

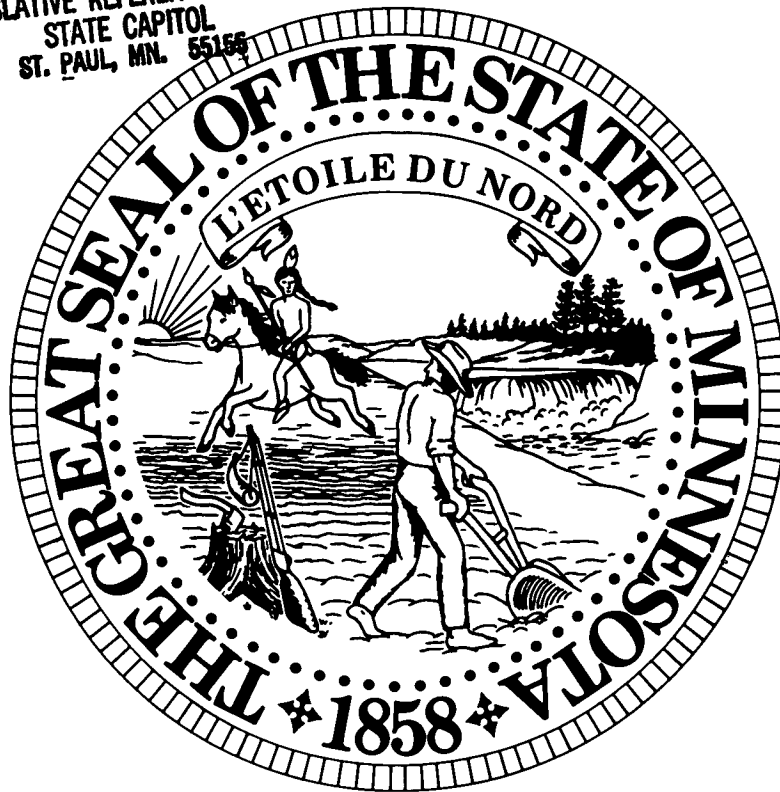
State of Minnesota

STATE REGISTER

Department of Administration—Print Communications Division

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STATE REGISTER

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

The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, official notices to the public, state and non-state public contracts, contract awards, 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. 13 Issue Number	*Submission deadline for Adopted and Proposed Rules**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
46	Monday 1 May	Monday 8 May	Monday 15 May
47	Monday 8 May	Monday 15 May	Monday 22 May
48	Monday 15 May	Monday 22 May	Tuesday 30 May
49	Monday 22 May	Tuesday 30 May	Monday 5 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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Subscribers who do not receive a copy of an issue should notify the *State Register* Circulation Manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

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FOR LEGISLATIVE NEWS

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

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

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

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

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

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

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Proposed Rules

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

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

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

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

Department of Health

Proposed Permanent Rules Relating to Hearing Aid Seller Permits

Alternative Notices: Notice of Intent to Adopt Rules Without a Public Hearing, Notice of Intent to Adopt Rules With a Public Hearing If 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing If Fewer than 25 Persons Request a Hearing

I. Explanation of Alternative Notices

The Minnesota Department of Health (Department) is hereby giving notice of its intent to adopt rules without a public hearing under the noncontroversial rulemaking procedure of *Minnesota Statutes* §§ 14.22 to 14.28 (1988). However, in case 25 or more persons request a hearing, thus necessitating that one be held pursuant to *Minnesota Statutes* § 14.25 (1988), and in order to expedite the rulemaking process should that occur, the Department is at the same time hereby giving notice of the hearing on the proposed

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

Proposed Rules

rules pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1988). 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 14, 1989, there will be 13 days before the scheduled hearing date. This 13-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 Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Department proposes to adopt the above-captioned rules 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 (1988).

Interested persons shall have 30 days from the date this notice is published in the *State Register* to submit comments in support of or in opposition to the proposed rules. The 30 days will expire on June 14, 1989. Comment is encouraged. Each comment should identify the portion of the proposed rules being addressed, the reason for the comment, and any change proposed to the rules by the comment. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change in the proposed language.

In addition to submitting comments, interested persons may request in writing during the 30-day comment period that a hearing be held on the proposed rules. Any person requesting a hearing should state his or her name, address, and telephone number and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any changes they want made to the proposed rules. If a person desires that a hearing be held on only a portion of the proposed rules, it is requested that the Department be informed on 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 requested for a hearing on the proposed rules or a portion thereof by June 14, 1989. If a hearing is required, it will be held in accordance with the provisions of *Minnesota Statutes* §§ 14.131 to 14.20 (1988) and the hearing notice provided below.

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

Susan E. Winkelmann
Consumer Mediator for Hearing Instrument Sales
Health Systems Development Division
Minnesota Department of Health
P.O. Box 9441
717 Delaware Street Southeast
Minneapolis, Minnesota 55440
Telephone: (612) 623-5752

The statutory authority of the Department to adopt the proposed rules is contained in *Minnesota Statutes* § 153A.14 (1988).

If adopted, the proposed rules will: 1) establish a central registry of persons who sell hearing instruments; 2) establish procedures for applying for permits to sell hearing instruments; 3) govern the standards and criteria to be applied by the Department in issuing or denying issuance of permits to sell hearing instruments; 4) govern the criteria to be applied and the procedure to be followed by the Department in suspending or revoking permits to sell hearing instruments; 5) establish a schedule governing the renewal of permits to sell hearing instruments; and 6) establish an annual permit fee and one-time surcharge fee to be applied to permit applicants. The proposed rules will be published in the *State Register* issue of May 15, 1989, and a free copy of the rules may be obtained from the Department by writing or telephoning Susan E. Winkelmann 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 rules 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 Susan E. Winkelmann at the address or telephone number listed above.

Promulgation of the proposed rules will not result in the expenditure of public monies by local public bodies nor have an impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes* § 14.11 (1988).

It is the position of the Department that it is not subject to *Minnesota Statutes* § 14.115 (1988) regarding small business considerations in rulemaking. The basis for this position and the Department's evaluation of the applicability of the methods contained in *Minnesota Statutes* § 14.115, subd. 2 (1988) for reducing the impact of the proposed rules should it be determined that the proposed rules are subject to section 14.115, are addressed in the statement of need and reasonableness.

Upon completion of the proposed rules without a public hearing, the rules as proposed, this notice, the statement of need and reasonableness, all written comments received, the rules as adopted, and a statement explaining any differences between the rules 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 Susan E. Winkelmann at the address listed above.

III. Notice of Intent to Adopt Rules 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 RULES WITHIN THE 30-DAY COMMENT PERIOD PURSUANT TO THE NOTICE GIVEN IN PART II ABOVE, A HEARING WILL BE HELD ON JUNE 28, 1989, 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 (1988), in the Chesley Room, Minnesota Department of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440, on June 28, 1989, commencing at 9:00 AM.

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, Fifth Floor, 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 (1988) and by *Minnesota Rules* pts. 1400.0200 to 1400.1200 (1987). Questions about procedure may be directed to the administrative law judge.

If adopted, the proposed rules will: 1) establish a central registry of persons who sell hearing instruments; 2) establish procedures for applying for permits to sell hearing instruments; 3) govern the standards and criteria to be applied by the department in issuing or denying issuance of permits to sell hearing instruments; 4) govern the criteria to be applied and the procedure to be followed by the Department in suspending or revoking permits to sell hearing instruments; 5) establish a schedule governing the renewal of permits to sell hearing instruments; and 6) establish an annual permit fee and one-time surcharge fee to be applied to permit applicants. The proposed rules will be published in the *State Register* issue of May 15, 1989, and a free copy of the rules may be obtained from the department by writing or telephoning Susan E. Winkleman at the address and telephone number listed above in Part II of this notice.

The statutory authority of the Department to adopt the proposed rules is contained in *Minnesota Statutes* § 153A.14 (1988).

The proposed rules 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 rules 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 the individual's 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 the individual's own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101-2520, telephone: (612) 296-5615.

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

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

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 rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the Department at any time prior to the filing of the rules with the Secretary of State.

Promulgation of these proposed rules will not result in the expenditure of public monies by local public bodies nor have any impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes* § 14.11 (1988).

It is the position of the Department that it is not subject to *Minnesota Statutes* § 14.115 (1988) regarding small business considerations in rulemaking. The basis for this position and the Department's evaluation of the applicability of the methods contained in *Minnesota Statutes* § 14.115, subd. 2 (1988) for reducing the impact of the proposed rules should it be determined that the proposed rules are subject to section 14.115, are addressed in the statement of need and reasonableness.

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 telephone Susan E. Winkelmann at the telephone number listed above in Part II of this notice before June 26, 1989, and leave your name, address, and telephone number. You will be notified if the hearing has been cancelled. You may also telephone Susan E. Winkelmann after June 15, 1989, for oral confirmation regarding the scheduled hearing.

Dated: 27 April 1989

Sister Mary Madonna Ashton
Commissioner of Health

Rules as Proposed (all new material)

4692.0010 PURPOSE.

Chapter 4692 establishes procedures for applying and obtaining a permit to sell hearing instruments. The purpose of this chapter is to establish a central registry of persons who sell hearing instruments and to establish procedures for issuing, suspending, and revoking permits.

4692.0015 DEFINITIONS.

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

Subp. 2. **Applicant.** "Applicant" means a person who applies with the commissioner for a permit to sell hearing instruments.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of health.

Subp. 4. **Hearing instrument.** "Hearing instrument" is as defined in *Minnesota Statutes*, section 153A.13, subdivision 3.

Subp. 5. **Hearing instrument selling.** "Hearing instrument selling" is as defined in *Minnesota Statutes*, section 153A.13, subdivision 4.

Subp. 6. **Permit holder.** "Permit holder" means a person who has been issued a valid permit by the commissioner.

Subp. 7. **Permit number.** "Permit number" means the number assigned to each permit by the commissioner.

Subp. 8. **Seller of hearing instruments.** "Seller of hearing instruments" is as defined in *Minnesota Statutes*, section 153A.13, subdivision 5.

4692.0020 REQUIREMENT TO APPLY FOR A PERMIT AND TIME PERIODS.

Subpart 1. **Who must apply.** A person who sells hearing instruments in Minnesota must apply for a permit from the commissioner on forms provided by the commissioner.

Subp. 2. **Time period for initial application.** A seller who is selling hearing instruments in Minnesota on the effective date of this chapter must apply for a permit from the commissioner within 120 days after the effective date of this chapter.

Subp. 3. **Time period after initial application period.** One hundred twenty days after the effective date of this chapter, a person who sells hearing instruments must first have a valid permit issued by the commissioner and the 120-day period in subpart 2 does not apply.

4692.0025 PROCEDURE FOR APPLYING FOR A PERMIT.

Subpart 1. **Application forms.** The applicant must:

- A. apply to the commissioner for a permit to sell hearing instruments on the forms provided by the commissioner;
- B. include with the application a statement that the statements in the application are true and correct to the best of the applicant's knowledge and belief;
- C. include with the application a nonrefundable application fee specified in part 4692.0040;
- D. include with the application the information required by *Minnesota Statutes*, section 153A.14, and describe the applicant's experience, including the number of years and months that the applicant has sold hearing instruments as defined in *Minnesota Statutes*, section 153A.13;
- E. include with the application the applicant's business address and phone number, or home address and phone number if the applicant conducts his or her business out of the home, and if applicable, the name of the applicant's supervisor, manager, and business owner;
- F. include with the application a written and signed authorization that authorizes the commissioner to make inquiries to appropriate regulatory agencies in this or any other state where the applicant has sold hearing instruments; and
- G. complete the application in sufficient detail for the commissioner to determine if the applicant meets the requirements for filing. The commissioner may ask the applicant to provide additional information necessary to clarify incomplete or ambiguous information submitted in the application.

Subp. 2. **Requirement to maintain current information.** A seller must notify the commissioner within 30 days of the occurrence of any one or more of the following:

- A. a change of name, address, and home or business phone number;
- B. the occurrence of conduct prohibited by *Minnesota Statutes*, section 153A.15;
- C. a settlement or award based on the negligence or intentional acts committed in the selling of hearing instruments by the seller; and
- D. a physical or mental disability of the seller that may affect a seller's ability to sell hearing instruments.

4692.0030 COMMISSIONER ACTION ON PERMITS.

Subpart 1. **Issuance of permit.** The commissioner will review the permit application to determine whether or not the applicant has met the application requirements of part 4692.0025. If the permit applicant has met the requirements of part 4692.0025, then the commissioner will issue a permit to the applicant.

Subp. 2. **Prohibitions.** The permit is not transferable to any other person. It may not be displayed, published, or duplicated in any way.

Subp. 3. **Required use of permit number.** The permit holder shall use the permit number on all contracts, bills of sale, and receipts used in the sale of hearing instruments.

Subp. 4. **Denial of application for permit.**

A. The commissioner may deny an application for a permit if:

- (1) the application does not contain the information required by *Minnesota Statutes*, section 153A.14, subdivision 1, and part 4692.0025, subpart 1, and the applicant fails to provide the commissioner with the required or additional information within 30 days after the date requested by the commissioner;
- (2) the applicant has submitted false or misleading information on the application;
- (3) the applicant fails to fully disclose actions taken against the applicant or the applicant's legal authorization to sell hearing instruments in this or another state;
- (4) the applicant fails to authorize the commissioner as required in part 4692.0025, subpart 1, item F, to obtain information from the appropriate regulatory agencies in this or any other state where the applicant has sold hearing instruments;

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Proposed Rules

(5) there is evidence that the applicant has not made good faith efforts to comply with the commissioner's internal operating procedures for the hearing instrument consumer complaint system;

(6) there is evidence that the applicant has engaged in behavior that is specifically prohibited by Minnesota Statutes, section 153A.15; or

(7) there is evidence that the applicant has violated a state or federal court order or judgment issued to manage the activities of the applicant in selling hearing instruments.

B. The commissioner must notify an applicant in writing if the application is denied and include the reasons for denying the application.

C. An applicant may appeal the commissioner's decision to deny issuance of a permit. An appeal must be made according to the contested case procedures of *Minnesota Statutes*, chapter 14. Once a timely appeal is made, the commissioner's decision will be stayed until resolution of the contested case.

D. At any time after the commissioner has denied an applicant's application for a permit, an applicant may submit a new permit application with the commissioner. The new permit application must be accompanied by a new filing fee, except if the original application was denied for typographical errors.

Subp. 5. **Suspension or revocation of permit.** The commissioner shall follow the procedures in items A to E for suspending or revoking a permit.

A. The commissioner may suspend or revoke a permit to sell hearing instruments if:

(1) there is evidence that the permit holder engaged in conduct prohibited by *Minnesota Statutes*, section 153A.15;

(2) there is evidence that the permit holder submitted false or misleading information to the commissioner;

(3) there is evidence that the permit holder violated a state or federal court order or judgment issued to manage the activities of the applicant in the hearing instrument selling business; or

(4) there is evidence that the permit holder has not made good faith efforts to comply with the commissioner's internal operating procedures for the hearing instrument consumer complaint system.

B. The commissioner must notify a permit holder in writing if the permit is suspended or revoked and include the reasons for the suspension or revocation.

C. A permit holder may appeal the commissioner's decision to suspend or revoke the permit. An appeal must be according to the contested case procedures of *Minnesota Statutes*, chapter 14. Once an appeal is timely made, the commissioner's decision will be stayed until resolution of the contested case.

D. The commissioner may not suspend a permit to sell hearing instruments for longer than one year. The commissioner may not revoke a permit to sell hearing instruments for longer than three years.

E. When the suspension or revocation period is over, the permit holder may petition the commissioner to remove the suspension or revocation. If the commissioner finds that the petitioner has complied with the terms of the suspension or revocation order and has met the requirements in part 4692.0025, the commissioner shall reinstate a permit to the petitioner.

4692.0035 RENEWAL OF PERMITS.

Subpart 1. **Permit renewal notice.** Permit holders must renew their permits annually. At least 30 days before the date the permit must be renewed according to subpart 2, the commissioner shall send out a renewal notice to the permit holder's last known address. The notice shall include a renewal application and notice of fees required for renewal. A permit holder is not relieved from meeting the applicable deadline for renewal on the basis that the permit holder did not receive the renewal notice. In renewing a permit, a permit holder shall follow the procedures for applying for a permit specified in part 4692.0025.

Subp. 2. **Renewal deadline.** The renewal application and fee must be postmarked on or before the date the permit must be renewed according to items A to E. Permits must be renewed according to the following schedule:

A. for permit holders whose last name begins with the letters A to E, February 1;

B. for permit holders whose last name begins with the letters F to L, April 1;

C. for permit holders whose last name begins with the letters M to P, June 1;

D. for permit holders whose last name begins with the letters Q to U, August 1; and

E. for permit holders whose last name begins with the letters V to Z, October 1.

4692.0040 FEES.

Subpart 1. **First time applicants and reapplicants for permits.** The commissioner shall prorate the permit fee for first time

applicants and reapplicants according to the number of months that have elapsed between the date the permit is issued and the date the permit must be renewed according to part 4692.0035, subpart 2.

Subp. 2. **Annual permit fee.** The annual permit fee is \$140.

Subp. 3. **Surcharge fee.** In addition to other applicable fees, each applicant must pay a surcharge fee of \$29. The surcharge fee applies to all persons applying for a permit or renewal of a permit under this chapter during the first five years following the effective date of this chapter.

4692.0045 BONDS.

Subpart 1. **Evidence of compliance with *Minnesota Statutes*, section 153A.16.** Bonds shall be submitted to the commissioner on bond forms provided by the commissioner.

Minnesota Housing Finance Agency

Proposed Permanent Rules Relating to Rehabilitation Loan Program Limits

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Housing Finance Agency intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes* 462A.06, Subd. 4 and 11.

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:

Kathleen J. Johnson	400 Sibley Street
Legal Division	St. Paul, Minnesota 55101
Minnesota Housing Finance Agency	Telephone: 612/296-9794
Suite 300	

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 Kathleen J. Johnson upon request.

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

Dated: 12 May 1989

James J. Solem
Commissioner

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Proposed Rules

Rules as Proposed

4900.0010 DEFINITIONS.

Subpart 1. to 22. [Unchanged.]

Subp. 23. **Persons and families of low and moderate income.** "Persons and families of low and moderate income" means:

A. to C. [Unchanged.]

D. With respect to home improvement grants and rehabilitation loans pursuant to parts 4900.0610 to 4900.0700 to be made by the agency, those persons and families whose assets do not exceed \$25,000, and

(1) with respect to home improvement grants and rehabilitation loans defined in part 4900.0610 as deferred loans, those persons and families whose adjusted income does not exceed ~~\$7,000~~ \$8,500; or

(2) with respect to rehabilitation loans defined in part 4900.0610 as revolving loans, those persons and families:

(a) in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington whose adjusted income does not exceed \$15,000; and

(b) in all other counties whose adjusted income does not exceed \$12,000.

E. [Unchanged.]

Pollution Control Agency

Proposed Permanent Rules Relating to Low-Level Radioactive Waste Generator Fees

Notice of Intent to Adopt Rule Amendment Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (Agency) intends to adopt the above-entitled rule amendment without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* § 14.22 to 14.28 (1988). The Agency's authority to adopt the rule amendment is set forth in *Minnesota Statutes* § 116C.834 (1988).

All persons have until 4:30 p.m. on June 15, 1989, to submit comments in support of or in opposition to the proposed rule amendment or any part or subpart of the rule amendment. Comment is encouraged. Each comment should identify the portion of the proposed rule amendment addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule amendment 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 rule amendment addressed, the reason for the request, and any change proposed. If a public hearing is required, the Agency will proceed pursuant to *Minnesota Statutes* §§ 14.20 (1988).

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

Dagmar Romano
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
(612) 296-7319

The proposed rule amendment 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 amendment as noticed.

The proposed rule amendment, if adopted, will decrease fees for generators who ship 1,000 cubic feet or more of low-level radioactive waste per year to a facility for disposal. The proposed rule amendment is published below. One free copy of the rule amendment is available upon request from Dagmar Romano at the address and telephone number stated above.

A statement of Need and Reasonableness that describes the need for and reasonableness of the proposed rule amendment and identifies the data and information relied upon to support the proposed rule amendment has been prepared and is available from Dagmar Romano upon request.

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1988), "Small business considerations in rulemaking," that the proposed rule amendment will have no adverse effect on small businesses.

If no hearing is required, upon adoption of the rule amendment, the rule amendment and the required supporting documents will be submitted to the Attorney General for review as 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, must submit the written request to Dagmar Romano.

Gerald L. Willet
Commissioner

Rules as Proposed

7042.0030 LOW-LEVEL RADIOACTIVE WASTE GENERATOR FEES.

Subpart 1. [Unchanged.]

Subp. 2. **Amount of fees.** A generator of low level radioactive waste is subject to the following fees:

A. A generator who ships 1,000 cubic feet or more of low level radioactive waste per year to a facility for disposal is subject to a fee of ~~\$6.65~~ \$2.75 per cubic foot of low level radioactive waste shipped per year.

B. A generator who ships at least 100 cubic feet but less than 1,000 cubic feet of low level radioactive waste per year to a facility for disposal is subject to a fee of \$100 per year.

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 Assessors

Adopted Permanent Rules Relating to Assessor's Licensure, Education, and Conduct

The rules proposed and published at *State Register*, Volume 13, Number 34, pages 2032-2039, February 21, 1989 (13 S.R. 2032) are adopted with the following modifications:

Rules as Adopted

1950.1030 CERTIFIED MINNESOTA ASSESSOR (CMA).

A person assisting the assessor of a taxing jurisdiction in making assessment decisions must obtain the designation of certified Minnesota assessor within three years of employment. A local assessor employed by a township or city not requiring a higher level of licensure as shown in the "List of Assessor License Levels for Minnesota Taxing Jurisdictions" must be certified before employment. Requirements for certified Minnesota assessor are given in items A to F

D. ~~One year's apprenticeship experience under a licensed assessor.~~

E. ~~Application to the board, and the appropriate fee.~~

F. ~~Or, in lieu of items A, B, and C,~~ successful completion of course A and four self-directed programmed instruction courses, or correspondence courses, offered by the IAAO.

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Adopted Rules

E. One year's apprenticeship experience under a licensed assessor.

F. Application to the board, and the appropriate fee.

1950.1050 ACCREDITED MINNESOTA ASSESSOR (AMA).

An assessor employed by a township or city shown on the "List of Assessor License Levels for Minnesota Taxing Jurisdictions" under the heading "Accredited" must obtain the accredited Minnesota assessor designation. A jurisdiction requiring this level of assessor may hire a certified Minnesota assessor specialist if the assessor obtains the required designation within one year of hire. An assessor who fails to obtain the required designation must be dismissed. Requirements for accredited Minnesota assessor are given in items A to F

A. A passing grade on the following courses:

(3) course H, mass appraisal of, or IAAO 301, mass appraisal of residential properties, or IAAO 302, mass appraisal of income producing properties;

Pollution Control Agency

Adopted Permanent Rules Relating to Individual Sewage Treatment Systems Design Criteria

The rules proposed and published at *State Register*, Volume 13, Number 5, pages 232-254, August 1, 1988 (13 S.R. 232) are adopted with the following modifications:

Rules as Adopted

7080.0010 PURPOSE AND INTENT.

The improper design, location, installation, use, and maintenance of individual sewage treatment systems adversely affects the public health, safety, and general welfare by discharge of inadequately treated sewage to surface and ground waters. In accordance with the authority granted in *Minnesota Statutes*, chapters 104, 105, 115, and 116, the Minnesota Pollution Control Agency, hereinafter referred to as the agency, does hereby provide the minimum standards and criteria for the design, location, installation, use, and maintenance of individual sewage treatment systems, and thus protect the surface and ground waters of the state, and promote the public health and general welfare. These standards are most effective when applied in conjunction with local planning and zoning that considers the density of the systems that are discharging to the groundwater. These standards are not intended to cover systems treating industrial waste or other wastewater that may contain hazardous materials.

Further, it is intended that the administration and enforcement of these standards be conducted by municipalities, since experience has shown that sanitary ordinances can most effectively be administered at the local level.

7080.0020 DEFINITIONS.

Subp. 1a. **Absorption area.** "Absorption area" means the area below a mound that is designed to absorb effluent.

Subp. 1b. **Additive, individual sewage treatment system.** "Additive, individual sewage treatment system" means a product which is added to the wastewater or to the system to improve the performance of an individual sewage treatment system.

Subp. 15a. **Drainfield rock.** "Drainfield rock" means ~~clean rock~~, crushed igneous rock, or similar insoluble, durable, and decay-resistant material with no more than five percent by weight passing a number 4 sieve and no more than one percent by weight passing a number 200 sieve. The size shall range from three-fourths inch to 2-1/2 inches.

Subp. 20. **Impermeable.** "Impermeable," with regard to bedrock, means a bedrock having no cracks or crevices and having a vertical permeability slower than one inch in 24 hours shall be considered impermeable. With regard to soils, a soil horizon or layer having a vertical permeability ~~less~~ slower than 0.025 inch in 24 hours shall be considered impermeable.

Subp. 21a. **Invert.** "Invert" means the lowest point of a channel inside a pipe.

Subp. 22a. **Maximum monthly average daily flow.** "Maximum monthly average daily flow" means the 30-day average daily flow for the highest consecutive 30-day period during the year.

Subp. 28b. **Required ~~basal~~ absorption width.** "Required ~~basal~~ absorption width" means that width, measured in the direction of the original land slope and perpendicular to the original contours, which is required for the sewage tank effluent to infiltrate into the original soil according to the allowable loading rates of Table V in part 7080.0170, subpart 2, item G.

Subp. 28c. **Restaurants.** "Restaurants" means establishments that prepare and serve meals and at which multiple use dishes and utensils are washed.

Subp. 41. **Soil characteristics, limiting.** "Soil characteristics, limiting" means those soil characteristics which preclude the installation of a standard system, including ~~but not limited to,~~ evidence of water table or bedrock ~~closer than three feet to the ground surface,~~ and percolation rates faster than one-tenth or slower than 120 minutes per inch.

Subp. 43. **Soil treatment area.** "Soil treatment area" means that area of trench or bed bottom which is in direct contact with the drainfield rock of the soil treatment system, and for mounds, that area to the edge edges of the required basal absorption width and extending five feet beyond the ends of the rock layer.

Subp. 45. **Standard system.** "Standard system" means an individual sewage treatment system employing a building sewer, sewage tank, and the soil treatment system consisting of trenches, seepage beds, or mounds which are constructed on original soil which has a percolation rate equal to or faster than 120 minutes per inch.

Subp. 46. to 50 ~~48.~~ [Unchanged.]

Subp. 49. **Valve box.** "Valve box" means any device which ~~can stop~~ stops sewage tank effluent from flowing to a portion of the soil treatment area, and includes, but is not limited to, caps or plugs on distribution or drop box outlets, divider boards, butterfly valves, gate valves, or other mechanisms.

Subp. 50. [Unchanged.]

Subp. 52. **Watertight.** "Watertight" means a sewage tank constructed so that no water can get into or out of the sewage tank except through the inlet and outlet pipes.

7080.0030 ADMINISTRATION BY STATE AGENCIES.

For an individual sewage treatment system that either has a soil treatment system designed to treat an average daily flow greater than 10,000 gallons per day, or that is designed to treat a maximum monthly average daily flow of 15,000 gallons per day or more, the owner shall make application for and obtain a state disposal system permit from the agency. For an individual sewage treatment system, or group of individual sewage treatment systems, that are located on adjacent properties and under single ownership, the owner or owners shall make application for and obtain a state disposal system permit from the agency if either of the following conditions apply:

A. the individual sewage treatment system or systems are designed to treat an average daily flow greater than 10,000 gallons per day; or

B. the individual sewage treatment system or systems are designed to treat a maximum monthly average daily flow of 15,000 gallons per day or more.

The systems must, at a minimum, conform to the requirements of these standards.

For dwellings such as rental apartments, townhouses, resort units, rental cabins, and condominiums, ~~and so forth,~~ the sum of the flows from all existing and proposed sources under single management or ownership will be used to determine the need for a state disposal system permit.

~~The commissioner shall, to the extent that staff resources are available, provide technical assistance for individual sewage treatment systems that have a soil treatment system designed to treat a maximum monthly average daily sewage flow greater than 5,000 gallons per day. The local permitting authority may submit soil and site data, design procedures, and construction specifications to the commissioner for technical review and comment. Comments from the commissioner to the local permitting authority must be made within 30 days of receipt of the above materials.~~

Individual sewage treatment systems serving establishments or facilities licensed or otherwise regulated by the state of Minnesota shall conform to the requirements of these standards.

Any individual sewage treatment system requiring approval by the state of Minnesota shall also comply with all local codes and ordinances.

7080.0040 ADMINISTRATION BY MUNICIPALITIES.

Subp. 4. **Inspection and approval.** ~~An individual sewage treatment system that is permitted by a municipality under these standards must be inspected and approved according to these standards by the municipality or its authorized representative. The municipality must maintain records of the location and design of the systems. If a municipality issues construction permits under these standards for individual sewage treatment systems, the municipality or its authorized representative must inspect and approve systems according to these standards. The municipality must maintain records of the location and design of the systems.~~

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Adopted Rules

7080.0060 TREATMENT REQUIRED.

The system, or systems, shall be designed to receive all sewage from the dwelling, building, or other establishment served. Footing or roof drainage shall not enter any part of the system. Products containing hazardous materials must not be discharged to the system other than a normal amount of household products and cleaners designed for household use. Substances not used for household cleaning, including ~~but not limited to~~ solvents, pesticides, flammables, photo finishing chemicals, or dry cleaning chemicals, must not be discharged to the system.

Systems that were installed according to all applicable local standards adopted and in effect at the time of installation shall be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, or seepage pits, or systems with less than three feet of unsaturated soil or sand between the distribution device and the limiting soil characteristics shall be considered nonconforming.

7080.0110 SITE EVALUATION.

Subp. 5. **Additional site.** ~~Wherever possible, If~~ a suitable additional site ~~should be~~ is available, it must be identified in the site evaluation.

7080.0120 BUILDING SEWERS.

Subpart 1. **Plumbing and Well Codes.** The design, construction, and location of, and the materials for use in building sewers are ~~presently~~ governed by the Minnesota State Building Code, chapter 1300, which incorporates by reference portions of the Minnesota Plumbing Code, chapter 4715, and by specific provisions of the Minnesota Water Well Construction Code, chapter 4725.

Subp. 2. **Water meter.** A new individual sewage treatment system that is intended to serve a new ~~dwelling or~~ other establishment, as defined in part 7080.0020, subpart 25, must not be installed unless a water meter is provided to measure the flow to the treatment system. For metered systems that have septic tank effluent pumped to a soil treatment area, an electrical event counter must also be installed.

7080.0130 SEWAGE TANKS.

Subpart 1. **In general.** All tanks, regardless of material or method of construction, must:

C. be designed and constructed with adequate tensile and compressive strength to withstand a minimum of seven feet of saturated earth cover above the tank top and manhole cover;

D. not be subject to ~~excessive~~ corrosion or decay; and

Subp. 2. **Design of septic tanks.** All tanks, regardless of material or method of construction, shall conform to the following criteria:

M. Access to the septic tank shall be as follows:

(3) An inspection pipe at least four inches in diameter must be located between the inlet and outlet baffles for the purpose of evaluating scum and sludge accumulations. The inspection pipe must extend through either the tank cover or manhole cover and must be capped flush with or above finished grade.

P. Outlet pipe from septic tank.

(2) The outlet pipe extending from the septic tank must be of sound and durable construction, not subject to ~~excessive~~ corrosion or decay.

(3) The outlet pipe extending from the septic tank to the undisturbed soil beyond the tank must meet the strength requirements of American Society for Testing and Materials (ASTM), schedule 40 plastic pipe and must be supported in a manner that there is no deflection during the backfilling and subsequent settling of the soil between the edge of the septic tank and the edge of the excavation.

Subp. 3. **Capacity of septic tanks.** Capacity of septic tanks:

A. Dwellings. The liquid capacity of a septic tank serving a dwelling shall be based on the number of bedrooms contemplated in the dwelling served and shall be at least as large as the capacities given below (see part 7080.0020, subpart 8 7):

Number of Bedrooms	Tank Liquid Capacities (gallons)
2 or less	750
3 or 4	1,000
5 or 6	1,500
7, 8 or 9	2,000

For ten or more bedrooms, the septic tank shall be sized as another establishment. See item B.

B. Other establishments. The liquid capacity of a septic tank serving an establishment other than a dwelling shall be sufficient to provide a sewage detention period of not less than 36 hours in the tank for sewage flows less than 1,500 gallons per day, but in no instance shall the liquid capacity be less than 750 gallons. For sewage flows greater than 1,500 gallons per day the minimum liquid capacity shall equal 1,125 gallons plus 75 percent of the daily sewage flow. ~~Establishments discharging sewage containing a biological oxygen demand higher than normal sewage must consider increasing septic tank liquid capacity.~~ For restaurants and laundromats, twice the liquid capacity shown above must be provided. For laundromats the outlet baffle of the septic tank must be submerged to a depth of 50 percent.

C. Garbage disposals. If a garbage disposal unit is ~~added to~~ installed in a residence or other establishment at any time, septic tank capacity must be at least 50 percent greater than that required in items A and B and either multiple compartments or multiple tanks must be provided.

D. Pumping of raw sewage. A ~~solids handling~~ sewage pump must not deliver sewage to a one tank system if the pump cycle delivers more than one percent of the liquid capacity of the tank. For systems with multiple tanks, at least two tanks in series must be used, each having at least the liquid capacity specified in this subpart. The volume of sewage delivered in each pump cycle must not exceed five percent of the liquid capacity of the first tank. Owners of multiple tank systems having more than two tanks ~~must consider increasing~~ may increase the volume of the sewage delivered in each pump cycle.

Subp. 5. Maintenance of septic tanks.

A. The owner of any septic tank or the owner's agent shall regularly, but in no case less frequently than every three years, inspect and measure the accumulations of sludge, which includes the settled materials at the bottom of the tank, and the accumulations of scum accumulations, which includes grease and other floating materials at the top of the tank. The owner of any septic tank or the owner's agent must arrange for the removal and sanitary disposal of septage from the tank whenever the top of the sludge layer is less than 12 inches below the bottom of the outlet baffle or whenever the bottom of the scum layer is less than three inches above the bottom of the outlet baffle. Removal of septage shall include complete removal of scum and sludge.

7080.0150 DISTRIBUTION OF EFFLUENT.

Subpart 1. Gravity distribution.

A. Drop boxes or valve boxes must be used to distribute effluent to individual trenches in a soil treatment system unless the necessary elevation differences between trenches for drop boxes cannot be achieved by natural topography or by varying the excavation depths, in which case a distribution box or a valve box may be used. The drop boxes must meet the following standards.

(1) The drop box shall be watertight and constructed of durable materials not subject to ~~excessive~~ corrosion or decay.

B. Systems using valve boxes shall comply with the requirements in part 7080.0170, subpart 2, item D. The valve boxes shall meet the standards in subitems (1) to (4).

(1) The valve boxes shall be watertight and constructed of durable materials not subject to corrosion or decay.

(2) The invert of the inlet pipe shall be at least one inch higher than the inverts of the outlet pipes to the trenches.

(3) When sewage tank effluent is pumped to a valve box, either a baffle wall must be installed in the valve box or the pump discharge must be directed against a wall or side of the box on which there is no outlet. The baffle must be secured to the box and extend at least one inch above the crown of the inlet flow line.

(4) The valve box shall have a removable cover either flush or above finished grade or covered by no more than six inches of soil.

C. The distribution boxes must meet the following standards:

(1) The box must be watertight with either a removable cover or a cleanout pipe extending to finished grade and must be constructed of durable materials not subject to ~~excessive~~ corrosion or decay.

(2) The inverts of all outlets must be at the same elevation ~~as measured from a liquid surface in the bottom of the box.~~

(3) The inlet invert must be either at least one inch above the outlet inverts or be sloped such that an equivalent elevation above the outlet invert is obtained within the last eight feet of the inlet pipe.

(4) ~~The outlet inverts must be at least four inches above the distribution box floor.~~

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

Adopted Rules

(5) Each drain field trench line must be connected separately to the distribution box and must not be subdivided.

(6) (5) When sewage tank effluent is delivered to the distribution box by pump, either a baffle wall must be installed in the distribution box or the pump discharge must be directed against a wall or side of the box on which there is no outlet. The baffle must be secured to the box and must extend at least one inch above the crown of the inlet flow line.

C. D. Distribution pipes.

(5) Other devices such as corrugated tubing wrapped with a permeable synthetic material or a chambered trench or bed may be used to distribute sewage tank effluent over the soil treatment area upon approval of the permitting authority.

Subp. 2. Pressure distribution.

A. Pressure distribution must be used for ~~all mound systems, and for soil treatment systems where effluent is pumped to a seepage bed or to trenches which are all at the same elevation if the soil treatment area is located where the soil percolation rate is 0.1 to 5 minutes per inch~~ the following soil treatment systems:

(1) all mound systems; and

(2) systems where the soil percolation rate is 0.1 to five minutes per inch if the effluent is pumped to a seepage bed or to trenches that are all at the same elevation.

B. Distribution pipes used for pressure distribution must be constructed of sound and durable material not subject to excessive corrosion or decay or to loss of strength under continuously wet conditions.

D. Perforations must be no smaller than 3/16 inch diameter and no larger than one-quarter inch diameter. The number of perforations, perforation spacing, and pipe size for pressure distribution laterals must be as shown in table I. The friction loss in any individual perforated lateral must not exceed 20 percent of the average pressure head on the perforations.

TABLE I

Maximum Allowable Number of One-Fourth Inch Diameter, or Smaller, Perforations Per Lateral

Perforation Spacing in feet	Pipe Diameter, Nominal and Inside			
	1"	1-1/4"	1-1/2"	2"
2.5	1.049	1.380	1.610	2.067
3	8	14	18	28
3.3	8	13	17	26
4	7	12	16	25
5	7	11	15	23
5	6	10	14	22

7080.0160 DOSING OF EFFLUENT.

Subp. 3. **Dosing devices for pressure distribution.** Dosing devices for pressure distribution:

B. The pump discharge capacity shall be based upon the perforation discharges for an average head of 1.0 feet for residential systems and 2.0 feet for other establishments. Perforation discharge will be determined by a standard orifice formula using a discharge coefficient of 0.60 the following formula:

$$Q = 19.65 \text{ cd}^2 \text{ h}^{1/2}$$

where: Q = discharge in gallons per minute

c = 0.60 = coefficient of discharge

d = perforation diameter in inches

h = head in feet.

G. The dosing chamber for a pressure distribution system shall either include a two pump system or shall be sized to include a minimum reserve capacity of 75 percent of the daily design flow.

7080.0170 FINAL TREATMENT AND DISPOSAL.

Subp. 2. **Standard system.**

A. Sizing:

(3) For other establishments, the daily sewage flow shall be determined as provided in part 7080.0020, subpart 42 34.

(4) Table III gives the required trench bottom area assuming six inches of drainfield rock below the distribution pipe. The required bottom area may be reduced, for trenches only, by the following percentages: 20 percent for 12 inches of drainfield rock

below the distribution pipe; 34 percent for 18 inches; and 40 percent for 24 inches. Unless pressure distribution is used, all seepage bed bottom areas must be 1.5 times the soil treatment areas required in Table III.

Table III.

Percolation Rate (Minutes per inch)	Required Soil Treatment Area in Square Feet of Trench Bottom (Per Gallon of Sewage Flow per Day)
Faster than 0.1*	—
0.1 to 5**	0.83****
6 to 15	1.27
16 to 30	1.67
31 to 45	2.00
46 to 60	2.20
61 to 120***	—
Slower than 120*****	—

*See items F and G for special requirements for these soils.

**See items F and G for special requirements for these soils.

***See items E and G for special requirements for these soils.

****For soils having more than 50 percent of very fine sand by weight, plus fine sand having a particle size range of 0.05 millimeters (sieve size 270) to 0.25 millimeters (sieve size 60), the required soil treatment area is 1.67 square feet per gallon of sewage flow per day.

*****See item E and part 7080.0210, subpart 5, item A, for special requirements for these soils.

B. Location:

(3) Soil treatment systems shall be located as specified in Table IV.

Table IV. Minimum setback distances (feet).

Feature	Sewage Tank	Soil Treatment Area
Water Supply well less than 50 feet deep and not encountering at least ten feet of impervious material	*	*
Any other water supply well or buried water suction pipe	*	*
Buried pipe distributing water under pressure	*	*
Buildings	10	20
Property Lines	10	10
The Ordinary High Water Level of Public Waters	**	**

*Setbacks from water supply wells and buried water pipes are ~~presently~~ governed by chapter 4725.

**Setbacks from lakes, rivers, and streams are ~~presently~~ governed by chapters 6105 and 6120.

(5) Soil treatment areas of individual sewage treatment systems that are designed to treat an estimated daily sewage flow greater than 3,000 gallons per day must be separated from other similarly sized systems by at least 300 feet ~~unless evaluation of geologic and subsurface conditions indicates that a closer spacing is allowable.~~

C. Design and construction:

(5) The bottom and sides of the soil treatment system to the top of the ~~filter material~~ drainfield rock shall be excavated in such a manner as to leave the soil in a natural, unsmearred, and uncompacted condition. Excavation shall be made only when the soil moisture content is at or less than the plastic limit.

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Adopted Rules

(7) There shall be a layer of at least six but no more than 24 inches of ~~filter material~~ drainfield rock in the bottom of the trenches and beds.

(8) Where disposal trenches are constructed within ten feet of trees six inches or larger in diameter, or dense shrubbery, or where it can reasonably be anticipated that such vegetation will be present during the expected life of the system, at least 12 inches of ~~filter material~~ drainfield rock shall be placed beneath the distribution pipe.

(10) ~~The drainfield rock shall be covered with untreated building paper or a four-inch layer of hay, straw, or a layer of permeable synthetic materials. Where a sandy loam or coarser textured soil is used for backfilling,~~ The drainfield rock must be covered with either a permeable synthetic fabric or a four-inch compacted layer of hay or straw covered with untreated building paper. Where a drop box distribution system is used to fill a trench to within two inches of the top of the drainfield rock, a permeable synthetic fabric must be used to cover the drainfield rock.

F. Rapidly permeable soils.

(2) For coarse soils having a percolation rate faster than one-tenth minute per inch, at least 12 inches of loamy sand textured soil having a percolation rate between six and 15 minutes per inch ~~in situ at the original site~~ must be placed between the drainfield rock and the coarse soil along the excavation bottom and sidewalls. The size of the soil treatment system must be based on the required treatment area for a soil having a percolation rate of 16 to 30 minutes per inch as specified in item A, subitem (4).

(3) For soils with percolation rates between one-tenth and five minutes per inch, at least one of the following treatment techniques must be used:

(b) divide the total soil treatment area into at least four equal parts connected serially; ~~and~~ or

G. Mounds.

(3) Where the original soil has a depth of at least 12 inches to the water table as the limiting soil characteristic but has a percolation rate of five minutes per inch or faster, a layer of at least 12 inches of loamy sand textured soil with a percolation rate between six and 15 minutes per inch ~~in situ at the original site~~ must be placed before placing the clean sand layer of the mound. The required ~~basal absorption~~ width must be determined for a soil having a percolation rate between 16 and 30 minutes per inch as specified in subitem (5), Table V.

(5) The allowable ~~basal absorption~~ area loading rate must be determined according to Table V by the percolation rate of the 12 inches of original or fill soil immediately under the sand layer.

Table V.

Percolation rate of original soil under sand layer, minutes per inch	Allowable basal absorption area loading rate	
	gallons per day per square foot	square feet per gallon per day
6 to 15	0.79	1.27
16 to 30	0.60	1.67
31 to 45	0.50	2.00
46 to 60	0.45	2.20
61 to 120	0.24	4.20

(6) The required ~~basal absorption~~ width of mounds constructed on ground sloping from zero to 2.9 percent must include the width of the rock layer plus a distance measured between the outer edges of the upslope and the downslope ~~dikes banks~~. The required ~~basal absorption~~ width for mounds constructed on ground sloping between three and 12 percent must include the width under the drainfield rock layer plus a portion of the width of the downslope ~~dike bank~~.

(7) Mounds may be located on natural slopes exceeding 12 percent if it is ~~demonstrated that sufficient basal area will be provided on the basis of an absorption rate of 0.24 gallons per day per square foot of basal area~~ the absorption area is designed to be at least 25 percent larger than that required in Table V.

(10) A rubber tired tractor may be used for plowing or discing but must not be driven on the ~~basal absorption~~ area after the surface preparation is completed. A crawler or track type tractor must be used for mound construction where the soil percolation rate is slower than 15 minutes per inch.

(12) All vegetation in excess of ~~two~~ four inches in length and dead organic debris must be removed from the surface of the total area selected for the mound, including the area under the ~~dikes banks~~. The total area must be roughened by plowing to a depth of at least eight inches or the sod layer broken and roughened by backhoe teeth. Furrows must be thrown uphill and there must be no dead furrow under the mound. The soil must be plowed or roughened when the moisture content of a fragment eight inches below the surface is below the plastic limit. The soil under a mound, including the area under the ~~dikes banks~~, must not be roughened by rototilling or pulverizing. In soils having percolation rates faster than 15 minutes per inch (sandy loam) in the top eight-inch depth, discing may be used for surface preparation as a substitute for plowing. Mound construction must proceed immediately after

surface preparation is completed. The original soil must not be excavated or moved more than one foot from its original location during soil surface preparation.

(13) A minimum of 12 inches of soil defined as sand must be placed where the drainfield rock is to be located. This sand must be placed by using a construction technique that minimizes compaction. If the sand is pushed into place, a crawler tractor with a blade or unloaded bucket must be used to ~~move~~ push the sand into place. At least six inches of sand must be kept beneath equipment to minimize compaction of the plowed layer. When placing sand with a backhoe that has rubber tires, the tractor must not drive over the drainfield rock or banks of the mound. The sand layer upon which the drainfield rock is placed must be level.

On slopes of three percent or greater, the long axis of the level drainfield rock layer must not diverge up or down the slope by more than 12 inches of elevation from the natural contour line. The depth of the sand layer along the upper edge of the level drainfield rock layer must not vary by more than 12 inches.

On slopes of three percent or greater, and where the percolation rate in the top foot of original soil is in the 61 to 120 minutes per inch range, mounds must not be located where the ground surface contour lines directly below the long axis of the drainfield rock layer represent a swale or draw, unless the contour lines have a radius of curvature greater than 100 feet. Mounds must never be located in swales or draws where the radius of curvature of the contour lines is less than 50 feet.

(16) The drainfield rock shall completely encase the top and sides of the distribution pipes to a depth of at least two inches. The top of the drainfield rock must be level in all directions.

(17) The drainfield rock must be covered with either a permeable synthetic fabric or a four-inch layer of hay or straw covered with untreated building paper.

~~(17)~~ (18) Construction vehicles must not be allowed on the drainfield rock until backfill is placed.

~~(18)~~ (19) Sandy loam soil must be placed on the drainfield rock to a depth of one foot in the center of the mound and to a depth of six inches at the sides.

~~(19)~~ (20) A maximum of two ten-foot wide beds may be installed side by side in a single mound if the original soil percolation rate is between five and 60 minutes per inch to a depth of at least 24 inches below the sand layer. The beds must be separated by four feet of clean sand.

~~(20)~~ (21) When two beds are installed side by side the sandy loam fill must be 18 inches deep at the center of the mound and six inches deep at the sides.

~~(21)~~ (22) Six inches of top soil must be placed on the fill material over the entire area of the mound.

~~(22)~~ (23) A grass cover must be established over the entire area of the mound.

~~(23)~~ (24) Shrubs must not be planted on the top of the mound. Shrubs may be placed at the foot and side slopes of the mound.

~~(24)~~ (25) The side slopes on the mound must not be steeper than three to one.

~~(25)~~ (26) Whenever mounds are located on slopes, a diversion must be constructed immediately upslope from the mound to intercept and direct runoff.

~~(26)~~ (27) A pump must be used as specified in part 7080.0160, subpart 3.

~~(27)~~ (28) A vertical inspection pipe at least 1-1/2 inches in diameter must be installed in each drainfield rock layer of every mound. The inspection pipe must have three-eighths inch or larger perforations spaced vertically no more than six inches apart. At least two perforations must be located in the rock layer. The inspection pipe must extend to the bottom of the rock layer and must be capped flush with or above finished grade.

7080.0210 APPENDIX A: ALTERNATIVE SYSTEMS.

Subp. 2. **Adoption and use.** Where parts 7080.0010 to ~~7080.0240~~ 7080.0210 are administered by a municipality, those municipalities may adopt this appendix, in whole or in part, as part of a local code or ordinance. Nothing in parts 7080.0010 to 7080.0210 or this appendix, however, shall require the adoption of any part of this appendix as local ordinance or code. Further, nothing in parts 7080.0010 to 7080.0210 or this appendix shall require municipalities to allow the installation of any system in this appendix.

This appendix defines the minimum requirements for alternative systems serving establishments or facilities licensed or otherwise regulated by the state of Minnesota or this agency pursuant to part 7080.0030.

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Adopted Rules

Subp. 3. Class I alternatives, modified standard systems.

C. Bedrock proximity. In no case shall drainfield rock of the soil treatment system be placed closer than three feet to creviced bedrock or to consolidated permeable bedrock. When all horizons of the original soil profile have percolation rates slower than 60 minutes per inch, ~~filter material~~ drainfield rock of the soil treatment system shall be placed no closer than seven feet to consolidated impermeable bedrock. A maximum depth of 24 inches of sand may be used under the drainfield rock. Where additional fill is required to achieve the required separation distance, a soil having a percolation rate between five and 45 minutes per inch (loamy sand to silt loam) 12 months after placement shall be used. If it is not possible to allow the soil to settle for 12 months after placement, mechanical methods may be used to settle the fill to within ten percent of its ~~“in situ”~~ density at the original site.

D. Floodplain areas.

(1) The soil treatment area shall be a trench system with at least 12 inches of drainfield rock below the distribution pipe. There shall be no pipe or other installed opening between the ~~filter material~~ drainfield rock and the soil surface.

Subp. 4. Class II alternatives, reduced area systems.

B. Separate toilet waste and greywater systems.

(3) Greywater system.

(c) Sewage tank. Greywater septic tanks shall meet all requirements of part 7080.0130, subpart 1, except that the liquid capacity of a greywater septic tank serving a dwelling shall be based on the number of bedrooms contemplated in the dwelling served and shall be at least as large as the capacities given in table A-1. See parts 7080.0020, subpart 8 7, and 7080.0090.

Table A-1.

Number of Bedrooms	Tank Liquid Capacity (gallons)
2 or less or hand pump	300
3 or 4	500
5 or 6	750
7, 8 or 9	1,000

For ten or more bedrooms or other establishments, the greywater septic tank shall be sized as for any other establishment (see part 7080.0130, subpart 3, item B) except that the minimum liquid capacity shall be at least 300 gallons.

Greywater aerobic tanks shall meet all requirements of part 7080.0130, subpart 6.

Subp. 5. Class III: alternatives, advanced alternative system.

A. Mounds may be allowed on original soils with percolation rates slower than 120 minutes per inch if the following special design requirements, in addition to those listed in part 7080.0170, subpart 2, item G, are used:

(1) the width of the drainfield rock layer must not exceed five feet;

(2) beds shall not be installed side by side; and

(3) all vegetation in excess of two inches in length must be removed from the total area under the banks.

B. Collector systems.

(2) Design.

(a) The size of a common soil treatment system for two to four dwellings connected to a single drainfield shall be based on the sum of the areas required for each residence. Where ~~five~~ three or more dwellings are connected to a single drainfield, Classification I dwellings may be considered as Classification II dwellings by the owner for the purpose of determining the flow required for the size of the common soil treatment system. Classifications and flow rates are found in Table II, contained in part 7080.0170, subpart 2, item A, subitem (2).

(b) The system shall be designed with each residence having a sewage tank or with a common sewage tank. In the case of a common tank, the capacity of the tank shall be sized according to part 7080.0130, subpart 3, item B, ~~except that the minimum capacity shall be at least 3,000 gallons,~~ and shall be compartmented if in a single tank.

~~B. C.~~ Other systems. Where unusual conditions exist, special systems of treatment and disposal other than those specifically mentioned in ~~item~~ items A and B, may be employed provided:

Subp. 7. [Unchanged.]

Subp. 8. [See Repealer.]

Subp. 9. to 15. [Unchanged.]

REPEALER. *Minnesota Rules*, parts 7080.0020, subparts 17, 22, and 51; 7080.0210, subpart 8; 7080.0220; 7080.0230; and 7080.0240 are repealed.

Pollution Control Agency

Adopted Permanent Rules Relating to Management of Hazardous Waste

The rules proposed and published at *State Register*, Volume 13, Number 28, pages 1724-1732, January 9, 1989 (13 S.R. 1724) are adopted with the following modifications:

Rules as Adopted

7001.0520 PERMIT REQUIREMENTS.

Subp. 5. **Closure by removal.** Owners or operators of surface impoundments, land treatment units, and waste piles closing by removal or decontamination under parts 7045.0552 to 7045.0642 must obtain a post-closure permit unless they can demonstrate to the agency that the closure met the requirements for closure by removal or decontamination in part 7045.0532, subpart 7; ~~7045.0536, subpart 8; or~~ 7045.0534, subpart 7; or 7045.0536, subpart 8. The demonstration may be made in the following ways:

A. If the owner or operator has submitted a Part B application for a post-closure permit, the owner or operator may request a determination, based on information contained in the application, that the applicable closure by removal requirements in part 7045.0532, subpart 7; ~~7045.0536, subpart 8; or~~ 7045.0534, subpart 7; or 7045.0536, subpart 8, were met. If the agency determines that the applicable closure by removal requirements were met, the agency will notify the public of this proposed determination, allow for public comment, and reach a final determination as described in subpart 6.

B. If the owner or operator has not submitted a Part B application for a post-closure permit, the owner or operator may petition the agency for a determination that a post-closure permit is not required because closure met the closure by removal requirements in part 7045.0532, subpart 7; 7045.0534, subpart 7; or 7045.0536, subpart 8. The petition must include data demonstrating that the closure by removal or decontamination requirements in part 7045.0532, subpart 7; ~~7045.0536, subpart 8; or~~ 7045.0534, subpart 7; or 7045.0536, subpart 8, were met. The agency shall approve or deny the petition as described in subpart 6.

Subp. 6. **Procedures for closure equivalency determination.** If a facility owner or operator seeks an equivalency demonstration under subpart 5, the agency will proceed as follows:

C. The agency shall determine whether the closure met the applicable closure by removal or decontamination requirements in part 7045.0532, subpart 7; ~~7045.0536, subpart 8; or~~ 7045.0534, subpart 7; or 7045.0536, subpart 8, within 90 days of receipt of the equivalency determination request. If the agency determines that the closure did not meet the applicable closure standards, the agency will provide the owner or operator with a written statement of the reasons why the closure failed to meet the applicable requirements. The owner or operator may submit additional information in support of an equivalency ~~determination~~ demonstration within 30 days after receiving the agency's written statement. The agency will review any additional information submitted and make a final determination within 60 days.

If the agency determines that the facility did not close in accordance with the applicable closure by removal standards in part 7045.0532, subpart 7; ~~7045.0536, subpart 8; or~~ 7045.0534, subpart 7; or 7045.0536, subpart 8, the facility is subject to post-closure permitting requirements.

7045.0484 GROUNDWATER PROTECTION.

Subp. 14. **Corrective action program.** An owner or operator required to establish a corrective action program shall perform the following:

E. In addition to the other requirements the owner or operator shall conduct a corrective action program to remove or treat in place hazardous constituents established under subpart 4 that exceed concentration limits in groundwater established under subparts 6, 7, and 8:

- (1) between the compliance point established under subpart 9 and the downgradient property boundary; and

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Adopted Rules

7045.0539 MISCELLANEOUS UNITS.

Subp. 2. **Environmental performance standards.** A miscellaneous unit must be located, designed, constructed, operated, maintained, and closed in a manner that will ensure protection of human health and the environment. Permits for miscellaneous units are to contain the terms and provisions necessary to protect human health and the environment, including, but not limited to, as appropriate, design and operating requirements, detection and monitoring requirements, and requirements for responses to releases of hazardous waste or hazardous constituents from the unit. Permit terms and provisions shall include those requirements of parts 7045.0526 to 7045.0542 and chapter 7001 that are appropriate for the miscellaneous unit being permitted. Protection of human health and the environment includes, but is not limited to:

A. prevention of any releases that may have adverse effects on human health or the environment due to migration of waste constituents in the groundwater or subsurface environment, considering:

(7) the potential for ~~deposition~~ deposition or migration of waste constituents into subsurface physical structures, and into the root zone of food chain crops and other vegetation;

C. prevention of any release that may have adverse effects on human health or the environment due to migration of waste constituents in the air, considering:

(6) the potential for health risks caused by human exposure to ~~hazardous waste~~ waste constituents; and

Department of Public Service

Adopted Permanent Rules Relating to Institutional Energy Loans

The rules proposed and published at *State Register*, Volume 13, Number 31, pages 1855-1860, January 30, 1989 (13 S.R. 1855) are adopted with the following modifications:

Rules as Adopted

7605.0030 LOAN ELIGIBILITY CRITERIA.

Subpart 1. **In general.** The commissioner shall approve applications from applicants and participate in loans from lenders to applicants in compliance with parts 7605.0010 to 7605.0080 for conservation measures that have a payback of ten years or less. The commissioner shall not approve any application for which funds are not available to purchase a loan participation.

Subp. 4. **Useful life.** Loan participation ~~may~~ shall not be approved for buildings with a remaining useful life less than or equal to the payback of the conservation measure proposed. Loan participation ~~may~~ shall not be approved for a conservation measure if the payback of the conservation measure proposed is greater than or equal to the useful life of the measure.

7605.0070 LENDER.

To be eligible to sell a loan participation to the commissioner, an officer of a lender must sign a participation agreement provided by the commissioner. The commissioner shall not participate in any loan made by a lender before the execution of a participation agreement. The agreement shall set terms and conditions under which a loan can be made, establish duties of the parties, and specify procedures to be followed in the event of default by the applicant. The agreement must require the lender and the commissioner to conform to the following conditions:

N. The commissioner may review ~~upon request~~ all financial data associated with the execution and servicing of the loan made by the lender.

7605.0080 REPORTS AND MONITORING.

Subp. 2. **Annual project status report.** The applicant shall submit to the commissioner, on a form provided by the commissioner, an annual project status report covering the period July 1 through June 30. This report is due each July 31 until the project is completed.

The project status report must indicate the progress of the implementation of the project, problems encountered, the effect of the problems on the project, and the corrective action taken. If at any time the applicant fails to ~~substantially~~ reasonably comply with the start or completion dates given in the loan participation application as approved, and if the applicant cannot ~~reasonably~~ justify to the commissioner its lack of progress, the loan may be declared in default.

Official Notices

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

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

Department of Human Services

Notice of MA/GAMC Services Requiring Prior Authorization—Corrections

The following corrections are the accumulative corrections to the list of services requiring prior authorization which was published in the October 10, 1988 *State Register*, Vol. 13, #15, pages 936-947.

PAGES 940-941: Section III, items 1-7 should be changed to read:

1. Durable medical equipment when the purchase or projected cumulative rental cost exceeds \$350, except oxygen supplies rental.
2. All wheelchairs and wheelchair accessories.
3. Nondurable medical supplies when the cost exceeds \$250 per month, except for home health agencies which are excluded from this requirement.
4. Prostheses when the purchase or projected cumulative rental cost exceeds \$2,000, and orthoses when the purchase or projected cumulative rental cost exceeds \$2,000.
5. Repairs to durable medical equipment, prostheses, and orthoses when the cost exceeds \$300.
6. Maintenance of durable medical equipment.
7. Any individual item for which a specific HCPCS code has not been assigned, e.g., E1399 (over \$25) or any other HCPCS code ending in "99".
8. Adaptations to communication and locomotion devices (durable medical equipment). Use the transaction code "XX" with the applicable HCPCS code.

The following items require Prior Authorization:

PAGE 941: Change: B4150-B4157*1 to B4150-B4156*1

Delete: B4157

Delete: E0777*1

Delete: E0779

Add: B9004 Parenteral nutrition infusion pump, portable

Delete: E0780

Add: B9006 Parenteral nutrition infusion pump, stationary

Add: Z0010 Augmentative communication device

PAGE 942: Modify X5260 to read, "Home visits by hearing instrument dealers"

Modify Section V, item 1 to read: "Any service on this list or of the type specified in 2-9 below. If not within Minnesota or the recipient's local trade area, prior authorization is required for all out of state health services, and transportation to those services. All air ambulance transportation which occurs outside of Minnesota must receive prior authorization from the Department."

Add: X2010*1 Manual manipulation of the spine by a chiropractor, initial treatment

Add: X2020*1 Manual manipulation of the spine by a chiropractor, subsequent treatment

Change: X2393-22*5 to X2393-22*4

Change: X2393*5 to X2393*4

Delete: X4023*3

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

Add: X2395 Diabetic Education — Type I

Add: X2396 Diabetic Education — Type II

Add: X5493 Prenatal Initiative (PNI) — includes all services in X5495-X5499

PAGE 943: Add: X7010 MR waiver special needs — service

Add: X7020 MR waiver special needs — equipment

PAGE 944: Change: 21462*11 to 21462*9

Change: 40700*9 to 40700*7

Change: 40701*9 to 40701*7

Change: 40702*9 to 40702*7

Change: 40720*9 to 40720*7

Change: 40740*9 to 40740*7

Change: 42200*9 to 42200*7

Change: 42205*9 to 42205*7

Change: 42210*9 to 42210*7

Change: 42215*9 to 42215*7

Change: 42220*9 to 42220*7

Change: 42225*9 to 42225*7

PAGE 945: Add: 59015 Chorionic Villi Sampling

PAGE 946: Change: 88230*10 to 88230*8

Change: 88233*10 to 88233*8

Change: 88237*10 to 88237*8

Change: 88239*10 to 88239*8

Change: 88260*10 to 88260*8

Change: 88261*10 to 88261*8

Change: 88262*10 to 88262*8

Change: 88263*10 to 88263*8

Change: 88280*10 to 88280*8

Change: 88283*10 to 88283*8

Change: 88285*10 to 88285*8

Change: 88289*10 to 88289*8

Change: 90801*4 to 90801*3

Change: 90841-90844*6 to 90841-90844*5

Change: 90844-22*6 to 90844-22*5

Change: 90847*6 to 90847*5

Change: 90853*6 to 90853*5

Change: 90899*8 to 90899*6

FOOTNOTES should be changed to read:

*1 Prior authorization is required for treatments in excess of 6 per month and 24 per calendar year.

*2 All hours of private duty nursing provided in a hospital or facility certified as an ICF, SNE, or ICF/MR.

*3 Service is limited to not more than 2 two-hour exams per recipient per calendar year. This benefit level does not require prior authorization.

*4 Prior authorization is required for nutrition counseling services in excess of one "nutritional consultation, evaluation" and two "nutritional consultation, follow-up" visits per calendar year.

*5 A. PA is required for more than twenty-six (26) hours (52 visits) of 90843 and twenty (20) hours of 90844 per calendar year.

B. In addition to the twenty hours of 90844 allowed in A above, a recipient is entitled to six (6) 90844-22's (the 22 modifier should be placed in boxes 28, 37, 46 of the practitioner invoice, Form DHS-1497) which are discretionary visits and may be used in any frequency or in combination with any other psychotherapy which is subject to the prior authorization requirement without requiring prior authorization. For example, a provider may choose to provide a group therapy session (90853) and an individual therapy session (90844 or 90844-22) during the same five (5) day calendar period. This would normally require prior authorization if the 90844 code was used. See F below. However, by using one of the six (6) 90844-22s the prior authorization system can be bypassed. **THE PURPOSE OF THESE 90844-22s IS TO PROVIDE FLEXIBILITY WITHOUT THE NEED FOR OBTAINING PRIOR AUTHORIZATION. PLEASE UTILIZE THEM CAREFULLY AND THOUGHTFULLY.**

C. PA is required when 90843 is provided more frequently than once every five (5) calendar days.

D. PA is required either when more than three (3) hours of 90853 are provided within a five (5) calendar day period, or when more than seventy-eight (78) hours per calendar year has been reached.

E. PA is required for 90847 in excess of 26 hours per calendar year or when provided more frequently than once every five (5) calendar days.

F. PA is required when more than one type of psychotherapy (individual, group, or family) is provided within a five (5) calendar day period. However, 90843 and 90844 cannot be provided more frequently than once every ten (10) calendar days without prior authorization.

G. PA is required for 90844 provided more frequently than once every ten (10) calendar days and when 90843 and 90844 are provided more frequently than ten (10) calendar days apart. Calendar days are calculated by starting to count on the first day after rendering a service as day one (1) and counting forward for a total of five (5) or ten (10) days as applicable. Another service may not actually be provided until the sixth (6th) or eleventh (11th) day.

*6 Prior authorization is required for pain clinic programs, eating disorder, and other structured outpatient programs.

*7 Prior authorization is required only when the service is performed on a patient 18 and over.

*8 Prior authorization is not required when these services are provided in the cases of still births or congenital abnormalities in children. These services, when provided to adults over 18, always require prior authorization.

*9 Prior authorization is required if this code is used more than 30 days after documented fracture.

State Board of Investment

Meeting Notice of the State Board of Investment's Administrative Committee

The State Board of Investment Administrative Committee will meet on Friday, May 26, 1989 from 2:00-4:00 P.M. in the MEA Building, 41 Sherburne Avenue, Conference Room A, St. Paul, Minnesota.

Department of Natural Resources

Minerals Division

Notice of Intent to Solicit Outside Opinions Regarding Proposed Rules Concerning the Leasing of State-owned Lands for Petroleum and Natural Gas

NOTICE IS HEREBY GIVEN that the Minnesota Department of Natural Resources is seeking information and opinions from sources outside the agency in preparing to propose the adoption of rules regarding the leasing of state-owned lands for petroleum and natural gas within the State of Minnesota. Authority to adopt such rules is conferred upon the Commissioner of Natural Resources by *Minnesota Statutes*, Sections 93.08-93.12 and 93.25, subject to the approval of the State Executive Council.

The Minnesota Department of Natural Resources requests information and comments concerning the subject matter of this area of rule making. Interested or affected persons or groups may submit statements orally or in writing. Written statements should be addressed to:

Kathy A. Lewis, Attorney
Mineral Leasing Supervisor
Division of Minerals
500 Lafayette Road
St. Paul, MN 55155-4045

Official Notices

Oral comments will be accepted between 8:00 and 4:30 p.m. by telephone at 612-297-4807 or in person at the above address.

Comments will be accepted until September 30, 1989. All written material submitted will become part of the written record.

Dated: 15 May 1989

Joseph N. Alexander, Commissioner
Department of Natural Resources

Office of the Secretary of State

Notice of Vacancies in Multi-Member Agencies

NOTICE IS HEREBY GIVEN to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, St. Paul MN 55155-1299; (612) 296-2805, or in person at Room 174 of the State Office Building. More specific information about these vacancies may be obtained from the agencies listed below. The application deadline is June 6, 1989.

MINNESOTA ACADEMIC EXCELLENCE FOUNDATION

751 Capitol Square Bldg., St. Paul 55101. 612-297-1875

Minnesota Statutes 121.612

APPOINTING AUTHORITY: Governor. COMPENSATION: None.

VACANCY: 2 members—representatives of the business sector; ability or interest in fund raising is desirable. 1 member is to be non-metro.

The foundation promotes academic excellence in Minnesota public schools through a public-private partnership (a non-profit organization). The board of directors consists of the governor or designee; the chairs of the education committee and education finance division in the house of representatives and the chairs of the education committee and education subcommittee on education aids in the senate; a majority member of the house of representatives; a minority member of the senate; the commissioner of Education. Fifteen members, include six who represent various education groups and nine who represent various business groups.

TRANSPORTATION STUDY BOARD

Room G-24, State Capitol Bldg., St. Paul 55155. 612-296-7932

Laws of 1988. Chapter 603

APPOINTING AUTHORITY: Governor. COMPENSATION: \$35 per diem.

VACANCY: 1 public member from the fourth congressional district.

The board is required to conduct a study of Minnesota's transportation needs into the 21st century and recommend a program for making transportation improvements. Preliminary report to legislature by March 15, 1989, final report by January 15, 1991. Twenty-one total members, thirteen to be appointed by governor, at least one but not more than two public members from each congressional district; must represent business, labor, agriculture, tourism, natural resource industries and local governments. Meeting schedule undetermined.

INTERGOVERNMENTAL INFORMATION SYSTEMS ADVISORY COUNCIL

50 Sherburne Ave., Administration Bldg., St. Paul 55155. 612-297-2172

Minnesota Statutes 16B.42

APPOINTING AUTHORITY: Commissioner of Administration. COMPENSATION: None.

VACANCY: 2 members—1 from a county outside the metro area, 1 from a school district outside the metro area.

The council assists local governments in developing automated information systems by awarding grants. Twenty-five members (fourteen elected or appointed government officials, seven representatives of state agencies and four public members) include two each from counties outside of the metro area, 2nd and 3rd class cities within and outside of metro area, and 4th class cities; one member each from metropolitan council, outstate regional body, counties within metro area, 1st class cities, school districts within and outside metro area, state dept. officials, and four from state community at large. Appointed by the commissioner of Administration for four year terms.

AMERICAN INDIAN ADVISORY TASK FORCE ON INDIAN CHILD WELFARE

Dept. of Human Services, 444 Lafayette Rd., 3rd Floor, St. Paul 55155-3832. 612-297-2710

Minnesota Statutes 257.3579.

APPOINTING AUTHORITY: Commissioner of Human Services. COMPENSATION: Limited expenses.

VACANCY: 1 member from the Minneapolis Indian community.

The task force assists the commissioner in formulating policies and procedure relating to Indian child welfare services and to make the recommendations regarding approval of Indian child welfare grants. Six representatives from the urban Indian communities include one member from Duluth, two members from St. Paul and three members from Mpls. Approximately six to eight meetings per year held in various statewide locations.

NONPUBLIC EDUCATION COUNCIL

726 Capitol Square Bldg., St. Paul 55101. 612-296-3116

Minnesota Statutes 123.935

APPOINTING AUTHORITY: Commissioner of Education. **COMPENSATION:** Reimbursed for expenses.

VACANCY: 1 member, knowledgeable about nonpublic schools.

The council advises the commissioner and the state board on nonpublic school matters. When requested by the commissioner or the state board, the council may submit its advice about other nonpublic school matters. The fifteen member council shall represent various areas of the state, methods of providing nonpublic education, and shall be knowledgeable about nonpublic education.

STATE CURRICULUM ADVISORY COMMITTEE

647 Capitol Square Bldg., St. Paul 55101. 612-296-7834

Minnesota Statutes 126.67

APPOINTING AUTHORITY: Commissioner of Education. **COMPENSATION:** None.

VACANCY: 4 members—must be former or current members of local curriculum advisory committees; parent, teacher, school administrator or a member of a local Board of Education. One at-large member, and one each from the following Education Cooperative Service Unit Regions: 1 and 2 (Northwest), 7 (Central), 10 (Southeast).

The committee advises the state board and Department of Education on the planning, evaluation, and reporting process.

Eleven members include nine members, one appointed from each educational cooperative service unit and two at-large members.

MINNESOTA-WISCONSIN BOUNDARY AREA COMMISSION

619 2nd St., Hudson, WI 54016. 612-436-7131

Minnesota Statutes 1.31.

APPOINTING AUTHORITY: Governor. **COMPENSATION:** Reimbursed for expenses.

VACANCY: 2 members, citizens of Minnesota.

The commission studies, make recommendations, and coordinates intergovernmental activities on the use, development and protection of the St. Croix and Mississippi rivers that form the interstate border of Minnesota and Wisconsin. Members include five commissioners from each state, each Minnesota member has a four year term. Terms are staggered. Bi-monthly meetings.

MINNESOTA OFFICE ON VOLUNTEER SERVICES ADVISORY COMMITTEE

500 Rice St., St. Paul 55155. 612-296-4731

Minnesota Statutes 4.31

APPOINTING AUTHORITY: Commissioner of Administration. **COMPENSATION:** Reimbursed for expenses.

VACANCY: 2 at-large members.

The Minnesota Office on Volunteer Services is the statewide leader, and a primary service provider to the volunteer community. Its mission is encourage and sustain volunteer programs, citizen participation efforts and public/private partnerships that contribute to the quality of life for Minnesota citizens. Twenty-one members include at least one member from each economic development region. Three to five meetings per year at the state capitol complex.

MINNESOTA RACING COMMISSION

11000 W. 78th St., Suite 201., Eden Prairie 55344. 612-341-7555

Minnesota Statutes 240.02

APPOINTING AUTHORITY: Governor. Senate confirmation. **COMPENSATION:** \$35 per diem.

VACANCY: 4 members.

The commission licenses persons to operate racetracks, conduct horse racing, conduct pari-mutuel wagering on horse racing, enforces and collects all applicable taxes and license fees, and establishes a Minnesota breeders' fund. Prescribed qualifications include Minnesota resident for five years before appointment, no more than five members of the same political party, appointees must file a bond of \$100,000. Terms are staggered. Members must file with the Ethical Practices Board.

Official Notices

GOVERNOR'S COUNCIL ON CHILDREN, YOUTH AND FAMILIES

444 Lafayette Rd., St. Paul 55155-3827. 612-297-3381

Executive Order 88-7

APPOINTING AUTHORITY: Commissioner of Human Services. **COMPENSATION:** Travel expenses for meetings.

VACANCY: 4 public members—to have demonstrated knowledge of and experience in child and family policy, understanding of the council and its advocacy role, and recognized community leadership and involvement.

The council advises the governor on development of state policies that strengthen and support the ability of parents to care for children and provide families with preventive and other supports that contribute to children's well-being. Fifteen members, including the commissioners of Human Services, Health, Education, Jobs and Training, Finance, and State Planning or their designees; two legislators—one appointed by the speaker of the House and the other by the majority leader of the Senate; and seven members to be citizens-at-large. Bi-monthly three-hour meetings to take place at 444 Lafayette Road.

MINNESOTA INSTITUTE OF ADDICTION AND STRESS RESEARCH

717 S.E. Delaware St., Mpls., 55440. 612-623-5748

Minnesota Statutes Chapter 152A.

APPOINTING AUTHORITY: Governor. **COMPENSATION:** Actual expenses.

VACANCY: 3 members—to include 1 health organization representative and 2 at-large members.

The institute conducts and supports research into addictive and stress-related disorders. Nine members to include representatives from the Department of Health, established health organizations, the corporate sector, private citizens, and institute researchers. Meetings are at the call of the executive committee, at varied locations.

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.

Awards of contracts and advertised bids for commodities and printing, as well as awards of professional, technical and consulting contracts, appear in the midweek **STATE REGISTER Contracts Supplement**, published every Thursday. Call (612) 296-0931 for subscription information. Thank you.

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.

Commodity: Janitorial service
Contact: Joyce Dehn 612-297-3830
Bid due date at 2pm: May 18
Agency: Jobs and Training
Deliver to: Shakopee
Requisition #: Price Contract

Commodity: John Deere tractor attachment
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: May 19
Agency: DNR—Natural Resources Department
Deliver to: New Ulm
Requisition #: 2900 51730

Commodity: IBM Model 30
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: May 19
Agency: State University
Deliver to: Moorhead
Requisition #: 26072 01722

State Contracts and Advertised Bids

Commodity: Telephone consoles
Contact: Joe Gibbs 612-296-3750
Bid due date at 2pm: May 31
Agency: Public Safety Department
Deliver to: St. Paul
Requisition #: 07300 56594

Commodity: Rubbish disposal
Contact: Joyce Dehn 612-297-3830
Bid due date at 2pm: May 23
Agency: Community College
Deliver to: Minneapolis
Requisition #: Price Contract

Commodity: Snow removal
Contact: Joyce Dehn 612-297-3830
Bid due date at 2pm: May 23
Agency: Community College
Deliver to: Austin
Requisition #: Price Contract

Commodity: Elevator maintenance
Contact: Joyce Dehn 612-297-3830
Bid due date at 2pm: May 23
Agency: Community College
Deliver to: Anoka-Ramsey (Coon Rapids)
Requisition #: Price Contract

Commodity: Snow removal
Contact: Joyce Dehn 612-297-3830
Bid due date at 2pm: May 23
Agency: Community College
Deliver to: Rochester
Requisition #: Price Contract

Commodity: Rubbish removal
Contact: Joyce Dehn 612-297-3830
Bid due date at 2pm: May 24
Agency: Transportation Department
Deliver to: Golden Valley
Requisition #: Price Contract

Commodity: Snow removal
Contact: Joyce Dehn 612-297-3830
Bid due date at 2pm: May 24
Agency: Community College
Deliver to: Coon Rapids
Requisition #: Price Contract

Commodity: Traffic control equipment
Contact: Pam Anderson 612-296-1053
Bid due date at 2pm: May 22
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79050 23838

Commodity: Traffic control equipment
Contact: Pam Anderson 612-296-1053
Bid due date at 2pm: May 22
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79000 94636

Commodity: Automated gas chromatograph system
Contact: Joe Gibbs 612-296-3750
Bid due date at 2pm: May 22
Agency: Health Department
Deliver to: Minneapolis
Requisition #: 12400 31520

Commodity: Ingres software
Contact: Margaret Frank 612-296-3778
Bid due date at 2pm: May 22
Agency: MN Higher Education Coordinating Board
Deliver to: St. Paul
Requisition #: B60000 06382

Commodity: Tractors w/mowers
DOT-Golden Valley & Oakdale
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: May 22
Agency: Transportation Department
Deliver to: Golden Valley & Oakdale
Requisition #: 79382 01646

Commodity: Electronic components
Contact: Pam Anderson 612-296-1053
Bid due date at 2pm: May 23
Agency: Transportation
Deliver to: St. Paul
Requisition #: 79000 94565

Department of Administration: Print Communications Division

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

Commodity: Minnesota Grown stickers, 160M round stickers 1", camera ready, 1-sided, 250 per roll
Contact: Printing Buyer's Office
Bids are due: May 19
Agency: Agriculture Department
Deliver to: St. Paul
Requisition #: 7060

Commodity: Lifestyles reprint w/ changes, 15M 8½" × 11", 4-color, camera ready + negs, 2-sided, 2 folds to 3¾" × 8½"
Contact: Printing Buyer's Office
Bids are due: May 19
Agency: Agriculture Department
Deliver to: St. Paul
Requisition #: 7059

Commodity: "Better Safe Than Sorry" brochure, 100M 14¼" × 8½" 3-folds to 3¾" × 8½", camera ready + negs, 2-sided
Contact: Printing Buyer's Office
Bids are due: May 19
Agency: Public Safety Department
Deliver to: St. Paul
Requisition #: 7018

State Contracts and Advertised Bids

Commodity: General invoice, 10M
2-part sets, 50 sets per book,
preprinted numbering, type to set, 1-
sided, 5½" × 9¼" overall
Contact: Printing Buyer's Office
Bids are due: May 19
Agency: Administration Department:
Central Stores
Deliver to: St. Paul
Requisition #: 7038

Commodity: 1990 Minnesota state
parks vehicle permit, 150M 4¼" × 4"
die cut diamond shape, camera ready
+ type to set, 2-sided, 50 per pad,
5 printed permits, incl./color key
Contact: Printing Buyer's Office
Bids are due: May 19
Agency: DNR—Parks & Recreation
Deliver to: St. Paul
Requisition #: 7110

Commodity: Invoice, 5M 4-part sets,
8½" × 11" fanfold with keen edge
perf., preprinted numbering, camera
ready + type to set, 1-sided
Contact: Printing Buyer's Office
Bids are due: May 19
Agency: Agriculture Department
Deliver to: St. Paul
Requisition #: 7076

Commodity: Trail Explorer newspaper
(12 month contract) 2M each issue,
4M total, 6 or 8 pages, type to set +
camera ready maps, 2-sided, 11" × 17"
folded twice to 11" × 8½"
Contact: Printing Buyer's Office
Bids are due: May 19
Agency: DNR—Trails & Waterways
Deliver to: St. Paul
Requisition #: 6918

Professional, Technical & Consulting Contracts

Department of Administration

Request for Proposals for Videotape on Drinking Water Quality Issues

The Department of Administration is seeking proposals for creation of an approximately eight minute videotape that highlights issues related to wellhead protection, protecting surface and subsurface areas surrounding public water wells. State agencies involved in the project include the Department of Administration, the Department of Health, the State Planning Agency, and the House and Senate Offices of Public Information.

Proposals must include evidence of experience in the production of videotape, resumes and background information about staff who will work on the production, any prior knowledge or experience in the subject matter area, prior experience working with state government projects, assistance expected from project sponsors, evidence of compliance with deadlines on previous projects, proposals for any interviews or location shoots, description of graphics or any other visuals to be used in the production, and samples of videotapes produced by staff who will work on this project.

Potential contractors must submit detailed workplans with detailed time and cost estimates including hourly billing rates. The Request for Proposals containing detailed information and other expectations of proposals from potential contractors may be obtained from the Department of Health. Estimated cost of the production should not exceed \$12,500.

The contractor will begin work in late June. Periodic review of progress will be required. A finished videotape, to be approved by the project team, is due by September 15, 1989.

The deadline for submitting proposals is Tuesday, May 30, 1989, 4:30 p.m. Please direct proposals and inquiries to:

Gunilla Montgomery
Minnesota Department of Health
717 Delaware Street, SE
P.O. Box 9441
Minneapolis, MN 55440
(612) 623-5326

Dated: 20 April 1989

Department of Administration

Print Communications Division

Request for Proposals for Graphic Arts Design

The Minnesota Department of Administration, Print Communications Division is accepting bid proposals for Graphic Arts Design work. Those persons interested in receiving a detailed copy of the request for proposal may write to the address below or contact Jane Rosso at 612-296-9885.

Minnesota Department of Administration
Print Communications Division
117 University Avenue
St. Paul, Minnesota 55155

About \$120,000 (\$40,000 each contract) has been budgeted for this project. Proposals are due by 4:30 P.M., June 2, 1989.

Citizens' Council on Voyageurs National Park

Request for Proposal for Natural Resource Consultant

The Citizens' Council on Voyageurs National Park needs to employ a consultant to evaluate specific projects and proposals of the United States National Park Service so as to carry out the Council's statutory duty to make recommendations regarding operation of Voyageurs National Park.

The selected consultant shall make reports directly to the Council. The consultant must be available to and prepared to share evaluations and assessments with individual Council members. The consultant must be accessible to the Council both on a daily basis and on some trips that are taken by Council members.

The contract is subject to legislative appropriation.

The estimated yearly cost of the contract is \$27,000.00.

Copies of RFP can be obtained from:

Jane Besch, Administrative Secretary
Citizens' Council on Voyageurs National Park
509 Third Street
International Falls, MN 56649

Applications due no later than May 31, 1989.

Department of Commerce

Notice of Request for Proposals for Defense Counsel for the Medical Malpractice Joint Underwriting Association

The Department of Commerce is requesting proposals from qualified law firms to provide defense counsel to the Medical Malpractice Joint Underwriting Association (MMJUA). The Department intends to compile a list of qualified firms which the MMJUA Board may draw upon in the event a lawsuit is brought against one of its insureds. Proposals should include:

- 1) Evidence of competency in the area of medical malpractice including backgrounds, training and experience of specific lawyers within the firm.
- 2) A fee schedule including hourly rates for specific lawyers as well as legal assistants and clerical staff.
- 3) A minimum of three references.

Please submit proposals by June 30, 1989 to:

Heidi Almquist Strommen
Department of Commerce
500 Metro Square Building
St. Paul, Minnesota 55101
612/297-3238

Professional, Technical & Consulting Contracts

Minnesota Department of Corrections

Education Unit

Notice of Request for Proposals for Professional/Technical Services

NOTICE IS HEREBY GIVEN that the Minnesota Department of Corrections is seeking the service of a qualified practicing artist to teach art workshop classes in painting and drawing at the Minnesota Correctional Facility at St. Cloud. The contract period is July 1, 1989 to June 30, 1991. Services of the artist are required approximately twenty-two (22) hours per week. The estimated cost will not exceed \$29,120 for the term of the contract.

Direct inquiries to:

Roger Knudson
Minnesota Department of Corrections
300 Bigelow Building
450 N. Syndicate Street
St. Paul, Minnesota 55104
(612) 642-0242

Proposals must be submitted no later than May 31, 1989.

State Designer Selection Board

Request for Proposal for Four Projects

To Registered Professional in Minnesota:

The State Designer Selection Board has been requested to select designers for four projects. Design firms who wish to be considered for this project should submit proposals on or before 4:00 P.M., June 6, 1989, to George Iwan, Executive Secretary, State Designer Selection Board, Room G-10, Administration Building, St. Paul, Minnesota 55155-1495.

The proposal must conform to the following:

- 1) Six copies of the proposal will be required.
- 2) All data must be on 8½" × 11" sheets, soft bound.
- 3) The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number and the name of the contact person.

4) *Mandatory Proposal contents in sequence:*

a) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc. If the response is from a joint venture, this information must be provided for firms comprising the joint venture.

b) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. If desired, identify roles that such persons played in projects which are relevant to the project at hand.

c) A commitment to enter the work promptly, if selected, by engaging the consultants, and assigning the persons named 4b above along with adequate staff to meet the requirements of work.

d) A list of State and University of Minnesota current and past commissions under contract or awarded to the prime firm(s) submitting this proposal during the three (3) years immediately preceding the date of this request for proposal. The prime firm(s) shall **list and total** all fees associated with these projects whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects listed pursuant to the above.

e) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described. It must be noted if the personnel named were, at the time of the work, employed by other than their present firms.

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

Professional, Technical & Consulting Contracts

5) *Statutory Proposal Requirements:*

In accordance with the provisions of *Minnesota Statutes*, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted.

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

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

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

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

7a) **PROJECT—6-89** **National Guard Armory** **Inver Grove Heights** **Estimated Construction Cost: \$2,335,000.00**

General Description of Project: The proposed project consists of construction of a new 100-person National Guard Armory.

Project Details: The 36,700 Sq. Ft. building will be one story masonry construction. This building is similar to typical school construction. Basic room areas include an assembly hall, offices, classrooms, storage areas, kitchen, locker rooms, arms vault, firing range and mechanical room. Included will be all utilities, military vehicle parking, privately owned vehicle parking and security fencing. Design and construction will be required to conform to the requirements of the Minnesota State Building and Energy Codes along with all other applicable codes and standards.

Work to be Performed by the Architect: The work includes: topographic survey and soil test borings; the design of the complete facility; the preparation of required drawings, specifications and allied documents to include bidding documents; presiding at the bid opening; the handling of contract documents; the general supervision of the construction work for the owner; assisting in the preparation of supplemental agreements; review and approval of shop drawings and payment requests; assisting in final acceptance of the work. The specification format will be the architect's normal for commercial work, tailored to the project.

Architect's Fee for the Work: The fee for design, printing, travel, topographic survey, soil testing and supervision services is Government established on a variable scale at a percentage of the construction cost of the work. Estimated fee is 5.5%. The Department of Military Affairs will provide the designer with programming documents and Department construction standards which include space criteria, supporting facility criteria, construction standards, authorized finish schedules and use relationships.

7b) **PROJECT—7-89** **United States Property & Fiscal Office Addition** **Camp Ripley** **Estimated Construction Cost: \$525,000.00**

General Description of Project: The project consists of a one story 10,400 Sq.Ft. office addition to the existing office building. The addition will match the masonry construction of the existing building including a face brick veneer.

Work to be Performed by the Architect: The work includes: topographic survey and soil test borings; the design of the complete facility; the preparation of required drawings, specifications and allied documents to include bidding documents; presiding at the bid opening; the handling of contract documents; the general supervision of the construction work for the owner; assisting in the preparation of supplemental agreements; review and approval of shop drawings and payment requests; assisting in final acceptance of the work. The specification format will be the architect's normal for commercial work, tailored to the project.

Professional, Technical & Consulting Contracts

Architect's Fee for the Work: The fee for design, printing, travel, topographic survey, soil testing and supervision services is Government established on a variable scale at a percentage of the construction cost of the work. Estimated fee is 6.4%. The Department of Military Affairs will provide the designer with programming documents and Department construction standards which include space criteria, supporting facility criteria, construction standards, authorized finish schedules and use relationships.

7c) PROJECT—8-89

National Guard Armory

New Brighton

Estimated Construction Cost: \$4,802,000.00

General Description of Project: The proposed project consists of construction of a new 400-person National Guard Armory.

Project Details: The building will be a one story masonry construction totaling 62,300 Sq.Ft. This building is similar to school construction. Room areas include an assembly hall, offices, classrooms, storage areas, kitchen, locker rooms, arms vault, firing range and mechanical room. Included will be all utilities, parking, fencing, and exterior landscaping. Design and construction will be done in accordance with the Minnesota State Building and Energy Codes plus all other applicable codes and standards.

Work to be Performed by the Architect: The work includes: topographic survey and soil test borings; the design of the complete facility; the preparation of required drawings, specifications and allied documents to include bidding documents; presiding at the bid opening; the handling of contract documents; the general supervision of the construction work for the owner; assisting in the preparation of supplemental agreements; review and approval of shop drawings and payment requests; assisting in final acceptance of the work. The specification format will be the architect's normal for commercial work, tailored to the project.

Architect's Fee for the Work: The fee for design, printing, travel, topographic survey, soil testing and supervision services is Government established on a variable scale at a percentage of the construction cost of the work. Estimated fee is 5.5%. The Department of Military Affairs will provide the designer with programming documents and Department construction standards which include space criteria, supporting facility criteria, construction standards, authorized finish schedules and use relationships.

7d) PROJECT—9-89

Renovation of Rossberg Hall

Camp Ripley

Estimated Construction Cost: \$457,000.00

General Description of Project: This project primarily consists of replacement of old deteriorated heating, air conditioning, ventilation and control systems; and replacement of electrical power and lighting systems. In addition, handicapped accessibility and emergency egress facilities will be constructed.

Project Details: The maintenance and repair portion of this project consists of two parts as follows: 1) The replacement of a failing 50-year old low pressure steam radiation system. The acidic action of the steam condensate has deteriorated the heating system piping, elbows, and fittings creating numerous maintenance problems through the system. The increased frequency of failing steam traps is wasting steam efficiency and causing over-pressurized condensate returns. The remainder of the system, also deteriorated and ailing, will be replaced to take advantage of efficient fintube design, energy saving pipe design, and new controls. 2) The replacement of an antiquated, 50-year old main electrical distribution center, lighting, and all knob and tube type, and cloth insulated type wire, which has deteriorated with age.

The construction portion of this project will consist of three parts as follows: 1) The remodeling of 18,233 Sq.Ft. of former warehouse into unit administrative spaces which will require the installation of duct work lighting, ceilings and will also require security fencing in the basement and vault to provide unit supply security. 2) The installation of handicap accessibility with construction of an access ramp, rest rooms, and parking. 3) The construction of a one-hour fire-rated egress from the second and first floors, and a one-hour fire-rated exit from the first floor and basement level at the existing stairs.

Asbestos in the building will be removed previous to this project under a separate contract.

Work to be Performed by the Architect: The work includes: topographic survey and soil test borings; the design of the complete facility; the preparation of required drawings, specifications and allied documents; the general supervision of the construction work for the owner; assisting in the preparation of supplemental agreements; review and approval of shop drawings and payment requests; assisting in final acceptance of the work. The specification format will be the architect's normal for commercial work, tailored to the project.

Architect's Fee for the Work: The fee for design, printing, travel, topographic survey, soil testing and supervision services is Government established on a variable scale at a percentage of the construction cost of the work. Estimated fee is 6.4%. The Department of Military Affairs will provide the designer with programming documents and Department construction standards which include space criteria, supporting facility criteria, construction standards, authorized finish schedules and use relationships.

Professional, Technical & Consulting Contracts

Questions concerning these projects may be referred to Lt. Col. Wayne Johnson at Camp Ripley (612) 632-6631, extension 315.

Bernard Jacob, Chairman
State Designer Selection Board

Department of Health

Health Systems Development Division

Notice of Proposals for Medical Advisor

The Minnesota Department of Health is requesting proposals from eligible physicians who would be able to serve as a Medical Advisor for the Alternative Delivery Systems Section for the period July 1, 1989-June 30, 1990.

Qualifications for the position are as follows: experience in quality assurance practices used by managed health care systems; recognized standing in the professional medical community, and experience in working with governmental agencies and other health organizations in the community which perform community health functions.

Minimum tasks include: 1) assisting the Department in the development of policies and procedures and other documents relating to the medical direction of the health maintenance organization regulatory program; 2) participating in investigatory activities of the Section; 3) providing technical assistance as needed in quality assurance functions of the Section; and 4) providing written summary reports of professional advice on policy and investigatory matters.

Interested physicians will be required to submit a formal proposal in accordance with the request for proposal instructions which is available from Kent E. Peterson, 623-5365. Maximum reimbursement will be \$18,000 in FY-1990. The deadline for proposals is 4:00 p.m., May 31, 1989.

Minnesota Historical Society

Advertisement for Bids for Manufacturing and Delivery of *Northern Lights: Going to the Sources*

BIDS

Sealed bids for the printing of the Minnesota Historical Society's *Northern Lights: Going to the Sources*, a student activity book, in accordance with specifications prepared by the Minnesota Historical Society, will be received in the office of the Contract Officer, Minnesota Historical Society, 1500 Mississippi Street, St. Paul, MN 55101 until 2:00 p.m., Central Daylight Time, on June 6, 1989, at which time the bids will be publicly opened and read aloud. Bids received after 2:00 p.m., June 6, 1989, will be returned unopened.

BID SECURITY

Each proposal must be accompanied by a cash deposit, cashier's check, certified check, or corporate surety bond of a surety company duly authorized to do business in Minnesota, in the sum of not less than 5% of the total bid, payable without condition to the Minnesota Historical Society, which is submitted as bid security.

SPECIFICATIONS

Copies of bidding documents for preparation of bids may be obtained by contacting Mark Schwartz, Contract Officer, Minnesota Historical Society, 1500 Mississippi St., St. Paul, MN 55101, (612) 296-2155.

CONDITIONS OF BIDS

The Minnesota Historical Society reserves the right to accept or reject any or all bids and to waive any irregularities therein. No bid may be withdrawn within thirty (30) days after the scheduled closing time for the receipt of bids.

Department of Human Services

Chemical Dependency Program Division

Notice of Request for Proposals for a Conference on Women of Color and Chemical Dependency

The Chemical Dependency Program Division (CDPD) of the Minnesota Department of Human Services is soliciting proposals for the provision of a conference on chemical dependency concerns among women of color (African, Hispanic, Asian and Indian/

Professional, Technical & Consulting Contracts

Native Americans). A grant award of \$20,000 is available for a single grantee. The funded project would begin on or about October 1, 1989 and continue for a minimum of 12 months.

Proposals in response to this RFP must be submitted on the CDPD grant application form that can be obtained by contacting Dorrie Hennagir at 612/296-4617. Eight copies of each proposal must be in the CDPD office, 2nd floor, 444 Lafayette Road, St. Paul, MN 55155-3823, no later than 4:20 p.m. on *June 26, 1989*.

All requests for information regarding this RFP should be directed to Ruthie Dallas at 612/296-3504 or at the above address.

The Chemical Dependency Program Division and the State of Minnesota reserve the right to reject any and all proposals submitted and to reallocate funds contemplated for the purpose of this RFP to another purpose.

Department of Human Services

Moose Lake Regional Treatment Center

Notice of Request for Proposal for Medical Services

NOTICE IS HEREBY GIVEN that the Moose Lake Regional Treatment Center, Mental Health Bureau, Department of Human Services, is seeking the services for the period July 1, 1989 through June 30, 1990.

These services are to be performed as requested by the Administration of the Moose Lake Regional Treatment Center.

Services of a Psychiatrist to perform consultation services in Psychiatry for the Moose Lake Regional Treatment Center ten days per month and the consultant will serve in an "On Call" capacity one night each week as agreed to by himself and the Medical Director of the Moose Lake Regional Treatment Center. Other consultations will occur via phone or mail as needed and as deemed appropriate. The estimated amount of contract is \$64,800.00.

Responses to the above services must be received by June 5, 1989.

Direct inquiries to:

Frank R. Milczark
Chief Executive Officer
Moose Lake Regional Treatment Center
1000 Lakeshore Drive
Moose Lake, MN 55767
(218) 485-4411 Ext. 242

Department of Human Services

Notice of Request for Proposals for Quality Assurance Review of Prepaid Health Plans

The Department of Human Services is seeking proposals from peer review organizations to conduct a quality assurance review of health plans providing health care to MA recipients either in the Medicaid Demonstration Project, in the prepaid Voluntary Program, or to GAMC recipients in the state's prepaid GAMC program. The Proposal must fulfill the requirements of OBRA-86 P.L. 99-509 and the results of the review must be available, on request, to the Secretary, the Office of the Inspector General (OIG) and the General Accounting Office (GAO) as well as to the Minnesota Department of Human Services and the appropriate sections to the health plans which will be reviewed. The contract will be rewarded on the basis of total cost, technical approach of the contractor to the scope of work and the experience/expertise of the contractor.

The formal Request for Proposals which contains specifications may be requested from the Department of Human Services. The deadline for submitting a proposal is 4:30 p.m. June 30, 1989. Selection of the contractor will be made on July 7, 1989. The Commissioner of the Department of Human Services reserves the right to reject all proposals submitted.

Please direct proposals and inquiries to:

Deborah Bachrach
Department of Human Services
Space Center Building
444 Lafayette Road
St. Paul, MN 55155
Phone 612/297-1380

Department of Trade & Economic Development

Minnesota Office of Tourism

Request for Proposals for Provision of Services to Market Promotional Items

The Celebrate Minnesota 1990 program developed by the State of Minnesota is soliciting proposals for the provision of services to market promotional items.

The Minnesota Office of Tourism is providing assistance in the selection of a supplier who will create a catalogue of promotional items for sale to communities, gift shops and consumers that promote Celebrate Minnesota 1990.

The selection committee will base its final decision on the highest quality for the best price, along with the service capabilities of the supplier. Deadline for proposals is May 30, 1989.

For more details and a copy of the Celebrate Minnesota 1990 specifications, please contact Marie Bege with the Minnesota Office of Tourism at 612/296-4863.

Department of Transportation

Availability of Contract for Trunk Highway Study Including Environmental Impact and Public Involvement

The Minnesota Department of Transportation (Mn/DOT) requires the services of a qualified consultant to perform the following work on a segment of T.H. 100 from 29th Avenue North to 39th Avenue North in Golden Valley.

The following tasks are expected to be completed by the consultant firm selected.

1. Inventory—data collection and base maps.
2. Traffic Forecasts.
3. Study Outline/Scoping Decision Document.
4. Layouts and Alternatives.
5. Environmental Analysis.
6. Description—of existing elements.
7. Prepare Draft EIS.
8. Public Involvement.
9. Final Environmental Impact Statement.
10. Management and Coordination.

A General Outline for the above described tasks is available from the Golden Valley District Manager, Carl Hoffstedt, at (612) 593-8578.

Consultants are requested to submit a general proposal showing their approach to accomplishing these tasks, along with their expression of interest.

Although there is no guarantee, selection will also be based on the ability of the interested firms to do final design as well.

Firms desiring consideration should also include Federal forms 254 and 255 and/or their brochure by one o'clock (1:00 PM) May 26, 1989 to:

J. F. Weingartz
Consultant Agreements Engineer
Room 720-S
Transportation Building
John Ireland Boulevard
St. Paul, Minnesota 55155
Telephone: (612) 296-3051

Professional, Technical & Consulting Contracts

Department of Transportation

Surveying and Mapping

Notice of Availability of Contract for Photogrammetric Services Fiscal Year 1990 (July 1, 1989 to June 30, 1990)

The Minnesota Department of Transportation desires an aerial surveys firm or firms to provide the following photogrammetric services conforming to Mn/DOT specifications:

1) **Aerial Vertical Photography**

Provide negatives taken by the contractor(s) using a precision aerial camera. The negatives shall be suitable for printing photographs and transparencies and for use in the State's photogrammetric instruments for analytical aerial triangulation and map compilation. The state may call for the use of panchromatic, color negatives or infrared color emulsions in obtaining the photography.

2) **Aerial Oblique Photography**

Provide negatives taken by the contractor(s) suitable for printing photography for illustrative purposes.

3) **Photographic Laboratory Services**

Provide, from aerial negatives, rectified, ratioed and controlled photographic enlargements and mosaics, 9½" x 9½" diapositives on glass or film suitable for photogrammetric compilation of topographic mapping and screened photographic film positives from mosaic negatives.

The State anticipates that the total value of work ordered will not exceed \$240,000.00. The state reserves the option to enter into agreements with more than one firm.

Firms desiring consideration shall express their interest and submit their Federal Forms 254 and 255 to:

Minnesota Department of Transportation
Surveying and Mapping Section
Room 711 Transportation Building
St. Paul, Minnesota 55155

This is not a request for proposal. Expression of interest and forms must be received by the Surveying and Mapping Section at the above address on or before May 30, 1989 in order to be considered for this work.

State Board of Vocational Technical Education

Notice of Request for Proposals for Community Based Organization Projects

The State Board of Vocational Technical Education is seeking proposals to address educationally and economically disadvantaged youth, ages 16 through 21, for entrance into a vocational training program which will lead to employment. Individuals who are educationally or economically disadvantaged may participate in projects under this program.

Any community-based organization that has served educationally or economically disadvantaged clients for at least two years out of the last seven may apply jointly with an eligible recipient. An eligible recipient is a public local educational agency (LEA) or a public technical institute.

The RFP application and additional information should be requested from:

Janet Hyllested or Steve Frantz
State Board of Vocational Technical Education
550 Cedar Street, Capitol Square Building, Suite 100
St. Paul, MN 55101
(612) 296-9443

Approximately \$125,000 will be available statewide for these projects to operate from July 1, 1989 to June 30, 1990.

Proposals must be received by Steve Frantz, Director, at the above address by 4:30 p.m. on Wednesday, June 21, 1989. Postmarks will not be considered.

State Board of Vocational-Technical Education

Notice of Request for Proposals for Projects Serving Criminal Offenders

The State Board of Vocational Technical Education is seeking proposals for projects to facilitate transition of criminal offender adults and youth back into society via vocational education supportive services.

Application for these monies must be made through a Technical Institute, which acts as a fiscal agent for the correctional institution. Correctional institution is defined as:

(1) prison, (2) jail, (3) reformatory, (4) work farm, (5) detention center or (6) halfway house, community-based rehabilitation center, or any other similar institution designed for the confinement or rehabilitation of criminal offenders.

The RFP application and additional information should be requested from:

Janet Hyllested or Steve Frantz
State Board of Vocational Technical Education
550 Cedar Street, Capitol Square Building, Suite 100
St. Paul, MN 55101
(612) 296-9443

Approximately \$75,000 will be available statewide for these projects to operate from July 1, 1989 to June 30, 1990.

Proposals must be received by Steve Frantz, Director, at the above address by 4:30 p.m. on Wednesday, June 21, 1989. Postmarks will not be considered.

Non-State Public Contracts

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

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

City of Rockford

Request for Proposals for Engineering Services

The City of Rockford, Minnesota, is interested in evaluating its existing sanitary sewer and water systems and determining their ability to accommodate future demands due to growth and development.

Since federal funds are involved in the project, the City will utilize competitive negotiations procedures for the procurement of professional services as required by the Department of Housing and Urban Development. A contract will be awarded to the responsible offerer whose proposal will be most advantageous to the City, with cost and other factors to be evaluated. The project description and relevant information is available at the City Hall.

Your "Proposal for Engineering Services" must be received by 4:00 P.M. of May 26, 1989 and shall be submitted to Marvin Ray, City Administrator or Clerk/Treasurer, Ruth David.

Marv Ray, City Administrator/Planner

Supreme Court Decisions

Decisions Filed 12 May 1989

C8-87-1503, C4-87-1577 **Lee Shockency v. Jefferson Lines and Minneapolis Commission on Civil Rights. Court of Appeals.**

1. On the record as a whole, the commission proceeding did not lack fundamental fairness.

Supreme Court Decisions

2. The employee has failed to prove, by a preponderance of the evidence, that the termination of his employment was merely a pretext for racial discrimination.

Reversed, Wahl, J.

Concurring specially, Popovich, C.J., Yetka, J., Kelley, J.

Took no part, Keith, J.

Announcements

Sentencing Guidelines Commission: A meeting of the commission is scheduled for Thursday 18 May at the Holiday Inn-Capitol, 161 St. Anthony, St. Paul in the Sibley Room. Agenda items include a Legislative/Ranking Subcommittee update and proposed rankings and modifications. Call (612) 296-0144 for more information.

Lt. Governor's Annual Bike Ride: The sixth annual Lt. Governor's Bike Ride will be held on the Root River State Trail, southeast of Rochester on May 20. Participants will park cars in Rushford and bicycle to Lanesboro. For more information, contact: 1-800-652-9747 or (612) 297-5476 in the Twin Cities area.

Minnesota-U.S.S.R. Transportation Partnership: Through a new U.S.-U.S.S.R. agreement, the Minnesota Department of Transportation (MnDOT) will learn about the Society transit system, which is highly rated around the world. The U.S.-U.S.S.R. Joint Committee on Transportation will exchange information on cold weather pavement testing, non-corrosive de-icers, transit, shipping, air traffic, traffic management, and highway and bridge construction. Seven transportation officials from the Soviet Union toured highway and bridge sites in Minnesota on May 4 because Minnesota's Transportation Department was selected as a model of transportation advances that could be adopted and applied in the U.S.S.R.

Nursery Stock Advisory: St. Paul—Minnesotans who purchase nursery stock for home use make sure their vendor has a valid dealer's certificate from the Minnesota Department of Agriculture. Agriculture Commissioner Jim Nichols said, "Each year we have problems with people selling door-to-door nursery stock dug up from nearby wooded areas. The probability of these plants surviving is not high, and the practice only helps disseminate plant pests throughout Minnesota." Valid dealer's certificates run from November of 1988 to November of 1989. The certificate should be displayed in a prominent manner. Art Mason, director of the Minnesota Department of Agriculture Plant Industry Division, said anyone approached by a nursery stock vendor should request to see a current dealer's certificate. Often, door-to-door solicitors claim to have purchased the stock from certified agents, Mason said. If the vendor does not show a valid certificate, the incident should be reported to local authorities and to Mr. Mark Schreiber of the Minnesota Department of Agriculture Regulatory Services Program at (612) 296-8507.

DNR Announces 1989 Moose Season: A total of 3,976 hunters will be able to participate in Minnesota's 1989 moose season, the Department of Natural Resources (DNR) announced this week. As in previous seasons, applications for permits must be made in hunting parties of four and a computerized drawing will select 994 hunting parties for this year's season. Moose hunting zones are located in two areas, one in northwestern Minnesota and the other in the northwest. The NW zone will be open to hunting on Oct. 14, except zone 2 (the Agassiz National Wildlife Refuge) which opens Dec. 2. The NE zones will open Oct. 7. All zones, except zone 2 close on Oct. 22. The number of moose licenses to be issued for zones in Northwestern Minnesota is reduced from last season's 772 to 449 because of higher losses of moose during the last two winters. Moose licenses in northeastern Minnesota have been increased from last season's 528 to 545 this year. The increase results from a continuing upward trend in moose numbers in that part of the state. Those who were issued licenses for the 1979 season, or any season since that year, may not apply for this year's hunt; however, hunters who took part in the 1971, 1973, 1975 and 1977 hunts will be eligible to enter the drawing. The restriction is based on a 1982 law requiring successful applicants to sit out five seasons. A driver's license number or the Minnesota Department of Public Safety Identification number is required on moose hunt applications, just as it is for bear and antlerless deer permits. Application forms and instructions on how to apply for the drawing are expected to be available from county auditor's offices and most license agents by May 1. A \$12 application fee must accompany each application of four hunters. Applications will also be available from the DNR's License Center at 500 Lafayette Road in St. Paul, from Section of Wildlife field offices, and the six Department regional headquarters—Brainerd, Bemidji, Grand Rapids, New Ulm, Rochester and 1200 Warner Road, St. Paul (fish hatchery building). The deadline to apply for the drawing is June 15. Only Minnesota residents are eligible. Applicants must be 16 years of age prior to Oct. 7 to be eligible for the computer drawing. Applicants should read the instructions carefully because improperly completed applications will be rejected from the drawing without notice. Particular attention should be paid to the various dates and special restrictions that apply in the Boundary Waters Canoe Area Wilderness (BWCAW) hunt zones and the Agassiz National Wildlife Refuge. By law, 20 percent of the permits will be allotted to owners or operators on agricultural or grazing lands in the northwestern hunting zones. The license fee is \$250 per party of four. For more information, contact: Tim Bremicker (612) 296-3344.

Metro Council's Production Assistance Grants: The Metropolitan Council approved more than \$182,000 in funding to regional art organizations for 27 production assistance grants recommended by the Council's Arts Advisory Committee. The grants are designed to help small- and medium-sized nonprofit art organizations produce new plays, concerts, exhibits or meet administrative needs. Of the 47 applicants, 31 were recommended for full funding. Because of limited funds, however, only 27 organizations will receive grants. Projects awarded up to \$8,500 in funding include theatrical productions with a regional focus, art criticism publications, video production, art exhibits and other productions and concerts. The criteria used to judge the applications included the merit and artistic quality of the proposed projects; the ability of the organization to accomplish the project evidenced by solid planning and/or previous successful efforts; and a demonstrated need for the project by the art community. The following organizations will receive production assistance grant funds: Northern Sign Theatre, Playhouse 15, Penumbra Theatre/Hallie Q. Brown Community Center, Nancy Hauser Dance Company and School, the Minnesota S.T.A.R., Inc. (Society for Traditional Arts and Resources), Ex Machina, Southern Theatre Foundation, Jewish Community Center of the Greater St. Paul Area, Minnesota Guitar Society, Zorongo Flamenco Dance Theatre, Ballet of the Dolls, Zeitgeist, Teatro Latino de Minnesota, India Club, Student Center Gallery/North Hennepin Community College, New Rivers Press, Harmonia Mundi, Concentus Musicus, Ethnic Dance Theatre, Inc., Sing Heavenly Muse!, Independent Feature Project/North, The Comedy Troupe, Genesis Theatre/Mpls. Jewish Community Center, Cottage Video, Ballet Harren, Forecast, and Sylmar.

Department of Commerce Regulated Profession Publications

Banking Laws 1988. Complete text of state law governing banks, trust companies and other financial institutions. Code #2-76 \$33.95

Business and Nonprofit Corporation Act 1988. Laws governing establishment and conduct of for-profit and non-profit corporations in Minnesota. Chapters 80B, 302A, 317. Code #2-87 \$11.00

Fair Labor Standards Act 1987. Minimum wage and overtime compensation standards for employers. Chapter 177. Code #2-75 \$5.00

Insurance Laws 1987. A compendium of laws applicable to the insurance business. Includes chapters on company and individual agents licensing requirements. Code #2-1. \$20.00

Insurance Rules 1987. Essential licensing information for businesses and agents. Includes standards on policies, practices, marketing and continuing education. Code #3-1 \$15.00

Notary Public Laws 1987. Statutory requirements regarding the oath of office, necessary bond, and taking of depositions. Includes an explanation of the term of the office and procedures for removal from office. Code #2-13 \$4.00

Real Estate Laws 1988. Complete and up-to-date extract from the 1986 Minnesota Statutes. Code #2-92 \$7.00

Real Estate Rules 1987. Contains all education and licensing requirements for agents. Chapters 2800, 2805, and 2810. Code #3-99 \$8.00

Securities Laws 1987. Governs the activities of broker/dealers, agents or investment advisors. Chapter 80A. Code #2-12 \$6.00

Securities Rules 1988. Subjects include standards of conduct, equity securities, investment companies and more. Chapter 2875. Code #3-5 \$14.00

Banking Rules 1987. Code #3-81. \$6.00

Uniform Commercial Code 1986. Chapter 336, U.S. laws governing trade, including contracts, title, payment, warranties, performance and liability. Code #2-2 \$10.00

Mailing Lists. All kinds available. Call to receive a copy of mailing list service packet, (612) 297-2552.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**

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.

Pheasants in Minnesota

Pheasants in Minnesota, focusing exclusively on the ringneck pheasant, this DNR booklet tells of this popular game bird's origin, introduction and development in Minnesota. Through many full-color photos the book shows the pheasant in various settings, tells how to maintain wildlife habitat and explains the wise management of the hunt. A great gift for each member of your hunting party, or as a memento to a special Minnesota hunting vacation. Quantity discounts available. Code #9-13, \$5.95.

Woodworking for Wildlife, delightfully written and carefully illustrated with a variety of game bird and mammal box designs. Includes important information on the placement of nests in proper habitat areas and maintenance requirements. Diagrams, 48 pp. Code #9-14, \$3.95.



TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**

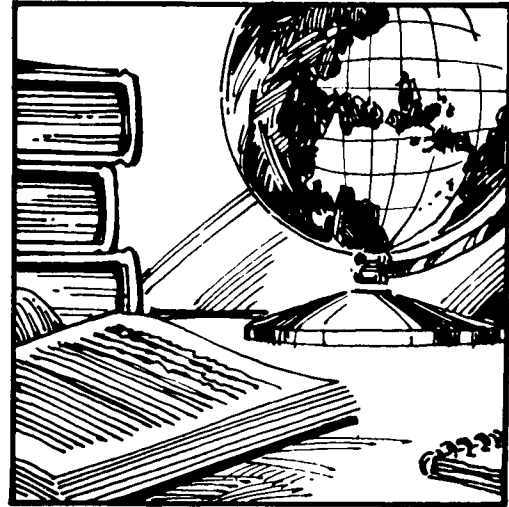
Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Get Smart with these Education Resources

Board of Teaching-Licensure Rules 1987. Minnesota Rules Chapter 8700. Requirements for the issuance and renewal of all licenses, from vo-tech and hearing impaired to librarians and media generalists. Includes the Code of Ethics for Minnesota Teachers, and standards for teachers prepared in other states. Code #3-74, \$7.00 plus tax.

Education Directory 1988-89. All the elementary and secondary schools in the state. Includes Minnesota school districts, superintendents, boards, principals, district addresses, phone numbers and enrollment figures. Code #1-93, \$7.00 plus tax.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**



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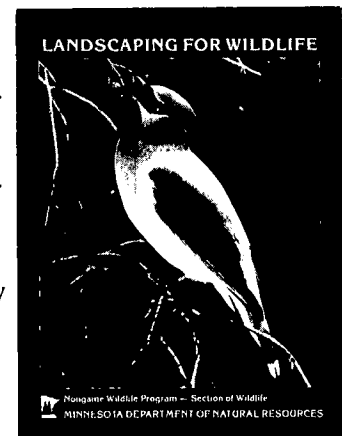
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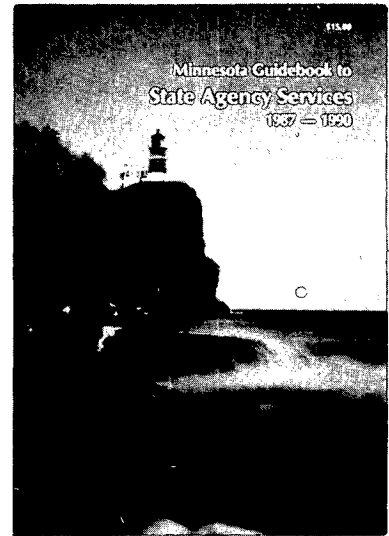
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