

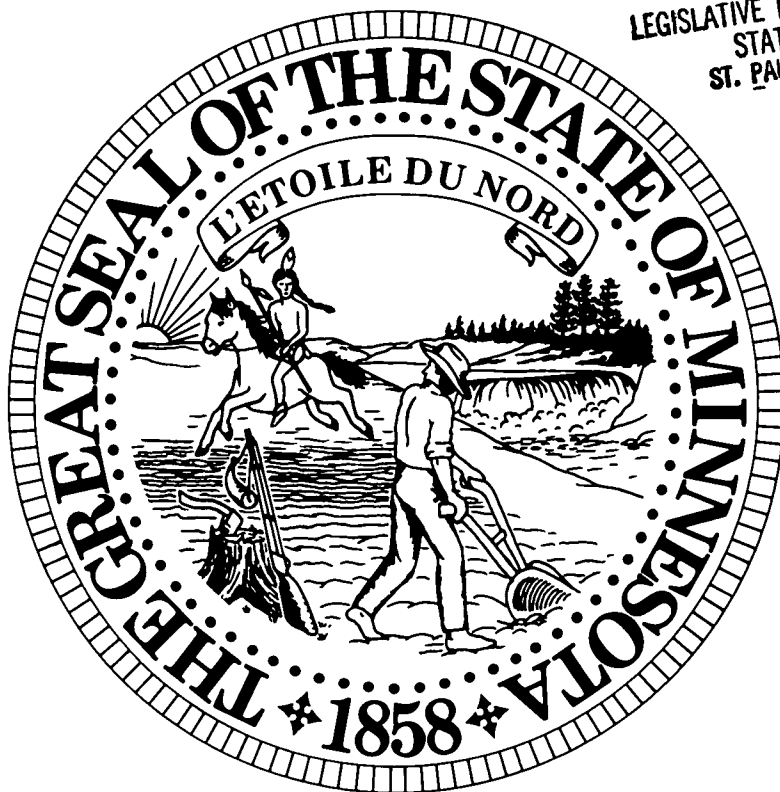
State of Minnesota

STATE REGISTER

Department of Administration—Documents Division

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State Register

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

The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, official notices to the public, state and non-state public contracts, grants, supreme court and tax court decisions, and a monthly calendar of cases to be heard by the state supreme court.

Printing Schedule and Submission Deadlines

| Vol. 12 Issue Number | *Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules | *Submission deadline for State Contract Notices and other **Official Notices | Issue Date |
|----------------------------|---|--|--------------------|
| 35 | Friday 12 February | Monday 22 February | Monday 29 February |
| 36 | Monday 22 February | Monday 29 February | Monday 7 March |
| 37 | Monday 29 February | Monday 7 March | Monday 14 March |
| 38 | Monday 7 March | Monday 14 March | Monday 21 March |

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

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

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

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

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Contact: Senate Public Information Office
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(612) 296-0504

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

This Week—weekly interim bulletin of the House.

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

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

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

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

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

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-652-9747 and ask for "Documents."

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Proposed Rules

Pursuant to Minn. Stat. of 1982, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Commerce

In the Matter of the Proposed Adoption of Rules Relating to Non-Profit Risk Indemnification Trusts

Notice of Withdrawal

Notice is hereby given that the above-entitled rules as published in the *State Register* on January 25, 1988 at page 1509 are hereby withdrawn.

Bureau of Mediation Services

Proposed Permanent Rules Relating to Labor; Representation Elections; Appeal Status

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Director, Bureau of Mediation Services, proposes to amend the above-entitled rules without a public hearing. The Director has determined that the proposed amendment of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes*, Sections 14.22-14.28.

Persons interested in this rule are encouraged to submit comment in support of or in opposition to the proposed rule and shall have 30 days to do so. Each comment should identify the portion of the proposed rule being addressed, the reason the comment is being made, and any changes in the proposed rules which are being suggested. The proposed rule may be modified if the modifications are supported by the data and comments received by the Bureau and do not result in substantial change in the intent and purpose of the proposed rule.

Unless 25 or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held. Persons requesting a public hearing should state their name and address and are encouraged to identify the portion of the proposed rule addressed by their request, the reason for the request, and any changes in the proposed rule which are being suggested. In the event a public hearing is required, the Bureau will proceed pursuant to *Minnesota Statutes*, sections 14.11-14.20.

Comments or written requests for a public hearing on these proposed rules should be submitted to:

Paul W. Goldberg, Commissioner
Minnesota Bureau of Mediation Services
1380 Energy Lane, Suite Two
St. Paul, MN 55108
(612) 649-5421

Authority to adopt this rule is contained in *Minnesota Statutes*, section 179A.04, subdivision 3(f). A Statement of Need and Reasonableness that describes the need for and the reasonableness of the proposed rule and the information relied upon to support the amendment has been prepared and is available upon request from the Bureau at the above address or telephone number.

Upon adoption of the final rule without a public hearing, the proposed rule, this notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final Rule as Adopted, should submit a written request to the address provided above.

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

Copies of this notice and the proposed rule are available and may be obtained by contacting the Bureau at the above address or telephone number.

Dated: 29 February 1988

Paul W. Goldberg, Commissioner
Bureau of Mediation Services

Rules as Proposed

5510.1910 HEARINGS OR INVESTIGATIONS.

Subpart 1. to 14. [Unchanged.]

Subp. 15. **Order pending appeal.** Any unit determination, unit clarification, or fair share fee challenge order appealed to the board shall continue in effect ~~unless ordered otherwise by the board or~~ unless stayed by the commissioner upon request of one or more parties or the board.

5510.2010 ELECTIONS.

Subpart 1. to 10. [Unchanged.]

Subp. 11. **Status of scheduled election during appeal to board.** In the event of an appeal to the board, the commissioner shall ~~conduct the scheduled election unless otherwise ordered by the board~~ proceed with any pending election unless the commissioner determines that the nature of the appeal precludes a reasonable determination of the question of representation to be decided by the election. Any party wishing to stay an election pending resolution of an appeal to the board shall notify the commissioner in writing within five days of the appeal setting forth the reasons why the question of representation cannot be resolved during the pendency of the appeal. The commissioner shall respond to the notification in writing within ten days.

Subp. 12. to 15. [Unchanged.]

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.

Rural Development Board

Proposed Permanent Rules Relating to Challenge Grants

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Rural Development Board intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rules is *Minnesota Statutes*, section 116N.08.

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

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

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

Bob Benner
Rural Development Board
900 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 297-2515

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

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

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Bob Benner upon request.

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

Dated: 12 February 1988

David Speer
Commissioner and Chair of the
Rural Development Board

Rules as Proposed (all new material)

4370.0010 DEFINITIONS.

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

Subp. 2. **Annual report.** "Annual report" means a description of projects supported by the challenge grant program, an account of loans made during the calendar year, the source and amount of money collected and distributed by the challenge grant program, the program's assets and liabilities, and an explanation of administrative expenses.

Subp. 3. **Board.** "Board" means the Rural Development Board.

Subp. 4. **Commissioner.** "Commissioner" means the commissioner of trade and economic development.

Subp. 5. **Economic recovery fund.** "Economic recovery fund" means the state-funded economic development grant program established by Minnesota Statutes, sections 116J.401 to 116J.403, and 116J.873.

Subp. 6. **Funding region.** "Funding region" means the six rural areas of Minnesota that have boundaries that are coterminous with one or more of the development regions established under Minnesota Statutes, section 462.385. They are identified as follows:

A. northwest region is coterminous with development regions 1 and 2;

- B. northeast region is coterminous with development region 3;
- C. west central region is coterminous with development region 4;
- D. central region is coterminous with development regions 5, 7E, and 7W;
- E. southwest region is coterminous with development regions 6E, 6W, and 8; and
- F. southeast region is coterminous with development regions 9 and 10.

Subp. 7. **Grant agreement.** "Grant agreement" means an agreement between the state and a regional organization through which the state provides funds to carry out specified programs, services, or activities.

Subp. 8. **Independent annual audit.** "Independent annual audit" means a yearly financial compliance audit performed by a certified public accountant in accordance with generally accepted accounting practices and auditing standards.

Subp. 9. **Loan limits.** "Loan limits" means that for businesses the minimum loan is \$5,000 and the maximum is \$100,000. For local governmental units the minimum is \$5,000 and the maximum is \$50,000.

Subp. 10. **Local governmental unit.** "Local governmental unit" means a home rule charter or statutory city when the project is located in an incorporated area, a county when the project is located in an unincorporated area, or an American Indian Tribal Council when the project is located within a federally recognized American Indian Reservation or community.

Subp. 11. **Local revolving loan fund.** "Local revolving loan fund" means a revolving loan fund established by a local governmental unit to promote economic development.

Subp. 12. **Low income.** "Low income" means income that is equal to or below the nonmetropolitan median household income.

Subp. 13. **Minimum interest rate.** "Minimum interest rate" means the interest rate established by the board that cannot be exceeded but that will ensure coverage of the necessary management costs incurred by the regional organization.

Subp. 14. **Private investment.** "Private investment" means cash injections from sources other than state, local, or federal government appropriations.

Subp. 15. **Regional organization.** "Regional organization" means a nonprofit corporation selected by the rural development board to receive a challenge grant.

Subp. 16. **Regional revolving loan fund.** "Regional revolving loan fund" means a board-certified revolving loan fund established by a regional organization to provide loans to new and expanding businesses in rural Minnesota to promote economic development.

Subp. 17. **Rural.** "Rural" means the area of Minnesota located outside the seven-county metropolitan area as defined by Minnesota Statutes, section 473.121, subdivision 2.

Subp. 18. **Rural rehabilitation revolving fund.** "Rural rehabilitation revolving fund" means the trust fund established in Minnesota Statutes, section 116J.955.

4370.0020 PURPOSE.

The purpose of this chapter is to establish:

- A. procedures for the Rural Development Board to select and enter into agreements with regional organizations; and
- B. procedures for the use of revolving loan funds under Minnesota Statutes, section 116N.08.

4370.0030 OBJECTIVES OF PROGRAM.

The objectives of the challenge grant program are to encourage private investment, to provide jobs principally for low-income persons, and to promote economic development in the rural areas of the state.

4370.0040 TYPES OF FUNDING AVAILABLE.

The Rural Development Board shall designate up to \$1,000,000 from the rural rehabilitation revolving fund for each funding region to be available over a three-year period. The money awarded to each regional organization will be appropriated to its regional revolving loan fund on a project-by-project basis and matched by the regional organization with an equal amount of nonpublic money.

The regional revolving loan fund shall be used by the regional organization to provide loans directly to new and expanding businesses or to local governmental units to promote economic development.

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

Proposed Rules

Loans to businesses from the regional revolving loan fund must be at least \$5,000 and no more than \$100,000. The amount of money appropriated from the regional revolving loan fund for each project may not exceed 50 percent of the total cost of each project. The amount of nonpublic money must equal at least 50 percent of the cost of each project.

Loans to local governmental units from the regional revolving loan fund must be at least \$5,000 and no more than \$50,000. The money loaned to a local governmental unit must be matched by the local revolving loan fund established by the local governmental unit and used to provide loans to businesses to promote local economic development.

4370.0050 APPLICATION PROCESS AND REQUIREMENTS FOR SELECTION OF REGIONAL ORGANIZATIONS TO RECEIVE CHALLENGE GRANTS.

Subpart 1. **Eligibility requirements.** An eligible applicant must be a nonprofit corporation that can demonstrate the authority and ability to establish and administer a revolving loan fund, to initiate and implement economic development within its funding region, to be familiar with other available public and private funding sources and economic development programs, and to analyze projects to objectively review loan requests. Subject to the approval of the commissioner, an applicant may contract with other entities that have the technical skills to provide the specific services that fulfill this requirement.

An eligible applicant must demonstrate that its board of directors includes citizens who are experienced in rural development, has representatives of the regional development commissions (when applicable), and has directors representative of the geographic areas in the funding region.

Subp. 2. **Process for submitting application.** The board shall give notice of the period during which applications will be accepted. The notice must be published in the *State Register* at least 30 days before the closing date.

Subp. 3. **Contents of application.** The application must be in a form prescribed by the board and must include:

- A. an assurance signed by the regional organization's chair that the applicant will comply with all applicable state and federal laws and requirements;
- B. a resolution passed by the applicant's board of directors approving the submission of an application and authorizing execution of the grant agreement if funds are made available;
- C. documentation of an applicant's eligibility; and
- D. any additional information that the board requests as necessary to clarify and evaluate the application.

Subp. 4. **Evaluation and approval of applications.** Applicants that meet the eligibility requirements will be evaluated in the following two areas: (1) their ability to provide a nonpublic direct dollar match to the challenge grant award, and (2) their ability to implement requirements of the challenge grant program (including cooperation with other rural development organizations in carrying out the challenge grant program to promote rural development and provide technical assistance).

4370.0060 AGREEMENTS AND RECORDS.

Subpart 1. **Grant agreement required.** A grant agreement must be established with each regional organization approved for funding by the board. The agreement must be signed by a person authorized to commit the regional organization to legally binding agreements and to execute the agreement.

Subp. 2. **Contents of grant agreement.** The grant agreement must include but is not limited to the following:

- A. Assurance that the regional organization has or will establish a board-certified revolving loan fund to provide loans to new and expanding businesses in their funding region to promote economic development.
- B. Assurance that the grant recipient will comply with all applicable state and federal laws, including the requirements of Minnesota Statutes, section 116N.08.
- C. No challenge grant funds shall be used to finance activities not approved in either the grant agreement or each loan agreement. If it is determined that an improper use of funds has occurred, the board will take whatever action is necessary to recover improperly spent funds. Grant recipients must return funds that are improperly expended.
- D. The board shall suspend payment of funds to recipients that are not in compliance with applicable state and federal laws, rules, and regulations.
- E. Amendments to the grant agreement must be in writing.

Subp. 3. **Record keeping.** The following record keeping requirements are established:

- A. Challenge grant recipients shall maintain financial records that identify the source and application of funds for challenge grant-supported activities. These records must contain information about approved loans, obligations, unobligated balances, assets, liabilities, outlays and interest income, use of interest income, and other information as required by the board to fulfill its responsibilities. Financial records, supporting documents, statistical records, and all other records pertinent to the challenge grant program

must be retained by the regional organization for one year after the grant program expires and records of each loan for one year from the final repayment. No records or documents may be disposed of while audits, claims, or litigation involving the records are in progress.

B. Challenge grant recipients must arrange and pay for an independent annual audit and submit a copy of the annual audit to the board.

C. By February 15 of each year, an annual report must be submitted to the board. The annual report must include a description of projects supported by the challenge grant program, an account of loans made during the calendar year, the source and amount of loans made during the year, the source and amount of money collected and distributed by the challenge grant program, the program's assets and liabilities, and an explanation of administrative expenses.

The annual report will be used as a basis for reviewing the utilization of challenge grants awarded by the board. Grant agreements will make provisions for reallocation in the event that the regional organization fails to perform its duties.

D. Representatives of the board and the legislative auditor shall have access to all books, records, accounts, reports, files and other papers, things, or property belonging to the regional organization which are related to the administration of the challenge grant program.

4370.0070 CHALLENGE GRANT ADMINISTRATION MANUAL.

The board shall prepare an administration manual for distribution to eligible regional organizations. The manual must instruct challenge grant applicants in the preparation of loan applications and describe the method by which the regional organization will evaluate and rate the applications.

4370.0080 THRESHOLD REQUIREMENTS.

Subpart 1. **Regional policies required.** Regional policies must be developed to ensure that business loan applications meet specified eligibility threshold requirements. The criteria in this part must be incorporated into the regional policies.

Subp. 2. **Financing gap.** Loans must be made to businesses that are not likely to undertake a project for which loans are sought without assistance from the challenge grant program. The loan applicant must demonstrate the existence of a financing gap by documenting which of the following apply to the business:

- A. inadequate equity;
- B. inadequate private lender financing; or
- C. inability to pay market interest rate or term requirements.

Subp. 3. **Jobs which principally benefit low-income persons.** A loan must be used for a project designed principally to benefit low-income persons through the creation or retention of jobs (principally is defined as more than 50 percent of the persons benefitting).

In addressing this criterion, an applicant should be prepared to show how low-income persons directly benefit from the creation or retention of jobs by providing evidence that the jobs retained employ low-income persons and that jobs created are filled or made available to low-income persons. The following are minimum threshold requirements relating to low-income job creation/retention.

A. Among loan applicants, priority must be given on the basis of the number of permanent jobs created or retained by the project and the proportion of nonstate money leveraged by the revolving loan.

B. Only jobs directly resulting from a specific grant activity will be considered.

C. In order to count retained jobs, there must be clear documentation provided by the business that it would reduce operations in the community or discontinue operations in Minnesota if additional financing is not made available.

Subp. 4. **Leverage private investment.** The amount of money made available from the regional revolving loan fund may not exceed 50 percent of the total cost of the project. The following are minimum threshold requirements for leveraging private investment:

A. Except with prior approval by the commissioner, leveraged private investment by the business must be in the form of new commitments that have not yet been expended.

B. Financial commitments should not be contingent upon events other than the approval of the regional revolving loan.

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Proposed Rules

C. With the approval of the commissioner, a loan may be used to provide up to 50 percent of the private investment required to qualify for a grant from the economic recovery fund.

D. For business loans, the amount of money appropriated from the rural rehabilitation revolving fund may not exceed 50 percent of each loan made by the regional organization. The amount of nonpublic money must be at least 50 percent of each loan made by the regional organization. The loan limits of the regional organization will be \$5,000 minimum and \$100,000 maximum.

E. For loans to local governmental units, the amount of money appropriated from the rural rehabilitation revolving fund for each regional revolving loan may not exceed \$25,000. The maximum regional revolving loan is \$50,000. The local governmental unit must match the loan at a minimum dollar-for-dollar from its revolving loan fund. The loan made by a local governmental unit may be 100 percent public funds.

F. In determining which business activities may be considered for loans, the following minimum requirements apply:

- (1) A loan may not exceed 50 percent of the total cost of an individual project.
- (2) Eligible business enterprises include technologically innovative industries, value-added manufacturing, agriprocessing, information industries, and agricultural marketing.
- (3) A loan may not be used for a retail development project.
- (4) A business applying for a loan must be sponsored by a resolution of the local governmental unit within whose jurisdiction the project is located.
- (5) Loan applications given preliminary approval by the regional organization must be forwarded to the commissioner for final approval.

Subp. 5. **Loan repayment.** For loans made to businesses, amounts equal to one-half of each principal and interest repayment must be deposited in the rural rehabilitation revolving fund. The money deposited in the fund will be used for additional challenge grants to the funding region for which the money was originally designated. The remaining amount of the loan repayment may be deposited in the regional revolving loan fund for further distribution by the regional organization.

For loans made to local governmental units, one-half of the money loaned by the regional organization must be repaid to the rural rehabilitation revolving fund. With the agreement of the regional organization, 50 percent of the money may be retained by the local governmental unit's revolving loan fund for further distribution by the local governmental unit.

Rural Finance Authority

Proposed Permanent Rules Relating to the Beginning Farmer Program

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Rural Finance Authority intends to adopt the above-entitled rules without a public hearing following the general procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt these rules is contained in *Minnesota Statutes*, section 41B.07.

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

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

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

David A. Johnson
Program Director
Rural Finance Authority
Room 309 State Administration Building
50 Sherburne Ave.
St. Paul, Minnesota 55155

The proposed rules may be modified if the suggested modifications are supported by data and views submitted to the department and do not limit the ability of eligible persons to participate in this program. A statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Mr. Johnson upon request.

Upon receipt of all comments and requests, and following hearing, if necessary, the rules shall be adopted or modified by the Rural Finance Authority Board, pursuant to *Minnesota Statutes*, section 41B.07.

Thomas Triplett, Chairman
Rural Finance Authority

Rules as Proposed (all new material)

1650.0010 APPLICABILITY AND PURPOSE.

Subpart 1. **Applicability.** Parts 1650.0010 to 1650.0070 establish the criteria and procedures to be used by the Rural Finance Authority in the administration of the beginning farmer loan participation program authorized by Minnesota Statutes, sections 41B.01 to 41B.23.

Subp. 2. **Purpose.** The purpose of the Rural Finance Authority beginning farmer loan participation program and the bonds issued to finance or provide security for the program is to preserve and develop the state's agricultural resources by extending credit on real estate security through the purchase of participation interests in first mortgage loans made to persons entering farming who have not owned a farm before entering the program.

1650.0020 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this section apply to parts 1650.0010 to 1650.0070.

Subp. 2. **Agricultural purposes.** "Agricultural purposes" means the production of livestock, dairy animals, dairy products, poultry or poultry products, fur-bearing animals, horticultural or nursery stock, fruit, vegetables, forage, grains, timber, trees, or bees and apiary products. Agricultural purposes also includes the use of the following types of real property: wetlands, pasture, forest land, wildlife, and homestead and other real property adjacent to or associated with the agricultural use of land.

Subp. 3. **Applicant.** "Applicant" means a person who submits an application to the RFA through an eligible lender.

Subp. 4. **Application.** "Application" means an application for the beginning farmer loan participation prescribed by the RFA.

Subp. 5. **Assets.** "Assets" means property, real or personal, tangible or intangible, and all contract rights of value that constitute assets, including cash crops or feed on hand, livestock held for sale, breeding stock, marketable bonds and securities, securities not readily marketable, accounts receivable, notes receivable, cash invested in growing crops, cash value of life insurance, machinery and equipment, cars and trucks, farm and other real estate including life estates and personal residence, and the value of a beneficial interest in trusts.

Subp. 6. **Beginning farmer loan.** "Beginning farmer loan" means a first mortgage loan made by an eligible lender to an eligible borrower, offered to the RFA for participation, and in which the RFA has purchased a participation.

Subp. 7. **Borrower.** "Borrower" means the person or persons liable on a beginning farmer loan. A borrower may not be a corporation.

Subp. 8. **Debt to asset ratio.** "Debt to asset ratio" means the total outstanding liabilities of an applicant divided by the total outstanding assets of the applicant expressed as a percentage.

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

Subp. 10. **Net worth.** "Net worth" means the combined value of an applicant's property and the property of the applicant's spouse and dependents, determined by subtracting all liabilities of the applicant, spouse, and dependents, from the assets owned by the applicant, spouse, and dependents.

Subp. 11. **Participation certificate.** "Participation certificate" means a document in a form prescribed by the RFA, that is signed by an authorized representative of a participating lender and evidences the RFA's participation in a beginning farmer loan.

Subp. 12. **RFA.** "RFA" means the Rural Finance Authority established by Minnesota Statutes, sections 41B.01 to 41B.23.

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

Proposed Rules

Subp. 13. **RFA beginning farmer program.** "RFA beginning farmer program" means the RFA program for the purchase of participation interests in first mortgage real estate loans made to eligible borrowers so that the borrowers may use the real estate for agricultural purposes.

Subp. 14. **RFA participation.** "RFA participation" means the Rural Finance Authority's undivided interest in the principal of a beginning farmer loan, all rights and interests in the loan documents, and all proceeds arising from that undivided interest in the principal of the beginning farmer loan. The RFA's participation may not exceed 25 percent of the total principal of the loan or \$25,000, whichever is less.

1650.0030 BORROWER ELIGIBILITY.

Subpart 1. **Criteria.** To be eligible for RFA loan participation, an applicant must meet the criteria in Minnesota Statutes, sections 41B.03, subdivisions 1 and 3, and 41B.039, and those in this part.

Subp. 2. **Previous farm ownership.** An applicant must be considered to have not owned a farm if:

A. the applicant has never owned any farm real estate;

B. the applicant has held a minority interest of less than 35 percent in a family farm corporation as defined in Minnesota Statutes, section 500.24, and has not as an individual owned any other farm real estate except as provided in item C; or

C. the applicant has never owned farm real estate of more than 40 acres.

Subp. 3. **Net worth.** An applicant's net worth must be calculated at the time of the application and must not include the value of the farm to be purchased or the liability of the prospective loan.

Subp. 4. **Eligibility.** An applicant must certify to the RFA that the applicant understands the eligibility criteria stated in the application and is eligible for the program.

1650.0040 LENDER ELIGIBILITY.

Subpart 1. **Statutory eligibility.** A lending institution covered by Minnesota Statutes, section 41B.02, subdivision 4, may apply to the RFA for certification as an eligible lender.

Subp. 2. **Approval.** Upon the lender's demonstration of its ability to adequately originate and service beginning farmer loans, the RFA shall designate the lender as an approved lender for purposes of the beginning farmer program.

Subp. 3. **Participation agreement.** Before submission of applications to the RFA, an approved lender shall enter into a participation agreement with the RFA specifying the terms and conditions of the loans to be made to a beginning farmer and then offered to the RFA for participation, and the contractual relationship between the lender and the RFA.

1650.0050 APPLICATION PROCEDURES; NOTICES.

Subpart 1. **Application.** An applicant and an approved lender who wish to request RFA participation in a first mortgage real estate loan must jointly complete and sign an application and prepare all supporting documents identified in the application.

The lender shall present these documents to the RFA. Presentation of the documents constitutes an offer to participate in the loan.

Subp. 2. **Authority review.** Within a reasonable time after receipt of an application and supporting documents, the RFA shall review the information provided and accept or reject the lender's offer to participate. If the information provided is not sufficient to make a determination, the authority shall request additional information from the lender and applicant.

Subp. 3. **RFA notice.** The RFA shall promptly notify the lender in writing whether the application has been approved or not. If the application is not approved, the notice must state the reasons for disapproval.

Subp. 4. **Administrative reconsideration.** If a proposed application is not approved by the RFA, the borrower or the lender may petition the RFA program director for an administrative reconsideration. The petition must be in writing and must be sent within 15 business days of the date of the disapproval. The petition must state the petitioner's reasons for disagreeing with the disapproval and may include additional information relevant to the request for reconsideration. Within 15 business days of receiving the petition, the RFA program director shall send a written response to the petitioner upholding or reversing the original decision and giving the reasons for the decision.

Subp. 5. **Appeal.** A petitioner may appeal the program director's reconsideration directly to the RFA board, by written notice to the director within 15 business days of receiving the director's reconsideration decision. The decision of the board is final.

Subp. 6. **Closing; payment.** If an application is approved for RFA participation, the lender shall close the loan and notify the RFA. Within five business days of being notified that the loan is closed, the RFA shall pay the lender by state warrant for the RFA's participation interest in the beginning farmer loan. Upon the lender's receipt of finally collected funds under the warrant, the lender shall issue and deliver a participation certificate to the RFA witnessing that the RFA is the absolute owner of a pro rata interest in the beginning farmer loan and in the collateral securing the loan in the amount of its participation interest.

1650.0060 LOAN ADMINISTRATION.

A. The lender shall perform all tasks and functions customarily performed in the administering of first mortgage loans with the degree of care and diligence usually maintained by agricultural real estate lenders. The lender shall also have custody and control of all loan documents.

B. The lender shall monitor the borrower's loan payment performance and financial condition.

C. The lender shall manage, administer, and enforce the loan documents in its own name but on behalf of itself and the RFA, including, without limitation, the right to accelerate a beginning farmer loan on default and to foreclose or otherwise enforce remedies against the borrower.

D. The lender shall promptly notify the RFA of occurrences that substantially affect the security, collection, or enforcement of a beginning farmer loan.

E. The lender shall obtain the prior written consent of the borrower and the RFA or a person or entity designated by the RFA before:

(1) making or consenting to a release, substitution, or exchange of collateral that reduces the aggregate value of the collateral;

(2) waiving a claim against the borrower or a guarantor, surety, or obligor in connection with the indebtedness; or

(3) modifying or waiving a term of the notes or related instruments evidencing or securing the beginning farmer loan.

1650.0070 REVIEW OF LOAN AND COLLATERAL.

Subpart 1. **Inspection.** At any time during the term of a beginning farmer loan, the RFA or the state legislative auditor may inspect the books, records, documents, and accounting procedures and practices of the lender and the borrower relative to a beginning farmer loan to enable the authority to determine if the lender and the borrower are complying with the terms and conditions of the loan agreement, Minnesota Statutes, sections 41B.01 to 41B.211, the participation agreement between the lender and the RFA, and parts 1650.0010 to 1650.0070. The lender shall allow the RFA to review and copy documents relating to the beginning farmer loan at no cost to the RFA. The RFA shall conduct inspections and review documents during the lender's normal business hours.

Subp. 2. **Collateral.** The lender and the RFA may physically inspect the collateral securing the beginning farmer loan upon notice to the borrower. An inspection under this subpart must be conducted at a reasonable time.

Waste Management Board

Proposed Permanent Rules Relating to Solid Waste Reduction and Separation Grant (LOW-TECH) Program

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Minnesota Waste Management Board (Board) intends to adopt amendments to the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, §§ 14.22 to 14.28 (1986). The Board's authority to adopt the rule is set forth in *Minnesota Statutes*, §§ 115A.06, subd. 2 (1986) and *Minnesota Statutes*, § 115A.53 (Supp.1987).

All persons have until 4:30 p.m. on March 30, 1987, to submit comments in support of or in opposition to the proposed amendments or any part or subpart of the proposed amendments. Comment is encouraged. Each comment should identify the portion of the proposed amendments addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the amendments within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed amendments addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes*, §§ 14.131 to 14.20 (1986).

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Proposed Rules

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

Linda Cox
Minnesota Waste Management Board
1350 Energy Lane
Saint Paul, Minnesota 55108
(612) 649-5750

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

The proposed amendments, if adopted, will clarify the rule with regard to eligible projects, costs, and matching fund contributions. The proposed amendments are published below. One free copy of the amendments is available upon request from Linda Cox at the address and telephone number stated above.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed amendments and that identifies the data and information relied upon to support the proposed amendments has been prepared and is available from Linda Cox upon request.

You are hereby advised, pursuant to *Minnesota Statutes*, § 14.115 (1986), "Small business considerations in rulemaking," that the proposed amendments will have no negative effect on small businesses, as the amendments do not affect the ability of small businesses to participate in this program.

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

Joseph M. Pavelich
Chair

Rules as Proposed

9200.6902 ELIGIBILITY CRITERIA.

Subpart 1. [Unchanged.]

Subp. 2. **Eligible projects.** Only solid waste reduction projects, solid waste separation projects, and collection systems for separated solid wastes are eligible for grants. To be eligible for funding, a project must be a new project or an expansion of an existing project, and must be designed to operate for a minimum of three years after a grant is received. A project may include household hazardous waste management, but may not consist solely of household hazardous waste management.

Subp. 3. and 4. [Unchanged.]

Subp. 5. **Implementation costs.** Implementation costs are limited to the costs incurred in the first year of project operation. Eligible implementation costs are:

A. capital, operating, and maintenance costs of waste reduction and separation equipment such as source separation collection vehicles, collection trailers, drop boxes, curbside collection bins, and other containers used exclusively for the collection or transport of separated wastes or the management of household hazardous waste; and

B. [Unchanged.]

Subp. 6. and 7. [Unchanged.]

9200.6903 INFORMATION AND DOCUMENTATION REQUIRED IN GRANT APPLICATION.

An application for a solid waste reduction and separation project grant shall include the following information, as required in the application form supplied by the board:

A. to Q. [Unchanged.]

R. a work plan that ~~demonstrates~~ describes how the applicant will implement the project and how the applicant intends to operate the project for the three years following receipt of a grant, including:

(1) to (5) [Unchanged.]

S. and T. [Unchanged.]

9200.6904 REVIEW AND EVALUATION OF APPLICATIONS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Evaluation of applications.** The board shall evaluate the application. In order to receive funding, the application must demonstrate that:

A. [Unchanged.]

B. the affected political subdivisions are committed to developing ~~and~~, implementing, and operating the project for a three-year period, providing necessary local financing, and accepting and exercising the government powers necessary for project development ~~and~~, implementation, and operation;

C. and D. [Unchanged.]

Subp. 4. and 5. [Unchanged.]

9200.6905 LIMITATIONS.

Subpart 1. **Matching funds required.** A grant awarded under parts 9200.6900 to 9200.6906 must be matched by federal, local, private, or other state grants, loans, or contributions, the total of which must equal the amount of the grant applied for. ~~Local government~~ Matching funding may be in the form of cash ~~or in-kind matching funds, goods, or services.~~

Subp. 2. to 4. [Unchanged.]

Adopted Rules

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

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

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

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

Department of Agriculture

Adopted Emergency Amendments to Permanent Rules Relating to Certified Seed Potato Grades

The rules proposed and published at *State Register*, Volume 12, Number 23, pages 1174-1177, December 7, 1987 (12 S.R. 1174) are adopted as proposed.

Ethical Practices Board

Adopted Permanent Rules Relating to Ethics in Government

The rules proposed and published at *State Register*, Volume 12, Number 24, pages 1207-1209, December 14, 1987 (12 S.R. 1207) are adopted with the following modifications:

Rules as Adopted

4500.1500 JUDICIAL CANDIDATE.

Subpart 1. **Aggregate contributions.** Contributions to a candidate for district court ~~or county court~~ which in aggregate exceed \$100 shall be disclosed in accordance with requirements set forth in Minnesota Statutes, section 10A.20, subdivision 3, clause (b).

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Adopted Rules

Subp. 2. **Contributions from one source.** Contributions to a candidate for district court or county court from any one source totaling more than \$400 received between the last day covered in the last report prior to an election and the election shall be reported to the board in person, by telegram or mailgram, or by certified mail sent within 48 hours after receipt and also in the next required report.

Pollution Control Agency

Adopted Permanent Rules Relating to Standards for Protection of the Quality and Purity of the Waters of the State

The rules proposed and published at *State Register*, Volume 12, Number 1, pages 11-36, July 6, 1987 (12 S.R. 11) are adopted with the following modifications:

Rules as Adopted

7050.0180 NONDEGRADATION FOR OUTSTANDING RESOURCE VALUE WATERS.

Subp. 6. **Restricted discharges.** No person may cause or allow a new or expanded discharge of any sewage, industrial waste, or other waste to any of the following waters unless there is not a prudent and feasible alternative to the discharge:

C. lake trout lakes, both existing and potential, as determined by the agency in conjunction with the Minnesota Department of Natural Resources, outside the boundaries of the Boundary Waters Canoe Area Wilderness and Voyageur's Voyageurs National Park and identified in parts 7050.0460 to 7050.0470;

Subp. 6b. **Calcareous fens.** The following calcareous fens are hereby designated outstanding resource value waters:

C. ~~Barnesville~~ Barnesville WMA fen, Clay County;

7050.0185 NONDEGRADATION FOR ALL WATERS.

Subp. 2. **Definitions.** For the purpose of this part, the following terms have the meanings given them:

G. "Significant discharge" means:

(1) a new discharge of sewage, industrial, or other wastes greater than 200,000 gallons per day to any water other than a class 7, limited resource value water; or

(2) an expanded discharge of sewage, industrial, or other wastes that expands by more than 200,000 gallons per day and that discharges to any water other than a class 7, limited resource value water; or

(3) a new or expanded discharge ~~of~~ containing any toxic pollutant at a mass loading rate likely to increase the concentration of the toxicant in the receiving water by greater than one percent over the baseline quality. This determination shall be made using:

(a) data collected from the receiving water or from a water representative of the receiving water;

(b) the entire once in ten-year, seven-day low flow of the receiving water as defined in part 7050.0210, subpart 7; and

Subp. 4. **Additional requirements for significant discharges.** If a person proposes a new or expanded significant discharge from either a point or nonpoint source, the agency shall determine ~~what reasonable~~ whether additional control measures beyond those required by subpart 3 can reasonably be taken to minimize the impact of the discharge on the receiving water. In making the decision, the agency shall consider the importance of economic and social development and impacts of the project, the impact of the discharge on the quality of the receiving water, the characteristics of the receiving water, the cumulative impacts of all new or expanded discharges on the receiving water, the costs of additional treatment beyond what is required of nonsignificant dischargers, and other matters as shall be brought to the agency's attention.

Subp. 5. **Determination of significance.** A person proposing a new or expanded discharge of sewage, industrial waste, or other wastes shall submit to the ~~director~~ commissioner the information required to determine whether the discharge is significant under subpart 2. If the discharge is sewage or industrial waste, the flow rate used to determine significance under this part is the design average wet weather flow for the wettest 30-day period. For discharges of other wastes, the flow rate to be used is the design maximum daily flow rate. In determining the significance of a discharge to a lake or other nonflowing receiving water, a mixing zone may be established under the guidelines of part 7050.0210, subpart 5.

Subp. 6. **Baseline quality.** If an existing discharge to a water of the state is eliminated or significantly reduced, baseline quality for purposes of this part shall be adjusted to account for the water quality impact associated with that particular discharge.

If no data is are available to determine baseline quality or the data collected after January 1, 1988, are of better quality, then the

~~director~~ may commissioner shall authorize the use of data collected after January 1, 1988. If no data are available, the person proposing the discharge may collect new data in accordance with agency protocols.

Subp. 8. **Determination of reasonable control measures for significant discharges.** The person proposing a new or expanded significant discharge of sewage, industrial waste, or other wastes shall submit to the ~~director~~ commissioner information pertinent to those factors specified in subpart 4 for determining whether and what additional control measures are reasonable.

The ~~director~~ commissioner shall provide notice and an opportunity for a public hearing in accordance with the permit requirements in chapter 7001 before establishing reasonable control requirements for a new or expanded significant discharge.

7050.0190 VARIANCE FROM STANDARDS.

Subp. 2. **Listing.** By October 1 each year, the ~~director~~ commissioner shall prepare a list of the variances in effect granted by the agency under this part. This list shall be available for public inspection and shall be provided to the United States Environmental Protection Agency. This list shall identify the person granted the variance, the rule from which the variance was granted, the water affected, the year granted, and any restrictions that apply in lieu of the rule requirement.

7050.0210 GENERAL STANDARDS FOR DISCHARGERS TO WATERS OF THE STATE.

Subp. 6a. **Exception for existing trickling filter facilities.** The exception for existing trickling filter facilities is:

B. For those municipal point source dischargers and other point source dischargers of sewage that meet the conditions of item A, the following effluent limitations for 5-day carbonaceous biochemical oxygen demand and total suspended solids apply as the arithmetic mean of all samples collected during a calendar month.

| | |
|--|---------------------------|
| 5-day carbonaceous biochemical oxygen demand | 40 milligrams per liter* |
| Total suspended solids | 45 milligrams per liter** |

*In any calendar week, the arithmetic mean for 5-day carbonaceous biochemical oxygen demand shall not exceed 60 milligrams per liter.

**The arithmetic mean for any calendar week shall not exceed 65 milligrams per liter for total suspended solids.

Subp. 8. **Advanced wastewater treatment requirements.** In any instance where it is evident that the minimal treatment specified in subpart 6 or part 7050.0212 and dispersion are not effective in preventing pollution, or if at the applicable flows it is evident that the specified stream flow is inadequate to protect the specified water quality standards, the specific standards may be interpreted as effluent standards for control purposes. In addition, the following effluent standards may be applied without any allowance for dilution where stream flow or other factors are such as to prevent adequate dilution, or where it is otherwise necessary to protect the waters of the state for the stated uses:

| Item* | Limits** |
|--|--|
| 5-day carbonaceous biochemical oxygen demand | 5 milligrams per liter (arithmetic mean of all samples taken during any calendar month) |

*The concentrations specified in subpart 6 or, if applicable, part 7050.0212 may be used in lieu thereof if the discharge of effluent is restricted to the spring flush or other high runoff periods when the stream flow rate above the discharge point is sufficiently greater than the effluent flow rate to insure that the applicable water quality standards are met during such discharge period. If treatment works are designed and constructed to meet the specified limits given above for a continuous discharge, at the discretion of the agency the operation of such works may allow for the effluent quality to vary between the limits specified above and in subpart 6 or, if applicable, part 7050.0212, provided the water quality standards and all other requirements of the agency and the United States Environmental Protection Agency are being met. Such variability of operation must be based on adequate monitoring of the treatment works and the effluent and receiving waters as specified by the agency.

**If a discharger is required by the ~~director~~ commissioner to implement a pretreatment program for the control of toxic pollutants from industrial contributors and the program has not yet been implemented, the discharger's effluent limitation for total suspended solids shall be five milligrams per liter until such time as the program has been implemented.

This section shall not apply to discharges to surface waters classified as limited resource value waters pursuant to parts 7050.0200, number 7 and 7050.0400 to 7050.0470.

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Adopted Rules

7050.0212 REQUIREMENTS FOR POINT SOURCE DISCHARGERS OF INDUSTRIAL OR OTHER WASTES.

Subpart 1. **Applicable effluent limitations.** Any person discharging industrial or other wastes from a point source shall comply with the following requirements:

A. Point source dischargers of industrial or other wastes shall comply with all applicable federal standards promulgated by the United States Environmental Protection Agency under sections 301, 306, and 307 of the Clean Water Act, United States Code, title 33, sections 1311 ~~and~~, 1316, and 1317. Code of Federal Regulations, title 40, parts 401 through 469, are incorporated by reference.

Subp. 3. **Antibacksliding.**

A. Any point source discharger of industrial or other wastes for which a national pollutant discharge elimination system permit has been issued by the agency that contains effluent limitations more stringent than those that would be established by subparts 1 and 2 shall continue to meet the effluent limitations established by the permit, unless less stringent effluent limitations are established by the director under part 7001.1080, subpart 9. In all cases, the designated beneficial uses and the water quality standards shall be maintained in the receiving water the permittee establishes that less stringent effluent limitations are allowable pursuant to federal law, under section 402(o) of the Clean Water Act, United States Code, title 33, section 1342.

B. If a permittee establishes that it is entitled to less stringent effluent limitations under item A, the agency shall establish new effluent limitations in accordance with the following criteria:

(1) If past treatment performance data are representative of future performance, the new effluent limitations shall reflect the level of pollutant control that has been consistently achieved by the permittee in the past.

(2) If changes in the rate of production or in other operational aspects of the facility make past treatment performance data unrepresentative of future performance, in establishing new effluent limitations the agency shall consider (a) the performance capabilities of the existing treatment facility under the changed factors, and (b) the performance capabilities of any additional treatment facilities that may be required by the agency as a result of the changed factors. The new effluent limitations shall be as stringent as is reasonable applying good engineering design practices and operational and maintenance practices for the existing treatment facilities and any additional treatment facilities that may be required.

(3) The new effluent limitations shall reflect the performance capabilities of all treatment facilities under proper operation and maintenance practices.

(4) In no event shall the new effluent limitations be less stringent than the effluent limitations established under subparts 1 and 2.

(5) In all cases, the beneficial uses and the water quality standards shall be maintained in the receiving water.

(6) If less stringent effluent limitations are established in the permit, the agency may also establish other reasonable and necessary conditions for the new permit.

A request for less stringent effluent limitations in a permit shall be made in accordance with part 7001.0190, subpart 1. The agency shall follow the procedures in part 7001.0190, subpart 1, in acting upon a request for new effluent limitations.

Subp. 6. **Unspecified toxic or corrosive substances.** In addition to the requirements of subpart 1, a person discharging industrial or other wastes from a point source shall comply with the control requirements of part 7050.0211, subpart 1, for unspecified toxic or corrosive substances.

7050.0220 SPECIFIC STANDARDS OF QUALITY AND PURITY FOR DESIGNATED CLASSES OF WATERS OF THE STATE.

Subp. 2. **1. Domestic consumption.**

D. ~~[Unchanged.]~~ Class D. The quality of this class of the waters of the state shall be such that after treatment consisting of coagulation, sedimentation, filtration, storage, and chlorination, plus additional pre, post, or intermediate stages of treatment, or other equivalent treatment processes, the treated water will meet in all respects the recommended requirements of the Public Health Service Drinking Water Standards-1962 for drinking water as specified in Publication No. 956 published by the Public Health Service of the United States Department of Health, Education and Welfare, and any revisions, amendments, or supplements thereto. This standard will ordinarily be restricted to surface waters, and groundwaters in aquifers not considered to afford adequate protection against contamination from surface or other sources of pollution. Such aquifers normally would include fractured and channeled limestone, unprotected impervious hard rock where water is obtained from mechanical fractures, joints, etc., with surface connections, and coarse gravels subjected to surface water infiltration. The concentrations or ranges given below shall not be exceeded in the raw waters before treatment:

| Substance or Characteristic | Limit or Range |
|-----------------------------|---|
| Arsenic (As) | 0.05 milligram per liter |
| Barium (Ba) | 1 milligram per liter |
| Cadmium (Cd) | 0.01 milligram per liter |
| Chromium (Hexavalent, Cr) | 0.05 milligram per liter |
| Cyanide (CN) | 0.2 milligram per liter |
| Fluoride (F) | 1.5 milligrams per liter |
| Lead (Pb) | 0.05 milligram per liter |
| Selenium (Se) | 0.01 milligram per liter |
| Silver (Ag) | 0.05 milligram per liter |
| Radioactive material | Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their use. |

In addition to the above listed standards, no sewage, industrial waste, or other wastes from point or nonpoint sources, treated or untreated, shall be discharged into or permitted by any person to gain access to any waters of the state classified for domestic consumption so as to cause any material undesirable increase in the taste, hardness, temperature, chronic toxicity, corrosiveness, or nutrient content, or in any other manner to impair the natural quality or value of the waters for use as a source of drinking water.

Subp. 3. 2. Fisheries and recreation.

C. Class C. The quality of this class of the waters of the state shall be such as to permit the propagation and maintenance of rough fish or species commonly inhabiting waters of the vicinity under natural conditions, maintain the habitat for such fisheries, and be suitable for boating and other forms of aquatic recreation for which the waters may be usable. Limiting concentrations or ranges of substances or characteristics which should not be exceeded in the waters are given below:

| Substance or Characteristic | Limit or Range |
|-----------------------------|--|
| Dissolved oxygen* | Not less than 5 milligrams per liter at all times (instantaneous minimum concentration.)**** |
| Temperature | 5°F above natural in streams and 3°F above natural in lakes, based on monthly average of the maximum daily temperature except in no case shall it exceed the daily average temperature of 90°F |
| Ammonia (N)** | 0.04 milligram per liter (un-ionized as N) |
| Chromium (Cr) | 0.05 milligram per liter |
| Copper (Cu) | 0.01 milligram per liter or not greater than 1/10 the 96 hour TLM value. |
| Cyanides (CN) | 0.02 milligram per liter |
| Oil | 10 milligrams per liter, and none in such quantities as to (1) produce a visible color film on the surface, (2) impart an oil odor to water or an oil taste to fish and edible invertebrates, (3) coat the banks and bottom of the watercourse or taint any of the associated biota, or (4) become effective toxicants according to the criteria recommended. |
| pH value | 6.5 - 9.0 |
| Phenols as phenol | 0.1 milligram per liter and none that could impart odor or taste to fish flesh or other freshwater edible products such as crayfish, clams, prawns and like creatures. Where it seems probable that a discharge may result in tainting of edible aquatic products, bioassays and taste panels will be required to determine whether tainting is likely or present. |
| Turbidity value | 25 NTUs |

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Adopted Rules

| | |
|----------------------------|---|
| Fecal coliform organisms | 200 organisms per 100 milliliters as a geometric mean measured in not less than five samples in any calendar month, nor shall more than 10% of all samples taken during any calendar month individually exceed 2000 organisms per 100 milliliters. (Applies only between March 1 and October 31.) |
| Radioactive materials | Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their use. |
| Total residual chlorine*** | 0.005 milligram per liter |

*This standard applies to all waters of the state except for the reach of the Mississippi River from the outlet of the metro wastewater treatment works in Saint Paul (River Mile 835) to Lock and Dam No. 2 at Hastings (River Mile 815) and except for the reach of the Minnesota River from the outlet of the Blue Lake wastewater treatment works (River Mile ~~22~~ 21) to the mouth at Fort Snelling. For this reach of the Mississippi River the standard is not less than five milligrams per liter as a daily average from April 1 through November 30, and not less than four milligrams per liter at other times. For the specified reach of the Minnesota River the standard shall be not less than five milligrams per liter as a daily average year-round.

**See ammonia footnote for Class 2A waters.

***See chlorine footnote for Class 2A waters.

****See dissolved oxygen footnote for Class 2A waters.

For all classes of fisheries and recreation waters, the aquatic habitat, which includes the waters of the state and stream bed, shall not be degraded in any material manner, there shall be no material increase in undesirable slime growths or aquatic plants, including algae, nor shall there be any significant increase in harmful pesticide or other residues in the waters, sediments, and aquatic flora and fauna; the normal fishery and lower aquatic biota upon which it is dependent and the use thereof shall not be seriously impaired or endangered, the species composition shall not be altered materially, and the propagation or migration of the fish and other biota normally present shall not be prevented or hindered by the discharge of any sewage, industrial waste, or other wastes to the waters of the state.

No sewage, industrial waste, or other wastes from point or nonpoint sources shall be discharged into any of the waters of this category so as to cause any material change in any other substances or characteristics which may impair the quality of the waters of the state or the aquatic biota of any of the above listed classes or in any manner render them unsuitable or objectionable for fishing, fish culture, or recreational uses. Additional selective limits or changes in the discharge bases may be imposed on the basis of local needs.

Subp. 4. 3. Industrial consumption.

C. Class C. The quality of this class of the waters of the state shall be such as to permit their use for industrial cooling and materials transport without a high degree of treatment being necessary to avoid severe fouling, corrosion, scaling, or other unsatisfactory conditions. The following shall not be exceeded in the waters of the state:

| Substance or Characteristic | Limit or Range |
|--|--------------------------|
| Chlorides (Cl) | 250 milligrams per liter |
| Hardness, Ca + Mg as CaCO ₃ | 500 milligrams per liter |
| pH value | 6.0 - 9.0 |

Additional selective limits may be imposed for any specific waters of the state as needed.

In addition to the above listed standards, no sewage, industrial waste, or other wastes from point or nonpoint sources, treated or untreated, shall be discharged into or permitted by any person to gain access to any waters of the state classified for industrial purposes so as to cause any material impairment of their use as a source of industrial water supply.

Subp. 5. 4. Agriculture and wildlife.

A. Class A. The quality of this class of the waters of the state shall be such as to permit their use for irrigation without significant damage or adverse effects upon any crops or vegetation usually grown in the waters or area, including truck garden crops. The following concentrations or limits shall be used as a guide in determining the suitability of the waters for such uses, together with the recommendations contained in Handbook 60 published by the Salinity Laboratory of the United States Department of Agriculture, and any revisions, amendments, or supplements to it:

| Substance or Characteristic | Limit or Range |
|----------------------------------|---|
| Bicarbonates (HCO ₃) | 5 milliequivalents per liter |
| Boron (B) | 0.5 milligram per liter |
| pH value | 6.0 - 9.0 <u>8.5</u> |
| Specific conductance | 1,000 micromhos per centimeter |
| Total dissolved salts | 700 milligrams per liter |
| Sodium (Na) | 60% of total cations as milliequivalents per liter |
| Sulfates (SO ₄) | 10 milligrams per liter, applicable to water used for production of wild rice during periods when the rice may be susceptible to damage by high sulfate levels. |
| Radioactive materials | Not to exceed the lowest concentrations permitted to be discharged to an uncontrolled environment as prescribed by the appropriate authority having control over their use. |

7050.0470 CLASSIFICATIONS FOR WATERS IN MAJOR SURFACE WATER DRAINAGE BASINS.

Subpart 1. **Lake Superior Basin.** The water use classifications for the listed waters in the Lake Superior Basin are as identified in items A and B:

B. Lakes:

- (3) *Bearskin Lake, East, (T.64, R.1E, 1W): 1B,
- (8) *Chester Lake, (T.64, R.3E): 1B, 2A, 3B;
- (21) *Flour Lake, (T.64, R.1E, 1W): 1B, 2A, 3B;
- (27) *~~Jap~~ Jim Lake (Jerry Lake), (T.64, R.1E):
- (30) *McFarland Lake, (T.64, R.3E): 1B, 2A, 3B;

Subp. 2. **Lake of the Woods Basin.** The water use classifications for the listed waters in Lake of the Woods Basin are as identified in items A and B:

B. Lakes:

- (13) *~~Brant~~ Brandt Lake (~~Everett Lake~~), (T.65, R.4): 1B, 2A, 3B;
- (21) *Crab Lake, (T.65, R.2, 3): 1B, 2A, 3B;
- (22) *Crane Lake, (T.67, 68, R.16, 17): 1B, 2A, 3A;

Subp. 3. **Red River of the North Basin.** The water use classifications for the listed waters in the Red River of the North Basin are as identified in items A, B, and C:

B. Lakes:

- (2) *Twin Lake, East, (T.138, R.41): 1B, 2A, 3B;

Subp. 4. **Upper Mississippi River Basin.** The water use classifications for the listed waters in the Upper Mississippi River Basin are as identified in items A and B:

B. Lakes:

- (2) *Benedict Lake, (T.142, R.32): 1B, 2A, 3B;
- (9) *Hay Lake, Lower, (T.137, R.28, 29): 1B, 2A, 3B;
- (11) *Kennedy Lake, (T.58, R.23): 1B, 2A, 3B;
- (12) *LaSalle Lake, Lower, (T.145, R.35): 1B, 2A, 3B;
- (27) *Wabana Lake, (T.57, R.25): 1B, 2A, 3B;
- (28) *Watab Lake, Big, (T.124, R.30): 1B, 2A, 3B; and

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Adopted Rules

Subp. 5. **Minnesota River Basin.** The water use classifications for the listed waters in the Minnesota River Basin are as identified in items A, B, and C:

C. Fens:

- (8) *Ordway Fen, (T.143123, R.4236, S.2530): 2B, 3B;
- (11) *Sioux Nation Fen, (T.114, R.46, S.17): 2B, 3B; and
- (12) *Truman Fen, (T.104, R.30, S.7): 2B, 3B; and
- (13) *Yellow Medicine Fen, (T.115, R.46, S.18): 2B, 3B.

Errata

Board of Animal Health

Correction to Rules on Swine Importation; Pseudorabies Control; Livestock Sales; Approved Markets; Public Stockyards

The repealer of the Board of Animal Health Rules proposed at 12 *State Register*, page 561 on September 28, 1987 at page 576 should correctly cite part 1715.1470 rather than part 1750.1470. These rules were adopted at 12 *State Register*, page 1748 on February 22, 1988.

Executive Orders

Executive Order No. 88-3 Creating a Transitional Board of Directors for the Minnesota Veterans Homes

I, RUDY PERPICH, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

WHEREAS, Minnesota veterans have a long tradition of caring for each other, assuming responsibility for each other, and making sacrifices for the country; and

WHEREAS, Minnesota veterans have earned the right to the highest quality health care; and

WHEREAS, Minnesota veterans deserve nursing and domiciliary care programs that are the best in the country;

NOW, THEREFORE, I hereby order that:

1. A transitional board of directors for the Minnesota Veterans Home be created. The board shall plan and manage the transition of the homes from the Department of Human Services to a permanent board of directors in the Department of Veterans Affairs.

2. The board shall be composed of nine voting members:

a. The Chair, designated by the Governor;

b. 5 members of veterans organizations with federal charters and statewide organizational structures and statewide officers; and

c. 3 members experienced in policy formulation and knowledgeable of health care delivery.

The Chair of the General Legislation, Veterans Affairs, and Gaming Committee in the House of Representatives, and the Chair of the Veterans Affairs Committee in the Senate shall serve as ex-officio, nonvoting members.

3. The Governor shall appoint the voting members.

4. The Governor shall provide staff and funding to carry out the duties of the board.

5. Transfer of the Minnesota Veterans Homes from the Department of Human Services will occur upon passage of legislation which includes the establishment of a permanent Board of Directors.

Pursuant to *Minnesota Statutes 1986*, Section 4.035, subdivision 2, this Order shall be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes 1986*, Section 4.035, Subdivision 3.

IN TESTIMONY WHEREOF, I have set my hand this eighteenth day of February, 1988.



Rudy Perpich
Governor

Emergency Executive Order No. 88-4 Rescuing Stranded Motorists in Polk County, Minnesota

I, RUDY PERPICH, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

WHEREAS, the Sheriff of Polk County, Minnesota has requested assistance in rescuing stranded motorists in Polk County, Minnesota due to a severe winter storm; and

WHEREAS, Polk County and other local agencies have exhausted all other available resources in their efforts to rescue stranded motorists;

NOW, THEREFORE, I hereby order that:

1. The Adjutant General of Minnesota order to active duty on and after January 24, 1988, in service of the State, such elements of the military forces of the State and equipment as are necessary to rescue stranded motorists in Polk County, Minnesota. These forces shall be utilized for a period of time as necessary.

2. The cost of subsistence, transportation, fuel, and pay and allowances of said individuals shall be defrayed from the general fund of the State as provided for in *Minnesota Statutes 1986* Sections 192.49, Subdivision 1; 192.51 and 192.52.

Pursuant to *Minnesota Statutes 1986*, Section 4.035, Subdivision 2, this Order shall be effective January 24, 1988 and shall remain in effect until rescinded by proper authority or it expires in accordance with Section 4.035, Subdivision 3.

IN TESTIMONY WHEREOF, I have set my hand this 24th day of January, 1988.



Rudy Perpich
Governor

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

Official Notices

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

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

Department of Health

Notice of Completed Application and Notice of and Order for Hearing In the Matter of the License Application of North Ambulance, Aitkin, Minnesota

PLEASE TAKE NOTICE that the Commissioner of Health (hereinafter "Commissioner") has received a completed application for a basic life support service from North Ambulance, 301 Minnesota Avenue So., Aitkin, Minnesota (Business Address: 210 NW 5th St., Brainerd, MN 56401).

IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes* §§ 14.57 to 14.69 (1986) and 144.802 (Supp. 1987), a public hearing will be held on April 28, 1988, at Aitkin City Hall, 109 1st Ave. N.W., Aitkin, MN 56431 commencing at 7:00 P.M. 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.

1. The purpose of the hearing is to determine whether the application for licensure as a basic life support transportation service should be granted to North Ambulance, Aitkin, Minnesota based upon the criteria set out at *Minnesota Statutes* § 144.802, subd. 3(g)(Supp. 1987).

2. This proceeding has been initiated pursuant to and will be controlled in all aspects by *Minnesota Statutes* §§ 144.801 to 144.8093 (1986 and Supp. 1987), *Minnesota Statutes*, §§ 14.57 to 14.69 (1986), and Rules for Contested Cases of the Office of Administrative Hearings, *Minnesota Rules*, pts. 1400.5100-1400.8402 (1987). 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.

3. Bruce Campbell, Office of Administrative Hearings, 500 Flour Exchange, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone: (612) 341-7602, will preside as administrative law judge at the hearing, and will make a written recommendation on these applications. After the hearing, the record and the administrative law judge's recommendation will be forwarded to the Commissioner to make the final determination in this matter.

4. At the hearing the applicants will present their evidence showing that the application for licensure should be granted and then 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.

5. Any person wishing to intervene as a party must submit a petition to do so under *Minnesota Rules*, pt. 1400.6200 (1987) on or before March 21, 1988. This petition must be submitted to the administrative law judge and shall be served upon all existing parties and the Commissioner. The petition must show how the contested case affects the petitioner's legal rights, duties or privileges and shall state the ground and purposes for which intervention is sought and indicate petitioner's statutory right to intervene if one exists.

6. 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 March 30, 1988.

7. Any subpoena needed to compel the attendance of witnesses or the production of documents may be obtained pursuant to *Minnesota Rules*, pt. 1400.1700 (1987).

8. Please be advised that if not public data is admitted into evidence, it may become public data unless an objection is made and relief if requested under *Minnesota Statutes* § 14.60, subd. 2 (1986).

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. A Notice of Appearance must be filed with the administrative law judge identified above within 20 days following receipt of this Notice by any person intending to appear at the hearing as a party.

11. In accordance with the provisions of *Minnesota Statutes* § 14.61 (1986), the final decision of the Commissioner of Health in this proceeding will not be made until the Report of the Administrative Law Judge has been made available to the parties in the 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: 23 February 1988

Department of Health

Notice of Completed Application and Notice of and Order for Hearing in the Matter of the License Applications of Virginia Ambulance Service, Virginia, Minnesota

PLEASE TAKE NOTICE that the Commissioner of Health (hereinafter "Commissioner") has received a completed application for a change in type of ambulance service from basic life support to advanced life support from Virginia Ambulance Service, 901 Ninth St. No., Virginia, Minnesota 55792.

IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes* §§ 14.57 to 14.69 (1986) and 144.802 (Supp. 1987), a public hearing will be held on April 25, 1988, at Virginia City Hall, Council Chambers (corner of 1st St. So. and 4th Ave.) commencing at 7:00 p.m. 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.

1. The purpose of the hearing is to determine whether the application for advanced life support transportation service should be granted to Virginia Ambulance Service, based upon the criteria set out at *Minnesota Statutes* § 144.802, subd. 3(g) (Supp. 1987).

2. This proceeding has been initiated pursuant to and will be controlled in all aspects by *Minnesota Statutes*, §§ 144.801 to 144.8093 (1986 and Supp. 1987), *Minnesota Statutes*, §§ 14.57 to 14.69 (1986), and Rules for Contested Cases of the Office of Administrative Hearings, *Minnesota Rules*, pts. 1400.5100-1400.8402 (1987). 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.

3. Howard Kaibel, Office of Administrative Hearings, 500 Flour Exchange, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone: (612) 341-7608, will preside as administrative law judge at the hearing, and will make a written recommendation on these applications. After the hearing, the record and the administrative law judge's recommendation will be forwarded to the Commissioner to make the final determination in this matter.

4. At the hearing the applicants will present their evidence showing that the application for licensure should be granted and then 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.

5. Any person wishing to intervene as a party must submit a petition to do so under *Minnesota Rules* pt. 1400.6200 (1987) on or before March 21, 1988. This petition must be submitted to the administrative law judge and shall be served upon all existing parties and the Commissioner. The petition must show how the contested case affects the petitioner's legal rights, duties or privileges and shall state the ground and purposes for which intervention is sought and indicate petitioner's statutory right to intervene if one exists.

6. 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 March 30, 1988.

7. Any subpoena needed to compel the attendance of witnesses or the production of documents may be obtained pursuant to *Minnesota Rules* pt. 1400.1700 (1987).

8. Please be advised that if not public 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 (1986).

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. A Notice of Appearance must be filed with the administrative law judge identified above within 20 days following receipt of this Notice by any person intending to appear at the hearing as a party.

11. In accordance with the provisions of *Minnesota Statutes*, § 14.61 (1986), the final decision of the Commissioner of Health in this proceeding will not be made until the Report of the Administrative Law Judge has been made available to the parties in the proceeding for at least 10 days. Any party adversely affected by the Report of the Administrative Law Judge has the right to file

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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: 23 February 1988

Higher Education Facilities Authority

Notice of Public Hearing on Proposal to Issue Revenue Bonds

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to a proposal to issue revenue bonds on behalf of the College of Saint Benedict, a Minnesota nonprofit corporation and institution of higher education (the "College"), at the Authority's offices at Suite 450 Galtier Plaza, 175 East Fifth Street, St. Paul, Minnesota on March 16, 1988 at 2 o'clock p.m. Under the proposal, the Authority would issue its revenue bonds in an aggregate principal amount of up to approximately \$7,500,000, to provide financing for a Project generally described as the construction, furnishing and equipping of a residence hall on the campus of the College, including road enhancement, adjacent parking and the extension of utilities service to such residence hall; the renovation of St. Teresa Hall; the purchase of two existing apartment buildings located at 111 College Avenue N., St. Joseph, Minnesota; the installation of air conditioning in Claire Lynch Hall; the installation of an elevator in Claire Lynch Hall; and the installation of a storm sewer on the campus of the College; all to be owned and operated by the College, whose street address is College of Saint Benedict, 37 South College Avenue, St. Joseph, Minnesota. At said time and place the Authority shall give all parties who appear an opportunity to express their views with respect to the proposal to undertake and finance the Project.

Dated: 29 February 1988

BY ORDER OF THE MINNESOTA HIGHER
EDUCATION FACILITIES AUTHORITY

Joseph E. LaBelle
Executive Director

Minnesota Historical Society

State Review Board Regular Meeting

A meeting of the State Review Board will be held on Thursday, March 10, 1988, at 7:00 p.m. in the Auditorium, Fort Snelling History Center, Fort Snelling, Minnesota.

Department of Human Services

Notice of Hospital Cost Index

Minnesota Statutes 256.969, subdivision 1 and *Minnesota Rules*, part 9500.1120 require the establishment of a Hospital Cost Index (HCI) for rate setting purposes for inpatient hospital services under the General Assistance Medical Care and Medical Assistance Programs. The inflation forecasts provided below were obtained from the Data Resources, Inc. *Health Care Costs* as published in the fourth quarter of 1987 using the percent moving average. The cost category weights were provided by the Minnesota Hospital Association. The HCI will be used to adjust the rates of hospitals whose fiscal year begins during the second quarter of 1988.

Comments concerning the HCI may be forwarded to the following address:

Paul Olson, Supervisor
Hospital Reimbursement Section
Audit Division
520 Lafayette Road
St. Paul, Minnesota 55101

Department of Human Services

Community Social Services Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Adoption

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 amendments to the permanent rule governing adoption. The adoption of the rule is authorized by *Minnesota Statutes*, section, 245A.03, subd. 1, which permits the agency to license entities that receive children for care, supervision, or placement in foster care or adoption; sections 257.01 to 257.065, which require the agency to offer services relating to the care and custody of children, including interstate and international adoptive placement; section 259.21, on adoption; section 259.24 to 259.255 on consents to adoption and minority heritage; section 259.27 on reports to court; section 259.45, on the state adoption exchange which permits creation of a photographic information service; section 259.46 governing adoption records; sections 259.47 and 259.49 which provide for postadoption services; and section 260.221 on termination of parental rights.

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

Ruth Weidell
Adoption/Guardianship Unit
Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3831

Oral statements will be received during regular business hours over the telephone at (612) 296-3250, and 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 is adopted.

Minnesota Pollution Control Agency

Division of Hazardous Waste

Notice of Intent to Solicit Outside Information Regarding Proposed Amendments to Minnesota Rules Chapters 7001 and 7045 Governing the Management of Hazardous Waste

Notice is hereby given that the Minnesota Pollution Control Agency (MPCA) is seeking information or opinions from outside sources in preparing to propose the amendment of rules governing the management of hazardous waste. Specifically, the MPCA is considering proposing amendments regarding the following:

1. Ground water monitoring with regard to analyzing suspected contamination from regulated units at land-based hazardous waste treatment, storage, and disposal facilities. The amendments would replace current ground water monitoring requirements to analyze for the general list of all constituents set out in *Minnesota Rules* pt. 7045.0141 with new requirements to analyze for a specific list of chemicals.
2. Financial responsibility requirements concerning liability coverage for owners and operators of hazardous waste treatment, storage, and disposal facilities. The amendments may allow the use of one additional financial responsibility mechanism: a corporate guarantee.
3. Interim status regulations for closing and providing post-closure care for hazardous waste surface impoundments. The amendments would provide conformance between certain interim status requirements for surface impoundments and those requirements contained in the permitting rules.
4. Information requirements for Part B permit applications. The amendments would allow the owners/operators of facilities that

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treat, store, or dispose of hazardous waste to conduct certain activities related to ground water corrective action after issuance of the permit, at the MPCA Commissioner's discretion.

5. Corrections and modifications to the lists of hazardous wastes. The amendments would correct the chemical nomenclature for entries already existing in the lists of hazardous wastes and add Chemical Abstract Service registry numbers to all listings.

The MPCA is considering these amendments in response to amendments to the U.S. Environmental Protection Agency hazardous waste program promulgated on July 9, 1987, July 11, 1986 and November 18, 1987, March 19, 1987, June 22, 1987, August 6, 1986, respectively. The amendment of the MPCA rules is authorized by *Minnesota Statutes* § 116.07, subd. 4 (1986).

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

Patrick F. Carey
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
Telephone: 612/296-7767

Oral statements will be received during regular business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday.

All statements of information and opinion will be accepted until March 30, 1988. Any written materials received by the MPCA shall become part of the rulemaking record in the event that the rule is amended.

Gerald L. Willet
Commissioner

Office of the Secretary of State

Notice of Vacancies in Multi-Member State Agencies

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes*, 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul, MN 55155-1299; (612) 296-2805. Specific information about these vacancies may be obtained from the agencies listed below. The application deadline is March 22, 1988.

WORKERS COMPENSATION COURT OF APPEALS

Judge to be appointed to replace Judge Altman; term expires Jan. 7, 1991.

MN COUNCIL FOR THE HEARING IMPAIRED

1 member currently member of West Central Regional Service Center for Hearing Impaired People Advisory Committee.

JUVENILE JUSTICE ADVISORY COMMITTEE

1 member with training, experience, or special knowledge on prevention and treatment of juvenile delinquency or administration of juvenile justice.

INFORMATION POLICY ADVISORY TASK FORCE

15 members; see agency description for details. This is a new agency.

HOME CARE ADVISORY TASK FORCE

15 members; see agency description for details. This is a new agency.

EMERGENCY RESPONSE COMMISSION

4 members: 1 member from community groups, 1 member elected official, 1 member from labor, 1 member waste treatment operator.

WORKERS COMPENSATION COURT OF APPEALS

M.E.A. Bldg., 55 Sherburne Ave.
St. Paul 55103. 612-296-6526. *Minnesota Statutes* 175A.01.

APPOINTING AUTHORITY: Governor. Senate Confirmation.

COMPENSATION: \$60,660 per year.

The court has statewide appellate jurisdiction over all workers' compensation appeals within the court's jurisdiction as provided in *Minnesota Statutes*, chapters 175A, 176 and 352E.

Five judges, serving six year terms. Full time positions. All members must be learned in the law.

Members must file with the Ethical Practices Board.

MN COUNCIL FOR THE HEARING IMPAIRED

**Deaf Services, Dept. of Human Services, 4th Floor Centennial Bldg.
658 Cedar St., St. Paul 55155. 612-297-1872. *Minnesota Statutes*, 256C.28.**

APPOINTING AUTHORITY: Commissioner of Human Services.

COMPENSATION: \$35 per diem.

The council advises the commissioner and governor regarding policies, programs, services affecting hearing impaired citizens; create public awareness of needs and potential of hearing impaired people.

The council includes seven members of whom four must be hearing impaired. Terms are for two years. Members who are full time state employees or full time employees of political subdivisions of the state will not receive the per diem.

JUVENILE JUSTICE ADVISORY COMMITTEE

**Dept. of Jobs and Training, 690 American Center Bldg.
150 E. Kellogg Blvd., St. Paul 55101. 612-296-8601. *Minnesota Statutes*, 116J.404.**

APPOINTING AUTHORITY: Governor.

COMPENSATION: Reimbursed for travel expenses.

The committee is the supervisory board for the dept. of energy and economic development with respect to preparation and administration of the state plan and award of grants.

Fifteen members must have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice. At least one fifth must be under the age of twenty-four at the time of the initial appointment and at least three must have been or will currently be under the jurisdiction of the juvenile justice system. The majority of members including the chair, must not be full time employees of the federal, state or local governments.

INFORMATION POLICY ADVISORY TASK FORCE

**204 Administration Bldg., 50 Sherburne Ave.
St. Paul 55155. 612-296-5320. *Minnesota Statutes*, 16B.41, subd. 4.**

APPOINTING AUTHORITY: Commissioner of Administration.

COMPENSATION: Reimbursed for expenses.

The task force advises the commissioner on the progress, needs, and recommended direction of information management for the state.

Fifteen members of which two are members of the house from different political parties, appointed by the speaker of the house, and two are members of the senate, from different political parties, appointed by the senate committee on committees. The remaining eleven members are to representatives of the supreme court, the executive branch, the higher education system, librarians, and private industry.

Quarterly meetings.

HOME CARE ADVISORY TASK FORCE

**717 Delaware St. S.E.
Mpls 55414. 612-623-5627. *Minnesota Statutes*, 144A.45, subd. 3.**

APPOINTING AUTHORITY: Commissioner of Health.

COMPENSATION: Reimbursed for expenses.

The task force provides advice and recommendations to the commissioner regarding the development of rules regulating home care providers and hospice programs.

Fifteen members representing various home care providers, including a hospice program, health care professionals, community health services agencies and consumers.

Monthly meetings.

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EMERGENCY RESPONSE COMMISSION

211 Transportation Bldg.

St. Paul 55155. 612-296-6642. Executive Order 88-1.

APPOINTING AUTHORITY: Commissioner of Public Safety.

COMPENSATION: Per diem plus expenses.

The commission implements new federal provisions for emergency planning and the community right-to-know associated with the Superfund Act of 1986.

Nineteen members including the eleven members of the hazardous substance notification advisory committee, the commissioners of public safety, health, agriculture, and pollution control agency, and one member from community groups, one member elected official, 1 member from labor, one member waste treatment operator.

Teachers Retirement Association

Notice of Regular Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Thursday, March 17, 1988 at 9:00 a.m. in Suite 500, Gallery Building, 17 West Exchange Street, St. Paul, MN to consider matters which may properly come before the Board.

State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. § 14.10, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Department of Administration: Materials Management Division

Contract and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid. Buyer's initials are listed next to each commodity.

Commodity: Fish nets & twine

Contact: D.R.T.

Bid due date at 2pm: March 1

Agency: Natural Resources

Deliver to: Hutchinson

Requisition #: 29004 09952

Commodity: Portable gas monitors

Contact: J.G.

Bid due date at 2pm: March 1

Agency: Labor & Industry

Deliver to: St. Paul

Requisition #: 42500 11623

Commodity: Computer accessories & cable

Contact: P.A.

Bid due date at 2pm: March 1

Agency: Voc-Tech Education

Deliver to: St. Paul

Requisition #: 36000 10361

Commodity: Electrofishing boat & trailer

Contact: D.R.T

Bid due date at 2pm: March 2

Agency: Natural Resources Southern Service Ctr

Deliver to: St. Paul

Requisition #: 29004 09955

Commodity: Truck—rebid, groups 1-7
Sch. 113 E

Contact: D.M.

Bid due date at 2pm: March 2

Agency: Transportation

Deliver to: Various

Requisition #: 79382 01326

Commodity: Vertek automated computer job matching systems & etc.

Contact: M.J.B.

State Contracts and Advertised Bids

Bid due date at 2pm: March 3
Agency: Jobs & Training
Deliver to: St. Paul
Requisition #: 21200 17399

Commodity: Furnish and install bleachers
Contact: D.R.T.
Bid due date at 2pm: March 3
Agency: State University
Deliver to: Moorhead
Requisition #: 26072 01374

Commodity: Armored cable
Contact: P.A.
Bid due date at 2pm: March 3
Agency: Transportation
Deliver to: St. Paul
Requisition #: 79000 82572

Commodity: Model 50 latent terminal
Contact: B.V.
Bid due date at 2pm: March 4

Agency: Public Safety
Deliver to: St. Paul
Requisition #: 07300 47924

Commodity: Repair parts-energy absorption systems
Contact: J.R.J.
Bid due date at 2pm: March 4
Agency: Transportation
Deliver to: Various
Requisition #: Price Contract

Commodity: Move-general & art collection storage for Minn. Historical Society
Contact: M.J.B.
Bid due date at 2pm: March 7
Agency: Historical Society
Deliver to: St. Paul
Requisition #: 02310 15922

Commodity: Typesetting system—rebid
Contact: J.D.

Bid due date at 2pm: March 7
Agency: Correctional Facility
Deliver to: Oak Park Hgts
Requisition #: 78630 07615

Commodity: Ergonomic office chairs—rebid
Contact: L.P.
Bid due date at 2pm: March 7
Agency: Brd of Voc-Tech Educ.
Deliver to: St. Paul
Requisition #: 36000 10278

Commodity: Refrigerant gas
Contact: E.S.
Bid due date at 2pm: March 8
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Department of Administration: Printing & Mailing Services

Printing vendors for the following printing contracts must review contract specifications in printing buyers office at 117 University Avenue, Room 134-B, St. Paul, MN.

Commodity: 10M mailing labels, 3-7/8" x 27/8"
Contact: Printing Buyer's Office
Bid due date at 2pm: March 1
Agency: Vo-Tech Ed Board
Deliver to: St. Paul
Requisition #: 5196

Commodity: 500M 3-part forms, 73/8" x 31/4" finished size, carbon interleave
Contact: Printing Buyer's Office
Bid due date at 2pm: March 1
Agency: Jobs & Training
Deliver to: St. Paul
Requisition #: 5284

Commodity: 10M continuous letterhead, type to be set, carbon interleave, 91/2" x 11" sheet size
Contact: Printing Buyer's Office
Bid due date at 2pm: March 1
Agency: Jobs & Training
Deliver to: St. Paul
Requisition #: 5283

Commodity: 7,500 4-part forms, type to be set, carbon interleave
Contact: Printing Buyer's Office
Bid due date at 2pm: March 1
Agency: Administration—Plant Mgmt.
Deliver to: St. Paul
Requisition #: 5261

Commodity: 250 Large size wall calendars, type to be set, 37" x 151/4"
Contact: Printing Buyer's Office
Bid due date at 2pm: March 2
Agency: Jobs & Training
Deliver to: St. Paul
Requisition #: 5326

Commodity: Typesetting only for standard spec book
Contact: Printing Buyer's Office
Bid due date at 2pm: March 2
Agency: Transportation
Deliver to: St. Paul
Requisition #: 4653

Commodity: 100M cross country ski passes, type to be set, 65lb cover stock, 41/4" x 23/4" finished size
Contact: Printing Buyer's Office
Bid due date at 2pm: March 2
Agency: Natural Resources
Deliver to: St. Paul
Requisition #: 5134

Commodity: 100 inspector's reports, type to be set, 5000 total sheets, 41/2" x 11"
Contact: Printing Buyer's Office
Bid due date at 2pm: March 2
Agency: Agriculture
Deliver to: St. Paul
Requisition #: 5323

Commodity: 1988 State Telephone Directory
Contact: Printing Buyer's Office
Bid due date at 2pm: March 3
Agency: Administration: Telecommunications
Requisition #: 5198

State Contracts and Advertised Bids

Commodity: Tickets—800 books of 50 pages, 4¼" x 7½" finished size, camera ready, preprinted numbering
Contact: Printing Buyer's Office
Bid due date at 2pm: March 7
Agency: Transportation
Deliver to: St. Paul
Requisition #: 5217

Commodity: 1989 calendar printed on cards, 2000, type to be set, 8" x 5¾" finished size
Contact: Printing Buyer's Office
Bid due date at 2pm: March 7
Agency: Oak Terrace Nursing Home
Deliver to: Minnetonka
Requisition #: 5169

Commodity: College schedule, 21M 16-pages 8½" x 11" 50lb white offset, camera ready
Contact: Printing Buyer's Office
Bid due date at 2pm: March 7
Agency: Community College
Deliver to: Brooklyn Park
Requisition #: 5220

Commodity: 50M Interoffice Envelopes, 9½" x 12" plus flap, 3 hole perf, string tie
Contact: Printing Buyer's Office
Bid due date at 2pm: March 7
Agency: Central Stores—Administration
Deliver to: St. Paul
Requisition #: 5232

Commodity: 10M 4-part forms, type to be set, 2-sided, 8" x 10" finished size
Contact: Printing Buyer's Office
Bid due date at 2pm: March 3
Agency: Jobs & Training
Deliver to: St. Paul
Requisition #: 5345

Commodity: 40M 4-part forms, type to be set, 2-sided, see sample
Contact: Printing Buyer's Office
Bid due date at 2pm: March 3
Agency: Jobs & Training
Deliver to: St. Paul
Requisition #: 5350

Department of Administration

Information Policy Office

Request for Proposals for Information Resource Management Seminars

The State of Minnesota, acting through the Department of Administration, Information Policy Office, seeks the services of a qualified consultant with experience in information resource management to work with legislators and the Information Policy Office to design and present two one-day seminars for educational purposes.

Objectives of day one seminar for legislators and top government management

Upon completion of the seminar the participants will be able to better critique funding proposals and determine when technology

Minnesota: national leader in education

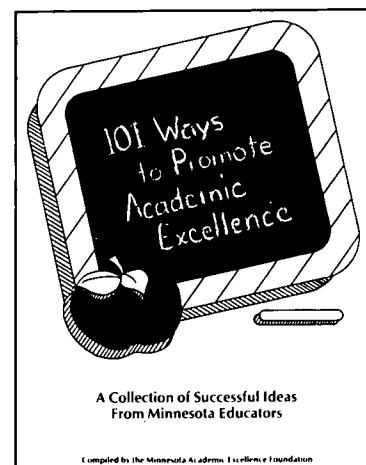
101 Ways to Promote Academic Excellence

A collection of nuts-and-bolts methods educators have successfully used to foster academic achievement. These are techniques that directly help students, can be replicated easily, are cost-effective, and that work in meeting public education's great challenge: helping every single child learn. Code #5-1, \$4.50.

Education Directory, 1987-88

This popular comprehensive directory contains Minnesota school districts, superintendents, principals, addresses, phone numbers, and enrollment. 128 pages, paperbound. Code #1-93, \$6.00.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and \$1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.



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State Contracts and Advertised Bids

is properly used as a result of understanding the basics of information management, appreciate long-term vs. short-term tradeoffs in funding proposals, and identify areas of organizational transformation resulting from information technology.

Objectives of day two seminar for information management managers and technical staff

Upon completion of the seminar the participants will be able to define an architecture, describe the processes and the outputs and relate the benefits and impact of an architecture on the organization.

The project is expected to be completed by June 1, 1988.

Proposal Requirements

In order that we may learn about the qualifications of your firm, please give a brief description of your firm including number of clients in Minnesota and government clients outside of Minnesota. Identify clients that may be contacted as references. Furnish names of employees to be assigned to the project, their experience and a resume. Provide sample seminar agendas with functions to be performed by your firm and identify printed material that may be available for distribution. Please estimate your costs for developing and presenting these seminars including at least one "dry run." Selection will be based on experience, ability to accommodate state needs, quality, and costs.

Submission of Proposals

All proposals must be sent to and received by Cathy Perme, Director of Implementation, Information Policy Office. The address is 204 Administration Building, 50 Sherburne Avenue. All proposals must be received not later than 4:30 p.m., Thursday, March 10, 1988. Late proposals will not be accepted. Questions may be addressed to Cathy Perme at 612-296-5695 or Lois Pollari at 612-296-6657.

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

Minnesota Department of Health

AIDS Programs Unit

Request for Proposals for AIDS Media Placement Effort

PURPOSE

The AIDS Programs Unit of the Minnesota Department of Health is seeking proposals from agencies interested in competing for one contract for targeted placement of existing AIDS prevention media materials, as well as evaluation of the media placement effort.

BUDGET AND TIME FRAME

The total budget for this contract is approximately \$150,000. The contract will begin April 15, 1988, and the proposed placement effort is to run May 1, 1988 through June 30, 1988. The contract may be extended beyond this period if additional funds become available.

ELIGIBILITY CRITERIA

Applicants must demonstrate administrative, organizational, fiscal, and creative capability to produce an appropriate media placement plan, and to implement and evaluate the placement effort.

MINIMUM EXPECTATIONS

1. The contractor will develop a comprehensive media placement plan for the duration of the placement period (May 1, 1988-June 30, 1988).
2. The contractor shall place all media materials provided by MDH. This placement effort will be arranged by May 1, 1988 and will be completed by June 30, 1988.
3. The contractor will develop and implement an evaluation plan to monitor all media placement activities.
4. The contractor will claim no more than a 5% commission rate on all media placement purchases.

State Contracts and Advertised Bids

PROCEDURE FOR SUBMITTING PROPOSALS

The complete request for proposal is available upon request. Please submit 6 copies of your completed proposal by 4:30 p.m., Monday, March 14, 1988 to:

Karen A. Heckert, Supervisor
AIDS Programs Unit
Minnesota Department of Health
717 S.E. Delaware St.
P.O. Box 9441
Minneapolis, MN 55440
(612) 623-5698

Department of Human Services

Mental Health Division

Request for Proposal for Mental Health Leadership Training

Notice is hereby given that the Mental Health Division, Department of Human Services is seeking proposals to provide leadership training for local mental health advisory council members and other interested parties.

The contractor must develop training materials and conduct training at 20 sites statewide. The training must include: 1) An overview of the requirements of the new mental health law, and 2) strategies for influencing local leaders to improve the local mental health delivery system. Participants will include the local mental health advisory council members, county commissioners, local legislators, professionals and advocacy organizations.

Funding is from the state mental health special projects account. The maximum amount available is \$80,000.

We must receive proposals by 4:20 p.m., CDT, April 1, 1988. We reserve the right to reject all proposals.

Please direct requests for the complete information package and questions to:

Al Oertwig
Mental Health Division
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3828
(612) 296-2697

Department of Human Services

Willmar Regional Treatment Center

Request for Proposals to Provide the Services of up to Four (4) Locum Tenens Psychiatrists

Willmar Regional Treatment Center, Minnesota Department of Human Services, is soliciting proposals from qualified consultants to supply board eligible and/or board certified psychiatrists licensed to practice in the State of Minnesota.

1. Services of up to 4 full time board certified or eligible psychiatrists at the Willmar Regional Treatment Center for diagnosis and treatment of emotional disorders of mentally ill, chemically dependent, and mentally retarded clients.

Contract will be written for the period of March 15, 1988, through June 30, 1989. More detailed written information on position responsibilities may be obtained by contacting Larry Olson, M.D., Medical Director, Willmar Regional Treatment Center, Box 1128, Willmar, Minnesota 56201 (612) 231-5903.

Dated: 18 February 1988

Lawyer Trust Account Board

Request for Proposals for Programs for Legal Services for the Poor, Legal Education for the Public and Administrative Enhancement

The Lawyer Trust Account Board invites proposals for programs in the areas of legal services for the poor, law-related education for the public and the enhancement of the administration of justice which will be funded by interest on lawyers' trust accounts.

The Board has characterized these programs as follows:

(1) Legal Services for the Poor establish an attorney client relationship, provide legal advice or representation and accept clients based on financial eligibility criteria.

(2) Law-related Education Programs deliver timely, accurate information in various areas of law to members of the public relating to individual situations, legal policy questions or questions about how the legal system functions.

(3) Programs to Enhance the Administration of Justice provide administrative, programmatic, and/or training support to multiple legal service, advocacy or alternative dispute resolution programs or are pilot programs in innovative areas to reduce or help solve court related problems and/or improve access to justice.

Inquiries regarding proposal requests should be directed to:

Executive Director
Lawyer Trust Account Board
318A State Capitol
St. Paul, MN 55155
(612) 296-6822

Application Deadline: 15 March 1988

Department of Public Service

Energy Division: Office of Municipal Energy Finance

Notice of Request for Proposals for Energy Awareness Workshops for Local Governments

The Energy Division is seeking proposals from firms or individuals to develop and conduct regional workshops on energy awareness for local governments. Candidates must have experience in workshop development and a knowledge of energy conservation. The deadline for receipt of proposals is March 21, 1988.

The total cost of this contract is estimated at \$20,000. The formal Request for Proposals (RFP) may be requested from and all inquiries should be directed to:

Margaret Bishop
Department of Public Service
900 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101
(612) 296-9325

State Grants

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

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

Minnesota Pollution Control Agency

Applications Accepted for the Corrective Action Grants Program, a Set Aside of the Independent State Grants Program for Construction of Municipal Wastewater Treatment Facilities

The Minnesota Pollution Control Agency (MPCA) is pleased to announce that it is accepting applications for the Corrective Action Grants Program, a set aside of the Independent State Grants Program for construction of municipal wastewater treatment facilities. MPCA has been authorized to set aside up to \$1,000,000 of the State 1987 appropriation to the independent state grants program to provide grants for corrective action to wastewater treatment facilities recently funded under the state or federal grants programs which do not meet performance standards (*Minnesota Statutes*, Sec. 116.181 (Supp. 1987)).

Applicants have 60 days, specifically until 4:30 p.m. on May 2, 1988, to submit applications to the Agency. If mailed, applications must be postmarked by May 2, 1988.

Program requirements (*Minnesota Rule* parts 7075.1010 to 7075.1095) including eligibility and application requirements were published in the Notice of Intent to Adopt Emergency Rules, November 30, 1987 *State Register* (CITE 12 S.R. 1144-1146). Copies of the administrative rule are also available from the Agency.

For additional information or an application packet, please write to:

Jeanne Eggleston
Municipal Wastewater Treatment Section
Division of Water Quality
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, Minnesota 55155
Telephone (612) 296-7223

Supreme Court

Legal Services Advisory Committee

Request for Proposals for Grant Funding for Legal Services and Alternative Dispute Resolution for Low Income People

The Legal Services Advisory Committee is requesting proposals for grant funding for legal services and alternative dispute resolution programs for low income people.

To request information on the grant application process, please contact:

J. L. Rehak
230 State Capitol
St. Paul, MN 55155
Phone: (612) 296-6822

Application Deadline: April 15, 1988

Dated: 12 February 1988

State Board of Vocational Technical Education

Instructional and Student Support Services Office

Notice of Availability of Funds for Sex Equity Programs

The State Board of Vocational Technical Education will distribute federal funds to eligible recipients in accordance with the Carl D. Perkins Vocational Education Act for women who are enrolled in programs that are non-traditional for their sex. The amount of federal funds available for these programs and activities is \$317,000.

Organizations and associations interested in applying for federal funds should contact the nearest technical institute for additional information or refer to Section 7.0, "Planning Use of Federal Funds", in the Fiscal Year 1989 Minnesota State Plan for Vocational Technical Education for information relating to the availability and disbursement of federal funds.

Qualified organizations and associations must prepare a joint application with an appropriate eligible recipient whose main responsibility will be to act as fiscal agent for distribution of and accountability for the federal funds.

An eligible recipient is defined as: a) a nonprofit educational recipient legally authorized to provide post-secondary or secondary vocational education; and b) have established certified vocational technical education programs.

Additional information will be included in the "Request for Proposal" which will be mailed upon request. To receive a Request for Proposal, notify Shirlee A. Walker, State Board of Vocational Technical Education, 550 Cedar Street, St. Paul, MN 55101. Final proposals must be submitted to Shirlee A. Walker at the same address by April 9, 1988.

State Board of Vocational Technical Education

Instructional and Student Support Services Section

Notice of Availability of Funds for Single Parent/Homemaker Projects

The State Board of Vocational Technical Education will distribute federal funds to eligible recipients in accordance with the Carl D. Perkins Vocational Technical Education Act, Title IIA, relating to single parents and homemakers. This notice will provide for funding of first-year projects. Approximately \$300,000 will be available for these projects in Fiscal Year 1989.

Organizations and associations interested in applying for federal funds should contact the nearest technical institute for additional information or refer to Section 7.0, "Planning Use of Federal Funds", in the Fiscal Year 1988 Minnesota State Plan for Vocational Technical Education for information relating to the availability and disbursement of federal funds.

Qualified organizations and associations must prepare a joint application with an appropriate eligible recipient whose main responsibility will be to act as fiscal agent for distribution of and accountability for the federal funds.

An eligible recipient is defined as: a) a nonprofit educational recipient legally authorized to provide post-secondary or secondary vocational education; and b) have established certified vocational technical education programs.

Additional information will be included in the "Request for Proposal, First-Year Funding, Single Parent and Homemaker Projects", which will be mailed upon request. To receive the Request for Proposal, notify Pat Gosz, 519 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101. Final proposals must be submitted to Pat Gosz at the same address by 4:30 on April 15, 1988.

Supreme Court Calendar

Listed below are the cases scheduled to be heard by the Minnesota Supreme Court in the next few weeks. This listing has been compiled by the Minnesota State Law Library for informational purposes only. Cases may be rescheduled by the Court subsequent to publication in the *State Register*. Questions concerning dates, locations, cases, etc., should be directed to: Clerk of the Appellate Courts, Room 230 State Capitol, St. Paul, MN 55155 612-296-2581.

March 1988

Compiled by Mary D. Flynn (612) 297-4050

Listed below are the cases scheduled to be heard by the Minnesota Supreme Court in the next few weeks. This listing has been compiled by the Minnesota State Law Library for informational purposes only. Cases may be rescheduled by the Court subsequent

Supreme Court Calendar

to publication in the *State Register*. Questions concerning the time and location of hearings should be directed to: Clerk of the Appellate Courts, Room 230 State Capitol, St. Paul, MN 55155 (612) 296-2581.

Monday 7 March 1988 9:00 a.m.

C8-87-2103 COLOR-AD PACKAGING, INC., Respondent (Attorney: Christopher J. Chaput of Best & Flanagan) **v. COMMISSIONER OF REVENUE, Relator** (Attorney: David T. Schultz Special Assistant State Attorney General). Order Minnesota Tax Court

Does the capital equipment sales tax refund program provide rebates of sales tax for capital equipment ordered prior to the effective date of the program?

C6-87-365 KENNET CORNELIUS OSTERDYKE, Respondent (Attorney: Douglas E. Schmidt of Sieben, Grose, Von Holtum, McCoy & Carey, Ltd.) **v. STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, petitioner, Appellant** (Attorney: Robert E. Salmon of Meagher, Geer, Markham, Anderson, Adamson, Flaskamp & Brennan). Opinion Court of Appeals

Does an insurer's failure to offer under insured motorist coverage pursuant to *Minnesota Statutes*, S65B.49(6)(e) (repealed effective April 2, 1980), require the imposition of such coverage, by operation of law, in an amount equal to the residual liability limits of the policy or in an amount equal to the statutory minimum coverage of \$25,000 per person as to each vehicle?

Tuesday 8 March 1988 9:00 a.m.

C4-87-543 LINDA KLEMETSEN as trustee for the heirs of MYLAN KLEMETSEN, deceased, Respondent (Attorneys: David J. Moskal and Peter H. Berge of Schwebel, Gowtz & Sieben) **vs. STENBERG CONSTRUCTION COMPANY, INC., defendant and third party plaintiff, petitioner, Appellant** (Attorney: Wayne D. Tritbough of Chadwick, Johnson & Condon, P.A.) **CITY OF INTERNATIONAL FALLS, defendant and third party plaintiff, Respondent** (Attorney: Maun, Green, Hayes, Simon, Johanneson & Brehl) **vs. RONNIE A. NELSON, d.b.a. NELSON EXCAVATING COMPANY, third party defendant, Respondent** (Attorney: Richard C. Mollin). Opinion Court of Appeals

Is a general contractor who pays workers' compensation benefits to the employee of a subcontractor and who has a right of subrogation for those benefits against the subcontractor immune from suit by the injured employee or his heirs?

C4-87-2289 In Re Petition for Disciplinary Action against WILLIAM J. PLATTO, an Attorney at Law of the State of Minnesota. Petition for Disciplinary Action

What discipline is appropriate for respondent's violation of his probation and failure to cooperate with the disciplinary system?

Wednesday 9 March 1988 9:00 a.m.

C9-87-361 COUNTY OF NICOLLET, for itself and o.b.o. NICOLLET COUNTY SOCIAL SERVICES, petitioner, Appellant (Attorney: Paul H. Tanis, Jr. Special Assistant Nicollet County Attorney) **vs. JAMES IRVIN LARSON, Respondent** (Attorney: Piper and Shea). Opinion Court of Appeals

Did the trial court err, in a proceeding by a public authority for establishment of a public assistance reimbursement and ongoing child support obligation under *Minnesota Statutes*, § 256.87, subd. 1 and 1a (1986), in relying on the child support guidelines prescribed in *Minnesota Statutes*, § 518.551, subd. 5(a) (1986)?

Is Petitioner, Nicollet County, entitled to its attorney's fees pursuant to *Minnesota Statutes*, § 256.87 and *Minnesota Statutes*, § 518.14?

Thursday 10 March 1988 9:00 a.m.

C5-86-2212 & C7-87-357 DAVID CHABOT, Respondent (Attorney: Schmitt, Marso & Janson) **vs. CITY OF SAUK RAPIDS, petitioner, Appellant** (Attorney: Scott B. Lundquist of Austin & Roth). Opinion Court of Appeals

Does the city have a duty to use reasonable care to keep a storm sewer holding pond in a safe condition?

Is the decision of the City Council concerning capital improvements to an existing drainage system an immune discretionary function?

Does the procurement of general liability insurance constitute an additional waiver of immunity to that set forth in *Minnesota Statutes*, § 466.06?

Monday 14 March 1988 9:00 a.m.

C4-87-283 JAMES VANDERWEYST, et al., petitioners, Appellants (Attorney: Scott B. Lundquist of Austin & Roth and Michael D. Miller) **vs. FIRST STATE BANK OF BENSON, Respondent** (Attorneys: John W. Riches, II and Peter B. Stein of Stein & Moore). Opinion Court of Appeals

Were the interest rates charged by the Respondent on its various loans to the Appellant usurious?

Does *Minnesota Statutes*, § 334.011 apply to establish uniform maximum interest rate limitations for agricultural loans less than \$100,000?

Must state law apply federal limitations established in the "most favored lender" doctrine?

Wednesday 16 March 1988 11:00 a.m. at University of Minnesota Law School

CX-87-1597 KENNETH L. ELWOOD, et al., Respondents, (Attorney: David L. Einhaus of Nelson Casey, Tripp & Dow, P.A.) vs. **COUNTY OF RICE, et al., Respondents** (Attorney: Keating Law Office) **STANLEY PACOLT, et al., Appellants** (Attorney: Jon K. Iverson of Chadwick, Johnson & Condon, P.A.). Orders and Judgment Rice County

Does the doctrine of qualified immunity which protects peace officers from liability under 42 U.S.C. 1983 also apply to actions brought under state tort law?

Are the appellants entitled to summary judgment on claims of assault, false arrest, false imprisonment, intentional and reckless infliction of emotional distress upon the respondents under the facts of this case?

Supreme Court Decisions

Decisions Filed Friday 26 February 1988

C3-87-369 State of Minnesota, petitioner, Appellant v. Donald William Warren. Court of Appeals.

A misdemeanor conviction, based on a guilty plea for which no factual basis is elicited, may not be used later in computing the defendant's criminal history score for a subsequent felony offense; but if the plea was counseled or the record as a whole affords an adequate factual basis for the plea, the misdemeanor conviction may be used.

Reversed and sentence imposed by trial court reinstated. Simonett, J.

Took no part, Kelley & Popovich, JJ.

C2-87-816 State of Minnesota, Plaintiff v. Thomas Traczyk. Scott County.

Act of April 25, 1984, ch. 496, § 1, *1984 Minnesota Laws* 488, 489, which extended the statute of limitations within which the state may initiate prosecutions in certain criminal sexual conduct cases, will not be applied retroactively to a prosecution commenced after the limitations statute in effect at the time of the alleged offense had expired, and, therefore, certified question of whether the statute violates the ex post facto provisions of the federal and state constitution is answered in the negative.

Certified question answered in the negative. Kelley, J.

Orders

C9-82-82 In the Matter of the Petition for Disciplinary Action against Donald J. Heffernan, a Minnesota Lawyer. Supreme Court.

Removed from probationary status. Kelley, J.

Announcements

Tropical Forests—The Minnesota Connection: A forum on facts and issues surrounding the crisis in tropical forest ecology and conservation will be held at the Bell Museum of Natural History, University of Minnesota, March 5, 8 a.m.-5 p.m. The conference will provide factual information on the issues, related governmental policies, and current ecological research while exploring Minnesota's connections to the tropical forests and examining work and creative projects designed to preserve and manage these forests. Nationally and internationally known biologists and policy makers are participating in this program. Registration is \$18 through the Professional Development and Conference Services, University of Minnesota, 338 Nolte Center, 315 Pillsbury Drive S.E., Minneapolis, MN 55455-0139.

Environmental Quality Board (EQB): Comments on Environmental Assessment Worksheets (EAWs), and the regional governing unit taking them, are due March 23 for the following projects: CSAH 5, Kandiyohi County; National Sports Center in Blaine, MN; Minnesota Amateur Sports Commission; Indian Hills, City of Lakeville; Grand Rapids Housing Corporation P.U.D., City of Grand Rapids; Removal of the Schmidt House, City of Mankato; Prime West Business Park, City of Plymouth; and the Lakeville Commercial Center, City of Lakeville. Petitions to review alleged environmental effects have been received by the City of Blaine for Erickson's Fourth Addition and Morrison County for the R/V Campground in Scandia Township. A public hearing will be held on T.H. 63 and CSAH 22—Rochester, at the University of Minnesota Rochester Center, 130 Friedell Bldg., on March 15 from 4-8 p.m. Comment period for this roadway project ends March 23. Contact Gregg Downing, *EQB Monitor* editor at (612) 296-8253 for more information on any of the above.

State of the Region: Focusing on ways to relieve growing traffic congestion in the Twin Cities area, the Metropolitan Council will hold its annual meeting on March 2 and report on the seven county metropolitan region. James Burnley, U.S. secretary of transportation, will give the keynote address, titled "Urban Transportation: Meeting Its Challenges." The meeting will be held at the Radisson Hotel in downtown St. Paul at 1 p.m. Registration costs \$25 and may be made by contacting the council at (612) 291-6500.

Notice to FmHA Borrowers: FmHA borrowers who have received a "Notice of Right to Request Income Release" must respond to the document within 30 days to be eligible for debt restructuring and release of family living and farm operating expenses. No response to the "Notice of Right to Request Income Release" means a farmer will lose eligibility to participate in the programs. The programs are the result of the Agricultural Credit Act of 1987 and provide for loan restructuring opportunities for hundreds of FmHA borrowers and the chance to lease back or repurchase their homes. The "Notice of Right to Request Income Release" is causing confusion among farmers. The letter is being sent to farmers who had loans accelerated by the FmHA between November 1, 1985 and May 7, 1987. FmHA officials said application for the programs must be completed on FmHA forms that are readily available at local offices. Farmers can also notify FmHA by sending a certified letter, and they should keep a copy of the letter.

New Members Appointed to AIDS Task Force: Sister Mary Madonna Ashton, Minnesota Commissioner of Health, has announced the appointment of 11 new members—and the reappointment of four previous members—to the state's AIDS Task Force. The new members include: **Kenyari Bellfield**, Health Program Officer for the Urban League of Minneapolis; **Daniel Cain**, Executive Director of the Eden Rehabilitation Center and Treatment Facility, Minneapolis; **Dr. Kent Crossley**, St. Paul Ramsey Medical Center, representing the Minnesota Medical Association; **Sharon Day**, Minnesota Indian AIDS Task Force; **Dr. Albert deLeon**, Executive Director of the Council on Asian-Pacific Minnesotans; **Dr. John Finnegan**, Assistant Professor of Epidemiology, University of Minnesota; **Dr. Cheryl Perry**, Associate Professor of Epidemiology, University of Minnesota; **Dr. Gary Remafedi**, Adolescent Health Program, University of Minnesota; **James Rothenberger**, Community Health Education Faculty, School of Public Health, University of Minnesota; **Leo Treadway**, Ministry Associate, Reformation Lutheran Church, St. Paul; and **Jose Trejo**, Director of the Minnesota Council on Spanish Speaking Affairs, St. Paul. Previous members who are being reappointed to the Task Force include **Eric Engstrom**, Executive Director of the Minnesota AIDS Project; **Aggie Leitheiser**, Community Health Services Supervisor for Wright County, who represents the Minnesota Public Health Nursing Directors Association on the Task Force; **Lee Luebbe**, Winona County Commissioner; and **Dr. Frank Rhame**, Epidemiologist with the University of Minnesota Hospitals and Clinics. Originally established in 1985, the Task Force advises the Commissioner of Health on AIDS-related issues.



Woodworking for Wildlife

Woodworking for Wildlife, delightfully written and carefully illustrated with a variety of game bird and mammal box designs. Includes important information on the placement of nests in proper habitat areas and maintenance requirements. Diagrams, 48 pp. Code #9-14, \$6.00.

Help Minnesota's Wildlife, feed the birds and give to the Nongame Wildlife Checkoff on your Minnesota Tax Forms. Poster. 22" x 17", full color. Code #9-2, \$4.00.

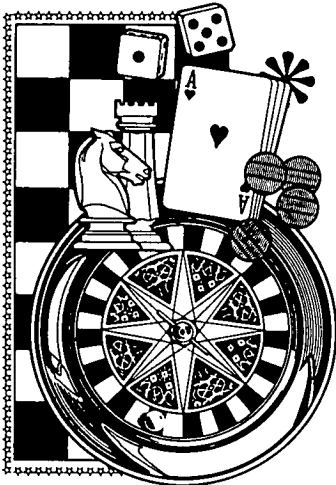
Fifty Birds of Town and City, describes the activities and habitats of these birds commonly seen today through full color paintings, Hardbound. 50 pp. Code #16-23, \$7.50.

Mammals of Minnesota, discusses wild mammals that inhabit Minnesota today, or in the recent past. Tells how to identify them, their distribution in the state, and their natural history. U of M Press, 1977, illustrated, index, bibliography, paperbound, 290 pp. Code #19-35, \$15.95.

Bird Portraits in Color, a total of 295 species of birds are depicted through magnificent illustrations, reproduced in seven-color lithography, accompanied by authoritative information about birds' activities, habitats, songs, and other characteristics, U of M Press, 1980, index, 92 color plates, hardbound. Code #19-41, \$12.95.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and \$1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

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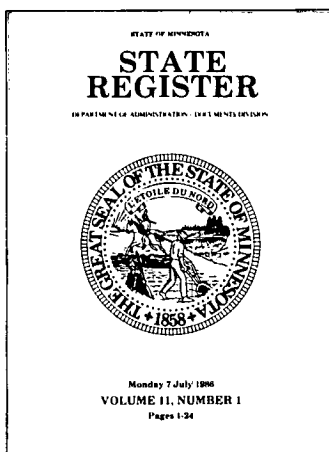
Charitable Gambling Directory

A complete listing in alphabetical order of organizations licensed for charitable gambling in the state. Includes the name, address, zip code and name of contact person. 64 pages. Code #1-11. \$20.00.

CHARITABLE GAMBLING RULES, governing the conduct of charitable gambling events like bingo. Code #3-3, \$5.00.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and \$1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

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Each year over \$1 billion in state contracts are awarded. About \$20 million in state contracts per week are advertised in the **State Register**, the most complete listing of state contracts available. Just a *sampling* of contracts includes, consulting services, professional services, technical services, commodities, equipment, supplies, and a wide variety of special services.

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Could you hire someone to bring all this information to you and your company for so little money? Let us bring you the business of state government. Subscribe to the **State Register** today, or call 296-4273 for more information.

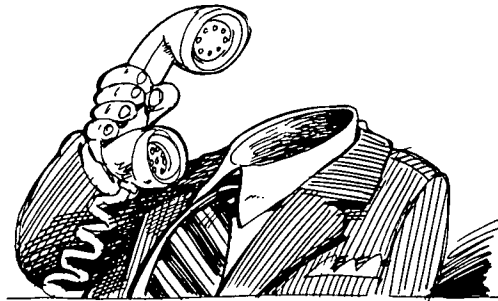
An annual subscription is \$130 and a 13-week trial subscription is \$40. MasterCard/VISA orders can be taken over the phone, otherwise prepayment is required. Send your orders to the Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155.

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Ever called and been transferred to this guy?

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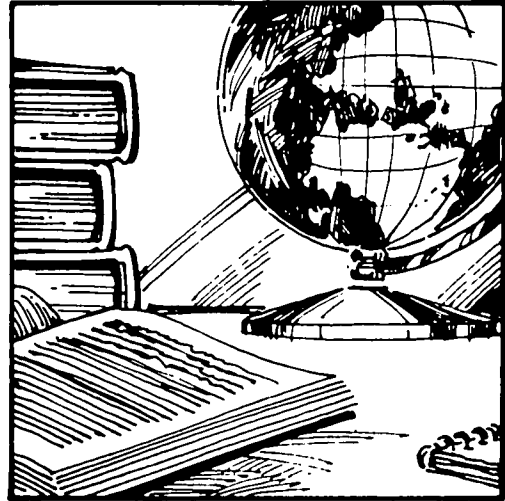
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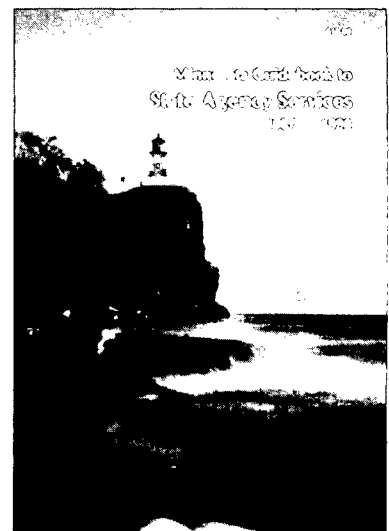
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