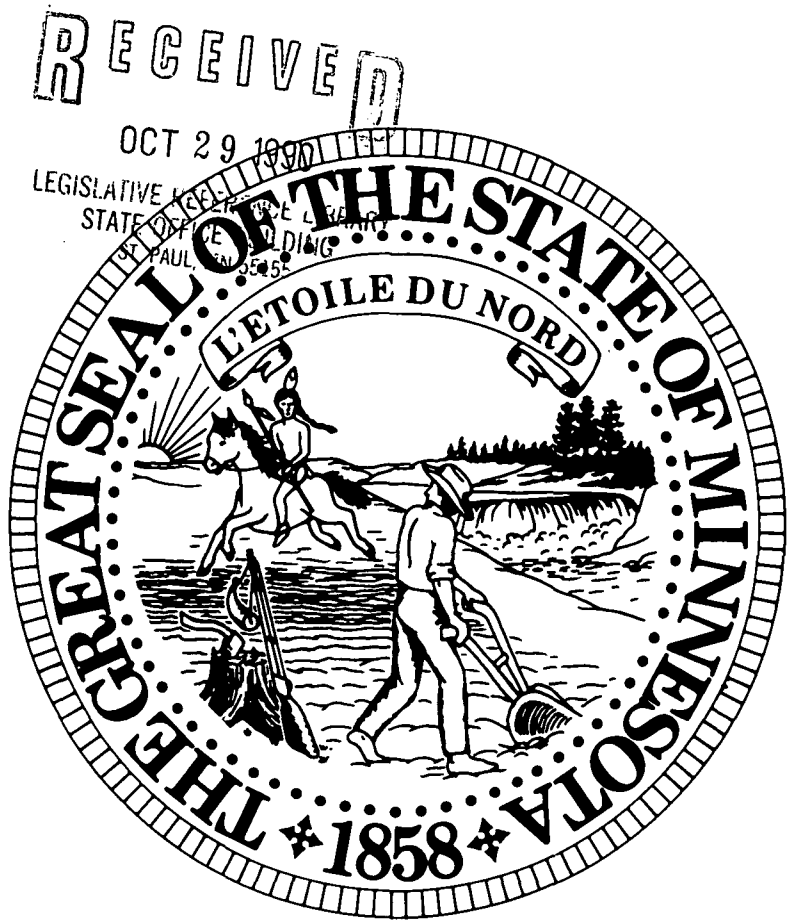


# The Minnesota State Register

Department of Administration—Print Communications Division



Rules edition  
Published every Monday

**Monday 29 October 1990**  
**Volume 15, Number 18**  
**Pages 981-1040**

# 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
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	Tuesday 13 November
21	Monday 5 November	Friday 9 November	Monday 19 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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## FOR LEGISLATIVE NEWS

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

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Contact: House Information Office  
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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 Health**

**Proposed Permanent Rules Governing Variances to Environmental Health Rules**

**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 on the Proposed Rules If Fewer than 25 Persons Request a Hearing**

**I. Explanation of Alternative Notices**

The Minnesota Department of Health (hereinafter "Department") hereby proposes to adopt rules without a public hearing under the noncontroversial rulemaking procedure of *Minnesota Statutes*, sections 14.22 to 14.28. However, if 25 or more persons request a hearing on the proposed rules, one will be held according to *Minnesota Statutes*, section 14.25. To expedite the rulemaking process should that occur, the Department is at the same time giving notice of hearing on the proposed rules according to *Minnesota Statutes*, sections 14.131 to 14.20. The hearing on the proposed rules will be cancelled if 25 or more persons do not request that one be held. With the comment period closing on November 28, 1990, there will be seven days before the scheduled hearing date. This seven-day period will give interested persons time to contact the Department to find out whether the hearing will be cancelled.

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

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

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 28, 1990. Comment is encouraged. Each comment should identify the portions of the proposed rules being addressed, the reason for the comment, and any change proposed to the rules by the commentator. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change in the proposed language.

In addition to submitting comments, interested persons may request, in writing, during the 30-day comment 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 portions of the proposed rules addressed, the reason for the request, and any changes the commentator wants made to the proposed rules. If a person desires that a hearing be held on only a portion of the proposed rules, it is requested that the Department be informed of the specific portion of the rules on which a hearing is being requested at the time that the hearing request is made. This will enable the Department to limit the hearing, if one is held, to the specific issues of concern. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed amendments or a portion thereof by November 28, 1990, thus necessitating that one be held with respect to the proposed rules. If a hearing is required, it will be held in accordance with the provisions of *Minnesota Statutes*, sections 14.131 to 14.20 and the hearing notice provided in section III below.

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

Jane A. Nelson, Rules Coordinator  
Division of Environmental Health  
Minnesota Department of Health  
925 Southeast Delaware Street  
P.O. Box 59040  
Minneapolis, Minnesota 55459-0040  
(612) 627-5038

The statutory authority of the Department to adopt the proposed rules is contained in *Minnesota Statutes*, section 14.05, subdivision 4.

The proposed rules are published immediately following this notice in the *State Register* on October 29, 1990, and a free copy of the rules may be obtained from the Department by writing or telephoning Jane A. Nelson at the address or telephone number listed above.

The proposed rules include provisions relating to the criteria and procedures for requesting and granting a variance to rules administered by the Environmental Health Division. Part 4717.7000 specifies what rules shall be subject to variance. Parts 4717.7010 to 4717.7050 specify the procedures for requesting a variance; the criteria and conditions to be considered when reviewing a variance; notification of the decision; the effect of alternative measures or conditions; and provisions for renewal, denial, revocation, and appeal. Reference to the general standards are amended into division rules. Language within adopted division rules that is not consistent with the proposed provisions in parts 4717.7000 to 4717.7050 is deleted. A copy of the proposed rules are attached to this notice as mailed.

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

After the close of the comment period on the proposed rules, if no hearing is required, the Department will submit to the Attorney General the proposed rules and notice as published, the rules as proposed for adoption, any written comments received by the Department, the statement of need and reasonableness, and a statement explaining any modifications to the proposed rules. The Attorney General will approve or disapprove the rules as to their legality and their form, including the issue of substantial change and determine whether the Department has the authority to adopt the rules and whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rules. The Department will give notice to all persons who request to be informed that these materials have been submitted to the Attorney General. Persons who wish to be advised of the submission of these materials to the Attorney General should submit a written request to Jane A. Nelson at the address listed above. If the proposed rule has been modified, the notice will also state that a free copy of the proposed rule, as modified, will be available upon request from the Department.

### Local Government Considerations

The Department's evaluation of the impact of the proposed rules on the expenditure of public monies by local public bodies is

addressed in the statement of need and reasonableness. There will be no direct cost to local units of government resulting from these proposed rules.

#### **Agricultural Land**

The proposed rule amendments will not have an impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes*, section 14.11.

#### **Small Business Considerations**

The Department is subject to *Minnesota Statutes*, section 14.115 regarding small business considerations in rulemaking. The Department's evaluation of the applicability of the methods contained in *Minnesota Statutes*, section 14.115, subdivision 2, for reducing the impact of the proposed rules is addressed in the statement of need and reasonableness.

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

**PLEASE NOTE that If 25 or More Persons Submit Written Requests for a Public Hearing on the Proposed Rules Within the 30-Day Comment Period Pursuant to the Notice Given in Part II Above, a Hearing Will Be Held on December 6, 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 under *Minnesota Statutes*, sections 14.131 to 14.20, in Room 500 North, State Office Building, 100 Constitution Avenue, St. Paul, Minnesota, on December 6, 1990, commencing at 9:00 a.m. The hearing will continue, if necessary, at additional times and places determined during the hearing by the Administrative Law Judge.

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 Peter C. Erickson, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone (612) 341-7606.

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 Department 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 and by *Minnesota Rules*, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the administrative law judge.

The statutory authority for the Department to adopt the proposed rules is contained in *Minnesota Statutes*, section 14.05, subdivision 4.

The proposed rules are published immediately following this notice in the *State Register* on October 29, 1990, and a free copy of the rule amendments may be obtained from the Department by writing or telephoning Jane A. Nelson at the address and telephone number listed above in Part II of this notice.

The proposed rules include provisions relating to the criteria and procedures for requesting and granting a variance to rules administered by the Environmental Health Division. Part 4717.7000 specifies what rules shall be subject to variance. Parts 4717.7010 to 4717.7050 specify the procedures for requesting a variance; the criteria and conditions to be considered when reviewing a variance; notification of the decision; the effect of alternative measures or conditions; and provisions for renewal, denial, revocation, and appeal. Reference to the general standards are amended into division rules. Language within adopted division rules that is not consistent with the proposed provision in parts 4717.7000 to 4717.7050 is deleted. A copy of the proposed rules are attached to this notice as mailed.

The proposed rules may be modified as a result of the rule hearing process. Persons 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 he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes*, section 10A.01, subdivision 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his own travel expenses and membership dues, in any year, for the

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## Proposed Rules

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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 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 55101-2520, telephone: (612) 296-5148.

**NOTICE IS HEREBY GIVEN** that a statement of need and reasonableness is now available for review at the Department and at the Office of Administrative Hearings. This statement of need and reasonableness includes a summary of all the evidence which the Department anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the statement of need and reasonableness may be reviewed at the Department 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 Department may not take any final action on the proposed 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 that the rules are filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the Department at any time prior to the filing of the rules with the Secretary of State.

### Local Government Considerations

The Department's evaluation of the impact of the proposed rules on the expenditure of public monies by local public bodies is addressed in the statement of need and reasonableness. There will be no direct cost to local units of government resulting from these proposed rules.

### Agricultural Land

The proposed rule amendments will not have an impact on agricultural land; therefore, no further information need to be provided under *Minnesota Statutes*, section 14.11.

### Small Business Considerations

The Department is subject to *Minnesota Statutes*, section 14.115, regarding small business considerations in rulemaking. The Department's evaluation of the applicability of the methods contained in *Minnesota Statutes*, section 14.115, subdivision 2, for reducing the impact of the proposed rules is addressed in the statement of need and reasonableness.

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

**PLEASE NOTE that the Hearing, Notice of Which Is Given in Part III Above, Will Be Cancelled on the Proposed Rules If Fewer than 25 Persons Request a Hearing on the Proposed Rules in Response to the Notice Given in Part II Above.**

To be informed whether a hearing noticed in Part III above will be held, please call or write Jane A. Nelson at the address or telephone number listed above before November 28, 1990, and leave your name, address, and telephone number. You will be notified after November 28, 1990, if the hearing has been cancelled. You may also call Jane A. Nelson at (612) 627-5038 after November 28, 1990, for oral confirmation regarding the scheduled hearing.

Dated: 11 October 1990

Sister Mary Madonna Ashton  
Commissioner of Health

### Rules as Proposed

#### **4620.1450 VARIANCE TO RULES RELATING TO CLEAN INDOOR AIR.**

The commissioner shall grant variances to parts 4620.0100 to 4620.1500, except part 4620.0300, only according to the procedures and criteria specified in parts 4717.7000 to 4717.7050.

#### **4620.1800 MAXIMUM PERMISSIBLE FORMALDEHYDE LEVEL IN HOUSING UNITS.**

At the time of sale of a newly constructed housing unit, the ambient indoor air of any habitable room in the unit shall not contain more than 0.4 parts of formaldehyde per million parts of air as measured according to the procedures specified in parts 4620.1900 and 4620.2000. The seller is responsible for assuring that the unit complies with this level.

The installation of urea formaldehyde foam insulation in a housing unit which is not newly constructed shall not cause the indoor level of formaldehyde in any habitable room in the unit to exceed the higher of 0.4 parts per million or the preinstallation level as



measured according to the procedures specified in parts 4620.1900 to 4620.2100. The installer of urea formaldehyde foam insulation is responsible for assuring that the installation complies with this level.

The commissioner shall grant a variance to this part only according to the procedures and criteria specified in parts 4717.7000 to 4717.7050.

#### **4620.3500 STANDARDS FOR ASBESTOS RELATED WORK.**

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

Subp. 4. **Required procedures for asbestos related work.** Asbestos related work must meet the following minimum criteria. The criteria do not replace or supersede more stringent standards or contractual agreements.

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

B. Preparation of the work area must meet the following requirements:

(1) Removal, enclosure, or encapsulation of asbestos containing material is a major operation for purposes of compliance with Code of Federal Regulations, title 29, section 1926.58, and must be done, where feasible in industrial facilities, in a negative pressure enclosure with a contiguous decontamination enclosure system. However, for the portion of an asbestos related project that includes removal of less than ten feet of pipe lagging or less than six square feet of asbestos containing material per room, the asbestos abatement contractor may use, as an alternative, the glove bag or mini enclosure procedures in subpart 5. The commissioner may approve ~~exceptions~~ a variance to the procedures specified in this ~~subitem~~ item, on a case by case basis, according to the procedures and criteria in parts 4717.7000 to 4717.7050, where space limitations prohibit the construction of the enclosure, or where the construction of a negative pressure enclosure would create a greater hazard, for example where toxic gases are present in the area.

[For text of subitems (2) to (9), see M.R.]

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

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

#### **4625.0900 SPACE REQUIREMENTS.**

Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of usable floor space, and every room occupied for sleeping purposes by more than one person shall contain not less than 60 square feet of usable floor space for each occupant thereof. Under no circumstances shall there be provided less than 400 cubic feet of air space per occupant. Beds shall be spaced at least three feet apart when placed side by side. No sleeping quarters shall be provided in any basement having more than half its clear floor to ceiling height below the average grade of the adjoining ground. ~~When strict compliance herewith is impracticable, the commissioner may waive any of the provisions of this part subject to such conditions as may be deemed desirable in the individual case.~~

#### **4625.2355 VARIANCE TO RULES RELATING TO LODGING ESTABLISHMENTS.**

The commissioner shall grant a variance to parts 4625.0400 to 4625.0600; 4625.0900; 4625.1200 to 4625.1600; 4625.2000, except the last sentence; and 4625.2200 only according to the procedures and criteria specified in parts 4717.7000 to 4717.7050.

#### **4625.2655 VARIANCE TO RULES RELATING TO FOOD AND BEVERAGE ESTABLISHMENTS.**

The commissioner shall grant a variance to parts 4625.2901 to 4625.7801, except parts 4625.3601; 4625.3801, subpart 1; 4625.3901, subpart 3; 4625.4101, subpart 1; 4625.4301; 4625.4401; 4625.4601; 4625.5000; 4625.5101, subpart 7; 4625.5601; 4625.5701; 4625.6101, subparts 3 and 7; 4625.6601; 4625.6701; 4625.7101, subpart 7; 4625.7601; and 4625.7701 only according to the procedures and criteria specified in parts 4717.7000 to 4717.7050.

#### **4630.1801 VARIANCE TO RULES RELATING TO MOBILE HOME PARKS AND RECREATIONAL CAMPING AREAS.**

The commissioner shall grant a variance to part 4630.0400 and parts 4630.0900 to 4630.1700 only according to the procedures and criteria specified in parts 4717.7000 to 4717.7050.

#### **4630.4750 VARIANCE TO RULES RELATING TO CHILDREN'S CAMPS.**

The commissioner shall grant a variance to parts 4630.2300 to 4630.4700 only according to the procedures and criteria specified in parts 4717.7000 to 4717.7050.

**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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### **4630.6550 VARIANCE TO RULES RELATING TO MIGRANT LABOR CAMPS.**

The commissioner shall grant a variance to parts 4630.5000 to 4630.6500 only according to the procedures and criteria specified in parts 4717.7000 to 4717.7050.

### **4635.0200 ROLLER TOWELS.**

In order to prevent the spread of communicable diseases, the use of the roller towels in public places, public conveyances, and public buildings is hereby prohibited, except that continuous towels dispensed from a cabinet which is so constructed as to provide complete separation between the clean and soiled portions of the towel on separate rolls within the cabinet and to provide that the soiled portion is taken up on the soiled towel roll at the same rate the clean portion is withdrawn from the clean roll shall not be within this prohibition. The commissioner shall grant a variance to this part only according to the procedures and criteria specified in parts 4717.7000 to 4717.7050.

### **4635.2100 VARIANCE TO RULES RELATING TO ENCLOSED SPORTS ARENAS.**

The commissioner shall grant variances to parts 4635.1100 to 4635.2000, except part 4635.1500, only according to the procedures and criteria specified in parts 4717.7000 to 4717.7050.

### **4715.5600 VARIANCE.**

If an installation cannot be made in conformance with the Minnesota Plumbing Code (parts 4715.0100 to 4715.2860) or with the provisions contained in parts 4715.5000 to 4715.6000, the water conditioning contractor or installer shall consult with the appropriate plumbing inspector, and obtain a variance from the state rules before the installation may proceed. Such a variance can be granted only if the nonconforming alternative will not create a risk to health. The commissioner shall grant variances to parts 4715.5000 to 4715.6000 only according to the procedures and criteria specified in parts 4717.7000 to 4717.7050.

### **4717.0500 WATER SUPPLY.**

The water supply serving the swimming pool and all plumbing fixtures including drinking fountains, lavatories, and showers shall meet the requirements of the commissioner of health. ~~Where strict compliance with the requirement that the water supply serving the swimming pool be of potable quality is not possible or reasonable, the commissioner of health may grant a variance which does not endanger the health and safety of the users of the pool.~~

All portions of the water distribution system serving the swimming pool and auxiliary facilities shall be protected against backflow. Water introduced into the pool, either directly or to the recirculation system, shall be supplied through an air gap (Minnesota Plumbing Code, parts 4715.2000 to 4715.2170). When such connections are not possible, the supply shall be protected by a suitable backflow preventer (Minnesota Plumbing Code, parts 4715.2000 to 4715.2170) installed on the discharge side of the last control to the fixture, device, or appurtenance.

The pumps, filter, disinfectant and chemical feeders, and related appurtenances shall be kept in operation at all times during the swimming season unless approved by the commissioner of health.

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

### **4717.7000 VARIANCE REQUEST.**

Subpart 1. **Request.** A party may ask the commissioner of health to grant a variance from the following rules:

- A. clean indoor air, parts 4620.0100 to 4620.1500, except part 4620.0300;
- B. formaldehyde in housing, part 4620.1800;
- C. asbestos abatement, part 4620.3500, subpart 4, item B, and part 4620.3700, subpart 3, item B, first sentence;
- D. lodging establishments, parts 4625.0400 to 4625.0600; 4625.0900; 4625.1200 to 4625.1600; 4625.2000, except the last sentence; and 4625.2200;
- E. food and beverage establishments, parts 4625.2901 to 4625.7801, except parts 4625.3601; 4625.3801, subpart 1; 4625.3901, subpart 3; 4625.4101, subpart 1; 4625.4301; 4625.4401; 4625.4601; 4625.5000; 4625.5101, subpart 7; 4625.5601; 4625.5701; 4625.6101, subparts 3 and 7; 4625.6601; 4625.6701; 4625.7101, subpart 7; 4625.7601; and 4625.7701;
- F. manufactured home parks and recreational camping areas, parts 4630.0400 and 4630.0900 to 4630.1700;
- G. children's camps, parts 4630.2300 to 4630.4700;
- H. migrant labor camps, parts 4630.5000 to 4630.6500;
- I. roller towels, part 4635.0200;
- J. enclosed sports arenas, parts 4635.1100 to 4635.2000, except part 4635.1500;
- K. water conditioning contractors and installers, parts 4715.5000 to 4715.6000;

- L. public swimming pools, parts 4717.0100 to 4717.3900;
- M. water haulers, parts 4720.4000 to 4720.4600;
- N. wells and borings, parts 4725.0100 to 4725.7600;
- O. explorers and exploratory borings, parts 4727.0100 to 4727.1300; and
- P. ionizing radiation, parts 4730.0100 to 4730.3610, except parts 4730.0400 and 4730.0600.

Subp. 2. **Procedures for requesting a variance.** The procedures in this subpart apply to a request for a variance of the rules specified in subpart 1. Additional procedures may be specified in the rules listed in subpart 1 which also must be complied with. The party requesting the variance must submit the variance request in writing to the commissioner of health along with any applicable fee. A request must contain:

- A. the specific language in the rule or rules from which the variance is requested;
- B. the reasons why the rule cannot be met;
- C. the alternative measures that will be taken to assure a comparable degree of protection to health or the environment if a variance is granted;
- D. the length of time for which the variance is requested;
- E. a statement that the party applying for the variance will comply with the terms of the variance, if granted; and
- F. other relevant information the commissioner determines necessary to properly evaluate the request for the variance.

Subp. 3. **Applicant for a variance.** The applicant for a variance must be the party to whom the rule specified in subpart 1 applies.

#### **4717.7010 CRITERIA FOR DECISION; CONDITIONS.**

Subpart 1. **Criteria for granting a variance.** The commissioner may grant a variance if:

- A. the variance was requested in a manner prescribed by part 4717.7000;
- B. the variance will have no potential adverse effect on public health, safety, or the environment;
- C. the alternative measures to be taken, if any, are equivalent to or superior to those prescribed in the rule;
- D. strict compliance with the rule will impose an undue burden on the applicant; and
- E. the variance does not vary a statutory standard.

Subp. 2. **Conditions for variance.** In granting a variance the commissioner may attach conditions the commissioner determines are needed to protect public health, safety, or the environment.

Subp. 3. **Future effect.** A variance shall have only future effect.

#### **4717.7020 NOTIFICATION OF DECISION.**

The commissioner of health shall notify the party in writing of the commissioner's decision to grant or deny the variance. If a variance is granted, the notification must specify the period of time for which the variance will be effective and the alternative measures or conditions, if any, the applicant must meet. If a variance is denied, the commissioner of health shall specify the reasons for the denial.

#### **4717.7030 EFFECT OF ALTERNATIVE MEASURES OR CONDITIONS.**

Alternative measures or conditions attached to a variance have the force and effect of the applicable rule. If the party violates the alternative measures or conditions attached to the variance, the party is subject to the enforcement actions and penalties provided in the applicable law or rule. The party to whom a variance has been issued must notify the commissioner of health in writing within 30 days of any material change in the conditions upon which the variance was granted.

#### **4717.7040 RENEWAL OF VARIANCE.**

A request for the renewal of a variance must be submitted to the commissioner of health in writing 30 days before its expiration date. Renewal requests must contain the information specified in part 4717.7000, subpart 2. The commissioner shall renew a variance if the party continues to satisfy the criteria contained in part 4717.7010 and demonstrates compliance with the alternative measures or conditions imposed at the time the original variance was approved. This provision does not apply if there has been any material change in the conditions upon which the variance was granted.

**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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### 4717.7050 DENIAL, REVOCATION, OR REFUSAL TO RENEW; APPEALS.

Subpart 1. **Action.** The commissioner shall deny, revoke, or refuse to renew a variance if the commissioner determines that the criteria in part 4717.7010 are not met.

Subp. 2. **Appeal procedure.** A party may appeal the denial, revocation, or refusal to renew a variance by requesting, in writing, a contested case hearing under the Administrative Procedure Act, *Minnesota Statutes*, chapter 14, within 30 days of receipt of the notice to deny, revoke, or refuse to renew the variance.

### 4725.0410 VARIANCE.

Subpart 1. **General.** The commissioner shall grant a variance to any provision of this chapter according to the procedures and criteria specified in parts 4717.7000 to 4717.7050. The variance request must be accompanied by the fee specified in *Minnesota Statutes*, section 1031.101, subdivision 6.

Subp. 2. **Additional standards for construction, repair, or sealing variance requests.** In addition to subpart 1, a request to vary a construction, repair, or sealing provision related to wells or borings in parts 4725.1860 and 4725.2300 to 4725.7600 must also include:

- A. the location of the well or boring in terms of township, range, and four-quarter sections;
- B. the unique number, if assigned;
- C. the name, address, and telephone number of the contractor doing work, the property owner, and the well owner;
- D. a scaled map showing the location of the well or boring in relation to all property lines, structures, utilities, and contamination sources cited in part 4725.2000;
- E. the proposed depth of the well or boring;
- F. the casing type, its diameter, and its depth;
- G. a description of the method of construction, grout materials, and method of emplacement;
- H. a description of the anticipated geologic conditions; and
- I. the depth to water, pumping rate, number of persons served by the well, and a description of the use of the well.

Subp. 3. **Additional standards for variance request from isolation distance.** In addition to the information in subparts 1 and 2, a variance request to parts 4725.1900 to 4725.2200 must include:

- A. information on special construction methods or precautions proposed to prevent contamination of the well, boring, or groundwater;
- B. a description of the age, design, size, and type of construction of any existing or potential contamination source as specified in part 4725.2000;
- C. any testing, inspection, or certification data and the name and address of the person supplying the data;
- D. information on soil type from a soil survey, percolation test, or soil boring report; and
- E. a copy of any review of contamination sources done by a local or state unit of government under other applicable regulations.

### 4730.0850 VARIANCE TO RULES RELATING TO IONIZING RADIATION.

The commissioner shall grant a variance to parts 4730.0100 to 4730.3610, except parts 4730.0400 and 4730.0600 only according to the procedures and criteria specified in parts 4717.7000 to 4717.7050.

**REPEALER.** *Minnesota Rules*, parts 4625.2650; 4630.1800; 4725.0400; and 4727.0300 are repealed.

## Higher Education Coordinating Board

### Proposed Permanent Rules Relating to Financial Aid

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

**NOTICE IS HEREBY GIVEN** that the Minnesota Higher Education Coordinating Board 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 in *Minnesota Statutes* 136A.04, Subd. 1(9), 136A.16, and 136A.234.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules 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 public hearing must be submitted to:

Mary Lou Dresbach  
Minnesota Higher Education Coordinating Board  
Capitol Square Building, Suite 400  
550 Cedar Street  
St. Paul, MN 55101  
(612) 296-9656

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.

The text of the proposed rule was published in the *State Register* on January 22, 1990. Since that publication, a statutory repealer took effect on July 1, 1990, changing the name of the state scholarship and grant program to the state grant program. Therefore all reference to scholarship is no longer appropriate.

**A STATEMENT OF NEED AND REASONABLENESS** that describes the need for the 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 Mary Lou Dresbach upon request.

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

Dated: 15 October 1990

David R. Powers  
Executive Director  
Minnesota Higher Education  
Coordinating Board

## Pollution Control Agency

### Division of Air Quality

#### Proposed Permanent Rules Relating to Open Burning Restrictions and Permitting Requirements

##### 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 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 rule is set forth in *Minnesota Statutes* § 116.07 (1988).

All persons have until 4:30 p.m. on November 28, 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 rule addressed, the reason for the comment, and any change 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.

## Proposed Rules

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

If a public hearing is required, the 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:

Norma Florell  
Minnesota Pollution Control Agency  
Air Quality Division  
520 Lafayette Road North  
St. Paul, Minnesota 55155  
(612) 296-7712

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 rule as noticed.

The proposed rules, if adopted, will simplify and reduce the scope of the open burning permitting process and clarify the requirements and restrictions that apply to open burning. The proposed rules are published below. One free copy of the rules is available upon request from Norma Florell at the address and telephone number stated above.

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

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1988), "Small business considerations in rulemaking," that the proposed rules will not have a significant impact on small businesses, including small farms. Open burning may be conducted for ground thawing for utility repair and construction, disposal of tree, brush, grass, and other vegetative matter in the development and maintenance of land, for the disposal of building material generated by construction, or for farm disposal of solid waste where regular pickup of solid waste is not available. The limits placed on open burning are not onerous. The rule encourages the use of alternative disposal methods such as chipping, composting or recycling prior to open burning because air pollutant emissions from open burning can have a negative impact on air quality. Allowing small businesses to operate under a different standard would not be easily understood by the affected public. Further, allowing a less stringent standard to be met might be unacceptable to the U.S. Environmental Protection Agency as the open burning rule is part of Minnesota's State Implementation Plan to control air pollution under the federal Clean Air Act.

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

Gerald L. Willet  
Commissioner

### Rules as Proposed (all new material)

#### OPEN BURNING RESTRICTIONS AND PERMITTING REQUIREMENTS

##### 7005.0705 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 7005.0705 to 7005.0815 the terms defined in this part have the meanings given.

Subp. 2. **Agency.** "Agency" means the Minnesota Pollution Control Agency.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Pollution Control Agency.

Subp. 4. **Delegated authority.** "Delegated authority" means a town, home rule charter or statutory city authorized by the commissioner to issue open burning permits under part 7005.0767.

Subp. 5. **Incorporated land.** "Incorporated land" means land within a home rule charter or statutory city.

Subp. 6. **Local authority.** "Local authority" means a local fire chief, fire marshal, fire warden, or local governmental official.

Subp. 7. **Nonattainment area.** "Nonattainment area" means a geographic region that has been:

A. designated by the agency as violating a state ambient air quality standard; or

B. designated by the United States Environmental Protection Agency as violating a national ambient air quality standard in Code of Federal Regulations, title 40, section 81.324, as amended.

Subp. 8. **Open burning.** "Open burning" means the burning of any matter if the resultant combustion products are emitted directly to the atmosphere without passing through a stack, duct, or chimney.

Subp. 9. **Owner or operator.** "Owner" or "operator" means a person who owns, leases, operates, controls, or supervises an open burning site, or who conducts open burning.

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

#### **7005.0715 OPEN BURNING RESTRICTIONS.**

Subpart 1. **Open burning without a permit.** Except as provided in parts 7005.0785 and 7005.0795, open burning without a permit is allowed only on unincorporated land in attainment areas, and only if the owner or operator conducts the burning for the purposes described in subpart 3, according to the conditions in subpart 4, parts 7005.0725, 7005.0775, and 7005.0805, and prior notice has been given to the local authority.

Subp. 2. **Open burning with a permit.** Owners or operators of permanent tree and brush open burning sites must obtain permits under part 7005.0735, and are subject to the requirements of subpart 4 and parts 7005.0725, 7005.0735, 7005.0745, 7005.0755, 7005.0775, 7005.0805, and 7005.0815. Owners or operators who conduct open burning for the instruction and training of firefighters must obtain permits under part 7005.0735, and are subject to the requirements of part 7005.0725, except as otherwise provided in the permit issued by the commissioner, and parts 7005.0735, 7005.0745, 7005.0755, 7005.0766, 7005.0775, and 7005.0805. Owners or operators who conduct, cause, or permit open burning on incorporated land or in a nonattainment area must obtain permits under part 7005.0735, and are subject to the requirements of subpart 3 and parts 7005.0725, 7005.0735, 7005.0745, 7005.0755, and 7005.0805. Owners or operators who conduct, cause, or permit open burning in forest areas or on forest land as defined in *Minnesota Statutes*, section 88.01, subdivisions 6 and 7, must obtain permits from the Minnesota Department of Natural Resources if a permit is required by *Minnesota Statutes*, sections 88.16 and 88.17.

Subp. 3. **Purposes for burning.** Open burning is allowed if conducted for the following purposes:

- A. elimination of fire or health hazards that cannot be abated by any other practical means;
- B. disposal of vegetative matter for purposes of managing forests, prairies, or wildlife habitats;
- C. ground thawing for utility repair and construction;
- D. disposal of trees, brush, grass, and other vegetative matter in the development and maintenance of land and rights-of-way where chipping, composting, or other alternative methods are not practical;
- E. activities in accordance with Department of Agriculture practices as described in parts 1505.0230 and 1505.0320, and *Minnesota Statutes*, section 19.56; or
- F. the disposal of burnable building material such as unpainted or untreated lumber, wood shakes, or other unpainted or untreated wood products generated by construction, where alternative disposal methods are not practical.

Subp. 4. **Conditions.** Open burning must be conducted according to the requirements in items A to I.

- A. The prevailing wind at the time of the burning must be away from nearby residences and occupied buildings. Wind speed must not exceed 15 miles per hour.
- B. The burning must be conducted at least 300 feet from a highway or public road and controlled so that a traffic hazard is not created.
- C. The burning must not be located within 600 feet of an occupied building or residence other than those located on the property on which the burning is conducted unless written permission is obtained from those occupants within the 600 feet.
- D. The burning must not be conducted within one mile of an airport or landing strip unless the affected airport or landing strip is notified prior to burning.
- E. The burning must not be conducted during the duration of an agency-declared air pollution episode alert, warning, emergency, or significant harm as outlined in parts 7005.2950 to 7005.3006; *Minnesota Statutes*, section 116.11; Code of Federal Regulations, title 40, part 51, subpart H; or Code of Federal Regulations, title 40, section 52.1220 (c)(1).
- F. The person conducting the open burning shall give notice to the local Department of Natural Resources representative and the local authority prior to any open burning. The notice must include the time and location of the fire.

**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.

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G. Propane gas torches or other clean gas burning devices causing minimal pollution must be used to start the burning.

H. The person conducting the open burning must be present at the burn site from the commencement of the burning until the fire is completely extinguished and if a permit is required shall have a copy of the permit at the burning site at all times.

I. Fires must not be allowed to smolder with no flame present.

### 7005.0725 OPEN BURNING PROHIBITIONS.

Subpart 1. **Prohibited materials.** No person shall conduct, cause, or permit open burning of oils, rubber, plastics, chemically treated materials, or other materials which produce excessive or noxious smoke such as tires, railroad ties, chemically treated lumber, composite shingles, tar paper, insulation, composition board, sheetrock, wiring, paint, or paint filters.

Subp. 2. **Hazardous wastes.** No person shall conduct, cause, or permit open burning of hazardous waste as classified in chapter 7045 and *Minnesota Statutes*, section 116.06, subdivision 13.

Subp. 3. **Industrial solid waste.** No person shall conduct, cause, or permit open burning of solid waste generated from an industrial or manufacturing process or from a service or commercial establishment.

Subp. 4. **Demolition debris.** No person shall conduct, cause, or permit open burning of burnable building material generated from demolition of commercial or institutional structures.

Subp. 5. **Salvage operations.** No person shall conduct, cause, or permit salvage operations by open burning.

Subp. 6. **Motor vehicles.** No person shall conduct, cause, or permit the processing of motor vehicles or scrap metals by open burning.

Subp. 7. **Garbage.** No person shall conduct, cause, or permit open burning of discarded material resulting from the handling, processing, storage, preparation, serving, or consumption of food, unless specifically allowed under part 7005.0795.

Subp. 8. **Burning ban.** No person shall conduct, cause, or permit open burning during a burning ban put into effect by a local authority, county, or a state agency.

### 7005.0735 PERMITS REQUIRED.

Subpart 1. **Permits required.** No person shall conduct, cause, or permit open burning on incorporated land or in a nonattainment area without obtaining an open burning permit from the commissioner or a delegated authority under part 7005.0767. No person shall conduct, cause, or permit open burning at a permanent tree and brush open burning site as described in part 7005.0815 or for instruction and training of firefighters as described in part 7005.0766 without obtaining an open burning permit from the commissioner.

Subp. 2. **Permit conditions.** The commissioner or delegated authority shall issue an open burning permit if the commissioner or delegated authority finds that the burning is for one of the purposes in part 7005.0715, subpart 3, 7005.0766, or 7005.0815, and that the burning will be conducted according to the requirements of parts 7005.0705 to 7005.0815. The commissioner or delegated authority may impose other reasonable conditions in the permit on the conduct of the open burning if needed for the prevention of pollution or nuisance conditions. The burning shall be conducted during the dates established in the permit and conducted under the conditions of the permit.

Subp. 3. **Application process.** In areas where there is no delegated authority, the applicant shall obtain a permit application from the commissioner. After completing the application, the applicant shall submit the application to the local authority for its approval. Following the local authority approval, the application shall be submitted to the commissioner for a decision whether to issue a permit.

In areas where there is a delegated authority, the applicant shall obtain a permit application from the delegated authority. After completing the application, the applicant shall submit the application to the local authority for its approval. Following the local authority approval, the application shall be submitted to the delegated authority for a decision whether to issue a permit.

The application process for permanent tree and brush open burning sites is described in part 7005.0815, subparts 7 and 8.

To obtain a permit for fire training, an application must be submitted by the fire department directly to the commissioner.

Subp. 4. **Information requests.** The commissioner or delegated authority may request, and the applicant shall provide, any information additional to that required in the application form which the commissioner or delegated authority needs to determine if the open burning can be conducted in compliance with all applicable rules.

Subp. 5. **Permittees.** The permit application must be signed by all owners and operators, and the commissioner or delegated authority shall designate all owners and operators as copermittees when issuing the permit.

### 7005.0745 PERMIT DENIAL.

The commissioner shall deny a permit application submitted pursuant to parts 7005.0705 to 7005.0815 if:

A. a reasonable, practical alternative method of disposal of the material is available, such as chipping, composting, or other method;



- B. the burning cannot be conducted according to the conditions established in parts 7005.0705 to 7005.0815; or
- C. a nuisance condition would result from the burning.

**7005.0755 PERMIT REVOCATION.**

A permit is subject to revocation by the commissioner, if:

- A. a reasonable, practical method of disposal of the material is found;
- B. a fire hazard exists or develops during the course of the burning;
- C. the permittee violates parts 7005.0705 to 7005.0815; or
- D. any of the conditions of the permit are violated.

**7005.0765 DEPARTMENT OF NATURAL RESOURCES JURISDICTION.**

Department of Natural Resources forest officers or fire wardens are authorized to accept applications and issue open burning permits on behalf of the commissioner for locations within their jurisdiction.

**7005.0766 FIRE TRAINING.**

Subpart 1. **Structure burn training.** Owners or operators conducting open burning for the purpose of instruction and training of firefighters must follow the techniques described in Structural Burn Training Procedures for the Minnesota Technical College System used in the training of firefighting personnel at Minnesota vocational technical colleges or other qualified training facilities. This document is written and published by the Regional State Fire Training Coordinator Staff, June 1987, and is incorporated by reference. It is not subject to frequent change. This publication is available at the Minnesota State Law Library and at the Fire Information, Research, and Education Center, 550 Cedar Street, Saint Paul, Minnesota 55101.

Subp. 2. **Restrictions.** Flammable or combustible liquids shall not be burned during fire training unless liquid fuels training is being conducted.

Subp. 3. **Liquid fuels training.** Fire training shall be conducted according to the conditions in items A to C when liquid fuels are burned.

A. The fuel must be completely contained within a lined structure, such as a cement- or metal-lined container.

B. The amount of fuel to be burned must be the minimum amount necessary to conduct the training.

C. If fuel is released from the lined structure, or if soil or groundwater contamination is suspected to have resulted from the burn, the spill must be reported and recovered as required under *Minnesota Statutes*, section 115.061.

Subp. 4. **Conditions.** Fire training must be conducted according to parts 7005.0715, subpart 4, items E to H, and 7005.0725, except as specifically authorized by the permit issued by the commissioner.

**7005.0767 DELEGATED AUTHORITY.**

Subpart 1. **Delegated authority to issue permits.** A town or home rule charter or statutory city may issue permits for open burning other than for fire training or permanent tree and brush burning conducted according to parts 7005.0705 to 7005.0805, if delegated authority is obtained as provided in subpart 2. Permits must be issued on a form approved by the commissioner and records must be maintained of all open burning permits issued.

Subp. 2. **Obtaining authority.** To obtain authority to issue open burning permits, a town or home rule charter or statutory city must adopt parts 7005.0705 to 7005.0805 as a local ordinance governing open burning. After adopting this ordinance, the town or home rule charter or statutory city must submit the following to the commissioner:

A. a written statement requesting the authorization;

B. the name of the person or persons authorized to issue the permits on behalf of the town or home rule charter or statutory city and a certified copy of the motion passed by the town or home rule charter or statutory city designating such person or persons; and

C. a copy of the local ordinance adopting parts 7005.0705 to 7005.0805.

Subp. 3. **Revocation of delegated authority.** The commissioner shall revoke the authority to issue open burning permits if:

A. permits are issued in violation of parts 7005.0705 to 7005.0805;

**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.

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- B. permits are issued on forms that have not been approved by the commissioner;
- C. permits are issued by persons who have not been authorized by the delegated authority or whose names have not been provided to the commissioner;
- D. the delegated authority fails to maintain records of open burning permits issued; or
- E. the delegated authority requests removal of the authority.

### **7005.0775 COMPLIANCE WITH OTHER LAWS.**

Open burning must be conducted according to parts 7005.0705 to 7005.0815, local ordinances, state fire marshal rules, and statutes and rules of other state agencies, regardless of whether a permit is required by parts 7005.0705 to 7005.0815. Nothing in parts 7005.0705 to 7005.0815 shall be construed to allow open burning in those areas in which open burning is prohibited by other laws, rules, regulations, or ordinances which are more restrictive.

### **7005.0785 RECREATIONAL FIRES.**

Fires set for recreational, ceremonial, food preparation, or social purposes are allowed and do not require an agency permit. Fires must be no larger than three feet in diameter by three feet high. Only wood, coal, or charcoal may be burned.

### **7005.0795 OPEN BURNING ON FARMS.**

A person who operates land used for farming may burn solid waste generated from the person's household or as part of the person's farming operation without an agency permit, as provided by *Minnesota Statutes*, section 17.135. The burning of the solid waste must comply with the conditions established in part 7005.0715, subpart 4, the prohibitions established in part 7005.0725, and the requirements of *Minnesota Statutes*, section 17.135.

### **7005.0796 OPEN BURNING OF LEAVES.**

A town or home rule charter or statutory city located outside the metropolitan area as defined in *Minnesota Statutes*, section 473.121, subdivision 2, by adoption of an ordinance, may permit open burning of dried leaves within the boundaries of the town or city, as provided by *Minnesota Statutes*, section 116.082. The burning of dried leaves must comply with the conditions established in parts 7005.0715, subpart 4, 7005.0725, 7005.0775, and 7005.0805.

### **7005.0805 LIABILITY.**

The granting of an open burning permit or allowance of open burning without a permit under any provisions of parts 7005.0705 to 7005.0815 does not excuse a person from consequences, damages, or injuries which may result from the open burning.

### **7005.0815 PERMANENT TREE AND BRUSH OPEN BURNING SITES.**

Subpart 1. **Permanent sites.** The commissioner shall issue permits authorizing continuous use of a site for open burning following the procedures and subject to the conditions established in this part and parts 7005.0725, 7005.0735, 7005.0745, 7005.0755, and 7005.0805.

Subp. 2. **Tree and brush burning only.** Only trees, tree trimmings, or brush shall be permitted to be burned at a permanent open burning site.

Subp. 3. **Alternatives to burning.** Only trees, tree trimmings, or brush that cannot be disposed of by an alternative method such as chipping, composting, or other method, shall be permitted to be burned at a permanent open burning site.

Subp. 4. **Location.** A permanent open burning site must not be located within:

- A. 1,000 feet of an occupied building unless written permission is obtained from the building owner and occupant;
- B. 1,000 feet of a public roadway;
- C. one mile of an airport or landing strip unless written permission is obtained from the affected airport or landing strip;
- D. 300 feet of a stream, river, lake, or other water body; or
- E. a wetland as defined in part 7035.0300, subpart 119.

Subp. 5. **Site operation.** A permanent open burning site must be developed and operated according to items A to J.

A. A qualified attendant must be on duty at all times when the site is open for disposal of material to be burned and for the duration of any fire on the site.

B. Access to the site must be controlled through a gate that is locked when the attendant is not on duty.

C. A permanent sign indicating the times of operation, rates, the penalty for nonconforming dumping, and other pertinent information of use to the public must be posted at the site entrance.

D. Burning and ash storage areas must be designated and maintained.

- E. Surface water drainage must be diverted around and away from the burning and ash storage areas.
  - F. Burning must be conducted according to the conditions in part 7005.0715, subpart 4, items A to E and G.
  - G. Twenty-four hour notice must be given to the local authority of the time and duration of each burn.
  - H. Fugitive ash emissions must be controlled and ash residue must be collected periodically and disposed of in a permitted sanitary landfill or other method allowed by applicable statutes and rules.
  - I. The fire must not be allowed to smolder with no flame present.
  - J. Fugitive dust emissions from access roads and the site must be controlled as required by part 7005.0550.
- Subp. 6. **Site termination.** A permanent open burning site must be terminated in compliance with items A to D.
- A. All unburned materials must be removed and disposed of in an appropriate manner.
  - B. All ash must be removed to a permitted sanitary landfill or other method allowed by applicable statutes and rules.
  - C. Areas affected by burning must be covered with soil and seeded to prevent erosion and to restore the site to a natural condition.
  - D. A sign must be posted informing the public that the site has been closed, and listing the closest disposal site alternative.
- Subp. 7. **Application process.** Applicants for a permanent open burning site permit shall submit a complete application on a form provided by the commissioner. This application must be submitted at least 90 days before the date of the proposed operation of the permanent open burning site. The application must be submitted to the commissioner and must contain:
- A. the name, address, and telephone number of all owners of the site proposed for use as the permanent open burning site;
  - B. if the operator for the proposed permanent open burning site is different from the owner, the name, address, and telephone number of the operator;
  - C. a general description of the materials to be burned, including the source and estimated quantity;
  - D. a topographic or similarly detailed map of the site and surrounding area within a one mile circumference showing all structures that might be affected by the operation of the site; and
  - E. any other information relevant to the operation of the site, or as requested by the commissioner to determine if the site can be operated in compliance with all applicable rules.

Subp. 8. **Permittees.** The permit application must be signed by all owners and operators of the proposed permanent open burning site, and the commissioner shall designate all owners and operators as copermittees when issuing the permit.

**INSTRUCTION TO REVISOR.** In the next edition of *Minnesota Rules*, the revisor shall change the reference from "parts 7005.0700 to 7005.0820" to "parts 7005.0705 to 7005.0815" in *Minnesota Rules*, parts 7001.0020 and 7035.2565.

**REPEALER.** *Minnesota Rules*, parts 7005.0700; 7005.0710; 7005.0720; 7005.0730; 7005.0740; 7005.0750; 7005.0760; 7005.0770; 7005.0780; 7005.0790; 7005.0800; 7005.0810; and 7005.0820 are repealed.

## Public Employment Relations Board

### Proposed Permanent Rules and Amendments Relating to Arbitration Policies, Issues and Appeals, Meeting Procedures, Code of Ethics, and Independent Review

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

**NOTICE IS HEREBY GIVEN** that the State Public Employment Relations Board intends to adopt and amend the above-entitled rules without a public hearing following procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.29. The statutory authorities to adopt and amend the rule are *Minnesota Statutes*, sections 179A.05, subs. 3, 5, and 6, 179A.25 and 14.06.

**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.

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All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules and amendments 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 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 public hearing must be submitted to:

Jermaine Foslien, Executive Director  
Public Employment Relations Board  
1380 Energy Lane, Suite Three  
St. Paul, Minnesota 55108  
(612) 649-5450

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

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

**A STATEMENT OF NEED AND REASONABLENESS** that describes the need for and the reasonableness of each provision of the proposed rule and amendment and identifies that data and information relied upon to support the proposed rule has been prepared and is available from Jermaine Foslien, Executive Director, Public Employment Relations Board, 1380 Energy Lane, Suite Three, St. Paul, Minnesota 55108 upon request.

**You are hereby advised** pursuant to *Minnesota Statute*, section 14.115 (1988) that the proposed rule and amendments may have an impact on small business. The proposed rule and amendments set forth the substantive and procedural requirements for maintenance of the arbitrator roster. Small businesses which arbitrators are considered to be, may be impacted by the proposed rules if the arbitrator applies or is appointed to serve on the Board's roster. *Minnesota Statute* 14.11 is not applicable as the proposed rules do not require expenditure of public money by local public bodies.

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 the 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 a written request to Jermaine Foslien, Director, Public Employment Relations Board, 1380 Energy Lane, Suite Three, St. Paul, Minnesota 55108.

Dated: 8 October 1990

Jermaine Foslien  
Executive Director

### Rules as Proposed

#### 7300.0100 DEFINITIONS.

Subpart 1. **Appeal.** "Appeal" means issues relating to the meaning of the terms "supervisory employee," "confidential employee," "essential employee," or "professional employee"; appeals from determinations of the ~~director~~ commissioner relating to the appropriateness of a unit; and appeals from determinations of the ~~director~~ commissioner relating to a fair share fee challenge.

[For text of subs 3 and 4, see M.R.]

Subp. 6. **Director Commissioner.** "~~Director~~" "Commissioner" means the ~~Director~~ commissioner of the Bureau of Mediation Services.

**Subp. 7a. Executive director.** "Executive director" means the executive director of the Public Employment Relations Board.

**Subp. 7b. Holiday or legal holiday.** "Holiday" or "legal holiday" means those dates designated by Minnesota Statutes, section 645.44, subdivision 5, as holidays for the executive branch of the state of Minnesota.

Subp. 8. **Party.** "Party" means any ~~person, public employee,~~ public employer, exclusive representative of public employees, public employee organization, or public employer organization whose legal rights, duties, or privileges will be directly determined in an appeal; or any public employee who has filed a fair share fee challenge.

[For text of subp 9, see M.R.]

Subp. 11. **Service; serve.** "Service" or "serve" means service of a document required by this chapter, by person or certified United States mail with return requested, postage prepaid, and addressed to the party at its last known address, unless some other manner of service is required by law. Certified mail means mail which must be signed for by the addressee upon receipt of said mail. Unless otherwise expressly stated by this chapter, service is effective upon receipt delivery by personal service, United States certified or regular mail, or other delivery. Electronic mail (fax machine) is not an effective method of service. Service is effective upon receipt by the recipient.

#### **7300.0110 COMPUTATION OF TIME.**

In computing any period of time prescribed or allowed by parts 7300.0100 to 7300.3300, the day of an act or event on which the designated period of time begins to run is not included. The last day of the time period is included unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or legal holiday. When the period of time prescribed or allowed is less than seven days, Saturday, Sunday, and legal holidays are not included in the computation. See part 7300.0100, subpart 7b, for the definition of legal holiday.

#### **7300.0300 SCOPE.**

This chapter shall apply to:

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

B. appeals from determinations of the ~~director~~ commissioner relating to the appropriateness of a unit; and

C. appeals from determinations of the ~~director~~ commissioner relating to a fair share fee challenge.

#### **7300.0350 BARGAINING UNIT ACCRETION.**

In review of a unit accretion pursuant to Minnesota Statutes, section 179A.09 and under part 7300.0300, item B, the board must consider as a relevant factor whether the employee or employees in question have indicated a showing of interest to be accreted so long as the confidentiality of the individual cards is protected in accordance with Minnesota Statutes, section 179A.12, subdivision 6.

#### **7300.0500 PRESIDING OFFICER; BOARD OR PANEL.**

The board, as a full body or as a panel of ~~one or more~~ three of its members, may hear and decide an appeal. ~~Whenever feasible,~~ A panel shall consist of an equal number of representatives of public employees and public employers, ~~unless otherwise agreed to by the parties and the member who represents the public at large.~~

#### **7300.0600 PRESIDING OFFICER; HEARING EXAMINER ADMINISTRATIVE LAW JUDGE.**

The board may appoint a ~~hearing examiner~~ an administrative law judge to hear an appeal. The ~~hearing examiner~~ administrative law judge shall have such authority as the board deems necessary and appropriate to hear the appeal. The ~~hearing examiner~~ shall administrative law judge ~~must~~ submit to the board recommended findings. The final decision ~~on the appeal~~ shall ~~must~~ in all cases be made by the board.

#### **7300.0700 INITIATING AN APPEAL.**

Subpart 1. **Time limits.**

A. Within ~~ten~~ 15 calendar days of the date of a final determination by the ~~director~~ commissioner, any party, or parties, may initiate an appeal by serving a copy of a notice of appeal upon all other parties with a copy to the ~~director~~ commissioner and filing the original with the board. Service is effective upon receipt by the board, bureau, and all other parties.

B. If a party or parties files a request for reconsideration of a decision by the commissioner, the appeal to the board must be initiated within 15 calendar days of the date of the reconsideration decision by the commissioner. A copy of the notice of appeal must be served upon all other parties with a copy to the commissioner and the original filed with the board. Service is effective upon receipt by the board, bureau, and all other parties.

Subp. 2. **Notice of appeal.** A notice of appeal shall include:

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

B. the names and addresses of all ~~parties~~ individuals and organizations who were parties to the appeal;

C. a copy of the ~~director's~~ commissioner's determination from which the appeal is being taken, and, if applicable, a copy of the reconsideration decision by the commissioner;

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

E. a statement that the appellant understands the ~~director's~~ commissioner's rules governing the preparation of and payment for the record and transcript on appeal and agrees to abide by those rules; and

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

### 7300.0800 ANSWER.

Within ~~ten~~ 15 calendar days after service of a notice of appeal, all other parties may submit an answer to the notice of appeal. A copy of ~~such~~ the answer shall be served on all parties to the appeal and filed with the board. Failure to submit an answer shall not be deemed an admission of any statement contained in the notice of appeal or a waiver of any rights afforded the respondent by any statute or rule.

### 7300.0810 BRIEFS.

~~The board may establish a briefing schedule as it deems appropriate.~~

Subpart 1. Establishment of briefing schedule. Upon transmission of the record from the commissioner, the board must provide written notice to the parties establishing specific dates for each party to submit its brief. The appellant must serve and file the appellants's brief within 14 calendar days after the board's written notice establishing the briefing schedule. The respondent must serve and file the respondent's brief within 14 calendar days after service of the appellant's brief. Parties must notify the board by the established dates if they do not intend to file a brief.

Subp. 2. Extension of the briefing schedule.

A. Either party may request an extension of the briefing schedule. Request for an extension must be received by the board before the deadline and in writing. If it is a first request and the extension does not exceed 14 calendar days, the request will be granted by the executive director. Written notice must be provided to all the parties of the revised briefing schedule.

B. Either party may request an extension that exceeds 14 calendar days or the same party who made the first request for an extension may request a second extension. These requests must be in writing and received by the board before the deadline established in the initial briefing schedule. The board must consider the request at its next meeting and may grant the extensions only for good cause shown and if it causes no prejudice to the other party. If the board is not scheduled to meet within 14 calendar days from the date of the written request, the board chair has authority to decide the request.

### 7300.0850 AMICUS CURIAE STATUS.

An individual, association, or organization may seek permission in an appeal to file a brief as amicus curiae. The board will grant amicus curiae status if the requester establishes that its brief will be relevant to the appeal and that it will contribute to the board's understanding of the case and the board's decision. Any request of the commissioner for amicus curiae status must be granted. Any brief which is filed under this part must be submitted to the board within the time established for the respondent's brief under part 7300.0810.

### 7300.0900 NOTICE OF HEARING.

Subpart 1. Contents of notice. At least 15 calendar days ~~prior to~~ before the hearing date, the board ~~shall serve upon all~~ must provide to all parties by certified mail a notice of hearing stating:

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

Subp. 2. Copy of rules included. A copy of this chapter ~~shall~~ must be included with the notice of hearing.

### 7300.1000 CONTINUANCE OF HEARING.

A request for continuance ~~must be served upon the parties and filed with the board not less than seven days prior to the hearing unless exceptional circumstances are shown.~~ of a hearing, if mutually consented to by all of the parties, will be granted by the board's executive director. If there is no mutual consent, the board must consider the request for continuance at its next meeting and grant the request upon good cause shown. If a board meeting is not scheduled that provides the opportunity for the board to consider the request and provide a timely response, the board chair has the authority to consider and decide the request.

### 7300.1200 INFORMAL AND SUMMARY DISPOSITION.

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

Subp. 2. Summary disposition. The board, on its own motion or on motion of any party, may:

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

B. summarily affirm the ~~director's~~ commissioner's determination if the appeal presents no question of substantial merit;

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

**7300.1500 SUBSTITUTION OF ~~PARTY~~ PARTY'S REPRESENTATIVE.**

Substitution of a ~~party or its party's~~ representative may be allowed only if notice of the substitution is served on all other parties and filed with the board at least five seven calendar days ~~prior to~~ before the hearing date.

**7300.1700 REMAND.**

Subpart 1. Remand to commissioner. ~~At any time prior to its decision, A party may make a motion to remand the appeal to the commissioner.~~ The board may remand to the ~~director~~ commissioner all or part of the appeal for rehearing, the taking of specified additional evidence, or other appropriate action.

Subp. 2. Circumstances for remand. The board must grant a remand under the following circumstances:

A. additional evidence, newly discovered, that with reasonable diligence could not have been found and produced at the hearing;

B. a change in existing law material to the appeal; or

C. irregularities or errors of law occurring during the bureau's proceedings.

Subp. 3. Appeals on remand. When the board remands an appeal under subparts 1 and 2, the appeal remains before the board, until the board decides the appeal or dismisses the appeal. If the commissioner, upon remand, issues a decision that differs from its initial decision, the board must dismiss the appeal unless either party seeks continuance of the appeal by providing written notice in the same manner as provided in part 7300.0700. If the commissioner, upon remand under subparts 1 and 2, issues a decision that affirms its initial decision, the board must notify the parties that it will proceed with the appeal under the terms of the appellant's initiation of appeal filed with the board before the remand. The party who initiated the appeal may provide written notice to the board of its request to withdraw the appeal.

**7300.1910 THE BOARD RECORD.**

~~Prior to~~ Before the hearing, the board ~~shall~~ must prepare an official record in each appeal ~~which shall contain that~~ contains:

A. the record of the proceedings before the ~~director~~ commissioner;

B. the determination of the ~~director~~ commissioner, and if applicable, the reconsideration decision of the commissioner;

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

Additional evidence admitted pursuant to part 7300.2050 shall become part of the board record.

**7300.2100 TRANSCRIPT OF BOARD HEARING.**

A verbatim record ~~shall~~ must be taken by a hearing reporter or recording equipment of any hearing conducted pursuant to part 7300.2000 or 7300.2050.

**7300.2600 BOARD DECISIONS AND ORDERS.**

All decisions and orders issued by the board ~~shall~~ must be in writing and ~~shall~~ must be accompanied by a statement of the reasons therefor.

All decisions and orders shall be served on all parties and filed with the ~~director~~ commissioner.

**7300.2800 BOARD RIGHT TO REHEAR REQUEST FOR REHEARING.**

The board, on its own motion or on petition of any party and for good cause shown, may reopen, rehear, and redetermine an appeal. The petition for rehearing by the parties must be served on all other parties and filed with the board within ~~ten~~ 15 calendar days of the ~~determination of the appeal~~ date of the board's written decision.

**7300.2900 PETITION FOR REHEARING.**

A petition for rehearing ~~shall~~ must contain:

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

**7300.3100 NOTICE OF REHEARING.**

A notice of rehearing ~~shall~~ must be provided in the same manner prescribed for a hearing by part 7300.0900.

**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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### 7300.3200 REHEARING PROCEDURE.

A rehearing of an appeal shall must be conducted in the same manner prescribed for a hearing by parts 7300.1910 to 7300.2400.

### 7300.3300 DECISION AFTER REHEARING.

The decision after rehearing shall must be issued in the same manner prescribed for the decision after a hearing by parts 7300.1200, 7300.1300, and 7300.2600.

### 7306.0100 PURPOSE AND CONSTRUCTION.

The purpose of parts 7306.0100 to 7306.0400 is to preserve the integrity and independence of board decision making and to promote public confidence in the objectivity of board decisions. Board members and staff must maintain high standards of conduct to prevent a conflict or the appearance of a conflict between private interests and official duties. Parts 7306.0100 to 7306.0400 must be construed to secure these objectives in keeping with the quasi-judicial function of the board.

### 7306.0150 DEFINITIONS.

Except as otherwise provided, the words, terms, and phrases in this chapter have the same meaning and definition as the meaning and definition they are given in part 7300.0100.

### 7306.0200 CONFLICT OF INTEREST; IMPROPRIETY.

Subpart 1. General behavior. A board member or employee shall respect and comply with law and take action that promotes public confidence in the integrity and impartiality of the board's decision-making process.

Subp. 2. Actions prohibited. Board members and staff shall avoid any action that might result in or create a conflict of interest or the appearance of impropriety, including:

- A. using public office for private gain;
- B. giving preferential treatment to an interested person or entity;
- C. impeding the efficiency or economy of board decision making;
- D. loss of independence or impartiality of action;
- E. making a board decision not based on the evidence in the record;
- F. noncompliance with applicable statutes such as the open meeting law; and
- G. affecting adversely the confidence of the public in the integrity of the board.

### 7306.0300 QUASI-JUDICIAL RESPONSIBILITIES.

Subpart 1. Inappropriate influences. Board members shall not be swayed by partisan or pecuniary interests, public clamor, or fear of criticism.

Subp. 2. Orderly proceedings, behavior. Board members shall maintain order and decorum in proceedings before the board. In their official capacity, board members must be patient, dignified, and courteous to litigants, witnesses, lawyers, and others appearing before them. Board members shall require similar conduct from persons appearing before them.

### 7306.0400 DISQUALIFICATION.

Board members shall disqualify themselves from participating in decisions on issues and appeals before the board if they:

- A. have a personal bias or prejudice concerning a party; or
- B. have a direct interest, pecuniary or otherwise, that could be substantially affected by the outcome of the proceeding.

## BOARD ADMINISTRATIVE PROCEDURES

### 7306.0500 OFFICERS AND DUTIES.

Subpart 1. Officers. The officers of the board are the chair and vice-chair.

Subp. 2. Electing the chair and vice-chair. The chair and vice-chair shall be elected annually by the majority vote of all the board members. The vote shall be taken at the board's April meeting and the chair and vice-chair shall serve a one-year term beginning May 1 of each year.

Subp. 3. Vacancies. Upon a vacancy in the office of the chair, the vice-chair shall serve as chair until a new chair is elected at the next regular meeting of the board. Upon a vacancy in the office of vice-chair, a new vice-chair shall be elected at the next regular meeting of the board.

Subp. 4. Removal. The chair and vice-chair may be removed from office by the majority vote of all the members of the board. This vote must be taken at the next regular meeting following the motion for removal.



Subp. 5. Duties of chair. The chair is the chief administrative officer of the board and shall preside at meetings of the board. The chair shall sign letters and other documents approved by the board pursuant to law on behalf of the board, and may authorize the executive director to sign letters and documents on the chair's behalf. The chair shall represent and speak for the board to the public, members of the branches of state government, and other organizations.

Subp. 6. Duties of vice-chair. The vice-chair shall discharge the duties of the chair during the absence or disability of the chair and perform other duties as the chair desires.

#### **7306.0600 MEETING.**

Subpart 1. Meeting time. The board shall meet on the second Thursday of each month at a time and place set by the board if a quorum is present. If a quorum is not possible for that date, the board must reschedule the meeting according to the open meeting law under *Minnesota Statutes*, section 471.705.

Subp. 2. Quorum. Three members are a quorum. To conduct official business at a meeting, the quorum must consist of one member who represents the public at large, one member who represents public employees, and one member who represents public employers.

Subp. 3. Agenda notice. The meeting agenda must be posted according to the open meeting law, *Minnesota Statutes*, section 471.705, at least three days before the meeting on the principal bulletin board at the board's office. The agenda must include the date, time, place, and purpose of the meeting.

Subp. 4. Distribution of agenda. At least three days before its meeting, the board must mail the agenda according to the open meeting law to each individual or association who has filed a written request or otherwise notified the board requesting notice of the board meeting.

Subp. 5. Presiding officer. The chair or vice-chair, in absence of the chair, shall preside at board meetings and shall determine the limits of time and the relevancy of discussion or debate on any matter before the board.

Subp. 6. Voting. A majority vote of the members present at the meeting is necessary to make any decision, except as provided in part 7306.0500, subparts 2 and 4.

Subp. 7. Meeting minutes and open meeting law. Full and accurate minutes of the meeting must be kept. Minutes must be approved at the next board meeting. Approved minutes must be available to the public. The meeting must be conducted in compliance with the open meeting law.

Subp. 8. Reconsideration of a decision. Any decision of the board may be reconsidered, if a board member who voted on the prevailing side makes a motion for reconsideration.

Subp. 9. Parliamentary procedure. Except as specifically provided in this chapter, Scott Foresman's Robert's Rules of Order, Newly Revised, Henry M. Robert, author, and Scott Foresman, Glenview, Illinois, publisher, 1981 publication date is incorporated by reference and is applicable and shall govern any question of parliamentary procedure that may arise at any meeting of the board. The rule is not subject to frequent change and is available for inspection and copying at the Minnesota State Law Library, 117 University Avenue, Saint Paul, Minnesota 55155.

#### **7315.0210 SCOPE.**

This chapter shall apply applies to procedures governing independent review pursuant to *Minnesota Statutes*, section 179A.25.

#### **7315.0400 DEFINITIONS.**

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

Subp. 2. Party. "Party" means any ~~person~~, public employee, public employer, exclusive representative of public employees, public employee organization, or public employer organization whose legal rights, duties, or privileges will be directly determined in an independent review.

#### **7315.0500 PETITION.**

Subpart 1. Authority to petition. An employee may petition the board in writing for independent review of a grievance arising out of the interpretation of or adherence to terms and conditions of employment when no other such procedure exists to hear that grievance. The petitioner shall must provide all parties a copy of the petition at the time of filing with the board.

Subp. 2. Petition contents. The petition shall must contain:

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

### 7315.0650 ANSWER.

Within ~~ten~~ 15 calendar days after receipt of a petition, all other parties shall file with the board and provide to the other parties an answer to the petition. The answer ~~shall~~ must contain a concise statement specifying whether:

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

### 7315.0900 PRESIDING OFFICER; BOARD OR PANEL.

The board, as a full body or as a panel of ~~one or more~~ three of its members, may hear and decide an independent review. Whenever possible, a panel ~~shall~~ must consist of an equal number of representatives of public employees and public employers, ~~unless otherwise agreed to by the parties and the member who represents the public at large.~~

### 7315.1000 PRESIDING OFFICER; HEARING EXAMINER ADMINISTRATIVE LAW JUDGE.

The board may appoint a ~~hearing examiner~~ an administrative law judge to hear the grievance. The ~~hearing examiner~~ administrative law judge shall have ~~such~~ authority as the board deems necessary and appropriate to hear the grievance. The ~~hearing examiner~~ shall administrative law judge must submit to the board recommended findings. The final decision on the grievance shall in all cases be made by the board.

### 7315.1100 BRIEFS.

~~The board may establish a briefing schedule as it deems appropriate. Upon completion of the hearing, the board may request the parties to submit a post-hearing brief if the written brief will assist the board in making its determination. If briefs are necessary, the board must establish a briefing schedule and notify the parties of the dates for submission of the briefs.~~

### 7315.1200 NOTICE OF HEARING.

At least 15 calendar days ~~prior to~~ before the hearing date, the board ~~shall serve upon~~ must provide to all parties by certified mail a notice of hearing providing:

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

A copy of this chapter ~~shall~~ must be included with the notice of hearing.

### 7315.1300 CONTINUANCE OF HEARING.

A request for continuance ~~must be served upon the parties and filed with the board within seven days of the hearing unless exceptional circumstances are shown.~~ of hearing, if mutually consented to by all of the parties, must be granted by the board's executive director. If there is no mutual consent, the board must consider the request for continuance at its next meeting and may grant the request upon good cause shown. If a board meeting is not scheduled that provides the opportunity for the board to consider the request and provide a timely response, the board chair has the authority to consider and decide the request.

### 7315.1800 SUBSTITUTION OF ~~PARTY~~ PARTY'S REPRESENTATIVE.

Substitution of a ~~party or its~~ party's representative may be allowed only if notice of the substitution is served on all other parties and ~~filed with~~ the board at least ~~five~~ seven calendar days ~~prior to~~ before the hearing date.

### 7315.1900 CONSOLIDATION.

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

Subp. 3. **Order.** The board ~~shall~~ must serve on all parties the order of consolidation.

Subp. 4. **Severance from consolidation.** Within ~~five~~ seven calendar days of receipt of the order of consolidation, a party may file with the board a petition for severance from consolidation which ~~shall~~ must include the reasons why the requirements of subpart 1 are not met.

### 7315.2100 THE HEARING.

Subpart 1. **How conducted.** The hearing ~~shall~~ must be conducted as follows:

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

B. Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, ~~shall~~ must be stated orally, together with a statement of the grounds of the objection and included in the record of the hearing. No objection shall be deemed waived by further participation in the hearing.

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

D. Witnesses ~~shall~~ must testify under oath and shall be subject to cross-examination by all parties.

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

Subp. 2. **Transcript of board hearing.** A verbatim record ~~shall~~ must be taken by a hearing reporter or recording equipment of any hearing conducted pursuant to subpart 1.

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

#### **7315.2200 BOARD DECISIONS AND ORDERS.**

All decisions and orders issued by the board ~~shall~~ must be in writing and ~~shall~~ must be accompanied by a statement of the reasons therefor. All decisions and orders shall be binding on all parties and served on all parties to the case.

#### **7315.2300 REQUEST FOR REHEARING.**

The board on its own motion or on petition of any party and for good cause shown, may reopen, rehear, and redetermine an independent review decision. The petition for rehearing by the parties must be served on all parties and the board within 15 calendar days of the date of the board's written decision.

#### **7315.2400 PETITION FOR REHEARING.**

A petition for rehearing must contain:

- A. the name and address of the petitioner;
- B. the board designation of the case;
- C. a statement as to the issues on which rehearing is sought; and
- D. the reason why the issue should be reheard.

#### **7315.2500 CONSIDERATION.**

The board may consider evidence and argument in written or oral form with respect to granting or denying the petition to rehear.

#### **7315.2600 DETERMINATION.**

A petition for rehearing may be granted only if the petition or the board record reveals:

- A. irregularities in board proceeding;
- B. errors of law occurring during board proceedings;
- C. newly discovered material evidence;
- D. a change in existing law material to the independent review; or
- E. good cause for failure to appear.

#### **7315.2700 NOTICE OF REHEARING.**

A notice of rehearing must be provided in the same manner prescribed for a hearing by part 7315.1200.

#### **7315.2800 REHEARING PROCEDURE.**

A rehearing of an independent review must be conducted in the same manner prescribed for a hearing by part 7315.2100.

#### **7315.2900 DECISION AFTER REHEARING.**

The decision after rehearing must be issued in the same manner prescribed for the decision after a hearing by part 7315.2200.

#### **7320.0030 DEFINITIONS.**

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

Subp. 1a. **Arbitration panel.** "Arbitration panel" means three arbitrators who have been selected from a referral arbitration panel that contains seven arbitrators for an interest arbitration case. The panel of three arbitrators function as a single arbitrator to hear and decide the issues certified at impasse by the commissioner.

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

Subp. 3a. **Bureau.** "Bureau" means the Bureau of Mediation Services.

[For text of subps 4 and 5, see M.R.]

Subp. 5a. **Commissioner.** "Commissioner" means the commissioner of the Bureau of Mediation Services.

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

## Proposed Rules

[For text of subp 6, see M.R.]

Subp. 6a. Holiday or legal holiday. "Holiday" or "legal holiday" means those dates designated by Minnesota Statutes, section 645.44, subdivision 5, as holidays for the executive branch of the state of Minnesota.

[For text of subps 7 and 8, see M.R.]

Subp. 9. [See Repealer.]

Subp. 10. **Party or parties.** "Party" or "parties" means an employer or, in the case of interest arbitration, any exclusive representative directly involved and affected by a dispute for which a roster member has been requested or referred, or a designated representative and any employer or employer organization engaged in the arbitration of terms and conditions of employment. In the case of grievance arbitration, "party" means any person authorized by contract or law to select the arbitrator of a grievance.

Subp. 11. Referral arbitration panel or referral panel. "Referral arbitration panel" or "referral panel" means a listing of roster members compiled by the board for either interest or grievance arbitration cases. Referral panels are submitted to the parties of a grievance arbitration case for the selection of a single arbitrator. In the case of interest arbitration, the parties may select either a single arbitrator or an arbitration panel composed of three arbitrators.

Subp. 12. Service or serve. "Service" or "serve" means delivery by personal service, United States certified or regular mail, or other delivery. Electronic mail (fax machine) is not an effective method of service. Service is effective upon receipt by the recipient.

### 7320.0040 COMPUTATION OF TIME.

In computing any period of time prescribed or allowed by ~~this chapter parts 7320.0010 to 7320.0220~~, the day of an act or event from on which the designated period of time begins to run ~~shall is not be included~~. The last day of the time period ~~so computed shall be is~~ included unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or legal holiday. ~~For any time When the period of ten time prescribed or allowed is less than seven days or less, Saturdays, Sundays, or and legal holidays shall are not be included in computing the period of time computation. See part 7320.0030, subpart 6a, for the definition of a legal holiday.~~

### 7320.0090 ARBITRATOR CONDUCT, STANDARDS, AND RESPONSIBILITIES.

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

Subp. 7. **Prehearing conduct.** An arbitrator or arbitration panel, upon notification by the board of appointment to an arbitration case, must communicate with the parties as soon as possible to arrange for the date, time, and location of the hearing and any other necessary procedural matters. All prehearing communications between the arbitrator and the parties must be done in a manner that promotes complete impartiality by the arbitrator. It is the arbitrator's responsibility to ensure that copies of any prehearing correspondence between the arbitrator and either party are made available to the other party.

Subp. 8. **Hearing conduct.** The parties are entitled to a hearing that is conducted in a fair and impartial manner, allowing the parties adequate opportunity to present their respective evidence and argument. The arbitrator is responsible for conducting an orderly proceeding and may:

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

An accurate record must be developed by the arbitrator. The arbitrator may, with notice to the parties, use a tape recorder to supplement notetaking. Notes, recorded tapes, and other records of the hearing developed by the arbitrator shall remain the property of the arbitrator and must be retained by the arbitrator for 90 days after delivery of a copy of the award to the parties. The provision of an official transcript ~~must may~~ be arranged for by ~~the arbitrator~~ if either party ~~requests one~~ before the hearing. The transcript must be paid for by the party or parties requesting it. A copy of the official transcript must be submitted to the arbitrator and made available to the parties.

[For text of subps 9 and 10, see M.R.]

Subp. 11. **Jurisdiction.** In ruling on a grievance, an arbitrator must comply with the limitations of authority found in a labor agreement. In interest arbitration cases, the arbitrator or arbitration panel has jurisdiction to rule on the issues or the arbitrability of the issues certified to impasse by the commissioner of the bureau of mediation services. At any stage of interest or grievance arbitration proceedings, the parties may settle some or all of the issues. In those circumstances, the agreement of the parties must be incorporated by the arbitrator into the award where some but not all of the issues have been settled, the arbitrator must state in the award those certified issues which were settled by the parties. The jurisdiction of the arbitrator continues until all issues certified to impasse have been resolved.

[For text of subps 12 and 13, see M.R.]

### 7320.0110 RANKING SELECTION RATE OF ARBITRATORS.

The executive director shall maintain reliable data concerning the frequency with which individuals are selected by the parties from

panels referred by the board. On an annual basis, the board must review statistics showing the selection rates of its arbitrators, and rank the arbitrators according to their usage by the number of times proposed and the number of times selected. An arbitrator may be removed from the roster if the arbitrator has been in the lowest quartile of the selection rate for the past two consecutive years and was selected for fewer than two cases in the most recent 12-month period.

#### **7320.0120 REFERRAL ARBITRATION PANELS.**

Subpart 1. **Random selection.** Referral arbitration panels shall be created by a random selection process. Each referral arbitration panel shall contain a mix of frequently-used, moderately-used, and infrequently-used arbitrators, pursuant to the ranking list determined in the board's review. ~~The panels shall be drawn according to subparts 2 to 6.~~

Subp. 2. to 4. [See Repealer.]

Subp. 5. **Replacements of referral arbitration panels.** The board must replace referral arbitration panels under the following circumstances.

A. In proposing ~~an a~~ referral arbitration panel, if the ~~number panel~~ which has been selected for a particular case is assigned to a panel which includes the name of an arbitrator who has on file a written notice of a conflict of interest in that case, that ~~number panel~~ shall not be used for that case and another ~~number panel~~ shall be selected.

B. The board will consider any objections raised by either party, as to whether an arbitrator on the proposed referral panel has a conflict of interest in that particular case. The party raising the objection must submit a written request for a replacement panel and the rationale for which the objection is being raised. A copy of the request for a replacement panel be forwarded to the other party of the dispute. Any response by the other party must be in writing and submitted to the board within ten calendar days from the date of the request for the replacement panel. The board at its next scheduled meeting will determine if pursuant to part 7320.0070, subpart 2, a conflict of interest exists. If it is found that a conflict exists, a replacement panel must be provided to the parties. If it is determined that a conflict of interest does not exist, the parties shall proceed to select an arbitrator from the initial referral panel of arbitrators submitted to the parties. The decision is final.

C. All joint written requests to substitute a proposed list of arbitrators with a second list shall be honored.

Subp. 6. **Selection of referral arbitration panels.** Approximately once a week, pursuant to a schedule established at a regular board meeting, the chair and executive director will meet to select the referral arbitration panels to be proposed in pending cases.

The board may designate any of its members, other than the chair, or the executive director to select the referral arbitration panels for pending cases.

Subp. 7. **Arbitrator requests for inactive status.** An arbitrator may request in writing not to be proposed on referral arbitration panels for up to six months without being subject to removal from the arbitrator list.

An arbitrator who requests to be withheld from proposal on referral arbitration panels for more than six months shall be removed from the arbitrator list. That arbitrator may reapply for placement on the list according to the board's qualification procedures.

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

#### **7320.0130 INTEREST ARBITRATION.**

Parts 7320.0130 to 7320.0180 apply to the procedures governing the arbitration of disputes concerning the resolution of new terms and conditions of employment.

#### **7320.0140 CERTIFICATION OF IMPASSE.**

Subpart 1. **Contents.** A certification of impasse by the commissioner according to *Minnesota Statutes*, chapter 179A, must contain the following:

- A. a petition or petitions requesting arbitration;
- B. a concise statement by the commissioner indicating that an impasse has been reached and that the requirements of *Minnesota Statutes*, chapter 179A, have been met;
- C. a determination by the commissioner of the matters in dispute;
- D. any final positions submitted by the parties; and
- E. any notice of a mutual selection of an arbitrator or arbitration panel by parties pursuant to part 7320.0140, subpart 4.

**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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Subp. 2. **Filing.** The certification must be filed with the board.

Subp. 3. **Final positions.**

A. The board must assign a referral panel of arbitrators to cases which have been certified by the commissioner unless the parties have mutually selected an arbitrator or arbitration panel pursuant to part 7320.0140, subpart 4. Upon notification of the selection of the arbitrator by the parties, the board must forward final positions of the parties which have been received from both parties. The board shall proceed with forwarding those final positions which are on hand, but must instruct the arbitrator that final positions are nonpublic and confidential data until receipt of the final positions of the other party or until commencement of the arbitration hearing.

B. When either party has submitted a final position for an issue which has not been certified to impasse by the commissioner, the board must notify the parties and the selected arbitrator or arbitration panel that the arbitrator has jurisdiction to rule only on the issue or the arbitrability of the issues cited by the commissioner as issues which remain in dispute between the parties in the certification of matters for arbitration.

Subp. 4. **Mutual selection of an arbitrator.** If the parties mutually agree to select an arbitrator or arbitration panel from the arbitrator roster maintained by the board, the commissioner must advise the board that the arbitrator or panel of arbitrators has been mutually agreed to by the parties. The written notification of selection of an arbitrator must be included with the certification of impasse when it is forwarded by the commissioner to the board.

### **7320.0150 SELECTION OF ARBITRATOR.**

Subpart 1. **Submission of panel.** When the commissioner has certified an impasse to the board under *Minnesota Statutes*, chapter 179A, and part 7320.0140, and mutual selection of an arbitrator has not occurred, the board must submit to the parties a list of seven names for the selection of a single arbitrator or a panel of three arbitrators. The parties must agree and provide a written request to the board if selection of a panel of three arbitrators is preferred. In selecting a single arbitrator or a panel of three arbitrators, the parties shall alternately strike names from the list until the appropriate number of names remain.

Subp. 2. **Striking of names.** If the parties are unable to agree on who shall strike the first name, the question shall be decided by the flip of a coin. When a panel of three arbitrators has been selected, the parties shall designate a convenor. If the parties fail to agree upon a convenor, each party shall strike, in the continued order of striking, one name from the panel. The remaining arbitrator shall act as the convenor for the purpose of commencing the proceedings. After selection, the parties must immediately notify the board in writing of the name of the single arbitrator or the names of the three arbitrators and the designated convenor.

### **7320.0160 SELECTION OF CHAIR.**

At its initial session, the panel of three arbitrators must select one of its members as the chair. If the arbitrators cannot agree, the convenor must serve as the chair.

### **7320.0170 SUBMISSION TO THE ARBITRATOR.**

The board must submit to the arbitrator or an arbitration panel selected by the parties, the certification of the impasse of the commissioner.

### **7320.0180 ARBITRATION PROCEDURES.**

The arbitration proceeding shall be conducted and the award must be rendered pursuant to *Minnesota Statutes*, chapter 179A, and part 7320.0090. The procedures and authority of the Uniform Arbitration Act in *Minnesota Statutes*, sections 572.08 to 572.30, shall apply to arbitration proceedings except as they are inconsistent with the Public Employment Labor Relations Act.

### **7320.0190 GRIEVANCE ARBITRATION.**

Parts 7320.0190 to 7320.0220 apply to the procedures governing arbitration of disputes concerning the resolution of existing terms and conditions of employment.

### **7320.0200 PETITION FOR GRIEVANCE ARBITRATION.**

Subpart 1. **Authority to petition.** A party may petition the board in writing for a list of five arbitrators. The petitioner must provide all parties a copy of the petition at the time of filing with the board.

Subp. 2. **Contents of petition.** The petition must include:

- A. the name and address of the petitioner;
- B. the name and address of the adverse party;
- C. the name and address of the adverse party's representative; and
- D. a concise statement of the nature of the grievance and the relief requested.

### **7320.0210 SELECTION OF THE ARBITRATOR.**

Upon receipt of a petition, the board must submit to the parties a list of five names for the selection of an arbitrator. The parties

shall alternately strike names from the list until one name remains. If parties are unable to agree on who shall strike the first name, the question shall be decided by the flip of a coin. After selection, the parties shall immediately notify the board in writing of the name of the arbitrator.

**7320.0220 ARBITRATION PROCEDURES.**

The arbitration proceedings shall be conducted and the award must be rendered according to *Minnesota Statutes*, chapter 179A, and part 7320.0090. The procedures and authority of the Uniform Arbitration Act in *Minnesota Statutes*, sections 572.08 to 572.30, apply to arbitration proceedings except as they are inconsistent with the Public Employment Labor Relations Act.

**REPEALER.** *Minnesota Rules*, parts 7300.0400; 7300.1800; 7300.2050; 7305.0100; 7305.0200; 7305.0300; 7305.0500; 7305.0610; 7305.0700; 7305.0800; 7305.0910; 7305.1100; 7305.1200; 7310.0100; 7310.0200; 7310.0300; 7310.0400; 7310.0500; 7310.0550; 7310.0600; 7315.2000; 7320.0030, subpart 9; and 7320.0120, subparts 2, 3 and 4, are repealed.

## Office of the Secretary of State

### Proposed Permanent Rules Relating to Absentee Ballot Applications

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

**NOTICE IS HEREBY GIVEN** that the Secretary of State 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 Act of May 3rd 1990, section 19, 1990, *Minnesota Laws* 2218.

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 Secretary of State will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

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

Joseph Mansky  
Director, Election Division  
180 State Office Building  
St. Paul, MN 55155  
(612) 296-6011

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

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

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

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to the 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 matter to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to the Secretary of State.

Dated: 11 October 1990

Joseph Mansky  
Director, Election Division

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# Proposed Rules

## Rules as Proposed

### 8210.0200 ABSENTEE BALLOT APPLICATION.

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

Subp. 4. Permanent application. An eligible voter who meets the requirements in Minnesota Statutes, section 203B.04, subdivision 5, may apply to the county auditor or municipal clerk to automatically receive an absentee ballot application for each election in which the voter is eligible to vote. The county auditor shall make available the form provided in part 8210.9915 for this purpose. The voter shall complete the form and return it to the county auditor or municipal clerk. A municipal clerk who receives a completed application shall forward it to the county auditor immediately. The completed form must be attached to the voter's registration card.

The county auditor shall maintain a list of voters who have applied to automatically receive an absentee ballot application. At least 45 days before each election, the county auditor or municipal clerk shall send an absentee ballot application to each person on the list who is eligible to vote in the election.

An application submitted by a voter under this subpart must be retained permanently with the voter's registration record. The form must be transferred with the voter's registration record whenever a change in the voter's name, address, or status occurs.

## Rules as Proposed (all new material)

### 8210.9915 APPLICATION TO AUTOMATICALLY RECEIVE ABSENTEE BALLOT APPLICATIONS, SPECIFIED BY PART 8210.0200.

#### APPLICATION TO AUTOMATICALLY RECEIVE ABSENTEE BALLOT APPLICATIONS

Name \_\_\_\_\_  
Last First Middle

Township or City  
of Legal Residence \_\_\_\_\_  
Township or City County

Address of  
Legal Residence \_\_\_\_\_  
Street Address or Route and Box Number

Mailing Address  
for Application  
(if different) \_\_\_\_\_  
Street Address or Route and Box Number

\_\_\_\_\_ Mailing City State Zip

Date of Birth \_\_\_\_\_ Telephone Number \_\_\_\_\_

I certify that I reasonably expect to be permanently unable to vote in person at the polling place for my precinct due to illness or disability and hereby request that an application for absentee ballots be sent to me before each election in which I am eligible to vote.

\_\_\_\_\_  
Signature Date



## Adopted Rules

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

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

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

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

## Board of Animal Health

### Adopted Permanent Rules Relating to Pseudorabies Control

#### Rules as Adopted

The rules proposed and published at *State Register*, Volume 14, Number 40, pages 2347-2353, April 2, 1990 (14 SR 2347) are adopted with the following modifications:

#### 1705.2400 DEFINITIONS.

Subp. 3. **Breeding herd.** "Breeding herd" means all swine on one premises for a minimum of 60 days that are maintained for breeding purposes. These swine must be kept separated from all swine from other sources, and care personnel and equipment must not be interchanged with other herds. For purposes of blood testing, the new additions to a swine herd must be in the herd at least 60 days.

The terms "swine," "pigs," and "hogs" are used interchangeably in parts 1705.2400 to 1705.2530.

Subp. 8a. **Approved premises.** "Approved premises" means a feedlot that has been inspected by board personnel and approved to feed out quarantined feeder pigs or light weight ~~butcher~~ market hogs in isolation from other domestic animals and sell those pigs directly to slaughter, in compliance with part 1705.2434.

Subp. 13. **Official random sample test.** "Official random sample test" means a herd sampling procedure that considers each segregated group of swine at a particular site to be a separate group and sample as follows:

- A. less than 100 head, test 25;
- B. 100 to 200 head, test 27;
- C. 201 to 999 head, test 28; and
- D. 1,000 or over, test 29.

In each breeding herd, ~~all parities~~ each parity must be included in the sample.

#### 1705.2430 INFECTED HERD QUARANTINE AND DISPOSAL PROCEDURES.

Subp. 3. **Permitted disposal.** Swine from a quarantined herd must be disposed of pursuant to item A or B.

B. Feeder pigs may only be sold, loaned, leased, or moved for custom/contract feeding to an approved premises and must be accompanied by a shipping permit or an owner's notice of shipment. The approved premises must be a feedlot where purchased quarantined swine can be fed out in isolation from other domestic animals and where a state or federal veterinarian has determined that no breeding swine are on the premises, and the feedlot owner agrees to sell all the swine from the feedlot directly for slaughter accompanied by a shipping permit or owner's notice of shipment.

C. A quarantined swine herd may be sold to another owner if the buyer agrees to:

- (2) sign ~~a~~ an approved official pseudorabies herd cleanup plan.

Subp. 4. **Movement to another location.** If movement is otherwise allowable under these rules, quarantined swine may be moved from their farm of origin to another location only with the prior approval of the district veterinarian. The new location may not be

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## Adopted Rules

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within the northern zone or within two miles of a qualified or controlled vaccinated herd. The new location must be quarantined by the district veterinarian and subject to the same restrictions as the original quarantined premises. All of the swine that are moved except for those under an approved offspring segregation plan must be vaccinated for pseudorabies and the herd must be on an official herd cleanup plan.

### 1705.2434 APPROVED PREMISES PROCEDURES.

Subpart 1. **Qualifications.** No person may accept feeder swine from quarantined herds for purposes of feeding them out unless a permit is obtained from the board. A person seeking a permit must agree to provide the board's representative access to the feedlot and records required by this part during business hours. The board shall grant an approved premises permit when otherwise authorized by this part and part 1705.2472, subpart 2, item F. The permit allows the person to whom it is issued to obtain feeder pigs from quarantined herds and feed them out. The approved premises must comply with the following requirements:

Subp. 2. **Location.** No approved premises may be established within the Minnesota northern zone established in part 1705.2472, subpart 1, or in a county in the southern zone that has been declared to be in Stage III of the national pseudorabies eradication program. Approved premises may not be established within a two mile radius of an existing qualified or controlled vaccinated herd or a swine herd in the process of becoming a qualified herd.

### 1705.2440 RELEASE OF QUARANTINE.

Subpart 1. **Methods.** Swine herd quarantine release may be accomplished by any of the methods in items A to D.

B. Test and removal must be accomplished according to subitem (1) or (2).

(1) All swine positive to an official pseudorabies serologic test must be removed from the premises. All breeding swine that remain in the herd and a 28 head random sample of grower-finishing swine over two months of age must be subjected to an official pseudorabies serologic test and found negative 30 days or more after removal of swine positive to an official pseudorabies serologic test. A second test at least 30 days after the first is required if the state or area is in Stage III or IV of the pseudorabies program.

(2) During Stage I or II of the pseudorabies program, all swine present on the date a quarantine was imposed must be removed from the herd and there must be no clinical signs in the herd for at least six months. Two successive official random sample tests of the breeding herd, conducted at least 90 days apart, must be determined by the official pseudorabies epidemiologist to reveal no infection. Two successive official random sample tests of progeny at least four months of age, conducted at least 90 days apart, must be negative.

In finishing herds without any breeding swine, there must be two successive negative official random sample tests, conducted at least 90 days apart, on hogs over four months of age.

Herds removed from quarantine by the official random sample testing schedule must be tested negative by an official random sample test one year ~~later~~ after the quarantine is released.

### 1705.2460 INTRASTATE MOVEMENT OF BREEDING SWINE.

Subpart 1. **Health certificate.** No person may sell, lease, exhibit, loan, or move for contract farrowing breeding swine within the state of Minnesota except to slaughter unless the swine are accompanied by a health certificate or test chart provided by the seller which includes:

B. a negative official pseudorabies test conducted within 30 days prior to the sale, except for swine from a qualified pseudorabies-negative herd or a pseudorabies-controlled vaccinated herd. ~~It is strongly recommended that any breeding swine purchased be isolated for 14 days and then pass a negative test prior to their introduction into the herd.~~

Subp. 9. **Sale without test.** Vaccinated hogs may be sold to another owner without a negative pseudorabies test if the buyer agrees to maintain them on the same premises, accepts a pseudorabies quarantine, and signs an approved official pseudorabies herd cleanup plan.

### 1705.2472 CONTROL AND ERADICATION OF PSEUDORABIES.

Subp. 2. **Phased in control of intrastate movement of feeder pigs.** After July 1, 1988, in the northern zone and after January 1, 1990, statewide, feeder swine moved from the premises of origin must comply with the feeder swine movement regulations in this subpart.

F. In order to prevent the spread of pseudorabies into the northern zone and into qualified pseudorabies-negative herds, ~~the board shall take the following actions:~~

(3) After July 1, 1988, only monitored feeder pigs or breeding swine from nonquarantined herds that have had a negative pseudorabies test within the last 30 days or have originated from a qualified herd may be moved into the northern zone.

Subp. 3. **Participation in the national pseudorabies eradication program.** For the purposes of the eradication of pseudorabies in Minnesota, ~~the following steps must be taken:~~

**1705.2474 PSEUDORABIES MONITORED HERD PROCEDURES.**

Subpart 1. **Initial herd certification.** In order to be certified as a pseudorabies monitored herd, a representative sample of the breeding herd must be tested annually and be negative for pseudorabies. Testing must be done at the owner's expense unless state funds are available for this purpose. The sample must include 30 percent of additions to the breeding herd since the last herd monitoring test. The sample sizes must be as follows:

- B. in herds of 11 to 35 sows, ten must be tested; or
- C. in herds of 36 sows or more, 30 percent or 30 head, whichever is less, must be tested; ~~or~~
- ~~D. have proof that they originated directly from a Stage III, IV, or V area.~~

Subp. 2. **Proof of herd status.** All swine producers or dealers selling feeder pigs in Minnesota shall provide to the buyer proof of the pseudorabies monitored status of the herd of origin upon request. That proof must include one of the following:

- B. a qualified pseudorabies-negative herd number; ~~or~~
- C. a pseudorabies-controlled vaccinated herd number; or
- D. have proof that they originated directly from a Stage III, IV, or V area.

[For text of subps 2 to 3 and 4, see M.R.]

**1705.2476 PSEUDORABIES SURVEILLANCE AND CONTROL OF SPREAD.**

Subp. 5. **Cleanup of herds disclosed to be positive near qualified and controlled vaccinated herds.** In order to protect Minnesota's swine bloodlines, all herds that are disclosed to be pseudorabies-positive within a one and one-half mile radius of all qualified and controlled vaccinated herds must:

A. begin a board-approved official pseudorabies herd cleanup plan within a three-month period or vaccinate all breeding swine with an approved pseudorabies vaccine on a continuing basis; and

Subp. 7. **Mandatory herd monitoring.** In order to identify all the infected herds in Minnesota and to move ahead with the national pseudorabies eradication program, ~~all swine herds must achieve the following:~~

- ~~A. by July 1, 1991, all swine herds in the northern zone Minnesota must have begun an annual herd monitoring program.~~
- ~~B. By July 1, 1992, all herds in the southern zone must have begun an annual herd monitoring program.~~

The same hog bleeding schedule will be followed as is used in the feeder pig monitoring program, part 1705.2474, subpart 1, item A.

This bleeding must be done at the owner's expense and ~~must~~ may be discontinued when the area in which the herd is located becomes a Stage III area.

If an owner refuses to carry out this herd monitoring, the herd must be considered to be infected and must be quarantined.

Subp. 8. **Quarantined herd cleanup.**

A. By July 1, 1991, all quarantined herds in the northern zone must have signed an approved official pseudorabies herd cleanup plan.

B. By July 1, 1992, all quarantined herds in the southern zone must have signed an approved official pseudorabies herd cleanup plan.

This herd cleanup testing ~~must~~ will be paid for by state or federal funds. If state or federal funds are not available, herd cleanup must not be mandated, but may be voluntarily done at the owner's expense.

**1705.2480 QUALIFIED PSEUDORABIES-NEGATIVE HERD PROCEDURES.**

Subpart 1. **Qualifications.** To qualify a herd for qualified pseudorabies-negative herd status:

B. all breeding stock six months of age or older must have passed an initial negative pseudorabies test plus a negative ~~random~~ sample test of the offspring over four months of age; ~~and using the following testing schedule:~~

- (1) 10 head or less, test all;
- (2) 11 to 35 head, test 10; or

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## Adopted Rules

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(3) 36 or more head, test 30 percent up to a maximum of 30 head; and

Subp. 3. **Requalification testing.** The pseudorabies status of a qualified pseudorabies-negative herd must be monitored and its status maintained by having a negative test of at least 25 percent of the breeding herd every 80 to 100 days. All breeding swine must be subject to at least one official test once a year. No swine may be tested twice in one year to comply with the 25 percent test requirement.

All qualified herds must use one of the following herd bleeding schedules:

A. a negative test of 25 percent of the breeding herd and ~~an official random sample~~ a negative test of the offspring over four months of age every 90 days as outlined in subpart 1, item B; or

B. a negative test of ten percent of the breeding herd every 30 days and ~~an official random sample~~ a negative test of the offspring over four months of age every 90 days as outlined in subpart 1, item B.

If there are ten or fewer swine at least six months of age in the herd at any quarterly requalification test, all swine at least six months of age must be tested.

If the breeding herd or offspring is maintained on more than one premises, the appropriate percentage of the animals on each premises must be tested for each requalification.

## Board of Animal Health

### Adopted Permanent Rules Relating to Swine

#### Rules as Adopted

The rules proposed and published at *State Register*, Volume 14, Number 40, pages 2347-2353, April 2, 1990 (14 SR 2347) are adopted with the following modifications:

#### 1700.2590 DEFINITIONS.

Subp. 5. Separation of breeding swine. “Separation of breeding swine” means the maintenance of the swine at least six feet from other swine or divided by solid partitions that will prevent nose-to-nose contact with other swine.

#### 1700.2800 CONTENTS OF CERTIFICATE OF VETERINARY INSPECTION.

Certificates of veterinary inspection for feeder swine must list identification numbers, the herd of origin, the destination, and one of the following statements: “these feeder swine originate from a pseudorabies monitored herd,” “these feeder swine originate from a pseudorabies qualified herd,” “these feeder swine have all been tested for pseudorabies within 30 days before importation and found negative,” or “these feeder swine originate from an officially designated Stage III, IV, or V pseudorabies area,” as defined in part 1705.2400, subpart 5a, and the State-Federal Program Standards for Pseudorabies Eradication.

Certificates of veterinary inspection for breeding swine must show the individual identification number of each animal. Acceptable individual identification must be either eartag, tattoo, registration number, or approved ear notch system, the date of test, if tested, the validated and qualified herd number and date of last test, if not tested within 30 days before importation.

Certificates of veterinary inspection for feral swine must list individual eartag numbers and show that the swine were for pseudorabies and found negative within 30 days before importation.

One copy of the certificate of veterinary inspection approved by the animal health department of the state of origin must be forwarded to the board within 14 days.

#### 1700.2900 BREEDING SWINE.

Breeding swine must be:

C. ~~isolated~~ separated from all other swine until tested negative not less than 30 nor more than 60 days following importation according to the following sample size:

## Office of Waste Management

### Adopted Permanent Rules Relating to Solid Waste Reduction Grant and Loan Programs

The rules proposed and published at *State Register*, Volume 15, Number 4, pages 190-196, July 23, 1990 (15 SR 190) and Volume 15, Number 7, page 385, August 13, 1990 (15 SR 385) are adopted with the following modifications:

#### Rules as Adopted

##### 9210.0720 APPLICATION PROCEDURES.

Subp. 2. **Proposals.** Following the publication of a notice in the *State Register*, eligible applicants that seek assistance must submit proposals to the director. Proposals must be received by the director by the deadline established in the notice. Upon the request of the applicant, the office shall handle specific information as nonpublic data pursuant to *Minnesota Statutes*, section 115A.06, subdivision 13; however, all information developed as a result of a grant or loan shall be made available to persons through the office's public information program.

A. Proposals for grants under part ~~9210.0740~~ 9210.0750 shall contain the information in part ~~9210.0740~~ 9210.0750, subpart 5.

B. Proposals for grants under part ~~9210.0750~~ 9210.0760 shall contain the information in part ~~9210.0750~~ 9210.0760, subpart 5.

C. Proposals for loans under part ~~9210.0760~~ 9210.0770 shall contain the information in part ~~9210.0760~~ 9210.0770, subpart 5.

Subp. 5. **Evaluation of proposal.** The director shall evaluate each proposal that is determined to be eligible and complete.

A. Proposals for grants under part ~~9210.0740~~ 9210.0750 shall be evaluated using the criteria in part ~~9210.0740~~ 9210.0750, subpart 6.

B. Proposals for grants under part ~~9210.0750~~ 9210.0760 shall be evaluated using the criteria in part ~~9210.0750~~ 9210.0760, subpart 6.

C. Proposals for loans under part ~~9210.0760~~ 9210.0770 shall be evaluated using the criteria in part ~~9210.0760~~ 9210.0770, subpart 6.

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## Withdrawn Rules

### Department of Human Services

#### Proposed Permanent Rules Relating to Nursing Home Preadmission Screening and Alternative Care Grant Program

##### Notice of Withdrawal of Proposed Rule Amendments

NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes*, section 14.05, subdivision 3, the State Department of Human Services withdraws the above entitled rules proposed and published at *State Register*, Volume 15, Number 5, pages 256 to 263, July 30, 1990 (15 S.R. 251).

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## Commissioners' Orders

### Department of Natural Resources

#### Commissioner's Scientific and Natural Area Order No. 70 Lost Valley Prairie Scientific and Natural Area

WHEREAS, certain lands in Washington County, Minnesota, described as:

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## Commissioners' Orders

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The West Half of the Northwest Quarter (W ½ NW ¼) of Section Twenty-eight (28), Township Twenty-seven (27), Range Twenty-one (21); the East Half of the Northeast Quarter (E ½ NE ¼) and the Northwest Quarter of the Northeast Quarter (NW ¼ NE ¼) of Section Twenty-nine (29), Township Twenty-seven (27) North, Range Twenty (20) West.

are under the control and possession of the Department of Natural Resources; and

**WHEREAS**, such lands contain undisturbed examples of bluff prairie as well as the rare plant species rock sandwort (*Arenaria dawsonensis*); and

**WHEREAS**, the most effective means by which such lands can be protected and perpetuated in their natural state and used for educational and research purposes in such a manner as will leave them conserved for future generations is by designation as a Scientific and Natural Area;

**NOW THEREFORE**, I, Joseph N. Alexander, Commissioner of Natural Resources, pursuant to authority vested in me by *Minnesota Statutes* §§ 84.033, 86A.05, subd. 5, and other applicable law, do hereby designate the above-described lands as Lost Valley Prairie Scientific and Natural Area. Furthermore, the Lost Valley Prairie Scientific and Natural Area is designated as a Public Use unit, open to the public for nature observation and general educational and research activities.

**IT IS FURTHER ORDERED** that the provisions of *Minnesota Rules* pts. 6135.4500 through 6135.5000 shall apply to the above-designated area.

Dated at Saint Paul, Minnesota, this 18th day of July, 1990.

Joseph N. Alexander, Commissioner  
Department of Natural Resources

## Department of Natural Resources

### Commissioner's Scientific and Natural Area Order No. 71 Butterwort Cliffs Scientific and Natural Area

**WHEREAS**, certain lands in Cook County, Minnesota, described as:

That part of Government Lot Four (4), lying south of State Highway 61 EXCEPT the East 150 feet thereof in Section Thirty-three (33); and that part of Government Lots One (1), Two (2), Three (3) and Four (4), lying south of State Highway 61 in Section Thirty-two (32); ALL IN township Sixty-one (61) North, Range One (1) West.

are under the control and possession of the Department of Natural Resources; and

**WHEREAS**, such lands contain undisturbed examples of wet, rock shore community as well as the following rare, threatened, endangered or special concern plant and animal species: butterwort (*Pinguicula vulgaris*), *Carex media*, and northern eyebright (*Euphrasia hudsoniana*); and

**WHEREAS**, the most effective means by which such lands can be protected and perpetuated in their natural state and used for educational and research purposes in such a manner as will leave them conserved for future generations is by designation as a Scientific and Natural Area;

**NOW THEREFORE**, I, Joseph N. Alexander, Commissioner of Natural Resources, pursuant to authority vested in me by *Minnesota Statutes* §§ 84.033, 86A.05, subd. 5, and other applicable law, do hereby designate the above-described lands as Butterwort Cliffs Scientific and Natural Area. Furthermore, the Butterwort Cliffs Scientific and Natural Area is designated as a Public Use unit, open to the public for nature observation and general educational and research activities.

**IT IS FURTHER ORDERED** that the provisions of *Minnesota Rules* pts. 6135.4500 through 6135.5000 shall apply to the above-designated area.

Dated at Saint Paul, Minnesota, this 18th day of July, 1990.

Joseph N. Alexander, Commissioner  
Department of Natural Resources

## Department of Natural Resources

### Commissioner's Scientific and Natural Area Order No. 72 Sandpiper Prairie Scientific and Natural Area

**WHEREAS**, certain lands in Norman County, Minnesota, described as:

The Southwest Quarter (SW ¼) of Section Thirty-three (33), Township One Hundred Forty-four (144) North, Range Forty-five (45) West.

are under the control and possession of the Department of Natural Resources; and

**WHEREAS**, such lands contain undisturbed examples of wet-mesic and mesic blacksoil prairie as well as the following rare, threatened, endangered or special concern plant and animal species: upland sandpiper (*Bartramia longicauda*), greater prairie chicken (*Tympanuchus cupido*), bunch spear grass (*Poa arida*), and alkali cord-grass (*Spartina gracilis*); and

**WHEREAS**, the most effective means by which such lands can be protected and perpetuated in their natural state and used for educational and research purposes in such a manner as will leave them conserved for future generations is by designation as a Scientific and Natural Area;

**NOW THEREFORE**, I, Joseph N. Alexander, Commissioner of Natural Resources, pursuant to authority vested in me by *Minnesota Statutes* §§ 84.033, 86A.05, subd. 5, and other applicable law, do hereby designate the above-described lands as Sandpiper Prairie Scientific and Natural Area. Furthermore, the Sandpiper Prairie Scientific and Natural Area is designated as a Public Use unit, open to the public for nature observation and general educational and research activities.

**IT IS FURTHER ORDERED** that the provisions of *Minnesota Rules* pts. 6135.4500 through 6135.5000 shall apply to the above-designated area.

Dated at Saint Paul, Minnesota, this 18th day of July, 1990.

Joseph N. Alexander, Commissioner  
Department of Natural Resources

## Department of Natural Resources

### Commissioner's Scientific and Natural Area Order No. 73

#### Joseph A. Tauer Prairie Scientific and Natural Area

**WHEREAS**, certain lands in Brown County, Minnesota, described as:

The West Half of the Southwest Quarter (W ½ SW ¼) of Section Thirty-five (35), Township One Hundred Nine (109) North, Range Thirty-one (31) West.

are under the control and possession of the Department of Natural Resources; and

**WHEREAS**, such lands contain undisturbed examples of mesic and wet-mesic blacksoil prairie as well as the rare, threatened, endangered or special concern plant species: rattlesnake master (*Eryngium yuccifolium*); and

**WHEREAS**, the most effective means by which such lands can be protected and perpetuated in their natural state and used for educational and research purposes in such a manner as will leave them conserved for future generations is by designation as a Scientific and Natural Area;

**NOW THEREFORE**, I, Joseph N. Alexander, Commissioner of Natural Resources, pursuant to authority vested in me by *Minnesota Statutes* §§ 84.033, 86A.05, subd. 5, and other applicable law, do hereby designate the above-described lands as Joseph A. Tauer Prairie Scientific and Natural Area. Furthermore, the Joseph A. Tauer Prairie Scientific and Natural Area is designated as a Public Use unit, open to the public for nature observation and general educational and research activities.

**IT IS FURTHER ORDERED** that the provisions of *Minnesota Rules* pts. 6135.4500 through 6135.5000 shall apply to the above-designated area, except that public hunting and trapping is permitted during legal open seasons.

Dated at Saint Paul, Minnesota, this 18th day of July, 1990.

Joseph N. Alexander, Commissioner  
Department of Natural Resources

## Department of Natural Resources

### Commissioner's Scientific and Natural Area Order No. 74

#### Botany Bog Scientific and Natural Area

**WHEREAS**, certain lands in Itasca County, Minnesota, described as:

The Southeast Quarter of the Northwest Quarter (SE ¼ NW ¼) and the North 1200 feet of Lot 1 LESS the South 600 feet of the

## Commissioners' Orders

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West 666 feet AND LESS the North 600 feet of the West 300 feet, ALL IN Section Two (2), and Government Lot 4 of Section One (1), ALL IN Township Fifty-six (56) North, Range Twenty-six (26) West.

are under the control and possession of the Department of Natural Resources; and

**WHEREAS**, such lands contain undisturbed examples of open peat bog and fen as well as the following rare, threatened, endangered or special concern plant species: humped bladderwort (*Utricularia gibba*), olive-brown spike-rush (*Eleocharis olivacea*), four-angled water lily (*Nymphaea tetragona*), and mountain yellow-eyed grass (*Xyris montana*); and

**WHEREAS**, the most effective means by which such lands can be protected and perpetuated in their natural state and used for educational and research purposes in such a manner as will leave them conserved for future generations is by designation as a Scientific and Natural Area;

**NOW THEREFORE**, I, Joseph N. Alexander, Commissioner of Natural Resources, pursuant to authority vested in me by *Minnesota Statutes* §§ 84.033, 86A.05, subd. 5, and other applicable law, do hereby designate the above-described lands as Botany Bog Scientific and Natural Area. Furthermore, the Botany Bog Scientific and Natural Area is designated as a Public Use unit, open to the public for nature observation and general educational and research activities.

**IT IS FURTHER ORDERED** that the provisions of *Minnesota Rules* pts. 6135.4500 through 6135.5000 shall apply to the above-designated area.

Dated at Saint Paul, Minnesota, this 18th day of July, 1990.

Joseph N. Alexander, Commissioner  
Department of Natural Resources

## Department of Natural Resources

### Commissioner's Scientific and Natural Area Order No. 75 Cannon River Trout Lily Scientific and Natural Area

**WHEREAS**, certain lands in Rice County, Minnesota, described as:

The Northwest Quarter of the Southwest Quarter (NW  $\frac{1}{4}$  SW  $\frac{1}{4}$ ) and the Northwest Quarter of the Southeast Quarter of the Southwest Quarter (NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ ) of Section Sixteen (16) and the Southeast Quarter of the Southeast Quarter (SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ ) of Section Eight (8), EXCEPTING THEREFROM 5.12 acres described as follows: Beginning at the southeast corner of said Section 8 and running thence West 6 chains; thence North 12.5° East 11 chains and 20 links; thence North 72° East 3 chains and 50 links; thence South 11 chains and 80 links to the place of beginning, ALL IN Township One Hundred Ten (110) North, Range Twenty (20) West.

are under the control and possession of the Department of Natural Resources; and

**WHEREAS**, such lands contain an undisturbed example of southern maple-basswood and floodplain forest communities as well as the state endangered Minnesota dwarf trout lily (*Erythronium propullans*); and

**WHEREAS**, the most effective means by which such lands can be protected and perpetuated in their natural state and used for educational and research purposes in such a manner as will leave them conserved for future generations is by designation as a Scientific and Natural Area;

**NOW THEREFORE**, I, Joseph N. Alexander, Commissioner of Natural Resources, pursuant to authority vested in me by *Minnesota Statutes* §§ 84.033, 86A.05, subd. 5, and other applicable law, do hereby designate the above-described lands as Cannon River Trout Lily Scientific and Natural Area. Furthermore, the Cannon River Trout Lily Scientific and Natural Area is designated as a Public Use unit, open to the public for nature observation and general educational and research activities.

**IT IS FURTHER ORDERED** that the provisions of *Minnesota Rules* pts. 6135.4500 through 6135.5000 shall apply to the above-designated area.

Dated at Saint Paul, Minnesota, this 18th day of July, 1990.

Joseph N. Alexander, Commissioner  
Department of Natural Resources



# Official Notices

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

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

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## Department of Commerce

### Notice of Activation of the Minnesota Joint Underwriting Association 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:

- snowmobile rental service
- attorney error and omission
- armed security guards

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

## Official Notices

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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: 18 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 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.

## Department of Human Services

### **Notice of Surgical Procedures Performed on Inpatients Which Require a Second Opinion**

Pursuant to *Minnesota Rules*, part 9505.5035, Subpart 1, this is the list of surgical procedures performed on inpatients for which a second opinion is a condition of Medical Assistance or General Assistance Medical Care reimbursement.

<b>SERVICE NAME</b>	<b>CPT-(1989 VERSION) CODES</b>
<b>1. Tonsillectomy and/or Adenoidectomy</b>	42820, 42821, 42825, 42826, 42830, 42831, 42835, 42836, 42860, 42870
<b>2. Hysterectomy</b>	58150, 58152, 58180, 58260, 58265, 58267, 58270, 58275, 58280, 58285
<b>3. Cholecystectomy</b>	47600, 47605, 47610, 47610 with 47550, 47612, 47620

The requirements of the Medical Assistance and General Assistance Medical Care second surgical opinion program are outlined in *Minnesota Rules*, parts 9505.5000 to 9505.5105.

## Board of Nursing

### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Relating to Prescribing of Drugs and Therapeutic Devices by Nurse Practitioners

**NOTICE IS HEREBY GIVEN** that the Minnesota Board of Nursing (hereinafter "Board") is seeking information or opinions from sources outside the Board in preparing to propose the adoption of rules relating to prescribing of drugs and therapeutic devices by nurse practitioners. The adoption of the rules is authorized by *Minnesota Statutes* section 148.235, subd. 2 which requires the Board to adopt rules to provide a system of identifying nurse practitioners eligible to prescribe, a method of determining which general categories of drugs and therapeutic devices have been delegated to each nurse practitioner, a system of transmitting to pharmacists pertinent information, and a fee to the nurse practitioner who seeks prescribing authority.

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

Sandra J. MacKenzie, RN, Assistant Director  
Minnesota Board of Nursing  
2700 University Avenue West, #108  
St. Paul, MN 55114

## State Planning Agency

### Minnesota Environmental Quality Board

#### Power Plant Siting Program

### Notice of Annual Hearing 9:00 a.m., Saturday, November 17, 1990

Conference Room 302  
Centennial Office Building  
658 Cedar Street  
St. Paul, MN 55155

The Minnesota Environmental Quality Board will hold the annual public hearing on the Power Plant Siting and Transmission Line Routing Program, as required by the Power Plant Siting Act, *Minnesota Statutes* 116C.58 and *Minnesota Rules*, part 4400.4300, at 9:00 a.m., Saturday, November 17, 1990, in Conference Room 302 of the Centennial Office Building, in St. Paul, Minnesota. Parking is available in the ramp east of the building and the building may only be entered on the east side.

The annual hearing is intended to afford interested persons an opportunity to be heard regarding any aspects of the Board's activities, duties, or policies pursuant to the Power Plant Siting Act. All persons will be afforded the opportunity to be heard through the presentation of oral or written statements. Written statements marked for the annual hearing record may also be submitted for inclusion in the annual hearing by delivery to the Board's office by the close of business November 30, 1990. Direct all inquiries to:

George Durfee  
Power Plant Siting Program  
Minnesota Environmental Quality Board

300 Centennial Office Building  
658 Cedar Street  
St. Paul, MN 55155 (612) 296-2878

# 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:** Lumber & materials for cold storage building  
**Contact:** Pamela Anderson 296-1053  
**Bid due date at 2pm:** October 31  
**Agency:** Transportation Department  
**Deliver to:** Duluth  
**Requisition #:** 79050-25964

**Commodity:** Tractor  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 4:30pm:** November 2  
**Agency:** Transportation Department  
**Deliver to:** Rochester  
**Requisition #:** 79382-02141

**Commodity:** Disc mower  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 4:30pm:** November 2  
**Agency:** Transportation Department  
**Deliver to:** St. Paul  
**Requisition #:** 79382-02138

**Commodity:** Traffic control materials and reflective sheeting  
**Contact:** Patricia Anderson 296-3770  
**Bid due date at 2pm:** November 20  
**Agency:** Transportation Department  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Telecomm: cable & misc. blocks/cords install & supply-rebid  
**Contact:** Patricia Anderson 296-3770  
**Bid due date at 2pm:** November 19  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price contract

**Commodity:** Pest control  
**Contact:** Joyce Dehn 297-3830  
**Bid due date at 2pm:** November 9  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price contract

**Commodity:** Skid steer loader, lease purchase  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 4:30pm:** November 7  
**Agency:** State University  
**Deliver to:** Moorhead  
**Requisition #:** 26072-02506

**Commodity:** Aircraft engine—rebuilt  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 4:30pm:** November 6  
**Agency:** Public Safety Department—State Patrol  
**Deliver to:** St. Paul  
**Requisition #:** 07500-11150

## Catching criminals is only one part of law enforcement.

**Police Report Writing Style Manual 1986**—A common framework for report writing throughout the state. Discusses the general purpose of police reports, reviews field notetaking, offers instructions on completing common report forms, and introduces the Data Practices Law. Code No. 14-13. \$15.00.

**Motor Vehicle Traffic Laws 1989**—Includes laws governing motor carriers, motor vehicle registration and no-fault auto insurance. Code No. 2-85. \$15.95.

**Criminal Code & Selected Statutes 1989**—Governs the conduct of peace officers. Includes continuing education requirements, sentencing standards, and more. Code No. 2-68. \$18.00.

**Blue Binder**—3 ring. 2" capacity. Criminal Code and Motor Vehicle Traffic Laws require 1 binder each. Code No. 10-21. \$4.25.



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 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:** Tree shipping tags/labels, 15M sheets 11"x4¼" detached, continuous twin web construction, composition and typesetting required, print 1-side only, perfs.  
**Contact:** Printing Buyer's Office  
**Bids are due:** October 31  
**Agency:** Natural Resources Department  
**Deliver to:** Willow River  
**Requisition #:** 12028

**Commodity:** Blank mailers, 7M sheets of 3 per sheet 8½"x11" + ½" pinfeed holes both sides, continuous form  
**Contact:** Printing Buyer's Office  
**Bids are due:** October 31  
**Agency:** Public Employees' Retirement Association  
**Deliver to:** St. Paul  
**Requisition #:** 12124

**Commodity:** *WIC and You and Recipes, Too*, 10M books 100 pages + cover, negs available, 2-sided, wire spiral binding at top 8½"  
**Contact:** Printing Buyer's Office  
**Bids are due:** October 31  
**Agency:** Minnesota Health Department  
**Deliver to:** Minneapolis  
**Requisition #:** 12323

**Commodity:** Inspection report, 500 books 200 pages, 6"x9" with top & bottom stub, 4-part forms, perfs, 6"x8" finished size, camera ready + negs, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** October 31  
**Agency:** Board of Electricity  
**Deliver to:** St. Paul  
**Requisition #:** 12264

**Commodity:** Central stores requisition, 2M 6-part sets, 9½"x11" overall, preprinted numbering, perfs, ½" stubs left and right, negs available, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** October 31  
**Agency:** Minnesota Health Department  
**Deliver to:** Minneapolis  
**Requisition #:** 12160

**Commodity:** Household report form, 300M continuous 4-page 2-part form, 9½"x11" overall, ½" pinfeed strips left and right, camera ready, 2-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** October 31  
**Agency:** Human Services Department Warehouse  
**Deliver to:** New Brighton  
**Requisition #:** 12233

**Commodity:** Waivered services screening document, 25M continuous 3-part, 2-page sets, 9½"x11" overall, perfs, ½" pinfeed strips on sides, negs available, 2-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** October 31  
**Agency:** Human Services Department  
**Deliver to:** St. Paul  
**Requisition #:** 12273

**Commodity:** GED kraft window envelopes, 10M, 8¾"x11¼" plus gummed flap with clasp, with window, camera ready, 2-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** October 31  
**Agency:** Education Department  
**Deliver to:** St. Paul  
**Requisition #:** 12091

**Commodity:** Continuous mailing cards, 125M 3"x5" continuous form, fanfold with perfs, type to set, 2-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** October 31  
**Agency:** Minnesota Library for the Blind  
**Deliver to:** Faribault  
**Requisition #:** 12127

**Commodity:** Electronic equipment invoice, 2.500 5-part sets, 10¼"x8½" includes ½" stubs left/right, type to set, 1-sided, fanfold 1-up continuous  
**Contact:** Printing Buyer's Office  
**Bids are due:** October 31  
**Agency:** Print Communications—Administration Department  
**Deliver to:** St. Paul  
**Requisition #:** 12200

**Commodity:** 1991 fish law chart, 12M 24"x12", manila tag 125#, type to set, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** October 31  
**Agency:** DNR-License Bureau  
**Deliver to:** St. Paul  
**Requisition #:** 11955

**Commodity:** Four signs: "Notice to Skiers" 12"x18"—100; "Caution Trucks Hauling" 12"x12"—500; "Snowmobile Trail Closed" 12"x18"—300; "Absolutely No Fires" 12"x18"—25; camera ready, 1-sided, cardboard white .050" beveridge "Raincote" outdoor board  
**Contact:** Printing Buyer's Office  
**Bids are due:** October 31  
**Agency:** DNR-Southern Service Center  
**Deliver to:** St. Paul  
**Requisition #:** 12320

## State Contracts and Advertised Bids

**Commodity:** Three maps: 1990 snowmobile trails: NE (11M), NW (30M), SE (10M), 24"x36", 3-colors, 8-accordion folds to 4"x8", 2-sided, previous negs available  
**Contact:** Printing Buyer's Office  
**Bids are due at 2pm:** November 5  
**Agency:** DNR  
**Deliver to:** St. Paul  
**Requisition #:** 12310

**Commodity:** Nongame wildlife poster and postcard, 1, 125M 22"x18", 4-color process, 4-sided bleed, 2-photos, varnish selected areas; 50M postcards, 9"x5.75", 4-color, 4-sided bleed, 2 photos; both camera ready, 2-sided  
**Contact:** Printing Buyer's Office  
**Bids are due at 2pm:** October 30  
**Agency:** DNR  
**Deliver to:** St. Paul  
**Requisition #:** 12251

**Commodity:** White Board of Teaching envelopes with clasp, 1,500 10"x13" with O.E. gummed flap, kraft, camera ready, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** October 31  
**Agency:** Education Department  
**Deliver to:** St. Paul  
**Requisition #:** 12093

**Commodity:** Soudan Mine brochure, 40M 8½"x11" 2-folds to 3⅔"x8½", negs available, 2-sided, 4-color process  
**Contact:** Printing Buyer's Office  
**Bids are due:** October 31  
**Agency:** Soudan Underground Mine State Park  
**Deliver to:** Soudan  
**Requisition #:** 12234

**Commodity:** Minnesota election results 1990, 1,250 6"x9" 200 pages + cover, perfect bound, type to set from diskettes and computer tapes, black ink, 2-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** October 31  
**Agency:** Secretary of State  
**Deliver to:** St. Paul  
**Requisition #:** 12309

## Human Services Laws and Rules

### Human Services Laws 1989

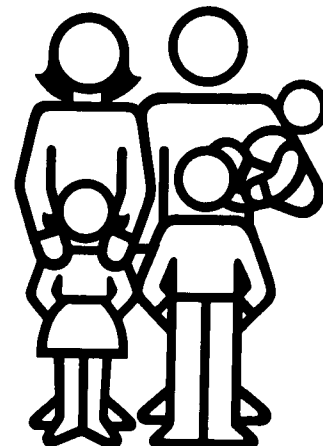
An extract from the statutes. Includes legislative amendments and additions from the most recent session. Code No. 2-56. \$29.95.

### Human Services Rules 1989

Rules governing assistance programs, eligibility grant amounts, AFDC and residence requirements. MN Rules Chapter 9500-9580. Code No. 3-95. \$34.95.

**3 ring binder.** 2" capacity. 1 required for each of above listed publications. Code No. 10-21. \$4.25.

**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.

# 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.

## Community College System

### Request for Proposal to Evaluate Current Employment Benefits for Faculty and Administrators and Recommend Modifications to Meet Future Needs

#### I. Introduction

The Minnesota Community College System (MCCS) is soliciting proposals from qualified contractors to evaluate current employment benefits provided to MCCS faculty and administrators, compare these benefits with those for a selected set of higher education systems and institutions, and recommend modifications to MCCS policies to meet future needs.

The Contractor selected to conduct this study must have extensive experience in conducting benefit studies for higher education systems and institutions, including community colleges.

#### II. Objectives

The objectives of this study are:

- A. To assist the MCCS in evaluating the adequacy of its present system of benefits for faculty and administrators by identifying benefits provisions used by other higher education systems and institutions and comparing the benefits policies of the MCCS to those of a selected set of systems and institutions;
- B. To assist the MCCS in the design or development of revisions to benefits to meet future needs for recruitment and retention of highly qualified personnel;
- C. To assist the MCCS in responding to legislative inquiries regarding the relationships between benefits in the MCCS with other schools, colleges and universities and community college systems;
- D. To assist the MCCS in its discussions and negotiations with various collective bargaining units regarding benefits.

#### III. Scope of Work (Tasks)

The scope of work of this project shall include the identification and evaluation of benefits currently used by various higher education systems and institutions and conducting a comparative analysis of current benefit programs in the MCCS with a selected set of higher education systems and institutions.

In addition, the Contractor shall prepare recommendations for consideration by the MCCS to modify benefit policies or provisions to meet future needs to recruit and retain qualified faculty and administrators.

For purposes of this analysis "benefits" shall include:

- **Health and Related** (health, dental, life and disability coverage)
- **Expenses** (expense reimbursement, automobile allowance, housing, discretionary expense accounts)
- **Leave** (personal, sick, family leaves, sabbaticals)
- **Professional Development** (staff development or continuing education opportunities, travel funds, memberships)
- **Retirement** (early retirement incentives, basis for determination of retirement benefits, severance, deferred compensation, supplemental retirement, and phased retirement programs)
- **Job Security** (employment contracts, tenure, faculty rank for administrators, reassignment)
- **Other** (e.g., Dependent tuition)

Appropriate analyses and comparisons shall be made for the following classes of employees:

- **Faculty** (by comparable academic rank)
- **Chancellor** (CEO of System)
- **President** (CEO of college or university)
- **Dean**
- **Other** selected administrative positions, including  
Vice Chancellor for Instruction and Student Life

## Professional, Technical & Consulting Contracts

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Chief Academic Officer  
Chief Business Officer  
Chief Student Affairs Officer  
Director of Admissions  
Director of Continuing Education

Appropriate comparisons shall be made between benefit programs of the M CCS and the following:

- **Elementary—Secondary School Districts** which encompass a Minnesota community college
- **University of Minnesota**
- **State University System**
- **Community Colleges** now members of the League for Innovation
- **Community colleges in selected states** with systems of comparable size, budget, structure, etc. (to be determined by the M CCS)

This comparative analysis shall consider and account for differences in size of institution, length of work year and other organizational differences which may significantly impact benefits.

The specific *tasks* shall include:

1. **Inventory** the types, levels, and eligibility of benefits for those higher education systems and institutions listed and summarize typical “packages” of benefits in use and their estimated costs.
2. **Compare** the benefit offered by the M CCS with those of the education systems and institutions listed;
3. **Identify and evaluate** new or emerging approaches to benefits now in use or under consideration (including an evaluation of how well these new approaches will satisfy future market forces for higher education personnel); and
4. **Recommend** modifications to the current M CCS benefit programs and a strategy to implement the recommended changes.

#### IV. Project Costs

The estimated value of this project is \$25,000. The M CCS is not bound by this amount and may increase or decrease the project costs prior to contract negotiation.

#### V. Project Completion Schedule

All work on this project must be completed and the Contractor shall have submitted 25 copies of a final report *by February 28, 1991*.

#### VI. Proposal Contents

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

##### A. Summary of Contractor's Qualifications and Previous Experience

It is the intent of the M CCS to request proposals from contractors with a demonstrated record of successful completion of similar studies of benefit plans for higher education systems or institutions, particularly community colleges or community college systems.

##### B. Restatement of the Objectives and Tasks

This restatement of the project's objectives and tasks should illustrate the Contractor's understanding of the proposal.

##### C. A Detailed Work Plan

The detailed work plan should identify, in specific terms, all tasks to be performed, including time and cost estimates for each.

##### D. Identification of All Personnel Assigned to Project

The proposal should identify all personnel with a brief statement of the prior experience of each, including all subcontractors.

#### VIII. Evaluation of Proposals

All proposals received by the deadline will be evaluated. An oral interview may be part of the selection process. Factors on which the proposal will be evaluated include:

- A. Expressed understanding of the project's objectives and scope
- B. Qualifications of the Contractor
- C. Project management capabilities and experience
- D. Proposal costs
- E. Project Work Plan and Schedule



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## Professional, Technical & Consulting Contracts

Evaluation and selection will be completed *by December 7, 1990*. Results will be sent by mail to all applicants.

### IX. Submission of Proposals

Six copies of each proposal must be sent to and received by Mr. Neil Christenson, Deputy Chancellor, MCCA, at the following address, *by 4:00 p.m. on November 28, 1990*.

Mr. Neil Christenson  
Deputy Chancellor  
Minnesota Community College System  
203 Capitol Square Building  
550 Cedar St.  
St. Paul, MN 55101

Questions regarding this project should be directed to Ms. Bonita Torgerson, MCCA Director of Benefits, at 612/296-3891.

## Department of Human Services

### Brainerd Regional Human Services Center

#### Notice of Corrected Deadline Date for Proposal for Medical Services

The deadline date was incorrectly listed in 15 S.R. 975 (Monday 22 October 1990) in the notice for medical services of Board Certified or Eligible Psychiatrists to provide total medical (consultation and treatment) services to all Brainerd Regional Human Services Center patients/residents. The correct deadline for responses is 11:00 a.m. November 12, 1990.

## Department of Human Services

### RTC Implementation Project

#### Notice of Availability of Contract for Development of Training Curriculum

The RTC Implementation Project of the Department of Human Services is soliciting proposals from qualified consultants to:

1. develop approximately 13 training modules to meet basic orientation training requirements, as mandated by Federal ICF/MR regulations and Department of Human Services Rules 34, 38, 40, 10, and other DHS requirements, for staff in State Operated Community Services (SOCS) serving persons with developmental disabilities.
2. design and deliver camera-ready training curriculum for instructors including content information and instructional materials in the format designated by the contract originator.
3. provide a minimum of four train-the-trainer courses for all modules at designated locations throughout the state within 6 months of the completion of the modules.

Respondents must be able to demonstrate experience and expertise in design, writing, and delivery of training curriculum. Additionally, respondents must be knowledgeable in the field of Developmental Disabilities and be familiar with the training needs of staff employed to provide services to persons with disabilities.

This project will be initiated upon selection of a proposal which will be awarded on or before December 10, 1990. The completed training modules, camera-ready format, and proposal for delivery of training in use of the modules must be submitted to the Department no later than June 14, 1991.

Individuals interested in submitting a proposal, or desiring more information, should request a copy of the complete Request For Proposal (RFP) by contacting Jean Feeney at (612) 296-2831. Proposals must be submitted to the department no later than November 20, 1990.

Proposals should be sent to:

Jean Feeney  
Minnesota Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3858

## Professional, Technical & Consulting Contracts

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### Department of Human Services

#### Children's Services Division

#### Notice of Request for Proposals for the Development of Supportive Services not Otherwise Available for Families of Disabled Infants with Life-threatening Conditions

The Children's Services Division of the Department of Human Services is soliciting proposals from qualified applicants to develop supportive services not otherwise available for families of disabled infants with life-threatening conditions. Adaptation of existing supportive programs for parents to meet the needs of parents of these disabled infants are encouraged.

Eligible applicants are private and public agencies with the capacity to carry out the project activities.

A total of \$48,000 is available for the development of supportive services not otherwise available for families of disabled infants with life-threatening conditions. A minimum of \$5,000 per project will be funded. No match is required.

The project will begin February 1, 1991 and end January 31, 1992. The project design must include an evaluation component, and the project must be able to be replicated in other Minnesota counties or regions. Money received for the development of supportive services *cannot* be used as match for the development of respite foster care project.

Request for copies of the complete RFP for the Development of Supportive Services not otherwise available for Families of Disabled Infants with Life-Threatening Conditions should be directed to Becky Montgomery at 612/297-3634. Ten copies of the proposal in response to the RFP must be submitted to the Children's Services Division, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3830, no later than **4:00 p.m. on December 17, 1990.**

The Children's Services Division and the State of Minnesota reserve the right to reject any and all proposals submitted.

### Department of Human Services

#### Children's Services Division

#### Notice of Request for Proposals for the Development of New and Expansion of Current Crisis Nursery Programs

The Children's Services Division of the Department of Human Services is soliciting proposals from qualified applicants to develop new crisis nursery programs or expand current crisis nursery programs. At least 4 new crisis nursery programs will be developed, 2 in the 7 county metropolitan area and 2 in greater Minnesota. Multi-county and/or multi-agency proposals are encouraged.

Eligible applicants are private and public agencies with the capacity to carry out the project activities.

A total of \$120,000 is available for the development of new crisis nursery programs. A minimum of \$10,000 and a maximum of \$30,000 per project will be funded. A 27% match is required. A total of \$25,000 is available for the expansion of current crisis nursery programs. A minimum of \$10,000 per project will be funded. A 27% match is required.

The crisis nursery program projects will begin February 1, 1991, and end January 31, 1992. The project design must include an evaluation component, and the project must be able to be replicated in other Minnesota counties or regions.

New and Expansion of Current Crisis Nursery Programs should be directed to Becky Montgomery at 612/297-3634. Ten copies of the proposal in response to the RFP must be submitted to the Children's Services Division, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3830, no later than **4:00 p.m. on December 17, 1990.**

The Children's Services Division and the State of Minnesota reserve the right to reject any and all proposals submitted.

### Department of Human Services

#### Long Term Care Management Division

#### Notice of Request for Proposals for Foster Respite Care for Children with Disabling Conditions

The Long Term Care Management Division of the Department of Human Services is soliciting proposals from qualified applicants to develop foster respite care for children with disabling conditions. Eligible applicants are private and public agencies with the capacity to carry out the project activities.

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## Professional, Technical & Consulting Contracts

A total of \$150,000 is available for the development of foster respite care for children with disabling conditions. A minimum of \$10,000 and a maximum of \$49,000 is available per project. At least three projects will be funded, and two-thirds of the total grant award will be spent on projects outside of the seven county metropolitan area. One multi-county project will be funded. A twenty-five (25%) match, either cash or in kind, preferably a combination of both, is required.

The project will begin February 1, 1991 and end January 31, 1992. The project design must include an evaluation component, and the project must be able to be replicated in other Minnesota counties or regions.

Requests for copies of the complete RFP for the development of Respite Foster Care for Children with Disabling Conditions should be directed to Melody Nagy at 612-297-1698. Requests for further information should be directed to Nancy Smith at 612-296-5892. Ten copies of the proposal in response to the RFP must be submitted to the Caregiver Support Project, Long Term Care Management Division, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3844, no later than **4:00 p.m.** on **December 17, 1990**.

The Long Term Care Management Division and the State of Minnesota reserve the right to reject any and all proposals submitted.

### Department of Human Services

#### Children's Services Division

#### Child Protective Services Section

#### Request for Proposal for Child Protective Services Workload Standards

The Department of Human Services is seeking proposals from qualified contractors for developing workload standards for Child Protective Services. Workload standards are defined as the amount of time that a trained, qualified case manager should spend to deliver a given child protection service, or to complete a specific child protection task. The Department will consider requests for funding up to \$100,000. Applicants must be able to demonstrate experience and expertise in the area of workload standards development, and must use a methodology that is statistically valid. Proposals must be submitted to the Department by December 3, 1990. For a copy of the full RFP, contact:

Richard Dean, Program Consultant  
Department of Human Services  
444 Lafayette Road  
St. Paul, Minnesota 55155-3803  
(612) 291-1648

### Department of Human Services

#### Reimbursement Division

#### Request for Proposals to Examine the Department's Implementation of the Advanced Institutional Management Software (AIMS)

##### I. Introduction

The Minnesota Department of Human Services, Reimbursement Division, is soliciting proposals from qualified consultants and agencies to:

A. Prepare an implementation plan that will examine the ability of the Advanced Institutional Management Software (AIMS) to support the billing requirements of the State Regional Treatment Centers, State Nursing Homes and State-Operated Community Services. As part of the implementation plan, the qualified consultant shall assist the Minnesota Attorney General to review and negotiate the State's contract with AIMS. The implementation plan shall include the following, to be submitted to the Director of the Reimbursement Division:

1. **An identification of the billing requirements** of the State Regional Treatment Centers, State Nursing Homes and State-Operated Community Services. This should include the coordination of these billing requirements with modifications being proposed to AIMS.

2. **An identification of the requirements to provide the necessary computer interface** between third-party payers and the State's current systems.

# Professional, Technical & Consulting Contracts

3. A review of the State's existing hardware to determine if the current capabilities are sufficient to implement a centralized automated billing and accounts receivable system.

4. An outline of an implementation program and cost estimates to assist the State in determining if a fully centralized automated billing and accounts receivable system can be implemented.

5. A cost-benefit analysis to be used by the State to evaluate the utility of the centralized automated billing and accounts receivable system and to assist in determining and developing the necessary funding requirements.

The request for proposals does not obligate the State to award any contract or to pay the costs incurred in the preparation of a proposal or contract. The State reserves the right to cancel the solicitation and not to award a contract after the proposals are received if it is considered to be in its best interests.

## II. Qualifications of Respondents

A. Respondents must be able to demonstrate experience and expertise in health care accounts receivable management and third-party reimbursement management. Specifically, the respondents should:

1. Detail and provide client references of their Minnesota and St. Paul-Minneapolis office qualifications and skills in hospital accounts receivable management.

2. Provide resumes of Minnesota-based specialists who will be on the project team and are specialists in the areas of accounts receivable and specifically health care accounts receivables and third-party reimbursement.

B. Respondent must have an Affirmative Action plan approved by the Commissioner of Human Rights when there are more than 20 full-time employees in the State of Minnesota.

"It is hereby agreed between the parties that *Minnesota Statutes*, section 363.073, and *Minnesota Rules*, parts 5000.3400 to 5000.3600 are incorporated into any contract between these parties based on this specification or any modification of it. A copy of *Minnesota Statutes*, section 363.073, and *Minnesota Rules*, parts 5000.3400 to 5000.3600 is available upon request from the Department of Human Services contracting agency."

## III. Scope of the Project

### A. Duration

This project will be initiated upon selection of a proposal.

### B. Background

The State of Minnesota, Department of Human Services, currently operates eight Regional Treatment Centers (RTCs) and two State Nursing Homes. The RTCs are located at Anoka, Brainerd, Cambridge, Faribault, Fergus Falls, Moose Lake, St. Peter and Willmar. The RTCs serve clients in three disability groups and are developing nursing home services at several of the facilities. The State Nursing Homes are located near Walker and in Minnetonka. The State currently is establishing State-Operated Community Services (SOCS) for the Developmentally Disabled that will be located in various communities within the state. The RTCs, the State Nursing Homes and the SOCS are defined as "state facilities" by statute.

The three disability groupings at the state facilities are: Mental Illness (MI), Developmentally Disabled (DD) and Chemical Dependency (CD). The primary residents at the State Nursing Homes are elderly and, although many belong in one of the three disability groups, are in need of nursing care. There are programs at the RTCs that are culturally-specific and are designed specifically for adolescents, women and the hearing impaired.

The Reimbursement Division is responsible for the collection of the cost of care and treatment at the state facilities. The Reimbursement Division has staff located at each RTC and has its main operations in the DHS Central Office in St. Paul. Current activity includes: maintenance of a computer billing system; generation of bills to individuals; preparation of claims to third-party payers; preparation of cost reports for final settlement of federal reimbursement for all state facilities; collection of past-due accounts; civil litigation and probate of estate claims. The activity of the Reimbursement Division is governed by *Minnesota Statutes*, section 246.50-246.55, and *Minnesota Rules*, parts 9515.1000 to 9515.2600.

### C. Fee

The overall fee for this engagement under this RFP should not exceed \$150,000. A comprehensive workplan that includes methodology of the implementation plan must be submitted at the start of this review and monthly status reports indicating progress and justification must be submitted to the Reimbursement Division Director or his designee. The monthly reports must include a detailed itemization of the expenses incurred.

### D. Mediation of Disputes

The final contract will contain a provision to allow for the mediation of disputed claims.

### IV. Proposed Contents

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

- A. Qualifications of the respondent as described in Section II of this notice.
- B. A demonstration of the respondent's financial stability and indication that respondent has adequate financial resources for the period of expected performance of this contract.
- C. A description of similar contracts the respondent has completed, the measurable results and persons who can be contacted as references.
- D. A description of all approaches, activities and tasks that the respondent will use to meet the request objective as described in Section I of this notice.
- E. Description of the fee structure used by the respondent.
- F. Proof of Human Rights compliance:
  - 1. Provide a copy of a current certificate of compliance; or
  - 2. Provide evidence of compliance, such as a copy of the current listing of certified contractors issued by the Department of Human Rights that includes the respondent; or
  - 3. Certify to the agency that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months and is therefore exempt from this requirement. Respondent may submit a notarized letter or affidavit as evidence of exemption.

### V. Evaluation

All proposals received by the deadline will be evaluated. An oral interview may be part of the selection process. Evaluation factors include:

- A. Express understanding of the project objective.
- B. Qualifications and relevant experience.
- C. Proposed strategies to perform the project.
- D. Fee charges.

Evaluation and selection will be completed by a DHS advisory committee. Results will be sent by mail to all respondents.

### VI. Proposal Submission

All proposals must be sent to and received by Lawrence D. Grewach at the following address by Monday, November 26, 1990:

Minnesota Department of Human Services  
Reimbursement Division  
Second Floor North  
444 Lafayette Road  
St. Paul, Minnesota 55155-3824

Late proposals will not be accepted. Three copies of the proposal must be submitted in a sealed mailing envelope or package with the respondent's address clearly written on the outside. The proposal must be signed by an authorized person of the firm or company. The stated fee and terms must be valid for the duration of the project. Prospective respondents who have questions may call Lawrence D. Grewach at (612) 296-4642.

## Department of Human Services

### Notice of Request for Proposals for Special Focus—Indian Child Welfare Programs

The Department of Human Services is seeking proposals for Indian child welfare programs which have a special focus on service areas of particular concern to the Indian community. The goals of these programs are consistent with those of the federal Indian Child Welfare Act and the state Indian Family Preservation Act. These goals refer to services which enhance family function and prevent the separation of Indian children from their families through foster care. Services which are included in the Request for Proposals are directed at permanency planning, teenage pregnancy, independent living skills, child abuse and chronic neglect of children, coordination of child welfare and mental health services, youth suicide, information dissemination on successful service approaches, family retrieval, and other activities and services approved by the Commissioner of Human Services.

## Professional, Technical & Consulting Contracts

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Local social service agencies, tribes, Indian organizations or any other social service organization may submit proposals for Special Focus-Indian Child Welfare Grants. Proposals may be submitted alone or in combination with other tribes or Indian organizations. Preference will be given to programs that use Indian staff, contract with Indian organizations or tribes, or whose proposed program is a joint effort between the Indian and non-Indian community.

Interested organizations will be required to respond to all of the specifications contained in the Request for Proposal. A maximum grant of \$100,000 for a one year period beginning July 1, 1991 will be awarded to approved programs. Awards will be made on the basis of criteria which includes the following: documented need for program, program goals and measurable objectives, expected outcome, organizational and fiscal stability, successful agency experience in the provision of Indian social services, collaborative service relationships and program cost.

The Request for Proposal containing specifications and application forms may be obtained from the Department of Human Services by calling (612) 296-3800.

The deadline for submission of proposals is either to be postmarked by January 5, 1991, or received by 4:00 p.m. of that date at:

Children's Services Division  
Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3832

## Department of Trade and Economic Development

### Office of Tourism

#### Notice of Request for Proposals from Vendors to Sell Advertising and Provide Ad Preparation

The Minnesota Office of Tourism is requesting proposals from vendors to sell advertising and provide ad preparation for three regional tourism guides. Contracts will be for January 15 through December 31, 1991 for the 1992 issues of the guides. Contracts will be for one year, with the option to renew for each of two consecutive years.

The vendor will be involved only with the advertising in the publications. The vendor will sell advertising space in accordance with price lists provided; collect art work, copy and specifications for the ads; provide preparation of ads including color separations if necessary; and provide all art work and camera ready copy to the creative services contractor. Compensation will be based on commissions for advertising sales and ad preparation charges.

A vendor may submit a proposal for one, two or all of the guides. The vendor may elect to subcontract portions of the work.

#### Department contact:

Prospective proposers may obtain Requests for Proposals by contacting: Rae Van Wyhe, Minnesota Office of Tourism, 375 Jackson Street, 250 Skyway Level, St. Paul, MN 55101-1848, telephone 612/297-4347 or 800/657-3800.

#### Submission of Proposals

All proposals must be submitted by 4:30 p.m., Tuesday, November 20, 1990 to Rae Van Wyhe, Minnesota Office of Tourism, 250 Skyway Level, 375 Jackson Street, St. Paul, MN 55101-1848.

Potential vendors are cautioned that only Rae Van Wyhe is empowered to provide information on this project.

## State Grants

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

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

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## Department of Education

### Notice of Indian Education Grants

The Request for Proposals (RFPs) for funding under the American Indian Education Act of 1988, specifically for American Indian

Language and Culture Education Programs will be mailed the first week in November. Following is the timeline established by the State Board of Education for applications and funding under this program:

- **November 2, 1990** RFP mailing statewide
- **January 11, 1991** Applications due (POSTMARK)
- **January 21-25, 1991** Committee meets to form recommendations
- **February 11 & 12, 1991** Recommendations to State Board for discussion and final grant decisions
- **February 25, 1991** Notices to Grantees after this date

There will be no exceptions nor variances granted to this timeline. Applications must be postmarked no later than the due date listed above *and* must be received BEFORE the Committee meets. It will be the applicant's responsibility to ensure and confirm receipt of their proposal. The Department of Education and the State Board of Education maintain no responsibility for lost or delayed mail.

The State Board of Education will make grants not exceeding \$50,000.00 for the project year 1991-92. The RFP will list complete details of the application process. See *Minnesota Statutes* 126.45-126.55 for information on projects funded under this grant.

RFPs will be mailed to all Minnesota Title V participants, previous recipients of state Indian education grants, and statewide Tribal agencies and organizations. Interested educational programs who do not receive an RFP by mid-November should call the Minnesota Department of Education, Indian Education Section at (612) 296-6458 to obtain an RFP packet.

## **Department of Human Services**

### **Chemical Dependency Program Division**

### **Mental Health Division**

### **Notice of Legislative Hearing on the Federal Alcohol, Drug Abuse and Mental Health Block Grant, and the Availability of a Statement Describing the Intended Use of Funds—Federal Fiscal Year 1991**

**NOTICE IS HEREBY GIVEN** that a joint hearing will be conducted by the House Appropriations and Senate Finance Health and Human Services Divisions on the use of the Federal Alcohol, Drug Abuse and Mental Health Block Grant. The hearing will be held November 15, 1990 at 10:00 a.m. in Room 112, State Capitol.

Notice is also given that the Department of Human Services has available a Description of Intended Use for funds available to the State of Minnesota from the Federal Fiscal Year 1991 Alcohol, Drug Abuse, and Mental Health Block Grant. This description is being made available to the public for comment in accord with Title XIX, Part B of the Public Health Services Act.

Information about the Alcohol and Drug Abuse plan is available from: Sheila Vadnais, Chemical Dependency Division, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3823, phone 612/296-3991.

The Mental Health Services Plan is available from Al Oertwig, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3828, phone 612/296-2697.

All interested or affected persons and organizations are invited to attend the hearing or submit comments. Comments on the proposed plans may be directed to the contact persons listed above.

## **Board of Water and Soil Resources**

### **Announcement of Application Period for Local Water Resources Protection and Management Program Grants**

The Board of Water and Soil Resources (BWSR) is accepting applications from counties for Local Water Resources Protection and Management Program grants. The following grants are available:

- **Grants to develop a comprehensive local water plan authorized under *Minnesota Statutes*, section 110B.04 or 473.8785;**
- **Base grants for implementing a comprehensive local water plan; and**
- **Challenge grants for implementing a comprehensive local water plan.**

## State Grants

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The BWSR has \$2,370,000 available for these grants. *To be considered, applications must be received in the BWSR office in Saint Paul by 4:30 p.m. January 15, 1991.*

County Auditors have been notified of this application period. Any other local unit of government that wishes to be notified must contact the BWSR by writing to the executive director at the following address:

James R. Birkholz  
Executive Director  
Board of Water and Soil Resources  
155 South Wabasha Street, Suite 104  
St. Paul, MN 55107

An application packet which includes additional information about the grants can be obtained by writing to the BWSR office.

## Announcements

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**State Universities Raising Requirements:** High school students planning to enroll in one of Minnesota's seven state universities will need to meet stricter entrance requirements as a result of action taken by the Minnesota State University Board. In order to insure better preparation for entering a state university, high school students will need to complete a college preparatory curriculum, including skills and knowledge in writing, advanced mathematics and science, foreign language, history, geography and the arts. Entrance requirements for transfer students or those who go to college later in life will also be modified. A task force will develop specific ways these new entrance requirements can be put into effect by the 1994 academic year. • The State University Board also set restrictions on future systemwide growth by setting current enrollment figures as the intended level for 1993. Enrollment at the seven state universities this fall grew by 3.1 percent to over 64,000 students. During the last decade enrollment grew by 56 percent. Fall 1990 Quarter Enrollment: **Bemidji State**... 5,335... +1.4% **Mankato State**... 16,505... +1.2% **Metropolitan State\***... 5,219... +12.8% **Moorhead State**... 9,350... +2.3% **St. Cloud State**... 17,000... +2.8% **Southwest State**... 3,049... +3.0% **Winona State**... 7,800... +3.8% **System Total\***... 64,258... +3.1%. \*Because of a definitional change in headcount enrollment at Metropolitan State University, both the Metro State and the System numbers are lower than what was reported last year. The percentage change accurately reflects the growth from fall 1989 to fall 1990.

**Employment Report 1990:** The continuing shift to a service economy is the major trend influencing Minnesota's labor markets, according to *Minnesota Employment 1990*, a report produced by the state Department of Jobs and Training. This trend will continue to affect workers, their earnings and their jobs in various ways. The information in the report is graphically reinforced with easy-to-read charts and tables. The report is intended to aid job holders, job seekers, students, employers and policy formulators in making better decisions about their jobs and careers. Copies may be obtained from the Research and Statistics Office, Minnesota Department of Jobs and Training, 390 N. Robert St., St. Paul, MN 55101, (612) 296-6545.

**Environmental Trust Fund Amendment:** Governor Rudy Perpich reminds Minnesota voters that this fall's general election ballot will include a proposed constitutional amendment funding the state's new Environment and Natural Resources Trust Fund. The proposed amendment states: "Shall the Minnesota Constitution be amended to dedicate not less than 40 percent of the net proceeds from the state lottery to the Minnesota environment and natural resources trust fund for environment, natural resources, and wildlife purposes until the year 2001?" If the amendment is not approved, the proceeds of the lottery will be used as provided by law. Current law designates that 40 percent of the proceeds be placed in the environmental fund, just as the amendment would provide. That law, however, can be changed. "According to the state Lottery Office, 40 percent of the net lottery revenue will amount to nearly \$21 million after fiscal year 1991," Governor Perpich said. "If this continues, \$231 million will be in the Trust Fund by 2001." Minnesota's general election is November 6.

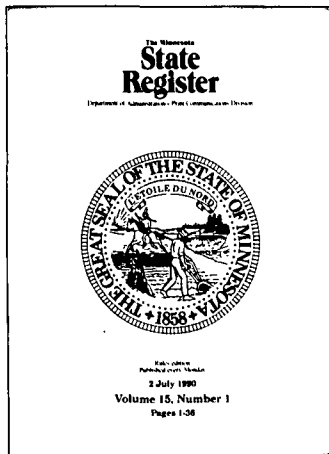
**Shots Recommended for Vulnerable Groups as Governor Declares "Adult Immunization Week"** The state health department has joined local health agencies and private voluntary groups in recommending influenza and pneumonia shots for people in certain "high risk" groups. The immunization effort is being led by the American Lung Association of Minnesota (ALAM) and the Minnesota Department of Health (MDH). Officials are urging people to get the shots if they are at risk of serious complications from influenza and pneumonia. The warning comes as we enter the peak season for those diseases in Minnesota. Every year in the state over 1,200 people die of influenza and pneumonia, the fourth leading cause of death among Minnesotans over the age of 65, according to officials at MDH and ALAM. Immunization against the diseases is being recommended for a number of groups that may be especially vulnerable to the complications of illness—including people over 65, and people with heart disease, lung disease or diabetes. The shots are also recommended for



children and teenagers with diseases like arthritis, which are commonly treated with aspirin. In children, aspirin can increase the risk of developing a serious complication of influenza called Reye's syndrome. People at risk should be reimmunized against influenza every fall, according to health officials. The influenza vaccine is reformulated every year, to protect against those strains of influenza that are most likely to appear in the U.S. during the coming winter. The pneumonia vaccine only needs to be given once. It protects against pneumococcal pneumonia, a disease which can follow an episode of influenza. People who want more information about influenza and pneumonia immunizations are urged to see their physicians—or contact their local health department. Minnesota residents can also call the Lung Association toll-free at 1-800-642-LUNG.

**Ethical Practices Board:** The board will hold meetings on November 29, in Room 10, State Office Bldg., 100 Constitution Ave., in the Capitol Complex, St. Paul, as follows: 9-11:30 a.m.—review of changes in the **Lobbyist Registration and Reporting Laws** enacted in *Laws of 1990*; and 12:30-3:00 p.m.—Review of changes in the **Economic Interest Disclosure and Potential Conflicts of Interest Disclosure Laws**, both enacted in *Laws of 1990*, Chapter 608, Articles 1 and 2, that become effective January 1, 1991. Each portion of the meeting will include information about changes in forms that are required to be filed under the programs, laws governing disclosure, and administrative rules of the board. • The next **Lobbyist Disbursement Report** is due Jan. 15, 1991, covering the period July 1 through Dec. 1, 1990. The board will mail report forms to each lobbyist on or about Dec. 26. The lobbyist report previously required on Oct. 15 each year has been discontinued, beginning in 1990 (*Laws of 1990*, Ch. 608, Art. 2, Sec. 7).

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Human Services Bulletin List	\$ 55.00	90-7	Tax Court/Property Decisions	\$225.00	90-11
PERB (Public Employee Relations Board) Awards and Decisions, 1 year	\$285.00	90-9	Workers Compensation Decisions, unpublished subs run Jan-Dec; can be prorated	\$320.00	90-12
			Workers Compensation Decisions Vol. 41	\$110.00	90-13
			Minnesota Rules, Set + Supplement	\$160.00	18/200

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