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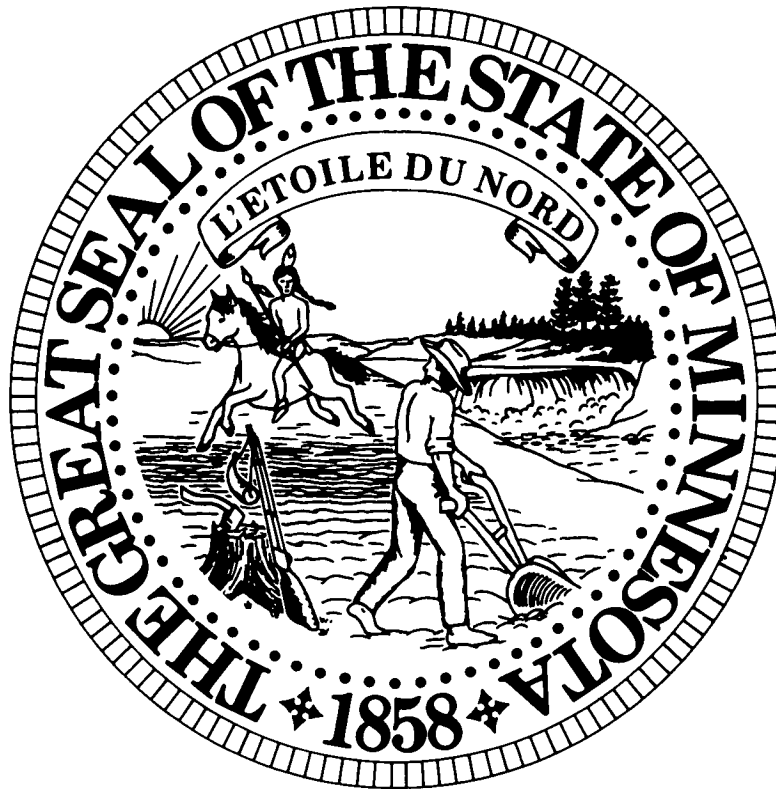
State of Minnesota

STATE REGISTER

Department of Administration—Print Communications Division

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Rules edition

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9 April 1990

Volume 14, Number 41

Pages 2399-2446

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
41	Monday 26 March	Monday 2 April	Monday 9 April
42	Monday 2 April	Monday 9 April	Monday 16 April
43	Monday 9 April	Monday 16 April	Monday 23 April
44	Monday 16 April	Monday 23 April	Monday 30 April

*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.

Both editions are delivered postpaid to points in the United States, second class postage paid for the Monday edition at St. Paul, MN, first class for the Thursday edition. Publication Number 326630 (ISSN 0146-7751).

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.

Rudy Perpich, Governor
Sandra J. Hale, Commissioner
Department of Administration

Stephen A. Ordahl, Director
Print Communications Division
Robin PanLener, Editor

Paul Hoffman, Assistant Editor
Debbie George, Circulation Manager
Bonita Karels, Staff Assistant

FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

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

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

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

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

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Proposed Rules

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

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

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

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

Board of Architecture

Proposed Permanent Rules Relating to Fees

Notice of Intent to Adopt a Rule without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Board of Architecture, Engineering, Land Surveying and Landscape Architecture ("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 statutory authority to adopt the rule is sections 214.06 and 326.06.

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

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

Comments or written requests for a public hearing must be submitted to: Mr. Lowell E. Torseth, Executive Secretary, Board of Architecture, Engineering, Land Surveying and Landscape Architecture, 133 East Seventh Street, St. Paul, Minnesota, 55101, Telephone: (612) 296-2388.

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

A copy of the proposed rule is attached to this Notice.

Copies of this Notice and the proposed rule are available and may be obtained by calling Lowell E. Torseth.

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 Lowell E. Torseth upon request.

YOU ARE HEREBY ADVISED, pursuant to *Minnesota Statutes*, section 14.115 (1986), "Small business considerations in rulemaking," that the proposed rule amendments will have no adverse effect on small businesses.

Copies of the proposed rule amendments have been served upon the Chairs of the House Appropriations Committee and Senate Finance Committee pursuant to *Minnesota Statutes*, section 16A.128, subdivision 2a.

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

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

Proposed Rules

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 Lowell E. Torseth.

Dated: 22 January 1990

Lowell E. Torseth
Executive Secretary, Board of
Architecture, Engineering,
Land Surveying and Landscape
Architecture

Rules as Proposed

1800.0500 FEES.

Subpart 1. **Requirements.** Application for examination for certification as ~~an~~ engineer-in-training, ~~landscape architect-in-training~~, or licensure, including renewal of licensure, as an architect, professional engineer, land surveyor, or landscape architect, shall be accompanied by a fee in the amount provided for in this part. The fee for examination for certification as land surveyor-in-training shall be paid upon approval of the application by the board.

[For text of subp 2, see M.R.]

Subp. 3. **Initial licensure and renewal.** The fee for licensure, or renewal of licensure, as an architect, professional engineer, land surveyor, or landscape architect is ~~\$26~~ \$58 per ~~year~~ biennium. The initial license fee is prorated at six-month intervals during each biennium. The fee for months 24 to 18 is ~~\$52~~ \$58; for months 18 to 12, ~~\$39~~ \$43.50; for months 12 to 6, ~~\$26~~ \$29; and for months 6 to 0, ~~\$13~~ \$14.50. The renewal fee shall be paid biennially on or before June 30 of each even-numbered year. The board may delete from the roster of licensees the name of any licensee who fails to timely pay the required renewal fee. The renewal fee, when paid by mail, is not timely paid unless it is postmarked on or before June 30 of each even-numbered year.

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

Subp. 5. **Certification or licensure examination fee.** The fee for examination for certification or licensure as an architect, professional engineer, land surveyor, or landscape architect is as follows:

A. Architect Registration Examination (ARE), ~~\$340~~ 1990 \$385, 1991 \$475.

B. Professional engineer:

- (1) fundamentals of engineering examination, \$30;
- (2) principles and practice of engineering examination, \$70.

An applicant for examination in more than one branch of engineering shall submit a separate examination fee for each additional branch of engineering for which the applicant has applied for examination.

An applicant, currently licensed as a professional engineer (civil) may apply for registration as a professional engineer (structural) by submitting an examination fee of \$110 for 1990 and \$170 for 1991 and thereafter.

[For text of item C, see M.R.]

D. Landscape architect Uniform National Examination (UNE), ~~1988 \$235, 1989 \$250~~ 1990 \$325, 1991 \$345.

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

A. Architect, uniform architect registration examination:

- (1) division A, predesign, ~~\$35~~ 1990 \$40, 1991 \$50;
- (2) division B, site design, ~~\$70~~;
 - (a) written, 1990 \$25, 1991 \$35;
 - (b) graphics, 1990 \$60, 1991 \$70;
- (3) division C, building design, ~~\$85~~ 1990 \$90, 1991 \$100;
- (4) division D/F, structural technology, general and long span, ~~\$30~~ 1990 \$35, 1991 \$45;
- (5) division E, structural technology, lateral forces, ~~\$15~~ 1990 \$20, 1991 \$30;
- (6) division G, mechanical, plumbing, electrical, and life safety, ~~\$35~~ 1990 \$40, 1991 \$50;
- (7) division H, materials and methods, ~~\$35~~ 1990 \$40, 1991 \$50;
- (8) division I, construction documents and services, ~~\$35~~ 1990 \$40, 1991 \$50.

B. Professional engineer:

- (1) fundamentals of engineering, ~~\$25~~ \$30;
- (2) principles and practice of engineering, ~~\$60~~;
 - (a) ~~April 1988, \$35~~ special structural I, 1990 \$40, 1991 \$60;
 - (b) ~~October 1988, \$55~~ special structural II, 1990 \$60, 1991 \$110.

C. Land surveyor:

- (1) fundamentals of land surveying (~~effective as of September 1, 1988~~), ~~\$32.50~~;
- (2) principles and practice of land surveying:
 - (a) part III, ~~\$15~~ \$20;
 - (b) part IV A, ~~\$30~~ \$35;
 - (c) ~~parts III and IV, \$45~~ part IV B, \$15;
 - (d) parts III and IV A, \$55;
 - (e) parts III and IV B, \$35;
 - (f) parts IV A and IV B, \$50.

D. Landscape architect:

- (1) section 1, professional practice ~~1988 \$20, 1989 \$22, 1990 \$28, 1991 \$29~~;
- (2) section 2, design, ~~1988 \$25, 1989 \$28, 1990 \$34, 1991 \$36~~;
- (3) section 3, design application, ~~1988 \$74, 1989 \$77, 1990 \$100, 1991 \$107~~;
- (4) section 4, design implementation, ~~1988 \$69, 1989 \$71, 1990 \$95, 1991 \$101~~; and
- (5) section 5, grading and drainage, ~~1988 \$47, 1989 \$52, 1990 \$68, 1991 \$75~~.

[For text of subp 7, see M.R.]

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

Proposed Permanent Rules Relating to Examination of Architect and Engineer Applicants

Notice of Intent to Adopt a Rule without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Board of Architecture, Engineering, Land Surveying and Landscape Architecture ("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 statutory authority to adopt the rule is section 326.06.

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

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

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Comments or written requests for a public hearing must be submitted to: Mr. Lowell E. Torseth, Executive Secretary, Board of Architecture, Engineering, Land Surveying and Landscape Architecture, 133 East Seventh Street, St. Paul, Minnesota, 55101, Telephone: (612) 296-2388.

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

A copy of the proposed rule is attached to this Notice.

Copies of this Notice and the proposed rule are available and may be obtained by calling Lowell E. Torseth.

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 Lowell E. Torseth upon request.

You are hereby advised, pursuant to *Minnesota Statutes*, section 14.115 (1986), "Small business considerations in rulemaking," that the proposed rule amendments will have no adverse effect on small businesses.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent 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 Lowell E. Torseth.

Dated: 22 January 1990

Lowell E. Torseth
Executive Secretary, Board of
Architecture, Engineering,
Land Surveying and Landscape
Architecture

Rules as Proposed

1800.1000 EDUCATION AND EXPERIENCE.

Subpart 1. **Written examination requirement.** An applicant for licensure as an architect shall be required to pass a written examination as provided in part 1800.1200 and may be required to appear before the board for an oral examination for the purpose of verifying personal experience qualifications. Written examinations are required of all applicants except those licensed under part 1800.0800, items D and G, that apply to those architects licensed in one or more states other than Minnesota. An applicant for licensure under part 1800.0800, items D and G, must satisfy the Minnesota licensing requirements that were in effect at the time of the applicant's original licensure in the other state.

Subp. 1a. Admission to written examination. To qualify for admission to the written examination, applicants an applicant shall present satisfactory evidence that they have: the applicant has obtained at least 13 qualifying credits as provided in this part. At least ten of the qualifying credits must be for education and at least three of the qualifying credits must be for experience. The qualifying credits shall be granted as provided in subparts 5 and 6.

A. Graduated from an architectural curriculum accredited by the National Architectural Accrediting Board at the time of their graduation or within two years subsequent to that graduation; and

B. Completed at least three years of satisfactory professional experience after graduation under the supervision of licensed architects. Experience is credited as provided in subpart 4, table III. In lieu of meeting the experience requirements set forth in subpart 4, table III, an applicant may participate in the intern development program under the auspices of the National Council of Architectural Registration Boards to satisfy the requisite experience requirements. A copy of the intern development program experience criteria may be obtained from the board office. An intern development program participant shall file annually with the board a report of training completed during the year being reported. The report is due within 30 days following the anniversary date of entry to the intern development program. The board shall notify the intern development program participant when the intern development program experience requirements have been completed to the satisfaction of the board.

C. Applicants may also qualify for admission to the examination provided that they submit to the board satisfactory evidence of education and subsequent experience substantially equivalent to the above requirements and as set forth in subpart 2, table I.

The basis for determination of educational qualifications and equivalents are set forth in subpart 3, table II.

The basis for determination of experience qualifications and equivalents are set forth in subpart 4, table III; provided, that the provisions of this paragraph shall terminate effective January 1, 1991, except that the provisions of subpart 4, table III, Experience Criteria, shall continue to be applicable pursuant to item B.

Effective January 1, 1991, admission to the registration examination process shall be limited to holders of an architectural degree from a curriculum accredited by the National Accreditation Board (NAAB), or an equivalent architectural degree acceptable to the board.

Subp. 2. to 4. [See Repealer.]

Subp. 5. Credits for education. Qualifying credits for education shall be granted as follows:

A. An applicant who has graduated from an architectural curriculum accredited by the National Architectural Accrediting Board (NAAB), shall, at the time of graduation or within two years after graduation, receive ten qualifying credits for education.

B. An applicant holding a four-year baccalaureate preprofessional degree in environmental design or architectural studies shall be granted credit depending on the number of years of architectural design courses successfully completed. An applicant with three years of design courses shall be granted eight qualifying credits. An applicant with two years of design courses will be granted six qualifying credits. In no case shall the applicant holding a preprofessional degree be granted less than six qualifying credits for education.

C. An applicant holding a four-year baccalaureate degree from the following curricula shall be given six qualifying credits for education:

(1) curricula in architectural, chemical, civil, electrical, mechanical, or structural engineering accredited by the Accreditation Board for Engineering and Technology (ABET);

(2) curricula in landscape architecture accredited by the American Society of Landscape Architects Committee on Education; or

(3) curricula in interior design accredited by the Foundation on Interior Design Education Research.

D. An applicant holding a two-year associate degree in architectural technology or architectural drafting from a community college or technical institute shall receive two qualifying credits for education.

E. For the purposes of this subpart, 32 semester credit hours or 48 quarter credit hours is considered to be one year of education. Fractions of a year of education shall be given credit in the amount earned.

F. An applicant holding a degree or having completed coursework from a foreign college or university shall be granted credit toward the requirements of this subpart on the same basis as a graduate of a United States college or university if the board determines that the educational requirements for the degree are equivalent to the requirements of this subpart. The applicant shall furnish a copy of the applicant's grade transcript, including course descriptions of courses successfully completed, in English, with the initial application for evaluation by the board.

Subp. 6. Credits for experience. Qualifying credits for experience shall be granted as follows:

A. The applicant's total experience must meet the requirements for qualifying experience in subpart 7.

B. Experience must be acquired after graduation, except that continuous experience in periods of ten or more weeks gained before graduation shall be counted if gained as specified in subpart 7 after graduation from high school.

C. Each year of experience gained under the direct supervision and control of a licensed architect shall count for one qualifying credit.

D. Each year of architecturally related experience gained under the direct supervision and control of a licensed professional engineer, licensed landscape architect, or an interior designer certified by the American Society of Interior Designers shall count for one-half qualifying credit.

Subp. 7. Qualifying experience defined. As used in this part, qualifying experience consists of experience gained in each of the following areas of the practice of architecture in accordance with the minimum number of hours shown.

A. Design and construction:

(1) programming and client contact, 80 hours;

(2) site and environmental analysis, 80 hours;

(3) schematic design, 120 hours;

(4) building code analysis, 80 hours;

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Proposed Rules

- (5) code research, 120 hours;
- (6) design development, 320 hours;
- (7) construction documents, 1,240 hours;
- (8) specifications and materials, 120 hours; and
- (9) document checking, 120 hours.

B. Construction and administration:

- (1) bidding procedures, 80 hours;
- (2) construction office, 120 hours; and
- (3) construction observation, 120 hours.

C. Office management:

- (1) office procedures, 120 hours; and
- (2) professional activities, 80 hours.

The number of hours shown are minimum time requirements for the areas of practice listed and do not represent three years of experience. More experience may be gained in any of these areas of practice to total 5,600 hours or three years of experience. Persons requiring more than three years of experience shall document qualifying experience in the amount of 1,867 hours for each year required.

Subp. 8. Future admission requirements. Effective January 1, 1991, admission to the registration examination is limited to holders of a degree from a curriculum accredited by the National Architectural Accrediting Board (NAAB), or architectural education equivalent to that curriculum as determined by the board. Persons with board approved applications as of January 1, 1991, are permitted to continue the examination process until licensed to practice architecture in Minnesota.

1800.1100 APPLICATION PROCEDURES.

Subpart 1. Completion date. An applicant may request to be admitted to an examination if such the applicant has completed, or will have completed by the time of the examination, the educational and experience requirements contained herein in part 1800.1000 by the time of the examination.

Subp. 2. Preliminary admission request. Applicants shall submit to the board a preliminary request for admission to the licensing examination. The request shall be submitted on a form provided by the board and must include a detailed listing of all architecturally related experience gained in accordance with part 1800.1000. The experience listing shall include the name and mailing address of the applicant's supervising licensed architect or other supervisor for each period of employment. A transcript of grades showing the date of award of any degree earned shall accompany the submittal. Upon approval of the preliminary request by the board, the applicant shall be provided formal application materials. The preliminary request shall be submitted to the board by February 1 for the June examination and by August 1 for the December examination.

Subp. 3. Formal admission application. Applicants shall by April 1 for the June examination and by October 1 for the December examination submit a formal application for admission to the licensing examination on a form provided by the board. The formal application shall include one signed copy of board rules of professional conduct and a fee as specified in part 1800.0500, subpart 5, item A.

Subp. 4. Obtaining application. Application materials may be obtained by calling or writing the board office.

1800.1200 WRITTEN EXAMINATION.

Subpart 1. ~~Qualifying test~~ **Architect Registration Examination.** The ~~qualifying test~~ Architect Registration Examination (ARE) shall be administered ~~once~~ twice annually at a time and place determined by the board to those applicants ~~approved~~ determined by the board to meet the requirements of part 1800.1000 for admission to the examination. ~~Qualification requirements for admission to the qualifying test include ten years of combined architectural education and experience as provided in part 1800.1000, tables I, II, and III, or a degree from an architectural curriculum accredited by the National Architectural Accrediting Board. All persons applying for registration as architect by examination after April 1, 1982, will be required to take and pass the qualifying test before being admitted to a section B, professional examination.~~ Any person failing one or more parts of the qualifying test must ARE shall retake the failed parts.

Subp 2. to 4. [See Repealer.]

Subp. 5. Equipment during examinations. ~~Handbooks, tables, reference books, and Silent,~~ hand-held, battery-operated electronic calculators may be used ~~only when authorized by the board as required during the ARE.~~

1800.2500 EDUCATION AND EXPERIENCE.

Subpart 1. Written examination requirement. An applicant for ~~registration licensure~~ as a professional engineer shall be required to pass an oral and a written examination as provided hereinafter in this subpart. ~~The submission of one exhibit of engineering work accomplished along with a written critique of such exhibit may be substituted in lieu of the oral examination upon the approval of the board.~~ Oral and Written examinations will be ~~are~~ required of all applicants except those ~~registered licensed~~ under part 1800.0800, items E and F ~~which G,~~ that apply to those ~~registered professional engineers licensed~~ in one or more states other than Minnesota. ~~In these cases the same minimum requirements for these applicants will be required as existed in Minnesota at the time of the original registration of the applicant in the other state.~~ An applicant for licensure under part 1800.0800, items E and G, must satisfy the Minnesota licensing requirements that were in effect at the time of the applicant's original licensure in the other state. The written fundamentals of engineering (EIT) examination ~~may shall~~ be waived by the board if the applicant meets the requirements stated in part 1800.0800, item D 1800.2800.

Subp. 2. Admission to written examination. To qualify for admission to ~~such oral and the~~ written examination, the applicant shall present satisfactory evidence that he/she has of:

A. Graduated Graduation from an engineering curriculum accredited by the Engineers' Council for Professional Development (ECPD) and appearing on the list of Accredited Programs Leading to Degrees in Engineering current Engineering Accrediting Commission (EAC) of the Accreditation Board for Engineering and Technology (ABET) at the time of his graduation as published by the ECPD or the educational equivalent thereof; and

B. Completed Completion of a minimum of four years of qualifying engineering experience, ~~satisfactory to the board, after graduation if the applicant has graduated~~ from a baccalaureate program curriculum in engineering accredited by the ECPD, or ABET-EAC. Three years of qualifying engineering experience is required, satisfactory to the board, after graduation if the applicant has graduated from a masters or doctoral program curriculum in engineering from an institution with an ECPD ABET-EAC accredited baccalaureate program curriculum in that discipline of engineering. Up to Not more than two years credit shall be allowed for diversified, qualifying engineering experience, gained prior to before graduation from an approved accredited engineering curriculum, may be granted by the board when evaluated on an individual basis. The two years experience prior to before graduation must have been gained after completion of the second year of approved engineering education. ~~Such The~~ experience shall be credited at the rate of 50 percent up to the maximum allowable credit of two years.

Subp. 3. Exception for nonaccredited education. An applicant who does not meet the requirements of subpart 2 may qualify for admission to the examinations ~~provided that satisfactory if~~ evidence is submitted to the board that education and qualifying engineering experience completed meet the following requirements set forth in the following table:

Classification	Education in years	Experience in years	Total Education and Experience
Graduate of Engineering Curriculum Accredited by Engineers' Council for Professional Development (ECPD)			
5-year Course with M.S. or PhD-	5	3	8
4 or 5-year Course	4	4	8
Graduate of Non-ECPD Accredited Engineering Curriculum Approved by the Board			
5-year Course	4	5	9
4-year Course	3	6	9

D A. The education requirements of an applicant whose education was not obtained in an engineering curriculum accredited by the Engineers' Council for Professional Development will Accreditation Board for Engineering and Technology shall be accepted

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only if ~~such~~ the education is determined by the board to be equivalent to the content of the accredited curriculum required for a bachelor of science degree in engineering. The applicant ~~will~~ shall be required to submit a transcript of grades, along with descriptions of courses taken from the educational institution from which ~~he~~ the applicant graduated, for evaluation by the board to determine the credit to be allowed for ~~such nonaccredited engineering~~ that education.

B. If the applicant holds a degree from a nonaccredited four-year engineering curriculum, that person will be required to document six years of qualifying and verifiable engineering experience following graduation. If the applicant also holds a master's or doctoral degree in engineering, the applicant shall document five years of qualifying and verifiable engineering experience following graduation. Up to two years credit shall be allowed for qualifying and verifiable engineering experience gained before graduation, as provided in subpart 2, item B.

1800.2600 ORAL EXAMINATION.

An applicant ~~may be required to~~ shall appear before the board for oral examination and submit two exhibits of engineering work the applicant has performed ~~in the event that if:~~

- A. the experience record does not clearly indicate ~~four years of the required~~ qualifying engineering experience; ~~or;~~
- B. the applicant does not hold a degree from an approved engineering ~~program, curriculum;~~ or
- C. the applicant qualifies for waiver of the fundamentals of engineering examination as provided in part 1800.2800.

An applicant residing in an overseas area ~~may be required to~~ shall submit one exhibit of the applicant's engineering work with a written critique of that exhibit ~~in the event that the experience record does not clearly indicate four years of qualifying engineering experience~~ lieu of the oral examination.

1800.2700 WRITTEN EXAMINATION.

Subpart 1. ~~Part I~~ Two-part examination. The written examination consists of ~~the two parts described in subparts 1a and 2.~~

Subp. 1a. Fundamentals examination. Part I is a ~~preliminary examination;~~ the fundamentals of engineering examination (~~FE~~), ~~which that~~ may be taken upon graduation from an engineering curriculum ~~approved by the board meeting the requirements of part 1800.2500.~~ The passing of this ~~preliminary~~ examination ~~will give~~ gives the applicant the status of engineer-in-training as defined in *Minnesota Statutes*, section 326.10, subdivision 7, ~~and such.~~ The applicant will shall not again be required to take this examination. The applicant shall take and pass the fundamentals of engineering examination (EIT) before being permitted to take the professional examination.

Subp. 2. ~~Part II~~ Professional examination. Part II ~~is~~ the professional examination (~~part II~~), ~~covering~~ the principles and practice of engineering examination, is an examination in a field of major practice and is required as ~~hereinafter outlined in this subpart.~~ Examinations are presently offered in the following fields of major practice in engineering: aeronautical/aerospace, agricultural, ceramic, chemical, civil, electrical, ~~fire protection,~~ geological, industrial, manufacturing, mechanical, metallurgical, mining/minerals, nuclear, petroleum, sanitary, and structural. ~~Any applicant who is a graduate with a degree in architectural engineering from an accredited curriculum will be considered for registration by the board as a professional engineer by examination in a field of major practice based on his experience record.~~

Subp. 3. Scope of examinations. The scope of the fundamentals of engineering examination, EIT (~~part I~~) and the principles and practice of engineering examination (~~part II~~) is as follows:

A. Fundamentals of engineering examination, EIT (~~part I~~): multiple-choice questions in ~~fundamental~~ mathematics and the basic and engineering sciences as presented in accredited college or university engineering curriculum. Allotted time: eight hours.

B. Principles and practice of engineering examination (~~part II~~): problems embracing knowledge of professional practice and applied economics ~~such as should be~~ acquired in connection with the planning, design, and construction of engineering work during the ~~statutory required~~ period leading to registration as professional engineer ~~of qualifying engineering experience.~~ This part of the examination, together with the oral examination or exhibit with written critique, ~~will shall~~ not be ~~required~~ permitted until the full ~~statutory required~~ period of qualifying engineering experience has been completed. Allotted time: eight hours.

Subp. 4. Purpose of part II the principles and practice of engineering examination. The principles and practice of engineering examination is given for the ~~purpose of determining to determine~~ the proficiency of the applicant in professional practice. This examination ~~will shall~~ include questions designed to test whether ~~training and experience have taught~~ the applicant has learned to apply the knowledge and understanding of the basic and engineering sciences ~~gained through training and experience~~ to the solution of engineering problems.

Subp. 5. [Unchanged.]

1800.2800 ENGINEERS QUALIFIED BY GRADUATION, LONG EXPERIENCE, AND EXAMINATION.

The ~~applicant must have graduated~~ fundamentals of engineering examination must be waived in those cases where the applicant furnishes evidence of:

A. graduation from an accredited engineering curriculum, or have received receipt of a graduate degree based upon at least one academic year of resident study in a department whose undergraduate curriculum is accredited by the Accreditation Board for Engineering and Technology (ABET); be not less than being at least 40 years of age; have and having a verified professional engineering record of 20 years or more; as defined by and of a character satisfactory to the board of qualifying engineering experience; and

B. holding membership in a British Institute of Engineering as a chartered engineer by examination or other national certification by examination as approved by the board; or

C. having a doctorate degree in engineering from an educational institution whose baccalaureate curriculum is accredited by ABET-EAC or whose education is equivalent thereto.

An applicant qualifying under item A, B, or C shall pass a written professional practice examination of at least eight hours duration. To qualify for waiver of the fundamentals of engineering examination under item A, the applicant's engineering experience shall show responsible charge of engineering projects for at least ten years and advancement in the character of the work performed. The experience gained prior to his before reaching the age of 20 years shall not be credited as a part of the required engineering experience, except that graduation from an accredited baccalaureate engineering curriculum shall be considered equivalent to four years of engineering experience. Credit shall not be given for more than a total of four years experience because of undergraduate educational qualifications.

1800.2805 QUALIFYING EXPERIENCE DEFINED.

As used in this part and parts 1800.2600, 1800.2700, and 1800.2800, qualifying experience consists of varied, progressive, nonrepetitive, practical experience at engineering work, developing the ability to apply the theoretical knowledge gained during academic training in making sound judgments in solving engineering problems. The varied experience must include increments of design, planning, technical specification, codes and standards research and analysis, engineering economics, safety, observation, and inspection of construction of products. Experience shall be written in detail and submitted with the application for evaluation and approval by the board.

1800.2900 ENGINEER-IN-TRAINING PROCEDURES.

Any applicant who is a graduate of an ECPD accredited engineering curriculum, or who has education equivalent thereto as determined by the board, may be permitted to take the fundamentals of engineering examination (EIT).

Subpart 1. Application deadline. An applicant shall submit an application for admission to the fundamentals of engineering examination explained in part 1800.2700, subpart 1a, by February 1 for the April examination or by August 1 for the October examination. Application shall be made on a form provided by the board and shall include the fee specified in part 1800.0500, subpart 5, item B, subitem (1). A transcript of grades showing the date of award of the degree earned shall be submitted before the applicant may be certified as engineer-in-training.

Subp. 2. Preliminary request for professional examination. An applicant shall submit a preliminary request for admission to the principles and practice of engineering examination explained in part 1800.2700, subpart 2, by November 1 for the April examination or by June 1 for the October examination. The request shall be made on a form provided by the board and shall include a detailed listing of engineering experience gained. The experience listing shall include the name and mailing address of the applicant's supervisor for each period of employment. The board shall verify listed experience by sending an employer reference form to each listed supervisor. A transcript of grades showing the date of award of the degree earned shall accompany the completed form, unless previously submitted. Upon approval of the preliminary request by the board, the applicant will be so notified and provided formal application materials.

Subp. 3. Formal application for professional examination. An applicant shall submit a formal application for admission to the principles and practice of engineering examination by January 2 for the April examination or by August 1 for the October examination. Application shall be made on a form provided by the board and shall include one signed copy of board rules of professional conduct and a fee as specified in part 1800.0500, subpart 5, item B, subitem (2).

Subp. 4. Obtaining application material. Application materials may be obtained by calling or writing the board office.

REPEALER. Minnesota Rules, parts 1800.1000, subparts 2, 3, and 4; 1800.1200, subparts 2, 3, and 4; and 1800.3000 are repealed.

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Proposed Rules

Department of Labor and Industry

Proposed Permanent Rules Relating to Workers' Compensation; Medical Charges and Reimbursement

Notice of Intent to Adopt Rules without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Labor and Industry intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes* 176.136, (Supp. 1989) and *Minnesota Statutes* 176.83 (1988).

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

Gloria Gebhard
Senior Rehabilitation and Medical Specialist
Rehabilitation and Medical Affairs
443 Lafayette Road
St. Paul, Minnesota 55155
Telephone: (612) 296-8213

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. These amendments to the Workers' Compensation Medical Fee Schedule add a definition of "appropriate record" and modify the instructions governing division of surgeon's fees.

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 Gloria Gebhard at the above address upon request.

The Department has concluded that the impact on small business need not be addressed pursuant to *Minnesota Statutes* 14.115 because the rules concern service businesses regulated for standards and costs. Nonetheless, no adverse impact on small business is anticipated, because the amendments define "appropriate record" consistent with existing statutory language in *Minnesota Statutes* 176.135 (7) and delete language governing division of surgeon fees that is potentially inconsistent with other existing rules and statutory language and the data base for the Medical Fee Schedule. For the same reasons, the rules do not require additional expenditure of public monies or preparation of a fiscal note on the impact on local public bodies under *Minnesota Statutes* 3.983 or *Minnesota Statutes* 14.11.

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 Gloria Gebhard at the above address.

Dated: 23 March 1990

Ken Peterson
Commissioner

Rules as Proposed

5221.0100 DEFINITIONS.

[For text of subpart 1, see M.R.]

Subp. 1a. Appropriate record. "Appropriate record" is a legible medical record or report which substantiates the nature and necessity of a service being billed and its relationship to the work injury.

[For text of subps 2 to 15, see M.R.]

5221.2250 PHYSICIAN SERVICES; SURGERY.

[For text of subpart 1, see M.R.]

Subp. 2. **Instructions.** The instructions in items A to F govern the assignment of codes and the evaluation of services described in this part.

A. With the exception of services designated with an asterisk (*), all services include the operation per se, local infiltration, digital block, or topical anesthesia when used, and the normal uncomplicated in-hospital follow-up care, provided by the surgeon both pre- and postoperative. This concept is referred to as a "package" for surgical procedures. ~~The surgical package includes the assistant surgeons if any are used. Reimbursement for the assistant surgeon is made from the fee collected for the surgical package and is the responsibility of the primary physician.~~ For the purposes of this definition, preoperative care does not include any care administered before the provider determines that surgery is required.

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

[For text of subps 3 to 15, see M.R.]

Board of Medical Examiners

Proposed Permanent Rules Relating to Physical Therapy

Notice of and Order for Hearing

IT IS HEREBY ORDERED AND NOTICE IS GIVEN that the Minnesota Board of Medical Examiners (hereinafter "Board") will hold a public hearing in the above-captioned matter, pursuant to *Minnesota Statutes*, §§14.131 to 14.20 (1988), in the joint conference room, lower level, at 2700 University Avenue West, St. Paul, Minnesota, on May 19, 1990, commencing at 10 a.m.

IT IS FURTHER ORDERED that notice of said hearing be given to all persons who have registered their names with the Minnesota Board of Medical Examiners for that purpose and be published in the *STATE REGISTER*.

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 Howard L. Kaibel, Administrative Law Judge, Office of Administrative Hearings, Fifth Floor, Flour Exchange Building, 310 South Fourth Avenue, Minneapolis, Minnesota 55415, telephone (612) 341-7608. 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 Board and interested persons may respond in writing, within three business days after the submission period ends, to any new information submitted. No additional evidence may be submitted during the three-day period. This rule hearing procedure is governed by *Minnesota Statutes* §§14.131 to 14.20 (1988) and by *Minnesota Rules* pts. 1400.0200 to 1400.1200 (1989). Questions about procedure may be directed to the administrative law judge.

If adopted, the rules would adjust the Board of Medical Examiners' physical therapy examination fee from \$90 to \$110; establish a physical therapy temporary registration permit and temporary permit fee of \$10; describe all the information necessary for a complete physical therapy application for applicants seeking registration by examination or without examination; clarify the practice parameters in which physical therapists may treat a patient without supervision or direction as provided under *Minnesota Statutes* 148.75 and 148.76 (1988); establish physical therapy continuing education requirements and standards for compliance; extend the time applications for physical examination must be received by the Board prior to the examination; remove the Minnesota Battery Test as the test used by the Board to judge English language proficiency of foreign trained applicants and establish the Test of English as a Foreign Language Exam or comparable examination approved by the Board as the standard; and provide an appeal process for applicants denied reregistration because of non-compliance with application and/or continuing education requirements. The proposed rules will be published in the *State Register* issue on April 9, 1990, and a free copy of the rules may be obtained from the Board by writing or telephoning H. Leonard Boche, Executive Director, Minnesota Board of Medical Examiners, 2700 University Avenue West, Suite 106, St. Paul, MN 55114-1080, at (612) 642-0538.

The statutory authority of the Board to adopt the proposed rules is contained in *Minnesota Statutes* §§148.74 (1988).

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

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

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

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

NOTICE IS HEREBY GIVEN THAT A STATEMENT OF NEED AND REASONABLENESS is now available for review at the Board Office and at the Office of Administrative Hearings. This statement of need and reasonableness includes a summary of all the evidence which the Board 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 Board Office or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearing 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 Board may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the Board at any time prior to the filing of the rules with the Secretary of State.

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

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

Dated: 23 March 1990

State of Minnesota
Minnesota Board of
Medical Examiner
H. Leonard Boche
Executive Director

Rules as Proposed

5600.2500 ANNUAL FEES.

The fees charged by the board are fixed at the following rates:

- A. physician examination fee, full exam, \$425;
- B. physician examination fee, Part I only, \$250;
- C. physician examination fee, Part II only, \$300;
- D. physician application fee, \$200;
- E. physician annual registration, \$115;
- F. physician certification to other states, \$10;
- G. physician verification to institutions, \$5;
- H. physician endorsement to other states, \$40;
- I. physician emeritus license, \$50;
- J. physician temporary licenses, \$60;

- K. physician late fee, \$60;
- L. physical therapist application fee, \$40;
- M. physical therapist examination fee, ~~\$90~~ \$110;
- N. physical therapist annual registration, \$20;
- O. physical therapist late fee, \$10;
- P. physical therapist certification to other states, \$10; ~~and~~
- Q. physical therapist verification to institutions, \$5; ~~and~~
- R. physical therapist temporary permit, \$10.

5601.0100 DEFINITIONS.

Subpart 1. to 4. [Unchanged.]

Subp. 5. Licensed health care professional or licensed health care provider. "Licensed health care professional" or "licensed health care provider" means a person licensed in good standing in Minnesota to practice medicine, osteopathy, chiropractic, podiatry, or dentistry.

Subp. 6. Initiation of treatment. "Initiation of treatment" means the initiation by a physical therapist of physical measures, therapeutic exercises, and rehabilitation procedures, as defined by Minnesota Statutes, section 148.65, without the express direction or supervision of a health care professional.

Subp. 7. Previously diagnosed condition. "Previously diagnosed condition" means a condition diagnosed by a health care professional within the 24-month period preceding the date the physical therapist initiates treatment for the condition.

Subp. 8. Clinical experience. "Clinical experience" means practice under a physician's direction or supervision as verified by the board's records.

Subp. 9. Contact hour. "Contact hour" means an instructional session of 60 minutes, excluding coffee breaks, registration, meals with a speaker or without a speaker, and other social activities.

5601.0300 CONTENTS OF APPLICATION.

The application must be submitted on forms prepared by the board together with the fees described under part 5600.2500, items L and M. To be complete, the application must include the following information:

A. [Unchanged.]

B. a recommendation of the applicant's ethical and moral character by ~~one physician duly licensed to practice medicine in the United States or Canada and one physical therapist~~ two physical therapists duly registered to practice physical therapy in the United States or Canada;

C. a recent full-faced ~~notarized~~ notarized photograph of the applicant attached to the application with the affidavit on the form completed and notarized; and

D. an accounting of ~~time beginning with high school education; the applicant's high school, college, and board-approved physical therapy school education listing the names, locations, dates of attendance, and diplomas, degrees, or certificates awarded;~~

E. an accounting of the applicant's postgraduate work and military service;

F. a listing of the states or countries in which the applicant is currently licensed or registered including the applicant's license or registration certificate number, the date the license or registration was obtained, and the method by which the license or registration was received;

G. an accounting of the applicant's current and previous physical therapy practice experience listing two references from each place of service;

H. an accounting of any disciplinary complaints, refusal of licensure or registration, or denial of examination eligibility by another state board or physical therapy society against the applicant;

I. an accounting of the applicant's use of drugs that are subject to abuse and treatment for alcohol or drug abuse;

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J. an accounting by the applicant of any current disabling condition, illness, or disease that impairs the applicant's ability to practice physical therapy;

K. an accounting of any violation of federal, state, or local regulations or statutes by the applicant;

L. a listing of any memberships in a physical therapy society;

M. the applicant's name and address;

N. the applicant's social security number, if the applicant chooses to voluntarily provide the number to the board for identification purposes, or the applicant's alien registration card number, whichever is applicable, or notification to the board if no social security number or alien registration card number is assigned to or available from the applicant;

O. completed copies of credentials verification forms provided by the board; and

P. any other information judged necessary by the board to evaluate the applicant.

5601.0400 APPLICATION DEADLINE.

All applications for examination must be fully completed in accordance with part 5601.0300 and forwarded to the secretary of the board. An application must be postmarked not later than ~~30~~ 45 days before the date of the examination.

5601.0700 REGISTRATION WITHOUT EXAMINATION.

The board may register a person as a physical therapist in this state without examination if that person completes or presents evidence satisfactory to the board of having passed an examination in accordance with *Minnesota Statutes*, section 148.70 administered by a state licensing agency. An applicant for registration without examination shall submit an application on forms provided by the board together with the fees described in part 5600.2500. The form must include the following information:

A. and B. [Unchanged.]

C. a list of the applicant's physical therapy employment during the past five years the information required by part 5601.0300, items B to P.

5601.0800 REQUIREMENTS FOR FOREIGN-TRAINED APPLICANTS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **English test.** The applicant must achieve a score of at least 550 on the test of English as a foreign language TOEFL (Test of English as a Foreign Language) examination administered by the Educational Testing Service, Inc., Princeton, New Jersey, or a passing score of at least 85 percent on the Minnesota battery test on a comparable nationally recognized examination approved by the board.

Subp. 4. and 5. [Unchanged.]

5601.1200 REPORTS.

The physical therapist shall submit ~~written~~ reports to the ~~prescribing physician referring licensed health care provider~~ at intervals determined by the ~~prescribing physician health care provider~~ concerning the condition and progress of the patient in therapy. Reports should include, but are not limited to, an initial evaluation, progress notes, and a discharge note. Reports by the physical therapist must be made more frequently than designated by the ~~prescribing physician health care provider~~ if the patient's condition warrants.

5601.1700 RENEWAL OF REGISTRATION.

When they renew their registrations each year in compliance with *Minnesota Statutes*, section 148.73, physical therapists must submit lists of locations or institutions where they have practiced during the past five years. Applicants for reregistration who have not practiced the equivalent of eight full weeks during the past five years are required to achieve a passing score on retaking the registration examination or complete no less than eight weeks of council-approved clinical experience with a broad base of treatment modalities and patient diagnoses. In addition, every two years, the applicant must submit verification of compliance with the continuing education requirements of parts 5601.2100 to 5601.2500. An application submitted after the reregistration deadline date must be accompanied by the late fee described in part 5600.2500.

5601.1800 INITIATION OF TREATMENT FOR A CONDITION NOT PREVIOUSLY DIAGNOSED.

A. A physical therapist who has had more than one year of clinical experience may initiate treatment of a patient for a condition not previously diagnosed for up to 30 days once within a four-month period. Subsequent treatments for a condition not previously diagnosed of up to 30 days within a four-month period beginning with the start of the initial treatment may only be made if the patient's complaint and symptoms are unrelated to the complaint and symptoms of the original treatment.

B. A physical therapist with less than one year of clinical experience may not initiate treatment of a previously diagnosed condition.

C. Items A and B do not apply to patients who have been referred for physical therapy treatment by order or referral of a licensed health care professional.

5601.1900 INITIATION OF TREATMENT FOR A PREVIOUSLY DIAGNOSED CONDITION.

A. A physical therapist who has had more than one year of clinical experience may initiate treatment of a patient for a previously diagnosed condition for up to 60 days.

B. A physical therapist with less than one year of clinical experience may not initiate treatment of a previously diagnosed condition.

C. Documentation of the diagnosis under item A or B must be obtained from the licensed health care professional by the physical therapist within 30 days of the initial admission.

5601.2000 LIMITATIONS ON PRACTICE.

If a patient's medical condition is determined by the physical therapist to be beyond the scope of practice of that physical therapist, the physical therapist must refer the patient to a licensed health care professional. A physical therapist shall modify or terminate treatment of a patient that is not beneficial to the patient or that is not tolerated by the patient and shall notify the patient's health care provider of the modification or termination of treatment.

5601.2100 CONTINUING EDUCATION REQUIREMENT.

Every two years, each physical therapist registered by the board shall obtain 20 contact hours of continuing education credit as required by parts 5601.2200 to 5601.2600.

5601.2200 TWO-YEAR CONTINUING EDUCATION CYCLE.

Subpart 1. Initial registration on or after January 1, 1991. For physical therapists initially registered on or after January 1, 1991, the first two-year continuing education cycle begins on the January 1 following the date of initial licensure. Future cycles will run consecutively from that point. Continuing education courses taken between the date of initial registration and January 1 of the following year may be credited toward the first cycle.

Subp. 2. Initial registration before January 1, 1991. For physical therapists renewing their registrations on or after January 1, 1991, but who were initially registered before that date, the first two-year continuing education cycle begins as described in item A or B and runs consecutively from that date.

A. If the physical therapist's month of birth occurs in the months of January to June, the cycle begins on January 1, 1992.

B. If the physical therapist's month of birth occurs in the months of July to December, the cycle begins on January 1, 1993. In the first cycle, ending December 31, 1994, a physical therapist in this group shall submit 30 hours of credit.

For purposes of this subpart, continuing education courses taken between January 1, 1991, and January 1 of the physical therapist's first two-year continuing education cycle may be credited toward the first cycle.

5601.2300 CATEGORIES OF CREDITED ACTIVITIES.

Continuing education credit may be obtained from the following activities:

A. Category 1: No less than ten hours of credit must be obtained in a cycle by attendance at educational activities recognized by the board under part 5601.2400. Physical therapists who must submit 30 hours of credit under part 5601.2200, subpart 2, item B, must obtain no less than 15 hours of credit under this item.

B. Category 2: No more than ten hours of credit may be obtained in a cycle through in-service educational activities sponsored by organizations or individuals not designated in Category 1. Physical therapists who must submit 30 hours of credit under part 5601.2200, subpart 2, item B, must obtain no more than 15 hours of credit under this item.

C. Category 3: No more than four hours of credit may be obtained in a cycle through teaching, lecturing, or similar presentation programs. Physical therapists who must submit 30 hours of credit under part 5601.2200, subpart 2, item B, must obtain no more than six hours of credit under this item.

5601.2400 CATEGORY 1 CREDIT.

The board shall grant Category 1 continuing education credit for the educational activities in items A to D:

A. any course planned, sponsored, or cosponsored by an accredited university or college, medical school, state or national

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medical or osteopathic association, or a national medical specialty society;

B. any course planned, sponsored, or cosponsored by the American Physical Therapy Association or other national or state physical therapy association meeting the standards of part 5601.2500 and receiving board approval;

C. any course planned, sponsored, or cosponsored by the Arthritis Foundation, American Heart Association, or other national or state health organization meeting the standards of part 5601.2500 and receiving board approval; and

D. any educational activity meeting the standards of part 5601.2500 submitted for continuing education credit by a registered physical therapist in advance of the presentation of the activity and receiving approval by the board.

An individual or organization seeking board approval of an educational activity for Category 1 continuing education credit shall provide to the board documents describing the name and address of the organization sponsoring the activity, the name and address of the facility at which the activity will be presented, the name and credentials of each instructor or person making a presentation, and the course content in detail, including a time schedule for the activity.

5601.2500 CREDIT STANDARDS.

The board shall grant continuing education credit for any educational activity that meets the standards in items A to E.

A. The educational activities must have significant intellectual or practical content dealing primarily with matters directly related to the practice of physical therapy or to the professional responsibility or ethical obligations of the participants.

B. Each person making a presentation shall be qualified by practical or academic experience to teach the subject the person covers.

C. Participants shall attend educational activities in a classroom or other setting suitable for the activity. Video, motion picture, or sound presentations may be used.

D. One hour of credit shall be given for each 60 minutes actually spent on educational activities.

E. Credit shall not be given for entertainment or recreational activities or programs, employment orientation sessions, holding an office or serving as an organizational delegate, individual self-directed study programs, management seminars not directly concerning physical therapy operations, meetings for the purpose of making policy, or noneducational association meetings.

5601.2600 VERIFICATION OF COMPLIANCE.

At the January license renewal immediately following their two-year continuing education cycle, registrants shall provide a signed statement to the board on a form provided by the board indicating compliance with parts 5601.2100 to 5601.2500. The board may, in its discretion, require additional evidence necessary to verify compliance with parts 5601.2100 to 5601.2500. The board may also accept certification of other state or national health or medical organizations whose continuing education requirements are equal to or greater than those in parts 5601.2100 to 5601.2500.

Periodically, the board shall select a sample of the registered physical therapists and request evidence of the continuing education to which they attested. Documentation may come directly from the registrant or from state or national organizations that maintain those types of records.

A registrant failing to submit a statement or who submits a statement that, on its face, indicates noncompliance with parts 5601.2100 to 5601.2500 may be subject to the disciplinary provisions in part 5601.2700.

5601.2700 PENALTIES FOR NONCOMPLIANCE.

The board shall refuse to renew or grant, or shall suspend, condition, limit, or qualify the registration of any person who the board determines has failed to comply with parts 5601.2100 to 5601.2600.

5601.2800 HEARING UPON REFUSAL TO RENEW.

A registrant whose registration renewal materials fail to comply with the requirements of part 5601.1700 as determined by the board shall be notified of this determination and the grounds for it and may be granted a hearing under part 5615.0300 by filing a statement of issues with the board within 20 days after receipt of notice from the board. After the hearing, the board shall notify the applicant in writing of its decision.

5601.2900 TEMPORARY PERMIT.

Subpart 1. Who may apply. Applicants who have complied completely with the informational requirements in part 5601.0300, items A to P, or 5601.0700, items A to C, may apply for a temporary permit to practice physical therapy under supervision. Foreign-trained applicants must comply completely with part 5601.0800 in addition to the information requirements of part 5601.0300, items A to P, or 5601.0700, items A to C.

Subp. 2. Application. The application for a temporary permit to practice physical therapy under supervision must be submitted on forms prepared by the board together with the fee described in part 5600.2500.

Subp. 3. Contents of application. To be complete, an application for a temporary permit to practice physical therapy under supervision must include the following information:

A. an original or certified copy of a diploma, degree, or certificate; or evidence satisfactory to the board indicating that the applicant has satisfactorily completed an approved curriculum in physical therapy as provided in *Minnesota Statutes*, section 148.70, and has been graduated from a school of physical therapy approved by the board;

B. if the applicant is providing evidence of compliance of the informational requirements of part 5601.0700, a notarized or certified copy of a current license or certificate to practice physical therapy issued by the duly accredited examining agency of the state or foreign country in which the applicant has been licensed or certified; and

C. the information required by part 5601.0300, items B to P.

REPEALER. *Minnesota Rules*, parts 5601.1000 and 5601.1100, are repealed.

Pollution Control Agency

Proposed Permanent Rules Relating to Infectious Waste Management

Notice of Intent to Adopt Rules without a Public Hearing and Notice of Intent to Adopt Rules with a Public Hearing if 25 or More Persons Request a Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1988). The MPCA's authority to adopt the rules is *Minnesota Statutes* 119.75 (1989).

The proposed rules establish standards for the offsite management of infectious waste, including packaging and labeling, transport, storage, treatment, and disposal. The proposed rules apply to owners and operators of storage, treatment, and disposal facilities, and commercial transporters. The proposed rules will provide management methods that will ensure protection of human health and the environment.

All persons have until 4:30 p.m. on May 9, 1990, to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rule amendments addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the proposed rules within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the MPCA will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1988).

PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN THE 30-DAY COMMENT PERIOD, A HEARING WILL BE HELD ON MAY 17, AT THE MPCA BOARD ROOM, 520 LAFAYETTE ROAD, ST. PAUL, MN. THE HEARING WILL BEGIN AT 9:00 A.M. AND PROCEED UNTIL THERE IS NO REMAINING TESTIMONY, OR UNTIL 4:00 P.M. ADDITIONAL HEARINGS WILL BE SCHEDULED IF NECESSARY. To verify whether a hearing will be held, please call Julie Ketchum of the MPCA staff after May 10, 1990, at 612/296-7388 or Laurie Mezner at 612/296-8455.

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

Julie Ketchum
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
612/296-7388

Laurie Mezner
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
612/296-8455

The proposed rules may be modified if the modifications are supported by data and views submitted to the MPCA and do not result in a substantial change in the proposed rules as noticed. One free copy of the rules is available upon request from Julie Ketchum or Laurie Mezner at the address and telephone number stated above.

YOU ARE HEREBY ADVISED, pursuant to *Minnesota Statutes* § 14.115 (1986), "Small business considerations in rulemaking," that the proposed rules will have minor impacts on businesses. Most existing infectious waste management businesses have established practices that are consistent with the proposed rules. The MPCA finds that the proposed rules will have either no impact or minor impacts on small firms. Details of this finding are presented in section VII. "Economic Impacts" of the Statement of Need and Reasonableness.

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YOU ARE HEREBY ADVISED, pursuant to *Minnesota Statutes* § 14.11, subd. 2 (1986), "Agricultural land," that the proposed rules have no effect on agricultural lands. *Minnesota Statutes* § 116.77 specifically exempts farm operations and agricultural businesses from compliance with the proposed rules.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule amendments and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Julie Ketchum or Laurie Mezner upon request.

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent 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 rules as adopted, must submit a written request to Julie Ketchum or Laurie Mezner.

Gerald L. Willet, Commissioner

Notice of Hearing and Notice of Intent to Cancel Hearing if Fewer than 25 Persons Request a Hearing in Response to Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) will hold a public hearing on the above entitled matter on May 17, 1990, at the MPCA Board Room, beginning at 9:00 a.m. and proceeding until there is no remaining testimony, or until 4:00 p.m. Additional hearings will be scheduled if necessary.

The proposed rules establish standards for the offsite management of infectious waste, including packaging and labeling, transport, storage, treatment, and disposal. The proposed rules apply to owners and operators of storage, treatment, and disposal facilities, and commercial transporters. The proposed rules will provide management methods that will ensure protection of human health and the environment.

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

PLEASE NOTE, HOWEVER, THAT THE HEARING WILL BE CANCELED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SAME RULES WITHOUT A PUBLIC HEARING PUBLISHED IN THIS STATE REGISTER AND MAILED TO PERSONS REGISTERED WITH THE MPCA. To verify whether a hearing will be held, please call Julie Ketchum of the MPCA staff, after May 10, 1990, at 612/296-7388 or Laurie Mezner at 612/296-8455.

The matter will be heard before Administrative Law Judge Alan E. Giles, Office of Administrative Hearings, Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, 612/349-2543. The rule hearing procedure is governed by *Minnesota Statutes* §§ 14.131 to 14.20 (1988) and by the rules of the Office of Administrative Hearings, *Minnesota Rules* pts. 1400.0200 to 1400.1200. Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge at the address and telephone number stated above.

The subject of the hearing will be the proposed rules governing infectious waste management, *Minnesota Rules* pts. 7035.9100 to 7035.9150. The proposed rules are authorized by *Minnesota Statutes* § 116.75. The proposed rules are published below. One free copy of the proposed rules is available upon request by contacting:

Julie Ketchum
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
612/296-7388

Laurie Mezner
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
612/296-8455

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

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

The MPCA requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment period also submit a copy of the written data to Julie Ketchum or Laurie Mezner at the address stated above.

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

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

YOU ARE HEREBY ADVISED, pursuant to *Minnesota Statutes* § 14.115 (1986). "Small business considerations in rulemaking," that the proposed rules will have minor impacts on businesses. Most existing infectious waste management businesses have established practices that are consistent with the proposed rules. The MPCA finds that the proposed rules will have either no impact or minor impacts on small firms. Details of this finding are presented in section VII. "Economic Impacts" of the Statement of Need and Reasonableness.

YOU ARE HEREBY ADVISED, pursuant to *Minnesota Statutes* § 14.11, subd. 2 (1986). "Agricultural land," that the proposed rules have no effect on agricultural lands. *Minnesota Statutes* § 116.77 specifically exempts farm operations and agricultural businesses from compliance with the proposed rules.

PLEASE BE ADVISED that *Minnesota Statutes* ch. 10A (1988) requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes* § 10A.01, subd. 11 (1988) as any individual:

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

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

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

Gerald L. Willet, Commissioner

Rules as Proposed (all new material)

7035.9100 SCOPE.

Parts 7035.9100 to 7035.9150 apply to owners and operators of facilities, to commercial transporters, and to all infectious waste without regard to quantity. They do not apply to waste generated by households, farms, agricultural businesses, or, except where specified, generators.

7035.9110 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 7035.9100 to 7035.9150, the following terms have the meanings given them.

Subp. 2. **Agency.** "Agency" means the Minnesota Pollution Control Agency, its agent, or representative.

Subp. 3. **Blood.** "Blood" means waste human blood and blood products in containers, or solid waste saturated and dripping human blood or blood products. Human blood products include serum, plasma, and other blood components.

Subp. 4. **Commercial transporter.** "Commercial transporter" means a person who transports infectious or pathological waste for compensation.

Subp. 5. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Pollution Control Agency.

Subp. 6. **Decontamination.** "Decontamination" means rendering infectious waste safe for routine handling as a solid waste.

Subp. 7. **Disinfection.** "Disinfection" means the use of chemical solutions to substantially reduce the number of microorganisms present on surfaces of inanimate objects.

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Subp. 8. **Facility.** "Facility" means a site where infectious waste is stored, disposed, or decontaminated, including incineration.

Subp. 9. **Generator.** "Generator" means a person whose activities produce infectious waste. Generator does not include a person who produces sharps as a result of administering medication to oneself.

Subp. 10. **Infectious waste.** "Infectious waste" means laboratory waste, blood, regulated body fluids, sharps, and research animal waste that have not been decontaminated.

Subp. 11. **Laboratory waste.** "Laboratory waste" means waste cultures and stocks of agents that are generated from a laboratory and are infectious to humans; discarded contaminated items used to inoculate, transfer, or otherwise manipulate cultures or stocks of agents that are infectious to humans; wastes from the production of biological agents that are infectious to humans; and discarded live or attenuated vaccines that are infectious to humans.

Subp. 12. **Management plan.** "Management plan" means a written and implemented system, as described in part 7035.9130, for the safe handling of infectious or pathological waste through collection, disinfection, transport, storage, and disposal.

Subp. 13. **Offsite.** "Offsite" means a land area and appurtenances for the decontamination, storage, or disposal of infectious waste that is not on the generator's site.

Subp. 14. **Operator.** "Operator" means the person or persons responsible for the operation of a facility.

Subp. 15. **Owner or facility owner.** "Owner or facility owner" means the person or persons who own a facility or part of a facility.

Subp. 16. **Pathological waste.** "Pathological waste" means human tissues and body parts removed accidentally or during surgery or autopsy intended for disposal. Pathological waste does not include teeth.

Subp. 17. **Person.** "Person" means an individual, partnership, association, public or private corporation, or other legal entity, the United States government, an interstate body, the state, and an agency, department, or political subdivision of the state.

Subp. 18. **Putrefaction.** "Putrefaction" means the decomposition of organic matter by microorganisms, producing foul-smelling matter.

Subp. 19. **Regulated human body fluids.** "Regulated human body fluids" means cerebrospinal fluid, synovial fluid, pleural fluid, peritoneal fluid, pericardial fluid, and amniotic fluid that are in containers or that drip freely from body fluid soaked solid waste items.

Subp. 20. **Research animal waste.** "Research animal waste" means carcasses, body parts, and blood derived from animals knowingly and intentionally exposed to agents that are infectious to humans for the purpose of research, production of biologicals, or testing of pharmaceuticals.

Subp. 21. **Sharps.** "Sharps" means:

A. discarded items that can induce subdermal inoculation of infectious agents, including needles, scalpel blades, pipettes, and other items derived from human or animal patient care, blood banks, laboratories, mortuaries, research facilities, and industrial operations; and

B. discarded glass or rigid plastic vials containing infectious agents.

Subp. 22. **Spill.** "Spill" means the release of infectious waste to the environment.

Subp. 23. **Storage.** "Storage" means the offsite holding of infectious waste for more than 48 hours.

7035.9120 REQUIRED PRACTICES FOR FACILITY OWNERS AND OPERATORS AND COMMERCIAL TRANSPORTERS.

Subpart 1. **Packaging and labeling requirements.** No commercial transporter shall receive any infectious waste that is not packaged according to items A to G. No facility owner or operator shall receive for offsite decontamination, storage, or disposal, any infectious waste that is not packaged according to items A to G.

A. Sharps must be in rigid, puncture-resistant containers that have lids or caps that are designed to preclude loss or leakage of the contents.

B. Sharps must remain packaged throughout collection, storage, decontamination, and any handling processes that precede disposal, unless the sharps have been treated by a process that renders them incapable of inducing subdermal inoculation. This item does not prevent the use of sharps containers that are designed to be reusable if parts 7035.9100 to 7035.9150 are complied with.

C. Sharps containers, or infectious waste containers that include sharps containers, that will be transported to an offsite facility must be labeled, on the outer container, with "Sharps" in letters at least one inch high with a stroke width of one-eighth inch and with either the international biohazard symbol, at least three inches by three inches, or the words "Infectious Waste" in letters at least one inch in height with a stroke width of one-eighth inch.

D. Infectious waste, except for sharps, must be contained in plastic bags that are impervious to moisture, and of sufficient strength to preclude ripping, tearing, or bursting under normal conditions of use and handling. Each plastic bag must be constructed

of material of sufficient single thickness and strength to pass the 165-gram dropped dart impact resistance test as prescribed by ASTM Standard D 1709-75, which is incorporated by reference. The standard appears in the Annual Book of ASTM Standards, issued by the American Society of Testing and Materials (Philadelphia, 1975), and is available at the Minnesota State Law Library or through the statewide interlibrary loan system. The bags must be secured to prevent leakage of waste during handling, decontamination, storage, transport, or disposal.

E. Plastic bags of infectious waste that will be shipped offsite must be packaged for storage or handling by placement in corrugated fiberboard boxes or equivalent rigid containers such as reusable pails, cartons, or portable bins. Containers must have tight-fitting covers and be securely sealed.

F. Boxes and rigid containers of infectious waste must be conspicuously labeled with the words "Infectious Waste" in letters at least one inch high, with a stroke width of one-eighth inch, or the international biohazard symbol, at least three inches by three inches.

G. Containers that have been in direct contact with infectious waste must be disinfected before further use. The disinfection methods in subpart 6, item C, must be used.

Subp. 2. **Storage requirements.** Offsite facility owners and operators must store waste according to items A to E.

A. Infectious or pathological waste must be segregated from other wastes in a storage area designed to prevent the entry of vermin. Storage areas for infectious or pathological waste must be secured to deny access by unauthorized persons and must be prominently marked with the international biohazard symbol and with the words "Infectious Waste" on or adjacent to the exterior of entry doors and access gates.

B. Interior surfaces of storage areas must be constructed of materials that are easily cleaned.

C. Offsite storage areas must be designed to contain spills.

D. Infectious or pathological waste must not be allowed to become putrescent during storage or at any time.

E. Storage facility owners and operators must comply with the spill response requirements in subpart 6.

Subp. 3. **Decontamination requirements.** Facility owners and operators may use incineration, autoclaving, or other decontamination methods that have been approved by the commissioner for the decontamination of infectious waste. Facility owners and operators shall use handling and storage practices that comply with subparts 1 and 2, and decontamination methods that comply with items A to C and subpart 6.

A. Incinerators must be operated in compliance with chapters 7001 and 7005.

B. Offsite decontamination of infectious waste by autoclaving must be achieved in the following manner:

(1) Infectious waste must be autoclaved at 250 degrees Fahrenheit at 15 pounds per square inch of gauge pressure for one hour or at least equivalent settings.

(2) Loading of infectious waste must not exceed the design capacity of the autoclave.

(3) An operating log for each load of infectious waste decontaminated must be kept onsite for three years and must contain the date, time, temperature, pressure, and operator name.

C. Other methods for decontaminating infectious waste offsite, such as grinding, microwaving, or disinfecting technologies must receive commissioner approval. To obtain approval, the facility owner or operator proposing the decontamination method must submit to the commissioner information demonstrating that the proposed method decontaminates the waste. The commissioner may request additional information to determine whether the method is effective. In making this decision, the commissioner shall consult with the Centers for Disease Control and the Minnesota Department of Health.

Subp. 4. **Commercial transporter requirements.**

A. A commercial transporter must possess a valid transporter registration as described in part 7035.9140, subpart 3.

B. The commercial transporter's management plan required in part 7035.9130 must be kept at the address identified as the commercial transporter's principal place of business.

C. A commercial transporter who transports infectious waste offsite and facilities that receive the waste must be in compliance with subitems (1) to (9).

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(1) A commercial transporter must not accept infectious waste from a generator who does not have a management plan acknowledgment card issued by the Minnesota Department of Health or a storage facility or treatment facility that does not have a management plan as described in part 7035.9130.

(2) Infectious waste must be transported in a fully enclosed vehicle compartment.

(3) Infectious waste must be delivered for decontamination, storage, or disposal only to a facility owner or operator that has an approved management plan onsite or to a facility owner or operator that is exempt from the requirements for a management plan.

(4) A commercial transporter must not deliver infectious waste to a facility owner or operator prohibited from accepting the waste.

(5) Surface areas of equipment used to transport infectious waste must be smooth and easily cleaned.

(6) Infectious waste must not be compacted during transport. Sharps containers, or infectious waste containers that include sharps containers, must never be compacted, whether or not the sharps have been decontaminated. Containers must be secured to prevent movement during transport.

(7) Infectious waste must not be allowed to become putrescent during transportation.

(8) A person must not transport or receive for transport infectious waste that is not packaged and labeled according to subpart 1.

(9) Commercial transporters must comply with subpart 6.

D. Commercial transporter vehicles must bear labels or placards that comply with subitems (1) and (2).

(1) Vehicles transporting infectious waste must be identified on each side of the vehicle, and on the access doors to any area holding infectious waste, with the name of the transporter and the words "Infectious Waste" in letters six inches high with a stroke width of three-fourths inch or with the international biohazard symbol, eight inches by eight inches.

(2) The vehicle identification number that is issued by the commissioner under part 7035.9140, subpart 3, must be displayed on the single unit vehicle or trailer to which it is assigned in letters and numbers at least four inches in height with a stroke width of one-half inch.

Subp. 5. Generator transport requirements.

A. Generators who transport their own infectious waste to an offsite decontamination, storage, or disposal facility must comply with the packaging, labeling, and storage requirements of subparts 1 and 2.

B. Generators who provide not-for-compensation infectious waste collection and transport services must comply with the packaging, labeling, and storage requirements of subparts 1 and 2 and the commercial transporter requirements of subpart 4, item C.

C. Generator transport vehicles that exceed 7,000 pounds gross vehicle weight must be identified on each side of the vehicle, and on the access doors to any area holding infectious waste, with the name of the transporter and the words "Infectious Waste" in letters six inches high with a stroke width of three-fourths inch or with the international biohazard symbol, eight inches by eight inches. Magnetic placards that meet these specifications are acceptable.

D. Generators who transport infectious waste in vehicles that exceed 7,000 pounds gross vehicle weight must comply with subpart 8, items B and C, in addition to providing the name and title of the individual responsible for the implementation of infectious waste activities that are consistent with parts 7035.9100 to 7035.9150.

Subp. 6. Spill response plan. Spill response plans must comply with items A to C.

A. A spill cleanup kit must be available for use in areas used for the transport, decontamination, or offsite storage of infectious wastes. The cleanup kit must include at least:

(1) absorbent material for spilled liquids;

(2) one gallon of hospital grade disinfectant or disinfectant made of a formula listed in item C;

(3) packaging and labeling, as required in subpart 1 in quantities sufficient to accommodate the quantity of waste present;

and

(4) scoop shovel, push brooms, and plastic buckets.

B. Response to a spill must include the following minimum procedures:

(1) access to the spill area by unauthorized personnel must be prevented;

(2) broken containers and spillage must be packaged and labeled as required in subpart 1;

(3) absorbent material must be applied to surface areas that have been contaminated with infectious waste; and

(4) reusable items must be cleaned and disinfected using the procedures in item C.

C. Procedures for disinfecting contaminated surfaces include, but are not limited to, agitation to remove visible soil and application of one of the following chemical sanitizers for the contact time required by the manufacturer's label:

- (1) hypochlorite solution (500 ppm available chlorine);
- (2) phenolic solution (500 ppm active ingredient);
- (3) iodoform solution (100 ppm active ingredient); or
- (4) other chemical sanitizer solutions of equivalent disinfectant strength.

Subp. 7. **Financial assurance.** As a condition of management plan approval, an offsite storage facility owner or operator shall provide to the agency evidence of financial assurance according to items A, B, or C.

A. An offsite storage facility owner or operator may satisfy the requirements of this subpart by depositing acceptable securities with the state treasurer in accordance with subitems (1) to (9). The value of the securities to be deposited shall at least equal the estimated costs of final waste disposal that is approved in the management plan.

(1) Acceptable securities, for the purposes of this item, are:

- (a) United States government bonds;
- (b) bonds or securities that are issued by the state of Minnesota and that are secured by the full faith and credit of this state; and
- (c) certificates of deposit issued by a bank that has deposits insured by the Federal Deposit Insurance Corporation.

(2) An offsite storage facility owner or operator must send a copy of the state treasurer's receipt to the commissioner within ten days after the deposit is made.

(3) Securities must be assigned to the state of Minnesota. The assignment of securities must be signed by an officer, partner, or owner of the offsite storage facility. The assignment must state: "Assigned to the state of Minnesota for the purpose of providing financial assurance required by *Minnesota Rules*, part 7035.9120, under the Infectious Waste Control Act."

(4) All securities shall be deposited with the state treasurer. The commissioner and the state treasurer shall be authorized to sell and collect, if stored wastes are allowed to putresce, as much of the deposited securities as is needed to pay for final waste disposal. The commissioner's order to sell securities must be approved by the agency.

(5) Interest accruing on any securities deposited under this item shall be collected and transmitted to the depositor, provided that the depositor has not allowed stored wastes to putresce.

(6) All deposits shall remain in the custody of the state treasurer until three months after the facility operator stops accepting infectious waste.

(7) Any securities deposited with the state treasurer may be exchanged or replaced by the depositor with other acceptable securities so long as the market value of the securities equals the amount of deposit required.

(8) No securities on deposit with the state treasurer may be released without a written order from the commissioner. The commissioner shall refuse to release securities on deposit if the offsite storage facility owner or operator fails to dispose properly of any infectious wastes remaining after the facility permanently stops accepting waste.

(9) The offsite storage facility owner or operator may request that deposited securities be returned. Such requests must be submitted in writing by certified mail. The commissioner shall direct the state treasurer to return the securities to the depositor if:

- (a) the offsite storage facility owner or operator has stopped taking waste and no wastes remain on the site;
- (b) the offsite storage facility owner or operator has substituted other securities of equal or greater value for the securities that are requested; or
- (c) another person has received approval to operate the offsite storage facility.

The commissioner shall refuse to order return of the securities if the conditions for return have not been met. The commissioner shall have 60 days in which to determine whether to order return of the securities. If the commissioner does not order return of the securities, the commissioner shall, within 30 days of the decision, provide the offsite storage facility owner or operator with written reasons for not ordering return of the securities.

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B. An offsite storage facility owner or operator may satisfy the requirements of this subpart by sending to the commissioner a surety bond that conforms to the requirements of subitems (1) to (8). The surety company issuing the bond must be among those listed as acceptable sureties on federal bonds in Circular 570, issued by the United States Department of the Treasury, as published annually in the *Federal Register* on July 1.

(1) The penal sum of the bond shall at least equal the estimated costs of final waste disposal that is approved in the management plan.

(2) The wording of the surety bond must be identical to the wording specified in part 7035.9150, subpart 1.

(3) The bond must guarantee that the offsite storage facility owner or operator will:

(a) properly dispose of all stored wastes after the offsite storage facility has stopped accepting wastes;

(b) provide alternate financial assurance as specified in this subpart; and

(c) obtain the commissioner's written approval of the assurance provided within 90 days after receipt by the commissioner of a notice of cancellation of the bond from the surety.

(4) Under the terms of the bond, the surety must become liable on the bond obligation when the offsite storage facility owner or operator fails to perform as guaranteed by the bond. Following a determination by the commissioner that the offsite storage facility owner or operator has failed to properly dispose of all stored wastes after the offsite storage facility has stopped accepting wastes or has not provided alternate financial assurance as specified in this subpart and obtained the commissioner's written approval of the assurance provided, within 90 days after receipt by the commissioner of a notice of cancellation of the bond from the surety, under the terms of the bond the surety shall pay the amount of the penal sum to the agency.

(5) Whenever the estimated costs of final waste disposal become greater than the penal sum, the offsite storage facility owner or operator, within 60 days after the increase, shall either increase the penal sum to equal the new cost estimate, or obtain other financial assurance as specified in this subpart. Whenever the estimated costs of final waste disposal decrease, the penal sum shall be reduced to equal the new cost estimate following written approval by the commissioner.

(6) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the offsite storage facility owner or operator and to the commissioner. However, cancellation is not effective until 120 days after the commissioner has received the notice of cancellation, as evidenced by the return receipt.

(7) The offsite storage facility owner or operator may cancel the bond if the commissioner has given prior written approval. The commissioner shall approve cancellation if:

(a) the offsite storage facility owner or operator properly disposes of all stored wastes after the offsite storage facility has stopped accepting wastes; or

(b) the offsite storage facility owner or operator provides alternate financial assurance as specified in this subpart.

(8) The surety shall not be liable for deficiencies in the performance of final waste disposal after the commissioner releases the offsite storage facility owner or operator from the requirements of this subpart.

C. An offsite storage facility owner or operator may satisfy the requirements of this subpart by sending to the commissioner a letter of credit that conforms to the requirements of subitems (1) to (8). The issuing institution must be an entity which has the authority to issue letters of credit. Its letter-of-credit operations must be regulated and examined by a federal or Minnesota state agency.

(1) The letter of credit must be issued in an amount that is at least equal to the estimated costs of final waste disposal that is approved in the management plan.

(2) The wording of the letter of credit must be identical to the wording specified in part 7035.9150, subpart 2.

(3) The letter of credit must be accompanied by a letter from the offsite storage facility owner or operator referring to the letter of credit by number, issuing institution, and date, and providing the following information:

(a) the identification number;

(b) the name and address of the facility; and

(c) the amount of funds assured by the letter of credit for final disposal of wastes at the facility.

(4) The letter of credit must be irrevocable and issued for a period of at least one year. The letter of credit must provide that the expiration date will be extended automatically for a period of at least one year unless, at least 120 days before the current expiration date, the issuing institution notifies both the offsite storage facility owner or operator and the commissioner by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days must begin on the date when the commissioner has received the notice, as evidenced by the return receipt.

(5) Whenever the estimated costs of final waste disposal become greater than the amount of the letter of credit, the offsite

storage facility owner or operator, within 60 days after the increase, shall either increase the amount of the letter of credit to equal the new cost estimate, or obtain other financial assurance as specified in this subpart. Whenever the estimated costs of final waste disposal decrease, the amount of the letter of credit shall be reduced to equal the new cost estimate following written approval by the commissioner.

(6) Following a determination by the commissioner that the offsite storage facility owner or operator has failed to properly dispose of all stored wastes after the offsite storage facility has stopped accepting wastes, the commissioner shall draw on the letter of credit.

(7) The commissioner shall draw on the letter of credit if the offsite storage facility owner or operator does not establish alternate financial assurance as specified in this subpart and obtain written approval of the alternate financial assurance from the commissioner within 90 days after the commissioner receives notice from the issuing institution that it has decided not to extend the letter of credit beyond the current expiration date. The commissioner may delay the drawing if the issuing institution grants an extension of the term of the credit. During the last 30 days of any extension the commissioner shall draw on the letter of credit if the offsite storage facility owner or operator has failed to provide alternate financial assurance as specified in this subpart and obtain written approval of the alternate financial assurance from the commissioner.

(8) The commissioner shall return the letter of credit to the issuing institution for termination if:

(a) the offsite storage facility owner or operator properly disposes of all stored wastes after the offsite storage facility has stopped accepting wastes; or

(b) the offsite storage facility owner or operator provides alternate financial assurance as specified in this subpart.

Subp. 8. Reporting and record keeping. Facility owners and operators and commercial transporters must maintain records for a minimum of three years. If the three-year period expires during an unresolved enforcement action, the period is automatically extended until resolution of the pending enforcement action. Facility owners and operators and commercial transporters shall report the following information annually to the commissioner on the anniversary date of management plan approval:

A. the title and name of the individual responsible for implementation of the management plan as specified in part 7035.9130, item A;

B. the incidences in which infectious waste is released to the environment; and

C. the amounts of infectious waste managed; storage and decontamination facility owners and operators must submit the following information for the management of infectious waste that is generated both in and outside of Minnesota; commercial transporters must submit the following information only for the transport of infectious waste that is generated in Minnesota:

(1) the weight or number and size of containers of infectious waste transported, decontaminated, stored, and disposed of, giving the decontamination and disposal methods used; and

(2) the weight or number and size of containers of sharps transported, decontaminated, stored, and disposed of, giving the decontamination and disposal method used.

7035.9130 MANAGEMENT PLAN.

Each facility owner or operator and commercial transporter must develop and submit to the commissioner for approval a management plan that meets the requirements of this part. A copy of the management plan must also be submitted to the county solid waste officer. The management plan must be updated and resubmitted at least once every two years to the commissioner and to the county solid waste officer. A current copy of the management plan must be maintained onsite. For the management plan to be approved, all information in the management plan must be consistent with the requirements established in part 7035.9120 and must include the information required in *Minnesota Statutes*, section 116.79, and in items A to L. Storage facility owners and operators must submit the additional information required in item M.

A. The name and title of the individual responsible for the implementation of the management plan.

B. A description of packaging and identification labels used for the packaging and offsite transport of infectious or pathological waste as specified in part 7035.9120, subpart 1.

C. Spill response plan, including personal protection, cleanup, and repackaging, as specified in part 7035.9120, subpart 6.

D. Staff training and continuing education plan for employees who handle infectious or pathological wastes.

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E. For facilities that decontaminate infectious waste, a contingency plan that identifies alternative management methods that will be used during shutdown.

F. The length of time that waste will be stored at a storage facility.

G. The method of receiving waste to ensure that infectious or pathological waste is handled separately from other waste until decontamination is completed and to prevent unauthorized persons from having access to or contact with the waste.

H. The method of unloading and processing infectious or pathological waste that limits the number of employees handling the waste and minimizes the possibility of exposure of employees.

I. The method of disinfecting emptied reusable containers, surface areas of transport vehicles, and facility equipment that has been in contact with infectious waste.

J. The methods used to store and transport infectious or pathological waste in a manner that prevents putrefaction.

K. The weight or number and size of containers of infectious waste and sharps to be stored, transported, decontaminated, or disposed of at an approved facility; storage and decontamination facility owners and operators must list the quantities of infectious waste and sharps managed that were generated both in and outside of Minnesota; commercial transporters must list quantities only for the transport of infectious waste and sharps that were generated in Minnesota.

L. A list containing the name, location, and contact persons of the decontamination, storage, or disposal facilities that will be used.

M. An estimate of all costs that will be incurred after the storage facility ceases to accept infectious wastes. The estimate must include a unit cost for final disposal that is based on material weight, the name of the waste treatment or disposal facility to be used and a schedule of its rates, and unit-based transport costs from the storage facility to the waste treatment or disposal facility.

7035.9140 MANAGEMENT PLAN CERTIFICATION PROCEDURES.

Subpart 1. **Management plan application.** Persons required by part 7035.9130 to have an approved management plan shall comply with items A to E.

A. A management plan submitted to the commissioner for approval must provide the information listed in part 7035.9130 and be signed.

B. An existing facility owner or operator or a commercial transporter shall submit a management plan within 45 days of the adoption of parts 7035.9100 to 7035.9150.

C. A facility owner or operator or commercial transporter that begins the transport, storage, decontamination, or disposal of infectious waste after adoption of parts 7035.9120 to 7035.9150 shall submit to the commissioner a copy of the management plan before initiating the handling of the infectious waste.

D. A generator that also incinerates infectious waste shall submit a management plan for incineration activities in addition to any plan required by the Minnesota Department of Health.

E. A facility owner or operator that has an approved management plan shall update and resubmit a plan every two years. The updated plan must be submitted at least 30 days before the expiration date of the plan.

Subp. 2. **Certification fees.** Management plans prepared by facility owners or operators that store, decontaminate, or dispose of infectious waste, other than at the facility that generates the infectious waste, or a management plan prepared by a facility owner or operator that incinerates onsite at a hospital must be submitted to the commissioner with the certification fee required under *Minnesota Statutes*, section 116.79, subdivision 4.

Subp. 3. **Commercial transporter registration.** Commercial transporters must register with the commissioner. To obtain registration, the commercial transporter must comply with the requirements of subpart 1. Registered transporters shall receive registration cards to be kept in each single unit vehicle or trailer and at the address identified as the principal place of business. The vehicle identification number must be displayed as required in part 7035.9120, subpart 4, item D, subitem (1).

Subp. 4. **Exemption from commercial transporter registration.** Exemption from registration does not include exemption from the packaging and labeling requirements of part 7035.9120, subpart 1. The following are exempt from commercial transporter registration requirements:

A. generators that transport their own infectious waste to an approved facility;

B. a generator that provides not-for-profit infectious waste collection and transport services for other generators;

C. groups of generators that provide not-for-profit infectious waste collection and transport services for the group; and

D. persons who provide collection and transportation of sharps for households as part of the feasibility study required by Laws 1989, chapter 337, section 10.

Subp. 5. **Transporter registration fees.** Management plans prepared by commercial transporters of infectious waste must be submitted to the commissioner with the registration fee required under *Minnesota Statutes*, section 116.80, subdivision 3.

Subp. 6. **Signatories to management plans.** All management plans must be signed by the following persons:

A. for corporations, by an executive officer, or an agent or representative of the executive officer if the agent or representative is responsible for the implementation and evaluation of the management plan; and

B. for a municipality, or state, federal, or other public agency, either an executive officer or a ranking elected official and the individual responsible for the implementation and evaluation of the management plan.

Subp. 7. **Duration of management plan.** A management plan is effective for two years after the date of plan approval unless enforcement actions result in the revocation of the plan.

Subp. 8. **Review and approval or denial of management plans.**

A. All management plans shall be reviewed for completeness by the commissioner. If the management plan is incomplete, the commissioner shall promptly advise the signatory of the incompleteness. Further processing of the management plan may be suspended until the necessary information is supplied.

B. A management plan shall be approved if the plan is determined to be complete and consistent with these parts. A letter of approval signed by the commissioner shall be sent to the applicant upon approval of the plan. Part 7001.0100, subparts 4 and 5; and 7001.0110 do not apply to these approvals. Approval under this part is not a permit under chapter 7001. Nothing in this part exempts facilities or generators from applicable agency permit requirements and compliance with agency rules.

C. Approval shall be denied if the plan does not comply with these parts and other applicable state or federal laws or rules.

7035.9150 FORMS.

Subpart 1. **Surety bond.** A surety bond as specified in part 7035.9120, subpart 7, must be worded as specified in this part, except that the instructions in brackets must be replaced with the relevant information and the brackets deleted.

PERFORMANCE BOND

Date bond executed:

Effective date:

Principal: [legal name and business address of owner or operator]

Type of organization: [insert "individual," "joint venture," "partnership," or "corporation"]

State of incorporation:

Surety(ies): [name(s) and business address(es)]

Identification number, name, address, and estimated costs of final waste disposal for each facility guaranteed by this bond: \$.....

Total penal sum of bond: \$.....

Surety's bond number:

The Principal and Surety(ies) hereto are firmly bound to the Minnesota Pollution Control Agency (hereinafter called Agency), in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in the sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of the sum only as is set forth opposite the name of the Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

The Principal is required to provide financial assurance for the final disposal of wastes accepted at the facility(ies) named above.

The conditions of this obligation are such that if the Principal properly disposes of all wastes accepted at the facility(ies), in accordance with the Principal's approved infectious waste management plan and all applicable laws, statutes, rules, and regulations, as these laws, statutes, rules, and regulations may be amended,

Or, if the Principal provides alternate financial assurance as specified in *Minnesota Rules*, part 7035.9120, subpart 7, and obtains the Agency Commissioner's written approval of the financial assurance, within 90 days after the date notice of cancellation is received

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by both the Principal and the Agency Commissioner from the Surety(ies), then this obligation shall be null and void, otherwise it is to remain in full force and effect.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above.

Upon notification by the Agency Commissioner that the Principal has been found in violation of the requirements of *Minnesota Rules*, part 7035.9120, for a facility for which this bond guarantees proper waste disposal, the Surety(ies) shall pay the penal sum of the bond to the Agency as directed by the Agency Commissioner.

Upon notification by the Agency Commissioner that the Principal has failed to provide alternate financial assurance as specified in *Minnesota Rules*, part 7035.9120, subpart 7, and obtain written approval of the financial assurance from the Agency Commissioner during the 90 days following receipt by both the Principal and Agency of a notice of cancellation of the bond, the Surety(ies) shall pay the penal sum of the bond to the Agency as directed by the Agency Commissioner.

The Surety(ies) hereby waive(s) notification of amendments to infectious waste management plans and applicable laws, statutes, rules, and regulations and agree(s) that no amendment shall in any way alleviate its (their) obligation on this bond.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until the payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said penal sum.

The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Agency Commissioner, provided however, that cancellation shall not occur during the 120 days beginning on the date of receipt of the notice of cancellation by both the Principal and the Agency Commissioner, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety(ies), provided, however, that no notice shall become effective until the Surety(ies) receive(s) written authorization for termination of the bond by the Agency Commissioner.

(The following paragraph is an optional rider that may be included but is not required.)

Principal and Surety(ies) agree to adjust the penal sum of the bond yearly so that it guarantees a new final waste disposal cost estimate, provided that the penal sum does not increase by more than 20 percent in any one year, and no decrease in the penal sum takes place without the written permission of the Agency Commissioner.

The Principal and Surety(ies) have signed this Performance Bond on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety(ies) and that the wording of this surety bond is identical to the wording in *Minnesota Rules*, part 7035.9150, subpart 1, as the rule was constituted on the date this bond was executed.

Principal

[SIGNATURE(S)]
[NAME(S)]
[TITLE(S)]
[CORPORATE SEAL]

Corporate Surety(ies)

[NAME AND ADDRESS]
State of incorporation:
Liability limit: \$.....
[SIGNATURE(S)]
[NAME(S)]
[TITLE(S)]
[CORPORATE SEAL]

[For every co-surety, provide signature(s), corporate seal, and other information in the same manner as for Surety above.]

Bond premium: \$.....

Subp. 2. **Letter of credit.** A letter of credit, as specified in part 7035.9120, subpart 7, must be worded as specified in this part, except that the instructions in brackets must be replaced with the relevant information and the brackets deleted.

IRREVOCABLE STANDBY LETTER OF CREDIT

[Agency Commissioner]
Minnesota Pollution Control Agency

Dear Sir or Madam:

We hereby establish our Irrevocable Standby Letter of Credit No. in your favor, at the request and for the account of [owner's or operator's name and address] up to the aggregate amount of [in words] United States dollars \$....., available upon presentation of:

1. your sight draft, bearing reference to this letter of Credit No. ...; and
2. your signed statement reading as follows: "I certify that the amount of the draft is payable pursuant to the infectious waste rules, *Minnesota Rules*, parts 7035.9100 to 7035.9150."

This letter of credit is effective as of [date] and shall expire on [date at least one year later], but the expiration date shall be automatically extended for a period of [at least one year] on [date] and on each successive expiration date, unless, at least 120 days before the current expiration date, we notify both you and [owner's or operator's name] by certified mail that we have decided not to extend this letter of credit beyond the current expiration date. In the event you are so notified, any unused portion of the credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by you, as shown on the signed return receipt.

Whenever this letter of credit is drawn on, under, and in compliance with the terms of this credit, we shall duly honor the draft upon presentation to us and we shall deposit the amount of the draft directly to the Minnesota Pollution Control Agency in accordance with your instructions.

We certify that the wording of this letter of credit is identical to the wording specified in *Minnesota Rules*, part 7035.9150, subpart 2, as the rules were constituted on the date shown immediately below.

[SIGNATURE(S) AND TITLE(S) OF OFFICIAL(S) OF ISSUING INSTITUTION]

[DATE]

This credit is subject to [insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits, published by the International Chamber of Commerce," or "the Uniform Commercial Code published in *Minnesota Statutes*, chapter 336"].

Department of Health

Proposed Permanent Rules Relating to Emergency Medical Technician Certificates

Amended Notice of Intent to Adopt a Rule without a Public Hearing

On January 16, 1990, a Notice of Intent to Adopt a Rule Without a Public Hearing was published in the *State Register*, Volume 14, Number 35, Pages 1793-1794. On January 18, 1990, the Notice was mailed to all interested persons on the rulemaking mailing list. The original notice incorrectly stated that thirty-day comment period ended February 14, 1989. That date was incorrect.

Inasmuch as the incorrect date of the deadline for comments was cited, all persons will have 30 additional days from this notice in which to submit comments.

Please reference the Notice of Intent previously mailed and published in the *State Register* for the remainder of the information regarding this rule and for the rule.

Dated: 29 March 1990

Sister Mary Madonna Ashton
Commissioner of Health

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Adopted Rules

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

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

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

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

Department of Agriculture

Adopted Permanent Rules Relating to the Testing of Equipment and Equipment Operators Involved in Determining the Quality and Condition of Grain Received for Purchase or Storage

The rules proposed and published at *State Register*, Volume 14, Number 30, pages 1833-1836, January 22, 1990 (14 S.R. 1833) are adopted as proposed.

Housing Finance Agency

Adopted Permanent Rules Relating to Housing Preservation Program

The rules proposed and published at *State Register*, Volume 14, Number 28, pages 1745-1747, January 8, 1990 (14 S.R. 1745) are adopted as proposed.

Housing Finance Agency

Adopted Permanent Rules Relating to Neighborhood Preservation Home Improvement Loans

The rules proposed and published at *State Register*, Volume 14, Number 28, pages 1747-1750, January 8, 1990 (14 S.R. 1747) are adopted as proposed.

Commissioners' Orders

Department of Natural Resources

Commissioner's Order No. 2365: Revoking Commissioner's Orders Nos. 2194 and 2258

PURSUANT TO AUTHORITY VESTED IN ME by *Minnesota Statutes* § 378.22 and other applicable law, Commissioner's Orders Nos. 2194 and 2258 relating to water aeration are hereby revoked.

Dated at Saint Paul, Minnesota, this 16th day of March, 1990.

Joseph N. Alexander, Commissioner
Department of Natural Resources

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 Corrections

Community Services Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Municipal Jail Facilities

NOTICE IS HEREBY GIVEN that the State Department of Corrections is seeking information or opinions from sources outside the agency in preparing to propose the adoption of the rule governing municipal jail facilities. The adoption of the rule is authorized by *Minnesota Statutes*, section 241.021, which requires the agency to promulgate rules governing correctional facilities.

The State Department of Corrections 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: Kenneth E. Merz, Director Standards Development, Minnesota Department of Corrections, 300 Bigelow Building, 450 North Syndicate Street, St. Paul, MN 55104. Oral statements will be received during regular business hours over the telephone at 612/642-0333 and in person at the above address.

All statements of information and opinions shall be accepted until May 15, 1990. Any written material received by the State Department of Corrections shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 29 March 1990

Orville B. Pung, Commissioner
Department of Corrections

Health Care Access Commission

Notice of Meeting of Health Care Access Commission

The next meeting of the Minnesota Health Care Access Commission will be Thursday, April 26, 1990 from 1:00 to 5:00 p.m. in Room 107 of the Capitol Building. Please call the Health Care Access Commission office, 297-5980 for further information.

Department of Labor and Industry

Code Enforcement High Pressure Piping Division

Notice of Solicitation of Outside Information or Opinions in the Matter of the Proposed Amendment of Rules of the Minnesota Department of Labor and Industry Governing High Pressure Piping

NOTICE IS HEREBY GIVEN that the Minnesota Department of Labor and Industry, Code Enforcement High Pressure Piping Division is seeking information or opinions from sources outside the agency in preparing to propose the amendment of rules governing high pressure piping installers and installation. The promulgation of these rules is authorized by *Minnesota Statutes* § 326.48, Subd. 1 (1988), *Minnesota Statutes* § 326.46, (1988), and *Minnesota Statutes* § 326.50, (1988).

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

Official Notices

The Minnesota Department of Labor and Industry, Code Enforcement High Pressure Piping Division, requests information and opinions concerning the subject matter of these rules. Interested or affected persons or groups may submit data or views on the subject matter of concern. Written statements should be addressed to:

Linda Finney, Assistant Commissioner
Department of Labor and Industry
4th Floor, 443 Lafayette Road
St. Paul, Minnesota 55155-4304

Any written material received by the Minnesota Department of Labor and Industry, Code Enforcement High Pressure Piping Division shall become part of the rulemaking record to be submitted to the Attorney General or Administrative Law Judge in the event that the amendments to the rules are adopted.

Information and opinions will be accepted until further notice or until the proposed rules are published in the *State Register*.

Dated: 16 March 1990

Ken Peterson, Commissioner
Department of Labor and Industry

Department of Public Safety

Emergency Response Commission

Announcement of a Meeting for Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Hazardous Chemical Reporting Fees

NOTICE IS HEREBY GIVEN that the Emergency Response Commission is conducting a meeting on May 10 at 1:00 p.m. in Room G-15 of the State Capitol in order to seek information and/or opinions for the adoption of the rule setting fees for hazardous chemical reporting. The fees as proposed are to be paid by a facility when the owner or operator submits its emergency and hazardous chemical inventory form as required under section 11022 of the federal Emergency Planning and Community Right to Know Act, *United States Code*, title 42. *Minnesota Statutes*, section 229 K.09 requires the agency to adopt rules to establish a fee to cover the costs for all data management, including administration of fees, by the commission and regional review committees.

The Emergency Response Commission requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views at the meeting or in writing to the Office of the Commission. Written statements should be addressed to:

Minnesota Emergency Response Commission
290 Bigelow Building
450 North Syndicate Street
St. Paul, Minnesota 55104

An information paper about the fees is available through the Office of the Commission (612) 643-3000.

Any written material received by the Department of Public Safety, Emergency Response Commission shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Minnesota Public Utilities Commission

Notice of Intent to Solicit Outside Information in Preparing to Propose Rules Governing Conservation Improvement Programs Appeals, *Minnesota Rules*, parts 7840.1500 to 7840.2000, Docket No. G,E-999/R-90-132

NOTICE IS HEREBY GIVEN that the Minnesota Public Utilities Commission (Commission) is seeking information or opinions from outside sources in preparing to propose the adoption of rules governing conservation improvement program appeals. A preliminary draft of these rules is published below. The adoption of these rules is authorized by *Minnesota Statutes*, sections 216B.08, 216B.09 (1988) and section 216B.241, subdivision 2 (Supp. 1989).

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

Diane Sorrells
Minnesota Public Utilities Commission
780 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101
(612) 297-4563

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

All statements of information and opinion will be accepted until 4:30 p.m. on May 14, 1990. Any written materials that the Commission receives by the above deadline shall become part of the rulemaking record to be submitted to the attorney general under *Minnesota Rules*, part 2010.0300, item L or the administrative law judge under *Minnesota Rules*, part 1400.0600, item F.

Lee Larson
Acting Executive Secretary

Preliminary Draft Rules (All new material)**Dated: 4/2/90****CONSERVATION IMPROVEMENT PROGRAM APPEALS****7840.1500 RIGHT OF APPEAL.**

Any interested person, including a utility, a political subdivision, a nonprofit or community organization that has suggested a conservation improvement program, or the attorney general acting on behalf of consumers and small business interests, may petition the commission to modify or revoke a department decision under part 7690.1300 or part 7690.1400 regarding a conservation improvement program.

7840.1600 TIMELINESS OF APPEAL.

A petition challenging a department decision under part 7690.1300 or part 7690.1400 must be filed with the commission within 20 days after the department's decision is mailed. A petition is considered filed when received in the commission offices during normal business hours.

7840.1700 CONTENTS OF PETITION AND SUPPORTING DOCUMENTATION.

A petition filed under part 7840.1500 must comply with part 7830.2100, except that the petitioner shall provide the commission with 15 copies of the petition. The petition must include as attachments a copy of the department's written decision being challenged and all written materials not already provided to the commission that the petitioner believes are relevant to the dispute. The petition must incorporate by reference any documents it believes are relevant to the dispute but which have already been provided to the commission.

7840.1800 SERVICE OF PETITION.

The petition and accompanying documents must be served on all persons who were served with the department's proposed decision as provided under part 7690.1000, subpart 2. Service may be in person or by mail and must be contemporaneous with the filing with the commission.

7840.1900 COMMENTS IN RESPONSE TO PETITION.

Any person may submit written comments on the petition filed under part 7840.1500. These comments must be filed with the commission within 15 days after the petition is received.

7840.2000 COMMISSION DECISION.

Subpart 1. **Burden of proof and decision criteria.** The petitioner has the burden of proving that the department's decision will result in a conservation improvement program that is ineffective, does not adequately address the needs of renters and low-income persons, or is otherwise not in the public interest. The commission shall sustain the department's decision if the petitioner fails to meet this burden.

Subp. 2. **Insufficient information.** If the commission determines that more information is needed before issuing a decision on the merits of the petition, the commission shall issue an order requiring supplemental filings. The additional filings must be served on the commission and the parties on whom the petition was initially served. The additional filings must be served within 14 days after the commission issues its order under this subpart unless otherwise ordered by the commission. Any responses by interested persons to the supplemental filings must be served on the commission and the persons who filed supplemental filings within 10 days after receipt of the supplemental filings.

Subp. 3. **Final disposition.** After review of the petition and comments the commission shall issue an order which accepts, rejects or modifies the department's decision, or which orders a contested case under *Minnesota Statutes*, chapter 14.

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: Chevrolet automobile & Chev. & GMC truck parts—Rebid
Contact: Dale Meyer 296-3773
Bid due date at 2pm: April 11
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Auto injector for gas chromatography
Contact: Joseph Gibbs 296-3750
Bid due date at 4:30pm: April 11
Agency: Public Safety Department
Deliver to: St. Paul
Requisition #: 07300-67493

Commodity: CO₂ floor model Reach In Incubator
Contact: Joseph Gibbs 296-3750
Bid due date at 2pm: April 12
Agency: Health Department
Deliver to: Minneapolis
Requisition #: 12400-45132

Commodity: Shipping boxes-rebid
Contact: Linda Parkos 296-3725
Bid due date at 2pm: April 12
Agency: Minnesota State Lottery
Deliver to: St. Paul
Requisition #: 09400-00078-1

Commodity: Used press
Contact: John Bauer 296-2621
Bid due date at 2pm: April 13
Agency: Print Communications Division
Deliver to: St. Paul
Requisition #: 02520-00920

Commodity: Scanner—sight
Contact: Joseph Gibbs 296-2621
Bid due date at 4:30pm: April 13
Agency: Jobs & Training Department
Deliver to: St. Paul
Requisition #: 21200-23178

Commodity: Steel Light Pole
Contact: Joan Breisler 296-9071
Bid due date at 2pm: April 16
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79000-05363

Commodity: Electrohydraulic Triaxial Interlaken System
Contact: Joseph Gibbs 296-3750
Bid due date at 2pm: April 20
Agency: Transportation Department
Deliver to: Maplewood
Requisition #: 79000-05336

Commodity: Mast arms
Contact: Joan Breisler 296-9071
Bid due date at 2pm: April 16
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79000-05364

Commodity: Specialty pins
Contact: Linda Parkos 296-3725
Bid due date at 4:30pm: April 9
Agency: Pollution Control Agency
Deliver to: St. Paul
Requisition #: 32200-22297-01

Commodity: Copier lease/purchase
Contact: Teresa Ryan 296-7556
Bid due date at 4:30pm: April 13
Agency: State University
Deliver to: St. Cloud
Requisition #: 26073-21713

Commodity: Todd air survey
Contact: Steve Burgstahler 296-3775
Bid due date at 2pm: April 17
Agency: Natural Resources Department
Deliver to: Grand Rapids
Requisition #: 29002-19452

Commodity: Drafting machine
Contact: John Bauer 296-2621
Bid due date at 2pm: April 17
Agency: State University
Deliver to: St. Cloud
Requisition #: 26073-21735

Commodity: Dimming equipment
Contact: Joan Breisler 296-9071
Bid due date at 4:30pm: April 17
Agency: Community College
Deliver to: Grand Rapids
Requisition #: 27000-44240-01

Commodity: Delineators
Contact: John Bauer 296-2621
Bid due date at 4:30pm: April 17
Agency: Transportation Department
Deliver to: Oakdale
Requisition #: 79900-04007-01

Commodity: Tools: industrial tools, wrenches, sockets and tool boxes
Contact: Pat Anderson 296-3770
Bid due date at 2pm: April 24
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Bituminous materials
Contact: Dale Meyer 296-3773
Bid due date at 2pm: April 24
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: Correction Order, 1400 8-part sets, 8½" x 11¾" overall, type to set + negs, 1-sided, carbon interleave, perfs
Contact: Printing Buyer's Office
Bids are due: April 11
Agency: Minnesota Health Department
Deliver to: Minneapolis
Requisition #: 6136

Commodity: Binder brochure, 15M 11" x 24¼", 5-color, 18 transparencies, separations, screens, full bleeds, 2-sided
Contact: Printing Buyer's Office
Bids are due: April 11
Agency: Corrections Facility
Deliver to: Stillwater
Requisition #: 6138

Commodity: Records container label, 1M 3-part sets, 6" x 4¾" overall, carbon interleave ⅛" shorter, camera ready, 1-sided
Contact: Printing Buyer's Office
Bids are due: April 13
Agency: Minnesota Health Department
Deliver to: Minneapolis
Requisition #: 6341

Commodity: Twenty-one Day Temporary Permits, 3M books of 100 2-part forms, preprinted numbering, 7½" x 3½" overall, camera ready
Contact: Printing Buyer's Office
Bids are due: April 12
Agency: Public Safety Department
Deliver to: St. Paul
Requisition #: 6238

Commodity: Prospectus, 35M books, 8½" x 11", camera ready, 2-sided, saddle stitch
Contact: Printing Buyer's Office
Bids are due: April 17
Agency: State University
Deliver to: Moorhead
Requisition #: 6258

Commodity: Metro area and Mississippi River guides, 15M each of two guides (72-pages + cover and 60-pages + cover), 5½" x 9¼", 2-sided, 5-colors, 1-fold, saddle stitch
Contact: Printing Buyer's Office
Bids are due: April 18
Agency: Natural Resources Department
Deliver to: St. Paul
Requisition #: 6328

Commodity: Lifestyles Reprint, 25M 8½" x 11", camera ready, 2-sided, 2-folds to 3⅝" x 8½", must use soy ink
Contact: Printing Buyer's Office
Bids are due: April 12
Agency: Agriculture Department
Deliver to: St. Paul
Requisition #: 6320

Professional, Technical & Consulting Contracts **=====**

Department of Administration

InterTechnologies Group

Request for Proposal for an Electronic Data Interchange Consultant

Purpose

The purpose of this Request For Proposal is to contract with a consultant knowledgeable and experienced in Electronic Data Interchange.

Background

The State of Minnesota created a committee in September 1989 to investigate the use of EDI. This committee has completed its learning phase. Committee members have gained knowledge of EDI, standards, value added networks, translators, and potential applications. This knowledge was gained by having speakers address the committee and by attending seminars and conferences. The speakers were from vendors, consultants, and various Twin City corporations involved in EDI.

A number of the applications the committee has considered as EDI projects may not use the ANSI X12 standard. There may be instances where the state may be required to use a state proprietary standard or some other mandated or de facto standard.

The state conducts business with a diverse population in both the private and public sector. These groups range in size and sophistication in the use of and availability of computer technology.

Scope of Contract

The selected consultant will produce a State of Minnesota EDI Strategic Implementation Plan that will focus on the business issues and needs of the state to implement EDI. The state conducts business:

- internally — between state agencies
- externally — with units of local government
 - school districts
 - cities and municipalities
 - counties
- with the Federal government
- with individual citizens and businesses

Included in this Strategic Implementation Plan, the consultant will provide:

- a list of potential EDI applications highlighting ideal EDI applications
 - justification for the application
 - identification of the appropriate EDI standard
 - implementation and operational cost estimates of the potential EDI application and rationale for these estimates

NOTARY PUBLIC LAWS 1989

Statutory requirements regarding the oath of office, necessary bond, and taking of depositions. Includes an explanation of the term of office and procedures for removal from office. Code No. 2-13. \$5.00.

U.S. SMALL BUSINESS ADMINISTRATION PUBLICATIONS:

Guides for Profit Planning	Stock #:16-41, \$4.50 + tax
Managing for Profits	Stock #:16-68, \$5.50 + tax
Small Business Finance	Stock #:16-42, \$2.00 + tax
Starting and Managing a Small Business of Your Own	Stock #:16-40, \$4.75 + tax

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.



Jane Smith

NOTARY PUBLIC-MINNESOTA

RAMSEY COUNTY

My Commission Expires January 1, 1994

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

Professional, Technical & Consulting Contracts

- EDI applications the state may be forced to implement by external forces; eg Federal Government, trading partners, etc.
- a framework for evaluating the potential for success of EDI projects; eg payback (ROI), improvements in customer service, Cost Benefit Analysis, etc.
- an analysis of other business issues
 - legal
 - personnel
 - audit
 - organizational issues at the departmental and state level
- an analysis of state mandated vs voluntary participation in electronic EDI
- relationship of EDI to the STARS Project (see appendix for definition of STARS)

In addition, a statement answering the following:

If the consultant's Strategic Implementation Plan is adopted by the State, what are the tactical goals that will be achieved in 12, 24, and 36 months following implementation of the Strategic Implementation Plan.

At a minimum, the consultant will include the following departments in the study: Administration, Education, Finance, Human Services, Jobs and Training, Labor and Industry, Public Safety, Revenue, Transportation, State Treasurer's Office.

Format of the Proposal Response

Proposals submitted will use the following format:

A. EDI Experience

A statement of the consultant's experience in EDI and in developing an EDI Strategic Implementation Plan.

B. Staffing

Staffing list and qualifications of the consultant's staff or sub-contractor(s) who will be assigned to the project and write the Strategic Implementation Plan.

C. Approach and Deliverables

An explanation of the process to be followed in producing the Strategic Implementation Plan and a description of the deliverables. The work plan for the project, project schedule with milestones, reporting schedules, anticipated hours, etc. The project should be broken down into two week reporting modules/milestones.

D. Cost Information

Cost to complete the project.

E. Use of State Personnel

Required assistance from InterTech and State Agency personnel.

F. Other information relevant to your proposal

Amount Available

The maximum amount of money for this project is \$30,000 for all of the deliverables listed above. This will be a fixed price contract.

Evaluation of Responses

The contract will be awarded to the consultant whose proposal best satisfies the requirements stated in this RFP and cost. Selection will be made based on the state's evaluation of the proposal using the criteria below. The consultant with the greatest number of aggregate points will be selected for contract negotiation intended to result in a contract to develop the Strategic Implementation Plan.

The decision of the state in the award of this contract will be final. Contractors may be asked to clarify their proposals through an oral presentation.

CRITERIA	MAXIMUM POINTS
1. Consultant's experience related to the Strategic Implementation Plan to be produced.	25
2. Staffing Qualifications of the consultant's personnel to be assigned to the project; resumes of staff assigned to the project must be included.	25

Professional, Technical & Consulting Contracts

CRITERIA	MAXIMUM POINTS
3. Consultant's approach, deliverables, and time schedule (description of the approach to be followed and of the plan to be produced).	25
4. Project total cost relative to the value of services provided.	20
5. Consultant's statement of required use of InterTech and other state resources.	5

Key Dates

Proposal Due	2 P.M. May 2, 1990
Contract Conditional Award	May 11, 1990
Finalize contract	May 18, 1990

Expected start date is May 21, 1990, please tell us when you expect to complete the project.

Submission of Proposals

All proposals must be sent to and received by:

Edward Thom
Assistant Manager Research and Development
InterTechnologies Group
658 Cedar Street 5th Floor COB
St. Paul, MN 55155

not later than 2:00 P.M., May 2, 1990

Late proposals will not be accepted. Proposals are to be 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. Prices and terms of the proposal as stated must be valid for the length of the project.

Questions Regarding this Request for Proposal

Prospective responders who have any questions regarding this RFP may call or write:

Edward Thom
Assistant Manager Research and Development
InterTechnologies Group
658 Cedar Street 5th Floor COB
St. Paul, MN 55155
612-296-5333

OTHER

1. All expenses incurred by responders in preparing a response to this RFP are to be borne exclusively by the responder.
2. The total cost to complete the project through delivery of the final version of the Strategic Implementation Plan and oral presentations must be clearly stated.
3. All proposals will be made public in accordance with the M.S. Chapter 13 Government Data Practices Act.
4. The State reserves the right to award no contract as a result of this proposal request.
5. The state reserves the right to negotiate a contract which may differ in some details from this RFP.
6. Assignment of staff other than those listed in the response will nullify the contract unless changes are made with the approval of the EDI Committee.
7. Three (3) separate oral presentations at the completion of the project are to be made to the EDI Committee, legislature and agency personnel on the Strategic Implementation Plan. The costs of the presentations are to be included in the proposal.
8. Biweekly reports to the EDI Committee and reports at the predefined project milestones must be included.
9. To the degree that they are applicable, InterTech processing standards and state and national standards must be taken into consideration in developing the Strategic Implementation Plan.

10. The state requires ten (10) copies of the proposal.
11. The responses to this proposal are limited to a maximum of twenty (20) pages.
12. The successful responder will be required to submit acceptable evidence of compliance with Worker's Compensation Insurance coverage requirements prior to execution of the contract.

The STARS Project

STARS is an acronym for Statewide Telecommunications Access and Routing System. The project is in the planning stages now. The purpose of the STARS project is to establish a leased telecommunications network, providing integrated transport for voice, data and video applications used by state agencies, public education institutions, and other public sector organizations.

When implemented, STARS will provide statewide transport for voice, data and video. It may also provide a long distance, intrastate switched voice network, and a packet switched data service. Additional services which may be provided by STARS, or provided by other organizations over the STARS network include, ISDN, a Core Data Network, national network gateways, LAN interconnection, and enhanced network management and network security. STARS may also provide a conference grade video conferencing capability, as the need for such services develops. These additional services will be offered when there is sufficient customer demand to make them cost effective.

STARS services will likely be provided over a leased backbone network connecting a number of STARS Points of Access (SPAs). The backbone network will be digital, offering high quality and reliability, and with flexibility to meet the growing bandwidth needs of STARS customers. SPAs will be located broadly across the state. The number of those access points and their locations have not yet been determined.

Health Care Access Commission

Notice of Availability of Request for Proposal to Provide Access to Health Care to all Minnesotans

The Minnesota Health Care Access Commission was created by the 1989 legislature to recommend a plan to provide access to health care for all state residents. The Commission is requesting proposals for analysis and consultation in the areas of cost estimation, benefit levels, risk pool structures, and other issues related to the design of a health care program. The Commission seeks proposals from firms with experience in benefits and actuarial consultation, preferably including some experience in Minnesota.

A copy of the request for proposals is available from:

Minnesota Health Care Access Commission
Centennial Building, First Floor
658 Cedar Street
St. Paul, Minnesota 55155
(612) 297-5980

Proposals are due no later than April 30, 1990.

State University Board

Central Minnesota Regional Manufacturing Center (CMRMC)

Amended Request For Proposal Notice

In the March 19, 1990 issue of the *State Register* the advertising for the RFP for Design of Computer-based Data Base of Manufacturers did not contain a closing date for acceptance of proposals. That response deadline is 4:00 p.m., April 11, 1990.

For further information, contact:

Bruce Anderson, Planning Consultant
Central MN Regional Manufacturing Center
1840 East Highway 23
St. Cloud, MN 56304
(612) 654-5202

Professional, Technical & Consulting Contracts

State University Board

Chancellor's Office

Request for Proposals for Independent Audit of Financial Statements

The Minnesota State University Board is requesting proposals for examining the financial statements of the **University Board of the State of Minnesota Revenue Fund** for the year ending June 30, 1990 and the balance sheet of the Minnesota State University System at June 30, 1990. The examination should be conducted in accordance with generally accepted auditing standards and the auditor should express an opinion as to whether the statements referred to above are presented in accordance with generally accepted accounting principles.

The selected auditor must have a national reputation, clients in higher education, and an office in Japan with English/Japanese translation capability.

The estimated cost of the project should not exceed \$75,000.

Proposals must be submitted by 5:00 p.m., April 30, 1990.

For further information, contact:

Ed Ruotsinoja
Director of Financial Reporting
Minnesota State University Board
230 Park Office Building
555 Park Street
St. Paul, MN 55103
(612) 296-7145

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.

State Board of Vocational Technical Education

Instructional and Student Support Services Section

Notice of Availability of Funds for Single Parent/Homemaker Projects

The State Board of Vocational Technical Education will distribute federal funds to eligible recipients in accordance with the Carl D. Perkins Vocational Technical Education Act, Title IIA, relating to single parents and homemakers. This notice will provide for funding of first-year and statewide projects. Approximately \$300,000 will be available for first-year projects and \$70,000 for statewide projects in Fiscal Year 1991.

Organizations and associations interested in applying for federal funds should contact the nearest technical institute for additional information or refer to Section 7.0, "Planned Use of Federal Funds", in the Fiscal Year 1990 Minnesota State Plan for Vocational Technical Education for information relating to the availability and disbursement of federal funds.

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

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

Additional information will be included in the "Request for Proposal, Single Parent and Homemakers First-Year Projects", and in the "Request for Proposal, Statewide Projects", which will be mailed upon request. To receive these Request for Proposals, notify Pat Gosz, 100 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101. Final proposals for first-year projects must be submitted to Pat Gosz at the same address by 4:30 p.m. on May 4, 1990; final proposals for statewide projects must be submitted by 4:30 p.m. on May 11, 1990.

Supreme Court Decisions, Opinions & Rules --- ---

Decisions Filed 6 April 1990

C6-88-1039, C0-88-1148 William Mark Piotrowski, C6-88-1039 v. Commissioner of Public Safety, petitioner, Appellant, and State of Minnesota, petitioner, Appellant, C0-88-1148 v. William Mark Piotrowski. Court of Appeals.

Fresh pursuit of traffic law violator across border into Fargo, North Dakota, by Moorhead police officer was pursuant to longstanding agreement between Fargo and Moorhead Police Departments; when stop of suspect revealed that suspect was under influence of alcohol, the officer properly gave suspect choice of being turned over to Fargo police or of voluntarily returning to Minnesota.

Reversed. Keith, J.

Dissenting, Wahl, J., Popovich, C.J.

C2-89-805 State of Minnesota, Appellant v. Victor Wilmar Torgerson. Court of Appeals.

Reversed. Keith, J.

Dissenting, Wahl, J., Popovich, C.J.

C9-89-882 State of Minnesota, petitioner, Appellant v. Richard Ault. Court of Appeals.

Reversed. Keith, J.

Dissenting, Wahl, J., Popovich, C.J.

C8-89-811 State of Minnesota, petitioner, Appellant v. Jeffrey A. McCloskey. Court of Appeals.

Search warrant affidavit, which was based on hearsay information provided by an informant, was sufficient to establish probable cause to search residence being used as a drug outlet.

Reversed and judgment of conviction reinstated. Keith, J.

Orders

C7-88-2331 In Re the Petition for Disciplinary Action against Steven M. Hanson, an Attorney at Law of the State of Minnesota. Supreme Court.

Suspended. Kelley, J.

C3-90-432 In Re Petition for Appointment of Trustee regarding Steve G. Heikens, an Attorney at Law of the State of Minnesota. Supreme Court.

Disability inactive status. Kelley, J.

Order C4-80-51095 Reappointment to the Minnesota Sentencing Guidelines Commission

Pursuant to *Minnesota Statutes* § 244.09, subd. 2(2) and subd. 3, I, Chief Justice of the Supreme Court of the State of Minnesota, do hereby reappoint the Honorable David E. Marsden, Judge of the District Court, Second Judicial District, State of Minnesota, as the district court member of the Minnesota Sentencing Guidelines Commission for a new term expiring April 5, 1994.

Dated: 28 March 1990

BY THE COURT
Peter S. Popovich
Chief Justice

Announcements --- ---

Bills Signed by the Governor: The following bills were signed into law by Governor Rudy Perpich this past week. SF = Senate File; HF = House File; (____) = author. Chapter #377—**Public Employment Labor Relations Act Coverage for Grad Students**—SF 1936 (Flynn); HF 2062 (Reding); signed on March 30; effective the day following final enactment. Chapter #375—**Vocational Technical Institutions; Certain Titles Changed**—SF 1926 (Stumpf); HF 2058 (Carlson); signed on March 30; effective July 1, 1990. Chapter #374—**FarmAmerica Status Definition**—SF 1890 (Decramer); HF 2336 (Frederick); signed on March 30; effective July 1, 1990. Chapter #373—**Health Care Access Commission Membership Increase**—SF 2286 (D.J. Johnson); HF 2521 (Ogren); signed on March 30; effective July 1, 1990. Chapter #364—**Credit Union Exemptions from Certain Closing Agent Requirements**—SF 1922 (Solon); HF 2028 (Carlson); signed on March 30; effective day following enactment. Chapter #371—**Crime Definition Modification for Crime Victims Reparations Purposes**—SF 2043 (Spear); HF 2143

Announcements

(Janezich); signed on March 30; effective July 1, 1990. Chapter #378—**Mentally Retarded Person Redefined for Purposes of Commitment**—SF 905 (Piper); HF 2045 (Williams); signed on March 30; effective July 1, 1990.

Governor's Appointments: Governor Rudy Perpich announced the creation of the *State Buildings Task Force*, which will review the need for state government buildings and recommend guidelines for proper locations, quality of building materials, and decisions to build, lease or buy. Appointed to the Task Force are **Jim Dlugosch**, New Brighton; **John Herman**, Minneapolis; **Charles Highly Sr.**, Pine Island; **Gene Haugland**, Edina; **John Meyer**, Fridley; **William Morrish**, Minneapolis; **William Murray**, Coon Rapids; **Leonard Parker**, Minnetonka; **Edward Slovik**, Northfield; **John Ivey Thomas**, Duluth; **Duane Thorbeck**, Mendota Heights; **John Wood**, Eden Prairie; and **Marcia Wilda**, Columbia Heights. Appointed as nonvoting members are Administration Commissioner **Sandra Hale**, Rep. **Andy Dawkins**, and Sen. **Steve Novak**. • A *Task Force on Lesbian and Gay Minnesotans* was created and it will conduct hearings and gather information about violence and discrimination against Minnesota's lesbian and gay population. The Task Force is in response to the Governor's 1988 Task Force on Prejudice and Violence, which found that sexual orientation was the third most common reason for violent hate crimes against Minnesotans. "Minnesotans cannot and will not tolerate violence against the people of our state," Governor Perpich said. "As Governor, it is my duty to do all that I can to protect our citizens." Appointed to the Task Force are: **Commissioner Stephen W. Cooper**, Minnesota Department of Human Rights, St. Paul; **Senator Allan H. Spear**, District 59, Minneapolis; **Wendy McDowall**, Dayton-Hudson Corporation, Minneapolis; **Susan Maki**, US West Communications, Minneapolis; **Father Edward Flahavan**, Ramsey County Correctional Center, St. Paul; **Dr. Frank S. Rhame**, University of Minnesota Hospital and Clinic, Minneapolis; **Councilwoman Mary M. Lofy**, Mankato; **Jane McWilliams**, Minnesota League of Women Voters, Northfield; **Brian Rusche**, Joint Religious-Legislative Coalition, Minneapolis; **Geraldine Sell**, Minneapolis School AIDS Task Force member, Minneapolis; **Dr. Julie Andrzejewski**, St. Cloud State University; **Lee Staples**, American Indian Services, Inc., Minneapolis; **Leo Treadway**, St. Paul-Reformation Lutheran Church, St. Paul; and **Willie Bridges**, Hennepin County Attorney's Office, Minneapolis. Commissioner Cooper will convene the first meeting of the Task Force which will establish procedures to select a chair. The group will issue a report to the Governor in January 1991. • Two people were appointed to serve as "special members" at the May 11 meeting of the *Judicial Merit Advisory Commission*. "Special members" provide local input to the Judicial Merit Advisory Commission, which will review applicants for openings on the state District Court and present a list of finalists to the Governor. The May 11 meeting will consider two openings in the Fourth Judicial District, which includes all of Hennepin County, and one opening in the First Judicial District, which includes Carver, Dakota, Goodhue, Le Sueur, McLeod, Scott, and Sibley counties. For the Fourth District opening **Kathleen Lamb** of Minneapolis was appointed. For the First District opening **Helen Yates** of Eagan was appointed.

Child Care Center: Capitol Child Care, the state's first on-site child care center, is now open for business. Employees interested in learning more about the center are invited to attend an open house Saturday, April 21, from 10:00 a.m. to noon. This is an opportunity for interested employees to bring their children and tour the newly-opened facility. If you have questions regarding the center, please contact either Claudia McPeck or Neil Johnson at 227-9409.

Free Restaurant, Hotel and Resort Guides: Celebrate Minnesota by getting your free copies of three travel directories. The 1990 editions of the Explore Minnesota Restaurant, Hotel and Resort guides are now available to travelers, vacationers, chambers of commerce, travel agencies and other interested parties. The annual directories are produced by the Minnesota Restaurant, Hotel and Resort Associations in cooperation with the Minnesota Office of Tourism. Each colorful guide features easy-to-read descriptions, state and/or metropolitan maps, and an index. The 4" x 8½" directories fit easily into suit pockets, purses and briefcases for handy reference. For free **individual copies** of the Explore Minnesota travel guides, call the Minnesota Office of Tourism at: (800) 657-3700. Travel agencies, chambers of commerce or others who want **multiple copies** of the guides should write to the Minnesota Restaurant, Hotel and Resort Associations, 871 Jefferson Ave., Room N, St. Paul, MN 55102. Please indicate which guide(s) you are requesting.

Citizen Participation Plan Set: The Metropolitan Council's Metropolitan and Community Development Committee (MCDC) is holding a public meeting to receive comments on proposed revisions to the Council's citizen participation plan. Interested individuals, communities, agencies and organizations are invited to provide input on the revisions. The public meeting will be held during the MCDC's regular weekly meeting on Thursday, April 19, 2 p.m. at the Council Chambers, Mears Park Centre, 230 East Fifth St., St. Paul. Draft revisions to the citizen participation plan are available from the Metropolitan Council's Data Center at 291-8140.

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