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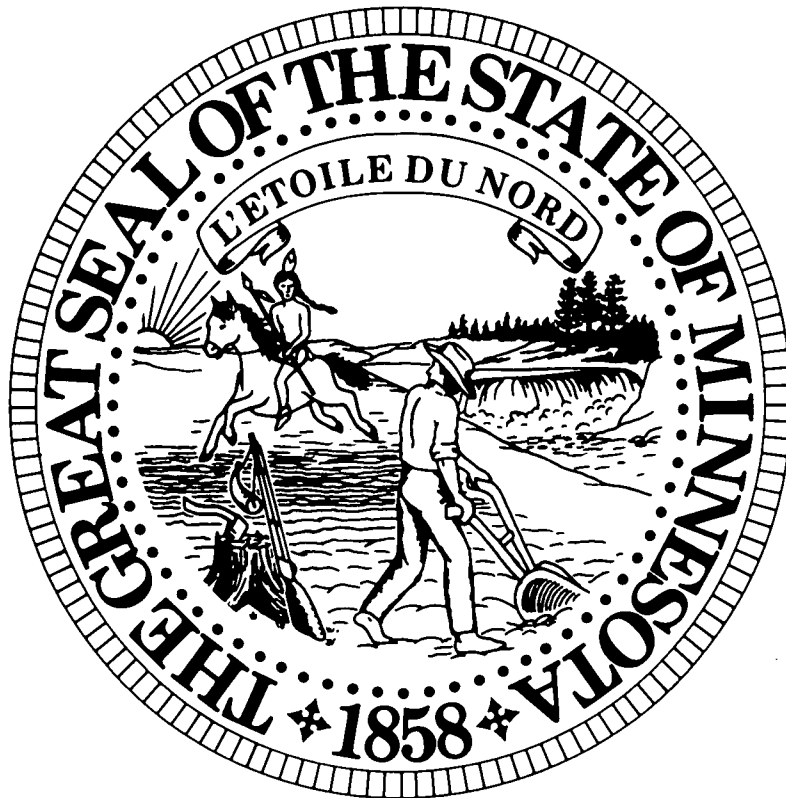
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The Minnesota  
**State  
Register**

Department of Administration—Print Communications Division

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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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8	Monday 22 August	Monday 8 August	Monday 15 August
9	Monday 29 August	Monday 15 August	Monday 22 August
10	Tuesday 6 September	Monday 22 August	Monday 29 August

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# Minnesota Rules: Amendments and Additions

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

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

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 Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*.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

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-657-3757.

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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.

## Department of Health

### Proposed Permanent Rules Relating to Aggregate Provider Data

#### DUAL NOTICE:

#### Notice of Intent to Adopt Rules without a Public Hearing unless 25 or More Persons Request a Hearing, and

#### Notice of Hearing if 25 or More Requests for Hearing are Received

**Introduction.** The Minnesota Department of Health intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on September 14, 1994, a public hearing will be held on Monday, September 26, 1994. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after September 14, 1994, and before September 26, 1994.

**Agency Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to: Jerry Dalnes, Minnesota Department of Health, Health Care Delivery Systems Policy Division, P.O. Box 64975, 121 East Seventh Place, Suite 400, St. Paul, Minnesota 55164-0975, 612/282-6312. TDD users may call the Minnesota Department of Health at 612/623-5522.

**Subject of Rules and Statutory Authority.** The proposed rules govern the collection of aggregate data from health care providers. The statutory authority to adopt the rules is *Minnesota Statutes*, section 62J.35, subdivision 5. A copy of the proposed rules is published in the *State Register*. Health care providers that will have to provide data include group and solo practices operated by medical doctors, doctors of osteopathy, chiropractors, and dentists. The data will include statistical and demographic data about the provider and the provider's employees, statistical data on patients or encounters, and financial data on revenues and expenses. A free copy of the rules is available upon request from Jerry Dalnes at the address or telephone number listed above.

**Rules Development Process.** The Department used a work group containing representatives of many stakeholders to advise on the development of the rules. The organizations represented on the work group included: Minnesota Nurses Association; Fairview Hospital and Healthcare Services; Mayo Foundation; Minnesota Chiropractic Association; Minnesota Dental Association; HealthSpan; Lurie, Besikof, Lapidus and Company; Minnesota Medical Association; HealthSystem Minnesota; Minnesota Medical Group Managers Association; HealthEast; and clinic managers from a variety of group practice clinics. **NOTE** that participation in the work group did not constitute an endorsement of the rules by these organizations and that there may be areas of disagreement with some of the statutory and rules requirements. The work group members were, however, pleased with their involvement and input into the process.

**Comments.** You have until 4:30 p.m., Wednesday, September 14, 1994, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by Jerry Dalnes at the address listed above by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules 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 rules. Your request for a public hearing must be in writing and must be received by Jerry Dalnes at the address listed above by 4:30 p.m. on September 14, 1994. Your written request for a public hearing must include your name, address, and telephone number. You are encouraged to identify the portion of the proposed rules which caused your request, the reason for the request, and any changes you

want made to the proposed rules. 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.

**Modifications.** The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rules as printed in the *State Register* and must be supported by data and views submitted to the Department or presented at the hearing. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation of Hearing.** The hearing scheduled for September 26, 1994, will be canceled if the Department does not receive requests from 25 or more persons that a hearing be held on the rules. If you request a public hearing, the Department will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Jerry Dalnes at (612) 282-6312 after September 14, 1994, to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on Monday, September 26, 1994, in Room 10 of the State Office Building, 100 Constitution Avenue, St. Paul, Minnesota 55155, beginning at 9:00 a.m. and will continue until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined during the hearing by the Administrative Law Judge. The Administrative Law Judge assigned to conduct the hearing is Jon L. Lunde. Judge Lunde can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone 612/341-7645. If you need an accommodation to make this hearing accessible, please contact Jerry Dalnes at the address or telephone number listed above.

**Hearing Procedure.** If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rules. You may also mail written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Comments received during this period will be available for review at the Office of Administrative Hearings. You and the Department may respond in writing with rebuttal arguments or material within five business days after the submission period ends to any new information submitted after the hearing. All written materials and responses submitted to the Administrative Law Judge during the rebuttal period must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. No additional evidence may be submitted during the five-day rebuttal period. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.0200 to 1400.1200, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

**Statement of Need and Reasonableness.** A Statement of Need and Reasonableness is now available. This Statement describes the need for and reasonableness of each provision of the proposed rules. It also includes a summary of all the evidence and argument which the Department anticipates presenting at the hearing, if one is held. A free copy of the Statement may be obtained from Jerry Dalnes at the address or telephone number listed above. The Statement may also be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings.

**Small Business Considerations.** In preparing these rules, the Department has considered the requirements of *Minnesota Statutes*, section 14.115, in regard to the impact of the proposed rules on small businesses. The adoption of the rules will affect small businesses that are operated by medical doctors, doctors of osteopathy, chiropractors, or dentists. These small businesses will be required to complete a survey containing aggregate data including financial and statistical data. Solo practices and group practices with two or three providers and that have less than \$1,000,000 of net revenues will be able to file a simplified survey. The Department's evaluation of the applicability of the methods contained in *Minnesota Statutes*, section 14.115, subdivision 2, for reducing the impact of the proposed rules is addressed further in the Statement of Need and Reasonableness.

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

**Impact on Agriculture Lands.** *Minnesota Statutes*, section 14.11, subdivision 2, does not apply because adoption of these rules will not have an impact on agricultural land.

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## Proposed Rules

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**Departmental Charges.** *Minnesota Statutes*, section 16A.1285, subdivisions 4 and 5, do not apply because the rules do not establish or adjust departmental charges.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement should be directed to the Ethical Practices Board at First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (612) 296-5148 or 1-800-657-3889.

**Adoption Procedure if No Hearing.** If no hearing is required, after the end of the comment period the Department may adopt the rules. The rules 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 rules are submitted to the Attorney General or be notified of the Attorney General's decision on the rules. If you want to be so notified, or wish to receive a copy of the adopted rules, submit your request in writing to Jerry Dalnes at the address listed above.

**Adoption Procedure after a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may request to be notified of the date on which the Administrative Law Judge's report will be available, after which date the Department may not take any final action on the rules for a period of five working days. If you want to be notified about the report, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. You may also request notification of the date on which the rules are adopted and filed with the Secretary of State. The Department's Notice of Adoption must be mailed on the same day that the rules are filed. If you want to be notified of the adoption, you may so indicate at the hearing or send a request in writing to Jerry Dalnes at the address listed above at any time prior to the filing of the rules with the Secretary of State.

Dated: 3 August 1994

Mary Jo O'Brien, Commissioner  
Department of Health

### Rules as Proposed (all new material)

#### 4651.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter, the following terms have the meanings given them.

Subp. 2. **Bad debt.** "Bad debt" means the actual amounts of charges that were not collected from patients who were considered as patients with the ability to pay.

Subp. 3. **Billing and collection costs.** "Billing and collection costs" means all costs incurred as a result of, or while performing, the various functions involved in the process of billing and collecting for patient care services including: preparation of billings, submission of claims, receipt of cash, posting of payment, and collection of past due accounts. Billing and collection costs includes costs of the personnel performing these functions, including salary and benefits; costs of occupancy expenses, including rent, depreciation, and utilities; and costs for space used for these functions. Billing and collection costs also includes costs for billing and collection systems, whether manual or computerized; electronic claims processing systems; payments to collection agencies; billing and collection forms and supplies; postage; payments to outside billing service bureaus; or any other costs related to the billing and collection function.

Subp. 4. **Charity care.** "Charity care" means the total amount of dollars partially written off for uninsured or underinsured individuals who cannot pay for total charges billed because of limited income or unusual circumstances.

Subp. 5. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Health or an authorized agent.

Subp. 6. **Discounts, disallowed charges, and contractual adjustments.** "Discounts," "disallowed charges," and "contractual adjustments" means the portion of the amount billed that the provider is not allowed to collect due to contractual arrangements with a health plan or insurer.

Subp. 7. **Donations, grants, and subsidies.** "Donations," "grants," and "subsidies" means revenues or receipts from an individual, group, foundation, government entity, or corporate donor with or without specific purpose which are not in connection with payment for patient care and not for the purpose of research or education.

Subp. 8. **Education revenue.** "Education revenue" means the revenue and receipts received or earned by the clinic or health care provider to provide training or education to students, health care professionals, or members of the community.

Subp. 9. **Education-degree program costs.** "Education-degree program costs" means all costs associated with formally organized or planned programs of study approved by the governing body of the health care provider which result in the conferring of a degree or specialty designation. These activities must be licensed if required by state law or, if licensing is not required, then the program must be approved by the recognized national professional organization for that particular activity. Education-degree program costs also includes costs of the personnel performing these functions, including salary and benefits; costs of occupancy

expenses, including rent, depreciation, and utilities; costs for space used for these functions; and any other costs related to this function such as supplies and equipment.

**Subp. 10. Education-other costs.** "Education-other costs" means all costs incurred for educational programs, including continuing education programs, staff development seminars, and other training programs for health care professional staff and any other clinic personnel. Education-other costs also includes costs of the personnel performing these functions, including salary and benefits; costs of occupancy expenses, including rent, depreciation, and utilities; costs for space used for these functions; and any other costs related to this function such as registration fees, travel expenses, lodging, and course materials.

**Subp. 11. Encounter.** "Encounter" means any visit or procedure provided as a service to a patient and for which the provider has a billing code.

**Subp. 12. Financial, accounting, and reporting costs.** "Financial, accounting, and reporting costs" means the cost of the accumulation of financial accounting information and the preparation and filing of internal and external financial, statistical, or utilization reports required by management; federal, state, county, or local governmental agencies; or other nongovernmental entities. Financial, accounting, and reporting costs includes general accounting, financial reporting, budgeting, cost accounting, payroll, accounts payable, inventory accounting, fixed assets accounting, or tax and government reporting, and costs of the personnel performing these functions, including salary and benefits; costs of occupancy expenses, including rent, depreciation, and utilities; costs for space used for these functions; and any other costs related to this function such as supplies and equipment.

**Subp. 13. Health care professional costs.** "Health care professional costs" means all compensation costs for professionals involved in providing health care services directly to patients, including the costs of health care professionals who are employees of the reporting entity or independent contractors. Health care professional costs includes salaries, benefits, fees, commissions, production bonuses, profit sharing, and any other form of compensation provided to health care professionals.

**Subp. 14. Malpractice costs.** "Malpractice costs" means any costs related to malpractice or professional liability. Malpractice costs includes premiums paid for malpractice and professional liability insurance, malpractice claim reserves, actual claims paid, premiums for tail insurance coverage, and attorney fees to defend claims.

**Subp. 15. MinnesotaCare tax.** "MinnesotaCare tax" means the tax due to the MinnesotaCare program established under *Minnesota Statutes*, section 295.52.

**Subp. 16. Other patient care costs.** "Other patient care costs" means other costs necessary for direct patient care other than health care professional costs as defined in subpart 13. Other patient care costs includes all expenses for drugs and medications; transportation of health care staff; laboratory, radiology, physical therapy, or optical supplies; costs for movable or nonmovable medical equipment, including depreciation on owned equipment or rental fees on leased equipment; medical equipment maintenance; information and communication systems that directly support health care professionals, such as laboratory information systems and paging systems; medical waste disposal, uniforms, linen service, and allocated occupancy expenses, including rent, depreciation, and utilities; and costs for space used for direct patient care services such as exam rooms, nurses stations, and laboratories.

**Subp. 17. Patient pay.** "Patient pay" means all revenues and receipts from patients, including deductibles, copayments, self-filed insurance, and services not covered by insurance.

**Subp. 18. Patient registration, scheduling, and admissions costs.** "Patient registration, scheduling, and admissions costs" means all costs related to the processing of information necessary to provide care to patients, including costs for scheduling patient visits within and outside the provider's clinic, registering patients, maintaining medical records for patient visits, admissions, pre-certification, and other related functions. Patient registration, scheduling, and admissions costs also includes receptionists, appointment schedulers, medical transcriptionists, and preadmission review personnel, and costs of the personnel performing these functions, including salary and benefits; costs of occupancy expenses, including rent, depreciation, and utilities; costs for space used for these functions; and any other related expenses such as supplies and equipment.

**Subp. 19. Patient and public health education costs.** "Patient and public health education costs" means the costs associated with health promotion, wellness education, and disease-specific patient information. Patient and public health education costs includes all costs associated with providing educational programs or materials intended for patients or the public at large, including patient education materials that are printed or on video, and seminars, workshops, or classes, that are used to educate or inform patients or the general public on enhancing or modifying health behavior and promoting healthier lifestyles. Patient and public

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## Proposed Rules

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health education costs also include the costs of the personnel performing these functions, including salary and benefits; costs of occupancy expenses, including rent, depreciation, and utilities; costs for space used for these functions; and any other costs related to this function such as training materials, supplies, and equipment.

Subp. 20. **Promotion and marketing costs.** "Promotion and marketing costs" means all costs related to marketing activities such as advertising, printing, marketing, representative wages and fringe benefits, commissions, broker fees, travel, occupancy, and other expenses allocated to the marketing activity. Promotion and marketing costs does not include costs associated with health promotion, wellness education, and patient education programs.

Subp. 21. **Research costs.** "Research costs" means the direct and general program costs for activities which are part of a formal program of medical or scientific research approved by the governing body of the health care provider. Research costs includes clinical, general health services, outcomes, and basic science research, and may or may not involve patients. Research costs includes the cost of the personnel performing these functions, including salary and benefits; costs of occupancy expenses, including rent, depreciation, and utilities; costs for space used for these functions; and any other costs related to this function such as supplies and equipment.

Subp. 22. **Research revenue.** "Research revenue" means all revenue or receipts received or due for activities which are part of a formal program of medical or scientific research approved by the governing body of the health care provider. Research revenue includes clinical research and basic science research and may or may not involve patients.

Subp. 23. **Utilization review and quality assurance costs.** "Utilization review and quality assurance costs" means the costs of programs or activities specifically established or designated for the purpose of monitoring and measuring the use of health care resources and the quality of care provided to patients, including utilization review, quality assurance, quality improvement, and peer review. Utilization review and quality assurance costs includes the costs of individuals who dedicate their time or a portion of their time to perform these functions, including salary and benefits; costs of occupancy expenses including rent, depreciation, and utilities; costs for space used for these functions; and any other related expenses such as supplies and equipment.

### 4651.0110 HEALTH CARE PROVIDER REPORTING.

Subpart 1. **Scope.** Health care providers listed in items A to D must meet the reporting requirements of this chapter:

- A. medical doctors licensed under *Minnesota Statutes*, section 147.02;
- B. doctors of osteopathy licensed under *Minnesota Statutes*, section 147.031;
- C. chiropractors licensed under *Minnesota Statutes*, section 148.06; and
- D. dentists licensed under *Minnesota Statutes*, section 150A.06.

Subp. 2. **Health care providers shall report; date for filing; reporting period.** All health care providers listed in subpart 1 shall file with the commissioner a report on or before April 1 of each year. The report must be on forms issued by the commissioner and must contain data from the preceding calendar year.

Subp. 3. **Clinic or group reporting.** Health care providers organized as a clinic or group shall jointly file one report that meets the requirements of part 4651.0120 for the clinic or group.

Subp. 4. **Aggregate reporting.** An organization operating more than one clinic may report to the commissioner for all clinics. An organization may submit the data in the report for each clinic or in the aggregate for all clinics. If the data is submitted in the aggregate for all clinics, then the organization must include the name and address of each clinic covered by the report and average number of full-time employees by type of employee.

Subp. 5. **Small business providers.** A health care provider who is a solo practitioner and has revenues of less than \$1,000,000 may file a short report in lieu of filing a report that meets the requirements of part 4651.0120. Health care providers who practice in a clinic of three or fewer providers and have net revenues which are less than \$1,000,000 may file a short report in lieu of filing a report that meets the requirements of part 4651.0120. The short report must include information required by part 4651.0120, items A to G and M to O. The short report must also include other revenues, as specified in part 4651.0120, item H, subitems (4) and (5); total revenues, as specified in part 4651.0120, item I; and total expenses, as specified in part 4651.0120, item L, subitem (15).

### 4651.0120 REPORTING REQUIREMENTS.

The report must include:

A. statistical and demographic data including the clinic or group or organization name, county, telephone number, and federal tax identification number or employee identification number, as appropriate;

B. the name and specialty field of the health care provider furnishing services at the health care provider's location, including the provider's unique provider identification number, or if a unique provider identification number is not available, the Minnesota license number;

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## Proposed Rules

- C. the total number of full-time equivalent employees by clinic site for the health care provider by type of employee, including medical doctors, doctors of osteopathy, chiropractors, dentists, physician assistants, nurse practitioners, nurse-midwives, registered nurses, licensed practical nurses, other nurses, other allied health providers, and provider services under agreement;
- D. the number of patients or encounters for the health care provider, broken down by residency status;
- E. the type of accounting method, including accrual, cash, or modified cash, used to describe financial data on the form;
- F. the signature and telephone number of the person completing the report and certification that the contents of the report are true to the best of that person's knowledge;
- G. a statement of total net patient receipts for the health care provider itemized by type of payer as follows:
- (1) Medicare, medical assistance, general assistance medical care, and MinnesotaCare or children's health plan;
  - (2) other public payers;
  - (3) commercial insurers, preferred provider organizations, and nonprofit health plan corporations;
  - (4) health maintenance organizations; and
  - (5) patient pay, including out-of-pocket and self-filed insurance;
- H. a statement of other operating revenue for the health care provider itemized as follows:
- (1) research revenue;
  - (2) education revenue;
  - (3) donations, grants, and subsidies, which are not for research or education;
  - (4) other revenues not captured in the categories in subitems (1) to (3); and
  - (5) the subtotal of other revenues which are the sum of subitems (1) to (4);
- I. total revenues, which are the sum of items G and H, subitem (5);
- J. a statement of charity care and bad debt;
- K. an optional statement total of discounts, disallowed charges, and contractual adjustments;
- L. a statement of expenses for the health care provider. The expense allocations may be calculated by making estimates based upon existing information and historical experience. Any reasonable method of allocation is acceptable. Expenses may be allocated based on the number of full-time equivalent employees performing the specific categorical tasks, on a percentage basis, on a square footage basis when allocating costs for space, or on the basis of any other allocation. The provider of the data does not need to conduct time studies or keep detailed time records for the purpose of allocating costs. The expenses must be reported in the following categories:
- (1) health care professional costs;
  - (2) other patient care costs;
  - (3) malpractice costs;
  - (4) billing and collection costs;
  - (5) patient registration, scheduling, and admissions costs;
  - (6) financial, accounting, and reporting costs;
  - (7) utilization review and quality assurance costs, if individuals dedicate their time or a portion of their time performing these functions;
  - (8) research costs;
  - (9) education-degree program costs;
  - (10) patient and public health education costs;
  - (11) education-other costs;

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## Proposed Rules

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- (12) promotion and marketing costs;
  - (13) MinnesotaCare tax;
  - (14) other costs not captured in subitems (1) to (12); and
  - (15) total expenses, which are the sum of subitems (1) to (14);
- M. the time spent to complete the survey;
  - N. an estimate of the health care provider's cost to comply with government reporting requirements; and
  - O. a statement indicating whether or not the respondent received outside assistance to complete the survey.

### 4651.0130 FILING OF REPORTS; EXTENSIONS.

A health care provider that shows reasonable cause may obtain from the commissioner an extension to file the report. The health care provider must provide the commissioner with a written request for an extension to file, specifying the reason or reasons for the requested extension, and the proposed date for filing the report. "Reasonable cause" means that the health care provider can demonstrate that compliance with the reporting requirements imposes an unreasonable cost to the health care provider, clinic, or group, or that technical or unforeseen difficulties prevent compliance.

### 4651.0140 REVIEW OF REPORTS.

Subpart 1. **Completeness.** The commissioner shall review each report required by part 4651.0120 to determine that the report is complete. If the report is found to be complete or if the commissioner has not notified the health care provider within 60 days of receiving the report that the report is incomplete, then the report is deemed to be filed as of the day it was received. "Complete" means that the report contains adequate data for the commissioner to begin the review and is in a form determined to be acceptable by the commissioner according to this chapter.

Subp. 2. **Incomplete report.** A report determined by the commissioner to be incomplete must be returned to the health care provider with a statement describing the report's deficiencies. The health care provider must resubmit an amended report to the commissioner. If the report is resubmitted within 30 days and is determined to be complete by the commissioner, then it shall be deemed to be filed as of the day it was first received by the commissioner.

Subp. 3. **Amending reports.** If a health care provider discovers a material error in its statements or calculations in any of its submitted reports determined by the commissioner to be complete, the health care provider shall immediately inform the commissioner of the error and, within a reasonable time, submit a written amendment to the report. Submission of an amendment under this subpart does not affect the date of filing.

Subp. 4. **Error in reports.** If the commissioner discovers a material error in the statements or calculations in a report, the commissioner shall require the health care provider to amend and resubmit the report by a date determined by the commissioner.

## Department of Health

### Health Care Delivery Systems

### Proposed Permanent Rules Relating to Aggregate Group Purchaser Data

#### DUAL NOTICE:

**Notice of Intent to Adopt Rules without a Public Hearing unless 25 or More Persons Request a Hearing,**  
and

**Notice of Hearing if 25 or More Requests for Hearing are Received**

**Introduction.** The Minnesota Department of Health intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on September 14, 1994, a public hearing will be held on Tuesday, September 27, 1994. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after September 14, 1994, and before September 27, 1994.

**Agency Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to: JoMarie Williamson, Minnesota Department of Health, Health Care Delivery Systems Policy Division, P.O. Box 64975, 121 East Seventh Place, Suite 400, St. Paul, Minnesota 55164-0975, 612/282-6351. TDD users may call the Minnesota Department of Health at 612/623-5522.



**Subject of Rules and Statutory Authority.** The proposed rules govern the collection of aggregate data from group purchasers. Group purchasers include health maintenance organizations, commercial insurers, nonprofit health plan corporations, and others defined in *Minnesota Statutes*, section 62J.03, subdivision 6. The statutory authority to adopt the rules is *Minnesota Statutes*, section 62J.35, subdivision 5. A copy of the proposed rules is published in the *State Register*. Under the rules, group purchasers will have to provide aggregate data, including financial data on revenues and expenses and statistical data on subscribers and members. A free copy of the rules is available upon request from JoMarie Williamson at the address or telephone number listed above.

**Rules Development Process.** The Department used a work group containing representatives of many stakeholders to advise on the development of the rules. The organizations represented on the work group included: Prudential, HealthPartners, Blue Cross and Blue Shield of Minnesota, Delta Dental of Minnesota, Medica, Northwestern National Life Health Network Inc., Fortis, Mid-America Mutual, and Metropolitan Health Plan. **NOTE** that participation in the work group did not constitute an endorsement of the rules by these organizations and that there may be areas of disagreement with some of the statutory and rules requirements. The work group members were, however, pleased with their involvement and input into the process.

**Comments.** You have until 4:30 p.m., Wednesday, September 14, 1994, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by JoMarie Williamson at the address listed above by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules 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 rules. Your request for a public hearing must be in writing and must be received by JoMarie Williamson at the address listed above by 4:30 p.m. on September 14, 1994. Your written request for a public hearing must include your name, address, and telephone number. You are encouraged to identify the portion of the proposed rules which caused your request, the reason for the request, and any changes you want made to the proposed rules. 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.

**Modifications.** The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rules as printed in the *State Register* and must be supported by data and views submitted to the Department or presented at the hearing. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation of Hearing.** The hearing scheduled for September 27, 1994, will be canceled if the Department does not receive requests from 25 or more persons that a hearing be held on the rules. If you request a public hearing, the Department will notify you before the scheduled hearing whether or not the hearing will be held. You may also call JoMarie Williamson at (612) 282-6351 after September 14, 1994, to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on Tuesday, September 27, 1994, in Room 10 of the State Office Building, 100 Constitution Avenue, St. Paul, Minnesota 55155, beginning at 9:00 a.m. and will continue until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined during the hearing by the Administrative Law Judge. The Administrative Law Judge assigned to conduct the hearing is Jon L. Lunde. Judge Lunde can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone 612/341-7645. If you need an accommodation to make this hearing accessible, please contact JoMarie Williamson at the address or telephone number listed above.

**Hearing Procedure.** If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rules. You may also mail written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Comments received during this period will be available for review at the Office of Administrative Hearings. You and the Department may respond in writing with rebuttal arguments or material within five business days after the submission period ends to any new information submitted after the hearing. All written materials and responses submitted to the Administrative Law Judge during the rebuttal period must be received at the Office of Administrative Hearings no

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## Proposed Rules

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later than 4:30 p.m. on the due date. No additional evidence may be submitted during the five-day rebuttal period. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.0200 to 1400.1200, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

**Statement of Need and Reasonableness.** A Statement of Need and Reasonableness is now available. This Statement describes the need for and reasonableness of each provision of the proposed rules. It also includes a summary of all the evidence and argument which the Department anticipates presenting at the hearing, if one is held. A free copy of the Statement may be obtained from JoMarie Williamson at the address or telephone number listed above. The Statement may also be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings.

**Small Business Considerations.** In preparing these rules, the Department has considered the requirements of *Minnesota Statutes*, section 14.115, in regard to the impact of the proposed rules on small businesses. The adoption of the rules will affect small businesses that are group purchasers. These small businesses will be required to complete a survey of aggregate data regarding revenues and expenditures and statistical information. Group purchasers that are insurers with less than \$3,000,000 in total health premiums for Minnesota residents in the year prior to the reporting year may file an abbreviated survey. The Department's evaluation of the applicability of the methods contained in *Minnesota Statutes*, section 14.115, subdivision 2, for reducing the impact of the proposed rules is addressed further in the Statement of Need and Reasonableness.

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

**Impact on Agriculture Lands.** *Minnesota Statutes*, section 14.11, subdivision 2, does not apply because adoption of these rules will not have an impact on agricultural land.

**Departmental Charges.** *Minnesota Statutes*, section 16A.1285, subdivisions 4 and 5, do not apply because the rules do not establish or adjust departmental charges.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement should be directed to the Ethical Practices Board at First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (612) 296-5148 or 1-800-657-3889.

**Adoption Procedure if No Hearing.** If no hearing is required, after the end of the comment period the Department may adopt the rules. The rules 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 rules are submitted to the Attorney General or be notified of the Attorney General's decision on the rules. If you want to be so notified, or wish to receive a copy of the adopted rules, submit your request in writing to JoMarie Williamson at the address listed above.

**Adoption Procedure after a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may request to be notified of the date on which the Administrative Law Judge's report will be available, after which date the Department may not take any final action on the rules for a period of five working days. If you want to be notified about the report, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. You may also request notification of the date on which the rules are adopted and filed with the Secretary of State. The Department's Notice of Adoption must be mailed on the same day that the rules are filed. If you want to be notified of the adoption, you may so indicate at the hearing or send a request in writing to JoMarie Williamson at the address listed above at any time prior to the filing of the rules with the Secretary of State.

Dated: 3 August 1994

Mary Jo O'Brien, Commissioner  
Department of Health

### Rules as Proposed (all new material)

#### 4652.0010 INCORPORATIONS BY REFERENCE.

The ICD-9 diagnostic codes referenced in part 4652.0100, subparts 4 and 19, are contained in the fourth edition of the International Classification of Diseases, Clinical Modification, 9th Revision, 1994, and corresponding annual updates. This document is subject to annual revisions and is incorporated by reference. It is published by the United States Department of Health and Human Services, Health Care Financing Administration, and may be purchased through the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402. It is available through the Minitex interlibrary loan system.

The CPT codes referenced in part 4652.0100, subparts 4 and 19, are contained in the Physician's Current Procedural Terminology, (CPT manual) 4th edition, 1993. It is subject to frequent change. It is published by and may be purchased from the American Medical Association, Order Department: OP054193, P.O. Box 10950, Chicago, Illinois 60610. It is available through the Minitex interlibrary loan system.

**4652.0100 DEFINITIONS.**

Subpart 1. **Scope.** For the purposes of chapter 4652, the terms in this part have the meanings given them.

Subp. 2. **Billing and enrollment expenses.** "Billing and enrollment expenses" means all costs associated with group and individual billing, member enrollment and premium collection and reconciliation functions. Billing and enrollment expenses includes costs for the collection and reconciliation of cash, group and membership set-up and maintenance, contract, identification card, and directory preparation and issuance, electronic data interchange expenses pertaining to billing and enrollment, and enrollment materials. Billing and enrollment expenses also includes allocations from finance and information services.

Subp. 3. **Charitable contributions expenses.** "Charitable contributions expenses" means all costs related to contributions made for charitable purposes.

Subp. 4. **Chemical dependency services expenses.** "Chemical dependency services expenses" means all costs related to inpatient and outpatient chemical dependency services that are coded using one or more of the following codes or amended equivalent codes:

A. ICD-9 diagnosis code ranges 303.00 to 305.92; and

B. CPT codes 90801, 90841, 90843, 90844, 90844.22, 90846, 90847, 90847.22, 90849, 90853, 98900, 98902, 98910, and 98912.

Chemical dependency services expenses also means all costs related to inpatient and outpatient chemical dependency services that are coded using codes from another coding system where the commissioner determines that the codes indicate diagnoses or procedures comparable to or consistent with codes listed in items A and B.

Subp. 5. **Claim processing expenses.** "Claim processing expenses" means all costs associated with the adjudication and adjustment of claims, coordination of benefits processing, maintenance of the claim system, printing of claim forms, claim quality assurance, electronic data interchange expenses pertaining to claim processing, and fraud investigation. Claim processing expenses may also include allocations from information and legal services.

Subp. 6. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Health and authorized agents.

Subp. 7. **Customer service expenses.** "Customer service expenses" means all costs associated with individual, group, or provider support relating to membership, open enrollment, grievance resolution, claim problems, and specialized phone services and equipment. Customer service expenses may include allocations from information services, finance, legal, and sales and marketing.

Subp. 8. **Dental services expenses.** "Dental services expenses" means all professional and other costs provided under dental services contracts or riders.

Subp. 9. **Durable medical goods expenses.** "Durable medical goods expenses" means all costs for such items as wheel chairs, eyeglasses, hearing aids, surgical appliances, bulk and cylinder oxygen, equipment rental, and other devices or equipment that can withstand repeated use.

Subp. 10. **Emergency services expenses.** "Emergency services expenses" means all costs for medical care provided in the emergency room of a hospital.

Subp. 11. **General administration expenses.** "General administration expenses" means all costs not attributed or allocated to the categories of billing and enrollment, claim processing, customer service, product management and marketing, regulatory compliance and government relations, provider relations and contracting, quality assurance and utilization management, wellness and health education, research and product development, and charitable contributions. General administration expenses includes human resources, facility maintenance, payroll, general accounting, finance, executive, internal audit, treasury, actuarial, finance, information systems, office management and occupancy costs, general office supplies and equipment, legal, board, outside consulting services, membership fees in trade organizations, public relations, and mail room. General administration expenses does not include taxes and assessments.

Subp. 12. **Group purchaser.** "Group purchaser" means a person or organization that purchases health care services on behalf of an identified group of persons, regardless of whether the costs of coverage or services is paid for by the purchaser or by the persons

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receiving coverage or services, as further defined in rules adopted by the commissioner. Group purchaser includes, but is not limited to, integrated service networks; community integrated service networks; health insurance companies, health maintenance organizations, nonprofit health service plan corporations, and other health plan companies; employee health plans offered by self-insured employers; trusts established in a collective bargaining agreement under the federal Labor-Management Relations Act of 1947, *United States Code*, title 29, section 141, et seq.; the Minnesota comprehensive health association; group health coverage offered by fraternal organizations, professional associations, or other organizations; state and federal health care programs; state and local public employee health plans; workers' compensation plans; and the medical component of automobile insurance coverage.

Subp. 13. **Home health care expenses.** "Home health care expenses" means all costs for medical care services delivered in the home under the direction of a physician.

Subp. 14. **Inpatient hospital services expenses.** "Inpatient hospital services expenses" means all costs for those services furnished by a hospital for inpatient services, including hospice care. Inpatient hospital services expenses does not include costs of mental health services and chemical dependency services.

Subp. 15. **Insurance company.** "Insurance company" means an organization licensed under *Minnesota Statutes*, chapter 60A, to offer, sell, or issue a policy of accident and sickness insurance as defined in *Minnesota Statutes*, section 62A.01.

Subp. 16. **Member.** "Member" means a person who has been enrolled as a subscriber or an eligible dependent of a subscriber for whom the group purchaser has accepted the responsibility for the provision of basic health services under a contract.

Subp. 17. **Member liability.** "Member liability" means the total amount payable by the member for health care services. Member liability includes deductibles, coinsurance, copayments, and amounts beyond plan maximums.

Subp. 18. **Member month.** "Member month" means the equivalent to one member for whom the group purchaser has recognized premium revenue for one month.

Subp. 19. **Mental health services expenses.** "Mental health services expenses" means all costs related to inpatient and outpatient mental health services that are coded using one or more of the following codes or amended equivalent codes:

A. ICD-9 diagnosis code ranges 290 to 302.9; and

B. CPT codes: 90801, 90841, 90843, 90844, 90844.22, 90846, 90847, 90847.22, 90849, 90853, 98900, 98902, 98910, and 98912.

Mental health services expenses also means all costs related to inpatient and outpatient mental health services that are coded using codes from another coding system where the commissioner determines that the codes indicate diagnoses or procedures comparable to or consistent with codes listed in items A and B.

Subp. 20. **MinnesotaCare tax expenses.** "MinnesotaCare tax expenses" means all payments made for the MinnesotaCare tax under *Minnesota Statutes*, section 295.52.

Subp. 21. **Minnesota resident.** "Minnesota resident" means a person who is listed on the records of the group purchaser as a member having a zip code within Minnesota. The group purchaser may use subscriber records if it does not have separate records for each member.

Subp. 22. **Other health professional services expenses.** "Other health professional services expenses" means costs for all services provided by health professionals other than physicians and dentists, including chiropractors, therapists, social workers, nurse practitioners, and medical dental services. Other health professional services expenses does not include costs of mental health services and chemical dependency services.

Subp. 23. **Other taxes and assessments expenses.** "Other taxes and assessments expenses" means all payments or amounts payable to government agencies except for the MinnesotaCare tax under *Minnesota Statutes*, section 295.52. Other taxes and assessments expenses does not include fees or fines paid to government agencies.

Subp. 24. **Outpatient services expenses.** "Outpatient services expenses" means all costs for those services offered by a hospital which are furnished to ambulatory patients not requiring emergency care and for which there is not a room and board charge. Outpatient services expenses does not include costs of mental health services and chemical dependency services.

Subp. 25. **Pharmacy and other nondurable medical goods expenses.** "Pharmacy and other nondurable medical goods expenses" means all costs to provide pharmaceuticals and nonreusable supplies or pieces of equipment that are used to treat a health condition.

Subp. 26. **Physician services expenses.** "Physician services expenses" means costs for all services provided by or under the supervision of licensed medical doctors, doctors of osteopathy, and ophthalmologists. Physician services expenses does not include costs of mental health services and chemical dependency services.

Subp. 27. **Product management and marketing expenses.** "Product management and marketing expenses" means all costs

associated with the management and marketing of current products, including costs relating to product promotion and advertising, sales, pricing, broker fees and commissions, internal commissions and commissions processing, marketing materials, account reporting, changes or additions to current products, and enrollee education regarding coverage. Product management and marketing expenses may include allocations from information systems, underwriting, legal, finance, actuarial, public relations, and network management.

Subp. 28. **Provider relations and contracting expenses.** "Provider relations and contracting expenses" means all costs associated with contract negotiation and preparation, monitoring of provider compliance, field training with providers, provider communication materials and bulletins, and administration of provider capitations and settlements. Provider relations and contracting expenses may include allocations from finance, legal, accounting, actuarial, and information systems.

Subp. 29. **Quality assurance and utilization management expenses.** "Quality assurance and utilization management expenses" means all costs associated with quality assurance, practice protocol development, utilization review, peer review, credentialing, outcomes analysis related to existing products, and other medical care evaluation activities. Quality assurance and utilization management expenses may include allocations from information systems and legal.

Subp. 30. **Regulatory compliance and government relations expenses.** "Regulatory compliance and government relations expenses" means all costs associated with federal and state reporting, rate filing, state and federal audits, tax accounting, lobbying, licensing and filing fees, and costs associated with the preparation and filing of all financial, utilization, statistical and quality reports, and administration of government programs. Regulatory compliance and government relations expenses may include allocations from information systems, finance, actuarial, sales and marketing, underwriting, contract, legal, utilization management, quality assurance, and compliance.

Subp. 31. **Research and product development expenses.** "Research and product development expenses" means all costs associated with outcomes research, medical research programs, product design and development for products and programs not currently offered, major systems development, and integrated service network development. Research and product development expenses may include allocations from actuarial, information services, marketing, finance, underwriting, and wellness programs.

Subp. 32. **Skilled nursing facilities expenses.** "Skilled nursing facilities expenses" means all costs for those services furnished by a facility primarily engaged in providing skilled nursing care and related services for patients who require medical or nursing care or rehabilitation services. Skilled nursing facilities expenses does not include costs of mental health services and chemical dependency services.

Subp. 33. **Subscriber.** "Subscriber" means an individual, employee, or employee with dependents who has been enrolled with a group purchaser and for whom the group purchaser has accepted the responsibility for the provision of basic health services under a contract.

Subp. 34. **Total premium revenue.** "Total premium revenue" means all premiums charged on all health insurance policies written for Minnesota residents; including the change in unearned premium from the previous year, minus refunds based on experience.

Subp. 35. **Wellness and health education expenses.** "Wellness and health education expenses" means all costs associated with wellness and health promotion, disease prevention, member education and materials, provider education, and outreach services. Wellness and health education expenses may include allocations from marketing, medical services, and printing.

#### **4652.0110 GROUP PURCHASER REPORTING.**

Subpart 1. **Group purchasers must report; exceptions.** All group purchasers, except as noted in items A, B, and C, shall file with the commissioner a financial and statistical report on forms provided or approved by the commissioner.

A. An insurance company, as defined in part 4652.0100, subpart 15, that collected less than \$3,000,000 in total health premiums for Minnesota residents in the year prior to the year that the data is covering may file a short report in lieu of filing a report that meets the requirements of part 4652.0120. The short report must be in writing, must state that the group purchaser collected less than \$3,000,000 in total health premiums for Minnesota residents in the year prior to the year that the data is covering, and must provide the total number of members and subscribers covered at the end of the reporting period.

B. A state agency that reports under *Minnesota Statutes*, section 62J.40, is not subject to the reporting requirements of chapter 4652.

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C. An employee health plan offered by a self-insured employer or an employee organization is not subject to the reporting requirements of chapter 4652. However, those employee health plans are encouraged to comply with these reporting requirements.

Subp. 2. **Date for filing; reporting period.** The group purchaser shall file its report on or before April 1 of each year. The report must contain data for the preceding calendar year.

Subp. 3. **Organizations operating more than one group purchaser.** Group purchasers that are affiliated may elect to file a combined report, if they have elected to meet a combined growth limit under *Minnesota Statutes*, section 62P.04. Affiliated group purchasers that file a combined report must include in the report the name of each affiliated group purchaser.

Subp. 4. **Extensions.** A group purchaser that shows reasonable cause may obtain from the commissioner an extension to file the report. The group purchaser must provide the commissioner with a written request for an extension to file, specifying the reason or reasons for the requested extension, and the proposed date for filing the report. "Reasonable cause" means that the group purchaser can demonstrate that compliance with the reporting requirements imposes an unreasonable cost to the group purchaser, or that technical or unforeseen difficulties prevent compliance.

### 4652.0120 CONTENTS OF REPORT.

The report filed by a group purchaser must meet the requirements of items A to G. The information for each item must pertain to health and medical related coverages, excluding accidental death and dismemberment coverages, short-term disability coverages, long-term disability coverages, long-term care coverages, workers' compensation coverages, and personal accident coverages.

A. The report must include total premium revenue and other revenue. "Other revenue" means, and must be specifically itemized into, the categories of minimum premium plan revenue, administrative services fee revenue, utilization review fee revenue, and reinsurance assumed revenue. Each revenue category must separate Medicare, and non-Medicare amounts.

B. The report must include total expenses incurred by type of policy, including insured business, self-insured business, Medicare, medical assistance, and general assistance.

C. The report must include total expenses incurred by service category, including physician services, other health professional services, inpatient hospital services, outpatient services, skilled nursing facilities, home health care, emergency services, pharmacy and other nondurable medical goods, durable medical goods, chemical dependency services and mental health services, dental services, and total indirect health care expenses. Each service category must be itemized by type of policy as specified in item B.

D. The report must include total member liability, or its actuarial estimate, for all covered persons.

E. The report must include total indirect health care expenses by the following categories: billing and enrollment; claim processing; customer service; product management and marketing; regulatory compliance and government relations; provider relations and contracting; quality assurance and utilization management; wellness and health education; research and product development; charitable contributions; general administration; MinnesotaCare taxes; and all other taxes and assessments. The information required for this report may be estimated from existing accounting methods with allocation to specific categories.

F. The report must include the total number of members and subscribers, as of the end of the reporting period, by type of policy, including family policies and individual policies and member months for the reporting period. Member months must be totaled for the calendar year of the report. This information must be reported separately for medical and dental contracts. Group purchasers that do not maintain member information may submit actuarial estimates of total number of members covered under all health policies.

G. The report must include a statement that the revenue and expense amounts reported under items A and B reconcile to audited financial statements. A group purchaser that does more than 80 percent of its business in Minnesota shall reference the appropriate entries from its audited financial statements and shall do so either by using the audited financial statements for its entire health care business or by separating its experience for Minnesota residents. The group purchaser's choice of method must be consistent from year to year. A group purchaser that does 80 percent or less of its business in Minnesota shall have an actuary or financial officer certify that the amounts reported reconcile to the audited financial statement in a manner consistent with prior reporting years and shall include an accounting or actuarial memorandum describing the methods used to identify and separate Minnesota data.

### 4652.0130 REVIEW OF REPORTS.

Subpart 1. **Record complete.** No report required by this chapter is considered to be filed until the commissioner has determined that the report is complete. "Complete" means that the report contains adequate and appropriate data for the commissioner to begin the review and is in a form determined to be acceptable by the commissioner according to chapter 4652.

Subp. 2. **Review by commissioner.** The commissioner shall review each report required by chapter 4652 in order to ascertain

that the report is complete. If the report is found to be complete or if the commissioner has not notified the group purchaser within 60 days of receiving the report that the report is incomplete, then the report is deemed to be filed as of the day it was received.

**Subp. 3. Incomplete report.** A report determined by the commissioner to be incomplete must be returned to the group purchaser with a statement describing the report's deficiencies. The group purchaser must resubmit an amended report to the commissioner. If the report is resubmitted within 30 days and is determined to be complete by the commissioner, then it shall be deemed to be filed as of the day it was first received by the commissioner.

**Subp. 4. Amending reports.** If a group purchaser discovers a material error in its statements or calculations in any of its submitted reports ascertained by the commissioner to be complete, the group purchaser shall immediately inform the commissioner of the error and, within a reasonable time, submit a written amendment to the report. Submission of an amendment under this subpart does not affect the date of filing.

**Subp. 5. Error in reports.** If the commissioner discovers a material error in the statements or calculations in a report, the commissioner shall require the group purchaser to amend and resubmit the report by a date determined by the commissioner.

## Pollution Control Agency

### Proposed Permanent Rules Relating to Procedural Rules

#### DUAL NOTICE:

**Notice of Intent to Adopt a Rule Amendment without a Public Hearing unless 25 or More Persons Request a Hearing,**

and

**Notice of Hearing if 25 or More Requests for Hearing are Received**

**Introduction.** The Minnesota Pollution Control Agency (Agency) intends to adopt 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. If, however, 25 or more persons submit a written request for a hearing on the rule by September 16, 1994, a public hearing will be held on October 10, 1994. To find out whether the rule will be adopted without a hearing or if the hearing will be held, you should contact the Agency contact person after September 16, 1994, and before October 10, 1994.

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

Placida L. Venegas  
Hazardous Waste Division  
Minnesota Pollution Control Agency  
520 Lafayette Road  
St. Paul, Minnesota 55155-4194  
Telephone 612/297-8370  
Fax 612/297-8676

**Subject of Rule and Statutory Authority.** The proposed rule is about Procedures before the Minnesota Pollution Control Agency Board. The statutory authority to adopt the rule is *Minnesota Statutes*, section 116.07 (1992) and in *Minnesota Statutes*, section 14.06 (1992). A copy of the proposed rule is published immediately after this notice.

**Comments.** You have until 4:30 p.m., on September 16, 1994, to submit written comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Your comment must be in writing and received by the Agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

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**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the Agency contact person by 4:30 p.m. on September 16, 1994. Your written request for a public hearing must include your name, address, and telephone number. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. 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.

**Modifications.** The proposed rule may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rule as printed immediately after this notice, and must be supported by data and views submitted to the Agency or presented at the hearing. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation of Hearing.** The hearing scheduled for October 10, 1994, will be cancelled if the Agency does not receive requests from 25 or more persons that a hearing be held on the rule. If the hearing is cancelled, the Agency will notify all persons who submitted written comments or written requests for public hearing before the scheduled hearing date. You may also call the Agency contact person after September 16, 1994, to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit written requests for a public hearing on the rule, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.14 to 14.20. The hearing will be held on October 10, 1994, at the Minnesota Pollution Control Agency, Board Room, Lower Level, 520 Lafayette Road North, St. Paul, Minnesota 55155 beginning at 9:00 a.m. and will continue until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined during the hearing by the administrative law judge. The administrative law judge assigned to conduct the hearing is Judge Allan Klein. Judge Klein can be reached at:

The Office of Administrative Hearings  
100 Washington Square, Suite 1700  
Minneapolis, Minnesota 55401  
Telephone Number: 612/341-7600

**Hearing Procedure.** If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rule. You may also mail written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the administrative law judge at the hearing. Comments received during this period will be available for review at the Office of Administrative Hearings. You and the Agency may respond in writing within five business days after the submission period ends to any new information submitted. All written materials and responses submitted to the administrative law judge must be received at the Office of Administrative hearings no later than 4:30 p.m. on the due date. No additional evidence may be submitted during the five-day period. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.0200 to 1400.1200 and *Minnesota Statutes*, sections 14.14 to 14.20. Questions about procedure may be directed to the administrative law judge.

**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 rule. It also includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing, if one is held. The statement may also be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings.

**Small Business Considerations.** *Minnesota Statutes*, section 14.115, subdivision 4 requires that the notice of rulemaking include a statement of the impact of this proposed rule on small businesses. The proposed amendments will not significantly effect small businesses. To the extent the existing procedural rules already create some burden on interested persons, including small businesses, to participate in Agency matters, the proposed amendments will not change this burden. Moreover, the burden flows from the authority of the Agency rather than from the procedural rules of the Agency. For these reasons, the Agency concludes that the proposed amendments to its procedural rules will not affect small businesses adversely.

**Expenditure of Public Money by Local Public Bodies.** *Minnesota Statutes*, section 14.11, subdivision 1, requires the Agency to include a statement of the rule's estimated costs to local public bodies in this notice if the rule would have a total cost of over \$100,000 to all local public bodies in the state in either of the two years following adoption of the rule. The Agency has determined that adoption of the proposed amendments will not require the expenditure of public money by local public bodies in any way different than that required by existing rules, if at all.

**Impact on Agriculture Lands.** *Minnesota Statutes*, section 14.11, subdivision 2, requires that if the rule would have a direct and substantial adverse impact upon agricultural lands in the state, the Agency shall comply with specified additional requirements. The Agency has determined that adoption of the proposed amendments will not have an impact on agricultural land in any way different than required by existing rules, if at all.



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## Proposed Rules

**Economic Factors.** *Minnesota Statutes*, section 116.07, subdivision 6, requires the Agency to give due consideration to economic factors in exercising its powers. In proposing these amendments, the Agency has given due consideration based on available information to the economic impacts the amendments may have. The Agency has concluded that the proposed amendments will have no adverse economic impact.

**Farming Operations.** *Minnesota Statutes* section 116.07, subdivision 4 requires the Agency to hold public meetings in agricultural areas of the state if a proposed rule affects farming operations. The Agency has determined that these proposed amendments will not affect the state's farming operations in any way different than required by existing rules, if at all.

**Transportation.** *Minnesota Statutes*, section 174.05, requires the Agency to notify the Commissioner of Transportation of all rules that concern transportation, and requires the Commissioner of Transportation to prepare a written review of the rules. The Agency has determined that this rule will not affect transportation in any way different than required by existing rules, if at all.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at:

Ethical Practices Board  
First Floor  
Centennial Office Building  
658 Cedar Street  
St. Paul, Minnesota 55155  
Telephone: (612) 296-5148

**Adoption Procedure if No Hearing.** If no hearing is required, after the end of the comment period, the Agency may adopt the rule. The rule 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 rule is submitted to the attorney general or be notified of the attorney general's decision on the rule. If you want to be so notified, or wish to receive a copy of the adopted rule, submit your request to the Agency contact person listed above.

**Adoption Procedure after the Hearing.** If a hearing is held, after the close of the hearing record, the administrative law judge will issue a report on the proposed rule. You may request to be notified of the date on which the administrative law judge's report will be available, after which date the Agency may not take any final action on the rule for a period of five working days. If you want to be notified about the report, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. You may also request notification of the date on which the rule is adopted and filed with the Secretary of State. The Agency's notice of adoption must be mailed on the same day that the rule is file. If you want to be notified of the adoption, you may so indicate at the hearing or send a request in writing to the Agency contact person at any time prior to the filing of the rule with the Secretary of State.

Dated: 18 July 1994

Charles W. Williams  
Commissioner

### Rules as Proposed

#### **7000.0050 PURPOSE.**

This chapter describes how the agency makes decisions and how members of the public may involve themselves in agency decision making. The procedures and standards of conduct established in this chapter are intended to ensure an orderly and fair decision-making process, to preserve the integrity and independence of agency decisions, and to promote public confidence in those decisions.

#### **7000.0100 DEFINITIONS.**

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

**Subp. 1a. Administrative law judge.** "Administrative law judge" means the person assigned by the chief administrative law judge pursuant to *Minnesota Statutes*, section 14.50, to preside at a rulemaking hearing or contested case hearing.

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## Proposed Rules

Subp. 2. Agency or agency members. "Agency" or "agency members" means the nine persons appointed to the Minnesota Pollution Control Agency, as constituted pursuant to Minnesota Statutes, section 116.02, subdivision 1.

Subp. 2a. Commissioner. "Commissioner" means the chief executive officer of the Minnesota Pollution Control Agency.

Subp. 2b. Contested case. "Contested case" has the meaning given in Minnesota Statutes, section 14.02, subdivision 3.

[For text of subs 3 and 5, see M.R.]

Subp. 5a. Interested person. "Interested person" means persons who have submitted their names and addresses to the agency for inclusion on an agency list of persons to receive notice concerning a specific agency matter. Persons can place their names and addresses on an agency list for a specific matter by:

A. making an oral presentation on the specific agency matter at an agency meeting and registering their names and addresses with the agency at that time;

B. submitting to the commissioner a written statement in which they request to be treated as an interested person and in which they provide their names and addresses and identify the specific agency matter in which they are interested;

C. registering their names and addresses for the purpose of receiving notice of all agency rulemakings pursuant to Minnesota Statutes, section 14.14, subdivision 1a; or

D. being named as a party to a contested case hearing for a specific agency matter.

Subp. 5b. Material issue of fact. A "material issue of fact" means a fact question, as distinguished from a policy question, whose resolution could have direct bearing on a final agency decision.

Subp. 6. [See repealer.]

[For text of subs 7 to 11, see M.R.]

Subp. 12. Service; serve. "Service" or "serve" means personal service or, unless otherwise provided by law, service by first class United States mail, postage prepaid, addressed to a person or party at his or her last known address. Service by mail is complete upon the placing of the item served in the mail. Agencies of the state of Minnesota may also serve by depositing the item to be served with the Central Mailing Section, Publications Division, Department of Administration, service by mail, or service by facsimile as described in items A to C.

A. Personal service upon the agency is made by handing an item to the commissioner or by delivering the item to the office of the commissioner and leaving it with a person assigned to that office. Personal service upon an interested person or agency member is made by handing an item to that person or by delivering the item to the person's last known home or business address and leaving it with a competent person residing or working at that address.

B. Service by mail is made by placing the item in first class United States mail, postage prepaid, addressed to the last known address of the person being served. Service by mail is complete upon depositing the item in the mail. A person may use an overnight delivery service to effect service by mail instead of using United States mail.

C. Service by facsimile is made by telefaxing a document to a person known to have a facsimile machine. Service by facsimile is complete upon receipt of the facsimile. Service by facsimile must be followed by personal service or service by mail within one day after a facsimile service.

Upon request, the commissioner will make available the names and service addresses of agency members.

[For text of subs 13 and 14, see M.R.]

### 7000.0200 COMPUTATION OF TIME.

In computing any period of time prescribed by this chapter, the day of the last act, event, or default from which the designated period of time begins to run is not included. The last day of the period so computed is included unless it is a Saturday, Sunday, or legal holiday. When this chapter requires service within a certain number of days, the term "day" includes weekdays, weekend days, and holidays.

### 7000.0400 OFFICERS, COMMITTEES, AND DUTIES.

Subpart 1. Officers. The officers of the agency are the ~~chairperson, vice chairperson~~ chair, vice-chair, and commissioner.

Subp. 2. Electing and term of the chairperson chair. The chairperson must be elected by a majority of all agency members at each annual meeting for a term of one year. Each year, at its annual meeting, the agency shall elect a chair to serve a one-year term. The chair must be elected by a majority of all agency members. No member elected to the office of ~~chairperson~~ chair may serve in that capacity more than two full terms consecutively.

Subp. 3. Electing and term of the vice chairperson vice-chair. The vice chairperson must be elected by a majority of all

agency members at each annual meeting for a term of one year. Each year, at its annual meeting, the agency shall elect a vice-chair to serve a one-year term. The chair must be elected by a majority of all agency members. No member elected to the office of ~~vice chairperson~~ vice-chair may serve in that capacity more than two full terms consecutively.

Subp. 4. **Duties.** ~~The chairperson shall have the duties prescribed by rule of the agency. The chair shall preside at all agency meetings and shall assist the commissioner in proposing dates, times, and agendas for agency meetings and in coordinating agency actions.~~ The vice chairperson vice-chair shall discharge all the duties of the chairperson chair during the absence or disability of the chairperson chair. The commissioner shall have the duties prescribed by statute or by rule or delegation of the agency.

Subp. 5. **Vacancies.** ~~Upon a vacancy (for example, death, resignation, or removal) If a permanent vacancy occurs in the office of chairperson chair of the agency, the vice chairperson vice-chair shall become the chairperson chair until such time as new officers are elected at the next annual meeting. Upon If a permanent vacancy occurs in the office of vice chairperson, a special election shall be held at the next regular meeting, for a term ending at the next annual meeting vice-chair, the agency shall, as soon as possible after the permanent vacancy, elect a new vice-chair to fill out the term of the vacated office of vice-chair.~~

Subp. 6. **Removal.** ~~The chairperson or vice chairperson is chair or vice-chair may be removed from office by the an affirmative vote of two-thirds of all agency members of the agency, this vote to be taken at the next regular meeting following the motion for removal. The vote to remove a chair or vice-chair shall be made at the next regular meeting of the agency following the meeting at which the removal motion is made.~~

[For text of subp 7, see M.R.]

Subp. 8. **Execution of documents.** Contracts, stipulation agreements, and other documents approved by the agency pursuant to law shall be executed on the agency's behalf by the ~~chairperson chair~~ and the commissioner unless the agency authorizes some other form of signing.

#### **7000.0500 AGENCY MEETINGS.**

Subpart 1. **Regular and annual meetings.** Twelve regular monthly meetings of the agency shall be held each calendar year. A date for each regular meeting shall be set by the agency. The annual meeting, also conducted as a regular meeting, shall be held during the month of July of each year. The time and place of each regular meeting, including the annual meeting, shall be designated by the ~~chairperson commissioner~~ after consultation with the chair. The ~~chairperson chair~~ may direct that ~~any a~~ regular meeting, ~~except the annual meeting,~~ be postponed or advanced to accommodate a state holiday, weather emergency, or scheduling conflicts of agency members.

Subp. 2. **Special meetings.** ~~The chairperson, or in the chairperson's absence the vice chairperson, or in their absence the commissioner of the agency, may call a special meeting of the agency when, in his or her opinion, a meeting is necessary or desirable. The chairperson shall call a special meeting upon receipt of a request from three members of the agency. Upon concluding that a special meeting would assist the agency in accomplishing its work or upon receiving a request for a special meeting from three agency members, the commissioner shall call a special meeting of the agency. The time and place of the special meeting shall be designated by the commissioner after consultation with the chair. In setting the time and place of a special meeting, the commissioner shall consider the extent to which time is of the essence and whether it would be unreasonable or unfair to interested persons for the agency to postpone consideration of the agenda for the special meeting to allow as much notice as would be required for a regular meeting of the agency.~~

Subp. 3. [See repealer.]

Subp. 3a. **Committee meetings.** The committee chair or the commissioner shall call a committee meeting when the commissioner concludes that a committee meeting would assist the agency in accomplishing its work or upon receiving a request for a committee meeting from a member of the agency committee. The time and place of the committee meeting shall be designated by the commissioner after consultation with the committee chair.

Subp. 3b. **Informational meetings.** Part 7001.0120 addresses informational meetings on permits. For all other matters, the agency or commissioner shall call a public informational meeting upon concluding that a public informational meeting would provide the agency with information that would assist it in accomplishing its work or would otherwise be in the public interest. The time and place of the informational meeting shall be designated by the commissioner after consultation with the chair.

Subp. 4. [See repealer.]

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Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

Subp. 7. [See repealer.]

Subp. 8. **Quorum necessary for regular and special meetings.** A majority of the members of the entire agency constitute a quorum, and a quorum must be present for the transaction of business. A committee meeting or an informational meeting may be held with less than a quorum of the agency.

Subp. 9. **Presiding officer.** The chairperson shall preside at all regular and special meetings of the agency meetings. The vice chairperson shall preside in the chairperson's absence. The remaining members shall elect a presiding officer from among the members present whenever the chairperson and vice chairperson are both absent. The presiding officer shall serve only for that meeting or until the chairperson or vice chairperson shall arrive. If the chair and vice-chair are both absent, the remaining members shall designate one of the agency members present to preside over the meeting until the chair or vice-chair arrives.

Subp. 10. **Adoption of and consideration of matters on agency agenda.** As the first order of business at the a regular, special, or committee meeting, the agency or committee shall be adoption of the agenda, which may be amended or modified by the agency at this time review its proposed agenda, amend or modify it if appropriate, and then adopt it. Thereafter, the agency shall act on agency matters at the approximate times shown on its adopted agenda. However, by consensus of all agency members present, the agency may group noncontroversial agenda items or agenda items ministerial in nature for approval by a single agency vote.

Subp. 11. [See repealer.]

Subp. 12. [See repealer.]

Subp. 13. **Decisions at Open meetings.** All regular and special meetings of the agency shall be open to the public, and all decisions of the agency shall be made at such meetings. Except as provided by law, all meetings of the agency must be open to the public.

Subp. 14. [See repealer.]

Subp. 15. [See repealer.]

Subp. 16. **Record of meetings.** The agency shall keep full and accurate minutes of all meetings, including a record of all votes of individual members.

Subp. 17. **Parliamentary procedure.** Except as specifically provided in this chapter, Robert's Rules of Order, as amended, shall govern any question of parliamentary procedure that may arise at any meeting of the agency.

Subp. 18. **Continuation or recess of agency meetings.** The agency may continue or recess an agency meeting to a later time or date if necessary to allow for the drafting of findings of fact as directed by agency members or further discussion or deliberation concerning a matter on a meeting agenda. If an agency meeting is continued or recessed and the time, date, and place for reconvening is announced and recorded at the time the meeting is recessed or continued, no further notice of the reconvening is necessary. If the agency provided an opportunity for public comments on a specific matter before a meeting is recessed or continued, the chair may rule that no further comments will be heard when the meeting is reconvened. However, agency members may ask questions of agency staff and interested persons even when no further public comment is to be taken.

### **7000.0550 AGENDA FOR AGENCY MEETINGS.**

**Subpart 1. Agenda items and related written materials.** No matter may be considered at a meeting of the agency unless it is on the agenda and related written materials have been made available as provided in part 7000.0650.

**Subp. 2. Agenda preparation.** The commissioner shall prepare an agenda for each regular, special, and committee meeting of the agency. The agenda shall identify the date and place of the meeting, and the approximate times for considering each item on the agenda. Each agenda must be prepared in sufficient time to allow for notice as specified in this chapter. Each agenda must identify all matters to be considered by the agency. Agency members may place items on the regular meeting agenda by notifying the commissioner at least 14 days prior to the meeting. Agency members may place items on the agenda of a special or committee meeting by notifying the commissioner at least ten days prior to a scheduled special or committee meeting.

**Subp. 3. Agency member notice of meetings.** The commissioner shall serve on each agency member a copy of the proposed agenda for each agency meeting, together with the related written materials for the items on the agenda. However, if the related written materials are so voluminous as to make it impractical to serve them on all agency members, the commissioner may provide a notice stating that there are additional related written materials for review at the offices of the agency. Service shall be made as described in items A and B.

**A.** For a regular meeting of the agency, service shall be made at least ten days before the meeting.

B. For a special meeting or committee meeting of the agency, service by mail shall be made at least six days before the meeting. Personal service or service by facsimile shall be made at least three days before the meeting. However, the notice provisions of this part do not apply to emergencies which are addressed by the agency or commissioner under part 7000.5000.

#### **7000.0650 PUBLIC PARTICIPATION IN AGENCY MEETINGS.**

Subpart 1. Public inspection of agency meeting agenda and related written materials. The agenda and related written materials for meetings of the agency shall be available for public inspection at the central office of the agency as described in items A and B.

A. For regularly scheduled meetings, the agenda and related written materials shall be available at least ten days prior to the regular agency meeting.

B. For special or committee meetings, the agenda and related written materials shall be available as soon as possible and, in any event, no later than three days prior to the special or committee meeting. However, the inspection provisions of this part do not apply to emergencies which are addressed by the agency or commissioner under part 7000.5000.

Subp. 2. Service on interested persons. The commissioner shall serve on each interested person a copy of the proposed agenda for each agency meeting together with a copy of the agenda item prepared by agency staff. If the related written materials for the agenda item are not voluminous, the commissioner shall serve these materials, too. However, if the commissioner finds that the related written materials are so voluminous as to make it impractical for the commissioner to serve them on all interested persons, the commissioner shall serve on interested persons a notice stating that there are additional related written materials for the item in which the person is interested and that these additional related written materials can be viewed at the offices of the agency or can be requested from the agency. Service shall be made as described in items A and B.

A. For a regular meeting of the agency, service shall be made at least ten days before the meeting.

B. For a special meeting or committee meeting of the agency, service by mail shall be made at least six days before the meeting. Personal service or service by facsimile shall be made at least three days before the meeting. However, the notice provisions of this part do not apply to emergencies which are addressed by the agency or commissioner under part 7000.5000.

The agency does not intend the notice and service requirements of this chapter or any other requirements of this chapter to prevent it from seeking to recover reasonable copying and preparation costs as authorized under *Minnesota Statutes*, section 13.03, subdivision 3.

Subp. 3. Petitions to place matters on an agency agenda. Any person who wishes to place a matter on the agenda for an agency meeting may submit a petition identifying the matter that person would like placed on the agenda and the reasons for placing it on the agenda. The petition must be served on the commissioner by mail at least 24 days before the meeting during which a petitioner would like the matter to be considered or by personal service or facsimile at least 21 days before the meeting. The commissioner shall grant or deny the petition. If the commissioner decides not to place a matter on the agenda, the commissioner shall advise the agency and the petitioner of the reasons for the denial.

#### Subp. 4. Petition for informational meeting.

A. Any person may petition the agency to hold a public informational meeting described in part 7000.0500, subpart 3b. The petition must identify the matter of concern and the reasons the agency should hold the informational meeting.

B. If the matter involves a permit for which a public notice has been issued under part 7001.0100, subpart 4, or 7007.0850, subpart 2, the petition must be submitted to the commissioner within the comment period established in the public notice and must conform to the requirements of parts 7001.0110 and 7001.0120.

C. If item B does not apply and the matter is not on the agenda for an agency meeting, the petition must be submitted to the commissioner. The commissioner shall grant or deny the petition. If the commissioner decides not to hold the meeting, the commissioner shall advise the agency and the petitioner of the reasons for the denial.

D. If item B does not apply and the matter is on the agenda for an agency meeting, the petition must be submitted to the agency in accordance with the time frames for submitting written materials set out in subpart 6. The agency shall grant or deny the petition.

Subp. 5. Oral presentations at agency meetings. Consistent with the provisions of part 7000.0500, subpart 18, the agency shall

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afford interested persons a reasonable opportunity to make oral statements concerning matters on an agency meeting agenda. To ensure an opportunity for full and fair consideration of all views, the chair may limit the time and scope of each speaker's presentation and may require speakers with similar views to select a spokesperson. Oral statements must be relevant to the matter before the agency. Oral presentations following a rulemaking or contested case hearing must be limited to the record for the matter.

Subp. 6. Written materials. The agency shall consider timely, relevant written materials that interested persons submit concerning a matter on an agenda for an agency meeting. Recessing or continuing a meeting as provided under part 7000.0500, subpart 18, does not create a new opportunity to submit written comments. If comments are not submitted to the agency in a timely manner before a meeting is recessed or continued, the comments shall not be considered timely even if they are submitted before the date the meeting is reconvened. Written statements will be considered timely and relevant only if they meet the following conditions:

A. for matters for which a contested case hearing has been held, written comments must conform to the requirements and time limits of part 7000.2000;

B. for matters for which a rulemaking hearing has been held, written comments must be limited to the record of the rulemaking hearing and must be served on the agency at least five days before the agency meeting during which the agency is scheduled to act on the proposed rules;

C. for matters for which a contested case hearing has not been held but a permit comment period has been established under chapter 7001 or 7007, any additional written permit comments must be served on the agency at least five days before the agency meeting;

D. for all matters except those under items A to C, the chair or commissioner may establish a reasonable schedule for submitting written comments. If a schedule is established under this item and the commissioner serves notice of the schedule on interested persons, service is timely if made within the established deadlines; and

E. for all matters except those under items A to D, service is timely as follows:

(1) for regular meetings of the agency and special meetings noticed ten or more days before the meeting, service is timely if all agency members and the commissioner are served at least five days before the meeting; and

(2) for special meetings of the agency noticed less than ten days before the meeting, service is timely if all agency members and the commissioner are served personally or by facsimile before the agenda item is scheduled to be heard.

Notwithstanding the other restrictions of this subpart, the agency may give limited consideration to untimely written materials served under this item if consideration of the late materials does not prejudice other interested persons and there is reasonable time for the agency to consider the materials.

### **7000.0750 AGENCY RECORDS AND FINAL DECISION MAKING.**

Subpart 1. Final decisions of agency. Final decisions of the agency shall be made at agency regular and special meetings. No final decisions shall be made on any agency matter unless it is on the adopted agency agenda at a regular or special meeting.

Subp. 2. Rulemaking records upon which agency makes its decision. The record upon which the agency shall make a final decision concerning the adoption, amendment, or repeal of a rule consists of the following:

A. the agenda and related materials for an agency meeting during which the proposed rule was considered and the minutes, transcripts, and recordings of the meeting;

B. for rules adopted without a public hearing, the documents listed in part 2010.0300 or, for emergency rules, part 2010.0400, and the attorney general's written statement of required modifications or disapproval, if any;

C. for rules adopted with a public hearing, the documents listed in part 1400.0900, including the report of the administrative law judge and the report of the chief administrative law judge, if any; and

D. written comments submitted to the agency as allowed by part 7000.0650, subpart 6, and recordings or transcripts of oral statements as allowed by part 7000.0650, subpart 5.

Subp. 3. Contested case record upon which agency makes its decision. The record upon which the agency shall make a final decision after a contested case hearing consists of the record as described in part 1400.7400.

Subp. 4. Record upon which the agency makes other decisions. The record upon which the agency shall make a final decision in all matters other than rulemaking and contested case hearings consists of the following:

A. the agenda and related materials for an agency meeting during which the matter was considered and the minutes, transcripts, and recordings of the meeting;

B. relevant written materials submitted to the agency within an established comment period, including requests for an informational meeting and petitions for contested case hearings;

C. written materials submitted to the agency as allowed by part 7000.0650, subpart 6, and recordings or transcripts of oral statements as allowed by part 7000.0650, subpart 5;

D. written documents containing relevant information, data, or materials compiled, referenced, and relied upon by the commissioner and agency staff in recommending a proposed action or decision; and

E. all other relevant information or material received into the record and considered by the agency at an agency meeting.

Subp. 5. Decisions and voting. Except as otherwise specifically provided, a majority vote of the entire agency is necessary to make any decision. All members present shall vote or abstain on every matter presented for decision. If the final vote taken on an agenda item does not result in a decision, but half or more of the voting members vote affirmatively, the matter must be placed on the agenda of the next regular monthly meeting or considered at a special meeting, unless the agenda item concerns rescission of a decision as provided in subpart 8. No final decisions of the agency shall be made at agency committee meetings even if a quorum of the agency is present.

Subp. 6. Agency deliberations. During agency deliberation and consideration of a specific agenda matter, agency members may ask questions of agency staff, counsel, or interested persons, and may discuss and amend proposed findings, conclusions, and resolutions or propose alternative findings, conclusions, or resolutions based on the record before the agency. As provided in part 7000.0500, subpart 18, the agency may decide to continue or recess a meeting with instructions to counsel, agency staff, or interested persons to draft findings consistent with the agency's directions. Upon reconvening to consider the findings, the agency need not provide an opportunity for additional oral or written comments.

Subp. 7. Reconsideration of decision. Any decision of the agency may be reconsidered during the course of the same meeting at which the original decision was made if an agency member who voted on the prevailing side makes a motion for reconsideration before the agency moves on to its next agenda item or if all interested persons are present and given an opportunity to comment.

Subp. 8. Rescission of decision. Upon placement on the agenda by an agency member as provided in part 7000.0550 and upon the affirmative vote of two-thirds of the entire agency, any decision of the agency or commissioner may be rescinded as permitted by applicable law.

Subp. 9. Stay of decision. A person may petition for a stay of an agency decision. Petitions must comply with the requirements of part 7000.2100.

#### **7000.0850 DELEGATION PROCEDURE.**

The agency may delegate the exercise of specified authority or duties to the commissioner as follows:

A. at any time, the commissioner may request in writing that the agency delegate specified authority or duties. The request must be specific as to what authority or duty the agency is to delegate and why the delegation is appropriate;

B. the request must be placed on the agency meeting agenda in accordance with part 7000.0550;

C. the agency may grant, deny, or modify the request for the delegation as the agency deems reasonable and appropriate and shall state the conditions under which the delegated authority may be exercised;

D. the chair and the vice-chair must sign and date the delegation once it is given;

E. all approved delegations must be filed with the Secretary of State;

F. the agency may review, modify, revoke, or approve a delegation at any time;

G. during the October meeting, the agency must review all delegations and must renew, amend, or revoke existing delegations and consider new delegations; and

H. the commissioner shall maintain records of all delegations and these records must be made available for public inspection.

#### **7000.0900 INFORMAL COMPLAINTS.**

Any person may file with the commissioner an informal complaint concerning a pollution source or environmental problem. The informal complaint may be either written or oral and must state the name and address of the person filing the informal complaint, the name and address of the alleged pollution source, and a description of the matter giving rise to the complaint. A person making an oral complaint may be asked to submit his or her the complaint in writing. Upon receipt of this informal complaint, the commissioner shall make such investigation as is deemed necessary and appropriate. ~~Within 20 days after the complaint is filed At an~~

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appropriate time, the commissioner shall notify the person responsible for the alleged pollution source that an informal complaint has been filed. At any time after a an informal complaint is filed, the agency commissioner may take whatever action it deems deemed necessary and appropriate. The person who filed the complaint shall be notified of the disposition of his or her complaint. In all actions taken pursuant to this part, the commissioner shall comply with the provisions of *Minnesota Statutes, sections 13.01 to 13.86 chapter 13*.

### CONTESTED CASE HEARING PROCEDURES

#### ~~7000.1000~~ 7000.1750 CONTESTED CASE HEARINGS.

Subpart 1. **Objectives.** All contested case hearings required by statute or rule and all contested case hearings ordered by the agency shall be conducted in accordance with the procedures set forth in the rules of the Office of Administrative Hearings, parts 1400.5200 to ~~1400.8500~~ 1400.8401, and in accordance with parts 7000.1000 to 7000.1150, and in accordance with this part. No person's rights, privileges, or duties may be determined without regard for fundamental fairness. To that end, ~~this part is~~ parts 7000.1750 to 7000.4000 are intended to assure that all parties are provided a just and speedy contested case hearing.

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 4. **Parties.** Any person whose legal rights, duties, or privileges ~~may are to~~ be determined in the matter for which the contested case hearing is to be held is a party. When a contested case hearing is held pursuant to a ~~request~~ petition for a hearing, the person or persons ~~requesting~~ petitioning for the hearing are parties to the matter. In any hearing on an application for a permit or variance, the applicant is a party. The commissioner is a party in any hearing to ~~issue, reissue, modify, deny, revoke and reissue, revoke without reissuance, or suspend a permit or variance~~ ordered by the agency. Any person who has properly intervened in the contested case under part 1400.6200 is a party.

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

Subp. 7. **Consolidation.** The agency may consolidate two or more matters for which contested case hearings are scheduled and hold a joint hearing if no party objects to the consolidation. ~~The requirements of these rules shall be followed when consolidation is ordered. Any party may object to consolidation by filing a petition for severance with the agency at least 20 days before the hearing. The agency may sever the matter to which the petitioner is a party from the joint hearing.~~

Subp. 8. [See repealer.]

Subp. 9. [See repealer.]

#### ~~7000.1800~~ PETITION FOR CONTESTED CASE HEARING.

Subpart 1. **Petition for contested case hearing.** Any person may petition the agency to hold a contested case hearing. To be considered by the agency, a petition must be submitted in writing, must contain the information specified in subpart 2, and must be timely. Timeliness shall be determined as follows:

A. for permit matters, a petition for a contested case hearing must be submitted during the public comment period established under parts 7001.0100 and 7007.0850;

B. for matters other than those covered by item A, the chair or the commissioner may establish deadlines for persons to petition for a contested case hearing. If the chair or commissioner establishes deadlines to petition for a contested case hearing, petitions for a contested case hearing will be considered timely if they are served on all agency members and the commissioner within the established deadlines; and

C. if item A does not apply and no deadlines are established as provided in item B, a petition for a contested case shall be considered timely as follows:

(1) for regular meetings of the agency and special meetings noticed ten or more days before the meeting, service is timely if all agency members and the commissioner are served five days before the meeting; and

(2) for special meetings of the agency noticed less than ten days before the meeting, service is timely if all agency members and the commissioner are served personally or by facsimile before the agenda item is scheduled to be heard.

Subp. 2. **Contested case petition contents.** A petition for a contested case hearing shall include the following information:

A. a statement of reasons or proposed findings supporting an agency decision to hold a contested case hearing pursuant to the criteria in part 7000.1900, subpart 1;

B. a statement of the issues proposed to be addressed by a contested case hearing and the specific relief requested;



C. a proposed list of reasonably known prospective witnesses to be called, including experts, with a brief description of proposed testimony or summary of evidence to be presented at a contested case hearing;

D. a proposed list of reasonably known publications, references, or studies to be introduced and relied upon at a contested case hearing; and

E. an estimate of time required for petitioner to present the matter at a contested case hearing.

A petitioner is not bound or limited to the witnesses, materials, or the estimated time identified in the petition if the requested contested case is granted by the agency.

Subp. 3. Written responses to petitions for contested case hearings. Any person may serve timely responses to a petition for a contested case hearing. Timeliness shall be determined as described in items A and B.

A. If the chair or commissioner has established a schedule as provided in subpart 1, item A or B, responses to a petition for a contested case hearing must be submitted within the deadlines established.

B. If no schedule has been established, responses to a petition for a contested case hearing must be personally served on or facsimiled to all agency members and the commissioner at any time prior to the time at which the matter will be considered by the agency.

Subp. 4. Untimely petition for a contested case hearing. The agency shall deny a petition for a contested case hearing if the petition is not timely served as provided in subpart 1. However, the agency may consider a petition that is not timely if the petition contains the information listed in subpart 2, and the petitioner demonstrates that the petition could not have been submitted to the agency any earlier because it relies on newly discovered material facts that could not have been discovered until after the petition period ended.

#### **7000.1900 AGENCY CRITERIA TO HOLD CONTESTED CASE HEARING.**

Subpart 1. Agency decision to hold contested case hearing. The agency must grant the petition to hold a contested case hearing or order upon its own motion that a contested case hearing be held if it finds that:

A. there is a material issue of fact in dispute concerning the matter pending before the agency;

B. the agency has the jurisdiction to make a determination on the disputed material issue of fact; and

C. there is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of a contested case hearing would allow the introduction of information that would aid the agency in resolving the disputed facts in making a final decision on the matter.

Subp. 2. Scope of contested case. If the agency decides to hold a contested case hearing, the agency shall identify the issues to be resolved and limit the scope and conduct of the hearing in accordance with applicable law, due process, and fundamental fairness. Alternatively, the agency may request the administrative law judge to identify the issues and determine the appropriate scope and conduct of the hearing in accordance with applicable law, due process, and fundamental fairness.

Subp. 3. Agency decision not to hold contested case hearing. If the agency decides not to hold a contested case hearing, the agency may hold a public informational meeting as provided in part 7000.0550, subpart 4.

#### **7000.1100 7000.2000 FINAL DECISIONS AND ORDERS IN CONTESTED CASES.**

Subpart 1. Time for filing comments and exceptions. The agency shall take no final action with respect to a matter for which a contested case hearing has been held for at least ~~20~~ ten days after the date of issuance of the administrative law judge's report. Any person may ~~file~~ serve written comments on or exceptions to the findings of fact, conclusions, and recommendations of the administrative law judge at any time up to ~~ten~~ five days prior to the agency meeting at which the matter will be considered for final decision. However, these comments and exceptions must be based solely upon the record of the hearing.

Subp. 2. Service of comments and exceptions. Any person who ~~files~~ serves written comments on or exceptions to the administrative law judge's report shall serve these comments or exceptions upon each ~~individual~~ agency member and upon all parties.

Subp. 3. Appearance at agency meeting. Any party may appear at the agency meeting at which the matter will be considered for final decision and present oral comments and arguments, limited to evidence in the record, subject to time limitations and conditions that the ~~chairperson~~ chair prescribes in accordance with part 7000.0650, subpart 5.

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

Subp. 5. **Time.** The agency shall reach a final decision or order on the matter as expeditiously as possible after receipt of the administrative law judge's report and recommendation.

[For text of subs 6 and 7, see M.R.]

Subp. 7a. Informal disposition. Informal disposition by stipulation, agreed settlement, or consent order may be made of any matter for which a contested case hearing is scheduled, or any contested issue, at any point in the proceeding, subject to agency approval of this informal disposition and its terms.

[For text of subp 8, see M.R.]

### **7000.2100 PETITION FOR STAY AND REOPENING OF AGENCY'S FINAL DECISION FOLLOWING CONTESTED CASE HEARING.**

Subpart 1. Petition for a stay and reopening. At any time up to ten days after the agency's final decision, any party to a contested case hearing may petition in writing the agency for an order that the agency's final decision be stayed and that the matter be reopened and, if necessary, remanded to the administrative law judge. The petition must be served upon all agency members and parties. Any response to the petition by other parties must be served any time up to seven days after receipt of the petition on all the agency members and parties to the matter.

Subp. 2. Petition contents. The written petition shall contain the name and address of the petitioner, the agency designation for the matter, and the specific grounds as described in subpart 3 for staying and reopening the matter.

Subp. 3. Grounds for granting or denying the petition. The petition shall be granted upon a showing that there are irregularities in the hearing, errors of law, or newly discovered material issue of fact or facts of such importance as are likely to have altered the outcome of the decision.

Subp. 4. Agency's consideration of petition. Within 30 days of the agency's final decision, the agency must schedule a meeting to determine whether or not to deny or grant the petition submitted under subpart 1.

### **7000.2200 DECISION AFTER REOPENING AND REMAND.**

The decision after reopening of the hearing and remand to the administrative law judge must be made in the same manner prescribed in part 7000.2000.

## **EMERGENCY AND VARIANCE PROCEDURES**

### **7000.0600 ~~7000.5000~~ DECLARATION OF EMERGENCY.**

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

Subp. 6. **Notice.** The notice requirements of ~~part 7000.0500~~ parts 7000.0550 and 7000.0650 do not apply when the agency or the commissioner is considering the exercise of emergency powers, but the agency and the commissioner shall give such notice to the public as is possible under the circumstances.

[For text of subp 7, see M.R.]

### **~~7000.0700~~ 7000.7000 VARIANCES.**

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

Subp. 4. **Preliminary determination; preparation of public notice.** After a variance application is complete, the commissioner shall make a preliminary determination as to whether the variance should be issued or denied. The commissioner shall prepare a notice of the completed application and the preliminary determination. The notice must include a statement as to the manner in which the public may submit comments on the variance application and the manner in which a person may ~~file~~ serve a request pursuant to ~~part 7000.1000~~ 7000.0650, subpart 2 4 or ~~7000.1500~~ 7000.1800, ~~subpart 2~~ asking that a contested case hearing or public informational meeting be held on the variance application. The notice must provide the public 30 days in which to submit these comments or requests.

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

Subp. 8. **Agency decision.** The agency shall make all final decisions on variance applications. The agency shall approve or deny each application. The agency may grant a variance upon such conditions as the agency may prescribe.

If a contested case hearing has been held, the agency shall act on each variance application as expeditiously as possible after receipt of the administrative law judge's report and recommendation, or after submission of the application if no hearing is held. Any person may submit to the agency an oral or written statement or recommendation regarding a variance application in accordance with ~~part 7000.1500~~ 7007.1800.

[For text of subps 9 to 13, see M.R.]

**ETHICAL CONDUCT AND STANDARDS****7000.1400 7000.9000 CONFLICT OF INTEREST.**

**Subpart 1. Conflict of interest.** Any member of the agency who has a direct and substantial financial or employment interest relating to any matter before the agency, which interest is reasonably likely to affect the impartiality or judgment of the agency member in the matter, shall make known this interest and shall refrain from participating in or voting upon the matter.

No employee or agent of the agency, including the commissioner, shall engage in any outside employment or other conduct that is likely to affect adversely the effectiveness or efficiency of any functions or duties performed for the agency.

**Subp. 2. Outside employment.** No employee or agent of the agency, including the commissioner, shall engage in any outside employment or other conduct that is likely to affect adversely the effectiveness or efficiency of any functions or duties performed for the agency.

**Subp. 3. Postagency representation.** For one year after leaving the agency, an agency member must not represent an interested person or party before the agency on behalf of an interested person or party regarding a matter that previously was identified as an item on any agency meeting agenda.

**7000.9100 PROHIBITED EX PARTE COMMUNICATIONS.**

**Subpart 1. Ex parte communication.** "Ex parte communication" means an oral or written, off-the-record communication made between an agency member and a person or party, without notice to other interested persons or parties, that is directed to the merits or outcome of a contested case proceeding or rulemaking proceeding after public hearing. This term does not include procedural, scheduling, and status inquiries or other inquiries or for information that have no bearing on the merits or outcome of the proceeding.

**Subp. 2. Communication with agency members.** An oral or written ex parte communication must not be made or attempted to be made either directly or indirectly between an agency member and a person or party concerning a material issue of fact during a pending contested case proceeding or rulemaking public hearing, from the date the agency decides to hold the contested case hearing or the date the rulemaking public hearing is ordered, until the agency issues its final order or makes a final decision.

**Subp. 3. Disclosure of ex parte communication.** If a person or party makes a prohibited oral ex parte communication to an agency member, the agency member must advise the person or party who makes the communication that the communication is prohibited and shall immediately terminate the communication. If a prohibited written or oral ex parte communication is received by an agency member, that agency member must promptly disclose the following information to the commissioner or agency chair prior to any decision regarding the contested case or rulemaking proceeding that is the subject of the ex parte communication:

A. to the extent known, the name and address of the person making the communication and the relationship, if any, to the parties to or interested persons in the pending matter or proceeding;

B. the date and time of the communication, its duration, and the means by and circumstances under which it was made;

C. a copy of the written document or a written summary of the matters discussed; and

D. whether the person or party making the prohibited communication persisted after being advised that the communication was prohibited.

**Subp. 4. Record of ex parte communication.** The commissioner must make the tape recording or meeting transcript showing disclosure of ex parte contacts and all disclosed written ex parte communications part of the record of the proceeding to which those communications relate.

**Subp. 5. Agency member abstention.** Any agency member not disclosing information regarding a prohibited ex parte communication may voluntarily abstain or may be required to abstain from voting on the matter that is the subject of the prohibited communication. A determination of an abstention must be made by a majority of agency members, based on a finding that a prohibited ex parte communication with an agency member occurred and was not disclosed in accordance with subpart 3.

**7001.0110 PUBLIC COMMENTS.**

**Subpart 1. Submission of written comments.** During the public comment period established in the public notice of an agency

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## Proposed Rules

permit, an interested person, including the applicant, may submit written comments on the application or on the draft permit. If the subject of the draft permit and public notice is the modification of a permit, these comments must be limited to the portion of the permit proposed to be modified. During the public comment period, the person may also ~~request that~~ submit a petition for a public informational meeting or a contested case hearing be held on the application. Petitions for an informational meeting must meet the requirements of part 7000.0650, subpart 4. Petitions for a contested case hearing must meet the requirements of part 7000.1800.

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

Subp. 3. **Public informational meeting or hearing.** If a person requests a public informational meeting ~~or contested case hearing~~, the comments must include the items listed in subpart 2 and a statement of the reasons the person desires the agency to hold a public informational meeting ~~or contested case hearing~~ and the issues that the person would like the agency to address at the public informational meeting ~~or contested case hearing~~.

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

### **7001.0125 MEETING WITH AND REPORT OF COMMISSIONER.**

Subpart 1. Meeting with commissioner. The commissioner shall review petitions for a contested case hearing and, upon concluding that a meeting would assist the agency in resolving controversy, narrowing issues, or in otherwise reviewing the matter, and that there is sufficient time for a meeting, the commissioner shall arrange a meeting to discuss:

A. whether the petition meets the criteria for a contested case hearing in parts 7000.1800 and 7001.0110; and

B. whether the issues raised in the petition can be resolved without a hearing and, if not, whether the scope of a hearing can be limited by mutual agreement of the petitioners and persons who might be parties to the hearing.

Subp. 2. Commissioner report. Unless the agency has held a contested case hearing on the matter, the commissioner shall prepare a report and shall serve that report upon all agency members and interested persons at least ten days before a meeting at which the agency is scheduled to take final action on the issuance, revocation, or modification of a permit. The report shall:

A. state whether the agency has received any requests for a public informational meeting and whether those requests meet the requirements of part 7000.0650, subpart 4;

B. state whether the agency has received any petitions for a contested case hearing and whether those petitions meet the requirements of parts 7000.0110 and 7000.1800. If not, the report shall describe what requirements have not been met;

C. state whether any meetings have been held under subpart 1 and, if so, the results of the meetings;

D. recommend changes to the proposed permit or other actions that the commissioner believes are reasonable in response to comments submitted during the comment period; and

E. recommend whether a contested case hearing should be held and, if so, the issues and scope of the hearing.

### **7001.0130 CONTESTED CASE HEARING.**

Subpart 1. **Required hearing.** The agency shall hold a contested case hearing if it finds all of the following:

A. that a person requesting the contested case hearing has raised a material issue of fact or of the application of facts to law related to the commissioner's preliminary determination or the terms of the draft permit;

B. that the agency has jurisdiction to make determinations on the issues of fact or of the application of facts to law raised by the person requesting the contested case hearing; and

C. that there is a reasonable basis underlying issues of fact or law raised by the person that requests the contested case hearing such that the holding of a contested case hearing would aid the agency in making a final determination on the permit application. Parts 7000.1750 to 7000.2200 apply to permits governed by this chapter. The agency's decisions concerning a contested case on a permit matter shall be made as provided in parts 7000.1750 to 7000.2200.

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

### **7001.0140 FINAL DETERMINATION.**

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

Subp. 3. **Contested case hearing.** If a contested case hearing has been held, the agency shall comply with the procedures set forth in part ~~7000.0800~~ 7000.2000 of the agency procedural rules prior to making a final determination.

Subp. 4. Agency decision when an environmental impact statement must be prepared. When an environmental impact statement is required to be prepared before the agency makes a final decision on a proposed permit, the agency shall not make its final decision until 25 days or more after the adequacy decision is made under part 4410.2800.

**7001.0500 SCOPE.**

Parts 7001.0010 to 7001.0210 and 7001.0500 to 7001.0730 govern the application procedures, the issuance, and the conditions of hazardous waste facility permits. Chapter 7000 and parts ~~7000.0100 to 7000.1100~~, 7001.0010 to 7001.0210; and 7001.0500 to 7001.0730 shall be construed to complement each other.

**7001.1000 SCOPE AND CONSTRUCTION OF RULES.**

Parts 7001.1000 to 7001.1100 govern the application procedures, the issuance, and the conditions of a National Pollutant Discharge Elimination System permit. Chapter 7000 and parts ~~7000.0100 to 7000.1100~~, 7001.0010 to 7001.0210; and 7001.1000 to 7001.1100 shall be construed to complement each other.

**7001.1400 APPLICABILITY.**

Parts 7001.1400 to 7001.1470 govern the processing of certifications by the agency under section 401 of the Clean Water Act, *United States Code*, title 33, section 1341 (hereinafter "section 401 certifications"). Parts 7001.0010 to 7001.0210 apply to the processing of section 401 certifications except as specifically otherwise provided in parts 7001.1400 to 7001.1470. In applying parts 7001.0010 to 7001.0210 to the processing of section 401 certifications, the word "permit" shall be construed to mean "section 401 certification" and the term "permittee" shall be construed to mean "certificate holder." Chapter 7000 and parts ~~7000.0100 to 7000.1600~~, 7001.0010 to 7001.0210; and 7001.1400 to 7001.1470 shall be construed to complement each other.

**7001.3000 SCOPE.**

Parts 7001.0010 to 7001.0210 and 7001.3000 to 7001.3550 govern the application procedures, the issuance, and the conditions of solid waste management facility permits. Chapter 7000 and parts ~~7000.0100 to 7000.1100~~ 7001.0010 to 7001.0210; and 7001.3000 to 7001.3550 are construed to complement each other.

**7007.0850 PERMIT APPLICATION NOTICE AND COMMENT.**

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

Subp. 3. **Requests Petitions for meetings and hearings.** During the public comment period, a person may ~~request~~, in regard to any draft permit or amendment subject to public notice under subpart 2, items A to D, petition for:

- A. a public informational meeting pursuant to ~~part 7001.0120~~, parts 7000.0650, subpart 4, and 7001.0110, subpart 3;
- B. a contested case hearing pursuant to ~~part 7001.0130, subpart 2, 7000.1800~~; or
- C. placement of the permit on the agenda of an agency board meeting pursuant to ~~part 7000.0500, subpart 6~~ 7000.0650, subpart 3.

The ~~agency's~~ decision to grant or deny the request petition for a public informational meeting or a ~~contested case hearing~~ shall be based on the ~~standards in parts~~ criteria in part 7001.0120 and 7001.0130, and any meeting or hearing held shall be in accordance with ~~those parts that part~~. The decision to grant or deny the petition for a contested case hearing shall be based on the criteria in part 7000.1900 and any hearing held shall be in accordance with parts 7000.1700 to 7000.2200, and 7001.0130.

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

**7023.9000 SCOPE.**

Parts 7001.0010 to 7001.0210 and 7023.9000 to 7023.9050 govern application procedures for and the issuance and conditions of indirect source permits. Chapter 7000 and parts ~~7000.0100 to 7000.1100~~; 7001.0010 to 7001.0210; and 7023.9000 to 7023.9050 shall be construed to complement each other.

**7037.1100 APPROVAL PROCEDURES FOR LAND TREATMENT SITES.**

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

Subp. 4. **Denial of approval.** The commissioner shall deny letters of approval for sites that do not meet the criteria established in parts 7037.0900 and 7037.1000. If the commissioner denies a letter of approval but finds that the site could be operated in compliance with chapters 7035, 7050, and 7060 if enforceable conditions were established in a permit, the commissioner shall inform the applicant that the applicant may apply for a solid waste management permit under parts 7001.0010 to 7001.0210 and chapter 7035. If the commissioner finds that no conditions could be established that would enable the site to operate in compliance with

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chapters 7035, 7050, and 7060, the commissioner shall notify the applicant of the commissioner's intent to deny the application and afford the applicant the opportunity to request a contested case hearing as provided in part ~~7000.1000~~ 7000.1800.

### **7037.1300 APPROVAL PROCEDURES FOR LAND TREATMENT OF BATCHES OF PETROLEUM CONTAMINATED SOIL AT APPROVED LAND TREATMENT SITES AND FACILITIES.**

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

Subp. 4. **Denial of approval.** The commissioner shall deny approval of an application for a letter of approval if acceptance of the batch of petroleum contaminated soil would cause a land treatment site to operate in violation of the limitations established in part 7037.1000 or other operating requirement established in parts 7037.1500 to 7037.2700, or cause a land treatment facility to violate a condition established in its solid waste management facility permit. The commissioner shall notify the applicant of the commissioner's intent to deny the application and afford the applicant the opportunity to request a contested case hearing as provided in part ~~7000.1000~~ 7000.1800.

### **7047.0040 DEMONSTRATION OF ATTEMPT TO RENDER A HAZARDOUS WASTE NONHAZARDOUS.**

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

Subp. 6. **Procedure.** The proposer may request, pursuant to chapter 7001 and parts 7023.9000 to 7023.9050, that a contested case hearing be held on the determination whether the proposer has made a satisfactory attempt to render a hazardous waste non-hazardous. Any other person may also request a contested case hearing pursuant to part ~~7000.1000~~ 7000.1800.

### **7050.0216 REQUIREMENTS FOR AQUACULTURE FACILITIES.**

Subpart 1. **Definitions.** For the purposes of this part, the terms in items A to J have the meanings given them.

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

E. "Concentrated aquatic animal production facility" means a hatchery, fish farm, or other facility that contains, grows, or holds aquatic animals as described in subitems (1) to (4).

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

(3) Case-by-case designation of concentrated aquatic animal production facilities. The commissioner may designate any warm, cool, or cold water aquatic animal production facility as a concentrated aquatic animal facility upon determining that it may cause a violation of an applicable state or federal water quality rule or regulation. In making this designation, the commissioner shall consider the following factors:

- (a) the location and quality of the receiving waters;
- (b) the holding, feeding, and production capacities of the facility; and
- (c) the quantity and nature of the pollutants reaching waters of the state.

A permit application is not required from a concentrated aquatic animal production facility designated under this item until the commissioner has conducted an on-site inspection of the facility and has determined that the facility is required to be regulated under the permit program. A permit will be required under this subitem only after the facility has been given notice of the commissioner's determination and an opportunity to request a hearing as provided in parts ~~7000.1000~~ and ~~7001.0130~~ part 7000.1800.

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

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

[For text of subs 2 to 6, see M.R.]

### **7050.0218 METHODS FOR PROTECTION OF SURFACE WATERS FROM TOXIC POLLUTANTS FOR WHICH NUMERICAL STANDARDS NOT PROMULGATED.**

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

Subp. 2. **Site-specific criteria for pollutants not listed in parts 7050.0221 to 7050.0227.** Site-specific criteria for toxic pollutants not listed in parts 7050.0221 to 7050.0227 shall be derived by the commissioner using the procedures in this part.

A. A site-specific criterion so derived is specific to the point source being addressed. Any effluent limitation derived from a site-specific criterion under this subpart shall only be required after the discharger has been given notice of the specific proposed effluent limitations and an opportunity to request a hearing as provided in parts ~~7000.1000~~ and ~~7001.0130~~ part 7000.1800.

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

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

Subp. 4. **Adoption of USEPA national criteria.** The USEPA establishes aquatic life criteria under section 304(a)(1) of the

Clean Water Act, *United States Code*, title 33, section 1314. The USEPA criteria, subject to modification as described in this subpart, are applicable to Class 2 waters of the state. The USEPA has described the national methods for developing aquatic life criteria in "Guidelines for deriving national numerical water quality criteria for the protection of aquatic organisms and their uses," available through the National Technical Information Service, Springfield, VA.

USEPA criteria that vary with an ambient water quality characteristic such as total hardness or pH will be established for specific waters or reaches using data available to the commissioner. Central values such as the means or medians for the characteristic will be used unless there is evidence to support using different values. Values for water quality characteristics can be estimated for specific waters or reaches that have no data by using data from a nearby watershed with similar chemical properties.

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

C. If the commissioner finds that the information that supports a USEPA criterion is no longer current or complete for reasons including, but not limited to, changes to the relationship between a water quality characteristic and toxicity; the ACR; the weight given to toxicity data for a commercially or recreationally important species; the RfD; the ql\*; or the BAF; then the commissioner shall evaluate all available information and modify the criterion according to the information and with the objectives in part 7050.0217. Any effluent limitation determined to be necessary based on criteria derived under this item shall only be required after the discharger has been given notice to the specific proposed effluent limitations and an opportunity to request a hearing as provided in ~~parts 7000.1000 and 7001.0130~~ part 7000.1800.

[For text of subps 5 to 10, see M.R.]

#### **7050.0222 SPECIFIC STANDARDS OF QUALITY AND PURITY FOR CLASS 2 WATERS OF THE STATE; AQUATIC LIFE AND RECREATION.**

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

Subp. 7. **Additional standards.** The following additional standards and requirements apply to all Class 2 waters.

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

E. For carcinogenic or highly bioaccumulative chemicals with BCFs greater than 5,000 or log Kow values greater than 5.19, the human health-based CS may be two or more orders of magnitude smaller than the acute toxicity-based MS. If the commissioner finds that a very large MS and FAV, relative to the CS for such pollutants is not protective of the public health, the MS and FAV shall be reduced according to the following guidelines:

If the ratio of the MS to the CS is greater than 100, the CS times 100 should be substituted for the applicable MS, and the CS times 200 should be substituted for the applicable FAV. Any effluent limitation derived using the procedures of this item shall only be required after the discharger has been given notice of the specific proposed effluent limitations and an opportunity to request a hearing as provided in ~~parts 7000.1000 and 7001.0130~~ part 7000.1800.

Subp. 8. **Site-specific modifications of standards.** The standards in subparts 2 to 6 are subject to review and modification as applied to a specific surface water reach or segment in the course of development of a permit effluent limitation or the evaluation of a remedial action cleanup activity. If site-specific information is available that shows that a site-specific modification is more appropriate than the statewide standard for a particular water or reach to be protected by the permit or cleanup activity, the site-specific information will be applied.

The information supporting a site-specific modification can be provided by the commissioner, or by any person outside the agency. The commissioner shall evaluate all data in support of a modified standard and determine whether a change in the standard for a specific water or reach is justified.

Any effluent limitation determined to be necessary based on a modified standard shall only be required after the discharger has been given notice to the specific proposed effluent limitations and an opportunity to request a hearing as provided in ~~parts 7000.1000 and 7001.0130~~ part 7000.1800.

#### **7100.0340 CERTIFICATE OF EXEMPTION.**

[For text of subps 1 to 18, see M.R.]

Subp. 19. **Opportunity for public hearing.** Any exempt person may request, in accordance with ~~part 7000.1000~~ 7000.1800, the agency to hold a public hearing on the proposed modification, suspension, or revocation. The agency, upon its own motion, may

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order that a public hearing be held. In issuing its order of modification, suspension, or revocation of a certificate of exemption, the agency shall state the reasons for such action.

[For text of subps 20 and 21, see M.R.]

### 7105.0110 SANCTIONS.

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

Subp. 4. **Contested case requests.** Upon receipt of a contested case hearing request, the commissioner shall either grant the request and schedule a hearing or put the matter on the agenda for consideration at an agency meeting under part ~~7000.0500~~ 7000.0550, subpart 6 2. If the matter is considered at an agency meeting, the provisions of part ~~7000.1000~~, ~~subpart 3~~, 7000.1900 shall govern whether a hearing request is granted. Contested case hearings under this part must comply with the contested case provisions of chapter 7000 and *Minnesota Statutes*, chapter 14.

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

**RENUMBERER.** In *Minnesota Rules*, the parts in column A are renumbered as the corresponding parts in column B.

A	B
<u>7000.0600</u>	<u>7000.5000</u>
<u>7000.0700</u>	<u>7000.7000</u>
<u>7000.1000</u>	<u>7000.1750</u>
<u>7000.1100</u>	<u>7000.2000</u>
<u>7000.1400</u>	<u>7000.9000</u>

**REPEALER.** *Minnesota Rules*, parts 7000.0100, subpart 6; 7000.0500, subparts 3, 4, 5, 6, 7, 11, 12, 14, and 15; 7000.1000, subparts 2, 3, 5, 6, 8, and 9; 7000.1500; and 7000.1600, are repealed.

## Adopted Rules

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

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

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

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

## Department of Agriculture

### Adopted Exempt Rules Relating to Livestock Expansion Loan Program

#### Rural Finance Authority

##### Notice of Adoption of Rules Exempt from Rulemaking Provisions of *Minnesota Statutes*, Chapter 14

NOTICE IS HEREBY GIVEN that the Rural Finance Authority Board has adopted a rule governing the Livestock Expansion Loan Program. The authority to adopt this rule is *Minnesota Statutes*, section 41B.07 which allows the Rural Finance Authority of the department to adopt rules without following the procedures of *Minnesota Statutes* Chapter 14.

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

Dated: 29 July 1994



**Rules as Adopted (all new material)****1655.0010 APPLICABILITY AND PURPOSE.**

Subpart 1. **Applicability.** This chapter establishes the criteria and procedures to be used by the Rural Finance Authority in the administration of the Livestock Expansion Loan Program authorized by *Minnesota Statutes*, section 41B.045.

Subp. 2. **Purpose.** The purpose of the Rural Finance Authority Livestock Expansion Loan Program is to issue bonds to finance livestock expansion loans from the Rural Finance Authority to eligible applicants. Loans under the program must be made to applicants who meet the eligibility requirements in this chapter. The repayment of the loans must be secured by mortgage liens on real property and other security the authority considers necessary.

**1655.0020 DEFINITIONS.**

Subpart 1. **Scope.** The definitions in this part apply to this chapter.

Subp. 2. **Applicant.** "Applicant" means a potential borrower who submits an application to the RFA through an eligible lender for a loan participation.

Subp. 3. **Application.** "Application" means the application for a loan participation under the Livestock Expansion Loan Program in the form provided by the RFA.

Subp. 4. **Assets.** "Assets" means all property, real or personal, tangible or intangible, and all valuable contract rights that constitute assets, including cash crops or feed on hand, livestock held for sale, breeding stock, receivable notes, receivables, cash invested in growing crops, cash value of life insurance, machinery and equipment, cars, trucks, farm and other real estate including life estates and personal residence, and the value of a beneficial interest in trusts.

Subp. 5. **Borrower.** "Borrower" means the person or persons liable on a mortgage loan made under the program. A borrower may also be a domestic family farm corporation as defined in *Minnesota Statutes*, section 500.24, subdivision 2.

Subp. 6. **Collateral.** "Collateral" means all assets pledged as security for a borrower's obligation under a mortgage loan made under the program. It includes all assets, guarantees, money, letters of credit, assignment of collateral, or pledge for a loan on which the lender has a security interest or lien.

Subp. 7. **Executive director.** "Executive Director" means the executive director of the RFA or any other officer duly authorized to act on behalf of the RFA board or its executive director.

Subp. 8. **Fixture.** "Fixture" means an article in the nature of personal property that has been so affixed or annexed to real estate that it is regarded as a part of the real estate. A thing is "affixed or annexed to real estate" when it is attached to it by roots, embedded in it, permanently resting upon it, or permanently attached to it, as by means of cement, plaster, nails, bolts, or screws.

Subp. 9. **Liabilities.** "Liabilities" means all debts or other obligations for which an applicant is responsible, including accounts payable, notes or other indebtedness owed, taxes, rent, amounts owed on real estate contracts or mortgages, judgments, and accrued interest payable.

Subp. 10. **Livestock expansion.** "Livestock expansion" has the meaning given in *Minnesota Statutes*, section 41B.02, subdivision 10a.

Subp. 11. **Livestock Expansion Loan Program or program.** "Livestock Expansion Loan Program" or "program" means the program authorized and created by *Minnesota Statutes*, section 41B.045.

Subp. 12. **Livestock operation.** "Livestock operation" means the use of land or land improvements and personal property for the production of livestock as defined in *Minnesota Statutes*, section 17A.03, subdivision 5, dairy products, and poultry or poultry products. "Livestock operation" also includes:

A. the use of wetlands, pasture, forest land, wildlife, and homestead and other real property associated with the agricultural use of land; and

B. the practices and facilities needed to conserve soil and water, protect human and animal health, have a safe and efficient operation, and meet local, state, and federal laws and regulations relating to the operation.

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## Adopted Rules

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Subp. 13. **Mortgage loan or loan.** "Mortgage loan" or "loan" means a loan participation under the program that is secured by a first mortgage on real property.

Subp. 14. **Net worth.** "Net worth" means the total value of an applicant's assets and the assets of the applicant's spouse and dependents, less the liabilities of the same parties.

Subp. 15. **Real estate or real property.** "Real estate" or "real property" means land and anything permanently affixed to the land, such as buildings, fences, and those things attached to the buildings, such as light fixtures, plumbing and heating fixtures, or other such items which would be personal property if not attached.

Subp. 16. **RFA.** "RFA" means the Rural Finance Authority established by *Minnesota Statutes*, section 41B.025.

### 1655.0030 BORROWER ELIGIBILITY.

To be eligible for assistance through a loan participation under the Livestock Expansion Loan Program, applicants must meet the criteria in items A to E.

A. All of the applicants must be residents of the state of Minnesota or a domestic family farm corporation as defined in *Minnesota Statutes*, section 500.24, subdivision 2.

B. At least one of the applicants must be the principal operator of the livestock operation upon which the livestock expansion will be located.

C. At least one of the applicants must be actively engaged in a livestock operation.

D. The applicants must have the ability to repay the loan.

E. The applicants' net worth may not exceed \$400,000.

### 1655.0040 DEMONSTRATION PROGRAM; RESTRICTIONS.

For fiscal years 1994 and 1995, all loans must comply with the restrictions in items A and B.

A. To the extent that herd health will not be jeopardized, livestock operations receiving assistance from the RFA must be available for tours within the first two years after completion of the expansion.

B. All livestock expansion loans must be for expansions that include up-to-date and efficient systems. Projects must be approved by a University of Minnesota extension livestock specialist prior to approval by the RFA.

### 1655.0050 LENDER ELIGIBILITY.

Subpart 1. **Statutory eligibility.** Any bank, credit union, or savings and loan association chartered by the state of Minnesota or federal government, a subdivision of the farm credit system (Agri Bank), the Federal Deposit Insurance Corporation, or any insurance company, fund, or other financial institution doing business as an agricultural lender within the state of Minnesota may apply to the RFA for certification as an approved lender.

Subp. 2. **Approval.** Upon a lender's demonstration of its ability to originate and service agricultural real estate loans, the RFA shall designate the lender as an approved lender for purposes of RFA programs.

Subp. 3. **Participation agreement.** Before offering mortgage loans to the RFA for participation, each approved lender must enter into an RFA master participation agreement specifying the relationship between the parties and the terms and conditions of mortgage loans to be made by the lender under the Livestock Expansion Loan Program and offered to the RFA for participation.

### 1655.0060 APPLICATION PROCESS AND OFFER OF PARTICIPATION.

Subpart 1. **Request for livestock expansion loan participation.** All applications under the program must be in the form designated by the RFA. A lender and an applicant must jointly complete and sign an application and prepare all supporting documents identified in the application. Financial statements should be dated within 90 days of the application.

Subp. 2. **Lender determination.** The lender shall complete the initial review of the proposal and determine the creditworthiness of the applicant and the value of the collateral to be used to secure the loan. If the lender agrees to make a mortgage loan to the applicant, the lender and the applicant shall jointly prepare the application and the required loan documents.

Subp. 3. **Offer.** The lender, as the originator of the mortgage loan, shall present the application and loan documents to the RFA. Presentation of the documents constitutes an offer to sell a participation interest in the loan.

Subp. 4. **Fees.** A nonrefundable \$50 application fee must be submitted with each application. A loan origination fee equal to 1-1/2 percent of the amount of the RFA loan participation must be submitted by the applicant at the closing of the loan. The loan origination fee and other loan closing expenses may be financed with proceeds of the loan.

Subp. 5. **Terms of loan.** The maximum term of a loan participation is ten years. The maximum participation is 45 percent of the loan principal or \$100,000, whichever is less. The loan may have a balloon payment.

Subp. 6. **Misrepresentation in application.** If a change occurs in the information provided by the lender to the RFA prior to the closing of a loan, the lender shall immediately update and correct that information. Misrepresentation in the application or failure to update any required information is grounds to reject an application, revoke a notice of approval, or refuse to close the loan.

#### **1655.0070 RFA REVIEW, NOTICE, APPEAL.**

Subpart 1. **RFA review.** The RFA shall accept or reject all applications within a reasonable time after their receipt. If the documentation is not sufficient to make a determination, the RFA may request additional information as needed.

Subp. 2. **RFA acceptance.** The RFA will accept applications based upon whether:

- A. the applicant meets all eligibility criteria;
- B. the applicant demonstrates an ability to repay the the mortgage loan and other obligations based on the financial information submitted with the application;
- C. the proposed livestock expansion meets specifications set by statute and rule;
- D. none of the loan proceeds are being used to refinance existing debt; and
- E. the RFA has sufficient funds available to purchase a participation in the loan.

Subp. 3. **RFA notice.** The RFA shall promptly notify the lender in writing whether or not an application is accepted. If an application is not accepted, the notice must state the reasons.

Subp. 4. **Administrative appeal.** If an application is rejected, either the lender or the applicant may petition for administration reconsideration. The petition must be in writing and must be sent within 30 days of the date of the RFA notice. The petition must state the grounds for the appeal, and may include additional relevant information. Within 15 working days of receiving the petition, the executive director shall send a written response to the petitioner upholding or reversing the original decision and giving the reasons for the decision.

Subp. 5. **Formal appeal.** After administrative appeal, a petitioner may appeal the executive director's decision directly to the RFA board by written notice to the director within 15 days of receiving the director's reconsideration decision. The decision of the board is final.

#### **1655.0080 LOAN CLOSING, PURCHASE OF PARTICIPATION, AND LOAN MANAGEMENT.**

Subpart 1. **Closing.** Upon receiving notification of RFA acceptance, the lender shall close the mortgage loan. The lender must record and cross-reference all documents relating to the loan, including the RFA note and loan agreement. The lender must notify the RFA that the loan is closed and recorded and submit the original RFA application and copies of the recorded documents to the RFA.

Subp. 2. **Payment.** Within ten business days of receipt of written notice under subpart 1 that the mortgage loan is closed and recorded, the RFA shall pay the lender for the RFA's participation interest the loan.

Subp. 3. **Participation certificate.** Within five working days after the receipt of finally collected funds, the lender shall complete and return a participation certificate as prescribed by the RFA witnessing the RFA's undivided pro rata interest in the livestock expansion mortgage loan.

Subp. 4. **Loan management.** The lender shall manage the loan, including the RFA participation interest, with the degree of care and diligence usually maintained by agricultural real estate lenders. The lender shall have custody and control of all loan documents, except the original application which shall be retained by the RFA. The lender shall manage, administer, and enforce the loan documents in its own name and also on behalf of itself and the RFA, including, without limitation, the right to accelerate a mortgage loan on default and to foreclose or otherwise enforce remedies against the borrower.

Subp. 5. **Lender notification.** The lender shall promptly notify the RFA of occurrences that substantially affect the security, collection, or enforcement of any mortgage loan.

Subp. 6. **Prior written consent.** The lender shall obtain the prior written consent of the borrower and the RFA before:

- A. making or consenting to a release, substitution, or exchange of collateral that reduces the aggregate value of the collateral;
- B. waiving a claim against the borrower or a guarantor, surety, or obligor in connection with the indebtedness; or

**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

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C. modifying or waiving a term of the notes or related instruments evidencing or securing the first mortgage loan.

### 1655.0090 PARTICIPATION REPURCHASE.

A lender:

A. is under no obligation to repurchase an RFA participation interest in a livestock expansion mortgage loan except as provided in this part;

B. may, at its option and upon written approval by the RFA, repurchase an RFA participation interest at any time;

C. must repurchase the RFA participation interest whenever the first mortgage loan is paid in full or refinanced; and

D. must repurchase the RFA participation interest if the lender has made misrepresentations or fails to perform its obligations under the participation agreement, has received written notice from the RFA, and has not corrected the representation or performance under the notice.

A repurchase under this part must be for the outstanding and unpaid principal balance of the RFA participation plus accrued interest and any penalties or costs incurred by the RFA to secure repurchase.

### 1655.1000 REVIEW OF LOAN AND COLLATERAL.

Subpart 1. **Inspection.** At any time during the term of a livestock expansion mortgage loan, the RFA or the state legislative auditor may inspect the books, records, documents, and accounting practices of the lender relative to the loan to determine compliance with the terms and conditions of the loan and the participation agreement. Inspections must be during the lender's normal business hours. The lender must allow the RFA to copy any documents relating to the mortgage loan and the RFA participation.

Subp. 2. **Collateral.** The lender and the RFA may physically inspect the collateral securing the mortgage loan upon notice to the borrower. Inspections must be conducted at reasonable times.

**EXPIRATION DATE.** *Minnesota Rules*, parts 1655.0010 to 1655.1000, expire November 28, 1994.

## Department of Transportation

### Adopted Permanent Rules Relating to Standards for Mailbox Installations and Supports

The rules proposed and published at *State Register*, Volume 18, Number 22, pages 1406-1409, November 29, 1993 (18 SR 1406), and Volume 18, Number 23, page 1444, December 6, 1993 (18 SR 1444), are adopted with the following modifications:

#### Rules as Adopted

### 8818.0300 PROHIBITED MAILBOX STRUCTURES; EXCEPTIONS.

Subpart 1. **Unlawful installations and supports.** The following mailbox installations and supports are declared to be a public nuisance, a road hazard, and a danger to the health and safety of the traveling public if located along a street or highway having a speed limit of 40 miles per hour or greater:

E. a mailbox that is not acceptable for delivery of mail by the United States Postal Service approved;

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

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

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### 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 Monday, August 22, 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 Research Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association (MCHA), Research Committee will be held at 3:00 p.m. on Monday, August 22, 1994 at Park Place Center, 5775 Wayzata Boulevard, St. Louis Park, Minnesota. The meeting will be in the conference room located on the 7th floor.

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

### Department of Corrections

#### Notice of Request for Proposal for Site Submittals for a Close-Security Correctional Facility

The Minnesota Department of Corrections is accepting proposals from local governmental entities, agencies, or organizations that represent the betterment of the public good which document their interest for locating a close-security correctional facility planned to contain 800 single cells. (The department has four custody levels - minimum, medium, close and maximum.)

All such proposals should be delivered on or before 4:00 p.m., September 19, 1994, to:

James H. Bruton, Deputy Commissioner of Institutions  
Minnesota Department of Corrections  
300 Bigelow Building, 450 North Syndicate Street  
St. Paul, Minnesota 55104

The intent of this request for proposal is to identify any and all available appropriate sites for this facility. The Department of Corrections facility site selection committee is utilizing the criteria and guidelines contained in the "Correctional Facility Planning Criteria and Guidelines - 1994 Report to the Legislature" in the site selection process. Respondents to this request for proposal must adhere to the guidelines, criteria, site principles and summary questionnaire contained in this report and additional questions prepared by the site selection committee. Copies of the report and additional questions may be obtained by contacting the office of the deputy commissioner at the address above or by phone at 612/642-0290.

The facility will be built within the general Minneapolis/St. Paul metro region and will be built on property currently owned by the state or transferred to the state at no cost. All utilities, hazardous waste issues or other sub-grade condition costs will not be borne by the State or the Department of Corrections.

The 1994 Legislature approved funds for the pre-design and design development of this facility. The current planning schedule is:

August 1, 1994 - Design firm, selected through the public process of the state department of administration state designer selection board, chosen to begin work on this project.

August 15, 1994 - Request for proposal published in *State Register*.

September 19, 1994 - Site proposal submission deadline.

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- October 4, 1994 - Review of final two to four site selections.
- October 31, 1994 - Final site selection completed.
- August, 1995 - Schematic design, full cost analysis completed.
- August, 1995-May, 1996 - State appropriation process.
- June, 1996-January, 1997 - Working drawings and bidding completed.
- April, 1997 - Construction begins.
- December, 1999 - Operations begin.

Proposals must conform to the following requirements. Failure to conform to these requirements may result in proposals being considered incomplete.

1. Fifteen (15) copies of the proposal are required.
2. All data must be presented on 8 1/2" by 11" sheets, soft bound or stapled. No more than fifteen (15) pages single-sided of written material may be submitted.
3. A cover sheet should indicate clearly the site location and proposal contact name(s), including address(es) and phone number(s).
4. Mandatory contents of the proposal include:
  - a. Property legal description: Survey or legal description of the property and identification number and acreage available. If this information is not immediately available, general documentation indicating location and size of the property and a time frame for established survey to be issued are required.
  - b. Ownership of property: Only properties owned or donated to the State will be considered. If the property is not currently owned by the State, the method by which the transfer of ownership of the property to the State within a reasonable and viable time frame must be clearly stated. This proposal must contain the current status of the owner(s) of the property and the name(s) of the recorded legal owner(s). The proposal must document the willingness of the property owner(s) to transfer the property to the State within a clearly established time frame which will permit the department to assess the realistic potential of the site.

If third party funds are required for this transfer to occur, documentation of third party funds must be included. Pertinent time schedules on land transfer or additional cost items must be included. Current taxes or assessments on the property must be noted.

Any agreements to which the property is subject such as leases, rights of way, contracts, deed reservations or restrictions must be clearly stated and copies of agreements included.

If any of the required items regarding transfer of ownership are not clearly stated, proposals could be deemed incomplete.
  - c. Identification should also include:
    - 1) Graphic and verbal descriptions of structures or other improvements currently on the property.
    - 2) Full acreage status and acreage analysis on an approximate basis in terms of buildable, nonbuildable, roads and other significant landscape features.
    - 3) Graphic material indicating general topography.
    - 4) General assessment of utilities: water, sewer, power, phone and adjacencies. If these items are not currently available, statement(s) of how and schedule(s) of when they will be made available must be provided.
    - 5) Any existing environmental elements, such as wetlands, wells, buried tanks, or any contaminated or hazardous conditions must be clearly identified.
  - d. Proximity: In written and graphic material the proximity to the Minneapolis/St. Paul metro area must be provided including miles, routes, average minutes of travel time by car and any mass transit features. A map is preferred showing major routes with distances indicated in miles and estimated travel times in minutes from the site to both central business districts of Minneapolis and St. Paul.
  - e. Community willingness and support: Willingness and support of the community for this facility, and related programs and facilities that may be co-located with this facility, are desired. Letters of support are to be provided from governing agencies and/or community or civic institutions that indicate this facility is wanted. The department does not intend to locate this facility, or its potential adjacent development, in an area that is in opposition to the guideline intentions.

- f. Responsiveness: Proposals should specifically respond to the criteria and guidelines contained in the "Correctional Facility Planning Criteria and Guidelines - 1994 Report to the Legislature" noted above. In particular, the proposals should address the questions listed on page 11 of the report that are pertinent to this submittal and the questions prepared by the department's site selection committee.
5. Other pertinent information should also be included. Given that some municipalities consider location of this facility to be an economic advantage to their area, any incentives for locating the facility in their area should be stated such as reduced or guaranteed utility costs (water, sewer, garbage or recycling) or other municipal services that would be available to the facility.

Proposals will be reviewed by the department of corrections facility site selection committee which is chaired by James H. Bruton, Minnesota Department of Corrections Deputy Commissioner of Institutions.

Questions should be directed to James Bruton, Minnesota Department of Corrections Deputy Commissioner of Institutions, at 612/642-0290, or Mark Thielen, Minnesota Department of Corrections Assistant Deputy Commissioner of Institutions, at 612/642-0307.

All proposals will be analyzed in conjunction with the criteria outlined above and with the department's "Correctional Facility Planning Criteria and Guidelines - 1994 Report to the Legislature." Determinations will be made in accordance with a broad-based understanding of the total development process of correctional facility creation, operation, maintenance and population trends along with sound site selection principles and environmental issues.

The State reserves the right to reject any and all proposals in this selection process.

Dated: 15 August 1994

## **Commissioner of Health**

### **In the Matter of the License Application of North Branch Area Rescue Service, North Branch, Minnesota**

#### **Notice and Order of Continuation of Hearing**

**NOTICE IS HEREBY GIVEN** that pursuant to the Findings of Fact, Conclusions and Final Order issued on March 20, 1994 regarding the above captioned matter, the hearing on the application of North Branch Area Rescue Service, North Branch, Minnesota for a change in type of license from Basic Ambulance to Advanced Ambulance and change in primary service area to include portions of North Branch and Oxford townships in Isanti County and changes within Fish Lake, Sunrise and Amador townships in Chisago County will be reconvened.

#### **IT IS THEREFORE ORDERED AND NOTICE IS HEREBY GIVEN THAT:**

1. The reconvened public hearing is scheduled for August 26, 1994 at North Branch City Hall, 1356 Main Street, North Branch, Minnesota, commencing at 6:30 p.m. and will be conducted pursuant to *Minnesota Statutes* §§ 14.57-14.69 and 144.802. The hearing is limited to matters as addressed in Finding Nos. 3, 4, 5, 6 and 7 and Conclusion No.'s 2 and 3 of Commissioner's Order - Number AMB-94-4-MDH. If you have an interest in this matter you are hereby urged to attend the public hearing. Failure to do so may prejudice your rights in this and any subsequent proceedings in this matter.
2. The purpose of the hearing is to determine whether the application from this ambulance service should be granted based upon the criteria set forth in *Minnesota Statutes* § 144.802, subd. 3(g). All evidence submitted in conjunction with the hearing in this matter held on October 13, 1993, remains a part of the record. The Administrative Law Judge and the Commissioner will consider that evidence, along with any new evidence submitted as part of the reconvened hearing scheduled for August 26, 1994, in making a recommendation and issuing a final order.
3. This proceeding has been initiated pursuant to and will be controlled in all aspects by *Minnesota Statutes* §§ 144.801-144.8093, *Minnesota Statutes* §§ 14.57-14.69, and Rules for Contested Cases of the Office of Administrative Hearings, *Minnesota Rules* 1400.5100-1400.8402. Copies of the rules and statutes may be obtained for a fee from the Department of Administration, Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, telephone: (612) 297-3000.
4. Susan R. Weisman, Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone: (612) 341-7608, will preside as administrative law judge (ALJ) at the hearing, and will make a written recommendation on this application. After the hearing, the record and the administrative law judge's recommen-

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dation will be forwarded to the Commissioner to make the final determination in the matter.

5. In addition to or in place of participating at the hearing, any person may also submit written recommendations for the disposition of the application. These recommendations must be mailed to the administrative law judge on or before August 22, 1994.
6. Any subpoena needed to compel the attendance of witnesses or the production of documents may be obtained pursuant to *Minnesota Rules* 1400.7000.
7. At the hearing the applicant will present its evidence showing that a license should be granted and that all persons will be given an opportunity to cross-examine witnesses, to be heard orally, to present witnesses, and to submit written data or statements. All persons are encouraged to participate in the hearing and are requested to bring to the hearing all documents, records, and witnesses needed to support their position. It is not necessary to intervene as a party in order to participate in the hearing.
8. Please be advised that if nonpublic data is admitted into evidence, it may become public data unless an objection is made and relief is requested under *Minnesota Statutes* § 14.60, subd. 2.
9. You are hereby informed that you may choose to be represented by an attorney in these proceedings, may represent yourself, or be represented by a person of your choice if not otherwise prohibited as the unauthorized practice of law.
10. In accordance with the provisions of *Minnesota Statutes* § 14.61, the final decision of the Commissioner in this proceeding will not be made until the Report of the Administrative Law Judge has been made available to the parties in this proceeding for at least 10 days. Any party adversely affected by the Report of the Administrative Law Judge has the right to file exceptions and present arguments to the Commissioner. Any exceptions or arguments must be submitted in writing and filed with the Commissioner of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440, within 10 days of the receipt of the Administrative Law Judge's Report.

Dated: 5 August 1994

Mary Jo O'Brien  
Commissioner of Health

## Department of Human Services

### Health Care Administration

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Amendment Governing Maximum Therapeutic Leave Days for Mentally Retarded Residents in Intermediate Care Facilities.

**NOTICE IS HEREBY GIVEN** that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose the amendment of the rule governing the 72-day maximum therapeutic leave days for mentally retarded residents in intermediate care facilities. The amendment of the rule is authorized by *Minnesota Statutes*, section 256B.04, subs. 2, 4, and 12, which permit the agency to make rules to carry out the provisions of the medical assistance statute.

The rule amendment process will consider the following issue: Part 9505.0415, subpart 6, item C: extension of the maximum therapeutic leave from 72 days to 120 days.

The State Department of Human Services will not form an advisory task force to aid in the development of the amendment.

The Department anticipates that the rule amendment process will take approximately four months.

The State Department of Human Services requests information and opinions concerning the subject matter of the amendment. 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: Asha Sharma, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155. Oral statements will be received by Asha Sharma during regular business hours over the telephone at (612) 282-9850 or in person at the above address.

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

Dated: 8 August 1994

Asha Sharma  
Rules Division



## Department of Labor and Industry

### Labor Standards Division

#### Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective August 15, 1994 prevailing wage rates were determined and certified for commercial construction projects in:

**Anoka:** Anoka-Ramsey Community College 1994 Partial Reroofing-Coon Rapids; Cedar Creek Natural History Area Roof & Siding on Buildings CC112 & CC104-East Bethel.

**Brown:** National Guard OMS #6 Exhaust System Rehabilitation-New Ulm.

**Clay:** Buffalo River State Park Contact Station-Near Glyndon.

**Clearwater:** Bagley Jr. & Sr. High School Remodeling-Bagley.

**Dakota:** U of M Grain Storage Facility.

**Dodge:** ISD #204 New Elementary School Site Surcharge-Kasson.

**Hennepin:** U of M Heart Failure Clinic-Minneapolis.

**Olmsted:** National Guard OMS #2 Exhaust System Rehabilitation-Rochester.

**Pipestone:** Southwestern Technical College Remodeling-Pipestone.

**Ramsey:** U of M St. Paul Student Center Installation of Seamless Epoxy Floor; MWWTP Corrosion Control for Motor Control Centers-St. Paul.

**St. Louis:** National Guard OMS #13 Exhaust System Rehabilitation-Hibbing.

**Stearns:** St. Cloud Correctional Facility Food Service Building-St. Cloud.

**Stevens:** U of M Fiber Racks & Cable Connection-Morris.

**Washington:** Middleton & Royal Oaks Elementary Schools Portable Classrooms-Woodbury; Bayport MWWTP Asbestos Abatement-Bayport.

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  
Commissioner

## Pollution Control Agency

### Air Quality Division

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to *Minnesota Rules Chs. 7002, 7005, 7007, 7017 and 7019 Governing Notification and Emission Inventory Requirements, Monitoring and Testing Requirements, and Air Emission Permit Fees and Registration Permit Requirements*

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (MPCA) is seeking information or opinions from sources outside the MPCA in preparing to propose the amendment of rules governing the following:

1. How emissions are calculated for purposes of the emission inventory.
2. What pollutants a facility is required to report for the emission inventory.
3. How the target fee and a facility's fee are calculated, and what fee a new facility will be assessed.

The most significant revisions being considered by the MPCA include:

1. Inclusion of additional pollutants such as particulate matter, sulfuric acid mist, hydrogen chloride and total reduced sulfur to the existing list of pollutants a facility is required to report in their emission inventory.

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2. Inclusion of additional pollutants such as sulfuric acid mist, hydrogen chloride and total reduced sulfur to the list of pollutants for which a fee is assessed.
3. Changing the calculation method for the total fee target to include total particulate matter rather than particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers (PM10).
4. Adoption of customized fee and inventory requirements for registration permits.
5. Basing new facility on the source's estimate of actual emissions as provided in the permit application for that facility.

The MPCA's statutory authority to adopt these rule amendments is found in *Minnesota Statutes* § 116.07, subd. 4 (1992). This broad rulemaking authority includes authority to adopt rules "on any . . . matter relevant to the prevention, abatement, or control of air pollution." Other sources of statutory authority include *Minnesota Statutes* § 116.07, subd. 4a (1992), which provides the MPCA the authority to issue permits, *Minnesota Statutes* § 116.07, subd. 4d (1992), which authorizes the MPCA to collect permit fees, and *Minnesota Statutes* §§ 116.07, subd. 9 and 116.091 (1992), which provide the MPCA the authority to obtain information concerning air emissions and to inspect air emission facilities.

The MPCA intends to hold a public meeting on the above rule amendments. The date, time and location will be established within the next two months. Individuals interested in being notified of the meeting should contact Michael Mondloch at the address and telephone number listed below. The MPCA does not intend to form an advisory task force for this rulemaking.

The MPCA requests information and opinions concerning the subject matter of the rule. For a copy of the draft rule concerning the subject matter listed above, or to submit data or views on the subject matter in writing or orally contact:

Michael Mondloch  
Air Quality Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4195  
(612) 297-5847

Oral statements will be received during regular business hours, over the telephone and in person at the above address and telephone number.

All statements of information and opinions shall be accepted until 4:30 p.m., September 14, 1994. Any written material received by the MPCA 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. The MPCA anticipates this rulemaking process will be completed by January 1, 1995. If the rule becomes controversial the MPCA anticipates the completion date to be June 1, 1995.

Charles W. Williams  
Commissioner

## Teachers Retirement Association

### Notice of Regular Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Friday, September 9, 1994, at 9:30 a.m., in Suite 500, Gallery Building, 17 W. Exchange St., St. Paul, MN to consider matters which may properly come before the Board.

## Department of Transportation

### Office of Transit

### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Public Transit Operating and Nonoperating Assistance

NOTICE IS HEREBY GIVEN that the State Department of Transportation (Mn/DOT) is seeking information or opinions from outside the agency in preparing to propose the adoption of rules governing public transit nonoperating and nonoperating assistance, including housekeeping changes to the current rules governing public transit assistance found in Chapter 8835 of *Minnesota Rules*.

The adoption of the rules is authorized by *Minnesota Statutes*, section 174.23; subdivision 2 and 7 which authorizes the commissioner to promulgate rules by establishing procedures and standards for review and approval of applications for public transit financial assistance submitted to the commissioner pursuant to sections 174.21 to 174.27.

#### **Summary of Issues**

The rules implement the public transit assistance program set forth in chapters 174.21 through 174.24. Accordingly, the scope of this rulemaking will include the consideration of any and all issues relating to the public transit assistance program. These issues include, but are not limited to: preparing rules for nonoperating assistance such as vehicle, garage, and computer equipment purchases; removing outdated language; clarifying performance standards; clarifying contract procedures; and updating definitions.

Mn/DOT requests information and opinions concerning the subject matter in writing or orally. Written statements should be addressed to:

Gerald A. Weiss  
Office of Transit  
Room 210, Mail Stop 430  
Transportation Building  
395 John Ireland Blvd.  
Saint Paul, Minnesota 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-1612 and in person at the above address.

#### **Advisory Task Force**

Mn/DOT intends to establish a volunteer advisory task force from which it will seek advice regarding the development of the rules. The task force will consist of individuals representing the public interest, and potentially from the following organizations: existing public transit providers; Minnesota Public Transit Association; Minnesota Department of Human Services; League of Minnesota Cities; League of Minnesota Counties; Minnesota Council on Disabilities; Minnesota Board on Aging; and private transit operators. Persons or groups interested in volunteering for this task force may write to Mn/DOT at the above address. Selection of task force members will be made by October 10, 1994. Mn/DOT anticipates convening the committee for four half-day meetings; however, the final schedule will be set with the advice of the task force members.

All statements of information and opinions shall be accepted until October 1, 1994. Any written material received by the state Department of Transportation shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rules are adopted.

Mn/DOT anticipates this rulemaking project will be completed by the Spring of 1995. If the rules become controversial, Mn/DOT anticipates the completion date to be the Fall of 1995.

Dated: 5 August 1994

James N. Denn  
Commissioner

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

The Board of Water and Soil Resources will hold their regularly scheduled monthly meeting on August 24, in room 112 of the State Capitol, 75 Constitution Avenue, St. Paul, Minnesota. The meeting will convene at 9:00 a.m.

# State Grants

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

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

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## Governor's Planning Council on Developmental Disabilities

### Partners in Policymaking

- Description:** The Minnesota Governor's Planning Council on Developmental Disabilities solicits formal applications to fund the expansion of Partners in Policymaking, a national model of leadership training for people with developmental disabilities and family members. The expansion will provide for delivery of the training in the Northwest area of Minnesota.
- Funding:** \$100,000 for Northwest Minnesota
- Eligible Applicants:** Non-state agencies serving the community-at-large
- Due Date:** September 12, 1994
- Contact:** Full copies of the RFPs are available upon request by calling the Council Office. If you have specific questions about the RFP, or general questions related to the proposal procedures or submission, please contact the Council's Grants Administrator:

Suzanne Dotson, Grants Administrator  
Governor's Planning Council on Developmental Disabilities  
300 Centennial Office Building  
658 Cedar Street  
St. Paul, Minnesota 55155  
Telephone: (612) 297-3207; FAX: (612) 297-3207;  
TDD: (612) 296-9962

## Department of Human Services

### Request for Proposals (RFP) for Treatment Services for Chemically Dependent Pregnant Women and Women with Children

The Chemical Dependency Program Division of the Minnesota Department of Human Services (hereinafter, CDPD) is soliciting proposals through a competitive bidding process for initiation or expansion of services to increase positive treatment outcomes for chemically dependent pregnant women and women with children, \$300,000.00 is available for two to three agencies. Eligible applicants are licensed alcohol and drug treatment programs run by non-profit or for profit organizations knowledgeable in the areas of chemical dependency, child development, parenting skills and housing, who are willing to develop or expand a project for recovering substance abusing pregnant women and women in alcohol and drug treatment where their children (ages 0-12) can be with them and that are connected with services that provide pre/postnatal care. Proposals may be submitted for: The development or expansion of residential or non-residential chemical dependency treatment services for pregnant women and women with children. Programs in Western and Southern Minnesota and half-way houses are especially encouraged to apply.

This Request for Proposals is contingent on the availability of funds. Projects are expected to begin October 1, 1994. The State reserves the right to reject any and all proposals and to apply the funds to another purpose. The State will not reimburse for the costs of proposal preparation or participation in proposal consideration procedures. Eight copies of the proposal must be received by CDPD no later than 4:20 p.m., Thursday, August 25, 1994, or have a legible postmark date no later than August 24, 1994. Proposals must follow the CDPD proposal format. Grant application forms and copies of the RFP are available upon request from the Chemical Dependency Program Division (296-3991). Proposals should be sent to:

Sheila Vadnais, Grants Assistant  
Chemical Dependency Program Division  
Department of Human Services

444 Lafayette Road  
St. Paul, Minnesota 55155-3823

Requests for information concerning program issues should be addressed to Pamela Young, Women's Planner 612/296-4589, and budget/fund usage questions should be addressed to Mike Zeman 297-1863. Training on how to complete application materials will be provided at the Minnesota Department of Human Services, 444 Lafayette Rd, St. Paul, MN, August 8, 1994. Please call Pamela Young at 296-4589, if you wish to attend this training.

## **Bureau of Mediation Services**

### **Applications Accepted for Funding under the Minnesota Area Labor-Management Committee Program for 1995 Grants**

The Bureau of Mediation Services is now accepting applications for funding of new or existing Area Labor-Management Committee programs pursuant to *Minnesota Statutes* § 179.81-.85.

Persons interested in applying for such funds may secure an application form and program policies by requesting them in writing from:

Earl R. Willford, Program Director  
Office of Cooperative Labor-Management Programs  
Bureau of Mediation Services  
1380 Energy Lane, Suite Two  
St. Paul, Minnesota 55108-5253

Applications for funding during fiscal year 1995 will be accepted until October 15, 1994. All grants awarded will be effective January 1, 1995.

Peter E. Obermeyer,  
Commissioner

## **Department of Public Safety**

### **Office of Traffic Safety**

#### **Request for Proposals for *Safe & Sober* Enforcement Projects**

The Minnesota Department of Public Safety is seeking proposals from municipal and county governments and their law enforcement agencies to participate in *Safe & Sober*, a state and national program of well-publicized, overtime enforcement projects designed to reduce impaired driving and increase passenger protection use. Details are contained in a Request for Proposals which may be obtained by calling or writing:

Karen Sprattler  
Office of Traffic Safety  
Department of Public Safety  
444 Cedar Street  
Suite 100B, Town Square  
St. Paul, MN 55101-2156  
(612) 296-9507

The total funding available is estimated to be \$300,000. The number of grants funded will be based on the number, type and quality of proposals received. Final date for submitting proposals is October 3, 1994, by 4:00 PM.

## Professional, Technical & Consulting Contracts

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### Urban Initiative Board

#### Notice of Request for Proposals for Non Profit Organizations to be Certified to Receive Urban Challenge Grants

The Urban Initiative Board is accepting applications from non profit organizations in the Twin Cities area who are seeking to be selected to receive funds under the "Urban Challenge Grant Program." The Board received a \$6 million state appropriation to provide funds to non profit corporations, who will use the funds for loans to racial and ethnic minorities and others creating jobs in low income areas *Minnesota Statutes* 116M.

Applicants have until 4:30 p.m. on September 16, 1994 to submit applications to the Board at the address below. If mailed, applications must be received by that date and time.

A full copy of the Request for Proposals can be obtained by writing or calling the contact person identified below. Copies of the statute are also available, as are copies of the administrative rules promulgated pursuant to the statute *Minnesota Rules* parts 4355.0100-4355.0500

For additional information, please contact:

Mark Lofthus  
Urban Initiative Board  
Department of Trade and Economic Development  
500 Metro Square  
121 7th Place East  
St. Paul, MN 55101-2146  
Telephone: (612) 296-9090

## Professional, Technical & Consulting Contracts

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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].

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## Department of Administration

### Information Policy Office

#### Request for Proposals (RFP) for Performance Management and Risk Assessment of the Statewide Systems Project

The Information Policy Office (IPO) is soliciting proposals from qualified consultants interested in performing an independent performance management/risk assessment of the Statewide Systems Project (SSP).

This external, independent evaluation will result in an objective, unbiased opinion on the project management, development and implementation of SSP. The external, independent evaluation will identify findings, formulate conclusions and make recommendations for general improvements or for mitigation of risks. These conclusions will be presented to the legislative commission on planning and fiscal policy by January 15, 1995. Additionally, provisions and recommendations for on-going follow up evaluations will occur.

Deadline for proposal submission is 4:00 p.m. on September 9, 1994.

For further information, or to obtain a copy of the Request for Proposal, contact:

Carol Worden  
Department of Administration  
Information Policy Office  
320 Centennial Office Building  
658 Cedar Street  
St. Paul, MN 55155  
Phone: 612/296-7568  
Fax: 612/296-5800  
Internet: carol.worden@state.mn.us

## Department of Agriculture

### Information Services Division

#### **Notice of Request for Proposals to Analyze, Maintain, Upgrade, and Repair a Novell 3.12 Local Area Network, and SCSI Express Laser Bank**

Services needed include 24-hour maintenance and repair of multi-server network of PS/2s, Macs, Token ring, Ethernet 10baseT, laser printer, and Micro Design Laserbank with SCSI Express. For more information or copy of RFP contact:

Karen Nelson  
90 West Plato Blvd.  
St. Paul, MN 55107  
612/296-4659

Contract amount: \$15,300

Response deadline: 4PM September 2, 1994.

## Department of Economic Security

#### **The Minnesota Department of Economic Security (STATE or MDES) is Seeking Proposals from Qualified Individuals to Adapt and Install a Process for Planning and Delivering Vocational Rehabilitation Services in the Division of Rehabilitation Services (DRS)**

##### **Purpose**

The purpose of establishing the Hoshin process in DRS is to continue progress made in becoming a Total Quality Organization by abandoning models for business operation and system change that are not capable of receiving maximum benefit from customer, stakeholder and employee input.

Vendors submitting proposals will be required to analyze, design and execute a rehabilitation service delivery system by facilitating and co-leading a DRS project called the **Essential Functions Project**. This project has goals of:

- maximize benefit from customer, stakeholder and employee input/expectations.
- meeting requirements as an employer as it pertains to the Americans with Disability Act (ADA).
- improve effectiveness of the delivery system as it pertains to the Rehabilitation Act of 1992.
- increased staff development to meet emerging needs.
- increased use of technology to carry out the mission.
- creation of an automated case management system.

Multi-Design and Analysis of the model and systems related to these functions will be the critical outcome of this project.

##### **Proposal Requirements**

MDES has approximately \$75,000 to carry out the objectives of this project. Proposals in excess of this amount will not be accepted.

Proposers must submit five (5) copies of the complete proposal no later than 3:30 p.m., August 26, 1994 to:

## Professional, Technical & Consulting Contracts

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Marilyn McGuire  
DRS Support Services  
Department of Economic Security  
390 N. Robert Street  
St. Paul, MN 55101  
(612) 282-2672

### Proposers Conference

A proposers conference has been scheduled for:

Tuesday, August 23, 1994  
1:30 - 3:30  
DRS Conference Room  
1st Floor  
390 N. Robert St.  
St. Paul, Minnesota

Attendance at the proposers conference is optional.

Marilyn McGuire, (612) 282-2672 and Gene Kremer (612) 296-1718 are the only Department of Economic Security employees authorized to discuss this RFP.

### Project Overview

All vendors with experience in establishing and implementing system design/analysis processes for multi-level service system in a union environment are asked to respond.

Experienced vendors shall be defined as vendors who have developed, deployed, and achieved predicted outcomes in reengineering a service system within the past 24 months. The process being sought permits strategic, and legislated mandate changes to be implemented through a participatory process that permits customers, stakeholders and employees to examine the impact of mandated change, and design improvements.

### Project Phases

The project will be in three phases. Proposals must include estimates of hours and calendar time required to complete each phase. That is if a phase will require 20 hours of effort over a five week period both time elements must be identified. Vendors are cautioned to estimate time with an understanding that individuals and teams assigned to the project will have a priority to reach completion, but they will be carrying out other responsibilities as they participate.

Phase 1 - Begins with a signed and encumbered contract with the STATE. During Phase 1 the vendor will gather and evaluate the information needed to understand the goals and objectives of MDES, DRS and the Essential Functions Project. This will include any data related to staffing, stakeholder, and customer that can contribute to installing the Hoshin model.

Phase 2 - The vendor will introduce to the DRS Administrative Services Office staff and the core team of the Essential Function Project an overview of how the reengineering process works. This shall include training staff in identifying facts, organizing data and gathering meaningful data in preparing for change. This will also include an introduction to the core staff of the Essential Functions Project of the plan for carrying out the project.

Phase 3 - This will be the carrying out of the Essential Functions Project to the point of implementation. The vendor will lead, and develop leaders in this project. As competencies are developed the vendor will turn activities over to the DRS staff, but will continue to be responsible for the continued progress and reaching the implementation phase.

### Essential Functions Project

The Minnesota Department of Economic Security Division of Rehabilitation Services mission is *"To assist Minnesotans with disabilities reach their goal for working and living in the community."* A network of offices operated throughout the State are involved in carrying out this mission.

The MDES and DRS have committed to a transformation to become a Total Quality Organization (TQO). This is being accomplished by employing the techniques, and adopting the principles of Total Quality Management. The commitment to TQO requires the development of a process for the implementation of change in division offices.

The division is about to undertake a project for the purpose of:

- meeting requirements as an employer as it pertains to the Americans with Disability Act (ADA).
- improve effectiveness of the delivery system as it pertains to the Rehabilitation Act of 1992.
- increase staff development to meet emerging needs.



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## Professional, Technical & Consulting Contracts

- increased use of technology to carry out the mission.
- creation of an automated case management system.

This Request for Proposals is to obtain and install a methodology and service delivery system compatible with Total Quality Management, to meet the immediate change needs identified as the Essential Functions Project. The process will then be used for organizing and implementing future process improvements.

The successful respondent will be expected to deliver a methodology for system and process change that:

1. includes significant participation of customers, stakeholders and employees from all levels of the organization.
2. wins cooperation and suggestions from the participants in the planning and implementation of mandated changes.
3. prioritizes improvements/expectations of the participants.
4. is structured to accept strategic direction from department and division leadership.
5. as a routine establishes measurable outcomes with goals and objectives, and the reporting progress.

The consultant will demonstrate, train and implement the project process by organizing and carrying out a project called the Essential Functions Project. This project involves the entire DRS and impacts the day to day operation and staffing of all field offices. The project addresses:

1. Meeting the requirements of the Americans with Disabilities Act as an employer.
2. Improvement of the effectiveness and time lines of the Vocational Rehabilitation delivery system to the performance objectives of the Rehabilitation Act of 1992.
3. Emphasis on staff development to meet emerging needs and to maintain a qualified Vocational Rehabilitation staff.
4. Application of technology in each office to meet current and future improvement needs.
5. Creation of a computerized case management system.

This project will have outcomes including:

1. Definition of the service delivery process to meet DRS customer expectations.
2. Identify essential functions, core duties and tasks necessary to deliver services through a Vocational Rehabilitation Field Team, with the ability to be able to determine reasonable accommodations.
3. Propose role, function and tasks for classifications of the Vocational Rehabilitation Field Team.
4. Establish support for staff development/performance management system.
5. Identify best practices, staffing patterns to include cultural diversity and development needs for DRS field offices.
6. Maximum benefit from the input of customers, stakeholders and employees.

### Mandatory Requirements

#### General

The vendor must provide the STATE with a process for Hoshin planning and system reengineering. In doing so the training of staff to continue to apply the process to systems as opportunities occur. This is a RFP to achieve self-sufficiency.

The vendor will provide training, design, planning, and leadership in executing a reengineering process for the Vocational Rehabilitation Field and Support Offices in the project Essential Functions Project.

#### Affirmative Action

In accordance with provisions of *Minnesota Statutes*, Section 363.073; for all contracts estimated to be in excess of \$50,000, 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. Your proposal will be rejected unless it includes one of the following:

1. A copy of your current certificate of compliance issued by the Commissioner of Human Rights; or
2. A letter from the Department of Human Rights certifying that your firm has a current certificate of compliance; or
3. A notarized letter certifying that your firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months.

All proposals must include the following:

- A. The selected vendor must describe a Hoshin planning and service system reengineering project completed by the vendor in the last 24 months using the process that is proposed for this project.
- B. The proposer must provide a minimum of three (3) additional customer references who can be contacted to respond to questions related to the customer's experience with the proposer as it pertains to:
  - Total Quality Management expertise.

## Professional, Technical & Consulting Contracts

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- Strategic Planning Development and Implementation.
  - Reengineering processes in Total Quality environment.
  - Hoshin Planning experience.
- C. Names, qualifications and experience of anyone who will be working on the project for the vendor. This shall include the phase, and number of hours this person will be working.
- D. Provide a project description, not exceeding 10 pages, in which the details of how the three phases of the Essential Functions Project will be carried out.
- E. Include in the project description, or on a summary page, the total contract hours and calendar weeks for the carrying out of each phase of the project.
- F. Identify any previous experience in Rehabilitation Services the vendor, and/or other people who will be working on the project have.
- G. The STATE will provide the selected vendor with administrative/clerical support necessary to carry out the project. This includes photocopy of materials, and arrangement for meeting rooms.
- H. The STATE, in addition to contract amount, will reimburse the vendor and assigned staff for travel within the STATE of Minnesota under the terms and conditions of current "non-managerial unrepresented Employees Plan". For the purpose of reimbursement 390 N. Robert St., St. Paul, Minnesota is the assigned work location of the vendor.
- I. The STATE will provide office and meeting space for the vendor while carrying out the responsibilities of the contract.
- J. Vendor must provide a list of hours for each phase, and the rate to be assessed for each hour.

### Evaluation Criteria

In evaluating a proposal, the STATE reserves the right to accept or reject all or part of any proposal, waive minor technicalities and award the bid to serve the best interest of the STATE.

An RFP response will not be considered unless it meets the minimum general requirements and mandatory specifications as stated in the RFP. The successful vendor will be selected on the following criteria:

1. Experience in service system Hoshin planning and reengineering in a Total Quality Management environment.
2. Experience in government service system reengineering.
3. Evaluation of the Essential Functions Project Action Plan.
4. Predicted calendar time to complete all phases of the contract.
5. Cost of service.

## Department of Education

### Notice of Request for Proposals: Project on the Cost Impact of the Graduation Rule

The Minnesota Department of Education is soliciting proposals from qualified vendors to determine the resources needed (cost) to implement the Graduation Rule.

#### SCOPE OF THE PROJECT:

As a result of this project, the Department of Education will be provided with information on the resources needed to implement the Graduation Rule at each stage of its development, the effectiveness of steps taken to provide resources thus far, as well as the steps that should be taken in the years ahead to provide resources to implement the Graduation Rule.

THE DEPARTMENT OF EDUCATION RESERVES THE RIGHT TO MAKE MULTIPLE AWARDS UNDER THIS REQUEST FOR PROPOSAL. THE STATE ANTICIPATES ONE INITIAL AWARD FOR THE MAJORITY OF THE PROJECT TO ONE CONTRACTOR. THE STATE RESERVES THE RIGHT TO MAKE SMALLER AWARDS FOR PORTIONS OF THE PROJECT AS WORK PROGRESSES.

#### TIME FRAME AND PROJECT COSTS:

The anticipated time frame for this project is October 1, 1994, to March 1, 1995. The Department has estimated that the cost of this project during the anticipated time frame should not exceed \$100,000.

#### COPIES OF RFP/SUBMISSION OF PROPOSALS:

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## Professional, Technical & Consulting Contracts

Copies of the RFP may be obtained by contacting Beth Aune at 731 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101, (612) 296-4072. Responders who have questions regarding the RFP may call or write:

Michael Tillmann, Director of Standards  
723 Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101  
(612) 282-5983

**All proposals must be sent to and received by Michael Tillmann at the above address not later than 4:30 P.M. on September 15, 1994.**

Late proposals will not be accepted.

## Department of Education

### School Age Child Care (SACC) Initiative

#### Notice of Request for Proposals for Design and Production of *SACC Interactive Newsletter*.

Proposals are being solicited to design and produce *SACC Interactive* three to four times per year; a newsletter which will promote professional development for school age child care professionals throughout the state. The intention must be on providing opportunity for interactive discussion about roles and purposes of SACC staff; to encourage, promote, provide focus and techniques as they relate to the profession.

The anticipated time frame for this project is October 1994 through September 1996. The State has estimated the total cost of this project should not exceed \$20,000 over a two year period. The State reserves the right to contract for the services in stages, the first year contract will not exceed \$10,000. A second year contract of up to \$10,000 may be negotiated upon satisfactory completion of the first year.

Copies of the RFP may be obtained by contacting Catharine Cuddeback at (612) 296-1436. Proposals must be submitted by 4:00 p.m. on September 6, 1994.

## Minnesota Health Care Commission

### Request for Proposals for Health Care Financing Study Consulting Services

The Minnesota Health Care Commission is seeking proposals from qualified firms and individuals to provide consulting services on an as needed, fee for service basis to assist the Minnesota Health Care Commission in completing a universal coverage financing study required under the 1994 MinnesotaCare Act. The total cost for all contracted services for this project will not exceed \$50,000.

Details are contained in a request for proposals which may be obtained by contacting:

David K. Haugen  
Minnesota Health Care Commission  
121 East 7th Place, Suite 400  
P.O. Box 64975  
St. Paul, MN 55164-0975  
(612) 282-6374

Proposals are due by 4:30 p.m. on September 6, 1994.

## Professional, Technical & Consulting Contracts

### Minnesota Health Care Commission

#### Request for Proposals for Health Care Financing Study Actuarial Consulting Services

The Minnesota Health Care Commission is seeking proposals from qualified firms and individuals to provide actuarial consulting services on an as needed, fee for service basis to assist the Minnesota Health Care Commission in completing a universal coverage financing study required under the 1994 MinnesotaCare Act. The total cost for all contracted services for this project will not exceed \$175,000.

Details are contained in a request for proposals which may be obtained by contacting:

David K. Haugen  
Minnesota Health Care Commission  
121 East 7th Place, Suite 400  
P.O. Box 64975  
St. Paul, MN 55164-0975  
(612) 282-6374

Proposals are due by 4:30 p.m. on September 7, 1994.

### Minnesota Health Care Commission

#### Request for Proposals for Health Care Market Reform Consulting Services

The Minnesota Health Care Commission is seeking proposals from qualified firms and individuals to provide actuarial consulting services on an as needed, fee for service basis to assist the Minnesota Health Care Commission in completing a health care market reform study required under the 1994 MinnesotaCare Act. The total cost for all contracted services for this project will not exceed \$40,000.

Details are contained in a request for proposals which may be obtained by contacting:

David K. Haugen  
Minnesota Health Care Commission  
121 East 7th Place, Suite 400  
P.O. Box 64975  
St. Paul, MN 55164-0975  
(612) 282-6374

Proposals are due by 4:30 p.m. on August 31, 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

***Trainer's Manual: Part I***

Effective step-by-step training methods. 10-33SR \$30.00

***Trainer's Manual: Part II***

Training volunteer leaders. 10-34SR \$30.00

***Community Handbook, Part I:***

***Developing Public/Private Partnerships***

Partnership issues: leadership, research 10-31SR \$5.00

***Community Handbook, Part II:***

***Basic Volunteer Program Management***

Guidelines: recruitment, orientation... 10-32SR \$5.00

***Planning it Safe: How to Control Liability & Risk in Volunteer Programs***

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

Available through Minnesota's Bookstore. Use the handy order form on the back of the *State Register* to order. Visit Minnesota's Bookstore to view a variety of Volunteer Services publications.

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

## Department of Public Safety

### Office of Traffic Safety

#### Request for Proposals for *Safe & Sober* Media Relations

The Minnesota Department of Public Safety is seeking proposals to plan and implement media relations activities on Minnesota's *Safe & Sober* campaign (a law enforcement effort to decrease impaired driving and increase seat belt and child seat use). Details are contained in a Request for Proposals which may be obtained by calling or writing:

Kathryn Swanson  
Office of Traffic Safety  
Department of Public Safety  
444 Cedar Street  
Suite 100B, Town Square  
St. Paul, MN 55101-2156  
(612) 296-9507

The estimated cost of the contract is \$75,000. The Department will retain an option to renew the contract for two additional one year periods. Final date for submitting proposals is September 9, 1994, by 4:00 PM.

## Department of Transportation

### Operations Division

#### Notice of Availability of Contract for Quantitative Market Research.

The Minnesota Department of Transportation (Mn/DOT) is requesting proposals for developing and conducting a statewide quantitative research study using the telephone survey technique.

The department has estimated that the cost of this project need not approach but shall not exceed \$30,000. It is anticipated that the contract period will begin on September 20, 1994 and continue through December 20, 1994.

For further information, or to obtain a copy of the completed Request for Proposal, contact:

Ralph Pennie  
Mn/DOT - Office of Maintenance  
MS 700  
395 John Ireland Boulevard  
Saint Paul, MN 55155  
Telephone: 612/282-6021

Proposals must be received at the above address no later than 12:01 p.m. on September 9, 1994.

This request does not obligate the State of Minnesota, Department of Transportation to complete the work contemplated in this notice, and the department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

# Non-State Public Bids and Contracts

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

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

## Southwest Minnesota Housing Partnership

### Request for Proposals-Applications Sought for Group Facilitator Position

The Southwest Minnesota Housing Partnership will be requiring the use of a Group Facilitator for an upcoming Board of Directors Workshop near Willmar, Minnesota. The Facilitator will be responsible with familiarizing themselves with the Southwest Minnesota Housing Partnership prior to the event, in addition to facilitating the activities scheduled throughout the three day workshop.

The SWMHP Workshop will be scheduled for September 7-9, 1994. The time frame will be as follows:

9:00 a.m. - Wednesday, September 7 Hotel Check In

12:00 p.m. - Friday, September 9 Check Out/Dismissal

The Facilitator will be reimbursed for mileage, receive room and board and be paid a negotiable fee.

It is expected that all applicants will have formal experience in group facilitation, reliable transportation to the meeting place, and are able to attend the full length of the Workshop.

Proposals are due by 4:30 p.m. on August 19, 1994. The Director of the Southwest Minnesota Housing Partnership will review all the proposals and will select the Facilitator by August 22, 1994. Questions should be directed to Rick Goodemann, Director, (507) 836-8547.

### Minnesota's Bookstore Subscription Services

Minnesota's Bookstore offers several subscription services of activities, awards, decisions and special bulletins of various Minnesota agencies. Use the handy order form on the back of the *State Register* to order.

<i>Career Opportunity Bulletin</i> -- one year	90-3	\$ 30.00	<i>Workers Compensation Decisions</i> ,	90-12	\$400.00
<i>Career Opportunity Bulletin</i> -- six months	90-4	\$ 24.00	unpublished subs run Jan-Dec 1993; can be prorated		
<i>Gaming News</i> -- one year	90-8	\$ 40.00	<i>State Register</i> -- one year (via mail)	90-1	\$150.00
<i>Human Services Informational and Instructional Bulletin</i>	90-6	\$120.00	<i>Contracts Supplement</i> (one year)		
<i>Minnesota Statutes</i> set + supplement	18-2	\$165.00	-- via First Class Mail	90-5	\$125.00
<i>Minnesota Rules</i> 1991 set + supplement	18-100	\$200.00	-- via FAX	90-7-fax	\$140.00
<i>Tax Court/Property Decisions</i>	90-11	\$350.00	-- via ONLINE Service	90-7-online	\$140.00
<i>Workers Compensation Decisions</i> Vol. 48	90-13	\$195.00	Trial Subscription (13 weeks) of both <i>State Register</i> and <i>Contracts Supplement</i>	90-2	\$ 60.00

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call 612/296-0931, or toll-free nationwide; 1-800-857-3757. Prepayment is required. Please include daytime phone. Prices are subject to change. FAX: 612-296-2265.



## ATTENTION: Minnesota Business Leaders

Avoid getting lost in your search for government services and marketing information. Reach your market and keep you on top of state government policies and programs.

### Planning

#### Meeting the Challenge of Change... MN Planning Series-- 'The Next 30 Years'



#### Tomorrow's Labor Force **New!** Coming in August....

Summarizes and maps future labor force trends for the state and counties. Statewide labor force projections are provided by age, sex and race. County projections are broken down by age and sex. (1994)  
Stock No. 7-22 \$5.00

#### A Changing Population **New!**

Benefit from the research conducted by Minnesota Planning regarding the changing demographics of our state. Learn about projected growth of the state's minority population, the dramatic effect of the aging of the baby boom generation and the anticipated milestone Minnesota will pass in 2020 when the state's population should reach 5 million. 18pp. (1993)  
Stock No. 7-19 \$5.00

#### More Future Projections ...

#### Transition Into the 21st Century **New!**

The '92 Energy Policy and Conservation Report by the Minnesota Department of Public Service outlines a sustainable future energy policy. Identifies five specific quantifiable goals for the future and strategies by which to achieve these goals. The results of achieving these goals are also presented, as is a discussion of the current status and future outlook for all of our major energy sources. 112pp. (Public Serv., 1992)  
Stock No. 10-6 \$12.95

#### Minnesota's Changing Counties **New!**

New county population projections, based upon a 10 year study by the State Demographer's Office, are presented in this publication. This report contains a description of population trends with 15 maps and 106 tables projecting populations for Minnesota's 87 counties, its regions, metropolitan and non-metropolitan areas. Learn which counties will be most affected by aging trends, which are projected to have the largest gain, and much more. 124pp. (1993) Stock No. 7-20 \$19.95

#### Minnesota Milestones: **New!**

#### A Report Card for the Future

Documents long range goals for Minnesota developed following statewide community meetings. Outlines a vision for the future with 20 broad goals and 79 milestones to measure our progress toward reaching these goals. 69pp. (MN Planning, 1992)  
Stock No. 10-22 \$6.95

#### Strategic Plan for Locating State Agencies **New!**

The final report and recommendations of a Steering Committee assigned the task of developing a long-range plan for locating state agency office sites is now available. Months of planning workshops, questionnaires and research led to this plan which concentrates agency development in St. Paul, near the capitol and consolidation of regional sites throughout the state. Includes diagrams and sketches for proposed building sites, a review of transportation and infrastructure concerns, and much more. 97pp. Spiral bound.  
Stock No. 10-13 \$35.00

### Minnesota's Bookstore

117 University, St Paul, Minnesota 55155 (located 1/2 block west of the State Capitol)  
612/297-3000 (Metro area) 1-800-657-3757 (Toll Free)

TDD (Telecommunications Device for the Deaf): 612/282-5077 1-800-657-3706 (Toll Free)  
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