

State of Minnesota

# STATE REGISTER

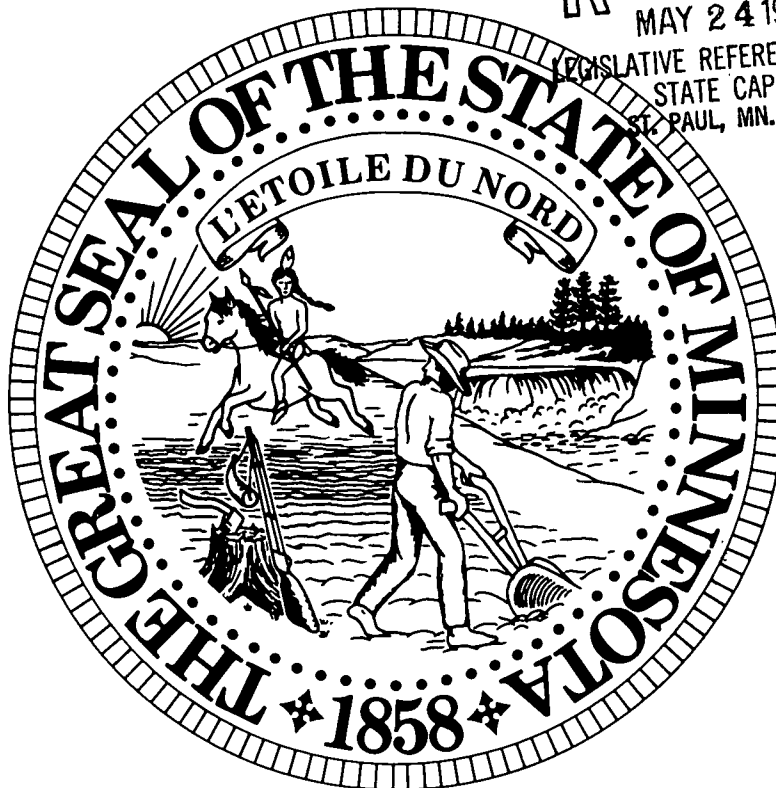
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# State Register

## 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
47	Monday 9 May	Monday 16 May	Monday 23 May
48	Monday 16 May	Monday 23 May	Monday 30 May
49	Monday 23 May	Friday 27 May	Monday 6 June
50	Friday 27 May	Monday 6 June	Monday 13 June

\*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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## 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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## NOTARY PUBLIC LAWS

Statutory requirements regarding the oath of office, necessary bond, and taking of depositions. Includes an explanation of the term of office and procedures for removal from office. Code No. 2-13. \$4.00.



Jane Smith  
NOTARY PUBLIC-MINNESOTA  
RAMSEY COUNTY

My Commission Expires January 1, 1994

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**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

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

### Proposed Permanent Rules Relating to Liquor Liability Assigned Risk Plan Rates

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

Notice is hereby given that the Department of Commerce intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in *Minnesota Statutes*, section 14.22-14.28. Authority for the adoption of these rules is contained in *Minnesota Statutes*, Section 45.023 and 340A.409.

All persons have 30 days to submit comments in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change.

Any person may make a written request for a public hearing 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 hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the department will proceed pursuant to *Minnesota Statutes*, sections 14.13 to 14.20.

Persons who wish to submit comments or a written request for a public hearing should submit them to:

Richard G. Gomsrud  
Department Counsel  
Department of Commerce  
500 Metro Square Building  
St. Paul, MN 55101  
(612) 296-5689

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

Pursuant to *Minnesota Statutes* Section 14.115, subdivision 2, the impact on small business has been considered in the promulgation of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

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

Michael A. Hatch  
Commissioner of Commerce

**Rules as Proposed****2783.0060 RATING PLAN.****Rates Applicable To Minimum Coverage Required By Minnesota Statutes, Section 340A.409, Subdivision 1****Assigned Risk Liquor Liability Rates****Rate For Three or Fewer Incidents In The Last Three Years**

Limits	Package Goods	Restaurants	Bars
50/100	\$ .42 \$ .34	\$1.52 \$1.17	\$1.89 \$1.70

**Rate For More Than Three Incidents In The Last Three Years  
Four Incidents**

50/100	\$6.25
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Each incident after the fourth incident will cause the rate charged to be increased by 20 percent over the rate charged for one less incident

For purposes of the rating plan, no experience or scheduled credits apply.

A combined bar and package establishment is rated as a bar for purposes of the plan.

A restaurant for purposes of the rating plan is a liquor vendor whose revenue from liquor sales is less than 50 percent of its combined liquor and food sales.

A bar for purposes of the rating plan is a liquor vendor whose revenues from liquor sales is 50 percent or more of its combined liquor and food sales.

An incident is either a loss or a violation. A loss and the violation that resulted in that loss are deemed to be one incident for purposes of the rating plan. A loss shall not be considered an incident for purposes of the rating plan if the circumstances which resulted in that loss would not result in a loss at the time of application to the assigned risk plan because state law prohibits recovery by an insurance company against any liquor vendor under subrogation clauses of the uninsured, underinsured, collision, or other first party coverages of a motor vehicle insurance policy as a result of payments made by the company to persons who have claims that arise in whole or in part under Minnesota Statutes, section 340A.801. The applicant shall have the burden of proof to establish that a loss which occurred prior to the adoption of Minnesota Statutes, section 340A.801 should not be classified as a loss.

The rates charged by the assigned risk plan shall not be deemed to be the maximum rates allowed to be charged for liquor liability insurance in Minnesota.

Upon adoption of this chapter any certificate of coverage previously issued by the assigned risk plan shall be subject to retroactive rebate, dividend, surcharge or other charge as may be necessitated by the adoption of this rating plan. Premiums for certificates of coverage previously issued shall be determined as if this rating plan were in effect at the time of issuance of the certificate of coverage.

## Department of Health

### Proposed Permanent Rules Relating to Asbestos Abatement

#### Notice of Intent to Adopt a Rule Without a Public Hearing, Notice of Intent to Adopt a Rule With a Public Hearing If 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing If Fewer Than 25 Persons Request a Hearing

##### I. Explanation of Alternative Notices

The Minnesota Department of Health (hereinafter "Department") is hereby giving notice of its intent to adopt a rule without a public hearing under the noncontroversial rulemaking procedure of *Minnesota Statutes* §§ 14.22 to 14.28 (1986). However, in case 25 or more persons request a hearing, thus necessitating that one be held pursuant to *Minnesota Statutes* § 14.25 (1986), and in order to expedite the rulemaking process should that occur, the Department is at the same time hereby giving notice of the hearing

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## Proposed Rules

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on the proposed rule pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1986). The hearing will, of course, be cancelled if 25 or more people do not request that one be held. With the comment period closing on June 22, 1988, there will be 7 days before the scheduled hearing date. This 7-day period will give interested persons ample time to contact the Department to find out whether the hearing will be cancelled and to plan accordingly.

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

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health (hereinafter "Department") proposes to adopt the above-captioned rule without a public hearing unless 25 or more persons submit written requests for a public hearing. The Department has determined that the proposed changes will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* §§ 14.22 to 14.28 (1986).

Interested persons shall have 30 days from the date this notice is published in the *State Register* to submit comments in support of or in opposition to the proposed rule. The 30 days will expire on June 22, 1988. Comment is encouraged. Each comment should identify the portion of the proposed rule being addressed, the reason for the comment, and any change proposed to the rule by the comment. The proposed rule may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change in the proposed language.

In addition to submitting comments, interested persons may request in writing during the 30-day comment period that a hearing be held on the proposed rule. Any person requesting a hearing should state his or her name, address, and telephone number and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any changes they want made to the proposed rule. If a person desires that a hearing be held on only a portion of the proposed rule, it is requested that the Department be informed of the specific amendments on which a hearing is being requested at the time that the hearing request is made. This will enable the Department to limit the hearing, if one is held, to the specific issues of concern. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed rule or a portion thereof by June 22, 1988. If a hearing is required, it will be held in accordance with the provisions of *Minnesota Statutes* §§ 14.131 to 14.20 (1986) and the hearing notice provided below.

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

Deborah S. Green, CIH  
Senior Industrial Hygienist  
Coordinator, Asbestos Abatement Unit  
Occupational Health  
717 Southeast Delaware Street  
P.O. Box 9441  
Minneapolis, Minnesota 55440  
(612) 623-5380

The statutory authority of the Department to adopt the proposed rule is contained in *Minnesota Statutes* §§ 144.05(c) and 144.122 (1986) and § 326.78 (1987 Supp.).

If adopted, the proposed rule would regulate asbestos-related work involving friable asbestos material that contains greater than one percent asbestos by weight in quantities greater than or equal to 260 linear feet on pipes or 160 square feet on other facility components. The proposed rule will be published in the *State Register* issue of May 23, 1988, and a free copy of the rule may be obtained from the Department by writing or telephoning Deborah S. Green at the address or telephone number listed above.

A statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed changes has been prepared and may be obtained from the Department by writing or telephoning Deborah S. Green at the address or telephone number listed above.

The fees proposed in the rules, which were not specified by statute, were approved by the Commissioner of Finance as required by *Minnesota Statutes* § 16A.128 (1986) and said approval is attached to the Statement of Need and Reasonableness. Copies of a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed changes has been prepared and may be obtained from the Department by writing or telephoning Deborah S. Green at the address or telephone number listed above.

The fees proposed in the rules, which were not specified by statute, were approved by the Commissioner of Finance as required by *Minnesota Statutes* § 16A.128 (1986) and said approval is attached to the Statement of Need and Reasonableness. Copies of the notice of intent to adopt rules and the proposed rules were also sent to the chairs of the House Appropriations Committee and Senate Finance Committee.

Promulgation of the proposed rule is likely to result in the expenditure of public monies by local public bodies and further information as required under *Minnesota Statutes* 14.11 (1986) is contained in the statement of need and reasonableness. There is no impact on agricultural lands from the proposed rule.

It is the position of the Department that the proposed rule is subject to *Minnesota Statutes* § 14.115 (1986) regarding small business considerations in rulemaking, and those are addressed in the statement of need and reasonableness.

Upon completion of the proposed rule without a public hearing, the rule as proposed, this notice, the statement of need and reasonableness, all written comments received, the rule as adopted, and a statement explaining any differences between the rule as proposed and as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the amendments as adopted should submit a written request to Deborah S. Green at the address listed above.

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

PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITH RESPECT TO THE ABOVE-CAPTIONED RULE WITHIN THE 30-DAY COMMENT PERIOD PURSUANT TO THE NOTICE GIVEN IN PART II ABOVE, A HEARING WILL BE HELD ON JUNE 30, 1988, IN ACCORDANCE WITH THE FOLLOWING NOTICE OF PUBLIC HEARING.

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be held pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1986), in Room 105, the Chesley Room, First Floor, Minnesota Department of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota, on June 30, 1988, commencing at 9 a.m.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of hearing which is to be included in the hearing record may be mailed to Jon L. Lunde, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone (612) 341-7645. Unless a longer period not to exceed 20 calendar days is ordered by the administrative law judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received during this period will be available for review at the Office of Administrative Hearings. The Department and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three-day period. This rule hearing procedure is governed by *Minnesota Statutes* §§ 14.131 to 14.20 (1986) and by *Minnesota Rules* pts. 1400.0200 to 1400.1200 (1986). Questions about procedure may be directed to the administrative law judge.

If adopted, the rule would regulate asbestos-related work involving friable asbestos material that contains greater than one percent asbestos by weight in quantities greater than or equal to 260 linear feet on pipes or 160 square feet on other facility components. The proposed rule will be published in the *State Register* issue of May 23, 1988, and a free copy of the rule may be obtained from the Department by writing or telephoning Deborah S. Green at the address and telephone number listed above in Part II of this notice.

The statutory authority of the Department to adopt the proposed rule is contained in *Minnesota Statutes* §§ 144.05(c) and 144.122 (1986) and § 326.78 (1987 Supp.).

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

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

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

(b) Who spends more than \$250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

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

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## Proposed Rules

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Notice is hereby given that a statement of need and reasonableness is now available for review at the Department and at the Office of Administrative Hearings. This statement of need and reasonableness includes a summary of all the evidence which the Department anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule. Copies of the statement of need and reasonableness may be reviewed at the Department or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

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

Promulgation of the proposed rule is likely to result in the expenditure of public monies by local public bodies and further information as required under *Minnesota Statutes* § 14.11 (1986) is contained in the statement of need and reasonableness. There is no impact on agricultural lands from the proposed rule.

It is the position of the Department that the proposed rule is subject to *Minnesota Statutes* § 14.115 (1986) regarding small business considerations in rulemaking, and those are addressed in the statement of need and reasonableness.

The fees proposed in the rules, which were not specified by statute, were approved by the Commissioner of Finance as required by *Minnesota Statutes* § 16A.128 (1986) and said approval is attached to the Statement of Need and Reasonableness. Copies of the notice of intent to adopt rules and the proposed rules were also sent to the chairs of the House Appropriations Committee and Senate Finance Committee.

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

PLEASE NOTE THAT THE HEARING, NOTICE OF WHICH IS GIVEN IN PART III ABOVE, WILL BE CANCELLED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE GIVEN IN PART II ABOVE.

To be informed whether the hearing noticed in Part III above will be held, please call Ms. Gretchen Strehle at (612) 623-5372 before June 22, 1988, and leave your name, address, and telephone number. You will be notified after June 22, 1988, if the hearing has been cancelled. You may also call Ms. Gretchen Strehle at (612) 623-5372 after June 22, 1988, for oral confirmation regarding the scheduled hearing.

Dated: 9 May 1988

Sister Mary Madonna Ashton  
Commissioner of Health

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

##### **7005.1611 PURPOSE AND SCOPE.**

Parts 7005.1611 to 7005.1618 regulate asbestos-related work involving friable asbestos-containing material that contains greater than one percent asbestos by weight in quantities greater than or equal to 260 linear feet on pipes or 160 square feet on other facility components.

All asbestos-related work must be performed by licensed asbestos abatement contractors employing certified asbestos abatement site supervisors and certified asbestos abatement workers.

##### **7005.1612 DEFINITIONS.**

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

Subp. 2. **Abatement area.** "Abatement area" means an area established by the asbestos abatement contractor, restricted to abatement personnel only, where airborne concentrations of asbestos exceed or can reasonably be expected to exceed 0.01 fibers per cubic centimeter (f/cc) or alternative indoor air standard established in accordance with these rules.

Subp. 3. **Asbestos.** "Asbestos" means the asbestiform varieties of chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonite-grunerite), anthophyllite, tremolite, and actinolite.

Subp. 4. **Asbestos abatement contractor.** "Asbestos abatement contractor" means an employer who conducts asbestos-related work and includes employers who perform in-house asbestos-related work using their own employees.

Subp. 5. **Asbestos abatement plan.** "Asbestos abatement plan" means a written plan which describes the equipment and procedures that will be used throughout the asbestos abatement project. Requirements for the plan are described in part 7005.1616, subpart 3, item A.

Subp. 6. **Asbestos abatement worker.** "Asbestos abatement worker" means any employee who conducts asbestos-related work.

Subp. 7. **Asbestos-containing material (ACM).** "Asbestos-containing material (ACM)" means material that contains more than one percent asbestos by weight.

Subp. 8. **Asbestos-related work.** "Asbestos-related work" means the enclosure, removal, or encapsulation of friable asbestos-containing material in quantities greater than or equal to 260 linear feet on pipes or 160 square feet on other facility components.

Subd. 9. **Asbestos-related work project.** "Asbestos-related work project" means the enclosure, removal, or encapsulation of friable asbestos-containing material in quantities greater than or equal to 260 linear feet on pipes or 160 square feet on other facility components performed in one building during a period of one year or less.

Subp. 10. **Clearance air level.** "Clearance air level" means the maximum permissible concentration of fibers remaining in the air in the abatement area following completion of asbestos-related work.

Subp. 11. **Clearance air sampling.** "Clearance air sampling" means the air sampling method used to document the concentration of fibers remaining in the air in the abatement area following completion of asbestos-related work.

Subp. 12. **Commissioner.** "Commissioner" means the commissioner of health and the commissioner's designees.

Subp. 13. **Contingent EPA approval.** "Contingent EPA approval" means the Environmental Protection Agency (EPA) has reviewed the training course sponsor's written submission seeking EPA approval, found the materials to be acceptable, but has not yet conducted an on-site audit.

Subp. 14. **Contracting entity.** "Contracting entity" means a public or private body, board, natural person, corporation, partnership, proprietorship, joint venture, fund, authority, or similar entity that contracts with an employer or person to do asbestos-related work for the benefit of the contracting entity.

Subp. 15. **Critical containment barriers.** "Critical containment barriers" means the barriers constructed to separate and isolate the abatement area from the rest of the building and the outdoors, including the barriers constructed over doors, windows, and air passageways.

Subp. 16. **Emergency demolition.** "Emergency demolition" means that the facility is being demolished under an order of a state or local governmental agency, because the facility is structurally unsound and in danger of imminent collapse.

Subp. 17. **Emergency renovation.** "Emergency renovation" means asbestos-related work which was not planned but results from a sudden, unexpected event. This includes work required by nonroutine failures of equipment.

Subp. 18. **Employee.** "Employee" means a person who works directly or indirectly for an employer.

Subp. 19. **Employer.** "Employer" means an individual, body, board, corporation, partnership, proprietorship, joint venture, fund, authority, or similar entity directly or indirectly employing an employee. This term applies to private employers and to the state, its political subdivisions, and any boards, commissions, schools, institutions, or authorities created or recognized by them.

Subp. 20. **Encapsulation.** "Encapsulation" refers to a method of asbestos abatement that is sometimes chosen as an alternative to asbestos removal, and means the treatment of asbestos-containing building materials with a sealant material that surrounds or embeds asbestos fibers in an adhesive matrix to prevent the release of fibers. A bridging encapsulant creates a membrane over the surface. A penetrating encapsulant penetrates the material and binds its components together.

Subp. 21. **Enclosure.** "Enclosure" refers to a method of asbestos abatement that is sometimes chosen as an alternative to asbestos removal, and means construction of permanent, airtight, impermeable walls, ceilings, and floors constructed around asbestos-containing material to prevent the release of asbestos fibers into the air.

Subp. 22. **Friable asbestos material.** "Friable asbestos material" means any material containing more than one percent asbestos by weight that hand pressure can crumble, pulverize, or reduce to powder when dry.

Subp. 23. **Full EPA approval.** "Full EPA approval" means the Environmental Protection Agency (EPA) has reviewed and found acceptable the training course sponsor's written submission for EPA approval, conducted an onsite audit and determined that the training course meets or exceeds the training requirements of the EPA Model Accreditation Plan.

Subp. 24. **Glove bag.** "Glove bag" means a bag, fitted with arms, through which limited types of asbestos-related work may be performed, as allowed in part 7005.1616, subpart 4.

Subp. 25. **High-efficiency particulate air (HEPA) filter.** "High-efficiency particulate air (HEPA) filter" means a filter capable of trapping and retaining at least 99.97 percent of all monodispersed particles 0.3 microns in diameter or larger.

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## Proposed Rules

Subp. 26. **Minnesota-approved.** "Minnesota-approved" means a training course that meets the requirements for approval described in part 7005.1618.

Subp. 27. **Occupied area immediately adjacent to an abatement area.** "Occupied area immediately adjacent to an abatement area" is a designation used during an asbestos-related work project and means an indoor space which meets all of the following criteria.

- A. The space is not considered part of the abatement area.
- B. The space shares a wall, floor, or ceiling with the temporary barriers constructed to enclose the abatement area.
- C. During regular building operations, the space is connected by a window, door, or similar opening to the area temporarily considered the abatement area.
- D. The space is occupied by persons not involved in asbestos-related work.

Subp. 28. **Renovation.** "Renovation" means altering in any way one or more facility components. In asbestos-related work renovation includes the enclosure, removal, or encapsulation of friable asbestos-containing material.

Subp. 29. **Responsible individual.** "Responsible individual" means one who has the authority to represent the company in all matters related to the asbestos abatement contractor license.

Subp. 30. **Site supervisor.** "Site supervisor" means one who meets the OSHA definition of a competent person and has the authority to act as the agent of the asbestos abatement contractor at the work site.

### 7005.1613 LICENSING REQUIREMENTS FOR ASBESTOS ABATEMENT CONTRACTORS INTENDING TO PERFORM ASBESTOS-RELATED WORK.

Subpart 1. **License required.** On and after January 1, 1989, an asbestos abatement contractor who performs asbestos-related work must be licensed as a Minnesota asbestos abatement contractor. This includes employers who perform in-house asbestos-related work using their own employees.

Subp. 2. **Initial application for license.** An applicant for an initial asbestos abatement contractor license shall submit the following:

- A. A properly completed application on a form provided by the commissioner.
- B. A \$100 nonrefundable application fee, in the form of a check, payable to the Treasurer, State of Minnesota.
- C. The name, address, and social security number of the responsible individual who has taken the required training as specified under part 7005.1618 and is applying for a license on behalf of the asbestos abatement contractor.
- D. Evidence that the responsible individual who is applying has successfully completed a Minnesota-approved initial training course for asbestos abatement contractors and site supervisors that meets the following requirements:
  - (1) for purposes of license applications submitted before January 1, 1989, a training course taken between June 1, 1987 and December 31, 1988, is considered Minnesota-approved if it has full or contingent EPA approval, and the responsible individual completed the course within one year of application; and
  - (2) for purposes of license applications submitted on or after January 1, 1989, a training course must meet the additional criteria for training courses in part 7005.1618 to be Minnesota-approved.
- E. A list of the other states in which the asbestos abatement contractor is licensed or certified for asbestos abatement work.
- F. Copies of any asbestos-related citations or notices of violation issued by Minnesota Occupational Safety and Health Review Board, the Minnesota Pollution Control Agency, the federal Occupational Safety and Health Administration, or the federal Environmental Protection Agency, within two years before the date of application; or similar citations received by the asbestos abatement contractor for work performed in other states, and a description of corrective actions taken.
- G. Evidence of workers' compensation insurance coverage.
- H. A statement that the asbestos abatement contractor does not owe outstanding Minnesota tax obligations.
- I. The social security number of the responsible individual and the asbestos abatement contractor's Minnesota business identification number.

Subp. 3. **Denial of license application.** An application for license may be denied for any of the following reasons:

- A. failure of the applicant to complete the application;
- B. failure of the applicant to submit the application with the required fee; or
- C. failure of the applicant to meet the qualifications required by the Asbestos Abatement Act, Minnesota Statutes, sections 326.70 to 326.82, and parts 7005.1611 to 7005.1618, and state law relating to delinquent tax accounts.



An applicant shall be notified in writing of the denial and the reasons for the denial. A person who resubmits an initial application is not required to pay a second fee.

Subp. 4. **Licensure.** An applicant who meets the requirements in subpart 2, shall be issued a written Minnesota asbestos abatement contractor license. For licenses issued on or after January 1, 1989, the date of issuance is the date the applicant successfully completes the training requirements in subpart 2, item D. The following information shall appear on the front of the license:

- A. the employer's name and address;
- B. the name of the responsible individual;
- C. the date the license is issued;
- D. the date the license expires; and
- E. the signature of the commissioner.

Copies certified by the commissioner shall be issued upon request.

Subp. 5. **Annual license renewal.** The license is effective for one year unless the commissioner revokes or suspends the license. Renewal licenses shall be issued to qualified applicants.

A. The commissioner may renew a license if the license holder submits a completed, approvable renewal application at least 30 but not more than 60 days prior to the expiration date of the existing license.

B. Renewal applications will only be accepted from the responsible individual who currently holds the license on behalf of the company. License holders applying for renewal of a license shall submit each of the following items:

- (1) a properly completed renewal application on a form provided by the commissioner;
- (2) a \$100 nonrefundable renewal application fee in the form of a check, payable to the Treasurer, State of Minnesota;

and

(3) evidence that the responsible individual has attended and successfully completed a Minnesota-approved annual refresher training course for asbestos abatement contractors. The criteria for Minnesota approval of training courses are described under part 7005.1618.

Subp. 6. **Denial of renewal application.** An application for license renewal may be denied for the reasons stated under subpart 3. An applicant shall be notified in writing of the denial and the reasons for the denial.

Subp. 7. **Retention of license in event of change in responsible person or contractor ownership.**

A. If the responsible individual for the license changes, the asbestos abatement contractor must notify the commissioner within two days of the change by filing a properly completed application form, as described under subpart 1, with the commissioner within 30 days of the change. The asbestos abatement contractor will then receive a sticker from the commissioner reflecting the change, and may retain the same numbered license until the expiration date.

B. If the contracting firm licensed by the state is sold in whole or in part, the purchaser must notify the commissioner within two days of the sale by filing a properly completed application form with the commissioner within 30 days of the sale. The purchaser will then receive a sticker from the commissioner reflecting any changes, and may retain the same numbered license until the expiration date.

Subp. 8. **Procedures for obtaining duplicate license.** The commissioner may issue a duplicate license to replace a lost, destroyed, or mutilated license. The responsible individual shall submit a properly completed application for a duplicate license on a form provided by the commissioner. A duplicate license must have "duplicate" stamped on its face and must bear the same number and expiration date as the original license.

#### **7005.1614 CERTIFICATION OF ASBESTOS ABATEMENT SITE SUPERVISORS AND ASBESTOS ABATEMENT WORKERS.**

Subpart 1. **Certification of supervisors and workers required.** On and after January 1, 1989, an employee who performs asbestos-related work must be certified as an asbestos abatement site supervisor or asbestos abatement worker. Site supervisors and workers who perform asbestos-related work shall be issued a written Minnesota asbestos abatement site supervisor or worker certifi-

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icate with the person's name, the date issued, the date of expiration, and the signature of the commissioner appearing on the front of the certificate. The certified asbestos abatement site supervisor or worker must have the certificate readily available at the work site for inspection by the commissioner's designees.

### Subp. 2. **Initial application for site supervisor or worker certification.**

A. An applicant for initial certification as an asbestos abatement site supervisor or worker must submit the following:

- (1) a properly completed application on a form provided by the commissioner;
- (2) a nonrefundable application fee of \$50 in the form of a check, payable to the Treasurer, State of Minnesota; and
- (3) evidence of attendance and successful completion of a Minnesota-approved initial training course that meets the following requirements:

(a) site supervisors must show evidence of attendance and successful completion of a Minnesota-approved initial training course for contractors and site supervisors;

(b) workers must show evidence of attendance and successful completion of a Minnesota-approved initial training course for workers;

(c) for purposes of applications submitted before January 1, 1989, a training course taken between June 1, 1987 and December 31, 1988, is considered Minnesota-approved if it has full or contingent EPA approval, and the site supervisor or worker completed the course within one year of application; and

(d) for purposes of applications submitted on or after January 1, 1989, a training course must meet the additional criteria for training courses in part 7005.1618 to be Minnesota-approved.

B. An applicant who meets the requirements of this subpart and subpart 3 shall be issued a written Minnesota asbestos abatement site supervisor or worker certificate. For certificates issued on or after January 1, 1989, the date of issuance of the certificate is the date the applicant successfully completes the Minnesota-approved training course.

Subp. 3. **Additional training or experience requirements.** On and after January 1, 1989, to be eligible for certification as a site supervisor or worker, a person applying for certification must submit the information described in subpart 2 and also show evidence of completion of one of the following:

A. two years of attendance in an apprenticeship program within the construction industry which is approved by the state of Minnesota, Department of Labor and Industry, Division of Voluntary Apprenticeship;

B. successful completion of a construction industry vocational technical program of not less than 18 months; or

C. work experience of at least 2,000 hours within the commercial building construction industry, verified in a notarized statement detailing the hours worked, provided by either the employer or the labor organization involved.

Subp. 4. **Denial of site supervisor or worker certification application.** An application for site supervisor or worker certification may be denied for any of the reasons for denying a license, listed in part 7005.1613, subpart 3. An applicant shall be notified in writing of the denial and the reasons for the denial. A person who resubmits an initial application is not required to pay a second fee.

Subp. 5. **Annual renewal of certification.** The certificate is effective for one year unless the commissioner suspends or revokes it. Renewal certificates shall be issued to qualified applicants.

A. The commissioner may renew a certificate if the certificate holder submits a completed, approvable renewal application at least 30 but not more than 60 days before expiration of the existing certificate.

Failure to submit the properly completed application materials at least 30 days before the certificate expiration date may result in lapse of the certificate.

B. Certificate holders applying for renewal of the license shall submit the following:

- (1) a properly completed renewal application on a form provided by the commissioner;
- (2) a nonrefundable \$50 renewal application fee in the form of a check, payable to the Treasurer, State of Minnesota; and
- (3) for site supervisors, evidence of attendance and successful completion of a Minnesota-approved refresher training course for contractors and site supervisors; and for workers, evidence and successful completion of a Minnesota-approved refresher training course for workers. The criteria for Minnesota-approved refresher training courses are described in part 7005.1618.

C. An application for renewal of certification may be denied for any of the reasons for denying an asbestos abatement contractor license in part 7005.1613, subpart 3. The applicant shall be notified in writing of the denial and the reasons for the denial.

Subp. 6. **Procedures for obtaining duplicate site supervisor certificate.** The commissioner may issue a duplicate certificate to

replace a lost, destroyed, or mutilated certificate. The certificate holder shall submit a properly completed application for a duplicate certificate on a form provided by the commissioner. A duplicate certificate shall have "duplicate" stamped on the face and shall bear the same number and expiration date as the original certificate.

#### **7005.1615 ASBESTOS ABATEMENT CONTRACTOR RESPONSIBILITIES.**

Subpart 1. **Advance notification and payment of one percent project fee before beginning asbestos-related work.**

A. At least five calendar days before beginning the asbestos-related work project, the licensed asbestos abatement contractor must submit to the commissioner the following:

- (1) a properly completed Notification of Intent to Perform an Asbestos Abatement Project Form;
- (2) a check in the amount of the project fee described under item C, payable to the Treasurer, State of Minnesota;
- (3) a copy of a signed summary of the costs of the asbestos abatement contract; and
- (4) a copy of the completed notification form.

Once the asbestos abatement contractor pays the fee required under this subpart, the commissioner shall issue a project permit to the asbestos abatement contractor.

For emergency renovation or demolition projects, notification and fee requirements are described in item E.

B. If at any time during the asbestos-related work the information reported on the notification form changes, an amended notification form must be filed with the commissioner. The amended notification form is a properly completed notification form with the changes from the original version highlighted. An amended notification form must be filed as soon as possible, but no later than the end of the project.

C. For each asbestos-related work project, the licensed asbestos abatement contractor shall pay to the department a project fee equal to one percent of the total cost of the asbestos project. The total cost of the asbestos project includes the cost of abatement area preparation, decontamination, installations, enclosures, alterations, removal abatement, and repairs; including, for example, wages, materials, waste disposal, profit, performance bond, insurance, and administrative overhead.

If the final invoice amount charged to the contracting entity for the asbestos-related work exceeds the total cost of the asbestos project previously reported on the notification form, additional fee payment in the amount of one percent of that difference must be submitted to the department. Within five working days after submission of the final invoice to the contracting entity, the asbestos abatement contractor must submit the additional fee, evidence of the final invoice amount, and an amended notification form. The department shall issue a refund in the event of an overpayment of the project fee.

D. In the special case of a company conducting in-house asbestos-related work, where costs may be difficult to itemize for fee calculation, the total cost of the asbestos-related work project may be estimated and the fee paid as follows:

(1) The responsible individual shall prepare an estimate of the cost of the asbestos-related work project. The estimate must include the cost of work area preparation, decontamination, installations, enclosures, alterations, removal abatement, repairs, wages, materials, waste disposal, administrative overhead, and a contingency figure that is 20 percent of the total of the above items. The company shall pay a project fee equal to one percent of the estimated total cost.

(2) At least five days before beginning the asbestos work, the asbestos abatement contractor must submit the following:

- (a) a check in the amount of the project fee, payable to the Treasurer, State of Minnesota;
- (b) a copy of the estimate of the total cost of the asbestos project; and
- (c) a copy of the completed notification form.

E. For emergency demolition or emergency renovation projects, the asbestos abatement contractor must submit to the commissioner a completed Notification of Intent to Perform Asbestos Abatement Project form and project permit fee within two working days after beginning the project.

If the final invoice amount charged to the contracting entity for the emergency demolition or emergency renovation project exceeds the total cost of the asbestos project reported on the notification form, additional fee payment is due as described under item C.

Subp. 2. **Posting the work site.** The asbestos abatement contractor shall post in a conspicuous place outside of the abatement area a copy of the sign provided by the commissioner which states in letters four or more inches high: LICENSED BY THE STATE

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OF MINNESOTA FOR ASBESTOS WORK. A copy of the project permit issued under subpart 1, item A, must be posted in a conspicuous place at the worksite upon receipt from the commissioner. The actual license of the asbestos abatement contractor or a copy certified by the commissioner must be readily available for inspection.

Subp. 3. **Records.** The following records must be compiled for each asbestos-related work project and must be readily available for review by the commissioner. These records must be retained by the asbestos abatement contractor for 30 years after completion of the project.

A. A daily sign in and sign out log that identifies individuals at the work site by name, certificate number, and length of time on the work site.

B. A copy of the detailed asbestos abatement plan for the work site, developed in accordance with part 7005.1616, subpart 3, item A.

C. Records of all on-site air monitoring required under part 7005.1616, subpart 3, items F and I, subitem (3), including calibrations, sampling methods, volume flow rate, time sampled, and analytical results.

D. A listing of each of the other employers on the site who have been informed of the nature of the asbestos abatement contractor's asbestos-related work, according to Code of Federal Regulations, title 29, section 1926.58(d), as amended through July 1, 1987.

Subp. 4. **Information provided to the contracting entity.** At the time a bid for asbestos-related work is submitted, the asbestos abatement contractor shall provide the following information to the contracting entity:

A. evidence that the asbestos abatement contractor holds a current Minnesota asbestos abatement contractor license;

B. a copy of the asbestos abatement plan that meets the requirements of part 7005.1616, subpart 3, item A; and

C. a copy of a statement provided by the commissioner regarding bonding and liability insurance.

Subp. 5. **Use of qualified personnel.**

A. On and after January 1, 1989, the asbestos abatement contractor shall employ only workers and site supervisors with valid, current Minnesota certificates to conduct asbestos-related work. The asbestos abatement contractor shall ensure that a current certificate plus current photo identification, such as a driver's license or other dated identification card, of each employee engaged in asbestos-related work at the work site, is available at the work site to enable the commissioner to verify the identity and certification of each employee at the work site.

B. On and after January 1, 1989, the asbestos abatement contractor shall ensure that a certified site supervisor is always present at the work site.

### 7005.1616 STANDARDS FOR ASBESTOS-RELATED WORK.

Subpart 1. **Indoor air standards.** The following minimum air standards for asbestos-related work do not replace or supersede more stringent standards or contractual agreements, whenever applicable.

A. Fibers remaining in the air in the abatement area following the completion of an asbestos abatement project must not exceed 0.01 fibers per cubic centimeter (f/cc) of air as analyzed by phase contrast microscopy, counting fibers with a length-to-width ratio equal to or greater than 3:1 and greater than five microns in length. This is referred to as the clearance air level. Sampling and analysis must be conducted according to subpart 2 and subpart 3, item F, subitem (3). For glove bag in the mini-enclosure procedures in subpart 4, sampling and analysis must be conducted according to subpart 2 and subpart 4, item C.

B. Where asbestos-related work is conducted in a building occupied by persons not involved in asbestos-related work, asbestos levels measured in indoor air outside the abatement area during the asbestos-related work must not exceed 0.01 f/cc of air as analyzed by phase contrast microscopy, counting fibers with a length-to-width ratio equal to or greater than 3:1 and greater than five microns in length. Sampling and analysis shall comply with subpart 2.

If, during the asbestos-related work, the fiber concentration in air measured outside an abatement area exceeds the limit prescribed under this paragraph, the asbestos abatement contractor shall evacuate any occupied area immediately adjacent to the abatement area and any other areas outside the abatement area where fiber levels exceed the limit stated in this paragraph, to protect members of the public and nonabatement personnel. Evacuated areas shall not be reoccupied until corrective measures have been taken and documented, and each of five air samples collected in accordance with subpart 2 show that fiber levels no longer exceed the 0.01 f/cc limit.

C. If the asbestos abatement contractor has good reason to believe that elevated fiber levels are the result of nonasbestos dust in the air, the asbestos abatement contractor or employer may delay evacuation of the occupied areas in question, provided that the following actions are taken immediately:

(1) the asbestos abatement contractor must repeat analysis of samples analyzed in item B to distinguish between asbestos

and nonasbestos fibers greater than five microns in length with an aspect ratio of 3:1; and

(2) the repeat analysis under this item must meet the requirements of "Mandatory Transmission Electron Microscopy Method," Code of Federal Regulations, title 40, part 763, subpart E, appendix A, section II, Parts A, E, F, H, I, and J, as provided by the Federal Register, volume 52, pages 41857 to 41870, October 30, 1987, and as qualified in this subitem.

(a) Part A is amended as follows:

(i) The definition of "aspect ratio" is amended to read:

"3. 'Aspect Ratio' — a ratio of the length to the width of a particle. Minimum aspect ratio as defined by this method is equal to or greater than 3:1."

(ii) The definition of "fiber" is amended to read:

"9. 'Fiber' — a structure greater than or equal to five microns in length with an aspect ratio (length to width) of 3:1 or greater and having substantially parallel sides."

(b) Part F is amended as follows:

(i) Paragraph 9(a) is amended to read:

"9. Recording Rules.

a. Any continuous grouping of particles in which an asbestos fiber with an aspect ratio greater than or equal to 3:1 and a length greater than or equal to 5.0 microns is detected shall be recorded on the count sheet. These will be designated asbestos structures and will be classified as fibers, bundles, clusters, or matrices. Record as individual fibers any contiguous grouping having 0, 1, or 2 definable intersections. Groupings having more than 2 intersections are to be described as cluster or matrix. An intersection is a nonparallel touching or crossing of fibers, with the projection having an aspect ratio of 3:1 or greater. See the following Figure 2:"

(ii) Paragraph 9(a), figure 2, the portion entitled "DO NOT COUNT AS STRUCTURES," is amended by changing the aspect ratio from "5:1" to "3:1" and the micrometer length from "0.5" to "5.0".

(iii) Paragraph 9(a)(i) is amended to read:

"i. Fiber. A structure having minimum length greater than or equal to 5 microns and an aspect ratio (length to width) of 3:1 or greater and substantially parallel sides. Note the appearance of the end of the fiber, i.e., whether it is flat, rounded, or dovetailed."

(iv) Paragraph 10(a) is amended to read:

"a. Fiber. A structure having minimum length greater than or equal to 5 microns and an aspect ratio (length to width) of 3:1 or greater and substantially parallel sides. Note the appearance of the end of the fiber, i.e., whether it is flat, rounded, or dovetailed."

(3) If any of the analysis results by transmission electron microscopy show that the asbestos air concentration exceeds 0.01 f/cc of air, counting fibers with a length-to-width ratio equal to or greater than 3:1 and greater than five microns in length, the asbestos abatement contractor shall evacuate the occupied area in question to protect members of the public and nonabatement personnel. Evacuated areas shall not be reoccupied until corrective measures have been taken and documented, and each of five air samples collected in each evacuated area, in accordance with subpart 2, items A, B, and C, show that fiber levels no longer exceed the 0.01 f/cc limit.

D. Before beginning asbestos-related work, if the asbestos abatement contractor has good reason to believe that asbestos levels in the air entering the abatement area from outdoors or from other parts of the building outside of the abatement area exceed 0.01 f/cc, the asbestos abatement contractor may establish an alternative indoor air standard and an alternative clearance air level, provided that the requirements prescribed under subpart 2, items A and D, are met.

Subp. 2. **General requirements for sampling and analysis.** All air monitoring shall meet the following minimum criteria. These criteria do not replace or supersede more stringent standards or contractual agreements.

A. Air sampling must be conducted by an individual who has successfully completed the National Institute for Occupational Safety and Health (NIOSH), course number 582, entitled Sampling and Identification of Airborne Asbestos, or another suitable course as determined by the commissioner.

B. When air sample analysis is by phase contrast microscopy, the following shall apply:

(1) Sampled air volumes must be sufficient to accurately determine fiber concentrations to 0.01 f/cc.

(2) A minimum air volume of 2,000 liters shall be collected for each sample.

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(3) Sampling and analysis methods must comply with NIOSH Method 7400 entitled "Fibers" published in the NIOSH Manual of Analytical Methods, 3rd Edition, Second Supplement, August 1987; or equivalent methods. This document is not subject to frequent change and is incorporated by reference and available at the State Law Library, Ford Building, 117 University Avenue, Saint Paul, MN 55155.

(4) Analysis shall be conducted by a laboratory considered proficient in asbestos analysis by the American Industrial Hygiene Association (AIHA) Proficiency Analytical Testing (PAT) Program for phase contrast microscopy.

C. Sample analysis shall be requested to be performed on a priority basis to ensure prompt reporting of results. Samples must be submitted for analysis on the day they are collected. The contract for sample analysis shall specify that the analysis results shall be available orally or in writing as soon as possible, and no later than 48 hours after submission.

D. To establish an alternative clearance air level to the 0.01 f/cc limit by phase contrast microscopy under subpart 1, item A, analysis shall be by transmission electron microscopy (TEM), and sampling and TEM analysis shall comply with the requirements of "Mandatory Interpretation of Transmission Electron Microscopy Results to Determine Completion of Response Actions," Code of Federal Regulations, title 40, part 763, appendix A, section IV, as provided by the Federal Register, volume 52, pages 41893 to 41897, October 30, 1987; or equivalent methods.

E. To establish an alternative indoor air standard to the 0.01 f/cc limit by phase contrast microscopy prescribed under subpart 1, item B, an average airborne concentration shall be calculated by collecting simultaneously a minimum of five air samples before any asbestos-related work begins, using the sampling and phase contrast microscopy analysis methods of items A, B, and C. Sampling locations must be indoors, and within ten feet of the planned abatement area. Sampling locations must be selected to provide suitable data for comparison with air samples collected after the asbestos-related work begins.

Subp. 3. **Required procedures for asbestos-related work.** Asbestos-related work must meet the following minimum criteria. The criteria do not replace or supersede more stringent standards or contractual agreements.

A. A written asbestos abatement plan must be prepared which describes the equipment and procedures to be used throughout the asbestos-related work project. At a minimum, the asbestos abatement plan must contain the following information:

- (1) a physical description of the work area;
- (2) a description of the approximate amount of asbestos-containing material to be removed, encapsulated, or enclosed;
- (3) a schedule for shutting down and locking out electric power and heating, ventilating, and air conditioning equipment to all work areas and sealing existing ventilation systems;
- (4) personnel hygiene procedures;
- (5) labeling procedures;
- (6) a description of personal protective equipment and clothing to be worn by employees;
- (7) a description of the local exhaust ventilation systems to be used;
- (8) a description of work practices to be observed by employees;
- (9) a description of the methods to be used to remove, encapsulate, and enclose asbestos-containing material;
- (10) a description of the wetting agents, encapsulants, and sealants to be used;
- (11) a description of the air monitoring plan; and
- (12) a description of the method of transporting waste material.

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

(1) Removal, enclosure, or encapsulation of asbestos-containing material is a major operation for purposes of compliance with Code of Federal Regulations, title 29, section 1926.58, as amended through July 1, 1987, and must be done in a negative-pressure enclosure with a contiguous decontamination enclosure system. However, for the portion of an asbestos-related work project that includes removal of less than ten feet of pipe lagging per room, the asbestos abatement contractor may use, as an alternative, the glove bag in the mini-enclosure procedures in subpart 4. The commissioner may approve additional exceptions to the procedures specified in this subitem, on a case-by-case basis, where space limitations prohibit the construction of the enclosure, or where the construction of a negative-pressure enclosure would create a greater hazard, for example where toxic gases are present in the area.

(2) All heating, ventilating, and air conditioning intake and exhaust openings in the abatement area and any seams in system components must be sealed with 6-mil polyethylene sheeting or comparable material and tape. All system filters must be replaced at the conclusion of the abatement project and disposed of as asbestos waste. The interior surfaces of ventilation system ductwork must be decontaminated whenever necessary.

All openings between the abatement area and uncontaminated areas, including windows, doorways, elevator openings, corridor entrances, drains, ducts, grills, grates, diffusers, and skylights, and all penetrations of the floors, walls, and ceilings, including penetrations around electrical conduits, telephone wires, water supply pipes, and drain pipes must be sealed with 6-mil polyethylene plastic or comparable material and tape.

(3) All surfaces in the abatement area must be precleaned, using HEPA-filtered vacuuming and wet cleaning methods, before abatement begins.

(4) All movable objects must be removed from the abatement area before abatement begins. When movable objects are contaminated or are suspected of being contaminated, they must be vacuumed with a HEPA vacuum and wet cleaned or disposed of as asbestos waste. Objects that cannot be removed from the abatement area must be covered with a 6-mil polyethylene plastic sheeting or comparable material that is securely taped to achieve an airtight seal around the object.

(5) Containment barriers must be constructed to separate and isolate the abatement area from the rest of the building and the outdoors, and to enclose the abatement area.

At a minimum, floor sheeting must consist of two layers of 6-mil polyethylene plastic sheeting or comparable material, must extend up side walls at least 12 inches, and must be sized to minimize seams. No seams shall be located at wall or floor joints.

At a minimum, wall sheeting must consist of 4-mil polyethylene plastic sheeting or comparable material, must extend beyond wall or floor joints at least 12 inches, and must be sized to minimize seams. No seams shall be located at wall or floor joints.

(6) A worker decontamination enclosure system must be provided, consisting of, at a minimum, a clean room, shower room, and equipment room, each separated from the other and from the work area by airlocks and accessible through doorways protected with two overlapping sheets. Procedures for using this system must be established. The procedures must prevent contamination of areas outside the abatement area.

(7) Negative pressure within the enclosure must be established as follows:

(a) A ventilation system must be installed to create a negative pressure within the enclosure with respect to the area outside the enclosure. The ventilation system must be equipped with HEPA filtration to prevent the release of asbestos fibers outside the enclosure. The ventilation system must be operated continuously for the duration of the project, until the final cleanup is completed and acceptable clearance air monitoring results are obtained. Whenever feasible, the ventilation system must be positioned to exhaust filtered air to the outside of the building.

(b) At a minimum, each HEPA-filtered ventilation system must be equipped with the following:

(i) a calibrated pressure gauge;  
(ii) a built-in mechanism for automatic unit shut-down in the event of a breach in the filter or in the absence of a filter;

(iii) an audible alarm if the ventilation system shuts down; and

(iv) a built-in mechanism to ensure the ventilation system will not operate unless it is positioned correctly.

(c) The air pressure within the enclosure must be established and maintained as follows:

(i) From the time construction of the enclosure is completed through the time acceptable clearance air monitoring results are obtained, a sufficient amount of air must be exhausted to create a pressure of -0.02 inches of water within each enclosure with respect to the area outside of the enclosure. The amount of air exhausted must provide at least four air changes per hour, based on no more than 75 percent of the operating maximum cubic feet per minute discharge for the ventilation system. A manometer or pressure gauge equipped with a recording device must be used continuously to establish, monitor, and document negative pressure within the enclosure, and must remain in place until the area passes final clearance air testing. The manometer or pressure gauge must be monitored frequently throughout all abatement work shifts and must be zeroed and calibrated before work begins each day. Placement of the manometer or pressure gauge must be as far from the intake of the HEPA-filtered ventilation system as practicable and selected to ensure that the reading is of the abatement area.

(ii) Where the asbestos abatement contractor is unable to establish and maintain a pressure of -0.02 inches of water within the enclosure, a pressure as close to -0.02 inches of water as possible must be established and maintained, from the time barrier construction is completed through the time acceptable clearance air monitoring results are obtained. A sufficient amount of air must be exhausted to provide at least six air changes per hour, based on no more than 75 percent of the operating maximum cubic feet per minute discharge for the ventilation system.

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(8) During asbestos-related work, warning signs in accordance with Code of Federal Regulations, title 29, section 1926.58(k) shall be displayed at all approaches to any location where airborne fiber levels can be expected to exceed the indoor air standard of 0.01 f/cc or background level as established according to subpart 1.

(9) All vacuuming equipment used for asbestos-related work must be HEPA-filtered.

C. In addition to the general requirements for all asbestos-related work under items A and B, the following specific abatement procedures apply to removal, encapsulation, or enclosure operations.

(1) Removal operations must proceed as follows:

(a) Components must be removed intact or in large sections whenever possible and carefully lowered to the floor.

(b) Asbestos-containing material must be removed in small sections and placed in containers while wet. Material must not be allowed to dry. Structural components must be thoroughly wetted and sealed in 6-mil polyethylene sheeting or comparable material before disposal.

(c) Prior to the final inspection prescribed under item E, the asbestos abatement contractor must notify the contracting entity of any asbestos-containing material that was contracted to be removed, but was left in place because it was inaccessible. If the contracting entity agrees that the material removal is not feasible, then the asbestos-containing material left in place must be encapsulated or enclosed. If encapsulated, the encapsulating material must be dyed a contrasting color.

The enclosed or encapsulated asbestos-containing material must be specially designated according to Code of Federal Regulations, title 29, section 1926.58(k)(2), as amended through July 1, 1987, to warn individuals who may disturb the area. These inaccessible areas must be recorded on a building plan, sketch, or written description provided to the contracting entity by the asbestos abatement contractor.

(d) For porous surfaces stripped of asbestos-containing materials, a coating of encapsulating agent must be applied after the area has passed the visual inspection required under item E, to securely seal any residual fibers. The encapsulating agent must be compatible with subsequent coverings. The encapsulation procedure must comply with subitem (2).

(e) Metal or fiber drums with locking ring tops must be used for disposal of asbestos-containing waste material that contains sharp edges.

(2) Encapsulation operations must meet the following requirements:

(a) Any loose or hanging asbestos-containing material must be removed according to subitem (1).

(b) Filler material applied to gaps in existing material must contain no asbestos, adhere well to the substrate, and provide an adequate base for the encapsulating agent.

(c) Encapsulants must be applied using only airless spray equipment with nozzle pressure adjustable between 400 and 1,500 pounds per square inch.

(d) Encapsulants must not be solvent-based or use a vehicle consisting of hydrocarbons.

(e) Encapsulated asbestos-containing materials must be specially designated according to Code of Federal Regulations, title 29, section 1926.58(k)(2), as amended through July 1, 1987, to warn individuals who may disturb the material.

(3) Enclosure operations must meet the following requirements:

(a) Any asbestos-containing materials that will be disturbed during the installation of hangers, brackets, or other portions of the enclosure must be sprayed with amended water.

(b) Any loose or hanging asbestos-containing material must be removed in accordance with the requirements of subitem (1).

(c) A permanent enclosure constructed as an alternative to removal or encapsulation must consist of a permanent barrier with impermeable sides, designed to minimize air movement across the enclosure boundary. The permanent enclosure must render the area behind it inaccessible and must be specially designated according to Code of Federal Regulations, title 29, section 1926.58 (k)(2), as amended through July 1, 1987, to warn individuals who may disturb the enclosure.

(4) For demolition operations, clearance air sampling, as required under item F, subitem 3, is only required if the area in which abatement occurred will be used before demolition by persons not involved in asbestos-related work. Under this exception, all surfaces not subject to aggressive air sampling methods must be encapsulated, after postcleaning in compliance with item D is complete, and after the area has passed the visual inspection required under item E.

All other provisions of these rules apply to demolition operations.

D. After the asbestos abatement is complete, the entire abatement area shall be cleaned, using HEPA-vacuuming and wet cleaning methods, until no asbestos dust is visible.



E. The asbestos abatement contractor must conduct a final, visual inspection of the abatement area that meets the following requirements:

(1) The asbestos abatement contractor must perform the final, visual inspection inside the abatement area after it has been cleaned and has dried completely. Any residue observed in the area is considered to be asbestos, and the sequence of cleaning and inspection must be repeated as prescribed by items E and F until the area passes the final, visual inspection.

(2) A checklist for the visual inspection, comparable to Code of Federal Regulations, title 29, section 1926.58, appendix F, figure F-7, as amended through July 1, 1987, must be used. At a minimum, the visual inspection must consist of the following two tests:

(a) The asbestos abatement contractor must examine surfaces for visible dust and debris, using a dark, damp cloth to collect the dust from these surfaces and then inspecting the cloth for evidence of dust. Particular attention must be given to horizontal surfaces.

(b) If possible, the asbestos abatement contractor shall reduce the lighting in the abatement area and inspect the area for residue using a flashlight to illuminate any smooth horizontal surface, and running a finger across the illuminated area, noting if a line is left on the surface.

F The asbestos abatement contractor must comply with the indoor air standards under subpart 1, and general requirements for sampling and analysis under subpart 2, and the following specific air sampling requirements:

(1) Where asbestos-related work is performed in a building occupied by persons not involved in asbestos-related work, indoor air monitoring must be conducted outside the abatement area on a daily basis. For each abatement area, a minimum of two samples must be collected during each work shift that the building is occupied by persons not involved in asbestos-related work. Sampling must be performed within ten feet of the abatement area, in areas selected to detect failures in the containment barriers.

(2) Whenever a HEPA-filtered ventilation system is exhausted to the indoors during asbestos-related work, asbestos air concentrations must be monitored daily in the vicinity of the exhaust.

(3) Clearance air sampling in the abatement area must meet the following requirements:

(a) Clearance air sampling must be conducted within the abatement area after it has been cleaned thoroughly, dried completely, and passed the final, visual inspection under item E. Critical containment barriers, including barriers over all windows, doors, and air passageways, must remain in place until analysis of clearance air samples is completed and the notification of the contracting entity under item C occurs.

The abatement project is not complete until all clearance air samples collected are less than or equal to the indoor air standard of 0.01 f/cc or the established background level, under subpart 2, item E. If any of the sampling results exceed this level, the area shall be recleaned according to item E and clearance air sampling must be repeated. Cleaning and resampling must be repeated, at intervals of no less than 24 hours, until all samples collected in the abatement area meet indoor air standards or the established background level.

(b) A minimum of five clearance air samples must be collected simultaneously within each enclosed abatement area. The sampling sites must be selected on a random basis to provide unbiased and representative samples.

Clearance air sampling must be done with equipment that has been cleaned and properly decontaminated before use. Sampling must be conducted under aggressive sampling conditions. Aggressive sampling conditions consist of the following minimum steps:

(i) Prior to air monitoring, floors, ceilings, and walls must be blown with the exhaust of, at a minimum, a one horsepower leaf blower.

(ii) Stationary fans must be placed in locations that do not interfere with air monitoring equipment. Fan air must be directed toward the ceiling. One fan shall be used for each 10,000 cubic feet of abatement area.

(iii) If electrical power is provided by extension cords and strip plug units, the power supply equipment must be underwriter laboratory approved and not modified. Wiring must be grounded, and ground fault interrupters must be used.

(iv) Equipment such as fans and pumps must be carefully wet wiped with clean water and disposable wipes before removal from the abatement area.

G. The asbestos abatement contractor must report the results of the final, visual inspection and clearance air sampling under

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aggressive conditions to the contracting entity. Critical containment barriers over all windows, doors, and air passageways must remain in place until the contracting entity grants permission to remove the barriers.

H. Following removal of the critical containment barriers, the asbestos abatement contractor must inspect all surfaces previously in contact with the barriers to ensure that no surface contamination is visible. Whenever contamination is observed, the entire area must be cleaned, using HEPA-vacuuming and wet cleaning methods, until no contamination is visible.

Subp. 4. **Optional glove bag in mini-enclosure procedures for certain jobs performed during asbestos-related work.** When an asbestos abatement work project includes removal of less than ten feet of pipe lagging per room, for that portion of the project, the asbestos abatement contractor may opt to use the following minimum procedures as alternatives to the procedures in subpart 3, items B to H. The asbestos abatement contractor shall comply with the indoor air standards under subpart 1, and general requirements for sampling and analysis under subpart 2.

A. The following minimum procedures must be followed:

(1) A mini-enclosure must be constructed of 6-mil polyethylene plastic sheeting or comparable material, and equipped with an HEPA-filtered vacuum or portable ventilation system with HEPA-filtration to create a negative pressure within the mini-enclosure with respect to the area outside the mini-enclosure. Negative pressure within the mini-enclosure must be maintained until acceptable clearance air monitoring results indicate that the glove bag procedure is complete.

(2) Workers working inside the mini-enclosure must wear at least two layers of protective clothing and, before leaving the mini-enclosure, must remove and properly bag for disposal their outer layer of protective clothing.

(3) A remote worker decontamination enclosure system must be provided for and used by any worker performing abatement work in a glove bag inside a mini-enclosure during asbestos-related work projects. Procedures for the use of this system must be established which prevent asbestos contamination outside the enclosure system.

(4) Warning signs according to Code of Federal Regulations, title 29, section 1926.58(k), as amended through July 1, 1987, must be displayed at all approaches to any location where airborne fiber levels can be expected to exceed the indoor air standard of 0.01 f/cc or alternative standard established according to subpart 2, item E.

(5) Glove bags must be constructed of transparent 6-mil polyethylene plastic or comparable material. Glove bags may not be used more than once. Sliding or moving the glove bag during the abatement procedure is not permitted.

(6) The glove bag must completely cover the area where asbestos work is to be done. Before abatement begins, all openings in the glove bag, including any openings from insertion of tools, sprayer, or a HEPA filter-equipped vacuum nozzle, must be securely sealed with duct tape or equivalent material.

(7) The surface from which asbestos has been removed must be thoroughly cleaned until no trace of asbestos-containing material is visible.

(8) Asbestos-containing material exposed as a result of the abatement activity must be encapsulated so that the edges do not release asbestos fibers to the atmosphere when the glove bag is removed. Encapsulated asbestos-containing materials must be specially designated according to Code of Federal Regulations, title 29, section 1926.58(k)(2), as amended through July 1, 1987, to warn individuals who may disturb the material.

(9) When the asbestos removal and encapsulation are complete, a vacuum hose from an HEPA-filtered vacuum must be used to collapse the glove bag. When the air has been removed from the glove bag, the glove bag must be squeezed tightly as close to the top as possible, twisted, and sealed with tape, keeping the asbestos-containing materials in the bottom of the glove bag. The glove bag must be sealed in a properly labeled bag or container for disposal.

(10) After the glove bag operation is complete the interior of the enclosure must be cleaned using an HEPA-filtered vacuum and wet wiping techniques, or an encapsulant must be applied to the inside of the mini-enclosure to seal any asbestos fibers or debris.

B. A final, visual inspection of the abated area must be performed before the mini-enclosure is removed. The procedure is not considered complete until all visible friable asbestos-containing material is either removed or encapsulated.

C. After the glove bag is removed, a minimum of two clearance air samples must be collected within the mini-enclosure. This procedure is not complete until clearance air sampling results show that fibers in the air in the mini-enclosure after removal of the glove bag do not exceed 0.01 f/cc of air, counting fibers with a length-to-width ratio equal to or greater than 3:1, and greater than 5 microns in length. At a minimum, the clearance air sampling shall include the following steps:

(1) the flaps of the air lock must be secured to prevent leakage outside the mini-enclosure during the aggressive clearance air sampling test;

(2) the air within the mini-enclosure must be disturbed with the exhaust of a leaf-blower to suspend any remaining asbestos contamination within the enclosure;

(3) sampling and analysis must be conducted in compliance with subpart 2; and

(4) the asbestos abatement contractor shall report the results of the final, visual inspection and clearance air sampling under aggressive conditions to the contracting entity. The area where the glove bag in the mini-enclosure procedure was performed shall not be opened to persons not involved in asbestos-related work or until the contracting entity grants permission for the area to be occupied.

#### **7005.1617 ENFORCEMENT ACTIONS.**

Subpart 1. **General.** Under the Asbestos Abatement Act in Minnesota Statutes, sections 326.70 to 326.82, the commissioner can carry out enforcement actions, including inspections, suspension or revocation of a license or certificate, subpoenas, cease and desist orders, orders for corrective action, and actions for injunctive relief. Violators may also be charged with a misdemeanor, as authorized by the act.

Subp. 2. **Inspections.** The commissioner's designee may inspect asbestos-related work projects as authorized by the Asbestos Abatement Act in Minnesota Statutes, sections 326.70 to 326.82. The commissioner's designee shall issue written notices of violations of the Asbestos Abatement Act, or parts 7005.1611 to 7005.1618, to the site supervisor or responsible person. Notices of violation shall specify the rule or statute violated, the nature of the violation, and the deadline for correction.

Subp. 3. **Suspension or revocation of license or certificate.** The commissioner may suspend or revoke a license or certificate as an alternative, or in addition to, other enforcement provisions of the Asbestos Abatement Act in Minnesota Statutes, sections 326.70 to 326.82, if the commissioner finds, after notice and opportunity for hearing in accordance with chapter 14 of Minnesota Statutes, that a licensee or certificate holder has committed serious or repeated violations of parts 7005.1611 to 7005.1618, or any provision of the Asbestos Abatement Act.

An order for suspension must indicate the time interval during which the suspension is in effect. After that time, the license or certificate may be renewed upon application by the license or certificate holder, according to the procedure in parts 7005.1613 and 7005.1614. An order for revocation shall indicate when and if application for a new license or certificate can be made.

#### **7005.1618 REQUIREMENTS FOR MINNESOTA APPROVAL OF ASBESTOS ABATEMENT TRAINING COURSES.**

Subpart 1. **Acceptance of prior training courses for initial license or certificate application.** For purposes of license or certificate applications submitted before January 1, 1989, a training course taken between June 1, 1987 and December 31, 1988, is considered a Minnesota-approved training course if it has full or contingent EPA approval, the license or certificate applicant completed the course within one year of application, and the course sponsor can verify successful completion of the training course.

Subp. 2. **Minnesota approval of initial training courses.** For purposes of license or certificate applications submitted on and after January 1, 1989, initial and refresher training courses for asbestos abatement contractors, site supervisors, and workers must meet the requirements in this part and must be approved by the commissioner in writing.

Subp. 3. **Application procedures for Minnesota approval.** Course sponsors seeking Minnesota approval of initial and refresher courses shall apply to the commissioner for approval.

A. Course sponsors must submit a properly completed application on a form provided by the commissioner that includes all application information required under Code of Federal Regulations, title 40, part 763, subpart E, appendix C, as amended through July 1, 1987.

B. At least 30 days before the start of the course, the course sponsor must inform the commissioner in writing of any asbestos training course to be conducted by the course sponsor. The course sponsor must permit representatives of the commissioner to attend, evaluate, and monitor any asbestos training course and course examinations at no cost. Representatives of the commissioner need not give advance notice of their attendance.

C. A training course must meet the requirements of subpart 3, and the course sponsor shall make the revisions required by the commissioner before presenting a training course.

Any significant change in the content of a Minnesota-approved course must be reported in writing to the commissioner at least 30 days before presenting the changed course. Failure to report a significant change in course content in advance shall result in cancellation of training course approval.

Subp. 4. **Attendance requirements; enrollment limits; course content requirements.** For training courses to be Minnesota-approved, they must meet the requirements in items A to J.

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A. The course sponsor must require that course participants attend the entire training course as a condition for successful course completion. The course sponsor must maintain a daily course sign-in log as documentation of attendance for each training course.

B. Enrollment for initial and refresher worker training courses shall not exceed 24. For any asbestos abatement contractor, site supervisor, or worker training course, a sufficient number of instructors must be used to ensure that participants are provided with proper training. Student to teacher ratio for the hands-on training groups shall not exceed 8 to 1.

C. Training must be provided by instructors who are deemed qualified by the commissioner and who meet the following minimum criteria:

(1) An instructor must have experience in presenting and evaluating adult education programs.

(2) Demonstration and hands-on training must be taught by individuals with work experience in all phases of asbestos abatement work on asbestos abatement projects.

(3) An instructor must have sufficient training and work experience to effectively present the assigned subject matter.

D. A training course must include written examinations that meet the following requirements.

(1) Effective January 1, 1989, all Minnesota-approved training courses must use written examinations provided by the commissioner.

(2) All course examinations must be administered and monitored by the course sponsor.

(3) The course sponsor assumes responsibility for the security of exam contents and shall enforce necessary requirements to ensure that the participant passes the exam on the participant's merit. Minimum security measures for the written exams include an empty chair between each participant, no written materials allowed on the writing surfaces other than the examination materials, and supervision and monitoring of exam administration by the sponsor.

E. If any of the participants in an asbestos abatement worker training course are unable to read, the course sponsor must make provisions for those persons to have the course exam administered orally, on an individual basis, so that the participant passes the examination on the participant's merit.

F. For initial training courses, course length and content must meet the following requirements:

(1) At a minimum, the initial training course for asbestos abatement contractors and site supervisors must meet the initial training course requirements in Code of Federal Regulations, title 40, part 763, subpart E, appendix C, section I(1)(D), as amended through July 1, 1987, and consist of a course which is at least four days in length. One day equals eight hours minus breaks and lunch.

(2) At a minimum, the initial training course for asbestos abatement workers must meet the initial training course requirements of Code of Federal Regulations, title 40, part 763, subpart E, appendix C, section I(1)(E), as amended through July 1, 1987, and consist of a course which is at least three days in length. One day equals eight hours minus breaks and lunch.

G. Training must include lectures, demonstrations, hands-on training with demonstration testing, individual respirator fit testing, course review, and a closed book examination. The hands-on training must be at least six hours in length, must permit each participant to have actual experience performing the tasks associated with asbestos abatement, and must include simulating asbestos removal by removing asbestos-substitute materials with adherent properties similar to asbestos from ceiling and pipe surfaces, fitting and using suitable respiratory protection with at least six different respirator designs, using glove bags to simulate asbestos removal, donning full-body protective clothing, and constructing a decontamination unit.

H. For a course participant to successfully complete the initial training course, the participant must first demonstrate proficiency to the instructor during the hands-on portion of the course, and then pass a closed-book, written examination, or oral examination for workers as allowed under item E, which meets the requirements of Code of Federal Regulations, title 40, part 763, subpart E, appendix C, section I(2), as amended through July 1, 1987. On and after January 1, 1989, the written examination for Minnesota-approved courses shall be provided by the commissioner.

Any participant who fails to pass the initial training course examinations fails the course and must repeat the course and examinations.

I. At a minimum, the annual refresher courses for asbestos abatement contractors, site supervisors, and workers must meet the refresher course requirements of Code of Federal Regulations, title 40, part 763, subpart E, appendix C, section I(3), as amended through July 1, 1987, consisting of at least one eight-hour day of training specifically tailored to asbestos abatement workers or asbestos abatement contractors and site supervisors, which includes changes in federal and state regulations, new developments in the state-of-the-art procedures in asbestos abatement, and review of the key aspects of the initial training course.

J. On and after January 1, 1989, Minnesota-approved annual refresher courses must include a closed-book, written examination, or oral examination for workers as allowed under item E, provided by the commissioner. A participant who fails to pass the annual refresher examination fails the course and must repeat the course and examination.

**Subp. 5. Granting course approval.**

A. Provisional Minnesota approval shall be granted for an initial or refresher training course if the required information and documentation is submitted and is found to meet the requirements prescribed under this part. A letter shall be issued to the applicant stating that the course has provisional Minnesota approval, the date of issuance, and the date of expiration.

B. Full Minnesota training course approval shall be granted for a period of two years, after the commissioner grants provisional approval, conducts an on-site observation and evaluation of the training course, and determines that the applicant's asbestos training course meets the requirements of this part. A letter shall be issued to the applicant stating that the course is Minnesota-approved, the date of issuance, and the date of expiration.

C. For out-of-state training programs presented on or after January 1, 1989, on-site observation and evaluation by the commissioner's designee may be waived for Minnesota approval if the course is approved by a state accreditation program that is comparable to the Minnesota program, and all other conditions prescribed under this part are met.

**Subp. 6. Cancellation of course approval.** The commissioner shall cancel training course approval if the commissioner finds that any of the criteria under this part are not met. The commissioner shall inform course sponsors in writing of the cancellation, the reasons for this action, and the conditions that must be met before reinstatement of course approval.

**Subp. 7. Renewal of course approval.** To renew full approval of a Minnesota-approved training course, the applicant shall resubmit the information required in subpart 3. On-site observation is not required to renew a Minnesota-approved course.

If a properly completed application for renewal is received at least 30 days but not more than 60 days before expiration of training course approval, the sponsor's course approval shall not expire until final action on the application has been taken by the commissioner.

## **Secretary of State**

### **Proposed Permanent Rules Relating to Electronic Voting System Ballot**

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

Notice is hereby given that the Secretary of State intends to adopt the above-entitled 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 are found in *Minnesota Statutes*, section 204D.11, subd. 1 and 206.57, subd. 1.

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

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

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

Jeff Sigurdson  
Election Division  
180 State Office Building  
St. Paul, MN 55155  
(612) 296-6011

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

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

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

## Proposed Rules

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You are hereby advised, pursuant to *Minnesota Statute* 14.115, that the proposed rules will have a probable quantitative and qualitative impact on small businesses that provide ballots for special, primary and general elections in Minnesota. The probable qualitative effect will be to impose standardized printing instructions in regard to type size and ballot layout for all electronic voting system ballots.

The probable quantitative effect will be to increase the use of colored stock in the printing of election ballots for punch card voting systems.

Also, pursuant to *Minnesota Statutes*, section 14.11, the adoption of these rules will not have any impact upon agricultural land nor will the adoption of these rules result in additional spending by local public bodies in excess of \$100,000 per year, in either of the two years immediately following the adoption of these rules.

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

Dated: 9 May 1988

Joan Anderson Growe  
Secretary of State

### Rules as Proposed

#### 8250.0100 DEFINITION OF WHITE BALLOT.

The "white ballot" is the ballot used at general elections and is the ~~paper~~ ballot on which are printed the names of the candidates appearing on the presidential ballot and those candidates nominated for the offices of United States senator ~~and~~, United States representative ~~in congress~~, state senator ~~and~~, state representative ~~in the legislature~~, governor and lieutenant governor, secretary of state, state auditor, state treasurer, and attorney general.

#### 8250.0600 OFFICES.

The offices must appear on the white ballot in the following order and must be identified as follows in upper case letters:

"PRESIDENT AND VICE-PRESIDENT"

"UNITED STATES SENATOR"

"UNITED STATES REPRESENTATIVE"

"STATE SENATOR"

"STATE REPRESENTATIVE"

"GOVERNOR AND LIEUTENANT GOVERNOR"

"SECRETARY OF STATE"

"STATE AUDITOR"

"STATE TREASURER"

"ATTORNEY GENERAL"

"United States" may be abbreviated as "U.S." If an office is not to be filled at a general election, the office must not appear on the ballot. Directly underneath the titles of the offices of United States representative and state senator and representative must be printed in upper case letters or numbers the district (~~e.g.~~ for example: "SIXTH DISTRICT," "DISTRICT SIX," or "DISTRICT 6") that the person elected will represent. A single vote must be cast for president and vice-president and for governor and lieutenant governor.

### Rules as Proposed (all new material)

#### BALLOTS FOR ELECTRONIC VOTING SYSTEMS

##### 8250.1600 APPLICABILITY.

Parts 8250.1600 to 8250.1800 apply to electronic voting systems, as defined in Minnesota Statutes, section 206.56, subdivision 8. To the extent possible, parts 8250.0100 to 8250.1500 apply to the use of electronic voting systems, unless otherwise provided.

##### 8250.1700 FORMAT OF BALLOT PAGES FOR PUNCH CARD SYSTEMS.

Subpart 1. **Form.** Punch card ballot pages must be printed in the form illustrated in part 8250.9910.

Subp. 2. **Order of office groups.** For purposes of organization, the ballot pages must be divided into separate sections and headed by the following titles:

“FEDERAL OFFICES”

“STATE OFFICES”

“CONSTITUTIONAL AMENDMENTS”

The titles must be printed in upper case and bold face in as large as practicable but no smaller than 36-point type and must be carried on each ballot page that contains an office for a particular category.

Subp. 3. **Office titles.** The office titles must be printed in upper case and bold face in as large as practicable but no smaller than 14-point type. The first legislative office appearing on the ballot must be printed at the top of the page, under the title “STATE OFFICES.”

The instruction “VOTE FOR ONE” or “VOTE FOR ONE TEAM” must be printed in upper case and bold face in as large as practicable but no smaller than 10-point type.

Subp. 4. **Candidate and party names.** The candidate names must be printed in upper case and bold face in as large as practicable but no smaller than 12-point type. The party name must be printed under the candidate name in as large as practicable but no smaller than 8-point type.

Subp. 5. **Ballot position numbers.** The appropriate ballot position number must be printed on the same line as the candidate's name in as large as practicable but no smaller than 14-point type.

Subp. 6. **Precinct identifiers.** The name of the municipality and the ward and precinct number, if any, for which the ballot page has been prepared must be printed on the bottom of each page on which candidate names appear. The date of the election must be printed next to the precinct identifier. In addition, each ballot page for a precinct must be sequentially numbered. The page number must be printed in bold face in as large as practicable but no smaller than 10-point type.

Subp. 7. **Questions.** The subject of a proposed question must be printed in upper case and bold face in as large as practicable but no smaller than 14-point type. The question must be printed in bold face in as large as practicable but no smaller than 12-point type. The words “YES” and “NO” must be printed to the left of the appropriate ballot position number in upper case and bold face in as large as practicable but no smaller than 14-point type.

Subp. 8. **Party preference indicator.** In partisan primary elections, the ballot booklet must include a place to allow the voter to indicate the primary election in which the voter intends to vote. This party preference indicator must appear on the first ballot page preceding the pages containing the partisan offices. The page containing the party preference indicators must be printed in the form illustrated in part 8250.9920.

Subp. 9. **Designation of party colors.** The secretary of state shall notify the county auditor of each county of any colors used to designate a major political party at a state election. Notification must be made at the same time that the secretary of state certifies the names of the candidates to be nominated at the state primary election.

Subp. 10. **Color of ballot pages.** The names of candidates to be nominated for each major political party at a partisan primary election must be printed on pages of the color required by statute for that party. No page may contain the candidates of more than one major political party. All pages containing nonpartisan candidates or questions and the page containing the party preference indicator must be white.

#### **8250.1800 FORMAT OF BALLOT CARDS FOR OPTICAL SCAN SYSTEMS.**

Subpart 1. **Type sizes.** The type sizes in items A to D must be used in the printing of ballot cards.

A. The titles “FEDERAL OFFICES,” “STATE OFFICES,” and “CONSTITUTIONAL AMENDMENTS” must be printed in upper case and bold face in as large as practicable but no smaller than 14-point type.

B. The office titles must be printed in upper case and bold face in as large as practicable but no smaller than 10-point type. Immediately under each office title, the instruction “VOTE FOR ONE” or “VOTE FOR ONE TEAM” must be printed in upper case and bold face in as large as practicable but no smaller than 8-point type.

C. The candidate names must be printed in upper case in as large as practicable but no smaller than 10-point type. The party name must be printed under the candidate name in as large as practicable but no smaller than 8-point type.

D. The subject of a proposed question must be printed in upper case and bold face in as large as practicable but no smaller than 10-point type. The question must be printed in bold face in as large as practicable but no smaller than 8-point type. The words “YES” and “NO” must be printed to the left of the vote targets in upper case and bold face in as large as practicable but no smaller than 10-point type.

## Proposed Rules

Subp. 2. **Vote targets.** The target used to indicate to the voters where to mark their votes may be either an arrow pointing toward the candidate name or a horizontal oval next to the candidate name. The target may be highlighted or outlined in a color that does not affect the ability of the ballot counter to read the ballot.

Subp. 3. **Extraneous marks.** No election official may place marks on the ballot other than those provided in Minnesota Statutes, section 204C.09, subdivision 1.

**8250.9910 SAMPLE PUNCH CARD BALLOT PAGE FORM, SPECIFIED BY PART 8250.1700.**

<b>FEDERAL OFFICES</b>	
<b>U.S. PRESIDENT AND VICE-PRESIDENT</b> VOTE FOR ONE TEAM	
CANDIDATE NAME and CANDIDATE NAME <small>Party Name</small>	00 →
CANDIDATE NAME and CANDIDATE NAME <small>Party Name</small>	00 →
<b>UNITED STATES SENATOR</b> VOTE FOR ONE	
CANDIDATE NAME <small>Party Name</small>	00 →
CANDIDATE NAME <small>Party Name</small>	00 →
<b>UNITED STATES REPRESENTATIVE</b> VOTE FOR ONE	
<b>DISTRICT</b> ____	
CANDIDATE NAME <small>Party Name</small>	00 →
CANDIDATE NAME <small>Party Name</small>	00 →
<b>TURN PAGE</b> → <b>TO CONTINUE VOTING</b>	
City or Town Ward _____ Precinct _____	Date of Election _____



# STATE OFFICES

**STATE SENATOR  
DISTRICT \_\_\_\_**

VOTE FOR ONE

**CANDIDATE NAME**

Party Name

00 →

**CANDIDATE NAME**

Party Name

00 →

**STATE REPRESENTATIVE  
DISTRICT \_\_\_\_**

VOTE FOR ONE

**CANDIDATE NAME**

Party Name

00 →

**CANDIDATE NAME**

Party Name

00 →

**GOVERNOR AND LIEUTENANT GOVERNOR**

VOTE FOR  
ONE TEAM

**CANDIDATE NAME and  
CANDIDATE NAME**

Party Name

00 →

**CANDIDATE NAME and  
CANDIDATE NAME**

Party Name

00 →

**TURN PAGE**



**TO CONTINUE VOTING**

City or Town Ward \_\_\_\_\_ Precinct \_\_\_\_\_

Date of Election

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## Proposed Rules

### 8250.9920 FORM OF PAGE CONTAINING PARTY PREFERENCE INDICATOR.

#### POLITICAL PARTY PREFERENCE INDICATOR

MINNESOTA ELECTION LAW PERMITS YOU TO VOTE FOR THE CANDIDATES OF ONLY ONE POLITICAL PARTY IN A STATE PARTISAN PRIMARY ELECTION. PLEASE INDICATE THE PRIMARY ELECTION IN WHICH YOU CHOOSE TO VOTE BY PUNCHING THE POSITION NEXT TO THE PARTY NAME, THEN BEGIN VOTING BY TURNING TO THE PAGES INDICATED BELOW.

.....  
.....  
(name of political party) ..... 00

PRIMARY ELECTION

TURN TO THE xxxxx PAGES STARTING ON PAGE nn  
.....  
.....

(name of political party) ..... 00

PRIMARY ELECTION

TURN TO THE xxxxx PAGES STARTING ON PAGE nn  
.....  
.....

YOU MAY VOTE FOR CANDIDATES FOR NONPARTISAN OFFICES ON THE WHITE PAGES EVEN IF YOU CHOOSE NOT TO VOTE IN ONE OF THE PARTISAN PRIMARY ELECTIONS.

## Waste Management Board

### Proposed Permanent Rules Relating to Used Oil Processing Equipment Loan 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 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 Laws* 1988, ch. 685, section 18, to be codified as *Minnesota Statutes* § 115A.9162.

All persons have until 4:30 p.m. on Tuesday, June 21, 1988, to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

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

If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1986).

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

Mr. Kevin F. O'Donnell  
Minnesota Waste Management Board  
1350 Energy Lane  
St. Paul, MN 55108  
(612) 649-5785

The proposed rules 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 rule as noticed.

The proposed rules, if adopted, will govern the Used Oil Processing Equipment Loan Program established in *Minnesota Statutes* § 115A.9162 by establishing the substantive criteria and procedural conditions under which the Board will award loans for used oil processing equipment. The proposed rules are published below. One free copy of the rules is available upon request from Mr. Kevin F. O'Donnell at the address and telephone number stated above.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Mr. Kevin F. O'Donnell upon request.

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1986), "Small business considerations in rulemaking," that the proposed rules have no negative effect on small businesses because the program is available to small businesses and the program is intended to assist small businesses.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission 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 rule as adopted, must submit a written request to Mr. Kevin F. O'Donnell.

Joseph M. Pavelich, Chair  
Minnesota Waste Management Board

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

#### **9205.0600 DEFINITIONS.**

Subpart 1. **Scope.** For the purposes of parts 9205.0600 to 9205.0608, the following terms have the meanings given them in this part, unless the context requires otherwise.

Subp. 2. **Board.** "Board" means the Minnesota Waste Management Board.

Subp. 3. **Chair.** "Chair" means the chair of the board, or staff designated by the chair.

Subp. 4. **Institutional arrangements.** "Institutional arrangements" means methods of financing, marketing, procurement, securing the waste supply, or joint efforts by more than one local government unit.

Subp. 5. **Used oil processing equipment.** "Used oil processing equipment" means machinery or devices that are designed, constructed, and used to separate, modify, convert, heat, prepare, re-refine, or otherwise process used oil so that materials, substances, or energy contained within the used oil may be recovered for subsequent use. Used oil processing equipment includes pollution control equipment needed to meet applicable pollution control standards.

Subp. 6. **Used oil re-refining equipment.** "Used oil re-refining equipment" means machinery or devices to distill, hydrotreat, or otherwise treat used oil with acid, caustic, clay, or other chemicals in order to produce clean, high quality lubricating base oil.

#### **9205.0601 SCOPE.**

Parts 9205.0600 to 9205.0608 implement the used oil processing equipment loan program created and described in Minnesota Statutes, section 115A.9162, by establishing the substantive criteria and procedural conditions under which the board may award loans for used oil processing equipment.

#### **9205.0602 ELIGIBILITY CRITERIA.**

Subpart 1. **Eligible applicants.** Individuals, partnerships, corporations, and associations engaged in or intending to become engaged in a business that processes used oil, are eligible for used oil processing equipment loans.

Subp. 2. **Eligible costs.** The cost of used oil processing equipment is eligible for funding under this program. The cost of pollution control equipment is eligible only when that equipment is part of used oil processing equipment funded under this program.

Subp. 3. **Ineligible costs.** The cost of equipment used to install used oil processing equipment, operating cost, preliminary and final design and engineering cost, overhead cost, and the cost of land or buildings is not eligible for funding.

#### **9205.0603 APPLICATION REQUIREMENTS.**

Subpart 1. **Contents.** Applications for used oil processing equipment loans must include the following information:

- A. the name, address, and telephone number of the applicant and a contact person;
- B. the total loan eligible used oil processing equipment cost;
- C. the amount of the loan requested; and

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## Proposed Rules

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D. the amount and source of funding that will be used to pay the part of the cost of the used oil processing equipment not covered by the board loan and all other eligible and ineligible costs not covered by the board loan.

Subp. 2. **Supporting documentation.** Applications for used oil processing equipment loans must include the documentation in items A to E.

A. Credit information sufficient to support a finding that the loan will be repaid. If available, credit information from private credit rating agencies should be submitted by the applicant and evaluated by the board. For applicants that do not have a credit rating, personal credit information pertaining to individual owners or shareholders of closely held corporations shall be submitted by the applicant and evaluated by the board. Personal credit information must include personal tax returns, personal credit reports from credit bureaus or other credit reporting agencies if available, and references from personal bankers.

B. A conceptual and technical feasibility report that includes at least the following:

- (1) a detailed description of the proposed used oil processing equipment;
- (2) location and description of the facility where the used oil processing equipment will be used;
- (3) a description of the method of used oil processing equipment procurement;
- (4) documentation substantiating that the used oil processing equipment to be procured has the capability and operating history to perform as proposed;
- (5) an analysis of the quantity and source of used oil that will be processed and an explanation of what will be done with the used oil once processed; and
- (6) a description of what will be done with the ash, sludge, by-products, or other residue from used oil processing.

C. A financial plan that contains:

- (1) the method of financing costs for used oil processing equipment, and all other costs to be incurred by the applicant in procuring, installing, and operating the equipment;
- (2) estimated annual operating and maintenance costs; and
- (3) projections of total costs and revenues for the applicant's business over the term of the loan.

D. A report on the status of permits required by permitting agencies.

E. An estimate of the time necessary for equipment installation and operation and when these events will take place.

Subp. 3. **Additional information.** The applicant shall supply additional information needed for the board to approve applications, when requested by the chair.

### 9205.0604 SPECIAL APPLICATION REQUIREMENTS FOR RE-REFINING EQUIPMENT.

An applicant seeking funding for re-refining equipment shall submit the following information in addition to the information required under part 9205.0603.

A. a conceptual and technical feasibility report that includes a description of the institutional arrangements necessary for implementation and operation of the re-refining facility, and final equipment design and engineering specifications including site plans, building plans, and floor plans detailing the equipment layout;

B. copies of contracts for the sale of re-refined blend stock, or other marketable products of the used oil re-refining operation which specify quantities sold, price per unit sold, and the life of the contract; and

C. a marketing plan for the re-refined oil.

### 9205.0605 REVIEW AND EVALUATION OF APPLICATIONS.

Subpart 1. **Determination of eligibility and completeness.** Upon receipt of an application, the chair or a designee shall determine the eligibility of the applicant, the eligibility of the costs identified in the application, the eligibility of the equipment described in the application, and the completeness of the application. Applicants are encouraged to contact the chair to arrange for a preapplication review of the proposed equipment.

Subp. 2. **Notice of determination of eligibility and completeness.** Within 14 days after receiving the application, the chair shall notify the applicant of the chair's determinations of eligibility and completeness. If the chair determines that the applicant or the equipment is ineligible, the chair shall reject the application, return it to the applicant, and notify the applicant of the reasons for the rejection. If the chair determines that any part of the equipment costs are ineligible or that the application is incomplete, the chair shall notify the applicant of the ineligible portion of the costs or of the deficiency. The applicant has 30 days after receiving the notice to correct any inadequacies identified by the chair. If the inadequacies are not corrected within the time allowed, the application is rejected, and the applicant must submit a new application to be considered again.

Subp. 3. **Board approval.** The board shall approve applications and award loans for used oil processing equipment that will aid the state in fulfilling waste management objectives with regard to used oil recycling. Applications will be funded in the order they come before the board for decision. If applications come before the board at the same time, priority shall be given to types of recycling equipment. No loan shall be approved unless the board finds that the operating revenues will be sufficient to ensure full repayment of the loan, including interest.

#### **9205.0606 LOAN LIMITS.**

Subpart 1. **Re-refining equipment.** For used oil processing equipment used for re-refining, the maximum loan is 90 percent of the eligible cost or \$500,000, whichever is less.

Subp. 2. **Other used oil processing equipment.** For other used oil processing equipment, the maximum loan is 90 percent of the eligible cost or \$200,000, whichever is less.

Subp. 3. **Interest rate.** The interest rate of a loan from the used oil processing equipment loan program shall not be less than an annual percentage rate of three percent. Interest payments on the loan are due annually and begin to accrue from the date the loan is disbursed by the board. The first repayment of the principle amount of the loan is due one year after the equipment becomes operational or two years after the date the loan agreement is executed by the board, whichever is earlier. The board shall consider the equipment operational at the point where the equipment meets all vendor guaranteed operating specifications.

#### **9205.0607 LOAN AGREEMENT.**

The board shall disburse loan funds only after a loan agreement containing the terms of this part has been executed by the board and the recipient of a loan award. A loan agreement must:

- A. incorporate by reference the final application submitted to the board;
- B. establish the term of the loan, which is determined by considering the expected life of the equipment funded;
- C. establish a schedule for repayment of principal and interest, and procedures to be followed in the case of default in repayment;
- D. provide that any costs incurred in the acquisition of equipment over and above the total loan eligible costs estimated under part 9205.0603, subpart 1, item B, are the sole responsibility of the loan recipient;
- E. provide that the board will not accept any amendments or supplementary applications requesting that additional loan funds be awarded to the loan recipient; and
- F. require that the recipient provide periodic reports to the board on the developmental and operational history of the equipment so that knowledge and experience gained may be made available to others.

#### **9205.0608 DEFAULT.**

If the used oil processing equipment funded by a loan under this part is not operated in accordance with the terms and conditions of the loan agreement, including time schedules, the board shall declare default and require that the entire outstanding balance of the loan be repaid. Before finding a default, the board shall make a determination as to the reason the equipment was not installed or operated as required. If the board finds that the recipient could not install or operate the equipment as required due to forces beyond the control of the recipient, the board shall consider a variance that will allow the original objectives of the loan to be accomplished.

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## Adopted Rules

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

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

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

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

## Board of Architecture, Engineering, Land Surveying, and Landscape Architecture

### Adopted Permanent Rules Relating to Fees

The rule proposed and published at *State Register*, Volume 12, Number 34, pages 1734-1736, February 22, 1988 (12 S.R. 1734) is adopted with the following modifications:

#### Rules as Adopted

##### 1800.0500 FEES.

Subp. 6. **Reexamination fees.** The fee for retaking all or any part of any examination for certification or registration is as follows each time the examination, or any part of it, is retaken:

##### C. Land surveyor:

- (1) fundamentals of land surveying (effective as of September 1, 1988), \$32.50;
- (2) principles and practice of land surveying:
  - (a) part III, ~~\$30~~ \$15;
  - (b) part IV, ~~\$35~~ \$30;
  - (c) parts III and IV, ~~\$65~~ \$45.

## Official Notices

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

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

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## Charitable Gambling Control Board

### Outside Opinion Sought Regarding Proposed Rules Governing Lawful Gambling

Notice is hereby given that the Charitable Gambling Control Board is seeking information or opinions from sources outside the agency in preparing to promulgate emergency rules governing the amount charged for lease or rental of space used for charitable gambling purposes. The promulgation of these rules is authorized by *Minnesota Statutes* 349.151, subdivision 4, (1986) as amended and *Laws of Minnesota*, Chapter 684, article 1, section 7, paragraph 2 (1988).

Small businesses involved in lawful gambling are advised that they may be impacted by this rule adopted by the Charitable Gambling Control Board in that the rule will provide a method of determining rent or lease charges paid to lessors of gambling premises to which small businesses may have to adhere.

The Charitable Gambling Control Board requests information and comments concerning the subject matter of these rules. Interested or affected persons may submit statements of information in writing. Written statements should be addressed to:

Roger Franke  
Charitable Gambling Control Board  
1821 University Avenue, Room N475  
St. Paul, MN 55104-3383

Any written material received by the Charitable Gambling Control Board will become part of the record in the event that the rules are promulgated.

Roger Franke

## **Department of Education**

### **Division of Instructional Effectiveness: Unique Learner Needs Section—Interagency Planning Project for Young Children With Handicaps**

#### **Notice of Public Hearings on the State Plan for Part H, P.L. 99-457 for Fiscal Year 1989**

Notice is hereby given that the Minnesota Department of Education Division of Instructional Effectiveness, Unique Learner Needs Section, Interagency Planning Project for Young Children with Handicaps seeks public comment through two public hearings on its Part H Plan for Young Children with Handicaps or Those At Risk for Such Handicaps and Their Families under Public Law 99-457 for fiscal year 1988-89.

Notice is hereby given that a full, intact Part H Plan under Public Law 99-457, for fiscal year 1988-89 can be requested by mail or picked up from the Interagency Planning Project for Young Children with Handicaps, Room 827 Capitol Square Bldg., 550 Cedar St., St. Paul, MN 55101. A full intact Part H Plan will also be available for public inspection at the hearing sites. Written and oral comments will be received at the two public hearings listed below:

Room 300 South  
State Office Bldg.  
St. Paul, MN 55155  
Monday, June 13, 1988  
1:00-4:00 p.m.

Room 317  
Brainerd Community College  
College Drive  
Brainerd, MN 56401  
Wednesday, June 15, 1988  
1:00-4:00 p.m.

For those unable to attend the public hearings, please send written comments relative to the plan to the:

INTERAGENCY PLANNING PROJECT FOR YOUNG  
CHILDREN WITH HANDICAPS  
827 Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101

For further information, contact Jan Rubenstein at 612/296-7032 or Marty Smith at 612/623-5538.

## **Minnesota Department of Education**

### **Division of Instructional Effectiveness Unique Learner Needs Section**

#### **Notice of Public Review of Minnesota's Preschool Incentive Grant Application for Fiscal Year 1989-90, Under Part B of the Education of the Handicapped Act (EHA-B)**

Minnesota's Fiscal Year 1989-90 Preschool Incentive Grant will be available for review by all interested parties for 60 days prior to its submission to the U.S. Office of Education.

The Preschool Incentive Grant outlines the goals, objectives and activities that will be implemented for meeting the educational needs of handicapped children ages three through five.

**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

The Preschool Incentive Grant may be modified as a result of the input received. Therefore, if you are affected by the activities included in the proposed grant, you are urged to participate in the review process.

All interested persons will have an opportunity to ask questions and make comments. Statements may be made orally by contacting the Department at 612/297-3619, and written material may be submitted until July 30, 1988 to Ann Bettenburg, State Department of Education, Instructional Effectiveness Division, Unique Learner Needs Section, 550 Cedar Street, St. Paul, MN 55101.

Copies of the Preschool Incentive Grant are available upon request from the Unique Learner Needs Section.

## Department of Health

### Services for Children with Handicaps

**Notice is hereby given that the Cost-sharing Schedule, prepared according to Minnesota Rules, Chapter 4705.0600 Subp. 3 and published here will be effective July 1, 1988**

#### SCH Cost-sharing Schedule

The applicant's share is one percent of cost for each \$1,000 or fraction of \$1,000 of income above 60 percent of the State gross median income for a household of the same size as the applicant's. The applicant's percent share is found on the schedule by looking under the number which is the number of members of applicant's household to find the income level which includes the applicant's annual household income. The applicant's percent share is shown on the far left of that income level. For each additional household member greater than 10, add 3% to 144% for each additional household member and multiply the new percentage by the State's dollar amount for 4-person households.

**Percentage which eligible applicants share in the cost of treatment**

Income Levels by Number of Members in Household					
%	1	2	3	4	5
0	0-11,465	0-14,993	0-18,520	0-22,048	0-25,576
1	11,466-12,465	14,994-15,993	18,521-19,520	22,049-23,048	25,577-26,576
2	12,466-13,465	15,994-16,993	19,521-20,520	23,049-24,048	26,577-27,576
3	13,466-14,465	16,994-17,993	20,521-21,520	24,049-25,048	27,577-28,576
4	14,466-15,465	17,994-18,993	21,521-22,520	25,049-26,048	28,577-29,576
5	15,466-16,465	18,994-19,993	22,521-23,520	26,049-27,048	29,577-30,576
6	16,466-17,465	19,994-20,993	23,521-24,520	27,049-28,048	30,577-31,576
7	17,466-18,465	20,994-21,993	24,521-25,520	28,049-29,048	31,577-32,576
8	18,466-19,465	21,994-22,993	25,521-26,520	29,049-30,048	32,577-33,576
9	19,466-20,465	22,994-23,993	26,521-27,520	30,049-31,048	33,577-34,576
10	20,466-21,465	23,994-24,993	27,521-28,520	31,049-32,048	34,577-35,576
11	21,466-22,465	24,994-25,993	28,521-29,520	32,049-33,048	35,577-36,576
12	22,466-23,465	25,994-26,993	29,521-30,520	33,049-34,048	36,577-37,576
13	23,466-24,465	26,994-27,993	30,521-31,520	34,049-35,048	37,577-38,576
14	24,466-25,465	27,994-28,993	31,521-32,520	35,049-36,048	38,577-39,576
15	25,466-26,465	28,994-29,993	32,521-33,520	36,049-37,048	39,577-40,576
16	26,466-27,465	29,994-30,993	33,521-34,520	37,049-38,048	40,577-41,576
17	27,466-28,465	30,994-31,993	34,521-35,520	38,049-39,048	41,577-42,576
18	28,466-29,465	31,994-32,993	35,521-36,520	39,049-40,048	42,577-43,576
%	6	7	8	9	10
0	0-29,103	0-29,765	0-30,426	0-31,088	0-31,749
1	29,104-30,103	29,766-30,765	30,427-31,426	31,089-32,088	31,750-32,749
2	30,104-31,103	30,766-31,765	31,427-32,426	32,089-33,088	32,750-33,749
3	31,104-32,103	31,766-32,765	32,427-33,426	33,089-34,088	33,750-34,749
4	32,104-33,103	32,766-33,765	33,427-34,426	34,089-35,088	34,750-35,749
5	33,104-34,103	33,766-34,765	34,427-35,426	35,089-36,088	35,750-36,749
6	34,104-35,103	34,766-35,765	35,427-36,426	36,089-37,088	36,750-37,749



**Percentage which eligible  
applicants share in the  
cost of treatment**
**Income Levels by Number of Members in Household**

%	1	2	3	4	5
7	35,104-36,103	35,766-36,765	36,427-37,426	37,089-38,088	37,750-38,749
8	36,104-37,103	36,766-37,765	37,427-38,426	38,089-39,088	38,750-39,749
9	37,104-38,103	37,766-38,765	38,427-39,426	39,089-40,088	39,750-40,749
10	38,104-39,103	38,766-39,765	39,427-40,426	40,089-41,088	40,750-41,749
11	39,104-40,103	39,766-40,765	40,427-41,426	41,089-42,088	41,750-42,749
12	40,104-41,103	40,766-41,765	41,427-42,426	42,089-43,088	42,750-43,749
13	41,104-42,103	41,766-42,765	42,427-43,426	43,089-44,088	43,750-44,749
14	42,104-43,103	42,766-43,765	43,427-44,426	44,089-45,088	44,750-45,749
15	43,104-44,103	43,766-44,765	44,427-45,426	45,089-46,088	45,750-46,749
16	44,104-45,103	44,766-45,765	45,427-46,426	46,089-47,088	46,750-47,749
17	45,104-46,103	45,766-46,765	46,427-47,426	47,089-48,088	47,750-48,749
18	46,104-47,103	46,766-47,765	47,427-48,426	48,089-49,088	48,750-49,749

## Minnesota Department of Health

### Health Resources Division

#### **Notice of Solicitation of Outside Information or Opinions Regarding Proposed Emergency Rules Governing Review of Proposals for Exceptions to the Moratorium on the Licensure of Nursing Home Beds and the Medical Assistance Certification of Nursing Home or Licensed Boarding Care Home Beds**

Notice is hereby given that the State Department of Health is seeking information or opinions from sources outside the department in preparing to propose the adoption of emergency rules governing review of proposals for exceptions to the nursing home and boarding care bed moratorium contained in *Minnesota Statutes*, section 144A.071. The adoption of the proposed emergency rules is authorized by *Laws of Minnesota, 1988*, chapter 689, article 2, section 39.

The state Department of Health requests information and comments concerning the subject matter of these rules. Interested or affected groups or persons may submit statements of information or opinions orally or in writing to: Michael G. Dean, Health Resources Division, 717 S.E. Delaware Street, P.O. Box 9441, Minneapolis, Minnesota 55440. (612) 623-5424 (May 23rd and after: (612) 624-2156).

This notice extends the previously published December 31, 1987 deadline for accepting information and opinions to June 30, 1988, 4:30 p.m. Written material received by the Department of Health will become part of the rulemaking record to be submitted to the attorney general or administrative law judge if the rules are adopted.

H. Michael Tripple, Director  
Health Resources Division

## Metropolitan Council of the Twin Cities Area

### **Notice of Public Hearing on Proposed Revisions to the *Transportation Development Guide/Policy Plan***

The Metropolitan Council will hold a public hearing on Thursday, June 23, 1988 on the proposed revisions to the *Transportation Development Guide/Policy Plan*. The hearing will be held from 2 to 4 p.m. and at 7 p.m. in the Metropolitan Council Chambers, at the Council's office. The purpose of the draft plan is to guide the development of the metropolitan transportation system through 2010. The plan proposes 19 policies addressing a broad range of transit and highway issues to be implemented through a variety of strategies that accompany these policies. It also reflects a new emphasis on providing direction for and monitoring of transit service by implementing agencies including the Regional Transit Board (RTB). In accordance with state law, the comments of the RTB regarding the proposed plan are also to be made available at the public hearing. It should also be noted that changes in the policy plan may affect the standards for determining projects of metropolitan significance in the Council's metropolitan significance rules. All interested persons are encouraged to attend the hearing and offer comments or submit comments in writing. The hearing record will be held open through July 8. People may register to speak in advance by calling Jane Larson at 291-6500. Copies of the proposed plan will be available for public inspection beginning May 16 at designated libraries throughout the region. For information on the location of these libraries or a free copy of the proposed plan and RTB's comments, call 291-6464.

## **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, subdivision 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 June 14, 1988.

#### **REHABILITATION REVIEW PANEL**

1 member employer representative.

#### **MEDICAL SERVICES REVIEW BOARD**

1 member employer representative.

#### **CODE ENFORCEMENT ADVISORY COUNCIL**

1 member.

#### **MEDICAL MALPRACTICE JOINT UNDERWRITING ASSOCIATION (MMJUA)**

3 members—health care providers, 3 public members.

#### **HOUSING TRUST FUND ADVISORY COMMITTEE**

8 members—see description of new agency.

#### **REHABILITATION REVIEW PANEL**

Dept. of Labor and Industry, Office of Public Affairs, 444 Lafayette Rd., St. Paul 55101. 612-296-8946. *Minnesota Statutes* 176.102, Subdivision 3.

APPOINTING AUTHORITY: Commissioner of Labor and Industry. COMPENSATION: Reimbursed for expenses.

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

#### **MEDICAL SERVICES REVIEW BOARD**

Dept. of Labor and Industry, Office of Public Affairs, 444 Lafayette Rd., St. Paul 55101. 612-296-8946. *Minnesota Statutes* 176.103, Subdivision 3.

APPOINTING AUTHORITY: Commissioner of Labor and Industry. COMPENSATION: \$35 per diem plus expenses.

The board advises on medical matters relating to workers compensation and hears appeals under Chapter 14. Members include two chiropractic members, one hospital administration member, six physician members, one employee member, one employer member, and one public member plus eight alternates. The commissioner or his designee serves as an ex-officio member. Members must file with the Ethical Practices Board.

#### **CODE ENFORCEMENT ADVISORY COUNCIL**

Dept. of Labor and Industry, Office of Public Affairs, 444 Lafayette Rd., St. Paul 55101. 612-296-6529. *Minnesota Statutes* 175.008.

APPOINTING AUTHORITY: Commissioner of Labor and Industry. COMPENSATION: \$35 per diem plus expenses.

The council advises the commissioner on matters pertaining to boiler and high pressure steampiping standards. The council consists of eleven members who are users or who are involved in the boiler and high pressure steampiping industry and trades.

#### **MEDICAL MALPRACTICE JOINT UNDERWRITING ASSOCIATION (MMJUA)**

Dept. of Commerce, 500 Metro Square Bldg. St. Paul 55101. 612-296-4026. *Minnesota Statutes* 62F.

APPOINTING AUTHORITY: Commissioner of Commerce/Governor. COMPENSATION: A per diem plus expenses.

The board provides medical malpractice insurance coverage to any licensed health care provider unable to obtain this insurance through ordinary methods. Eleven members include three public members appointed by the governor, three health care providers appointed by the commissioner of commerce, and five members elected by members of the association. Every personal injury liability insurer in the state shall be a member as condition of obtaining and retaining a license to write insurance in Minnesota.

#### **HOUSING TRUST FUND ADVISORY COMMITTEE**

MHFA 400 Sibley St., Suite 300, St. Paul, 55101-1998. 612-296-9846. *Laws of 1988* Chapter 654, Section 5.

APPOINTING AUTHORITY: Minnesota Housing Finance Agency. COMPENSATION: None.

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## State Contracts and Advertised Bids

The committee advises and assists the Minnesota housing finance agency in providing loans and grants from the housing trust fund account. Eight members to represent the interests of realtors, lenders, nonprofit developers, apartment owners, low income persons, housing advocates, advocates for the homeless, and single or multi-family builders. Meeting schedule not yet established.

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## State Contracts and Advertised Bids

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

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.

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### Department of Administration: Materials Management Division

#### Contracts and Requisitions Open for Bid

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

**Commodity:** Lease/purchase of IBM 3090-400E—rebid  
**Contact:** Bernie Vogel 612-296-3778  
**Bid due date at 2pm:** May 26  
**Agency:** Inf. Management Bureau  
**Deliver to:** St. Paul  
**Requisition #:** 02410 80172-1

**Commodity:** Overhead doors-furnish & install  
**Contact:** Pat Andersen 612-296-3777  
**Bid due date at 2pm:** May 26  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** 79000 84455

**Commodity:** IBM & Apple computer equipment  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 2pm:** May 26  
**Agency:** Labor & Industry  
**Deliver to:** St. Paul  
**Requisition #:** 42150 11736

**Commodity:** IBM computer monitors & printer  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 2pm:** May 26  
**Agency:** State University  
**Deliver to:** Winona  
**Requisition #:** 26074 12156

**Commodity:** Computerized calling/collection management system  
**Contact:** Bernie Vogel 612-296-3778  
**Bid due date at 2pm:** May 26  
**Agency:** Jobs & Training  
**Deliver to:** St. Paul  
**Requisition #:** 21200 17217

**Commodity:** Vans & trucks school 113J  
**Contact:** Bernie Vogel 612-296-3778  
**Bid due date at 2pm:** May 26  
**Agency:** Public Safety  
**Deliver to:** St. Paul  
**Requisition #:** 07800 09177

**Commodity:** Personal computers—IBM AT compatible  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 2pm:** May 27  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** 29002 15286

**Commodity:** Aggregate material  
**Contact:** Pat Anderson 612-296-1053  
**Bid due date at 2pm:** May 27  
**Agency:** Transportation  
**Deliver to:** Various—Metro Area  
**Requisition #:** 79 500A

**Commodity:** Hot mix bituminous  
**Contact:** Pat Andersen 612-296-1053  
**Bid due date at 2pm:** May 27  
**Agency:** Transportation  
**Deliver to:** Golden Valley  
**Requisition #:** 79 500B

**Commodity:** Macintosh system  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 2pm:** May 26  
**Agency:** Agriculture Dept.  
**Deliver to:** St. Paul  
**Requisition #:** 04651 82950

**Commodity:** NEC computers, Deconix printer and software  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 2pm:** May 27  
**Agency:** Revenue Dept.  
**Deliver to:** St. Paul  
**Requisition #:** 67520 05143

**Commodity:** Lease/purchase of Sharp SF8800 copier  
**Contact:** Teresa Ryan 612-296-7556  
**Bid due date at 2pm:** May 26  
**Agency:** Transportation Dept.  
**Deliver to:** Willmar  
**Requisition #:** 79800 03219

## State Contracts and Advertised Bids

**Commodity:** IBM/AT compatible micro-computer  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 2pm:** May 31  
**Agency:** Public Service Dept.  
**Deliver to:** St. Paul  
**Requisition #:**

**Commodity:** Multi-terminal front end composition system—rebid  
**Contact:** Joyce Dehn 612-296-2621  
**Bid due date at 2pm:** May 31  
**Agency:** Administration  
**Deliver to:** St. Paul  
**Requisition #:** 02520-82065-1

**Commodity:** Test scoring equipment & materials  
**Contact:** Linda Parkos 612-296-3725  
**Bid due date at 2pm:** May 31  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** 36000-11205

**Commodity:** Anagraph design station  
**Contact:** Joyce Dehn 612-296-2621  
**Bid due date at 2pm:** May 31  
**Agency:** Transportation  
**Deliver to:** St. Paul  
**Requisition #:** 79000-844421

**Commodity:** Light bar—rebid  
**Contact:** Brenda Thielen 612-296-9075  
**Bid due date at 2pm:** May 31  
**Agency:** Public Safety—Warehouse  
**Deliver to:** St. Paul  
**Requisition #:** 07500-46957

**Commodity:** Tires & tubes: automotive, truck, tractor, grader, etc.  
**Contact:** Ed Shank 612-296-3770  
**Bid due date at 2pm:** June 1  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** price contract

**Commodity:** Lateral files  
**Contact:** Linda Parkos 612-296-3725  
**Bid due date at 2pm:** June 1  
**Agency:** Finance  
**Deliver to:** St. Paul  
**Requisition #:** 10000-03225

**Commodity:** Bar soap  
**Contact:** Cherie Ackerman 612-296-3776  
**Bid due date at 2pm:** June 1  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** price contract

## Contract Awards—Materials Management Division

**Item:** Repair alteration to bldg.  
**Req.#:** 27000 46520 01  
**Awarded to:** Dales Equipment, Sioux Falls, SD  
**Awarded amount:** \$31,000.00  
**Awarded date:** May 12, 1988  
**Expir/deliv date:** June 15, 1988  
**Shipped to:** Anoka-Ramsey Community College

**Item:** Tractor crawler type  
**Req.#:** 29000 49640 01  
**Awarded to:** North Country Equipment Inc., Grand Rapids, MN  
**Awarded amount:** \$29,850.00  
**Awarded date:** May 12, 1988  
**Expir/deliv date:** Sept. 29, 1988  
**Shipped to:** DNR-Regional Headquarters

**Item:** Electronic component parts & access.  
**Req.#:** 79050 20668 01  
**Awarded to:** Traffic Control Corp., Edina, MN  
**Awarded amount:** \$31,020.00  
**Awarded date:** May 12, 1988  
**Expir/deliv date:** Sept. 1, 1988  
**Shipped to:** MN/DOT Electrical Services

**Item:** Construction material miscellaneous  
**Req.#:** 02310 16054 01  
**Awarded to:** Elk River Concrete, Mpls., MN  
**Awarded amount:** \$17,721.20  
**Awarded date:** May 13, 1988  
**Expir/deliv date:** June 10, 1988  
**Shipped to:** Various Locations

**Item:** Fish hatching equipment  
**Req.#:** 29004 10125 01  
**Awarded to:** Peterson Fiberglass, Shell Lake, WI  
**Awarded amount:** \$51,821.37  
**Awarded date:** May 13, 1988  
**Expir/deliv date:** July 12, 1988  
**Shipped to:** Dept. Natural Resources

**Item:** Service other purchased  
**Req.#:** 75200 20647 01  
**Awarded to:** Landis & Gyr Powers Inc., Minneapolis, MN  
**Awarded amount:** \$16,400.00  
**Awarded date:** May 13, 1988  
**Expir/deliv date:** June 20, 1988  
**Shipped to:** MN Veterans Home

**Item:** Truck & tractor attachments  
**Req.#:** 29000 4957B 01  
**Awarded to:** Fesco, Starkville, MS  
**Awarded amount:** \$18,582.00  
**Awarded date:** May 16, 1988  
**Expir/deliv date:** July 15, 1988  
**Shipped to:** DNR—Northern Service Center

**Item:** Construction & highway maintenance equipment  
**Req.#:** 79382 01361 01  
**Awarded to:** Reach All Sales & Service, Duluth, MN  
**Awarded amount:** \$289,680.00  
**Awarded date:** May 17, 1988  
**Expir/deliv date:** Sept. 1, 1988  
**Shipped to:** MN/DOT—Central Shop

**Item:** Paint-stripping equipment highway  
**Req.#:** 79382 01363 01  
**Awarded to:** MB Co. Inc., New Holstein, WI  
**Awarded amount:** \$156,151.54  
**Awarded date:** May 17, 1988  
**Expir/deliv date:** Oct. 28, 1988  
**Shipped to:** MN Dept. of Transportation

**Item:** Computer equip  
**Req.#:** 10000-03202-01  
**Awarded to:** Datasource Connecting,  
Bloomington, MN  
**Awarded amount:** \$42,326.98  
**Awarded date:** May 18, 1988  
**Expir/deliv date:** June 1, 1988  
**Shipped to:** Department of Finance

**Item:** Mail room equipment  
**Req.#:** 12300-16615-01  
**Awarded to:** Mid Amer Business  
System, Minneapolis, MN  
**Awarded amount:** \$35,124.00  
**Awarded date:** May 18, 1988  
**Shipped to:** Mn Dept. of Health

**Item:** Computer software purchase (non-  
PC)  
**Req.#:** 27138-50220-01  
**Awarded to:** Cincom Systems Inc.,  
Bloomington, MN  
**Awarded amount:** \$182,000.00  
**Awarded date:** May 18, 1988  
**Expir/deliv date:** June 30, 1988  
**Shipped to:** Community College Board  
Office

**Item:** Watercraft marine equip supplies  
docks  
**Req.#:** 29002-15144-01  
**Awarded to:** Boston Wahler Inc.,  
Rockland, MA  
**Awarded amount:** \$15,111.00  
**Awarded date:** May 18, 1988  
**Expir/deliv date:** August 15, 1988  
**Shipped to:** DNR—Northern Service  
Center

**Item:** X-ray spectrometers, energy  
dispersive  
**Req.#:** 32300-17462-01  
**Awarded to:** Oxford Analytical Inc.,  
Andover, MA  
**Awarded amount:** \$16,900.00  
**Awarded date:** May 18, 1988  
**Expir/deliv date:** June 20, 1988  
**Shipped to:** MN Pollution Control  
Agency

**Item:** Truck, 1 ton, regular cab, pickup, 8  
ft.  
**Req.#:** 79382-01357-01  
**Awarded to:** Rathert Chevrolet Inc.,  
Duluth, MN  
**Awarded amount:** \$17,899.00  
**Awarded date:** May 18, 1988  
**Expir/deliv date:** August 1, 1988  
**Shipped to:** MN/DOT, Central Shop

**Item:** Motor vehicle parts and  
accessories  
**Req.#:** 79990-00150-01  
**Awarded to:** J. Craft Inc., Kimball, MN  
**Awarded amount:** \$18,945.49  
**Awarded date:** May 18, 1988  
**Expir/deliv date:** June 15, 1988  
**Shipped to:** MN/DOT, Central Shop

## 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:** Tiled registration card,  
300M 12" × 3½" fan fold 2-up to  
5½" × 3½" perf for pinfeed, camera  
ready, two-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 26  
**Agency:** Public Safety  
**Deliver to:** St. Paul  
**Requisition #:** 7196

**Commodity:** Index deposit list, 3-part  
snapout form 25M sets, camera ready,  
1-sided, 8½" × 8½" sheet size  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 26  
**Agency:** Public Safety Dept.  
**Deliver to:** St. Paul  
**Requisition #:** 7202

**Commodity:** 30M 2-part forms, blue  
carbonless, 3½" × 8½" detached,  
camera ready, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 26  
**Agency:** Public Safety  
**Deliver to:** St. Paul  
**Requisition #:** 7310

**Commodity:** Receipts, 100M 2-part  
forms, 100 per book, 7¾" × 3¼"  
detached, type to set, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 26  
**Agency:** Administration: Central Stores  
**Deliver to:** St. Paul  
**Requisition #:** 7305

**Commodity:** Registration form, 30M  
3-parts, negs furnished, 1-sided,  
5" × 8¾" with tab, carbonless blue,  
perf.  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 26  
**Agency:** Community College System  
**Deliver to:** St. Paul  
**Requisition #:** 7347

**Commodity:** Dealer purchase receipts,  
3-part 180M, camera ready + negs,  
1-sided and 2-sided, 5¾" × 3" overall  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 26  
**Agency:** Public Safety  
**Deliver to:** St. Paul  
**Requisition #:** 7210

## State Contracts and Advertised Bids

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**Commodity:** Permit, 25 to pad, 1,500 pads, 3½" × 9¼" overall, negs, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 26  
**Agency:** Health Dept.  
**Deliver to:** Minneapolis  
**Requisition #:** 7616

**Commodity:** Biweekly time report, 3-part form, 2,600 books, 26 sets per book, 9½" × 5½" overall, camera ready + negs, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 26  
**Agency:** Jobs & Training  
**Deliver to:** St. Paul  
**Requisition #:** 7319

**Commodity:** 30M booklets, 16 pages + cover and insert, 4¼" × 11", camera ready, saddle stitch staple, cover 80# white gloss 4-color plus varnish  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 27  
**Agency:** Metro State University  
**Deliver to:** St. Paul  
**Requisition #:** 7334

**Commodity:** Banner, 25M, 2-sided, camera ready, 22" × 9" × 1½", accordion folds  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 27  
**Agency:** State University  
**Deliver to:** Winona  
**Requisition #:** 7294

**Commodity:** 25M brochures, 32 pages w/self cover, 6" × 9" final size, negs furnished, 2-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 27  
**Agency:** Public Safety  
**Deliver to:** St. Paul  
**Requisition #:** 7199

**Commodity:** 75M brochures, 8½" × 11" w/2-folds, camera ready, 2-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 27  
**Agency:** Public Safety Dept.  
**Deliver to:** St. Paul  
**Requisition #:** 7309

**Commodity:** 8,500 handbooks, 24 pages + cover, 8½" × 11" finished size, camera ready, 2-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 27  
**Agency:** State University  
**Deliver to:** Mankato  
**Requisition #:** 7292

**Commodity:** 10M brochures, 8½" × 11" folded to 8½" × 3¾", 2-sided, negs furnished  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 27  
**Agency:** Jobs & Training Dept.  
**Deliver to:** St. Paul  
**Requisition #:** 7312

**Commodity:** 10M mailing labels, 3¼" × 7⅞", 500 per roll, type to set, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 27  
**Agency:** Services for the Blind  
**Deliver to:** St. Paul  
**Requisition #:** 7313

**Commodity:** Letterhead, 7,500 8½" × 11" camera ready, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 27  
**Agency:** Community College System  
**Deliver to:** St. Paul  
**Requisition #:** 7352

**Commodity:** Charge-out card, 2M, camera ready 2-sided, 9½" × 12⅜" including tab of 2½" × ½"  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 27  
**Agency:** Health Dept.  
**Deliver to:** Minneapolis  
**Requisition #:** 7339

**Commodity:** Poster, 1000, 14" × 22" negs furnished, 1-sided, 2-colors  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 27  
**Agency:** Public Safety Dept.  
**Deliver to:** St. Paul  
**Requisition #:** 7342

**Commodity:** Labels, 14M 2-sided, negs furnished, 3½" × 4¾" w/⅛" overlap liner, 2-color  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 27  
**Agency:** Public Safety  
**Deliver to:** St. Paul  
**Requisition #:** 7343

**Commodity:** Posters (3 designs) 5M of each, 25" × 14½" 4-colors, camera ready 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 27  
**Agency:** Agriculture Dept.  
**Deliver to:** St. Paul  
**Requisition #:** 7409

**Commodity:** Stickers, 320M 1" round and 3" round, camera ready, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 27  
**Agency:** Agriculture Dept.  
**Deliver to:** St. Paul  
**Requisition #:** 7408

**Commodity:** 7M pamphlets, 8½" × 14" 3-folds to 3½" × 8½", camera ready, 2-sided, 2-colors  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 27  
**Agency:** Health Dept.  
**Deliver to:** Minneapolis  
**Requisition #:** 7159

**Commodity:** Window envelopes, 75M 8¾" × 11½", 28# brown kraft, camera ready  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 27  
**Agency:** Revenue Dept.  
**Deliver to:** St. Paul  
**Requisition #:** 7245

**Commodity:** 25M labels, type to set, 1-sided, 2¾" × 1½"  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 27  
**Agency:** MN Vets Home  
**Deliver to:** Minneapolis  
**Requisition #:** 7243

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## State Contracts and Advertised Bids

**Commodity:** Tax tables, 175M 24-pages self cover, camera ready, 2-sided, 8½" × 11" saddle stitch, newsprint  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 27  
**Agency:** Revenue Dept.  
**Deliver to:** St. Paul  
**Requisition #:** 7203

**Commodity:** 10M 4-part forms, 9¼" × 4" detached, type to set, 2-sided, carbonless black  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 27  
**Agency:** Health Dept.  
**Deliver to:** Minneapolis  
**Requisition #:** 7258

**Commodity:** Receipts, 10M sets 3-parts, 4¼" × 5¾" detached, type to set, 1-sided, blue carbonless  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 31  
**Agency:** Admin: Printing & Mailing Services  
**Deliver to:** St. Paul  
**Requisition #:** 7429

**Commodity:** Pressure sensitive labels, 50 sheets p. pad, 7M total, two different kinds, ¾" × 1½" numbered consec., staple on top w/½" tab  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 31  
**Agency:** Agriculture Dept.  
**Deliver to:** St. Paul  
**Requisition #:** 7415 & 7415

**Commodity:** Requisition form 10M 4-part forms, 10 to pad, 8½" × 5½" detached, negs furnished, 2-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 31  
**Agency:** Admin: Central Stores  
**Deliver to:** St. Paul  
**Requisition #:** 7452

**Commodity:** Charts, 5½ × 6¼" finished size, 20M, type to set, 1-sided 60# white Litho satin, pressure sensitive back  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 31  
**Agency:** Health Dept.  
**Deliver to:** Minneapolis  
**Requisition #:** 7399

**Commodity:** 50M Coloring books, 16pg + cover, camera ready & negs, 2-sided, 8½" × 11"  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 31  
**Agency:** DNR—Boat & Water Safety  
**Deliver to:** St. Paul  
**Requisition #:** 7431

**Commodity:** Poster, 5M, type to set, 1-sided, 11" × 8½" 2-color  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 31  
**Agency:** DNR—Boat & Water Safety  
**Deliver to:** St. Paul  
**Requisition #:** 7430

**Commodity:** Reports, 5-part forms, 2,500 sets, 5⅝" × 6¾" finished size, carbonless black, negs furnished, 1-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** May 31  
**Agency:** Health Dept.  
**Deliver to:** Minneapolis  
**Requisition #:** 7443

## Minnesota State Board of Education

### Request for Proposal to Complete a Comprehensive Study of School Desegregation and Integration Costs

The State Board of Education is seeking qualified individuals or organizations with experience in analyzing education costs attributable to integration and desegregation of schools to conduct a comprehensive study of the costs incurred by the school districts of Minneapolis, St. Paul, and Duluth for that purpose.

The specific services which will be provided under contract are outlined in detail in the Request for Proposal (RFP) Statement of Project Tasks.

The formal RFP may be requested and inquiries should be directed to Ted L. Suss, Administrator, State Board of Education, Room 705 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101.

It is anticipated that the costs of the services as described in the Statement of Project Tasks to be provided during the contract period from July 15, 1988 through November 15, 1988, will be no more than \$70,000. This is the maximum price to be paid and the State Board of Education does not commit itself to spend this entire amount.

The deadline for submission of completed proposals will be 4:00 p.m., June 10, 1988.

## State Contracts and Advertised Bids

### Minnesota Environmental Education Board

#### Southeast and Pioneerland Regional Environmental Education Councils

#### The Availability of Elementary Environmental Education Curriculum Planning and Inservicing Contract

The Minnesota Environmental Education Board, through its southeast and Pioneerland Regional Environmental Education Councils, intends to issue a half-time consultant contract to one certified teacher to inservice twenty southeast Minnesota elementary faculties in integrating environmental education into their curriculum programs. Applicants must possess competencies in elementary curriculum planning and inservicing of environmental curricula. Responsibilities also include extensive travel in southeast Minnesota, post-inservice follow-up with the 20 schools, scheduling and provisioning inservices, arranging for gradual credit, evaluation and reporting quarterly.

Payment is not to exceed \$18,870.00, which includes salary, professional services, travel and other expenses. The contract will extend from mid-July, 1988 to mid-July, 1989.

For full information and application packet contact: Carmen Borgerding, Regional Coordinator, Minnesota Environmental Education Board, Box 5, DNR Building, 500 Lafayette Road, St. Paul, MN 55155, (612) 296-2368.

All applications must be received by 4:30 p.m. on June 20, 1988 at the above address.

### Minnesota Department of Health

#### AIDS Programs Unit

#### Request for Proposals for AIDS Prevention/Risk Reduction Programs for Youth at Risk of HIV Infection

##### Purpose

The Minnesota Department of Health (MDH) has funds available for a twelve-month period (January 1, 1989-December 31, 1989) for AIDS prevention/risk reduction programs for youth at risk of HIV infection. These individuals include the following which are not mutually exclusive: 1) youth who are sexually active with multiple sex partners including youth (male and female) engaged in prostitution, and homosexual and bisexual males, 2) youth who are using, abusing, or experimenting with intravenous drugs, and 3) youth who have left traditional school settings including high school dropouts, and homeless youth. Proposals addressing at least one of these target populations will be funded on a competitive basis.

##### Amount

Up to \$300,000.

##### Duration

The grant period is established for 12 months, 1/1/89-12/31/89. Funds have only been appropriated for this time period. If additional funds are available, contracts may be renewed.

##### Eligibility Criteria

1. Any public or private agency (not-for-profit) that can demonstrate administrative, organizational, programmatic and fiscal capability to deliver proposed program.
2. Demonstrated support from local medical, public health and other appropriate agencies, groups, and/or individuals within the community.
3. Demonstrated current and/or future potential for additional complimentary resources/revenues for development, implementation, and/or evaluation and continuation of proposed program.

##### Procedure For Submitting Proposals

The complete request for proposals is available upon request, including instructions, format, necessary forms, and selected readings. Please submit 15 copies of the completed proposal by 4:30 p.m., Wednesday, July 13, 1988 to:

Jill D. Isensee  
AIDS Programs Unit, Room 212  
Minnesota Department of Health  
717 S.E. Delaware St.

P.O. Box 9441  
Minneapolis, MN 55440  
(612) 623-5698



## **Department of Jobs and Training**

### **Request for Proposals for the Temporary Housing Program**

The Minnesota Department of Jobs and Training seeks proposals from community action agencies, housing and redevelopment authorities and other public and private non-profit agencies for projects to be funded under the Temporary Housing Demonstration Program. Jobs and Training has an appropriation of \$170,000 to make grants in this fiscal year.

Jobs and Training will accept proposals that initiate, maintain or expand programs which provide temporary housing and support services for the homeless. Applicants wishing application guideline packages or further information regarding the program may contact Barbara Krech 612/296-4658 (for application packages) or Mark Kaszynski (information) at 612/297-2590. An original and two copies of the completed application package must be received no later than 4:30 p.m. on June 24, 1988.

Applications should be sent to:

Department of Jobs and Training  
Economic Opportunity Office  
690 American Center Building  
150 East Kellogg Boulevard  
St. Paul, MN 55101  
ATTN: Mark Kaszynski

An announcement of awards is expected in July, 1988. This request for proposals is subject to all laws, rules and regulations promulgated by a federal, state and municipal authority having jurisdiction as the same and may be amended from time to time: Applications for this RFP are prepared at the sole risk, cost and expense of the applicant.

## **Department of Public Safety**

### **State Patrol Division**

### **Request for Proposals to Study, Design and Implement a Computer Assisted Dispatch/ Mobile Data Terminal Communication System**

The Minnesota State Patrol is seeking to enter into a contractual agreement with an independent consulting firm to assess needs, develop functional requirements, design, develop RFP and implement a computer-assisted dispatch/mobile data terminal communication system for the Minneapolis-St. Paul area State Patrol districts. Contact Major Richard Steffen, (612) 296-6579 or write to: Minnesota State Patrol 107 Transportation Building, St. Paul, MN. 55155 for copies of the RFP. Proposals will be accepted until 4:30 P.M. on Friday, June 24, 1988.

## **State Grants**

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

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

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## **Department of Agriculture**

### **Marketing Division**

### **Applications Accepted for Minnesota Grown Agricultural Market Development Grant Program**

Notice is hereby given that the Minnesota Department of Agriculture is accepting applications for agricultural development grants to promote use of the Minnesota Grown logo as provided for in *Minnesota Statutes*, section 17.101, subd. 2; *Laws 1987*, chapter 396, article 6; and *Minnesota Rules*, chapter 1552.

## State Grants

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Organizations wishing to apply for a grant should request a copy of the rules governing the program and other related application material. The rules describe eligibility criteria, application content and application procedures. Separate proposals must be submitted for each grant being sought. Other information may be obtained by contacting:

Ralph Groschen  
Minnesota Department of Agriculture  
Marketing Division  
90 West Plato Blvd.  
St. Paul, MN 55107  
(612) 297-2223

Applicants are to submit their proposal(s) to Mr. Groschen at the above address. Applications will be accepted until funds for fiscal year 1989 are expended. The total of all grants to the same grantee may not exceed \$70,000 for the biennium ending June 30, 1989. The grant amount for any project may not exceed \$70,000. It is anticipated due to the availability of Minnesota Grown funds that projects approved will be less than \$10,000 per project.

## Supreme Court Decisions

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### Decisions Filed 20 May 1988

**C2-87-1481** Raymond P. Gibberd (Deceased), by Elizabeth C. Gibberd v. Control Data Corporation, Self-Insured, Relator. Workers' Compensation Court of Appeals.

Under the workers' compensation law an employer was not liable to dependents of employee who died from injuries sustained following a random street assault which occurred away from the employer's premises at a time the employee was on a lunch break, and which did not arise out of and in the course of the employment.

Reversed. Kelley, J.

Dissenting, Yetka, J.

**C1-88-2045** In re Petition for Disciplinary Action against James H. Schaefer, an Attorney at Law of the State of Minnesota. Supreme Court.

Attorney's multiple acts of misconduct, including neglect of client matters, failure to communicate with clients, breach of fiduciary duty, failure to cooperate with disciplinary proceedings, false statements to clients and to ethics investigators, and practice of law while under suspension, warrant indefinite suspension. Respondent's failure to order a transcript, file a brief or present any evidence of psychological disability to the court prevents consideration of alleged mitigating factors.

Indefinitely suspended. Per Curiam.

### Orders

**C4-88-861** In Re Petition for Disciplinary Action against David A. Johnson, an Attorney at Law of the State of Minnesota. Supreme Court.

Publicly reprimanded. Amdahl, C.J.

## Announcements

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**Environmental Quality Board:** Comment period on the draft "Minnesota Ground Water Protection Strategy" and the "Water Resources Strategy for the Control of Pests and Management of Nutrients: the Options" have been extended to May 31, 1988. Reviewers of the documents are encouraged to submit comments by that date. For more information contact Gretchen Sabel, Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, MN 55155, (612) 296-7358, or Deborah Pile, State Planning Agency, 300 Centennial Building, 658 Cedar Street, St. Paul, MN 55155, (612) 297-2375. A petition for an Environmental Assessment Worksheet has been received and assigned to the City of Greenfield for the Minnesota Horse and Hunt Club. A contested case hearing will be held on Wednesday, June 1, at 9:30 a.m. at the Jackson County Court House, Farmers' Room, Jackson, MN concerning the restoration order to Bernell H. Walker for a portion of Wetland No. 32-92W.

**Arts Board:** The next regular meeting of the Minnesota State Arts Board will take place at 9:30 a.m. Thursday, May 26 at the Arts Board Offices 432 Summit Avenue in Saint Paul. The public is invited to attend. Open meeting law guidelines will be in effect. Agenda items include: the selection of grantees for the first round of Folk Arts Apprenticeship grants, and final approval of Artist Assistance fellowships for Poetry, Prose, and Theater Arts. Because the Arts Board is located in an historic building, handicap access to the building is limited. Anyone who may have difficulty attending because of a disability should contact Gail Swaim at the Arts Board to make arrangements to attend, (612) 297-2603 or toll-free in Minnesota 1-800-652-9747 and ask for "Arts Board."

**Metro Truck Traffic:** A conference to help government, labor, business and the trucking industry find ways to voluntarily shift truck trips in the Twin Cities area to non-rush hour periods will be held May 25 at McGuire's in Arden Hills. The conference is part of MnDOT's Metro Truck Management Plan to divert truck traffic from Twin Cities freeways. Speakers will include an official of United Parcel Service who will discuss cooperative solutions to urban congestion. For conference information contact Dick Stehr, 612-296-7968.

**Agriculture Deputy Commissioner:** Anne Kanten was named Deputy Commissioner of the Minnesota Dept. of Agriculture effective May 11. The new title gives Kanten official status to act in the commissioner's stead as a member of any board, committee or commission that the commissioner is made a member of by law. Kanten has served as an assistant commissioner of Agriculture since January 1983, and will continue to supervise the same divisions within the department.

**Tax Refunds:** Minnesota tax refunds were sent out within 19 working days for those returns received on the April 15 deadline. Refund turn-around time averaged 22 working days during the tax season, with many refunds going out within two weeks, exceeding the department goal of 30-day refunds. Refunds are averaging \$454 for the M-1 returns and \$159 for the M-1A returns. The one millionth refund went out the end of the first week of May. About 1.3 million refunds will be issued by the time the processing is complete for the 1987 returns. About two million returns have been received at the department.

**Property Tax Refunds:** Checks will be mailed to about 557,000 Minnesota homeowners and renters by June 15 for the remaining one third of their 1986 property tax refunds. The refunds, totaling \$52.6 million, were restored by the 1988 Minnesota Legislature after being reduced last year because of an anticipated budget shortfall. Since then, the state's fiscal outlook has improved and a note of explanation will be included with the refund checks. The refunds will be sent out automatically by the Revenue Department; it is not necessary for refund recipients to contact the department. The department will use the most recent address it has on record for the recipients. Taxpayers who have moved should make sure a current change of address card is filed with the post office. If taxpayers do not receive their refunds by June 30, they should contact the department at (612) 296-3781 or 1-800-652-9094. About 337,000 renters can expect refunds averaging \$106 and 219,000 homeowners will receive refunds averaging \$77. Minnesotans have until August 15, 1988 to file the property tax refund applications for 1986; however, because of the lateness of the returns, the refunds will be reduced 25 percent.

**Free Roadsides for Wildlife Signs:** A free offer to landowners within the pheasant range now makes it easy for rural residents to show their wildlife concern. A "Roadsides for Wildlife" sign is available free of charge while supplies last for placement on private property along grassy roadside cover managed for wildlife. The sign notifies passers-by that this roadside is left undisturbed for nesting wildlife such as pheasants, gray partridge, waterfowl, and grassland songbirds. These attractive signs (11¼ x 11¼, yellow with black letters, .012 gauge aluminum) depict a silhouette of a rooster pheasant and a singing meadowlark with the message "Roadsides for Wildlife—No Mowing". Rural residents are urged to delay mowing and other disturbances along roadside ditch bottoms and backslopes until after August 1. Undisturbed grassland nesting cover is especially critical during the nesting period of May, June and July. Landowners and other rural residents who wish to obtain a sign or who want further information on management of roadsides for wildlife should contact their Department of Natural Resources Area Wildlife Manager or write to: Department of Natural Resources, Box 756, Hwy. 15 So., New Ulm, MN 56073.

## Catching criminals is only one part of law enforcement. Here's the rest of it.

**Police Report Writing Style Manual 1986**—A common framework for report writing throughout the state. Discusses the general purpose of police reports, reviews field notetaking, offers instructions on completing common report forms, and introduces the Data Practices Law. Code No. 14-13. \$12.50.

**Background Investigation Manual 1986**—A guide to conducting effective thorough background investigations of peace officer candidates. Included are various criteria for use in the selection process: experience, education, and past behavior. Sample forms. Code No. 14-15. \$10.00.

**Motor Vehicle Traffic Laws 1987**—Includes laws governing motor carriers, motor vehicle registration and no-fault auto insurance. Code No. 2-85. \$13.00.

**Criminal Code & Selected Statutes 1987**—Governs the conduct of peace officers. Includes continuing education requirements, sentencing standards, and more. Code No. 2-68. \$15.00.

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



TO ORDER: Send to Minnesota 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.

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

## Murder: Minnesota style

**Murder in Minnesota** is a treasury of vintage crimes. Characters, some famous, some obscure, come to life in all their cleverness or murderous madness. Minnesota cases from 1858-1917. 253 pp. photos, index. Code 17-35, \$5.95.

**Robber and Hero** On September 7, 1876 six members of the James-Younger gang blasted their way out of Northfield, Minnesota. George Huntington's classic account of the Northfield Bank raid is as fascinating today as it was when first published 19 years after the attempted robbery. 125 pp., charts, maps, photos, with index. Code 17-40, \$5.95.

**Secrets of the Congdon Mansion** The prosecutor called it a crime of greed. A complex, intriguing murder case, set in one of Minnesota's most spectacular mansions, and now a top Minnesota tourist attraction on Duluth's famous Lake Superior North Shore Drive. By Joe Kimball, 64 pp., drawings. Code 19-56, \$4.95.

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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## Human Services Laws and Rules

### Human Services Laws 1987

An extract from the statutes. Includes legislative amendments and additions from the most recent session. Code No. 2-56. \$21.00

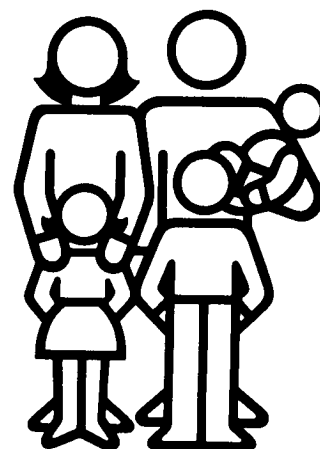
### Human Services Rules as in effect July 7, 1986

Rules governing assistance programs, eligibility grant amounts, AFDC and residence requirements. MN Rules Chapter 9500-9580. Code No. 3-95. \$24.95.

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

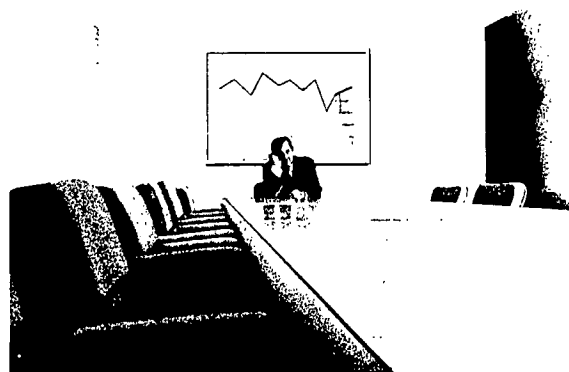
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# Business and NonProfit Corporation Act

Laws governing establishment and conduct of for-profit and non-profit businesses and corporations. Covers incorporation, bylaws, mergers, dissolution, franchises, and definitions. Laws in effect on January 1, 1985. Contains Minnesota Statutes Chapters 80B, 302A, and 317. Paperbound, 102 papers, Code # 2-87, \$10.00.



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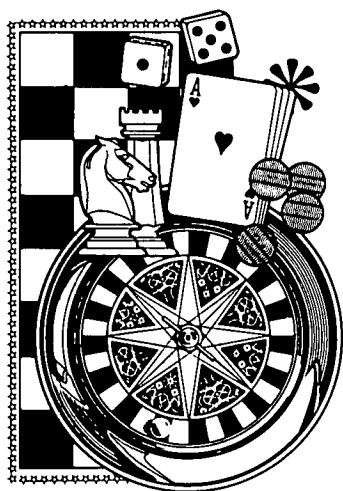
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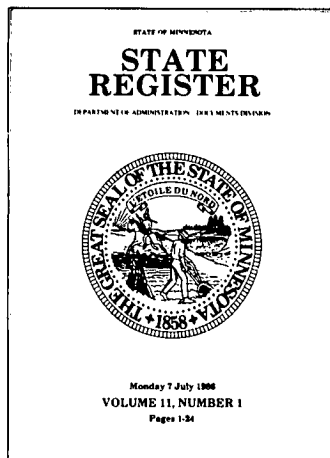
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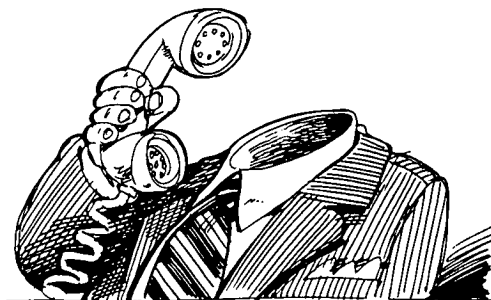
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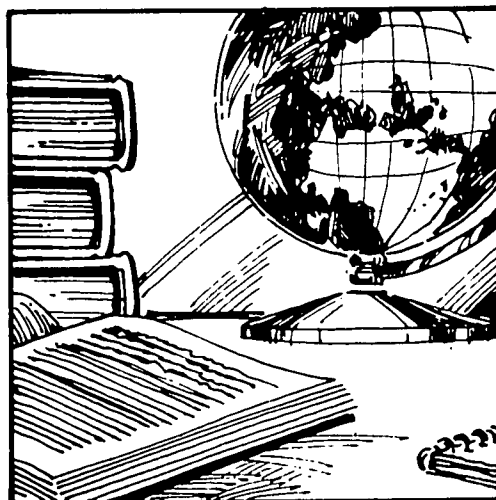
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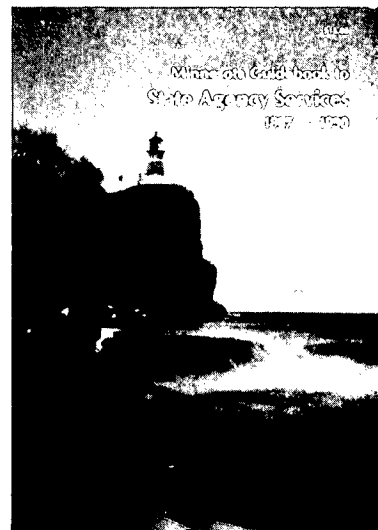
## A Beacon to Guide You—Minnesota's Owners Manual

You'll enjoy smooth sailing through your business with state government with the *Minnesota Guidebook to State Agency Services 1987-1990*.

Considered one of the finest resources to Minnesota's state agencies, this valuable and useful book is a treasure awaiting your discovery.

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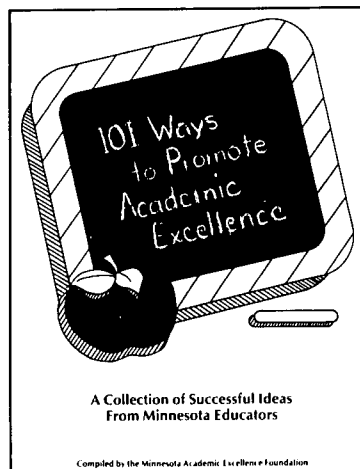
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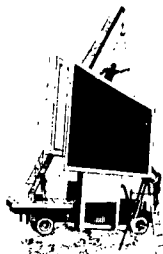
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# Minnesota Manufacturer's Directory 1987-88

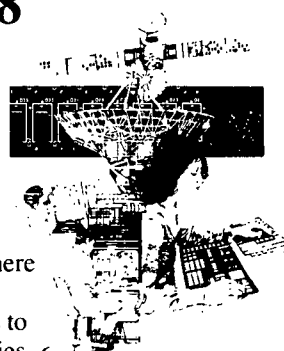


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Code No.	Quantity	Description	Item Price	Total
Name or Company			<b>Subtotal</b>	
Attention		Plus 6% tax MN Residents Only		
Address				
City	State	Zip	Postage/Handling (per order)	<b>\$1.50</b>
VISA/Master Card No. or Cust. Deposit No.			<b>TOTAL</b>	
Signature		Expiration Date	Telephone (During Day)	