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State of Minnesota

STATE REGISTER

Department of Administration—Print Communications Division

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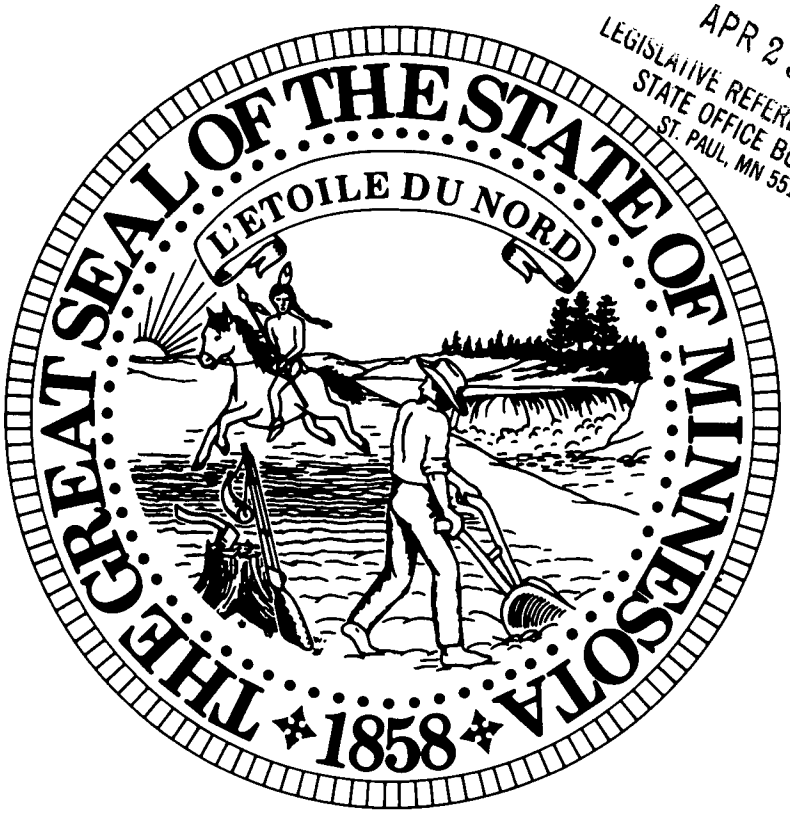

Rules edition
Published every Monday

23 April 1990

Volume 14, Number 43

Pages 2479-2522

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
43	Monday 9 April	Monday 16 April	Monday 23 April
44	Monday 16 April	Monday 23 April	Monday 30 April
45	Monday 23 April	Monday 30 April	Monday 7 May
46	Monday 30 April	Monday 7 May	Monday 14 May

*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.

Department of Human Services

Proposed Permanent Rules Relating to Implementation of the Consolidated Chemical Dependency Treatment Fund

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Human Services intends to adopt the above-entitled rule amendments 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 amendments is *Minnesota Statutes*, section 254B.03, subdivision 5 which authorizes the commissioner (1) to adopt rules as necessary to implement *Laws of 1986*, chapter 394, sections 8 to 20; and (2) to establish an appeals process for use by recipients when services certified by the county are disputed.

All persons have 30 days or until 4:30 p.m. on May 23, 1990 in which to submit comment in support of or in opposition to the proposed rule amendments or any part or subpart of the rule amendments. Comment is encouraged. Each comment should identify the portion of the proposed rule amendment addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons

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.

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: Alice Weck, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816, telephone (612) 296-0626.

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.

The proposed amendments affect the two DHS rules known informally as Rule 24 (*Minnesota Rules*, parts 9530.6800 to 9530.7030) and Rule 25 (*Minnesota Rules*, parts 9530.6600 to 9530.6660). Rule 24 governs the administration of the Consolidated Chemical Dependency Treatment Fund (CCDTF). Rule 25 establishes criteria county social service agencies use when determining the appropriate level of care needed by a public assistance recipient seeking chemical dependency treatment. Rules 24 and 25 affect counties, providers of chemical dependency treatment services, and persons who receive CCDTF-funded services.

The proposed amendments reflect the department's discussions of rule implementation with providers and counties since Rules 24 and 25 were promulgated in 1987. The amendments are proposed to change the rule parts identified as being most difficult for counties to implement consistently.

Only one part of Rule 25 would be changed by the proposed amendments. That part—*Minnesota Rules*, part 9530.6655—would specify that length of placement is an appealable issue for a client, specify how long services must be provided while an appeal is pending, and establish criteria to be considered by appeals referees and the commissioner in deciding length-of-placement appeals.

The proposed changes affect six parts of Rule 24. In part 9530.7000, Definitions, changes are proposed to the definitions of income, rehabilitation program, responsible relative, and vendor. The term "policyholder" is added and defined.

Part 9530.7012, Vendor Agreements, is a new part added to inform local agencies and vendors that agreements between vendors and local agencies must distinguish client per unit room and board costs from per unit rehabilitation services costs. The new rule part also defines rehabilitation services costs.

Part 9530.7015, Client Eligibility under the Consolidated Chemical Dependency Treatment Fund, has editorial and technical changes needed to make language in this rule part consistent with language in other parts of the rule.

Part 9530.7020, County Responsibility to Determine Client Responsibility for Consolidated Chemical Dependency Treatment Funds and Client's Ability to Pay for Treatment, specifies that ability to pay as well as eligibility is to be determined by the local agency and includes several changes intended to simplify and standardize eligibility determination.

Part 9530.7022, Payments by a Client or Responsible Relative; Fee Schedule, is a new part that replaces the charts showing sliding fee scales and substitutes an explanation of how payments and fees are determined.

Part 9530.7024 is also a new rule part. It incorporates changes to what was formerly part 9530.7020, subpart 4, Halfway house-client fees, and adds new material as well. Changes to the halfway house fee determination addressed in this part include its application to extended care clients, a disregard for clients with unearned income, and an allowance for single parents to support dependent children.

A free copy of the amendments is available upon request from Nancy Bishop, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816, telephone (612) 296-7454.

A copy of the amendments may also be viewed at any of the 87 county welfare or human services agencies in the State of Minnesota.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed amendments and identifies the data and information relied upon to support the proposed amendments has been prepared and is available from Nancy Bishop, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816, (612) 296-7454 upon request.

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

If no hearing is required, upon adoption of the rules as amended, the rules 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 Nancy Bishop, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816.

Ann Wynia
Commissioner of Human Services

Commodity: Tiger Corp flail triple gang mower
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: May 1
Agency: Transportation Department
Deliver to: Morris
Requisition #: 79382-01952

Commodity: Digital dictation equipment
Contact: John Bauer 296-2621
Bid due date at 2pm: May 1
Agency: Human Services Department
Deliver to: St. Paul
Requisition #: 55000-03470

Commodity: Manifest system
Contact: John Bauer 296-2621
Bid due date at 4:30pm: May 1
Agency: Education Department
Deliver to: St. Paul
Requisition #: 37090-72481

Commodity: Aluminum umbrellas
Contact: Steve Burgstahler 296-3775
Bid due date at 4:30pm: May 1
Agency: Iron Range Resources and Rehab Board
Deliver to: Chisholm
Requisition #: 43000-11748

Commodity: Forms detacher/imprinter
Contact: John Bauer 296-2621
Bid due date at 4:30pm: May 1
Agency: State University
Deliver to: Bemidji
Requisition #: 26070-14152

Commodity: 12-ton trailer
Contact: Mary Jo Bruski 296-3772
Bid due date at 4:30pm: May 1
Agency: Transportation Department
Deliver to: Oakdale
Requisition #: 79382-01953

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: Poster—The Most Dangerous Car on Highway, 500 22" x 28", 1 overprint, 2 reverses; halftone, 150-line screen, bleed 4 sides, camera ready + negs, 1-sided
Contact: Printing Buyer's Office
Bids are due: April 25
Agency: Public Safety Department
Deliver to: St. Paul
Requisition #: 6520

Commodity: Poster—We'd Show How Far the Driver Was Thrown, 500 22" x 28", 1 overprint, 2 reverses; halftones, 150-line screen, bleed 4 sides, 1-sided, camera ready negs
Contact: Printing Buyer's Office
Bids are due: April 25
Agency: Public Safety Department
Deliver to: St. Paul
Requisition #: 6521

Commodity: Poster—We'd Like to Present 115 People Who Drove Drunk Last Year, 500 22" x 28", 1 overprint, 2 reverses, halftone, 150-line screen, bleed 4 sides, camera ready negs, 1-sided
Contact: Printing Buyer's Office
Bids are due: April 25
Agency: Public Safety Department
Deliver to: St. Paul
Requisition #: 6522

Commodity: Brochure—Start Seeing Motorists, 50M 8½" x 11" folded to 8½" x 3¾", camera ready negs, 2-sided, bleed 4 sides and 2 sides, reverse type 1 side
Contact: Printing Buyer's Office
Bids are due: April 25
Agency: Public Safety Department
Deliver to: St. Paul
Requisition #: 6517

Commodity: Change of Program/ Change of Grade 3-part snapout sets, carbon interleave, 50M 7⅞" x 3¼" overall, camera ready 1-sided
Contact: Printing Buyer's Office
Bids are due: April 25
Agency: Community College System
Deliver to: St. Paul
Requisition #: 6470

Commodity: Watercraft titling brochure display, 1M 12" x 18" with removable pocket 4" x 4½" x 1", camera ready, 1-sided, die cut, background bleed
Contact: Printing Buyer's Office
Bids are due: April 25
Agency: DNR-Licensure Bureau
Deliver to: St. Paul
Requisition #: 6272

Commodity: Dental prior authorization form, 40M 2-part sets continuous, negs available, 1-sided, 9½" x 11" overall, preprinted numbering, carbon interleave
Contact: Printing Buyer's Office
Bids are due: April 25
Agency: Human Services Department Warehouse
Deliver to: St. Paul
Requisition #: 6473

Commodity: Minnesota Employment 1990, 4M books 54 pages + cover, 10½" x 9⅞", 2-sided, camera ready, saddle stitch
Contact: Printing Buyer's Office
Bids are due: May 2
Agency: Minnesota Department of Jobs & Training
Deliver to: St. Paul
Requisition #: 5699

Commodity: College catalog, 17.5M books 96 pages + cover, 8½" x 11", 4-color cover + varnish, camera ready perfect bind
Contact: Printing Buyer's Office
Bids are due: May 2
Agency: Community College
Deliver to: Brainerd
Requisition #: 6398

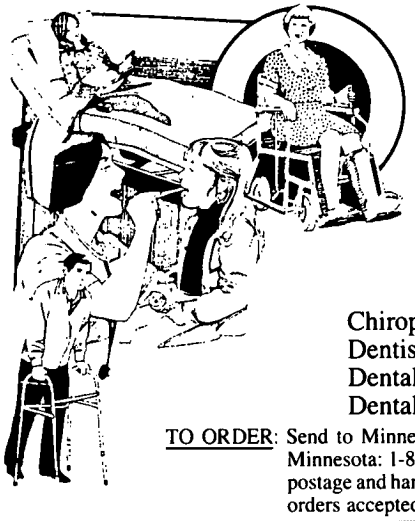
Commodity: 1990 Small Game (500M 21⅜" x 18" folded to 3⁹⁄₁₆" x 6") and Waterfowl Hunting Regulations (300M 14½" x 18" folded to 3¹⁄₁₆" x 6"), type to set, 2-sided, accordion folds
Contact: Printing Buyer's Office
Bids are due: May 2
Agency: Natural Resources Department
Deliver to: St. Paul
Requisition #: 6449-50

Commodity: Boating and water safety, 20M books 84-pages + cover, 5½" x 8½", 4-color, 2-sided, type to set + negs, saddle stitch
Contact: Printing Buyer's Office
Bids are due: May 2
Agency: Natural Resources Department
Deliver to: St. Paul
Requisition #: 6555

Commodity: Requisition for DHS forms, 50M 4-part sets, 8½" x 11¾" overall, negs available, 1- and 2-sided
Contact: Printing Buyer's Office
Bids are due: April 25
Agency: Human Services Department
Deliver to: St. Paul
Requisition #: 6472

Commodity: Household report form, 60M 8½" x 22" folded to 8½" x 11", 2-part sets, pinfeed holes each side, negs available 2-sided
Contact: Printing Buyer's Office
Bids are due: April 25
Agency: Human Services Department Warehouse
Deliver to: New Brighton
Requisition #: 6475

Commodity: Mail pickup slip, 100M sets 2-parts, in pads of 25, 4½" x 6½" overall, negs available, 1-sided
Contact: Printing Buyer's Office
Bids are due: April 25
Agency: Administration Department—Central Stores
Deliver to: St. Paul
Requisition #: 6439



Reach Minnesota's health care field decision makers

Health Care Facilities Directory 1989
A list of hospitals and related institutions licensed and/or certified to deliver various levels of care. The list is alphabetical by county, town and facility name. Stock No. 1-89. $17.00.

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Call 297-2552 for more information or write to the address below for your free mailing list service packet.

Chiropractors	Medical Corporations (Clinics)	Pharmacists
Dentists	Registered Nurses	Physical Therapists
Dental Assistants	Licensed Practical Nurses	Physicians
Dental Hygienists	Pharmacies	Veterinarians

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.

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

Department of Corrections

Minnesota Correctional Facility—Shakopee

Notice of Request for Proposals for Horticulture Program Instructor

NOTICE IS HEREBY GIVEN to request proposals to provide/accommodate the training of students as identified by the Minnesota Correctional Facility in Shakopee through its offering of a horticultural program. This program is to be operated at the MCF-Shakopee facility greenhouse and classrooms. Proposals shall include provision of all civilian personnel to operate the program. Proposal shall cover the period of July 1, 1990 to June 30, 1991 at an approximate cost of $58,500 for a 52-week program. Proposals must be received at MCF-Shakopee by 4:00 p.m. on May 21, 1990.

To submit proposals or for additional information, contact:

Lynwood Watson, Jr., Business Manager
MCF-Shakopee
P.O. Box 7
1010 West 6th Avenue
Shakopee, Minnesota 55379
Phone #: 612-496-4440

State Designer Selection Board

Request for Proposal for a Project at the University of Minnesota

To Registered Professional in Minnesota:

The State Designer Selection Board has been requested to select designer for a project at the University of Minnesota. Design firms who wish to be considered for this project should deliver proposals on or before 4:00 p.m., May 15, 1990, to George Iwan, Executive Secretary, State Designer Selection Board, Room G-10, Administration Building, St. Paul, Minnesota 55155-1495.

The proposal must conform to the following:

1) Six copies of the proposal will be required.

2) All data must be on 8½" x 11" sheets, soft bound.

3) The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number and the name of the contact person.

4) ***Mandatory Proposal contents in sequence:***

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

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

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

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

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

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

5) ***Statutory Proposal Requirements:***

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

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

a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or

b) A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights; or

c) A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months; or

d) A statement certifying that the firm has an application pending for a certificate of compliance.

6) Design firms wishing to have their proposals returned after the Board's review must follow one of the following procedures:

a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or

b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

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

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

7) **PROJECT—08-90**

Sprinkler System
Northrup Memorial Auditorium
University of Minnesota—Minneapolis

PROJECT DESCRIPTION: The Sprinkler System Project consists of the installation of an automatic fire sprinkler system, associated water service, fire pump, and accessories in Northrup Memorial Auditorium. This building also has unusual conditions such as: an organ pipe loft; a fly gallery for props, above the stage; a balcony; elaborate molded plaster decorations; and other features peculiar to a large concert hall.

The estimated preliminary construction cost of the sprinkler system is $800,000.00.

The firm must be familiar with, and have prior experience in the design of automatic fire sprinkler systems as well as expertise that will result in the most visually unobtrusive installation.

Costs for these services will be negotiated between the selected firm and the University.

Questions concerning this project may be referred to Clinton Hewitt at 625-7355.

Mark Anderson, Chairman
State Designer Selection Board

Minnesota Higher Education Coordinating Board

Notice of Availability of Request for Proposals for Computer Based Tutorial

The Minnesota Higher Education Coordinating Board requests proposals for the development of a computer-based tutorial to help student financial aid applicants complete the Family Financial Statement (FFS). The goals are to help financial aid applicants understand the application process and instructions and to provide direct assistance in completing the form through use of a customized computer tutorial.

A copy of the RFP is available from:

HECB
Communications
550 Cedar Street
400 Capitol Square Building
St. Paul, MN 55101

Proposals are due no later than May 25, 1990.

Deadlines

1. **M SPAN II**—February 15, 1991
2. **Enrollment Management Report**
   —December 1, 1990—system plans to HECB
   —February 15, 1991—HECB submits review and comment
3. **M SPAN I Followup**
   —December 1, 1990—Public Systems submit plans to HECB
   —February 15, 1991—HECB submits review and comment
4. **System Mission Statements**
   —December 1, 1990—System statements and recommendations to HECB
   —February 15, 1991—HECB review and comment
5. **Inventory of Existing Off-Campus Sites and Centers,** including program inventory of program offerings. Work with HEAC on categories and criteria. Examine duplication and level of cooperative efforts.
   —November 1, 1990—Compilation of inventory
   —January 15, 1991—HECB report of findings and recommendations
6. **Authority to Review, Approve, or Disapprove** Large-Scale on permanent sites.
   —July 1, 1991—effective date.

Department of Jobs and Training

Services to the Blind

Notice of Request for Proposals for Proposed Subgrant for Independent Living

I. State Services for the Blind and Visually Handicapped (SSB) request proposals that meet the following objectives:

A. To identify, develop, and implement a training program for staff of the SSB demonstrating the effective use of unpaid resource persons, who are themselves blind or visually handicapped, to carry out supportive activities for blind clients of SSB. The general outcome expected is that SSB staff will increase utilization of resource persons as supportive adjuncts to their casework. Other examples of training may be:

- Braille from a consumer perspective.
- Building Bridges: Consumers and professionals.
- Managing diabetes effectively—a client perspective.
- Techniques to support the blind child in learning braille—skills for counselors, parents, and the blind child.

B. To identify and provide a list of resource persons who are blind or visually handicapped and assist the staff of the State Services for the Blind to maintain and/or expand the number of resource persons whose qualifications are listed below.

The contractor is also expected to develop a system for orienting resource persons of basic requirements of SSB services for those persons interacting with counselors and clients as per the SSB Rule and State Travel regulations.

II. After training SSB counselors would be able to:

A. Use resource persons to provide support from blind persons who act as a role model in addition to helping clients learn alternative skills, methods of performing avocational and vocational skills.

B. Use resource persons to provide advice drawn from practical experience regarding a wider number of client training options for rehabilitation plans.

C. Use resource persons to provide a greater choice of resources for training SSB clients statewide.

III. A. Applicants will be consumer directed organizations who have experience in the use of volunteers or peers in providing support to persons who are blind or visually handicapped, or who have the capacity for meeting the above objectives.

B. Applicants will submit applications specifying in appropriate detail how they will fulfill the above requirements. The proposal will also be accompanied by a budget breakdown that would define the objectives and specifications.

C. Other specifications which must be adhered to are as follows:

1. The activities described above must be of wide perspective in their underlying philosophy.
2. Use the maximum number of blind participants in order to provide a true consumer viewpoint.
3. Be prepared to provide current information about and access to the blind community, statewide.
4. Demonstrate skills and expertise to conduct inservice training or staff training.
5. Broad knowledge of the needs of all ages and conditions of blind persons.
6. Demonstratable skills to communicate on issues of blindness and rehabilitation.
7. Provide an adequate evaluation plan of training.

D. The training for counselors will consist of two four hour spaced sessions in each district office (12 sessions). $7,200.00 is available for a one year period. Applications are due at State Services for the Blind, 1745 University Ave. W., St. Paul, MN 55104-3690, 30 days after the date of publication in the *State Register*. Reviewers will be members of the Independent Living Workgroups. Successful applicants will be notified of award by July 1. Five copies of Braille and 5 copies of print version of the application should be submitted. Training must begin before September 30, 1990.

Dated: 10 April 1990

Department of Jobs and Training

Request for Proposals for the Transitional Housing Program

The Minnesota Department of Jobs and Training seeks proposals from community action agencies, housing and redevelopment authorities and other public and private non-profit agencies for projects to be funded under the Minnesota Transitional Housing Program. Jobs and Training has FY 1991 appropriation of $220,000 available to make grants in this fiscal year.

Jobs and Training will accept proposals that initiate, maintain or expand programs which provide housing and support services for the homeless. Applicants wishing an ***application package*** or further information regarding the program may contact Barbara Krech 612-296-4658 (for application packages) or Mark Kaszynski (information) at 612-297-2590. An original and five copies of the completed application package must be received no later than 4:30 p.m. on Friday, June 22, 1990.

Applications should be sent to:

Department of Jobs and Training
Economic Opportunity Office
670 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101
ATTN: Minnesota FY 1991 Transitional Housing Program

An announcement of awards is expected in July, 1990. The anticipated project funding start up will be August 1990. This request for proposals is subject to all laws, rules and regulations promulgated by a federal, state and municipal authority having jurisdiction as the same and may be amended from time to time. Applications for this RFP are prepared at the sole risk, cost and expense of the applicant. Grants will be awarded at the discretion of the Department.

Pollution Control Agency

Notice of Request for Proposals for Qualifications of Petroleum Storage Tank Release Corrective Action

NOTICE OF AVAILABILITY OF CONTRACT AND NOTICE OF REQUEST FOR PROPOSAL for contractual services to conduct corrective actions at sites where petroleum has been or may have been released from aboveground or underground storage tanks located in Minnesota.

The Minnesota Pollution Control Agency (MPCA) is seeking proposals from contractors qualified in conducting investigations and taking other corrective actions at sites where a release of petroleum from a storage tank has occurred or is suspected. The MPCA

Permit Area	Quota
23	1,010
24	520
31	980
41	290
42	1,410
51	1,190
TOTAL	6,370

The quota of licenses listed for any permit area may be modified in order to accommodate party members if the last applicant to be selected is a member of a party.

Sec. 5. **SEASON DATES, METHODS AND HOURS.**

Bear may be taken by licensed hunters using legal firearms or legal bow and arrow from September 1 to October 14, 1990 in all Permit Areas and in the no-quota area between one- half hour before sunrise and sunset each day. However, no person shall hunt bear while having in possession or having under control both a firearm and a bow and arrow. Each hunter may hunt only within the permit area designated on his or her license.

Sec. 6. **NUISANCE BEAR.**

Nuisance bear may be taken under special permit by licensed bear hunters from July 1, 1990 to August 31, 1990, between one-half hour before sunrise and sunset each day, pursuant to the following conditions:

(1) Permits shall be issued by a conservation officer on a case by case basis only after the conservation officer has determined that a nuisance bear problem does in fact exist, and that no practical alternatives to killing the bear exist for alleviating the problem.

(2) Permits shall be issued to hunters with licenses valid for the permit area in which the damage is occurring. Permits issued for nuisance bears outside the permit areas shall be issued only to hunters with valid licenses for the no-quota area. Only one hunter shall hunt under any one permit. Each permit shall be restricted to a specified location.

(3) Any person taking a bear pursuant to this section shall register it with the officer who issued the permit (or his designee) within 48 hours after taking.

(4) Anyone who kills a bear pursuant to this section shall not kill, hunt or tag another bear during 1990.

(5) Nuisance bear permittees are subject to all provisions of this order not inconsistent with this section and all laws relating to the taking of wild animals.

Sec. 7. **BAG LIMIT.**

(a) No person shall take more than one bear during any calendar year whether by firearm or bow and arrow. Bear taken may be of either sex or any age except that cub bear may not be taken. Cub bear are any bear less than one year of age.

(b) Party hunting for bear is not permitted. No hunter shall affix the locking seal provided with his or her license to a bear which he or she did not kill. No hunter shall affix to a bear the locking seal of another hunter. No hunter shall kill a bear for another hunter.

Sec. 8. **BEAR BAIT STATIONS, FEEDING STATIONS AND GARBAGE DUMPS.**

(a) No person shall establish, service or maintain any bait station prior to August 17, 1990.

(b) No person shall establish a bait station without registering the site as follows:

(1) The following information must be provided on an 8-1/2 inch by 11 inch sheet of paper:

(A) Name, address and telephone number of person who established the bait station.

(B) County, Township, Range and Section in which the bait station is established.

(2) The above information must be mailed no later than the next postal service day following establishment of the bait station to the Division of Enforcement, Department of Natural Resources, Box 47, 500 Lafayette Road, St. Paul, MN 55155-4047.

(c) Any person establishing a bait station shall display a sign at the site as follows:

(1) The sign shall be made of plastic, wood or metal and shall be at least 6 inches by 10 inches in size.

(2) The sign shall contain the full name and Minnesota driver's license number or the full name, address and telephone number, all in the English language, of the person placing the bait.

(3) Letters and numbers shall be legibly printed and either painted or impressed on the sign material.

(4) The sign shall be prominently displayed between 6 and 10 feet above the natural ground level and within 20 feet of the bait.

(d) No person shall hunt bear within 100 yards of a bait station unless it is registered and marked with a sign as prescribed by this section.

(e) To attract bear, a person may not use a bait with:

(1) More than 25 percent of an intact carcass of a mammal;

(2) Solid waste containing bottles, cans, plastic, paper or metal;

(3) Materials that are not readily biodegradable;

(4) Any part of a swine, except that cured bacon and ham may be used.

(f) No person shall take or attempt to take bear within one-half mile of a garbage dump, designated municipal or county garbage collection point or bear feeding station, except as authorized pursuant to Sec. 6 of this order or as otherwise authorized by law. No person who is licensed to take bear may be in possession of an uncased weapon legal for taking bear while within one-half mile of any such location that has existed at any time within the preceding four months.

(g) No person shall establish a bait station within 150 yards of a campsite or in Bear Hunt Permit Area 22.

Sec. 9. **SPECIAL PROVISIONS.**

(a) **Locking Seal.** Every person killing a bear must affix to the carcass the locking seal provided with his or her bear hunting license. The seal must be fastened around the bear's sternum (breast bone) in such a way that the seal cannot be removed without breaking the lock. The seal must be attached to the bear when: (1) the animal is in a camp, or a place occupied overnight or the yard surrounding the place; or (2) the animal is on a motor vehicle (self-propelled vehicle or any vehicle propelled or drawn by a self-propelled vehicle) .

(b) **Registration.** Every person taking a bear shall present it for registration at an official bear registration station or, in the case of a nuisance bear permit, to the issuing officer, within 48 hours after taking and obtain a Big Game Possession Tag. Prior to transporting the bear from the registration station the possession tag shall be attached to the bear in the same manner as the locking seal. Bear taken in the No-quota Area must be registered within the No-quota Area.

(c) **Tooth Collection.** Every person killing a bear must submit a bear tooth to the Department of Natural Resources according to instructions, and in the envelope provided at bear registration stations. It is the responsibility of each person killing a bear to mail the tooth envelope to the DNR except in those cases where a bear registration station is collecting the teeth.

(d) No person shall take or molest any bear in a den.

(e) No person shall take or attempt to take bear with the aid of dogs.

(f) No bear shall be taken in any manner in any area of the state except as herein expressly provided or as otherwise provided by Commissioner's Order or by law.

(g) None of the provisions of this order shall be construed as modifying or superseding any order establishing game refuges within the state nor as permitting the taking of any wild animals within such refuges or within state parks.

(h) All animals taken pursuant to this order must be killed before being removed from the site where taken.

Dated at Saint Paul, Minnesota, this 5th day of April, 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 Human Services

Notice of Request for Information from Organizations to Provide Medical Information Line Services

The MN Department of Human Services, Division of Health Care Management, Managed Health Care Section is requesting information from organizations interested in providing medical information telephone line services to medical assistance recipients in Ramsey County and/or another selected county. The State is proposing to offer the telephone line service on a pilot basis.

Initial implementation will not include a provider network restriction, but may evolve to this design. The telephone service would be available after hours only or on a 24-hour a day basis and would be staffed by registered nurses, using predetermined medical protocols. Services included would be the following: provision of medical advice, direction to appropriate care site, provision of information on medical providers, collection of information on callers and follow-up with callers. An evaluation component will be included.

A request for proposals will be issued in the near future. If interested in providing information or discussing the proposed pilot, please contact DHS by May 15, 1990.

Kathleen Schuler
Managed Health Care
Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3854
612-297-4668

Department of Jobs & Training

State Job Training Office

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Permanent Rules Relating to the Youth Employment Program Including the Impact of the Rules on Small Businesses

NOTICE IS HEREBY GIVEN that the Department of Jobs and Training is seeking information or opinions from sources outside the agency in proposing to adopt amendments to *Minnesota Rules*, parts 3300.0100 through 3300.0700, relating to the Youth Employment Program. The proposed amendments to rules will change the definition for support services by adding the elements of child care and temporary shelter and by deleting the elements of career information training, work related protective devices, basic skills training and counseling services. The rule amendments add a definition for transitional services. Transitional services are those related to the school-to-work component of the program and may include counseling, case management, basic skills training and remedial education, life skills training, mentoring and tutoring services and work readiness skills training.

Permanent rules are being proposed to interpret *Minnesota Statutes*, sections 268.31 through 268.36, which authorize the Youth Employment Program. These rules are being developed as permitted under *Minnesota Statutes*, section 268.33.

Outside opinion is also being solicited concerning how these rules may affect small businesses as defined by *Minnesota Statutes*, section 14.115, subdivision 1.

Interested persons or groups may submit data or comments in writing. Written comments should be addressed to:

Kay Tracy
State Job Training Office
690 American Center Building
150 East Kellogg Blvd.
St. Paul, Minnesota 55101

All comments and information will be accepted until 4:30 p.m. on May 24, 1990. Any written material received by the Department of Jobs and Training will become part of the rulemaking record to be submitted to the Attorney General or Administrative Law Judge in the event the rules are adopted.

Joe Samargia, Commissioner
Department of Jobs & Training

Secretary of State

Election Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Punch Card Voting Systems

NOTICE IS HEREBY GIVEN that the Secretary of State is seeking information or opinions from sources outside the agency in preparing to propose an amendment of the rule governing the format of ballot pages used in punch card voting systems (Chapter 8250). The adoption of the rule is authorized by *Minnesota Statutes*, section 206.57, which requires the Secretary of State to adopt rules governing the use of electronic voting systems.

The Secretary of State 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:

Joseph Mansky
Director, Election Division
180 State Office Building
St. Paul, MN 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-2805 and in person at the above address.

All statements of information and opinions shall be accepted until May 31, 1990. Any written material received by the Secretary of State shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event the rule is adopted.

Dated: 13 April 1990

Joan Anderson Growe
Secretary of State

Minnesota Office of Waste Management

Solid Waste Grants and Market Development Unit

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Recycling Market Development Grant and Loan Programs

NOTICE IS HEREBY GIVEN that the Minnesota Office of Waste Management (Office) is seeking information or opinions from outside sources as it prepares to propose the adoption of rules governing the Office's issuance of grants and loans, to public, non-profit, and private organizations, for projects that develop markets or end uses for recyclable materials. The rules will establish criteria and procedures for awarding recycling market development grants and loans. Adoption of the rules is authorized by *Minnesota Statutes* § 115A.48, subd. 5.(d) (1989), which directs the Office to adopt rules for administering recycling market development grant and loan programs.

The Office 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 or oral statements or comments should be directed to:

Cristine Leavitt
Minnesota Office of Waste Management
1350 Energy Lane
St. Paul, MN 55108
Telephone: (612) 649-5771 or
1-800-652-9747

Oral statements will be received during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday.

All statements of information and opinion will be accepted until May 23, 1990. Any written materials received by the Office shall become part of the rulemaking record in the event that the rule is adopted.

Michael Robertson
Director

Minnesota Office of Waste Management

Solid Waste Grants and Market Development Unit

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Solid Waste Reduction Grant and Loan Programs

NOTICE IS HEREBY GIVEN that the Minnesota Office of Waste Management (Office) is seeking information or opinions from outside sources as it prepares to propose the adoption of rules governing the Office's issuance of grants and loans, to public, non-profit, and private organizations, for developing and implementing projects or practices to prevent or reduce the generation of solid waste. The rules will establish criteria and procedures for awarding solid waste reduction grants and loans. Adoption of the rules is authorized by *Minnesota Statutes* §§ 115A.53 (1989) and 115A.55, subd. 3.(d) (1989), which directs the Office to adopt rules for administering solid waste reduction grant and loan programs.

The Office 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 or oral statements or comments should be directed to:

Cristine Leavitt
Minnesota Office of Waste Management
1350 Energy Lane
St. Paul, MN 55108
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Michael Robertson
Director

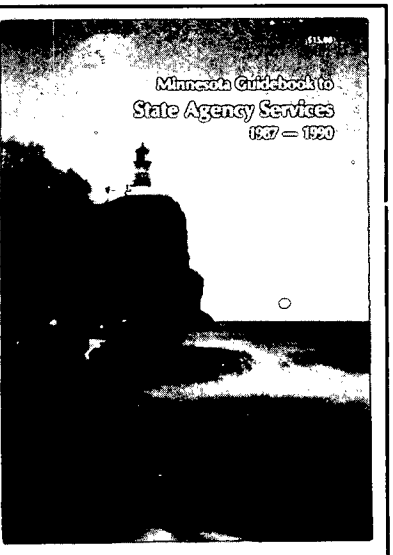
A Beacon to Guide You—Minnesota's Owners Manual

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

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

Packed with information to help you, its 640 pages guide you through license requirements, forms, fees, reports, services, grants, hotlines, maps, history, travel highlights and more. Its listing of addresses, phones, and agency descriptions cuts red tape so you get easy and fast service.

Copies cost $15.00 (+90¢ tax, MN residents only). Make checks out to the "State of Minnesota" and send to the Print Communications Division, 117 University Avenue, St. Paul, MN 55155. MasterCard and VISA orders can be taken over the phone by calling (612) 297-3000 or toll-free in Minnesota 1-800-652-9747. FAX: (612) 296-2265.



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.

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: Laboratory ovens
Contact: Joseph Gibbs 296-3750
Bid due date at 2pm: April 23
Agency: Transportation Department
Deliver to: Various
Requisition #: 79000-05510

Commodity: Used Wayne Chaperone Bus
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: April 27
Agency: Oak Terrace Nursing Home
Deliver to: Minnetonka
Requisition #: 55520-04545

Commodity: Gas meters & blower—rebid
Contact: Steve Burgstahler 296-3775
Bid due date at 2pm: April 27
Agency: Various
Deliver to: Various
Requisition #: 55106-07405

Commodity: Cushman Truckster
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: April 27
Agency: Administration
Deliver to: St. Paul
Requisition #: 02307-01422

Commodity: Fiber optic cable
Contact: Pamela Anderson 296-1053
Bid due date at 2pm: April 27
Agency: State University
Deliver to: Winona
Requisition #: 26074-13421

Commodity: Remove & replace furnace
Contact: Mary Jo Bruski 296-3772
Bid due date at 4:30pm: April 27
Agency: Correctional Facility
Deliver to: Togo—Thistledew Camp
Requisition #: 78780-04369

Commodity: Pressure washer
Contact: Mary Jo Bruski 296-3772
Bid due date at 4:30pm: April 27
Agency: Transportation Department
Deliver to: Owatonna
Requisition #: 79000-05232

Commodity: Target software & intelligent interface
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: April 30
Agency: Public Safety Department
Deliver to: St. Paul
Requisition #: 07300-68650

Commodity: Maxis project; low voltage data cabling and line voltage electrical service upgrades
Contact: Joyce Dehn 297-3830
Bid due date at 3pm: May 3
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Audio visual systems
Contact: Pamela Anderson 296-1053
Bid due date at 2pm: May 17
Agency: Normandale Community College
Deliver to: Bloomington
Requisition #: 27156-10620

Commodity: New or used wrecker
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: May 1
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79382-01950

Commodity: Arrow boards
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: May 1
Agency: Transportation Department
Deliver to: Various
Requisition #: 79382-01927

Commodity: Engine driven brush chipper
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: May 1
Agency: Transportation Department
Deliver to: Golden Valley
Requisition #: 79382-01946

Commodity: Stainless steel tanker
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: May 1
Agency: Transportation Department
Deliver to: Mankato
Requisition #: 79382-01951

waste minimization plan for wastes treated ~~by~~ at the facility. This plan ~~may~~ must be submitted in lieu of any plan required under subpart 1. A minimization plan submitted by the operator of a ~~treatment~~ facility must include the following elements:

A. a description of the efforts undertaken by the operator to minimize the hazardous waste to be managed at the S/C facility, including an evaluation of potential treatment processes that could reduce the volume or hazardous properties of the waste, an evaluation of all potential activities directed at the recycling or recovery of the wastes, and a discussion of any processes or activities that have been implemented to reduce the volume or hazardous properties of the waste and of the present method of managing the hazardous waste; and

B. a discussion of the efforts undertaken by the operator of the ~~multiple waste treatment~~ facility to educate its client generators of waste minimization practices and to encourage them to minimize hazardous waste generation.

Subp. 5. **Term of minimization plan.** The minimization plan must address the generator's minimization activities for five years ~~from~~ after the date the plan is submitted to the commissioner.

Subp. 6. **Commissioner's review of minimization plans.** The commissioner shall review each minimization plan that is submitted and determine whether the requirements of this part have been met. ~~If the commissioner determines that the requirements of this part have been met,~~ The commissioner shall issue to the generator written documentation of ~~such approval~~ the commissioner's decision.

7047.0070 PROHIBITIONS.

Subpart 1. **Acceptance prohibited without approval of agency or commissioner.** The operator of ~~a~~ the S/C facility may not accept any waste for containment and may not place any waste in a containment cell at the S/C facility unless the waste has been approved for containment at the S/C facility under part 7047.0030.

Withdrawn Rules

Department of Health

In the Matter of the Proposed Adoption of Rules of the State Department of Health Relating to Services to Clients of Intermediate Care Facilities for Persons with Mental Retardation or Related Conditions, *Minnesota Rules*, Parts 4656.0250 to 4656.0330

Notice of Withdrawal of Proposed Rules

NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes*, section 14.05, subdivision 3, the State Department of Health withdraws the above entitled rules proposed and published at *State Register*, Volume 14, Number 30, pages 1836-1841, January 22, 1990 (14 S.R. 1836).

Department of Human Services

In the Matter of the Proposed Adoption of Rules of the State Department of Human Services Relating to Rates for Intermediate Care Facilities for Persons with Mental Retardation or Related Conditions, *Minnesota Rules*, Parts 9553.0010 to 9553.0080

Notice of Withdrawal of Proposed Rules

NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes*, section 14.05, subdivision 3, the State Department of Human Services withdraws the above entitled rules proposed and published at *State Register*, Volume 14, Number 30, pages 1841-1859, January 22, 1990 (14 S.R. 1841).

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.

Commissioners' Orders

Department of Natural Resources

Commissioner's Order No. 2371: Regulations for the Taking of Bear During 1990

PURSUANT TO AUTHORITY vested in me by *Minnesota Statutes* §§ 97B.401-431 and other applicable law, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby prescribe the following regulations for the taking of bear during 1990. All dates and time periods specified in this order are inclusive unless otherwise noted.

Section 1. **DEFINITIONS.**

(a) **Legal firearms**. A firearm or ammunition may be used to take bear if it meets the following requirements:

(1) Handguns, rifles, shotguns and all projectiles used therein shall be at least 23/100ths of an inch in caliber;

(2) All firearms shall be loaded only with ammunition containing single projectiles;

(3) All projectiles shall be of a soft point or an expanding bullet type;

(4) All ammunition shall have a case length of at least 1.285 inches except that 10 millimeter cartridges shall be at least 0.95 inches in length; and

(5) Muzzleloaders must be incapable of being loaded at the breech. Smooth-bore muzzleloaders shall be at least .45 caliber and rifled muzzleloaders shall be at least .40 caliber.

It is unlawful to take bear with a .30 caliber M-1 carbine cartridge or with any other firearm or ammunition which does not meet the requirements set forth in this section.

(b) **Legal bow and arrow**. Bows must have a pull of no less than 40 pounds at or before full draw. Arrowheads used for taking big game must be sharp and have a minimum of two metal cutting edges, be of a barbless broadhead design, and must have a diameter of at least seven-eighths inch. It is unlawful to take bear with any poisoned arrow or arrow with explosive tip. A person may not hunt with a bow drawn, held, or released by a mechanical device, except with a disabled hunter permit issued under *Minnesota Statutes* § 97B.315, or except that a person may use a mechanical device attached to the bowstring if the person's own strength draws, holds, and releases the bowstring.

(c) **Drawings**. Computerized random drawings will be conducted by the Department of Natural Resources to determine those who will be eligible to apply for a bear license within the bear permit areas. Preference in the drawings will be given to each applicant based upon the number of times he or she has correctly applied for a permit in previous years but has been unsuccessful in the drawing. Obtaining a no-quota bear license will have no effect upon eligibility or preference in the drawings except that no person may purchase more than one bear license in a calendar year.

(d) **No-quota area**. That part of the state of Minnesota not included within the boundaries of permit areas described in Sec. 3.

(e) **Bear feeding station**. Bear feeding station means any location at which any materials are placed for the purpose of attracting or attempting to attract bear for any purpose other than hunting. This definition shall not be construed to include a bear bait station.

(f) **Bear bait station**. Bear bait station means any location at which any materials are placed for the purpose of attracting or attempting to attract bear for the purpose of hunting. This definition shall not be construed to include a garbage dump or bear feeding station, nor shall it be construed to include materials that are at all times attended by the hunter.

(g) **Garbage dump**. Garbage dump means any site regularly and primarily used for the disposal of garbage or other refuse. This definition shall not be construed to include a bear bait station.

Sec. 2. **BEAR HUNT DRAWING AND LICENSING.**

(a) Persons desiring to hunt bear have a choice of two means of obtaining a bear license. Persons desiring to hunt within one of the permit areas described in Sec. 3 and subject to the quotas set forth in Sec. 4 must take part in the license application drawing. Persons desiring to hunt in the no-quota area outside of the permit areas described in Sec. 3 do not have to participate in a drawing and may purchase a bear license from a county auditor's office or the DNR License Bureau in St. Paul. No person may hunt bear without having first obtained a bear hunting license. A person obtaining a bear license for a permit area is restricted to hunting bear within the permit area for which the license is issued. A person obtaining a bear license for the no- quota area is restricted to hunting bear outside of the permit areas.

(b) Any resident or nonresident who is at least 12 years old prior to September 1, 1990 and whose big game hunting privileges are not suspended pursuant to *Minnesota Statutes* § 97A.421 is eligible to purchase a bear license for the no-quota area or to enter a drawing for a permit area license. Persons under the age of 16 must possess a valid Firearms Safety Certificate.

(c) Application for the drawing must be made on the form provided by the Department of Natural Resources and all information

requested must be supplied. A driver's license number or an official State of Minnesota identification number issued by the Department of Public Safety must be provided.

(d) Each permit area applicant may apply only once and for only one of the permit areas. Any person who submits more than one such application in any one year shall be ineligible to receive a bear license in that year and shall be guilty of a misdemeanor. Improperly completed applications will be rejected.

(e) Applications must be returned to the DNR License Bureau, Box 26, 500 Lafayette Road, St. Paul, MN 55155-4026. If mailed, applications must be submitted in envelopes and postmarked no later than May 1, 1990. If hand-delivered, applications must be delivered no later than 4:30 p.m., May 1, 1990.

(f) Persons may apply individually or as part of a group totaling no more than four persons. Those who wish to apply as a group must submit their applications for the drawing together in one envelope. All applications in a group must be for the same permit area. The individual within a group with the lowest preference rating will determine the preference rating of the group. Either all members of the group will be drawn or none will. Improperly completed applications will be rejected but will not disqualify other members of the group.

(g) Successful drawing applicants will receive a license application with instructions for obtaining their licenses. Successful applicants who do not return the license application and the fee according to the provisions specified on the license application or who do not provide all of the requested information will be disqualified. All accumulated preference is lost upon issuance of a bear hunting license. Anyone under the age of 16 years must have a firearms safety certificate to be eligible to obtain a license. Licenses for the quota bear permit areas shall not be issued to successful drawing applicants after the hunting permit selection process.

Sec. 3. **BEAR HUNT PERMIT AREAS.**

(a) **Bear Hunt Permit Area 12.**

That portion of the state lying within the following

described boundary:

Beginning at the intersection of State Trunk Highway (STH) 72 and the northern boundary of the state; thence along STH 72 to the Tamarac River; thence along the southerly shore of said river to Upper Red Lake; thence along the southeasterly shore of said lake to the east boundary of the Red Lake Indian Reservation; thence along the easterly, southerly, and westerly boundaries of said Reservation to the point where the Clearwater River leaves the Reservation boundary; thence along the south shore of said river to County State Aid Highway (CSAH) 2, Polk County; thence along CSAH 2 to CSAH 27, Pennington County; thence along CSAH 27 to STH 1; thence along STH 1 to County State Aid Highway (CSAH) 28, Pennington County; thence along CSAH 28 to CSAH 54, Marshall County; thence along CSAH 54 to CSAH 9, Roseau County; thence along CSAH 9 to CSAH 2, Roseau County; thence along CSAH 2 to STH 89; thence along STH 89 to STH 310; thence along STH 310 to the north boundary of the state; thence along the north boundary of the state to the point of beginning.

(b) **Bear Hunt Permit Area 13.**

That portion of the state lying within the following described boundary:

Beginning on the north boundary of the state at State Trunk Highway (STH) 72; thence along the north boundary of the state to a point due north of the intersection of STH 11 and U.S. Highway 71; thence due south to U.S. Hwy. 71; thence along U.S. Hwy. 71 to STH 6; thence along STH 6 to STH 1; thence along STH 1 to STH 72; thence north along STH 72 to the point of beginning.

(c) **Bear Hunt Permit Area 22.**

That portion of the state known as the Boundary Waters Canoe Area Wilderness (BWCAW) but excluding the detached part of the BWCAW lying south of the Echo Trail, St. Louis County, and known as the Trout Lake unit or block.

(d) **Bear Hunt Permit Area 23.**

That portion of the state lying within the following described boundary:

Beginning at the junction of U.S. Highway 2 and State Trunk Highway (STH) 65; thence along STH 65 to STH 1; thence along STH 1 to STH 169; thence along STH 169 to the first Shagawa River bridge at Winton; thence along the northerly shore of said river to Fall Lake; thence along the westerly and northerly shores of Fall Lake to the south boundary of the Boundary Waters Canoe Area Wilderness (BWCAW) ; thence westward along the southerly boundary of the BWCAW to the intersection with the north boundary of the state; thence along the northern boundary of the state to a point due north of the junction of U.S. Hwy. 71 and STH 11 at Pelland; thence due south to said junction; thence along U.S. Hwy. 71 to STH 6; thence along STH 6 to U.S. Hwy. 2; thence along U.S. Hwy. 2 to the point of beginning.

(e) **Bear Hunt Permit Area 24.**

That portion of the state lying within the following described boundary:

Beginning at the junction of U.S. Highway 2 and State Trunk Highway (STH) 65; thence along STH 65 to STH 1; thence along STH 1 to the Soudan-Two Harbors Branch of the Duluth, Missabe and Iron Range Railway Company (DM&IR) ; thence along said railroad to County State Aid Highway (CSAH) 16, St. Louis County; thence along CSAH 16 to U.S. Highway 53; thence along U.S. Hwy. 53 to CSAH 133, St. Louis County; thence along CSAH 133 to CSAH 25, Itasca County; thence along CSAH 25 to U.S. Hwy. 2; thence along U.S. Hwy. 2 to the point of beginning.

(f) **Bear Hunt Permit Area 31.**

That portion of the state lying within the following described boundary:

Beginning on U.S. Highway 53 at the eastern boundary of the state; thence along U.S. Highway 53 to County State Aid Highway (CSAH) 16, St. Louis County; thence along CSAH 16 to the Soudan-Two Harbors Branch of the Duluth, Missabe and Iron Range Railway Company (DM&IR) ; thence along said railroad to State Trunk Highway (STH) 169; thence along STH 169 to the first Shagawa River bridge at Winton; thence along the northerly shore of said river to Fall Lake; thence along the westerly and northerly shores of Fall Lake to the south boundary of the Boundary Waters Canoe Area Wilderness (BWCAW) ; thence easterly along said boundary of the BWCAW to the north boundary of the state at Magnetic Lake; thence easterly along the north boundary of the state to the boundary of the BWCAW on the south shore of North Lake; thence along the boundaries of this detached part of the BWCAW to the north boundary of the state at South Fowl Lake; thence along the northern and eastern boundaries of the state to the point of beginning.

(g) **Bear Hunt Permit Area 41.**

That portion of the state lying within the following described boundary:

Beginning at the junction of U.S. Hwy. 59 and the north boundary of the White Earth Indian Reservation; thence along said boundary to County State Aid Highway (CSAH) 6, Polk County; thence along CSAH 6 to CSAH 3, Polk County; thence along CSAH 3 to CSAH 2, Polk County; thence along CSAH 2 to the Clearwater River; thence along the south shore of said river to the west boundary of the Red Lake Indian Reservation; thence along the west, south and east boundaries of said reservation to the southeasterly shore of Upper Red Lake; thence along said lakeshore to the Tamarac River; thence along the southerly shore of said river to State Trunk Highway (STH) 72; thence along STH 72 to U.S. Hwy. 71; thence along U.S. Hwy. 71 to U.S. Hwy. 2; thence along U.S. Hwy. 2 to STH 92; thence along STH 92 to the north boundary of the White Earth Indian Reservation; thence west along said reservation boundary to the point of beginning.

(h) **Bear Hunt Permit Area 42.**

That portion of the state lying within the following described boundary:

Beginning at the junction of U.S. Hwy. 59 and the north boundary of the White Earth Indian Reservation; thence along said boundary to State Trunk Highway (STH) 92; thence along STH 92 to U.S. Hwy 2; thence along U.S. Hwy. 2 to U.S. Hwy. 71; thence along U.S. Hwy. 71 to STH 72; thence along STH 72 to STH 1; thence along STH 1 to STH 6; thence along STH 6 to STH 18; thence along STH 18 to U.S. Hwy. 169; thence along U.S. Hwy. 169 to STH 23; thence along STH 23 to the Mississippi River; thence upstream along the easterly shore of said river to STH 27 at Little Falls; thence along STH 27 to U.S. Hwy. 71; thence along U.S. Hwy. 71 to U.S. Hwy. 10; thence along U.S. Hwy. 10 to U.S. Hwy. 59; thence along U.S. Hwy. 59 to the point of beginning.

The Tamarac National Wildlife Refuge within Area 42 is not open for bear hunting.

(i) **Bear Hunt Permit Area 51.**

That portion of the state lying within the following

described boundary:

Beginning on U.S. Hwy. 53 on the eastern boundary of the state; thence along U.S. Hwy. 53 to County State Aid Highway (CSAH) 133, St. Louis County; thence along CSAH 133 to CSAH 25, Itasca County; thence along CSAH 25 to U.S. Hwy. 2; thence along U.S. Hwy. 2 to STH 6; thence along STH 6 to STH 18; thence along STH 18 to U.S. Hwy. 169; thence along U.S. Hwy. 169 to STH 23; thence along STH 23 to STH 47; thence along STH 47 to STH 27; thence along STH 27 to STH 65; thence along STH 65 to STH 18; thence along STH 18 to the west boundary of Pine County; thence along the west and north boundaries of Pine County to STH 23; thence along STH 23 to CSAH 22, Pine County; thence along CSAH 22 to CSAH 32; thence along CSAH 32 to the eastern boundary of the state; thence along the eastern boundary of the state to the point of beginning.

Sec. 4. **BEAR HUNT PERMIT AREA QUOTAS.**

The following quotas on hunter numbers are established for each bear hunt permit area:

Permit Area	Quota
12	320
13	280
22 (BWCAW)	370

Department of Natural Resources

Adopted Permanent Rules Relating to Public Use of State Parks and Other Recreational Areas

The rules proposed and published at *State Register*, Volume 14, Number 29, pages 1798-1805, January 16, 1990 (14 S.R. 1798) are adopted with the following modifications:

Rules as Adopted

6100.0800 PUBLIC SAFETY; HUNTING; FIREARMS; WEAPONS.

Subp. 4. **Restriction on pursuit of wildlife.** It is unlawful while hunting to pursue wildlife into ~~or within~~ a state park or to chase wildlife out of a state park without permission of a park officer.

Pollution Control Agency

Adopted Permanent Rules Relating to Acceptance of Hazardous Waste at the Stabilization and Containment Facility

The rules proposed and published at *State Register*, Volume 13, Number 35, pages 2082-2087, February 27, 1989 (13 S.R. 2082) and Volume 13, Number 52, pages 3042-3047, June 26, 1989 (13 S.R. 3042) are adopted with the following modifications:

Rules as Adopted

7047.0010 SCOPE AND APPLICABILITY.

Subpart 1. **Scope.** This chapter applies to the owner and operator of the ~~stabilization and containment~~ S/C facility, proposers of waste to be contained at the S/C facility, generators of hazardous waste to be stabilized or contained at the S/C facility, and operators of hazardous waste treatment facilities that treat hazardous waste proposed to be stabilized or contained at the S/C facility.

Subp. 2. **Limitation.** Compliance with this chapter does not authorize acceptance of any waste at the S/C facility if the acceptance of that waste would violate any operating permit for the S/C facility or conflict with any restriction on the acceptance of waste imposed by any other agency of the state authorized to control the operation of the S/C facility, including restrictions in any contract entered into by that state agency with the county where the S/C facility is located or with the operator of the S/C facility.

7047.0020 DEFINITIONS.

Subp. 5. **Containment.** "Containment" means isolating, controlling, and monitoring waste in ~~a waste~~ the S/C facility in order to prevent a release of waste from the S/C facility that would have an adverse impact upon human health and the environment. Containment occurs at the S/C facility.

Subp. 6. **Facility.** "Facility" means ~~the hazardous waste stabilization and containment facility sited in Minnesota under *Minnesota Statutes,* sections 115A.175 to 115A.30.~~ all contiguous land, structures, other appurtenances, and improvements on the land used for treating hazardous waste. A facility may consist of several treatment units, such as one or more landfills, surface impoundments, or combinations thereof.

Subp. 7. **Generator.** "Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in ~~this chapter~~ parts 7045.0100 to 7045.0141, or whose act first causes a hazardous waste to become subject to regulation. ~~Generator includes primary generators of hazardous waste, operators of facilities who become generators as a result of treatment or consolidation activities conducted on waste received from off-site, and the operator of the stabilization and containment facility.~~

Subp. 12. **Minimization.** "Minimization" means any activity that either reduces the total volume or reduces the hazardous properties of hazardous waste that would otherwise be stabilized and contained at the S/C facility. Minimization ~~includes~~ is source reduction, waste recovery, and waste recycling.

Subp. 13. **Operator.** "Operator" means the person responsible for the overall operation of a hazardous waste treatment facility or the S/C facility.

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.

Subp. 14. **Owner.** "Owner" means the person who owns the S/C facility or part of the S/C facility.

Subp. ~~13.~~ 15. **Person.** "Person" has the meaning given it in *Minnesota Statutes*, section 116.06, subdivision 8.

Subp. ~~14.~~ 16. **Proposer.** "Proposer" means any person who seeks approval from the commissioner to contain a waste at the S/C facility. ~~A proposer may be the operator of the facility, a generator, or the operator of a hazardous waste treatment facility.~~

Subp. ~~15.~~ 17. **Recycling.** "Recycling" means the use or reuse of hazardous waste as an effective substitute for a commercial product or as an ingredient or feedstock in an industrial process. Recycling ~~includes~~ is the reclamation of useful constituent fractions within a waste material or the removal of contaminants form a waste to allow it to be reused.

Subp. ~~16.~~ 18. **Source reduction.** "Source reduction" means the reduction or elimination of hazardous waste at the source~~, usually within a process. Source reduction measures include process modifications, feedstock substitutions, improvements in feedstock purity, housekeeping and management practice changes, increases in the efficiency of equipment, and recycling within a process.~~

Subp. 19. **Stabilization and containment facility or S/C facility.** "Stabilization and containment facility" or "S/C facility" means the stabilization and containment facility sited in Minnesota under authority of *Minnesota Statutes*, sections 115A.175 to 115A.30.

Subp. ~~17.~~ 20. **Stabilization.** "Stabilization" has the meaning given it in *Minnesota Statutes*, section 115A.03, subdivision 32a.

7047.0030 WASTES THAT MAY BE ACCEPTED FOR CONTAINMENT.

Subpart 1. **Acceptance of industrial wastes.** The commissioner shall approve an industrial waste for containment at the S/C facility if the proposer provides to the commissioner a certification that the waste will be managed ~~by~~ at the S/C facility in compliance with parts 7035.0300 to 7035.2875 and with all applicable provisions of the S/C facility's industrial waste management plan. ~~Industrial wastes that are hazardous or hazardous wastes rendered nonhazardous shall also meet the requirements of subparts 2 and 3.~~

Subp. 2. **Acceptance of hazardous waste rendered nonhazardous.** The commissioner shall approve a hazardous waste that has been rendered nonhazardous for containment at the S/C facility in accordance with the following procedures:

C. For any hazardous waste rendered nonhazardous, as provided in items A and B, the proposer must provide the following information to the commissioner:

(1) a certification that the waste ~~is~~ will be managed ~~by~~ at the S/C facility in compliance with parts 7035.0300 to 7035.2875 and with applicable provisions of the S/C facility's industrial waste management plan~~.~~; and

~~D.~~ (2) If required under part 7047.0060, the generator must ~~submit to the commissioner and~~ obtain the commissioner's approval of a waste minimization plan for that hazardous waste as provided in part 7047.0060.

Subp. 3. **Acceptance of ~~listed~~ hazardous waste that is not rendered nonhazardous.** The commissioner shall approve ~~a listed hazardous waste~~ for containment at ~~a~~ the S/C facility a hazardous waste that has not been rendered nonhazardous if the following conditions are met:

A. ~~the proposer demonstrates an acceptable attempt to render the waste nonhazardous as provided in part 7047.0040;~~ Before the commissioner will approve the acceptance of a hazardous waste that has not been rendered nonhazardous, the proposer must first demonstrate to the commissioner that a satisfactory attempt has been made to render the waste nonhazardous. The proposer must make that demonstration according to part 7047.0040.

B. Following the agency's determination that the proposer has made a satisfactory but unsuccessful attempt to have the waste rendered nonhazardous, the proposer must comply with the following requirements in order to obtain the commissioner's approval to contain the waste in the S/C facility as a hazardous waste:

~~B.~~ (1) the proposer ~~demonstrates~~ must demonstrate that there is no feasible and prudent alternative to containment of the waste that would minimize adverse impact upon human health and the environment as provided in part 7047.0050, subpart 3;

~~C.~~ (2) the proposer ~~demonstrates~~ must demonstrate that the waste is treated using feasible and prudent technology that minimizes the possibility of migration of any hazardous constituents of the waste as provided in part 7047.0050, subpart 2;

~~D.~~ (3) the proposer ~~demonstrates~~ must demonstrate that the waste meets the applicable land disposal restrictions provided in chapter 7045 and Code of Federal Regulations, title 40, section 268, as provided in part 7047.0050, subpart 1~~;~~ ~~and~~, if no land disposal restrictions are provided in chapter 7045 or Code of Federal Regulations, title 40, section 268, for a particular hazardous waste, the waste may not be accepted for containment at the S/C facility.

~~E.~~ (4) the proposer must provide evidence that the generator ~~submits to the commissioner and obtains~~ has obtained the commissioner's approval of a waste minimization plan for that hazardous waste as provided in part 7047.0060.

~~Subp. 4. **Listed hazardous wastes with no standard under land disposal restrictions.** If no treatment standard has been adopted for a particular listed hazardous waste under the land disposal restrictions provided in chapter 7045 or Code of Federal Regulations, title 40, section 268, the waste may not be accepted for containment at the facility.~~

~~Subp. 5. **Characteristic hazardous waste prohibited from acceptance at a facility.** No characteristic hazardous waste may be accepted for containment at the facility. All characteristic hazardous waste must be rendered nonhazardous before the waste may be accepted for containment at the facility.~~

Subp. ~~6.~~ 4. **Written notice of approval.** If the commissioner approves acceptance of a waste for containment under this part, the commissioner shall provide written notice of the approval to the proposer.

7047.0040 DEMONSTRATION OF ATTEMPT TO RENDER A ~~LISTED~~ HAZARDOUS WASTE NONHAZARDOUS.

~~Subpart 1. **Submittal of information by proposer.** To demonstrate an acceptable attempt to render a listed hazardous waste nonhazardous, a proposer must submit to the agency and obtain the agency's approval, pursuant to part 7045.0075, subpart 2, of a petition requesting that the waste be excluded from regulation as a hazardous waste. If agency approval of the petition does not satisfy the requirements of Code of Federal Regulations, title 40, section 260.22, the proposer must also obtain Environmental Protection Agency approval to exclude the waste from regulation as a hazardous waste.~~

~~Subp. 2. **Agency review.** If, upon review of the petition submitted under subpart 1, the agency finds that the proposer was unable to render the waste nonhazardous, the agency shall determine whether the proposer made an acceptable attempt to render the waste nonhazardous. The determination must be based upon the information provided in the petition and any additional information or explanation relevant to the determination that may be submitted by the proposer. In making the determination, the agency shall consider the completeness and technical adequacy of the petition. The factors the agency shall consider in determining whether a reasonable amount of information has been submitted are:~~

~~A. the number of constituents of the waste subject to testing and the frequency of tests required;~~

~~B. the availability of treatment technologies that could be applied to treat the waste sufficiently; and~~

~~C. the degree of variability of the waste or waste streams.~~

Subpart 1. **Request by proposer.** A proposer who is unable to render a hazardous waste nonhazardous so that the waste may be contained at the S/C facility under part 7047.0030, subpart 2, and who wishes to contain the waste at the S/C facility as a hazardous waste, must request the agency to determine whether the proposer has made a satisfactory attempt to render the waste nonhazardous. The proposer shall submit the request in writing to the commissioner.

Subp. 2. **Information required for a listed hazardous waste.** A proposer who requests the agency to determine whether a satisfactory attempt has been made to have a listed hazardous waste excluded from regulation as a hazardous waste shall submit the following information to the agency:

A. the petition required under part 7047.0030, subpart 2, item B;

B. an identification of the hazardous constituents in the hazardous waste;

C. the results of tests conducted to evaluate the hazardous characteristics of the constituents in the hazardous waste;

D. a discussion of the potential for the waste to exhibit additional hazardous properties or to contain additional hazardous constituents;

E. an assessment of the availability of treatment technologies to render the waste nonhazardous;

F. the degree of variability of the waste;

G. any other information that the proposer has available that relates to the potential for the waste to have hazardous characteristics or adverse effects on human health and the environment; and

H. a discussion of why the proposer believes the waste cannot be rendered nonhazardous.

Subp. 3. **Information required for a characteristic waste.** A proposer who requests the agency to determine whether a satisfactory attempt has been made to have a characteristic waste excluded from regulation as a hazardous waste shall submit the following information to the agency:

A. an identification of all hazardous characteristics of the waste;

B. a discussion of the treatment used to attempt to eliminate the hazardous characteristics;

C. the results of tests conducted to evaluate the hazardous characteristics of the hazardous waste;

D. an assessment of the availability of treatment technologies to render the waste nonhazardous;

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E. the degree of variability of the waste;

F. any other information that the proposer has available that relates to the potential for the waste to have hazardous characteristics or adverse effects on human health and the environment; and

H. a discussion of why the proposer believes the waste cannot be rendered nonhazardous.

Subp. 4. **Additional information.** The agency, in making its determination whether the proposer has made a satisfactory attempt to render a waste nonhazardous, shall consider the information submitted by the proposer, any other information the agency has available, and any other information submitted by other persons that is relevant to the determination.

Subp. 5. **Agency review.** The agency shall determine that the proposer has made a satisfactory attempt to render a hazardous waste nonhazardous if the following findings are made by the agency:

A. that the characteristics and the constituents of the waste have been reasonably identified;

B. that the proposer has been unable to render the hazardous waste nonhazardous through the implementation of reasonable methods of treatment, generation, and handling so as to qualify for containment under part 7047.0030, subpart 2.

Subp. 6. **Procedure.** The proposer may request, pursuant to chapter 7001, that a contested case hearing be held on the determination whether the proposer has made a satisfactory attempt to render a hazardous waste nonhazardous. Any other person may also request a contested case hearing pursuant to part 7000.1000.

7047.0050 DEMONSTRATION OF COMPLIANCE WITH LAND DISPOSAL RESTRICTIONS, FEASIBLE AND PRUDENT TREATMENT, AND NO FEASIBLE AND PRUDENT ALTERNATIVE TO CONTAINMENT.

Subpart 1. **Compliance with land disposal restrictions.** To demonstrate that ~~the~~ a hazardous waste meets the applicable land disposal restrictions provided in chapter 7045 and Code of Federal Regulations, title 40, section 268, the proposer shall submit to the commissioner a certification that the waste has been treated to the applicable standard established by the land disposal restrictions.

Subp. 2. **Treatment using feasible and prudent technology.** To demonstrate that a ~~listed~~ hazardous waste was treated using feasible and prudent technology that minimizes the possibility of migration of any hazardous constituent of the waste, the proposer shall submit the following to the commissioner:

C. certification that the waste, after treatment as certified under items A and B, was stabilized using the stabilization process permitted for use at the S/C facility.

Subp. 3. **No feasible and prudent alternative to containment.** A proposer who has made the demonstrations required under subparts 1 and 2, and who has made ~~an acceptable~~ a satisfactory attempt to render the waste nonhazardous as determined by the agency under part 7047.0040, subpart 2, is deemed to have demonstrated there is no prudent and feasible alternative to containment of the waste.

7047.0060 WASTE MINIMIZATION PLAN.

Subpart 1. **Minimization plan requirement.** A generator of waste that is proposed for containment at the S/C facility, that was a hazardous waste when it was accepted for stabilization or proposed for containment at the S/C facility, must prepare and submit to the commissioner a waste minimization plan for that hazardous waste. The plan must evaluate management alternatives for the reduction, recovery, and recycling of the waste and must identify specific minimization activities that will be undertaken by the generator during the term of the plan. The operator of the S/C facility is not required to prepare a minimization plan.

Subp. 2. **Content of minimization plan.** A waste minimization plan must include the following elements:

B. an inventory of the hazardous wastes that provides the hazardous waste codes and the quantities of wastes that are being sent to the S/C facility for management, and includes wastes that are currently being generated and that are anticipated to be generated for the term of the plan;

D. an evaluation of the management activities and costs associated with management of the hazardous waste at the S/C facility;

E. an assessment of the potential for reducing the volume and hazardous properties of the hazardous waste to be managed at the S/C facility;

F. an assessment of the potential for recycling or recovering the hazardous waste to be contained at the S/C facility;

G. a description of the steps that have been implemented to minimize the amount of hazardous waste to be managed at the S/C facility; and

H. a specific plan describing additional efforts to be undertaken in the next five years to minimize the amount or hazardous properties of the hazardous waste to be managed at the S/C facility.

Subp. 3. **Operators of ~~hazardous waste treatment~~ facilities.** An operator of a ~~hazardous waste treatment~~ facility ~~other than the stabilization and containment facility,~~ that treats hazardous wastes generated at other sites~~, may~~ must submit to the commissioner a

7045.0120 EXEMPT WASTES.

The following wastes may be stored, labeled, transported, treated, processed, and disposed of without complying with the requirements of this chapter:

A. ~~normal refuse from households including garbage, trash, and sanitary wastes in septic tanks. Households include single and multiple residences, hotels, and motels~~ household waste and collected household hazardous waste to the extent that the requirements in part 7045.0310 are met;

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

7045.0310 SPECIAL REQUIREMENTS FOR WASTE COLLECTED AS RESULT OF HOUSEHOLD HAZARDOUS WASTE MANAGEMENT PROGRAM.

Subpart 1. **Applicability.** A person who establishes or operates all or part of a household hazardous waste management program is only required to comply with the requirements in this part with respect to collected household hazardous waste. "Household hazardous waste management program" means:

A. a program established to accept or collect household hazardous waste from households, except as otherwise provided in part 7045.0685;

B. a program established by a resource recovery facility to segregate household hazardous waste from household waste; or

C. a program established by a solid waste disposal facility to segregate household hazardous waste from household waste during processing activities.

Subp. 2. **Notification.** A person who intends to establish or operate all or part of a household hazardous waste management program shall ensure that the information required in items A to K is submitted to the commissioner at least 30 days before initiating the household hazardous waste management program. This notification is not required for collection sites for which a permit is required under part 7001.0520.

The notification shall provide a complete description of the program including, as applicable:

A. the name, address, and telephone number of persons establishing the program;

B. the location of all household hazardous waste collection sites;

C. the duration and operating hours of the program;

D. the intended program service area;

E. the manner in which waste will be collected, stored, treated, transported, and disposed of;

F. the amount of time the person intends to store collected waste at individual collection sites;

G. a description of the physical structures to be used to collect and store collected waste;

H. a description of personnel safety training to be given;

I. a description of the safety and emergency procedures established for the program;

J. any other information necessary to describe all aspects of the program; and

K. the name and address of all waste transporters and the facilities which will treat or dispose of the waste.

Persons who submit a notification and subsequently change any aspect of the program as described in the notification must submit, within 30 days of making the change, an amended notification to the commissioner fully describing the program changes.

Subp. 3. **Management requirements.** A person who establishes or operates all or part of a household hazardous waste management program shall ensure that collected waste is managed in compliance with the hazardous waste generator requirements in parts 7045.0205 to 7045.0304, except as modified in items A to H.

A. The person need not comply with the disclosure and management plan requirements of parts 7045.0220, 7045.0230, and 7045.0240 to 7045.0249.

B. The person need not obtain a generator identification number as required in part 7045.0221, unless or until the person transports or offers for transport household hazardous waste for off-site treatment, storage, or disposal at a permitted hazardous waste facility.

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.

C. The person need not meet the personnel training, preparedness, prevention, and contingency planning requirements of part 7045.0292, subpart 1, item H.

D. The person may only transport or offer for transport household hazardous waste for off-site activities to a facility that either has a hazardous waste permit or has obtained the commissioner's approval under subpart 6.

E. If the person transports or offers for transport household hazardous waste for off-site activities at a facility that has obtained the commissioner's approval under subpart 6, the person:

(1) may, in lieu of a manifest, prepare and use a shipping paper containing all the information required on a manifest in part 7045.0261, excluding the identification number, to comply with the requirements of parts 7045.0205 to 7045.0304;

(2) may, in lieu of designating a facility or alternate facility as required in part 7045.0261, subpart 2, designate a facility approved under subpart 6 on the shipping paper prepared under subitem (1);

(3) must either designate another facility approved under subpart 6 or instruct the transporter to return the waste, if the transporter is unable to deliver the household hazardous waste to the facility designated on the shipping paper; and

(4) need not comply with the waste management requirements of part 7045.0275, subpart 1.

F. If the person intends to store household hazardous waste for more than 90 days after the accumulation start date as provided in part 7045.0292, the person must obtain the approval of the commissioner as set out in subpart 6, but no facility permit is required unless the person treats or disposes of the waste on-site.

G. The person need not comply with the record keeping requirements of part 7045.0294, subparts 2 and 3.

H. The person need not comply with the annual reporting requirements of part 7045.0296.

Subp. 4. **Additional requirements.** In addition to the requirements in subpart 3, a person who establishes or operates all or part of a household hazardous waste management program, shall also comply with the requirements for personnel training, ignitable, reactive, or incompatible wastes, preparedness and prevention, arrangements with local authorities for emergencies, contingency planning, emergency procedures, and postemergency procedures in parts 7045.0454, subparts 1 to 3; 7045.0456, subparts 1 and 2; 7045.0462; 7045.0464; 7045.0468; 7045.0470; and 7045.0572, respectively.

Subp. 5. **Transportation requirements.** A person who transports waste collected as a result of a household hazardous waste management program shall transport collected waste in compliance with the requirements in items A to C.

A. A transporter may not accept household hazardous waste from any person who establishes or operates all or part of a household hazardous waste management program unless the waste is accompanied by either a manifest signed by the generator according to parts 7045.0205 to 7045.0304 or a shipping paper prepared according to subpart 3, item E, subitem (1).

B. If the designated facility to which the household hazardous waste is destined has a hazardous waste facility permit, the transporter shall comply with all of the hazardous waste transporter requirements in parts 7045.0351 to 7045.0397.

C. If the designated facility to which the household hazardous waste is destined is a facility that has obtained approval from the commissioner under subpart 6, the transporter shall comply with the hazardous waste transporter requirements in parts 7045.0351 to 7045.0395, except:

(1) part 7045.0361; and

(2) a shipping paper prepared according to subpart 3, item E, subitem (1), may be used, in lieu of a manifest, to comply with the requirements of parts 7045.0351 to 7045.0395.

Subp. 6. **Storage of collected wastes.** A person who stores household hazardous waste for more than 90 days must comply with the requirements of items A to E.

A. No person may store household hazardous waste for more than 90 days after the accumulation start date as provided in part 7045.0292, without the approval of the commissioner. A person may request approval from the commissioner to store household hazardous waste for more than 90 days.

B. A person intending to store household hazardous waste for more than 90 days must submit a request for approval to the commissioner at least 30 days before initiating a household hazardous waste program. The commissioner shall approve the request if the commissioner determines that, based on the information contained in the request, the storage and management practices employed at the storage facility will appropriately protect human health and the environment from any adverse effects associated with the household hazardous waste.

C. If the commissioner approves a request, the person shall manage the waste in compliance with the applicable standards in part 7045.0526 for the use and management of containers, but no hazardous waste facility permit is required unless the person treats or disposes of the waste on-site.

D. If the commissioner does not approve a request, the person must transport or arrange to transport the household hazardous waste for off-site activities at a facility that either has a hazardous waste permit or has obtained the commissioner's approval under this subpart. Persons who store household hazardous waste for more than 90 days without the commissioner's approval are in violation of this chapter.

E. If the person has not submitted a request as required under item B, or if the commissioner does not approve a request, the commissioner may still grant a storage extension if household hazardous waste must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances as provided in part 7045.0292, subpart 3.

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 Health

Adopted Permanent Rules Relating to Hearing Instrument Dispenser Registration

The rules proposed and published at *State Register*, Volume 14, Number 20, pages 1160-1170, November 13, 1989 (14 S.R. 1160) are adopted with the following modifications:

Rules as Adopted

4745.0010 DEFINITIONS.

Subp. 2. **Active practice.** "Active practice" means engaged in hearing instrument selling and activities directly related to hearing instrument selling for a minimum of 750 hours a year for three of the last five years.

Subp. 4. **ANSI.** "ANSI" means ANSI S3.6-1989, American National Standard Specification for Audiometers from the American National Standards Institute. This document is incorporated by reference and is not subject to frequent change. This document is available through the Minitex interlibrary loan system.

Subp. 5. **Applicant.** "Applicant" means a person who applies to the commissioner for registration or registration renewal.

Subp. ~~5~~ 6. **Approved continuing education sponsor.** "Approved continuing education sponsor" means an organization that offers a learning experience designed to promote continuing competency in the procedures and techniques of hearing instrument selling as defined in subpart 13 and that meets the criteria in part 4745.0045, subpart 3.

Subp. ~~6~~ 7. **Commissioner.** "Commissioner" means the commissioner of the Department of Health or a designee.

Subp. ~~7~~ 8. **Contact hour.** "Contact hour" means an instructional session of 50 consecutive minutes, excluding coffee breaks, registration, meals with or without a speaker, and social activities.

Subp. ~~8~~ 9. **Credential.** "Credential" means a license, permit, certification, registration, or other evidence of qualification or authorization to engage in hearing instrument selling issued by any authority.

~~Subp. 9. **Credentialing.** "Credentialing" means the process or system for issuing a credential or otherwise issuing evidence of qualification or authorization to engage in hearing instrument selling.~~

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~~Subp. 9. **Credentialing.** "Credentialing" means the process or system for issuing a credential or otherwise issuing evidence of qualification or authorization to engage in hearing instrument selling.~~

4745.0020 PROTECTED TITLES AND RESTRICTIONS ON USE.

Subpart 1. **Protected titles.**

A. Use of any of the following titles by any person is prohibited unless that person is registered under parts 4745.0010 to 4745.0060.

(4) Hearing Instrument Dealer;

(5) Hearing Aid Dispenser;

~~(5)~~ (6) Hearing Aid Specialist; ~~and~~

~~(6)~~ (7) Hearing Aid Consultant; and

(8) Hearing Aid Dealer.

B. The term "Minnesota Registered" may be used in conjunction with any of the titles listed in item A, by any person registered under parts 4745.0010 to 4745.0060. However, use of the term "Minnesota Registered" shall not be allowed until the registrant has been registered by examination under part 4745.0025, subpart 2 or registered by reciprocity under part 4745.0025, subpart 3.

~~C. When engaged in hearing instrument selling, a registered hearing instrument dispenser must be identified as such by wearing a name tag bearing the dispenser's name and one of the titles in item A.~~

4745.0025 REGISTRATION REQUIREMENTS.

Subpart 1. **General requirements.** An applicant must:

C. submit certification to the commissioner that the applicant's audiometric equipment has been calibrated to meet current ANSI standards within 12 months of the date of the application; and

Subp. 2. **Registration by examination.** Except as provided in part 4745.0030, an applicant must achieve a passing score, as determined by the commissioner, on an examination according to items A to C.

A. The examination must include but not be limited to:

(2) Practical tests of proficiency in the following techniques as they pertain to hearing instrument selling:

(b) live voice or recorded voice speech audiometry including speech reception threshold testing ~~and~~, speech discrimination testing, most comfortable loudness level, and uncomfortable loudness measurements of tolerance thresholds;

(f) using an otoscope ~~or an equivalent illuminator~~ for the visual observation of the entire ear canal.

Subp. 4. **Registration following lapse of registered status of two years or less.** For any applicant whose registered status has lapsed for two years or less, the applicant must:

A. apply for registration renewal according to part 4745.0040, subparts 1 and 2~~;~~ and

~~B.~~ document compliance with the continuing education requirements of part 4745.0045 since the applicant's registration lapsed; ~~and~~ or

~~C~~ B. ~~pay the current renewal fee~~ fulfill the requirements of subpart 3.

4745.0030 TEMPORARY REGISTRATION REQUIREMENTS.

Subpart 1. **Temporary registration requirements.** An applicant for registration need not comply with the requirements of part 4745.0025, subpart 2, item A, for two years after the effective date of parts 4745.0010 to 4745.0060 if, at the time of application, the applicant provides the commissioner with evidence that the applicant has engaged in active practice.

Subp. 2. **Examination requirement.** After the time for temporary registration has expired, all applicants must meet the requirements of part 4745.0025, ~~subpart~~ subparts 2 or 3.

4745.0035 REGISTRATION PROCEDURES.

Subpart 1. **Applications for registration.** All applicants for registration must:

A. submit a completed application for registration on forms provided by the commissioner. The application must include the applicant's name, permit number under chapter 4692, social security number, business address and phone number, or home address and phone number if the applicant conducts hearing instrument selling out of the home, and a description of the applicant's education, training, and experience, including previous work history. The commissioner may ask the applicant to provide additional information necessary to clarify information submitted in the application;

F. provide certification to the commissioner that the applicant's audiometric equipment has been calibrated to meet current ANSI standards within 12 months of the date of the application.

Subp. 2. **Action on applications for registration.** The commissioner shall act on an application for registration according to items A to C.

C. Applicants denied registration may make a written request to the commissioner, within 30 days of the commissioner's determination, to appear before the advisory council and for the advisory council to review the commissioner's decision to deny the applicant's registration. After reviewing the denial, the advisory council shall make a recommendation to the commissioner as to whether the denial shall be affirmed. Each applicant is allowed no more than one request for a review of denial of registration in any one registration renewal period.

4745.0040 REGISTRATION RENEWAL.

Subpart 1. **Renewal requirements.** To renew registration, an applicant must:

C. submit certification to the commissioner that the applicant's audiometric equipment has been calibrated to meet current ANSI standards within 12 months of the date of the application.

4745.0045 CONTINUING EDUCATION REQUIREMENTS.

Subpart 1. **Number of contact hours required.**

A. An applicant for registration renewal must provide evidence to the commissioner of a minimum of 20 contact hours of continuing education as provided by subitems (1) and (2) offered by an approved continuing education sponsor within the two years immediately preceding registration renewal.

(1) A minimum of 14 contact hours of continuing education must be directly related to hearing instrument selling.

(2) Six contact hours of continuing education may be in areas generally related to hearing instrument selling.

Subp. 2. **Preapproved continuing education sponsors.** The commissioner will accept continuing education approved or sponsored by the Minnesota Department of Health, the Minnesota Hearing Aid Society, the National Hearing Aid Society, the National Institute of Hearing Instrument Studies, the Minnesota Speech-Language-Hearing Association, the American Speech-Language-Hearing Association, ~~or~~ the Academy of Dispensing Audiologists, the American Academy of Otolaryngology—Head and Neck Surgery, or the Minnesota Academy of Otolaryngology—Head and Neck Surgery.

Subp. 3. **Approval of continuing education sponsors.** All continuing education sponsors, unless preapproved under subpart 2, must be approved by the commissioner according to items A to E.

A. Applications for approval must be submitted to the commissioner at least ~~90~~ 60 days before the date of the first continuing education activity. Applications must be made in writing by the person or officer of the organization sponsoring the program. To obtain approval, continuing education sponsors must submit the following information on an application provided by the commissioner:

(5) The continuing education sponsor must provide a resume of each instructor's qualifications with the application for approval by the commissioner. Instructors ~~shall~~ must be qualified to teach the specified course content based on their prior education, training, or experience.

Subp. 4. **Earning continuing education contact hours through contact hour equivalents.** ~~An applicant~~ A registrant who teaches continuing education courses may obtain contact hour equivalents according to items A to C.

B. ~~An applicant~~ A registrant may not obtain more than four contact hours in any ~~one renewal~~ two-year continuing education period by teaching continuing education courses.

C. ~~An applicant~~ A registrant may obtain two contact hours for each hour spent teaching a course if the course is sponsored by an approved continuing education sponsor. Contact hours may be claimed only once for teaching the same course in any two-year continuing education period.

Subp. 5. **Evidence of attendance.** Each ~~applicant~~ registrant is responsible for maintaining records of attending the continuing education contact hours required for registration renewal. Applicants for registration renewal must ~~provide written evidence of attending the required contact hours for registration renewal. The evidence must be submitted with the renewal application~~ submit the following information on a form provided by the commissioner~~. The form must include~~: the sponsoring organization, ~~location and~~ dates of the course, course name, ~~course instructor,~~ contact hours completed, and name and signature of the ~~applicant~~ registrant. The form must be submitted with the renewal application.

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4745.0055 INVESTIGATION PROCESS AND GROUNDS FOR DISCIPLINARY ACTION.

Subpart 1. **Investigations of complaints.** The commissioner or advisory council may initiate an investigation upon receiving a complaint or other oral or written communication that alleges or implies that an individual has violated parts 4745.0010 to 4745.0060. The investigation may proceed on an oral complaint but disciplinary action may only proceed on a signed complaint. ~~The advisory council may recommend whether the commissioner should take disciplinary action against an individual.~~ According to *Minnesota Statutes*, section 214.13, subdivision 6, in the receipt, investigation, and hearing of a complaint that alleges or implies an individual has violated parts 4745.0010 to 4745.0060, the commissioner shall follow the procedures in *Minnesota Statutes*, section 214.10.

Subp. 2. **Rights of ~~individuals~~ applicants and registrants.** ~~Individuals subject to discipline under parts 4745.0010 to 4745.0060 may, within 30 days of the commissioner's decision, request in writing to appear before the advisory council and for the advisory council to review the commissioner's decision. The advisory council shall recommend to the commissioner whether a hearing should be conducted according to *Minnesota Statutes*, chapter 14. Each individual is allowed no more than one request for review by the advisory council of the commissioner's decision regarding any one complaint.~~ The rights of applicants denied registration are stated in part 4745.0035, subpart 2, item C. Registrants shall not be subjected to disciplinary action under this part without first having an opportunity for a contested case hearing under *Minnesota Statutes*, chapter 14.

Subp. 3. **Grounds for disciplinary action by the commissioner.** The commissioner may take any of the disciplinary actions listed in subpart 4 upon proof that the individual has:

A. intentionally submitted false or misleading information to the commissioner ~~to obtain or renew registration or for any other purpose~~ or the advisory council;

E. ~~been unable~~ failed to perform services with reasonable judgment, skill, ~~and~~ or safety due to the use of alcohol or drugs, or other ~~causes~~ physical or mental impairment;

F. been convicted within the last five years of violating any laws of the United States, or any state or territory of the United States, and the violation is a felony or misdemeanor, an essential element of which is dishonesty, or which ~~is related~~ relates to hearing instrument selling, except as provided in *Minnesota Statutes*, chapter 364;

I. not cooperated with the commissioner or advisory council in an investigation conducted according to subpart 1; ~~or~~

J. engaged in any of the acts prohibited by *Minnesota Statutes*, section 153A.15, subdivision 1; or

K. had the permit required by *Minnesota Statutes*, chapter 153A, denied, suspended, or revoked according to chapter 4692.

Subp. 4. **Disciplinary actions.** If the commissioner finds that an individual should be disciplined according to subpart 3, the commissioner may take any one or more of the following actions:

C. revoke registration for a period not exceeding three years; or

D. ~~administer a reprimand;~~

~~E. impose conditions, limits, or restrictions on the hearing instrument dispenser's registration; or~~

~~F.~~ take any reasonable lesser action against an individual upon proof that the individual has violated parts 4745.0010 to 4745.0060.

4745.0060 HEARING INSTRUMENT DISPENSER ADVISORY COUNCIL.

Subpart 1. **Membership.** The commissioner shall appoint seven persons to a hearing instrument dispenser advisory council.

A. The seven persons must include:

(2) ~~four~~ three hearing instrument dispensers registered under parts 4745.0010 to 4745.0060, each of whom is currently and has been for the five years immediately preceding their appointment engaged in hearing instrument selling in Minnesota; ~~at least~~ all three must be registered hearing instrument dispensers who are not audiologists ~~and one must be a registered hearing instrument dispenser who is an audiologist~~; and

(3) one audiologist who is a hearing instrument seller and registered as an audiologist under *Minnesota Rules*, or if no such rules are in effect, an audiologist who holds a current certificate of clinical competence in audiology from the American Speech-Language-Hearing Association; and

(4) one of the following:

(a) a licensed physician specializing in treatment of diseases of the ear, who is board eligible or board certified by the American Board of Otolaryngology but is not also a seller of hearing instruments and has no financial interest in the business of hearing instrument selling; or

(b) ~~a dispensing~~ an audiologist who ~~meets the registration requirements in~~ is registered as an audiologist under *Minnesota Rules*, or if no such rules are in effect, an audiologist who holds a current certificate of clinical competence in audiology from the American Speech-Language-Hearing Association.

Rules as Proposed

9530.6655 APPEALS.

Subpart 1. **Client's right to a second assessment.** A client who has been assessed under part 9530.6615, and who disagrees with the level of chemical dependency care proposed by the assessor, shall have the right to request a second chemical use assessment. The county or the prepaid health plan shall inform the client in writing of the right to request a second assessment at the time the client is assessed for a program placement. The county or the prepaid health plan shall also inform the client that the client's request must be in writing or on a form approved by the commissioner, and must be received by the county or the prepaid health plan within five working days of completion of the original assessment or before the client enters treatment, whichever occurs first.

The county or the prepaid health plan shall provide a second chemical use assessment by a different qualified assessor within five working days of receipt of a request for reassessment. If the client agrees with the second level of care determination, the county or the prepaid health plan shall place the client in accordance with parts 9530.6625 to 9530.6650 and the second assessment.

If, after receiving the second assessment, a client who is not an enrollee in a prepaid health plan still disagrees with the county's level of care determination, the client has a right to appeal under subpart 2. If, after receiving the second assessment, a client who is enrolled in a prepaid health plan still disagrees with the prepaid health plan's proposed level of care, the client has the right to an appeal under ~~part 9500.1463~~ *Minnesota Statutes*, section 256.045.

Subp. 2. **Client's right to appeal.** Clients who are denied an assessment under part 9530.6615, denied a second assessment under subpart 1, denied placement, or who disagree with the level of chemical dependency care proposed ~~shall~~ or length of placement have the right to a fair hearing under *Minnesota Statutes*, section 256.045. Notice of the right to appeal must be given ~~in accordance with~~ according to part 9550.0092.

Subp. 3. **Length of placement appeal, service continuation.** If an appeal on the length of placement is filed before the date the county proposes to terminate a placement, services shall continue until the client is discharged by the vendor or according to items A to D, whichever occurs first. Services must continue according to this subpart regardless of provisions of the governing host county contract.

A. Services shall be provided by an outpatient rehabilitation program for 52 hours of service past the proposed service termination date.

B. Services shall be provided by a category II primary residential rehabilitation program, whether in a hospital or freestanding facility, for 24 days past the proposed service termination date.

C. Services shall be provided in a category III extended care residential program for 55 days past the proposed service termination date.

D. Services shall be provided in a category IV halfway house residential facility for 54 days past the proposed service termination date.

Subp. 4. **Length of placement appeal criteria.** The recommendations of an appeals referee and the decision of the commissioner on length of placement appeals shall be based on the following criteria:

A. the usual and customary length of placement for the level of care received by the client;

B. whether the client has achieved the objectives stated in the client's individual treatment plan;

C. whether the client is making satisfactory progress toward achieving the objectives stated in the client's individual treatment plan; and

D. whether there is an aftercare plan that reasonably addresses the client's needs for continued service.

9530.7000 DEFINITIONS.

[For text of subps 1 to 12, see M.R.]

Subp. 13. **Income.** "Income" means the total amount of cash received by an individual from the following sources:

A. cash payments for wages or salaries;

B. cash receipts from nonfarm or farm self-employment, minus deductions allowed by the federal Internal Revenue Service for business or farm expenses;

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C. regular cash payments from social security, railroad retirement, unemployment compensation, workers' union funds, veterans' benefits, Aid to Families with Dependent Children, Supplemental Security Income, General Assistance, training stipends, alimony, child support, and military family allotments;

D. cash payments from private pensions, government employee pensions, and regular insurance or annuity payments;

E. cash payments for dividends, interest, rents, or royalties; and

F. periodic cash receipts from estates or trusts.

Income does not include capital gains; any cash assets drawn down as withdrawals from a bank, the sale of property, a house, or a car; tax refunds, gifts, lump sum inheritances, one time insurance payments, or compensation for injury; court-ordered child support or health insurance premium payments made by the client or responsible relative; and noncash benefits such as health insurance, food or rent received in lieu of wages, and noncash benefits from programs such as Medicare, Medical Assistance, Food Stamps, school lunches, and housing assistance. Annual income is the amount reported and verified by an individual as current income calculated prospectively to cover one year.

[For text of subps 14 to 17, see M.R.]

Subp. 17a. **Policyholder.** "Policyholder" means a person who has a third party payment policy under which a third party payment source has an obligation to pay all or part of a client's treatment costs.

Subp. 18. **Rehabilitation program.** "Rehabilitation program" means a program of chemical dependency rehabilitation ~~provided in a residential facility as~~ defined in part 9530.4100, subpart 22, as a category II, III, or IV program licensed under parts 9530.4100 to 9530.4450 and *Minnesota Statutes*, ~~section 245.782, subdivision 6~~ chapter 245A.

Subp. 19. **Responsible relative.** "Responsible relative" means a person who is a member of the client's household and is a client's spouse ~~and~~ or the parent of a minor child who is a client.

[For text of subp 20, see M.R.]

Subp. 21. **Vendor.** "Vendor" means a licensed provider of chemical dependency treatment services ~~who~~ that meets the criteria established in *Minnesota Statutes*, section 254B.05, and that has applied according to part 9505.0195 to participate as a provider in the medical assistance program.

9530.7012 VENDOR AGREEMENTS.

When a local agency enters into an agreement with a vendor of chemical dependency treatment services under parts 9550.0010 to 9550.0092, the agreement must distinguish client per unit room and board costs from per unit rehabilitation services costs.

For purposes of this part, "rehabilitation services costs" are costs, including related administrative costs, of services that meet the criteria in items A to C:

A. The services are provided within a category II, III, or IV rehabilitation program as those categories are defined in part 9530.4100, subpart 22.

B. The services meet the definition of rehabilitation services in part 9530.4100, subpart 23.

C. The services meet the applicable service standards for categories II, III, and IV rehabilitation programs specified in parts 9530.4320, 9530.4330, 9530.4380, 9530.4390, and 9530.4400.

This part does not apply when a county contracts for chemical dependency services in an acute care inpatient hospital licensed by the Department of Health under chapter 4640.

9530.7015 CLIENT ELIGIBILITY UNDER THE CONSOLIDATED CHEMICAL DEPENDENCY TREATMENT FUND.

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

Subp. 2. **Client eligibility to have treatment initially paid for from the Consolidated Chemical Dependency Treatment Fund.** Except as provided under subpart 4, item D, a client who has an income between 60 and 115 percent of the state median income, as determined by the local agency under part 9530.7020, subpart 1, and who does not have an available third-party payment source, shall be eligible to have treatment paid for with Consolidated Chemical Dependency Treatment Funds, as follows:

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

B. If a client ~~with~~ who has no responsible relatives and who is not the custodial parent of a minor child is placed in a ~~halfway house~~ category III or IV program, the client shall be billed under part 9530.7020, subpart 4, if the client's countable income is less than the sum of the negotiated rate plus the clothing and personal needs allowance and the earned income disregard allowed under *Minnesota Statutes*, section 256D.06, subdivisions 1 and 1b.

[For text of subps 3 and 4, see M.R.]

9530.7020 COUNTY RESPONSIBILITY TO DETERMINE CLIENT ELIGIBILITY FOR CONSOLIDATED CHEMICAL

DEPENDENCY TREATMENT FUNDS AND CLIENT'S ABILITY TO PAY FOR TREATMENT.

Subpart 1. **Local agency duty to determine client eligibility and ability to pay.** The local agency shall determine a client's eligibility for consolidated chemical dependency treatment funds and the client's or a responsible relative's ability to pay a fee at the time the client seeks treatment and is assessed under parts 9530.6600 to 9530.6655. Client eligibility and the ability to pay a fee must be determined using forms prescribed by the department. To determine a client's eligibility, the local agency must determine the client's income, the size of the client's ~~family~~ household, the availability of a third party payment source, and a responsible relative's ability to pay for the client's chemical dependency treatment, as specified in items A to ~~F~~ E:

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

B. The local agency must determine the client's ~~family~~ household size according to subitems (1), (2), and (3). ~~A client's family size shall include the client, the client's spouse, and the number of dependents claimed by the client or the client's spouse on his or her individual federal income tax return. If the client is a minor child, the family size shall include the client, the client's parents, and the client's siblings who are claimed as dependents on the client's parent's individual federal income tax return.~~

(1) If the client is a minor child, the household size includes the following persons living in the same dwelling unit:

(a) the client;

(b) the client's birth or adoptive parents; and

(c) the client's siblings who are minors.

(2) If the client is an adult, the household size includes the following persons living in the same dwelling unit:

(a) the client;

(b) the client's spouse;

(c) the client's minor children; and

(d) the client's spouse's minor children.

(3) For purposes of this item, household size includes a person listed in subitems (1) and (2) who is in out-of-home placement if a person listed in subitem (1) or (2) is contributing to the cost of care of the person in out-of-home placement.

C. The local agency must determine the availability of a third party payment source, including the availability of total payment, partial payment, amount of copayment, and any special conditions or procedures the third party payor requires clients and policyholders to follow. The local agency shall require the client and policyholder to follow all special conditions or procedures established by the third party payment source, including the third party payment source's appeal and grievance procedure, and shall require the client and policyholder to assign to the department his or her rights and the rights of minor children to benefits or services provided to the client. The local agency shall require the ~~client~~ policyholder to provide verification of the client's third party payment source's approval or refusal to pay for chemical dependency treatment services before the local agency places the client. If the client or ~~responsible relative~~ policyholder is unable to provide verification of the third party payment source's approval or refusal, the local agency must assist the client and policyholder to obtain the verification. If the client or ~~responsible relative~~ policyholder, with the assistance of the local agency, is still unable to obtain verification from the ~~client's~~ third party payment source, the local agency shall place the client.

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

E. The local agency shall apply the information on the client's and responsible relative's income and ~~family~~ household size to the sliding fee scale established in subpart ~~3~~ 3b, and determine the ~~monthly payment amount and the total obligation~~ fee for which the client or responsible relative is liable. The local agency shall record this information on a form supplied by the ~~commissioner~~ department, and send the form to the department.

Subp. 1a. **Redetermination of client eligibility and ability to pay a fee.** ~~F.~~ The local agency shall reassess a client's eligibility, redetermine the client's and responsible relative's ability to pay for chemical dependency treatment services, and redetermine the client's and responsible relative's ~~total obligation and monthly payment amount~~ fee as specified in ~~subitems (1) to (4)~~ items A to E. For purposes of this ~~item~~ subpart, placement of a client into more than one chemical dependency treatment program in less than ten working days, or placement of a client into a chemical dependency treatment program that is structured to provide rehabilitation services followed by outpatient chemical dependency treatment services shall be treated as a single placement.

A. Except for a client whose fee is determined under part 9530.7024, the local agency shall redetermine a client's eligibility

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.

for consolidated chemical dependency treatment funds and the client's and responsible relative's ability and obligation to pay a fee for treatment services every six months after the initial eligibility determination if the client remains in the same placement.

~~(1)~~ B. The local agency shall reassess a client's eligibility, redetermine the client's and responsible relative's ability to pay for chemical dependency treatment services, and redetermine the client's and responsible relative's ~~total obligation and monthly payment amount~~ fee each time a client is placed for chemical dependency treatment services. The ~~total obligation~~ fee for a second or subsequent placement shall be added to any unpaid fee obligation of the client or responsible relative~~, and the monthly~~. Payments for a second or subsequent placement shall begin in the month following the last monthly billing from the previous fee obligation.

~~(2)~~ C. When two or more clients, for whom another client or responsible relative is financially responsible, are placed for chemical dependency treatment services, the local agency shall add the total fee obligation for the second or subsequent client to the unpaid fee obligation of the client or responsible relative~~, and~~. The ~~monthly~~ payments for the second or subsequent client shall begin in the month following the last monthly billing from the previous fee obligation.

~~(3)~~ D. If a client ~~with~~ who has no responsible relatives and who is not the custodial parent of a minor child is placed in a ~~halfway house~~ category III or IV rehabilitation program licensed under parts 9530.4100 to 9530.4450, the client's obligation to make ~~monthly~~ fee payments for a previous placement shall be suspended~~,~~ and the client's ~~monthly~~ fee obligation while in the ~~halfway house~~ program shall be determined by the local agency ~~in accordance with subpart~~ 4 according to part 9530.7024. The client's obligation to ~~resume making monthly~~ make payments on the fee obligation for a previous placement shall resume 30 days after the client is discharged from the ~~halfway house~~ program.

~~(4)~~ E. If a client ~~with~~ who has a responsible relative or who is the custodial parent of a minor child is placed in a ~~halfway house~~ category III or IV rehabilitation program licensed under parts 9530.4100 to 9530.4450, the local agency shall reassess the client's and responsible relative's ability to pay for chemical dependency treatment services ~~shall be reassessed, the local agency shall~~ and redetermine the client's and responsible relative's ~~total~~ fee obligation ~~and monthly payment amount, and~~. The client and the responsible relative must continue to make monthly payments ~~in accordance with subitem (1)~~ according to item B.

Subp. 2. **Client ~~and~~, responsible relative, and policyholder obligation to cooperate.** A client ~~and~~, responsible relative, and policyholder shall ~~cooperate with the local agency, shall~~ provide income or wage verification, ~~family~~ household size verification, information on any special procedures required by the client's or ~~responsible relative's~~ policyholder's third party payment source, and shall make an assignment of third party payment rights under subpart 1, item C. If a client ~~or~~, responsible relative, or policyholder does not ~~cooperate~~ comply with the provisions of this subpart, the client shall be deemed to be ineligible to have Consolidated Chemical Dependency Treatment Funds pay for his or her chemical dependency treatment, and the client and responsible relative shall be obligated to pay for the full cost of chemical dependency treatment services provided to the client.

Subp. 3. and 4. [See Repealer.]

9530.7022 PAYMENTS BY A CLIENT OR RESPONSIBLE RELATIVE; FEE SCHEDULE.

Subpart 1. **Payments by a client or responsible relative.** The fee to be paid by a client or responsible relative for chemical dependency treatment shall be determined according to this subpart and the fee schedule specified in subpart 2, and shall be redetermined according to part 9530.7020, subpart 1a.

A. A client or responsible relative whose household income falls between zero and 60 percent of the annual state median income, as defined in subpart 2, shall pay no fee.

B. A client or responsible relative whose household income falls between 60 and 115 percent of the annual state median income, as defined in subpart 2, must pay a fee to the department toward the cost of the client's chemical dependency treatment. The total amount a client or responsible relative is obligated to pay shall not exceed the total cost of the client's chemical dependency treatment services for a treatment placement, including room and board costs.

C. A client or responsible relative whose household income is at or above 115 percent of the annual state median income is not eligible for consolidated chemical dependency fund subsidy of treatment costs, and is obligated to pay for the full cost of treatment.

Subp. 2. **Fee schedule.** The department shall develop a fee schedule and adjust it annually based on the most recent annual state median income for a four-person family published in the *Federal Register* by the United States Department of Health and Human Services for the current federal fiscal year.

The department shall publish the adjustments annually in the State Register on the last Monday in June.

The fee schedule shall have annual and monthly income matrixes based on household sizes ranging from one to ten persons. The annual and monthly income matrixes must begin at 60 percent of the current annual state median income and end at 115 percent of the current annual state median income.

The fee schedule shall be divided into equal steps for each $900 increase in income between 60 percent and 115 percent of the current annual state median income. The fee is $60 for the first step above 60 percent of the state median income for each household

size matrix. The fee for each subsequent income step can be calculated by totalling items A, B, and C and multiplying the total by 104 percent to adjust for inflation:

A. the amount of the fee for the previous step;

B. $30; and

C. 12 times the number of steps that precede the step for which the fee is being calculated.

Copies of the current fee schedule may be obtained by contacting the Minnesota Department of Human Services, Chemical Dependency Program Division, 444 Lafayette Road, Saint Paul, MN 55155-3823.

9530.7024 CLIENT FEES FOR CATEGORY III AND IV PROGRAMS.

When a client who has no responsible relatives and who is not the custodial parent of a minor child is placed in a category III or IV program licensed under parts 9530.4100 to 9530.4450, the local agency shall determine the client's countable income in accordance with parts 9500.1200 to 9500.1318.

A. The local agency shall subtract the amount established as the clothing and personal needs allowance for medical assistance recipients under *Minnesota Statutes*, section 256B.35, subdivision 1, and the amount established as an additional earned income disregard under *Minnesota Statutes*, section 256D.06, subdivision 1b, from the client's countable income, whether the client's income is earned or unearned.

B. If the client is regularly contributing to the financial support of the client's natural or adopted minor child or children, the local agency shall verify the support payment and subtract the amount specified in a court order, if one exists. If no court order exists, the local agency shall determine the number of dependent children the client supports and subtract the amount paid, up to the amount specified for that number of children in the standards for aid to families with dependent children established in part 9500.2440, subpart 6. The local agency shall verify child support payments made through a bank statement, a canceled check, a receipt, or through the public agency responsible for child support enforcement. The method of verification must be recorded in the client's case record.

C. The local agency shall subtract the amount of income that remains from the negotiated rate for board and lodging expenses for the category III or IV program to determine how much of the negotiated rate shall be paid for with funds from the Consolidated Chemical Dependency Treatment Fund.

D. The local agency shall record this information on a form supplied by the department, and send the form to the department. The department shall bill the client monthly, according to the information supplied by the local agency.

E. The local agency shall make a monthly redetermination of the countable income of a client in a category III or IV program, and the amount the client owes toward the negotiated rate according to this part.

F. The client may make expenditures from income subtracted according to *Minnesota Statutes*, section 256D.06, subdivision 1b, on approval of the local agency.

REPEALER. *Minnesota Rules*, part 9530.7020, subparts 3 and 4 are repealed.

Pollution Control Agency

Proposed Permanent Rules Relating to Household Hazardous Waste

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (Agency) intends to adopt the above-entitled rules without a public hearing following the procedure set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1988). The Agency's authority to adopt the rule is set forth in *Minnesota Statutes* § 116.07, subd. 4.

All persons have until 4:30 p.m. on May 23, 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 rules addressed, the reason for the comment, and any change proposed.

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

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

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

Cindy Perusse
Minnesota Pollution Control Agency
Hazardous Waste Division
520 Lafayette Road North
St. Paul, Minnesota 55155
(612) 643-3475

The proposed rules 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 rules as noticed.

The proposed rules, if adopted, will provide standards for the transportation of collected household hazardous waste and the operation of temporary and permanent household hazardous waste collection programs. The proposed rules are published below. One free copy of the rules is available upon request from Cindy Perusse at the address and telephone number stated above.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Cindy Perusse upon request.

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1988), "Small business considerations in rulemaking," that the proposed rules will have no effect on small businesses. Businesses are prohibited from bringing their wastes to household hazardous waste collections and so will not be governed by these rules.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality. 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 Cindy Perusse at the above address.

Gerald L. Willet
Commissioner

Rules as Proposed

7001.0520 PERMIT REQUIREMENTS.

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

Subp. 2. **Exclusions.** A person who conducts any of the following activities is not required to obtain a hazardous waste facility permit for that activity:

[For text of items A to J, see M.R.]

K. Household hazardous waste collection programs meeting the requirements of part 7045.0310.

[For text of subps 3 to 6, see M.R.]

7045.0020 DEFINITIONS.

[For text of subps 1 to 37, see M.R.]

Subp. 37a. **Household.** "Household" has the meaning given in *Minnesota Statutes*, section 115A.96, subdivision 1, paragraph (a).

Subp. 37b. **Household hazardous waste.** "Household hazardous waste" has the meaning given in *Minnesota Statutes*, section 115A.96, subdivision 1, paragraph (b).

Subp. 37c. **Household waste.** "Household waste" means any material including garbage, trash, and sanitary wastes in septic tanks derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas.

[For text of subps 38 to 109, see M.R.]

desires to contract with these qualified parties for services during fiscal years 1991 and 1992. No actual work or payment is guaranteed pursuant to the contract, but services such as investigation, design and cleanup are anticipated to be needed as a result of pollutant releases or threatened releases at several sites in Minnesota.

The duration of the contract with qualified parties is two years with an execution date anticipated for July 1, 1990. Funding for this contract will be provided by both federal and state funds. The contract, may include more than one responsive qualified party and the MPCA reserves the right to limit the number of parties to the contract. If necessary, this contract may be amended to provide additional funds.

Request for the RFP document, which describes the requirement necessary for the contract, and inquiries should be directed to:

Jayne Stilwell-Lamb
Tanks and Spills Section
Hazardous Waste Division
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, Minnesota 55155
612/643-3419

The deadline for receipt of completed proposals is 2:00 p.m., on May 23, 1990. Proposals should be submitted to the attention of the above MPCA contact person. Late submittals will not be accepted.

Gerald L. Willet
Commissioner

Department of Public Safety

Office of Traffic Safety

Request for Proposals for Motorcycle Rider Training Program

The Department of Public Safety is seeking proposals to plan and conduct the Minnesota rider training program; a statewide effort to increase the skills of novice riders and experienced riders and to train instructors of those courses. A proposer must have access at least 32 hours per week to one (or more) chief instructor(s) certified as active by the Motorcycle Safety Foundation. Details of the plan are contained in a Request for Proposals which may be obtained by calling or writing:

Telephone: (612) 296-8512

Address: Department of Public Safety
Office of Traffic Safety
207 Transportation Building
St. Paul, MN 55155

Contact: Susan J. Palmer

Estimated cost of the contract is $288,000.00. Final date for submitting proposals is Monday, May 21, 1990 by 4:00 p.m.

Department of Transportation

Surveying and Mapping

Notice of Availability of Contract for Photogrammetric Services Fiscal Year 1991 & 1992 (July 1, 1990 to June 30, 1992)

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

1. Aerial Vertical Photography

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

2. Aerial Oblique Photography

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

3. Photographic Laboratory Services

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

The State anticipates that the total value of work ordered will not exceed $550,000.00. The state reserves the option to enter into agreements with more than one firm.

Firms desiring consideration shall express their interest and submit their Federal Forms 254 and 255 on or before May 14, 1990.

This is not a request for proposal. Send your response to:

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

Non-State Public Contracts

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

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

Metropolitan Transit Commission

Request for Proposals for Providing Long Range Information Assessment and Computer Recommendation

NOTICE IS HEREBY GIVEN that the Metropolitan Transit Commission will receive proposals at the office of the Metropolitan Transit Commission, 560 Sixth Avenue North, Minneapolis, Minnesota 55411-4398, until 2:00 p.m. on Friday, May 4, 1990, for providing long range information assessment and computer recommendation for the Metro Mobility Administrative Center.

All plans, specifications, and proposals are available from the Metropolitan Transit Commission at the above noted address or phone (612) 349-7661.

The Metropolitan Transit Commission reserves the right to reject all proposals.

Contractor will be required to comply with all applicable Equal Employment Opportunity laws and regulations.

All proposers will be required to certify that they are not on the Comptroller General's List of Ineligible Contractors.

The Metropolitan Transit Commission hereby notifies all proposers that in regard to any contract entered into pursuant to this request for proposals, economically disadvantaged businesses will be afforded full opportunity to submit proposals in response, and will not be subject to discrimination on the basis of race, color, sex or national origin in consideration for an award.

Supreme Court Decisions, Opinions & Rules

Decisions Filed 20 April 1990

C3-89-540 Gregory James Moen v. Salma Mikhail, M.D., petitioner, Appellant, George E. Residorf, M.D., et al., petitioners, Appellants. Court of Appeals.

Reversed. Simonett, J.

C8-88-782 In Re Petition for Disciplinary Action against John R. Wylde, Jr., an Attorney at Law of the State of Minnesota. Supreme Court.

Appropriate discipline for an attorney, having an unblemished disciplinary record for 20 years, whose only transgression of the Rules of Professional Conduct has been late filing and payment of personal income taxes, absent other egregious circumstances, is a public reprimand followed by probation with conditions.

Publicly reprimanded. Per Curiam.

Orders

C6-78-49462 In the Matter of the Application for Reinstatement of Harold James Iverson, as an Attorney at Law of the State of Minnesota. Supreme Court.

Remanded. Kelley, J.

C4-89-1793 In Re the Petition for Disciplinary Action against Dean A. Nyquist, an Attorney at Law of the State of Minnesota. Supreme Court.

Suspended. Kelley, J.

Order—C8-85-1433—In re Appointment of Walter J. Duffy, Jr. to the State Board of Public Defense

WHEREAS, Kathleen K. Rauenhorst has resigned as a lawyer member of the State Board of Public Defense, and

WHEREAS, Walter J. Duffy, Jr., attorney at law, Minneapolis, Minnesota, has indicated his willingness to serve on the Board, and

WHEREAS, this Court believes his service on the Board will be a benefit to the State of Minnesota,

IT IS ORDERED that Walter J. Duffy, Jr. be, and hereby is, appointed as a member of the State Board of Public Defense for the remainder of Ms. Rauenhorst's term, which expires on January 1, 1992.

Dated: 12 April 1990

Announcements

Environmental Quality Board (EQB): Comments are due May 16 on the EAWs (environmental assessment worksheets) for the following projects at their listed regional governing unit: **Stinking Lake Flood Detention/ Wildlife Structure,** Buffalo-Red River Watershed District, Gerald Van Amburg, chairman, Box 341, Barnsville, MN 56514; **Wellner-Hageman Dam Project,** Brown County, Jerome Bentz, County Administrator, Brown County Courthouse, New Ulm, MN 56258; **Crestview Addition,** St. Cloud Township, DeWayne Mareck, Township Clerk, 1422 Poppy Lane, St. Cloud, MN 56303; **Wright County Compost Facility,** MN Pollution Control Agency, Kevin Kain, Senior Planner, MPCA, 520 Lafayette Rd., St. Paul, MN 55155; **Woods of Lyman Lodge,** City of Greenwood, Ms. Wendy Anderson, City Clerk, 20225 Cottagewood Rd., Excelsior, MN 55331; **Pollard's Mill Demolition Project,** MN Dept. of Natural Resources, Thomas W. Balcom, supervisor, NR Planning and Review Services Section, 500 Lafayette Rd., St. Paul, MN 55155-4010; **City of Wayzata Marina Expansion,** Lake Minnetonka Conservation District, Eugene R. Strommen, executive director, 402 E. Lake St., Wayzata, MN 55391. • A MnDOT alternative review has been called for by the **Trunk Highway 101/Grays Bridge Replacement,** MnDOT (MN Dept. Transportation), Steve Hay Project Manager, 2055 North Lilac Drive, Golden Valley, MN 55422. • **Ritz Block Development** will have its FEIS (final environmental impact statement) public meeting on May 2, 1990 at 3 p.m., in Room 210A, City Hall, Minneapolis. Public comments should be addressed to Neil Anderson, City Planning Dept., 210 City Hall, Mpls., MN 55415.

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Landscaping for Wildlife. Attract wildlife to your land and gardens, farms and woodlots by spreading nature's welcome mat. Songbirds, butterflies, hummingbirds, pheasants, deer and other wildlife are drawn through these gardening tips and landscaping techniques that add natural beauty to your property and habitat for wildlife. Over 70 color photos and 144 pages give you simple, enjoyable, and inexpensive methods for adding the right touches for a "wildlife party" on your grounds, whether urban or rural. Stock #9-15, $8.95 plus tax.

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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.

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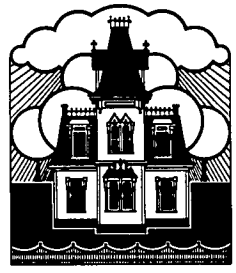

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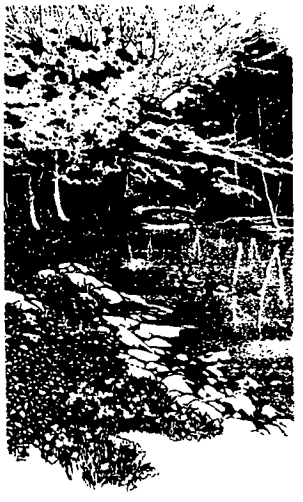

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