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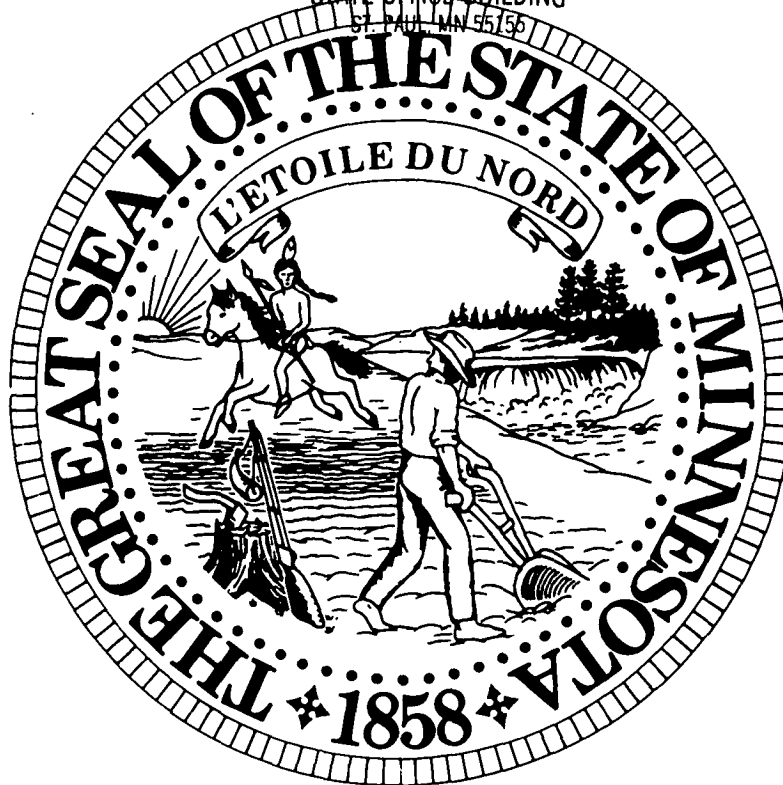
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State Register

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The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

A *Contracts Supplement* is published Tuesday, Wednesday and Friday and contains bids and proposals for commodities, including printing bids.

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Vol. 18 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
49	Monday 6 June	Monday 23 May	Friday 27 May
50	Monday 13 June	Friday 27 May	Monday 6 June
51	Monday 20 June	Monday 6 June	Monday 13 June
52	Monday 27 June	Monday 13 June	Monday 20 June

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

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This Week—weekly interim bulletin of the House.

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

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

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Commodities and requisitions are advertised in the *State Register Contracts Supplement*, published every Tuesday, Wednesday and Friday.
For subscription information call 612/296-0931.
Commodity awards can be obtained from the **Materials Management Helpline** 612/296-2600.

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 1-800-657-3757.

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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.

Board of Water and Soil Resources

Proposed Permanent Rules Relating to Reinvest in Minnesota Conservation Reserve and Permanent Wetlands Preserve Programs

Notice of Intent to Adopt a Rule Without a Public Hearing

The Board of Water and Soil Resources ("Board") intends to adopt amendments to a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed amendments and may also submit a written request that a hearing be held on the amendments.

Agency Contact Person. Comments or questions on the amendments and written requests for a public hearing on the amendments must be submitted to:

David H. Behm, Programs and Policy Analyst
Minnesota Board of Water and Soil Resources
Southbridge Office Building
155 South Wabasha, Suite 104
Saint Paul, Minnesota 55107
Telephone: 612-296-0880
FAX: 612-297-5615
Electronic Mail: [david@bwsr-mn.bwsr.state.mn.us]

Subject of Rule and Statutory Authority. The proposed amendments pertain to administrative procedures and eligibility criteria for the RIM Reserve and Permanent Wetlands Preserve conservation easement programs. The statutory authority to adopt these amendments is *Minnesota Statutes*, section 103F.531. A copy of the proposed amendments is published in the *State Register* and attached to this notice as mailed.

Comments. Comments are encouraged. You have until 4:30 pm, July 6, 1994, to submit written comment in support of or in opposition to the proposed amendments or any part or subpart of the proposed amendments. Your comments must be in writing and received by the agency contact person by the due date. Your comment should identify the portion of the proposed amendments addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the amendments. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 pm on July 6, 1994. Your written request must include your name and address. You are encouraged to identify the portion of the proposed amendments which caused your request, the reason for the request, and any changes you want made to the proposed amendments. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the Board will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Modifications. The proposed amendments may be modified as a result of public comment. The modifications must be supported by data and views submitted to the Board and may not result in a substantial change in the proposed amendments as attached and printed in the *State Register*. If the proposed amendments affect you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A Statement of Need and Reasonableness is now available from the agency contact person. This statement describes the need for and reasonableness of each provision of the proposed amendments and identifies the data and information relied upon to support the proposed amendments.

Small Business Considerations. In preparing the proposed amendments to the permanent rule, the Board has considered the requirements of *Minnesota Statutes*, section 14.115, subdivision 7(2), in regard to the impact on small businesses. The adoption of the proposed amendments relate to local government administration of a state program. Therefore, the Board claims exemption to describing specific impacts to small businesses. If you believe the proposed amendments will affect small businesses, you are encouraged to provide comments to the agency contact person in the manner described in the "comments" section of this notice.

Expenditure of Public Money By Local Public Bodies. *Minnesota Statutes*, section 14.11, subdivision 1, does not apply because adoption of the proposed amendments to the permanent rule will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption of the proposed amendments.

Impact on Agricultural Lands. In preparing the proposed amendments to the permanent rule, the Board has considered the requirements of *Minnesota Statutes*, section 14.11, subdivision 2, in regard to the impact on agricultural lands. The proposed amendments to the rule relate to acquiring (a) permanent easements on agricultural and non-agricultural land with types 1, 2, 3, or 6 wetlands, and (b) permanent or limited duration easements on certain marginal agricultural lands. The proposed amendments to the rule also relate to the voluntary enrollment of eligible agricultural land into conservation easement programs. Therefore, the Board claims exemption because adoption of the proposed amendments will not result in direct and substantial adverse impacts to agricultural lands. If you believe the proposed amendments will result in direct and substantial adverse impacts to agricultural lands, you are encouraged to provide comments to the agency contact person in the manner described in the "comments" section of this notice.

Adoption and Review of Rule. If no hearing is required, after the end of the comment period the Board may adopt the proposed amendments. The proposed amendments and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the proposed amendments are submitted to the Attorney General or be notified of the Attorney General's decision on the proposed amendments. If you wish to be so notified, or if you wish to receive a copy of the adopted amendments, submit your request to the agency contact person listed above.

Dated: 19 May 1994

Ronald D. Harnack
Executive Director

Rules as Proposed

8400.3000 AUTHORITY.

Minnesota Statutes, sections ~~40.40~~ 84.95, 103A.209, and 103F.501 to ~~40.46~~ and ~~84.95~~ 103F.531, authorize the state board, in ~~cooperation consultation~~ with districts, ~~state and local~~ private groups, and state and federal agencies, to implement a program of ~~retiring to (a) acquire permanent easements on land containing type 1, 2, 3, or 6 wetlands; (b) to retire certain marginal agricultural land from agricultural crop production or pasturing and establishing on that land permanent vegetative to reestablish perennial cover; restoring drained wetlands; establishing windbreaks adjacent to highways; or enhancing on that land; and (c) to enhance and protecting protect~~ other private lands. Parts 8400.3000 to 8400.3930 provide procedures and criteria to be followed by the state board and district boards in implementing *Minnesota Statutes*, sections ~~40.40~~ 103F.501 to ~~40.46~~ 103F.531.

8400.3030 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 8400.3000 to 8400.3930.

Subp. 2. **Agricultural crop production.** "Agricultural crop production" means an agricultural activity:

A. including but not limited to tillage, planting, or harvesting operations; and

B. devoted to the production of horticultural, row, close grown, introduced pasture, or introduced hayland crops.

Subp 3a. Agricultural land. "Agricultural land" means land devoted for use as pasture or hayland, or to the production of horticultural, row, close grown, introduced pasture, or introduced hayland crops, or to growing nursery stocks, or for pasturing domestic

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

livestock or dairy animals, or for use as animal feedlots, and may include contiguous land associated with the production of the above.

Subp. 4. **Annual plan.** "Annual plan" means a plan prepared by the district under *Minnesota Statutes*, section ~~40.07~~ 103C.331, subdivision 9 ~~11~~, and according to the most recent version of the Guidelines for Soil and Water Conservation District Comprehensive and Annual Plans published by the state board. That publication is subject to ~~frequent~~ periodic change. The ~~most recent~~ current version is available at the district office and state board office and is incorporated by reference.

Subp. 5. **Approved practice.** "Approved practice" means a soil and water conservation practice or wildlife habitat enhancement that qualifies for RIM reserve program funding. ~~All approved practices are may be established on an easement area and is described in the RIM reserve conservation easement program practice specifications.~~

Subp. 6. **Authorized farm corporation.** "Authorized farm corporation" has the meaning given in *Minnesota Statutes*, section 500.24, subdivision 2.

Subp. 6a. **Authorized farm partnership.** "Authorized farm partnership" has the meaning given in *Minnesota Statutes*, section 500.24, subdivision 2.

Subp. 8. [See repealer.]

Subp. 9. **Conservation agreement.** "Conservation agreement" means a written contract stating the terms and conditions for conveying ~~the conservation plan and the a~~ conservation easement by the landowner to the ~~board~~ state.

Subp. 10. **Conservation easement; easement.** "Conservation easement" or "~~easement~~" has the meaning given for "conservation easement" in *Minnesota Statutes*, section 84C.01, paragraph (1).

Subp. 10a. Conservation easement handbook. "Conservation easement handbook" means the current edition of the state board's publication containing detailed procedures and guidelines for implementing the conservation easement programs administered by the state board. This publication is subject to periodic change, is available at the state board office and at district offices, and is incorporated herein by reference.

Subp. 10b. Conservation easement program. "Conservation easement program" refers to both the RIM reserve program, as defined in subpart 42, and the permanent wetlands preserve program, as defined in subpart 36a.

Subp. 11. **Conservation plan.** "Conservation plan" means a written description and map of the approved practices that must be applied to or that already exist on the easement area.

Subp. 11a. Cost-shared practice. "Cost-shared practice" means an approved practice which qualifies for cost-sharing through a conservation easement program administered by the state board.

Subp. 12. [See repealer.]

Subp. 13. [See repealer.]

Subp. 14. **District.** "District" means a local soil and water conservation district ~~organized under Minnesota Statutes, section 40.04.~~

Subp. 15. **District board.** "District board" means the ~~five~~ board of supervisors of a soil and water conservation district ~~authorized to carry out the functions of the district.~~

Subp. 16. [See repealer.]

Subp. 17. **District ~~technician~~ technical representative.** "District ~~technician~~ technical representative" means a district employee or other ~~nonfederal~~ employee designee assigned ~~to by~~ the district who has expertise in the design and application of ~~soil and water conservation approved~~ practices.

Subp. 17a. **Drained wetland.** "Drained wetland" means a former natural wetland that has been altered by draining, dredging, filling, leveling, or other manipulation ~~in an attempt~~ sufficient to render the land suitable for agricultural crop production. The alteration must have occurred before December 23, 1985, and must be a legal alteration as determined by the commissioner of natural resources.

Subp. 17b. Easement program practice specifications. "Easement program practice specifications" means the detailed descriptions of the approved practices that are allowed on lands enrolled in the conservation easement programs. This information is contained in the current edition of the conservation easement handbook, a publication of the state board that is defined in subpart 10a.

Subp. 18. [See repealer.]

Subp. 19. **Family farm.** "Family farm" has the meaning given in *Minnesota Statutes*, section 500.24, subdivision 2.

Subp. 20. **Family farm corporation.** "Family farm corporation" has the meaning given in *Minnesota Statutes*, section 500.24, subdivision 2.

Subp. 20a. **Family farm partnership.** "Family farm partnership" has the meaning given in *Minnesota Statutes*, section 500.24, subdivision 2.

Subp. 20b. **Farmed wetland.** "Farmed wetland" means a wetland, as defined in subpart 48, that has been devoted to agricultural crop production, as defined in subpart 2, since December 23, 1985.

Subp. 21. [See repealer.]

Subp. 22. [See repealer.]

Subp. 23. **Food plot.** "Food plot" means an area established annually for the purpose of providing food for wildlife.

Subp. 24. **Highway windbreak.** "Highway windbreak" means a strip or belt of trees, shrubs, or grass barriers at least six rows deep and within 300 feet of the right-of-way of a highway. ~~Grass barriers must be used in conjunction with trees and shrubs.~~

Subp. 25. **Hydric soil soils.** "Hydric soil soils" means a soil in its natural undrained condition that is soils that are saturated at or near the surface or, flooded frequently, or ponded long enough during much of the growing season, and that can support hydrophytic vegetation to develop anaerobic conditions in the upper part. ~~The A current list of hydric soils is available at the state law library board office and the district office, is subject to frequent periodic change, and is incorporated herein by reference.~~

Subp. 26. **Hydrophytic vegetation.** "Hydrophytic vegetation" means herbaceous or woody plants that grow macrophytic plant life growing in water, in wet or saturated soils soil, or in soils on a substrate that are is at least periodically deficient in oxygen as a result of excess excessive water content.

Subp. 27. **Individual.** "Individual" means a person or legal entity, whether or not a resident of Minnesota.

Subp. 28. **Inherently unproductive.** "Inherently unproductive" means that the soil properties of available water capacity, bulk density, and pH in the uppermost 100 centimeters (39 inches) of a soil, are present so that an unfavorable rooting environment exists for ~~agronomic crops~~ agricultural crop production.

Subp. 29. **Introduced hayland.** "Introduced hayland" means an area devoted to the production of forage and that has been cultivated in a rotation of row crops or small grains or interseeded with introduced or native species at least twice during the period 1976 to 1985 ten years prior to applying for enrollment in a conservation easement program. These areas must be have been harvested by mechanical methods at least two years during the period 1981 to 1985 five years prior to applying for enrollment in a conservation easement program. These areas are considered to be in agricultural crop production.

Subp. 30. **Introduced pasture.** "Introduced pasture" means an area devoted to the production of forage and that has been cultivated in a rotation of row crops or small grains or interseeded with introduced or native species at least twice during the period 1976 to 1985 ten years prior to applying for enrollment in a conservation easement program. These areas must be have been harvested by grazing at least two years during the period 1981 to 1985 five years prior to applying for enrollment in a conservation easement program. These areas are considered to be in agricultural crop production.

Subp. 31. **Landowner.** "Landowner" means an individual, family farm, family farm partnership, authorized farm partnership, family farm corporation, authorized farm corporation, estate, or testamentary trust, who either owns eligible land or is purchasing eligible land under a contract for deed in Minnesota.

Subp. 31a. **Land with crop history.** "Land with crop history" means land that has produced horticultural, row, or close grown crops or that has been enrolled in a federal or state conservation program at least two of the five years prior to applying for enrollment in a conservation easement program, or land that meets the definition of introduced hayland in subpart 29, or land that meets the definition of introduced pasture in subpart 30. For the purposes of parts 8400.3000 to 8400.3930, land with crop history includes acres devoted to "set aside" or "conserving use" for the United States Department of Agriculture programs.

Subp. 32. **Local emergency.** "Local emergency" means an emergency declared under *Minnesota Statutes*, section 12.29.

Subp. 33. **Marginal agricultural land.** "Marginal agricultural land" for the RIM reserve program means agricultural land with eroplant that is: (1) composed of class IIIe, IVe, V, VI, VII, or VIII land as identified in the land capability classification system of the United States Department of Agriculture; or (2) similar to land described under clause (1) and identified under a land classification system selected by the state board that is composed of soils that are inherently unproductive, as defined in subpart 28, for agri-

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cultural crop production or subject likely to cause significant potential soil productivity loss from erosion environmental impact, as defined in subpart 44.

If the state selects a land classification system as provided by clause (2), the state board ~~shall~~ will provide districts with a list of soil mapping units indicative of marginal agricultural land. Districts, upon state board approval, may change the list as necessary to reflect local soil characteristics. ~~Changes must be approved by the board. This A current list, with changes,~~ is available at the state law library board office and at district offices, is subject to frequent periodic change, and is incorporated herein by reference. ~~In addition, land immediately surrounding a sinkhole is marginal agricultural land.~~

Subp. 33a. **Pasture.** "Pasture" means land used for grazing by domestic livestock ~~on and before June 2, 1989, which has not been cultivated or interseeded at least twice during the period of 1976 to 1985, and therefore is not considered to be in agricultural crop production and land which is not considered land with crop history as defined in subpart 31a.~~

Subp. 33b. **Pastured hillside.** "Pastured hillside" means land ~~on a hillside that is used for pasture in land capability classes III to VIII as defined by the United States Department of Agriculture, Agricultural Handbook Number 210. This publication is available at the state law library and at district offices, is not subject to frequent change, and is incorporated by reference as defined in subpart 33a or used for introduced pasture as defined in subpart 30.~~

Subp. 34. [See repealer.]

Subp. 35. [See repealer.]

Subp. 36. **Permanent Perennial cover.** "Permanent Perennial cover" means the water area created by restoring a restored drained wetland and or the permanent vegetative cover perennial vegetation established under the RIM reserve a conservation easement program, or the perennial vegetation or the water or wetland areas that already exist on the easement area.

Subp. 36a. **Permanent wetlands preserve program.** "Permanent wetlands preserve program" means the program established under Minnesota Statutes, section 103F.516.

Subp. 37. [See repealer.]

Subp. 38. [See repealer.]

Subp. 39. [See repealer.]

Subp. 39a. **Public water waters.** "Public water waters" means waters ~~and wetlands~~ as defined in *Minnesota Statutes*, section ~~405.37~~ 103G.005, subdivision 15, and inventoried under *Minnesota Statutes*, section ~~405.39+~~ 103G.201. A copy of the inventory is available in the district office.

Subp. 39b. **Public waters wetlands.** "Public waters wetlands" means wetlands as defined in Minnesota Statutes, section 103G.005, subdivision 18.

Subp. 39c. **Replacement wetland.** "Replacement wetland" means a wetland that has been replaced under Minnesota Statutes, section 103G.2242.

Subp. 40. **Restored Restorable drained wetland.** "Restored Restorable drained wetland" means a drained wetland restored under the RIM reserve program if the wetland meets the definition of a wetland as defined in subpart 48 17a that is practical to restore and for which the state board is able to secure the necessary land rights of adjacent landowners.

Subp. 41. [See repealer.]

Subp. 42. **RIM reserve program.** "RIM reserve program" means the ~~Reinvest in Minnesota Resources Conservation Reserve~~ program established in *Minnesota Statutes*, sections ~~40.41 to 40.46~~ 103F.515 and 103F.525.

Subp. 42a. **Riparian land.** "Riparian land" means ~~eroiland land~~ adjacent to public water. ~~For the RIM reserve program, the eroiland must begin within 100 feet of the boundary of the public water to be eligible waters, drainage systems, wetlands, or locally designated priority waters identified in a comprehensive local water plan, as defined in Minnesota Statutes, section 103B.3363, subdivision 3.~~

Subp. 43. **Screening committee.** "Screening committee" means a group established by the district board to assist in implementing the ~~RIM reserve program conservation easement programs.~~ The screening committee is chaired by a district board member and is composed of representatives of private, state, and local organizations or clubs, and local, state, and federal agencies with an interest in the ~~RIM reserve program conservation easement programs.~~ ~~A request for participation must be sent by the district at least annually to the: Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, United States Agricultural Stabilization and Conservation Service, United States Fish and Wildlife Service, and United States Soil Conservation Service.~~

Subp. 43a. **Sensitive groundwater area.** "Sensitive groundwater area" means a geographic area defined by natural features where there is a significant risk of groundwater degradation from activities conducted at or near the land surface. These areas may

be identified by mapping or other appropriate methods determined by the commissioner of natural resources and the state board. Wellhead protection areas and land that is adjacent and draining to a sinkhole may be designated as a sensitive groundwater area.

Subp. 44. **Significant potential soil productivity loss environmental impact.** "Significant potential soil productivity loss environmental impact" means that soil productivity loss due to erosion may occur in a short time unless soil and water conservation practices are initiated to control soil erosion. The method of calculation combines the rating of a soil as a rooting environment with landscape characteristics that represent the use of agricultural land may result in surface water or groundwater quality degradation or deposition of eroded sediments on property of adjacent landowners due to the soil properties of erosion potential, permeability, runoff potential, slope stability, or depth to water table.

Subp. 45. **Soil and water conservation practice.** "Soil and water conservation practice" means an approved conservation practice structural or vegetative practices applied to land to control for the purposes of controlling soil erosion, sediment, agricultural waste, or other water pollutants as described in the RIM reserve conservation practice specifications.

Subp. 46. **Soil mapping unit.** "Soil mapping unit" means a unit or type of soil or combination of soils shown on a soil survey map.

Subp. 47a. **State board.** "State board" means the Board of Water and Soil Resources.

Subp. 48. **Wetland.** "Wetland" means land that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, or that periodically does support, a prevalence predominance of hydrophytic vegetation typically adapted for life in saturated soil conditions, including wetlands as defined in *Minnesota Statutes*, section 105.37.

8400.3060 CRITERIA FOR ALLOCATION OF FUNDS.

The state board shall must annually allocate funds available to participating district boards implement the conservation easement programs based on the following criteria:

- A. the number or cost of applications recommended for approval accepted for enrollment in the conservation easement programs administered by the state board, or conservation easements conveyed to the state board within each district board;
- B. the proportion of marginal agricultural land in the district as compared to state totals;
- C. the potential for restoring drained wetlands;
- D. the need for highway windbreaks;
- E. the need for soil erosion or sediment control, protection or improvement of water quality, or improvement of fish and wildlife habitat, within a specified geographical area as determined by the state board, or as identified in the annual plan of each district or in any comprehensive local water plans prepared pursuant to *Minnesota Statutes*, section 103B.231, 103B.255, 103B.311, 103D.401, or 103D.405;
- C. the need for cumulative degree of soil erosion or sediment control, protection or improvement of water quality, or improvement of fish and wildlife habitat likely to be accomplished by the enrollment of selected easement areas; and
- F. D. the expressed interest and readiness of the each district board, as well as cooperating groups; and agencies, to implement the program conservation easement programs.

The ~~allotted~~ allocated funds may be increased, decreased, or shifted by the state board as necessary to maximize the use of available funds among districts. In selecting land for enrollment in the RIM reserve program, highest priority must be given to permanent conservation easements pursuant to Minnesota Statutes, section 103F.515, subdivision 2, paragraph (f).

8400.3110 EASEMENT DURATION OF CONSERVATION EASEMENTS.

The board may acquire conservation easements on eligible land. ~~An~~ For purposes of the RIM reserve program, a conservation easement may be permanent or of limited duration. An A conservation easement acquired on restorable drained wetlands, replacement wetlands, or land for highway windbreak purposes, must be of permanent duration. An A conservation easement of limited duration may not be acquired on other eligible land within a district if it is for a period not less than 20 years and only if the state board has approved enrollment of limited duration conservation easements in that district.

All permanent wetlands preserve program conservation easements must be of permanent duration.

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8400.3130 LOCAL PRIORITY SETTING.

Annually, ~~before considering any applications from landowners,~~ the participating district board shall call ~~a~~ at least one screening committee meeting. The screening committee must establish ~~priority areas~~ priorities within the district. Establishment of ~~priority areas~~ priorities must be based on the following criteria:

- A. the priorities established by the state board;
- B. the location of high priority soil erosion or water quality problem areas in the district as outlined in the district comprehensive and annual plans and any comprehensive local water plans prepared pursuant to Minnesota Statutes, section 103B.231, 103B.255, 103B.311, 103D.401, or 103D.405;
- C. the potential ~~of the land~~ for fish and wildlife production, ~~reducing~~ soil erosion reduction, and ~~protecting~~ water quality protection;
- D. recommendations from technical agricultural and natural resource experts familiar with the district;
- E. the established priorities of the agencies and organizations represented on the screening committee;
- F. maximizing the benefits of current programs administered by the United States Agricultural Stabilization and Conservation Service, United States Fish and Wildlife Service, and Minnesota Department of Natural Resources; and
- G. the amount of RIM reserve conservation easement program funds available.

8400.3160 CRITERIA FOR ELIGIBLE LAND.

Subpart 1. RIM reserve program. Land eligible for the RIM reserve program must ~~meet~~ be at least one of the following ~~criteria~~:

- A. ~~The land is~~ marginal agricultural land;
- B. ~~The land is~~ agricultural land adjacent to marginal agricultural land that is being enrolled if enrollment of the adjacent agricultural land is beneficial to resource protection or necessary for efficient recording of the land description and if at least 50 percent of the total proposed acreage is marginal agricultural land;
- C. ~~The land is a~~ restorable drained wetland and cropland adjacent to the drained wetland, with up to four acres of adjacent cropland for each acre of restored wetland. In selecting drained wetlands for enrollment, the highest priority must be given to wetlands with a cropping history during the period 1976 to 1985. on agricultural land;
- D. agricultural land adjacent to a restorable drained wetland that is being enrolled if enrollment of the adjacent land is beneficial to resource protection or necessary for efficient recording of the land description, and no more than four acres of adjacent land with crop history nor more than one acre of adjacent land without crop history for each acre of restored wetland is enrolled;
- E. ~~The land is~~ agricultural land that with a highway windbreak would ~~control snow drifting and~~ be beneficial to resource protection;
- ~~E. F.~~ The land is ~~cropland~~ agricultural land in a sensitive groundwater area;
- ~~F. G.~~ The land is ~~cropland~~ agricultural riparian to ~~public waters.~~ land;
- ~~G. H.~~ The land is a woodlot on agricultural land;
- ~~H. I.~~ The land is an abandoned building site on agricultural land;
- ~~I. J.~~ The land is a pastured hillside;
- K. a replacement wetland on agricultural land; or
- L. agricultural land adjacent to a replacement wetland that is being enrolled if enrollment of the adjacent agricultural land is beneficial to resource protection or necessary for efficient recording of the land description, and no more than one acre of adjacent agricultural land for each acre of replacement wetland is enrolled.

Subp. 2. Minimum acreage requirements; RIM reserve program. A district board may limit the enrollment of eligible land with crop history adjacent to a restorable drained wetland to less than the maximum allowable four acres for each acre of restored wetland. A district board may waive the minimum acreage requirement for a landowner:

- A. who owns part of a restorable drained wetland that will be restored, in whole or part, upon enrollment in the RIM reserve program through the cooperation of adjacent owners of the restorable drained wetland; or
- B. whose enrollment in the RIM reserve program of a portion of an eligible replacement wetland is dependent upon the collective enrollment of additional adjacent owners of the replacement wetland.

In addition, land eligible land for the RIM reserve program must have all of the following four characteristics listed in subitems (1) to (4). Eligible land must be:

(1) The land has been in agricultural crop production for at least two years during the period 1981 to 1985 with crop history, except restorable drained wetlands, agricultural land adjacent to restorable drained wetlands, riparian lands, woodlots, abandoned building sites, or pastured hillsides used for pasture;

(2) The land has been owned by the landowner, or a parent or other blood relative of the landowner, for at least one year before the date of application;

(3) The land must be at least five acres in size, except for a highway windbreak, or a woodlot; or abandoned building site, or must be a whole field as defined by the Agricultural Stabilization and Conservation Service; and

(4) The land must not be within 200 feet of any building;

(5) The land must not be set-aside, enrolled, or diverted under another federal or state government crop land retirement program including, but not limited to, federal conservation reserve, federal production adjustment set-aside, or state or federal water bank program whose purpose either conflicts with or substantially duplicates that of the RIM reserve program. However, any lands enrolled under another federal or state government program may become eligible for the RIM reserve program if they are released prior to conveyance of the conservation easement.

(6) The land must be physically possible to crop, except for drained wetlands, woodlots, abandoned building sites, and hillsides used for pasture.

If the eligible land is a replacement wetland, the land is not eligible for enrollment into the RIM reserve program until one year after completion of the replacement. In addition, the applicant must be the same landowner who drained or filled the wetland that was subject to the Wetland Conservation Act and which was subsequently replaced on the applicant's property following a replacement plan that was approved by the responsible local unit of government.

Subp. 3. Permanent wetlands preserve program.

A. Land eligible for the permanent wetlands preserve program must be:

(1) land with a wetland that has been identified as a type 1, 2, 3, or 6 wetland as defined in United States Fish and Wildlife Service Circular No. 39 (1971 edition); or

(2) land with a wetland that, as of July 1, 1991, was subject to an easement agreement under Minnesota Statutes, section 103F.601, subdivision 1; and

(3) in an unincorporated area, at least five acres in size or a whole field as defined by the Agricultural Stabilization and Conservation Service; or

(4) in an incorporated area, at least 2-1/2 acres in size or a whole tax parcel as identified by the local assessor.

B. In addition, land eligible for the permanent wetlands preserve program must be all of the following:

(1) land that is not a site used to mitigate a wetland loss;

(2) land that has no more than four adjacent upland acres for each acre of wetland enrolled;

(3) land owned by the landowner or a parent or other blood relative of the landowner, for at least one year before the date of application; and

(4) land not enrolled under another federal or state government program whose purpose either conflicts with or substantially duplicates that of the permanent wetland preserves program, unless that land was subject to an easement agreement under Minnesota Statutes, section 103F.601, subdivision 1, as of July 1, 1991. However, any lands enrolled under another federal or state government program may become eligible for the permanent wetland preserves program if they are released prior to conveyance of the conservation easement.

Subp. 4. Minimum acreage requirements; permanent wetlands preserve program. A district board may limit the enrollment of upland adjacent to an eligible wetland to less than the maximum allowable four acres of adjacent upland for each acre of eligible wetland. A district board may waive the minimum acreage requirement for a landowner whose enrollment in the permanent wet-

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lands preserve program of a portion of the eligible wetland is dependent upon the collective enrollment of additional adjacent owners of the eligible wetland.

8400.3200 MAXIMUM ENROLLMENT.

The total land for which a landowner may receive compensation from the RIM reserve program may not exceed 20 percent of the average farm size in the county where the land is being enrolled ~~according to~~. The average size ~~determined by~~ must be based on the most recent United States Department of Agriculture Census of Agriculture. There is no acreage limitation for which a landowner may receive compensation for enrolling eligible land into the permanent wetlands preserve program.

8400.3210 DELEGATION OF PROGRAM TO ANOTHER DISTRICT.

A district board may enter into an agreement with other district boards as authorized by Minnesota Statutes, section 103C.231, to delegate to another district board the responsibility for administering any conservation easement program of the state board. Where such delegation has been mutually agreed upon, each district board must so notify all landowners in their respective district and each district must so notify the state board.

8400.3230 APPLICATION BY LANDOWNERS.

Landowners interested in participating in the RIM reserve a conservation easement program must submit an application to the appropriate district office ~~in which the land is located~~, during the application period established by the district board, and on forms provided by the state board. The landowner must complete the application in its entirety along with any supportive information required for proper consideration of the application. ~~The supportive information includes, but is not limited to:~~

- A. ~~crop history of the parcel;~~
- B. ~~aerial photographs or a sketch of the parcel; and~~
- C. ~~description of other land owned or leased as part of the same farm operation at the time of application.~~

The district ~~technician board~~ shall direct its staff or the district technical representative to make an initial determination of conservation easement eligibility at the time of application. ~~Applications having questionable eligibility must be referred to the district board for eligibility determination.~~ Providing proof of eligibility is the responsibility of the landowner. The district ~~technician~~ technical representative shall develop a cost estimate for the conservation easement and approved practices for all eligible applications. ~~Other organizations and agencies may be requested to provide technical assistance in preparing cost estimates.~~

8400.3260 LAND IN MORE THAN ONE DISTRICT.

If an application involves land in more than one district, the participating districts may jointly delegate to one of the districts the responsibility for review and prioritization of that application must be made to each district containing the proposed land. The affected districts shall cooperate to ensure a consistent and timely review of the proposed lands. If that application is accepted for enrollment, the affected districts may also jointly delegate to one of the districts the responsibility for completing all of the tasks necessary for conveyance of the conservation easement to the state board.

8400.3300 CRITERIA FOR SCREENING COMMITTEE REVIEW OF APPLICATIONS.

Upon completion of the application period and initial eligibility determination by the responsible district staff or the district technician technical representative, the screening committee ~~shall~~ may confer and prioritize each eligible application. The criteria for screening committee prioritization are as follows:

- A. consistency with the purpose and policy of the RIM reserve respective conservation easement program for which an application has been submitted by an eligible landowner;
- B. the parcel's relationship to the ~~priority areas~~ priorities previously determined in part 8400.3130;
- C. the parcel's potential impact on reducing soil erosion and sedimentation, improving water quality, and enhancing fish and wildlife habitat;
- D. potential title problems and encumbrances;
- E. compatibility with established priorities of the organizations and ~~groups~~ agencies represented on the screening committee;
- and
- F. highest priority must be given to permanent easements ~~that are consistent with~~ pursuant to Minnesota Statutes, section 40.4+ 103F.515, subdivision 2, paragraph (f).

All eligible applications must be prioritized with recommendations and submitted to the district board for review. Applications with eligibility questions must be referred to the district board for eligibility determination before screening committee prioritization.

8400.3330 CRITERIA FOR DISTRICT BOARD REVIEW.

Upon the receipt of the applications with screening committee prioritization, The district board shall meet and review the applications after considering screening committee priorities. Criteria for district board review are as follows:

- A. criteria in part 8400.3300 used in screening committee review;
- B. compatibility with district plans and priorities; and
- C. availability of funds from ~~RIM~~ reserve and other sources.

8400.3360 DISTRICT ACTION ON APPLICATIONS.

Upon completion of district board review of the eligible applications, the following action must be taken district board shall take one of the following actions for each application:

- A. Applications the application is approved for further processing are designated as approved and must be signed by the district chair or acting chair: submitted to the state board for funding consideration;
- B. High priority applications for which there are insufficient funds are designated as pending, with the consent of the landowner. These applications may be held in a pending status for up to 60 days while additional funds are sought: the application is retained by the district board for further investigation; or
- C. Applications not eligible the application is denied because the land or landowner is deemed to be ineligible or because the land is not of sufficient priority are designated as denied. The reason for the denial must be stated on the application as related to the criteria listed in part 8400.3300.
- ~~D.~~ The district board shall notify all applicants in writing of their application designation status within ~~30~~ 60 days after the end of the application period.
- E. Denied applications must be kept at the district office for a minimum of three years for future reference.
- F. When district board action results in prioritization differing from the screening committee recommendations, the screening committee must be notified within 30 days in writing by the district board.

8400.3390 EASEMENT ACQUISITION PROCEDURES.

Upon completion of district board review of the eligible applications, applications approved for further processing must follow the administrative guidelines and procedures described in the current edition of the Conservation Easement Handbook. This state board publication is subject to periodic change, is available at the state board office and at district offices, and is hereby incorporated by reference.

8400.3400 CONSERVATION AGREEMENT FOR EASEMENT.

The district board shall direct its staff or the district technical representative to develop a conservation agreement ~~agreements~~ as prescribed by the state board and in a recordable form for all approved applications in which the landowner agrees incorporate the minimum requirements stated in Minnesota Statutes, section 103F.515, subdivisions 4 and 5. In addition, each conservation agreement must require the landowner to:

- A. convey to the state a conservation easement that is not subject to any prior title, lien, or encumbrance;
- B. establish and maintain permanent cover and other conservation practices on the land subject to the easement as described in the conservation plan approved by the board, which is incorporated into the conservation easement;
- C. convey to the state a permanent wetland restoration easement when a drained wetland is being restored;
- D. not convert to agricultural crop production, pasture, or introduced pasture any other land supporting natural vegetation owned or leased as part of the same farm operation at the time of application, if those lands support natural vegetation or have not been used in agricultural crop production, pasture, or introduced pasture except that land may be converted to pasture if done according to an approved district conservation plan;
- E. the enforcement of the terms of the easement and agreements as provided in *Minnesota Statutes*, section 40.43, subdivision 9, or other relief authorized by law;

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F. not alter wildlife habitat, natural features, or the vegetative cover and other conservation practices established in the conservation plan, except by the prior written approval of the board;

G. not produce agricultural crops, unless approved by the board for wildlife management purposes;

H. not graze livestock, except easements secured from the 1986, 1987, and 1988 application periods, may be grazed with the prior written approval of the board, after consultation with the commissioner of the Department of Natural Resources, in the case of severe drought or a local emergency;

I. be responsible for weed control and not to spray with chemicals or mow, except as necessary to comply with noxious weed control laws, or emergency control of pests necessary to protect public health, or to maintain permanent vegetative cover as approved by the district;

J. restore the easement area to the condition described in the conservation plan after any lawful repair or improvement of a public drainage system;

K. notify the board in writing within 30 days after the conveyance of all or part of the title or interest in the land in which the easement area is located by providing the names and addresses of the grantees, assignees, or heirs;

L. A. pay, when due, all taxes and assessments that may be levied against the easement area;

M. the running of the easement with the land and its being binding on all persons and entities who come into ownership or possession of the affected lands;

N. B. remove any existing structures as required by the district board or the state board prior to the conveyance of the conservation easement with all associated costs being the responsibility of the landowner, and not place, erect, or construct any temporary or permanent structures on the easement area;

C. remove any existing hazardous and toxic substances or any pollutants and contaminants prior to the conveyance of the conservation easement with all associated costs being the responsibility of the landowner, and not place such substances, pollutants, or contaminants on the easement area;

D. properly seal all abandoned wells on the easement area prior to the conveyance of the conservation easement, with all associated costs being the responsibility of the landowner; and

O. E. allow the state board and the board's its employees and agents to enter the easement area for the purposes of inspection or enforcement of the terms and conditions of the conservation easement; and

P. undertake the protection and management of the easement area in accordance with the conditions in the easement.

The conservation agreement must be recordable and on forms approved by the board.

8400.3460 ABSTRACT AND TITLE REQUIREMENTS.

After notification of the board's signing of the conservation agreement, the landowner, at the landowner's expense, shall deliver to the district office an original up-to-date abstract of title or registered property abstract, with certifications as to liens, bankruptcies, real estate taxes, and judgments. The landowner must have good and marketable title, not subject to any prior liens or encumbrances, as determined by the Attorney General, or an that is insurable title under a title insurance policy. In addition, the title must not be subject to any prior liens or encumbrances, approved determined to be objectionable by the Attorney General. Any Objectionable title defect defects, liens, or encumbrances must be promptly removed or corrected by the landowner including, but not limited to, the following: lien waivers, releases or consent and subrogation from mortgagees, release or satisfaction of judgments, and receipt for payment of delinquent real estate taxes. The landowner's abstract of title must be returned to the landowner prior to easement conveyance.

8400.3500 EASEMENT CONVEYANCE.

Upon delivery and recording of a properly executed conservation easement, approved by the board, and the vesting of the easement interest in the board, not subject to any prior lien or encumbrances, payment must be made for the easement to the landowner, landowner's designees, assignees, or heirs. The conservation easement is conveyed after the conservation easement has been recorded and title has been accepted by the state.

8400.3530 EASEMENT PAYMENT RATES.

Subpart 1. **Calculation.** The payment rate for the conservation easement must be calculated according to subparts 2 to 4.

Subp. 2. **New easements.** For permanent easements, payments are per acre figures derived from county average cash rent adjusted for countywide variations in estimated township market value. The figures are established on a township basis with the lower of the following two values selected as the payment:

A. 100 percent of the present value of the derived per acre figure calculated for perpetuity; or

B. 90 percent of estimated township market value. This payment method provides higher values for better quality land and ensures that payments do not exceed estimated market values. A schedule of payments for townships and unorganized areas is developed annually and is available at district offices or from the board.

For limited duration easements not less than 20 years in length, payments are based on 65 percent of the permanent easement payment.

Payment rates for eligible lands without a cropping history must be based on a percentage of the permanent easement payment rate as determined by the board annually. There must be no compensation for the value of any buildings or other structures that may be on the easement area.

Payment rates may be modified prior to the sign up by the board if the board determines the rates established above do not reflect current market values based on the most recent land value market indicators.

The board shall annually establish the discount rate to be used for calculating present value. Average cash rent and estimated market value are based on information provided by the Department of Revenue in cooperation with local assessors.

Subpart 1. RIM reserve program. The state board shall annually establish statewide easement payment rates on the following payment basis: (1) township average assessed market value of agricultural lands, or (2) actual assessed market value of agricultural lands, as authorized by *Minnesota Statutes*, section 103F.515, subdivision 6, paragraph (a), clause (5), and paragraph (b). Easement payments shall be made as follows:

A. for perpetual easements on lands with crop history, payment must not exceed 90 percent of the established payment basis;

B. for perpetual easements on lands without crop history, payment must not exceed 60 percent of the established payment basis;

C. for limited duration easements on lands with crop history, payment must not exceed 75 percent of the established payment basis; and

D. for limited duration easements on lands without crop history, payment must not exceed 45 percent of the established payment basis.

Subp. 2. Permanent wetlands preserve program. Easement payments shall be made on a payment basis as authorized by *Minnesota Statutes*, section 103F.516, subdivision 3. Easement payments shall be made at the following rates:

A. for wetlands in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington that are:

(1) farmed wetlands on agricultural land with crop history, 90 percent of the payment basis;

(2) wetlands on agricultural land, 50 percent of the payment basis; or

(3) wetlands on nonagricultural land, 20 percent of the payment basis;

B. for wetlands in all other counties that are:

(1) farmed wetlands on agricultural land with crop history, 90 percent of the payment basis; or

(2) wetlands on agricultural or nonagricultural land, 50 percent of the payment basis;

C. for adjacent upland:

(1) with crop history, 90 percent of the payment basis; or

(2) without crop history, 60 percent of the payment basis.

Subp. 2a. Noncompensable items. In any computation of payments under subpart 1 or 2, the state board shall not compensate for any of the following:

A. the value of any buildings or other structures that must be removed as required by the district board or the state board from the easement area; or

B. the land area occupied by any public surface drainage system, or public waters, or public waters wetlands; however, the state board may compensate for such land if it is:

(1) previously or currently enrolled in the state waterbank program pursuant to *Minnesota Statutes*, section 103F.601;

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- (2) authorized by part 8400.3160, subpart 2, which describes eligible land for the permanent wetlands preserve program;
- (3) an eligible restorable drained wetland that will be restored upon enrollment in the RIM reserve program; or
- (4) an eligible replacement wetland that will be enrolled in the RIM reserve program.

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

8400.3560 PAYMENTS PAYMENT SCHEDULE.

Payments shall be made by the state board as prescribed by the conservation agreement. Payments may be assigned by the landowner.

Payments for conservation easements will be a one time lump sum amount unless the landowner requests a split payment for up to four of ten equal annual installments for which no interest is paid. Payments may be assigned by the landowner.

8400.3600 EASEMENT RENEWAL AND CONVERSION EXTENSION OF CONSERVATION EASEMENTS.

A. When a conservation easement of limited duration expires, a new conservation agreement and conservation easement ~~and agreement~~ for an additional period of not less than 20 years may be acquired by agreement of the state board and the landowner under the rules in force at that time. The state board may adjust payment rates as a result of renewing ~~an a~~ conservation agreement and conservation easement only after examining the condition of the established cover, conservation practices, and land values.

B. The easement duration may be lengthened through mutual agreement of the current landowner with the state board, in consultation with the commissioners of agriculture and natural resources, if ~~they determine the state board determines~~ that the changes ~~effectuate are consistent with~~ the purpose of the conservation easement program ~~or to facilitate its administration~~. When converting limited duration easements to permanent easements, the payment is the difference between the amount that would be paid per acre for the permanent easement as established for the most recent sign-up period and the amount already paid for the limited duration easement on the area.

8400.3610 ALTERATION, RELEASE, OR TERMINATION OF CONSERVATION EASEMENTS.

The state board may alter, release, or terminate ~~an a~~ conservation easement after consultation with the commissioners of agriculture and natural resources. The board may alter, release, or terminate an easement only if the state board determines that the public interests and general welfare are better served by the alteration, release, or termination.

The state board must be provided the following information at least 30 days prior to a state board meeting, before the state board will consider a request to alter, release, or terminate ~~an a~~ conservation easement:

- A. a copy of the letter from the landowner to the district board justifying the change and identifying how the public interest and general welfare will be better served;
- B. a letter from the district board recommending either approval or disapproval of the proposed change;
- C. a letter from the Department of Natural Resources area wildlife manager recommending either approval or disapproval of the proposed change; and
- D. other supporting documents, including:
 - (1) an aerial photo identifying the requested change;
 - (2) a soil survey map of the area;
 - (3) cropping history information; and
 - (4) other pertinent documentation that will support the request.

The state board reserves the right to require special provisions to ensure at least equal resource value as a condition of approving the request. The state board must be compensated by the landowner for all damages and loss of benefits to the conservation easement ~~as well as and the state board may also require reimbursement for~~ administrative expenses and costs incurred in the alteration, release, or termination of ~~an a~~ conservation easement. Priority must be given to obtaining eligible replacement land rather than cash payment for damage or loss of benefits.

8400.3630 CRITERIA FOR APPROVED PRACTICES.

Subpart 1. Criteria. Approved practices must be enduring in nature and have as their primary purpose the control of soil erosion or sedimentation, protection or improvement of water quality, or creation or improvement enhancement of fish and wildlife habitat. The list is contained in part 8400.3660 and is Approved practices are further specified in the RIM reserve conservation easement program practice specifications. Practices under this program must be designed for a minimum effective life of 20 years, be non-production practices, and have specifications providing for the use of plant species and construction techniques that provide quality

fish and wildlife benefits. Production Practices that do not qualify as approved practices include, but are not limited to, Christmas tree plantations and fruit orchards. Food plots are not eligible for RIM reserve conservation easement program cost-sharing, but are considered an approved practice and, therefore, are allowed on enrolled acres if they are included in the conservation plan and approved by the board in cooperation with the commissioner of natural resources.

Subp. 2. Establishment of approved practices. A landowner is responsible for the establishment of all approved practices on the easement area in accordance with the easement program practice specifications. Establishment of approved practices must be monitored by the district board to ensure compliance with the conservation plan and the conservation easement. Upon establishment or partial completion of an approved practice, a district technical representative shall certify whether or not the approved practice, in whole or part, has been satisfactorily performed.

8400.3700 ESTABLISHMENT OF APPROVED COST-SHARED PRACTICES.

Subpart 1. Installation of Approved practices eligible for cost-sharing. Establishment of approved practices must be monitored by the district board to ensure compliance with the easement. Upon completion of an annual component or the entire plan a district technician shall certify whether or not the practice has been satisfactorily performed, including certification that the practice meets the RIM reserve conservation practice specifications. Upon certification of completion, the landowner shall present documentation to the district of the costs incurred in the installation of the practice in the form of receipts or invoices. The state board shall determine which approved practices are eligible for conservation easement program cost-sharing, consistent with the criteria as described in part 8400.3630, subpart 1, and consistent with the payment limits in Minnesota Statutes, section 103F.515, subdivision 6, paragraph (a), clauses (1) and (2).

Subp. 2. Eligible costs for approved cost-shared practices.

A. Upon satisfactory performance under part 8400.3630, subpart 2, the landowner shall present receipts or invoices to the district board of the costs incurred in the installation of the cost-shared practice. The district board shall review the receipts and or invoices provided by the landowner to determine the actual cost costs eligible for RIM reserve conservation easement program payment. If the district board determines that the claims costs requested for reimbursement are reasonable and necessary, it shall recommend payment to the landowner by submitting a completed certification of practice completion satisfactory performance and a cost-share voucher providing documentation of reimbursable practice costs to the state board on forms provided by the state board. If the district board determines that certain claims costs requested for reimbursement are not justified or not eligible or reasonable, it shall notify the landowner in writing of the unjustified claim within 30 days this determination. The landowner may request reconsideration of this determination by the district board within 15 30 days of receipt of the determination. If additional eligible costs are justified determined to be eligible and reasonable, the district board shall then recommend payment for the approved amount. The state board reserves the right to determine approve whether claims for payment costs requested for reimbursement are eligible and reasonable and necessary.

B. The state is only financially obligated up to the amount encumbered for each approved practice as stated in the conservation plan attached to the conservation easement, and any costs exceeding this amount are the responsibility of the landowner. Eligible costs for approved practices are limited to those prescribed by Minnesota Statutes, section 103F.515, subdivision 6, paragraph (a), clauses (1) and (2), and to the total state funds encumbered for the cost-shared practices designated in the conservation plan. The amount of encumbered funds may be increased, within the statutory limits, after a landowner request, which has been properly executed on forms prescribed by the state board, has been approved by the state board.

C. If the actual cost of installing the approved practices a cost-shared practice designated in the conservation plan are is less than the encumbered amount statutory payment limit described in item B, the state shall only pay the applicable actual cost of the installation in accordance with the limits in Minnesota Statutes, section 40.43, subdivision 6, clauses (1) and (2).

D. The board may encumber additional funds for eligible costs if the additional encumbrance is consistent with the purpose and policy of the RIM reserve program and the maximum amounts in Minnesota Statutes, section 40.43, subdivision 6, clauses (1) and (2), are not exceeded.

Subp. 3. **Payment for in-kind services.** In-kind services provided by the landowner including, but not limited to, earthwork, seedbed preparation, and seeding, may be credited to the landowner's share of the total cost of establishing the cost-shared practice. The district board shall determine whether charges for in kind services are credit only those costs it determines to be practical and reasonable.

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Subp. 4. **Funds from other sources.** ~~RIM reserve~~ Conservation easement program cost-sharing funds may be augmented by funds from other agencies, organizations, or individuals. Securing these funds is the responsibility of the landowner. ~~Requirements for obtaining these funds are determined by the contributor.~~

8400.3730 FAILURE OF APPROVED PRACTICES.

Subpart 1. Cost-shared practices. A landowner is not in violation of the conservation easement if the failure, in whole or part, of ~~approved practices~~ a cost-shared practice was caused by reasons beyond the landowner's control such as extreme weather conditions. In these instances, the district board may recommend to the state board that ~~additional RIM reserve~~ conservation easement program cost-sharing funds be encumbered for ~~reinstallation~~ reestablishment of the ~~approved practices~~ cost-shared practice. The encumbrance must comply with the limits in *Minnesota Statutes*, section ~~40.43~~ 103F.515, subdivision 6, paragraph (a), clauses (1) and (2); ~~and cannot exceed the amount encumbered for the initial installation.~~ In no case may a district board ~~provide~~ authorize conservation easement program financial assistance to a landowner for the ~~reapplication~~ reestablishment of approved cost-shared practices that were removed; or altered by the landowner, or that have failed due to improper maintenance during the term of the conservation easement.

Subp. 2. All other approved practices. A landowner is not in violation of the conservation easement if the failure of approved practices was caused by reasons beyond the landowner's control.

8400.3800 OPERATION AND MAINTENANCE.

A landowner is responsible for ~~planting, establishment,~~ the operation, and maintenance of approved practices ~~described~~ designated in the conservation agreement and for ensuring that easement restrictions are followed so that the easement's conservation objective is met and the effective life of 20 or more years is achieved plan.

8400.3830 VIOLATIONS AND ENFORCEMENT.

Subpart 1. District board action. The district board may take such measures as are necessary to ensure landowner compliance with the conservation agreement, conservation easement, and conservation plan. If the district board is unsuccessful at obtaining landowner compliance, the district board shall notify the state board of the violation and may recommend appropriate measures to be taken to correct violations.

Subp. 2. State board action. Upon notification by the district board of a violation of a conservation agreement, conservation easement, or conservation plan, the state board shall take action to resolve the violation.

The board may enforce the easement and agreement by the legal action in items A and B.

A. A landowner who violates the terms of a conservation agreement, conservation easement, or ~~agreement~~ conservation plan under this chapter, or induces, assists, or allows another to do so, is liable to the state for treble damages if the ~~trespass violation~~ is willful; but liable for or double damages only if the trespass violation is not willful. The amount of damages is the amount needed to make the state whole or the amount the landowner has gained due to the violation, whichever is greater.

If the state board is not successful in resolving the violation, it may request the state attorney general to commence legal action to enforce the conservation agreement, conservation easement, or conservation plan.

B. Subp. 3. Attorney general action. Upon the request of ~~by~~ the state board, the attorney general may commence an action for specific performances, injunctive relief, damages, including attorney fees, and any other appropriate relief to enforce *Minnesota Statutes*, sections ~~40.44~~ 103F.501 to ~~40.46~~ 103F.531 in district court in the county where all or part of the violation is alleged to have been committed, or where the landowner resides or has a principal place of business.

The district board may recommend to the board appropriate measures to be taken to correct violations. Conservation easements remain in effect even if maintenance violations have occurred.

8400.3870 SUPPLEMENTAL PAYMENTS ON FEDERAL AND STATE PROGRAMS.

The state board may supplement payments made under federal or other state land retirement programs to the extent of available appropriations other than bond proceeds. The payments must be used to establish perennial cover on land or to supplement payments for land enrolled in land retirement programs approved by the state board.

8400.3930 RECONSIDERATION AND REVIEW APPEAL.

Subpart 1. **Procedures.** Procedures for reconsideration and review of applications are in subparts 2 to 4.

Subp. 2. Reconsideration by district board. An affected landowner may request the district board to reconsider its ~~recommendations~~ that deny landowner acceptance under the RIM reserve program by mailing a written request to the district within 15 days of receipt of the notice of denial of ineligibility, stating the specific reasons for claiming eligibility or a higher priority and including additional evidence to support the landowner's claims. The district shall notify the landowner of the final recommendation of the district board.

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A. recommendation or determination regarding that landowner's application for enrollment in a conservation easement program;

B. recommendation or determination to cancel that landowner's conservation agreement;

C. determination regarding that landowner's eligible and allowable costs to be reimbursed by the state board;

D. request to that landowner to correct any alleged noncompliant conditions regarding that landowner's enrolled easement area; or

E. recommendation to disapprove that landowner's request to change an enrolled easement area.

Subp. 2. Time for reconsideration by district board. A landowner requesting reconsideration under subpart 1 shall mail a written request to the district board within 15 days of receipt of notice of the district board's determination or recommendation of the matters specified in subpart 1. The request for reconsideration shall include the specific reasons for the request and evidence to support the landowner's claims. The district board shall notify the landowner in writing of its final recommendation and the reasons for the recommendation within 60 days of receipt of the landowner's request for reconsideration.

Subp. 3. Review by Appeal to state board. An affected landowner may request appeal to the state board to review, on the record, the final recommendations of the district board that deny a landowner eligibility under the RIM reserve program by mailing from a final recommendation made by the district board pursuant to subpart 2. The landowner shall mail a written request appeal to the state board within 15 days after receipt of the final recommendation of the district board, stating the specific reasons for claiming eligibility, or a higher priority board's final recommendation. The appeal shall include the specific reasons for the request and evidence to support the landowner's claims. The state board shall notify in writing the landowner and the district board of its recommendations final decision and the reasons for the decision within 60 days of receipt of the landowner's appeal.

EFFECTIVE DATE. Parts 8400.3000 to 8400.3960 are effective October 1, 1994.

REPEALER. Minnesota Rules, parts 8400.3030, subparts 8, 12, 13, 16, 18, 21, 22, 34, 35, 37, 38, 39, and 41; 8400.3100; 8400.3430; 8400.3530, subparts 3 and 4; 8400.3660; 8400.3760; 8400.3860; and 8400.3900, are repealed.

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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 citation to its previous *State Register* publication will be printed.

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

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

Department of Labor and Industry

Adopted Permanent Rules Relating to Workers' Compensation; Medical Services and Fees

Part 5221.0400 as proposed and published at *State Register*, Volume 17, Number 51, page 3182, June 21, 1993 (17 SR 3143), is adopted.

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

Adopted Rules

Rules as Adopted

5221.0400 SCOPE.

The following are subject to this chapter: all entities responsible for payment and administration of medical claims compensable under *Minnesota Statutes*, chapter 176; providers of medical services or supplies for compensable injuries under *Minnesota Statutes*, section 176.135, subdivision 1; and employees as defined in *Minnesota Statutes*, section 176.011, subdivision 9. This chapter shall be applied in all relevant determinations made by compensation judges at the department and the Office of Administrative Hearings, and by the commissioner.

Department of Labor and Industry

Adopted Permanent Rules Relating to Workers' Compensation; Rules of Practice

The rules proposed and published at *State Register*, Volume 17, Number 51, pages 3143-3180, June 21, 1993 (17 SR 3143), are adopted with the following modifications:

Rules as Adopted

5220.2540 PAYMENT OF TEMPORARY TOTAL, TEMPORARY PARTIAL, OR PERMANENT TOTAL COMPENSATION.

Subpart 1. **Time of payment.** Payment of compensation must be commenced within 14 days of:

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

C. an order by the division, compensation judge, or workers' compensation court of appeals requiring payment of benefits which is not appealed. A party's consideration of an appeal does not excuse payment beyond the 14-day time limit. When an appeal is not filed, payments made after the 14th day are subject to penalties and interest under parts 5220.2760 and 5220.2780.

Once temporary total or permanent total disability benefits have been commenced, they must continue to be paid on a regular basis at the intervals the employee would have received wages from the employer had the employee continued working. Less frequent payments may be arranged by written agreement of the parties. With the initial payment of temporary total or permanent total disability benefits, the insurer must notify the employee in writing of the day of the week that further payments will be made and the frequency with which payments will be made. If the initial payment is a first and final payment, then notification need not be sent.

The same time limits apply to payments of temporary partial disability benefits. If the current wage varies so that wage documentation for calculation of temporary partial disability benefits is necessary, payment is due ten days following the date the employee or employer sends wage verification to the insurer.

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

Subp. 2a. **Suitable employment.** ~~If a rehabilitation plan has been completed, the employee is ineligible for rehabilitation services, or the employee has not requested rehabilitation services, a job which pays at least 50 percent of the gross weekly wage on the date of injury is economically suitable under *Minnesota Statutes*, section 176.101, subdivision 3e, if the job represents the employee's current earning capacity and that earning capacity cannot reasonably be expected to significantly change.~~

Subp. 3. **Notice to division.** The insurer must keep the division advised of all payments of compensation and amounts withheld and amounts paid for attorney fees by the filing of interim status reports each year and upon specific request by the division.

The insurer must also file with the division proof of payment which must indicate the amount of compensation paid and the date when the first payment was made, at each of the following times:

Subp. 6. **Permanent total disability.** An employee shall not be found to be permanently and totally disabled within the meaning of *Minnesota Statutes*, section 176.101, subdivision 5, clause (2), unless the employee has not refused a suitable job under *Minnesota Statutes*, section 176.101, subdivision 3e, and the employee:

A. has a permanent partial disability rating of at least 20 percent of the whole body;

B. has a permanent partial disability rating of at least 17 percent of the whole body, and:

(1) is over 45 years old;

(2) has not earned a high school diploma or its equivalent; or

(3) has been employed during the three years immediately preceding the disability only in jobs classified by the Dictionary of Occupational Titles, fourth edition, 1991, at specific vocational preparation level three or below;

C. has a permanent partial disability rating of at least 14 percent of the whole body and has two of the following three characteristics:

(1) is over 45 years old;

(2) has not earned a high school diploma or its equivalent;

(3) has been employed during the three years immediately preceding the disability only in jobs classified by the Dictionary of Occupational Titles, fourth edition, 1991, at specific vocational preparation level three or below;

D. has a permanent partial disability rating of at least ten percent of the whole body; and:

(1) is over 45 years old;

(2) has not earned a high school diploma or its equivalent; and

(3) has been employed during the three years immediately preceding the disability only in jobs classified by the Dictionary of Occupational Titles, fourth edition, 1991, at specific vocational preparation level three or below;

E. has been evaluated by the vocational rehabilitation unit of the division and it has been found by that unit that the employee would be unlikely to be able to secure anything more than sporadic employment resulting in an insubstantial income even after the employee had received all appropriate services under *Minnesota Statutes*, section 176.102; or

F. has diligently searched for employment for a period of at least two years and has been unable to secure anything more than sporadic employment resulting in an insubstantial income. To show that a diligent search has been made, the employee must keep a detailed record of the job search if the employee is capable of doing so. As time progresses, the employee must expand the area in which a job is sought. If there are no jobs available in the occupation in which the employee has training or experience, the employee must expand the job search to include jobs outside of the employee's training or experience but which have been identified by the vocational rehabilitation unit of the division or the employee's qualified rehabilitation consultant as jobs the employee is physically able to perform and which would provide or be consistent with a rehabilitation plan to eventually provide an economically suitable wage under part 5220.2540, subpart 2a.

Subp. 7. Apprentices, temporary partial disability benefits. An apprentice, upon return to the same apprenticeship program in the same position or a similar position to that held on the date of injury, has not suffered a loss of earning capacity where the wage upon return to the apprenticeship program is the same or greater than the wage on the date of injury. Temporary partial disability benefits are not owing where there is no loss in earning capacity.

5220.2550 PAYMENT OF PERMANENT PARTIAL DISABILITY, INCLUDING IMPAIRMENT COMPENSATION AND ECONOMIC RECOVERY COMPENSATION.

Subp. 2a. Inability to return to former employment. An employee is not "unable to return to former employment" within the meaning of *Minnesota Statutes*, section 176.101, subdivision 3t, paragraph (b), when the employee returns to suitable employment with the employer.

5220.2620 MEDICAL DISPUTES.

Subp. 3. Medical claims response. If the employee or health care provider has filed a medical request form, the insurer must file a medical response form with the division and serve copies on the other parties no later than 20 days after service of the medical request form or within the time period provided by part 5221.6050, subpart 7. Failure to file a required form will be considered in the determination of disputed issues, penalties, and interest charges, and may result in a determination based solely on the written submissions of the requester when an administrative conference is not scheduled.

5220.2630 DISCONTINUANCE OF COMPENSATION.

Subpart 1. Generally. When an insurer proposes or intends to reduce, suspend, or discontinue an employee's benefits, it shall file one of the following documents described in this part. A form need not be filed when an insurer increases or decreases an employee's periodic temporary partial benefit due to changes in the employee's earnings while employed, provided that a payment continues to be made based on the employee's actual earnings.

Subp. 4. Notice of intention to discontinue benefits.

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

Adopted Rules

B. A notice of intention to discontinue benefits must be fully completed and on the form prescribed by the commissioner, containing substantially the following:

(5) the legal reason or reasons for the proposed discontinuance or reduction, stated in language which may easily be read and understood by a person of average intelligence and education, and in sufficient detail to inform the employee of the factual basis for the discontinuance or reduction;

C. The liability of the insurer to make compensation payments continues at least until the notice of intention to discontinue benefits is received by the division and served on the employee and the employee's attorney, except that benefits may be discontinued on the date the employee returned to work and temporary partial benefits may be discontinued as of the date the employee ceased employment. ~~Where benefit amounts are difficult to determine because the employee's circumstances have changed, payments up to the date of the notice may be averaged based on benefit payments in the 26 weeks before the change.~~ Continuation of benefits following service and filing of a notice of intention to discontinue benefits is set out in part 5220.2640, subpart 3.

5220.2640 DISCONTINUANCE CONFERENCES.

Subp. 3. Continuation of benefits.

A. If an employee requests an administrative conference within the time set out in this part, benefits must be paid through the date of the conference unless:

(3) the employee fails to appear at the conference without good cause ~~and no continuance is allowed~~;

5220.2760 ADDITIONAL AWARD AS PENALTY.

Subpart 1. **Basis.** Penalties under *Minnesota Statutes*, section 176.225, subdivision 1, in an amount up to 25 percent of the total amount of the compensation award may be assessed by the division on the grounds listed in that section, including:

A. underpaying, delaying payment of, or refusing to pay within 14 days of the filing of an order by the division or a compensation judge the workers' compensation court of appeals or the Minnesota Supreme Court unless the order is appealed within the time limits for an appeal. If the payor does not appeal the order, payments made more than 14 days after the order is served and filed are late, however, the division shall not issue a penalty under this part unless payment is made after the 30th day following a final order. A penalty may be issued, however, for a payment after the 14th day and through the 30th day following a settlement award under *Minnesota Statutes*, section 176.521. Payments made after the 14th day must include interest pursuant to *Minnesota Statutes*, section 176.221, subdivision 7, or 176.225, subdivision 5, to the payee;

5220.2780 FAILURE TO PAY UNDER ORDER; PENALTY.

Subp. 2. **Amount.** The penalty available under *Minnesota Statutes*, section 176.221, subdivision 3 or 3a, shall be assessed where there has been a failure to pay under an order which has not been appealed. If the payor chooses not to appeal the order, payments made more than 14 days after the order is served and filed are late. Each day after the 14th day is considered a day late. Penalties under *Minnesota Statutes*, section 176.221, subdivision 3a, shall be assessed as follows:

A. ~~47 one to 15 days late, \$250;~~

B. ~~16~~ to 30 days late, \$500;

~~B. C.~~ 31 to 60 days late, \$750; and

~~C. D.~~ over 60 days late, \$1,000.

5220.2810 FAILURE TO RELEASE MEDICAL DATA; PENALTY.

Subp. 3. Amount.

A. If a collector or a possessor of medical data was not issued a warning under this part in the preceding ~~year~~ 12-month period, the division must send a warning letter before a monetary penalty is assessed. The warning letter must advise the collector or possessor against whom the penalty is sought of the obligation to provide medical data under *Minnesota Statutes*, section 176.138, and that a penalty will be assessed if it fails to provide the requested data within seven working days after the warning letter and to file written verification of the release of the data or a copy of the data with the division within that time.

5220.2920 ATTORNEY FEES.

Subp. 3. **Statement of fees, petition for disputed or excess attorney fees.** The following procedures must be followed in claiming fees.

A. If the claim for attorney fees does not exceed the fees allowed by *Minnesota Statutes*, section 176.081, subdivision 1, clause (a), the party claiming fees shall fully complete and file a statement of attorney fees on a form prescribed by the commissioner, including:

(4) ~~in the format provided in subpart 5~~; a list of benefits obtained which were genuinely in dispute and which would not have been recovered without the attorney's involvement, and the total dollar amount of benefits obtained;

B. If an attorney claims fees in excess of the amount listed in *Minnesota Statutes*, section 176.081, subdivision 1, clause (a), or an objection to the statement under item A is filed, or it is requested that fees be assessed against the employer or insurer for refusal to pay rehabilitation or medical benefits or provide rehabilitation or medical services or the requested fees were incurred in connection with an administrative conference under *Minnesota Statutes*, section 176.102, 176.135, 176.136, or 176.239, the attorney shall fully complete and file a petition for disputed or excess attorney fees on a form prescribed by the commissioner, including:

(9) ~~in the format provided by subpart 5~~; a list of the benefits obtained which were genuinely in dispute and which would not have been recovered without the attorney's involvement, and the total dollar amount of benefits obtained;

Subp. 5. **Genuinely disputed portions of claims.** ~~The following information must be included in the statement of attorney fees or petition for excess attorney fees. Items A and B are~~ This subpart provides the applicable principles for the commissioner, compensation judge, or workers' compensation court of appeals to determine whether the benefit paid or payable was genuinely disputed for the purpose of calculation of a contingent fee under *Minnesota Statutes*, section 176.081, subdivision 1.

A. The statement of attorney fees or petition for excess attorney fees must include, for each benefit paid or awarded for which an attorney fee is sought:

(1) ~~whether the rate or amount of each benefit was disputed and if so, the amount disputed;~~

(2) ~~whether the duration of each benefit was disputed and if so, the period for which the benefit was disputed;~~

(3) ~~whether eligibility for each benefit was disputed;~~

(4) ~~the rate or amount, duration, and period of eligibility for each benefit which was admitted and paid by the insurer at or before the date payment was due;~~

(5) ~~the nature of the dispute, containing sufficient detail to allow the parties to agree or disagree with the characterization of the dispute;~~

(6) ~~whether the insurer denied primary liability for the claim; and~~

(7) ~~in the case of a lump sum award pursuant to an award on stipulation or mediated agreement, subitems (1) to (6) and if the stipulation for settlement or mediated agreement does not allocate the sums awarded to specific benefits, an allocation of the sums awarded to the various types of compensation: sufficient information to allow the fee determiner to apply the principles contained in this subpart.~~

B. The principles applicable to determine whether a benefit was genuinely disputed are as follows:

(12) ~~Following an allocation of a lump sum award under item A, subitem (7), The principles of this item subpart apply to each portion of the settlement sum to arrive at the total disputed compensation awarded to compute the fee sums. The A portion of the a lump sum award allocated to medical or rehabilitation expenses must not be used to compute the fee unless the hourly fee associated with the service exceeds the contingent fee available under Minnesota Statutes, section 176.081, subdivision 1, for all other disputed benefits under this subpart that are resolved pursuant to the award. Benefits that have not yet become due and are not in dispute under this subpart may not be used to compute the fee.~~

Subp. 6. **Waiver of objection period.** ~~The parties may not waive by stipulation for settlement or mediation agreement the right to object within ten days to the requested attorney fee. An agreement by a party in a stipulation for settlement, mediation agreement, or similar document to waive the ten-day period in which to object to an attorney's fee is not binding on the party. The party may, despite the agreement, file an objection to the requested fee in any manner provided by Minnesota Statutes, section 176.081. The objection to attorney fees does not render the party's consent to other terms of the agreement ineffective.~~

Subp. 7. **Defense attorney fees.** ~~On August 1 of each year, every insurer and self-insured employer must file with the department its annual statement of attorney fees containing the information required by this subpart for the previous 12-month period from July 1 to June 31. The insurer or self-insured employer must include defense fees and costs incurred by itself and its agents and representatives, including but not limited to adjusting companies, and third-party administrators, and. Costs include charges for contract service providers such as surveillance companies and transcription service organizations. Only defense attorney fees and defense costs which are charged by the insurer against an individual claim file and which relate to a contested workers' compensa-~~

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

Adopted Rules

tion claim must be reported under this subpart. Contested workers' compensation claims are those claims which are the subject of pending or anticipated workers' compensation litigation. Workers' compensation litigation includes but is not limited to administrative conference proceedings, mediation, small claims court, and settlement proceedings. For the purpose of this subpart, "paid" includes sums billed or due but not yet paid.

A. The annual defense attorney fees and defense costs statement must include:

(1) Total attorney fees paid to outside and in-house counsel for representation and advice concerning workers' compensation cases. ~~This includes general advice as well as work connected with specific cases.~~ If in-house counsel spends 100 percent of work time on workers' compensation cases, the attorney's full gross wage plus the cost of the employee's benefit package is reported as attorney fees paid. If a portion of the attorney's time is attributable to the defense of workers' compensation cases, the wages and benefits may be prorated by the respective percentage of wages and benefits attributable to the ~~general workers' compensation duties and~~ defense of workers' compensation cases. The outside counsel fees reported must be the total fee paid to all firms for representation and advice concerning workers' compensation cases.

Subp. 8-7. **Contingent fee limitations.** The contingent fee presumed reasonable under *Minnesota Statutes*, section 176.081, subdivision 1, applies to fees paid to the attorney or attorneys for the employee. It does not apply to each attorney individually, but begins to run from the first claim concerning the injury and continues until the \$13,000 sum is reached without regard to the number of attorneys or claims initiated concerning the same injury. The \$13,000 fee which is presumed reasonable applies separately to fees payable to the attorney or attorneys for the employee, and fees payable to the attorney or attorneys for the insurer. The maximum fee presumed reasonable per injury is \$26,000, half to the attorney or attorneys for the employee and half to the attorney or attorneys for the insurer. Where the only issues in dispute are medical or rehabilitation benefits or services and it was not reasonable to join the rehabilitation or medical issue with other disputed benefit issues, the attorney fee payable for recovery of the benefit or service is payable by the insurer on an hourly basis. If the hourly fee associated with medical or rehabilitation issues exceeds the available contingent fee under *Minnesota Statutes*, section 176.081, subdivision 1, the available contingent fee shall be awarded as well as a fee payable by the insurer such that the two fees combined compensate the attorney at a reasonable hourly rate.

Subp. 9-8. **Determinations without a hearing.** If an objection to the requested fee has been filed and the interested parties waive their right to a hearing, the fees may be determined without a hearing. A hearing must be scheduled if an objection has been filed and all interested parties have not waived their right to a hearing. Where no objection to the requested fee has been filed, the commissioner, judge, or court before whom the matter is pending shall determine, without a hearing, the amount of attorney fees owing under this part and *Minnesota Statutes*, section 176.081.

Gambling in Minnesota

Lawful Gambling Statutes 1992

Chapter 349. 65 pp. 2-5 SR \$ 6.95

Lawful Gambling Rules 1993

Chapter 7861 thru 7865. 80pp. 3-3 SR \$ 6.95

Gambling Manager's Handbook 1992

Requirements of gambling activities 10-19SR \$16.95

High Stakes: Gambling in Minnesota 1992

Overview to gambling in Minnesota 10-46SR \$ 8.95

Gambling in Minnesota 1993

Supplement to High Stakes Gambling 10-26s1SR \$ 5.95

Gaming News Subscription

Yearly subscription. 90-8SR \$40.00

Gambling Organizations Directory

Lists name and address of licensed gambling organizations in Minnesota 99-2SR \$29.95

Regulatory Accounting Manual

Procedures guide includes tax forms 10-40SR \$14.95

Accounting Manual Worksheets 8-11SR \$ 7.95

View-through Binder 8 1/2 x 11 10-25 SR \$ 5.95

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Emergency Rules

Proposed Emergency Rules

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

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

Adopted Emergency Rules

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

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

Continued/Extended Emergency Rules

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

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules; Changes in Bear Quota Areas, and 1994 Bear Quotas

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 14.29, subdivision 4(b). The statutory authority for the contents of these rules is *Minnesota Statutes*, sections 97B.405 and 97B.411.

Dated: 24 May 1994

Rodney W. Sando, Commissioner
Department of Natural Resources

Rules as Adopted

6232.3000 BEAR QUOTA AREAS.

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

Subp. 9a. Bear Quota Area 44. Bear Quota Area 44 consists of that portion of the state lying within the following described boundary:

Beginning at the junction of U.S. Highway 59 and the northern boundary of the White Earth Indian Reservation; thence along said boundary to State Trunk Highway (STH) 92; thence along STH 92 to U.S. Highway 2; thence along U.S. Highway 2 to STH 6; thence along STH 6 to County State Aid Highway (CSAH) 1, Crow Wing County; thence along CSAH 1 to CSAH 2, Cass County; thence along CSAH 2 to STH 371; thence along STH 371 to STH 87; thence along STH 87 to U.S. Highway 10; thence along U.S. Highway 10 to U.S. Highway 59; thence along U.S. Highway 59 to the point of beginning.

Subp. 9b. Bear Quota Area 45. Bear Quota Area 45 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of U.S. Highway 10 and State Trunk Highway (STH) 87; thence along STH 87 to STH 371; thence along STH 371 to County State Aid Highway (CSAH) 2, Cass County; thence along CSAH 2 to CSAH 1, Crow Wing County; thence along CSAH 1 to STH 6; thence along STH 6 to STH 18; thence along STH 18 to U.S. Highway 169; thence along U.S. Highway 169 to STH 23; thence along STH 23 to the Mississippi River; thence upstream along the Mississippi River along the easterly shore of said river to STH 27; thence along STH 27 to U.S. Highway 71; thence along U.S. Highway 71 to U.S. Highway 10; thence along U.S. Highway 10 to the point of beginning.

[For text of subp 10, see M.R.]

Emergency Rules

6232.3055 1994 BEAR QUOTAS.

The number of available licenses for quota areas for the 1994 bear hunting season is 9,400 and is divided as follows:

- A. Bear Quota Area 12 - 440;
- B. Bear Quota Area 13 - 370;
- C. Bear Quota Area 22 - 270;
- D. Bear Quota Area 24 - 790;
- E. Bear Quota Area 25 - 890;
- F. Bear Quota Area 26 - 980;
- G. Bear Quota Area 31 - 1,080;
- H. Bear Quota Area 41 - 340;
- I. Bear Quota Area 44 - 1,380;
- J. Bear Quota Area 45 - 730; and
- K. Bear Quota Area 51 - 2,130.

REPEALER. Minnesota Rules, part 6232.3050, is repealed.

EFFECTIVE DATE. Minnesota Rules, part 6232.3055, is effective through December 31, 1994.

Department of Health

Notice of Continuation of Emergency Amendments to Permanent Rules Governing the Reporting of Aggregate Data by Minnesota Hospitals, *Minnesota Rules*, Chapter 4650

NOTICE IS HEREBY GIVEN that the State Department of Health is continuing the above-entitled emergency rules in effect for an additional 180 days in accordance with *Minnesota Statutes*, section 14.35.

The notice adopting the emergency rules was published in *State Register*, Volume 18, Number 26, page 1569, December 27, 1993, (18 S.R. 1569). The rules became effective December 14, 1993, and are scheduled to expire at 12:01 a.m. on June 12, 1994. This notice of continuation will extend the effective period of the above-entitled rules through December 8, 1994.

Please note that the Department is currently developing permanent rules to replace the emergency rules when the emergency rules expire. The Department will use the emergency rules as the starting point for this. The permanent rules will differ from the emergency rules based on what is learned in implementing the emergency rules, public comments, and 1994 legislation. The permanent rules may also include the collection of other data necessary to carrying out the Department's statutory requirements.

Dated: 24 May 1994

Mary Jo O'Brien, Commissioner
Department of Health

Department of Health

Notice of Continuation of Emergency Rules Governing the Reporting of Aggregate Data by Minnesota Health Care Providers, *Minnesota Rules*, Chapter 4651

NOTICE IS HEREBY GIVEN that the State Department of Health is continuing the above-entitled emergency rules in effect for an additional 180 days in accordance with *Minnesota Statutes*, section 14.35.

The notice adopting the emergency rules was published in *State Register*, Volume 18, Number 26, page 1570, December 27,

Emergency Rules

1993, (18 S.R. 1570). The rules became effective December 14, 1993, and are scheduled to expire at 12:01 a.m. on June 12, 1994. This notice of continuation will extend the effective period of the above-entitled rules through December 8, 1994.

Please note that the Department is currently developing permanent rules to replace the emergency rules when the emergency rules expire. The Department will use the emergency rules as the starting point for this. The permanent rules will differ from the emergency rules based on what is learned in implementing the emergency rules, public comments, and 1994 legislation. The permanent rules may also include the collection of other data necessary to carrying out the Department's statutory requirements.

Dated: 24 May 1994

Mary Jo O'Brien, Commissioner
Department of Health

Department of Health

Notice of Continuation of Emergency Rules Governing the Reporting of Aggregate Data by Commercial Insurance Companies and Others, *Minnesota Rules*, Chapter 4652

NOTICE IS HEREBY GIVEN that the State Department of Health is continuing the above-entitled emergency rules in effect for an additional 180 days in accordance with *Minnesota Statutes*, section 14.35.

The notice adopting the emergency rules was published in *State Register*, Volume 18, Number 26, page 1572, December 27, 1993, (18 S.R. 1572). The rules became effective December 14, 1993, and are scheduled to expire at 12:01 a.m. on June 12, 1994. This notice of continuation will extend the effective period of the above-entitled rules through December 8, 1994.

Please note that the Department is currently developing permanent rules to replace the emergency rules when the emergency rules expire. The Department will use the emergency rules as the starting point for this. The permanent rules will differ from the emergency rules based on what is learned in implementing the emergency rules, public comments, and 1994 legislation. The permanent rules may also include the collection of other data necessary to carrying out the Department's statutory requirements.

Dated: 24 May 1994

Mary Jo O'Brien, Commissioner
Department of Health

Department of Health

Notice of Continuation of Emergency Rules Governing the Reporting of Encounter Level Data by Group Purchasers, *Minnesota Rules*, Chapter 4653

NOTICE IS HEREBY GIVEN that the State Department of Health is continuing the above-entitled emergency rules in effect for an additional 180 days in accordance with *Minnesota Statutes*, section 14.35.

The notice adopting the emergency rules was published in *State Register*, Volume 18, Number 26, page 1575, December 27, 1993, (18 S.R. 1575). The rules became effective December 14, 1993, and are scheduled to expire at 12:01 a.m. on June 12, 1994. This notice of continuation will extend the effective period of the above-entitled rules through December 8, 1994.

Please note that the Department is currently developing permanent rules to replace the emergency rules when the emergency rules expire. The Department will use the emergency rules as the starting point for this. The permanent rules will differ from the emergency rules based on what is learned in implementing the emergency rules, public comments, and 1994 legislation. The permanent rules may also include the collection of other data necessary to carrying out the Department's statutory requirements.

Dated: 24 May 1994

Mary Jo O'Brien, Commissioner
Department of Health

Official Notices

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

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

Department of Commerce

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Relating to Credit Involuntary Unemployment Insurance

NOTICE IS HEREBY GIVEN that the Minnesota Department of Commerce is seeking information or opinions from sources outside the department in preparing to propose the adoption of rules relating to permitting the sale of involuntary unemployment insurance in connection with a specific loan or other credit transactions.

Specifically, the rules will address establishing prima facie rates, premiums and identifiable charges for coverage which provides payment to a creditor in the event of involuntary unemployment of the debtor for the installment payments or other periodic payments becoming due while the debtor is involuntarily unemployed; use of rates higher than prima facie rates; filing requirements and approval of forms and premium rates; forms of credit involuntary unemployment insurance including open end credit terms; provisions of policies and certificates of insurance; disclosure to debtors; premium refunds; commissions and fees or other allowances; dividends, retrospective rate credits, and retrospective premiums; payment of claims; development and maintenance of experience reports and adjustments; market conduct issues; and prohibited practices.

The adoption of the rules is required by *Laws of Minnesota 1993*, Chapter 343, which was effective May 24, 1993 and following the agreement from four or more insurers who plan to write credit involuntary unemployment insurance in Minnesota to pay the cost of the promulgation of such rules. Funding agreements have been accepted.

Outside opinion is also being solicited as to the effect such rules might have on small businesses, as defined under *Minnesota Statutes* § 14.115, subd. 1. The rules will provide new business opportunities for both large and small businesses. The department will consider the needs of small businesses in developing the rules. All interested parties are encouraged to submit comments on this topic.

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

James G. Miller, Deputy Commissioner
Minnesota Department of Commerce
133 East Seventh Street
St. Paul, Minnesota 55101

Oral statements will be received during regular business hours over the telephone at 296-2715 and in person at the above address. All statements of information and opinions will be accepted until 4:30 p.m. on July 15, 1994. Any written material received by the department will become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rules are adopted.

An advisory task force will be formed pursuant to *Minnesota Statutes* § 15.014 to include credit and insurance industry representatives as well as public members within 30 days following close of the solicitation period. The advisory task force will advise the Commissioner until such time as proposed rules are published. It is hoped that the proposed rules will be published during the fourth quarter of 1994, and that the rules will be adopted during the first half of 1995.

Dated: 27 May 1994

James E. Ulland
Commissioner of Commerce

Minnesota Comprehensive Health Association

Notice of Meeting of Ad Hoc Committee on Request for Proposal for Writing Carrier Contract

NOTICE IS HEREBY GIVEN that the Ad Hoc Committee on Request for Proposals (RFP) for Writing Carrier Contract of the Minnesota Comprehensive Health Association (MCHA), will meet on Friday, June 10, 1994 at 7:30 a.m., at the Minnesota Comprehensive Health Association, Suite 910, 5775 Wayzata Boulevard, St. Louis Park.

For additional information please call Lynn Gruber at (612) 593-9609.

Minnesota Comprehensive Health Association

Notice of Meeting of the Finance Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association (MCHA), Finance Committee will be held at 3:00 p.m. on Thursday, June 16, 1994 at HealthPartners, 8100 34th Avenue South, Bloomington. The meeting will be in room "10 North B" on the 10th floor.

For additional information please call Lynn Gruber at (612) 593-9609.

Minnesota Comprehensive Health Association

Notice of Annual Meeting of Members and Annual Meeting of the Board of Directors

NOTICE IS HEREBY GIVEN that the Annual Meeting of Members of the Minnesota Comprehensive Health Association (MCHA), will be held at 9:00 a.m. on Friday, June 17, 1994 at The Minnesota Club, 317 Washington Street, St. Paul, Minnesota 55102, to be immediately followed by the Annual Meeting of the Board of Directors.

For additional information please call Lynn Gruber at (612) 593-9609.

Minnesota Gambling Control Board

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing the Regulation of Pull-Tabs and Pull-Tab Dispensing Machines

NOTICE IS HEREBY GIVEN that the Minnesota Gambling Control Board (Board) is seeking information or opinions from outside sources in preparing to propose the adoption of rules governing the regulation of pull-tabs and pull-tab dispensing machines. The adoption of the rule is authorized by *Minnesota Statutes*, section 349.151, subdivision 4(a), clause (1), which authorizes the Board to regulate lawful gambling to ensure it is conducted in the public interest; clause (5), which authorizes the Board to make rules authorized by chapter 349; and clause (15) which authorizes the Board to take all necessary steps to ensure the integrity of and public confidence in lawful gambling.

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

Sharon Beighley
Minnesota Gambling Control Board
1711 West County Road B, Suite 300 South
Roseville, MN 55113

Oral statements will be received during regular business hours over the telephone at (612) 639-4000, and in person at the above address.

Official Notices

All statements of information and opinions shall be accepted until further notice is given or the Notice of Intent to Adopt With or Without a Hearing is published in the *State Register*. Any written material received by the Board shall become part of the rulemaking record to be submitted to the Attorney General or Administrative Law Judge in the event that the rule is adopted.

Dated: 23 May 1994

Harry W. Baltzer
Executive Director
MN Gambling Control Board

Minnesota Gambling Control Board

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing the Use of Cash Registers in Conjunction with Multiple Deals of Pull-Tabbs and Minimum Technical Standards for Cash Registers

NOTICE IS HEREBY GIVEN that the Minnesota Gambling Control Board (Board) is seeking information or opinions from outside sources in preparing to propose the adoption of rules governing the regulation of cash registers and minimum technical standards for cash registers. The adoption of the rule is authorized by *Minnesota Statutes*, section 349.151, subdivision 4(a), clause (1), which authorizes the Board to regulate lawful gambling to ensure that it is conducted in the public interest; clause (5), which authorizes the Board to make rules authorized by chapter 349; and clause (15) which authorizes the Board to take all necessary steps to ensure the integrity of and public confidence in lawful gambling.

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

Sharon Beighley
Minnesota Gambling Control Board
1711 West County Road B, Suite 300 South
Roseville MN 55113

Oral statements will be received during regular business hours over the telephone at (612) 639-4000, and in person at the above address.

All statements of information and opinions shall be accepted until further notice is given or the Notice of Intent to Adopt Rules With or Without a Hearing is published in the *State Register*. Any written material received by the Board shall become part of the rulemaking record to be submitted to the Attorney General or Administrative Law Judge in the event the rule is adopted.

Dated: 25 May 1994

Harry W. Baltzer
Executive Director
MN Gambling Control Board

Department of Labor and Industry

Labor Standards Division

Notice of Correction to Prevailing Wage Rates

Prevailing wage rates determined and certified April 11, May 2 & 9 for Olmsted County for 420 - ROOFER commercial construction has been corrected.

Copies of the corrected certification may be obtained by contacting the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306, or calling (612) 296-6452.

John B. Lennes, Jr.
Commissioner

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective June 6, 1994 prevailing wage rates were determined and certified for commercial construction projects in:

Anoka County: Fridley Middle School & Community Ed. Building-Fridley.

Goodhue County: MN Correctional Facility Duke Cottage Asbestos Removal-Red Wing.

Hennepin County: Minneapolis Public Schools District Office Telecom System Upgrade; MAC St. Kevin's Complex Demolition-Minneapolis; Water Treatment Expansion-Brooklyn Park.

Olmsted County: Rochester Airport Terminal Hangar Reroof-Rochester.

Ramsey County: St. Paul Schools Office & Kitchen Projects-St. Paul.

Rice County: Northfield Public School Lighting Retrofit-Northfield.

St. Louis County: Hoyt Lakes Fire Station Reroofing-Hoyt Lakes; MN/DOT Duluth Headquarters Condensing Unit Replacement-Duluth; U of M/Duluth Health Services Air-condition Repair-Duluth; ADA Range Technical College-Hibbing & Eveleth.

Sherburne County: Handke & Zimmerman Elementary School Reroofing-Elk River & Zimmerman.

Copies of the certified wage rates for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

John B. Lennes, Jr
Commissioner

Office of the Ombudsman for Mental Health and Mental Retardation

Notice of Meeting

The Ombudsman for Mental Health and Mental Retardation Advisory Committee will hold a general meeting from 9:00 a.m. until 1:00 p.m. on Thursday, June 16, 1994. The meeting will be held in Suite 202, Metro Square Building on 7th and Robert Street, St. Paul.

Pollution Control Agency

Water Quality Division

Notice of Availability of Minnesota Nonpoint Source Management Program for Public Review and Comment

NOTICE IS HEREBY GIVEN, that the draft of the 1994 Minnesota Nonpoint Source (NPS) Pollution Management Program is available for public review and comment.

The draft NPS plan, developed through extensive interagency coordination, is a four-year action plan designed to improve water quality through the abatement of nonpoint sources of pollution. As such, development of this plan builds upon the 1980 Water Quality Management Plan (208 plan) and replaces the 1988 Nonpoint Source Management Program prepared under the guidelines of Section 319 of the federal Clean Water Act.

A series of eight informal open house meetings are scheduled around the state in June to discuss the plan and receive public comment. Dates and locations of the open houses are as follows:

June 13th
Minn. Riverland Tech. College
Rm C-107
1926 College View Rd. SE
Rochester, Minnesota

June 20th
Edgewater East Center
Lake Superior Room #1
2400 London Road
Duluth, Minnesota

Official Notices

June 14th
Summit Center
518 S. 5th St.
Mankato, Minnesota

June 15th
Marshall Municipal Building
Council Chambers
Marshall, Minnesota

June 16th
Douglas County Public Works
basement meeting room
3rd Ave. West
Alexandria, Minnesota

June 21st
Paul Bunyan Nature
Learning Center
1308 County Road 49 North
Brainerd, Minnesota

June 22nd
Ottertail Power Co.
320 4th St. NW
Bemidji, Minnesota

June 23rd
Minnesota History Center
Irvine Room - first floor
345 Kellogg Blvd. West
St. Paul, Minnesota

Interested persons or groups are encouraged to attend open houses and comment on the draft plan. Interested persons or groups should submit written comments regarding the draft plan before July 15th, 1994, to:

Ms. Dorothy Stainbrook
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155

All written comments received during the public comment period will be considered by the Agency.

Copies of the draft Minnesota Nonpoint Source Pollution Management Program are available for review at offices of the Minnesota Pollution Control Agency at the following locations:

MN Pollution Control Agency
Duluth Government Center
Room 704
320 West Second Street
Duluth, Minnesota 55802

MN Pollution Control Agency
1601 Minnesota Drive
Brainerd, Minnesota 56401

MN Pollution Control Agency
700 North Seventh Street
Marshall, Minnesota 56258

MN Pollution Control Agency
Lake Avenue Plaza
714 Lake Avenue, Suite 220
Detroit Lakes, Minnesota 56501

MN Pollution Control Agency
2116 Campus Drive Southeast
Rochester, Minnesota 55904

MN Pollution Control Agency
Library
520 Lafayette Road
St. Paul, Minnesota 55155

or contact Dorothy Stainbrook for a copy at (612) 297-8218.

Charles Williams
Commissioner

Pollution Control Agency

Water Quality Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendment to Rule Governing Storm Water Permit Fees, *Minnesota Rules* pts. 7002.0220, 7002.0250, 7002.0270 and 7002.0310

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (Agency) is seeking information or opinions from interested parties on amendments of the rules governing storm water permit fees under *Minnesota Rules* pts. 7002.0220, 7002.0250, 7002.0270 and 7002.0310. The rule amendment is anticipated to be completed by January 1, 1995.

The adoption of the rule is authorized by *Minnesota Statutes*, section 116.07, subd. 4d, which allows the Agency to collect permit fees to cover the costs of reviewing and acting upon permit applications and implementing and enforcing the conditions of the permit pursuant to agency rules. This statute also directs the Agency to adopt rules according to section 16A.128 to insure fees are not inappropriately collected.

The Agency is planning to change the storm water permit fee rules to include additional fee categories for general construction storm water permits, industry specific general storm water permits, multi site general storm water permits, and industrial general storm water permits. The Agency plans to amend the rules to reflect the costs of administering the permit program. This proposed amendment will include additional fee rates for additional types of storm water permits, and revisions to the current fee rates for current storm water permits.

The current fee rates for storm water permits are not based on program costs and the proposed rule amendments will realign fee rates to reimburse actual program costs.

Previously, the Agency was considering modification of the entire system for determining water quality permit fees under *Minnesota Rules* pts. 7002.0210 to 7002.0310. This modification was planned to be completed by February 1995 and a Notice of Solicitation of Outside Information or Opinions regarding that modification was published in the *State Register* on November 29, 1993, on page 1424. The effort to modify the entire permit fee system has been postponed for at least one year. However, the Agency plans to move forward with amendments to the storm water permit fees this year.

The Agency intends to create a new advisory task force for the proposed rule amendments to storm water permit fee rule provisions. The following organizations will be invited to participate in the task force:

- League of Minnesota Cities
- Aggregate Ready-Mix of Minnesota
- Minnesota Asphalt Pavement Association
- Association of General Contractors
- Minnesota Utility Contractors Association
- Minnesota County Engineers Association
- Association of Minnesota Counties
- Builders Association of Minnesota
- Automotive Recyclers of Minnesota
- Midwest Food Processors Association
- Minnesota City/County Management Association
- Minnesota Chamber of Commerce
- Minnesota Center for the Environment
- Sierra Club
- Audubon Society

The Agency intends to form the advisory task force in May-June 1994. The new advisory task force is anticipated to meet at least one time during June 1994 and the task force's work is expected to be completed by July 15, 1994.

At this time, the Agency is requesting information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on changes to the storm water permit fee rules in writing or orally. Written statements should be addressed to:

Scott Thompson
Water Quality Division/Industrial Section
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194

Oral statements will be received during regular business hours over the telephone at (612) 296-7203 and in person at the above address.

All statements of information and opinions shall be accepted until June 30, 1994. Any written material received by the Agency shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule amendment is adopted.

Charles W. Williams
Commissioner

Official Notices

Minnesota Property Insurance Placement Facility

Notice of Meeting of the Board of Directors

NOTICE IS HEREBY GIVEN that a meeting of the Board of Directors of the Minnesota Property Insurance Placement Facility will be held at 8:30 a.m. on Wednesday, June 8, 1994 at the Department of Commerce, 133 East Seventh Street, St. Paul, MN. For additional information please call 338-7584.

Public Employees Retirement Association

Board of Trustees, Notice of Meeting

A meeting of the Board of Trustees of the Public Employees Retirement Association (PERA) will be held on Thursday, June 9, 1994 at 9:30 a.m. in the offices of the association, 514 St. Peter Street - Suite 200, St. Paul, Minnesota.

Office of the Secretary of State

Notice of Vacancies in Multi-Member Agencies

NOTICE IS HEREBY GIVEN to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, 100 Constitution Ave., St. Paul 55155-1299; (612) 297-5845, or in person at Room 174 of the State Office Building. In accordance with the Minnesota Open Appointments Law, the Secretary of State acts as an administrator in publishing vacancies, receiving applications, and recording appointments. Applications will be reviewed and appointments made by the Appointing Authorities for these various agencies. Completed applications are to be submitted to the Secretary of State by June 28, 1994. Appointing Authorities for these agencies may also choose to review applications received by the Secretary of State after that date. Applications are kept on file for a one year period.

The 1993 Annual Compilation and Statistical Report is available from the Minnesota Bookstore. This publication includes a complete listing of state boards and councils that follow the Open Appointments process, descriptions of these agencies and their memberships, and statistical information about appointments and vacancies made during the 1993 fiscal year. The 1993 Annual Compilation also indicates members with terms scheduled to end in January 1994 as open for application. The cost of the 1993 Annual Compilation is \$5.95 per copy plus sales tax. There is a \$2.00 charge for mailing per order; an order may include any number of copies. To order copies of the 1993 Annual Compilation please call the Minnesota Bookstore at 297-3000 or 1-800-657-3757.

Advisory Council on Gambling

Address and phone number not determined at this time.

Laws of 1994, Chapter 633.

APPOINTING AUTHORITY: Governor.

COMPENSATION: Not determined.

VACANCY: Eight positions, Each member must reside in a different congressional district. Please see the description of this new council.

The council studies the conduct of all forms of gambling in Minnesota and advises the governor and legislature on all aspects of state policy on gambling, consults with agencies responsible for gambling, assists the governor in making recommendations on gambling, and advises the governor on the development of a socio-economic model to support decision making on gambling issues. The council consists of fourteen members, including: one member appointed by the governor who shall be the person on the governor's staff primarily responsible for gambling policy, who shall act as chair of the council; eight members appointed by the governor, each of whom must reside in a different congressional district; one member appointed by the attorney general who must be an attorney in the attorney general's office; and the chairs of the legislative committees having jurisdiction over gambling in the Senate

and the House of Representatives, a member of the minority party in the House of Representatives appointed by the speaker of the house and a member of the minority party of the Senate appointed by the Subcommittee on Committees of the Senate Committee on Rules and Administration. Meeting schedule and location undetermined at this time. The advisory council expires June 30, 1997 per *Minnesota Statutes* 15.059 subd. 5, as amended by the *Laws of 1993*.

Advisory Council on Major Transportation Projects

Department of Transportation. (Address and phone number not determined at this time.)

Laws of 1994, Chapter 635.

APPOINTING AUTHORITY: Governor.

COMPENSATION: Not determined.

VACANCY: Nine positions: Five public members appointed by the governor and four public members appointed by the legislature. Please see the description of this new council.

The council provides a forum at the state level for education, discussion, and advice to the legislature on the financing of major transportation projects. The council consists of fifteen members who serve at the pleasure of the appointing authority as follows: Nine public members who are residents of the state: two appointed by the Subcommittee on Committees of the Committee on Rules and Administration of the Senate, two appointed by the speaker of the House of Representatives, and five appointed by the governor; and six legislators, three members of the Senate appointed by the Subcommittee on Committees of the Committee on Rules and Administration, and three members of the House of Representatives appointed by the speaker. No more than eight members of the council shall be of the same gender. Members must be residents of Minnesota. Meeting schedule is undetermined; meetings will take place in the Capitol complex. The advisory council expires June 30, 1995 per *Laws of 1994, Chapter 635*.

Alcohol and Other Drug Abuse Advisory Council

Chemical Dependency Program Division, 444 Lafayette Rd., St. Paul, MN 55155-3823. 612-296-3991.

Minnesota Statutes 254A.04.

APPOINTING AUTHORITY: Commissioners of Health/Human Services.

COMPENSATION: \$55 per diem plus expenses.

VACANCY: Two vacancies: One member will be appointed by the commissioner of Human Services and one member will be appointed by the commissioner of Health.

The council advises the commissioner concerning problems of alcohol and other drug dependency and abuse. The council consists of ten members including five members appointed by the commissioner of Human Services with terms ending in even-numbered years and five members appointed by the commissioner of Health with terms ending in odd-numbered years. This includes five with interest in alcohol dependency and abuse, and five interested in abuse of drugs other than alcohol. One member must be over 60 years of age. Monthly meetings. The council shall expire June 30, 1997 per *Minnesota Statutes 254A.04*.

Board of Accountancy

133 E 7th St., St. Paul, MN 55101. 612-296-7937.

Minnesota Statutes 326.17.

APPOINTING AUTHORITY: Governor.

COMPENSATION: \$55 per diem.

VACANCY: One vacancy: One Certified Public Accountant with significant audit experience and a knowledge of state board rules and ethical procedures. Term expires January 1995.

The board examines, licenses and regulates certified public accountants and licensed public accountants. The board consists of seven to nine members including two public members, five licensed certified public accountants, and zero to two licensed public accountants, based on the number licensed in the state. Eight meetings a year plus emergency meetings as necessary. Members must file with the Ethical Practices Board. The board does not expire.

Board of Dietetics and Nutrition Practice

Address and phone number not determined at this time.

Laws of 1994, Chapter 613, Sec. 3.

Official Notices

APPOINTING AUTHORITY: Governor.

COMPENSATION: \$55 per diem plus expenses.

VACANCY: Seven positions: Two dietitians, two nutritionists, these types of members must have three years experience in Minnesota; plus three public members. Please see the description of this new board.

The board licenses nutritionists and dietitians, and investigates violations and conducts hearings. The board consists of seven members including: Two dietitians qualified for licensure with at least three years of dietetic practice in Minnesota; two members who must be nutritionists with at least three years of practice in Minnesota, and three public members as defined in *Minnesota Statutes* 214.02. Two of the public members must be consumers of nutrition care services or caregivers of those utilizing such services. The professional members first appointed need not be licensed for appointment to their first terms on the board, but must possess the qualifications necessary for licensure. A person may not be appointed to serve more than two consecutive terms. The board shall hold at least two regular meetings each year. Meeting schedule and location is undetermined at this time. Members must file with the Ethical Practices Board. The board does not expire.

Education and Employment Transition Council

Dept. of Education, 550 Cedar St., St. Paul, MN 55101. 612-296-1085.

Minnesota Statutes 126B.02.

APPOINTING AUTHORITY: Governor, other specified organizations.

COMPENSATION: Not determined.

VACANCY: One vacancy: Representative of a local Service Delivery Area.

The council shall assist in developing and implementing youth apprenticeship programs throughout the state and, where feasible, assist in integrating community service and service-learning curriculum into youth apprenticeship programs. The council consists of eighteen members, including the governor, or governor's designee, a service delivery area director and business chair of a private industry council both appointed by the governor; the commissioners of Education, Labor and Industry, and Jobs and Training; the chancellors of the technical and community colleges; a representative of the Higher Education Coordinating Board selected by the board; the president of Minnesota Technology Inc.; one representative each from the Minnesota Education Association and the Minnesota Federation of Teachers; the executive director of the State Council on Vocational Technical Education; one representative each from the Minnesota Chamber of Commerce, the Minnesota Business Partnership, and the Minnesota High Technology Council; and two representatives appointed by the Minnesota AFL-CIO. Meetings are held at the State Capitol and are at the call of the chair. The council expires June 30, 1997 per *Minnesota Statutes* 15.059 subd. 5 as amended by the *Laws of 1993*.

Health Coverage Reinsurance Association Board

Department of Commerce, 133 E. 7th St., St. Paul, MN 55101. 612-297-4634.

Minnesota Statutes 62L.14.

APPOINTING AUTHORITY: Commissioner of Commerce.

COMPENSATION: Expenses.

VACANCY: Four vacancies: Public members.

The association shall provide reinsurance to health carriers providing health coverage to the small employer market. The board consists of thirteen members, including four public members, three members representing accident and health insurers, three members representing HMOs, and three members representing Blue Cross-Blue Shield. Initial members will be appointed by the Commissioner of Commerce and will serve for a two year period effective the date of the first annual meeting, which must be held by December 1, 1992. The board will be elected by association membership after this two year interim, except for public members. Meetings at the Department of Commerce. The board does not expire.

Medical Malpractice Joint Underwriting Association (MMJUA)

Dept. of Commerce, 133 E. 7th St., St. Paul, MN 55101. 612-297-4634.

Minnesota Statutes 62F.02.

APPOINTING AUTHORITY: Commissioner of Commerce/Governor.

COMPENSATION: \$150 per diem plus expenses.

VACANCY: Three vacancies: Health care providers.

The board provides medical malpractice insurance coverage to any licensed health care provider unable to obtain this insurance

through ordinary methods. The board consists of eleven members including three public members appointed by the governor, three health care providers appointed by the commissioner of Commerce, and five members elected by members of the association. Every personal injury liability insurer in the state shall be a member as a condition for obtaining and retaining a license to write insurance in Minnesota. The board does not expire.

Minnesota Board of Chiropractic Examiners Peer Review Committee

2700 University Ave. W., Suite 20, St. Paul, MN 55114-1089. 612-642-0591.

Minnesota Statutes 148.01 - 148.106.

APPOINTING AUTHORITY: Executive Director, MN Board of Chiropractic Examiners.

COMPENSATION: \$55 per diem.

VACANCY: One vacancy: Public member; must be available to attend first meeting on Tuesday, August 9, 1994 at 12:30 p.m.

The committee makes determinations of whether or not certain chiropractors properly utilized services rendered or ordered appropriate treatment or service, and if the cost of treatment was unconscionable. The committee consists of seven members, including five chiropractors and two consumer members. Terms are varied. The committee does not expire.

Minnesota Board on Aging

4th Floor, Human Services Bldg., 444 Lafayette Road, St. Paul, MN 55155-3843. 612-296-2770.

Minnesota Statutes 256.975.

APPOINTING AUTHORITY: Governor.

COMPENSATION: \$55 per diem plus expenses.

VACANCY: Two vacancies.

The board develops, coordinates, evaluates, and administers federal and state funds for programs for the aging; makes grants to 14 area agencies on aging and non-profit agencies; serves as advocate for older persons. The board consists of twenty-five members including at least one member from each congressional district. Monthly meetings on the third Friday of each month, committee meetings are the preceding day. Members must file with the Ethical Practices Board. The board does not expire.

Minnesota Commission on National and Community Service

Department of Education. (Address and phone number not determined.)

Laws of 1994, Chapter 647.

APPOINTING AUTHORITY: Governor.

COMPENSATION: \$55 per diem plus expenses.

VACANCY: Fifteen positions: Please see the description of this new commission.

The commission will develop a comprehensive state plan to provide services under sections 121.701 and 121.710 of federal law, pursue funding sources, coordinate volunteer learning service programs, administer the youth works grant program, establish an evaluation of programs plan, administer the federal Americorps program, and report to the governor and legislature. The commission consists of eighteen voting members, including the commissioner of Education, a representative of the Children's Cabinet, and the executive director of the Higher Education Coordinating Board. The governor appoints fifteen additional voting members. Eight of these members shall include representatives of: public or nonprofit organizations experienced in youth employment and training; organizations promoting adult service and volunteerism; community-based service agencies or organizations; local public or private sector labor unions; local governments; business; a national service program; and American Indian tribes. The remaining seven shall include: an individual with expertise in the educational, training, and development needs of youth, particularly disadvantaged youth; a youth or young adult who is a participant in a higher education-based service-learning program; a disabled individual representing persons with disabilities; a youth who is out of school or disadvantaged; an educator of primary or secondary students, an educator from a higher education institution; and an individual between the ages of 16 and 25 who is a participant or supervisor of a youth service program. The governor shall ensure to the extent possible that membership of the commission is balanced according to geography, race, ethnicity, age and gender.

Monthly meetings, from 1:00 to 4:30 p.m. at the Veterans Service Building. The commission does not expire.

Official Notices

Minnesota Early Childhood Care & Education Council

117 University Ave., 3rd Fl., St. Paul, MN 55155. 612-296-1400.

Minnesota Statutes 256H.195.

APPOINTING AUTHORITY: Governor.

COMPENSATION: \$55 per diem, plus expenses.

VACANCY: One vacancy: The council is required to have representation from parents, family child care providers, child care center providers, private foundations, corporate executives, small business owners, and public school districts. The previous member represented a public school district. The council currently does not have a Native American or Asian member.

The council collaborates child care programs statewide and develops plans for allocating state and federal funds; develops a biennial plan for early childhood care and education in Minnesota; and acts as an advocate for a coordinated child care system. The council provides a report to the legislature on January 1st of every odd-numbered year describing work plans and legislative recommendations of the council. The council consists of nineteen members representing parents, family and child care center providers, private foundations, corporate executives, small business owners, and public school districts; also includes the commissioners of two Minnesota counties, three members from child care resources and referral programs (one from county operated resource and referral, one from a rural location, and one from the metro area), and a community group representative. The governor shall consult with state councils of color to ensure council ethnic and racial representation. Meeting schedule and location information available upon request. The council does not expire per *Minnesota Statutes 256H.195.*

Minnesota Education in Agriculture Leadership Council

2370 410th St., Nerstrand, MN 55053. 507-789-6723.

Minnesota Statutes 126.113.

APPOINTING AUTHORITY: Governor.

COMPENSATION: None at this time.

VACANCY: One vacancy: Must reside in the Seventh Congressional District, for a term expiring in January, 1997.

The council provides advocacy, leadership, and support for the enhancement of education in agriculture. The council consists of twelve members: one member from each of the eight congressional districts and four members at large. Meetings are held every third Wednesday of the month at various locations. The council does not expire.

Minnesota Risk Adjustment Association Board

Department of Health. (Address and phone number not determined.)

Laws of 1994, Chapter 625.

APPOINTING AUTHORITY: Governor.

COMPENSATION: Not determined.

VACANCY: Four positions: Provider member and three public members. Please see the description of this new board.

The board governs the Minnesota Risk Adjustment Association, which will develop a risk adjustment strategy to report to the legislature and governor. Appointed members will serve until a new board is elected according to the plan developed by the association. The board consists of nineteen members including one provider and three public members, one of whom must be a representative of a public program, appointed by the governor. Other members are appointed by private insurance agencies or private associations. The commissioners of Health, Commerce, Human Services and Employee Relations shall be nonvoting ex-officio members. Meeting schedule and location is undetermined at this time. The board is an interim board which serves until a new board is elected.

Pesticide Applicator Education and Examination Review Board

90 W. Plato Blvd., St. Paul, MN 55107. 612-297-7175.

Minnesota Statutes 18B.305, subd. 3.

APPOINTING AUTHORITY: Commissioner of Agriculture.

COMPENSATION: None.

VACANCY: One vacancy: Previous member represented the Board of Water and Soil Resources, new member would be representing the "other government agencies" category.

The Board reviews, revises and updates pesticide applicator training manuals and examinations, and discusses topics of concern that can be incorporated into pesticide applicator training. The board consists of fifteen members, representing industry, private, nonprofit organizations, and other governmental agencies, including the University of Minnesota, the Pollution Control Agency, Department of Health, Department of Natural Resources, and Department of Transportation. Membership on the board must include representatives from environmental protection organizations. The terms of members are indefinite. Quarterly meetings of approximately three hours, specific dates are set by the board. Meetings are held at the MN Department of Agriculture. The board does not expire.

Pollution Prevention Task Force

MN Office of Waste Management, 1350 Energy Lane, St. Paul, MN 55108. 612-649-5750.

Minnesota Statutes 15.014.

APPOINTING AUTHORITY: Office of Waste Management.

COMPENSATION: No per diem, travel expenses as determined by director.

VACANCY: Fifteen positions: Representation from industry, citizens, and government representatives involved in pollution prevention activities. Please see the description of this reinstated advisory task force.

The task force shall act in an advisory capacity on matters related to the Minnesota Toxic Pollution Prevention Act. The Act declares that it is the policy of the state to encourage pollution prevention. Several programs to assist Minnesota businesses to reduce or eliminate at the source the use, generation, or release of toxic pollutants were also created by the 1990 Legislature. The task force consists of fifteen members with representation from the following groups: (1) industry; (2) citizens; (3) government representatives involved in pollution prevention activities. Monthly meetings, three hours in length, at the Office of Waste Management in St. Paul. The task force expires June 1996 per *Minnesota Statutes 15.014*.

School Bus Safety Advisory Committee

Department of Public Safety. (Address and phone number not determined.)

Laws of 1994, Chapter 647.

APPOINTING AUTHORITY: Governor, Commissioner of Public Safety.

COMPENSATION: \$55 per diem, plus expenses.

VACANCY: Fifteen positions: Please see the description of this new committee.

The committee shall report to the governor and legislature on issues of school bus safety. The committee consists of seventeen members including: the commissioner of Education or designee, the commissioner of Human Rights or designee, a county or city attorney, a representative of the state patrol, a school board member, a school superintendent, two school bus drivers, one representing the metropolitan area and one representing greater Minnesota, two school transportation contractors, one representing the metropolitan area and one representing greater Minnesota, two school transportation safety directors, one representing the metropolitan area and one representing greater Minnesota. The commissioner of Public Safety, in consultation with the commissioner of Education, shall appoint these members. The governor shall appoint five public members, including at least four parents of children who ride a school bus, among them a parent of a child with a disability. The public members shall be geographically representative. The commissioner of Public Safety or designee shall chair the committee. The committee shall meet quarterly or as required by the chair. Meeting location and schedule is not determined at this time. The committee expires June 30, 1997 per *Minnesota Statutes 15.059, subd. 5* as amended by *Laws of 1993*.

Small Business Procurement Advisory Council

112 Administration Bldg., St. Paul, MN 55155. 612-297-4412.

Minnesota Statutes 16B.20.

APPOINTING AUTHORITY: Commissioner of Administration.

COMPENSATION: \$55 per diem.

VACANCY: One vacancy.

The council advises on the small business procurement program, reviews complaints from vendors, and reviews compliance reports. The council consists of thirteen members. The council expires June 30, 1997 per *Minnesota Statutes 15.059 subd. 5* as amended by *Laws of 1993*.

Official Notices

State Curriculum Advisory Committee

601 Capitol Square Bldg., 550 Cedar St., St. Paul, MN 55101. 612-297-1670.

Minnesota Statutes 126.665.

APPOINTING AUTHORITY: Commissioner of Education.

COMPENSATION: None.

VACANCY: Two vacancies: Must be from Region 3, 4, or 9.

The committee advises the State Board and Department of Education on the planning, evaluation, and reporting process. The committee consists of eleven members including nine members, one appointed from each educational cooperative service unit, and two at-large members. The committee expires June 30, 1996 per *Minnesota Statutes 126.665* as amended by the *Laws of 1993*.

Subcommittee on Children's Mental Health

444 Lafayette Rd., St. Paul, MN 55155-3828. 612-297-4163.

Minnesota Statutes 245.697, subd. 2a.

APPOINTING AUTHORITY: Chairman, State Advisory Council on Mental Health.

COMPENSATION: \$55 per diem plus expenses.

VACANCY: Three vacancies: One representative of Minnesota District Judges Association, Juvenile Committee; two persons knowledgeable about the needs of emotionally disturbed children of minority races and cultures.

The subcommittee must make recommendations to the advisory council on policies, law, regulations, and services relating to children's mental health. Members include: commissioners or designees of Department of Commerce, Corrections, Education, Health, Human Services, Finance, and State Planning; one member of a children's mental health advocacy group, three service providers (preadolescent, adolescent, and hospital-based), parents of emotionally disturbed children; a consumer of adolescent mental health services; educators currently serving emotionally disturbed children; people who worked with emotionally disturbed minority children, or with emotionally disturbed juvenile status offenders; social service representatives; county commissioners; legislators; advisory council members; one representative of the local corrections system; and one representative from the Minnesota District Judges Association Juvenile Committee. The subcommittee meets once a month. The subcommittee expires with the expiration of the State Advisory Council on Mental Health.

Veterans' Cemetery Advisory Council

Address and phone number not determined.

Laws of 1994, Chapter 632.

APPOINTING AUTHORITY: Governor.

COMPENSATION: None.

VACANCY: Seven positions: Persons experienced in policy development, civic and community affairs, public service, and legal work. At least two members must be veterans, and at least three but not more than four members must be from the metropolitan area, and no more than four members shall be of the same gender. Please see the description of this new council.

The advisory council manages the fundraising for the Veterans' Cemetery Trust Account. The council consists of seven members serving at the pleasure of the governor; experienced in policy development, civic and community affairs, forms of public service, or legal work. At least two members must be veterans. At least three, but no more than four of the members must be residents of the metropolitan area. No more than four of the members may be of the same gender. Meeting schedule and location not determined at this time. The council expires December 31, 1996 per *Laws of 1994, Chapter 632*.

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.

Minnesota Board of Government Innovation and Cooperation

Notice of Grant Availability

The Minnesota Board of Government Innovation and Cooperation announces the availability of grants for local units of governments and affiliated organizations. Approximately \$2.45 million is available for three grant categories; the Board will jointly consider the applications in all three grant categories without initially allocating funds to each grant category.

Eligible Applicants

Counties, cities, school districts, towns, and special taxing districts; associations of local governments; the Metropolitan Council, organizations and state agencies with a local government partner; and organizations established by two or more local governments under a joint powers agreement.

Grant Categories

***Service Budget
Management
Model
Grants***

One or more applicants may apply for funds to develop a model for innovative service delivery. The model will identify a new means of providing a service currently being delivered by the applicants, utilizing their existing financial resources and improving the quality of the service. Grants will not exceed \$50,000. Grantees must agree to implement the model once it is developed.

***Cooperation
Planning Grants***

Two or more applicants may apply for funds to develop a plan for delivering a service or a program through intergovernmental cooperation. Grants will not exceed \$50,000. Grantees must agree to implement the plan once it is developed.

***Service Sharing
Grants***

Two or more applicants may apply for funds to cover the one-time only start-up costs of providing a fully-integrated service or program. Grants will not exceed \$100,000. Grantees must agree to implement the shared service or program.

Timeline

June 1, 1994

Application packets will be available upon request.

July 18 - 29, 1994

Applicant workshops

August 23, 1994

Five copies of pre-applications **must be received** by the Board by 5:00 p.m. Pre-applications received after the deadline will not be considered.

September 23, 1994

The Board will announce which pre-applications it has selected for development into complete applications.

November 15, 1994

Five copies of completed applications **must be received** by the Board by 5:00 p.m. Applications received after the deadline will not be considered.

December 16, 1994

The Board will announce to which applications it has decided to award grants.

—All decisions of the Board are final.—

For an application packet or more information, please contact:

Pati Maier
Executive Director
Board of Government Innovation and Cooperation
525 Park Street
Suite 400
St. Paul, Minnesota 55103
Telephone: 612/282-2390
Fax: 612/282-2391

State Grants

Department of Health

Notice of Grant Opportunity for Minnesota Breast and Cervical Cancer Control Program Request for Applications for Outreach Services

The Minnesota Department of Health (MDH) is seeking applications from Community Health Service Agencies interested in providing outreach, recruiting and partnership coordination services for the Minnesota Breast and Cervical Cancer Control Program (MBCCCP). Eligible applicants are Community Health Service Agencies that:

- are currently MBCCCP providers, or
- are not MBCCCP providers, but have an MBCCCP provider serving their service area, or
- are not MBCCCP providers, but are applying to become MBCCCP providers in MBCCCP's concurrent solicitation for cancer screening providers (see above).

The maximum grant award is \$5,000 for the period from August 1, 1994 to July 14, 1995. Approximately \$100,000 is available to fund applications in this solicitation. This activity has been submitted for approval to MBCCCP's funder, the U.S. Centers for Disease Control and Prevention (CDC). Successful applicants will enter into a grant contract with the Minnesota Department of Health. Prospective applicants who have questions or want an application may contact Mark Schoenbaum at MDH at (612) 627-5464. **Applications must arrive at MDH on or before July 21, 1994 at 4:00 P.M. or bear a July 21 postmark.**

Department of Health

Notice of Grant Opportunity for Minnesota Breast and Cervical Cancer Control Program Request for Applications for Screening Providers

The Minnesota Department of Health (MDH) is seeking applications from Community Health Service Agencies, public medical care providers, nonprofit medical care providers, private for-profit medical care providers, hospitals, and mammography providers that are accredited by the American College of Radiology interested in becoming screening or testing sites for the Minnesota Breast and Cervical Cancer Control Program. Successful applicants will provide breast and cervical cancer screening and related services to uninsured and underinsured low and moderate income women.

Successful applicants will join 63 current providers now delivering Minnesota Breast and Cervical Cancer Control Program services at 135 locations in Minnesota. These providers have screened almost 30,000 women through the Minnesota Breast and Cervical Cancer Control Program since 1992.

Approximately \$700,000 is available to purchase services for the period October 1, 1994 to September 30, 1995. Individual provider agreements will vary in size from approximately \$10,000 to approximately \$50,000. Prospective providers who have questions or want an application may contact Mark Schoenbaum at MDH at (612) 627-5464. **Applications must arrive at MDH on or before July 21, 1994 at 4:00 P.M. or bear a July 21 postmark.**

Attention Builders, Architects, Designers, Property Owners...

Accessible and Usable Buildings and Facilities CABO/ANSI, A117.1

Just released by the Council of American Building Officials, this 2 publication set includes UBC Chapter 31 and appendix. Specifications in this standard (ANSI - American National Standards Institute) are to make buildings and facilities accessible to individuals with disabilities -- both new buildings and existing structures. These standards are applicable to doorways, routes, seating and other elements of building design. Includes diagrams and floor plans. The two books (total of 96 pp) are bound and three-hole drilled for ease of use. 19-2 SR \$35.00



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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.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612)296-2600 or [TDD (612)297-5353 and ask for 296-2600].

Department of Administration

State Designer Selection Board

Request for Proposal for Three Projects

To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select designers for three projects. Design firms who wish to be considered for these projects should deliver proposals on or before 4:00 p.m., June 28, 1994, to:

George Iwan
Executive Secretary, State Designer Selection Board
Room G-10, Administration Building
St. Paul, Minnesota 55155-3000

The proposal must conform to the following:

- 1) Six (6) copies of the proposal will be required.
- 2) All data must be on 8 1/2" x 11" sheets, soft bound.
- 3) The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number and the name of the contact person.

4) Mandatory Proposal contents in sequence:

- a) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc. If the response is from a joint venture, this information must be provided for firms comprising the joint venture.
- b) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. Identify roles that such persons played in projects which are relevant to the project at hand. **NOTE NEW REQUIREMENT:** The proposal must contain a statement indicating whether or not the consultants listed have been contacted and have agreed to be a part of the design team.
- c) A commitment to enter the work promptly, if selected, by engaging the consultants, and assigning the persons named 4b above along with adequate staff to meet the requirements of work.
- d) A list of State and University of Minnesota current and past projects and studies awarded to the prime firm(s) submitting this proposal during the four (4) years immediately preceding the date of this request for proposal. The prime firm(s) shall list and total all fees associated with these projects and studies whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects and studies listed pursuant to the above. **NOTE:** Please call for a copy of the acceptable format for providing this information.
- e) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described. It must be noted if the personnel were, at the time of the work, employed by other than their present firms.

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

5) Statutory Proposal Requirements:

In accordance with the provisions of *Minnesota Statutes, 1981 Supplement*, Section 363.073; for all contracts estimated to be in

Professional, Technical & Consulting Contracts

excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted.

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

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

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

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

7a) PROJECT - 06-94

University of Minnesota
South Renovation and Renewal Project
St. Paul Campus

"The University of Minnesota is planning to remodel space in various buildings for the Saint Paul South Renovation and Renewal project, to be located at the University of Minnesota, Saint Paul campus. The scope of the project includes an initial programming phase for project scope definition, and building assessments for Haecker Hall and Peters Hall. The selected consultant will continue into full design services once future funding (including legislative appropriations) is received. The project is approximately 150,000 gsf of remodeled space for:

faculty offices
research laboratories
instructional facilities, including distance learning classrooms
animal housing for poultry

The project involves the renovation of Haecker Hall and Peters Hall, and limited remodeling in McNeal Hall, the Poultry Teaching and Research Building, and the Classroom Office Building.

The construction budget is anticipated to be approximately \$7 million to \$10 million, which will need to be analyzed by the selected consultant as a part of the initial programming effort. The maximum fee available for the programming phase and building assessment work, including all travel and reimbursables, is approximately \$90,000. The design team is to have applicable prior experience in the programming and renovation of similar buildings for office/research/instructional, including renewal of similar buildings to current standards. It is also desirable for the design team to have prior experience in animal housing."

We would like to proceed with this project as quickly as possible and would appreciate your early action on this request. Please contact Ken Almer at (612) 626-7295 if you have any questions.

7b) PROJECT - 07-94

Anoka Ramsey Community College
Campus Reorganization
Total Project Appropriation: \$400,000.00 (through preparation of design documents)

This project comprises a comprehensive reorganization of the campus including five elements of new construction, totaling 48,740 gsf. The northwest addition relocates plant services, connects fine arts with the rest of the campus and provides for expansion of student services. The north addition connects the library with existing administration at the second level. This will allow integrated expansion of all LRC resource center functions including developmental, as well as replace the damaged entry ramps at the visitors parking with a grade level entry and elevator. The west addition will provide for reorganization and expansion of student services on the lower level and food service expansion on the upper level. The south addition will provide new science labs and classrooms on two levels. Vacated science space will be renovated as general classrooms. The east addition will relocate

Professional, Technical & Consulting Contracts

music next to the theater and allow for expansion of fine arts into vacated space. Finally, relocation of nursing will allow development of open computer labs within the library building. The total project includes 49,740 gsf of additions and 26,850 gsf of remodeling.

Once the designer is selected, the State intends to select a construction manager.

7c) PROJECT - 08-94

Mesabi and Vermilion Community Colleges
Campus Remodeling and Expansion

Mesabi Community College:

This appropriation is to prepare schematic plans to remodel and construct space for the learning resources center, labs, classrooms, student services, campus center, and institutional services.

Vermilion Community College:

This appropriation is to prepare schematic plans to remodel and construct space for labs, classrooms, student services, campus center, and institutional services.

Fees for these projects shall be the following not to exceed amounts:

Mesabi Community College \$180,000.00

Vermilion Community College \$120,000.00

It is the State's intent that both projects will be combined into one project.

With respect to Projects 07-94 and 08-94, firms must indicate the following:

- 1) a demonstrated ability to respond to program and budget imperatives;
- 2) a demonstrated ability to manage the efforts of consultants, particularly engineers;
- 3) a demonstrated understanding of how to work with higher education facility, students and administrator's;
- 4) demonstrated ability to provide necessary services within project budget and timeframe; and
- 5) knowledge of instructional and/or library technology.

In addition, the State will require in its contract with the designer that the State be provided copies of the designer's contracts with its sub-consultants.

Questions concerning these projects may be referred to Dan Brennan at (612) 296-8952.

Maureen Steele Bellows, Chair
State Designers Selection Board

NEW Fire Code Books Now Available

Minnesota State Fire Marshal Amendments 1993

Minn. Rules Chapter 7510.3100 - 7510.3280.
State fire safety standards for buildings, smoke detectors and alarms and changes to the Uniform Fire Code. Also rules governing storage and handling of flammable materials. 3-80 SR \$6.00

Uniform Fire Code 1991

National fire standards. Includes requirements for inspections, fire extinguishers, storage and handling of combustible materials, fireworks and more. 19-37 SR \$48.75



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Department of Agriculture

Plant Protection Division

Notice of Request for Proposals for Advertising Services

The Plant Protection Division, Minnesota Department of Agriculture is seeking a consultant to provide advertising services under contract to develop and implement, upon review and approval of the department, an advertising campaign to promote Minnesota certified seed potatoes and thus increase the demand and sales of same.

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

Art Mason, Director
Minnesota Department of Agriculture
Plant Protection Division
90 West Plato Boulevard
St. Paul, MN 55107-2094
Phone 612-296-8328

All proposals must be sent to and received by: 4:30 p.m. June 15, 1994.

Send proposals to above address.

The department has estimated that the cost of this project shall not exceed \$35,000.00 for professional services and expenses including advertisement placement.

Department of Economic Security

Request for Proposals (RFP) for a Multimedia Interactive Touch Screen Project

The Minnesota Department of Economic Security (STATE or MDES) is seeking proposals from qualified vendors to develop and assist the STATE in implementing and the on-going operation of a Multimedia Interactive Touch Screen Project (SYSTEM) which has the capability of providing users access to a variety of services.

The purpose of this Request for Proposal (RFP) is to solicit bids for the development, implementation and on-going operation of a state-wide, multi-agency network of multimedia interactive touch screen kiosks on which information for various State services is made available to the public. MDES has identified two phases to this project. The successful vendor will be awarded a contract that covers both phases. The State reserves the right to cancel the contract after phase I and anytime during phase II.

Qualified vendors are defined as vendors that have developed and deployed operational applications, for at least 18 months, on interactive multi-media kiosks for a referable, paying state government customer and has operated for a minimum of 12 months a network of at least 25 kiosks throughout the State of Minnesota.

The purpose of the multimedia interactive touch screen kiosk project is to create a more direct link between the department and the public in which information will always be current and up-to-date. The ultimate objective of this project, if it is successful, is to provide multiple agencies with multiple programs the ability to offer their services and information at one focal point.

This RFP does not obligate the STATE to complete the project, and the STATE reserves the right to cancel the solicitation if it is considered to be in its best interest.

MDES has approximately \$175,000 for Phase I. MDES estimates that Phase II will cost approximately \$200,000 annually to operate and maintain. Additional costs may occur for fees associated with adding applications, hardware and kiosk sites in addition to those identified in this RFP.

Copies of the complete Request for Proposal may be obtained by contacting:

Michael Fratto, Project Manager
Management Planning Office
Department of Economic Security
390 North Robert Street
St. Paul, MN 55101
612/296-3574

Professional, Technical & Consulting Contracts

No other Department of Economic Security personnel are authorized to discuss the RFP.

The deadline for submitting proposals is 3:30 p.m., June 24, 1994.

Department of Public Safety

Driver and Vehicle Services Division

Request for Proposals for Credit Card Acceptance System with Immediate Payment

The Department of Public Safety, Driver and Vehicle Services Division (DVS) is seeking proposals for a credit card acceptance system, which will provide instantaneous payment to DVS for the credit card transactions of motor carriers wishing to charge their interstate truck license or permit payments. There can be no charge to the State for this service, and should be cost effective for the motor carriers.

Details are contained in a request for proposals which may be obtained by calling or writing:

Marilyn Gaoivnik
Minnesota Department of Public Safety
Driver and Vehicle Services
162 Transportation Building
395 John Ireland Boulevard
St. Paul, MN 55155
Voice: (612) 296-2138 TDD: (612) 297-2100

The Department has determined that there shall be no cost to the State for this project. The final date for submitting proposals is 2:30 pm, June 27, 1994. Contract is expected to be awarded by July 1, 1994.

— Volunteer Services of Minnesota Publications —

NEW!

The Power & Potential of Youth in Service to Communities

Outlines learner outcomes for leaders in developing service and mentoring programs. 10-48SR \$16.00

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Legal risk and liability concerns. 10-45SR \$17.95

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Department of Transportation

Notice of Advertisement for Data Processing Consulting Services

The Minnesota Department of Transportation, will be accepting qualification statements from data processing consulting firms in selecting consultants to maintain and enhance the existing network and network programs. The current system in place consists of custom written software in Metafile and Foxpro, which is operating on a network with IBM or IBM compatible workstations.

Possible projects are as follows:

- Network Administration on Novell network consisting of Novell Server, Netware Access Server, T1 connection to Central Office, Print Servers and Queue Servers.
- Assist Transportation personnel with hardware and software evaluation and selection.
- Implement and administer new releases of Novell, Word Perfect, Word Perfect Office, Word Perfect Presentations, Harvard Graphics, Quatro Pro, and other software packages used by Transportation personnel.
- Convert current Metafile programs to a 4th generation language.
- Maintain and enhance existing systems.
- Develop and implement training on purchased or custom written software.

Eligible firms desiring to be considered for this network administration are asked to contact Ken Kloek, Data Processing Coordinator, Minnesota Department of Transportation, Office of Aeronautics at (612) 297-1522 to receive a copy of the RFP to submit. Telephone calls will be accepted until 3:00 P.M., June 13, 1994 to request a copy of the complete RFP.

The successful consultants will be placed under a work order contract and various offices within the Department can make use of the services spelled out in the master contract. There is no guarantee of work implied with the master contract.

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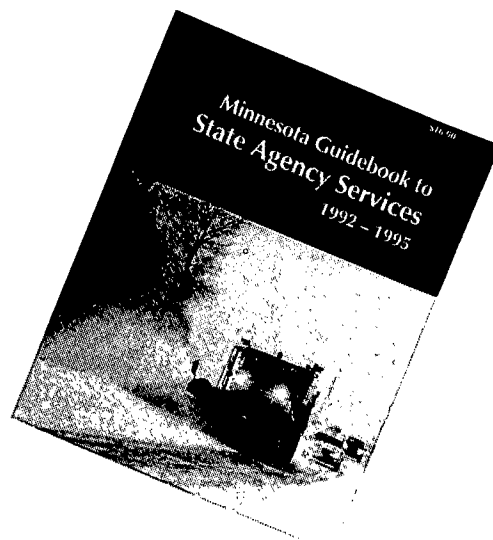
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The perfect "owner's manual" to Minnesota state government is a great reference tool for:

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Minnesota Manufacturer's Directory 1994

Lists companies alphabetically, by community, and by type of product manufactured. Includes name, address, phone number, sales volume, market products, area sales, marketing and purchasing. Also FAX numbers, data processing managers and chief engineers, when available.

742 pp. **Stock No. 40-2 SR \$95.00**

Healing Arts (Physician's) Directory 1991

Names and addresses in alphabetical order for licensed physicians, chiropractors, osteopaths, optometrists, podiatrists and registered physical therapists. 426 pp.

Stock No. 1-1 SR \$19.95

State Agency Telephone Directory

Orders are now being taken for the 1994 Directory.

This directory lists all State of Minnesota government agencies. Features a greatly expanded FAX section with over 250 numbers, alphabetical employee listings, a classified section, organized by department, and "yellow pages" listing state offices in Greater Minnesota. 264pp. **Stock No. 1-87 SR \$12.95**

Airport Directory 1993

List of airports throughout the state. Approaches, rivers, all detailed markings, and much more. 178 pp. (pocket-size)

Stock No. 1-8 SR \$5.95

Law Enforcement Directory 1993

Directory of state law enforcement agencies, sheriffs and police departments 51pp. **Stock No. 1-6 SR \$ 7.00**

Directory of Chemical Dependency Programs '92-93

Comprehensive listing of chemical dependency treatment programs in Minnesota. Information on services provided, funding and staff, and a map are also included. 282 pp.

Stock No. 1-12 SR \$17.00

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