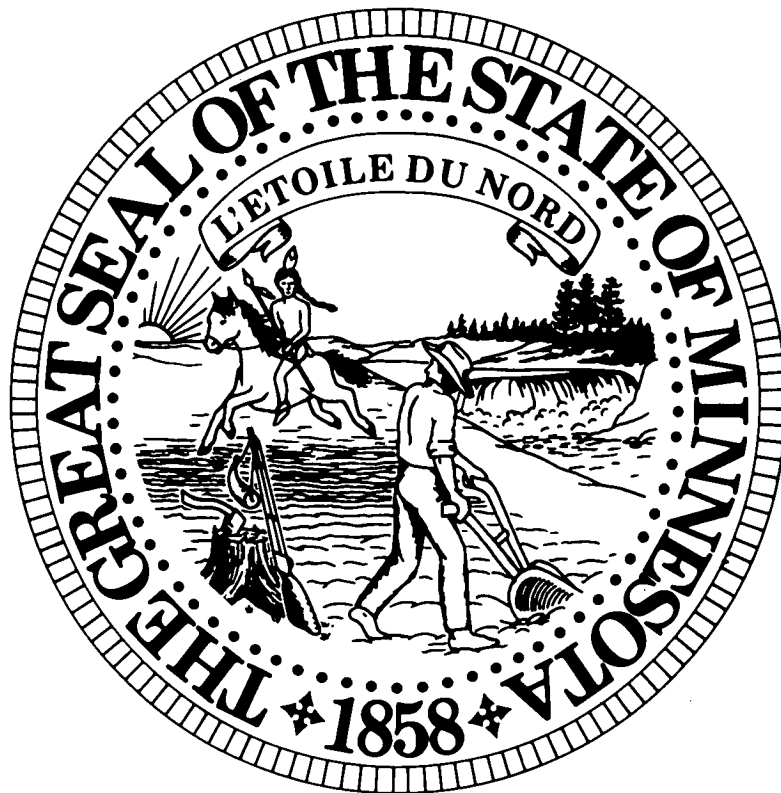


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State of Minnesota

STATE REGISTER

Department of Administration—Print Communications Division



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STATE REGISTER

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

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

A *Contracts Supplement* is published every Thursday and contains additional state contracts and advertised bids, and the most complete source of state contract awards available in one source.

Printing Schedule and Submission Deadlines

Vol. 14 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
26	Monday 11 December	Monday 18 December	Tuesday 26 December
27	Monday 18 December	Friday 22 December	Tuesday 2 January
28	Friday 22 December	Friday 29 December	Monday 8 January
29	Friday 29 December	Monday 8 January	Tuesday 16 January

*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.

The *STATE REGISTER* is published every Monday (Tuesday when Monday is a holiday) by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. A *STATE REGISTER Contracts Supplement* is published every Thursday. The Monday edition is the vehicle for conveying all information about state agency rulemaking, including official notices; hearing notices; proposed, adopted and emergency rules. It also contains executive orders of the governor; commissioners' orders; state contracts and advertised bids; professional, technical and consulting contracts; non-state public contracts; state grants; decisions of the supreme and tax courts; a monthly calendar of scheduled cases before the supreme court; and other announcements. The Thursday edition contains additional state contracts and advertised bids, and the most complete listing of contract awards available in one source.

In accordance with expressed legislative intent that the *STATE REGISTER* be self-supporting, the following subscription rates have been established: the Monday edition costs \$130.00 per year and includes an index issue published in August (single issues are available at the address listed above for \$3.50 per copy); the combined Monday and Thursday editions cost \$195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for \$60.00, include both the Monday and Thursday edition, last for 13 weeks, and may be converted to a full subscription anytime by making up the price difference. No refunds will be made in the event of subscription cancellation.

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Subscribers who do not receive a copy of an issue should notify the *STATE REGISTER* circulation manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

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

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

Perspectives—Publication about the Senate.

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Contact: Senate Public Information Office
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HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

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

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

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

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

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8100.0100 s.8, 10; .0600 s.5 (proposed repealer)	722
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Secretary of State

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8400.3030 s.3, 7, 47; .3760; .3930 s.4 (proposed repealer)	609

Teaching Board

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Telecommunications Access for Communication-impaired

Persons Board

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Transportation Department

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Unlicensed Mental Health Service Providers Board

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9050.0010-.0900 (proposed)	948 and 1096
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Pollution Control Agency (Waste Management Board)

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9500.2060; .2100; .2140; .2340; .2380; .2420; .2440; .2500; .2580; .2640; .2680; .2700; .2740; .2800; .2820; .2880 (withdrawn)	1066
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9510.1020; .1040; .1050; .1070; .1110 (proposed)	1199	9575.0010; .0020; .0090; .0380; .0530; .0620;	
9565.5000-.5240 (adopted)	519	.0720 (adopted)	1008
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Proposed Rules

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

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

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

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

Department of Health

Proposed Permanent Rules Relating to Wells and Borings

Notice of Intent to Adopt Rules Without a Public Hearing, Notice of Intent to Adopt Rules With a Public Hearing if 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing on the Proposed Rules if Fewer Than 25 Persons Request a Hearing

I. Explanation of Alternative Notices

The Minnesota Department of Health (hereinafter "Department") hereby proposes to adopt rules without a public hearing under the noncontroversial rulemaking procedure of *Minnesota Statutes*, sections 14.22 to 14.28. However, if 25 or more persons request a hearing on the proposed rules, one will be held according to *Minnesota Statutes*, section 14.25. To expedite the rulemaking process should that occur, the Department is at the same time giving notice of hearing on the proposed rules according to *Minnesota Statutes*, sections 14.131 to 14.20. The hearing on the proposed rules will be cancelled if 25 or more persons do not request that one be held. With the comment period closing on January 25, 1990, there will be seven days before the scheduled hearing date. This seven-day period will give interested persons time to contact the Department to find out whether the hearing will be cancelled.

II. Notice of Intent to Adopt Proposed Rules Without a Public Hearing

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

Interested persons shall have 30 days from the date this notice is published in the *State Register* to submit comments in support of or in opposition to the proposed rules. The 30 days will expire on January 25, 1990. Comment is encouraged. Each comment should identify the portions of the proposed rules being addressed, the reason for the comment, and any change proposed to the rules by the commentator. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change in the proposed language.

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Proposed Rules

In addition to submitting comments, interested persons may request, in writing, during the 30-day comment period that a hearing be held on the proposed rules. Any person requesting a hearing should state his or her name, address, and telephone number and is encouraged to identify the portions of the proposed rules addressed, the reason for the request, and any changes the commentator wants made to the proposed rules. If a person desires that a hearing be held on only a portion of the proposed rules, it is requested that the Department be informed of the specific portion of the rules on which a hearing is being requested at the time that the hearing request is made. This will enable the Department to limit the hearing, if one is held, to the specific issues of concern. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed amendments or a portion thereof by January 25, 1990, thus necessitating that one be held with respect to the proposed rules. If a hearing is required, it will be held in accordance with the provisions of *Minnesota Statutes*, sections, 14.131 to 14.20 and the hearing notice provided in section III below.

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

Judith Ball
Environmental Health Policy Analyst
Environmental Health Division
Minnesota Department of Health
717 Delaware Street Southeast
Minneapolis, Minnesota 55440
Telephone: (612) 623-5718

The statutory authority of the Department to adopt the proposed rules is contained in *Minnesota Statutes*, Chapter 103I and specifically within sections 103I.101, subdivision 3 and 103I.101, subdivision 5.

The proposed rules are published immediately following this notice in the *State Register* on December 26, 1989, and a free copy of the rules may be obtained from the Department by writing or telephoning Judith Ball at the address or telephone number listed above.

The proposed rules include provisions relating to licensing well contractors; licensing contractors for specific aspects of well construction, repair, sealing and well pump installations; licensing elevator shaft contractors; registration of monitoring well contractors; permit and notification procedures for well construction, maintenance and equipment; and well identification.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and may be obtained from the Department by writing or telephoning Judith Ball at the address or telephone number listed above.

After the close of the comment period on the proposed rules, if no hearing is required, the Department will submit to the Attorney General the proposed rules and notice as published, the rules as proposed for adoption, any written comments received by the Department, the statement of need and reasonableness, and a statement explaining any modifications to the proposed rules. The Attorney General will approve or disapprove the rules as to their legality and their form, including the issue of substantial change and determine whether the Department has the authority to adopt the rules and whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rules. The Department will give notice to all persons who request to be informed that these materials have been submitted to the Attorney General. Persons who wish to be advised of the submission of these materials to the Attorney General should submit a written request to Judith Ball at the address listed above. If the proposed rule has been modified, the notice will also state that fact and will state that a free copy of the proposed rule, as modified, will be available upon request from the department.

Local Government Considerations

The Department's evaluation of the impact of the proposed rules on the expenditure of public monies by local public bodies is addressed in the statement of need and reasonableness. There will be no direct cost to local units of government resulting from these proposed rules, unless a local unit of government employs a well contractor as its representative to perform activities requiring a license or registration. In that case, the local unit of government would likely have to pay for the continuing education costs for that contractor. All the other fees related to licensing and registration are required by *Minnesota Statutes*, Chapter 103I. *Minnesota Statutes*, Chapter 103I.208, subdivision 2, clause 4, exempts local units of government from the fees required for permits and notifications.

Agricultural Land

The proposed rule amendments will not have an impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes*, section 14.11.

Small Business Considerations

The Department is subject to *Minnesota Statutes*, section 14.115 regarding small business considerations in rulemaking. The Department's evaluation of the applicability of the methods contained in *Minnesota Statutes*, section 14.115, subdivision 2, for reducing the impact of the proposed rules is addressed in the statement of need and reasonableness.

Notice to Department of Finance

In accordance with *Minnesota Statutes*, section 16A.128, pertaining to fees, the Department has notified the Commissioner of Finance of the Department's intent to adopt the above-entitled matter. A copy of the Department's notice and the Commissioner of Finance's reply are attached to the Statement of Need and Reasonableness.

III. Notice of Intent to Adopt Rules With a Public Hearing on the Proposed Rules if 25 or More Persons Request a Hearing on the Proposed Rules

PLEASE NOTE: If 25 or More Persons Submit Written Requests for a Public Hearing on the Proposed Rules Within the 30-Day Comment Period Pursuant to the Notice Given in Part II Above, a Hearing Will Be Held on February 1, 1990, in Accordance With the Following Notice of Public Hearing.

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be held under *Minnesota Statutes*, sections 14.131 to 14.20, in Room 105, Minnesota Department of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota, 55440, on February 1, 1990, commencing at 9:30 a.m. The hearing will continue, if necessary, at additional times and places determined during the hearing by the Administrative Law Judge.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of hearing which is to be included in the hearing record may be mailed to Barbara L. Neilson, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone (612) 341-7604. Unless a longer period not to exceed 20 calendar days is ordered by the administrative law judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received during this period will be available for review at the Office of Administrative Hearings. The department and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three-day period. This rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20 and by *Minnesota Rules*, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the administrative law judge.

The statutory authority of the Department to adopt the proposed rules is contained in *Minnesota Statutes*, Chapter 103I and specifically within sections 103I.101, subdivision 3 and 103I.101, subdivision 5.

The proposed rules are published immediately following this notice in the *State Register* on December 26, 1989, and a free copy of the rule amendments may be obtained from the Department by writing or telephoning Judith Ball at the address or telephone number listed above in Part II of this notice.

The proposed rules include provisions relating to licensing well contractors; licensing contractors for specific aspects of well construction, repair, sealing and well pump installation; licensing elevator shaft contractors; registration of monitoring well contractors; permit and notification procedures for well construction, maintenance and equipment; and well identification.

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

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 his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

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

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101-2520, telephone (612) 296-5148.

NOTICE IS HEREBY GIVEN that a statement of need and reasonableness is now available for review at the Department and at the Office of Administrative Hearings. This statement of need and reasonableness includes a summary of all the evidence which the

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Proposed Rules

Department anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the statement of need and reasonableness may be reviewed at the Department or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

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

Local Government Considerations

The Department's evaluation of the impact of the proposed rules on the expenditure of public monies by local public bodies is addressed in the statement of need and reasonableness. There will be no direct cost to local units of government resulting from these proposed rules, unless a local unit of government employs a well contractor as its representative to perform activities requiring a license or registration. In that case, the local unit of government would likely have to pay for the continuing education costs for that contractor. All the other fees related to licensing and registration are required by *Minnesota Statutes*, Chapter 103I. *Minnesota Statutes*, Chapter 103I.208, subdivision 2, clause 4, exempts local units of government from the fees required for permits and notifications.

Agricultural Land

The proposed rule amendments will not have an impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes*, section 14.11.

Small Business Considerations

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Notice to Department of Finance

In accordance with *Minnesota Statutes*, section 16A.128, pertaining to fees, the Department has notified the Commissioner of Finance of the Department's intent to adopt the above-entitled matter. A copy of the Department's notice and the Commissioner of Finance's reply are attached to the statement of need and reasonableness.

IV. Notice of Intent to Cancel Hearing on the Proposed Rules if Fewer than 25 Persons Request a Hearing on the Proposed Rules

PLEASE NOTE: That the Hearing, Notice of Which is Given in Part III Above, Will Be Cancelled on the Proposed Rules if Fewer than 25 Persons Request a Hearing on the Proposed Rules in Response to the Notice Given in Part III Above.

To be informed whether a hearing noticed in Part III above will be held, please call or write Judith Ball at the address or telephone number listed above before January 27, 1990, and leave your name, address, and telephone number. You will be notified after January 27, 1990, if the hearing has been cancelled. You may also call Judith Ball at (612) 623-5718 after January 25, 1990, for oral confirmation regarding the scheduled hearing.

Dated: 11 December 1989

Sister Mary Madonna Ashton
Commissioner of Health

Rules as Proposed

4725.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of ~~these rules promulgated pursuant to this chapter adopted under Minnesota Statutes, chapter 156A, as amended 103I,~~ these rules promulgated pursuant to this chapter adopted under Minnesota Statutes, chapter 103I, the terms defined in this part have the meanings given them, except where the context clearly indicates otherwise.

Subp. 2 and 3. [See Repealer.]

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

Subp. 5. **Applicant.** "Applicant" means any person who applies for a ~~water well contractor's license pursuant to the act, limited well contractor's license, elevator shaft contractor's license, or monitoring well contractor registration under Minnesota Statutes, chapter 103I.~~ water well contractor's license pursuant to the act, limited well contractor's license, elevator shaft contractor's license, or monitoring well contractor registration under Minnesota Statutes, chapter 103I.

Subp. 6 and 7. [See Repealer.]

Subp. 8. **Commissioner.** "Commissioner" means the commissioner of health or ~~his or her~~ the commissioner's authorized representative.

Subp. 9. **Council.** "Council" means the ~~Water Well Contractors, and Exploratory Borers,~~ Advisory Council on Wells and Borings created ~~pursuant to the provisions of~~ under Minnesota Statutes, section 156A.06 chapter 1031.

Subp. 10. **Licensee.** "Licensee" means a person who is licensed as a ~~water well contractor~~ limited well contractor, or elevator shaft contractor ~~pursuant to the provisions of the act,~~ under this chapter and ~~these rules~~ Minnesota Statutes, chapter 1031.

[For text of subp 11, see M.R.]

Subp. 12. **Representative.** "Representative" means ~~an~~ the individual who is in charge of the ~~water well drilling and contracting~~ licensed or registered contractor's operation and who qualifies for licensure or registration on behalf of a partnership, corporation, or other business association rather than on ~~his~~ the ~~individual's~~ individual's own behalf.

[For text of subp 13, see M.R.]

Subp. 14. **A water well Drilling machine.** "A water well Drilling machine" means any machine or device such as cable tool, hollow rod, or auger used for construction of a ~~water well~~ water well including drive point wells ~~or a hoist or machine used in the well repair service~~ which involves the modification to the well casing, screen, depth, or diameter below the upper termination of the well casing.

Subp. 15. and 16. [See Repealer.]

Subp. 17. **Abandoned water well.** "Abandoned water well" means a well whose use has been permanently discontinued, or which is in such disrepair that its continued use ~~for the purpose of obtaining groundwater~~ is impracticable, endangers the quality of the groundwater, or may be a health or safety hazard.

Subp. 18. [See Repealer.]

[For text of subs 19 to 24, see M.R.]

Subp. 24a. **Confining bed layer.** "Confining bed layer" means a ~~layer~~ stratum or body of soil, sediment, or rock with low vertical permeability relative to the aquifers or beds above or below it.

Subp. 24b. **Contact hour.** "Contact hour" means a minimum of 50 minutes of lecture, demonstration, workshop, or training ~~excluding coffee breaks, registration, meals, or social activities.~~

Subp. 24c. **Dewatering well.** "Dewatering well" means a nonpotable well used to lower groundwater levels to allow for construction or use of underground space. A dewatering well does not include:

A. excavations 25 feet or less in depth for temporary dewatering during construction;

B. an uncased hole or excavation 25 feet or less in depth in the bottom of an open trench used for temporary dewatering during construction; or

C. a well used to lower groundwater levels for control or removal of groundwater contamination.

Subp. 25. [See Repealer.]

[For text of subp 26, see M.R.]

Subp. 26b. **Drive point well.** "Drive point well" means a well that consists of a pointed well screen attached to sections of well casing. The drive point and casing are pounded, forced, or driven into the ground by use of a hammer, weight, or maul. A drive point well is synonymous with "sand point" or "well point."

[For text of subs 27 to 30, see M.R.]

Subp. 30a. **Hoist.** "Hoist" means a machine or mechanical device that is mounted on a truck, trailer, or skid which is used to:

A. remove or install a pump or pumping equipment, casing, screen, or pitless adapter or pitless unit;

B. remove an obstruction from a well; or

C. install grout pipe when sealing a well or boring.

Subp. 30b. **Monitoring well.** "Monitoring well" ~~means any excavation that is drilled, cored, bored, washed, driven, dug, jetted,~~

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Proposed Rules

or otherwise constructed for the purpose of extracting groundwater for physical, chemical, or biological testing. "Monitoring well" includes "groundwater quality sampling well" as that phrase is used has the meaning given in Minnesota Statutes, section 156A.03 1031.005, subdivision 3 14.

Subp. 31. [See Repealer.]

Subp. 31a. Piezometer. "Piezometer" means an environmental bore hole used to measure water levels or groundwater pressure surfaces. Piezometer does not include devices used to measure pore water pressure in the vadose zone.

[For text of subp 32, see M.R.]

Subp. 33. **Pitless unit.** "Pitless unit" means an assembly with cap which extends the upper end termination of the well casing to above grade, and is constructed so as to prevent the entrance of contaminants into the well.

[For text of subs 34 to 37, see M.R.]

Subp. 37a. Public water supply. "Public water supply" has the meaning given in part 4720.0100, subpart 16.

[For text of subs 38 to 40, see M.R.]

Subp. 41. [See Repealer.]

Subp. 41a. Registrant. "Registrant" means a person who is registered as a monitoring well contractor under this chapter and Minnesota Statutes, chapter 1031.

Subp. 41b. Sealing. "Sealing" means either:

A. the temporary process of closing or covering a well or boring with a watertight cover or cap and the use of measures to protect the well from contamination; or

B. the process of preparing a well or boring to be permanently filled with grout and the process of permanently filling the well or boring with grout.

[For text of subs 42 to 50, see M.R.]

Subp. 51. **Well.** "Well" means ~~water~~ well as defined in ~~Minnesota Statutes, section 156A.02 1031.005, subdivision 1 21.~~ Well includes drinking water supply wells, dewatering wells, monitoring wells, wells used to lower groundwater levels for control or removal or groundwater contamination, and other water supply wells.

Subp. 51a. Well pump or pumping equipment. "Well pump or pumping equipment" means a device, machine, or material used to withdraw or otherwise obtain water from a well, and all necessary seals, fittings, pump controls, and primary water storage tanks. Well pump or pumping equipment does not include accessory water tanks, such as fire protection tanks, and elevated or ground storage tanks used for public water supplies.

[For text of subs 52 to 54, see M.R.]

4725.0200 APPLICATION TO ALL WATER WELLS, ENVIRONMENTAL BORE HOLES, AND EXCAVATIONS FOR ELEVATOR SHAFTS.

Subpart 1. Applicability. These rules shall apply This chapter applies to all water wells, environmental bore holes, and borings for elevator shafts in the state of Minnesota except those specifically exempted by the act Minnesota Statutes, chapter 1031. Those aspects covered are the construction of new wells, the repair and maintenance of wells where specified, the proper abandonment of wells, and the proper isolation of possible sources of contamination from existing wells to protect the quality of ground water aquifers for providing safe drinking water supplies.

Subp. 2. Owner responsibility. The owner of a well or boring is bound by all the provisions of parts 4725.0100 to 4725.7600 which relate to location, construction, maintenance, and sealing of wells or borings.

4725.0300 PUBLIC WATER SUPPLY.

In accordance with part 4720.0010, no system of water supply, where such system is for public use, shall be installed by any public agency or by any person or corporation, nor shall any such existing system be materially altered or extended, until complete plans and specifications for the installation, alteration, or extension, together with such information as the commissioner may require shall have been submitted in duplicate and approved by the ~~director~~ commissioner insofar as any features thereof affect or tend to affect the public health. No construction shall take place except in accordance with the approved plans. The plans for the well shall conform as specified by this ~~well code~~ chapter. No ~~municipal~~ community public water supply well may be drilled without approval of the site by the ~~director~~ commissioner according to part 4720.0010.

4725.0400 MODIFICATIONS BY THE COMMISSIONER VARIANCES.

When the strict applicability of any provision of ~~these rules~~ this chapter presents ~~practical~~ practicable difficulties or unusual hardships, the commissioner, in a specific instance, may ~~modify the application of such provisions~~ grant a variance consistent with the general

purpose of these rules this chapter and the act Minnesota Statutes, chapter 103I, and upon such conditions as are necessary, in the opinion of the commissioner, to protect the groundwater of the state and the health, safety, and general well-being of persons using or potential users of the groundwater supply.

Any request for ~~modification~~ a variance shall be submitted to the ~~administrative authority~~ commissioner in writing and shall be signed by both the well or boring owner and the licensee or registrant. In addition, any ~~persons~~ person involved in providing documentary evidence in support of the request shall sign the request submitted by the owner. ~~Such~~ The request shall specify in detail the nature of the ~~modification~~ variance being sought, the reasons ~~therefor~~ for the request for the variance, and the special precautions to be taken to avoid contamination of the well or boring. The request shall also include: the proposed well or boring depth, casing type and depth, method of construction and grouting, geological conditions likely to be encountered, and location of the well or boring and of possible sources of contamination. Whether or not ~~the requests are~~ a request is granted, the commissioner shall state in detail the reasons for the decision.

The owner of a water well is bound by all the provisions of parts 4725.0100 to 4725.7600 which relate to ~~location, construction, maintenance, and abandonment of wells.~~

4725.0450 LICENSING AND REGISTRATION.

Subpart 1. Wells, vertical heat exchangers; groundwater thermal exchange devices. Except for those persons exempted under Minnesota Statutes, section 103I.205, subdivision 4, paragraph (e), a person must hold a license or registration according to Minnesota Statutes, section 103I, to:

A. construct, repair, or seal a well, monitoring well, dewatering well, drive point well, other unconventional well, piezometer, or environmental bore hole; or

B. construct or seal a vertical heat exchanger or groundwater thermal exchange device.

Subp. 2. Elevator shafts. After July 1, 1990, a person may not excavate a hole for an elevator shaft without holding an elevator shaft contractor license or a well contractor license.

Subp. 3. Well pumps and pumping equipment. After July 1, 1990, a person may not install a well pump or pumping equipment in a well without holding a well contractor license or a limited well contractor license to install a well pump or pumping equipment as required by Minnesota Statutes, section 103I.

4725.0500 QUALIFICATIONS FOR CONTRACTOR LICENSE OR REGISTRATION.

All applicants shall meet the following requirements:

A. a minimum of three years experience in water well drilling;

B.

Subpart 1. General. An applicant for a well contractor, limited well contractor, or elevator shaft contractor license, or a monitoring well contractor registration, must meet the requirements in this part. The applicant must have honesty, integrity, and ~~an~~ the ability to perform the work of a ~~water well drilling~~ contractor; and

C. submission. The applicant must submit to the commissioner of a properly completed applications.

All applicants must application and successfully complete the examination provided for in the ~~act~~ this chapter and in these rules Minnesota Statutes, chapter 103I.

Subp. 2. Well contractor. An applicant for a well contractor license to construct, repair, and seal a well, unconventional well, monitoring well, environmental bore hole, and an excavation for an elevator shaft; and to install a pump or pumping equipment, must have four years of experience. A year of experience is a year in which the applicant personally, and under the supervision of a licensed well contractor, drilled a minimum of five wells and was drilling wells, sealing wells, and installing pumps for 1,000 hours. An applicant drilling 1,000 hours per year and completing fewer than five wells per year may qualify if the experience is gained in constructing one or more large diameter wells (casing outer diameter of ten inches or more) that are more than 500 feet deep. Supervision of a drilling operation shall not be considered as an equivalent to personally drilling a well.

Subp. 3. Monitoring well contractor. A person may register as a monitoring well contractor if the person meets the requirements in items A to C.

A. The person must be:

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(1) a professional engineer registered with the Board of Architecture, Engineering, Land Surveying, and Landscape Architecture according to Minnesota Statutes, sections 326.02 to 326.15;

(2) a hydrologist or hydrogeologist certified by the American Institute of Hydrology; or

(3) a geologist certified by the American Institute of Professional Geologists.

B. The person must have three years of experience. A year of experience is a year in which the applicant worked a minimum of 500 hours in construction, repair, and sealing of monitoring wells, piezometers, or environmental bore holes including design, field supervision, or actual construction of monitoring wells, piezometers, or environmental bore holes.

C. The applicant must have experience in design or field supervision or actual construction of 50 monitoring wells, piezometers, or environmental bore holes.

Subp. 4. **Limited well contractor.** A person must have a well contractor license or a separate limited well contractor license for each of the categories in items A to C to:

A. construct, repair, and seal unconventional wells, drive point wells, dug wells, or dewatering wells;

B. install or repair well screens or pitless units or adaptors and well casings from the pitless unit or adaptor to the upper termination of the well casing; or

C. install a well pump or pumping equipment.

Subp. 5. **Limited well contractor qualifications for unconventional wells.** An applicant for a limited well contractor license to construct, repair, and seal an unconventional well must have three years of experience. A year of experience is a year in which the applicant personally drilled five unconventional wells and worked for a minimum of 1,000 hours constructing, repairing, and sealing unconventional wells, and installing pumps in unconventional wells. An applicant whose experience is constructing dug wells or drive point wells must have gained the experience under a licensed well contractor or a limited well contractor licensed to construct, repair, and seal unconventional wells.

Subp. 6. **Limited well contractor license to install or repair well screens or pitless adaptors or units and well casings.** An applicant for a limited well contractor license to install or repair well screens or pitless adaptors or units and well casings from the pitless device to the upper termination of the well must have two years of experience. A year of experience is a year in which the applicant worked a minimum of 1,000 hours and personally installed or repaired five well screens or pitless units or adaptors and well casings from the pitless unit or adaptor to the upper termination of the well. The experience must have been gained under the supervision of a licensed well contractor or limited well contractor licensed to install or repair well screens or pitless units or adaptors and well casings from the pitless unit or adaptor to the upper termination of the well.

Subp. 7. **Limited well contractor qualifications to install a pump or pumping equipment.** An applicant for a limited well contractor license to install a pump or pumping equipment must have two years of experience in pump installation and repair. The applicant must have personally installed 20 pumps. The work must include a minimum of 1,000 hours installing well pumps or pumping equipment.

Subp. 8. **Elevator shaft contractor.** An applicant for an elevator shaft contractor license must have two years of experience related to the construction, repair, and sealing of excavations or borings for the installation of elevator shafts or hydraulic cylinders. The applicant must have designed, supervised, or actually constructed three borings for elevator shafts each year.

Subp. 9. **Experience required in Minnesota.** The experience for an applicant for licensure as a well contractor, limited well contractor, or elevator shaft contractor, or for registration as a monitoring well contractor, must be gained in Minnesota. However, if an applicant who gained experience outside Minnesota provides the commissioner with information demonstrating that the experience was gained in an area with the same or similar geological and drilling conditions as Minnesota, the experience shall be considered to meet the experience requirements of this part. An applicant from a state having no standards or licensing or registration program, or standards less strict than those adopted in Minnesota, must obtain at least one year of experience in Minnesota.

4725.0700 APPLICATION FOR EXAMINATION LICENSURE OR REGISTRATION.

Subpart 1. **Submission of application.** An application for examination applicant shall be submitted submit an application to the commissioner on forms provided by him the commissioner. Except for an applicant for registration as a monitoring well contractor, the application shall must be accompanied by the a filing fee of \$50. The fee shall be paid using only a money order, bank draft, or certified check made payable to the Minnesota state treasurer.

The commissioner shall not act upon the application until he has received reference letters from individuals who are familiar with the applicant's work experience, honesty, integrity, and ability to perform the work of a water well drilling contractor The applicant must submit written documentation of experience as required in part 4725.0500.

The filing fee for an application for examination shall not be refunded for any reason except when an applicant is not found to be qualified to take the written examination. If the applicant meets the requirements in part 4725.0500, the applicant shall take the examination in part 4725.1000.

Subp. 2. [See Repealer.]

4725.1000 EXAMINATION.

Subpart 1. [See Repealer.]

Subp. 2. **Examination.** ~~The~~ An applicant shall take an examination which may be ~~any~~ a combination of written, ~~and~~ oral, ~~or~~ practical work questions as determined by the commissioner with the advice of the council. Satisfactory completion of the examination is a mandatory prerequisite for licensure or registration.

Subp. 3. [See Repealer.]

4725.1050 FEES FOR LICENSURE OR REGISTRATION.

Subpart 1. Licensure or registration application. Upon satisfactory completion of the examination, the applicant must submit the required fee for a license or registration within one year after the date on which the applicant is notified of passing the examination. The submittal must be on a form provided by the commissioner, must be completed by the applicant, and must be accompanied by a \$250 fee for a well contractor license, a \$50 fee for each of the three categories of limited well contractor license, a \$50 fee for an elevator shaft contractor license, and a \$50 fee for registration as a monitoring well contractor. The license or registration fee shall be made payable to the Minnesota state treasurer. The fee shall not be refunded for any reason.

Subp. 2. Deadline for receipt of license or registration fee. If an applicant passes the examination or qualifies for licensure or registration but the commissioner does not receive the fee for licensure or registration within one year from the date of the letter from the commissioner notifying the applicant of eligibility for licensure or registration, no license or registration may be issued.

4725.1250 BONDING.

At the time the fee is submitted for initial licensure or registration or licensure or registration renewal, the person must show proof of holding a corporate surety bond in the amount of \$10,000. A copy of the bond shall be submitted to the commissioner. For an applicant seeking more than one limited license under part 4725.0500, subpart 4, only one bond is required. The bond may be used by the commissioner to compensate persons injured or suffering financial loss because of failure of a licensee or registrant to properly perform the duties under part 4725.0450 and Minnesota Statutes, chapter 103I. The term of the bond shall be concurrent with the term of the license or registration. The bond shall be written by a corporate surety licensed to do business in Minnesota. The corporate surety shall be responsible for providing 30 days' written notice to the commissioner of cancellation of a licensee's or registrant's bond. If a bond is canceled, a licensee or registrant shall not work under the license or registration until another bond meeting the requirements of this part is obtained.

4725.1300 LICENSE OR REGISTRATION RENEWAL.

Licenses expire on January 31 of each year and registrations expire on December 31 of each year. Each licensee or registrant shall submit an application for license or registration renewal on forms provided by the commissioner no later than January 31 of the year for which application is made for licenses and December 31 for registrations. The license or registration renewal application shall be accompanied by a fee of \$250 for a well contractor license and \$50 for a limited well contractor license, elevator shaft contractor license, or monitoring well contractor registration. A penalty fee of \$10 shall also be paid if the renewal is submitted after the January 31 license or December 31 registration deadline. Upon receipt of the application answered in a manner acceptable to the commissioner, a licensee shall be sent a renewal license. At the time of license or registration renewal, the licensee or registrant shall provide written proof that the continuing education required by part 4725.1650 has been completed and shall provide a copy of the license or registration bond required under part 4725.1250. A renewal license or registration card shall be sent to the licensee or registrant after the license or registration application has been submitted and after all other conditions of licensure or registration have been met. The renewal license or registration shall consist of a card in duplicate and contain the name of the licensee or registrant; the licensee's or registrant's representative, if applicable; expiration date; and the license or registration number. One card shall be kept posted with the original license or registration. The other shall be carried by the licensee or registrant or his the licensee's or registrant's representative. Any licensee who does not renew his license within one year may have his license renewed only upon the recommendation of the council and only after showing sufficient cause for not renewing. Until such showing is made and the renewal license issued, the licensee shall not work as a water well contractor.

4725.1325 DENIAL OF LICENSE OR REGISTRATION RENEWAL.

If the licensee or registrant fails to obtain a well permit or to submit a report of construction of a well or elevator shaft or a report of sealing a well or elevator shaft, or violates any other provision of Minnesota Statutes, chapter 103I, the commissioner may deny renewal of the license or registration.

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4725.1350 EXPIRATION OF LICENSURE OR REGISTRATION.

A person who does not renew the license or registration within one year as required under part 4725.1300 must take the examination in part 4725.1000 to relicense or reregister.

4725.1400 LICENSING OR REGISTRATION OF PARTNERSHIPS, CORPORATIONS, OR BUSINESS ASSOCIATIONS, OR GOVERNMENT AGENCIES.

Subpart 1. **Licensee Individuals.** In the case of those applicants who are subject to part 4725.1000, subpart 3, the licensee shall be the partnership, corporation, or other business association who that individual represents and not the representative. An individual may apply for registration as a monitoring well contractor or for licensure as a well contractor, limited well contractor, or elevator shaft contractor.

Subp. 1a. **Partnerships, corporations, business associations, or government agencies.** A partnership, corporation, business association, or government agency may apply for registration as a monitoring well contractor or for licensure as a well contractor, limited well contractor, or elevator shaft contractor. A partnership, corporation, business association, or government agency with branch offices in multiple locations applying for monitoring well registration may apply to have one representative for each of those offices. A representative of a partnership, corporation, business association, or government agency must take the examination in part 4725.1000, but the registrant or licensee shall be the partnership, corporation, business association, or the government agency. Upon registration or licensure of the representative or agency, the person shall be responsible for the supervision of all operations required of the contractor under this chapter.

A. A person who acts as a representative may not be in the employ of any water represent more than one well contractor, monitoring well contractor other than the one he represents, limited well contractor, or elevator shaft contractor.

B. When the representative leaves the no longer works for the registrant or licensee or is otherwise incapable of performing his fulfilling the responsibilities of the registration or license, the registrant or licensee shall inform the commissioner within five days of such fact and give the name of a qualified individual acceptable to the commissioner, who shall be responsible for the acts work of the registrant or licensee during the interim period while until a new representative is being qualified registered or licensed. Although the licensee shall retain the same numbered license upon the licensing of the new representative, All applications, examinations, fees, and other requirements must be satisfied in order to qualify the new representative who must qualify within 90 days. If he or she does not do so qualify, the water well contractor shall be without a registration or license and must cease operations.

Subp. 2. **Licensed individual acting as representative Change of registration or licensure.** If an individual has his or her own registration or license and desires to act as a representative, or if a representative desires to obtain a registration or license in his or her own name, the partnership, corporation, business association, government agency, or the individual, as the case may be, need only submit an application for registration or licensure and the fee. The examination in part 4725.1000 need not be retaken.

4725.1500 SUSPENSION OR REVOCATION OF LICENSE OR REGISTRATION.

Subpart 1. **Commissioner action.** The commissioner may suspend or revoke the license of a water well contractor upon finding that the, limited well contractor, or elevator shaft contractor or the registration of a monitoring well contractor, if the registrant or licensee has violated the provisions of the act this chapter or the rules adopted thereunder Minnesota Statutes, chapter 1031. The commissioner may initiate such proceedings upon his own motion or upon recommendation of the council.

Subp. 2. **Investigation.** The commissioner or council may cause make an investigation to be made in any case in order to determine whether if there has been a violation of the act this chapter or of these rules Minnesota Statutes, chapter 1031, and, in so doing, may request the registrant or licensee to appear before them the commissioner to determine the merits of the situation in question. In each case the council shall make a recommendation to the commissioner as to whether proceedings under the act and the APA would be appropriate.

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

Subp. 4. **Revocation Revoked license or suspension registration.** A license may be suspended until certain conditions are fulfilled and/or for a specified period of time as determined to be most appropriate by the commissioner. The A suspended or revoked license or registration certificate along with the current renewal certificates shall certification must be returned to the commissioner by the licensee- when the license or registration of a water well contractor who is subject to the provisions of part 4725.1000, subpart 3 4725.0450, is revoked or suspended. The disciplinary action shall apply to both the licensee or registrant and its the licensee's or registrant's representative.

4725.1600 REINSTATEMENT.

Subpart 1. **Revoked license or registration.** A revoked license or registration may not be reinstated. The licensee who has had his or registrant whose license or registration has been revoked may be relicensed or reregistered by filing the usual applications and fees, and by taking the examination. The commissioner shall require an investigation or hearing review to determine whether the person should be issued a new license or registration; provided, however, that in no case shall a new license or registration be issued prior to one year after the revocation has taken effect.

Subp. 2. **Suspended license or registration.** A licensee or registrant suspended for a specified period of time shall be automatically reinstated at the end of that time. Nothing herein in this chapter shall be interpreted to prevent the making of such reinstatement conditional upon terms established by the commissioner in his an order of suspension.

A licensee or registrant suspended for an indefinite period of time may be reinstated at the commissioner's own motion after due investigation to determine that the conditions upon which the suspension was based have been corrected or upon the commissioner receiving reasonable assurance to his satisfaction that such the conditions will not reoccur recur.

Subp. 3. **Hearing Petition for reinstatement.** The person whose license or registration has been revoked or indefinitely suspended may petition the commissioner for a hearing for licensure or registration reinstatement of his license. Such hearing shall be granted only The commissioner may permit oral presentation by the person whose license or registration has been indefinitely suspended upon a showing by the petitioner that reasonable grounds exist for such hearing presentation.

4725.1650 CONTINUING EDUCATION REQUIREMENTS.

A well contractor, limited well contractor, and elevator shaft contractor may not renew a license, and a monitoring well contractor may not renew a registration, without having successfully completed six contact hours of continuing education activities acceptable to the commissioner during the year preceding the year for which the license or registration renewal is sought.

Applicants initially licensed or registered are exempt from the continuing education requirements for the following year's license or registration renewal.

Certificates of attendance or other documentation of attendance must be submitted with the renewal application.

4725.1675 CRITERIA FOR CONTINUING EDUCATION.

A continuing education activity must meet the criteria in items A to E for credit to be given.

A. The activity must be related to wells and borings, drilling technology, groundwater contamination, health aspects of water quality, groundwater monitoring, geology, hydrology, well construction and sealing, water systems and water treatment, or other subjects approved by the commissioner.

B. The activity must have a specific, written objective that describes expected outcomes for the participant.

C. The activity must be presented by a person knowledgeable about recent developments in the subject. The person's qualifications must be documented by either specialized training in the subject matter or work experience in the subject area.

D. The activity must be at least one contact hour as defined in part 4725.0100, subpart 24b.

E. The activity must document participation, including but not limited to earned credits and verification of attendance. Program sponsors shall maintain attendance sheets for two years.

4725.1685 ADVISORY COUNCIL REVIEW OF CONTINUING EDUCATION PROGRAMS.

The Advisory Council on Wells and Borings shall review continuing education programs and make recommendations to the commissioner as to the acceptability for continuing education credits for each license or registration category.

4725.1700 PLACEMENT OF DECALS AND LICENSE OR REGISTRATION NUMBER.

A licensee or registrant shall place in a conspicuous location on both sides of each well drilling machine or hoist his or her license or registration number in figures not less than three inches high and 1½ inches wide. The number figures shall be in a contrasting color to the background rest of the machine or hoist. Decals designating the year for which the license or registration was issued or renewed and the words, "MINNESOTA LICENSED WATER WELL CONTRACTOR, LIMITED WELL CONTRACTOR, OR ELEVATOR SHAFT CONTRACTOR," or "REGISTERED MONITORING WELL CONTRACTOR," whichever is applicable, shall be affixed directly adjacent to and below the license or registration number on each well drilling machine or hoist. Water well Contractors using a rope spool small drilling machines or hoists or other devices for well or elevator shaft installation, well repair, or well or elevator shaft sealing shall attach their decal on a portable display to be shown at the well or boring site. The decals shall be issued by the commissioner upon licensure or registration and renewal.

4725.1800 WELL DRILLING MACHINE AND HOIST REGISTRATION.

An initial or renewal license issued pursuant to Minnesota Statutes, chapter 156A and the water well contractors rules, parts 4725.0100 to 4725.7600, shall include the registration of one drilling machine. Each water well contractor shall pay an annual fee of \$5 for the registration with the commissioner of each additional drilling machine. Upon licensure or registration under part

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4725.0450, the licensee or registrant must register all drilling machines and hoists and pay a \$50 fee for each machine or hoist. Each time the licensee or registrant renews licensure or registration under part 4725.1300, the licensee or registrant must renew each drilling machine and hoist registration and must pay a \$50 renewal fee for each drilling machine or hoist. Upon acquiring additional drilling machines or hoists after initial licensure or registration under part 4725.0450 or after renewal of licensure or registration under part 4725.1300, the licensee or registrant must register the machine or hoist and pay the \$50 registration fee. Upon receipt of the required fee and information, a water well drilling machine or hoist registration card shall be issued for identification purposes for each drilling machine and hoist registered by the well drilling contractor. The card shall be carried on the water well drilling machine or hoist at all times where it may be inspected by the director commissioner. The card expires on January 31 of the year after that for which it was issued.

In the case of a licensee or registrant with a representative, the representative of the licensee or registrant is responsible for registering all the licensee's or registrant's drilling machines and hoists.

The registration card and duplicate decals furnished for a water well drilling machine or hoist are not transferable. The card and decals shall be returned to the director commissioner when a water well drilling machine is sold, traded, or otherwise disposed of. A registration card and two new decals for a drilling machine so transferred will be provided upon receipt of the water well drilling machine registration fee, the old card, the two old decals and application for the new drilling machine.

PERMITS AND NOTIFICATIONS

4725.1820 NOTIFICATION FOR CONSTRUCTION OF WELLS.

A well must not be constructed until the owner of the property where the well is to be located submits notification of construction of the proposed well to the commissioner according to this part. This part does not apply to the construction of monitoring wells, dewatering wells, or drive point wells installed by the well owner on the owner's property for residential or agricultural use.

A. Notification is required for all wells constructed by a licensed contractor and other persons allowed to construct wells under Minnesota Statutes, section 103I.205, subdivision 4, paragraph (e).

B. Notification is required for all public water supply wells as defined in part 4725.0100, subpart 37a. Notifications may be submitted with the plan required in part 4725.0300.

C. The property owner must submit the notification on a form provided by the commissioner. The notification must be legible, be accompanied by the fee required in this part, and be signed by the licensed contractor and the owner of the property where the well is located, or the property owner's agent.

D. A notification must be completed for each well.

E. The notification must include the following information for each well:

- (1) the name, business address, telephone number, and license number of the licensed contractor;
- (2) the name, address, and telephone number of the well owner or property owner, if different;
- (3) the legal description or street address of the proposed well location or a map having a scale at least one-half inch to the mile; and
- (4) a determination of whether the anticipated capacity of the well pump will be less than or greater than 50 gallons per minute.

F. The owner of the property where a well is to be located must pay a \$50 notification fee for each well with a well pump capacity of less than 50 gallons per minute and a \$100 fee for each well with a well pump capacity of 50 gallons per minute or more.

G. The property owner must file a new notification with the commissioner if:

- (1) a licensed contractor other than the one listed on the original notification completes the well; and/or
- (2) the well is completed on property other than that listed on the original notification.

A fee is not required for a new notification filed under this item.

H. The notification is valid for one year from the date it is issued. If the property owner submits a written request to the commissioner, and shows the well has not been completed or constructed, the commissioner may extend the expiration date for an additional six months.

4725.1825 DEWATERING WELL CONSTRUCTION PERMITS.

This part applies to all dewatering wells as defined in part 4725.0100, subpart 24c, including drive point wells used for dewatering.

A. A dewatering well must not be constructed until a permit has been issued by the commissioner to the limited well contractor or well contractor.

B. The limited well contractor or well contractor must submit to the commissioner a dewatering well permit application on a form provided by the commissioner. The application must be legible and signed by the limited well contractor or well contractor and the property owner or agent.

C. A permit application must be completed for each dewatering well or dewatering well project.

D. The permit shall include the following information for each well:

(1) the name, business address, and license number of the limited well contractor or well contractor;

(2) the name and address of the dewatering well owner or property owner, if different;

(3) the legal description or street address of the proposed dewatering well location or a map having a scale at least one-half inch to the mile; and

(4) the anticipated depth of the dewatering well.

E. Permit applications for dewatering wells constructed through a confining layer must include the following information for each well in addition to that required in item D:

(1) the diameter of the dewatering well;

(2) the drilling method;

(3) the casing materials;

(4) the materials and methods used to grout the well; and

(5) a cross-sectional diagram of the well.

F. Permits are not transferable. Only the permit holder is authorized to construct the dewatering well or wells.

G. The permit is valid for one year from the date it is issued. If the permit holder submits to the commissioner a written request for an extension, and shows that the dewatering well has not been completed or constructed, the commissioner may extend the expiration date for an additional six months.

H. The owner of the property where a dewatering well or wells are to be located must pay a \$50 permit fee for each dewatering well. However, for a project consisting of more than ten wells, the fee is \$500.

I. A copy of the permit shall be made available at the dewatering site at all times during construction.

4725.1830 MONITORING WELL CONSTRUCTION PERMIT.

This part applies to all monitoring wells, including drive point wells used as monitoring wells.

A. A monitoring well must not be constructed until a permit has been issued by the commissioner to the monitoring well contractor or well contractor.

B. A permit is not required for monitoring wells sampled during drilling in an uncased hole that is sealed upon completion of drilling.

C. A monitoring well contractor must submit to the commissioner a monitoring well permit application on a form provided by the commissioner. The application must be legible and signed by the monitoring well contractor or well contractor and the property owner or agent.

D. A permit application must be completed for each monitoring well. However, for monitoring wells used as leak detection devices at a petroleum bulk storage site or a motor fuel retail outlet, a single permit application may be completed for all wells on a site drilled under a single contract.

E. A permit application for a monitoring well owned by a person other than the property owner must verify that a written contract exists between the well owner and the property owner that describes the nature of the work to be performed, the estimated cost of the work, and the provisions for sealing the well.

F. The permit application must include the following information for each well:

(1) the name, business address, and registration number of the monitoring well contractor or license number of the well contractor;

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(2) the name and address of the monitoring well owner and property owner, if different;

(3) the legal description or street address of the proposed monitoring well location or a map having a scale at least one-half inch to the mile; and

(4) the anticipated well depth.

G. Permit applications for monitoring wells constructed through a confining layer must include the following information for each well in addition to that required in item F:

(1) the diameter of the well;

(2) the drilling method;

(3) the casing materials;

(4) the materials and methods used to grout the well; and

(5) a cross-sectional diagram of the well.

H. Permit applications for at-grade wells must include the following information for each well in addition to that required in item F:

(1) an explanation of why the well casing cannot terminate 12 inches above ground;

(2) a map showing the location of the proposed well referenced to a bench mark, a permanent landmark, or the corners of the property; and

(3) a cross-sectional diagram of the well cap and vault or manhole.

I. Permits are not transferable. Only the permit holder is authorized to construct the well.

J. The permit is valid for six months from the date it is issued. If the permit holder submits to the commissioner a written request for an extension, and shows the monitoring well has not been completed or constructed, the commissioner may extend the expiration date for an additional six months.

K. The owner of the property on which a monitoring well is to be located must pay a \$50 permit fee for each monitoring well. One permit is required for monitoring wells drilled under a single contract, used as leak detection devices at a petroleum bulk storage site or retail motor fuel outlet. The permit fee is \$50 per site regardless of the number of wells. Subsequent wells drilled on the site under a separate contract are exempt from additional permit fees, but a new permit listing all new wells is required. A site consists of a single continuous piece of property on which the petroleum bulk storage facility or motor fuel retail outlet is located. The site does not include other properties on which monitoring wells are constructed to evaluate a spill or leak associated with the petroleum facility. Owners of petroleum retail outlets or bulk storage facilities installing more than one monitoring well must list each well on the permit.

L. A copy of the permit shall be made available at the monitoring well site at all times during construction.

4725.1835 ELEVATOR SHAFT CONSTRUCTION PERMITS.

This part applies to an excavation or hole for installation of an elevator shaft or hydraulic cylinder for an elevator shaft.

A. After July 1, 1990, an excavation or hole for an elevator shaft must not be constructed until a permit has been issued by the commissioner to the elevator shaft contractor or well contractor.

B. An elevator shaft contractor or well contractor must submit to the commissioner an elevator shaft permit application on a form provided by the commissioner. The application shall be legible and signed by the elevator shaft contractor or well contractor and the elevator shaft owner and property owner or agent.

C. The permit must include the following information for each hole or excavation for the elevator shaft:

(1) the name, business address, and license number of the elevator shaft contractor or well contractor;

(2) the name and address of the elevator shaft owner and property owner, if different;

(3) the legal description or street address of the proposed excavation location or a map having a scale at least one-half inch to the mile; and

(4) the anticipated depth of the elevator shaft hole or excavation.

D. Permit applications for elevator shaft excavations constructed through a confining layer must include the following information in addition to that required in item C:

(1) the diameter of the excavation or hole for the elevator shaft;

(2) the drilling method;

(3) the casing materials;

(4) the materials and methods used to grout the excavation or hole; and

(5) a cross-sectional diagram of the excavation or hole.

E. Permits are not transferable. Only the permit holder is authorized to construct the excavation or hole for the elevator shaft.

F. The permit is valid for one year from the date it is issued. If the permit holder submits to the commissioner a written request for an extension, and shows the elevator shaft has not been completed or constructed, the commissioner may extend the expiration date for an additional six months.

G. The owner of the property where the elevator shaft is to be located must pay a \$50 permit fee for each elevator shaft excavation or hole.

H. A copy of the permit shall be available at the elevator shaft excavation site at all times during excavation of the elevator shaft.

4725.1836 NOTIFICATION AND PERMIT FEES.

The appropriate fees must accompany all notifications and permit applications. Notification and permit application fees are not refundable.

4725.1837 EXCEPTION TO NOTICE AND PERMIT.

A permit or notification is not required for installation of a pump or pumping equipment or repair of an existing well or boring if the repair does not involve deepening the well or boring, or removal or installation of casing.

4725.1838 EMERGENCY NOTIFICATIONS AND PERMITS.

Notifications and applications for permits may be verbally reported under emergency conditions for construction of wells, monitoring wells, and dewatering wells, except for monitoring wells and dewatering wells constructed through a confining layer and for at-grade monitoring wells. Emergency conditions are exceptional circumstances where a delay in starting construction poses an immediate and significant danger to health or safety and there is no time for prior notification or obtaining the required permit.

A. If emergency conditions affecting construction of a well occur during normal business hours, the property owner may verbally provide to an authorized representative of the commissioner the information required for notification under part 4725.1820. If emergency conditions affecting construction of a monitoring well, dewatering well, or elevator shaft occur during normal business hours, the contractor may verbally provide the information required for permits under part 4725.1825, 4825.1830, or 4725.1835, whichever is applicable, to an authorized representative of the commissioner.

B. If emergency conditions occur after business hours or on a nonbusiness day, construction of a well, monitoring well, or dewatering well, or excavation for an elevator shaft may begin if the property owner or contractor, as required in item A, telephones the Department of Health and leaves a message on the answering service reporting the applicable information required in part 4725.1820, 4725.1825, 4725.1830, or 4725.1835.

C. A written notification or written permit application and the applicable fees must be received by the commissioner within 72 hours after emergency notification of the start of construction of a well, or within 72 hours after the start of construction under an emergency permit for a dewatering well, monitoring well, or elevator shaft. The property owner is responsible for submitting a written notification and fee. The licensed or registered contractor is responsible for submitting a written permit application and fee.

D. The emergency notification or permit shall be void if construction is not started within 72 hours of verbal reporting.

E. All construction and location standards in this chapter shall apply to wells and borings constructed under emergency conditions.

F. The commissioner shall not issue emergency permits to or accept emergency notifications from contractors who violate the emergency notification or permit requirements.

4725.1840 UNSUCCESSFUL COMPLETION OF A WELL OR BORING.

If an attempt to complete construction of a well, monitoring well, dewatering well, or excavation for installation of an elevator shaft for which a notification or permit has been filed is unsuccessful, a new notification or permit need not be filed if:

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A. the construction and depth of the new well or excavation is not substantially different from the initial well; and

B. the person installing the well or elevator shaft amends the notification or permit to indicate the location of the completed well or boring.

4725.1842 APPROVAL OF CONSTRUCTION PERMITS.

The commissioner shall review a permit application upon submission. A permit shall be issued if the application is complete and is in compliance with this chapter.

4725.1845 DENIAL OF CONSTRUCTION PERMIT APPLICATION.

The commissioner may deny a permit application or revoke a permit for construction of a monitoring well, dewatering well, or excavation for installation of an elevator shaft for any violation of this chapter. The commissioner shall give the applicant or permit holder written notice of the permit application denial or permit revocation. The notice shall state the reason for denial or revocation.

4725.1848 WELL MAINTENANCE PERMITS.

Subpart 1. Permit required. Annual maintenance permits are required for monitoring wells and dewatering wells that are not permanently sealed within 14 months of construction and wells that are not sealed, are inoperable, are not in use, or are disconnected from a power supply.

Subp. 2. Permit application. The owner of the property where the well is located must submit to the commissioner a maintenance permit application on a form provided by the commissioner. The application must be legible, accompanied by the correct fee, and signed by the property owner where the well is located. The permit application shall include the following information for each well:

A. the name, telephone number, and address of the property owner and well owner, if different;

B. the legal description of the well location; and

C. the Minnesota unique well number. If the unique number is not known, the depth, diameter, and construction of the well must be reported.

The commissioner shall review a permit application upon submission. A permit shall be issued if the application is complete and is in compliance with this chapter. A permit shall not be issued for a well that is required to be sealed by this chapter or *Minnesota Statutes*, section 103I.301.

Subp. 3. Permit conditions. The conditions in items A to E apply to permits.

A. Maintenance permits are not transferable. If ownership of the property changes, an application must be made for a new maintenance permit.

B. A maintenance permit is valid for one year from the date it is issued.

C. A maintenance permit does not allow construction or repair that would require notification or a permit according to this chapter.

D. All provisions of this chapter involving the proper isolation distance from contamination sources and necessary seals and safeguards apply to a well under a maintenance permit.

E. The commissioner may deny a permit application or revoke a permit for violation of this chapter. The commissioner shall give the applicant or permit holder written notice of the permit application denial or permit revocation. The notice shall state the reason for denial or revocation.

Subp. 4. Well maintenance permits. An annual well maintenance permit is required for an unsealed well that is not in use, that is inoperable, or from which the power supply has been disconnected. The owner of the property on which such a well is located must submit an annual \$50 permit fee along with the permit application, or have the well sealed.

Subp. 5. Monitoring well maintenance permits. The provisions in items A to C apply to monitoring well maintenance permits.

A. The owner of property on which an unsealed monitoring well is located must obtain a maintenance permit starting 14 months after construction of the well and must pay a fee of:

(1) \$50 for each monitoring well that is unsealed; or

(2) \$50 for each motor fuel retail outlet or petroleum bulk storage site that has unsealed monitoring wells located on the site.

The permit must be renewed annually until the well is sealed.

B. A maintenance permit application must be completed for each monitoring well. However, a single permit application may be completed for monitoring wells used as leak detection devices at a petroleum bulk storage site or a motor fuel retail outlet. The permit must list each well and include the well location and unique well number. A site or outlet consists of a single continuous

piece of property on which the petroleum bulk storage or retail motor fuel outlet is located. The site does not include other properties on which monitoring wells are constructed to evaluate a spill or leak associated with the petroleum facility.

C. Monitoring wells that are inoperable or not in use, or for which no maintenance permit has been obtained 14 months after construction, must be permanently sealed.

Subp. 6. Dewatering well maintenance permits. The conditions in items A to C apply to dewatering well maintenance permits.

A. No later than 14 months after construction of a dewatering well, the owner of the property on which a dewatering well is located must obtain a maintenance permit for an unsealed dewatering well and must pay a fee of:

- (1) \$25 for each dewatering well that is unsealed; or
- (2) \$250 for a dewatering project consisting of ten or more unsealed dewatering wells.

The permit must be renewed annually for wells that are in use.

B. A maintenance permit for a dewatering project of ten or more dewatering wells must list each well and include the well location and unique well number.

C. Dewatering wells that are inoperable or not in use, or for which no maintenance permit has been obtained, must be permanently sealed.

4725.1849 DRIVE POINT WELL CONSTRUCTION NOTIFICATION.

Subpart 1. Scope. This part applies to drive point wells constructed by an individual on property that is owned or leased by the individual and that is used for agricultural purposes or as the individual's place of residence.

Subp. 2. Notification. Written notification of construction of a drive point well installed by a property owner must be filed with the commissioner within ten days after completion of the well. The owner of the drive point well must provide the following information on a notification form provided by the commissioner:

- (1) the name, address, and telephone number of the drive point well owner and property owner, if different;
- (2) the legal description of the well location; and
- (3) the date the well was constructed.

Subp. 3. Retail sale of drive point well materials. A person who sells drive point well materials at retail must:

- A. provide each buyer with a copy of the notification form and informational materials provided by the department; and
- B. maintain a record of the date of sale and name and address of each purchaser of drive point well materials.

The record must be made available to the commissioner for inspection. The record must be maintained on the premises for three years, or as an alternative may be filed with the commissioner on a yearly basis.

The commissioner shall provide copies of the drive point notification form and information about well regulations to retail sellers of drive point well materials.

WELL LABEL RECORDS, LABELS, SAMPLES

4725.6750 WELL IDENTIFICATION LABEL.

Subpart 1. Label required. Upon completing construction and before placing a well into service, an identification label provided by the commissioner must be attached to the well by the person constructing the well.

Subp. 2. Exceptions. Wells installed for temporary use that are permanently sealed within 90 days of construction are exempt from the labeling requirements of this part.

Subp. 3. Markings. The person who installs a well shall mark the well identification label with the depth of the well, the name or license or registration number of the person who constructed the well, and the date the well was constructed. The markings shall be stamped, engraved, or embossed in permanent letters and numbers no less than five millimeters ($\frac{3}{16}$ inch) high. As an alternative to marking the well identification label, the person may attach a separate label to the well casing, well cap, pump control box, or electrical panel. The separate label shall be marked with the depth of the well, the name or license or registration number of the person who constructed the well, and the date the well was constructed.

Subp. 4. Attachment of label. The well identification label provided by the commissioner shall be attached to the well casing in

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a visible location by use of a stainless steel clamp or metal band or strap. Alternately, the label may be attached to a concrete pump base or pedestal by the use of screws or fasteners, or may be attached to a monitoring well manhole or vault.

Subp. 5. Removal or label. The well identification label may only be removed by a person licensed or registered to modify the well. Upon completion of modification or repair of the well, the label must be reattached.

Subp. 6. Well modification. A new well identification label must be attached to the well by any person who alters the well depth, diameter, or casing.

REPEALER. *Minnesota Rules*, parts 4725.0100, subparts 2, 3, 6, 7, 15, 16, 18, 25, 31, and 41; 4725.0600; 4725.0700, subpart 2; 4725.0800; 4725.0900; 475.1000, subparts 1 and 3; 4725.1100; 4725.1200; and 4725.1850, are repealed.

Higher Education Coordinating Board

Proposed Permanent Rules Relating to Child Care Grants Program

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Higher Education Coordinating Board intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The authority to adopt the rule is in *Minnesota Statutes* 136A.04, subd. 1(9) and 136A.125, subd. 1.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the 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:

Mary Lou Dresbach
Minnesota Higher Education Coordinating Board
Capitol Square Building, Suite 400
550 Cedar Street
St. Paul, MN 55101
(612) 296-9656

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 the 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 Mary Lou Dresbach upon request.

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

Dated: 7 December 1989

David R. Powers
Executive Director
Minnesota Higher Education
Coordinating Board

Rules as Proposed (all new material)**CHILD CARE GRANTS****4830.7000 SCOPE.**

Parts 4830.7000 to 4830.7900 govern state assistance to institutions to reduce the cost of child care for eligible students attending eligible postsecondary institutions.

4830.7100 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply for the purposes of parts 4830.7000 to 4830.7900.

Subp. 2. **Continuing enrollment.** "Continuing enrollment" means that a student has not had an interruption in enrollment at the institution in which the student is currently enrolled for more than one academic term or 60 days of the immediately preceding academic year, whichever is longer. A student may miss one academic term and summer school and not lose continuing enrollment status.

Subp. 3. **Eligible employment.** "Eligible employment" means the number of hours of paid employment that the institution determines shall be covered with child care assistance, not to exceed 20 hours of employment per week.

Subp. 4. **Eligible hours of education.** "Eligible hours of education" means:

- A. hours spent in class;
- B. up to a maximum of one hour a day for transportation between class, home, and employment;
- C. up to four hours a day between classes; and
- D. additional eligible hours as determined by the institution.

Subp. 5. **Eligible student.** "Eligible student" means a student who:

- A. has a child 12 years of age or younger, or 14 years of age or younger who is handicapped as defined in *Minnesota Statutes*, section 120.03, and who is receiving or will receive care on a regular basis from a provider of child care services as those terms are defined in *Minnesota Statutes*, section 256H.01, subdivisions 2 and 12, after the grant is received;
- B. is a resident of Minnesota as defined in part 4830.0400, subpart 2;
- C. is not a recipient of aid to families with dependent children;
- D. has not earned a baccalaureate degree and has been enrolled full time in any postsecondary institution fewer than eight semesters, 12 quarters, or the equivalent;
- E. is pursuing a nonsectarian program or course of study that applies to an undergraduate degree, diploma, or certificate;
- F. is enrolled at least half time in an eligible institution for the term for which an award is received;
- G. is in good academic standing and making satisfactory progress, as defined by the institution according to federal requirements; and
- H. reports any changes to data reported on the child care application within ten days of the change.

Subp. 6. **Nonsectarian program.** "Nonsectarian program" means a program of study that is not specifically designed to prepare students to become ministers of religion, to enter some other religious vocation, or to prepare them to teach theological subjects. A nonsectarian program may provide for the scholarly study of religion as a discipline or knowledge in a manner similar to that provided for any other field of study, but must not require its students to take courses that are based on a particular set of religious beliefs, to receive instruction intended to propagate or promote any religious beliefs, to participate in religious activities, to maintain affiliation with a particular church or religious organization, or to attest to any particular religious beliefs.

Subp. 7. **Institution's share.** "Institution's share" means the number of students in an eligible institution who have applied for the state scholarship and grant program under parts 4830.0200 to 4830.0700 for the most current academic year and who have reported dependent children.

4830.7200 ELIGIBLE INSTITUTIONS.

Institutions eligible for child care grants are Minnesota public postsecondary institutions and private, residential colleges or universities granting two-year or four-year liberal arts degrees that have signed a child care program agreement with the board.

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4830.7300 STUDENT PRIORITY.

Beginning July 1, 1990, a student who has received an award from the program in the immediately preceding academic year and who has had continuing enrollment at that institution must be given a child care award for the next academic year if the student remains eligible and funds are available. A student shall apply for a continuation of funds by June 1 of the preceding academic year or lose priority ranking for the funds over students who did not apply for a continuation of funds by June 1 and eligible students applying for a child care grant for the first time.

4830.7400 APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS.

Subpart 1. **Initial allocation formula.** Funds shall be allocated to each eligible institution according to the following formula:

- A. the institution's share divided by the sum of participating institutions' shares; and
- B. multiplied by the current fiscal year's appropriation for child care grants.

Subp. 2. **Yearly allocation to institutions.** After the 1989-1990 academic year, funds shall be allocated to each eligible institution according to the following formula:

- A. the institution's share divided by the sum of participating institutions' shares;
- B. multiplied by the current fiscal year's appropriation for child care grants; and
- C. multiplied by the percent of funds for child care grants actually used by the institution during the prior academic year.

Subp. 3. **Reallocation.** The board shall reallocate available funds at least twice during the academic year to institutions requesting additional child care funds according to the following formula:

- A. the institution's share divided by the sum of the shares of institutions requesting additional funds; and
- B. multiplied by the amount of child care funds available for reallocation.

Subp. 4. **Administrative expense.** By July 1 of each year, the board shall set the percentage of awarded child care grant funds that may be used for administration of the child care program by the board and the institution.

Subp. 5. **Notification.** The board shall notify each participating institution in writing of allocation and reallocation amounts.

Subp. 6. **Accountability.** Each participating institution shall be accountable for any funds disbursed to students for child care grants. Funds may be used only during the fiscal year of disbursement. If a student does not use a grant because the student does not enroll or withdraws from the institution, the institution may use the funds for other eligible students or return them to the board.

Subp. 7. **Unused funds.** An institution shall return funds that the institution determines will not be used within 30 days from the date of a request by the board. The board shall reallocate unused funds to other participating institutions requesting additional funds.

4830.7500 AMOUNT AND TERM OF GRANTS.

Subpart 1. **Financial need.** An institution shall award a grant to each eligible student to the extent allocated funds are available. The family income and family size used shall be that used to determine eligibility for the state scholarship and grant program under parts 4830.0200 to 4830.0700 and must be within the income ranges established by *Minnesota Statutes*, section 256H.10, subdivision 2. Each student shall report any changes in income within ten days to the institution.

Subp. 2. **Amount.** The amount of a grant must cover:

- A. the cost of child care for all children 12 years old or younger, or 14 years old or younger if the child is handicapped as defined in *Minnesota Statutes*, section 120.03;
- B. the total number of eligible hours for which child care is needed; and
- C. the provider's charge up to a maximum rate established each year by the board based on rate information received from the Department of Human Services in each county where services are being provided.

The institution shall determine the amount of child care needed for the eligible hours of education as defined in part 4830.7100, subpart 4, and the number of eligible hours of employment as defined in part 4830.7100, subpart 3, for each academic term and then subtract the amount of student copayment for each month of child care according to charts provided by the board.

The amount of the grant must not exceed 60 hours per child per week and must not cover hours during which a parent or legal guardian is capable and available to care for the children.

If, after an award is made, a student presents information to the institution that would increase the student's child care award, the award must be increased if program funds are available.

Subp. 3. **Insufficient funds.** An institution shall make awards that cover all eligible hours as defined in part 4830.7100, subparts 3 and 4. An institution may use one of the following methods to award the next student on the institution's waiting list if funds are insufficient to award all students eligible for the child care grants:

A. an institution may delay the beginning of an award but once an award is made, the award must continue throughout the year unless a student becomes ineligible;

B. an institution may award a student a full child care grant but notify the student that all awards are contingent on the availability of funds and that the student might not receive the full award; as refunds or reallocations make funds available, no new student may receive an award until outstanding awards are assured full disbursement; or

C. an institution may supplement child care money with institutional money in order to make a full disbursement to a student.

4830.7600 PAYMENT.

Child care payments shall be made each academic term to the student or to the child care provider, as determined by the institution.

4830.7700 TERMINATION OF CHILD CARE AWARD.

A child care award shall be terminated if the student ceases to meet the eligibility requirements in part 4830.7100, subpart 5. Before termination of the award occurs, the institution must allow the student to meet with the financial aid officer at the institution to discuss the termination, and provide documentation as to why the termination should not occur.

4830.7800 REFUNDS.

If a recipient reduces enrollment, the institution must refund the unused portion of the award. Refunds are determined as follows:

A. the percentage the child care award represents of the student's total financial aid package for the applicable term; and

B. multiplied by the amount determined to be refunded to the student under the institution's refund policy. The result yields the amount to be refunded to the program fund. Refunded awards are available for reassignment to other qualified applicants.

4830.7900 REPORTS OF DATA.

Institutions must:

A. collect demographic, educational, and financial data specified by the board from eligible students requesting child care grants;

B. provide the board with individual student data upon request;

C. report information about students who receive awards, students who are on the waiting list, and students who were denied awards, including the institution's methods of prioritizing applicants if insufficient funds are available; and

D. submit fiscal year program activity reports and student data reports to the board.

Fiscal year program activity reports and student data reports are required by the board. Institutions shall correctly complete and submit all required reports and any applicable refunds to the board by the first working day after August 9. The board shall withhold an institution's subsequent year's allocation if the deadline date is not met.

Minnesota Housing Finance Agency

Proposed Permanent Rules Relating to Income Units, Limited Unit Developments

Notice of Intent to Adopt a Rule Without a Public Hearing

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

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part of 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

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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*, section 14.131 to 14.20.

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

Susan K. Noren
 Legal Division
 Minnesota Housing Finance Agency
 400 Sibley Street, Suite 300
 St. Paul, Minnesota 55101-1998
 Telephone: 612-296-9794

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 Susan K. Noren upon request.

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

Dated: 22 December 1989

James J. Solem
 Commissioner

Rules as Proposed

4900.0010 DEFINITIONS.

[For text of subs. 1 to 22, see M.R. 1989]

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

A. With respect to limited-unit mortgage loans pursuant to parts 4900.0310 to 4900.0360, except for loans issued under parts 4900.0370 and 4900.0380, development cost loans pursuant to parts 4900.0210 to 4900.0240, planning grants pursuant to parts 4900.0410 and 4900.0420, and American Indian housing loans pursuant to parts 4900.0900 to 4900.1080, which loans and grants are intended for a limited-unit development, or a dwelling unit in a planned unit development or a condominium, those persons and families whose adjusted income does not exceed the amounts set forth in the following tables or such lower amount as shall be required to assure that the interest on obligations of the agency will be exempt from federal income taxation.

(1) Maximum adjusted income for loans for new construction:

(a) in the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Washington, and Wright:

Mortgage Interest Rate	Maximum Adjusted Income
0-10.00%	\$35,000 \$37,500
10.01-10.50%	\$36,000 \$38,500
10.51-11.00%	\$37,000 \$39,500
11.01-11.50%	\$38,000 \$40,500
11.51% and over	\$39,000 \$41,500

(b) in the counties of ~~Benton, Blue Earth,~~ Clay, Nicollet, and Olmsted, ~~St. Louis, Sherburne, and Stearns:~~

Mortgage Interest Rate	Maximum Adjusted Income
0-10.00%	\$28,000 \$32,000
10.01-10.50%	\$29,000 \$33,000
10.51-11.00%	\$30,000 \$34,000
11.01-11.50%	\$31,000 \$35,000
11.51% and over	\$32,000 \$36,000

(c) in the counties of Benton, Blue Earth, St. Louis, Sherburne, and Stearns:

<u>Mortgage Interest Rate</u>	<u>Maximum Adjusted Income</u>
<u>0-10.00%</u>	<u>\$28,000</u>
<u>10.01-10.50%</u>	<u>\$29,000</u>
<u>10.51-11.00%</u>	<u>\$30,000</u>
<u>11.01-11.50%</u>	<u>\$31,000</u>
<u>11.51% and over</u>	<u>\$32,000</u>

(e) (d) in all other counties:

<u>Mortgage Interest Rate</u>	<u>Maximum Adjusted Income</u>
<u>0-10.00%</u>	\$26,000 <u>\$28,000</u>
<u>10.01-10.50%</u>	\$27,000 <u>\$29,000</u>
<u>10.51-11.00%</u>	\$28,000 <u>\$30,000</u>
<u>11.01-11.50%</u>	\$29,000 <u>\$31,000</u>
<u>11.51% and over</u>	\$30,000 <u>\$32,000</u>

(2) Maximum adjusted income for loans for existing construction:

(a) in the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Washington, and Wright:

<u>Mortgage Interest Rate</u>	<u>Maximum Adjusted Income</u>
<u>0-10.00%</u>	\$31,000 <u>\$33,000</u>
<u>10.01-10.50%</u>	\$32,000 <u>\$34,000</u>
<u>10.51-11.00%</u>	\$33,000 <u>\$35,000</u>
<u>11.01-11.50%</u>	\$34,000 <u>\$36,000</u>
<u>11.51% and over</u>	\$35,000 <u>\$37,000</u>

(b) in the counties of ~~Benton, Blue Earth, St. Louis, Sherburne, and Stearns~~, Clay, Nicollet, and Olmsted:

<u>Mortgage Interest Rate</u>	<u>Maximum Adjusted Income</u>
<u>0-10.00%</u>	\$24,000 <u>\$26,000</u>
<u>10.01-10.50%</u>	\$25,000 <u>\$27,000</u>
<u>10.51-11.00%</u>	\$26,000 <u>\$28,000</u>
<u>11.01-11.50%</u>	\$27,000 <u>\$29,000</u>
<u>11.51% and over</u>	\$28,000 <u>\$30,000</u>

(c) in the counties of Benton, Blue Earth, St. Louis, Sherburne, and Stearns:

<u>Mortgage Interest Rate</u>	<u>Maximum Adjusted Income</u>
<u>0-10.00%</u>	<u>\$24,000</u>
<u>10.01-10.50%</u>	<u>\$25,000</u>
<u>10.51-11.00%</u>	<u>\$26,000</u>
<u>11.01-11.50%</u>	<u>\$27,000</u>
<u>11.51% and over</u>	<u>\$28,000</u>

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(e) (d) in all other counties:

Mortgage Interest Rate	Maximum Adjusted Income	
0-10.00%	\$21,000	\$22,000
10.01-10.50%	\$22,000	\$23,000
10.51-11.00%	\$23,000	\$24,000
11.01-11.50%	\$24,000	\$25,000
11.51% and over	\$25,000	\$26,000

[For text of items B to E, see M.R. 1989]

Official Notices

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

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

Department of Administration

InterTechnologies Group

Request for Information from Telecommunications Vendors

The State of Minnesota, as part of its planning for a Statewide Telecommunications Access and Routing System, or STARS, is requesting the participation of telecommunications vendors in the planning of STARS through a Request for Information (RFI) process.

Ernst & Young, consultants to the State of Minnesota, have prepared an RFI document. Vendors are encouraged to contact Erik Gilbert, Ernst & Young, Suite 500, 10201 Lee Highway, Fairfax, Virginia, 22030, Tel. 703 359-1312, to receive a copy of the RFI. The RFI has been sent to all identified carriers in Minnesota. Responses need to be sent to Ernst & Young by Jan. 17, 1990.

STARS will be a leased network for the electronic transmission of voice, data and video signals.

For more information about STARS or the RFI process, call Ken Reddick, STARS Project Team, at 612 297-5788.

Department of Natural Resources

Notice of Solicitation of Outside Opinions Regarding Proposed Rules Designating Criteria for Groundwater Sensitivity

NOTICE IS HEREBY GIVEN that the State Department of Natural Resources is seeking opinions from sources outside the agency in preparing to propose the adoption of the rule governing criteria for sensitive groundwater areas. The adoption of the rule is authorized by *Minnesota Statutes* section 103H.101 which directs the agency to develop these criteria and to adopt them by rule.

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

Sarah P. Tufford
Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4032

Oral statements will be received during regular hours over the telephone at 297-2431 and in person at the above address.

All statements of information and opinions shall be accepted until January 2, 1991. Any written material received by the State Department of Natural Resources shall become part of the record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 11 December 1989

Joseph H. Alexander
Commissioner of Natural Resources

Bureau of Mediation Services

Notice of Acceptance of Applications for Placement on the Bureau Arbitrator Roster

NOTICE IS HEREBY GIVEN that the Bureau of Mediation Services is now accepting applications for placement on the Bureau Arbitrator Roster pursuant to *Minnesota Statutes* 179.02, subd. 4; *Minnesota Statutes* 179A.04, subd. 3(k), and *Minnesota Rules* parts 5530.0100 to 5530.1300.

Persons interested in applying for placement on this roster may secure an application form and applicable rules by requesting them from:

Carol Clifford
Bureau of Mediation Services
1380 Energy Lane, Suite Two
St. Paul, Minnesota 55108-5253
(612) 649-5423

Applications will be accepted until February 26, 1990.

Dated: 26 December 1989

Paul W. Goldberg
Commissioner

Department of Trade and Economic Development

Community Development Division

Comments Sought on the Proposed Final Statement for the 1990 Small Cities Community Development Block Grant Program

Notice is hereby given that the Department of Trade and Economic Development, Community Development Division, is seeking comments or opinions from sources outside the agency in preparing to submit the Final Statement for the 1990 Small Cities Community Development Block Grant (CDBG) Program. The 1990 Final Statement will be submitted to the U.S. Department of Housing and Urban Development by March 31, 1990.

The State of Minnesota anticipates an allocation of between \$16.8 and \$18.3 million.

The 1990 Final Statement will consist of the Administrative Rules Governing the Community Development Block Grant Program, which are found in *Minnesota Rules*, Chapter 4300, as amended; a description of the use of funds in the 1989 grant program; an assessment of the use of funds in the 1989 grant program in relation to the community development objectives in the *Rules* and to the requirements of section 105 of the U.S. Housing and Community Development Act of 1974, as amended.

The Minnesota Department of Trade and Economic Development, Community Development Division, requests comments or opinions concerning proposed use of grant funds. Interested or affected persons, groups, or units of general purpose local government may submit statements or comments orally or in writing. Written statements should be addressed to:

Louis Jambois
Community Development Division
Minnesota Department of Trade and Economic Development
8th Floor, American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101

A public hearing will be conducted by the Division of Community Development on January 8, 1989 at 1:30 p.m. in Conference Room 10, 8th Floor American Center Building. Oral statements will also be received during regular business hours over the telephone at (612) 297-3172 or in person at the above address until 4:30 p.m. on January 8, 1989.

Final Statement as Proposed

Federal fiscal year 1990 Community Development Block Grant funds made available to the State for distribution to nonentitlement areas will be distributed in accordance with administrative rules adopted in Chapter 4300. The text of said rules is as follows:

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.

CHAPTER 4300 COMMUNITY BLOCK GRANTS

Subp. 1. **Scope.** As used in this chapter, the following terms have the meanings given them.

Subp. 2. **Application year.** "Application year" means the state fiscal year beginning July 1 and ending June 30.

Subp. 2a. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Trade and Economic Development.

Subp. 2b. **Community development application.** "Community development application" means the official consolidated application form as developed by the Department of Trade and Economic Development to be used to apply for funding assistance from various community assistance programs administered by the Community Development Division.

Subp. 3. **Community development need.** "Community development need" means a demonstrated deficiency in housing stock, public facilities, economic opportunities, or other services which are necessary for developing or maintaining viable communities.

Subp. 4. **Competitive grant.** "Competitive grant" means a grant application that is evaluated and ranked in comparison to other applications in the same grant category and includes housing, public facilities and comprehensive applications.

Subp. 5. **Comprehensive program.** "Comprehensive program" means a combination of at least two interrelated projects which are designed to address community development needs which by their nature require a coordination of housing, public facilities, or economic development activities. A comprehensive program must be designed to benefit a defined geographic area, otherwise known as a program area.

Subp. 5a. **Division.** "Division" means the Community Development Division in the Department of Trade and Economic Development to which the program is assigned.

Subp. 6. **Economic development project.** "Economic development project" means one or more activities designed to create new employment, maintain existing employment, increase the local tax base, or otherwise increase economic activity in a community.

Subp. 7. **Eligible activities.** "Eligible activities" means those activities so designated in *United States Code*, title 42, section 5305 (1981) and as described in *Code of Federal Regulations*, title 24, sections 570.200-570.207 (1981).

Subp. 8. **General purpose local government.** "General purpose local government" means townships as described in *Minnesota Statutes*, chapter 365; cities as described in *Minnesota Statutes*, chapters 410 and 412; and counties.

Subp. 9. **Grant.** "Grant" means an agreement between the state and an eligible recipient through which the state provides funds to carry out specified programs, services, or activities.

Subp. 10. **Grant closeout.** "Grant closeout" means the process by which the division determines that all applicable administrative actions and all required work have been completed by the grant recipient and the department.

Subp. 11. **Grant year.** "Grant year" means any period of time during which the United States Department of Housing and Urban Development makes funds from any federal fiscal year available to the state for distribution to local governments under *United States Code*, title 42, sections 5301-5316 (1981), and includes the period of time during which the division solicits applications and makes grant awards.

Subp. 11a. **Housing and community development needs assessment.** "Housing and community development needs assessment" means an analysis of priority community needs as required by Section 104 of the Housing and Community Development Act of 1974, *United States Code*, title 42, section 5304(b)(3).

Subp. 12. **Infrastructure.** "Infrastructure" means the basic physical systems, structures, and facilities, such as roads, bridges, water, and sewer, which are necessary to support a community.

Subp. 13. **Low and moderate income.** "Low and moderate income" means income which does not exceed 80 percent of the median income for the area.

Subp. 14. **Metropolitan city.** "Metropolitan city" means a city over 50,000 population or a central city of a standard metropolitan statistical area that receives entitlement grants under *United States Code*, title 42, section 5306 (1981) directly from the United States Department of Housing and Urban Development.

Subp. 15. **Nonentitlement area.** "Nonentitlement area" means an area that is not a metropolitan city or part of an urban county.

Subp. 16. [Repealed, 14 SR 1098].

Subp. 17. **Per capita assessed valuation.** "Per capita assessed valuation" means the adjusted assessed valuation divided by population.

Subp. 18. **Population.** "Population" means the number of persons who are residents in a county, city, or township as established by the last federal census, by a census taken pursuant to *Minnesota Statutes* § 275.53, subd. 2, by a population estimate made by the

Metropolitan Council, or by the population estimate of the state demographer made under *Minnesota Statutes* § 116K.04, subd. 4, clause (10), whichever is most recent as to the stated date of count or estimate, up to and including the most recent July 1.

Subp. 19. **Poverty persons.** "Poverty persons" means individuals or families whose incomes are below the poverty level as determined by the most current data available from the United States Department of Commerce, taking into account variations in cost of living for the area affected.

Subp. 20. **Program.** "Program" means the community development block grant program for nonentitlement areas.

Subp. 21. **Program area.** "Program area" means a defined geographic area within which an applicant has determined that there exists a need for community development activities. A program area may be a neighborhood in a community or an entire community.

Subp. 22. **Program income.** "Program income" means gross income earned by the grant recipient from grant-supported activities, excluding interest earned on advances.

Subp. 23. **Project.** "Project" means one or more activities designed to meet a specific community development need.

Subp. 24. [Repealed, 14 SR 1098].

Subp. 25. **Slums and blight.** "Slums and blight" means areas or neighborhoods which are characterized by conditions used to describe deteriorated areas in *Minnesota Statutes* § 462.421 or which are characterized by the conditions used to describe redevelopment districts in *Minnesota Statutes* § 273.73, subd. 10.

Subp. 26. **Single-purpose project.** "Single-purpose project" means one or more activities designed to meet a specific housing or public facilities community development need within a defined program area.

Subp. 27. **Urban county.** "Urban county" means a county which is located in a metropolitan area and is entitled to receive grants under *United States Code*, title 42, section 5306 (1981), directly from the United States Department of Housing and Urban Development. MS § 116J.401; 116J.403; 116J.873

8 SR 1263; L 1987 c 312 art 1; 14 SR 1098

NOTE: *Minnesota Statutes*, section 275.53 was repealed by Laws of Minnesota 1981, First Special Session, chapter 1, article 5, section 13.

4300.0200. Purpose

This chapter gives procedures for evaluating applications for grants and awarding them to eligible applicants by the Department of Trade and Economic Development under *United States Code*, title 42, sections 5301-5316 (1981), and regulations adopted in *Code of Federal Regulations*, title 24, part 570, and under *Minnesota Statutes*, section 116J.873.

MS § 116J.401; 116J.403; 116J.873

8 SR 1263; L 1987 c 312 art 1; 14 SR 1098

4300.0300. Objective of the Program

The primary objective of this program is to develop viable urban communities by providing decent housing and a suitable living environment and by expanding economic opportunities, principally for persons of low and moderate income. Activities funded under this program shall not benefit moderate-income persons to the exclusion of low-income persons. All funded activities must be designed to:

A. Benefit low- and moderate-income persons;

B. Prevent or eliminate slums and blight; or

C. Alleviate urgent community development needs caused by existing conditions which pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet those needs.

MS § 116J.401; 116J.403

8 SR 1263; L 1987 c 312 art 1

4300.0400. Application of Federal Law

If it is determined that any provisions of parts 4300.0100 to 4300.3200 are inconsistent with federal law, federal law controls to the extent necessary to eliminate the conflict.

MS § 116J.401; 116J.403

L1987 c 312 art 1

GRANT APPLICATION, EVALUATION, AND DETERMINATION

4300.1100. Types of Competitive Grants Available

Subp. 1. Single-purpose grants. The division shall approve grant applications for funding for single-purpose projects. The division shall place single-purpose grant applications in one of the following categories for purposes of evaluation:

A. Housing projects which include one or more activities designed to increase the supply or quality of dwellings suited to the occupancy of individuals and families; or

B. Public facilities projects which include one or more activities designed to acquire, construct, reconstruct, or install buildings or infrastructure which serve a neighborhood area or community.

Subp. 2. Comprehensive grants. The division shall approve comprehensive grants for two or more projects which constitute a comprehensive program as described in part 4300.0100.

Subp. 3. [Repealed 11 SR 2416].

MS § 116J.401; 116J.403; 116J.873

8 SR 1263; 11 SR 2416; L 1987 c 312 art 1; 14 SR 1098

4300.1101. Economic Development Grants, Noncompetitive

The division shall approve grants for economic development projects for funding throughout the application year, or until the funds reserved have been exhausted.

MS § 116J.401; 116J.403, 116J.873

8 SR 1263; L 1987 c 312 art 1; 14 SR 1098

4300.1200. Application Process and Requirements

Subp. 1. Community development application manual. The division shall make the community development application manual, additional instructional materials, and forms available on a year-round basis. The manual and additional materials and forms shall instruct applicants in the preparation of applications and describe the method by which the division will evaluate and rank applications.

Subp. 2. Eligibility requirements. Any unit of general purpose local government, including cities, counties, and townships located in a nonentitlement area or electing exclusion from an urban county under *United States Code*, title 42, section 5302 (1981), may apply for a grant. An eligible applicant may apply on behalf of other eligible applicants. Applications submitted on behalf of other applicants must be approved by the governing body of all local governments party to the application. An eligible applicant may receive only one competitive grant per grant year and no eligible applicant shall be included in more than one competitive application. An eligible applicant may receive one economic development grant in addition to a competitive grant each application year.

Subp. 3. Disqualification of applicants. Applications from otherwise eligible applicants shall be disqualified where for previously awarded grants under these parts or awarded by the Department of Housing and Urban Development under *United States Code*, title 42, section 5306 (1981), it is determined by the division that any of the following conditions exist:

A. There are outstanding audit findings on previous community development grants and the grantee has not objected on a reasonable basis to the findings or demonstrated a willingness to resolve the findings;

B. Previously approved projects have passed scheduled dates for grant closeout and the grantee's ability to complete the project in an expeditious manner is in question; or

C. The applicant has not made scheduled progress on previously approved projects and the grantee's ability to complete the project in an expeditious manner is in question.

Subp. 4. Contents of community development application. The contents of a community development application must be consistent with the informational requirements of this chapter and must be on a form prescribed by the division. A complete community development application shall include, but not be limited to:

A. Needs narrative, summarizing the needs for the proposed projects;

B. Project summary, summarizing the activities to be completed and the scope of the project;

C. Activities and budget, detailing the estimates associated with each proposed activity;

D. Assurances, necessary to comply with the federal or state requirements as a prerequisite to receiving state or federal funding;

E. Resolution, from the submission of the local government applicant approving the application and authorizing execution of the grant agreement according to the requirements of the Community Development Division if funds are made available; and

F. Supporting materials, attachments that are designed to verify or support information in items A to E.

The division may request additional information from the applicant if it is necessary to clarify and evaluate the application.

Subp. 5. **Time limit for submitting applications.** While competitive applications may be submitted at any time during the year, a formal yearly closing date for receipt of applications shall be established. Complete competitive applications shall be evaluated following the closing date for competitive applications. The notice must be published in the *State Register* at least 120 days before the closing date. Economic development project applications may be submitted at any time during the application year.

Subp. 6. **Regional review.** The applicant must submit a complete copy of the application to the Regional Development Commission, where such a commission exists, or the Metropolitan Council, where it has jurisdiction, for review and comment in accordance with *Minnesota Statutes* § 462.391, subd. 3, or *Minnesota Statutes* § 473.171, respectively.

MS § 116J.401; 116J.403; 116J.873

8 SR 1263; 11 SR 2416; L 1987 c 312 art 1; 14 SR 1098

4300.1300. Evaluation of Applications

All applications shall be evaluated by the division. A fixed amount of points shall be established as the maximum score attainable by any application. Points shall be made available within each class of rating criteria according to parts 4300.1400 to 4300.1900. Economic development project applications must meet threshold criteria in order to be evaluated.

MS § 116J.401; 116J.403; 116J.873

8 SR 1263; L 1987 c 312 art 1; 14 SR 1384

4300.1400. Comparison of all Competitive Applications, Demographic Points

Subp. 1. [Repealed, 14 SR 1384].

Subp. 2. **Evaluation of community need.** Up to 30 demographic points shall be awarded based on evaluation of community need, which shall include:

A. The number of poverty persons in the area under the applicant's jurisdiction;

B. The percentage of persons resident in the area under the applicant's jurisdiction who are poverty persons; and

C. The per capita assessed valuation of the area under the jurisdiction of the applicant, such that points are awarded in inverse relationship to applicants' per capita assessed valuation.

Subp. 3. [Repealed, 14 SR 1384].

MS § 116J.401; 116J.403; 116J.873

8 SR 1263; L 1987 c 312 art 1; 14 SR 1098; 14 SR 1384

4300.1500. Comparison of Competitive Applications Within Categories

After completing the general competition described in 4300.1400, the division shall place each application in the appropriate grant category in accordance with part 4300.1100. The categories are housing projects, public facilities projects, and comprehensive programs. Two hundred and ten of the total 240 points available for each application shall be awarded based on a comparison of the applications within each of the categories as further described in parts 4300.1600 to 4300.1900.

MS § 116J.401; 116J.403; 116J.873

8 SR 1263; L 1987 c 312 art 1; 14 SR 1384

4300.1600. Evaluation of Housing Projects

Subp. 1. **Project need.** Up to 90 of the points available in the housing category competition shall be awarded by the division based on evaluation of the need for improvements or additions to the housing stock serving low- and moderate-income persons as evidenced by:

A. Housing units that are occupied by low- and moderate-income persons and are either substandard or pose a threat to the health or safety of the occupants;

B. An inadequate supply of affordable housing for low- or moderate-income persons; or

C. Other documented conditions which give evidence of the need for improvements or additions to the housing stock serving low- and moderate-income persons.

Subp. 2. **Project impact.** Up to 90 of the points available in the housing category competition shall be awarded by the division based on evaluation of the extent to which the proposed activities will eliminate deficiencies in the housing stock serving low- and moderate-income persons.

Subp. 3. **Project cost-effectiveness.** Up to 30 of the points available in the housing category competition shall be awarded by the division based on:

Official Notices

A. Evaluation of the extent to which the proposed activities will make cost-effective use of grant funds including coordination with, and use of, funds from other public and private sources; and

B. Evidence that the cost of the proposed activities per benefitting household is reasonable.

MS § 116J.401; 116J.403; 116J.873

L 1987 c 312 art 1; 14 SR 1384

4300.1700. Evaluation of Public Facilities Projects

Subp. 1. **Project need.** Up to 90 of the points available in the public facilities category competition shall be awarded by the division based on evaluation of the extent to which the proposed activities are necessary to improve provision of public services to low- and moderate-income persons or to eliminate an urgent threat to public health or safety.

Subp. 2. **Project impact.** Up to 90 of the points available in the public facilities category competition shall be awarded by the division based on evaluation of the extent to which the proposed activities will reduce or eliminate the need identified under Subp. 1, and, in the case of activities designed to improve the provision of public services to low- and moderate-income persons, an evaluation of the extent to which the proposed activities directly benefit low- and moderate-income persons.

Subp. 3. **Project cost-effectiveness.** Up to 30 of the points available in the public facilities category competition shall be awarded by the division based on evaluation of the extent to which the proposed activities will make cost-effective use of grant funds, including consideration of:

A. The extent to which the requested grant funds are necessary to finance all or a portion of the costs;

B. Evidence that the cost of the proposed activities per benefitting household or person is reasonable; and

C. The extent to which the project benefits existing, rather than future, population, except in cases where the proposed activities are necessary due to expected development or growth which is beyond the applicant's control.

MS § 116J.401; 116J.403; 116J.873

L 1987 c 312 art 1; 14 SR 1384

4300.1800. [Repealed, 8 SR 1263].

4300.1900. Evaluation of Comprehensive Program Projects

Subp. 1. **Program need.** Up to 90 of the points available in the comprehensive program category competition shall be awarded by the division based on evaluation of need for the proposed comprehensive program, including consideration of:

A. The number of low- and moderate-income persons in the program area;

B. The percentage of residents in the program area which are of low- or moderate-income; and

C. The need for the proposed comprehensive program as evidenced by at least two of the following: the need for improvements or additions to the housing stock serving low- and moderate-income persons, the need for new or improved public facilities in the program area, or employment problems in the program area.

Subp. 2. **Program impact.** Up to 90 of the points available in the comprehensive program category competition shall be awarded by the division based on evaluation of the extent to which the proposed comprehensive program will eliminate or reduce the need identified under Subp. 1, and the extent to which the proposed program will improve the long-term physical or economic condition of the program area and its residents.

Subp. 3. **Program cost-effectiveness.** Up to 30 of the points available in the comprehensive program category competition shall be based on evaluation of the extent to which the proposed comprehensive program will make cost-effective use of grant funds, including consideration of coordination with, and use of, funds from other public and private sources.

MS § 116J.401; 116J.403; 116J.873

L 1987 c 312 art 1; 14 SR 1384

4300.1901. Evaluation of Economic Development Projects

Subp. 1. **In general.** Evaluation of economic development applications consists of eligibility threshold screening and project review. Applications must meet the eligibility thresholds in order to be referred for project review. Applications that fail to meet eligibility thresholds may be revised and resubmitted.

Subp. 2. **Federal and state eligibility thresholds.** Applicants shall provide a description of the ways that activities address one of the federal objectives described in Part 4300.0300. Each activity proposed for funding must be eligible under current federal regulations.

Applicants shall describe how they will meet two of the three following thresholds based on state economic development objectives;

- A. Creation or retention of permanent private sector jobs;
- B. Stimulation or leverage of private investment; or
- C. Increase in local tax base.

Subp. 3. **Project review.** Applications that meet eligibility thresholds will be awarded points by the division based on evaluation of the two rating categories: project design and financial feasibility. Applications must attain at least 400 of the 600 available points for economic development to be recommended for funding. Applications must score at least half of the points available in each of the two rating categories.

Four hundred points will be awarded based on an evaluation of project quality including an assessment of need, impact, and the capacity of the applicant to complete the project in a timely manner. Consideration of need for an economic development project must be based on deficiencies in employment opportunities and circumstances contributing to economic vulnerability and distress. Consideration of impact must be based on the extent to which the project reduces or eliminates the need. Consideration of capacity must be based on demonstration of administrative capability, realistic implementation schedules, and the ability to conform to state and federal requirements.

Two hundred points will be awarded based on an evaluation of the effective use of program funds to induce economic development. Consideration of financial feasibility must include investment analysis, commitment of other funds, and other factors relating to the type of program assistance requested.

Subp. 4. **Funding recommendations.** Applications that attain at least 400 points will be recommended to the commissioner for funding. Applications not recommended for funding may be revised and resubmitted.

MS § 116J.401; 116J.403; 116J.873

8 SR 1263; L 1987 c 312 art 1; 14 SR 1384

4300.2000. Determination of Grant Awards

Subp. 1. **Funds available for grants.** The amount of funds available for grants shall be equal to the total allocation of federal funds made available to the state under *United States Code*, title 42, section 5306, after subtracting an amount for costs available to the division for administration of the program, as allowed by that law, plus any money made available by the state legislature. The division is not liable for any grants under this chapter until funds are received from the United States Department of Housing and Urban Development.

Subp. 2. **Division of funds.** Of the federal funds available for grants in each grant year, 30 percent shall be reserved by the division to fund single-purpose grants, 15 percent shall be reserved for economic development grants, and 55 percent shall be reserved by the division to fund comprehensive grants. However the division may modify the proportions of funds available for single-purpose and comprehensive grants if, after review of all applications, it determines that there is a shortage of fundable applications in either category.

At least 30 percent of the funds made available for single-purpose grants shall be awarded for applications in each of the two categories: housing and public facilities. However, no application with a rating below the median score of its category shall be funded by the division solely for the purpose of meeting this requirement.

If there are unawarded economic development funds available at the end of the application year, two-thirds of the remaining funds will be available for competitive single-purpose projects and one-third will be available for economic development projects during the next application year.

Subp. 3. **Funding list.** Within each grant category, a list of applications shall be prepared in rank order of the scores received after evaluation pursuant to Parts 4300.1300 to 4300.1900. Based on these lists, and subject to the availability of funds within each category, applications with the highest rank shall be recommended to the commissioner for funding. In the case of a tie between any two applications within any category, the application with the higher demographic points shall receive the higher ranking on the list.

Subp. 4. **Approval by commissioner.** The list of applications recommended for funding, including recommended grant awards, shall be submitted by the division to the commissioner for approval. A decision by the commissioner not to approve any application recommended for funding must be made in writing to the applicant, giving reasons for disapproval.

Subp. 5. **Reduction in amount requested.** The division may recommend an application for funding in an amount less than requested if, in the opinion of the division, the amount requested is more than is necessary to meet the applicant's need. If the amount of the grant is reduced, the reasons for the reduction shall be given to the applicant.

Subp. 6. **Grant ceilings.** No competitive single-purpose grant may be approved for an amount over \$600,000. No comprehensive grant may be approved for an amount over \$1,400,000. No economic development grant may be approved for an amount over \$500,000.

MS § 116J.401; 116J.403; 116J.873

8 SR 1263; 11 SR 2416; L 1987 c 312 art 1; 14 SR 1384

CONTRACTS AND RECORDS

4300.3100. Grant Agreements

Subp. 1. **Grant contract required.** A grant contract shall be offered to each applicant whose application is approved for funding. The contract must be signed by a person authorized to commit the applicant to legally binding agreements and to execute the contract.

Subp. 2. **Contents of grant contract.** The grant contract must include:

A. A work program which indicates completion dates for major parts of the project and a projected budget supporting the work program:

B. A description of the manner in which payments will be made to grant recipients; and

C. Assurances that the grant recipient will comply with all applicable state and federal laws, including at least the federal laws or regulations for which the state is made responsible for enforcement in *Code of Federal Regulations*, title 24, sections 570.495 and 570.496.

Subp. 3. **Use of program income.** Program income from sources such as reimbursements to and interest from a grant recipient's loan program, proceeds from disposition of real property, and proceeds from special assessments must be used for eligible activities. The division shall reduce future grant payments by the amount of any unobligated program income that an applicant has and shall take whatever additional action is necessary to recover any remaining amounts owed. In accordance with *Code of Federal Regulations*, title 24, section 570.494(b)(4), interest earned by grant recipients on grant funds before disbursement is not program income, and it must be returned to the United States treasury.

Subp. 4. **Grant account required.** Grant recipients must establish and maintain separate accounts for grant funds.

Subp. 5. **Restrictions on use of funds.** No grant funds shall be used to finance activities not included in the grant agreement. If it is determined that an improper use of funds has occurred, the division will take whatever action is necessary to recover improperly spent funds.

Subp. 6. **Suspension of payments.** The division shall suspend payments of funds to grant recipients that are not in compliance with applicable state and federal laws, rules, and regulations. Grant recipients must return funds which are improperly expended.

Subp. 7. **Amendments to the agreement.** Amendments to the grant agreement must be in writing.

MS § 116J.401; 116J.403; 116J.873

11 SR 1042; 11 SR 2416; L 1987 c 312 art 1; 14 SR 1384

4300.3200. Recordkeeping and Monitoring

Subp. 1. **Financial records.** Grant recipients shall maintain financial records which identify the source and application of funds for grant-supported activities. These records must contain information about grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, income, and other information required by the division under the responsibilities it assumes under *Code of Federal Regulations*, title 24, section 570.497(b). Financial records, supporting documents, statistical records, and all other reports pertinent to a grant must be retained by the grant recipient for three years from the date of submitting the final financial report. No such records or documents may be disposed of while audits, claims, or litigations involving the records are in progress.

Subp. 2. **Audits.** Grant recipients must arrange for and pay for an acceptable independent audit prepared in compliance with OMB Circular A-128, which was published in the *Federal Register*, volume 50, number 188, page 39083, on September 27, 1985, and the Single Audit Act of 1984, Public Law Number 98-502, codified as *United States Code*, title 31, sections 7501-7507. Costs incurred pursuant to this requirement are eligible under this program.

Subp. 3. **Financial status reports.** Grant recipients shall file financial status reports at the close of the each reporting period as designated by the division and shall file a final financial report before grant closeout. Financial status reports must be on forms prescribed by the division. The division may not require these reports more often than quarterly.

Subp. 4. **Performance report.** Grant recipients shall also file performance reports at the close of each reporting period as designated by the division and shall file a final performance report before grant closeout. Performance reports shall be on forms prescribed by the division. The division may not require these reports more often than quarterly.

Subp. 5. **Access to records.** Representatives of the department, either the state auditor or legislative auditor as is appropriate, and federal auditors shall have access to all books, records, accounts, reports, files, and other papers, things, or property belonging to grant recipients which are related to the administration of grants and necessary for audits and monitoring compliance with parts 4300.0100 to 4300.3200.

MS § 116J.401; 116J.403; 116J.873

11 SR 2416; L 1987 c 312 art 1; 14 SR 1384

Proposed Distribution of Funds

The amount of Federal FY 1990 CDBG funds for use by the Small Cities Development Program is expected to be between \$16.8 and \$18.3 million. To paraphrase and summarize the administrative rules for this program, 15 percent, will be reserved for economic development grants; 30 percent, will be reserved for single-purpose housing or public facilities grants; and 55 percent, will be reserved for comprehensive grants. Two percent plus \$100,000 of the available funds will be used by DTED for administration of the grant program.

Proposed Use of Funds for Activities That Will Benefit Persons of Low- and Moderate-Income

The purpose of the Small Cities Development Program is to develop viable urban communities by providing decent housing and a suitable living environment and by expanding economic opportunities, principally for persons of low and moderate income. Activities funded under this program shall not benefit moderate income persons to the exclusion of low-income persons. All funded activities must be designed to:

- a) Benefit low- and moderate-income persons;
- b) Prevent or eliminate slums and blight; or
- c) Alleviate urgent community development needs caused by existing conditions which pose a serious and immediate threat to the health or welfare of the community, where other financial resources are not available to meet those needs.

Under the Housing and Community Development Act of 1974, as amended, at least 60 percent of the funds must be used for activities that benefit low and moderate income persons. The Department of Trade and Economic Development, Community Development Division, estimates that up to 80 percent of the funds will be used to benefit persons of low and moderate income.

Recaptured and Reallocated Funds

If FY '83 through FY '90 grant funds are returned to the Minnesota Department of Trade and Economic Development, Community Development Division, following audit resolution or project closeout, reuse of the funds will be conducted using one of two methods.

1. Fifteen percent could be used for funding economic development projects any time during the year following the recapture of funds. Eighty-five percent of the funds will be reserved for emergency, urgent need projects; or
2. All recaptured funds could be reserved for funding emergency, urgent need projects.

With either option, a balance of recaptured FY '83 through FY '90 funds will be carried forward only until the point at which competitive grant awards are made. Any balance of recaptured or reallocated funds that exists at the time grants are awarded for the annual competitive grant cycle will be used to finance new competitive or economic development projects. Further, fifteen percent of the recaptured funds will be used for economic development projects. Eighty-five percent of the recaptured funds will be used to finance competitive projects.

Following is the criteria under which emergency urgent-need projects could be funded:

- a. Applications for emergency urgent need could be submitted at any time during the year.
- b. The problem poses a serious and immediate threat to the health or welfare of the community.
- c. The problem is of recent origin or has recently become urgent. To qualify for emergency, urgent-need funds, recent is defined to mean that a problem has to become urgent no earlier than 60 days before the last competitive application deadline.
- d. The applicant can document inability to finance the project on its own and other resources to sufficiently finance the project are not available.
- e. The project would have to score well enough in the rating system to have received a grant, had an application been submitted during the last competitive cycle.

The recaptured and reallocated fund distribution methodology identified above is the same methodology which appeared in the previous Final Statement.

Distribution of Program Income

Any program income which is derived from the use of federal CDBG funds is retained by the recipient communities provided it is used for the same activity. For instance, residential rehabilitation can generate program income if the local grantee establishes a revolving loan fund and receives loan repayments. Under the state's program income policy, the grantee may retain the program income provided it is used for residential rehabilitation. Thus, the state will not have the use of program income for distribution in FY '90.

Description of the Use of Funds in the 1989 Small Cities Community Development Block Grant Program

For the 1989 grant program, \$17,841,000 in federal fiscal year 1989 funds was available for grants to eligible applicants for the Small Cities Development Program. Under the administrative rules for the SCDP, economic development applications are accepted on a year-round basis and competitive single-purpose and comprehensive applications had an application deadline of January 27, 1989.

Official Notices

The rules for the program establish the availability of 15 percent of the funds for economic development, 30 percent of the funds for single-purpose projects, and 55 percent of the funds for comprehensive programs. The rules also provide for the alteration of these percentages when a shortage of fundable applications occur in any specific category.

Upon completion of the competitive review and ranking process, 30 awards were made on June 1, 1989. The Department of Trade and Economic Development concludes, and HUD monitoring staff concurs, that funds were awarded in accordance with the State's administrative rules for the program.

A formal Performance/Evaluation Report (PER) which provides a detailed description of the use of funds is available in this office for public inspection. A copy of the PER is also available at the HUD Minneapolis/St. Paul office.

Assessment of the Relationship of 1989 Funds to State and Federal Objectives

As in previous years, for the 1989 grant program, the Minnesota Department of Trade and Economic Development, Community Development Division, adopted the national objectives for the Community Development Block Grant program. Under these objectives, all funded activities must be designed to:

- a) Benefit low- and moderate-income persons;
- b) Prevent or eliminate slums or blight; or
- c) Alleviate urgent community development needs caused by existing conditions, which pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet those needs.

Based on the FY '89 award, at least 60% must be awarded for activities designed to benefit persons of low and moderate income. To date, DTED has awarded over 77 percent of our total FY '89 grant award for activities which benefit low- and moderate-income persons. (This figure was monitored and verified by HUD staff). The remainder of the funds currently awarded for grants has been awarded for activities designed to prevent or eliminate slums and blight.

The funds budgeted for planning and administration include both the funds retained by the Minnesota Department of Trade and Economic Development for administration of the program and funds awarded to units of general local government for planning and administration of their grants. No more than 20 percent of the block grant can be used for planning and administration.

To date, for the 1989 grant program, the Minnesota Department of Trade and Economic Development, Community Development Division, and the 1989 grant recipients budgeted slightly more than \$1.0 million for planning and administration. These funds amount to just over five percent of the block grant, well below the 20.0 percent limit. Again, these figures were monitored and verified by HUD staff.

In addition to meeting one of the federal objectives listed above, economic development set aside grants must meet at least two of the following state objectives:

- a) Creation or retention of permanent private sector jobs, with a minimum threshold of one job created or retained for each \$20,000 of grant funds;
- b) Leverage of private investment, with a minimum threshold of one dollar private funds for each grant dollar requested; and
- c) Increase the local tax base, with a minimum threshold of an estimated 50 percent increase in the value of the parcel involved.

All economic development set aside grants awarded to date have met the state job creation/retention objective and the private investment objective. In addition, jobs will be held by, and/or available to low- and moderate-income persons.

Based upon analysis of the 1989 Small Cities Development Program, The Minnesota Department of Trade and Economic Development, Community Development Division, concludes that the 1989 grant program fully met state and national objectives for award of funds.

State Contracts and Advertised Bids

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

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

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

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

Department of Administration: Materials Management Division

Contracts and Requisitions Open for Bid

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

Commodity: 80286 Microcomputer
Contact: Bernie Vogel 296-3778
Bid due date at 2pm: December 29
Agency: Minneapolis Community College
Deliver to: Minneapolis
Requisition #: 27151 47918

Commodity: Genuine repair parts for Ford trucks
Contact: Dale Meyer 296-3773
Bid due date at 2pm: January 4, 1990
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Judicial chairs
Contact: John Bauer 296-2621
Bid due date at 2pm: December 29
Agency: Judicial Center
Deliver to: St. Paul
Requisition #: 02310 17527

Commodity: Nicotine Air Samplers
Contact: Joe Gibbs 296-3750
Bid due date at 2pm: December 27
Agency: Health
Deliver to: Minneapolis
Requisition #: 12500 42513 1

Commodity: Intaglio Printing of Minnesota motor vehicle certificate of title
Contact: Norma Cameron 296-2546
Bid due date at 2pm: January 4, 1990
Agency: Public Safety
Deliver to: St. Paul
Requisition #: Price Contract

Commodity: Upgrade IBM 3090-200E to 3090-400J
Contact: Bernie Vogel 296-3778
Bid due date at 2pm: December 29
Agency: Intertech
Deliver to: St. Paul
Requisition #: 02410 02146

Commodity: IBM 5353 feature
Contact: B. Vogel 296-3778
Bid due date at 2pm: January 2, 1990
Agency: Intertech
Deliver to: St. Paul
Requisition #: 02410 02148

Commodity: PC/based MAP/Image processing workstation
Contact: B. Vogel 296-3778
Bid due date at 2pm: January 5, 1990
Agency: DNR
Deliver to: Grand Rapids
Requisition #: 29000 53361

Commodity: Tunnel washer attachment
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: December 29
Agency: Transportation
Deliver to: Duluth
Requisition #: 79382 01851

Commodity: IBM 3305 feature
Contact: B. Vogel 296-3778
Bid due date at 2pm: January 2, 1990
Agency: Intertech
Deliver to: St. Paul
Requisition #: 02410 02149

Commodity: Purchase of book copiers
Contact: Teresa Ryan 296-7556
Bid due date at 2pm: January 15, 1990
Agency: Moorhead State University
Deliver to: Moorhead
Requisition #: 26072 02129

Commodity: Judicial furniture
Contact: John Bauer 296-2621
Bid due date at 2pm: December 29
Agency: Judicial Center
Deliver to: St. Paul
Requisition #: 02310 17516

Commodity: Calcomp Plotters
Contact: B. Vogel 296-3778
Bid due date at 2pm: January 2, 1990
Agency: Transportation
Deliver to: St. Paul
Requisition #: 79000 03422

Commodity: Judicial files
Contact: John Bauer 296-2621
Bid due date at 2pm: December 29
Agency: Judicial Center
Deliver to: St. Paul
Requisition #: 02310 17521

State Contracts and Advertised Bids

Commodity: Film to video disc transfer
Contact: Donald Olson 296-3771
Bid due date at 2pm: January 3
Agency: Transportation
Deliver to: Various
Requisition #: Price Contract

Commodity: Meat for February 1990
Contact: Linda Parkos 296-3725
Bid due date at 2pm: January 11
Agency: Correction
Deliver to: St. Cloud
Requisition #: 78830 10161

Commodity: Furniture: computer tables, stands, workstations, accessories
Contact: Pat Anderson 296-3770
Bid due date at 2pm: January 12
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: PC-ARC/information system
Contact: Joan Breisler 296-9071
Bid due date at 2pm: January 2
Agency: Natural Resources
Deliver to: Brainerd
Requisition #: 29003 06089

Commodity: Lumber
Contact: Pam Anderson 296-1053
Bid due date at 2pm: December 28
Agency: Transportation
Deliver to: Golden Valley
Requisition #: 79500 03261

Commodity: Scoreboard
Contact: Linda Parkos 296-3725
Bid due date at 2pm: December 28
Agency: National Sport Center-Economic & Development
Deliver to: Blaine
Requisition #: 22300 03500

Commodity: Copiers—Mankato
Contact: Teresa Ryan 296-7556
Bid due date at 2pm: December 28
Agency: Mankato State University
Deliver to: Mankato
Requisition #: 26071 19321

Commodity: Factory installed aid conditioning on Dresser Motor Graders
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: December 29
Agency: Transportation Department
Deliver to: Various
Requisition #: 79382 01881

Commodity: Auto sand and salt spreader
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: January 3
Agency: Transportation
Deliver to: Duluth
Requisition #: 79382 01862

Commodity: Electrical work
Contact: Joyce Dehn 297-3830
Bid due date at 2pm: January 9
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Bakery goods
Contact: Norma Cameron 296-2546
Bid due date at 2pm: January 10
Agency: MN Veterans Home
Deliver to: Minneapolis
Requisition #: Price Contract—rebid

Commodity: Repair parts for misc. EDP equipment rebid #2
Contact: Pat Anderson 296-3770
Bid due date at 2pm: January 18
Agency: Transportation Department
Deliver to: Various
Requisition #: Price Contract

Department of Administration: Print Communications Division

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

Printing vendors NOTE: Other printing contracts can be found in the Materials Management Division listing above, and in the Professional, Technical & Consulting Contracts section immediately following this section.

Commodity: Health care facility license, 1,500 sets, negs available, one-sided, carbon interleave, perforation, 5½x8½
Contact: Printing Buyer's Office
Bids are due: December 29
Agency: Health Department
Deliver to: Minneapolis
Requisition #: 3826

Commodity: State trail maps 1990 and State forest maps 1990, camera-ready copy, two-sided, 58,190 quantity, 19 different maps accordion folds
Contact: Printing Buyer's Office
Bids are due: December 28
Agency: Natural Resources
Deliver to: St. Paul
Requisition #: 3851

Commodity: Mailing container label, negs available, one-sided, 7,000, 3½x6"
Contact: Printing Buyer's Office
Bids are due: December 29
Agency: Health Department
Deliver to: Minneapolis
Requisition #: 3827

Professional, Technical & Consulting Contracts

Commodity: Positive acid-fast bacilli report form, two-sided, negs available, 2500 sets, carbonless

Contact: Printing Buyer's Office

Bids are due: December 29

Agency: Health Department

Deliver to: Minneapolis

Requisition #: 3825

Commodity: Undergraduate Catalog, 27.5M 416-page books, 5¼"x9", type to set, perfect bind, photos

Contact: Printing Buyer's Office

Bids are due: January 8

Agency: State University

Deliver to: Bemidji

Requisition #: 3754

Commodity: Laboratory report, self-mailer, 50,000 sets, one-sided, perforating, fan-fold 2-up, camera-ready copy 8½x5½

Contact: Printing Buyer's Office

Bids are due: December 29

Agency: Health Department

Deliver to: Minneapolis

Requisition #: 3824

Commodity: Degree of Choice booklet, 16pp plus cover and insert, camera-ready copy, two-sided, 25,000, negs furnished, perforating

Contact: Printing Buyer's Office

Bids are due: December 29

Agency: Metropolitan State University

Deliver to: St. Paul

Requisition #: 3857

Professional, Technical & Consulting Contracts

Department of Agriculture

Agronomy Services Division

Pesticide Regulatory Section

Facilities Regulatory Unit

Notice of Request for Proposal for a Consulting Engineer (P.E.) to Provide Technical Support for Bulk Agrichemical Storage Permitting Programs

NOTICE IS HEREBY GIVEN that a Request for Proposal is available from the Minnesota Department of Agriculture (MDA) for a consulting engineer (P.E.) to provide support to the MDA's Facilities Regulatory Unit in:

- (a) the technical review of secondary containment and load area blueprints (or other plans) submitted to the MDA;
- (b) the development of inspection procedures for primary containment structures and appurtenances, secondary containment structure, and load areas at operational agrichemical storage facilities; and
- (c) the development of educational **MDA Fact Sheets** that will be distributed to regulated clientele regarding the design, construction, and maintenance of agrichemical primary containment, secondary containment, and load areas. MDA's technical review of blueprints (or other plans for bulk pesticide storage facilities) was required effective August 1, 1989, and MDA expects an accelerated workload in this area from January 1, 1990 to July 1, 1990. MDA inspection of agrichemical storage sites will increase correspondingly in 1990 and 1991 to check compliance with the regulations noted. Distribution of MDA fact sheets will commence in early 1990, and will continue through 1991.

Professional, Technical & Consulting Contracts

Copies of the RFP can be obtained from:

John Peckham
Facilities Regulatory Unit
Minnesota Department of Agriculture
Agronomy Services Division
90 West Plato Boulevard
St. Paul, Minnesota 55107

Proposals must be received at the above address by January 22, 1990 to be considered by the MDA.

Department of Human Services

Health Care and Residential Programs

Notice of Availability of Contract for Consultant to Initiate Implementation of State Operated Ancillary Care Services

The Department of Human Services requires the services of a consultant experienced in the field of provision of ancillary care services to persons who are developmentally disabled, mentally ill, chemically dependent, or elderly. Ancillary services include care such as physician services, mental health services, nursing services, dietician services, speech-language pathology and audiology services, and physical and occupational therapy. The consultant is sought by the Department to implement the establishment of state operated ancillary services that are reimbursed under Medicaid and the General Assistance Medical Care Programs.

The consultant's experience and background will consist of shown experience in the following areas:

- (1) Experience as a health care professional providing one or more of the above identified ancillary services.
- (2) Experience as a manager or administrator of a health care provider organization providing one or more of the above identified ancillary services.
- (3) Experience establishing and implementing a new medicaid program or service coverage area for a state medicaid agency.
- (4) Experience working with a wide variety of interested parties, including state agency staff, client advocacy groups, local agencies, and current providers, on a project that will involve and affect such parties.
- (5) Experience and knowledge about the basics of the Minnesota Medical Assistance Program, including federal compliance issues, provider enrollment, knowledge of the various provider types, current Minnesota state law and rule applicable to the program, cost avoidance and surveillance and utilization review, and claims processing.

COST ESTIMATE: The estimated total cost of the contract is \$40,000.

Individuals desiring consideration should submit a resume of their experience before January 15, 1990. Additional information on the project may be obtained by contacting:

Robert Baird
Deputy Assistant Commissioner
Health Care and Residential Programs
Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3848
Telephone: 612/296-2766

Department of Jobs and Training

Office of the Commissioner

Notice of Request for Proposals for Summer Programs 1990

The Minnesota Department of Jobs and Training, Office of the Commissioner, is publishing notice that the request listed below is available and will be awarded for the current year 1990 (April 2, 1990 to August 31, 1990).

1) The Commissioner's Office of the Department of Jobs and Training (DJT), Minnesota Services for the Blind and Visually Handicapped (SSB) is seeking Organization(s) to conduct Three Multi-Faceted Summer Experience programs for Youth and Young Adults who are visually impaired and multi-handicapped. A summation of the services to be provided is as follows:

Professional, Technical & Consulting Contracts

A) A Work Experience program for a maximum of twenty-five blind and/or visually impaired students between the ages of sixteen and nineteen.

B) An Environment Training Program for twelve blind and/or visually impaired, moderately mentally handicapped high school age students.

C) An Independent Living Skills Program for twelve blind and/or visually impaired young adults who also have a communication disorder (e.g., deaf, blind, blind/multi-handicapped, whose primary mode of communication is sign language).

Primary administrative direction will be provided by the Facility Manager of the Program Operations Section of SSB. The Director of said Organization(s) will be responsible to the SSB Facility Manager in respect to Program Performance. SSB's total contribution toward the activities described in this RFP will not exceed \$90,000.00 (ninety thousand dollars). Any additional costs incurred in the facilitation of these programs is the sole responsibility of the bidder.

Inquiries and requests for copies of the RFP should be directed to:

Douglas Tourville
Facility Manager
Services for the Blind
1745 University Avenue West
St. Paul, MN 55104-3690
Telephone: 612/642-0399

All proposals must be received by the close of business (4:30 p.m.) 2/28/90.

Department of Jobs and Training

Rehabilitation Services Division

Proposal Sought to Provide Training

The State of Minnesota, Department of Jobs and Training, Division of Rehabilitation Services is seeking proposals from qualified consultants with a thorough knowledge and at least three years of experience with Functional Assessment Inventory (FAI), as implemented in the Extended Employment Program, to develop content and provide training on a revised version of the FAI. A thorough understanding of the revised FAI is also required. The proposal must include video production of case studies. Cost estimates for the project must be submitted.

The scope of the training program includes staff in rehabilitation facilities receiving state Extended Employment Programs funds. The purpose is to provide training on the revised FAI and to improve the training package to ensure the reliability of FAI data submitted by facilities.

For complete information contact:

Rehabilitation Resources
Division of Rehabilitation Services
390 North Robert Street
St. Paul, MN 55101
(612) 296-5628

All proposals must be sent to the above address and received no later than 5:00 p.m., January 15, 1990.

The project will be completed by September 30, 1990, with optional extension by the agency.

The Division has estimated that the cost of this project should not exceed \$17,000.

The request does not obligate the State to complete the project, and the State reserves the right to cancel this solicitation if it is considered to be in its best interest.

Legislative Task Force on Electric Service Areas

Notice of Request for Proposals for Writing Services

The Legislative Task Force on Electric Utility Service Areas requests proposals for minor analysis and writing services. The task force is charged with studying all issues relating to the setting and changing of service area boundaries and a consultant may be hired to assist with analysis and writing of a report to the legislature. The selected consultant would work with existing task force staff and would be paid \$30 per hour for up to 100 hours of work.

Professional, Technical & Consulting Contracts

It is anticipated that the work performed under this contract will be completed by February 1, 1990. Proposals to the task force should be received by January 2, 1990.

For more information, please contact Scott Sande, Legislative Task Force on Electric Service Areas, 235 State Capitol Bldg., St. Paul, MN 55155, (612) 296-1767.

This request does not obligate the State to contract with a respondent. The State reserves the right to cancel this solicitation.

Department of Natural Resources

Request for Proposals to Prepare and Execute a Survey of Minnesota Campers and to Prepare Marketing Programs for Minnesota Private and Public Campgrounds

INTRODUCTION

The Department of Natural Resources, in cooperation with the Minnesota Office of Tourism and the Minnesota Association of Campground Operators, is requesting proposals from qualified firms and individuals to conduct a study of camping in Minnesota. The study will be directed at developing an effective marketing strategy for public and private campground operators in Minnesota.

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

SCOPE

Camping is a large and traditional outdoor recreation activity in Minnesota. Camping opportunities are offered by public and private providers. Facilities range from developed sites for large trailers and motorhomes to rustic tent/trailer sites to wilderness settings. Campground clientele range from seasonal residents to pass-through cross-country travelers seeking overnight accommodations. Although existing work gives information on some of the dimensions of the camping market, not enough is known to develop an effective marketing strategy. This study will include development of such a marketing strategy whose purposes are to attract more non-Minnesota campers to Minnesota, keep Minnesota campers in Minnesota and encourage camping for recreational purposes.

The diversity of available camping opportunities discussed above is provided by vastly different types of campgrounds. Broad diversity exists among campgrounds in the public sector, including Minnesota's national park, the BWCA, national forests, state parks, state forests, regional parks, and county and municipal facilities. Similarly, vast differences can be found among private campgrounds. While most private campgrounds operate on a nightly fee basis, some have campsites available for seasonal rental. Still others operate on a membership basis or have condominium ownership arrangements. Some campgrounds offer many amenities while others offer few. Some campground operators cater to owners of RV type vehicles while others cater more to non-RV vehicles and tent campers. Prior to addressing marketing objectives of this study, it will be necessary to clearly and accurately describe the campground industry within Minnesota by inventorying the features at campgrounds across the state. The resultant industry profile will be important to consider when sampling for the camper survey and when developing marketing strategies. It is very possible that different marketing strategies will be appropriate for different types of campgrounds.

There are two populations for this study. One is visitors to public and private campgrounds in Minnesota. The majority of the study's survey efforts will be directed toward this population. Based on the campground inventory, stratified sampling will be utilized to obtain a sufficient number of campers to represent the numerous types of Minnesota campgrounds. From these people will be found, among other things, what attracts out-of-state campers to Minnesota; why Minnesotans and non-Minnesotans choose the places they camp; and demographic and life-style characteristics which distinguish users of different types of campgrounds.

The second population is the general population of Minnesota and nearby states. Investigation of this population will focus on barriers to camping, particularly among those individuals who do not camp or who camp infrequently.

GOALS AND OBJECTIVES

The goal of the project is to develop a camping marketing strategy that attracts more non-Minnesota campers to Minnesota, keeps Minnesota campers in Minnesota and encourages camping for recreational purposes.

The specific objectives are to:

A. Segment both the public and private campground markets using frequency of camping and experience as a camper; demographics (age, gender, income, household size, dependents, education, occupation, family situation [e.g., single parent]); geographic area; camping equipment including vehicle; preferred type of camping (e.g., developed, rustic, wilderness); length of stay (including pass-through vs. destination); motivations for camping; activities associated with camping (e.g., fishing, nature study, shopping).

Professional, Technical & Consulting Contracts

B. Determine how people make decisions to go camping and, once made, how they decide where to go, including how far they are willing to travel. What information sources do they use? How aware are they of the opportunities available? Does the fact that the facility is public or private make a material difference? Are camping decisions secondary to other decisions, such as where to go fishing or where an overnight stay is needed while passing through?

C. Determine what keeps people from camping or camping more in Minnesota. Develop strategies for overcoming the barriers which are identified.

D. Determine the private/public share of Minnesota's camping market.

E. Identify and profile "snowbird" campers, including reasons why they camp in Minnesota.

F. Working with staff at the Office of Tourism, DNR and the Minnesota Association of Campground Operators, estimate annual travel and equipment expenditures related to camping and determine the economic impact on state and regional economies in Minnesota.

G. Develop a marketing strategy to increase the number of out-of-state campers coming to Minnesota, keep Minnesota campers in Minnesota and encourage camping for recreational purposes. This marketing strategy must take into account the different sectors of the campground industry in Minnesota.

H. Design a methodology to measure, at some future date, the effectiveness of the marketing strategy.

PROJECT TASKS

The following tasks are the minimum required for successful completion of the project:

1. Review the adequacy of existing studies, data bases and other information to accomplish the study's objectives.

A report describing the findings under task 1 will need to be prepared.

2. Inventory Minnesota's campground industry in a manner which provides a description of types of campgrounds.

3. Using the campground inventory, determine survey methodology and develop sampling plans.

A report describing the results of tasks 2 and 3 will need to be prepared.

4. Write survey questionnaires and submit for review, discussion and revision.

5. Gather data using the surveys.

6. Computerize collected data and deliver automated data files to participating public agencies in a format they require.

7. Analyze survey results.

A report describing tasks 4 through 7 will need to be prepared.

8. Identify other nearby states and provinces with a campground industry similar to Minnesota's, and determine what marketing strategies are currently being used.

9. Use the survey results and other findings to develop an effective marketing strategy.

10. Design a methodology to measure, at some future date, the effectiveness of the marketing strategy.

A report describing tasks 8 through 10 will need to be prepared.

Respondents may propose alternative approaches, additional tasks or activities if they will substantially improve the results of the project.

CONTACTS

Prospective respondents who have any questions regarding this request for proposals may call or write:

Bill Weir
MN/DNR Division of Parks and Recreation
Box 39
500 Lafayette Road
St. Paul, Minnesota 55155
(612) 296-4781

Please note: Mr. Weir will inform prospective contractors about authorized contacts in the MN/DNR, Minnesota Office of Tourism and Minnesota Association of Campground Operators; other personnel of these organizations are not allowed to discuss the project with respondents before the deadline for submitting proposals.

SUBMISSION OF PROPOSAL

All proposals must be sent to and received by:

Professional, Technical & Consulting Contracts

Bill Weir
MN/DNR Division of Parks and Recreation
Box 39
500 Lafayette Road
St. Paul, Minnesota 55155

no later than 2:30 p.m., January 16, 1990. Late proposals will not be accepted. Submit eight copies of the proposal sealed in mailing envelopes or packages with the respondent's name and address clearly written on the outside. Each copy of the proposal must be signed, in ink, by an authorized member of the firm. Respondents shall write the following note in the lower left-hand corner of the mailing envelopes or packages: "RFP-Camping Survey; Jan. 16, 1990."

PROJECTS COSTS

It is estimated that the cost of this project should not exceed \$70,000.

PROJECT COMPLETION DATE

All final deliverables will be submitted to Mr. Weir, MN/DNR, Division of Parks and Recreation, by March 1, 1991.

PROPOSAL CONTENTS

The following will be considered minimum contents of the proposal:

A restatement of the objectives, goals and tasks to show or demonstrate the respondent's understanding of the research needs seen by the cooperating organizations.

A listing must identify and describe the deliverables that the respondent will provide.

A section must describe each of the research team member's education, research background and experience, with particular emphasis on experience in the field of outdoor recreation marketing or related areas. This section must stipulate the person-weeks each team member will spend on the project. A change in personnel assigned to the project will not be permitted without the prior approval of the State's project director.

Respondent will prepare a detailed cost and work plan which will identify the major tasks to be accomplished and their costs. It should be of sufficient detail to be used as a project scheduling and managing tool, as well as the basis for invoicing.

A distinct section must clearly identify and quantify the required participation in the project by the Department of Natural Resources, Minnesota Office of Tourism and the Minnesota Association of Campground Operators, as well as any other services to be provided by these organizations.

A section of the proposal must provide a detailed description of sampling methods, questionnaire design, and data collection techniques.

A section of the proposal must explain the methods (e.g., mailing methodology and questionnaire layout) and techniques used to design a survey instrument that will elicit high response rates (i.e., minimize nonresponse bias), and minimize nonsampling errors.

Provide techniques that will be used to identify bias (or dismiss its effects) from survey returns.

A section of the proposal must explain conceptually how all parts of the project will be used to develop the marketing strategies.

EVALUATION OF PROPOSALS

All qualifying proposals will be evaluated by representatives of the Department of Natural Resources, Minnesota Office of Tourism and the Minnesota Association of Campground Operators. At the choice of these organizations, an interview may be incorporated into the evaluation process. Factors on which proposals will be judged include, but are not limited to:

expressed understanding of the organizations' needs;

project work plan;

project cost detail;

qualifications of the proposing firm and their personnel, wherein experience of personnel assigned to the project will be given greater weight than experience of the firm; and

innovative approaches to the collection and analysis of the data, and to the development of the marketing strategy that will either improve the project's effectiveness to the organizations or reduce the cost of the project.

Pollution Control Agency

Division of Air Quality

Notice of Request for Proposals for Consultant Services to Assist the Minnesota Pollution Control Agency in Determining Under What Conditions to Issue an Air Emission Permit for the Koch Refining Company Petroleum Refinery in the Pine Bend Industrial District, Rosemount, Minnesota

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency is seeking proposals for consultant services to assist it in analyzing Koch Refining Company's application for reissuance of an air emission permit and determining under what conditions to reissue an air emission permit for Koch's petroleum refinery in Rosemount, Minnesota. This Request for Proposal does not obligate the Minnesota Pollution Control Agency to enter into a contract for these services, and the MPCA reserves the right to cancel the solicitation if the MPCA considers that to be in its best interest.

Contact Person: George Pruchnofski
Minnesota Pollution Control Agency
Division of Air Quality
520 Lafayette Road
St. Paul, Minnesota 55155
Phone: (612) 296-8632

Estimated Cost: Not to exceed \$65,000

Submission Deadline: 4:30 p.m., January 12, 1990

Interested persons may obtain a Request for Proposal from and submit proposals to Mr. Pruchnofski.

Request for Assistance in Development and Review of Support Information to Be Used in Regulating Air Emissions and in Making a Determination Regarding Issuance of an Air Emission Facility Permit for the Koch Refining Company Petroleum Refinery at Rosemount, Minnesota

BACKGROUND

The Minnesota Pollution Control Agency (MPCA) is responsible for the regulation of air emissions in the State of Minnesota. Koch Refining Company owns and operates a petroleum refinery in the Pine Bend Industrial Area of Rosemount, Minnesota.

The refinery is the most prominent of several stationary emission sources in or near the Pine Bend Industrial Area. Several air quality related issues currently surround the refinery and must be resolved by Koch and the MPCA before an air emissions permit for the refinery is reissued. The MPCA plans to retain one or more consultants to assist it in evaluating the issues. The consultant will provide technical support by reviewing and evaluating information and proposals provided by Koch and by preparing written documents to aid in development and support of MPCA positions and actions.

DESCRIPTION OF THE EXISTING REFINERY, REFINERY EXPANSION AND OTHER EMISSION CONTROL PROJECTS

Existing Refinery

The existing refinery has a crude oil throughput capacity at approximately 180,000 barrels per day. The principal products produced at the refinery include leaded and unleaded gasoline, home heating oil, commercial and industrial heating oils, transportation fuels, jet fuels, petroleum coke, asphalt, sulfur and carbon dioxide.

Process facilities at the refinery primarily include: 3 atmospheric distillation units, 4 total vacuum distillation or vacuum distillation pre-stripper units, 4 gas plants with amine/caustic treatment, 5 hydroprocessing units, a fluid catalytic cracker, 3 catalytic reforming units, 3 liquid petroleum gas processing units, 3 delayed cokers, and 3 sulfur recovery units.

Storage and loading operations primarily include: petroleum coke storage piles and truck/rail loading station, a crude oil tank farm, several intermediate and final liquid product tank farms, truck and barge loading operations for gasoline, truck and rail and barge loading operations for distillates, truck and rail loading operations for asphalt and heavy oils, tank storage and rail loading operations for sulfur, and LPG storage tanks and LPG truck loading and rail loading.

Utilities primarily include: cooling towers, a boilerhouse, a hydrogen plant and flares.

Waste related facilities generally include: a wastewater treatment plant, slop oil and sludge treatment and storage facilities, and a landfarm.

Professional, Technical & Consulting Contracts

Refinery Expansion

Koch's refinery expansion plan would provide for a crude oil throughput capacity not to exceed 207,000 barrels per day. The expansion is likely to include modifications to existing process units to increase throughput capacity and the addition of a new petroleum coker, hydrogen plant, and sulfur recovery unit.

Other Projects

Other projects to be considered include: (1) previous emission control projects to bank emission reduction credits; (2) ongoing and future projects to reduce emissions of odors, non-criteria pollutants, and volatile organic compounds; and, (3) projects to reduce emissions of sulfur dioxide and prevent exceedances of emission limitations established for sulfur dioxide.

IDENTIFICATION OF ISSUES AND CONSULTANT ROLE

The major issues to be resolved and the consultant's role are as follows:

1. Modeled Compliance With Ambient Air Quality Standards

The Pine Bend Industrial area is a subpart of the State Air Quality Management Area for the Minneapolis-Saint Paul seven county metropolitan area. A State Implementation Plan (SIP) was provided to and approved by the United States Environmental Protection Agency (EPA) for the area. However, in 1984 the EPA issued a SIP call to the State for Pine Bend due to a new finding through ambient air quality modeling that the federal three and 24 hour ambient air quality standards for sulfur oxides could be exceeded. In addition, the State of Minnesota is implementing a program to ensure compliance through modeling of the state one hour sulfur oxide ambient air quality standard as well as the state three and 24 hour standards. A major contributor of sulfur oxide emissions and consumer of air quality is the Koch Refining Company.

One task of the MPCA is to develop a plan for modeled attainment of ambient air quality in the Pine Bend Area and establish allowable sulfur oxide emission limits at the Koch Refining Company. The consultant will assist the MPCA staff's review and evaluation of (1) the model inputs for each emission source at the Koch refinery and (2) of the refinery operating scenarios considered in modeling the full range of operations or worst case situation. Ultimately, the plan will be recorded in a SIP revision submittal to the EPA.

2. Regulation of Refinery Expansion

In 1985, Koch was issued a permit by the MPCA to expand the refinery capacity. A federal New Source Review was required for the expansion. Several issues regarding the ability of the permit to comply with federal New Source Review (NSR) requirements were raised by the EPA subsequent to issuance of the permit. Additionally, Koch has applied for a new Best Available Control Technology (BACT) determination for certain process heaters associated with the constructed expansion.

The consultant will assist the MPCA staff's review and evaluation of:

(a) the adequacy and accuracy of the BACT study provided by Koch to be used by the MPCA in making a BACT determination for carbon monoxide and nitrogen oxides;

(b) the adequacy and accuracy of information by Koch to show that: (1) the constructed expansion is a minor modification for sulfur dioxide, total suspended particulate matter, lead, volatile organic compounds and total reduced sulfur (including hydrogen sulfide) or (2) that with identified additional control measures the constructed expansion will be made a minor modification for the pollutants specified in (1).

(c) the adequacy of model inputs for each emission source and refinery operating scenarios modeled to represent the full range of or worst case operations for carbon monoxide and nitrogen oxides; and,

(d) if Koch instituted the requirements of 40 CFR Part 60 Subpart GGG Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries at all appropriate locations and, if not, at what remaining locations must the requirements be implemented.

Before Koch can further expand, review must be conducted to ensure compliance with all applicable state and federal air quality related laws, rules and regulations, and associated procedures and policies. Permit reviews are necessary to ensure compliance with federal Prevention of Significant Deterioration Requirements, federal Non-Attainment Review Requirements, State and Federal Offset Rule Requirements and various state and federal standards of performance for emission equipment and other requirements. The consultant will assist the MPCA staff's review and evaluation of:

(a) the adequacy and accuracy of information provided by Koch for use in emission netting calculations;

(b) the adequacy and accuracy of the BACT study provided by Koch to be used by the MPCA in making BACT determinations;

(c) the adequacy of model inputs for each emission source and refinery operating scenarios modeled to represent the full range of or worst case operations; and,

(d) the adequacy of Koch's plans to institute the applicable subparts of 40 CFR Part 60 STANDARDS OF

Professional, Technical & Consulting Contracts

PERFORMANCE FOR NEW STATIONARY SOURCES and Part 61 NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS at all applicable locations.

3. Odor, Non-Criteria Pollutant, and Volatile Organic Compound Emission Evaluations and Emission Reduction Plans

As part of the 1985 permit, Koch conducted a study which in part identified sources of odor, non-criteria pollutant and volatile organic compound emissions and magnitudes of those emissions from the sources. Koch has prepared a final report, but it needs to receive review and approval from the MPCA. The consultant will assist the MPCA staff's review and evaluation of the report to ensure the report:

(a) adequately documents the study and study results for each emission source; and

(b) accurately defines emission rates for those sources where adequate information was generated to do so, and to the extent possible, per the study plan approved prior to initiation of the study.

The 1985 permit also required Koch to conduct a feasibility study for establishing emission reduction efforts based on the study results. Based on review of the initial report, the MPCA informed Koch of the sources to be considered for a feasibility study. Koch has committed to emission reductions at certain sources without conducting a feasibility study. However, at some of the sources, Koch does not intend to make emission reductions at this time due to safety concerns. The MPCA wants to ensure that Koch will make all reasonable efforts at this time to reduce odor, non-criteria and VOC emissions. The consultant will assist the MPCA staff's:

(a) review and evaluate the feasibility study once submitted to ensure all sources previously identified by the MPCA are considered except those sources where the MPCA and Koch have already agreed on emission reduction plans;

(b) review and evaluate the adequacy of emission reduction plans proposed by Koch based on the feasibility study; and

(c) evaluate the feasibility to reduce emissions at sources where Koch does not commit to emission reduction plans.

4. Emission Reduction Credits to Be Banked

Koch Refining Company has undertaken several emission reduction projects over the past ten years. Some of these reductions have not been relied upon for regulatory purposes. However, the reductions from these projects have never been reviewed for banking purposes or put into an emissions bank. Koch now has requested to bank or to rely upon several of these reductions. The MPCA must determine which emission reductions may be banked or used. The consultant will assist the MPCA staff in reviewing and evaluating the accuracy of actual emission reductions proposed by Koch for each project.

In addition to the reviews and evaluations, the consultant will provide written comments and documents. These will be used to help the MPCA determine an appropriate SIP revision and permit conditions for Koch.

STATEMENT OF WORK

Overview

The contract will include a detailed work plan. The work plan will: 1) indicate the organization of the consultant task force to work with MPCA staff, 2) identify the tasks and objectives to be accomplished and their scheduled dates of completion, 3) provide a detailed scope of work and a projection of costs for each work task, 4) identify major tasks and objectives for the preparation of the draft sections and the final sections of the report and their associated costs and timeframes, and, 5) include a comprehensive outline of the draft sections of the report. The consulting contractor will implement the Work Plan after a written Notice to Proceed has been issued by the MPCA.

Preparation of Progress Reports (Task I)

Progress reports will identify progress on all tasks, indicate significant findings, and provide a summary of the financial status of each task and the overall project. Progress reports will be submitted to the MPCA at four-week intervals after the contract is executed.

Review of Information, and Preparation of Comments and Reports (Task II)

1. Review and evaluate information provided by Koch and prepare comments documenting the adequacy and accuracy of the information for selected topic areas. Documentation comments will indicate whether the information is adequate and accurate, identify supplementary data or information needed, and identify the legal/regulatory or technical rationale, as appropriate, for need of the supplementary data or information. This activity will include the review and evaluation of all supplementary data and information submitted by Koch on the selected areas.

2. Prepare Draft Reports as Follows:

(a) to document the draft reviews, evaluations and conclusions for each selected topic area.

(b) for the purposes of making a BACT determination or determination regarding the reasonableness of efforts or ability of Koch to reduce odor, volatile organic compound, and non-criteria pollutant emissions, the consultant may be asked to make an investigation and prepare a report of additional alternatives not considered by Koch.

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Participation in Meetings with Public and U.S. Environmental Protection Agency (Task III)

The consultant will provide assistance to the MPCA as needed for up to four meetings with the public or meetings with the EPA regarding the SIP revision or determination regarding a permit.

Preparation of Final Review Reports and Other Assistance (Task IV)

The consultant will prepare final reports to revise the draft reports based on changes that occur following preparation of the draft and to be used by the MPCA in making its final determination. Additionally, the consultant will assist the MPCA in responding to comments received on the draft SIP revision and determination regarding the permit. The consultant may be called upon to draft responses, consult with the MPCA, and revise portions of the draft reports.

PREPARATION AND SUBMITTAL OF PROPOSALS

Proposals should present information concerning the following:

1. Description of the firm's involved, including:
 - a. Overall capabilities.
 - b. Brief history of firm.
 - c. Overall organizational structure of the firm, including locations of offices and facilities.
 - d. Previous experience in preparing technical or regulatory assistance specifically related to air quality permitting of stationary sources and to petroleum refinery design, operations, and emissions.
 - e. Previous experience in preparing documents relating to the specific review reports.
 - f. Example of a typical invoice for a comparable project and/or listing of information contained on invoices (MPCA may specify invoice format).
 - g. Multiplier used for determining rates with a breakdown of overhead and profit and the basis for the rate including evidence that the multiplier has been audited by a certified public accountant in accordance with generally accepted accounting principles.
 - h. Summary of firm(s) total staff capabilities (e.g., a standard form 254 July, 1975, prescribed by GSA Federal Procedures Regulation 41 CFR 1-16.803).
 - i. Name and telephone number of the person designated by consultant(s) to answer questions about the proposal.
 - j. Affirmative action requirements. The proposer must acknowledge affirmative action requirements in the RFP process as follows: In accordance with the provisions of *Minnesota Statutes*, Section 363.073 (supp. 1989); for all contract(s) estimated to be in excess of \$50,000, all proposers having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted. Your proposal will not be accepted unless it includes one of the following:
 - 1) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
 - 2) A statement certifying that your firm has not had more than 20 full-time employees at any time during the previous 12 months.
2. Description of staff available for the project, including:
 - a. Resumes.
 - b. Hourly rates for each staff person.
 - c. Organizational chart of management and professional staff.
3. Cost estimates of person-hour estimates for items listed in the Statement of Work. In addition, costs of the following should be estimated:
 - a. Administration.
 - b. Travel.
 - c. Other direct charges.
4. Assumptions made in estimating costs under #3 above.
5. Time frames estimated for each Task listed in the statement of work.
6. A description of approaches and methodologies to be employed.
7. A copy of a typical work paper document prepared by the firm(s), if possible.
8. References—names, addresses and telephone numbers of former and/or current clients whom the MPCA may contact.

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9. A description of any previous or ongoing work being performed by the firm(s) or their subsidiaries for the permit applicant, or the state of Minnesota.

10. An explanation of how the firm(s) will be available locally to assist the MPCA staff (i.e., local offices, frequency of visits, etc.).

11. Summary of why the firm(s) feel qualified to perform the work indicated.

12. The consultant shall provide a description of any actual or potential conflict of interest including a listing of all work performed by the firm for Koch Refining Company, other firms or government entities with actual or potential emission sources in the Pine Bend Industrial Area, or subsidiaries of these entities within the past three years. The MPCA shall make a determination, based upon the information provided, regarding actual or potential conflicts of interest posed by the assignment.

Interested firms may submit proposals to assist in any or all of the four identified issues. Proposals must break down the information requested in items 2 through 6 of Preparation of Proposals, by issue. The format of the proposal need not correspond to the above list; however, it must contain all information requested.

SCHEDULE FOR TASK COMPLETION

The MPCA wants to make a final determination on permit reissuance before May 9, 1990.

SUBMITTAL DEADLINE

Complete proposals which are not received before 4:30 p.m. on January 12, 1990, will not be considered.

PROJECT COST

The MPCA has estimated that the cost of this project should not exceed \$65,000.

MPCA CONTACT

George Pruchnofski
Division of Air Quality
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155

Questions regarding this proposal should be directed to Mr. Pruchnofski at (612) 296-8632.

OTHER PERTINENT INFORMATION

The contract award shall be based primarily on technical approach, experience and competence in the requisite fields, and secondarily on cost. All contracts must be approved by the Minnesota Department of Administration, Department of Finance, Minnesota Attorney General's Office, and the Pollution Control Agency.

The project will be managed by the MPCA project manager. 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 considered to be in its best interest.

Minnesota Environmental Education Board

Environmental Educator Position Available

Curriculum writer to organize the assembly of a packet of teaching materials for kindergarten through twelfth grade on soil and water conservation. Must be experienced in working with advisory groups and giving teacher workshops. Full time; one year contract; extensive travel. For full information call 612-296-0212, 9 a.m. to 4 p.m. Applications must be received by January 5, 1990.

Department of Trade and Economic Development

Community Development Division

Request for Proposal

The Community Development Division is requesting proposals from cities of under 600 population that have experienced economic hardship in the last 12 months due to the loss of employment to establish a revolving loan fund (RLF), or Economic Development related public improvements. Interested Cities should submit a proposal to:

Department of Trade and Economic Development
Community Development Division

Professional, Technical & Consulting Contracts

PROPOSAL CONTENT

The Division is interested in a city that:

1. Is a city of under 600 population.
2. A large part of their business economy is tourism related.
3. Has a substantial loss of employment within the past 18 months due to business relocation or closures.
4. Has an unemployment rate and a poverty level higher than the state average.
5. Can furnish a plan on establishing a loan fund.
6. Can demonstrate blight of downtown commercial building(s).
7. Has a Development Corporation that is active in the city's economic development efforts and is prepared to administer the loan fund.
8. Gives full consideration to the overall growth and development of the city due to an establishment of a revolving loan fund or public improvements.

ADDITIONAL INFORMATION REQUIRED

1. Names of businesses that have either closed or moved and how this affected the city demographically.
2. The unemployment and poverty rate of the city.
3. A loan fund plan.
4. A public improvement's plan for the city.
5. A projected budget and time frame for establishment of the RLF.

SUBMISSION OF PROPOSALS

All proposals must be submitted by 4:30 p.m., Friday, January 26, 1990 to Michael Dees, Community Development Division, Department of Trade and Economic Development, 900 American Center Building, 150 East Kellogg Boulevard, St. Paul, MN 55101-1421. Prospective respondents are encouraged to contact Mr. Dees at 612/296-2262.

COMPLETION DATE

The project should be completed by 12/31/90.

EVALUATION

Proposals will be reviewed for:

1. A thorough response to the identified items under proposal content.
2. Presence of sufficient understanding of the establishment and running of a revolving loan fund.

Department of Transportation

Technical Services Division

Notice of Availability of Contracts for Archaeological Data Recovery Operations

The Minnesota Department of Transportation (Mn/DOT) requires the services of qualified archaeologists to conduct archaeological data recovery operations at several identified archaeological sites in Minnesota prior to construction or reconstruction of highways. Contracts will be awarded for at least one and possibly several such operations to be done during 1990.

These operations are to be conducted in conformance with accepted archaeological procedures in fulfillment of requirements established under the National Historic Preservation Act of 1966 and *Minnesota Statutes* Chapter 138. The Archaeologist directing the work must be licensed by the Minnesota Historical Society and approved by the State Archaeologist in accordance with *Minnesota Statutes* 138.33 and 138.36.

As a condition of the contracts, the data recovery operations, including preparation and submittal of the required reports, must be diligently pursued to completion under time schedules to be established. The field operations and the summary reports must be acceptable to the State Archaeologist and the Minnesota Historical Society Archaeology Department Head, or their designates.

It may be specified that the field operations work will be done in stages, with the first stage to be in the form of detailed testing of the site, to be followed by review of the findings by a management team, after which the second stage of operations, if required, will be identified and the contract terms for that stage will be negotiated.

Professional, Technical & Consulting Contracts

The anticipated projects will involve the following sites:

1) Seim-Livingood Site, 21 CP 29, a multi-component prehistoric habitation site with Archaic, Woodland and Oneota components, located along Trunk Highway (TH) 212 approximately 1.5 miles East of Granite Falls, Chippewa County.

2) Hannaford Site, 21 KC 25, a stratified multi-component prehistoric habitation site with Archaic, Laurel and Blackduck components, located along TH 11 at the Big Fork River, approximately 17 miles west of International Falls, Koochiching County.

3) McKinstry Site, 21 KC 2, a stratified multi-component prehistoric habitation site with Archaic, Laurel and Blackduck components, located along TH 11 at the Little Fork River, approximately 12 miles west of International Falls, Koochiching County.

4) East Terrace Site, 21 BN 6, a prehistoric lithic reduction site of undetermined cultural affiliation, located along proposed TH 15 at the Mississippi River, approximately 1 mile North of Sauk Rapids, Benton County.

5) Point Douglas Townsite, 21 WA 54, a 19th century townsite with prehistoric habitation component, located along TH 10 at the junction of the Mississippi and St. Croix Rivers in Washington County. This site will require prehistoric and historical archaeology and historical research.

In addition, subject to further testing and analysis, the following sites may require archaeological data recovery operations:

6) Jackpot Junction Site, Field #89-8-1, a prehistoric habitation site, located along TH 19 and TH 71 approximately 5 miles East of Redwood Falls, Redwood County.

7) Sites in vicinity of Lake Oscar, Field #89-4-2 through 89-4-9, a series of prehistoric habitation areas with Woodland and Plains Village components, located along TH 27 approximately 10 miles West of Alexandria, Douglas County.

This Notice is a request for an expression of interest in being considered for one or more of the contracts. Firms desiring consideration should submit their brochure and/or experience and qualifications resume, including an indication of the number of persons available for work, together with a listing of the site or sites for which they would be interested in being considered, to arrive no later than 3:30 p.m., January 10, 1990.

This is not a request for contract proposal. Further details will be furnished at such time that Mn/DOT requests specific contract proposals.

Please send your response to:

C. P. Kachelmyer
Preliminary Design Engineer
Minnesota Department of Transportation
Room 612H, Transportation Building
St. Paul, MN 55155
Telephone (612) 296-3276

State Board of Vocational Technical Education

Notice of Request for Proposal for Contractual Services

The State Board of Vocational Technical Education (SBVTE) requests proposals for assistance in the search for candidates for the position of State Director.

The contract may involve all phases of the search including locating, evaluating, and screening candidates for the position identified as a result of a nation-wide search.

The contract will become effective February 20, 1990, and will end July 15, 1990, subject to satisfactory completion.

It is anticipated that the cost of this contract will not exceed \$30,000 for professional services and expenses.

Those interested in receiving requests for proposals should contact:

Yvonne Ross, Personnel Director
State Board of Vocational Technical Education
550 Cedar Street
St. Paul, MN 55101
(612) 296-1867

Proposals will be accepted until 4:00 p.m., January 23, 1990.

The State Board of Vocational Technical Education seeks assistance in the search for a State Director of the State Board of Vocational Technical Education. The State Director serves as the executive officer for the Minnesota Technical College System.

Professional, Technical & Consulting Contracts

SCOPE OF THE PROJECT

This search will focus on obtaining the best candidates for the position of State Director from potential candidates throughout the nation. The search may utilize the following processes. Application, nominations, or recruitment by the selected proposer.

TASKS AND SCOPE OF SERVICE

1. Pre-Search consultation with Board to assess the leadership needs of the client and the position.
2. Development of required and preferred qualifications to be used in recruiting and evaluating applicants.
3. Development of a plan for search communications including: advertising, letters to individuals and groups informing them of the search and contact person, correspondence with applicants and nominees as necessary.
4. Recruit and solicit interest from persons identified as especially qualified by experience and achievements for the position.
5. Seek out and actively recruit qualified candidates.
6. Correspond with applicants and nominees as necessary, courteous and appropriate to complete the search.
7. Screen initial applicants using required and preferred qualifications as approved by the Board's Search Committee.
8. Prepare report identifying approximately 10 semi-finalists together with reasons to support selection of each semi-finalist.
9. Establish format and questions to be used in checking references. Conduct a minimum of 5 reference checks for each applicant being considered as a semi-finalist. Record in candidates files the results and nature of contact between reference and candidate.
10. Meet with Board Search Committee to facilitate discussion of semi-finalists and selection of finalists.
11. Perform a least 5 additional reference checks on finalists.
12. Assist the Board in preparing for finalist interview process by preparing questions, establishing an interview schedule, and working with the Board liaison to facilitate interviews.
13. Communicate the results of final reference checks on finalists to the Board Search Committee.
14. Facilitate Board discussion and selection and successful candidate.

COMPETENCIES REQUIRED OF THE SEARCH FIRM

1. Successful experience in conducting searches for higher education executives including system-level executives.
2. Knowledge of appropriate networks and contacts from which qualified candidates can be obtained.
3. Understanding of the domain of post-secondary education, including two-year systems providing occupationally-oriented diploma and degree programs.
4. Understanding and sensitivity to decision-making and leadership in public post-secondary education in Minnesota.
5. Clerical and communications capacity.

AGENCY CONTACT

Prospective responders who have questions regarding this request for proposals may call or write:

Yvonne Ross, Personnel Director
State Board of Vocational Technical Education
550 Cedar Street
St. Paul, MN 55101
(612) 296-1867

Other agency personnel are not free to discuss this matter with responders before the deadline for submitting proposals.

SUBMISSION FOR PROPOSALS

All proposals must be sent to and received by:

Yvonne Ross, Personnel Director
State Board of Vocational Technical Education
550 Cedar Street
St. Paul, MN 55101
(612) 296-1867

Proposals will be accepted until 4:00 p.m., January 23, 1990. Late proposals will not be accepted. Five copies must be submitted. Proposals are to be sealed in mailing envelopes as packages with the responder's name and address clearly written on the outside.

Each copy of the proposal must be signed by an authorized member of the proposing firm.

PROPOSED COSTS

The State Board of Vocational Technical Education has estimated the cost of the work under this contract will not exceed \$30,000 for professional services and expenses.

The proposal should specify the basis of compensation for professional services and the maximum payment for this agreement. The expected terms and times of payment should be specified. The maximum payment should cover all services, including unforeseen circumstances which may arise during the search.

CONTRACT DURATION

The proposal may be for services beginning February 20 and concluding no later than July 15, 1990.

EVALUATION

All Proposals received by the deadline will be evaluated by the Board's Search Committee. Selection will be completed and all applicants notified by February 5, 1990.

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.

Metropolitan Transit Commission**Request for Proposals**

The Metropolitan Transit Commission (MTC) is requesting proposals from firms and individuals for providing professional services for an in-house and contract management study of the transit system in the Minneapolis-St. Paul metropolitan area.

Interested parties should contact Jim Zacher, Manager of Internal Audit, at (612) 349-7760 or write to him at the address given below to obtain a copy of the Request for Proposals.

The Request for Proposals must be submitted by 2:00 p.m. on Monday, January 29, 1990 to:

Metropolitan Transit Commission
Attn: Jim Zacher, Manager of Internal Audit
560 Sixth Avenue North
Minneapolis, MN 55411-4398

State Grants

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

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

Minnesota Housing Finance Agency**Notice of Fund Availability HUD Rental Rehabilitation Program**

The Minnesota Housing Finance Agency (MHFA) is pleased to announce that it is accepting applications for the administration of the 1990 Rental Rehabilitation Program and the Rural Rental Rehabilitation Demonstration Program. The Rental Rehabilitation Program is a federally funded program established to furnish grants to rehabilitate privately owned residential rental properties as well as Section 8 vouchers to eligible tenants to provide affordable, decent, safe and energy efficient housing for lower income families. This program

State Grants

is administered by the MHFA and offered to units of general local government, cities and urban counties. In some areas applicants may not have the administrative capacity to apply for and manage a local program. In this case the local government may provide for another eligible public agency or nonprofit organization to administer the program on their behalf.

The Housing, Community Development and Homelessness Prevention Act of 1987 established the Rural Rental Rehabilitation Demonstration Program which allows the MHFA to administer the 1990 program statewide with the exception of federal entitlements. The MHFA has been allocated a total of \$1.0 million to finance \$2.0 million in rehabilitation. For the purpose of the demonstration program, \$475,000 in unutilized state Rental Rehabilitation Program appropriations from prior fiscal years will be available for use in areas eligible for Title V/Farmers Home assistance.

Interested applicants should request a Participation Application Packet from MHFA.

Minnesota Housing Finance Agency
400 Sibley Street, Suite 300
Saint Paul, MN 55101
Attention: Susan Haugen (612) 296-9848

Completed Application Packets must be submitted by 4:30 p.m. on January 19, 1990.

Any questions concerning the Rental Rehabilitation Program or the application process should be directed to Susan Haugen (612) 296-9848.

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Supreme Court Decisions

Decisions Filed 15 December 1989

C2-89-643 Edgar W. Blanch, et al., Appellants v. The Suburban Hennepin Regional Park District, et al. Hennepin County District Court.

District court's rejection of the challenge to the constitutionality of Laws of Minn. 1988, ch. 686, art. 1, § 26 is affirmed.

Affirmed. Coyne, J.

Concurring specially, Yetka, Simonett and Kelley, JJ. and Popovich, C.J.

Decisions Filed 22 December 1989

C3-89-585 State of Minnesota v. David Joseph Best, Appellant. Court of Appeals.

Defendant's conduct was not significantly more serious than that involved in typical case of aggravated criminal damage to property and therefore we must reduce his sentence to the presumptive sentence for the offense.

Affirmed as modified. Popovich, C.J.

C3-88-1306 In Re the Marriage of: Mary Elizabeth Maranda, petitioner, Appellant v. Edward Charles Maranda, TCF Banking and Savings, F.A., Garnishee. Court of Appeals.

1. The trial court had jurisdiction to consider petitioner's motion to vacate the judgment and decree.
2. In the context of a property settlement stipulation presented to the court as the basis for entry of a marriage dissolution judgment, "fraud on the court" is an intentional course of material misrepresentation or non-disclosure having the result of misleading the court and opposing counsel and making the property settlement grossly unfair.
3. There is sufficient evidence in the record to support the trial court's determination of the 1979 value of the marital estate except for the One Hundred Eighty-one Thousand, One Hundred Fifty-nine and No/100 Dollars (\$181,159.00) "accumulation adjustment" awarded by the trial court.
4. The trial court did not abuse its discretion by refusing to grant a continuance.
5. Petitioner is entitled to attorney fees on appeal.

Affirmed in part, reversed in part, and remanded. Yetka, J.

Concurring specially, Kelley, J.

C6-88-2515 Roger D. Blohm, et al. v. Minneapolis Urological Surgeons, P.A., et al., Metropolitan Internists, P.A., et al., Petitioners. Court of Appeals.

Defense counsel's "informal discussion" with plaintiff's treating physician pursuant to *Minnesota Statutes* § 595.02, subd. 5 (1988), is not discovery and is therefore not subject to court rules governing discovery.

Reversed. Simonett, J.

Took no part, Coyne, J.

C3-89-1607 Hank Schnider v. H.G. Schnider and Employee Benefit Administration, Relators. Workers' Compensation Court of Appeals.

Even assuming that massage therapy performed by medically unlicensed therapists is compensable under the Act, the compensation judge's finding that the massages given the employee were not reasonably required is supported by the evidence.

Reversed. Simonett, J.

CX-88-1478 In Re the Marriage of: Barbara B. Erickson, petitioner v. Stephen B. Erickson, Appellant. Court of Appeals.

Provisions in a marital dissolution decree based upon a stipulation of the parties who, for tax purposes, designated payments to the custodial parent from the noncustodial parent as maintenance when, in fact, the payments were intended to be for child support, may be modified to reflect the true intent of the parties, although under *Minnesota Statutes* § 518.64(3) (1988) the obligation to pay maintenance terminates upon remarriage.

Affirmed in part, reversed in part, and remanded. Kelley, J.

Dissenting, Coyne & Wahl, JJ.

C9-87-2367 Estate of Emlyn Jones, Deceased, by Lorraine J. Blume, its personal representative v. J. Peder Kvamme, petitioner, Appellant, John Kvamme, et al. Court of Appeals.

1. In this action based on fraud, the trial court correctly directed the rescission of a corporate stock sale transaction, imposing a constructive trust in favor of the estate on the proceeds of the 1978 sale of a corporation.

2. The award of rescissionary damages, restoring the parties to the status quo ante, shall not be accompanied by an award of punitive damages.

3. The trial court properly refused to award prejudgment interest in this action for rescission.

Affirmed in part and reversed in part. Coyne, J.

Dissenting, Kelley, J.

C8-88-2659 State of Minnesota v. Timothy Michael Erickson, Appellant. Sherburne County.

1. Evidence of intent and premeditation and that defendant knew the nature of his act and that it was wrong is sufficient to sustain verdict that defendant was guilty of murder in the first degree.

2. When a suspect who is in custody "arguably" invokes the right to counsel, all questioning by the police must cease except to "clarify the earlier comment and to ascertain the accused's desires respecting the aid of counsel." Under the circumstances of this case any possible error in the admission of defendant's confession was harmless beyond a reasonable doubt.

Affirmed. Coyne, J.

C4-89-854, C2-89-853 Jacob S. Brown, petitioner, Appellant v. State of Minnesota. Hennepin County.

Record on appeal does not support defendant's contention that district court erred in accepting guilty pleas or that district court erred in failing to conduct an evidentiary hearing on defendant's pro se motion for permission to withdraw his guilty pleas.

Affirmed. Coyne, J.

C1-84-2137 Promulgation of Amendments to the Rules of Criminal Procedure**ORDER**

WHEREAS, the Supreme Court Advisory Committee on Rules of Criminal Procedure has recommended certain amendments to the Rules of Criminal Procedure, and

WHEREAS, the Supreme Court held a hearing on these and other recommended amendments on November 2, 1989, and is fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The attached amended Rules of Criminal Procedure be, and the same hereby are, prescribed and promulgated for the regulation of practice and procedure in criminal matters in the courts of the State of Minnesota.

Supreme Court Decisions

2. The inclusion of Advisory Committee comments is made for convenience and does not reflect court approval of the comments made therein.
3. The Advisory Committee shall continue to serve to monitor said rules and amendments and to hear and accept comments for further changes, to be submitted to the court from time to time.
4. These amended Rules of Criminal Procedure shall govern all criminal actions commenced or arrests made after 12 o'clock midnight January 1, 1990, except amendments to 8.04, 11.07, and 19.04, subd. 5, shall govern all criminal actions commenced or arrests made after 12 o'clock midnight January 1, 1991.

Dated: 13 December 1989

BY THE COURT,

Peter S. Popovich, Chief Justice

Executive Orders

Emergency Executive Order 89-16 Providing for Assistance to Officials of Stearns County in Searching for Jacob Wetterling

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 Stearns County, Minnesota has requested assistance in searching for Jacob Wetterling, who was abducted near St. Joseph in Stearns County, Minnesota; and

WHEREAS, the Sheriff of Stearns County has exhausted all other resources in his effort to find the missing boy;

NOW, THEREFORE, I hereby order that:

1. The Adjutant General of Minnesota order to active duty on or after October 27th, 1989, in the service of the State, such personnel and equipment of the military forces of the State as required to assist the Stearns County Sheriff in searching for Jacob Wetterling.

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* 1988, Sections 192.49, Subdivision 1; 192.51 (as amended by *Laws of Minnesota 1989*, Chapter 335, Article 1, Section 183) and 192.52.

Pursuant to *Minnesota Statutes* 1988, Section 4.035, this Order shall be effective October 27, 1989 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 26th day of October, 1989.



Rudy Perpich
Governor

Announcements

Environmental Education Hotline: Now in service, this 24-hour hotline provides callers with information on current environmental education events in Minnesota. The number is (612) 297-5676. The service is made possible by the Minnesota Environmental Education Board's (MEEB) Metropolitan Regional Environmental Education Council. If your organization wishes to make use of this service by placing its environmental information on the weekly recording, call (612) 296-2368, or write to Bob Bystrom c/o MEEB, 500 Lafayette Rd., Box #5, St. Paul, MN 55155-4005.

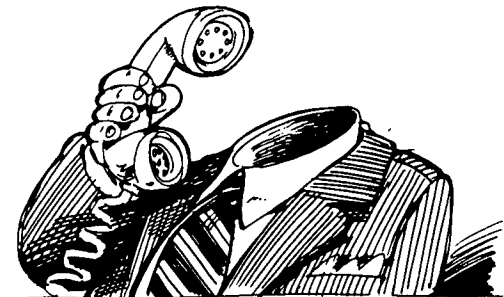
Governor's Appointments: Governor Rudy Perpich named **Icephine Johnson** of St. Cloud to the Governor's Advisory Council on Health Care Access. He also named three additional members to the Railroad Safety Advisory Committee. They are: **Willis Croonquist**, State Legislative Director of United Transportation Union, Golden Valley; **Richard Mathiowetz**, Sleepy Eye; and **Hugh Nugent**, retired railroad supervisor, Cottage Grove.

State Parks Calendar Phot Contest: The Minnesota Department of Natural Resources (DNR) Division of Parks and Recreation is holding a photo contest for the 1991 State Parks Calendar. People interested in entering the contest are reminded that the deadline is Jan. 10, 1990. The full-color calendars depict various Minnesota State Parks throughout the four seasons. Winners will have their work published in the calendar, with photo credits, and will receive several complimentary copies as well as other prizes. All photographers are invited to send up to 40 of their best slides of any of Minnesota's 64 state parks. Photos may be of scenery, wildlife, flora, historic sites, or people enjoying outdoor recreation in one of the state parks. Only 35mm slides (transparencies) will be accepted. A panel of judges will select winners. Photos will be selected based on their quality, subject and appropriateness. Winning entries will be kept until color separations are made and then returned to the photographers. Other entries will be returned immediately after judging. For more information and an entry blank, write: State Park Photo Contest, Division of Parks and Recreation, 500 Lafayette Road, St. Paul, MN 55155-4039; or call toll free in Minnesota 1-800-652-9747 (ask for the DNR). In the Twin Cities metro area call (612) 296-6157.

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