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State Register

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

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

Printing Schedule and Submission Deadlines

Vol. 13 Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
5	Monday 18 July	Monday 25 July	Monday 1 August
6	Monday 25 July	Monday 1 August	Monday 8 August
7	Monday 1 August	Monday 8 August	Monday 15 August
8	Monday 8 August	Monday 15 August	Monday 22 August

*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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For Legislative News

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Perspectives—Publication about the Senate.

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

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

This Week—weekly interim bulletin of the House.

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

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

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

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

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

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

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Proposed Rules

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

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

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

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

Department of Human Services

Proposed Permanent Rules Relating to Case Management Services for Persons with Serious and Persistent Mental Illness

Notice of Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held in Room 10, State Office Building, 100 Constitution Avenue, St. Paul, Minnesota, 55155, on September 7, 1988 commencing at 9:00 a.m. and continuing until all interested or affected persons have an opportunity to participate. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing, all interested or affected persons 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 the hearing which is to be included in the hearing record may be mailed to Jon Lunde, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415; telephone (612) 341-7645, either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge may, at the hearing, order the

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

record be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings. Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the three-day period. The written responses shall be added to the rulemaking record. Upon the close of the record the Administrative Law Judge will write a report as provided for in *Minnesota Statutes*, section 14.50. The rule hearing is governed by *Minnesota Statutes*, section 14.14 to 14.20 and by *Minnesota Rules*, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

Minnesota Rules, parts 9505.0476 to 9505.0491 establish standards and procedures for providing case management services to persons with serious and persistent mental illness. Case management services for persons with serious and persistent mental illness are designed to assist eligible persons in gaining access to needed medical, social, educational, and other services. The goal of case management services is to ensure that persons with serious and persistent mental illness will receive necessary services and that the services will be coordinated by a case manager who will be responsible for monitoring the person's progress on a continuing basis. Case management services should result in improved service delivery, non-duplication of services, and early intervention when a person's mental health appears to be deteriorating.

Funding for case management services for persons with serious and persistent mental illness is available for eligible persons through medical assistance and for those persons who are not eligible for medical assistance through the Community Social Services Act or through special community support grants administered by the Department of Human Services and local county matching grants.

Besides persons receiving these services, this rule affects county human service agencies that are responsible for coordinating these services and persons, facilities or organizations that provide case management or mental health services to persons with serious and persistent mental illness. The rule contains sections covering the following areas: scope and applicability; definition of terms; referral for case management services; local agency responsibilities; procedures for offering case management services to persons already receiving mental health services; authorization to release information; diagnostic assessment; case manager qualifications and training; case manager responsibilities; reporting abuse or neglect of vulnerable adult clients and maltreatment of minors; services not eligible for medical assistance as case management services; client's rights; appeals; and medical assistance payment for case management services.

The agency's authority to adopt the proposed rules is contained in *Minnesota Statutes*, sections 245.461 to 245.486 and 256B.02, subdivision 8, paragraph (18).

Adoption of these rules will not result in additional spending by local public bodies in the excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11. A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available upon request from Nancy Storelee, Department of Human Services, Rules Division, 444 Lafayette Road, St. Paul, Minnesota 55155-3816.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Nancy Storelee, Department of Human Services, Rules Division, 444 Lafayette Road, St. Paul, Minnesota 55155-3816. A copy of the rule may also be viewed at any of the 87 county welfare agencies in the State of Minnesota.

Additional copies will be available at the hearing. If you have any questions on the content of the rule, contact Eleanor Weber, Department of Human Services, Rules Division, 444 Lafayette Road, St. Paul, Minnesota 55155-3816, telephone (612) 297-4301.

NOTICE: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. If you desire to be 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 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 agency at any time prior to the filing of the rules with the secretary of state.

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

Minnesota Statutes, chapter 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*, section 10A.01, subdivision 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 travel expenses and membership dues, in any year, for the purpose

of attempting to influence legislative or administrative action by communication or urging others to communicate with public officials; or

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

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

Sandra S. Gardebring
Commissioner

Rule as Proposed

9505.0175 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 9505.0170 to ~~9505.0475~~ 9505.0491 have the meanings given them in this part.

Subp. 2. to 50. [Unchanged.]

Rules as Proposed (all new material)

9505.0476 SCOPE AND AVAILABILITY.

Subpart 1. **Scope.** Parts 9505.0476 to 9505.0491 establish standards and procedures for providing case management services to persons with serious and persistent mental illness, as authorized by *Minnesota Statutes*, sections 245.461 to 245.486 and 256B.02, subdivision 8t. Parts 9505.0476 to 9505.0491 must be read in conjunction with title XIX of the Social Security Act; Code of Federal Regulations, title 42, sections 430 to 456 as amended through October 1, 1987; *Minnesota Statutes*, sections 245.461 to 245.486, 245.64, 256E.09, and *Minnesota Statutes*, chapters 256B and 256G; and parts 9505.1750 to 9505.2150.

Subp. 2. **Availability.** Case management services are available to all medical assistance recipients with serious and persistent mental illness and to other persons with serious and persistent mental illness within the limits of appropriations as specified in *Minnesota Statutes*, section 245.486, except as provided under part 9505.0479. Additionally, case management services to recipients who have serious and persistent mental illness are to be provided according to *Minnesota Statutes*, section 245.464. In making case management services available to persons with serious and persistent mental illness who are not recipients of medical assistance, a local agency shall evaluate all possible funding sources. Examples of possible funding sources are grants to counties for services to chronically mentally ill persons under *Minnesota Statutes*, section 256E.12, funds made available to counties for community social services under *Minnesota Statutes*, sections 256E.06 and 256E.07, money distributed to counties for permanency planning for children under *Minnesota Statutes*, sections 256F.01 to 256F.07, and title XX allocations under *Minnesota Statutes*, section 256E.07.

9505.0477 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 9505.0476 to 9505.0491 have the meanings given them in this part and in part 9505.0175.

Subp. 2. **Case manager.** "Case manager" means an individual who meets the qualifications specified in *Minnesota Statutes*, section 245.462, subdivision 4, and part 9505.0484, subpart 1, and who is employed by or under contract to a case management provider authorized to provide case management services under parts 9505.0476 to 9505.0491.

Subp. 3. **Case management provider.** "Case management provider" means a local agency that directly provides case management services or an entity that is under contract with the local agency to provide case management services and meets the requirements of a medical assistance provider under part 9505.0195.

Subp. 4. **Case management services.** "Case management services" means services specified in *Minnesota Statutes*, section 245.462, subdivision 4, and part 9505.0485 that help persons with serious and persistent mental illness gain access to needed medical, social, educational, financial, and other services necessary to meet their mental health needs and that coordinate and monitor the delivery of these services.

Subp. 5. **Child or minor.** "Child" or "minor" means a person under 18 years old.

Subp. 6. **Client.** "Client" means a person with serious and persistent mental illness who is receiving case management services under parts 9505.0476 to 9505.0491.

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

Proposed Rules

Subp. 7. **Clinical supervision.** "Clinical supervision" means the responsibility of a mental health professional to oversee the client-related activities of a case manager as specified in *Minnesota Statutes*, section 245.462, subdivision 25, and part 9505.0484, subpart 2.

Subp. 8. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Human Services or the commissioner's designated representative.

Subp. 9. **Community support services program.** "Community support services program" means the services specified in *Minnesota Statutes*, section 245.462, subdivision 6.

Subp. 10. **County of financial responsibility.** "County of financial responsibility" has the meaning given in *Minnesota Statutes*, section 256G.02, subdivision 4.

Subp. 11. **Department.** "Department" means the Minnesota Department of Human Services.

Subp. 12. **Diagnostic assessment.** "Diagnostic assessment" means a written evaluation by a mental health professional of a person's:

- A. current life situation and sources of stress, including reasons for referral;
- B. history of the person's current mental health problem, including important developmental incidents, strengths, and vulnerabilities;
- C. current functioning and symptoms;
- D. diagnosis including whether or not a person is seriously and persistently mentally ill; and
- E. needed mental health services.

Subp. 13. **Emergency services.** "Emergency services" means an immediate response service available on a 24-hour, seven-day-a-week basis for persons having a psychiatric crisis or emergency.

Subp. 14. **Functional assessment.** "Functional assessment" means an evaluation by the case manager of the client's:

- A. mental health symptoms as presented in the client's diagnostic assessment;
- B. mental health needs as presented in the client's diagnostic assessment;
- C. use of drugs and alcohol;
- D. vocational and educational functioning;
- E. social functioning, including the use of leisure time;
- F. self care and independent living capacity;
- G. interpersonal functioning, including relationships with his or her family;
- H. medical and dental health;
- I. financial assistance needs;
- J. housing needs; and
- K. other needs and problems.

Subp. 15. **Individual community support plan.** "Individual community support plan" means a written plan developed by a case manager together with the client which is based on a diagnostic assessment and the client's needs. The plan identifies the specific services to be provided that are appropriate to the age of the person with serious and persistent mental illness and that the person needs to develop independence or improved functioning in daily living, health and medication management, social functioning, interpersonal relationships including family relationships, financial management, housing, transportation, employment, and education. A child's individual community support plan also identifies activities related to involving the child's family or primary caregiver in the specific services to be provided including, as appropriate, services specified in *Minnesota Statutes*, sections 256F.07, subdivision 3, and 257.071, subdivision 1.

Subp. 16. **Individual treatment plan.** "Individual treatment plan" means a written plan of intervention, treatment, and services for a person with mental illness that is developed by the client and a mental health professional which is based on a diagnostic assessment and the client's needs. The plan identifies goals and objectives of treatment, treatment strategy, a schedule for accomplishing treatment goals and objectives, and the individual or individuals responsible for providing treatment to the person with serious and persistent mental illness. A child's individual treatment plan also identifies activities related to involving the child's family or primary caregiver in the treatment of the child and, if the child is placed or being considered for placement outside the home, includes the individual placement plan as required under *Minnesota Statutes*, section 257.071, subdivision 1.

Subp. 17. **Inpatient hospital.** "Inpatient hospital" means an acute care institution defined in *Minnesota Statutes*, section 144.696, subdivision 3, and licensed under *Minnesota Statutes*, sections 144.50 to 144.58.

Subp. 18. **Legal representative.** "Legal representative" means a court-authorized guardian of a child with serious and persistent mental illness, or a guardian or conservator authorized by the court to make decisions about services for a person with serious and persistent mental illness.

Subp. 19. **Licensed consulting psychologist.** "Licensed consulting psychologist" means a person licensed to provide mental health services under *Minnesota Statutes*, section 148.91, subdivision 4.

Subp. 20. **Licensed psychologist.** "Licensed psychologist" means a person licensed to provide mental health services under *Minnesota Statutes*, section 148.91, subdivision 5.

Subp. 21. **Local agency.** "Local agency" means a county or multicounty agency that is authorized under *Minnesota Statutes*, sections 393.01, subdivision 7, and 393.07, subdivision 2, as the agency responsible for determining eligibility for medical assistance and as the agency responsible for administering a program of social services to children under *Minnesota Statutes*, section 393.07, subdivision 1, paragraph (a).

Subp. 22. **Medical assistance.** "Medical assistance" means the program established under title XIX of the Social Security Act and *Minnesota Statutes*, chapter 256B.

Subp. 23. **Mental health professional.** "Mental health professional" means a person who provides clinical services in the treatment of mental illness and who, at a minimum, is qualified as specified in one of the following:

A. in psychiatric nursing: a registered nurse with a master's degree in one of the behavioral sciences or related fields from an accredited college or university or its equivalent, who is licensed under *Minnesota Statutes*, sections 148.171 to 148.285, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness;

B. in clinical social work: a person licensed as an independent clinical social worker under *Minnesota Statutes*, section 148B.21, subdivision 6, or a person with a master's degree in social work from an accredited college or university, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness;

C. in psychology: a psychologist licensed under *Minnesota Statutes*, sections 148.88 to 148.98, who has stated to the board of psychology competencies in the diagnosis and treatment of mental illness;

D. in psychiatry: a physician licensed under *Minnesota Statutes*, chapter 147, and certified by the American Board of Psychiatry and Neurology or eligible for board certification in psychiatry; or

E. in allied fields: a person with a master's degree from an accredited college or university in one of the behavioral sciences or related fields, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness. After August 1, 1989, persons in allied fields shall be required to file their credentials as required by *Minnesota Statutes*, section 148B.42, subdivision 1.

Subp. 24. **Mental health provider.** "Mental health provider" means an individual, agency, or facility that provides mental health services, other than case management services, to a client.

Subp. 25. **Mental health services.** "Mental health services" means the services provided to persons with mental illness that are described in *Minnesota Statutes*, section 245.466, subdivision 2.

Subp. 26. **Mental illness.** "Mental illness" means an organic disorder of the brain or a clinically significant disorder of thought, mood, perception, orientation, memory, or behavior that is listed in the clinical manual of the International Classification of Diseases (ICD-9-CM), current edition, code range 290.0 to 302.99 or 306.0 to 316.0 or the corresponding code in the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM-III-R), current edition, Axes I, II, or III, and that seriously limits a person's capacity to function in primary aspects of daily living such as personal relations, living arrangements, work, and recreation. The ICD-9-CM and DSM-III-R are incorporated by reference. The International Classification of Diseases — Clinical Modification is published by the Commission of Professional and Hospital Activities, Green Road, Ann Arbor, Michigan 48105. The Diagnostic and Statistical Manual of Mental Disorders is published by The American Psychiatric Association, 1700 18th Street N.W., Washington, D.C. 20009. The ICD-9-CM and the DSM-III-R are available through the Minitex Interlibrary loan system and are subject to frequent change.

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Subp. 27. **Outpatient services.** "Outpatient services" means the services specified in *Minnesota Statutes*, section 245.462, subdivision 21.

Subp. 28. **Parent.** "Parent" means the birth or adoptive mother or father of a child. This definition does not apply to a person whose parental rights have been terminated in relation to the child.

Subp. 29. **Primary caregiver.** "Primary caregiver" means a foster parent or a relative who is not the child's parent or other person who has primary responsibility for providing the child food, clothing, shelter, supervision, and nurture and with whom the child resides.

Subp. 30. **Psychiatrist.** "Psychiatrist" means a physician who can provide written documentation of having successfully completed a postgraduate psychiatry program of at least three years' duration that is accredited by the American Board of Psychiatry and Neurology.

Subp. 31. **Physician.** "Physician" means a person who is licensed to provide health services within the scope of his or her profession under *Minnesota Statutes*, chapter 147.

Subp. 32. **Prior authorization.** "Prior authorization" means the procedures required in parts 9505.5010 to 9505.5030.

Subp. 33. **Recipient.** "Recipient" means a person who has been determined by the local agency to be currently eligible for medical assistance under parts 9505.0010 to 9505.0150.

Subp. 34. **Regional treatment center.** "Regional treatment center" means a regional center as defined in *Minnesota Statutes*, sections 253B.02, subdivision 18, and 254.05.

Subp. 35. **Residential treatment.** "Residential treatment" refers to a treatment program and 24-hour-a-day supervision of a person in a community residential setting other than an inpatient hospital or regional treatment center. Both the treatment program and the person are clinically supervised by a mental health professional.

Subp. 36. **Residential treatment facility.** "Residential treatment facility" means a facility in the community that provides residential treatment and is licensed as a residential treatment facility under parts 9520.0500 to 9520.0690 for adults with mental illness, or parts 9545.0900 to 9545.1090 for children who are emotionally disturbed.

Subp. 37. **Serious and persistent mental illness.** "Serious and persistent mental illness" means the condition of an adult or child who has a mental illness and meets at least one of the following criteria:

A. the person has undergone two or more episodes of inpatient care for a mental illness within the preceding 24 months;

B. the person has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding 12 months;

C. the person has a diagnosis of schizophrenia, bipolar disorder, major depression, or borderline personality disorder, indicates a significant impairment in functioning, and has a written opinion from a mental health professional stating that the person is reasonably likely to have future episodes requiring inpatient or residential treatment of a frequency described in item A or B, unless an ongoing community support services program is provided; or

D. the person has been committed by a court as a mentally ill person under *Minnesota Statutes*, chapter 253B, or the person's commitment has been stayed or continued for reasons related to the person's mental illness.

Subp. 38. **Service provider.** "Service provider" means an individual or agency that provides services to a client, other than mental health services or case management services.

Subp. 39. **Third party payer.** "Third party payer" means a person, entity, agency, or government program, other than Medicare or medical assistance, that has a probable obligation to pay all or part of the costs of a person's health services.

Subp. 40. **Waiver.** "Waiver" means an approval given by the United States Department of Health and Human Services that allows the state to pay for home and community-based services authorized under Code of Federal Regulations, title 42, section 441, subpart G, for a particular group of recipients. The term applies to all amendments to the waiver including any amendments made after the effective date of parts 9505.2390 to 9505.2500, as approved by the United States Department of Health and Human Services.

9505.0478 REFERRAL FOR CASE MANAGEMENT SERVICES.

A physician or mental health provider, with the written consent of the person referred; or a family member, a social worker employed by or under contract with a local agency, a legal representative, or other interested person, with or without the consent of the person referred, may give the name and address of a person believed to have serious and persistent mental illness to the local agency and request case management services for the person. A person who may have serious and persistent mental illness may directly request case management services from the local agency.

9505.0479 EXEMPTION FOR PERSONS RECEIVING WAIVERED SERVICES.

Persons with serious and persistent mental illness who are receiving case management services through the Veterans Administration or as part of home and community based services authorized under a waiver are not eligible for case management services under parts 9505.0476 to 9505.0491 while they are receiving the waived services. For purposes of this part, "home and community based services authorized under a waiver" refers to services furnished under a waiver obtained by the state from the United States Department of Health and Human Services as specified in Code of Federal Regulations, title 42, sections 440.180 and 441.300 to 441.310.

9505.0480 LOCAL AGENCY RESPONSIBILITIES.

Subpart 1. **Local agency responsibility; general requirement.** The local agency must make case management services available under parts 9505.0476 to 9505.0491 either directly or under a contract with a case management provider. The services must be provided to recipients who request them and, within the limitations of *Minnesota Statutes*, section 245.486, to persons other than recipients. The recipients and persons other than recipients must have been determined by a mental health professional to have serious and persistent mental illness or must have been determined by the local agency to meet the requirements in part 9505.0477, subpart 37, item A, B, or D. As required by *Minnesota Statutes*, section 245.464, subdivision 2, the local agency must develop mental health services for all persons with serious and persistent mental illness to the extent of the county's available resources. The first source of payment for case management services to a person with serious and persistent mental illness shall be Medicare or a third party payer wherever possible.

Subp. 2. **Notice of availability.** Within five working days after receiving a request or referral for case management services, the local agency must mail a written notice to the last known address of the person for whom case management services have been requested, and a copy of the notice to the person who made the referral. If the person for whom case management services have been requested is a child, notice must be mailed to the child and, except as provided in subpart 5, to the child's parents, legal representative, or primary caregiver or, in the case of divorced parents having joint custody, the notice must be sent to the parent with whom the child resides. The local agency must document in a child's case record why a notice is not sent to a child's parents, legal representative, or primary caregiver. The notice must be on a form supplied by the commissioner, explain that the person may be eligible for case management services, and list the names and telephone numbers of the case management providers in the county. The notice also must state that the person has the right to a diagnostic assessment to determine eligibility for case management services and may contact the local agency or the case management provider during business hours for assistance in arranging for a diagnostic assessment by a mental health professional.

Subp. 3. **Notice when there is no known address.** If the local agency does not receive the person's address from the individual making the referral under subpart 1, the local agency must make a reasonable attempt to locate the person for whom case management services have been requested and give the person notice of the availability of case management services as described in subpart 2. If the person referred is a child, the local agency must attempt to locate the child and child's parents or legal representative. The local agency must document the completed contacts and the contacts attempted.

Subp. 4. **Follow-up notice of availability of case management services.** If the person notified under subparts 2 and 3 does not respond within ten working days after the local agency gives the required notice, the local agency must make a reasonable attempt to contact the person, or if the person is a child, the child's parents, primary caregiver, or legal representative. Contact must be either face-to-face or by telephone. If the local agency is able to contact the person, the local agency must ask whether the person who may have serious and persistent mental illness wants to be assessed for eligibility for case management services. The local agency must document the attempted and completed contacts, describing the type and content of contact made, and the result of the contact.

Subp. 5. **Notice to child's parent, legal representative, or primary caregiver.** When notice to a parent, legal representative, or primary caregiver with whom the child is living is required under parts 9505.0476 to 9505.0491, the local agency or case manager responsible for giving notice shall notify that person unless item A or B applies.

A. The parent, legal representative, or primary caregiver with whom the child is living is hindering or impeding the child's access to mental health services and the child:

(1) has been married or has borne a child as specified in *Minnesota Statutes*, section 144.342;

(2) is living separate and apart from his or her parents or legal guardian and is managing his or her financial affairs as specified in *Minnesota Statutes*, section 144.341;

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(3) is at least 16 but under 18 years old and has consented to treatment as specified in *Minnesota Statutes*, section 253B.03, subdivision 6; or

(4) is at least 16 but under 18 years old and for whom a county board has authorized independent living pursuant to a court order as specified in *Minnesota Statutes*, section 260.191, subdivision 1, paragraph (a), clause (4).

B. A petition has been filed under *Minnesota Statutes*, chapter 260, or a court order has been issued under *Minnesota Statutes*, section 260.133 or 260.135, and a guardian ad litem has been appointed.

If item A applies, the local agency or case manager, as appropriate, shall provide notice to the child.

If item B applies, the local agency or case manager, as appropriate, shall provide notice to the guardian ad litem.

Subp. 6. Refusal. A person may refuse case management services. A person's refusal of case management services does not affect the person's eligibility to receive case management services as long as the person is seriously and persistently mentally ill.

Subp. 7. Determination of eligibility for case management services. When a person requests or is referred for case management services, consents to be assessed for eligibility for the services, and authorizes a release of information, the local agency must determine whether the person meets a requirement of part 9505.0477, subpart 37, item A, B, or D, or must offer to help the person arrange a diagnostic assessment by a mental health professional, unless one has already been completed within 90 days, before the request or referral.

Subp. 8. Arranging for diagnostic assessment. If a person accepts the local agency's offer to help arrange a diagnostic assessment, the local agency must notify the mental health provider chosen by the person of the person's need for a diagnostic assessment and offer to help the person make an appointment with the mental health professional.

Subp. 9. Access to case management services. Within five days after a person who has been determined to have serious and persistent mental illness accepts case management services, the local agency must offer to help the person make an appointment with a case management provider. The appointment must be scheduled for no later than two weeks from the date it is made unless the person requests otherwise. The local agency must also inform the person of the availability of emergency services at the time the offer to schedule the appointment is made.

Subp. 10. Local agency responsibility; continuity of care. A local agency must ensure, either directly or in its contract with a case management service provider, that the same case manager is continuously available to a client unless:

A. the case manager is no longer employed or contracted by the agency or the provider as a case manager;

B. the client requests a different case manager; or

C. the case manager is unable to provide effective case management services to the client and requests a change of assignment.

Subp. 11. Local agency responsibility; referral to mental health and other service providers. If a person with serious and persistent mental illness who is referred to a local agency for case management services refuses case management services or if a person referred to a local agency is determined to have a mental illness but not to have serious and persistent mental illness, the local agency shall offer to refer the person to a mental health provider or other service provider appropriate to the client's needs and, at the client's request, shall assist the person in making an appointment with the provider of the person's choice.

Subp. 12. Local agency responsibility; retention of records. A local agency shall develop and maintain an accurate, up-to-date list of the names and last known address of all persons who request, are referred for, or receive case management services. The records must be kept for five years after the date of the person's last request or referral for services or the case manager's termination of the person's services. The records shall be kept in accordance with the Minnesota Government Data Practices Act, *Minnesota Statutes*, chapter 13.

Subp. 13. Local agency responsibility; child's preplacement screening. In the case of a child with serious and persistent mental illness who receives case management services under parts 9505.0476 to 9505.0491, the local agency shall assure coordination of the child's case management services with the child's permanency planning, placement prevention, and family reunification services required under *Minnesota Statutes*, chapter 256F.

9505.0481 OFFERING CASE MANAGEMENT SERVICES TO PERSONS ALREADY RECEIVING MENTAL HEALTH SERVICES.

If a person is in a regional treatment center, inpatient hospital, or residential treatment facility, or is receiving or requesting outpatient mental health services or other services through the community support service program and has been determined by a mental health professional to have serious and persistent mental illness, the mental health provider shall ensure that its representative informs the person of the availability of case management services under parts 9505.0476 to 9505.0491 and explains the purpose and potential benefit of case management services. The information must be given to a person within five days after admission to treatment in a regional treatment center, inpatient hospital, or residential treatment facility and within 15 days after admission to

mental health services or treatment through the community support services program. If the person authorizes a release of information as specified in part 9505.0482, the representative of the mental health provider shall notify the local agency that the person wants case management services, and assure that the person has assistance in making an appointment with the case management provider of the person's choice. If the person is a child, the child and, except as provided in part 9505.0480, subpart 5, the child's parents, primary caregiver, or legal representative must be informed of the availability and purposes of case management services. The local agency must comply with the notice and follow-up requirements in part 9505.0480, subparts 2, 3, 4, and 5.

9505.0482 AUTHORIZATION TO RELEASE INFORMATION.

When a local agency, a case manager, or mental health professional asks a person requesting case management services to sign forms needed to gain access to information necessary to provide case management services or to share information with providers involved in providing services to the client, the information described in items A to H must be on the form above the person's signature. A separate form must be completed and signed for each authorization of access to a record related to the person's mental health status. The period of authorization must not exceed one year.

The form must contain:

- A. the person's name;
- B. the date;
- C. the specific nature of the information authorized to be released;
- D. the name of the person or persons authorized to give information;
- E. the name of the person or persons to whom the information is to be given;
- F. a description of the information's use during the case management services to determine eligibility for and provision of case management services;
- G. the date the authorization expires; and
- H. a statement that the person may revoke the consent at any time.

9505.0483 DIAGNOSTIC ASSESSMENT.

Subpart 1. **Diagnostic assessment required.** A mental health professional must review and bring up to date a diagnostic assessment that was completed within 90 days before the person requested or was referred for case management services if the person agrees to receive case management services. If the person has not had a diagnostic assessment within 90 days before requesting or being referred for case management services, the mental health professional shall complete a new diagnostic assessment. The mental health professional must complete the new diagnostic assessment or review and bring up to date the diagnostic assessment that was completed within the 90 days before the person requested or was referred for services within ten working days of the appointment made under part 9505.0480, subpart 8, unless the person fails to keep the appointment. The diagnostic assessment must result in a determination of whether the person has serious and persistent mental illness. In the case of a diagnostic assessment of a child, the mental health professional shall involve the child's parents or primary caregiver to the extent necessary and appropriate to complete the diagnostic assessment.

Subp. 2. **Report of findings.** When the mental health professional has completed the diagnostic assessment, the mental health professional shall request the person to authorize release of the information contained in the diagnostic assessment to those persons in the local agency who have a responsibility for providing case management services to persons with serious and persistent mental illness and explain that the information can only be released with the client's consent and that authorizing release of information about the diagnostic assessment is necessary to receive case management services. The mental health professional shall document compliance with *Minnesota Statutes*, section 245.467, subdivision 4, and part 9505.0482.

Subp. 3. **Eligibility for medical assistance payment.** To be eligible for medical assistance payment, a person's diagnostic assessment completed before September 1, 1990, must be conducted by a mental health professional who is a psychiatrist, licensed consulting psychologist, or licensed psychologist, or conducted by a mental health professional who is under the clinical supervision of a psychiatrist, a physician who is not a psychiatrist, or a licensed consulting psychologist. Beginning September 1, 1990, a person's diagnostic assessment must be conducted by a mental health professional. The diagnostic assessment must be documented in the client's record.

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Subp. 4. Medical assistance payment limitations applicable to diagnostic assessments. Medical assistance payment for a diagnostic assessment of a recipient who might be seriously and persistently mentally ill shall be limited to no more than four diagnostic assessments per recipient per calendar year. Notwithstanding other provisions of this part, a provider may receive medical assistance reimbursement for only one diagnostic assessment per year per recipient unless the recipient's mental health status has changed markedly since the recipient's previous diagnostic assessment and at least 90 days have elapsed since the recipient's previous diagnostic assessment. This limit applies whether all components of the diagnostic assessment are carried out by one mental health professional, by more than one mental health professional, or in a multiple provider setting. Examples of a multiple provider setting are an outpatient hospital, a professional association, and a community mental health center under part 9505.0255. A diagnostic assessment carried out by a mental health professional in a multiple provider setting must be available to other mental health professionals or other providers in the same setting who provide services to the same recipient. Additional diagnostic assessments of the recipient in the same multiple provider setting shall not be eligible for medical assistance payment unless the additional diagnostic assessments are medically necessary. No medical assistance payment shall be made for a recipient's diagnostic assessment performed on a day during which a recipient participates in a psychotherapy session unless the psychotherapy session is necessary because of an emergency. The mental health professional conducting the diagnostic assessment shall consider the recipient's need for referral for psychological testing, a neurological examination, and a chemical dependency assessment as specified in part 9530.6615. A neurological examination and psychological testing are eligible for medical assistance payment billed as separate procedures. To receive medical assistance payment, a diagnostic assessment also must comply with the requirements in items A to G.

A. The diagnostic assessment must address the components in part 9505.0477, subpart 12.

B. The diagnostic assessment must include a face-to-face interview, a mental status examination, a review of pertinent records, and contact with the client's family or the child's primary caregiver. For purposes of this item, "mental status examination" means the description of the client's appearance, general behavior, motor activity, speech, alertness, mood, cognitive functioning, and attitude toward his or her symptoms.

C. The diagnostic assessment must be completed no later than the end of the second meeting between the recipient and the mental health professional providing the psychotherapy.

D. The diagnostic assessment must result in an individual treatment plan if the client is determined to be mentally ill.

E. The results of the diagnostic assessment must be documented in the recipient's record.

F. Before September 1, 1990, the diagnostic assessment must be conducted by a provider who is a psychiatrist, a licensed consulting psychologist, or licensed psychologist, or conducted by a vendor who is a mental health professional, is not a provider, and is under the clinical supervision of a provider who is a psychiatrist, a physician who is not a psychiatrist, or a licensed consulting psychologist. The diagnosis resulting from the assessment must be made by, or reviewed, approved, and signed by, the provider.

G. Beginning September 1, 1990, the diagnostic assessment must be conducted by a provider who is a mental health professional.

9505.0484 CASE MANAGER QUALIFICATIONS AND TRAINING.

Subpart 1. Qualifications of case manager. Except as provided in subpart 2, a case manager must have a bachelor's degree in one of the behavioral sciences or related fields from an accredited college or university and have at least 2,000 hours of supervised experience in the delivery of services to persons with mental illness, be skilled in the process of identifying and appraising a wide range of client needs, and be knowledgeable about local community resources and how to use the resources for the client's benefit.

Subp. 2. Supervision of case manager. Case managers with a bachelor's degree but without 2,000 hours of supervised experience in the delivery of services to persons with mental illness must complete 40 hours of training approved by the department in case management skills and in the characteristics and needs of persons with serious and persistent mental illness. They must also receive clinical supervision regarding the provision of case management services from a mental health professional at least once a week including a face-to-face meeting of the case manager and the manager's clinical supervisor at least once a month until the requirement of 2,000 hours of supervised experience is met. Case managers who have at least 2,000 hours of supervised experience in the delivery of services to persons with mental illness shall meet in person with a mental health professional at least once a month to obtain clinical supervision of the case manager's activities. The dates and content of the clinical supervision meetings must be documented in the client's record.

Subp. 3. Continuing education requirement. A case manager must complete 30 hours of continuing education every two years. The continuing education must consist of inservice training or courses in areas related to mental health services such as mental health treatment, rehabilitation, prevention of mental illness, case management, licensing standards applicable to mental health services for persons with serious and persistent mental illness, child development, family relationships, and special needs of specific client populations or children. Inservice training or courses must be approved by the case management provider.

9505.0485 CASE MANAGER RESPONSIBILITIES.

Subpart 1. Development of client's individual community support plan. Within 30 days after the first meeting with a client,

the case manager together with the client and, in the case of a child, except as provided in part 9505.0480, subpart 5, items A and B, the child's parent, legal representative, or primary caregiver, shall complete a written functional assessment in order to develop a written individual community support plan with the client based on the client's diagnostic assessment and needs. A review of the plan and the client's needs shall be completed at least every 90 days after the development of the first plan. A review of the functional assessment is to be completed at each review of the individual community support plan. To the extent possible and with the client's consent, the client, the client's family, physician, mental health providers, service providers, and other interested persons shall be involved in the development and implementation of the individual community support plan.

Subp. 2. Contents of individual community support plan. The individual community support plan must incorporate the client's individual treatment plans, as they are developed, and must be on a form supplied by the commissioner. The case manager shall ask the client to sign the completed individual community support plan as evidence that the case manager and the client have mutually agreed to the plan. The case manager must document a client's refusal to sign a completed individual community support plan. The individual community support plan must include at least the following information:

- A. the goals of the client;
- B. the services needed by the client;
- C. the goals of each service;
- D. the amount, scope, frequency, and duration of each service;
- E. the frequency of face-to-face contact between the client and the case manager that is needed to implement the individual community support plan;
- F. services involving a child's family or primary caregiver or a client's family or other interested persons; and
- G. steps the client and the case manager will take to assure the client's access to services identified in the plan.

Subp. 3. Referral, coordination, and monitoring. The case manager shall refer the client to appropriate mental health or other service providers and offer to help the client gain access to needed services. In referring the client to appropriate mental health providers, the case manager shall also consider the client's need for referral for a neurological examination, psychological testing, and a chemical dependency assessment as specified in part 9530.6615. The case manager shall coordinate the provision of services to the client and monitor the client's progress to determine whether the goals of the individual community support plan are being met or progress toward the goals is taking place. If the case manager determines the goals, or progress toward the goals is not being met, the case manager together with the client shall modify the client's individual community support plan. The determination shall be made through regularly scheduled meetings and discussions with the client, the client's service providers, mental health providers, and the client's parents or legal representative if the client is a child. The coordination must include regularly scheduled meetings or contact with members of a multidisciplinary team comprised of the client, the client's providers, and the case manager. If the client has coverage through a third party payer, the case manager shall help the client obtain payment for covered services. The case manager shall meet with the client at least once every 30 days, unless the client receives case management services under subpart 6, refuses further case management services, or case management services are terminated as provided in part 9505.0489.

Subp. 4. Emergency services. If a case manager has reason to believe that a client may need or use emergency services under *Minnesota Statutes*, section 245.469, the case manager shall provide the client the information necessary for the client to access the emergency services. If the client has authorized a release of information as specified in part 9505.0482, the case manager shall inform providers of the emergency services and other mental health services of the client's possible need for and use of emergency services. Additionally, the case manager shall ask the emergency service to inform the case manager if the client requests emergency services and also to inform the case manager of the nature of and action taken in response to the client's request. The case manager is responsible for assuring that all persons needing to know about the client's use of emergency services are informed and for taking the lead in coordinating the use of emergency services and other mental health services. The case manager also is responsible for revising the client's individual community support plan as necessary to minimize the client's need for emergency services. If a client receives emergency mental health services, the mental health provider shall, with the client's consent, notify the case manager; however, the client's consent is not necessary if the emergency situation falls within the provisions of *Minnesota Statutes*, section 148.976, subdivision 1.

Subp. 5. Records. The case manager shall keep written records of the case manager's contacts with the client and other persons about the client's case. The case manager must retain the records for five years after the case manager's last contact with a client.

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The records must document:

- A. each face-to-face contact with the client;
- B. each telephone contact with the client, or any of the client's mental health providers or other service providers, a client's family members, primary caregiver, legal representative, or other interested persons or, if applicable, the reason the client's family members, primary caregiver, or legal representative was not contacted;
- C. each face-to-face contact with a client's mental health or other service providers, a client's family, primary caregiver, legal representative, or other interested persons or the reason the client's family members, primary caregiver, or legal representative was not contacted;
- D. each contact made with other persons interested in the client, such as representatives of the courts, corrections system, or schools;
- E. the name of the person contacted;
- F. the purpose and content of the contact;
- G. the date and length of time spent in the contact;
- H. any action agreed to regarding the client's case; and
- I. supervisory meetings between the case manager and the case manager's clinical supervisor.

Subp. 6. **Case management services for clients outside the county of financial responsibility.** When a client is residing in or admitted to a residential treatment facility, regional treatment center, or inpatient hospital in a county other than the county of financial responsibility, case management services shall be provided either through telephone calls from the client's case manager to the client and to a representative of the facility, center, or hospital, or through face-to-face contact between the client and the case manager at least once every 30 days. Regardless of the frequency of telephone contact between the case manager and the client, the case manager shall meet with the client face-to-face at least once every 60 days. The case manager shall monitor the discharge planning process for the client and before or on the date of a planned discharge, the case manager shall meet face-to-face with the client. The case manager shall ask that a representative of the facility, center, or hospital notify the case manager of a planned discharge or if the client leaves against medical advice. Upon receiving notice that the client has left the facility, center, or hospital against medical advice, the case manager shall immediately attempt to locate the client. If the client returns to the county of financial responsibility, the case manager must have face-to-face contact with the client at least once every 30 days, with the client's consent.

Subp. 7. **Client's relocation.** When a client moves from the original county of financial responsibility to another county, the case management provider must provide copies of the client's case management records to the local agency in the new county of financial responsibility at the client's written request. The client's case management provider must notify the original county of financial responsibility of the client's relocation. The local agency in the new county of financial responsibility must help the client contact a case management provider in the county to which the client has moved, at the client's request, but need not provide notice as required in part 9505.0480, subpart 2.

Subp. 8. **Client's refusal to continue receiving case management services.** If a client refuses to continue receiving case management services or fails to contact the case manager face-to-face for more than 45 days, the client's case manager shall make a reasonable effort to contact the client no later than five days after the 45th day to determine if the client wants to continue receiving case management services. If the client can not be reached or wants to terminate case management services, the case manager shall notify the client and the local agency that case management services shall be terminated unless the client contacts the case manager before the 60th day after the previous contact. The notice shall state the date of the previous contact and the date of the proposed termination. If the client does not respond by the 60th day, the case management services shall be terminated. A written notice sent to the client's last known address or another more effective means, known to and documented by the case manager, of contacting the client constitutes notice of termination of case management services.

If a former client wants to receive case management services again after a refusal or termination of services, the client may contact the case management provider directly and case management services must resume. The case management provider must notify the local agency when this occurs.

Subp. 9. **Case manager's caseload.** The local agency must establish the caseload of case managers on the basis of the requirements of parts 9505.0476 to 9505.0491. The local agency must require case management providers to document the amount of time each case manager spends on each client.

Subp. 10. **Case manager's provision of other mental health services.** A case manager shall not provide mental health services or other health services such as psychotherapy, day treatment services, residential treatment, medication management as specified in part 9505.0345, subpart 5, or independent living skills training to any client for whom the case manager is providing case management services.

A case manager may provide outreach services for a case management client, but these services do not qualify as case management

services eligible for medical assistance payment under parts 9505.0476 to 9505.0491. The local agency may apply to the commissioner for a variance from this subpart. The commissioner may grant the variance if the local agency demonstrates that:

- A. separating case management services and other services would result in an undue hardship for the local agency; and
- B. an alternative method of preventing any conflict of interest has been established.

The variance shall be for a period no longer than a year but may be renewed by the commissioner at the local agency's request if the local agency continues to meet the criteria in items A and B.

9505.0486 REPORTING ABUSE OR NEGLECT OF VULNERABLE ADULT CLIENTS AND MALTREATMENT OF MINORS.

Subpart 1. **Vulnerable adults.** If a case manager knows or has reason to believe that a client who is a vulnerable adult is the subject of abuse or neglect, the case manager must immediately comply with the requirements of *Minnesota Statutes*, section 626.557, and determine how to assure the client's health and safety during the local agency's investigation. The case manager shall ask the local agency to inform the client of the findings of the local agency's investigation. When the case manager is informed of the findings of the local agency's investigation, the case manager shall work with the client to revise the client's individual community support plan as needed to assure the client's health and safety. For the purposes of this part, "vulnerable adult," "abuse," and "neglect" have the meanings given to them in *Minnesota Statutes*, section 626.557, subdivision 2.

Subp. 2. **Minors.** If a case manager knows or has reason to believe that a client who is a child has been neglected or physically or sexually abused within the preceding three years, the case manager shall immediately comply with the requirements of *Minnesota Statutes*, section 626.556, and assist in assuring the client's health and safety while the local agency conducts an assessment or investigation. The case manager shall ask the local agency to provide a summary of the local agency's disposition of any report made by the case manager. When the case manager receives the summary, the case manager shall work with the client to revise the client's individual community support plan as needed to assure the client's health and safety. For the purposes of this part, "neglect," "physical abuse," and "sexual abuse" have the meanings given them in *Minnesota Statutes*, section 626.556, subdivision 2.

9505.0487 SERVICES NOT ELIGIBLE FOR MEDICAL ASSISTANCE AS CASE MANAGEMENT SERVICES.

The following services are not eligible for medical assistance payment as case management services:

- A. diagnostic assessment;
- B. administration and management of a client's medications;
- C. legal services, including legal advocacy, for the client;
- D. information and referral services that are part of a county's community social service plan as required under *Minnesota Statutes*, section 256E.09, subdivision 3;
- E. outreach services through the community support services program;
- F. services that are not documented as required under part 9505.0491, subpart 4, through records required in part 9505.0491, subpart 5; and
- G. health services that are otherwise eligible for payment under Medicare, a third party payer, or parts 9505.0170 to 9505.0475, or other rules of the department. Examples are psychotherapy, psychological services, residential treatment, and medication management.

9505.0488 CLIENTS' RIGHTS AND RESPONSIBILITIES.

In addition to the rights under *Minnesota Statutes*, section 144.651, clients receiving case management services have the following rights and responsibilities:

- A. the right and responsibility to accept or refuse case management services;
- B. the right and responsibility to accept or refuse services specified in the client's individual community support plan;
- C. the right to request a change of case managers;
- D. the right to be referred to appropriate services specified in the client's individual community support plan;
- E. the right to confidentiality under the Minnesota Government Data Practices Act, *Minnesota Statutes*, chapter 13; and
- F. the right to appeal under part 9505.0490.

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

9505.0489 TERMINATION OF CASE MANAGEMENT SERVICES.

Case management services for a client terminate when one of the events listed in items A to E occurs. If one of the events listed in items A to E occurs, the case management provider shall notify the local agency. The local agency shall make a reasonable attempt to notify the client, before case management services are terminated under this part, and shall offer to refer the client to a mental health or other service provider appropriate to the client's needs. If the case manager is unable to locate the client, the case management provider shall notify the local agency and shall document the efforts to contact the client in the client's case record.

A. A mental health professional who has provided mental health services to the client furnishes a written opinion that the client no longer needs case management services.

B. The client and the case manager mutually decide that the client no longer needs case management services.

C. The client refuses to continue receiving case management services in the manner specified in part 9505.0485, subpart 8.

D. No face-to-face contact has occurred between the client and the client's case manager for 60 consecutive days unless the client is in a residential treatment facility, regional treatment center, or inpatient hospital in a county outside the county of financial responsibility.

E. No face-to-face contact has occurred between the client and the client's case manager for a period of 90 consecutive days because the client has failed to keep an appointment or refused to meet with the case manager and the client is in a residential treatment facility, regional treatment center, or inpatient hospital in a county outside the county of financial responsibility.

9505.0490 APPEALS.

Subpart 1. **Right to appeal.** An applicant or recipient of case management services has the right to a fair hearing under *Minnesota Statutes*, section 256.045, as specified in subpart 3 in regard to termination, denial, suspension of payment for case management services, or a request or referral for case management services that is not acted upon within five days. It is an absolute defense to an appeal under this part that the county of financial responsibility has no more resources available with which to avoid a denial, reduction, suspension, or termination of case management services to the applicant or recipient. The appeal rights of an applicant or recipient of case management services under parts 9505.0476 to 9505.0491, regardless of funding sources, are limited to those specified in this subpart.

Subp. 2. **Notice of adverse action.** The local agency shall mail a written notice to the person and the person's legal representative, if any, at least ten calendar days before denying, reducing, suspending, or terminating case management services. Except as provided in part 9505.0480, subpart 5, if the person is a child, the local agency must also send a copy of the notice to the child's parent or the child's primary caregiver. The written notice shall clearly state:

A. what action the local agency proposes to take;

B. the reason for the action;

C. the legal authority for the proposed action;

D. that the person has the right to appeal the action within 30 days after receipt of the notice or within 90 days if the person has good cause for delaying;

E. that case management services will not be reduced, suspended, or terminated if the person files an appeal before the date the action is taken; and

F. where and how to file an appeal.

Subp. 3. **General information about appeal rights.** At the time of the request for case management services and each time the individual community support plan is reviewed, the case manager shall give the person, the person's legal representative, and, if the person is a child, the child's parent or primary caregiver, a written explanation of the person's right to appeal.

Subp. 4. **Commissioner's record of appeals.** The commissioner shall monitor the nature and frequency of appeals under this part.

9505.0491 MEDICAL ASSISTANCE PAYMENT FOR CASE MANAGEMENT SERVICES.

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

A. "Face-to-face" means the client is physically present with the case manager.

B. "Unit" means an accumulation of time that totals 15 minutes in which case management services have been provided to or on behalf of a specific recipient or recipients.

Subp. 2. **Case management services eligible for medical assistance payment.** Case management services provided to a recipient that are eligible for medical assistance payment are:

A. face-to-face contact between the case manager and the client;

B. telephone contact between the case manager and the client, the client's mental health provider or other service providers, a client's family members, primary caregiver, legal representative, or other interested person or persons;

C. face-to-face contacts between the case manager and the client's family, legal representative, primary caregiver, mental health providers or other service providers, or other interested persons;

D. contacts between the case manager and the case manager's clinical supervisor concerning the client;

E. development, review, and revision of the client's individual community support plan; and

F. time spent by the case manager traveling outside the county of financial responsibility to meet face-to-face with a client who is a resident of a regional treatment center, residential treatment facility, or an inpatient hospital that is located outside the county of financial responsibility.

Subp. 3. Limitation on payments for services. Payment for case management services shall be limited according to items A and B.

A. Payment for case management services is limited to no more than six hours per client per month except under the conditions specified in item B. The payment may be for any combination of the services specified in subpart 2, except that payment for telephone contact between a case manager, the client, the client's legal representative, the client's family or primary caregiver, mental health providers, and other service providers, or other interested persons is limited to no more than two hours per client per month.

B. If the client is at risk of hospitalization, losing a job or place to live, or in danger of harming self or others because of the client's mental illness, the payment limitation on case management services to the client shall be ten hours per month. In this instance, the case manager must document the factor or factors placing the client at risk.

C. A client's functional assessment by a case manager is eligible for medical assistance payment if the assessment does not duplicate a similar assessment of the client by the Division of Rehabilitation Services of the Minnesota Department of Jobs and Training.

Subp. 4. Documentation required to receive medical assistance payment for case management services. To receive medical assistance payment for case management services the case manager must document the case management services provided and the time spent in providing them. Case management providers must maintain records as required under part 9505.0205 and comply with the applicable provisions of parts 9505.1750 to 9505.2150.

Subp. 5. Charting, record keeping, and travel. Time spent by the case manager in charting, record keeping, and traveling within the county of financial responsibility is not eligible for separate medical assistance payment as a case management service.

Subp. 6. Billing by units. A case management provider shall bill for medical assistance payment for eligible case management services provided to a recipient according to units of service provided, as defined in subpart 1, and documented as required in subpart 4.

Subp. 7. Statewide payment amount for case management services. For the calendar year beginning January 1, 1989, the commissioner shall determine the statewide medical assistance hourly payment amount for case management service provided to a recipient as specified in items A to C. The amount of the payment is the result obtained in item C.

A. Determine the highest hourly salary of a social worker at the fifth step of the entry level approved by a Minnesota County Board of Commissioners by May 1, 1988, for a person employed as an entry level social worker for calendar year 1988.

B. Multiply the amount in item A by 1.40 as an allowance for fringe benefits and administrative overhead.

C. Divide the amount calculated in item B by 0.7 as an allowance for the time a case manager spends in work-related activities that are not eligible for reimbursement under parts 9505.0476 to 9505.0491.

Subp. 8. Statewide payment amount for case management services; adjustment in state fiscal years after state fiscal year 1991. Unless the legislature acts otherwise, the commissioner shall adjust the statewide medical assistance hourly payment amount for case management services to be consistent with revisions enacted after 1990 in legislation governing maximum medical assistance payment rates beginning with state fiscal year 1992.

Subp. 9. Termination of payment. Medical assistance payment for case management services terminates when the case manager notifies the local agency that one of the events in part 9505.0489 has occurred.

Subp. 10. Recovery of payment. Medical assistance payments received by a case management provider for case management services that are not documented as required in subpart 4 are subject to recovery under parts 9505.1750 to 9505.2150.

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Proposed Rules

Bureau of Mediation Services

Proposed Permanent Rules Relating to Negotiation, Mediation, Impasse Certification, Arbitration, and Intent to Strike Notice

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Bureau of Mediation Services 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 179A.04, Subpart 4(f).

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:

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

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 Paul W. Goldberg, Commissioner, Bureau of Mediation Services, 1380 Energy Lane, Suite Two, Saint Paul, Minnesota 55108.

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 related 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 Paul W. Goldberg, Commissioner, Bureau of Mediation Services, 1380 Energy Lane, Suite Two, Saint Paul, Minnesota 55108.

Dated: 14 July 1988

Paul Goldberg
Commissioner

Rules as Proposed

5510.2410 APPLICATION.

Parts 5510.2410 to 5510.3210 govern the conduct of negotiations between an exclusive representative and an employer, the conduct of mediation, the certification of impasse unresolved issues to the board, the arbitration of impasse unresolved issues, and the notification of intent to strike.

5510.2905 CONFIDENTIAL INFORMATION.

Subpart 1. Mediation information. Information disclosed to the commissioner or an authorized agent by any party during mediation, and all files, records, reports, documents, or other papers received or prepared by the commissioner during the performance of duties and responsibilities related to mediation of a dispute are classified as protected nonpublic data with regard to data not on individuals and as confidential data on individuals, except to the extent the commissioner determines to unclassify such data in the referral of a dispute to interest arbitration or to identify the general nature of or parties to a labor dispute.

Subp. 2. Final positions. Final positions submitted by a party in conjunction with a dispute that has been referred to interest arbitration is regarded as protected nonpublic data with regard to data not on individuals and as confidential data on individuals

until both parties have filed their final positions with the commissioner under part 5510.2930, subpart 4. The commissioner may release the information to the board, and the board may release the information to the arbitration panel, to fulfill procedural requirements of the act and parts 5510.2410 to 5510.3210, but the information shall remain nonpublic and confidential until the commissioner has affirmed that final positions have been filed by both parties or until an interest arbitration hearing is commenced by the arbitration panel.

5510.2915 MEDIATION PERIOD.

For all public employees except teachers, mediation periods referred to in the act commence on the day after a request for mediation is filed with the commissioner. For teachers, mediation periods commence on the day the first mediation conference is convened.

5510.2930 REFERRAL TO ARBITRATION.

Subpart 1. Referral. The commissioner may refer a matter to the board for arbitration when it has been determined that further mediation efforts would serve no purpose and:

A. in the case of essential employees, either or both parties have requested arbitration; or

B. in the case of nonessential employees, a request to arbitrate has been made by one party and has been agreed to by the other within 15 days of the request.

Requests for arbitration and agreements to arbitrate must be in writing and be served on the other party and the commissioner under part 5510.0310, subpart 19. The requests and agreements are binding on the parties except to the extent they otherwise agree in writing, except that an offer to arbitrate for nonessential employees that has not been accepted in writing within the 15-day period shall be considered rejected and withdrawn.

Subp. 2. Form of arbitration. All interest arbitration shall be conventional arbitration except:

A. the parties may agree in writing to limit the arbitrator's authority to final offer item-by-item or final offer total-package;
or

B. if the case involves a unit of principals and assistant principals, the panel must use final offer item-by-item arbitration.

Subp. 3. Unresolved issues. In requesting or agreeing to interest arbitration, each party shall list all issues or matters not previously agreed upon. Based upon the submissions of the parties and prior efforts to mediate the dispute, the commissioner shall determine the unresolved issues that will be submitted to arbitration.

Subp. 4. Final positions. When an agreement or requirement to arbitrate has been established, and the commissioner has determined the issues to be submitted to arbitration, the commissioner shall certify the matters to the board and direct each party to submit their final position on the issues certified by the commissioner. Final positions shall be presented in the form of the contract language desired by each party to resolve the matter in dispute. Final positions must be submitted to the commissioner within 15 days of the date when the commissioner certifies the matter to the board. The deadline for submitting final positions may be extended a reasonable period of time by the commissioner upon an adequate and timely showing of good cause by a party.

If the arbitration form is a final offer variety, the final positions of the parties may not be withdrawn or amended except by mutual written consent.

Subp. 5. Forwarding to the board. After the date for the filing of final positions has passed, the commissioner shall forward the matter and any final positions that have been received to the board. When final positions have been received from both parties, the commissioner shall provide each party with a copy of the opposing party's final positions. The board may provide copies of final positions to the arbitration panel, but part 5510.2905, subpart 2, shall govern the protected nature of the final positions.

Subp. 6. Effect of untimely final positions. The failure of a party to submit timely final positions on an issue that has been submitted to final-offer arbitration shall be noted by the arbitration panel and shall prejudice that party's interests in the issue. The failure of a party to submit timely final positions in a conventional arbitration matter shall be noted by the arbitration panel and may be considered by the panel in weighing the testimony, evidence, and overall good faith behavior of that party with respect to the matters before the panel.

Subp. 7. Continued mediation. The commissioner may continue efforts to aid the parties in resolving issues even after a matter has been certified for arbitration.

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Proposed Rules

5510.3005 STRIKES.

Subpart 1. Notice. A notice of an intent to strike must be in writing and served upon the employer and the commissioner under parts 5510.2410 to 5510.3210. The notice is timely when the requirements of Minnesota Statutes, section 179A.18, have been fulfilled.

Subp. 2. Dates right to strike matures and terminates. The dates the right to strike matures and terminates shall be determined by the commissioner pursuant to the act and the commissioner shall provide written notice of the dates to the parties. No strike shall commence during the first ten days after receipt of a notice of intent to strike.

Subp. 3. Renewal of intent to strike notice. Except for teachers, a notice of intent to strike may be renewed by serving a written notice on the employer and the commissioner not sooner than five days before the termination of a right to strike. In the event the renewal is served, a new ten-day waiting period shall apply and the commissioner shall reestablish the dates when the right to strike matures and terminates. Teachers are limited to one intent to strike notice per contract negotiation period.

REPEALER. Minnesota Rules, parts 5510.2810, subpart 6; 5510.2910; 5510.3010; and 5510.3110, are repealed.

Pollution Control Agency

Proposed Permanent Rules Relating to Individual Sewage Treatment Systems Design Criteria

Notice of Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (Agency) will hold a public hearing in the above-entitled matter at the following dates, times and locations:

Tuesday, September 6, 1988 2:30 p.m. and 7:00 p.m.

Fine Arts Building Auditorium
Hibbing Community College
1515 East 25th Street
Hibbing, Minnesota

Wednesday, September 7, 1988 2:30 p.m. and 7:00 p.m.

Council Chambers
City Administration Building
1025 Roosevelt Avenue
Detroit Lakes, Minnesota

Thursday, September 8, 1988 1:30 p.m. and 7:00 p.m.

City Council Chambers
100 Northeast Seventh Ave.
Little Falls, Minnesota

Monday, September 19, 1988 2:30 p.m. and 7:00 p.m.

Food Service West
Southwest State University
North Highway 23
Marshall, Minnesota

Tuesday, September 20, 1988 2:30 p.m. and 7:00 p.m.

State Room
Olmsted County Campus Center
Building
2116 Campus Drive, S.E.
Rochester, Minnesota

Thursday, September 22, 1988 1:30 p.m. and 7:00 p.m.

Board Room
Minnesota Pollution Control
Agency
520 Lafayette Road
St. Paul, Minnesota

Additional days of hearing will be scheduled if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

The matter will be heard before Administrative Law Judge Richard C. Luis, Office of Administrative Hearings, Fifth Floor Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, (612) 341-7610. The rule hearing procedure is governed by *Minnesota Statutes*, §§ 14.131 to 14.20 (1986) and by the rules of the Office of Administrative Hearings, *Minnesota Rules* Parts 1400.0200 to 1400.1200 (1987). Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge at the address and telephone number stated above.

The subject of the hearing will be the proposed amendments to rules governing Individual Sewage Treatment Systems Standards, *Minnesota Rules* Parts 7080.0010 to 7080.0240. The rules provide for standards and criteria in the design, location, installation, use and maintenance of individual sewage treatment systems. The proposed amendments involve major changes to the rules. These proposed changes include significant reorganization of the rules as well as modifications to the requirements for state and local permits, criteria for the design, construction and maintenance of individual sewage treatment systems, and redefinition of both standard systems and prohibited installations.

These rules provide the minimum standards and criteria for the design, location, installation, use and maintenance of individual sewage treatment systems. The proposed rules are authorized by *Minnesota Statutes* § 115.03 subd. 1 (1986). The proposed rules are published below. One free copy of the rules is available on request by contacting:

Bobbi Stadler
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
(612) 296-7739

Notice is hereby given that a Statement of Need and Reasonableness is now available for review at the Agency offices and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the Agency anticipates presenting at the hearing justifying both the need for and reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the Agency offices or at the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Any person may present his or her views on the proposed rules in one or more of the following ways: by submitting written data to the Administrative Law Judge at any time before the close of the hearing; by submitting oral or written data at the hearing; and by submitting written data to the Administrative Law Judge during the comment period following the hearing. The comment period will not be less than five working days after the public hearing ends. The comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. The written material received during the comment period shall be available for review at the Office of Administrative Hearings. Within three business days after the expiration of the comment period, the Agency and interested persons may respond in writing to any new information received during the comment period; however, no additional evidence may be submitted during this three-day period.

The Agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment period also submit a copy of the written data to Bobbi Stadler at the address stated above.

The proposed rules may be modified if the data and views received during the hearing process warrant modification and the modification does not result in a substantial change in the proposed rules.

NOTICE: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the Agency may not take any final action on the rules for a period of five working days. If you desire to be so notified, 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 are 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 Agency at any time prior to the filing of the rules with the Secretary of State.

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1986), "Small business considerations in rulemaking," that the proposed rules have an effect on small business.

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Proposed Rules

Under the proposed rules systems designed to treat more than 10,000 gallons per day will be reviewed by the Agency. This will be a change from the current standards which require a state disposal system permit for systems which are designed to treat more than 15,000 gallons per day from a single facility. A state disposal system permit is also currently required for collector systems which either treat more than 5,000 gallons per day or which treat the effluent from 15 or more dwellings.

Some businesses which now have a state permit will no longer need one under the proposed rules. Other businesses will be required to get a state permit for the first time. The net effect of this change will be that fewer facilities will need to get state disposal system permits, resulting in fewer small businesses needing to meet the compliance or reporting requirements of these permits.

Another proposed change will require that septic tank capacity for restaurants and laundromats be at least twice that currently required. This proposed requirement will increase the cost of installation of sewage treatment systems for these businesses.

Pursuant to *Minnesota Statutes* § 14.11, subd. 1 (1986), the Agency must provide an estimate of the public monies associated with implementing these rules if it is estimated that the total cost to all local public bodies exceeds \$100,000 in either of the first two years following adoption of the rules. The only additional costs to local public bodies associated with these rules are for inspection and record keeping of individual sewage treatment systems that are permitted under these standards. Adoption of these standards is not mandatory, and as such a municipality may choose not to require permits for individual sewage treatment systems. Therefore, any additional costs will be incurred voluntarily.

Minnesota Statutes § 17.83 (1986) requires the Agency to describe any direct and substantial adverse effects on agricultural land. The Agency has determined that these rules will have no such effects.

Please be advised that *Minnesota Statutes* ch. 10A (1986) 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 (1986) as any individual:

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

(b) Who spends more than \$250 not including his own 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.

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

Gerald L. Willet
Commissioner

Rules as Proposed

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.

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

7080.0020 DEFINITIONS.

Subpart 1. **Certain terms.** For the purposes of these standards, certain terms or words used herein shall be interpreted as follows: the ~~word~~ words "shall" ~~is~~ and "must" ~~are~~ mandatory, the words "should" and "may" are permissive. All distances, unless otherwise specified, shall be measured horizontally.

Subp. 1a. 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. 2. to 12. [Unchanged.]

Subp. 13. **Distribution pipes.** "Distribution pipes" means perforated pipes ~~or agricultural drain tiles~~ that are used to distribute sewage tank effluent in a soil treatment system.

Subp. 14. and 15. [Unchanged.]

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. 16. [Unchanged.]

Subp. 17. [See Repealer.]

Subp. 18. **Greywater.** “Greywater” means liquid waste from a dwelling or other establishment produced by bathing, laundry, culinary operations, and from floor drains associated with these sources, and specifically excluding toilet waste.

Subp. 18a. **Hazardous materials.** “Hazardous materials” means any substance which, when discarded, meets the definition of hazardous waste in chapter 7045.

Subp. 19. [Unchanged.]

Subp. 20. **Impermeable.** “Impermeable,” with regard to bedrock, a bedrock having no cracks or crevices and having a vertical permeability less 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 than ~~one~~ 0.025 inch in 24 hours shall be considered impermeable.

Subp. 21. **Individual sewage treatment system.** “Individual sewage treatment system” means a sewage treatment system, or part thereof, serving a dwelling, or other establishment, or group thereof, which ~~utilizes~~ uses subsurface soil treatment and disposal.

Subp. 22. [See Repealer.]

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

Subp. 23. and 24. [Unchanged.]

Subp. 24a. **Municipality.** “Municipality” means any county, city, town, the Metropolitan Waste Control Commission established in chapter 473, the Metropolitan Council when acting under the provisions of that chapter, or any other governmental subdivision of the state responsible by law for the prevention, control, and abatement of water pollution in any area of the state.

Subp. 24b. **Ordinary high water level.** “Ordinary high water level” means the boundary of public waters and wetlands, that is an elevation delineating the highest water level maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of a channel. For reservoirs and flowages the ordinary high water level must be the operating elevation of the normal summer pool.

Subp. 24c. **Original soil.** “Original soil” means naturally occurring inorganic soil that has not been moved, smeared, compacted, nor manipulated with construction equipment.

Subp. 25. [Unchanged.]

Subp. 25a. **Owner.** “Owner” means all persons having possession of, control over, or title to an individual sewage treatment system.

Subp. 26. [Unchanged.]

Subp. 27. **Permitting authority.** “Permitting authority” means any state agency or ~~local unit of government~~ municipality which administers the provisions of these standards.

Subp. 28. **Plastic limit.** “Plastic limit” means a soil moisture content below which the soil may be manipulated for purposes of installing a soil treatment system, and above which manipulation will cause compaction and puddling. The soil moisture content at the plastic limit can be measured by American Society for Testing and Materials (ASTM) test number D4318-84.

Subp. 28a. **Public waters.** “Public waters” means any public waters or wetlands as defined in Minnesota Statutes, section 105.37, subdivisions 14 and 15 or identified as public waters or wetlands by the inventory prepared pursuant to Minnesota Statutes, section 105.391.

Subp. 28b. **Required basal width.** “Required basal 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.

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Subp. 29. **Sand.** "Sand" means a soil texture composed by weight of at least 85 percent of soil particles ranging in size between 0.05 and 2.0 mm 25 percent very coarse, coarse, and medium sand varying in size from 2.00 millimeters (sieve size 10) to 0.25 millimeters (sieve size 60), less than 40 percent fine or very fine sand ranging in size between 0.25 millimeters and 0.05 millimeters (sieve size 270), and no more than ten percent particles smaller than 0.05 millimeters.

Subp. 30. to 32. [Unchanged.]

Subp. 33. **Sewage.** "Sewage" means any water carried domestic waste, exclusive of footing and roof drainage, from any industrial, agricultural, or commercial establishment, or any dwelling or any other structure. Domestic waste includes but is not limited to liquid waste produced by toilets, bathing, laundry, culinary operations, and liquid wastes from toilets and the floor drains associated with these sources, and specifically excludes animal waste and commercial process or industrial waste water.

Subp. 34. to 40. [Unchanged.]

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 60 120 minutes per inch.

Subp. 42. [Unchanged.]

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

Subp. 44. **Soil treatment system.** "Soil treatment system" means a system whereby where sewage tank effluent is treated and disposed of below the ground surface by filtration and percolation through the soil, and includes those systems commonly known as seepage bed, trench, drainfield, disposal field, and includes mounds, electroosmosis systems, and seepage pits.

Subp. 45. **Standard system.** "Standard system" means an individual sewage treatment system employing a building sewer, sewage tank, and the soil treatment system commonly known as seepage bed or trenches, drainfield, or leachfield consisting of trenches, seepage beds, or mounds.

Subp. 46. to 50. [Unchanged.]

Subp. 51. [See Repealer.]

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

Subp. 53. [Unchanged.]

7080.0030 ADMINISTRATION BY STATE AGENCIES.

For an individual sewage treatment systems which serve a single facility generating greater than 15,000 gallons per day shall conform to the requirements of these standards and 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. The systems must, at a minimum, conform to the requirements of these standards.

Collector systems which serve 15 dwellings or 5,000 gallons per day, whichever is less, shall conform to the requirements of these standards and shall make application for and obtain a state disposal system permit from the agency.

For dwellings such as rental apartments, townhouses, resort units, rental cabins, 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 LOCAL UNITS OF GOVERNMENT MUNICIPALITIES.

Subpart 1. **Shoreland and floodplain areas, and wild scenic river land use districts.** Pursuant to *Minnesota Statutes*, sections 104.04, 104.36, and 105.485, certain counties and ~~municipalities~~ cities must enact ordinances which comply with the appropriate regulations of the Minnesota Department of Natural Resources, some of which in turn require compliance with the regulations of the Minnesota Pollution Control Agency.

Subp. 2. [Unchanged.]

Subp. 3. **Localized standards.** Nothing in these standards shall prevent ~~local units of government~~ municipalities from enacting ordinances which provide more adequate sewage treatment under local conditions.

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.

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.

7080.0080 PROHIBITED INSTALLATIONS.

Cesspools, seepage pits, dry wells, and leaching pits shall not be installed.

7080.0100 ADVISORY COMMITTEE.

Subpart 1. **Creation.** There is ~~hereby~~ created an advisory committee on individual sewage treatment systems (ISTS) hereinafter referred to as the committee.

Subp. 2. **Duties.** The committee shall, subject to the approval of the agency, review and advise the agency on:

- A. ~~review and advise the agency on~~ revisions of standards and legislation relating to ISTS;
- B. ~~review~~ technical data relating to ISTS;
- C. ~~develop and revise~~ a technical manual on ISTS;
- D. ~~develop~~ educational materials and programs for ISTS;
- E. ~~advise the agency and local unit of government on~~ the administration of standards and ordinances pertaining to ISTS at the state and local levels; and
- F. other ISTS activities considered appropriate by the committee.

Subp. 3. **Membership.** The committee shall consist of 16 voting members. Of the 16 voting members:

- A. one shall be a citizen of Minnesota, representative of the public;
- B. one shall be from the ~~Agricultural~~ Minnesota Extension Service of the ~~United States Department of Agriculture and the~~ University of Minnesota;
- C. six shall be county administrators (such as zoning administrators, sanitarians, etc.), one from each of the five agency regions and one from the seven-county metropolitan area;
- D. one shall be a municipal building inspector;
- E. six shall be sewage treatment contractors, one from each of the five agency regions and one from the seven-county metropolitan area; and
- F. one shall be a water well contractor.

Subp. 4. **Ex officio members.** The following agencies and associations shall each have one nonvoting ex officio member to assist the advisory committee and to be advised, in turn, on matters relating to ISTS: the agency, the DNR, Department of Health, the

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United States Department of Agriculture Soil Conservation Service, the Metropolitan Council, the Association of Minnesota Counties, the Minnesota Association of ~~Township Officials~~ Townships, the League of Minnesota Cities, and the Minnesota Society of Professional Engineers.

Subp. 5. **Appointment; terms.** All members shall be appointed by the agency board from recommendations by the affected groups. All members shall serve for ~~two~~ four years, with terms staggered so as to maintain continuity.

In the case of a vacancy, an appointment shall be made for the unexpired balance of the term. The administrators, inspectors, and contractors shall have been bona fide residents of this state for a period of at least three years ~~prior to~~ before appointment, and shall have had at least three years' experience in their respective businesses.

Subp. 6. **Robert's rules.** Robert's Rules of Order shall prevail at all meetings of the advisory committee.

7080.0110 SITE EVALUATION.

Subpart 1. **Evaluation factors.** All proposed sites for individual sewage treatment systems shall be evaluated as to:

- A. depth to the highest known or calculated ground water table or bedrock;
- B. soil conditions, properties, and permeability;
- C. slope;
- D. the existence of lowlands, local surface depressions, and rock outcrops;

E. all legal setback requirements from: existing and proposed buildings; property lines; sewage tanks; soil treatment systems; water supply wells; buried water pipes and utility lines; the ordinary high water ~~mark level of lakes, rivers, streams, flowages~~ public waters; and the location of all soil treatment systems and water supply wells on adjoining lots within 150 feet of the proposed soil treatment system, sewage tank, and water supply well; and

F surface water flooding probability.

Subp. 2. to 4. [Unchanged.]

Subp. 5. Additional site. Wherever possible, a suitable additional site should be available.

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 SBC 8701, chapter 1300, which incorporates by reference portions of the Minnesota Plumbing Code, parts 4715.0100 to 4715.6000 chapter 4715, and by specific provisions of the Minnesota Water Well Construction Code, part 4725.2000, subpart 1, items D, E, and F chapter 4725. ~~Relevant portions of the Minnesota Plumbing Code, as of the date of enactment of this chapter, are reproduced in part 7080.0220. Part 4725.2000, subpart 1, items D, E, and F, as of the date of enactment of this chapter, are reproduced in 7080.0230.~~

Subp. 2. Water meter. A new individual sewage treatment system that is intended to serve a new dwelling or other establishment 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, ~~shall be~~ must:

- A. be watertight;
- B. ~~so~~ be designed and constructed ~~as~~ to withstand all lateral earth pressures under saturated soil conditions with the tank empty;
- C. ~~so~~ be designed and constructed ~~as~~ to withstand a minimum of seven feet of saturated earth cover above the tank top; ~~and~~
- D. not be subject to excessive corrosion or decay; and
- E. have the manufacturer's name, model number, and tank capacity in gallons permanently displayed on the tank above the outlet pipe.

Any tank not having an integrally cast bottom shall not be installed when the water table is closer than three inches to the bottom of the excavation at the time of construction.

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

A. to E. [Unchanged.]

F Baffles must be integrally cast with the tank, affixed with a permanent waterproof adhesive, or affixed with stainless

steel connectors, top and bottom. Sanitary tees, which are used as baffles, shall be affixed to the inlet or outlet pipes with a permanent waterproof adhesive. ~~Baffles shall be integrally cast with the tank, affixed with a permanent waterproof adhesive or affixed with stainless steel connectors, top and bottom.~~

G. to L. [Unchanged.]

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

(1) There shall be one or more manholes, at least a minimum of 20 inches least dimension, and located within six feet of all walls of the tank. The manhole shall extend through the tank cover to a point within 12 inches ~~but no closer than six inches below finished grade.~~ The manhole cover shall be covered with at least six inches of earth of finished grade. If the manhole is covered with less than six inches of soil, the cover must be secured to prevent unauthorized access.

(2) There shall be an inspection pipe of at least four inches diameter ~~or a manhole~~ over both the inlet and outlet devices. The inspection pipe shall extend through the tank cover or the manhole cover and be capped flush or above finished grade. A downward projection of the center line of the inspection pipe shall be directly in line with the center line of the inlet or outlet device.

(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 the tank cover and must be capped flush with or above finished grade.

N. Compartmentation of single tanks.

(1) to (5) [Unchanged.]

(6) Adequate access to each compartment shall be provided by one or more manholes, at least 20 inches least dimension, and located within six feet of all walls of the tank. The manhole shall extend through the tank cover to a point within 12 inches ~~but no closer than six inches below~~ of finished grade. If the manhole cover shall be is covered with at least less than six inches of earth, the cover must be secured to prevent unauthorized access.

O. [Unchanged.]

P. Outlet pipe from septic tank.

(1) The outlet pipe from the septic tank must not be cast iron.

(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 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.

(4) The soil around the pipe extending from the septic tank must be compacted to original density for a length of three feet beyond the edge of the tank 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 ~~7080.0200~~ 7080.0020, subpart 7 8):

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

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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 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 the volume of the sewage delivered in each pump cycle.

Subp. 4. **Location of septic tanks.** The sewage tank shall be placed so that it is accessible for the removal of liquids and accumulated solids.

The sewage tank shall be placed on firm and settled soil capable of bearing the weight of the tank and its contents.

Sewage tanks shall be set back as specified in Table IV, part 7080.0170, subpart 2, item B.

Sewage tanks shall not be placed in areas subject to flooding or in flood plains delineated by local ordinances adopted in compliance with the "Statewide Standards for Management of Flood Areas of Minnesota" (~~parts 6120.5100 to 6120.6200~~ chapter 6120), or in areas for which regional flood information is available from the DNR, except that in areas where ten year flood information is available from and/or approved by the DNR, sewage tanks may be installed in accordance with all provisions of part 7080.0210, subpart 3, item F D.

Subp. 5. **Maintenance of septic tanks.**

A. The owner of any septic tank or his the owner's agent shall regularly, but in no case less frequently than every three years, inspect and measure the sludge and scum accumulations. 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.

B. Individual sewage treatment system additives which contain hazardous materials must not be used in individual sewage treatment systems in Minnesota.

C. Individual sewage treatment system additives must not be used as a means to reduce the frequency of proper maintenance and removal of septage from the septic tank as specified in item A.

Subp. 6. [Unchanged.]

7080.0150 DISTRIBUTION OF EFFLUENT.

Subpart 1. **Gravity distribution.** Gravity distribution:

~~A. Level ground. Where the elevation difference of the ground surface does not exceed 28 inches in any direction within the soil treatment system, the sewage tank effluent may be directed to the soil treatment system through a system of interconnected distribution pipes or trenches in a continuous system.~~

~~B. Slightly sloping ground.~~

~~(1) Sewage tank effluent may be distributed by a distribution box provided the final ground surface elevation of the lowest trench is at least one foot higher than the outlet inverts of the distribution box.~~

~~(2) Distribution box.~~

~~(a) The box shall be watertight with a removable cover and shall be constructed of durable materials not subject to excessive corrosion or decay.~~

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

~~(c) The inlet invert shall be at least one inch above the outlet inverts.~~

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

~~(e) Each drain field trench line shall be connected separately to the distribution box and shall not be subdivided.~~

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

C. Sloping ground.

(1) Where the elevation difference of the ground surface exceeds 28 inches in any direction within the soil treatment system and a distribution box cannot be used as specified in item B, a drop box shall be installed at the head end of each lateral line. Connections between drop boxes shall be by watertight pipes.

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

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

(b) (2) The invert of the inlet pipe shall be at least one inch higher than the invert of the outlet pipe to the next trench.

(c) (3) The invert of the outlet pipe to the next trench shall be at least two inches higher than the invert of the outlet pipe of the trench in which the box is located.

(d) (4) When sewage tank effluent is delivered to the drop box by a pump, the pump discharge shall be directed against a wall or side of the box on which there is no outlet.

(e) (5) The drop box shall have a removable cover either flush or above finished grade or covered by no more than six inches of soil.

B. The distribution boxes must meet the following standards:

(1) The box must be watertight with a removable cover 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 at least one inch above the outlet inverts.

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

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

(6) 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. Distribution pipes.

(1) Distribution pipes used in trenches or beds for gravity distribution must be at least four inches in diameter and must be constructed of sound and durable material not subject to corrosion or decay or to loss of strength under continuously wet conditions.

(2) Perforated pipe used for sewage distribution pipes must have one or more rows of holes of no less than one-half inch in diameter spaced no more than 40 inches apart. Holes must be spaced to prevent failure due to loads. Distribution pipes must have a load bearing capacity of not less than 1,000 pounds per lineal foot.

(3) The distribution pipes for gravity distribution must be laid level or on a uniform slope away from the distribution device of no more than four inches per 100 feet.

(4) Gravity distribution pipes in beds must be uniformly spaced no more than five feet apart and not more than 30 inches from the side walls of the bed.

(5) Other devices may be used to distribute sewage tank effluent over the soil treatment area upon approval of the permitting authority.

Subp. 2. **Pressure distribution.** Pressure distribution laterals shall be sized as shown in Table I below.

Laterals shall be spaced no further than 20 inches from a trench or bed wall.

Laterals shall be spaced no further than 40 inches apart.

Laterals shall be connected to a header pipe which is at least one and one-half inch and no more than two inches in diameter.

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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.

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.

C. All pipes and associated fittings used for pressure distribution must be properly joined together. The pipe and connections must be able to withstand a pressure of at least 40 pounds per square inch.

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 head on the perforations.

TABLE I

Maximum Allowable Lateral Lengths In Feet From Header Pipe Number of One-Fourth Inch Diameter, or Smaller, Perforations Per Lateral

Perforation Diameter	Perforation Spacing Pipe Diameter, Nominal and Inside					
	2.5 Feet Pipe Diameter			3.0 Feet Pipe Diameter		
	1"	1-1/4"	1-1/2"	1"	1-1/4"	1-1/2"
3/16"	34	52	70	36	60	75
7/32"	30	45	57	33	54	63
1/4"	25	38	50	27	42	54
Perforation Spacing in feet	1"	1-1/4"	1-1/2"	1-1/2"	2"	2"
2.5	8	14	18	18	28	28
3	8	13	17	17	26	26
3.3	7	12	16	16	25	25
4	7	11	15	15	23	23
5	6	10	14	14	22	22

E. Perforation holes must be drilled straight into the pipe and not at an angle. The perforated pipe laterals must be installed level with the perforations downward.

F. Laterals must be spaced no further than 60 inches apart and must be spaced no further than a horizontal distance of 30 inches from the bottom edge of a drainfield rock layer.

G. Laterals must be connected to a header or manifold pipe that is of a diameter such that the friction loss in the header or manifold will be no greater than five percent of the average head at the perforations. The header or manifold pipe must be connected to the supply pipe from the pump.

H. Perforated laterals must be designed and installed in such a way that no perforations are located closer than 12 inches from the edge of the drainfield rock.

7080.0160 DOSING OF EFFLUENT.

Subpart 1. [Unchanged.]

Subp. 2. **Dosing devices for gravity distribution.** Dosing devices for gravity distribution:

A. to C. [Unchanged.]

D. If the dosing device is a siphon, a maintenance inspection shall be made every six months by the owner or his the owner's agent. The siphon shall be maintained in proper operating condition.

E. to G. [Unchanged.]

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

A. [Unchanged.]

B. The pump discharge capacity shall be at least seven and one-half gallons per minute for each 100 square feet of soil treatment area 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.

C. to E. [Unchanged.]

F. A siphon will not be allowed as a dosing device to deliver effluent to a pressure distribution system.

7080.0170 FINAL TREATMENT AND DISPOSAL.

Subpart 1. **In general.** Final treatment and disposal of all sewage tank effluent shall be by means of soil treatment and disposal.

Subp. 2. **Standard system.**

A. Sizing:

(1) The required soil treatment area shall be determined by the daily sewage flow and the percolation rate of the soil.

(2) Acceptable methods for estimating sewage flow for dwellings are given in Table II. The minimum daily sewage flow estimated for any dwelling shall provide for at least two bedrooms. For multiple residential units, the estimated daily sewage flow shall consist of the sum of the flows of each individual unit.

Table II. Sewage flow (gallons per day).

Number of Bedrooms	Classification of Dwelling*			
	I	II	III	IV
2	300	225	180	-
3	450	300	218	-
4	600	375	256	-
5	750	450	294	-
6	900	525	332	-

*Table II is based on the following formulas:

Classification I: Sewage Flow = $150 \times$ (No. of Bedrooms)

The total floor area of the residence divided by the number of bedrooms is more than 800 square feet per bedroom, or more than two of the following water-use appliances are installed: automatic washer, dishwasher, water softener, garbage disposal, or self-cleaning humidifier in furnace.

Classification II: Sewage Flow = $75 \times$ (No. of Bedrooms + 1)

More than 500 square feet of total residence floor area per bedroom and no more than two of the water-use appliances listed in Classification I.

Classification III: Sewage Flow = $66 + 38 \times$ (No. of Bedrooms + 1)

Less than 500 square feet of total residence floor area per bedroom and no more than two of the water-use appliances listed in Classification I.

Classification IV: Classification I, II, or III but with no toilet wastes discharged into the sewage system. If a greywater system is employed pursuant to Appendix A part 7080.0210, subpart 4, item B, ~~in part 7080.0210~~ Appendix A, estimated sewage flow shall equal 60 percent of the amount provided in column I, II, or III of Table II.

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

(4) The soil treatment area shall be at least as large as set forth in Table III. 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.

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Table III.

Percolation Rate (Minutes per inch)	Required Soil Treatment Area in Square Feet of <u>Trench Bottom</u> (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
Slower than 60 61 to 120****	-
Slower than 120*****	-

**Soil is unsuitable for standard system if percolation rate is less than 0.1 minutes per inch. See Appendix A, subpart 3, item E, in part 7080.0210 See items F and G for special requirements for these soils.

***Consider alternative sewage treatment systems for soils with this percolation rate range. See Appendix A, subpart 3, item E, in part 7080.0210 See items F and G for special requirements for these soils.

****Soil is unsuitable for standard system if percolation rate is slower than 60 minutes per inch. See Appendix A, subpart 3, item D, in part 7080.0210 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 for special requirements for these soils.

(5) Table III gives the required bottom area assuming six inches of filter material below the distribution pipe for trenches and beds. The required bottom area may be reduced, for trenches only, by the following percentages: 20 percent for 12 inches of filter material below the distribution pipe; 34 percent for 18 inches; and 40 percent for 24 inches. The filter material shall completely encase the distribution pipe to a depth of at least two inches.

B. Location:

(1) and (2) [Unchanged.]

(3) Soil treatment systems shall be located as specified in Table IV in subpart 8.

Table IV. Minimum setback distances (feet).

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

* 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.

(4) Soil treatment areas shall not be placed in areas subject to flooding or in flood plains delineated by local ordinances adopted in compliance with the "Statewide Standards and Criteria for Management of Flood Plain Areas of Minnesota" (parts 6120.5100 to 6120.6200 chapter 6120), or in areas for which regional flood information is available from the DNR, except that in areas where ten year flood information is available from and/or approved by the DNR, soil treatment systems may be installed in accordance with the provisions of Appendix A, part 7080.0210, subpart 3, item F D.

(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:

(1) The bottom of trenches and beds shall be at least three feet above the water table or bedrock.

(2) The trenches shall be not less than 18 inches nor more than 36 inches wide. Any ~~trench excavation~~ wider than 36 inches shall be considered a bed. No bed may be wider than 25 feet and parallel beds must not be located closer than ten feet apart.

(3) Trenches and beds shall be not more than 100 feet in length.

(4) The bottom of the trench or bed excavation shall be level.

(5) The bottom and sides of the soil treatment system to the top of the filter material 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.

(6) When the percolation rate is slower than 15 minutes per inch, excavation shall be by backhoe or other means that allow the equipment wheels or tracks to remain on the surface soil. Excavation equipment or other vehicles shall not be driven on the soil treatment area.

(7) There shall be a layer of at least six but no more than 24 inches of filter material 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 shall be placed beneath the distribution pipe.

~~(9) Distribution pipes, gravity distribution.~~

~~(a) Distribution pipe used in trenches or beds for gravity flow distribution shall be at least four inches in diameter and constructed of sound and durable material not subject to corrosion or decay or to loss of strength under continuously wet conditions.~~

~~(b) Perforated pipe used for sewage distribution pipes shall have one or more rows of holes of no less than one-half inch in diameter spaced no more than 36 inches apart. Holes shall be spaced to prevent failure due to loads. Distribution pipes shall have a load bearing capacity of not less than 1,000 pounds per lineal foot.~~

~~(c) Agricultural drain tile shall be in 12-inch lengths and laid with one-fourth inch open joints on grade boards. All open joints shall be protected on top by strips of asphalt-treated building paper at least ten inches long and three to six inches wide or by other acceptable means.~~

~~(d) Other devices may be used to distribute sewage tank effluent over the soil treatment area upon approval of the permitting authority.~~

~~(10) Pressure distribution.~~

~~(a) Distribution pipes used in trenches or beds for pressure distribution shall be at least one inch in diameter and constructed of sound and durable material not subject to corrosion or decay or to loss of strength under continuously wet conditions.~~

~~(b) Perforations shall be sized and spaced as shown in Table I set forth in part 7080.0150, subpart 2.~~

~~(11) The distribution pipes shall be laid level or on a uniform slope away from the distribution device of no more than four inches per 100 feet.~~

~~(12) Gravity distribution pipes in beds shall be uniformly spaced no more than five feet apart and not more than 30 inches from the side walls of the bed.~~

~~(13) The filter material drainfield rock shall completely encase the disposal top and sides of the distribution pipes to a depth of at least two inches. The top of the drainfield rock in trenches, beds, and mounds must be level in all directions.~~

~~(14) (10) The filter material drainfield rock shall be covered with untreated building paper or a two-inch four-inch layer~~

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of hay or straw, or similar, approved 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 layer of hay or straw covered with untreated building paper.

(15) (11) The trenches or beds shall be backfilled and crowned above finished grade to allow for settling. The top six inches of soil shall have the same texture and density as the adjacent soil.

(16) (12) The minimum depth of cover over the distribution pipes shall be at least eight inches. The maximum depth of cover over the distribution pipes shall be no more than 36 inches and preferably no more than 24 inches.

(17) (13) A grass cover shall be established by the owner or his the owner's agent over the soil treatment system.

(14) A vertical inspection pipe at least 1-1/2 inches in diameter must be installed in each drainfield rock layer of every trench or seepage bed. The inspection pipe must be located at an end opposite from where the sewage tank effluent enters the rock layer. The inspection pipe must have 3/8 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.

D. Dual field systems:

(1) Dual field systems shall be used only where the percolation rate is slower than five minutes per inch.

(2) Dual field systems shall be sized, designed, and constructed as set forth above for standard systems except as follows:

(a) The soil treatment area shall be divided into two or more parts.

(b) Alternating soil treatment areas shall each be connected to a valve box outlet.

(3) A part of the soil treatment area shall be used no more than one year unless inspection of the effluent level indicates that a longer duration can be used.

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 Mark of:		
Natural Environment Lakes and Rivers	**	**
Recreational Development Lakes and Streams	**	**
General Development Lakes and Streams	**	**
Wild Rivers	**	**
Scenic Rivers	**	**
Recreational Rivers and Designated Tributaries of Wild, Scenic, and Recreational Rivers	**	**

* Setbacks from water supply wells and buried water pipes are presently governed by part 4725.2000, subpart 1, items D, E, and F. These rules, as of the date of enactment of this part, are reproduced in Appendix D, part 7080.0230.

** Setbacks from lakes, rivers and streams are presently governed by parts 6120.1300, 6105.0120, and 6120.3400. These rules, as of the date of enactment of this part, are reproduced in Appendix E, part 7080.0240.

E. Slowly permeable soils.

(1) Excavation for the purpose of constructing a soil treatment system must not be made in any soil layer having a percolation rate slower than 120 minutes per inch.

(2) Excavation for the purpose of constructing a soil treatment system must not be made in a soil layer having a percolation rate slower than 60 minutes per inch unless the moisture content is lower than the plastic limit of the soil.

(3) Drainfield rock must not be placed in contact with original soil having a percolation rate slower than 60 minutes per inch.

(4) Where the percolation rate of the original soil is slower than 60 minutes per inch, at least 12 inches of fill material having a texture defined as sand must be placed between the drainfield rock and the original soil along the excavation bottom.

(5) Construction equipment wheels or tracks must not be placed in contact with the bottom of the excavation during the construction of a soil treatment system in soils having a percolation rate slower than 15 minutes per inch.

(6) The size of the soil treatment system must be based on an acceptance rate of 0.24 gallons per square foot, which is equivalent to a sizing factor of 4.2 square feet per gallon per day.

F. Rapidly permeable soils.

(1) Drainfield rock for a soil treatment unit must not be placed in contact with original soil having a percolation rate faster than one-tenth minute per inch.

(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 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:

(a) distribute the sewage tank effluent by pressure flow over the treatment area as specified in part 7080.0150, subpart 2;

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

(c) provide at least 12 inches of loamy sand textured soil with a percolation rate between six and 15 minutes per inch in situ between the drainfield rock and the coarse soil. Trenches must be used with this liner system. The size of the soil treatment system must be based on the required treatment area for a soil having a percolation rate between 16 to 30 minutes per inch as specified in item A, subitem (4), Table III.

G. Mounds.

(1) Mounds must be constructed on original soils so that there is at least 36 inches of separation between the bottom of the drainfield rock layer and limiting soil characteristics as defined in part 7080.0020, subpart 41.

(2) There must be at least 12 inches of original soil with a percolation rate faster than 120 minutes per inch above the limiting soil characteristics as defined in part 7080.0020, subpart 41.

(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 must be placed before placing the clean sand layer of the mound. The required basal 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.

(4) If original soil conditions do not exist on a site proposed for a mound, as defined in part 7080.0020, subpart 24, the site is unsuitable for a mound.

(5) The allowable basal 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.

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Table V.

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

(6) The required basal 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. The required basal 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.

(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.

(8) The bottom area of the drainfield rock layer must be sized on the basis of 0.83 square feet per gallon of waste per day.

(9) The width of the drainfield rock layer in a single bed must not exceed ten feet.

(10) A rubber tired tractor may be used for plowing or discing but must not be driven on the basal 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.

(11) The discharge pipe from the pump to the mound area must be installed before soil surface preparation. The trench must be carefully backfilled and compacted to prevent seepage of effluent.

(12) All vegetation in excess of two 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. 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, 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. A crawler tractor with a blade must be used to move the sand into place. At least six inches of sand must be kept beneath equipment to minimize compaction of the plowed layer. 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.

(14) A depth of at least nine inches of drainfield rock must be placed over the bed area below the distribution pipe.

(15) Distribution of effluent over the drainfield rock layer must be by perforated pipe under pressure.

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

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

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

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

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

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

(27) 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.

7080.0200 VARIANCE.

In any cases where a permit or review is required by the a state agency and, upon application of the responsible person or persons, the ~~that~~ agency finds that by reason of exceptional circumstances the strict enforcement of any provision of these standards would cause undue hardship, that disposal of the sewage, industrial waste, or other waste is necessary for the public health, safety, or welfare, or that strict conformity with the standards would be unreasonable, impractical, or not feasible under the circumstances, the agency in its discretion may permit a variance ~~therefrom~~ upon such conditions as it may prescribe for prevention, control, or abatement of pollution in harmony with the general purpose of these standards and the intent of applicable state and federal laws.

7080.0210 APPENDIX A: ALTERNATIVE SYSTEMS.

Subpart 1. [Unchanged.]

Subp. 2. **Adoption and use.** Where parts 7080.0010 to 7080.0240 are administered by a ~~local unit of government~~ municipality, those ~~local units of government municipalities~~ may adopt this appendix, in whole or in part, as part of a local code or ordinance. Nothing in parts 7080.0010 to ~~7080.0240~~ 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 ~~7080.0240~~ 7080.0210 or this appendix shall require ~~local units of government 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.

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

A. and B. [Unchanged.]

C. **Bedrock proximity.** In no case shall ~~filter material~~ 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 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 ~~filter material~~ 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.

D. ~~Slowly permeable soils-~~

(+) ~~In no case shall excavation for the purpose of constructing a soil treatment system be made in any soil layer having a percolation rate slower than 120 minutes per inch-~~

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(2) In no case shall excavation for the purpose of constructing a soil treatment system be made in a soil layer having a percolation rate slower than 60 minutes per inch unless the moisture content is lower than the plastic limit of the soil.

(3) In no case shall filter material be placed in contact with original soil having a percolation rate slower than 60 minutes per inch.

(4) Where the percolation rate of the original soil is slower than 60 minutes per inch, at least six inches but no more than 12 inches of fill material having a percolation rate of between five and 30 minutes per inch (loamy sands and loams) after placement shall be placed between the filter material and the original soil along the excavation bottom and sidewalls.

(5) In no case shall construction equipment, wheels, or tracks be placed in contact with the bottom of the excavation during the construction of a soil treatment system in soils having a percolation rate slower than 15 minutes per inch.

(6) The size of soil treatment system shall be based on the required treatment area for a soil having a percolation rate of 60 minutes per inch as specified in Table III set forth in part 7080.0170, subpart 2.

E. Rapidly permeable soils.

(1) Filter material for a soil treatment unit shall not be placed in contact with original soil having a percolation rate faster than one-tenth minute per inch.

(2) For coarse soils having a percolation rate faster than one-tenth minute per inch, at least six inches of sandy loam textured soil having a percolation rate between five and 15 minutes per inch after placement (loamy sand to sandy loam) shall be placed between the filter material and the coarse soil along the excavation bottom and sidewalls.

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

(a) provide at least six inches of sandy loam textured soil with a percolation rate between five and 15 minutes per inch after placement between the filter material and the coarse soil;

(b) distribution of sewage tank effluent by pressure flow over the treatment area as specified in part 7080.0150, subpart 2;

(c) divide the total soil treatment area into at least four equal parts connected serially.

F. Floodplain areas.

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

(2) to (6) [Unchanged.]

(7) If a holding tank is utilized for a dwelling, its liquid capacity shall be equal to 100 gallons times the number of bedrooms times the number of days between the ten-year stage on the rising limb of the regional flood hydrograph and the ten-year stage on the falling limb of the hydrograph, or 1,000 gallons, whichever is greater. For other establishments, see subpart 7 storage equal to at least five times the estimated daily flow must be provided.

(8) [Unchanged.]

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

A. [Unchanged.]

B. Separate toilet waste and greywater systems.

(1) [Unchanged.]

(2) Toilet waste treatment devices.

(a) [Unchanged.]

(b) Type I, privies. Pit privies shall not be installed where the bottom of the pit is less than three feet above the water table. A vault privy shall be used in areas of high ground water. The vault of a vault privy shall be constructed in the same manner as a septic tank. See part 7080.0130, subpart 1.

Privies shall be set back from surface waters the same distance as required for buildings and from property lines and water supply wells the same distance as required for soil treatment areas.

Pits or vaults shall be of sufficient capacity for the residence they serve, but shall have at least 50 cubic feet of capacity.

The sides of the pit shall be curbed to prevent cave-in.

The superstructure shall be constructed so as to be easily cleaned, and it shall be insect proof. The door and seat shall be self closing. All openings including vent openings, shall be screened.

Privies shall be adequately vented.

When the pit is filled to within one foot of the top the solids shall be removed or a new pit shall be constructed. The abandoned pit shall be filled with clean earth and slightly mounded to allow for settling. Removed solids shall be disposed of by land application in accordance with agency guidelines for septage disposal and all local ordinances and codes.

~~All liquids and solids removed from a vault privy shall be treated and disposed of by application in accordance with the agency's septage disposal guidelines.~~

(c) and (d) [Unchanged.]

(3) Greywater system.

(a) and (b) [Unchanged.]

(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 7 8, 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.

(d) [Unchanged.]

(e) Final treatment and disposal. Standard system. A standard greywater system shall meet all requirements of part 7080.0170.

Alternative system. A greywater mound system shall meet all requirements of part 7080.0170, subpart 6 2, item A G.

C. [Unchanged.]

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

A. Mounds.

~~(1) Mounds may be constructed on soils having the site or soil conditions specified in Appendix A, subpart 3.~~

~~(2) The soil percolation rate in all layers of the natural or fill soil to a depth of at least 24 inches below the sand, as specified in subitem (12), shall be faster than 120 minutes per inch.~~

~~(3) Below the sand layer there shall be at least one layer of soil, either natural or fill, at least 12 inches thick, which has a percolation rate slower than five minutes per inch (loamy sand).~~

~~(4) Wherever possible, mounds shall be located on flat areas or crests of slopes. Mounds shall not be located on natural slopes of more than three percent if the percolation rate is slower than 60 minutes per inch to a depth of at least 24 inches below the sand layer.~~

~~(5) Mounds shall not be located on slopes exceeding six percent if the soil percolation rate is slower than 30 minutes per inch to a depth of at least 24 inches below the sand layer.~~

~~(6) Mounds shall not be located on natural slopes exceeding 12 percent under any soil percolation rate conditions.~~

~~(7) The bottom area of the filter material shall be sized on the basis of 0.83 square feet per gallon of waste per day.~~

~~(8) In no case shall the width of the filter material in a single bed exceed ten feet.~~

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

(9) A rubber tired tractor may be used for plowing or discing but in no case shall a rubber tired tractor be used after the surface preparation is completed where the soil is slower than 15 minutes per inch. A crawler or track type tractor shall be used for mound construction where the soil is slower than 15 minutes per inch.

(10) The discharge pipe from the pump to the mound area shall be installed prior to soil surface preparation. The trench shall be carefully backfilled and compacted to prevent seepage of effluent.

(11) Soil surface preparation. The total area selected for the mound, including the dikes, shall be plowed to a depth of at least eight inches or the sod layer broken and roughened by backhoe teeth. Furrows shall be thrown uphill and there shall be no dead furrow under the mound. The soil shall be plowed only when the moisture content of a fragment eight inches below the surface is below the plastic limit. 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 shall proceed immediately after surface preparation is completed.

(12) A minimum of twelve inches of soil defined as sand shall be placed where the filter material is to be located. A crawler tractor with a blade shall be used to move the sand into place. At least six inches of sand shall be kept beneath equipment to minimize compaction of the plowed layer. The sand layer upon which the filter material is placed shall be level.

(13) A depth of at least nine inches of filter material shall be placed over the bed area below the distribution pipe.

(14) Distribution of effluent over the filter material shall be either by four-inch distribution pipes with gravity flow from a distribution box or by perforated pipe under pressure from a manifold.

(15) Gravity distribution. The four-inch distribution pipes shall be rigid plastic with holes at least one-half inch diameter spaced no further than 36 inches. One row of holes shall be laid at the bottom of the pipe. The distribution pipe shall slope downward two inches per 100 feet away from the distribution box. The far ends of the distribution pipe shall be connected. The distribution pipes shall be spaced no further than five feet apart and no further than 30 inches from the edge of the filter material. The distribution pipes shall connect to the outlets of a distribution box. The quantity of effluent per pump dose shall be at least 25 percent of the estimated or measured daily sewage flow.

(16) Pressure distribution. Perforation holes shall be as set forth in table I set forth in part 7080.0150, subpart 2. Holes shall be drilled straight into the pipe and not at an angle. The perforated pipe laterals shall be connected to a two-inch diameter manifold pipe with the ends capped. The laterals shall be spaced no further than 40 inches on center and no further than 20 inches from the edge of the filter material. The perforated pipe laterals shall be installed level with the perforations downward. The manifold pipe shall be connected to the supply pipe from the pump. The manifold shall be sloped toward the supply pipe from the pump.

(17) At least two inches of filter material shall be placed over the lateral or distribution pipes.

(18) Straw or marsh hay to an uncompacted depth of three to four inches shall be placed over the filter material.

(19) Construction vehicles shall not be allowed on the filter material until backfill is placed.

(20) Sandy loam soil shall be placed on the filter material to a depth of one foot in the center of the mound and to a depth of six inches at the sides.

(21) A maximum of two ten-foot wide beds may be installed side by side in a single mound if the 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 shall be separated by four feet of sand.

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

(23) Six inches of top soil shall be placed on the fill material over the entire area of the mound.

(24) A grass cover shall be established over the entire area of the mound.

(25) No shrubs shall be planted on the top of the mound. Shrubs may be placed at the foot and side slopes of the mound.

(26) The side slopes on the mound shall be no steeper than three to one.

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

(28) A pump shall be used as specified in part 7080.0160, subpart 3.

B. Collector systems.

(1) In general. Where site or soil conditions do not allow for final treatment and disposal on an individual lot, a system whereby where a soil treatment system is located on another lot or lots may be employed, where approved by the local unit of government municipality.

Plans and specifications shall comply with local ordinances on such issues as zoning, joint ownership of land, joint maintenance responsibilities, easements, and other considerations and shall be approved by the ~~local~~ unit of government municipality.

(2) Design.

(a) The size of ~~a common soil treatment systems~~ 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 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 2 3, item B, except that the minimum capacity shall be at least 3,000 gallons, and shall be compartmented if in a single tank.

(c) to (l) [Unchanged.]

(3) [Unchanged.]

~~C. Sewage osmosis. The Electroosmosis System (a proprietary installation process under United States and Canadian patents) may be permitted as an alternative system in clay soils having percolation rates slower than 60 minutes per inch.~~

~~Installation shall comply with all applicable requirements for standard systems contained in these regulations as pertain to system location, water table and bedrock separation distances, septic tanks, pumping stations, distribution or drop boxes, and materials.~~

~~Conditions for installation and reporting of performance shall be subject to the provisions in item G.~~

~~D. Seepage pits.~~

~~(1) Seepage pits may be used for disposal of sewage tank effluent only when it can be clearly demonstrated that a standard drainfield system or mound system is not feasible on the particular site in question and when such use is indicated by favorable conditions of soil, ground water level or topography and where such use does not reduce the safety of surrounding ground water supplies. In areas where limestone or any geological formation characterized by similar fault patterns is covered by less than 50 feet of earth, seepage pits shall not be installed. The pit excavation shall terminate at least three feet above the highest known or calculated ground water table. The depth of the excavation shall not exceed 50 percent of the depth of any well casing in the area or ten feet, whichever is least.~~

~~(2) When two or more seepage pits are used, a distribution box constructed in accordance with part 7080.0150, subpart 1, item B, subitem (2), shall be used if the inlet inverts of the seepage pits have no more than one foot difference in elevation. If the difference in elevation between the inlet inverts is greater than one foot, the seepage pits shall be connected in series.~~

~~(3) Seepage pits, in addition to the general provisions specified in table IV, part 7080.0170, subpart 2, shall be set back not less than the stated minimum distances from the following:~~

- ~~(a) wells less than 50 feet in depth and not encountering at least ten feet of impervious material, 150 feet;~~
- ~~(b) any water supply well or buried water suction pipe, 75 feet;~~
- ~~(c) buildings, 20 feet;~~
- ~~(d) property lines and buried pipe distributing water under pressure, ten feet;~~
- ~~(e) other seepage pits, three times the diameter of the largest pit (edge to edge).~~

~~(4) Effective soil treatment area of a seepage pit shall be calculated as the sidewall area below the inlet, exclusive of any hardpan, rock, or clay formations. The sidewall area shall be based on the outer diameter of the pit lining plus 12 inches of rock in the annular space.~~

~~Required treatment area shall be determined by the percolation test described in part 7080.0100 and from tables II and III, part 7080.0170, subpart 2, with no reduction for increased filter material below or around the pit. In no case shall a seepage pit be installed in soils where the percolation rate of any stratum is faster than one-tenth minute per inch (coarse sand). A percolation test shall be made in each vertical stratum penetrated by the seepage pit, and the weighted average of the results, exclusive of results from soil strata in which the percolation rate is slower than 30 minutes per inch, shall be computed and applied to the seepage bed column of table III as indicated.~~

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Proposed Rules

A minimum of four feet composite depth of porous formation for each installation shall be provided in one or more pits. All pits shall have an inside diameter of at least five feet.

(5) Construction of all seepage pits shall conform to the following requirements:

(a) To prevent cave-in, the pit shall be precast concrete or lined with brick, stone, or block at least four inches thick, laid in a radial arch to support the pit walls.

(b) The brick, stone, or block shall be laid watertight above the inlet and with open joints below the inlet to provide adequate passage of liquids.

(c) A minimum annular space of 12 inches between the pit lining and excavation wall shall be filled with crushed rock or gravel.

(d) The seepage pit shall be so constructed at the top as to be capable of supporting the overburden of earth and any reasonable load to which it is subjected. Access to the pit shall be provided by means of a manhole or inspection hole equipped with a watertight cover. The seepage pit may terminate in a conventional manhole top, frame, and cover to a point within 12 inches, but no closer than six inches below finished grade. The manhole cover shall be covered with at least six inches of earth. The top of the seepage pit shall be not less than 12 inches below the ground surface. The top shall be provided with an inspection pipe of not less than four-inch diameter extending through the cover to a point flush with finished ground level. The top of the inspection pipe shall be provided with a readily removable watertight cap.

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

- (1) reasonable assurance of performance of ~~such~~ the system is presented to the permitting authority;
- (2) the engineering design of ~~such~~ the system is first approved by the permitting authority;
- (3) there is no discharge to the ground surface or to surface waters;
- (4) treatment and disposal of wastes is in such a manner so as to protect the public health and general welfare;
- (5) ~~such~~ the systems comply with all applicable requirements of these standards and with all local codes and ordinances.

Subp. 6. **Class IV alternatives, holding tanks.** Holding tanks:

A. Holding tanks may be allowed only as replacements for existing nonconforming systems or on existing parcels or lots as of the date of the enactment of these standards and only where it can conclusively be shown that a standard, Class I, Class II, Class III, or mound system cannot be feasibly installed.

B. to H. [Unchanged.]

Subp. 7. to 15. [Unchanged.]

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

State Board of Vocational Technical Education

Proposed Permanent Rules Relating to Administrative Licenses; Director and Assistant Director

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State of Minnesota 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 rules is *Minnesota Statutes* 136c.04, Subdivision 9.

All persons have 30 days until 4:30 p.m., Thursday, September 1, 1988, 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 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 either:

Glenda Moyers, Supervisor
Minnesota Technical Institute System
101 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
Telephone: (612) 296-6516

Georgia Pomroy, License Revision Specialist
Minnesota Technical Institute System
101 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
Telephone: (612) 296-0680

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 Glenda Moyers or Georgia Pomroy at the above address and phone, 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 wish to receive a copy of the adopted rule must submit a written request to either:

Glenda Moyers
Minnesota Technical Institute System
101 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
(612) 296-6516

Georgia Pomroy
Minnesota Technical Institute System
101 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
(612) 296-0680

Helen Henrie, Deputy Director
Minnesota Technical Institute System

Rules as Proposed (all new material)

3700.0900 GENERAL REQUIREMENTS.

An applicant for a license for postsecondary director or assistant director of a technical institute must meet the requirements listed or referred to in this part. These requirements are in addition to the requirements of the specific license requested.

A. An applicant shall meet the general provisions and procedures for licensure of instructional and supportive personnel except when superseded by parts 3700.0900 to 3700.0903.

B. The applicant must comply with parts 3515.7400 to 3515.8300.

C. Parts 3515.8400 to 3515.8800 and 3515.9000 no longer apply for parts 3700.0901 to 3700.0903.

3700.0901 DIRECTOR IN DISTRICTS OPERATING A TECHNICAL INSTITUTE.

Subpart 1. **Must have director.** A district designated and approved by the State Board of Vocational Technical Education to operate a technical institute shall employ a full-time director for the technical institute.

Subp. 2. **Director's responsibilities.** The director is responsible for the following activities:

A. policy: recommend and implement institute policy in accordance with governing law and policy;

B. planning: plan according to community needs to meet the goals of the institution;

C. programs and curriculum: identify, develop, implement, and revise all programs and courses;

D. services: provide leadership, development, and supervision of services of all students and staff;

E. personnel: recruit, recommend for employment, assign, orient, supervise, and evaluate or recommend terminations;

F fiscal: develop, prepare, revise, and manage institution finances;

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Proposed Rules

G. public relations:

- (1) plan, develop, and implement all marketing and public relations activities; and
- (2) develop and maintain a liaison with labor, business, and community agencies;

H. facilities: plan for the short or long term, acquire, maintain, and account for all property, facilities, equipment, and services; and

I. evaluation: conduct ongoing evaluations of items A to F via consultations with staff, industry, pertinent community resources, and State Board of Vocational Technical Education staff.

Subp. 3. **Licensure requirement.** A person who is responsible for the activities listed in subpart 2 at a postsecondary technical institute regardless of the title of the person's position must be licensed under this part.

Subp. 4. **Licensure criteria.** An applicant for licensure as a technical institute director shall meet the following requirements:

A. Education.

- (1) Baccalaureate or graduate level degree from an accredited college.
- (2) Three quarter credits of pedagogy in each of the following: educational tests and measurements, methods of instruction, and course construction or development.
- (3) Three quarter credits in philosophy of vocational technical education.
- (4) Nine quarter credits or 135 clock hours in educational administration or supervision/management of institutional operations that must include three quarter credits or 45 clock hours in instructional supervision in vocational technical education.
- (5) A total of twelve quarter credits or 180 clock hours covering at least three of the following subjects: school law, institutional and educational planning, program or curriculum development or supervision, personnel management, finance and budget, public relations, building management, organization and administration, labor relations, and evaluation techniques. If clock hours are used, the subjects must be covered in units of no fewer than 15 clock hours.

B. Experience in vocational education. Six thousand hours of verified vocational educational experience as an employee in an accredited postsecondary institution or state agency functioning in a position that has vocational education as its focus. This position must be at an administrative, supervisory, managerial, or student developmental level.

C. Experience in administration. Six thousand hours of verified administrative, supervisory, or managerial level experience in education, business, industry, government, or social service agencies. Two thousand of the 6,000 hours must be within five years before applying for a license.

D. Occupational experience. Four thousand hours of verified occupational experience outside of education with no recency requirement.

3700.0902 ASSISTANT DIRECTOR IN A DISTRICT OPERATING A TECHNICAL INSTITUTE.

Subpart 1. **Assistant director; when position and license required.** A district designated and approved by the State Board of Vocational Technical Education to operate a technical institute shall employ an assistant director in addition to a director if at the institute more than 40 percent of a person's time is spent assisting the director, and the person is assigned by the director to be responsible for four or more of the activities in subpart 2. The person is an assistant director and must have an assistant director's license.

Subp. 2. **Activities requiring a license.** The activities referred to in subpart 1 are:

- A. policy: recommend and implement institute policy in accordance with governing law and policy;
- B. planning: plan according to community needs to meet the goals of the institution;
- C. programs and curriculum: identify, develop, implement, and revise all programs and courses;
- D. services: provide leadership, development, and supervision of services to all students and staff;
- E. personnel: recruit, recommend for employment, assign, orient, supervise, evaluate, or recommend terminations;
- F. fiscal: develop, prepare, revise, and manage institution finances;
- G. public relations:
 - (1) plan, develop, and implement all marketing and public relations activities; and
 - (2) develop and maintain a liaison with labor, business, and community agencies;

H. facilities: plan for the short or long term, acquire, maintain, and account for all property, facilities, equipment, and services; and

I. evaluation: conduct ongoing evaluations of items A to F via consultations with staff, industry, pertinent community resources, and State Board of Vocational Technical Education staff.

Subp. 3. **Licensure requirement.** A person holding the position of assistant director of a postsecondary technical institute, regardless of the title of the position at the technical institute, must be licensed under this part.

Subp. 4. **Licensure criteria.** An applicant for licensure as a technical institute assistant director shall meet the following requirements:

A. Education.

(1) Baccalaureate or graduate level degree from an accredited college.

(2) Three quarter credits of pedagogy in each of the following: educational tests and measurements, methods of instruction, and course construction or development.

(3) Three quarter credits in philosophy of vocational technical education.

(4) Nine quarter credits or 135 clock hours in educational administration or supervision/management of institutional operations that must include three quarter credits or 45 clock hours in instructional supervision in vocational technical education.

B. Experience in vocational education. An applicant must have three years of verified vocational educational experience in an accredited postsecondary institution or state agency functioning in a position that has vocational education as its focus.

C. Occupational experience. Four thousand hours of verified occupational experience outside of education with no recency requirement.

3700.0903 EXISTING LICENSES; CONVERSION TO NEW LICENSES.

Five working days following the publication in the *State Register* of adopted parts 3700.0900 to 3700.0903, the state board shall convert the adult vocational education license category to the license category of assistant director in a district with a technical institute. At the licensee's next renewal date, the renewed license must show the new license category. A person holding a license as director, assistant director, or adult vocational education director before the effective date of parts 3700.0900 to 3700.0903 may renew the license by complying with parts 3515.7300 to 3515.8300 and upon compliance must be issued the revised license designated in parts 3700.0901, 3700.0902, or 3700.0903, as applicable.

OVERLAP PERIOD; REPEALER. For a year after the date parts 3700.0900 to 3700.0903 are effective, parts 3515.8400 to 3515.8800 and 3515.9000 continue to apply to the application, qualifications, or criteria for initial licensure of technical institute director, assistant director, or adult vocational education director. During the period when both procedures apply, an applicant for any of these licenses may proceed under either procedure. A year after parts 3700.0900 to 3700.0903 are effective, parts 3515.8400 to 3515.8800 and 3515.9000 are repealed, and thereafter an applicant for any of these licenses may only proceed under parts 3700.0900 to 3700.0903.

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Adopted Rules

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

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

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

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

Department of Human Services

Adopted Permanent Rules Relating to Preadmission Screening and Alternative Care Grants

The rules proposed and published at *State Register*, Volume 12, Number 37, pages 2018-2043, March 14, 1988 (12 S.R. 2018) are adopted with the following modifications:

Rules as Adopted

9505.2395 DEFINITIONS.

Subp. 41. **Public health nurse.** "Public health nurse" means a registered nurse certified by the Minnesota Department of Health as a public health nurse under *Minnesota Statutes*, section 145A.02, subdivision 18, and employed by a local board of health under *Minnesota Statutes*, sections 145.08 to 145.123 section 145A.10, subdivision 1.

Subp. 42. **Public health nursing services.** "Public health nursing services" means the nursing services program provided by a board of health under *Minnesota Statutes*, sections 145.911 to 145.92 section 145A.10, subdivision 1.

9505.2425 SCREENING AND ASSESSMENT PROCEDURES REQUIRED DURING PREADMISSION SCREENING.

Subp. 10. **Submittal of ACG client information to county of financial responsibility.** If the county of service is different from the county of financial responsibility for an ACG client, the county of service must submit client information to the county of financial responsibility for approval of the individual service plan. The information must include items A to D:

A. the original preadmission screening assessment form, including the original individual service plan;

9505.2458 CASE MANAGER ACTIONS TO ASSURE SAFETY AND HEALTH OF ACG CLIENT WHO IS A VULNERABLE ADULT.

A case manager who has reason to believe an ACG client who is a vulnerable adult is or has been subject to abuse or neglect as defined in *Minnesota Statutes*, section 626.557, subdivision 2, that occurs at the client's residence or the place where the client receives the ACG service shall immediately comply with the reporting and other actions required under *Minnesota Statutes*, section 626.557, and shall determine how to assure the client's health and safety during the local agency's investigation. The case manager shall determine whether to withdraw the services, provide work out another living arrangement for the client, or arrange for the services of another ACG provider. When the case manager receives the findings of the local agency's investigation, the case manager shall amend the ACG client's individual service plan as needed to assure the client's health and safety.

9505.2460 LOCAL AGENCY SELECTION OF ACG PROVIDERS.

Subp. 3. **Selection criteria.** The local agency must select providers for ACG contracts as required in *Minnesota Statutes*, section 256B.091, subdivision 8, using the criteria in items A to G and other criteria established by the local agency that are consistent with items A to G:

B. the service needs of the ACG clients of the local agency the population to be served including the number of ACG clients to be served, the length of time service will be provided, and the health status medical condition of the ACG clients;

E. the rate for each service or unit of service exclusive of county administrative costs;

9505.2465 STANDARDS FOR PERSONAL CARE SERVICES.

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

A. "Personal care provider" means a home health agency that meets the requirements of subpart 5 and is under contract to the local agency to provide personal care assistants or a local agency licensed as a home health agency under *Minnesota Statutes*, sections 144A.43 to 144A.47, or registered under *Minnesota Statutes*, section 144A.49.

Subp. 5. **Personal care provider; eligibility.** Except as provided in subpart 11, a local agency that is not licensed as a home health agency under *Minnesota Statutes*, sections 144A.43 to 144A.47 or registered under *Minnesota Statutes*, section 144A.49, and that wants to provide personal care services under the ACG program must contract with a personal care provider to provide the personal care services. To be eligible to contract with the local agency as a personal care provider, the provider must meet the criteria in items A to K. The local agency must assure the provider's compliance with the criteria in items A to K:

A. be licensed as a home health agency under *Minnesota Statutes*, sections 144A.43 to 144A.47, or registered under *Minnesota Statutes*, section 144A.49;

9505.2473 STANDARDS FOR HOMEMAKER SERVICES.

Subp. 2. **Contracting for homemaker services and supervision of a homemaker.** The local agency may directly provide or contract for homemaker services that are part of the ACG client's individual service plan. If the local agency provides homemaker services directly, the local agency must also provide supervision of the homemaker's activities. If the local agency contracts with a provider for homemaker services, the provider must meet the requirements of *Minnesota Statutes*, sections 144A.43 to 144A.46 or 144A.49.

Pollution Control Agency

Adopted Permanent Rules Relating to Hazardous Waste; Tanks

The rules proposed and published at *State Register*, Volume 12, Number 20, pages 1038-1064, November 16, 1987 (12 S.R. 1038) are adopted as proposed.

Pollution Control Agency

Adopted Permanent Rules Relating to Hazardous Waste; Tanks

The rules proposed and published at *State Register*, Volume 12, Number 40, pages 2203-2207, April 4, 1988 (12 S.R. 2203) are adopted as proposed.

Secretary of State

Adopted Permanent Rules Relating to Absentee Ballots; Optical Scan Voting Systems

The rules proposed and published at *State Register*, Volume 12, Number 41, pages 2247-2250, April 11, 1988 (12 S.R. 2247) are adopted with the following modifications:

Rules as Adopted

8230.4350 OPTICAL SCAN VOTING SYSTEMS

Subp. 5. **Precinct counting equipment.** Precinct counting systems that read ballots as they are inserted into the ballot box may not be used for a central counting center, except that one ballot counter may be supplied for up to ~~four~~ ten precincts with a combined total of fewer than ~~4,000~~ 1,500 registered voters. Separate prom packs must be used for each of the precincts. Except as provided in this subpart, at least one ballot counter must be supplied to each precinct.

If the ballot counter will be used to count ballots of only one precinct, machine-readable ballot configuration identification may be printed on each ballot card in place of the precinct name and identification required by subpart 2. A ballot configuration means a unique ballot format prepared for use in one or more precincts in which all ballot information, including offices and questions to be voted on, candidate names, and rotation sequence, is identical.

If the locked ballot box cannot be detached from the ballot counter, the number of ballot counters supplied to the precinct must be sufficient so that the number of ballots expected to be counted on any counter will be at least ten percent less than the maximum capacity of the ballot box. The maximum capacity must be determined on the basis of the size of the ballot to be voted at the election.

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

The auditor or clerk must test each prom pack individually and, after testing, seal it with a numbered seal. Each ballot counter must be tested to ensure that the components are operating properly. The election judges shall verify that the ballot counter at the precinct has the correct seal number and certify the seal number on the summary statement.

Before opening the polls, the election judges shall initialize the ballot counter in accordance with the manufacturer's instructions. The judges shall verify that the initial counts for the voting positions are zero, that the public counter is set at zero, and that the ballot positions and other ballot information for each candidate and proposal printed on the initial tape agree with those on the ballot cards.

If the ballot counter is programmed to return to the voter a ballot having defects, the rejected ballot must be treated as a spoiled ballot and a new ballot must be issued to the voter after the spoiled ballot has been deposited in the spoiled ballot container. The election judges shall read the error message to the voter and may explain the conditions that cause a ballot to be rejected, but the judges shall not examine the voted ballot unless the voter requests assistance as provided in *Minnesota Statutes*, section 204C.15.

If the ballot counter is programmed to return to the voter a ballot having defects, no means of overriding the rejection may be used that do not meet the conditions in items A to C.

A. The override must be protected against being inadvertently activated.

B. The override must not allow more than one ballot to be processed each time it is operated.

C. A message, to be initialed by the election judges who activated the override, must be printed on the results tape each time the override is operated.

As soon as voting has ended, the election judges shall process any ballots in the auxiliary ballot box and then secure the ballot counter against receiving any more ballots. The election judges shall produce a printed record of results and sign the certificate that is part of the printed record.

At a general election, after the ballot counter has been secured against receiving additional ballots, the election judges shall open the write-in compartment and count and record on the summary statement the valid write-in votes.

One unbroken tape that includes the initial zero report at the opening of the polls, messages printed during the hours of voting, and the first printout of results must be certified to the county canvassing board. In the event of equipment failure, the election judges and any technicians working on the equipment shall make entries on the tape of initials and time of occurrence to indicate the points at which the equipment failed and was returned to service. If the tape has been broken, the election judges shall seal the parts together and sign over the seal so that it cannot be broken without disturbing the continuity of the signatures. Additional copies of the record of results must be certified as required by the election jurisdiction.

Emergency Rules

Proposed Emergency Rules

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

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

Adopted Emergency Rules

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

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

Continued/Extended Emergency Rules

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

Department of Health

Proposed Emergency Rules Relating to Procedures for Exceptions to Moratoriums Notice of Intent to Adopt an Emergency Rule

Emergency Rules

NOTICE IS HEREBY GIVEN that the State Department of Health intends to adopt the above-entitled emergency rule. The statutory authority to adopt the emergency rule is contained in *Laws of Minnesota, 1988*, chapter 689, article 2, section 39. The agency, in adopting the rule, is following the procedures set forth in the Administration Procedure Act for adopting emergency rules in *Minnesota Statutes*, sections 14.29 to 14.36.

PLEASE NOTE: This notice supersedes the notice of proposed adoption of emergency rules that was published in the *State Register* on Monday, July 18, 1988, pages 130 through 131 (13 S.R. 130).

All persons have until 25 days after publication of this notice or until 4:30 p.m., Friday, August 26, 1988, to submit data and views on the proposed emergency rule or any part or subpart of the rule in writing. Any comments must be submitted to:

Mike Dean
393 N Dunlap
P.O. Box 64900
St. Paul, MN 55164-0900
(612) 643-2156

Proposed emergency rule parts 4655.1070 to 4655.1100 relate to the process for the review of proposals for exceptions to the nursing home and boarding care bed moratorium contained in *Minnesota Statutes*, section 144A.071. The exceptions that must be approved under the emergency rules, which are stated under *Minnesota Statutes*, section 144A.073, are renovation, replacement, conversion, and upgrading.

The emergency rules establish rules regarding the formation and functions of an advisory review panel; the publication of requests for exception proposals; the format and contents of a proposal; submission of a proposal; initial screening of proposals by the Interagency Board for Quality Assurance (IBQA); the collection of data related to a proposal; formation of advisory review panel recommendations to the IBQA; public hearing; evaluation, comparison, and ranking of proposals; development of IBQA recommendations to the Commissioner of Health; the Commissioner's approval or disapproval of a proposal; documentation; and penalties for cost overruns.

A free copy of the proposed emergency rule is available by contacting Mike Dean at the above-mentioned address or phone number.

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

Upon adoption of the emergency rule by the agency, the emergency rule as adopted and its supporting documents will be delivered to the Attorney General for reviews as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Mike Dean at the above-mentioned address.

The emergency rule will take effect five working days after approval by the Attorney General and will be effective for 180 days. The emergency rule will continue in effect for an additional 180 days if the agency gives notice of continuation in accordance with *Minnesota Statutes*, section 14.35.

Adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11.

Dated: 25 July 1988

Sister Mary Madonna Ashton
Commissioner of Health

Rules as Proposed (all new material)

PROCEDURES FOR EXCEPTIONS TO NURSING HOME BED MORATORIUM

4655.1070 [EMERGENCY] DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 4655.1070 to 4655.1100 [Emergency], the following terms have the meanings given them in this part.

Subp. 2. **Advisory review panel.** "Advisory review panel" means the group of individuals that must form recommendations according to part 4655.1086 [Emergency] and that is appointed by the Interagency Board for Quality Assurance under *Minnesota Statutes*, section 144A.073, subdivision 3, and part 4655.1074 [Emergency].

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.

Emergency Rules

Subp. 3. **Allowable costs.** "Allowable costs" means costs allowable according to part 9549.0035, subpart 1.

Subp. 4. **Alternative care grant.** "Alternative care grant" has the meaning given in part 9505.2395, subpart 4.

Subp. 5. **Alternative care grant use.** "Alternative care grant use" means the information determined under part 4655.1084 [Emergency], subpart 9.

Subp. 6. **Annual statistical report.** "Annual statistical report" means the report incorporated by reference under part 4655.1072 [Emergency].

Subp. 7. **Appraised value.** "Appraised value" means the value of the nursing home buildings, attached fixtures, and land improvements used for resident care as determined under part 9549.0060.

Subp. 8. **Attached fixture.** "Attached fixture" has the meaning given in part 9549.0020, subpart 6.

Subp. 9. **Attached hospital.** "Attached hospital" means a hospital that is under common ownership and operation with a nursing home and shares with that nursing home the cost of common service areas such as nursing, dietary, housekeeping, laundry, plant operations, or administrative services.

Subp. 10. **Buildings.** "Buildings" has the meaning given in part 9549.0020, subpart 7.

Subp. 11. **Certified boarding care home.** "Certified boarding care home" means a facility licensed under parts 4655.0090 to 4655.1060 and 4655.1200 to 4655.9900, and certified to participate in medical assistance under United States Code, title 42, sections 1396 to 1396p as amended through July 18, 1984.

Subp. 12. **Commenced construction.** "Commenced construction" has the meaning given it under *Minnesota Statutes*, section 144A.071, subdivision 3, paragraph (b).

Subp. 13. **Commissioner.** "Commissioner" means the commissioner of the Department of Health or the commissioner's representative.

Subp. 14. **Conversion.** "Conversion" has the meaning given in *Minnesota Statutes*, section 144A.073, subdivision 1, paragraph (a).

Subp. 15. **Cost report.** "Cost report" means the document and supporting material specified by the commissioner of the Department of Human Services and prepared by the nursing home. The cost report includes the statistical, financial, and other relevant information required in part 9549.0041 for rate determination.

Subp. 16. **Department.** "Department" means the Minnesota Department of Human Services.

Subp. 17. **Environmental conditions.** "Environmental conditions" means the conditions reviewed under part 4655.1084 [Emergency], subpart 10.

Subp. 18. **Estimated operating costs.** "Estimated operating costs" means a facility's estimated operating costs during the first two years after completion of the project.

Subp. 19. **Facility.** "Facility" means the attached hospital, nursing home, or certified boarding care home named on a proposal.

Subp. 20. **Financing costs.** "Financing costs" means the estimated long-term financing costs that, according to part 4655.1078 [Emergency], item H, must be provided with a proposal.

Subp. 21. **Hospital.** "Hospital" means an acute care institution as defined in *Minnesota Statutes*, section 144.696, subdivision 3, and maintained primarily to treat and care for persons with disorders other than tuberculosis or mental diseases.

Subp. 22. **Interagency board for quality assurance or IBQA.** "Interagency Board for Quality Assurance" or "IBQA" means the board established under *Minnesota Statutes*, section 144A.31, subdivision 1.

Subp. 23. **Land improvement.** "Land improvement" has the meaning given in part 9549.0020, subpart 28.

Subp. 24. **Medical assistance.** "Medical assistance" means the program established under title XIX of the Social Security Act and *Minnesota Statutes*, chapter 256B.

Subp. 25. **Medical assistance cost.** "Medical assistance cost" means the biennial amount by which medical assistance payments will change if a proposal is implemented. Medical assistance costs are determined according to part 4655.1084 [Emergency], subpart 2.

Subp. 26. **Nursing home.** "Nursing home" means a facility licensed according to *Minnesota Statutes*, chapter 144A.

Subp. 27. **Operating costs.** "Operating costs" has the meaning given in part 9549.0020, subpart 32.

Subp. 28. **Proposal.** "Proposal" means a detailed written plan for a conversion, renovation, replacement, or upgrading.

Subp. 29. **Proposer.** "Proposer" means the organization or individual authorized by a facility's governing board or management to prepare and submit a proposal to the IBQA.

Subp. 30. **Renovation.** "Renovation" has the meaning given in *Minnesota Statutes*, section 144A.073, subdivision 1, paragraph (b).

Subp. 31. **Replacement.** "Replacement" has the meaning given in *Minnesota Statutes*, section 144A.073, subdivision 1, paragraph (c).

Subp. 32. **Soft costs.** "Soft costs" means costs relating to implementation of the proposal, including:

- A. sales taxes on materials;
- B. contractor's overhead and profit;
- C. architect and engineering fees;
- D. construction period interest;
- E. permits, zoning, and construction financing;
- F. feasibility, economic, and demographic studies;
- G. legal, accounting, and consulting fees relating to creation of the development; and
- H. cost of designing the improvements.

Subp. 33. **Statutory restriction.** "Statutory restriction" means a replacement restriction, conversion restriction, or upgrading restriction as described under *Minnesota Statutes*, section 144A.073, subdivisions 5 to 7.

Subp. 34. **Submission deadline.** "Submission deadline" means the date that is established according to part 4655.1080 [Emergency], subpart 3.

Subp. 35. **Upgrading.** "Upgrading" has the meaning given in *Minnesota Statutes*, section 144A.073, subdivision 1, paragraph (d).

Subp. 36. **Working day.** "Working day" means Monday to Friday, excluding legal holidays recognized by the state of Minnesota.

4655.1072 [EMERGENCY] INCORPORATION BY REFERENCE OF ANNUAL STATISTICAL REPORT.

The "Annual Statistical Report to the Commissioner of Health, 1988; Nursing Home, Boarding Care Home, Supervised Living Report" is incorporated by reference and is available through the Minitex interlibrary loan system. The report is subject to frequent change.

4655.1074 [EMERGENCY] APPOINTMENT OF ADVISORY REVIEW PANEL.

Subpart 1. **Procedures.** The IBQA shall appoint an advisory review panel according to subparts 2 to 5.

Subp. 2. **Membership.** The advisory review panel must consist of two representatives from organizations that represent consumers of nursing home services, two representatives from organizations representing providers of nursing home services, and one who has a background in long-term care and either accounting, engineering, or building construction. The executive director of the IBQA shall chair and convene the advisory review panel.

Subp. 3. **Nominations.** A member of the advisory review panel must be nominated. Anyone can nominate an advisory review panel member.

The IBQA shall publish in the *State Register* a request for nominations to the advisory review panel no later than 30 days after the effective date of parts 4655.1070 to 4655.1100 [Emergency] and at least 30 days before the expiration date of the term of an advisory review panel member. A nomination must be written, must state the name and address of the nominee, and must state the positions indicated under subpart 2 for which the person is being nominated.

Subp. 4. **Appointments.** A nominee shall be appointed by a majority vote of the IBQA.

Subp. 5. **Length of term.** A term on the advisory review panel begins the first working day after the vote of the IBQA appointing a person to the panel. An advisory review panel member representing consumers and one representing providers shall serve two years on the panel. The remaining consumer and provider members shall serve three-year terms. The member with the background in long-term care and either accounting, engineering, or building construction shall serve a three-year term. An advisory review panel member may serve an unlimited number of consecutive terms.

4655.1076 [EMERGENCY] IBQA PUBLICATION OF REQUEST FOR PROPOSALS.

Subpart 1. **When.** The IBQA shall publish in the *State Register* a request for proposals on the first Monday of each state fiscal biennium.

Subp. 2. **Contents of a request for proposals.** The request for proposals must state:

- A. a proposal submission deadline date consistent with part 4655.1080 [Emergency], subpart 3;

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B. the amount of the legislative appropriation available for medical assistance costs or state that proposals will not be requested because no appropriations were made;

C. other relevant information regarding current state long-term care policy goals; and

D. that the information under part 4655.1078 [Emergency] must be included in a proposal.

4655.1078 [EMERGENCY] FORMAT AND CONTENTS OF A PROPOSAL.

A proposal must be on a form approved by the commissioner and must:

A. include the name, telephone number, and address of the proposer or other authorized person who can be contacted by the commissioner or the IBQA with questions regarding the proposal;

B. include the name and address of the nursing home or boarding care home for which the project is being proposed;

C. be signed by a qualified representative of the entity submitting the proposal;

D. state whether the proposal is for renovation, replacement, conversion, or upgrading;

E. describe the problem the proposal will address;

F. include schematic drawings and an outline of specifications, prepared by a registered architect, for all construction projects including replacement and renovation;

G. include a cost estimate, prepared by a contractor and other participants in the development of the proposal, for the project described by the drawings and outline of specifications required by item F, including costs of buildings, attached fixtures, land improvements, construction site preparation, and related soft costs;

H. provide current estimated long-term financing costs of the proposal, including amount and sources of money, annual payments scheduled, interest rates, length of term, closing costs and fees, insurance costs, and other information on loans for building, attached fixtures, lands, land improvements, and building site preparation;

I. state the current cost of real estate taxes and special assessments for the facility and also an estimate of those that would be assessed if the proposal were implemented;

J. state the current annual care-related and other operating costs and also an estimation of these costs if the proposal were implemented;

K. describe the environmental conditions in the facility and any proposed changes in those conditions;

L. for proposals involving replacement of all or part of a facility, provide the property identification number and a general description of the proposed location of a replacement facility;

M. provide an estimate of the costs and benefits of renovation as an alternative to replacement or of replacement as an alternative to renovation; and

N. include the estimated beginning date of construction for renovation and replacements and the proposed timetable for completion of construction.

4655.1080 [EMERGENCY] SUBMISSION OF PROPOSAL.

Subpart 1. **Who may submit a proposal.** A proposal must be submitted by a proposer.

Subp. 2. **Where to submit a proposal.** A proposal must be submitted to the IBQA.

Subp. 3. **Submission deadline.** A proposal must be received by the IBQA no later than 90 days after the date a request for proposals is published in the *State Register*.

4655.1082 [EMERGENCY] INITIAL SCREENING OF PROPOSALS BY IBQA.

The IBQA shall process a proposal according to items A to L.

A. The IBQA shall determine whether a proposal was submitted according to the submission deadline under part 4655.1080 [Emergency], subpart 3.

B. If a proposal was not submitted according to the deadline indicated under part 4655.1080 [Emergency], subpart 3, the IBQA shall return the proposal to the proposer with a written notice that the proposal will not receive further consideration because the proposal was received after the submission deadline.

C. If a proposal is received according to the deadline, the IBQA shall determine whether the proposal meets the definition of conversion, renovation, replacement, or upgrading as those terms are defined under part 4655.1070 [Emergency]. A proposal that does not meet any of those definitions must be returned to the proposer without further consideration.

D. If the proposal is for an exception that meets the definition of upgrading, renovation, replacement, or conversion as those terms are defined under part 4655.1070 [Emergency], the IBQA shall determine whether the proposal is substantially complete and consistent with part 4655.1078 [Emergency]. A proposal is substantially complete and consistent if it contains the information specified in part 4655.1078 [Emergency], items B, D to K, and M.

E. If an item required for a substantially complete proposal under item D is missing from a proposal that is submitted to the IBQA, the proposal shall be returned to the proposer with a written notice that the proposal will not receive further consideration because of the missing item.

F. If a proposal is substantially complete and consistent according to item D, staff shall, if needed, ask for additional information in writing within ten days after the submission deadline. Additional information shall be requested only if, in the judgment of the IBQA, the additional information is needed to clarify or support previously submitted information.

G. Additional information requested under item F must be submitted within 17 days after the submission deadline.

H. If requested additional information is not received within 14 days after the submission deadline, the proposal shall be returned to the proposer with a notice that the proposal is not approved because the additional information was not submitted according to the deadline.

I. A proposal that is not completed by the submission of additional information requested under item F shall be returned to the proposer with a notice that the proposal will not receive further consideration because the requested additional information submitted was insufficient.

J. If the format and contents of a proposal submitted to the commissioner are substantially complete and consistent with part 4655.1078 [Emergency], the IBQA shall determine whether the proposal satisfies the statutory restrictions.

K. If a proposal fails to satisfy a statutory restriction, the IBQA shall return the proposal to the proposer with a written notice stating that the proposal will not receive further consideration because it does not satisfy a restriction.

L. If a proposal satisfies all restrictions, data regarding the proposal shall be collected according to part 4655.1084 [Emergency]. The IBQA shall submit the findings and other information from the review conducted under part 4655.1084 [Emergency] to the advisor review panel to review and form recommendations on the proposal according to part 4655.1086 [Emergency].

4655.1084 [EMERGENCY] DATA COLLECTION.

Subpart 1. **Staff.** The IBQA and the commissioners of agencies represented on the IBQA shall assign staff to collect the data under subparts 2 to 14. The IBQA shall use the data collected under this part to develop recommendations to the commissioner under part 4655.1094 [Emergency] on a proposal screened under part 4655.1082 [Emergency].

Subp. 2. **Medical assistance cost of a proposal.** The medical assistance costs of a proposal shall be determined by:

- A. reviewing the accuracy of operating costs provided according to part 4655.1078 [Emergency], item J;
- B. determining the accuracy of the real estate taxes and special assessments provided under part 4655.1078 [Emergency], item I;
- C. determining the increase in allowable appraised value according to part 9549.0060, subpart 4; staff shall assume that the costs provided under part 4655.1078 [Emergency], item G, are equal to the total increase in appraised value;
- D. determining the increase in the allowable annual costs of the elements identified in part 4655.1078 [Emergency], item H, according to part 9549.0060, subparts 5, 6, and 7;
- E. determining an estimate of the total allowable annual costs for the cost categories reviewed in items B to D;
- F. determining an estimate of the number of medical assistance resident days and of the proportion of medical assistance resident days to total resident days using information from the most recent cost report of the facility;
- G. multiplying the proportion of resident days developed in item F by the estimated annual costs developed in item E;
- H. determining the annual medical assistance costs of the proposal by multiplying the amount found in item G by the most recent proportion of medical assistance paid by the state of Minnesota; and
- I. multiplying the amount found in item H by two to yield the biennial medical assistance cost of the proposal.

Subp. 3. **Cost information.** The current and projected costs of the proposal shall be calculated according to cost per licensed bed, percent change in cost per licensed bed, and total biennial state and medical assistance costs.

Subp. 4. **Age-related data.** The percentage of individuals in the county of the facility and of counties contiguous to that county who are 65 to 74 years of age, 75 to 84 years of age, and who are 85 or more years of age shall be calculated using either census data or projections of the state demographer based on census data, whichever provides the more recent estimate.

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Subp. 5. **Facility occupancy.** The average occupancy rate of the facility's existing beds shall be obtained from the most recent Annual Statistical Report.

Subp. 6. **County-region occupancy.** The average percentage occupancy of the existing licensed beds of all the facilities in the county of the facility and of all facilities in counties contiguous to that county according to the most recent Annual Statistical Report, shall be calculated.

Subp. 7. **Number of licensed beds.** The number of licensed long-term care beds per 1,000 individuals aged 65 or more, aged 75 or more, and aged 85 or more, for the county of each facility, for the region composed of the counties contiguous to the county of the facility, and for the state shall be calculated.

Subp. 8. **Number of occupied licensed beds.** The number of occupied licensed long-term care beds per 1,000 individuals aged 65 or more, aged 75 or more, and aged 85 or more, for the county of each facility, for the region composed of the counties contiguous to the county of the facility, and for the state shall be calculated.

Subp. 9. **Alternative care grant use.** Alternative care grant use is the dollar amount and percentage of alternative care grant allocations used by the county in which the facility is located in the most recent year for which data is available. Alternative care grant use shall be obtained for each proposal that is acceptable according to part 4655.1082 [Emergency]. The amount of alternative care grant per person 65 years of age or older spent in the county in which the facility is located, in counties contiguous to the county of the facility, and in the state shall be calculated.

Subp. 10. **Environmental conditions.** Information shall be developed that describes the differences between existing environmental conditions and current state licensing standards for new construction and between the proposed changes in environmental conditions and current state licensing standards for new construction.

The development of information under this subpart does not supersede licensing and certification procedures. The environmental conditions and standards are listed in items A to L.

A. The width of corridors shall be compared with the standards in part 4660.1500, subpart 2.

B. The width of door frames shall be compared with the standards in part 4660.1460, subpart 2.

C. Fire exit enclosures shall be compared with the standards in part 4660.0300.

D. The method and materials of construction of the building shall be compared with the standards for Group D occupancy in the State Building Code. "State Building Code" means those codes and regulations adopted by the commissioner of the Department of Administration according to *Minnesota Statutes*, section 16B.59, and contained in chapter 1300.

E. The number of beds per resident room and the floor area per bed shall be compared to standards in parts 4660.1400 and 4660.1430, subpart 3.

F. The amount of artificial light in resident rooms and major activity areas shall be compared to standards in parts 4660.9900 and 4660.9910.

G. The amount of natural light in resident rooms shall be compared with the standard in part 4660.1450.

H. The number of bathing or toileting facilities adjacent to bedrooms shall be compared to the standards in parts 4660.2400, subpart 2, and 4660.2500.

I. Ventilation arrangements shall be compared to the standards in part 4660.8300.

J. Dining room space shall be compared to the standard in part 4660.4830.

K. Day room space shall be compared to the standard in part 4660.4820.

L. Heating and cooling arrangements shall be compared to the standards in part 4660.8200.

Subp. 11. **History of state licensing correction orders federal certification deficiencies.** For each proposal that is acceptable according to part 4655.1082 [Emergency], the accumulated number and content of licensing correction orders and federal certification deficiencies for the two most recently completed federal certification periods before the submission deadline for the proposal shall be collected.

Subp. 12. **History of licensing and certification waivers.** The number and purpose of waivers for the two most recently completed federal certification periods before the submission deadline for a proposal shall be collected.

Subp. 13. **History of complaints.** The number and content of complaints about a facility received during the two most recently completed federal certification periods before the deadline for submission of a proposal shall be collected. If ownership of a facility has changed in the two years before the submission deadline, a history of complaints shall be collected only for the tenure of the current owner.

Subp. 14. **History of sanctions.** The number and content of sanctions relating to licensure and certification that have been levied against a facility during the two most recently completed federal certification periods before the submission deadline for the proposal shall be collected.

4655.1086 [EMERGENCY] FORMATION OF ADVISORY REVIEW PANEL RECOMMENDATIONS TO IBQA.

Subpart 1. **Review of proposals.** A proposal submitted according to the deadline for submission, that satisfies the requirements of part 4655.1082 [Emergency] shall be reviewed, evaluated, and ranked by the advisory review panel.

Subp. 2. **Method of evaluation.** The advisory review panel shall evaluate proposals using the information submitted according to parts 4655.1078 [Emergency] and 4655.1080 [Emergency] and the data collected by staff under part 4655.1084 [Emergency].

Subp. 3. **Ranking of proposals.** The advisory review panel shall rank proposals to indicate which proposals should be approved in order of priority based on the criteria in parts 4655.1084 [Emergency] and 4655.1090 [Emergency], items A to H.

Subp. 4. **Formation of recommendations to the IBQA.** Based on the ranking of proposals, the advisory review panel shall recommend that the IBQA recommend approval or disapproval of a proposal. The advisory review panel shall provide written justifications for its recommendations to the IBQA.

Subp. 5. **Deadline for submission of recommendations.** The advisory review panel must submit its recommendations to the IBQA no later than ten days after receipt of the staff review information.

4655.1088 [EMERGENCY] PUBLIC HEARING.

The IBQA shall hold one public hearing on all proposals submitted in response to a request for proposals. The public hearing shall be held after the submission deadline under part 4655.1080 [Emergency], subpart 3, but before the IBQA submits recommendations to the commissioner. The IBQA shall publish a notice of the public hearing in the *State Register* that states the time, date, place, and subject of the hearing.

4655.1090 [EMERGENCY] EVALUATION, COMPARISON, AND RANKING OF PROPOSALS.

The IBQA shall use the findings of the staff data collection process, the advisory review panel, and the public hearing to evaluate, compare, and rank the proposals according to the long-term care needs they address. An evaluation, comparison, or ranking must be based on the criteria under the following items:

A. Occupancy that is determined according to:

(1) the extent to which the average occupancy rate of the facility supports the need for the proposed project in comparison with the average occupancy rate of all facilities in the county of the facility, of the contiguous counties, and with the statewide occupancy rate;

(2) the extent to which the number and proportion of individuals in the county of the facility and of contiguous counties in the age groups 65 to 74, 75 to 84, and 85 and over support the need for the proposal as determined through comparison with other counties and the state;

(3) the extent to which the current supply of licensed long-term care beds per 1,000 individuals aged 65 or more, aged 75 or more, and aged 85 or more in the county of the facility supports the need for the proposal in comparison with other counties, regions, and the state; and

(4) the extent to which the number of occupied licensed long-term care beds per 1,000 individuals aged 65 or more, aged 75 or more, and aged 85 or more in the county of the facility supports the need for the proposal in comparison with other counties and the state.

B. The extent to which the proposal enhances the availability and use of alternative care services.

C. The extent to which the proposal reduces the number of long-term care resident rooms with more than two beds.

D. The extent to which a proposal is cost effective in terms of its use of state money, medical assistance cost, cost per licensed bed, change in cost per licensed bed, and, for renovation and replacement proposals, in terms of the costs of renovation in lieu of a proposed replacement or of replacement in lieu of a proposed renovation.

E. The proposal's compliance with licensing regulations as specified in parts 4660.0300 and 4655.1000.

F. The extent to which a proposal improves the conditions that affect health, safety, or comfort of the residents of a facility, including environmental conditions described in part 4655.1084 [Emergency], subpart 10.

G. The extent to which the design of a proposal will improve the quality of life of the residents.

H. The extent to which the proposed changes are necessary to meet medical assistance certification and licensing requirements for that facility.

Emergency Rules

4655.1092 [EMERGENCY] REIMBURSEMENT LIMITS.

Subpart 1. **Cost reimbursement.** The acceptance or determination of costs under parts 4655.1070 to 4655.1100 [Emergency] is not binding for reimbursement. Actual reimbursement of costs is determined according to parts 9549.0010 to 9549.0080.

Subp. 2. **Medical assistance costs.** The sum of the estimated medical assistance costs of all recommended proposals during the first two years of operation must not exceed the amount provided by the legislature as noted in the request for proposals according to part 4655.1076 [Emergency], subpart 2, item B.

4655.1094 [EMERGENCY] RECOMMENDATIONS TO COMMISSIONER.

The IBQA shall recommend that the commissioner approve or disapprove a proposal. A recommendation under this part must be based on the evaluation, comparison, and ranking completed under part 4655.1090 [Emergency]. A written report of the evaluation, comparison, and ranking completed under part 4655.1090 [Emergency], and the recommendations formed under this part must be submitted to the commissioner not more than 21 days after receipt of the recommendations of the advisory review panel.

4655.1096 [EMERGENCY] COMMISSIONER'S APPROVAL OR DISAPPROVAL OF A PROPOSAL.

Subpart 1. **Approval or disapproval of a proposal.** The commissioner shall approve or disapprove a proposal within 30 days after receiving the IBQA recommendations.

Subp. 2. **Notice of approval or disapproval.** No later than ten days after the commissioner's approval or disapproval of a proposal the commissioner shall send a written notice of approval or disapproval to the proposer. The notice must state the reasons for the approval or disapproval.

Subp. 3. **Expiration of commissioner's approval.** The commissioner's approval of a proposal expires 12 months after the date of the commissioner's signature on the notice of approval unless the facility has commenced construction.

4655.1098 [EMERGENCY] DOCUMENTATION.

Subpart 1. **Preliminary plans.** The proposer of a renovation, replacement, or upgrading that is approved by the commissioner shall submit preliminary plans as defined in part 4660.0600 before drawing final plans.

Subp. 2. **Final working drawings.** The proposer of an accepted proposal for renovation or replacement shall submit final architectural, mechanical, and electrical drawings as defined in parts 4660.0700 and 4660.0800 to the Minnesota Department of Health for review and approval before implementation of the project.

Subp. 3. **Changes in approved projects.** Changes in approved projects for renovation, replacement, or upgrading which alter the methods or materials described in the final working drawings must be submitted to the commissioner for review and approval before the changes are made, according to part 4660.0900.

Subp. 4. **Change orders.** If the commissioner approves the reported changes in a project, a change order permitting the changes shall be issued. The issuance of a change order does not alter the allowable costs as determined in part 4655.1084 [Emergency], subpart 2.

Subp. 5. **Cost overruns.** The proposer shall immediately report to the commissioner any cost overruns including a description of the reasons for the overrun.

Subp. 6. **Final statement of costs.** On completion of the proposed project, the proposer shall submit to the Department of Human Services, a final statement of costs that includes a sworn statement of actual costs of items for which costs were estimated according to part 4655.1078 [Emergency], item G, and that compares the actual costs to the estimates.

4655.1100 [EMERGENCY] PENALTY FOR COST OVERRUNS.

Any cost overrun that is 110 percent or more greater than the costs estimated in part 4655.1078 [Emergency], item G, shall be penalized. The amount of money over 110 percent of the costs estimated in part 4655.1078 [Emergency], item G, shall be subtracted from the facility's appraisal conducted under parts 9549.0010 to 9549.0080 for a period of five years.

Executive Orders

Emergency Executive Order #88-9: Providing Clean Drinking Water to the Residents of Haven Township, Minnesota

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

WHEREAS, the Sheriff of Sherburne County, Minnesota has requested assistance in providing clean drinking water for the residents of Haven Township, Minnesota due to the failure of the local water system; and

WHEREAS, Haven Township and other local officials have exhausted all other resources in their efforts to provide safe drinking water for the residents of Haven Township, Minnesota;

NOW, THEREFORE, I hereby order that:

1. The Adjutant General of Minnesota order to active duty on or after July 20, 1988, in the service of the State, such elements and equipment of the military forces of the State as required to provide drinking water to the residents of Haven Township, Minnesota and for such a period of time as necessary to ensure the safety of our citizens.

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

Pursuant to *Minnesota Statutes* 1986, Section 4.035, this Order shall be effective July 20, 1988 and shall remain in effect until such date as elements of the military forces of the State are no longer required.

IN TESTIMONY WHEREOF, I have set my hand this 22nd day of July 1988.



Rudy Perpich
Governor

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.

Minnesota State Arts Board

Notice of Public Hearings

The Minnesota State Arts Board is offering four public hearings around the state during August and September. These hearings are designed to gather testimony about the Arts Board's biennial plan and budget.

Individuals or groups may present testimony at the General Constituency Hearing in Saint Paul, or at one of the three meetings scheduled in greater Minnesota. Public commentary is accepted in either written or oral form: oral presentations will be limited to five minutes. Participants may submit their remarks in writing within two working days after the last scheduled meeting.

Persons wishing to speak must contact the Arts Board no later than August 8. Hearings will be held at the following locations:

August 15 5:30 p.m.
Southwest State University
217 Lecture Center Building
Highways 19 & 23
Marshall

August 16 4:00 p.m.
General Constituency Hearing
Walker Art Center
Lecture Room, Lower Level
Vineland Place
Minneapolis

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September 14 7:00 p.m.
Brainerd Public Library
416 South 4th Street
Brainerd

September 15 7:30 p.m.
Northwest Regional Development Commission
525 Brooks Avenue South
Thief River Falls

A summary of the biennial plan is available by mail or may be reviewed at any of the state's eleven Regional Arts Councils.

State Board of Investment

Meeting Notice of the State Board of Investment Administrative Committee

The State Board of Investment Administrative Committee will meet on Thursday, August 11, 1988, from 9:00-11:00 A.M., in the MEA Building, 41 Sherburne Avenue, Conference Room A, St. Paul, Minnesota.

Labor and Industry

Labor Standards Division

Notice of Correction to Prevailing Wage Rates

The prevailing wage rate certified June 1, 1987 for labor classifications Common Laborer—Skilled Laborer—Pipelayer—Tunnel Miner—Underground and Open Ditch Laborer on Highway/Heavy construction projects in Stearns county has been corrected.

Copies of the correct certification may be obtained by contacting the Minnesota Documents Division, 117 University Avenue, St. Paul, Minnesota 55155 or the Minnesota Department of Labor and Industry, Labor Standards Division, 443 Lafayette Road, St. Paul, Minnesota 55101.

Ray Bohn, Commissioner
Department of Labor and Industry

Minnesota Pollution Control Agency

Hazardous Waste Division

Notice of Intent to Solicit Outside Opinions Concerning Proposed Amendments to the Hazardous Waste Facility and Generator Fee Rules

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is seeking information or opinions from sources outside the MPCA in preparing rule amendments to *Minnesota Rules* Ch. 7046 which requires a fee to be paid by hazardous waste facilities and generators. *Minnesota Rules* Ch. 7046 was promulgated pursuant to *Minnesota Statutes* § 116.12, subd. 2.

Minnesota Statutes § 16A.128 requires that all Agency fees include Agency indirect costs. Prior to Fiscal Year 1988 (July 1, 1987) MPCA indirect costs were not included in the hazardous waste fee structure. The MPCA needs to amend the hazardous waste fee rules to include these additional costs in the fee structure. MPCA staff anticipate that the amendments will include an increase in the statewide program fee (referred to as a surcharge) paid by all generators and an increase in the facility fees. Certain parts of the rule apply only to generators located outside of the Twin Cities metropolitan area. In amending these parts of the rule, the MPCA will consider a number of changes, including encouraging pretreatment of hazardous waste and offering incentives to generators based on environmentally preferable hazardous waste management methods.

The MPCA requests information and comments concerning the subject of these rules.

Interested persons or groups may submit data or views in writing or orally. Written or oral statements should be directed to:

Patrick F. Carey
Minnesota Pollution Control Agency
Hazardous Waste Division

520 Lafayette Road North
St. Paul, Minnesota 55155
Telephone: (612) 296-7767

Oral statements will be received during regular business hours, Monday through Friday.

All statements of information and opinion will be accepted until August 29, 1988. Any written materials received by the MPCA shall become part of the rulemaking record regarding these hazardous waste fee rules.

Gerald L. Willet
Commissioner

Minnesota Public Utilities Commission

Notice of Intent to Solicit Outside Information Regarding Proposed Rule Governing Resale and Sharing of Local Telephone Service for Private Use or for Profit, Docket No. P-999/R-88-357

NOTICE IS HEREBY GIVEN that the Minnesota Public Utilities Commission (Commission) is seeking information or opinions from outside sources in preparing to propose the adoption of rules governing the resale and sharing of local telephone service for private use or for profit. The adoption of the rule is authorized by *Minnesota Statutes* section 237.10 (1986), which allows the Commission to prescribe uniform rules pertaining to the conduct of intrastate telephone business.

On April 29, 1987, the Commission ordered the Minnesota Department of Public Service (Department) to investigate the resale of local telephone service in Docket No. P-999/CI-87-228. That investigation was begun in response to requests from entities to resell local telephone service to business tenants in commercial buildings. There are at least 30 resellers, of various types, currently operating in Minnesota. There are currently no tariffs in effect governing these services although some local exchange companies may be using joint usage tariffs to determine the rates they are charging to the resellers. In recognition that a rulemaking is appropriate, the investigation docket has been closed and the Commission will conduct a rulemaking in its place under the rule Docket No. P-999/R-88-357. The Department's Report on the resale of Local Telephone Service and all comments that were received during the investigation will become part of the rulemaking record.

Description of Resale and Sharing of Local Telephone Service

A reseller of local telephone service is defined as a carrier which subscribes to communication services and facilities from facilities based common carriers for reoffer of services to the public for profit. Shared telecommunications services (STS) providers are a type of reseller. STS is defined as a communications system to which occupants of a multi-tenant building or complex subscribe, in which terminals located on user premises are connected to shared PBXs or other switches provided in the building or complex by the owner, the users as a group, or a third party, rather than by the local telephone company. Each user can communicate with any other system user directly through that switch instead of back and forth over the trunk line through the central office.

The Commission is aware that there are many other examples of telecommunications services that could possibly meet this definition of resale of local service. For example, coin and non-coin pay phone providers, radio common carriers such as mobile telephone services and pagers, answering services, alarm services, and shared tenant services such as "smart" office buildings, shared office space, universities, hospitals, and hotels function in some manner as a local service reseller. Moreover, firms are beginning to offer a variety of services within the local exchange through resale of telephone company local service offerings such as CENTRON. Certain of these services such as radio common carriers are exempt from regulation. See *Minnesota Statutes* section 237.01, subd. 2 (1986). Others have been regulated as telephone companies or not regulated at all. A rule applicable to local service resale may need to address each of these situations.

These explanations are broad descriptions of the problem and not definitions suitable for use in the rule. Definitions will need to be drafted, and thus, comments on these broad descriptions and the categories of service will be helpful.

Legal Authority to Regulate Resale and Sharing of Local Telephone Service

Regulation of local service resale is appropriately an issue for state regulation to examine. The states have traditionally regulated local exchange services, as part of intrastate telecommunications. Although the Federal Communications Commission was asked to preempt state regulation of STS, it declined to do so. See *In the Matter of International Business Machines Corporation, Request for Declaratory Ruling re State Regulation of Shared Telecommunications Services Systems*, Memorandum Opinion and Order, FCC File No. ENF 85-45 (released January 27, 1986). The Commission thus believes that its authority to regulate resale of local service is strictly an issue of state law.

The issue of the Commission's authority to regulate resale of local service divides into two parts: regulation of the terms and conditions upon which local service is provided to resellers and regulation of the resellers themselves. The Commission's authority to regulate the former lies through its regulation of the telephone company providing local exchange service that offers the services purchased by resellers. The Commission may address not only the price but also the terms and conditions found in the telephone company's tariff.

The issue of regulating the resellers of local service, and by extension STS providers, is more difficult to analyze. It depends on whether the reseller is considered to be providing an end-to-end service between two end-users or whether the reseller is considered to provide a value added enhancement to the local service through attachment to one end of a local telephone call. In this latter view, the reseller connects one end user to the local telephone network and the local telephone company is considered to provide the network service needed to connect the two end users who participate in the completed call.

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In the past, the Commission has attempted to determine whether or not resellers of telephone service were telephone companies. If the reseller were found to be a telephone company, as in the case of toll resellers or customer owned coin operated telephone, the regulatory scheme followed the rate, service, and entry regulation under statutes such as *Minnesota Statutes* sections 237.06, 237.07, 237.09, and 237.16 (1986 and 1987 Supp.). The Commission applied light handed regulation but nevertheless required entry and rate filings as a telephone company. If the reseller were found not to be a telephone company, as in the case of hotels and hospitals, no further regulation was asserted.

The basis for regulating as a telephone company is found in the definition at *Minnesota Statutes* section 237.01, subd. 2 (1986). This section states:

Subd. 2. Telephone company. "Telephone company" means and applies to any person, firm, association or any corporation, private or municipal, owning or operating any telephone line or telephone exchange for hire, wholly or partly within this state, or furnishing any telephone service to the public.

A "telephone company" does not include a radio common carrier as defined in subdivision 4. A telephone company which also conforms with the definition of a radio common carrier is subject to regulation as a telephone company. However, none of chapter 237 applies to telephone company activities which conform to the definition of a radio common carrier.

However, the logic of including among "telephone company" any business "furnishing any telephone service to the public" has eroded substantially in recent years. As technology has changed the very nature of telecommunications and through numerous actions of the Federal Communications Commission to redefine the legal structure of the telephone business, the ubiquitous telephone service offered through a single company in a telephone exchange has become a multitude of companies offering a vast variety of telephone equipment, services and enhancements. If the logic of extending regulation to all "telephone companies" that "furnished any telephone service to the public" were carried to its literal conclusion, department stores, gas stations, office buildings, governments, hospitals, universities, and hotels would all become telephone companies. As shown in the case of hotels, the Commission has in the past not felt compelled to extend regulation so far.

If the statute is to be applied consistently, in recognition of its purpose, and not to create literal absurdity, an alternative theory of statutory interpretation may need to be developed here. In order to focus comment upon that theory and to attempt to develop consistent, fair, and useful regulation, the Commission will outline an alternative interpretation of the statute that could be applied to the regulation of local service resale.

In recognition that resellers of local service repackage and enhance but nevertheless continue to rely upon the wireline exchange telephone company to connect end users, resellers would not fall within the functional definition of a telephone company as an entity owning a telephone line or exchange. Thus, they would not be regulated as a telephone company itself.

These entities would not avoid all regulation, however, because *Minnesota Statutes* ch. 237 (1986 and 1987 Supp.) regulates more than telephone companies; it also regulates "telephone service." See *Minnesota Statutes* sections 237.081 (authorizing the Commission to investigate "any matter relating to any telephone service"), 237.10 (authorizing it to "prescribe uniform rules . . . pertaining to the conduct of intrastate telephone business") and 237.64 (requiring an entity "seeking to offer a telephone service to the public" to register). Pursuant to these sections, it appears that the Commission can regulate telephone services without necessarily defining or regulating the vendor of the services as a telephone company.

Further, the statute provides a specific form of regulation for services meeting the definition of "private shared telecommunication services" without treating entities operating in this manner as telephone companies. See *Minnesota Statutes* section 237.68 (1987 Supp.). These entities, which are clearly a variety of local service reseller, must follow rules of service set forth in statute and are subject to the Commission's power to order access or service at reasonable prices and on reasonable terms and conditions. *Minnesota Statutes* section 237.68, subd. 4 (1987 Supp.). This section provides a possible model for regulation of all local service resellers that offer telephone services subject to regulation by the Commission.

Comments on the above alternative interpretation will be helpful.

Questions for Comment

Through the investigation, the Commission has already identified several issues that likely will need to be addressed in this rulemaking. Moreover, the Department has outlined in its report a regulatory scheme that it believes would be suitable for STS providers. After summarizing the Department's regulatory approach and the principle questions raised against it, the Commission will identify questions upon which it desires to comment.

Comments received to date largely agree that resale of local service and STS is a positive force in the telecommunication industry and is in the public interest. At issue is how to regulate, if at all, resellers of local services, and what rates should local exchange telephone companies be allowed to charge resellers.

The Department has proposed an approach to regulation that treats resellers as telephone companies but subjects them to minimal regulation. Resellers would be considered independent telephone companies, would notify the Commission of their intent to operate,

would file current rates, terms and conditions of service, would allow end users to access directly the local exchange telephone company and interexchange carrier of choice, would file annual reports, and would provide end user access to emergency services such as 911. Moreover, resellers would give their customers written notice before discontinuing service and would make the necessary arrangements with the local exchange telephone company to replace the service that is to be discontinued. The Department also proposed that local exchange company rates to STS providers must be cost-based, usage sensitive rates and that local exchange companies continue to serve all customers requesting service including STS end users.

Other commentors opposed several of these recommendations. Several disputed that STS providers are telephone companies, but agreed that they were offering telephone services. Some objected to the Department's recommendation that the local exchange company charge usage sensitive rates. Others asked that the Commission also classify customer owned coin operated telephones, hospitals, and hotels as STS providers. While none disputed that end users should have access to emergency services, some argued that the STS provider should be able to charge for this service.

In order to address these concerns, the Commission requests comment on the following questions. A Commission staff analysis (SA) appears after each question, based on the Department's Report, the comments that were received in the investigation docket, and *Minnesota Statutes* section 237.68 (1987 Supp.) governing private shared telecommunications service. The Commission may or may not adopt rules based on its staff analysis.

1. Is the sharing and/or resale of local telephone service in the public interest and should it be allowed in Minnesota?

SA: Yes. These services provide an alternative for telephone service customers, called end users. Most end users are small businesses and these services are often offered at lower prices than the rates charged by local exchange companies. In STS situations, the owners of commercial buildings benefit because these services attract tenants to their buildings.

2. Should sharers of local telephone service who use the service only for their own business be distinguished from resellers who sell the service for profit?

SA: No. An STS provider may use the service itself and resell the service to tenants in its building. That makes the STS provider a reseller even though the resale is to entities in the same building. There are also STS providers that only resell local telephone service to entities in other buildings. This view is also consistent with other states that treat STS providers and resellers the same.

3. Should coin and non-coin pay phone providers be classified as STS providers or resellers?

SA: Yes. Classify all pay phone providers as resellers because the pay phone providers pay access charges to the local exchange companies and provide local telephone service to the end users at a profit.

4. Should STS or resale be geographically limited to a discrete location in the Minnesota?

SA: Yes, *Minnesota Statutes* section 237.68 (1987 Supp.) limits private shared telecommunication services to discrete private premises. However, businesses that use STS may have portions of their businesses in different locations. In those situations, a case-by-case evaluation would be appropriate.

5. Should STS providers and resellers provide free access to emergency assistance, such as 911 or 411? If so, who should bear the cost of such services?

SA: Yes. Pass the cost on to the end users of the service. The end users benefit from the provision of 911 and 411 services and the STS providers and resellers do not profit from offering these services. However, the amount charged to the end users should be pro rated to ensure that the STS providers and resellers do not profit.

6. How should demarcation point(s) be set?

SA: *Minnesota Statutes* section 237.68 (1987 Supp.) requires the property owner or operator and the telephone company to establish a single demarcation point that is mutually agreed upon.

7. How should local exchange carriers charge STS providers or resellers? Should the charge be flat rates, local measured service rates or a combination of both?

SA: STS providers and resellers should pay the local exchange carriers a usage sensitive rate. The access component of the rate would be constant and cover maintenance of the incoming access line. The usage sensitive component of the rate would be variable, based on the volume of use by the end users.

8. What role should STS providers and resellers play in the telephone benefit programs, such as the Telephone Assistance Plan? How should their customers access the Telephone Assistance Plan or the Telephone Access for Communication-Impaired Program? Should customers use the Link-Up America Plan to access an STS provider or reseller?

SA: The cost of providing benefits such as the telephone assistant plan should be borne both by the STS providers and resellers and the end use customers. The STS providers and resellers should receive program applications, forward applications to the local exchange carriers, and credit end user bills because the end users are their customers. The end users should pay for the programs in

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the same manner they would pay for 911 or 411 services. That is, end users would pay on a pro rata basis to preclude profit by the STS providers and resellers.

The Commission requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views in writing or orally. DRAFTS OF PROPOSED RULES ARE ENCOURAGED. PLEASE USE DOCKET NUMBER P-999/R-88-357 ON ALL CORRESPONDENCE. Written statements or comments should be directed to:

Caroline Robinson
Minnesota Public Utilities Commission
780 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101
(612) 296-9617

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

All statements of information and opinion will be accepted for 60 days, until 4:30 p.m. on September 30, 1988. Any written materials received by the Commission shall become part of the rulemaking record in the event that the rule is adopted.

Mary Ellen Hennen
Executive Secretary

Office of Social Work and Mental Health Boards

Board of Social Work

Notice of Meeting Schedule for Regular Board Meetings for 1988

NOTICE IS HEREBY GIVEN that the following schedule of meetings for the regular board meetings has been announced for 1988:

July 29(10:00 am to 1:00 pm)
August 26(1:00 pm to 4:30 pm)
September 23(1:00 pm to 4:30 pm)
October 14*(see below)
November 18(1:00 pm to 4:30 pm)
December 9(1:00 pm to 4:30 pm)

Place: COLONIAL PARK OFFICE BUILDING
Suite 225 Conference Room

*Meeting will be held in the Government Service Center, Room 608-609, Duluth, Minnesota.

State Contracts and Advertised Bids

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

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

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

Department of Administration: Materials Management Division

Contracts and Requisitions Open for Bid

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

State Contracts and Advertised Bids

Commodity: Coen burner (gas, oil burner)
Contact: Brenda Thielen 612-296-9075
Bid due date at 2pm: August 2
Agency: Various
Deliver to: Various
Requisition #: 26137 04440

Commodity: Dasher board system
Contact: Brenda Thielen 612-296-9075
Bid due date at 2pm: August 2
Agency: State University
Deliver to: Bemidji
Requisition #: 26070 13706

Commodity: 27' folding knuckle boom hoist
Contact: Brenda Thielen 612-296-9075
Bid due date at 2pm: August 3
Agency: Transportation
Deliver to: Various
Requisition #: 79382 01387

Commodity: Language lab
Contact: Pat Anderson 612-296-3777
Bid due date at 2pm: August 3
Agency: Comm. College, No. Hennepin
Deliver to: Minneapolis
Requisition #: 27153 20125

Commodity: Geodetic survey disks
Contact: Joyce Dehn 612-296-2621
Bid due date at 2pm: August 4
Agency: Various
Deliver to: Various
Requisition #: 79000 91551

Commodity: Flashlights, flashlight batteries and bulbs
Contact: Ed Shank 612-296-3770
Bid due date at 2pm: August 4
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Rubbish disposal contract
Contact: Juanita Steffen 612-297-3830
Bid due date at 2pm: August 5
Agency: Reg. Treatment Center
Deliver to: Anoka
Requisition #: 55100 04032

Commodity: Automobile & truck parts—Plymouth, Dodge & Chrysler
Contact: Dale Meyer 612-296-3773
Bid due date at 2pm: August 8
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: HP draft master plotter
Contact: Mary Jo Bruski 612-296-3772
Date opens: August 2
Agency: Mankato State University
Deliver to: Mankato
Requisition #: 26 071 18262

Commodity: Uniform shoes
Contact: Linda Parkos 612-296-3725
Date opens: August 5
Agency: MCF—Stillwater
Deliver to: Stillwater
Requisition #: 78 620 00241

Commodity: Dorm/ward furniture—rebid
Contact: Linda Parkos 612-296-3725
Date opens: August 5
Agency: Anoka-Metro Reg. Treatment Center
Deliver to: Anoka
Requisition #: 55 100 03973 1

Commodity: Data general monitors/keyboards
Contact: Mary Jo Bruski 612-296-3772
Date opens: August 5
Agency: MN Department of Education
Deliver to: St. Paul
Requisition #: 25000 01231

Commodity: Transport state patrol vehicles
Contact: Bernie Vogel 612-296-3778
Date opens: August 5
Agency: Public Safety
Deliver to: St. Paul
Requisition #: 07 500 51605

Commodity: Rent of engineering copier
Contact: Joyce Dehn 612-296-2621
Date opens: August 8
Agency: Transportation
Deliver to: St. Paul
Requisition #: 79000 90427

Commodity: Silver reed model exp 800 printers
Contact: Joyce Dehn 612-296-2621
Date opens: August 8
Agency: Winona State University
Deliver to: Winona
Requisition #: 26 074 12166

Commodity: Office furniture
Contact: Linda Parkos 612-296-3725
Date opens: August 11
Agency: Information Management Bureau
Deliver to: St. Paul
Requisition #: 02 410 90026

Commodity: Lounge area furniture
Contact: Linda Parkos 612-296-3725
Date opens: August 11
Agency: Building Construction Division
Deliver to: St. Paul
Requisition #: 02 310 16191

Commodity: Repainting of office furniture
Contact: Linda Parkos 612-296-3725
Date opens: August 11
Agency: Labor & Industry
Deliver to: St. Paul
Requisition #: 42 100 12705

Commodity: Library furniture
Contact: Linda Parkos 612-296-3725
Date opens: August 12
Agency: Administration: Fiscal Services
Deliver to: St. Paul
Requisition #: 02 310 16187

Commodity: Plumbing supplies—addendum #1
Contact: Pat Anderson 612-296-3777
Bid due date at 2pm: August 4
Agency: Regional Treatment Center
Deliver to: Willmar
Requisition #: 55106 06530

Commodity: Gas detectors
Contact: Joseph Gibbs 612-296-3750
Bid due date at 2pm: August 8
Agency: DOT
Deliver to: Golden Valley
Requisition #: 79000 84695

State Contracts and Advertised Bids

Commodity: System upgrade
Contact: Pat Anderson 612-296-3777
Bid due date at 2pm: August 10
Agency: MnDOT—Electrical Services
Deliver to: St. Paul
Requisition #: 79050 23103

Commodity: Purchase of Minolta 4907
or Canon 3725 copier
Contact: Terese Ryan 612-296-7556
Date opens: August 8
Agency: Rochester Community College
Deliver to: Rochester
Requisition #: 27 148 50272

Contract Awards—Materials Management Division

Item: Computer equipment
Req. #: 27139 89014 01
Awarded to: IBM Corp., Rochester, MN
Awarded amount: \$55,746.20
Awarded date: July 20, 1988
Expir/deliv date: August 26, 1988
Shipped to: Austin Community College

Item: Drafting graphic art equipment
Req. #: 79000 84460 01
Awarded to: Xerox Corp., Edina, MN
Awarded amount: \$47,520.00
Awarded date: July 20, 1988
Expir/deliv date: August 22, 1988
Shipped to: MN Department of
Transportation

Item: Fixture—outdoor electric lighting
Req. #: 26175 09222 01
Awarded to: Northland Electric Supply,
Mpls., MN
Awarded amount: \$18,880.50
Awarded date: July 22, 1988
Expir/deliv date: October 20, 1988
Shipped to: Southwest State University

Item: Uniform men
Req. #: 29007 10080 01
Awarded to: Uniforms Unlimited, St.
Paul, MN
Awarded amount: \$78,556.45
Awarded date: July 20, 1988
Expir/deliv date: September 30, 1988
Shipped to: DNR—Northern Service
Center

Item: Telephone & telegraph equipment
Req. #: 42100 11625 01
Awarded to: Aircomm, Inver Grove
Heights, MN
Awarded amount: \$47,131.92
Awarded date: July 21, 1988
Expir/deliv date: December 31, 1999
Shipped to: Department of Labor &
Industry

Item: Maintenance contract equipment
only
Req. #: 27156 10362 01
Awarded to: Digital Equipment Corp.,
Mpls., MN
Awarded amount: \$20,436.00
Awarded date: July 22, 1988
Expir/deliv date:
Shipped to: Normandale Community
College

Item: Photocopy & copy machine
expense
Req. #: 55000 93003 01
Awarded to: Xerox Corp., Edina, MN
Awarded amount: \$190,854.00
Awarded date: July 20, 1988
Expir/deliv date: July 22, 1988
Shipped to: Department of Human
Services

Item: Computer equipment
Req. #: 53000 02193 01
Awarded to: Unisys, St. Paul, MN
Awarded amount: \$834,660.00
Awarded date: July 21, 1988
Expir/deliv date: July 21, 1988
Shipped to: Secretary of State

Item: Uniform men
Req. #: 29007 10080 03
Awarded to: Weber P J Clothing, St.
Cloud, MN
Awarded amount: \$59,907.99
Awarded date: July 22, 1988
Expir/deliv date: October 1, 1988
Shipped to: Northern Service Center

Item: Furniture office
Req. #: 67110 05187 01
Awarded to: Stationery Sales Inc., St.
Paul, MN
Awarded amount: \$12,022.50
Awarded date: July 20, 1988
Expir/deliv date: October 31, 1988
Shipped to: Department of Revenue

Item: Auto HD truck & van
Req. #: 79382 01386 01
Awarded to: Minn Wanner Co., Mpls.,
MN
Awarded amount: \$25,510.00
Awarded date: July 21, 1988
Expir/deliv date: September 15, 1988
Shipped to: MN Department of
Transportation

Item: Janitorial & refuse disposal
service
Req. #: 55105 08150 01
Awarded to: TLS Waste Service LP, Le
Sueur, MN
Awarded amount: \$19,872.00
Awarded date: July 22, 1988
Expir/deliv date:
Shipped to: St. Peter Regional
Treatment Center

Item: Truck ½ or ¾ ton with extended
cab,
Req. #: 79382 01348 01
Awarded to: Boyer Ford Trucks, Mpls.,
MN
Awarded amount: 111,986.00
Awarded date: July 20, 1988
Expir/deliv date: November 1, 1988
Shipped to: MN/Dot, Central Shop

Item: Furniture office
Req. #: 21200 18994 01
Awarded to: General Office Products,
Mpls., MN
Awarded amount: \$15,398.00
Awarded date: July 22, 1988
Expir/deliv date: September 30, 1988
Shipped to: MN Department of Jobs and
Training

State Contracts and Advertised Bids

Item: Computer software purchase (non-PC)

Req.#: 79000 90663 01

Awarded to: Barrister Info Systems, Chicago, IL

Awarded amount: \$18,000.00

Awarded date: July 25, 1988

Expir/deliv date: August 15, 1988

Shipped to: MN Department of Transportation

Item: Laboratory supplies

Req.#: 26071 18241 01

Awarded to: Feedback Inc., Berkely Heights, NJ

Awarded amount: \$22,606.00

Awarded date: July 27, 1988

Expir/deliv date: September 30, 1988

Shipped to: Mankato State University

Item: Computer equipment

Req.#: 55000 93012 01

Awarded to: Sears Business Systems, Edina, MN

Awarded amount: \$16,658.20

Awarded date: July 27, 1988

Expir/deliv date: August 8, 1988

Shipped to: Department Human Services

Item: Tractor crawler type

Req.#: 79382 01377 01

Awarded to: Case Power & Equipment, Shakopee, MN

Awarded amount: \$77,314.00

Awarded date: July 27, 1988

Expir/deliv date: August 20, 1988

Shipped to: Department of Transportation

Department of Administration: Printing & Mailing Services

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

Commodity: ARRS master tape boxes, 10M, 7"x7½", negs available

Contact: Printing Buyer's Office

Bids are due: August 2

Agency: Communications Center—Service for Blind

Deliver to: St. Paul

Requisition #: 0437

Commodity: PKU envelope, 40M, 4½"x8½" w/opened flap 2⅝", type to set

Contact: Printing Buyer's Office

Bids are due: August 2

Agency: Health Department

Deliver to: Minneapolis

Requisition #: 0399

Commodity: Registration of Interstate Transportation, 20M sheets, 8¼"x3¾", type to set, fanfold

Contact: Printing Buyer's Office

Bids are due: August 2

Agency: Transportation Department

Deliver to: St. Paul

Requisition #: 0447

Commodity: State seal stickers, 1,000—1-sided, 1⅞" to 1¼", camera ready, round, pressure sensitive

Contact: Printing Buyer's Office

Bids are due: August 2

Agency: Governor's Residence

Deliver to: St. Paul

Requisition #: 0413

Commodity: Engineer license, 20M, 3½"x6¼", camera ready

Contact: Printing Buyer's Office

Bids are due: August 2

Agency: Labor & Industry Department

Deliver to: St. Paul

Requisition #: 0454

Commodity: Brochure (Drinking Drivers Lose), 50M, 8½"x14"—3-folds, camera ready

Contact: Printing Buyer's Office

Bids are due: August 2

Agency: Public Safety Department

Deliver to: St. Paul

Requisition #: 0459

Commodity: Partial pay envelope, 5M, one-sided, camera ready, 6½"x3⅝"

Contact: Printing Buyer's Office

Bids are due: August 2

Agency: Public Safety Department

Deliver to: St. Paul

Requisition #: 0079

Commodity: Renewal engineer notices, 20M, 4"x8½", type to set, fanfold

Contact: Printing Buyer's Office

Bids are due: August 2

Agency: Labor & Industry Department

Deliver to: St. Paul

Requisition #: 0446

Commodity: Petty Cash Fund Receipt, 1,000 sets, 25 per pad, 5 sheets per set, 8½"x7" overall, ¾" binding stub top/bottom

Contact: Printing Buyer's Office

Bids are due: August 2

Agency: Public Safety Department

Deliver to: St. Paul

Requisition #: 0383

Commodity: Certificate of Death, 400 pads, 25 sets per pad, negs furnished, 9"x8¾"

Contact: Printing Buyer's Office

Bids are due: August 2

Agency: Department of Health

Deliver to: Minneapolis

Requisition #: 0431

State Contracts and Advertised Bids

Commodity: Invoice, 10M sets 3-part forms, fanfold, 8½"x11", camera ready + negs
Contact: Printing Buyer's Office
Bids are due: August 2
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 0343

Commodity: Dealer junk/removed from state, 50M sets 2-parts, 7"x4", type to set
Contact: Printing Buyer's Office
Bids are due: August 2
Agency: Public Safety Department
Deliver to: St. Paul
Requisition #: 0081

Commodity: Certification seed tags, 5M white, 800M blue, 5¼" to 2⅝", negs furnished
Contact: Printing Buyer's Office
Bids are due: August 2
Agency: Agriculture Department
Deliver to: East Grand Forks
Requisition #: 0328-9

Commodity: Letterhead envelopes (10M) letterhead stationery (5M), #10 and 8½"x11" camera ready
Contact: Printing Buyer's Office
Bids are due: August 2
Agency: Mediation Services Bureau
Deliver to: St. Paul
Requisition #: 0429-30

Commodity: Annual license renewal, 8¾"x3⅝", 1000, type to set
Contact: Printing Buyer's Office
Bids are due: August 3
Agency: Health Department
Deliver to: Minneapolis
Requisition #: 0397

Commodity: Gift certificate, 1,000—9¼"x3½", in pads of 25
Contact: Printing Buyer's Office
Bids are due: August 3
Agency: Children's Trust Fund
Deliver to: St. Paul
Requisition #: 0414

Commodity: Cashier receipt book, 50 books 200 sheets per book, 10½"x7" overall, type to set, preprinted numbering
Contact: Printing Buyer's Office
Bids are due: August 3
Agency: Commerce Department
Deliver to: St. Paul
Requisition #: 0509

Commodity: MCCS Prospectus, 25M books 12-pages each, 16½"x11", camera ready
Contact: Printing Buyer's Office
Bids are due: August 3
Agency: Community College System
Deliver to: St. Paul
Requisition #: 0525

Commodity: North Star Newspaper, 3M 8, 12, 16, 20 pages, 16½"x23" sheet size, 2-folds
Contact: Printing Buyer's Office
Bids are due: August 3
Agency: North Hennepin Community College
Deliver to: Brooklyn Park
Requisition #: 8163

Commodity: Commerce Contact—4 issues, 80M per issue, 8½"x11", type to be set
Contact: Printing Buyer's Office
Bid due date at 2pm: August 8
Agency: Commerce Department
Deliver to: St. Paul
Requisition #: 0231

Commodity: Watercraft (233M), Snowmobile (52M) and All-Terrain (13M) renewal notices, 4-part forms, 8½"x6⅛", type to set
Contact: Printing Buyer's Office
Bid due date at 2pm: August 8
Agency: DNR
Deliver to: St. Paul
Requisition #: 0359 60 1

Commodity: Odometer statement, 350M 3-part forms, carbon interleave, 8½" x 7" overall camera ready
Contact: Printing Buyer's Office
Bids are due: August 5
Agency: Public Safety Department
Deliver to: St. Paul
Requisition #: 0080

Contract Awards—Printing & Mailing Services

Item: Minnesota Explorer
Req. #: 8102
Awarded to: St. Cloud Newspapers, St. Cloud
Awarded amount: \$127,998.00
Awarded date: July 20
Deliver to: St. Paul
Delivery date: As requested

Item: Benefit payment with check
Req. #: 8177
Awarded to: Standard Register, St. Paul
Awarded amount: \$13,733.15
Awarded date: July 21
Deliver to: St. Paul
Delivery date: 35 days

Item: Envelopes
Req. #: 8237-8
Awarded to: Roger's Printing, Ely
Awarded amount: \$88.93
Awarded date: July 21
Deliver to: Ely
Delivery date: 20 days

State Contracts and Advertised Bids

Item: Bear registration poster
Req.#: 0029
Awarded to: Printing Resources,
Shoreview
Awarded amount: \$255
Awarded date: July 21
Deliver to: St. Paul
Delivery date: As requested

Item: Unattended vehicle check
Req.#: 8218
Awarded to: Bann Division Stuart
Hooper Co., St. Paul
Awarded amount: \$1,735.00
Awarded date: July 21
Deliver to: St. Paul
Delivery date: 30 days

Item: Citizens' accident report
Req.#: 8219
Awarded to: Georgene Bergstrom
Company, Minneapolis
Awarded amount: \$3,816.00
Awarded date: July 21
Deliver to: St. Paul
Delivery date: 30 days

Item: Energy Division letterhead
Req.#: 0010
Awarded to: Hawkens Printing, St.
Paul
Awarded amount: \$440.00
Awarded date: July 21
Deliver to: St. Paul
Delivery date: 10 working days

Item: "Articulars" Newsletter
Req.#: 0036
Awarded to: Printed Media Services,
Golden Valley
Awarded amount: \$17,408.00
Awarded date: July 26
Deliver to: St. Paul
Delivery date: As requested

Item: Vehicle permit warning
Req.#: 0011
Awarded to: Don Harstad Company,
Minneapolis
Awarded amount: \$1,550.00
Awarded date: July 21
Deliver to: St. Paul
Delivery date: 30 days

Item: Godfrey Gopher Color Book
Req.#: 8223
Awarded to: House of Print, Madelia
Awarded amount: \$1,923.00
Awarded date: July 21
Deliver to: St. Paul
Delivery date: As requested

Item: Envelopes
Req.#: 8161
Awarded to: Quality Park, St. Paul
Awarded amount: \$702.00
Awarded date: July 21
Deliver to: St. Paul
Delivery date: 30 days

Item: Workers' Comp Medical Serv.
Claim
Req.#: 0087
Awarded to: Royal Business Forms,
Brooklyn Center
Awarded amount: \$440.00
Awarded date:
Deliver to: St. Paul
Delivery date: 30 days

Item: Window envelopes
Req.#: 0099
Awarded to: Heinrich Envelope Corp.,
Minneapolis
Awarded amount: \$1,938.00
Awarded date: July 26
Deliver to: St. Paul
Delivery date: 20 working days

Item: Brochure & newsletter
Req.#: 0035, 6
Awarded to: Printed Media Services,
Golden Valley
Awarded amount: \$5,982.00 and
\$17,408.00
Awarded date: July 26
Deliver to: St. Paul
Delivery date: As requested

Item: State park guide
Req.#: 0119
Awarded to: Printed Media Services,
Golden Valley
Awarded amount: \$34,982.00
Awarded date: July 26
Deliver to: MN State Parks
Delivery date: As requested

Item: Continuing education schedules
Req.#: 0171
Awarded to: House of Print, Madelia
Awarded amount: \$13,631.00
Awarded date: July 26
Deliver to: White Bear Lake
Delivery date: As requested

Item: Commencement books
Req.#: 0185
Awarded to: Hubbard Printing, Mankato
Awarded amount: \$4,956.00
Awarded date: July 26
Deliver to: Mankato
Delivery date: As requested

Item: Voter Registration Cards
Req.#: 0204
Awarded to: Acme Tag Company,
Minneapolis
Awarded amount: \$4,675.00
Awarded date: July 26
Deliver to: St. Paul
Delivery date: 15 days

Item: Pressure sensitive labels
Req.#: 0334
Awarded to: Applied Power Products,
St. Paul
Amount: \$631.40
Date: July 27
Deliver to: Normandale Community
College
Delivery date: 21 days

Item: Envelopes for AFDC
Req.#: 0217
Awarded to: Quality Park Products,
St. Paul
Amount: \$765.00
Date: July 28
Deliver to: St. Paul
Delivery date: 30 days

Item: Unemployment Insurance ID
Form
Req.#: 0258
Awarded to: Georgene Bergstrom Co.,
Minneapolis
Amount: \$2,174.00
Date: July 27
Deliver to: St. Paul
Delivery date: 30 days

State Contracts and Advertised Bids

Item: Uniform traffic ticket
Req.#: 0110
Awarded to: Georgene Bergstrom Co.,
Minneapolis
Amount: \$3,347.50
Date: July 28
Deliver to: St. Paul
Delivery date: 30 days

Item: PERA forms
Req.#: 0232
Awarded to: UARCO, St. Paul
Amount: \$4,690.64
Date: July 28
Deliver to: St. Paul
Delivery date: 56 days

State Designer Selection Board

Request for Proposal for a Project in the Capitol Complex—St. Paul, Minnesota

To Registered Professionals in Minnesota:

The State Designer Selection Board has been requested to select designer for a project in the Capitol Complex. Design firms who wish to be considered for this project should submit proposals on or before 4:00 p.m., August 23, 1988, 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" x 11" sheets, soft bound.
- 3) The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 8 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 the 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) pages. Proposals not conforming to the parameters set forth in this request will be disqualified and discarded without further examination.

5) *Statutory Proposal Requirements:*

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

State Contracts and Advertised Bids

d) A statement certifying that the firm has an application pending for a certificate of compliance.

6) In accordance with the provisions of *Minnesota Statutes* 16B.19, Subdivision 6, at least 10% of the amount of any contract in excess of \$200,000.00 must be subcontracted to certified small businesses owned and operated by S/E/D persons as defined by *Minnesota Statutes* 645.445. Alternatively, the requirements may be met by purchasing materials or supplies from S/E/D businesses. Any combination of subcontracting and purchasing that meets the 10% requirements is acceptable. If there are no S/E/D persons able to perform subcontracting or provide supplies and materials, other small businesses as defined are to be utilized instead of small businesses owned and operated by S/E/D persons.

7) 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.

8) PROJECT—19-88

Repair Parking Structure

Centennial Building

Capitol Complex—St. Paul

Estimated Project Cost: \$460,000.00

An engineering study conducted in October 1987 revealed that the structure has reached a level of salt content absorption that has penetrated into the concrete and contaminated it. The study found a total of 14,800 square feet of concrete delamination (splitting into thin layers). Most delaminations or 10,800 square feet had occurred in the largest of the four levels of the structure.

Questions concerning this project may be referred to Thomas Ulness at 296-4646.

Damon Farber, Chairman
State Designer Selection Board

Department of Employee Relations

Request for Proposal for a Public Employees Insurance Plan

Notice to: Insurance Organizations, Health Care and Dental Care Organizations, Marketing/ Communication Agencies and Marketing/Sales Organizations

I. Overview:

The Department of Employee Relations requests proposals for providing a statewide insurance plan to public employees of school districts, cities, counties and towns. The plan will offer medical, dental and life insurance benefits on a fully insured basis. Retirees and dependents will also be eligible to participate in the Public Employees Insurance Plan under certain conditions. The Department of Employee Relations is requesting proposals for providing the following technical and professional services:

- Life Insurance and Accidental Death and Dismemberment plans
- Health Insurance including a managed care network
- Dental Insurance including preventive and comprehensive coverages
- Plan Administration services including enrollment, billing, recordkeeping and COBRA administration
- Marketing/Communication services
- Marketing/Sales services.

BACKGROUND: In 1987, Section 89, Chapter 404, the Public Employees Insurance Plan was added to Minnesota State law (Section 43A.316). In late 1987 a needs assessment was conducted to aid the Department of Employee Relations in determining the need for a public employees insurance plan and to help design the benefit and plan provisions. The Department of Employee Relations has continued to develop the plan design, administration, funding and marketing arrangements.

State Contracts and Advertised Bids

II. Scope and Timing of Project:

The total number of Minnesota local government employees (full and part-time) is approximately 183,000. There are 1,600 jurisdictions including cities, counties, school districts, townships and other types of government. Schools employ slightly less than half of the 183,000 employees and will have the opportunity to enter the plan before April 1, 1989 with coverage effective September 1, 1989. Cities, counties and townships will have the opportunity to enter the plan before October 1, 1990 with coverage effective January 1, 1991.

III. Objectives:

The objectives of the Public Employees Insurance Plan are:

- To provide quality cost-effective insurance coverage to public employees regardless of their geographic location or size of their jurisdiction.
- To include all minimum mandated benefits.
- To provide pooling arrangements advantageous to public employees.
- To maximize purchasing power.
- To provide opportunities for retired employees to participate in a group insurance program as long as the group from which they retired participates.

IV. Department Contacts:

A copy of the Request for Proposal is available upon request. Inquiries and requests should be directed to: Mary Illies, Benefits Manager, Public Employees Insurance Plan, (612) 297-1933. Specific questions on Marketing/Communications and/or Sales should be directed to Ricka Stenerson, Marketing Director, Public Employees Insurance Plan, (612) 296-5444.

V. Submission of Proposals:

All proposals must be received no later than 4:00 p.m. on Friday, September 16, 1988. Send the proposal to: Mary Illies, Benefits Manager, Public Employees Insurance Plan, Department of Employee Relations, Third Floor, 520 Lafayette Road, St. Paul, MN 55155.

Submit 7 copies of the proposal. Proposals are to be sealed in envelopes or packages with the proposer's name and address clearly written on the outside. Each copy of the proposal must be signed in ink by an executive officer of the proposing company.

VI. Informational Session for Interested Organizations:

A conference for companies interested in submitting a proposal will be held at 10:00 a.m., August 24, 1988 in Conference Room A, Third Floor, 520 Lafayette Road, St. Paul, Minnesota for the purpose of answering questions on the material contained in the Request for Proposal.

VII. Project Costs:

The State of Minnesota is not at risk for the plan. Payments to organizations providing services to develop and administer the plan will be included as a percentage of the premium rates.

VIII. Project Completion Date:

The benefit plans must be announced by 1-1-89. However, Marketing/Communication and Sales efforts must begin in 1988.

IX Proposal Contents:

Proposers are asked to respond to any and all parts of the Request for Proposal, but each proposer must complete both the cost analysis and questionnaire sections.

X. Evaluation:

All proposals received by the deadline will be evaluated by representatives of the Department of Employee Relations with the assistance of outside consulting services. Factors upon which proposals will be judged include, but are not limited to, the following:

- The competitiveness and level of premium rates.
- The cost, extent and quality of services.
- Experience in handling multi-employer plans.

This Request for Proposal does not commit the Department of Employee Relations to award a contract, to pay any cost incurred in preparing a proposal for this request or to procure a contract for services or supplies.

Department of Human Services

Mental Health Division

Request for Proposal for Pilot Projects for Housing Support Services for Adults With Serious and Persistent Mental Illness

NOTICE IS HEREBY GIVEN that the Mental Health Division, Department of Human Services is seeking proposals from counties, community support programs, public housing agencies, Rule 36 facilities and other mental health providers to conduct pilot projects which provide housing support services for adults with serious and persistent mental illness. (For further information please see R.F.P.) These projects are intended to enable adults with serious and persistent mental illness to remain and live within the most appropriate and normal housing available.

The projects must specifically target housing support services for adults with serious and persistent mental illness from one of the following three groups: 1) to provide services upon discharge from Rule 36 facilities, or 2) to provide services upon discharge from regional treatment centers, or 3) to provide services to persons already living in the community and identified by community support programs. The proposal must indicate the specialized housing support service and group you intend to serve.

Services and projects may include:

1. Projects that locate housing based on client choice.
2. Projects that will provide a spectrum of services to allow the adult to remain in the housing of their choice.
3. Projects which provide 24 hour response and assistance.
4. Projects which provide educational development in areas such as: personal care, shopping, money management, transportation assistance, food preparation and other housing support services.
5. Projects which give help in applying for government benefits specific to housing needs.

State funds will pay 90 percent of the total budget, the applicant must supply 10 percent in matching money. The total amount of funds available for these projects is \$400,000, at least \$200,000 of this money will be awarded to Counties. These funds may not be used to construct or develop residential facilities that would serve 5 or more persons with mental illness.

This notice is a summary of a more extensive R.F.P, the complete R.F.P. is available from the Department of Human Services, Mental Health Division. Please call Nancy Hesner at (612) 296-4514 for a copy. Send five (5) copies of the proposal before September 30, 1988, 4:20 p.m. to:

Department of Human Services
Mental Health Division
444 Lafayette Road
3rd Floor
St. Paul, Minnesota 55155-3828

For program or fiscal questions please call or write:

Ms. Barbara Peterson
State of Minnesota
Department of Human Services
Mental Health Division
444 Lafayette Road
St. Paul, MN 55155-3828
(612) 297-4549

For format and process questions please call:

Ms. Nancy Hesner
State of Minnesota
Department of Human Services
Mental Health Division
Human Services Building
444 Lafayette Road
St. Paul, MN 55155-3828
(612) 296-4514

State Contracts and Advertised Bids

Department of Jobs and Training

Notice of Request for Proposal for Statewide Telephone Survey

The Department of Jobs and Training is seeking proposals from qualified contractors to conduct a random statewide telephone survey for a study on the extent of worker dislocation in Minnesota.

The Department has determined that a telephone survey is necessary in order to determine the nature and extent of worker dislocation so that appropriate policy responses can be formulated. The Department is seeking a qualified contractor to work with Department staff to develop and conduct the survey and analyze the results. Proposals should respond to the following major items:

- 1) Determine the numbers of workers who have been dislocated at some point during the previous three years.
- 2) Establish some basic characteristics of dislocated workers, such as demographic or economic characteristics.

Interested organizations will be required to respond to all of the specifications contained in the Request for Proposal. The contract will be awarded based on the following criteria: total cost, experience/qualifications of organization and personnel, and time table to complete the project.

The Request for Proposals containing detailed specifications may be requested from the Department of Jobs and Training. The deadline for submitted proposals is 4:00 p.m. (CST) on Friday, August 12, 1988. Please direct proposals and inquiries to:

Department of Jobs and Training
Office of Policy Development
390 N. Robert Street
St. Paul, MN 55104
Attention: Sarah Stoesz
(612) 296-2093

Office of Tourism

Department of Trade & Economic Development

Request for Services for 1989 Minnesota Conference on Tourism Coordinator/ Consultant

The Minnesota Office of Tourism is seeking proposals for a company to provide specific support assistance in the development and coordination of the 1989 Minnesota Conference on tourism to be held in Moorhead, Minnesota on January 18-20, 1989. The annual conference is one of the major statewide travel information and educational forums for the Minnesota tourism industry conference. Participants include representatives from accommodations, arts and attractions organizations, chambers of commerce, convention bureaus, recreational associations and community groups and government agencies involved in tourism programming. Past conference attendance ranges from 250-400 people.

The contract will be for an estimated \$17,000 for all services rendered beginning September, 1988 through the actual hosting of the conference in January, 1989.

For further information, specific contractor duties and application, contact:

Deborah Flicek, Minnesota Office of Tourism
Attention: Conference Consultant Proposal
375 Jackson Street, 250 Skyway Level
St. Paul, MN 55101
612/297-2901

Proposals must be received no later than 5:00 p.m., August 22, 1988.

David J. Speer, Commissioner
Minnesota Department of Trade and Economic Development

Department of Transportation

Notice of Availability of a Request for Proposal

Notice is hereby given that a Request for Proposal is available from the Minnesota Department of Transportation, which seeks the

services of a qualified consultant to assist in the development of a statewide rideshare marketing plan and rideshare promotional concepts that will lead to increased public use of rideshare services.

The Department of Transportation estimates that the project will cost \$60,000. Funding will be provided by the Federal Highway Administration through the Surface Transportation Act of 1978. The submission date for completed proposals is September 9, 1988. This Request for Proposal does not obligate the State to complete the project and the State reserves the right to cancel the solicitation if it is construed to be in its best interest.

A copy of the Request for Proposal may be received by contacting Gary E. Erickson, Office of Transit, 815 Transportation Building, St. Paul, Minnesota 55155, telephone (612) 297-3702.

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.

Minnesota-Wisconsin Boundary Area Commission

Notice of Request for Proposals on Preparation of Scope of Work for Management Strategy for the St. Croix River

The Minnesota-Wisconsin Boundary Area Commission is requesting proposals for the preparation of a scope of work for a management and research strategy for the Lower St. Croix National Scenic Riverway. Issues to be addressed include land and water use and resource management. The Agency has estimated that the cost of this project need not approach but shall not exceed \$10,000. It is anticipated that the contract period will begin September 1, 1988, and continue through December 15, 1988. For further information, or to obtain a copy of the completed Request for Proposal, contact Dan McGuinness, Minnesota-Wisconsin Boundary Area Commission, 619 Second Street, Hudson, Wisconsin 54016. Phone: (715) 386-9444. Proposals must be received at the above address no later than 4:30 p.m. on August 22, 1988.

State Grants

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

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

Council on Disability

Notice of Operating Support Grants to Statewide Arts Programs for Persons With Disabilities

The Minnesota State Council on Disability seeks proposals to make general operating support grants to statewide arts programs for persons with disabilities. The grants are authorized by *Minnesota Laws 1988*, Chapter 686, Article 1, Section 24.

Application forms may be obtained from the Minnesota State Council on Disability. Applications must be delivered to the Minnesota State Council on Disability, 145 Metro Square Building, 7th Place and Jackson Street, St. Paul, Minnesota 55101, by mail or by hand, no later than 4:30 p.m., Monday, August 15, 1988. An advisory panel of the Council will review the applications. Final action of the Council will be taken no later than September 29, 1988.

The total amount of grant money available is \$50,000. The law states that grant funds are available to organizations regardless of the size of their operating budgets.

Agency contact: Wendy Brower, 612-297-2029.

Supreme Court Decisions

Decisions Filed 29 July 1988

CO-87-815 State of Minnesota v. Michael Alan Merrill, Appellant. St. Louis County.

The evidence is sufficient to sustain appellant's conviction for murder in the first degree.

The trial court did not err in refusing to instruct the jury on the lesser included offenses of murder in the first degree.

The district court properly denied appellant's petition for post-conviction relief.

Improper comments made by prosecutor during closing argument did not constitute reversible error under these facts. However, the prosecutor is specifically admonished for his use of such tactics.

Affirmed. Yetka, J.

C5-86-2100 Deborah Foley v. Roger Allard, individually and as trustee for Edward Mattson, R.J. Steichen & Company, petitioner, Appellant, Edward Mattson. Court of Appeals.

The district court properly granted summary judgment to defendant Steichen dismissing plaintiff's claims of secondary liability, including aiding under *Minnesota Statutes* § 80A.23, subds. 3, 4 (1986) and apparent authority.

Reversed; judgment of the district court reinstated. Wahl, J.

C4-87-378 Sherburne County Social Services, Jean Louise Pouliot, Petitioner v. Kevin A. Kennedy. Court of Appeals.

Minimum contacts do not exist between the non-resident defendant and the state of Minnesota sufficient to sustain the state's exercise of personal jurisdiction over the defendant.

Affirmed and remanded for dismissal. Wahl, J.

C5-88-61, CX-88-69 Duane J. Oelrich, Relator (CX-88-69) v. Schlagels, Inc. and Employers Insurance of Wausau, Jack Roach Ford and American Mutual Insurance Company, Relators (C5-88-61) and Minnesota Department of Human Services, MADA Insurance Company, The Special Compensation Fund. Workers' Compensation Court of Appeals.

A worker injured while performing services for the benefit of a trainer during an on-the-job training rehabilitation program following a prior work injury is entitled to workers compensation benefits from the trainer.

Affirmed and remanded. Wahl, J.

C6-88-487 In Re Petition for Disciplinary Action against Therese M. Madsen, an Attorney at Law of the State of Minnesota. Supreme Court.

Indefinitely suspended. Per Curiam.

Announcements

Hay Hotline: Current statistics from calls to the Hay Hotline show, as of Monday 25 July, 1,033 buyers needed 1,283,215 tons of hay and 669 sellers had 40,259 tons available to sell. The hotline receives about 150 calls a day. Contributing farmers receive \$45 a ton for haylift hay which is repaid to the state by the farmers who receive the hay. The haylift began July 14. The Farm Hotline and Hay Exchange is 1-800-652-9747 or (612) 297-4111.

Adult Entertainment Reviewed: A Working Group on the Regulation of "Adult" Entertainment has been formed by Attorney General Hubert Humphrey III to review the impact of adult entertainment businesses on retail trade, property values, the quality of neighborhoods, commercial districts and urban life in general. The group will also survey regulatory responses of communities in Minnesota and elsewhere, and examine the legal status of adult entertainment regulation. Members of the Working Group are: Ann Burkhardt, Associate Professor of Law at the University of Minnesota and a zoning expert; Thomas L. Fabel, attorney with the Minneapolis law firm of Lindquist & Vennum and former top prosecutor of the Attorney General Office's Criminal Division; State Representative Kathleen Vellenga (St. Paul); State Representative Kathleen Blatz (Bloomington); State Representative Terry Dempsey (New Ulm); Bill Wilson, St. Paul City Council; Sharon Sayles-Belton, Minneapolis City Council; and John Laux, Deputy Chief, Minneapolis Police Department. Humphrey cited research conducted by the Minnesota Crime Prevention Center in Minneapolis from 1970 through 1979 which found that for every new "adult" entertainment business which moved into a neighborhood there was an increase of 9.15 crimes per thousand people a year, including robbery, burglary, assault and rape. A 1984 study in Indianapolis found that the rate of sex-related crimes, including rape, obscene conduct, child molestation and prostitution, was 77 percent higher in those areas with "adult" entertainment businesses. The first meeting of the Attorney General's Working Group is scheduled for Thursday, July 28. Humphrey expects the group to complete its research and issue a report on its findings this fall.

Environmental Quality Board (EQB): The EQB and its Water Resources Committee will consider adoption of the "Minnesota Ground Water Protection Strategy" at their meetings of August 4 and 18 respectively. Once adopted, it will be sent to the governor for endorsement and forwarded to the U.S. EPA. The strategy outlines future ground water management activities, legislation and funding requests. Comments are due August 24 on Environmental Assessment Worksheets for the following projects at the regional governing unit listed: Marshall County Ditch #4 Lateral, Middle-Snake River Watershed District; and Cannon Falls East Sewer, MN Pollution Control Agency. For more information contact *EQB Monitor* editor Gregg Downing (612) 296-8253.

Minnesota's Unemployment in June: Minnesota's unemployment rate, which had declined for four months in a row, rose 0.2 of a point from May to stand at 3.4 percent in June. About one-half of the increase was due to seasonal fluctuation caused mainly by the influx of high school and college graduates entering the labor force to seek permanent jobs. Young people looking for summer employment also accounted for some of the increase. (Figures are not adjusted for seasonal variations.) Since 1980, on the average, Minnesota's jobless rate has increased 0.1 of a percentage point from May to June, but with considerable variability from year to year. As a result analysts attach little, if any, significance to this year's change. Minnesota's jobless rate remains well below the national rate which was 5.5 percent in June, and also well under the state's measure for the same month a year ago of 5.2 percent. Minnesota likewise fares well in comparison to other states on unemployment measures. According to the latest figures available from other states, which are for the month of May, Minnesota placed 43rd lowest in unemployment among the 50 states and the District of Columbia. South Dakota, with a rate of 3.0 percent, placed 45th and was the only Minnesota neighbor to have a lower reading. State employment grew by 1.2 percent over June and by 5.9 percent over a year ago.

Contract-for-deed Recording Deadline, Penalties Change: Minnesota property owners face a tighter deadline for recording their contracts after they purchase property on a contract-for-deed and stiffer civil penalties if they are late. Beginning on August 1, the deadline for recording all contracts for deed has been reduced from six months to four months, and the penalty for not meeting the deadline has been increased from 15 cents per \$100 of principal debt to \$2 per \$100. The new deadline and penalty affect contracts that have not been recorded before Aug. 1, 1988. Any individual who purchases a contract for deed (vendee's interest) executed on or after Jan. 1, 1989 from the original purchaser of the property is also subject to the new recording deadline and penalty provisions. Although anyone may record the contract with the county recorder or registrar of titles, the purchaser of the contract is legally responsible for meeting the deadline. The city or county attorney has the option to put a lien against the purchaser's interest in the property as a means of enforcing the penalty. Previously, the law required that the penalty be enforced as a lien against the property and be collected like real delinquent property taxes. Property owners should check with their county recorders if they would like more information about the requirements and penalties for filing a contract for deed.

File Property Tax Refund Returns: About 175,000 Minnesota renters and homeowners have until Monday, August 15, to file their 1987 property tax refund returns, according to the Minnesota Department of Revenue. Of the 440,000 expected to file, 265,000 taxpayers have filed thus far. Renters received an average refund of \$216 last year and homeowners received an average refund of \$161, according to the department. To qualify for a 1987 property tax refund, an applicant must have been a Minnesota resident for all or part of 1987 with an annual household income of \$35,000 or less. Homeowners must have owned and lived in their home on Jan. 2, 1988. Renters are eligible if they rented for all or part of 1987 and their landlords paid property taxes on their rental units. If applicants file after August 15, their refund will be reduced by five percent for each month the return is late, up to a maximum of 25 percent. The department will not issue a refund if a return is filed more than one year after the deadline.

Murder: Minnesota style

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

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

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Human Services Laws and Rules

Human Services Laws 1987

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

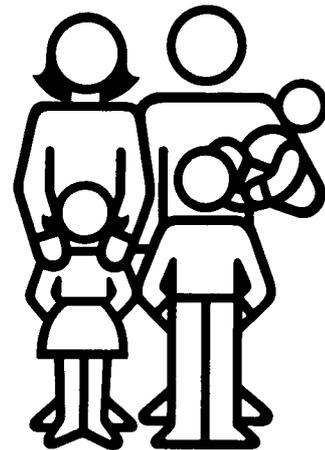
Human Services Rules as in effect July 7, 1986

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

Human Services Rules Supplement 1987. Includes recent changes to many rules in effect from July 1986 through January 1987. Code #3-95s1, \$14.00.

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

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Business and NonProfit Corporation Act

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



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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.

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

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

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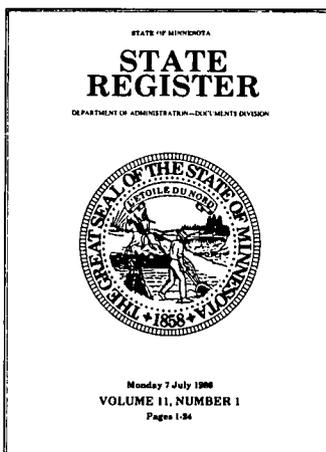
Charitable Gambling Directory

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

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

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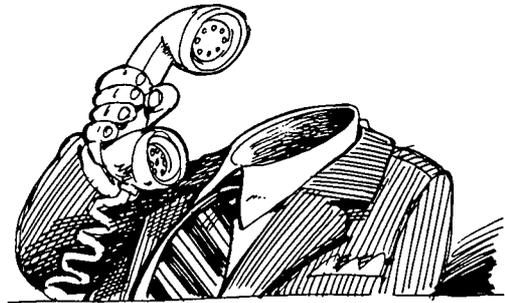
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Insurance Laws 1987. A compendium of laws applicable to the insurance business. Includes chapters on company and individual agents licensing requirements. Code #2-1, \$20.00

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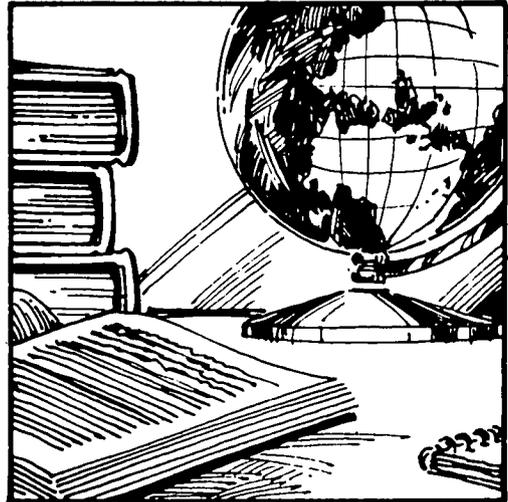
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Get Smart with these Education Resources

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 1987-88. 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, \$6.00 plus tax.

Minnesota Guidebook to State Agency Services 1987-1990. Packed with information to help you cut red tape for easy and fast service from state agencies. Its 640 pages guide you through license requirements, forms, fees, reports, services, grants, and more. Provides hundreds of addresses, phones and agency descriptions. Code #1-4, \$15.00 plus tax.



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Minnesota Manufacturer's Directory. More than 7,000 entries that include name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2, \$73.00 plus tax.

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Minnesota Guidebook to State Agency Services 1987-1990. Packed with information to help you cut through red tape for easy and fast dealing with state agencies, this treasure of information opens state government to you. Its 640 pages describe agencies, how they work, listing contacts, addresses, phones, and license requirements, grants, forms, reports, maps, publications and much more. Gives historical, statistical and important data useful in hundreds of ways. Code #1-4, \$15.00 plus tax.



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Public Employment Labor Relations Act 1987. The collective bargaining rights and responsibilities of public employers and public employees. Details employees' right to organize and the legislature's authority. Code #2-90, \$5.00 plus tax.

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Minnesota Guidebook to State Agency Services 1987-1990. A treasure of helpful, useful, and interesting information about Minnesota state government. This important resource guides you through applications, fees, licenses, reports, history and travel highlights. Describes agencies in detail, giving addresses, phones and contact people. Code #1-4, \$15.00 plus tax.



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Securities Laws, 1987. Governs the activities of broker/dealers, agents and investment advisors. *Minnesota Statutes* Chapter 80A. Code #2-12, \$6.00 plus tax.

Securities Rules, 1987. Rules implementing the legislative mandate. Subjects include equity securities and investment companies. *Minnesota Rules* Chapter 2875. Code #3-5, \$13.00 plus tax.

Minnesota Guidebook to State Agency Services, 1987-1990. Packed with information to help you, this 640-page resource guides you through license requirements, forms, fees, reports, services, grants, and more. Its listing of addresses, phones, and agency descriptions cut red tape for easy and fast service from state agencies. Code #1-4, \$15.00 plus tax.



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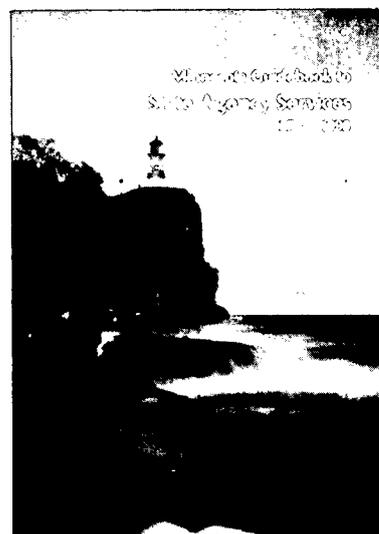
A Beacon to Guide You—Minnesota's Owners Manual

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

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

Packed with information to help you, its 640 pages guide you through license requirements, forms, fees, reports, services, grants, hotlines, maps, history, travel highlights and more. Its listing of addresses, phones, and agency descriptions cuts red tape so you get easy and fast service.

Copies cost \$15.00 (+90¢ tax, MN residents only). Make checks out to the "State of Minnesota" and send to the Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. MasterCard and VISA orders can be taken over the phone by calling (612) 297-3000 or toll-free in Minnesota 1-800-652-9747.



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Welcome wildlife to your property

Landscaping for Wildlife. Attract wildlife to your land and gardens, farms and woodlots by spreading nature's welcome mat. Songbirds, butterflies, hummingbirds, pheasants, deer and other wildlife are drawn through these gardening tips and landscaping techniques that add natural beauty to your property and habitat for wildlife. Over 70 color photos and 144 pages give you simple, enjoyable, and inexpensive methods for adding the right touches for a "wildlife party" on your grounds, whether urban or rural. Stock #9-15, \$6.95 plus tax.

Woodworking for Wildlife. Songbirds, owls, ducks, geese, loons and other wildlife will show appreciation for your skills by adding a "wild" dimension to your property. Carefully illustrated with a variety of game bird and mammal box designs, this booklet provides important tips on the placement of next in proper habitat areas and maintenance requirements. Construction diagrams included. 47 pp. Stock #9-14, \$3.95 plus tax.

Wildlife Set. Order both books above as a set and save 10%. Stock #9-20, \$9.95 plus tax.

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Plan a summer getaway

Room at the Inn Wisconsin. Includes hard-to-find lodgings in out-of-the-way places, as well as in Wisconsin's major metropolitan areas and most popular vacation destinations. 224pp. Stock #19-3, \$9.95 plus tax.

Room at the Inn Minnesota. Looking for a weekday or weekend get-away? For a business meeting or simply pleasure? This is the only guide to more than 50 historic "Bed & Breakfast" homes, hotels, and country inns and all are within a day's drive of the Twin Cities. 127pp. Stock #19-72, \$7.95 plus tax.

Roughing It Elegantly. A guide for the canoe camper visiting the BWCA, Voyageurs Park and Quetico Provincial Park. Full of practical tips and information: planning, organizing, packing, site location, and camp set-up. Simple, creative, enjoyable meals are a major feature. 159pp. Stock #9-3, \$9.95 plus tax.

Guide to Wilderness Canoeing. A unique blend of practical information and personal philosophy. Subjects covered include: spring and fall canoeing, traditional versus modern canoe design, and different paddling techniques. 143pp. Stock #19-81, \$6.95 plus tax.

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Minnesota: national leader in education

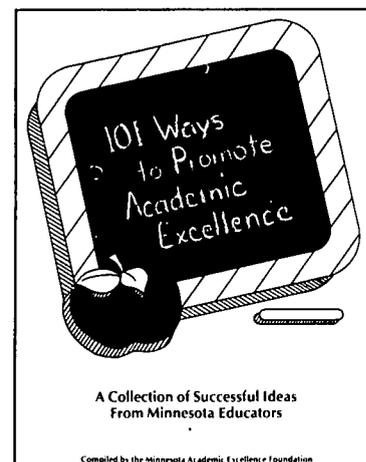
101 Ways to Promote Academic Excellence

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

Education Directory, 1987-88

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

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MAILING LISTS GALORE

Successful business means successful sales

The Minnesota Documents Division has a variety of mailing lists of licensed professionals and permit holders that will enable you to focus your marketing efforts on a targeted audience.

Types of lists available are: registered nurses, real estate agents, physicians, insurance agents, boatowners, hunters, cosmetologists, teachers, and many more! And you can get them on printouts, cheshire/pressure sensitive labels, as well as 9-track magnetic tapes.

What's more, you can choose from several selection capabilities. You will find our selections most helpful and beneficial to your business when you learn that you can acquire names and addresses of individuals in the areas you need to target most.

Find out more about our mailing lists by writing for our free mailing list catalog. In a hurry? Call (612) 297-2552 for more information. Requests can be sent to: Minnesota Documents Division, Mailing List Operation, 117 University Avenue, St. Paul, MN 55155.

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Minnesota Manufacturer's Directory 1987-88

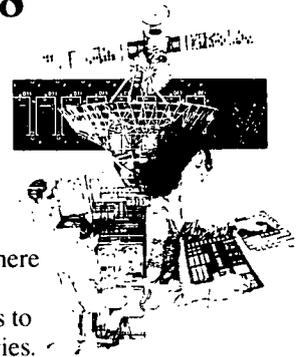


UPDATED: Name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2, \$73.00.

NEW: In the directory this year are two titles (where applicable) Chief Engineer and Data Processing Manager.



REVISED: There are more than 7,000 changes to the 7,068 entries.



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Voices of the Loon

Its voice severs the bonds to the world of cities, traffic, crowds, lights and noise. The lyrical magic of the loon, sometimes hauntingly eerie, makes the skin tingle, and the hair on the back of the neck stand on edge, awakening a primitive response. Its solitary wail turns the shadowy wilderness into a mysterious path into eternity.

Voices of the Loon, cassette tape, includes introduction and loon call identification, chorus from a distant lake, tremolo duet, wail duet, border confrontation, wails with morning songbird chorus, tremolos while running, wails during a thunderstorm, and coyotes calling with loons. Code #19-73, \$12.00.

The Loon: Voice of the Wilderness, hardbound with color plates and illustrations, 143 pages. Code #19-54, \$15.95.

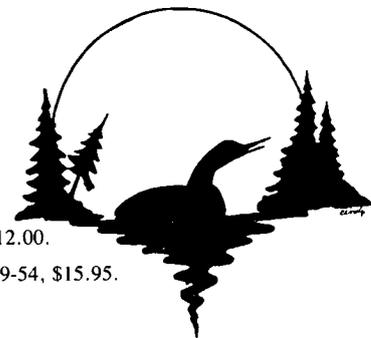
Loon Calendar 1988, beautiful photographs and scenes. Code #15-40, \$6.95.

Loon Lapel Pin. Code #15-30, \$2.49.

Loon Windsock, 56 inches long in full color. Code #15-29, \$19.95.

Loon Nature Print, full-color poster 16" x 22". Code #15-18, \$3.00.

Loon with baby—poster, 16" x 20". Code #15-48d, \$3.00.



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Minnesota's future environment

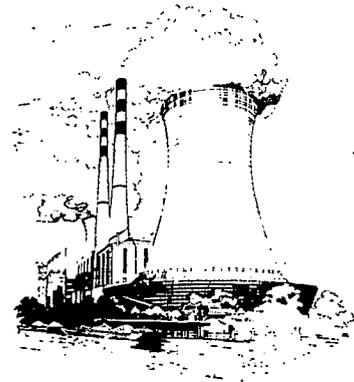
The issue of environmental protection is of continuing interest to both Minnesota business and the general public. Stay abreast of changes in state government regulations with these publications.

1987 Pollution Control Laws

Laws dealing with water pollution, disposal facilities, solid waste management, the MN Environmental Rights Act, recycling, and more. Code No. 2-21. \$15.00.

1987 Hazardous Waste Rules

Governs the production, storage, transportation and disposal of hazardous waste. MN Rules Chapter 7045 and 7046. Code No. 3-71. \$15.00.



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The Minnesota Documents Division offers several subscription services of activities, awards, decisions and special bulletins of various Minnesota state agencies.

Use the handy order form on the back of the *State Register* to order. Simply fill in the subscription code number, include your name, address and zip and your check made out to the State of Minnesota (PREPAYMENT IS REQUIRED) and send it in. We'll start your subscription as soon as we receive your order, or whenever you like.

SUBSCRIPTION	COST	CODE NO.	SUBSCRIPTION	COST	CODE NO.
Career Opportunity Bulletin, 1 year	\$ 25.00	90-3	State Register, 1 year	\$130.00	90-1
Career Opportunity Bulletin, 6 mos.	\$ 20.00	90-4	State Register, 3 mos. trial can be converted to a full subscription for \$90 at end of trial	\$ 40.00	90-2
Human Services Informational and Instructional Bulletin	\$100.00	90-6	Tax Court/Property Decisions	\$210.00	90-11
Human Services Bulletin List	\$ 30.00	90-7	Workers Compensation Decisions, unpublished subs run Jan-Dec; can be prorated	\$320.00	90-12
PERB (Public Employee Relations Board) Awards	\$285.00	90-9	Workers Compensation Decisions Vol. 38 (limited quantity)	\$ 89.50	
PERB (Public Employee Relations Board) Decisions	\$ 60.00	90-10	Workers Compensation Decisions Vol. 40	\$105.00	
Minnesota Statutes Subscription Includes the complete 10-volume set of Minnesota Statutes 1986 and the 1987 Supplement	[Out of Stock]	18-8			

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For Real Estate Professionals:

REAL ESTATE RULES 1987

Chapters 2800, 2805, and 2810 from the Minnesota Rules. *Essential* for both students and established brokers and salespersons. It contains all education and licensing requirements. Code No. 3-99. \$8.00

REAL ESTATE LAWS 1987

Includes all the changes made by the 1986 State Legislature. Complete and up-to-date. Code No. 2-92. \$6.00.



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Morel: Minnesota's mushroom

ROON: A Tribute to Morel Mushrooms, this delightful treatise on the "filet mignon" of mushrooms will help the stalker of this elusive prey find, and prepare in a variety of ways, its mouth-watering madness. Code #19-55, \$12.00.

Edible Mushrooms, a classic guide to safe mushrooms, describes 60 species in detail, with photographs (many in color) to show each in its natural habitat. Advice to amateur mushroom hunters. Paperbound, 118 pp. Code #19-11, \$9.95.

Malfred Ferndock's Morel Cookbook, brim full of morel lore, interesting and tall tales, recounts of the hunt, and many savory recipes. Spiral bound, 117 pgs., black & white photos and drawings. Code #19-83, \$8.50.

Northland Wildflowers, the perfect mushroomers companion. An excellent guide for identification and enjoyment of wildflowers, with 308 color photographs and descriptions of 300 species. Paperbound. 236 pp. Code #19-9, \$12.95.

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NOTARY PUBLIC LAWS

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



Jane Smith
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY

My Commission Expires January 1, 1994

U.S. SMALL BUSINESS ADMINISTRATION PUBLICATIONS:

Insurance and Risk Management for Small Business	Code No. 16-50. \$3.00.
Small Business Finance	Code No. 16-42. \$2.00.
Starting and Managing a Small Business of Your Own	Code No. 16-40. \$4.75.

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

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

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

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

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

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



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Documents Division

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NEW PUBLICATIONS:

Health Care Facilities Directory 1988. A list of hospitals and related institutions licensed and/or certified to deliver various levels of care. The list is alphabetical by county, town and facility name. Stock #1-89. \$16.00.

Birds in Minnesota. A comprehensive field guide to 400 species found in Minnesota, including where they can be found, in which seasons, and in what numbers. A color section shows off some of the more interesting birds. 352pp. Stock #9-7. \$14.95.

Wings of the North. Beautiful, full color photographs of 60 North American birds, with information on behavior, biology and ecology of each. Stock #9-17. \$18.95.

Love of Loons. Spectacular photographs and meticulous research on loon's relationship to its family, environment, other animals and humans. 96pp. Stock #9-22. \$12.95.

Landscaping for Wildlife. Attract songbirds, deer, butterflies, hummingbirds, pheasants, and other wildlife to your property by using the tips in this 144-page, 4-color book. Stock #9-15, \$6.95 plus tax. See "Special Set Offer" below.

Woodworking for Wildlife. Carefully illustrated with a variety of game bird and mammal box designs, including maintenance requirements and important tips on placement of nests in proper habitat areas. 47 pages with diagrams. Stock #9-14, \$3.95 plus tax. See "Special Set Offer" below.

"Special Set Offer." Save 10% by purchasing the two books together on wildlife mentioned above. Stock #9-20, \$9.95 plus tax.

Occupational Safety & Health Rules 1987. State standards for safe working conditions including personal protective equipment, walking and working surfaces, illumination and ventilation. Stock #3-18, \$10.00 plus tax.

"Seat Belts Fastened?" Sign. Safety reminder for work, church, club or home, this 12"x18" aluminum sign with black letters on white background features a seat belt "buckle-up" graphic. Stock #19-21, \$16.00.

OTHER PUBLICATIONS

1987 Laws of Minnesota: Laws of the 1987 legislative session, Code #18-5. \$42.50 per set.

1987 Minnesota Rules: Rules of the 75 state agencies authorized to establish rules of conduct and procedure. Code 18-300. \$160 plus \$9.60 sales tax per 11-volume set.

Minnesota Rules 1988 Supplement Number 1. Updates *Minnesota Rules 1987* and is part of the subscription service for that 11-volume set of administrative rules. A second supplement will be available in December 1988.

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

Criminal Code and Selected Statutes 1987. Governs the conduct of peace officers, continuing education requirements for officers, prison sentences and more. Code #2-68, \$15.00 plus tax.

Education Rules. Rules of the State Board of Education governing state aid, vocational education, handicapped students, teacher certificates and much more. Code #3-28, \$19.00 plus tax.

Walleye. A unique blend of modern fishing strategies and never-before-published biological facts about this popular gamefish. Packed with full-color photographs. Code No. 19-70. \$13.95, plus tax.

Crappie Fishing. Fishing tips from a game warden and angling enthusiast. Written in an easy-to-read style to appeal to anglers of every experience level. Many full-color photographs. Code No. 19-75. \$9.95, plus tax.

Fishes of the Minnesota Region: An authoritative guide to the 148 kinds of fish found in Minnesota's waters, the book is a resource for identification and distribution of fish, and features color photographs. Code #19-44, \$12.95, plus tax.

American Flag. Perfect for home or office. 3' x 5' with embroidered stars. Heavy nylon bunting. Code No. 6-1. \$21.00, plus tax.

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Workers Compensation Decisions. Volume 40. Selected landmark decisions of the Worker's Compensation Court of Appeals. Annual subscription. \$105.00.

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1988 Lake Map Index. Listing over 4,000 lake maps. Free.

Minnesota State Documents Center 1988 Catalog. Lists publications available through Minnesota Documents Center. Free.

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