six supervisees are present.

Subp. 5. **Supervision requirements.** Supervision must involve:

- A. at least 200 hours of face-to-face contact between the supervisor and supervisee of which at least 100 hours must be in individual settings;
- B. 100 hours of supervision per year; and
- C. a focus on the raw data from the supervisee's clinical work that is made directly available to the supervisor through means of written clinical materials, direct observation, and audio recordings.

Subp. 6. **Verifying supervised experience.** A supervisee must verify the required supervised experience by completing a form supplied by the board. The form must be signed by the applicant's supervisor and be notarized. The form must include the setting, nature, and extent of the supervised experience, the time period involved, the number of hours of clinical client contact, the number of hours of supervision, and the name and qualifications of each supervisor.

#### **5300.0160 REQUIREMENTS FOR SUPERVISOR.**

A supervisor is acceptable to the board if the supervisor:

- A. is licensed as a marriage and family therapist in Minnesota;
- B. has at least three years and 3,000 hours of experience in clinical practice as a marriage and family therapist; and
- C. provides evidence of training in supervision. Evidence must be shown through academic course work, continuing education, or designation by a national professional organization as a marriage and family therapy supervisor.

#### **5300.0170 RESPONSIBILITIES OF SUPERVISOR.**

A supervisor has the following responsibilities:

- A. The supervisor must be knowledgeable of the clinical skills required for effective delivery of marriage and family therapy services;
- B. The supervisor must be knowledgeable of the important literature in the field of marriage and family therapy and professional ethics; and
- C. The supervisor must see that all supervised work is conducted in appropriate professional settings, with adequate administrative and clerical controls.

#### **5300.0180 LICENSURE PROCESS.**

The process of licensure by the board as a marriage and family therapist is divided into two separate parts: admission to written examination and admission to licensure.

#### **5300.0190 PROCEDURES FOR ADMISSION TO WRITTEN EXAMINATION.**

Subpart 1. **Information required.** To be admitted to written examination, an applicant must submit to the board the information in items A to C.

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A. The applicant must submit a completed, notarized application for admission to written examination on a form provided by the board. The application must include an affirmation by the applicant that the statements made in the application are true and correct to the best knowledge of the applicant;

B. The applicant must submit the required, nonrefundable fee for application for admission to written examination specified in part 5300.0360, item A, made payable to the Board of Marriage and Family Therapy; and

C. The applicant must submit official transcripts of all graduate education of the applicant, including verification of the degree granted. The transcripts must be sent directly to the board from the institution granting the degree.

(1) The applicant must demonstrate to the board, by a preponderance of the evidence, that the degreed program documented by the applicant's transcripts meets the requirements of part 5300.0130, subpart 1, item A.

(2) The institution granting the degree must be regionally accredited at the time the degree is granted.

Subp. 2. **Verification of information; board's powers.** The board has authority to investigate or contact persons to verify the authenticity of the information in the application for admission to written examination and to require the applicant to provide verification.

Subp. 3. **Time requirements.** An applicant's file shall be closed if the applicant fails to complete the application for admission to written examination and provide all information required within six months from the date the board receives the application.

Subp. 4. **Admission to written examination.** An applicant shall be admitted to the first regularly scheduled written, objective part of the examination that occurs 60 days or more after the applicant has met the requirements of subpart 1, unless admission is denied under subpart 5.

Subp. 5. **Denial of admission to written examination.** The board shall deny an applicant admission to written examination if the applicant has not met the education requirements of part 5300.0130, subpart 1, item A. The board shall notify the applicant of the denial in writing and state the reasons for the denial. An application for admission to written examination submitted after denial is a new application for admission to written examination which must be accompanied by the fee for application for admission to written examination specified in part 5300.0360, item A.

### 5300.0200 PROCEDURES FOR ADMISSION TO LICENSURE.

Subpart 1. **Information required.** To be eligible for admission to licensure, an applicant must submit to the board the information in items A to E.

A. The applicant must submit evidence of having passed the written part of the examination in part 5300.0240, subpart 3.

B. The applicant must submit a completed, notarized application for licensure on a form provided by the board. The application must include an affirmation by the applicant that the statements in the application are true and correct to the best knowledge of the applicant and an agreement by the applicant that the applicant will conduct all professional activities as a licensed marriage and family therapist according to the code of ethics in part 5300.0350.

C. The applicant must submit the required, nonrefundable application for licensure fee specified in part 5300.0360, item C, made payable to the Board of Marriage and Family Therapy.

D. The applicant must submit a completed notarized form provided by the board, verifying the applicant's postgraduate, supervised experience, conforming to the requirements of part 5300.0150, subpart 6.

E. The applicant must submit two endorsements attesting to the applicant's good moral character. The endorsements must be completed and signed by individuals who meet the requirements for endorsers under part 5300.0230, subparts 1 and 2. The endorsements must be notarized on forms provided by the board.

Subp. 2. **Verification of information; board's powers.** The board has authority to investigate or contact persons to verify the authenticity of the information in the application for licensure and to require the applicant to provide verification.

Subp. 3. **Denial of admission to licensure.** An applicant who fails to meet all the requirements in subpart 1 shall be denied licensure. An applicant who is denied licensure shall be informed in writing of the denial and the reasons for it. An application for licensure submitted following denial is a new application for licensure which must be accompanied by the fee for application for licensure specified in part 5300.0360, item C.

### 5300.0210 CONCURRENT APPLICATIONS FOR EXAMINATION AND LICENSURE.

An applicant may file both the application for admission to written examination and the application for licensure at the same time if the experience requirements in part 5300.0150 have been met.

### 5300.0230 REQUIREMENTS FOR ENDORSEMENT.

Subpart 1. **Endorser; requirements.** For an endorsement to meet the requirements of parts 5300.0130, subpart 1, item D, and 5300.0200, subpart 1, item E, the endorser must:

A. be licensed by the board; or

B. be licensed to practice marriage and family therapy by another state whose licensure standards are at least equivalent to or exceed the requirements for licensure in Minnesota.

Subp. 2. **Limitations.** An endorser must not be an employee, independent contractor, patient, or former patient, or be related in any way to the applicant.

### **5300.0240 EXAMINATION METHODS; SUBJECTS AND PROCEDURES.**

Subpart 1. **Written and oral examination required.** Examination of an applicant for a license as a marriage and family therapist shall be composed of:

A. a written, objective part designed and scored by a professional examination service approved by the Association of Marriage and Family Therapy Regulatory Boards; and

B. an oral part conducted by members of the board.

Subp. 2. **Examination fee.** An applicant who is admitted to written examination under part 5300.0190 must pay the written examination fee in part 5300.0360, item B, before taking the examination.

Subp. 3. **Written part of examination.** The written examination is the examination approved by the Association of Marriage and Family Therapy Regulatory Boards. The written examination shall be offered twice per year on dates established by the Association of Marriage and Family Therapy Regulatory Boards.

Subp. 4. **Oral part of examination.** The oral examination of an applicant shall be held according to those methods determined by the board to be the most practical and expeditious in testing the applicant's qualifications for licensure. The oral examination of an applicant shall take place after the applicant's application for licensure has been accepted by the board and before the applicant is approved for licensure. The oral examination of an applicant shall cover:

A. the applicant's knowledge of the laws governing marriage and family therapists;

B. the applicant's knowledge of the code of ethics;

C. the applicant's awareness of the responsibilities to the board and to the public; and

D. other practice-related areas.

Subp. 5. **Notification procedures.** The board shall notify an applicant in writing of admission to either part of the examination at least 30 days before either part of the examination is scheduled to take place. The notice shall state the date, time, and place where the applicant is scheduled to be examined.

Subp. 6. **Passing score required on examination.** The passing score of the written part of the examination is the passing score determined by the Association of Marriage and Family Therapy Regulatory Boards. The passing score for the oral examination shall be determined by the board. An applicant must pass both parts of the examination to qualify for licensure as a marriage and family therapist.

Subp. 7. **Reexamination permitted.** An applicant who has failed a part of the examination may be reexamined on the part the applicant failed, but not more than five times without a variance. An applicant who is reexamined on the written part of the examination must pay the written examination fee in part 5300.0360, item B.

### **5300.0250 RECIPROCITY.**

Subpart 1. **Other states recognized.** The board shall issue a marriage and family therapist license to an individual who holds a current license as a marriage and family therapist from another state if the board determines that the standards for licensure in effect when the individual was licensed in the other state are at least equivalent to or exceed the current requirements for licensure in Minnesota.

Subp. 2. **Application required.** An individual who holds a current license as a marriage and family therapist from another state must file a completed application for licensure by reciprocity and must pay the fee for application for licensure by reciprocity specified in part 5300.0360, item E. The application must be on a form provided by the board. The application must include a notarized statement that the information in the application is true and correct to the best knowledge of the applicant and an agreement by the applicant that the applicant will conduct all professional activities according to the code of ethics in part 5300.0350.

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Subp. 3. **Verification from other state required.** The applicant must direct the board of examiners of the state in which the license is held to send to the board directly a statement that the license is in effect and in good standing on a form provided by the board, and a copy of the state's current licensing law and rules.

Subp. 4. **Discipline in another jurisdiction; effect on licensing.** The board may refuse to grant a license or may impose disciplinary action as described in Minnesota Statutes, section 148B.37, subdivision 1, for:

A. revocation, suspension, restriction, limitation, or other disciplinary action against the applicant's license in another state or jurisdiction;

B. failure to report to the board that charges regarding the applicant's license have been brought in another state or jurisdiction;

or

C. having been refused a license by another state or jurisdiction.

Subp. 5. **Proof of equivalency.** The burden is on the applicant to establish, by a preponderance of the evidence, that the standards for licensing in effect when the individual was licensed in the other state are at least equivalent to or exceed the current licensing requirements in Minnesota.

### 5300.0260 TERM OF LICENSE.

Subpart 1. **Effective date.** An initial license is effective after:

A. the board notifies the applicant in writing that the applicant has been approved for licensure;

B. the applicant has paid the initial license fee in part 5300.0360, item D; and

C. the board assigns a license number to the applicant.

Subp. 2. **Initial licensure period; term of license.** An initial license granted by the board is valid for a period beginning with the effective date in subpart 1 and ending on December 31 of the year in which the license was initially granted. For example, an initial license granted on May 6, 1989, is valid from May 6, 1989, to December 31, 1989. A subsequent license is valid for a one-year period ending on December 31. The license must be renewed according to the procedures in part 5300.0280.

### 5300.0270 DISPLAY OF LICENSE.

A licensed marriage and family therapist must display the therapist's license and evidence of current renewal in a conspicuous place in the therapist's office, or place of business or employment. Evidence of current renewal will be provided by the board upon renewal of the license. A duplicate license shall be issued to a licensee after the licensee requests a duplicate license from the board and pays the duplicate license fee in part 5300.0360, item K.

### 5300.0280 RENEWAL OF LICENSE.

Subpart 1. **Renewal every year.** Licenses issued by the board must be renewed every year upon the payment of the renewal fee required in part 5300.0360, item F, completion of a notarized renewal application, and the fulfillment and reporting of continuing education requirements in part 5300.0320.

Subp. 2. **Notice of renewal.** The board shall send the licensee a written renewal notice identifying the amount of the renewal fee. The notice shall be sent to the licensee's last known address on record with the board.

A licensee must notify the board in writing of any change of name or address within 45 days after moving.

Failure to receive the renewal notice does not relieve the licensee of the obligation to renew the license.

Subp. 3. **Renewal application required.** The licensee must submit to the board a completed renewal application on a form provided by the board. The licensee must submit the renewal application so that the application is postmarked on or before December 31.

If the postmark is illegible, the renewal application is timely if received in the board office by mail on the first work day after December 31.

Subp. 4. **Fee.** The renewal fee required in part 5300.0360, item F, must accompany the renewal application for the renewal application to be complete.

Subp. 5. **Affirmation.** The renewal application must include a notarized statement by the licensee that the information in the application is true and correct to the best knowledge and belief of the licensee.

Subp. 6. **Late fee.** A licensee must pay a late renewal fee and the renewal fee specified in part 5300.0360, items F and G, if the licensee's application for renewal is postmarked after December 31.

### 5300.0290 FAILURE TO RENEW.

Subpart 1. **Procedures.** The following procedure applies if a licensee fails to submit the renewal application according to part 5300.0280, subparts 3, 4, 5, and 6 or fails to fulfill or report continuing education requirements in part 5300.0320.

Subp. 2. **Expiration of license.** If the licensee fails to submit to the board the renewal application, information about continuing education requirements, and the renewal and late renewal fees specified in part 5300.0360, items F and G, on or before December 31, the license expires and the licensee's right to practice terminates on December 31.

A. The board shall mail to the former licensee a written notice that the licensee's license has expired and the licensee's right to practice has terminated. The board shall send the notice to the licensee's last known address on record with the board.

B. A license that expired under this part may be reinstated under part 5300.0300.

#### **5300.0300 REINSTATEMENT OF LICENSE.**

Subpart 1. **Requirements for reinstatement.** A license that has expired under part 5300.0290 may be reinstated if:

A. no fact, circumstance, or condition exists which, if the license were reinstated, would justify its revocation or suspension;

B. the former licensee verifies that the former licensee has not engaged in the practice of marriage and family therapy in this state or any other state, or used a title denoting marriage and family therapist since expiration of the license unless licensed by another state. The verification must be accompanied by a notarized affirmation that the statement is true and correct to the best knowledge and belief of the former licensee;

C. the former licensee submits to the board a completed application for reinstatement on a form provided by the board;

D. the former licensee pays the reinstatement fee specified in part 5300.0360, item H;

E. the former licensee includes with the application for reinstatement a letter stating the reasons for applying for reinstatement; and

F. the former licensee complies with the applicable provisions of subparts 2 and 3.

Subp. 2. **Expiration of less than five years.** A former licensee whose license expired under part 5300.0290 less than five years previous to the application for reinstatement must:

A. submit evidence of meeting the continuing education requirements that would have applied to the former licensee if the license had not expired; and

B. pay the renewal fee specified in part 5300.0360, item F, and late renewal fees specified in part 5300.0360, item G, for each of the years between the date the license expired and the date the former licensee submits a reinstatement application.

Subp. 3. **Expiration of five years or more.** A former licensee whose license expired under part 5300.0290 five years or more before the application for reinstatement must:

A. retake the written examination required for licensure of marriage and family therapists given by the board according to part 5300.0240, subpart 3;

B. submit evidence of meeting the continuing education requirements that would have applied to the former licensee if the license had not expired; and

C. pay the renewal fee specified in part 5300.0360, item F, and late renewal fees specified in part 5300.0360, item G, for each of the five years immediately preceding application for reinstatement.

Subp. 4. **Practice without a license.** A former licensee who has engaged in the practice of marriage and family therapy in this state or used a title denoting marriage and family therapist since the date of expiration of the license, is subject to denial of reinstatement or disciplinary action at the time of reinstatement. Nothing in this subpart precludes the board from seeking injunctive relief under Minnesota Statutes, section 214.11 for the unauthorized practice of marriage and family therapy or from referring the matter to criminal law enforcement officials under Minnesota Statutes, section 148B.32, subdivision 3.

Subp. 5. **Effect of reinstatement.** Upon reinstatement, the licensee shall be assigned the same license number which the licensee was assigned before expiration of the license.

#### **5300.0310 VOLUNTARY TERMINATION OF LICENSE.**

A license may be terminated at any time upon written request by the licensee to the board, unless a complaint is pending against the licensee. If a complaint is pending against a licensee, a license may not be voluntarily terminated until any indicated action relative to the complaint is concluded. The board must receive the request to terminate before expiration of the license for failure to renew under part 5300.0290, subpart 3. A licensee who has voluntarily terminated the license may be relicensed by complying with the

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## Proposed Rules

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requirements for reinstatement of an expired license in part 5300.0300, except that payment of the late renewal fees shall not be required.

### 5300.0320 CONTINUING EDUCATION REQUIREMENTS.

Subpart 1. **Continuing education required.** A licensee must regularly engage in continuing education related to the practice of marriage and family therapy as defined in this part.

Subp. 2. **Number of hours required.** Continuing education is not required during the licensee's initial licensure period, defined in part 5300.0260, subpart 2. After the initial licensure period, the licensee must complete a minimum of 15 hours of continuing education by December 31 every year.

Subp. 3. **Documentation of courses.** When the licensee applies for renewal of the license, the licensee must submit documentation of the licensee's completion of the required hours of continuing education on an appropriate form furnished by the board. A receipt for payment of the fees for the course is not sufficient evidence of completion of the required hours of continuing education.

Subp. 4. **Courses; board approval required.** A course must be approved by the board according to the procedures in this subpart and subparts 5 to 11.

The board shall consider the following factors in determining whether a course should be approved:

A. The course's relevance to ~~current psychotherapeutic practice or the therapeutic practices of marriage and family therapists~~ therapy or the current psychotherapeutic practices of marriage and family therapy.

B. Whether the course is structured on sound educational principles.

C. Whether the course is at least one hour in length. "One hour" means at least 50 minutes spent as a student in direct participation in a structured educational format.

D. Whether the subject of the course is related to marriage and family therapy with an emphasis upon systemic approaches or the theory, research, or practice of psychotherapeutic work with couples or families. ~~Subjects related to marriage and family therapy include, but are not limited to~~ Subject content areas with a systemic approach are:

- (1) human, biological, psychological, and social development;
- (2) human sexuality;
- (3) psychopathology;
- (4) cross-cultural mores and values;
- (5) professional issues, ethics, and family law;
- (6) human communication;
- (7) theories of marriage, family, and child therapy;
- (8) research methodology;
- (9) theories and application of psychometric testing in marriage and family therapy;
- (10) methods of supervision;
- (11) assessment, diagnosis, prognosis, and treatment of dysfunctions in premarital and family relationships; or
- (12) psychotherapeutic techniques.

E. Whether the course's instructors are qualified by practical or academic experience to teach, lecture, or make presentations of the course.

Subp. 5. **Committee evaluation.** The board shall use a committee, which may include nonboard members, to evaluate applications for course approval.

Subp. 6. **Sponsor's application for course approval.** Individuals, organizations, associations, corporations, educational institutions, or groups intending to offer courses for approval must submit to the board a completed application on a form provided by the board. The course sponsor must meet the requirements in items A to D to receive and maintain course approval.

A. The application for course approval must be submitted at least 60 days before the course is scheduled to begin and must include the sponsor's application for approval of a continuing education course fee specified in part 5300.0360, item I.

B. The application for course approval must include the following information to enable the board to determine whether the course meets the standards for board approval specified in subpart 4:

(1) a statement of the objectives of the course and the knowledge the participants will have gained upon completion of the course;

- (2) a description of the content and methodology of the course which will allow the participants to meet the objectives;
- (3) a description of the method to be used by the participants to evaluate the course;
- (4) a listing of the qualifications of each instructor which shows the instructor's current knowledge and skill in the course's subject; and

(5) a description of the certificate or other form of verification of attendance distributed to each participant upon successful completion of the course.

C. If the board approves a course, it shall assign a number to the course. The approval remains in effect for one year from the date of initial approval. The board shall compile a list of approved courses at least once per calendar year. To retain course approval, a course sponsor must submit to the board a new application for course approval required in items A and B and the application fee for approval of a continuing education course required in part 5300.0360, item 1, before the expiration of the one-year period.

(1) Each sponsor of an approved course may announce, as to a course that has been approved by the board, that: "This course has been approved by the Minnesota Board of Marriage and Family Therapy for . . . hours of credit."

(2) The course sponsor must submit proposed changes in an approved course to the board for its approval.

D. The board shall approve or disapprove a sponsor's application for course approval.

E. The board shall deny approval of a course if it does not meet the standards in subpart 4. The board shall notify the course sponsor in writing of its reasons for denying approval of a course.

F. The board shall revoke its approval of a course if a course sponsor fails to comply with item C and subpart 4, or if a course sponsor falsifies information requested by the board in the application for approval of a course.

Subp. 7. **A licensee's application for course approval.** A licensee must apply individually for approval of continuing education courses sponsored by organizations that have not applied and been approved by the board in subpart 5. The licensee must submit information required in item A, as well as other information the board reasonably requires to evaluate the course for approval.

A. The following information must be submitted to the board, in addition to the form required in subpart 3, by the licensee:

- (1) the name and address of the organization sponsoring the course;
- (2) a detailed description of the course content;
- (3) the name of each instructor making a presentation, and the instructors' credentials; and
- (4) the location, including the name and address of the facility, at which the course will be conducted.

B. Licensees seeking approval for a course not previously approved by the board are strongly encouraged to seek board approval before attending the course.

C. The board shall deny approval for a course if it does not meet the standards in subpart 4. The board shall notify the applicant in writing of its reasons for denying approval of a course under this subpart.

Subp. 8. **Sources of credit.** Continuing education credit may not be applied for self-study, personal therapy, or other methods not structured on sound education principles. Continuing education credit may be applied for the following programs that comply with the requirements of subpart 4:

- A. conventions;
- B. workshops and seminars;
- C. lectures;
- D. college postgraduate courses; and
- E. graduate study.

Subp. 9. **Hours of credit.** Continuing education shall be credited on an hour-for-hour basis. "One hour" means at least 50 minutes spent as a student in direct participation in a structured educational format.

Subp. 10. **Exemption from continuing education requirements.** A licensee whose license has not expired and who meets any of the following conditions is exempt from continuing education requirements in this part if the licensee files with the board an affidavit specifying that the licensee:

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A. is retired from practice and does not perform marriage and family therapy services on a volunteer or free basis; or

B. is permanently disabled and unable to practice marriage and family therapy, accompanied by a notarized statement from the licensee's physician.

Subp. 11. **Discontinuance of exemption from continuing education requirements.** A licensee claiming exemption under subpart 10 who later decides to resume practice must submit to the board, before resuming practice, a written notice that the licensee intends to resume practice. The licensee must also submit evidence that the licensee has completed continuing education requirements that are equivalent to what the requirements would have been without the exemption for the five years or any portion of the five years immediately preceding the date of the notice of intent to resume practice.

### 5300.0330 REFUSAL TO GRANT LICENSE, SUSPENSION, OR REVOCATION OF LICENSE.

Subpart 1. **Board authority.** The board shall refuse to grant a license, or shall suspend, revoke, condition, limit, qualify, or restrict the license of an individual according to Minnesota Statutes, sections 148B.05 and 148B.37, subdivision 1.

Subp. 2. **Conviction of crime.** According to Minnesota Statutes, section 148B.37, subdivision 1, clause (2), the crimes that the board shall determine to be of a nature to render the convicted individual unfit to practice marriage and family therapy consist of the crimes described in Minnesota Statutes, sections 144.227, 151.37, 152.021, 152.022, 152.023, 152.024, 152.025, 152.027, 609.185, 609.19, 609.195, 609.20, 609.205, 609.21, 609.215, 609.221, 609.222, 609.223, 609.2231, 609.224, 609.231, 609.235, 609.24, 609.245, 609.25, 609.255, 609.26, 609.265, 609.342, 609.343, 609.344, 609.345, 609.3451, 609.352, 609.365, 609.48, 609.485, 609.498, 609.50, 609.507, 609.52, 609.561, 609.562, 609.563, 609.582, 609.595, 609.625, 609.66, 609.713, and 609.79.

Subp. 3. **Probation.** The board may place a licensee on probation under the following circumstances:

A. in lieu of, or in addition to, any order of the board suspending, revoking, or otherwise acting against the license of any licensee; or

B. as a condition of restoring any license suspended, revoked, or otherwise acted against by the board.

Subp. 4. **Suspended or revoked license; return to the board.** A licensee whose license has been suspended or revoked must return the license and evidence of current license renewal to the board office by registered or certified mail postmarked within three days after the effective date of the board's order of suspension or revocation. Failure to return the license and evidence of current license renewal is grounds for the board's denial of any subsequent restoration of a license according to Minnesota Statutes, section 148B.37, subdivision 2.

Subp. 5. **Restoring a license.** The board shall restore a license according to Minnesota Statutes, section 148B.37, subdivision 2. A licensee whose license has been revoked or suspended and subsequently restored by the board must comply with the requirements for reinstatement in part 5300.0300 and must pay the penalty fee in part 5300.0360, item J.

### 5300.0340 VARIANCE.

Subpart 1. **Variance; when allowed.** A licensee or applicant may petition the board in writing for a variance from rules in parts 5300.0100 to 5300.0360, except for a rule which incorporates a statutory requirement. A variance shall be granted if the board determines that the licensee or applicant has specified alternative practices or measures equivalent to or superior to the rule in question and if the licensee or applicant provides evidence that:

A. the rationale for the rule in question can be met or exceeded by the specified alternative practices or measures;

B. adherence to the rule would impose an undue burden on the licensee or applicant; and

C. the granting of the variance will not adversely affect the public welfare.

Subp. 2. **Petition; requirements.** A petition for a variance must contain the following information:

A. the specific rule for which the variance is requested;

B. the reason for the request;

C. the alternative practices or measures that will be taken if a variance is granted; and

D. the length of time for which a variance is requested.

Subp. 3. **Alternatives must be followed.** Any licensee or applicant who is granted a variance must comply with the alternative practices or measures specified in the petition for the variance.

Subp. 4. **Renewal; notice of change; revocation.** If required by the board, a variance shall be renewed upon petition for a renewal of the variance at the time specified by the board when granting the variance if the circumstances justifying the variance continue to exist, their existence is not due to failure to comply with the correction of these conditions, and if all of the requirements of subparts 1, 2, and 3 are met. A licensee or applicant who has been granted a variance must immediately notify the board of any material change in the circumstances that justified the variance. A variance shall be revoked if there is a material change in the circumstances which justified the granting of the variance.



Subp. 5. **Burden of proof.** The burden of proof is upon the licensee or applicant to demonstrate to the board, by a preponderance of the evidence, that the requirements in subparts 1 and 2 have been met.

Subp. 6. **Notice of variance; denial; revocation.** The board shall notify the licensee or applicant in writing when the board grants, denies, renews, or revokes a variance. The notice must specify the reasons for the action. If a variance is granted, the notification must state the period of time for which the variance is effective, if required, and must state alternative practices or measures the licensee or applicant must meet.

### **5300.0350 CODE OF ETHICS.**

Subpart 1. **Scope.** The code of ethics applies to all licensees and applicants who practice marriage and family therapy and applies to their conduct during the period of education and training required for licensure.

Subp. 2. **Purpose.** The code of ethics constitutes the standards against which the professional conduct of a marriage and family therapist is measured.

Subp. 3. **Violations.** A violation of the code of ethics is unprofessional or unethical conduct and is a sufficient reason for disciplinary action or denial of licensure.

Subp. 4. **Integrity.** A marriage and family therapist must act in accordance with the highest standards of professional integrity and competence. A marriage and family therapist must be honest in dealing with clients, students, trainees, colleagues, and the public.

A. A therapist must not perform, nor pretend to be able to perform, professional services beyond the therapist's field or fields of competence.

B. A therapist must not permit a trainee or intern under the therapist's supervision to perform, nor pretend to be competent to perform, professional services beyond the trainee's or intern's level of training.

C. A therapist must recognize the potentially influential position the therapist may have with respect to students, interns, employees, and supervisees, and must avoid exploiting the trust and dependency of these persons. A therapist must make every effort to avoid dual relationships that could impair the therapist's professional judgment or increase the risk of exploitation. Sexual contact between the therapist and students, employees, independent contractors, colleagues, or supervisees is prohibited for two years after the date that the relationship is terminated, whether or not the party is informed that the relationship is terminated. Sexual contact after two years with a former student, intern, employee, or supervisee is prohibited:

(1) if the former student, intern, employee, or supervisee was emotionally dependent upon the therapist; or

(2) if the sexual contact occurred by means of therapeutic deception.

D. A therapist must not engage in sexual contact or other harassment, therapeutic deception, or exploitation of students, trainees, interns, employees, independent contractors, colleagues, research subjects, or actual or potential witnesses or complainants in ethical proceedings.

E. A therapist must not use or exploit the professional relationship with a student, trainee, intern, employee, independent contractor, colleague, research subject, or actual or potential witness or complainant in ethical proceedings in any manner for the therapist's emotional, financial, sexual, religious, political, or personal advantage or benefit.

F. A therapist must recognize that there are other professional, technical, and administrative resources available to clients. The therapist must make referrals to those resources when it is in the best interest of clients to be provided with alternative or complementary services. The therapist must make a reasonably prompt referral when requested to do so by the client, without consideration of limitation of third-party payors.

G. A therapist must not offer, nor accept, payment for referrals.

H. A therapist must not knowingly offer services to a client who is in treatment with another professional without consultation among the parties involved. If a client refuses to allow consultation, the therapist should delay the administration of service until the client gives consent to consultation. The exception to the consultation requirement would be if the client reports ethical violations by the other professional.

I. A therapist must understand the areas of competence of related professions and act with due regard for the need, special competencies and obligations of their colleagues in other allied professions, and must not disparage the qualifications of any colleague.

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J. A therapist must seek appropriate professional assistance for the therapist's own personal problems or conflicts that are likely to impair the therapist's work performance and clinical judgment.

K. A therapist must not practice under the influence of alcohol or any controlled substance not prescribed by a physician.

L. A therapist must not allow an individual or agency that is paying for the professional services of a client to exert undue influence over the therapist's evaluation or treatment of the client.

M. A therapist must file a complaint with the board when the therapist has reason to believe that another therapist is or has been engaged in conduct which violates this part according to Minnesota Statutes, section 148B.07, subdivision 4.

N. A therapist must not engage in any conduct likely to deceive or defraud the public or the board.

O. A therapist must not advertise in a way that is false, fraudulent, or misleading to the public.

P. A therapist must correct, wherever possible, false, misleading, or inaccurate information and representations made by others concerning the therapist's qualifications, services, or products.

Q. A therapist must make certain that the qualifications of a person in a therapist's employ is a student, independent contractor, or an intern represented in a manner that is not false, misleading, or deceptive.

R. A therapist must not engage in any unprofessional conduct. Unprofessional conduct is any conduct violating this part or violating those standards of professional behavior that have become established by consensus of the expert opinion of marriage and family therapists as reasonably necessary for the protection of the public interest.

Subp. 5. **Relations to clients.** A marriage and family therapist's primary professional responsibility is to the client. A marriage and family therapist must make every reasonable effort to advance the welfare and best interests of families and individuals. A marriage and family therapist must respect the rights of those persons seeking assistance and make reasonable efforts to ensure that the therapist's services are used appropriately. A marriage therapist is bound by these ethics primarily. These ethics supercede any policies of an employer or contractor that may be contrary to the ethics in this part.

A. Once a client has been accepted into therapy, a therapist must not discriminate on the basis of age, sex, race, national origin, religion, physical handicap, political affiliation, or social or economic status. In addition, a therapist must not discriminate on the basis of affectional preference, or choice of lifestyle. When unable to offer services for any reason, a therapist shall make an appropriate referral.

B. A therapist must recognize the potentially influential position the therapist may have with respect to clients, and must avoid exploiting the trust and dependency of clients. A therapist must make every effort to avoid dual relationships with clients that could impair the therapist's professional judgment or increase the risk of exploitation.

C. A therapist must be careful to truthfully represent to clients facts regarding services rendered.

D. A therapist must recognize the importance of clear understandings on financial matters with clients. Arrangements for fees and payments must be made at the beginning of the therapeutic relationship.

E. A therapist must not engage in sexual contact or other physical intimacies with a client. Sexual contact with a former client is prohibited for two years after termination of services whether informed or not that the relationship is terminated. Sexual contact after two years with a former client is prohibited:

(1) if the former client was emotionally dependent upon the therapist; or

(2) if the sexual contact occurred by means of therapeutic deception.

F. A therapist must not engage in sexual or other harassment of a client, nor in any verbal or physical behavior that is sexually seductive or sexually demeaning to the client. For purposes of this item, sexual harassment has the meaning given it in Minnesota Statutes, section 363.01, subdivision 10a.

G. A therapist must not use or exploit the professional relationship with a client in any manner for the therapist's emotional, financial, sexual, religious, political, or personal advantage or benefit.

H. A therapist must not use any confidence of a client to the client's disadvantage.

I. A therapist must terminate a client relationship when it is reasonably clear that the treatment no longer serves the client's needs or interests.

J. A therapist must not provide services to a client when the therapist's objectivity or effectiveness is impaired. Whenever a therapist's objectivity or effectiveness becomes impaired during a professional relationship with a client, the therapist must notify the client orally and in writing that the therapist can no longer see the client professionally and must assist the client in obtaining services from another professional.

K. A therapist must respect the right of a client to make decisions and must help the client understand the consequences of the decisions. A therapist must advise a client that a decision on marital status is the responsibility of the client.

L. A therapist must inform a client of a divergence of interests, values, attitudes, or biases between a client and the therapist that is sufficient to impair their professional relationship. Either the client or the therapist may terminate the relationship.

M. In the course of professional practice, a therapist must not violate any law concerning the reporting of abuse of children under Minnesota Statutes, section 626.556 and vulnerable adults under Minnesota Statutes, section 626.557.

N. A therapist must display prominently on the premises of the therapist's professional practice or make available as a handout the bill of rights of clients, including a statement that consumers of marriage and family therapy services offered by marriage and family therapists licensed by the State of Minnesota have the right:

(1) to expect that a therapist has met the minimal qualifications of training and experience required by state law;

(2) to examine public records maintained by the Board of Marriage and Family Therapy which contain the credentials of a therapist;

(3) to obtain a copy of the code of ethics from the *State Register* and Public Documents Division, Department of Administration, 117 University Avenue, Saint Paul, MN 55155;

(4) to report complaints to the Board of Marriage and Family Therapy, Colonial Park Office Building, 2700 University Avenue West, Suite 225, Saint Paul, MN 55114;

(5) to be informed of the cost of professional services before receiving the services;

(6) to privacy as defined by rule and law;

(7) to be free from being the object of discrimination on the basis of race, religion, gender, or other unlawful category while receiving services;

(8) to have access to their records as provided in Minnesota Statutes, section 144.335, subdivision 2; and

(9) to be free from exploitation for the benefit or advantage of a therapist.

O. A therapist must, upon request from the client, provide information regarding the procedure for filing a complaint with the board.

**Subp. 6. Confidentiality and keeping of records.** A marriage and family therapist must hold in confidence all information obtained in the course of professional services. A marriage and family therapist must safeguard client confidences as permitted by law and rule.

A. A therapist, and employees and professional associates of the therapist, must not disclose any private information that the therapist, employee, or associate may have acquired in rendering services except as provided in Minnesota Statutes, sections 148B.11, subdivision 3, and 148B.39. All other private information must be disclosed only with the informed consent of the client.

B. A therapist must be responsible for informing clients of the limits of confidentiality.

C. For purposes of safeguarding confidentiality, when seeing a couple or a family, a therapist must define who the "client" is as soon as it is possible to determine the client. For example, the therapist must define whether the couple or family, as a unit, is the client or whether the individuals who make up the couple or family are the clients.

D. When seeing a couple or a family, a therapist must inform the client, at the beginning of the relationship, what the therapist's procedures are for handling confidences from individual members of the family and for protecting individuals' privacy while safeguarding the integrity of the therapy process.

E. Whenever marriage and family therapy services are requested or paid for by one client for another, the therapist must inform both clients of the therapist's responsibility to treat any information gained in the course of rendering the services as private information.

F. A therapist must limit access to client records and must inform every individual associated with the agency or facility of the therapist, such as a staff member, student, or volunteer, that access to client records must be limited to only the therapist with whom the client has a professional relationship, an individual associated with the agency or facility whose duties require access, and an individual authorized to have access by the informed written consent of the client.

G. A therapist must continue to maintain as private information the records of a client after the professional relationship between the therapist and the client has ceased. The therapist must store and dispose of records in ways that maintain confidentiality.

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H. A therapist must disclose to the board and its agents client records that the board and its agents consider to be germane to a disciplinary proceeding.

I. A therapist must obtain written, informed consent from each client before electronically recording sessions with that client or before permitting third-party supervisory observation of their sessions. The consent form should specify the purpose and proposed audience for the recording.

J. A therapist must disguise adequately the identity of a client when using material derived from a counseling relationship for purposes of training, research, professional meetings, or publications.

Subp. 7. **Research.** A marriage and family therapist must conduct research activities with full respect for the rights and dignity of participants and with full concern for their welfare according to the requirements of the "Ethical Principles of Psychologists, General Principle 9: Research with Human Participants," American Psychological Association, as amended June 2, 1989. These requirements are incorporated by reference and are not subject to frequent change. The requirements were published in "American Psychologist" March 1990, Volume 45, Number 3, pages 390-395. They are available through the Minitex interlibrary loan system. Participation in research is voluntary.

### 5300.0360 FEES.

All fees indicated in items A to K shall be paid by cash or in the form of check, bank draft, or money order, made payable to the Board of Marriage and Family Therapy, Colonial Park Office Building, 2700 University Avenue West, Suite 225, Saint Paul, Minnesota 55114. All fees are nonrefundable.

- A. application for admission to written examination fee, \$200;
- B. written examination fee, not to exceed \$250;
- C. application for licensure fee, \$100;
- D. initial license fee, not to exceed \$100;
- E. application for licensure by reciprocity fee, \$300;
- F. annual renewal of license fee, \$100;
- G. late renewal fee, \$50;
- H. reinstatement of license fee, \$150;
- I. sponsor's application for approval of a continuing education course fee, \$25;
- J. penalty fee, \$75;
- K. duplicate license fee, \$25.

The written examination fee in item B will be determined by the professional examination service approved by the Association for Marriage and Family Therapy Regulatory Boards administering the examination.

The initial license fee in item E will be prorated accordingly, depending on the month in which the applicant is approved for licensure.

## Pollution Control Agency

### Proposed Permanent Rules Relating to Household Battery Collection

#### Notice of Intent to Adopt 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 (1988).

All persons have until 4:30 p.m. on November 26, 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 amendments 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 Randy Hukriede, Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, Minnesota 55155, (telephone 612-643-3470).

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

The proposed rule amendments pertaining to the management of household batteries if adopted, would provide notification and operational standards for collection programs for household batteries.

The proposed rule amendments are published below. One free copy of the rules is available upon request from Randy Hukriede at the address and telephone number stated above.

**A STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rule amendments has been prepared and is available from Randy Hukriede upon request.

**YOU ARE HEREBY ADVISED**, pursuant to *Minnesota Statutes* § 14.115 (1988), "Small business considerations in rulemaking," that the proposed rule amendments will not have any effect on most small businesses because businesses are prohibited from bringing their spent or waste batteries to household battery collections. The proposed rule amendments will only regulate batteries generated from households.

The only small businesses that would be affected by the proposed amendments would be those which operate collection programs for household batteries, or that reclaim collected household batteries. However, since the proposed rule amendments either reduce or maintain the current level of regulation, the Agency does not believe that there will be any adverse economic effect from the proposed amendments. The fact that the proposed rule amendments reduce certain requirements may be an economic benefit to certain businesses.

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 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 the written request to Randy Hukriede.

Gerald L. Willet  
Commissioner

## Rules as Proposed

### 7001.0520 PERMIT REQUIREMENTS.

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

Subp. 2. **Exclusions.** A person who conducts any of the following activities is not required to obtain a hazardous waste facility permit for that activity:

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

L. Household battery collection programs meeting the requirements of part 7045.0686.

[For text of subs 3 to 6, see M.R.]

### 7045.0020 DEFINITIONS.

[For text of subs 1 to 37a, see M.R.]

Subp. 37b. Household battery. "Household battery" means a disposable or rechargeable dry cell, generated by a household and commonly used as a power source for household products. "Household battery" includes nickel-cadmium, alkaline, mercuric oxide, silver oxide, zinc oxide, zinc-air, lithium, and zinc-carbon batteries, but excludes lead-acid batteries.

[For text of subs 37b to 102, see M.R.]

Subp. 102a. **Waste household battery.** "Waste household battery" means a household battery which is discarded before use.

Subp. 102b. Waste oil. "Waste oil" means virgin oil that is discarded before use.

[For text of subs 103 to 109, see M.R.]

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

## Proposed Rules

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### 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:

A. Household waste, including:

(1) collected household hazardous waste, to the extent that the requirements of part 7045.0310 are met, and household waste; and

(2) collected spent or waste household batteries to the extent that the requirements of part 7045.0686 are met;

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

### 7045.0686 SPECIAL REQUIREMENTS FOR MANAGEMENT OF SPENT OR WASTE HOUSEHOLD BATTERIES.

Subpart 1. Scope. The requirements of this part apply to operators who collect, store, transport, or reclaim spent or waste household batteries as a part of a household battery management program.

A. “Household battery management program” means:

(1) a program established to accept or collect spent or waste household batteries;

(2) a program established by a resource recovery facility to segregate spent or waste household batteries from household waste; or

(3) a program established by a solid waste disposal facility to segregate spent or waste household batteries from household waste during processing activities.

B. Operators who collect, transport, or store spent or waste household batteries which are sent for recycling but who do not reclaim them are subject to regulation under subparts 2 and 3, but are not otherwise subject to regulation under parts 7045.0205 to 7045.1380, and chapter 7001 for such collection, transportation, and storage.

C. Operators who collect, transport, or store spent or waste household batteries which are not recycled are subject to regulation under subpart 3 and part 7045.0310.

D. Operators who collect, transport, store, and also reclaim spent or waste household batteries are subject to regulation under subparts 2 to 4.

Subp. 2. Notification. An operator who intends to establish or operate all or part of a household battery management program shall ensure that the information required in items A to K is submitted to the commissioner at least 30 days before initiating the household battery management program. If household batteries are speculatively accumulated as defined in part 7045.0020, a permit is required under chapter 7001 instead of this notification.

The notification shall provide a complete description of the program including, as applicable:

A. the name, address, and telephone number of the operators establishing the program;

B. the location of all household battery collection sites;

C. the duration and operating hours of the program;

D. the intended program service area;

E. the manner in which household batteries will be collected, stored, and disposed of or recycled;

F. the amount of time the operator intends to store household batteries at individual collection sites;

G. a description of the containers used to collect and store household batteries;

H. the name and address of all facilities which will dispose of or recycle the household batteries;

I. a description of how the operator will manage cracked or leaking household batteries;

J. a description of how the operator will clean up spills resulting from leaking household batteries; and

K. any other information necessary to describe all aspects of the program.

Operators who submit a notification and subsequently change any aspect of the program as described in the notification must submit, within 30 days of making the change, an amended notification to the commissioner fully describing the program changes.

Subp. 3. Standards for storage. Spent or waste household batteries must be stored according to items A to C.

A. Storage of spent or waste household batteries shall be in vented, corrosion resistant containers.

B. Storage of containers of spent or waste household batteries shall be subject to the requirements of part 7045.0526, subparts 2 to 6 and 9.

C. If the storage of spent or waste batteries meets the criteria of speculative accumulation as defined in part 7045.0020, the storage is also subject to the following requirements: parts 7045.0452 to 7045.0456; 7045.0460 to 7045.0470; 7045.0478 to 7045.0534; 7045.0544; 7045.0552 to 7045.0562; 7045.0566 to 7045.0578; 7045.0584 to 7045.0632; and the permitting requirements of chapter 7001 for hazardous waste storage facilities.

Subp. 4. Standards for operators of facilities that store spent or waste household batteries before reclaiming. The operators of facilities that store batteries before reclaiming them are subject to regulation under parts 7045.0452 to 7045.0456; 7045.0460 to 7045.0470; 7045.0478 to 7045.0534; 7045.0544; 7045.0552 to 7045.0562; 7045.0566 to 7045.0578; 7045.0584 to 7045.0632; and the permitting requirements of chapter 7001 for hazardous waste storage facilities.

**INSTRUCTION TO REVISOR.** Reletter Minnesota Rules, part 7045.0020, subparts 37b and 37c as subparts 37c and 37d respectively and correct internal references accordingly.

## Pollution Control Agency

### Proposed Permanent Rules Relating to Household Hazardous Waste

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

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (MPCA) intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1988). The MPCA's authority to adopt the rules is set forth in *Minnesota Statutes* § 116.07, subd. 4 and in *Minnesota Laws*, First Special Session, Chapter 1, Article 20, Section 19, subd. 4.k.

All persons have until 4:30 p.m. on November 26, 1990, to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the proposed rules within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing.

Any person requesting a public hearing must state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the 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 Cindy Perusse, Minnesota Pollution Control Agency, Hazardous Waste Division, 520 Lafayette Road North, St. Paul, Minnesota 55155, (612/643-3475).

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

The proposed rules, if adopted, will govern household hazardous waste management plans for solid waste disposal facilities and treatment procedures for collected household hazardous waste. The proposed rules are published below. One free copy of the rules is available upon request from Cindy Perusse at the address and telephone number stated above.

**A STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rules has been prepared and is available from Cindy Perusse upon request.

**YOU ARE HEREBY ADVISED**, pursuant to *Minnesota Statutes* § 14.115 (1988), "Small business considerations in rulemaking," that the proposed rules may have a negative impact on small businesses. The businesses impacted will be solid waste management facilities. As a result of the proposed rules, facility operators will have to purchase educational materials and train staff in some aspects of household hazardous waste management.

Facility operators are not required to separate household hazardous waste from the other solid waste. However, if household hazardous waste is separated or arrives separately at a solid waste management facility, the facility operator will have to pay for the cost of disposal of the household hazardous waste.

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## Proposed Rules

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

Gerald L. Willet  
Commissioner

### Rules as Proposed

#### 7001.3300 GENERAL INFORMATION REQUIREMENTS FOR FINAL APPLICATION.

The applicant shall submit to the commissioner four copies of the final application and supporting materials for any solid waste management facility. The applicant must use a horizontal scale of one inch equals 200 feet in all drawings and plans, unless otherwise specified. The applicant must mark all plans and reports with the initial date prepared. All subsequent revisions must be dated and include a notation of what revisions were made. The application must contain:

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

Q. a construction inspection, quality control, and quality assurance plan showing a detailed inspection schedule for construction completed at the site; the sampling procedures including number and tests completed; the procedures for interpretation and submission of inspection and test results to the commissioner; and all other material required to comply with parts 7035.2525 to 7035.2875; and

R. a household hazardous waste management plan according to part 7035.2535, subpart 6; and

S. any additional information that the commissioner determines is necessary to decide whether the facility will meet all applicable Minnesota and federal statutes and rules during permit issuance.

#### 7035.0300 DEFINITIONS.

[For text of subs 1 to 43, see M.R.]

Subp. 43a. Household hazardous waste. "Household hazardous waste" has the meaning given in Minnesota Statutes, section 115A.96, subdivision 1, paragraph (b).

[For text of subs 44 to 96, see M.R.]

Subp. 96a. Segregated household hazardous waste. "Segregated household hazardous waste" means household hazardous waste that is separated from other solid waste or arrives at a solid waste management facility separated from other solid waste.

[For text of subs 97 to 121, see M.R.]

#### 7035.2535 GENERAL SOLID WASTE MANAGEMENT FACILITY REQUIREMENTS.

[For text of subs 1 to 5, see M.R.]

Subp. 6. Household hazardous waste management. A solid waste management facility operator, not including a transfer facility operator, must develop a plan by June 30, 1992, addressing household hazardous wastes and must include in the plan an explanation of how it will comply with the requirements of items A to C.

A. The facility operator must provide a summary of the approved county plan for household hazardous waste education programs and management and a discussion of how the operator will participate in county activities and coordinate with that plan.

B. The facility operator shall participate with the operator's county in education programs or projects which will promote the identification and reduction of household hazardous waste use in the home and which will promote the proper handling and disposal of this waste. Projects undertaken by the facility operator must be coordinated with county projects whenever possible and literature or other public information must be consistent with the county's household hazardous waste public education programs. In addition to activities conducted in conjunction with the county's program, facility activities may include:

- (1) providing public information on dates and times of household hazardous waste collections in the facility's service area;
- (2) providing public information to help identify household hazardous waste; or
- (3) providing public information on ways to reduce household hazardous waste generation.

The information in subitems (1) to (3) must be made available at the facility for public use, for the county, and for other entities that are associated with solid waste management in the facility's service area.

C. Household hazardous waste that is segregated from other solid waste and managed at the facility must be managed according to part 7045.0310 or applicable hazardous waste generator standards.

#### 7045.0310 SPECIAL REQUIREMENTS FOR WASTE COLLECTED AS RESULT OF HOUSEHOLD HAZARDOUS WASTE MANAGEMENT PROGRAM.

[For text of subs 1 to 6, see M.R.]



Subp. 7. Treatment. Operators conducting treatment of collected household hazardous wastes are subject to the requirements of items A to C.

A. An operator intending to perform any treatment not specified in item B must submit a request for approval to the commissioner. The commissioner shall approve the request if the commissioner determines that the requirements of item C have been satisfied and that all other management practices at the collection site are adequate to protect human health and the environment.

B. Treatment methods which do not require approval of the commissioner are bulking of:

- (1) paints;
- (2) solvents;
- (3) oil; and
- (4) antifreeze.

When bulking is being done, the personnel training and safety procedures required in subpart 4 must specifically address how this activity will be conducted.

C. All other methods of waste treatment must be identified in the notification required under subpart 2 and the commissioner's approval obtained for those specific activities. In addition to the information required in subpart 2, the notification must provide the following information:

- (1) the name of the person appointed to direct and oversee the treatment process;
- (2) a statement that individuals conducting treatment must have performed the specific treatment procedure at least once prior to performing that treatment procedure at a household hazardous waste collection site; and
- (3) evidence of liability insurance.

## **Pollution Control Agency**

### **Proposed Permanent Rules Relating to Owners and Operators of Hazardous Waste Facilities**

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

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (MPCA) intends to adopt rule amendments to *Minnesota Rules* pts. 7045.0075 (Petitions), 7045.0532 (Surface Impoundments, Facility Standards), 7045.0534 (Waste Piles, Facility Standards), 7045.0538 (Landfills, Facility Standards), 7045.0630 (Surface Impoundments, Interim Status Standards), 7045.0632 (Waste Piles, Interim Status Standards), and 7045.0638 (Landfills, Interim Status Standards) 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 (1988).

All persons have until 4:30 p.m. on November 26, 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 amendments 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 Jeanne Eggleston, Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, Minnesota 55155 (612/643-3476).

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

The proposed rule amendments governing standards for owners and operators of hazardous waste facilities, if adopted, incorporate the federally mandated minimum technology rule for surface impoundments, landfills, and waste piles into state rules. The proposed

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## Proposed Rules

rule amendments are published below. One free copy of the rules is available upon request from Jeanne Eggleston at the address and telephone number stated above.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule amendments has been prepared and is available from Jeanne Eggleston upon request.

YOU ARE HEREBY ADVISED, pursuant to *Minnesota Statutes* 14.115 (1988), "Small business considerations in rulemaking," that the proposed rule amendments will have no effect on small businesses. The amendments impose no requirements on small businesses above and beyond those already required by federal regulation. Therefore, the inclusion of such requirements in the state hazardous waste rules will not impose any additional burden.

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 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 the written request to Jeanne Eggleston.

Gerald L. Willet  
Commissioner

### Rules as Proposed

#### 7045.0075 PETITIONS.

[For text of subs 1 to 11, see M.R.]

Subp. 12. Petition for alternate design or operating practices. An owner or operator may submit a petition to the commissioner for approval to use alternate design or operating practices in lieu of the requirements of parts 7045.0532, 7045.0534, 7045.0538, 7045.0630, 7045.0632, and 7045.0638. The commissioner's decision shall be based on a demonstration by the petitioner that the alternate design or operating practices, together with location characteristics, will prevent the migration of any hazardous wastes or hazardous constituents into surface and ground water as effectively as the requirements of parts 7045.0532, 7045.0534, 7045.0538, 7045.0630, 7045.0632, and 7045.0638.

#### 7045.0532 SURFACE IMPOUNDMENTS.

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

Subp. 3. **Design and operating requirements.** Design and operating requirements are as follows:

A. A surface impoundment must have a double liner system that is designed, constructed, and installed to prevent migration of waste out of the impoundment to the adjacent soil or ground water or surface water at any time during the active life, including the closure period, of the impoundment. The double liner system must consist of two liners with a leak detection, collection, and removal system between the liners. This system must be designed, constructed, maintained, and operated to detect, collect, and remove liquids from the space between the liners, without clogging, through the scheduled post closure care period of the surface impoundment. ~~The liners may be constructed of materials that may allow wastes to migrate into the liner, but not into the adjacent subsurface soil or drainage layer or ground water or surface water, during the active life, including the closure period, of the facility provided that the impoundment is closed in accordance with subpart 7, item A, subitem (1). For impoundments that will be closed in accordance with subpart 7, item A, subitem (2), at least one liner must be constructed of materials that can prevent wastes from migrating into the liner during the active life, including the closure period, of the facility.~~ The liners must conform to the requirements of item B or C, as appropriate, and must be:

(1) constructed of materials that have appropriate (1) chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients, including static head and external hydrogeologic forces, physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;

(2) placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and

(3) installed to cover all surrounding earth likely to be in contact with the waste or leachate.

B. For any surface impoundment that is not covered by item C or part 7045.0630, the liners may be constructed of materials that may allow wastes to migrate into the liner, but not into the adjacent subsurface soil or drainage layer or ground water or surface water, during the active life, including the closure period, of the facility provided that the impoundment is closed according to subpart 7, item A, subitem (1). For impoundments that will be closed according to subpart 7, item A, subitem (2), at least one liner must be constructed of materials that can prevent wastes from migrating into the liner during the active life, including the closure period, of the facility.

C. For any new surface impoundment, new surface impoundment unit at an existing facility, replacement of an existing surface impoundment unit, and lateral expansion of an existing surface impoundment unit that accepts waste after issuance of a permit

for units where Part B of the permit application is received by the commissioner after November 8, 1984, the top liner must be constructed of materials that can prevent wastes from migrating into the liner during the active life, including the closure period, of the facility. The lower liner may be constructed of materials that may allow wastes to migrate into the liner, but not into the adjacent subsurface soil or drainage layer or ground water or surface water, during the active life, including the closure period. For the purpose of the preceding sentence, a lower liner satisfies the requirement if it is constructed of at least a three-foot thick layer of recompacted clay or other natural material with a permeability of no more than  $1 \times 10^{-7}$  centimeter per second.

~~B- D.~~ A surface impoundment must be designed, constructed, maintained, and operated to prevent overtopping resulting from normal or abnormal operations; overfilling; wind and water action; rainfall; run-on; malfunctions of level controllers, alarms, and other equipment; and human error.

~~C- E.~~ A surface impoundment must have dikes that are designed, constructed, and maintained with sufficient structural integrity to prevent massive failure of the dikes. Massive failure of the dikes means any uncontrolled flow of hazardous waste from the surface impoundment. In ensuring structural integrity, it must not be presumed that the liner system will function without leakage during the active life of the unit.

~~D- F.~~ The owner or operator of a surface impoundment shall have a method of emptying its wastes in an emergency. Acceptable methods include backup surface impoundments or tanks.

~~E- G.~~ The owner or operator of a surface impoundment shall submit to the agency with the permit application a plan for the treatment and disposal of leachate which is removed from the surface impoundment.

~~F- H.~~ An owner or operator may petition for alternate design and operating practices under part 7045.0075, subpart 12.

I. The agency shall specify in the permit all design and operating practices that are necessary to ensure that the requirements of items A to ~~E H~~ are satisfied.

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

#### **7045.0534 WASTE PILES.**

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

Subp. 3. **Design and operating requirements.** Design and operating requirements are as follows:

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

H. An owner or operator may petition for alternate design or operating practices under part 7045.0075, subpart 12.

I. The agency shall specify in the permit all design and operating practices that are necessary to ensure that the requirements of items A to ~~G H~~ are satisfied.

[For text of subs 6 to 10, see M.R.]

#### **7045.0538 LANDFILLS.**

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

Subp. 3. **Design and operation.** Design and operation requirements are as follows:

A. A landfill must have a double liner system that is designed, constructed, and installed to prevent any migration of wastes out of the landfill to the adjacent subsurface soil or ground water or surface water at any time during the active life, including the closure period, of the landfill. ~~The double liner system must consist of two liners with a leak detection, collection, and removal system between the liners. This system must be designed, constructed, maintained, and operated to detect, collect, and remove liquids from the space between the liners, without clogging, through the scheduled post closure care period of the landfill. One of the liners may be constructed of materials that may allow wastes to migrate into the liner, but not into the adjacent subsurface soil, drainage layer, or ground water or surface water, during the active life of the facility and the post closure care period. At least one liner must be constructed of materials that prevent wastes from passing into the liner during the active life of the facility including the post closure care period.~~ Both liners must conform to the requirement of item B or C, as appropriate, and must be:

(1) constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients, including static head and external hydrogeologic forces, physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;

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## Proposed Rules

(2) placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and

(3) installed to cover all surrounding earth likely to be in contact with the waste or leachate.

B. For any landfill that is not covered by item C or part 7045.0638, one of the liners may be constructed of materials that may allow wastes to migrate into the liner, but not into the adjacent subsurface soil, drainage layer, or ground water or surface water, during the active life of the facility and the post closure care period. At least one liner must be constructed of materials that prevent wastes from passing into the liner during the active life of the facility including the post closure care period. The double liner system must consist of two liners with a leak detection, collection, and removal system between the liners. This system must be designed, constructed, maintained, and operated to detect, collect, and remove liquids from the space between the liners, without clogging, through the scheduled post closure care period of the landfill.

C. For any new landfill, new landfill unit at an existing facility, replacement of an existing landfill unit, and lateral expansion of an existing landfill unit that accepts waste after issuance of a permit for units where Part B of the permit application is received by the commissioner after November 8, 1984, the top liner must be constructed of materials that can prevent wastes from migrating into the liner during the active life, including the closure period, of the facility. The lower liner may be constructed of materials that may allow wastes to migrate into the liner, but not into the adjacent subsurface soil or drainage layer or ground water or surface water, during the active life, including the closure period. For the purpose of the preceding sentence, a lower liner satisfies the requirement if it is constructed of at least a three-foot thick layer of recompacted clay or other natural material with a permeability of no more than  $1 \times 10^{-7}$  centimeter per second. The double liner system must consist of two liners with a leak detection, collection, and removal system above and between the liners. This system must be designed, constructed, maintained, and operated to detect, collect, and remove liquids from the space between the liners, without clogging, through the scheduled post closure care period of the landfill.

D. A landfill must have a leachate collection and removal system immediately above each liner that is designed, constructed, maintained, and operated to collect and remove leachate from the landfill. The agency shall specify design and operating conditions in the permit to ensure that the leachate depth over each liner does not exceed 30 centimeters (one foot) at any point. The leachate collection and removal systems must be:

(1) constructed of materials that are chemically resistant to the waste managed in the landfill and the leachate expected to be generated, and of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes, waste cover materials, and by any equipment used at the landfill; and

(2) designed, constructed, maintained, and operated to function without clogging through the scheduled post closure care period of the landfill.

E. The owner or operator shall design, construct, operate, and maintain a run-on control system capable of preventing flow onto the active portion of the landfill during peak discharge from at least a 100-year storm.

F. The owner or operator shall design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 100-year storm.

G. Collection and holding facilities such as tanks or basins, associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously after storms to maintain design capacity of the system.

H. The owner or operator shall cover or otherwise manage the landfill to control wind dispersal of particulate matter.

I. The owner or operator shall develop the landfill in appropriately sized cells to minimize the amounts of liquids entering each cell due to precipitation.

J. The owner or operator of a landfill shall submit to the agency with the permit application a plan for the treatment and disposal of run-off contained in the run-off management system and leachate which is removed from the landfill.

K. An owner or operator may petition for alternate design or operating practices under part 7045.0075, subpart 12.

L. The agency shall specify in the permit all design and operating practices that are necessary to ensure that the requirements of items A to H K are satisfied.

[For text of subs 4 to 13, see M.R.]

### 7045.0630 SURFACE IMPOUNDMENTS.

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

Subp. 1a. Design requirements. Design requirements are as follows:

A. The owner or operator of a surface impoundment must install two or more lines and leachate collection systems according to part 7045.0532, subpart 3, items A to H, with respect to each new unit, replacement of an existing unit, or lateral expansion of an

existing unit that is within the area identified in the Part A permit application, and with respect to waste received beginning May 8, 1985.

B. The owner or operator of each unit referred to in item A must notify the commissioner at least 60 days before receiving waste. The owner or operator of each facility submitting notice must file a Part B application within six months of the commissioner's receipt of the notice.

[For text of subs 2 to 8, see M.R.]

#### **7045.0632 WASTE PILES.**

[For text of subs 1 to 4, see M.R.]

Subp. 4a. Design requirements. The owner or operator of a waste pile is subject to the requirements for liners and leachate collection and removal systems provided in part 7045.0534, subpart 3, with respect to each new unit, replacement of an existing unit, or lateral expansion of an existing unit that is within the area identified in Part A permit application, and with respect to waste received beginning May 8, 1985.

[For text of subs 5 to 7, see M.R.]

#### **7045.0638 LANDFILLS.**

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

Subp. 1a. Design requirements. Design requirements are as follows:

A. The owner or operator of a landfill must install two or more lines and leachate collection systems according to part 7045.0538, subpart 3, items A to K, with respect to each new unit, replacement of an existing unit, or lateral expansion of an existing unit that is within the area identified in the part A permit application, with respect to waste received beginning May 8, 1985.

B. The owner or operator of each unit referred to in item A must notify the commissioner at least 60 days before receiving waste. The owner or operator of each facility submitting notice must file a part B application within six months of the commissioner's receipt of the notice.

[For text of subs 2 to 9, see M.R.]

## **Pollution Control Agency**

### **Proposed Permanent Rules Relating to Toxicity Characteristics**

#### **Notice of Intent to Adopt 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 (1988).

All persons have until 4:30 p.m. on November 26, 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 amendments 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 Glenn Skuta, Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, Minnesota 55155, (612/643-3478).

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

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

## Proposed Rules

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The proposed rule amendments pertaining to the management of hazardous waste, if adopted, incorporate the federally mandated toxicity characteristic (TC) rule into state rules and change the title of the characteristic of toxicity found in *Minnesota Rules* pt. 7045.0131, subp. 6 from "toxicity" to "lethality". The proposed rule amendments are published below. One free copy of the rules is available upon request from Glenn Skuta at the address and telephone number stated above.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule amendments has been prepared and is available from Glenn Skuta upon request.

**YOU ARE HEREBY ADVISED**, pursuant to *Minnesota Statutes* § 14.115 (1988), "Small business considerations in rulemaking," that the proposed rule amendments will affect small businesses that generate hazardous waste. All businesses, including small businesses, are required by the proposed amendments to use the toxicity characteristic leaching procedure (TCLP) in place of the extraction procedure toxicity (EP-Tox) test when analyzing their wastes for toxicity. Also, the TCLP analyzes wastes for twenty-five more contaminants than the EP-Tox test. Due to this addition of contaminants, some small businesses which were not classified as hazardous waste generators before the advent of the TC rule may now be classified as such.

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 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 the written request to Glenn Skuta.

Gerald L. Willet  
Commissioner

### Rules as Proposed

#### 7001.0640 ADDITIONAL PART B INFORMATION REQUIREMENTS FOR SURFACE IMPOUNDMENTS, WASTE PILES, LAND TREATMENT UNITS, AND LANDFILLS.

Subpart 1. **Groundwater protection.** The additional information designated in items A to H regarding protection of groundwater is required from owners or operators of hazardous waste facilities containing surface impoundments, waste piles, land treatment units, and landfills, except as otherwise provided in part 7045.0484, subpart 1, item B, and must be submitted with Part B of the permit application. The following information is in addition to the information requirements of parts 7001.0560, 7001.0590, 7001.0600, 7001.0610, and 7001.0620:

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

D. A description of any plume of contamination that has entered the groundwater from a regulated unit at the time that the application is submitted that:

(1) delineates the extent of the plume on the topographic map required under part 7001.0560, item R; and

(2) identifies the concentration of each constituent listed in part 7045.0143 throughout the plume or identifies the maximum concentrations of each such constituent in the plume. The commissioner may require this information on additional constituents if waste managed at the facility has met the characteristic of ~~toxicity~~ lethality as defined in part 7045.0131, subpart 6.

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

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

#### 7045.0102 MIXTURES OF WASTES.

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

##### Subp. 2. Mixtures of hazardous and nonhazardous wastes.

A. A mixture is a hazardous waste if it is a mixture of nonhazardous waste and any waste which is hazardous solely because it exhibits the characteristic of ignitability, corrosivity, oxidativity, or reactivity as described in part 7045.0131, unless the resulting mixture no longer exhibits any of the characteristics of ignitability, corrosivity, oxidativity, or reactivity and does not exhibit characteristics of ~~extraction procedure (EP) toxicity~~ or lethality as defined in part 7045.0131.

B. A mixture is a hazardous waste if it is a mixture of nonhazardous waste and any waste listed in part 7045.0135 solely because of ignitability, corrosivity, or reactivity, unless the resulting mixture either no longer exhibits any of the characteristics of ignitability, corrosivity, and reactivity, and does not exhibit characteristics of ~~extraction procedure (EP) toxicity~~ or lethality as defined in part 7045.0131, or has been excluded from regulation pursuant to part 7045.0075, subpart 2.

C. A mixture is a hazardous waste if it is a nonsewered mixture of nonhazardous waste and any waste listed in part 7045.0135 (other than wastes listed solely because of ignitability, corrosivity, or reactivity) or any waste which is hazardous because it exhibits the characteristics of ~~extraction procedure (EP) toxicity~~ or lethality as identified in part 7045.0131 unless the resulting mixture has been excluded from regulation pursuant to part 7045.0075, subpart 2.

D. A mixture is a hazardous waste if it is a sewerage mixture of nonhazardous waste and any waste which is hazardous because it exhibits the characteristics of ~~extraction procedure (EP) toxicity~~ or ~~toxicity lethality~~ as defined in part 7045.0131 unless ~~prior to before~~ entering the sewer the resulting mixture no longer exhibits the characteristics of ~~extraction procedure (EP) toxicity~~ or ~~toxicity lethality~~, and the sewerage of the mixture has been approved by the agency pursuant to parts 7045.0220 to 7045.0255. This provision does not apply to those mixtures defined as nonhazardous under item F.

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

[For text of subp 3, 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 N, see M.R.]

O. spent sulfuric acid used to produce virgin sulfuric acid, unless it is accumulated speculatively as defined in part 7045.0020; ~~or~~

P. secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process provided that:

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

(3) the secondary materials are never accumulated in such tanks for over 12 months without being reclaimed; and

(4) the reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal; ~~or~~

Q. petroleum-contaminated media and debris that fail the test for the toxicity characteristic in part 7045.0131, subpart 7 (hazardous waste codes D018 to D043 only), and are subject to corrective action regulations under chapter 7150.

#### **7045.0131 CHARACTERISTICS OF HAZARDOUS WASTE.**

Subpart 1. **In general.** A waste which is not excluded from regulation as a hazardous waste under part 7045.0120 is a hazardous waste if it exhibits ignitability, corrosivity, reactivity, toxicity, ~~lethality~~, ~~extraction procedure (EP) toxicity~~, or is an oxidizer, as described in subparts 2 to 7.

[For text of subps 2 to 5, see M.R.]

Subp. 6. **Toxicity Lethality.** ~~Toxicity Lethality~~ is determined as follows:

A. A waste exhibits the characteristic of ~~toxicity lethality~~ as determined in item B, if a representative sample of the waste has any one of the following properties:

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

B. ~~Toxicity Lethality~~ shall be determined by applying knowledge of materials and processes used, including reasonably available information on the ~~toxicity lethality~~ of the components of the waste. If available information and knowledge are insufficient to reasonably determine ~~toxicity lethality~~, the generator must notify the commissioner. The commissioner may order additional evaluation as specified in part 7045.0217. Additional evaluation may include testing according to the specifications of item C.

C. ~~Toxicity Lethality~~ shall be determined as described in subitems (1) to (3):

[For text of subitems (1) to (3), see M.R.]

D. A waste that exhibits the characteristics of ~~toxicity lethality~~, but is not listed as a hazardous waste in part 7045.0135, has the hazardous waste number MN01.

Subp. 7. **Extraction procedure (EP) Toxicity.** ~~Extraction procedure (EP) Toxicity~~ is determined as follows:

A. A waste exhibits the characteristic of ~~extraction procedure (EP) toxicity~~ if, using the test methods described in Code of Federal Regulations, title 40, part 261, appendix II (1983), as amended, or equivalent methods approved by the commissioner under the procedures ~~set forth~~ in part 7045.0075, subpart 1, the extract from a representative sample of the waste contains any of the contaminants listed in subpart 8 at a concentration equal to or greater than the respective value given in that table. Where the waste contains less than 0.5 percent filterable solids, the waste itself, after filtering, is considered to be the extract.

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## Proposed Rules

B. A waste that exhibits the characteristic of **extraction procedure (EP)** toxicity, but is not listed as a hazardous waste in part 7045.0135, has the hazardous waste number specified in subpart 8 which corresponds to the toxic contaminant causing it to be hazardous.

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

Subp. 8. **Maximum concentration of contaminants for Characteristic of Extraction Procedure (EP) the toxicity characteristic.**

<u>Hazardous Waste Number</u>	<u>Contaminant</u>	<u>Maximum Concentration (milligrams per liter)</u>
D004	Arsenic	5.0
D005	Barium	100.0
D006	Cadmium	1.0
D007	Chromium	5.0
D008	Lead	5.0
D009	Mercury	0.2
D010	Selenium	1.0
D011	Silver	5.0
D012	Endrin (1,2,3,4,10,10-hexachloro-1,7-epoxy 1,4,4a,5,6,7,8,8a-octahydro-1,4-endo,endo 5,8-dimethano naphthalene)	0.02
D013	Lindane (1,2,3,4,5,6-hexachlorocyclohexane, gamma isomer)	0.4
D014	Methoxychlor (1,1,1-Trichloro-2,2-bis [p-methoxyphenyl] ethane)	10.0
D015	Toxaphene (C <sub>10</sub> H <sub>10</sub> Cl <sub>8</sub> , Technical chlorinated camphene, 67-69 percent chlorine)	0.5
D016	2,4-D (2,4-Dichlorophenoxyacetic acid)	10.0
D017	2,4,5-TP Silvex (2,4,5-Trichlorophenoxypropionic acid)	1.0

<u>Hazardous Waste Number</u>	<u>Contaminant</u>	<u>CAS No.</u>	<u>Maximum Concentration (milligrams per liter)</u>
D004	Arsenic	7440-38-2	5.0
D005	Barium	7440-39-3	100.0
D018	Benzene	71-43-2	0.5
D006	Cadmium	7440-43-9	1.0
D019	Carbon tetrachloride	56-23-5	0.5
D020	Chlordane	57-74-9	0.03
D021	Chlorobenzene	108-90-7	100.0
D022	Chloroform	67-66-3	6.0
D007	Chromium	7440-47-3	5.0
D023	o-Cresol	95-48-7	*200.0
D024	m-Cresol	108-39-4	*200.0
D025	p-Cresol	106-44-5	*200.0
D026	Cresol		*200.0
D016	2,4-D	94-75-7	10.0
D027	1,4-Dichlorobenzene	106-46-7	7.5
D028	1,2-Dichloroethane	107-06-2	0.5
D029	1,1-Dichloroethylene	75-35-4	0.7



## Proposed Rules

<u>Hazardous Waste Number</u>	<u>Contaminant</u>	<u>CAS No.</u>	<u>Maximum Concentration (milligrams per liter)</u>
<u>D030</u>	<u>2,4-Dinitrotoluene</u>	<u>121-14-2</u>	<u>0.13</u>
<u>D012</u>	<u>Endrin</u>	<u>72-20-8</u>	<u>0.02</u>
<u>D031</u>	<u>Heptachlor (and its epoxide)</u>	<u>76-44-8</u>	<u>0.008</u>
<u>D032</u>	<u>Hexachlorobenzene</u>	<u>118-74-1</u>	<u>0.13</u>
<u>D033</u>	<u>Hexachlorobutadiene</u>	<u>87-68-3</u>	<u>0.5</u>
<u>D034</u>	<u>Hexachloroethane</u>	<u>67-72-1</u>	<u>3.0</u>
<u>D008</u>	<u>Lead</u>	<u>7439-92-1</u>	<u>5.0</u>
<u>D013</u>	<u>Lindane</u>	<u>58-89-9</u>	<u>0.4</u>
<u>D009</u>	<u>Mercury</u>	<u>7439-97-6</u>	<u>0.2</u>
<u>D014</u>	<u>Methoxychlor</u>	<u>72-43-5</u>	<u>10.0</u>
<u>D035</u>	<u>Methyl ethyl ketone</u>	<u>78-93-3</u>	<u>200.0</u>
<u>D036</u>	<u>Nitrobenzene</u>	<u>98-95-3</u>	<u>2.0</u>
<u>D037</u>	<u>Pentachlorophenol</u>	<u>87-86-5</u>	<u>100.0</u>
<u>D038</u>	<u>Pyridine</u>	<u>110-86-1</u>	<u>5.0</u>
<u>D010</u>	<u>Selenium</u>	<u>7782-49-2</u>	<u>1.0</u>
<u>D011</u>	<u>Silver</u>	<u>7440-22-4</u>	<u>5.0</u>
<u>D039</u>	<u>Tetrachloroethylene</u>	<u>127-18-4</u>	<u>0.7</u>
<u>D015</u>	<u>Toxaphene</u>	<u>8001-35-2</u>	<u>0.5</u>
<u>D040</u>	<u>Trichloroethylene</u>	<u>79-01-6</u>	<u>0.5</u>
<u>D041</u>	<u>2,4,5-Trichlorophenol</u>	<u>95-95-4</u>	<u>400.0</u>
<u>D042</u>	<u>2,4,6-Trichlorophenol</u>	<u>88-06-2</u>	<u>2.0</u>
<u>D017</u>	<u>2,4,5-TP (Silvex)</u>	<u>93-72-1</u>	<u>1.0</u>
<u>D043</u>	<u>Vinyl chloride</u>	<u>75-01-4</u>	<u>0.2</u>

\*If o-, m-, and p-cresol concentrations cannot be differentiated, the total cresol (D026) concentration is used. The regulatory level of total cresol is 200 milligrams per liter.

### 7045.0133 EXEMPTION FROM LISTING REGULATION DUE TO TOXICITY LETHALITY.

Subpart 1. **In general.** A specific generator's waste that meets any of the ~~toxicity~~ lethality characteristics as described in part 7045.0131, subpart 6, ~~items A and B~~ may be exempted from regulation under parts 7045.0100 to 7045.1030 if the generator can demonstrate to the satisfaction of the agency that the waste is not capable of posing a present or potential hazard to human health and the environment if the waste were to be improperly treated, transported, stored, disposed, or managed under routine waste management methods.

Subp. 2. **Factors to be considered.** In demonstrating that a waste should be exempt from regulation under parts 7045.0100 to 7045.1030, the generator must present information related to the following factors:

- A. the nature of the ~~toxicity~~ lethality displayed by the waste;
- B. the median lethal dose or median lethal concentration of the entire waste and each of the ~~toxic~~ lethal constituents within the waste;
- C. the ~~toxic~~ lethal constituent or constituents present in the waste and the respective concentrations;

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## Proposed Rules

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

F based upon the improper or routine waste management methods considered in item E, the following factors:

- (1) the potential of the ~~toxic~~ lethal constituent or constituents or any ~~toxic~~ lethal degradation product or products to migrate from the waste into the environment;
- (2) the persistence of the ~~toxic~~ lethal constituent or constituents or any ~~toxic~~ lethal degradation product or products;
- (3) the degree to which the ~~toxic~~ lethal constituent or constituents or any ~~toxic~~ lethal degradation product or products may bioaccumulate in the environment;
- (4) the potential for the ~~toxic~~ lethal constituents or constituents of any ~~toxic~~ lethal degradation product or products to degrade into nonhazardous constituents and the rate of degradation; and

[For text of subitem (5), see M.R.]

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

### 7045.0135 LISTS OF HAZARDOUS WASTES.

Subpart 1. **General.** A waste is a hazardous waste if it is listed under subparts 2 to 5 unless it has been excluded from the list under part 7045.0075, subpart 2.

The basis for listing the classes or types of wastes listed in subparts 2 to 5 is indicated by employing one or more of the following hazard codes:

- A. ignitable waste, (I);
- B. corrosive waste, (C);
- C. reactive waste, (R);
- D. ~~EP toxic~~ toxicity characteristic waste, (E);
- E. acute hazardous waste, (H); and
- F. toxic waste, (T).

The constituent which caused the agency to list the waste as an ~~EP toxic~~ a toxicity characteristic waste (E) or toxic waste (T) in subparts 2 and 3 is identified in part 7045.0139.

Each listed hazardous waste is assigned a hazardous waste number which precedes the name of the waste. This number must be used in complying with the disclosure requirements of parts 7045.0205 to 7045.0304 and certain record keeping and reporting requirements under parts 7045.0205 to 7045.1030, 7045.1300 to 7045.1380, and the agency's permitting procedures in chapter 7001.

The following hazardous wastes listed in subparts 2 and 3 are subject to the exclusion limits for acutely hazardous wastes established in part 7045.0219: Hazardous Waste Numbers F020, F021, F022, F023, F026, and F027.

[For text of subs 2 to 5, see M.R.]

### 7045.0216 EVALUATION REPORTS TO THE COMMISSIONER.

Subpart 1. **Necessary information.** The commissioner may request at any time that a person producing a waste submit the results of the evaluation of the waste. The person must submit the following information as requested by the commissioner:

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

C. The concentration of each component listed in part 7045.0131, subpart 8 found in the leachate of the waste. The person evaluating the waste may submit soft data in lieu of testing the waste if the data is sufficient to demonstrate whether the waste is hazardous or nonhazardous due to ~~EP the~~ toxicity characteristic.

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

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

### 7045.0219 SPECIAL REQUIREMENTS FOR SMALL QUANTITY GENERATORS OF HAZARDOUS WASTE.

[For text of subs 1 to 6, see M.R.]

Subp. 7. Testing. When testing wastes for the toxicity characteristic of part 7045.0131, subpart 7, a small quantity generator must apply the extraction procedure toxicity test described in Code of Federal Regulations, title 40, part 261, appendix II (1989). Effective March 29, 1991, a small quantity generator must apply the toxicity characteristic leaching procedure of part 7045.0131, subpart 7, when testing wastes for the toxicity characteristic.

**7045.0230 CONTENT OF DISCLOSURE.**

Subpart 1. **Information required.** Each disclosure must include the following information:

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

D. the concentration of each component in part 7045.0131, subpart 8 that is known or suspected to be in the leachate of the waste following the ~~extraction procedure~~ toxicity test characteristic leaching procedure. If a component listed in that exhibit is known or suspected to be in the waste, the results from the ~~extraction procedure~~ toxicity test characteristic leaching procedure for that component must be included unless alternative data approved by the commissioner is submitted;

[For text of items E to I, see M.R.]

[For text of subp 3, see M.R.]

**7045.0484 GROUNDWATER PROTECTION.**

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Hazardous constituents.** The agency shall specify in the facility permit the hazardous constituents to which the groundwater protection standard applies. Hazardous constituents are constituents identified in part 7045.0141, or constituents which are not listed in part 7045.0141, but which are contained in wastes that meet criteria established in part 7045.0131, subpart 6, for ~~toxicity~~ lethality and which may reasonably be expected to contribute to the ~~toxicity~~ lethality.

[For text of subps 5 to 14, see M.R.]

**7045.0634 LAND TREATMENT.**

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

Subp. 3. **Waste analysis.** In addition to the waste analyses required by part 7045.0564 before placing a hazardous waste in or on a land treatment facility, the owner or operator shall:

A. determine the concentrations in the waste of any substances which exceed the maximum concentrations contained in part 7045.0131, subpart 8, that cause a waste to exhibit the ~~extraction procedure (EP)~~ toxicity characteristic;

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

[For text of subps 4 to 8, see M.R.]

## 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 Transportation

### Adopted Permanent Rules Relating to Bridge Construction and Reconstruction

The rules proposed and published at *State Register*, Volume 14, Number 46, pages 2625-2629, May 14, 1990 (14 SR 2625), Volume 15, Number 2, page 45, July 9, 1990 (15 SR 45) are adopted as proposed.

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

## Adopted Rules

### Office of Waste Management

#### Adopted Permanent Rules Relating to Recyclable Material Market Development Grant and Loan Programs

The rules proposed and published at *State Register*, Volume 15, Number 4, pages 184-190, July 23, 1990 (15 SR 184) and Volume 15, Number 6, page 336, August 6, 1990 (15 SR 336) are adopted with the following modifications:

#### Rules as Adopted

##### 9210.0610 DEFINITIONS.

~~Subp. 3. **Highest end use.** "Highest end use" means the remanufacture or transformation of a recyclable material into a product most similar to the product from which the recyclable material was derived.~~

Subp. 4. 3. **Office.** "Office" means the Minnesota Office of Waste Management established in Minnesota Statutes, section 115A.055.

Subp. 5. 4. **Postconsumer material.** "Postconsumer material" means material generated by a business or a consumer that has served its intended end use and has been separated from solid waste for collection and recycling.

Subp. 6. 5. **Preconsumer material.** "Preconsumer material" means material generated after completion of a manufacturing process that has not been used by a final consumer and would normally be disposed of as solid waste. This definition does not include postconsumer material or residual material generated during a manufacturing process that is commonly reused by the generator.

Subp. 7. 6. **Project.** "Project" means all components of an organized undertaking described in a proposal.

Subp. 8. 7. **Recipient.** "Recipient" means an applicant selected by the director to receive a grant or loan under parts 9210.0600 to 9210.0645.

Subp. 9. 8. **Recyclable material.** "Recyclable material" means preconsumer or postconsumer material that can presently be recycled or that demonstrates potential to be recycled. Refuse-derived fuel or other material that is used as fuel for incineration is not a recyclable material.

Subp. ~~10.~~ 9. **Recycled products.** "Recycled products" means products containing preconsumer or postconsumer material.

Supp. ~~11.~~ 10. **Research institution.** "Research institution" means a public or private nonprofit organization whose activities include directed research and scientific investigations.

Subp. ~~12.~~ 11. **Solid waste.** "Solid waste" has the meaning given it in Minnesota Statutes, section 116.06, subdivision 10.

##### 9210.0615 PURPOSE.

The short-term objective of the program is to increase the demand for and use of recyclable material, thus maximizing land disposal abatement. The long-term objective of the program is to facilitate the development of recycling activities that ~~represent the highest end use of recyclable material~~ conserve resources.

##### 9210.0635 COUNTY GRANT PROGRAM.

Subp. 7. **Evaluation of proposals.** The director shall evaluate each proposal that is determined to be eligible and complete. The director shall base this evaluation on the following factors:

~~G. the extent to which the proposed project represents the highest end use for each recyclable material;~~

~~H. the extent to which the proposed project would use postconsumer material; and~~

~~I. H. the extent to which the proposed project provides information transferable to other persons throughout the state.~~

##### 9210.0640 CAPITAL GRANT AND LOAN PROGRAM.

Subp. 8. **Evaluation of proposals.** The director shall evaluate each proposal that is determined to be eligible and complete. The director shall base this evaluation on the following factors:

D. the consistency of the proposed project with state market development priorities; and

~~E. the extent to which the proposed project represents the highest end use for each recyclable material; and~~

~~F. the extent to which the proposed project would use postconsumer material.~~

##### 9210.0645 DIRECTED RESEARCH AND FEASIBILITY STUDY GRANT PROGRAM.

Subp. 7. **Evaluation of proposals.** The director shall evaluate each proposal that is determined to be eligible and complete. The director shall base this evaluation on the following factors:

- E. the extent to which the proposed project promotes the highest end use for each recyclable material;
- ~~F.~~ the extent to which the proposed project promotes the use of postconsumer material; and
- ~~G.~~ F. the extent to which the project provides information transferable to other organizations and the absence of available information in the proposed area of study.

## Department of Labor and Industry

### Adopted Permanent Rules Relating to Master Job Classifications For Prevailing Wage Determinations

The rule proposed and published at *State Register*, Volume 15, Number 5, pages 263-264, July 30, 1990 (15 SR 263) is adopted as proposed.

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## Official Notices

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

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

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## Department of Agriculture

### Agronomy Services Division

#### Notice of Public Hearing to Disclose Future ACRRR Surcharges

Pursuant to *Minnesota Statutes* Chapter 18E.03, Subd. 3. (1989 Supplement), the Minnesota Department of Agriculture (MDA), in providing administrative support to the Agricultural Chemical Response Compensation Board (ACRRR Board), has determined that the amount of the annual response and reimbursement fees (surcharge revenues) for the Agricultural Chemical Response and Reimbursement Account (ACRRR) must be increased in order to maintain the statutory-required ACRRR balance.

Therefore, the ACRRR surcharges to be imposed by the MDA for 1991 will be the following:

- For pesticides registered under MS Chapter 18B.26: a surcharge equal to **0.2 percent** for sales of pesticides in the state as well as sales of pesticides for use in the state during the period January 1, 1991 through December 31, 1991.
- For fertilizers, soil amendments, and plant amendments inspection fees, under MS Chapter 18C.425: **twenty (20) cents** per ton.
- For sites licensed, under MS Chapter 18B.31, Pesticide Dealers: **\$300** per site.
- For site licensed under MS Chapter 18C.415 and 18C.425, where a fertilizer, plant amendment, or soil amendment is distributed: **\$300** per site.

**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.

## Official Notices

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- For Structural Pest Control Applicator business license, under MS Chapter 18B.32: **\$100** per license.
- For Commercial Pesticide Applicator license: **\$40** per license.
- For Non-Commercial Pesticide Applicator license: **\$40** per license.
- For Licensed Lawn Service Applicator, under MS Chapter 18B and 18C: **\$100** per license.

The MDA has made the determination that these increases in surcharges are reasonable and necessary for the following reasons:

1) The ACRRA, by statute, must maintain an unencumbered balance of \$1,000,000.00.

2) The balance in the ACRRA, as of July 1, 1990, was \$1,000,000.00. The anticipated ACRRA surcharge revenue for 1990, as specified under current Minnesota statute, are estimated at the present time to be \$500,000.00-600,000.00. This estimation is necessary due to the following: a) the ACRRA surcharges are to be collected for the first time during the period November, 1990 to March, 1991, therefore, the MDA has no past record of actual surcharge collections for revenue projection purposes; b) the 1990 calendar year had seasonal variances in the amounts of pesticides and fertilizers sold or otherwise distributed in Minnesota; and, c) the statutory periods allowed for collection of ACRRA surcharges for pesticides and fertilizers in 1990—for pesticides, from April 1 to December 31, 1990, and for fertilizers from July 1 to December 31, 1990—will result in less surcharge revenue being collected, as compared to the full-year surcharge collection projection that was available and considered during the enacting legislation.

3) The \$100,000.00 appropriation to the ACRRA must be repaid to the general fund of the state treasury no later than July 1, 1991.

4) Reimbursements or payments ordered by the ACRRA Board during the next year are estimated to be \$500,000.00 to \$550,000.00, for eligible costs incurred from July 1, 1989, and ongoing.

5) ACRRA surcharge revenue for 1991, as disclosed and specified above, will not be collected until the period November, 1991 to March, 1992.

6) The ACRRA Board, and the Commissioner of the MDA, have been informed by persons required by statute to pay ACRRA surcharges, that notification of determination to increase surcharges is best managed, most acceptable and least objectionable to those affected if such disclosure to the public is made as soon as possible and no later than the fall of 1990.

A public hearing to disclose these necessary changes in ACRRA surcharges will be held on November 30, 1990, at 1:30 p.m., in Conference Room A, at the Minnesota Department of Agriculture (MDA) offices, 90 West Plato Boulevard, St. Paul, Minnesota 55107.

Persons needing further information may contact the ACRRA Board Staff at the MDA at (612) 297-3490.

## Department of Commerce

### Notice of the Minnesota Joint Underwriting Association Activation to Insure Specified Classes of Business and Public Hearing

**NOTICE IS HEREBY GIVEN** that, pursuant to *Minnesota Statutes*, section 62I.21, the Minnesota Joint Underwriting Association (MJUA), and the Market Assistance Plan (MAP) are activated to provide assistance to the following classes of business unable to obtain insurance from private insurers:

- **medical disposal systems**
- **answering service**
- **day care licenser**
- **building inspector**

The MJUA and MAP are activated to provide assistance to the above classes of business for a period of 180 days following publication of this notice. A public hearing will be held, for the purpose of determining whether activation should continue beyond 180 days, at the Office of Administrative Hearings, 310-4th Avenue South, 5th Floor, Flour Exchange Building, Minneapolis, Minnesota 55415 on November 20, 1990 at 1:30 p.m. and continuing until all interested persons and groups have had an opportunity to be heard. The hearing shall be governed by *Minnesota Statute* Sections 14.57-14.69 and by *Minnesota Rules* Parts 1400.1500-1400.8400, (1985). Questions regarding the procedure may be directed to Administrative Law Judge, Peter C. Erickson, 310 4th Avenue South, 4th Floor Summit Bank Building, Minneapolis, Minnesota 55415, telephone (612) 341-7600. The authority for this proceeding is found in Chapter 62I of *Minnesota Statutes*, specifically sections 62I.21 and 62I.22. (A copy of those sections follows this notice.)

Prior to the hearing a pre-hearing conference will be held at 9:30 p.m. on November 5, 1990, at the Office of Administrative Hearings, 310 4th Avenue South, 5th Floor, Flour Exchange Building, Minneapolis, Minnesota 55415.

*Minnesota Statutes*, Chapter 62I, which governs the Minnesota Joint Underwriting Association provides for temporary activation for 180 days by the Commissioner of Commerce. To extend the Minnesota Joint Underwriting Association's authority beyond the 180 day period a hearing must be held. Those classes of business for which the Minnesota Joint Underwriting Association was temporarily activated, by this notice and by previously published notices, must prove, at the hearing, that they meet the statutory requirements for coverage by the Minnesota Joint Underwriting Association.

Among those requirements are:

- (1) That members of those classes are unable to obtain insurance through ordinary means;
- (2) That the insurance being sought is required by statute, ordinance, or otherwise required by law, or is necessary to earn a livelihood or conduct a business; and
- (3) That the classes of business serve a public purpose.

The classes of business specified in this notice and previously published notices must be shown to meet the statutory requirements of the Minnesota Joint Underwriting Association's authority to provide coverage to them will end after 180 days from the date the notice of activation was published in the *State Register*.

Activation of a class of business does not guarantee coverage to any class member. Coverage of individual class members is determined by the Minnesota Joint Underwriting Association on a case by case basis once the class has been activated. The MJUA's address is: Pioneer Post Office Box 1760, St. Paul, Minnesota 55101. Their phone number is (612) 222-0484.

The Department strongly suggests that any persons affected by this hearing or otherwise interested in the proceedings familiarize themselves with the requirements of Chapter 62I and the contested case procedures prior to the hearing, that they take such other steps as are appropriate to protect their interest and that any questions they may have as to how to proceed or how to participate at the hearing be directed to the Administrative Law Judge prior to the hearing.

All interested or affected persons will have an opportunity to participate at the hearing. Questioning of agency representatives or witnesses, and of interested persons making oral statements will be allowed in the manner set forth in the Rules pertaining to contested cases (*Minnesota Rules* parts 1400.1500-1400.8400).

Anyone wishing to oppose activation beyond the 180 days for any particular class, must file a petition to intervene with the administrative law judge at least 10 days before the hearing date. If no notice to intervene is filed for a class, then the class is activated beyond the 180 day period without further action.

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

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

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

Dated: 10 October 1990

#### **62I.21 ACTIVATION OF MARKET ASSISTANCE PLAN AND JOINT UNDERWRITING ASSOCIATION.**

At any time the commissioner of commerce deems it necessary to provide assistance with respect to the placement of general liability insurance coverage on Minnesota risks for a class of business, the commissioner shall by notice in the *State Register* activate the market assistance plan and the joint underwriting association. The plan and association are activated for a period of 180 days from publication of the notice. At the same time the notice is published, the commissioner shall prepare a written petition requesting that a hearing be held to determine whether activation of the market assistance plan and the joint underwriting association is necessary beyond the 180-day period. The hearing must be held in accordance with section 62I.22. The commissioner by order shall deactivate the market assistance program and the joint underwriting association at any time the commissioner finds that the market assistance program and the joint underwriting association are not necessary.

#### **62I.22 HEARING.**

**Subdivision 1. ADMINISTRATIVE LAW JUDGE.** The commissioner shall forward a copy of the petition to activate the market

## Official Notices

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assistance plan and the joint underwriting association with respect to a class of business to the chief administrative law judge. The chief administrative law judge shall, within three business days of receipt of the copy of the petition, set a hearing date, assign an administrative law judge to hear the matter, and notify the commissioner of the hearing date and administrative law judge assigned to the matter. The hearing date must be no less than 60 days nor more than 90 days from the date of receipt of the petition by the chief administrative law judge.

**Subd. 2. NOTICE.** The commissioner of commerce shall publish notice of the hearing in the *State Register* at least 30 days before the hearing date. The notice should be that used for rulemaking under chapter 14. Approval by the administrative law judge of the notice prior to publication is not required. The notice must contain a statement that anyone wishing to oppose activation beyond 180 days for any particular class, must file a petition to intervene with the administrative law judge at least ten days before the hearing date. If no notice to intervene is filed for a class then the class is activated beyond the 180 day period without further action.

**Subd. 3. CONTESTED CASE; REPORT.** The hearing and all matters after the hearing are a contested case under chapter 14. Within 45 days from the commencement of the hearing and within 15 days of the completion of the hearing of the administrative law judge shall submit a report to the commissioner of commerce. The parties, or the administrative law judge, if the parties cannot agree, shall adjust all time requirements under the contested case procedure to conform with the 45 day requirement.

**Subd. 4. DECISION.** The commissioner shall make a decision within ten days of the receipt of the administrative law judge's report.

**Subd. 5. WAIVER OF MODIFICATION.** If all parties to the proceeding agree, any of the requirements of this section may be waived or modified.

**Subd. 6. CASE PRESENTATION.** The department of commerce, upon request by small businesses as defined by section 14.115, subdivision 1, shall assist small businesses in any specific class requesting continuation of coverage beyond the 180 day period, in coordinating the class and presenting the case in the contested hearing.

## Comprehensive Health Association

### Notice of Meeting of the Legislative and Public Policy Committee Medicaid Buy-Ins Subcommittee

**NOTICE IS HEREBY GIVEN** that a meeting of the Legislative and Public Policy Committee Medicaid Buy-Ins Subcommittee of the Minnesota Comprehensive Health Association will be held at 9:00 a.m. on Tuesday, October 23, 1990, at MedCenters Health Plan, 5050 Excelsior Boulevard, St. Louis Park, Minnesota 55416.

Please note that the portion of the meeting to consider medical data relating to appeals is closed to the public.

For additional information, please call 338-6044.

## Health Care Access Commission

### Notice of Meeting of Health Care Access Commission

The next meeting of the Minnesota Health Care Access Commission will be Wednesday, October 31, 1990, from 1:00 to 5:00 p.m. at the State Capitol, Room 15. Please call the Health Care Access Commission, 297-5980, for further information.

All Commission meetings are open to the public.

## Department of Health

### Office of Health Systems Development

### Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Health Maintenance Organizations

**NOTICE IS HEREBY GIVEN** that the State Department of Health is seeking information or opinions from sources outside the agency in preparing to amend rules governing health maintenance organization (Chapter 4685). The areas to be addressed include the following: examination, filing, and renewal fees. The promulgation of these rules is authorized by *Minnesota Statutes* section 62D.20.



Interested or affected persons or groups may submit statements of information or comment orally or in writing during normal business hours. Written statements should be addressed to:

Marsha J. Schoenkin  
Alternative Delivery Systems  
Minnesota Department of Health  
717 Delaware Street S.E.  
Minneapolis, Minnesota 55440  
(612) 623-5545

Comments concerning the request must be received by November 9, 1990.

## Department of Labor and Industry

### Labor Standards Division

#### Notice of Correction to Prevailing Wage Rate

The prevailing wage rate certified June 11, 1990 for labor classification 401—**Asbestos Worker** in Douglas, Kandiyohi, Pope, Stearns, and Todd counties for commercial construction projects has been corrected.

Copies of the corrected rates may be obtained by contacting the Minnesota Department of Labor and Industry, Labor Standards Division, 443 Lafayette Road, St. Paul, Minnesota 55155, or calling (612) 296-6452.

Ken Peterson, Commissioner  
Department of Labor and Industry

## Department of Labor and Industry

### Labor Standards Division

#### Notice of Prevailing Wage Determination

On October 22, 1990 the commissioner will certify prevailing wage rates for **Asbestos Abatement Worker**, statewide by county.

Copies of the determined wage rates for Minnesota counties may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Rd, St. Paul, Minnesota 55155, or calling (612) 296-6452. The charges for the cost of copying and mailing are \$1.00 for the first copy and \$.50 for any additional copies. Please note that the cost for one county varies according to the number of pages per county.

Ken Peterson, Commissioner  
Department of Labor and Industry

## Office of the Secretary of State

### Notice of Vacancies in Multi-Member Agencies

**NOTICE IS HEREBY GIVEN** to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, St. Paul, MN 55155-1299; (612) 297-5845, or in person at Room 174 of the State Office Building. More specific information about these vacancies may be obtained from the agencies listed below. The application deadline is November 13, 1990.

#### Minnesota Education in Agriculture Leadership Council

Address not determined.  
*Laws of 1990 Chapter 562.*

**APPOINTING AUTHORITY:** Governor. **COMPENSATION:** None at this time.

**VACANCY:** Twelve members: Please see the description of this new council.

The council provides advocacy, leadership, and support for the enhancement of education in agriculture. The council consists of twelve members: one member from each of the eight congressional districts and four members at large. Meeting schedule and location not determined at this time.

## Official Notices

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### **Asian Pacific Learner Task Force**

649 Capitol Sq. Bldg., 550 Cedar St., St. Paul 55101. 612-297-7156  
*Minnesota Statutes* 15.059

APPOINTING AUTHORITY: State Board of Education. COMPENSATION: None.  
VACANCY: Fifteen members: Please see the description of this new task force.

The task force will gather information and provide the MN State Board of Education with a set of recommendations to improve the educational, social and cultural experiences of Asian/Pacific learners in Minnesota. The task force consists of fifteen members: diverse state-wide membership inclusive of several Asian/Pacific ethnic groups, both genders, parents, and general community members as well as educational representatives. Meeting locations and times undetermined at this time.

### **HISPANIC LEARNER TASK FORCE**

649 Capitol Sq. Bldg., 550 Cedar St., St. Paul 55101. 612-297-7156  
*Minnesota Statutes* 15.059

APPOINTING AUTHORITY: State Board of Education. COMPENSATION: None.  
VACANCY: Fifteen members: Please see the description of this new task force.

The task force will gather information and provide the MN State Board of Education with a set of recommendations to improve the educational, social and cultural experiences of Hispanic learners in Minnesota. The task force consists of fifteen members: diverse state-wide membership inclusive of several Hispanic ethnic groups, both genders, parents, and general community members as well as educational representatives. Meeting locations and times undetermined.

### **Council on Affairs of Spanish-Speaking People**

506 Rice St., St. Paul 55103. 612-296-9587  
*Minnesota Statutes* 3.9223

APPOINTING AUTHORITY: Governor. COMPENSATION: \$55 per diem.

VACANCY: Two members: Hispanic individuals knowledgeable and concerned about Hispanic issues; one member to be a resident of the city of St. Paul, one member to be a resident of the West metro area, which comprises the counties of Hennepin (excluding the city of Minneapolis), Scott, Carver, Wright, and Sherburne. Council members serve as advisors to the governor and the legislature on issues affecting Minnesota's Hispanic community.

The council advises the governor and legislature on issues affecting the Spanish-speaking community. Monthly meetings.

### **State Curriculum Advisory Committee**

647 Capitol Square Bldg., St. Paul 55101. 612-297-2657  
*Minnesota Statutes* 126.67

APPOINTING AUTHORITY: Commissioner of Education. COMPENSATION: None.

VACANCY: Two members; must be a current or former member of a local curriculum advisory committee, and either a parent, teacher, school administrator or a member of a local Board of Education. One position is state-wide, the other is for a resident of Region Three, Education Cooperative Service Unit Region.

The committee advises the State Board and Department of Education on the planning, evaluation, and reporting process. The committee consists of eleven members including nine members, one appointed from each educational cooperative service units, and two at-large members.

### **Board of Medical Examiners**

2700 University Ave. W., Room 106, St. Paul, 55114-1080. 612-642-0538  
*Minnesota Statutes* 147.01

APPOINTING AUTHORITY: Governor. COMPENSATION: \$55 per diem plus expenses.

VACANCY: Three members: including one public member, one Doctor of Osteopathy (D.O.) licensed in Minnesota, and one Doctor of Medicine (M.D.) licensed in Minnesota. Terms will end in January 1995.

The board examines, licenses, and registers medical doctors and doctors of osteopathy, physician assistants, midwives, and physical therapists and enforces the Medical Practices Act. The board consists of sixteen members, including ten licensed M.D. physicians; one licensed Doctor of Osteopathy; and five public members. Monthly meetings, some committee meetings. Members must file with the Ethical Practices Board.

### **Council on Black Minnesotans**

2233 University Ave., Suite 426, St. Paul 55114. 612-642-0811  
*Minnesota Statutes* 3.9225

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## State Contracts and Advertised Bids

**APPOINTING AUTHORITY:** Governor. **COMPENSATION:** Per diem for public members.

**VACANCY:** One public member to be a resident of Minnesota, knowledgeable of the issues affecting and effecting Black Minnesotans. The council makes recommendations to the governor and legislature on improving the economic and social conditions of Black Minnesotans. The governor appoints seven public members who will represent the Black community and must include at least three males and three females. The legislature appoints two senators and two representatives who serve as ex-officio, non-voting members.

### Rehabilitation Review Panel

Dept. of Labor and Industry, 443 Lafayette Rd., St. Paul 55101. 612-296-8213  
*Minnesota Statutes* 176.102, Subdivision 3

**APPOINTING AUTHORITY:** Commissioner of Labor and Industry. **COMPENSATION:** \$55 per diem and reimbursed for expenses. **VACANCY:** One commissioner's designee who shall be a representative from the rehabilitation provider field working as a vocational rehabilitation vendor.

The panel advises on rehabilitation matters relating to workers compensation and hears appeals under Chapter 14. Members include two representatives each from employers, insurers, rehabilitation and medicine, one representative of chiropractors, four representing labor plus three alternates. The commissioner of Labor and Industry, or designee, is an ex-officio member. Members must file with the Ethical Practices Board.

### Social Work Licensing Board

2700 University Ave. W. #225, St. Paul 55114. 612-643-2580  
*Minnesota Statutes* 148B.19

**APPOINTING AUTHORITY:** Governor. **COMPENSATION:** \$55 per diem plus expenses.

**VACANCY:** One member to be a licensed independent social worker from a private agency.

The board adopts and enforces rules for licensure of social workers and for regulation of their professional conduct. The board consists of ten members including six licensed social workers (two licensed independent clinical social workers, two licensed independent social workers, and two licensed social workers); three public members as defined in *Minnesota Statutes* 214.02; and one school social worker licensed by the Board of Teaching. The social workers shall represent the following employment settings: two shall represent public agencies, two shall represent private agencies, one shall be in private practice, and one shall be an educator engaged in regular teaching duties at an accredited program of social work. In addition, at least two members shall be persons of color, and at least four members shall reside outside the seven-county metropolitan area. Members must file with the Ethical Practices Board.

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## 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.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Materials Management 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.

## Materials Management Division—Department of Administration:

### Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid.

**Commodity:** Batch calorimeters  
**Contact:** Joseph Gibbs 296-3750  
**Bid due date at 2pm:** October 26  
**Agency:** State University  
**Deliver to:** Mankato  
**Requisition #:** 26071-46426

**Commodity:** Stainless steel tanker trailer  
6500 gal min  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** October 26  
**Agency:** Transportation Department  
**Deliver to:** Golden Valley  
**Requisition #:** 79382-02130

**Commodity:** Install assy-parts for  
mobile data terminal  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** October 26  
**Agency:** Public Safety Department  
**Deliver to:** St. Paul  
**Requisition #:** 07500-11145

## State Contracts and Advertised Bids

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**Commodity:** HPLC system  
**Contact:** Joseph Gibbs 296-3750  
**Bid due date at 2pm:** October 26  
**Agency:** State University  
**Deliver to:** Bemidji  
**Requisition #:** 26070-14283

**Commodity:** Duplo bar code reader  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 4:30pm:** October 23  
**Agency:** Community College System  
**Deliver to:** St. Paul  
**Requisition #:** 29000-52286

**Commodity:** Intel emulator  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 4:30pm:** October 23  
**Agency:** State University  
**Deliver to:** St. Cloud  
**Requisition #:** 26073-22184

**Commodity:** FAX/401 software and hardware  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 4:30pm:** October 23  
**Agency:** Natural Resources Department  
**Deliver to:** St. Paul  
**Requisition #:** 29000-55285

**Commodity:** Panasonic and Canon printers  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 4:30pm:** October 23  
**Agency:** Revenue Department  
**Deliver to:** St. Paul  
**Requisition #:** 67520-34234

**Commodity:** Sampling pumps  
**Contact:** Joseph Gibbs 296-3750  
**Bid due date at 4:30pm:** October 24  
**Agency:** Minnesota Health Department  
**Deliver to:** Minneapolis  
**Requisition #:** 12200-67576

**Commodity:** Folder/inserters  
**Contact:** John Bauer 296-2621  
**Bid due date at 4:30pm:** October 26  
**Agency:** State University  
**Deliver to:** Mankato  
**Requisition #:** 26071-49003

**Commodity:** Unleaded gasoline, gasohol & diesel fuel  
**Contact:** Dale Meyer 296-3773  
**Bid due date at 2pm:** October 30  
**Agency:** Transportation Department  
**Deliver to:** Detroit Lakes  
**Requisition #:** Price Contract

**Commodity:** Gasohol #1 & @ regular diesel fuel  
**Contact:** Dale Meyer 296-3773  
**Bid due date at 2pm:** October 30  
**Agency:** Transportation Department  
**Deliver to:** Mankato  
**Requisition #:** Price Contract

**Commodity:** Unleaded gasoline & diesel fuel  
**Contact:** Dale Meyer 296-3773  
**Bid due date at 2pm:** October 30  
**Agency:** Transportation Department  
**Deliver to:** Detroit Lakes  
**Requisition #:** Price Contract

**Commodity:** Data logger  
**Contact:** Joseph Gibbs 296-3750  
**Bid due date at 4:30pm:** October 26  
**Agency:** Pollution Control Agency  
**Deliver to:** St. Paul  
**Requisition #:** 32100-26580-01

**Commodity:** Kitchen equipment  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** October 29  
**Agency:** Correctional Facility  
**Deliver to:** Red Wing  
**Requisition #:** 78760-02889

**Commodity:** Copy machine rental  
**Contact:** John Bauer 296-2621  
**Bid due date at 4:30pm:** October 25  
**Agency:** Natural Resources Department  
**Deliver to:** Grand Rapids  
**Requisition #:** 29002-20508

**Commodity:** Waste Tire Abatement  
**Contact:** Norma Cameron 296-3779  
**Bid due date at 2pm:** November 7  
**Agency:** Pollution Control Agency  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Collator and stitcher  
**Contact:** John Bauer 296-2621  
**Bid due date at 2pm:** October 29  
**Agency:** State University  
**Deliver to:** St. Cloud  
**Requisition #:** 26073-22190

**Commodity:** Maintenance contract—water chillers and air conditioning  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 4:30pm:** October 30  
**Agency:** Administration Department—InterTech Group  
**Deliver to:** St. Paul  
**Requisition #:** 02410-12015

**Commodity:** Image analysis system  
**Contact:** Joseph Gibbs 296-3750  
**Bid due date at 2pm:** October 30  
**Agency:** State University  
**Deliver to:** St. Cloud  
**Requisition #:** 26073-22163

**Commodity:** Signs/decals  
**Contact:** John Bauer 296-2621  
**Bid due date at 2pm:** October 30  
**Agency:** Natural Resources Department  
**Deliver to:** Various  
**Requisition #:** 29000-55247

## 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:** Return plate form, 40M 3-part sets, 6"x4¼" overall, camera ready + negs, 1-sided, carbon interleave

**Contact:** Printing Buyer's Office  
**Bids are due:** October 23  
**Agency:** Public Safety Department  
**Deliver to:** St. Paul  
**Requisition #:** 12045

**Commodity:** Four-window envelope, 5M 11½"x5" plus gummed flap, window size 3½"x1½"

**Contact:** Printing Buyer's Office  
**Bids are due:** October 23  
**Agency:** Jobs & Training Department  
**Deliver to:** St. Paul  
**Requisition #:** 12050

**Commodity:** License, 100M, fan fold 3-up, pin feed for computer output, continuous, 11" sheets, wallet-sized card, 1-sided

**Contact:** Printing Buyer's Office  
**Bids are due:** October 23  
**Agency:** State Distribution Center  
**Deliver to:** Arden Hills  
**Requisition #:** 10995

**Commodity:** Minnesota state park rules, 50M 28-page books, camera ready, 2-sided, 1-fold to 3½"x8½"

**Contact:** Printing Buyer's Office  
**Bids are due:** October 23  
**Agency:** Natural Resources Department  
**Deliver to:** St. Paul  
**Requisition #:** 12060

**Commodity:** Container label, 5M labels, 6¾"x27/8" camera ready, 1-sided, with adhesive

**Contact:** Printing Buyer's Office  
**Bids are due:** October 23  
**Agency:** Health Department  
**Deliver to:** Minneapolis  
**Requisition #:** 12161

**Commodity:** Homestead letterhead, 4,500 (5-part sets), camera ready, continuous feed, 8½"x11" detached, ½" perms both sides

**Contact:** Printing Buyer's Office  
**Bids are due:** October 23  
**Agency:** Jobs & Training Department  
**Deliver to:** St. Paul  
**Requisition #:** 12157

**Commodity:** Inspector's sample report, 25 pads of 25 2-part sets, 4½"x11", negs available, 1-sided

**Contact:** Printing Buyer's Office  
**Bids are due:** October 23  
**Agency:** Department of Agriculture  
**Deliver to:** St. Paul  
**Requisition #:** 12158

**Commodity:** Film preparation for the 1991-92 highway map, several overlays both sides, vendor preferred from St. Paul/Minneapolis area due to frequent liaison with printer

**Contact:** Printing Buyer's Office  
**Bids are due:** October 23  
**Agency:** Print Communications—  
 Administrative Department  
**Deliver to:** St. Paul  
**Requisition #:** 11714

**Commodity:** Information on child support enforcement and referral form, 100M 8-page sets, 11"x17" folded to 8½"x11" camera ready, 2-sided

**Contact:** Printing Buyer's Office  
**Bids are due:** October 23  
**Agency:** Human Services Department  
**Deliver to:** St. Paul  
**Requisition #:** 12153

**Commodity:** Item index deposit list, 25M 3-part snapout form, camera ready, 1-sided, 8½"x8½" overall

**Contact:** Printing Buyer's Office  
**Bids are due:** October 23  
**Agency:** Public Safety Department  
**Deliver to:** St. Paul  
**Requisition #:** 12009

**Commodity:** Kraft envelope, 60M 8¾"x11½", type to set, with glassine window 3½"x1¼"

**Contact:** Printing Buyer's Office  
**Bids are due:** October 23  
**Agency:** Revenue Department  
**Deliver to:** St. Paul  
**Requisition #:** 12105

**Commodity:** Benefits chargeable to experience rating account, 100M continuous feed forms, 8½"x11" with ½" pinfeeds both sides, camera ready, 1-sided

**Contact:** Printing Buyer's Office  
**Bids are due:** October 23  
**Agency:** Jobs & Training Department  
**Deliver to:** St. Paul  
**Requisition #:** 12078

**Commodity:** Benefits charge to reimburseable account, 10M continuous feed, 3-part forms, camera ready + negs, 1-sided, 8½"x11" detached with ½" pinfeed strips both sides

**Contact:** Printing Buyer's Office  
**Bids are due:** October 23  
**Agency:** Jobs & Training Department  
**Deliver to:** St. Paul  
**Requisition #:** 12079

# Professional, Technical & Consulting Contracts

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.

## Department of Commerce

### Notice of Request for Proposals for Services to Be Provided to the Minnesota Joint Underwriting Association for the Purpose of Conducting a Balance Sheet Audit

The Minnesota Joint Underwriting Association intends to contract with one organization to provide the services according to the specifications issued.

Interested parties should call (612) 222-0484 to obtain the formal Request for Proposals (RFP).

Any questions relating to the RFP, or the services to be provided, should be directed to:

Beth Eulberg, Administrator  
Minnesota Joint Underwriting Association  
Pioneer P.O. Box 1760  
St. Paul, MN 55101  
(612) 222-0484

Proposals must be submitted by 4:30 p.m. November 15, 1990.

## Minnesota's future environment

The issue of environmental protection is of continuing interest to both Minnesota business and the general public. Stay abreast of changes in state government regulations with these publications.

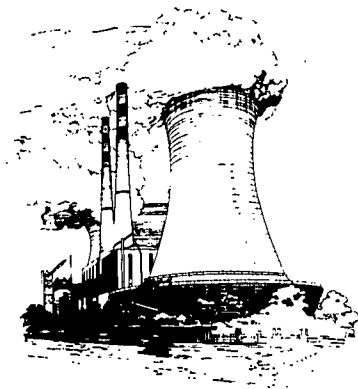
### 1989 Pollution Control Laws

Laws dealing with water pollution, disposal facilities, solid waste management, the MN Environmental Rights Act, recycling, and more. Code No. 2-21. \$24.95.

### 1989 Hazardous Waste Rules

Governs the production, storage, transportation and disposal of hazardous waste. MN Rules Chapter 7045 and 7046. Code No. 3-71. \$16.95.

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. *Prices are subject to change.* FAX: (612) 296-2265.



Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

## Department of Human Services

### Brainerd Regional Human Services Center

#### Notice of Request for Proposal for Medical Services

**NOTICE IS HEREBY GIVEN** that Brainerd Regional Human Services Center is seeking the following services for the period December 1, 1990 through June 30, 1991. These services are to be performed as requested by the administration of the Brainerd Regional Human Services Center.

1. Services of Board Certified or Eligible Psychiatrists to provide total medical (consultation and treatment) services to all Brainerd Regional Human Services Center patients/residents on an "on-call/call-in" basis. The hours to be covered will be: 4:30 p.m. to 8:00 a.m. (15.5 hours) each Monday, Tuesday, Wednesday, Thursday and Friday; and 8:00 a.m. to 8:00 a.m. (24 hours) each Saturday, Sunday and Holiday. During on-call coverage contractor must be reachable by phone at all times, and if called in, must be able to respond within twenty (20) minutes. A single contract will be written with one contractor who can provide the number of psychiatric physicians necessary in order to cover the required hours. The amount of the contract is estimated not to exceed \$54,790.00.

Responses on the above services must be received by 11:00 a.m. April 2, 1991.

Direct inquiries to:

Keith R. Bernard  
Hospital Services Director  
Brainerd Regional Human Services Center  
1777 Highway 18 East  
Brainerd, MN 56401  
218/828-2220

Award of any of these contracts is contingent upon the availability of funds. This request does not obligate the State and the State reserves the right to cancel this solicitation.

## Department of Human Services

### Health Care Programs

#### Request for Proposals for Children's Health Plan Identification Cards

The Minnesota Children's Health Plan is a state-sponsored health insurance program that covers outpatient health care services for children ages one through eight years. The Plan has been operating since July 1, 1988. Effective January 1, 1991, the Children's Health Plan age limit will increase to 18 years.

The Health Care Management Division is soliciting proposals for the provision of 50,000 plastic identification enrollment cards. The current identification card has served adequately, however, the age expansion requires at least the modification of text printed on the card. Proposals shall be evaluated on cost per card, quality of card's appearance, and service. All proposals should address, at a minimum, the following items:

- cost per card along with sample of card types, weight and color options;
- ability to fill an order for additional cards within two weeks of placement of the order;
- customer service arrangements.

Currently a card is issued for a 12 month period to each eligible child. Children are enrolled year around, with 300-400 cards issued on a weekly basis.

Questions and requests for copies of the full Request for Proposal should be addressed to Kathleen Murphy Mattner, Maternal and Child Health Section, Health Care Management Division, (612) 297-2573. Proposals are due by November 16, 1990 at 4:00 p.m. Address proposals to Kathleen Murphy Mattner, Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3829.

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

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### **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 (2) selected Interstate Rest Area and Highway locations located in Greater Minnesota. These locations will be developed as one package. A total of 2 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.) November 9, 1990.

### **Department of Natural Resources**

#### **Office of Planning Services**

#### **Notice of Request for Proposals for Consultant to Conduct Consensus-Based Dialogue on Minnesota Fishing Quality**

The Minnesota Department of Natural Resources is requesting proposals from any qualified individual or firm interested in assisting the Department in conducting a consensus-based dialogue to review the quality of fishing in Minnesota. The dialogue, tentatively titled, "Minnesota Fishing Roundtable," would bring together relevant stakeholders to identify the primary factors affecting fishing quality and to devise strategies to address those factors. The Department of Natural Resources is seeking the services of a consultant who is highly skilled and experienced in conducting successful dialogues on potentially controversial natural resource management issues.

Proposals must be received by 4:30 p.m., November 9, 1990. Final selection of a consultant will be made by November 16, 1990. The completion date for this project is February 28, 1991.

For a copy of the Request for Proposal contact:

Donald Buckhout  
ADR Coordinator  
Department of Natural Resources  
500 Lafayette Road  
St. Paul, MN 55155-4010  
(612) 296-8212

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

#### **Tourism Office**

#### **Notice of Request for Proposals for Development and Operation of a System to Monitor Travel in Minnesota**

The Minnesota Office of Tourism is requesting proposals for the development and operation of a system which will monitor travel in Minnesota in a timely manner. This project is intended to develop timely travel indices, prepare survey instruments, collect data, organize and analyze data, and prepare monthly travel indicator reports. For a written description of the scope of this project, contact Peggy Hafner, Minnesota Office of Tourism, 375 Jackson Street, St. Paul, MN 55101-1848, 297-3457 (Metro area), 1-800-657-3737.

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

#### **Minnesota Trade Office**

#### **Request for Proposals for Curriculum Development Services**

The Department of Trade and Economic Development solicits proposals from qualified firms experienced in the successful design, development and production of training materials. The services of the contractor will begin November 15, 1990, and end on June 30,



1991, with an option to renew for 1991-92. It is expected that the initial project—the design and development of a manual for a three-day export development training program—will not exceed \$15,000.

Proposals must be received by 4:30 p.m. Tuesday, October 30, 1990. To obtain a complete Request for Proposal that offers details on the scope and goals of the project, project tasks, final products required, RFP contents and criteria for vendor selection, please contact:

Cheryl Bann  
Director, Export Outreach and Education  
Minnesota Trade Office  
1000 Minnesota World Trade Center  
30 East 7th Street  
St. Paul, MN 55101-4902  
Phone: (612) 296-1690

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## State Grants

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

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

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## Department of Jobs and Training

### Services to the Blind

#### Notice of Request for Proposals for Sub-Grant for Independent Living

**I. State Services for the Blind and Visually Handicapped (SSB)** requests proposals which meet the following objective: Development of a public educational/referral system regarding blindness, services, programs, and an information outreach system.

**II. Applicants must** meet the following organizational requirements:

- Consumer directed organization.
- Provider of a proposal which is clear as to objectives and methods.
- Able to enter into a contract including assurances.
- Demonstrated experience in organizational supervisory management of a paid staff.
- Statewide capability and knowledge regarding services to blind and visually handicapped persons.
- Experiences in working with broad range of blindness issues and services.
- Capacity to include urban and rural representation on the Project's Advisory Board.

**III. Applicants will submit** applications specifying in appropriate detail how they will fulfill the above requirements. The proposal must include an abstract, work plan, Staff Plan Form, Budget Summary Form, program narrative, and budget narrative. To obtain a complete copy of the request for proposals contact:

Marilyn P. McGuire  
State Services for the Blind  
1745 University Avenue West  
St. Paul, MN 55104  
Telephone: 643-3525

An original and five copies of the completed proposal application must be received no later than the close of business on December 28, 1990. \$14,400 is available for a one-year period. Reviewers will be members of the SSB Independent Living Committee.

Successful applicants will be expected to be ready for implementation no later than sixty (60) days after the grant award date.

# Announcements

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**Environmental Quality Board (EQB):** Comments are due November 14 on the EAWs (environmental assessment worksheets) for the following projects at their listed governing unit: **Oak Crest**, City of Crosslake, (218) 692-2688; **Winninger Golf Course and Driving Range**, Rice County, (507) 334-2281. • Petitions for environmental review have been received for the following projects: **RECOMP-St. Cloud Expansion**, on an application for a permit to increase capacity (second digester) and operations relating to the covering and filtering of a curing pad, Minn. Pollution Control Agency, Deb. McGovern (612) 296-7799; and **Maxson Development-Sylvan Lake**, developing a 60 acre piece of land near County Highway #77 in Cass County, Carol Millar, zoning administrator, Cass County Courthouse, Walker, MN 56484.

**Governor's Appointments:** Governor Rudy Perpich appointed **Ricardo Flores**, West St. Paul, to the *Drug Abuse Prevention Resource Council*. The council coordinates the development of a statewide drug abuse prevention policy, develops guidelines for drug abuse prevention programs, and helps established community-based drug abuse prevention programs and services. Governor Perpich also announced the following appointments to the *OMNI Corporation* Board of Directors: **Wilt Croonquist**, Willmar; **James Richter**, East Grand Forks; and **Dorraine Mund**, St. Cloud. OMNI is a development company that works with other economic development programs administered by the Department of Trade and Economic Development to stimulate the state's economic activity.

**Appointed to Physician Assistant Advisory Council:** Sister Mary Madonna Ashton, Minnesota Commissioner of Health, has named **Vicky Lea Jones** to serve on the state *Physician Assistant Advisory Council*. Jones will replace Steve Scott as the physician assistant representative on the council. Her term will run from October 31 of this year through January 6, 1992. The Physician Assistant Advisory Council advises the Board of Medical Examiners on issues relating to physician assistants, including the registration of physician assistants.

**Four Appointed to Metro Transportation Advisory Board:** The Metropolitan Council recently appointed **Darrell Schneider** of Champlin, **Robert Owens** of Edina, **Fred Corrigan** of Prior Lake and **Robert Jensen** of Farmington to the *Transportation Advisory Board*. The 30-member board consists of local elected officials, citizens and representatives of governmental agencies with transportation responsibilities. Members serve two-year terms. Formed in 1974, the board focuses on transportation needs in the Twin Cities Metropolitan Area and assists the Council in developing plans and programs to meet those needs.

**Scholarships for Students Going to Akita:** The IRRRB has awarded \$26,000 in scholarships to the Minnesota State University System to provide full funding for two students to enroll at the Minnesota State University-Akita Campus. To be eligible, students must be from the Iron Range, must be currently attending one of Minnesota's seven state universities, and must meet the Akita admission criteria. One male and one female will be selected. The \$13,000 scholarship per student will cover the full cost of one year in the Akita program, including tuition, room and board, books, special fees, air transportation to/from Japan, and transportation within Japan. The next school year in Akita will begin in April, 1991, with 90 Minnesota and 500 Japanese students. To be accepted into the program, students must be 18 years of age or older; be enrolled in one of the seven Minnesota state universities; have completed at least 36 quarter hours of academic credit; have a minimum grade point average of 2.5; and be interviewed and accepted by a committee composed of faculty and staff. Applicants must also submit an essay describing their reasons for wanting to study at Akita. Recruitment is currently underway for students who want to spend next year in Akita.

**Funds for Anti-Drug Education:** Ten grants of approximately \$2,000 each have been awarded to Minnesota community action agencies by the Economic Opportunity Office of the Minnesota Department of Jobs and Training for anti-drug activities that will assist income-eligible individuals and families. Community Service Block Grant (CSBG) anti-drug funds, supplemented by CSBG discretionary funds, will be used to provide these services. At the local level, the funds will be used for a range of services that include the purchase of curriculum materials, training and collaboration with other community resources. Recipients of the grants are: Anoka Community Action Agency, Spring Lake Park; Arrowhead Economic Opportunity Agency, Virginia; Bi-County Community Action Agency, Bemidji; Clay-Wilkin Opportunity Council, Moorhead; Freeborn Community Action Agency, Albert Lea; Goodhue-Rice-Wabasha Citizens Action Council, Zumbrota; Grand Portage Reservation Business Committee, Grand Portage; Koochiching-Itasca Action Council, Grand Rapids; Mille Lacs Tribal Council, Onamia; and the West Central Community Action Agency, Elbow Lake.

# Minnesota's Bookstore

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## Publications, Services, Subscriptions

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### NEW PUBLICATIONS:

**1990 Minnesota Session Laws.** Two volume set includes laws passed during the 1990 session and the 1989 Special Session. Stock #18-6, \$40.00 + \$2.40 tax.

**Community Waste Education Manual.** Practical guide helps communities develop waste education campaigns with organizing volunteers, planning a budget, working with media and more. Includes camera-ready art and copy for media and publication needs. Stock #5-7, \$22.95 + \$1.38 tax.

**School District Profile 1988-89.** Comparative enrollment, staffing and financial data on Minnesota's school districts, evaluation of the statistical content with commentary on trends and patterns. Stock #5-3, \$5.00 + 30¢ tax.

**The School Book 1990-91.** Comprehensive guide to elementary schools in the Twin Cities: school addresses/phone, staffing information, and MTC bus connections at schools. Lists class size, student/teacher ratio, grading and curriculum. 554 pages. Stock #40-9, \$12.95 + 78¢ tax.

**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

### 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 \$140; Monday and Thursday's State Contract Supplement \$195; 13-week trial (includes both Monday and Thursday editions) \$60.00.

**Workers Compensation Decisions.** Volume 40. Selected landmark decisions of the Worker's Compensation Court of Appeals. Annual subscription. \$105.00.

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