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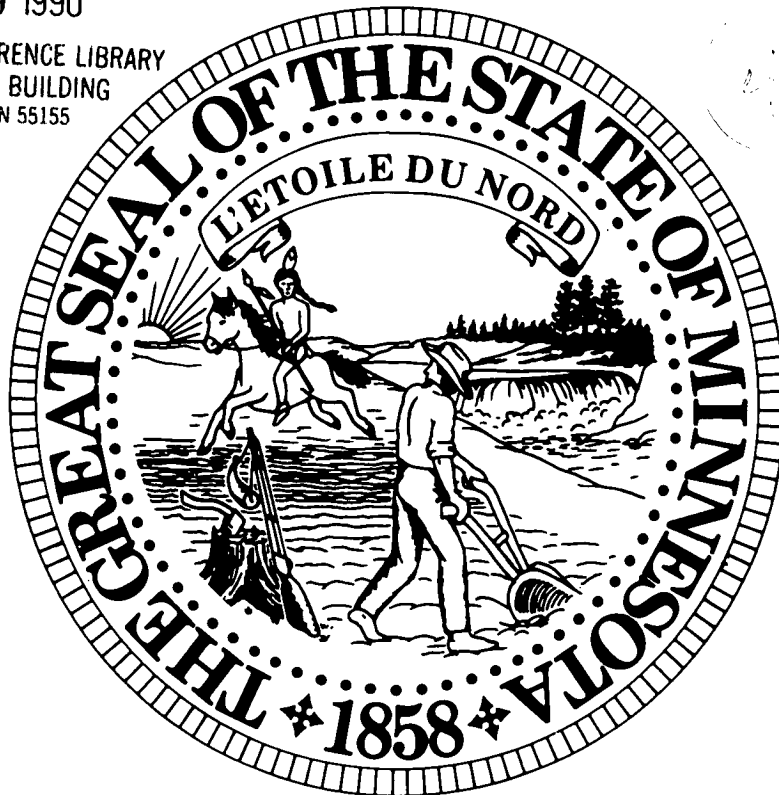
The Minnesota
**State
Register**

Department of Administration—Print Communications Division

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Rules edition
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Monday 19 November 1990
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State Register

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

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official notices, state and non-state contracts, contract awards, grants, 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. 15 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
21	Monday 5 November	Friday 9 November	Monday 19 November
22	Friday 9 November	Monday 19 November	Monday 26 November
23	Monday 19 November	Monday 26 November	Monday 3 December
24	Monday 26 November	Monday 3 December	Monday 10 December

*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 court; 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 \$140.00 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.

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FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

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

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

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

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

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Proposed Rules

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

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

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

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

Board of Electricity

Proposed Permanent Rules Relating to Approval of Electrical Equipment

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Board of Electricity ("board") proposes to adopt the above-entitled rule without a public hearing. The Board has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* § 14.22 to 14.28. Authority for the adopting of this rule is contained in *Minnesota Statutes* § 326.241, subd. 6. Additionally, a statement of need and reasonableness that describes the need for and identifies the data and information relied upon to support the proposed rule, has been prepared and is available from Mr. Quinn upon request.

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

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, section 14.13 to 14.20. If no hearing is requested, the agency will adopt the proposed rule effective five working days after final publication in the *State Register*.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Mr. John Quinn
Executive Secretary
State Board of Electricity
S-173 University Avenue
St. Paul, Minnesota 55104
Telephone: 612/642-0800

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 noticed.

A copy of the proposed rule is attached to this notice. Additional copies may be obtained by contacting Mr. Quinn.

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

Minnesota Statutes, Chapter 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes*, section 10A.10, Subdivision 11, as an individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250.00, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislation or administrative action by communicating or urging others to communicate with public officials; or,

(b) Who spends more than \$250.00, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

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

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General's Office 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 of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit a written request to the State Board of Electricity.

John Quinn, Executive Secretary
State Board of Electricity

Rules as Proposed

3800.3619 DEFINITIONS.

Subpart 1. Scope. For the purposes of part 3800.3620, the terms defined in this part have the meanings given them.

Subp. 2. Labeled. "Labeled" has the meaning given in Article 100 of the National Electrical Code.

Subp. 3. Listed. "Listed" has the meaning given in Article 100 of the National Electrical Code.

Subp. 4. National Electrical Code. "National Electrical Code" means the National Electrical Code as incorporated by reference in part 1315.0200.

Subp. 5. Testing laboratory. "Testing laboratory" means an electrical testing laboratory that has provided a written report to the board showing that it has the facilities listed in Section 90-6 of the National Electrical Code or that is accredited under the federal Occupational Safety and Health Administration Nationally Recognized Testing Laboratory program.

3800.3620 APPROVAL OF ELECTRICAL EQUIPMENT.

Subpart 1. National standards. ~~No~~ Except as otherwise provided in subpart 2 or 3, as a condition for approval under *Minnesota Statutes*, section 326.243, and Section 110-2 of the National Electrical Code, all electrical equipment, including material, fittings, devices, apparatus, fixtures, appliances, and utilization equipment, and the like used as part of, or in connection with, an electrical installation shall be approved pursuant to *Minnesota Statutes*, sections 326.242 and 326.243, and National Electrical Code, Section 110-2, unless the electrical equipment has been listed by a qualified electrical testing laboratory that is recognized as having the facilities listed in Section 90-6 of the National Electrical Code and that requires suitability for installation under the National Electrical Code. If (a) no suitable published safety standard for a specific type of equipment exists; or (b) the equipment is one-of-a-kind or limited production; or (c) the equipment is a new product that has been submitted for listing, but for which the listing procedure has not been completed; the board may require field testing by a qualified electrical testing laboratory or other procedures that satisfy the board that the equipment is safe. The costs of inspection shall be paid by the manufacturer of the component, apparatus, or appliance or, at the election of the board, the owner or lessee of the property on which the component, apparatus, or appliance is located listed and labeled by a testing laboratory.

Subp. 2. Alternatives to listing and labeling. With the exception of electrical equipment of types specifically required to be listed by the National Electrical Code, the board shall accept one of the applicable methods described in item A or B as an alternative to listing and labeling.

A. Evaluation by a testing laboratory or by a registered or licensed electrical engineer who has no financial or other interest in the manufacture or sale of the equipment, provided that any deficiencies identified by the evaluation are corrected and the equipment complies with the listed requirements. A written report of the evaluation shall be submitted directly to the board, and shall state the standards that were applied in the evaluation. Evaluation reports by an electrical engineer acting independently of a testing laboratory shall also include an item-by-item comparison of the equipment with the requirements to be listed. If the board finds that the evaluation or evaluation report is incomplete or inaccurate, it retains the right to require further evidence of compliance or to reject the equipment.

Evaluations conducted according to the procedures in this item shall be considered evidence of compliance of all identical equipment produced by that manufacturer for a period of one year from the time the evaluation was completed, or until the equipment has been listed, whichever is less, provided that the manufacturer has applied for listing of the equipment, or produces fewer than 100 such units per year. Where additional identical equipment will be produced, the manufacturer shall provide the board with a written statement giving the equipment model number and agreeing that all subsequent equipment will be identical to that which was evaluated and, where the equipment has not been submitted for listing, shall also provide a written report to the board 12 months from the date of the evaluation report which lists the serial numbers of the equipment installed in Minnesota over the preceding 12 months.

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

Proposed Rules

Where deficiencies are identified by the initial evaluation report, those deficiencies shall be corrected for all subsequent units, the changes shall be verified by the person who performed the initial evaluation, and an amended report shall be submitted to the board. If the manufacturer deviates from the construction established by the evaluation report, the equipment shall be reevaluated and any noncomplying equipment that was sold brought into compliance.

Where the evidence of compliance is an evaluation according to this item, the manufacturer shall affix a durable permanent label to the equipment in a readily visible location, which states: "This equipment is identical to equipment that was evaluated by (name), and found to be in compliance with the requirements to be listed. A copy of the evaluation report was filed with the Minnesota State Board of Electricity on (date)."

B. Where procedures acceptable to the testing laboratory are followed, a manufacturer of unlisted equipment shall be permitted to submit the equipment to another manufacturer of similar listed equipment for evaluation, correction of noncomplying construction, and labeling.

Subp. 3. Equipment exempt from listing requirements. Equipment described in items A to C is exempt from the requirements in subparts 1 and 2.

A. Industrial machinery as defined by Section 670-2 of the National Electrical Code is not required to be listed where all electrical components of the equipment, including electrical control panels and solid-state motor controls, are in compliance with subpart 1 or 2, and all of the machine electrical wiring is in compliance with the National Electrical Code.

B. Electrical control equipment constructed according to the listed requirements, enclosed in a listed cabinet or box suitable for the environment in which it is installed, and electrically connected only to circuits supplied from listed Class 2, logic level, communications, or other circuits with maximum open circuit voltage of 30 volts rms AC, or DC, and overcurrent protection of two amperes or less, or to any combination of such circuits, is not required to be listed, provided that any printed wiring boards shall be of listed material.

C. Electrical control equipment constructed according to the listed requirements and enclosed in a listed cabinet or box suitable for the environment in which it is located, where the enclosed equipment consists of four or fewer listed components, other than wires, cables, cords, terminal assemblies, nonelectrical components, and those covered under item B, provided that the devices are not electrically connected to circuits on a printed wiring board other than those circuits covered under item B, is not required to be listed.

Department of Health

Proposed Permanent Rules Governing Residential Lead Abatement Methods and Standards for Lead in Paint, Dust, and Drinking Water

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

I. Explanation of Alternative Notices

The Minnesota Department of Health (hereinafter "Department") hereby proposes to adopt rules without a public hearing under the noncontroversial rulemaking procedure of *Minnesota Statutes*, sections 14.22 to 14.28. However, if 25 or more persons request a hearing on the proposed rules, one will be held according to *Minnesota Statutes*, section 14.25. To expedite the rulemaking process should that occur, the Department is at the same time giving notice of hearing on the proposed rules according to *Minnesota Statutes*, sections 14.131 to 14.20. The hearing on the proposed rules will be cancelled if 25 or more persons do not request that one be held. With the comment period closing on December 19, 1990, there will be seven days before the scheduled hearing date. This seven-day period will give interested persons time to contact the Department to find out whether the hearing will be cancelled.

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

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

Interested persons shall have 30 days from the date this notice is published in the *State Register* to submit comments in support of or in opposition to the proposed rules. The 30 days will expire on December 19, 1990. Comment is encouraged. Each comment should

identify the portions of the proposed rules being addressed, the reason for the comment, and any change proposed to the rules by the commentator. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change in the proposed language.

In addition to submitting comments, interested persons may request, in writing, during the 30-day comment period that a hearing be held on the proposed rules. Any person requesting a hearing should state his or her name, address, and telephone number and is encouraged to identify the portions of the proposed rules addressed, the reason for the request, and any changes the commentator wants made to the proposed rules. If a person desires that a hearing be held on only a portion of the proposed rules, it is requested that the Department be informed of the specific portion of the rules on which a hearing is being requested at the time that the hearing request is made. This will enable the Department to limit the hearing, if one is held, to the specific issues of concern. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed amendments or a portion thereof by November 21, 1990, thus necessitating that one be held with respect to the proposed rules. If a hearing is required, it will be held in accordance with the provisions of *Minnesota Statutes*, sections 14.131 to 14.20 and the hearing notice provided in section III below.

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

Douglas Benson
Lead Program Coordinator
Environmental Health Division
Minnesota Department of Health
925 Southeast Delaware Street
P.O. Box 59040
Minneapolis, Minnesota 55459-0040
(612) 627-5017

The statutory authority of the Department to adopt the proposed rules is contained in *Minnesota Statutes*, sections 144.05 and 144.12, and *Laws of Minnesota, 1990*, chapter 533, section 7, as codified into *Minnesota Statutes*, section 144.878.

The proposed rules are published immediately following this notice in the *State Register* on November 19, 1990, and a free copy of the rules may be obtained from the Department by writing or telephoning Douglas Benson at the address or telephone number listed above.

The proposed rules include provisions relating to the standards for lead in paint, dust, and drinking water in residences; assessment procedures and requirements for boards of health to follow when assessing for lead in paint, dust, drinking water, and soil; abatement methods including paint abatement preparations and methods, clean-up, and drinking water abatement; reassessment and sample collection, and analysis techniques; abatement contractor duties including required equipment, prohibited actions and registration; and variances. A copy of the proposed rules is attached to the notice as mailed.

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

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

Local Government Considerations

The Department's evaluation of the impact of the proposed rules on the expenditure of public monies by local public bodies is addressed in the statement of need and reasonableness. There will be no direct cost to local units of government resulting from these proposed rules not previously identified in the legislative fiscal note prepared for the statute authorizing these rules.

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

Proposed Rules

Agricultural Land

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

Small Business Considerations

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

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

PLEASE NOTE that If 25 or More Persons Submit Written Requests for a Public Hearing on the Proposed Rules Within the 30-Day Comment Period Pursuant to the Notice Given in Part II Above, a Hearing Will Be Held on December 27, 1990, in Accordance With the Following Notice of Public Hearing.

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be held under *Minnesota Statutes*, sections 14.131 to 14.20, in Room 500 South, State Office Building, 100 Constitution Avenue, St. Paul, Minnesota, on December 27, 1990, commencing at 9:00 a.m. The hearing will continue, if necessary, at additional times and places determined during the hearing by the Administrative Law Judge.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of hearing which is to be included in the hearing record may be mailed to Steve M. Mihalchick, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone (612) 349-2544.

Unless a longer period not to exceed 20 calendar days is ordered by the administrative law judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received during this period will be available for review at the Office of Administrative Hearings. The Department and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three-day period. This rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20 and by *Minnesota Rules*, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the administrative law judge.

The statutory authority for the Department to adopt the proposed rules is contained in *Minnesota Statutes*, sections 144.05 and 144.12, and *Laws of Minnesota, 1990*, chapter 533, section 7, as codified into *Minnesota Statutes*, section 144.878.

The proposed rules are published immediately following this notice in the *State Register* on November 19, 1990, and a free copy of the rule amendments may be obtained from the Department by writing or telephoning Douglas Benson at the address and telephone number listed above in Part II of this notice.

The proposed rules include provisions relating to the standards for lead in paint, dust, and drinking water in residences; assessment procedures and requirements for boards of health to follow when assessing for lead in paint, dust, drinking water, and soil; abatement methods including paint abatement preparations and methods, clean-up, and drinking water abatement; reassessment and sample collection, and analysis techniques; abatement contractor duties including required equipment, prohibited actions and registration; and variances. A copy of the proposed rules is attached to the notice as mailed.

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

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

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

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

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

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

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

Local Government Considerations

The Department's evaluation of the impact of the proposed rules on the expenditure of public monies by local public bodies is addressed in the statement of need and reasonableness. There will be no direct cost to local units of government resulting from these proposed rules not previously identified in the legislative fiscal note prepared for the statute authorizing these rules.

Agricultural Land

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

Small Business Considerations

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

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

PLEASE NOTE THAT the Hearing, Notice of Which Is Given in Part III Above, Will Be Cancelled on the Proposed Rules If Fewer than 25 Persons Request a Hearing on the Proposed Rules in Response to the Notice Given in Part II Above.

To be informed whether a hearing noticed in Part III above will be held, please call or write Douglas Benson at the address or telephone number listed above before December 19, 1990, and leave your name, address, and telephone number. You will be notified after December 19, 1990, if the hearing has been cancelled. You may also call Douglas Benson at (612) 627-5017 after December 19, 1990, for oral configuration regarding the scheduled hearing.

Dated: 2 November 1990

Sister Mary Madonna Ashton
Commissioner of Health

Rules as Proposed (all new material)

4750.0100 APPLICABILITY.

Parts 4750.0100 to 4750.0800 apply to anyone performing or ordering performance of abatement on residential sources of lead exposure to people or the environment.

4750.0200 DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 4750.0100 to 4750.0800, the following terms have the meanings given them.

Subp. 2. **Abatement.** "Abatement" has the meaning given in *Minnesota Statutes*, section 144.871, subdivision 2.

Subp. 3. **Abatement contractor.** "Abatement contractor" has the meaning given in *Minnesota Statutes*, section 144.871, subdivision 3.

Subp. 4. **Abrasive blasting.** "Abrasive blasting" means the use of air pressure and an abrasive grit to remove a surface coating.

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

Proposed Rules

Subp. 5. **Assessment.** "Assessment" means pre-abatement sampling and analysis, as described in part 4750.0400, for sources of lead exposure in a residence.

Subp. 6. **Bare soil.** "Bare soil" means an outdoor area of one square foot or more where soil is visible.

Subp. 7. **Board of health.** "Board of health" has the meaning given in *Minnesota Statutes*, section 145A.03 or 145A.07.

Subp. 8. **Deteriorated paint or deteriorating paint.** "Deteriorated paint" or "deteriorating paint" means paint that has become or is becoming chipped, peeled, cracked, or otherwise separated from its substrate or that is attached to damaged base material.

Subp. 9. **Elevated blood lead level.** "Elevated blood lead level" means at least 25 micrograms of lead per deciliter of whole blood.

Subp. 10. **Encapsulation.** "Encapsulation" has the meaning given in *Minnesota Statutes*, section 144.871, subdivision 6.

Subp. 11. **High efficiency particulate air filter.** "High efficiency particulate air filter" means a filter capable of trapping and retaining at least 99.97 percent of all monodispersed particles 0.3 microns in diameter or larger.

Subp. 12. **Intact paint.** "Intact paint" means any paint that is not deteriorated paint or deteriorating paint as defined in subpart 7.

Subp. 13. **Modified-wet abrasive blasting.** "Modified-wet abrasive blasting" means abrasive blasting with the addition of a minimum quantity of water to the air and abrasive stream so that dispersal of particulate matter is suppressed but there is no adherence of waste material to the substrate.

Subp. 14. **Reassessment.** "Reassessment" means post-abatement sampling and analysis, as described in part 4750.0600, for sources of lead exposure in a residence.

Subp. 15. **Residence.** "Residence" means:

A. every structure used or intended for use as single family habitation, including exterior structure and ground surfaces, and every other structure located within the same lot; or

B. a dwelling unit within a structure used or intended for use as multifamily habitation, including common areas located within the same lot and exterior structure and ground surfaces but not including other dwelling units.

Subp. 16. **Substrate.** "Substrate" means a building material, such as wood, sheetrock, or plaster, that is coated by paint or other surface coating.

Subp. 17. **Vacuum blasting.** "Vacuum blasting" means dry abrasive blasting with a blast nozzle that is surrounded by a chamber under negative air pressure that is held against the coated surface.

Subp. 18. **Waterblasting.** "Waterblasting" means the use of pressurized water to remove a surface coating.

Subp. 19. **Window well.** "Window well" means the horizontal surface on which the sash of a window sits when the window is closed.

Subp. 20. **Windowsill.** "Windowsill" means the interior horizontal ledge at the base of a window opening.

Subp. 21. **X-ray fluorescence analyzer.** "X-ray fluorescence analyzer" means a portable or laboratory instrument that measures lead by gamma ray-induced fluorescence of lead atoms.

4750.0300 STANDARDS.

Subpart 1. **Paint.** Residential paint must not contain lead in a concentration of one-half of one percent (5,000 parts per million) or more by dry weight or register one milligram of lead per square centimeter or more as measured by x-ray fluorescence analyzer unless laboratory analysis shows that the lead content is less than one-half of one percent.

Subp. 2. **Dust.** Residential dust must not contain lead in a concentration of 80 micrograms of lead or more per square foot on a hard-surfaced floor, 300 micrograms of lead or more per square foot on a windowsill, and 500 micrograms of lead or more per square foot on a window well. Residential dust must not contain lead in a concentration of 300 parts per million in carpeting.

Subp. 3. **Drinking water.** Drinking water must not contain 50 micrograms of lead or more per liter of water.

4750.0400 ASSESSMENT.

Subpart 1. **General.** A board of health must conduct an assessment and act on the findings of an assessment as described in this part.

Subp. 2. **Assessment required.** A board of health must conduct an assessment of a residence to determine sources of lead exposure if a pregnant woman in the residence has a blood lead level of at least ten micrograms per deciliter or if a child in the residence has an elevated blood lead level.

Subp. 3. **Abatement required.** A board of health must order a property owner to perform abatement on a lead source that exceeds a standard in part 4750.0300 or a soil standard adopted by the Pollution Control Agency under *Minnesota Statutes*, section 144.878,

subdivision 2, paragraph (b), at the residence of a pregnant woman who has a blood lead level of at least ten micrograms per deciliter or of a child who has an elevated blood lead level.

Subp. 4. **Paint.** In conducting an assessment, a board of health must test paint from each type of surface, such as a wall, floor, window well, windowsill, ceiling, shelf, door, or fixture. A board of health must test deteriorating paint and intact paint on surfaces that are accessible to small children as chewable or lead-dust producing surfaces and that are sources of actual lead exposure. A board of health is not required to test paint on every surface within a residence. The selected surfaces must be tested by either:

A. X-ray fluorescence analyzer measurement of in-place paint; or

B. "Test Methods for Evaluating Solid Waste. 1A: Laboratory Manual for Physical/Chemical Methods," Chapter 3, Acid Digestion of Sludges and Soils, United States Environmental Protection Agency, September 1986. This publication is incorporated by reference and is available through the Minitex interlibrary loan system. This publication is not subject to frequent change.

Subp. 5. **Dust.** In conducting an assessment, a board of health must test dust from each type of horizontal hard surface, such as a floor, window well, windowsill, shelf, or fixture. Carpeting, if any, must be tested for lead in dust nearest the main entrance to the residence and elsewhere within the residence if the carpet appears to the board of health to be in a soiled or worn condition. A board of health must also test dust from surfaces that are accessible to small children, that are lead-dust producing, and that are actual sources of lead exposure. A board of health is not required to test dust on every surface within a residence. Dust samples from hard surfaces must be analyzed by a method approved by the United States Environmental Protection Agency as described in subpart 4, item B. Dust samples from carpeting must be analyzed by a method described in "Determination of Lead in Soil," Soil Testing and Research Analytical Laboratories, Department of Soil Science/Agricultural Experiment Station, University of Minnesota, Saint Paul, Minnesota, July 1990. This publication is incorporated by reference and is available through the Minitex interlibrary loan system. This publication is not subject to frequent change. A dust sample must be collected from an area of one square foot, if possible. For hard surfaces, either the method described in item A or B may be used. For carpeting, the method described in item B must be used. If the method in item B fails to collect enough of a dust sample from carpeting to conduct analysis, then the carpeting is considered to be in compliance. The information listed in item C must be recorded for each dust sample.

A. The person collecting the dust sample must wear disposable gloves and use a commercial wipe moistened with a nonalcohol wetting agent and use the following method:

- (1) if the package of wipes has been opened, discard the first wipe;
- (2) seal the next wipe in a 50 milliliter polypropylene tube so it can be used as a laboratory blank;
- (3) measure the area of the surface to be sampled and place a wipe flat on it;
- (4) rub, but do not scrub, the wipe in an "S" pattern once over the entire area;
- (5) fold the wipe in half so that the dust is folded into the wipe;
- (6) rub the wipe in another "S" pattern over the entire measured area but at 90 degrees to the first "S" pattern; and
- (7) fold the wipe and seal it in a 50 milliliter polypropylene tube.

B. The person collecting the dust sample must use the following method:

- (1) use a calibrated air pump at a flow rate of at least two liters of air per minute to draw air and dust into the sampling port of a filter cassette through a three-millimeter interior diameter sampling tube cut at a 45-degree angle;
- (2) pass the sampling tube over the surface three times, alternating directions; and
- (3) disconnect and seal the filter cassette until analysis.

C. The person collecting the sample must record the following information:

- (1) name of the person collecting the sample;
- (2) the address and location within the residence where each dust sample was collected;
- (3) the surface area measured and the type of surface sampled, such as a floor or windowsill, and type of sample, such as a pre-abatement sample or post-abatement sample; and
- (4) the date on which the sample was collected.

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Proposed Rules

Regardless of the actual area measured, a laboratory can convert units to micrograms per square foot, which is the unit of measurement in the standard.

Subp. 6. **Drinking water.** In conducting an assessment, the board of health must test the drinking water in the residence. Drinking water must be collected by the method described in "Lead in School's Drinking Water," prepared by the Office of Drinking Water, United States Environmental Protection Agency, Document EPA 570/9-89-001, January 1989. This publication is incorporated by reference and is available through the Minitex interlibrary loan system. This publication is not subject to frequent change. Drinking water must be analyzed by a method approved by the United States Environmental Protection Agency in Code of Federal Regulations, chapter 40, part 136, table 1B "List of Approved Inorganic Test Procedures for Atomic Absorption or Inductively Coupled Plasma," Washington, D.C., Government Printing Office.

Subp. 7. **Soil.** In conducting an assessment, the board of health must test bare soil from the residence. The board of health need not collect and test soil from the residence for possible soil lead if the property owner agrees to treat the bare soil according to the abatement procedures adopted by the Pollution Control Agency under *Minnesota Statutes*, section 144.878, subdivision 2, paragraph (c). Soil must be collected according to items A to F and must be analyzed by a method described in "Determination of Lead in Soil," prepared by the Soil Testing and Research Analytical Laboratories, Department of Soil Science/Agricultural Experiment Station, University of Minnesota, Saint Paul, Minnesota, July 1990. This publication is available through the Minitex interlibrary loan system and is incorporated by reference. This publication is not subject to frequent change.

A. A map shall be prepared of the residential property showing the main residential structure, gardens, sidewalks, play areas, and other features and structures.

B. Bare soil samples must be obtained from each of the following areas:

(1) within three feet of the foundation;

(2) within three feet of a street, sidewalk, alley, or driveway; and

(3) an area of the residential property not described in subitems (1) and (2).

C. For each sample location described in item B, composite samples must be collected consisting of five to ten bare soil subsamples.

D. A standard soil sampling tube or a putty knife is an acceptable sampling tool.

E. Bare soil samples must be collected to two centimeters in depth and must include the surface soil.

F. Bare soil samples must be labeled with the date, address of property, sample location as described in item B, and the name of the person collecting the samples.

Subp. 8. **Soil assessment larger than a residence.** If a board of health undertakes the assessment of lead contamination in an area larger than a residence, the board of health must conduct the assessment according to the methods described in this subpart.

A. The area must be no greater than a census tract.

B. A map of the area must be prepared that shows the location of residences, boulevards, streets, alleys, schools, playgrounds, and all areas of bare soil.

C. Twelve samples must be collected of each soil sample location in the area. For purposes of this subpart, soil sample location means soil collected within three feet of a foundation or within three feet of a street, sidewalk, alley, driveway, or from any other area.

D. Each soil sample collected must be two centimeters in depth and must include the soil surface.

E. A standard soil sampling tube or a putty knife is an acceptable sampling tool.

F. Soil samples must be labeled with the date, city or township and county, census tract number, name of person doing the sampling, and soil sample location.

4750.0500 LEAD ABATEMENT METHODS.

Subpart 1. **General.** Any person performing lead abatement must use the preparations, abatement methods, and cleanup methods in this part. In addition, this part applies whether the abatement was ordered by a board of health or undertaken voluntarily. Lead abatement ordered by a board of health must not begin until an assessment of lead sources within the residence is completed by the board of health according to part 4750.0400 or until the property owner agrees in writing with the board of health to treat all paint, dust, and drinking water according to the requirements of this part.

Subp. 2. **Paint abatement preparations.** Abatement of lead-based paint must not begin until the requirements in items A to E have been met.

A. Preparations must be made to minimize dust generation and dispersal during abatement and to contain any semisolid or liquid wastes generated during abatement. Double six mil or equivalent thickness plastic bags or leak-proof containers must be on-site to collect all debris, dust, and other waste generated by abatement.

B. The party undertaking abatement must notify the occupants of the residence of the presence of lead and of the schedule for abatement.

C. For interior paint abatement:

(1) sources of damage to surfaces to be abated, such as leaking roofs or plumbing, must be repaired;

(2) residents must be relocated and all personal possessions, rugs, and furniture must be cleaned of lead and relocated;

(3) the rooms to be abated must be sealed from the rest of the residence and from the exterior by securely taping six mil or equivalent thickness tarpaulins or plastic over windows or doors not to be used during abatement and over heating vents in the rooms to be abated;

(4) any fixtures, furnishings, or carpeting that cannot be removed but that are not to be abated must be covered with two layers of six mil or equivalent thickness tarpaulins or plastic;

(5) for removal and replacement of exterior doors and windows, tarpaulins or plastic must be placed to contain dust and debris on both the interior and exterior sides; and

(6) other preparations due to unusual circumstances such as unique structural components affecting the work area must be made as needed to prevent dispersal of lead from abatement procedures.

D. For exterior paint abatement:

(1) occupants must be advised to remove all personal property from the lot before abatement and to close all doors, windows, and storm windows during abatement;

(2) tarpaulins or plastic in good condition must be:

(a) secured to the residence foundation;

(b) overlapped at least 18 inches where the tarpaulins or plastic meet and secured to each other; and

(c) laid over the ground at least 15 feet in all horizontal directions from the surface to be abated. An additional five feet of tarpaulin is required for each floor to be abated above the first floor to a maximum of 25 feet.

E. Exterior abrasive blasting, waterblasting, modified-wet abrasive blasting, and vacuum blasting must be performed in a manner that contains all lead-contaminated dust, debris, and water for proper disposal and prevents lead exposure to people or the environment. Compliance with rules adopted by the Pollution Control Agency under *Minnesota Statutes*, section 144.878, subdivision 2, paragraph (c), constitutes compliance with this subpart.

Subp. 3. **Paint abatement methods.** Except as prohibited in subpart 4, paint that exceeds a standard in part 4750.0300 must be abated by the methods in this subpart.

A. Deteriorated paint or deteriorating paint that exceeds a standard in part 4750.0300, must either be:

(1) removed with the substrate and replaced with new substrate that complies with the standard in part 4750.0300; or

(2) removed from the substrate by:

(a) misted scraping or misted wire brushing;

(b) stripping with chemical paint strippers either on-site or off-site with removal of chemical strippers from surfaces and direct placement into leak-proof containers;

(c) heating with a heat gun that does not exceed 700 degrees Fahrenheit;

(d) exterior abrasive blasting;

(e) exterior waterblasting or interior waterblasting only in a masonry or stone basement;

(f) exterior modified-wet abrasive blasting; or

(g) vacuum blasting.

B. All damaged substrate must be patched to a smooth surface, sealed, and repainted or covered with material that complies with the standards in part 4750.0300 except that paint used to repaint substrate must not have a lead concentration of 6/100 of one percent (600 parts per million) or more by dry weight.

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Proposed Rules

C. Intact paint that exceeds a standard in part 4750.0300 must be abated if it is on a chewable or lead-producing surface and is a source of actual lead exposure. A property owner or resident may choose to have intact lead paint abated even if it is not on a chewable or lead-producing surface or is not a source of actual lead exposure. Intact paint must be abated according to the abatement preparations and methods described in this part. Intact paint must either be:

(1) removed by a method described in item A; or

(2) encapsulated with an impervious material that is securely attached to the substrate. All seams must be caulked. Examples of the impervious material include, but are not limited to, plywood, sheetrock, tile, fiberglass, linoleum, and vinyl, metal, or wood exterior siding.

Subp. 4. Prohibited paint abatement methods. The following abatement methods are prohibited:

A. open flame torching;

B. use of a heat gun above 700 degrees Fahrenheit;

C. dry sanding manually;

D. dry sanding with a power sander unless a high efficiency particulate air filter is attached;

E. dry scraping or dry wire brushing;

F. stripping with a methylene chloride based stripper;

G. removing any chemical paint stripper with sprayed water;

H. covering with contact paper, wallpaper of less than 21 ounces per square yard, or new paint; and

I. for interior abatement, abrasive blasting, waterblasting except in a masonry or stone basement, or modified-wet abrasive blasting.

Subp. 5. Dust abatement. Interior dust that exceeds a standard in part 4750.0300 must be abated both by use of a high efficiency particulate air filter vacuum and by washing with trisodium phosphate solution containing at least one ounce of five percent trisodium phosphate per gallon unless the board of health determines that one or the other of these methods is unsuited to the surface to be cleaned. A wet shop vacuum cleaner may be used with trisodium phosphate solution. Waterproof gloves must be worn by anyone working with trisodium phosphate solution. A final rinse with clean water must be done after the final wash with trisodium phosphate solution. Use of a household vacuum cleaner instead of a high efficiency particulate air filter vacuum is prohibited.

Subp. 6. Waste removal. Waste must be removed daily from the worksite so that no visible deposits remain.

Subp. 7. Final cleanup. To avoid recontamination, cleanup must proceed downward from the highest point abated or exposed to dust or debris from abatement and outward from the room furthest from the exit. For interior abatement work, a final cleanup must be conducted no sooner than 24 hours after and no later than seven days after completion of active abatement. This final cleanup must include a high efficiency particulate air filter vacuuming of all surfaces abated or exposed to lead from abatement followed by washing of these surfaces with trisodium phosphate solution containing at least one ounce of five percent trisodium phosphate per gallon. Waterproof gloves must be worn by anyone working with trisodium phosphate solution. A final rinse with clean water must be done after the final wash with trisodium phosphate solution. Use of a household vacuum cleaner instead of a high efficiency particulate air filter is prohibited. Cleanup must be repeated until reassessment demonstrates compliance with the standards in part 4750.0300. For exterior abatement work, final cleanup must be conducted no later than seven days after the lead source has been removed or encapsulated. Rain gutters must be cleaned of any debris and waste.

Subp. 8. Drinking water abatement. Residential drinking water that exceeds a standard in part 4750.0300 must be abated by disconnection of the plumbing fixture at which a violation of the standards in part 4750.0300 was found or by daily flushing of the fixture before using water from the fixture or by provision of bottled water or other source of potable water that complies with the standards in part 4750.0300.

4750.0600 REASSESSMENT.

Subpart 1. Reassessment required. Abatement of lead in paint and dust is considered successfully completed when reassessment demonstrates compliance with standards in part 4750.0300. A board of health must conduct the reassessment of a residence for which orders were issued under part 4750.0400, subpart 1, item B.

Subp. 2. Sample collection. In conducting a reassessment, a board of health must collect interior dust samples from each type of horizontal surface that has been abated or exposed to dust from abatement. A board of health is not required to sample dust from every surface within a residence. A board of health must collect dust samples according to the method described in part 4750.0400, subpart 4.

Subp. 3. Sample analysis. Dust samples must be analyzed by a method described in part 4750.0400.

4750.0700 ABATEMENT CONTRACTOR DUTIES.

Subpart 1. **Equipment required.** An abatement contractor must provide employees with hooded coveralls, shoe coverings, gloves, and toxic dust respirators listed on the Certified Equipment List of the National Institute of Occupational Health, United States Department of Health and Human Services, Washington, D.C., Government Printing Office, January 1989. This publication is incorporated by reference and is available through the Minitex interlibrary loan system. This publication is not subject to frequent change. The abatement contractor must ensure that employees properly use these items during work described in part 4750.0500 and that employees do not wear these items away from the worksite. Reused work clothing and cleaning materials such as rags must be laundered separately from other clothing and cleaning materials.

Subp. 2. **Prohibited actions.** An abatement contractor and the contractor's employees must not eat, drink, or smoke in the worksite during work described in part 4750.0500. A visitor must not eat, drink, or smoke in the worksite.

Subp. 3. **Registration.** As required by *Minnesota Statutes*, section 144.876, an abatement contractor must register with the commissioner. Prior to commencing the initial lead abatement project, an abatement contractor must register with the commissioner's designee by providing the company name, telephone number, and address, general contractor's license number, if any, and the name of at least one contact person.

4750.0800 VARIANCES.

The commissioner may grant a variance to part 4750.0500 according to the procedures and criteria specified in parts 4717.7000 to 4717.7050, as proposed at 15 *State Register* 985 (October 29, 1990), and as later adopted.

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.

Minnesota Housing Finance Agency

Adopted Permanent Rules Relating to Publicly-Owned Transitional Housing

The rules proposed and published at *State Register*, Volume 15, Number 7, pages 370-372, August 13, 1990 (15 SR 370) are adopted as proposed.

Minnesota Housing Finance Agency

Adopted Permanent Rules Relating to the Rental Housing Program for Persons with a Mental Illness

The rules proposed and published at *State Register*, Volume 15, Number 7, pages 373-374, August 13, 1990 (15 SR 373) are adopted as proposed.

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Adopted Rules

Minnesota Housing Finance Agency

Adopted Permanent Rules Relating to Temporary Housing Program

The rule proposed and published at *State Register*, Volume 15, Number 7, pages 374-375, August 13, 1990 (15 SR 374) is adopted as proposed.

Bureau of Mediation Services

Adopted Permanent Rules Relating to Public Employee Labor Relations

The rules proposed and published at *State Register*, Volume 14, Number 35, pages 2081-2084, February 26, 1990 (14 SR 2081) and Volume 15, Number 8, page 452, August 20, 1990 (15 SR 452) are adopted with the following modifications:

Rules as Adopted

5510.0510 LIMITATION ON FILING PETITION. [Withdrawn at 15 SR 452]

5510.1410 FAIR SHARE FEE REQUIREMENTS.

Subpart 1. **Advance notice of fair share fee assessment.** The exclusive representative must provide written notice of the amount of the fair share fee assessment to the employer and each employee assessed: upon initial implementation of the fair share fee assessment; to employees hired after the original notice has been issued; and upon a change in the amount of the fair share fee assessment. The notice must contain:

D. sufficient information to identify expenditures for benefits available only to members of the exclusive representative and sufficient information to identify expenditures for collective bargaining and contract administration services that have been provided for bargaining unit employees without regard to membership status. This information shall include the most recent documentation of the preceding year's actual expenditures and of the current year's projected expenditures;

5510.1910 HEARINGS OR INVESTIGATIONS.

Subp. 10b. **Preparation of case record on appeal to PERB.** Any person or party appealing a determination of the commissioner to the board must agree in writing to pay for the cost of preparing the transcript of the hearing upon which the determination was based, as well as the costs of duplicating all relevant exhibits and other written case file material. If the appeal involves only a portion of the elements or factors decided by the commissioner, and only parts of the hearing are relevant to that element or factor, a partial transcript and record may be purchased. The extent of the transcript and record necessary to provide the board with the complete record upon which that portion of the commissioner's determination was based will be determined by the commissioner, based upon the scope of the issues under appeal. However, any party to an appeal may request that a portion of the entire record be added to the record submitted by the commissioner to PERB. The party making such a request must agree in writing to pay for the cost of preparing this additional record. Any partial transcript shall include all testimony and evidence relevant to the issues under appeal.

Withdrawn Rules

Ethical Practices Board

In the Matter of the Proposed Adoption of the Rule Relating to Campaign Financing, Economic Interest Disclosure, Lobbyist Registration and Reporting, and Conflicts of Interest

Notice of Withdrawing Rule

NOTICE IS HEREBY GIVEN that the State Ethical Practices Board has withdrawn the proposed rule relating to Economic Interest Disclosure (*Minnesota Rules* Chapter 4505), Lobbyist Registration and Reporting (*Minnesota Rules* Chapter 4510), and Conflicts of Interest (*Minnesota Rules* Chapter 4515). This rule appeared at 15 S.R. 554, Tuesday 4 September 1990. The proposed rule relating to Campaign Financing (*Minnesota Rules* Chapter 4500) is not being withdrawn.

Persons having questions about this matter may call or write Mary Ann McCoy at the Ethical Practices Board office, 625 N. Robert St., St. Paul, MN 55101-2520; telephone (612) 296-1720.

Dated: 5 November 1990

Mary Ann McCoy, Executive Director

Commissioners' Orders

Department of Natural Resources

Commissioner's Order No. 2399: Regulations for the Taking of Turkeys During the Spring of 1991

PURSUANT TO AUTHORITY vested in me by *Minnesota Statutes* §§ 97A.045, 97A.435, 97B.603, 97B.711, 97B.723, 97B.725 and other applicable law, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby prescribe the following regulations for the taking of turkeys during the spring of 1991.

Section 1. DEFINITIONS.

(a) **Legal firearms.** Only shotguns 20 gauge or larger, or muzzleloading shotguns 12 gauge or larger, using fine shot size No. 4, 5 or 6 shall be used.

(b) **Legal bow and arrow.** Bows must have a pull of no less than 40 pounds at or before full draw. It shall be unlawful to hunt turkeys with any poisoned arrow or arrow with explosive tip. The bow may not be drawn, held, or released by mechanical means, except for permits issued under *Minnesota Statutes* § 97B.106, 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. Arrowheads must:

(1) be sharp, have a minimum of two metal cutting edges, be of a barbless broadhead design, and have a diameter of at least seven-eighths inch; or

(2) be of a blunthead design.

(c) **Legal turkey.** Any turkey with a visible beard (feathered appendage protruding from the breast, generally found only on males).

(d) **Drawings.** Computerized random drawings will be conducted by the Department of Natural Resources to determine those who will be eligible to apply for a turkey license. Beginning with the 1990 spring hunt drawing, 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 but has been unsuccessful in the spring hunt drawing.

(e) **Agricultural or grazing land means land** (1) that is plowed or tilled; (2) that has standing crops or crop residues; or (3) within a maintained fence for the purpose of enclosing domestic livestock.

(f) **Party hunting.** Party hunting (shooting a turkey for another member of your hunting party or tagging a turkey shot by someone else) is *not* allowed for turkey hunting.

Sec. 2. LICENSE ELIGIBILITY.

A person is not eligible for a turkey license unless the person:

(a) **is at least 16 years of age** or possesses a valid Minnesota Firearms Safety Certificate prior to April 11, 1991;

(b) **has maintained a legal residence** in Minnesota for a period of 60 days immediately preceding April 11, 1991; and

(c) **has not had any small game** hunting privileges revoked within one year prior to February 8, 1991.

Sec. 3. TURKEY HUNT DRAWING.

(a) **License application drawings.** Persons desiring to hunt turkeys must take part in one of the computerized license application drawings conducted by the Department of Natural Resources. The drawings shall be subject to the quotas set forth in Sec. 6. All persons selected by the drawings may apply for a license to hunt turkeys, as set forth in Sec. 4.

(b) **Participation in drawings.** All persons desiring to take part in one of the turkey license application computer drawings must complete an official application form for either the general turkey hunt or, if appropriate pursuant to paragraph (c) of this section, for the resident landowner-tenant turkey hunt.

(1) All information requested on the forms must be supplied. Applicants must provide their individual Minnesota drivers license number of 13 characters or an official State of Minnesota identification number of 13 characters issued by the Department of Public Safety. Applicants age 12 to 15 by April 11, 1991 may provide one of the above numbers or may participate in the drawing without a number if they provide their full first, middle and last name and date of birth. Youth applicants who do not provide a number will be placed into the drawing using a number generated by the Department of Natural Resources. Persons submitting the landowner-tenant form must provide a complete and accurate description of the qualifying land. All applicants must choose one of the ten (10) zones and one of the seven (7) time periods.

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Commissioners' Orders

(2) Applications for a group must all be for the same zone and time period. Two but not more than four persons desiring to hunt together may apply together by submitting their drawing applications in one envelope. The individual within a group with the lowest preference rating will determine the preference rating of the group. Properly completed applications which are submitted in one envelope will either all be selected or none selected. Mixing landowner-tenant applications with general applications will not be permitted for purposes of applying as a party.

(3) Any person who makes a faulty application or who applies as a landowner or tenant but does not live on at least 40 acres of agricultural or grazing land or does not live within the zone applied for, will be ineligible for both the landowner-tenant drawing and general drawing.

(4) Applications must be returned to the DNR License Bureau, 500 Lafayette Road, St. Paul, MN 55155-4026. If mailed, applications must be postmarked no later than December 7, 1990. If hand delivered, applications must be delivered no later than 4:30 p.m., December 7, 1990.

(c) Special landowner or tenant drawing. A special landowner-tenant license application drawing will be held subject to the following restrictions:

(1) Applicants must be able to meet all eligibility requirements in Sec. 2 of this order.

(2) Applicants must be a landowner or tenant, or a member of their immediate family, living on 40 acres or more of agricultural or grazing land, defined by Section 1 of this order, which is located within the zone for which the application is made.

(3) For each zone and time period, not more than twenty percent of the successful participants shall be drawn from the special landowner-tenant applications.

(4) Individual participants in the landowner-tenant drawing may submit only one drawing application and only for the turkey zone in which they reside.

(5) Valid applications of participants unsuccessful in the landowner-tenant drawing will be included in the general drawing.

(6) Applicants for the landowner-tenant drawing that are determined to be ineligible for the landowner-tenant drawing will be disqualified from the entire 1991 turkey computer drawing.

(7) All applicants who are successful in the special landowner-tenant drawing must allow turkey hunting on their lands. The commissioner will provide descriptions of these lands to licensed turkey hunters.

(d) Application fee. Each applicant must submit along with his/her application a cashiers check, money order or personal check in the amount of \$3.00 payable to the Minnesota Department of Natural Resources. Any checks that are returned to the Department of Natural Resources for non-payment shall invalidate the application and the check will be destroyed. Refunds of application fees shall not be made for any reason.

(e) Penalties. No person shall submit more than one application for participation in the drawings. Any person who submits more than one application for the spring season shall be ineligible to receive a turkey license in that season and shall be guilty of a misdemeanor.

Sec. 4. LICENSING.

(a) Only applicants successful in a computerized drawing will be notified.

(b) Applicants successful in the drawing 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 turkey hunting license.

(c) Before hunting turkeys, participants successful in a drawing must:

(1) Apply for and receive a 1991 turkey hunting license.

(2) Purchase a 1991 Minnesota small game hunting license if age 16 or older, except that persons exempt from the small game hunting license requirement pursuant to *Minnesota Statutes* § 97B.601, subd. 4(b) need not purchase a small game license.

(3) Possess a valid Minnesota Firearms Safety Certificate if not age 16 or older prior to April 11, 1991.

Sec. 5. SEASON DATES, ZONES, HOURS AND WEAPONS.

(a) Dates. The 1991 turkey season is open in all ten (10) zones during the following dates:

April 11-15	May 1-5
April 16-20	May 6-10
April 21-25	May 11-15
April 26-30	

Each hunter may hunt only during the five day period designated on his or her license. All dates are inclusive.

(b) **Zones.** Each hunter may hunt only within the zone designated on his or her license.

(1) Turkey Zone 1.

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

Beginning at the intersection of State Trunk Highway (STH) 16 and the eastern boundary of the state; thence along STH 16 to STH 44; thence along STH 44 to County State Aid Highway (CSAH) 4, Houston County; thence along CSAH 4 to the southern boundary of the state; thence along the southern boundary of the state to the eastern boundary of the state; thence along the eastern boundary of the state to the point of beginning.

(2) Turkey Zone 2.

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

Beginning at the intersection of State Trunk Highway (STH) 16 and the eastern boundary of the state; thence along STH 16 to STH 44; thence along STH 44 to County State Aid Highway (CSAH) 4, Houston County; thence along CSAH 4 to the southern boundary of the state; thence along the southern boundary of the state to CSAH 28, Fillmore County; thence along CSAH 28 to STH 43; thence along STH 43 to Interstate (I) 90; thence along I 90 to CSAH 33, Winona County; thence along CSAH 33 to STH 248; thence along STH 248 to CSAH 31, Winona County; thence along CSAH 31 to CSAH 28, Winona County; thence along CSAH 28 to CSAH 25, Winona County; thence along CSAH 25 to the intersection of CSAH 25 and U.S. Highway 61; thence due east to the eastern boundary of the state; thence along the eastern boundary of the state to the point of beginning.

(3) Turkey Zone 3.

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

Beginning at the intersection of U.S. Highway 52 and U.S. Highway 14; thence along U.S. Highway 14 to County State Aid Highway (CSAH) 7, Olmsted County; thence along CSAH 7 to Interstate (I) 90; thence along I 90 to State Trunk Highway (STH) 43; thence along STH 43 to CSAH 28, Fillmore County; thence along CSAH 28 to the southern boundary of the state; thence along the southern boundary of the state to U.S. Highway 63; thence along U.S. Highway 63 to U.S. Highway 52; thence along U.S. Highway 52 to the point of beginning.

(4) Turkey Zone 4.

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

Beginning at the intersection of Interstate (I) 90 at County State Aid Highway (CSAH) 7, Olmsted County; thence along CSAH 7 to State Trunk Highway (STH) 42; thence along STH 42 to the intersection of STH 42 and U.S. Highway 61; thence along U.S. Highway 61 to the Zumbro River; thence along the Zumbro River to the Mississippi River; thence due east to the eastern boundary of the state; thence along the eastern boundary of the state to a point lying directly east of the intersection of U.S. Highway 61 and CSAH 25, Winona County; thence due west to the intersection of CSAH 25 and U.S. Highway 61; thence along CSAH 25 to CSAH 28, Winona County; thence along CSAH 28 to CSAH 31, Winona County; thence along CSAH 31 to STH 248; thence along STH 248 to CSAH 33, Winona County; thence along CSAH 33 to I 90; thence along I 90 to the point of beginning.

(5) Turkey Zone 5.

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

Beginning at the intersection of U.S. Highway 61 and County State Aid Highway (CSAH) 18, Goodhue County; thence along CSAH 18 to the intersection of U.S. Lock and Dam No. 3 access road located at the north quarter corner of Section 5, Township 113 North, Range 15 West, Goodhue County; thence due east to the eastern boundary of the state; thence along the eastern boundary of the state to a point due east of the intersection of the Zumbro River and the Mississippi River; thence due west to the Zumbro River; thence along the Zumbro River to U.S. Highway 61; thence along U.S. Highway 61 to State Trunk Highway (STH) 42; thence along STH 42 to U.S. Highway 14; thence along U.S. Highway 14 to STH 57; thence along STH 57 to CSAH 30, Goodhue County; thence along CSAH 30 to STH 56; thence along STH 56 to STH 19; thence along STH 19 to STH 20; thence along STH 20 to U.S. Highway 61; thence along U.S. Highway 61 to the point of beginning.

(6) Turkey Zone 10.

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

Beginning at the intersection of State Trunk Highway (STH) 25 and County State Aid Highway (CSAH) 14, Sibley County; thence along CSAH 14 to CSAH 53, Carver County; thence along CSAH 53 to U.S. Highway 212; thence along U.S. Highway 212 to STH 101; thence along STH 101 to CSAH 17, Scott County; thence along CSAH 17 to STH 13; thence along STH 13 to STH 19; thence along STH 19 to CSAH 3, Scott County; thence along CSAH 3 to STH 25; thence along STH 25 to the point of beginning.

(7) Turkey Zone 11.

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

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Beginning at the intersection of County State Aid Highway (CSAH) 8, Sibley County and the midpoint of the Minnesota River; thence along CSAH 8 to CSAH 9, Sibley County; thence along CSAH 9 to State Trunk Highway (STH) 5; thence along STH 5 to STH 25; thence along STH 25 to CSAH 3, Scott County; thence along CSAH 3 to STH 19; thence along STH 19 to U.S. Highway 169; thence along U.S. Highway 169 to the midpoint of the Minnesota River; thence along the midpoint of the Minnesota River to the point of beginning.

(8) Turkey Zone 12.

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

Beginning at the intersection of U.S. Highway 169 and State Trunk Highway (STH) 68; thence along STH 68 to County State Aid Highway (CSAH) 42, Blue Earth County; thence along CSAH 42 to CSAH 23, Nicollet County; thence along CSAH 23 to STH 111; thence along STH 111 to CSAH 5, Nicollet County; thence along CSAH 5 to CSAH 2, Nicollet County; thence along CSAH 2 to CSAH 3, Nicollet County; thence along CSAH 3 to CSAH 9, Sibley County; thence along CSAH 9 to CSAH 8, Sibley County; thence along CSAH 8 to the midpoint of the Minnesota River; thence along the midpoint of the Minnesota River to U.S. Highway 14; thence along U.S. Highway 14 to U.S. Highway 169; thence along U.S. Highway 169 to the point of beginning.

(9) Turkey Zone 13.

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

Beginning at the intersection of State Trunk Highway (STH) 30 and U.S. Highway 169; thence along STH 30 to STH 22; thence along STH 22 to U.S. Highway 14; thence along U.S. Highway 14 to U.S. Highway 169; thence along U.S. Highway 169 to the point of beginning.

(10) Turkey Zone 20.

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

Beginning at the intersection of State Trunk Highway (STH) 98 and U.S. Highway 61; thence along U.S. Highway 61 to County State Aid Highway (CSAH) 30, Chisago County; thence along CSAH 30 to STH 95; thence along STH 95 to CSAH 9, Chisago County; thence along CSAH 9 to U.S. Highway 8; thence along U.S. Highway 8 to STH 98; thence along STH 98 to the point of beginning.

(c) **Hours and weapons.** Legal turkeys may be taken by licensed hunters using legal shotgun or legal bow and arrow, as defined in Section 1, from one-half hour before sunrise to 12 noon daily during the dates and within the zones described in this section.

Sec. 6. QUOTAS.

The following quotas on hunter numbers are established for each zone and time period. These quotas may be subject to modification in order to accommodate party members if the last applicant to be drawn for a zone is a member of a party.

DATES	ZONES									
	1	2	3	4	5	10	11	12	13	20
April 11-15	225	400	300	125	200	10	10	15	10	15
April 16-20	225	400	300	125	200	10	10	15	10	15
April 21-25	225	400	300	125	200	10	10	15	10	15
April 26-30	225	400	300	125	200	10	10	15	10	15
May 1-5	225	400	300	125	200	10	10	15	10	15
May 6-10	225	400	300	125	200	10	10	15	10	15
May 11-15	<u>225</u>	<u>400</u>	<u>300</u>	<u>125</u>	<u>200</u>	<u>10</u>	<u>10</u>	<u>15</u>	<u>10</u>	<u>15</u>
TOTAL	1575	2800	2100	875	1400	70	70	105	70	105

GRAND TOTAL = 9170 PERMITS

Sec. 7. SPECIAL PROVISIONS.

(a) **Bag limit.** No hunter shall: take more than one legal turkey; tag a turkey that he or she did not take; or tag a turkey with the tag of another hunter. All turkeys taken must be killed before being removed from the site where taken.

(b) **Assisting.** Only a turkey hunter licensed for the same zone and time period may assist any other licensed turkey hunter in hunting turkeys.

(c) **12-15 year olds.** A licensed turkey hunter who is not age 16 or older prior to April 11, 1991 must have a valid Minnesota Firearms Safety Certificate in possession. Licensed turkey hunters age 12 or 13 must be accompanied by a parent or guardian while turkey hunting. "Guardian" is a legal guardian or any person age 18 or older authorized by the parent or legal guardian to supervise the person age 12 or 13. Licensed turkey hunters age 14 or 15 may hunt turkeys unaccompanied by a parent or guardian.

(d) **Tagging.** Immediately after taking a turkey, hunters must punch date of kill, sign and attach the tag to the turkey. This tag must remain attached to the turkey during transit.

(e) **Registration.** Every person taking a turkey must register the turkey at a designated registration station no later than 2 p.m. of the same day when taken. The feathers, head and feet must remain on the turkey until it is registered. No unregistered turkey shall be possessed outside the zone where taken unless it is being transported in a direct route to a registration station. Registration stations will include the following. If necessary, additions, deletions or changes to this list may be made.

1. Caledonia	B&M Service Center (Mobil Gas Station) 128 N. Kingston
2. LaCrescent	Tri-State Bait and Tackle 103 Hillview Blvd.
3. Rushford	Larry's Mobil Jct. Hwys. U.S. 16 and STH 43
4. Chatfield	Chatfield Motor Mart 302 S. Main
5. Lanesboro	Root River Oil Co. U.S. Hwy. 16
6. Rochester	Wild Goose Sports 1117 N. Broadway
7. Red Wing	Four Season Sport Shop 213 Hill St.
8. Elba	Mauer Brothers Liquor Hwy. 74
9. Houston	Halverson Standard Oil Hwy. 16 E.
10. Spring Valley	Fowler Standard Oil 221 N. Section
11. Harmony	Harmony Amoco Hwy. 52
12. Winona	West End Bait Co. 950 W. 5th St.
13. Nicollet	Wildlife Taxidermy Studio 221 Cedar St.
14. Wyoming	Sunrise Sporting Goods 26796 Kettle River Blvd.
15. Cannon Falls	Curt's Cannonball Hwy. 52 S.
16. Kellogg	Prairie Bait Shop County Road 30 (old Hwy. 61)
17. Zumbro Falls	Falls Standard Station Hwy. 63
18. Lake City	Severson Food Plus 303 S. Lakeshore Dr.
19. Jordan	Tri Mart Jct. Hwys. 169 & 282
20. Henderson	Benders Coast to Coast 527 Main St.
21. Good Thunder	Dick's Locker Plant (no address given)

Registration stations normally open at 8 a.m.

(f) Turkeys may not be taken with the aid of dogs. No person shall be accompanied by a dog or dogs while hunting or assisting in hunting turkeys.

(g) Turkeys may not be taken with the aid of any electronic device.

(h) Use of live decoys is prohibited.

(i) While afield hunting turkeys, no person shall have in his/her possession or control any firearm or bow and arrow except those defined by Section 1 of this order as legal for taking turkeys.

Commissioners' Orders

(j) No turkeys shall be taken in any manner in any area of the state except as herein expressly provided or as otherwise provided by statute or commissioner's order.

(k) Except as specifically provided herein, none of the provisions of this order shall be construed as modifying or superseding any order establishing legal game refuges within the state nor as permitting the taking of any wild animals within such refuges or within state parks.

(l) The Lost Lake Refuge in Fillmore County and the Whitewater State Game Refuge in Winona County are open for the taking of turkeys during the 1991 spring turkey hunt.

(m) That portion of the Carlos Avery Wildlife Management Area posted with "Wildlife Sanctuary Do Not Trespass" signs that lies within Zone 20 shall be open for the taking of turkeys during the 1991 spring turkey hunt.

Dated at St. Paul, Minnesota, this 6 day of November, 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.

Minnesota Comprehensive Health Association

Notice of Meeting of the Board of Directors

NOTICE IS HEREBY GIVEN that a special meeting of the Board of Directors of the Minnesota Comprehensive Health Association will be held at 8:00 a.m. on Wednesday, November 21, 1990, at Blue Cross and Blue Shield of Minnesota, 3535 Blue Cross Road, Eagan, Minnesota.

For additional information, please call 456-8466.

Department of Human Services

Minnesota Board on Aging

Notice of Public Review and Comment Period on Program Development and Coordination Funding

NOTICE IS HEREBY GIVEN that written comments will be accepted until December 12, 1990, on Program Development and Coordination Funding proposals to the Minnesota Board on Aging from Area Agencies on Aging. In accordance with Federal Regulations (45CFR1321.17(f)14) the Board on Aging may allow for transfer of Title III-B Older Americans Act (supportive services) dollars into the Area Plan Administrative account to be used for Program Development and Coordination Activities that will have a direct and positive impact on the enhancement of services for older persons. The state is required to submit the details of proposals to pay for Program Development and Coordination as a cost of supportive services to the general public for review and comment.

The chart below indicates the amount and percentage of III-B funds reserved for use in funding Program Development and Coordination Activities for the 14 Planning and Service Areas. Copies of each individual proposal are available by calling the Minnesota Board on Aging at 296-2770.

Official Notices

Department of Labor and Industry

Labor Standards Division

Notice of Correction to Prevailing Wage Rates

The prevailing wage rate certified October 1, 1990 for labor classifications 404—Carpenter for commercial construction in the following counties has been corrected, Rice, Steele and Waseca.

Copies of the corrected certifications may be obtained by contacting the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155, or calling (612) 296-6452.

Ken Peterson, Commissioner
Department of Labor and Industry

State Board of Technical Colleges

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing the Rules for Licensure of Postsecondary Technical Education Personnel

NOTICE IS HEREBY GIVEN that the State Board of Technical Colleges is seeking information or opinions from sources outside the agency in preparing to amend Chapter Thirty-Five: Rules for Licensure of Vocational Technical Education Personnel and specifically in Mine Safety & Health Administration, Safety & Health Administration, Geographic Information Systems, Automotive Appearance, Concrete Technician, Machine Tool Careers, Medical Records, Electric Utility Technician and Electric Linework. The adoption of these rules is authorized by *Minnesota Statutes* § 136C.04, subd.9. and 125.185 subd.4.

The State Board of Technical Colleges requests information and comments concerning the subject matter of these rules. Interested or affected persons may submit written statements of information or comment orally. Written comments should be addressed to:

Ms. Jeanette Daines
State Board of Technical Colleges
100 Capitol Square Bldg.
550 Cedar Street
St. Paul, MN 55101
(612) 296-0679

Ms. Georgia Pomroy
State Board of Technical Colleges
100 Capitol Square Bldg.
550 Cedar Street
St. Paul, MN 55101
(612) 296-0680

Oral Statements will be received during regular business hours over the telephone at (612) 296-0680 or in person at the above address.

All statements of information and comments shall be accepted until 4:30 p.m., Thursday, December 20, 1990. Any written material received by the State Board of Technical Colleges shall become part of the record to be submitted to the Attorney General or Administrative Law Judge in the event the rule is adopted.

Helen Henrie, Deputy Chancellor
State Board of Technical Colleges

Department of Transportation

Goals for Disadvantaged Business Enterprises for Federal Fiscal Year 1991

The Minnesota Department of Transportation (Mn/DOT) has established a goal of 10% for Disadvantaged business enterprises (DBE) for all modes of transportation for federal fiscal year 1991 (October 1, 1990 through September 30, 1991).

The Surface Transportation Uniform Relocation Assistance Act of 1987 (STURAA) required a 10% DBE goal. STURAA requires that women business owners be presumed to be socially and economically disadvantaged and are included in the DBE goal.

The department's DBE Plan is available for public inspection during normal business hours (8:00 a.m. to 4:30 p.m.) at Mn/DOT Central Office, Room 123 Transportation Building, John Ireland Boulevard, St. Paul, Minnesota 55155, for 30 days following the date of this notice. Mn/DOT is open for public comment regarding the DBE goals for 45 days from the date of this notice. The comments are for information purposes only.

Please respond to:

The Minnesota Department of Transportation
EEO Contract Management Office

Room 123
St. Paul, Minnesota 55155

Board of Water and Soil Resources

Notice of Monthly Meeting

The Board of Water and Soil Resources will hold their November 28, 1990 monthly meeting at the Senate Hearing Room 112 of the State Capitol, 75 Constitution Avenue, St. Paul, Minnesota. The meeting will convene at 9:00 a.m.

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.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Materials Management 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.

Materials Management Division—Department of Administration:

Contracts and Requisitions Open for Bid

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

Commodity: Spectrometer—lease/purchase
Contact: Pamela Anderson 296-1053
Bid due date at 2pm: November 26
Agency: Agriculture Department
Deliver to: St. Paul
Requisition #: 04661-11572

Commodity: Panasonic printer
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: November 21
Agency: Inver Hills Community College
Deliver to: Inver Grove Heights
Requisition #: 27157-48444

Commodity: License plate steel
Contact: Steve Burgstahler 296-3775
Bid due date at 2pm: November 26
Agency: Public Safety Department
Deliver to: St. Cloud
Requisition #: 07700-11155

Commodity: Waste tire dump abatement—Moosberg Tire Dump—Anoka Co.
Contact: Norma Cameron 296-3779
Bid due date at 2pm: November 26
Agency: Pollution Control Agency
Deliver to: Anoka County
Requisition #: Price contract

Commodity: ICP-Thermo, Jarrell Ash—lease/purchase
Contact: Pamela Anderson 296-1053
Bid due date at 2pm: November 28
Agency: Agriculture Department
Deliver to: St. Paul
Requisition #: 04661-11571

Commodity: Rubbish disposal
Contact: Joyce Dehn 297-3830
Bid due date at 2pm: November 28
Agency: Nursing Home—Human Services Department
Deliver to: Ah-Gwah-Ching
Requisition #: Price contract

Commodity: Reader/printer
Contact: John Bauer 296-2621
Bid due date at 4:30pm: November 28
Agency: Public Safety Department
Deliver to: St. Paul
Requisition #: 07700-11160

Commodity: Polyethylene waste bags
Contact: Norma Cameron 296-3779
Bid due date at 2pm: November 29
Agency: Various
Deliver to: Various
Requisition #: Price contract

Commodity: Charm II system—lease/purchase
Contact: Pamela Anderson 296-1053
Bid due date at 2pm: November 29
Agency: Agriculture Department
Deliver to: St. Paul
Requisition #: 04661-11570

State Contracts and Advertised Bids

Commodity: Two (2) mower tractors
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: November 30
Agency: Transportation Department
Deliver to: Golden Valley & Rochester
Requisition #: 79382-02142

Commodity: 1990 or 1991 Buick Grand Sport Sedan
Contact: Brenda Thielen 296-9075
Bid due date at 2pm: November 28
Agency: Public Safety
Deliver to: St. Paul
Requisition #: 07300-14367

Commodity: 1990 or 1991 Olds Cutlass Supreme or equal
Contact: Brenda Thielen 296-9075
Bid due date at 2pm: November 28
Agency: Public Safety
Deliver to: St. Paul
Requisition #: 07300-14305

Commodity: Copier rental
Contact: John Bauer 296-2621
Bid due date at 4:30pm: November 27
Agency: Natural Resources Department
Deliver to: Bemidji
Requisition #: 29001-17613

Commodity: Minnesota Directory of Manufacturers
Contact: Linda Parkos 296-3725
Bid due date at 2pm: November 29
Agency: Printcomm-Bookstore
Deliver to: St. Paul
Requisition #: 02515-10786

Commodity: Intergraph software
Contact: Joan Breisler 296-9071
Bid due date at 4:30pm: November 29
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79000-12347

Commodity: Nursery stock
Contact: Steve Burgstahler 296-3775
Bid due date at 2pm: November 30
Agency: Department of Transportation
Deliver to: Various
Requisition #: Request for Proposal

Commodity: Aggregates
Contact: Joan Breisler 296-9071
Bid due date at 2pm: November 30
Agency: Transportation Department
Deliver to: Golden Valley, St. Cloud, Windom
Requisition #: 79500A, 79350A, 79750A

Commodity: Bituminous
Contact: Joan Breisler 296-9071
Bid due date at 2pm: November 30
Agency: Transportation Department
Deliver to: Golden Valley, St. Cloud, Windom
Requisition #: 79500B, 79350B, 79750B

Commodity: Winter sand
Contact: Joan Breisler 296-9071
Bid due date at 2pm: November 30
Agency: Transportation Department
Deliver to: St. Cloud and Windom
Requisition #: 79350WS, 79750WS

Commodity: Ready mix
Contact: Joan Breisler 296-9071
Bid due date at 2pm: November 30
Agency: Transportation Department
Deliver to: Golden Valley, St. Cloud, Windom
Requisition #: 79500RM, 79350RM, 79750RM

Commodity: Silica sand
Contact: Joan Breisler 296-9071
Bid due date at 2pm: November 30
Agency: Transportation Department
Deliver to: Golden Valley, St. Cloud, Windom
Requisition #: 79350SS, 79750SS, 79500SS

Commodity: Portland cement
Contact: Joan Breisler 296-9071
Bid due date at 2pm: November 30
Agency: Transportation Department
Deliver to: Golden Valley, St. Cloud, Windom
Requisition #: 79500PC, 79350PC, 79750PC

Commodity: Lighting: roadway luminaires (rebid)
Contact: Pat Anderson 296-3770
Bid due date at 2pm: December 7, 1990
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Telecommunications: Comdial Key System—supply/install—zones 2, 3 and 7 only
Contact: Patricia Anderson 296-3770
Bid due date at 2pm: December 10, 1990
Agency: Various
Deliver to: Various
Requisition #: Price Contract—rebid #2

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: Confidential petty cash fund receipts, 1M 5-part sets, preprinted numbering, negs furnished, 1-sided, 8½" x 5½" + ¾" stub top and bottom, 25 per book, wrap around tag cover
Contact: Printing Buyer's Office
Bids are due: November 21
Agency: Bureau of Criminal Apprehension
Deliver to: St. Paul
Requisition #: 12669

Commodity: Ready Mix concrete batch tickets, 37,500 2-part sheets 15#, 4¼" x 8½" overall, preprinted numbering, tagged and wire stapled in books of 25, negs available, 1-sided
Contact: Printing Buyer's Office
Bids are due: November 21
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 12714

Commodity: Premise survey, 3M 2-part sets, 12¼' x 8½" overall, negs available, 2-sided, ½-¾" perf top and bottom
Contact: Printing Buyer's Office
Bids are due: November 21
Agency: Minnesota Crime Watch
Deliver to: St. Paul
Requisition #: 12614

Commodity: Student payroll warrant, 60M checks, preprinted numbering, 12" x 3½" detached, negs furnished, 2-sided, must have a check protect feature on the warrant side of the form, fanfold 2-up, continuous pinfeed
Contact: Printing Buyer's Office
Bids are due: November 21
Agency: Community College System
Deliver to: St. Paul
Requisition #: 12592

Commodity: Training applications, 15M 4-part snap out forms, 8½" x 5½" + ¾" tearstrip on bottom, negs available, 2-sided, ½" adhesive strip across top of back side of pink copy
Contact: Printing Buyer's Office
Bids are due: November 21
Agency: Employee Relations Department
Deliver to: St. Paul
Requisition #: 12620

Welcome wildlife to your property

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

Woodworking for Wildlife. Songbirds, owls, ducks, geese, loons and other wildlife will show appreciation for your skills by adding a "wild" dimension to your property. Carefully illustrated with a variety of game bird and mammal box designs, this booklet provides important tips on the placement of nest in proper habitat areas and maintenance requirements. Construction diagrams included. 47 pp. Stock #9-14, \$3.95 plus tax.

Wildlife Set. Order both books above as a set and save 15%. Stock #9-20, \$10.95 plus tax.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$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 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.

Minnesota Community College System and the Department of Administration

Request for Proposals for Construction Managers

The Minnesota Community College System and the Department of Administration intend to select construction managers for three projects. Descriptions of the three projects follow. Interested parties are to respond to Dan Brennan, Director of Facilities, Minnesota Community College System, 203 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101 no later than December 11, 1990. Questions may be referred to Mr. Brennan at (612) 296-8952. Eight (8) copies of the submittal are required for each project. Firms are to indicate which project or projects they are applying for.

Construction Manager Services Sought for Fond du Lac Community Colleges

The Minnesota Community College System and the Department of Administration intend to select a Construction Manager for the design phase of the Fond du Lac Center project. The Architect/Engineer, Damberg, Scott, Peck and Booker, Incorporated of Virginia, Minnesota, in association with Thomas Hodne Architects of Minneapolis, Minnesota, are currently preparing contract documents. Construction is scheduled to begin Spring 1992.

The construction budget is \$5,677,500.00. This is to include approximately 55,000 GSF of new construction, site development, and the Construction Manager's fee. New construction will comprise Phase I of a new campus and include classrooms, science and computer labs, library, offices, and a campus center.

The Construction Manager will provide services as outlined in AGC form 500 with special emphasis on cost management; value engineering; scheduling; bid packaging including the direct procurement of major building components, and the supervisor of construction services.

Submittal must include: general corporate qualifications brochure; identification and qualification of proposed key project personnel including the Project Manager and Project Superintendent; a statement of how your firm will perform the Construction Manager role and, specifically, your method of mechanical/electrical cost estimating and value engineering; your basis of compensation; and your firm's ability to offer a guaranteed maximum price.

Several firms will be selected for interviews based on these materials. Those "short listed" firms will be asked for a fee proposal to be submitted at the interview.

Construction Manager Services Sought for Cambridge Community College

The Minnesota Community College System and the Department of Administration intend to select a Construction Manager for the design phase of the Cambridge Center project. The Architect/Engineer, Hokenson Lunning of St. Paul, Minnesota, is currently engaged in pre-design planning. Schematic design is scheduled to begin November 15, 1990, and contract documents to be completed by November 30, 1991.

The construction budget is \$5,555,000.00. This is to include approximately 55,000 GSF of new construction, site development, and the Construction Manager's fee. New construction will comprise Phase I of a new campus and include classrooms, science and computer labs, library, offices, and a campus center.

The Construction Manager will provide services as outlined in AGC form 500 with special emphasis on cost management; value engineering; scheduling; bid packaging including the direct procurement of major building components. We anticipate funding for construction by the 1992 legislature and would expect to continue with the selected Construction Manager for construction and procurement services. While we anticipate a pure agency relationship with the Construction Manager, a Guaranteed Maximum Price form of agreement could become necessary.

Submittal must include: general corporate qualifications brochure; identification and qualification of proposed key project personnel including the Project Manager and Project Superintendent; a statement of how your firm will perform the Construction Manager role and, specifically, your method of mechanical/electrical cost estimating and value engineering; your basis of compensation; and your firm's ability to offer a guaranteed maximum price.

Several firms will be selected for interviews based on these materials. Those "short listed" firms will be asked for a fee proposal to be submitted at the interview.

Professional, Technical & Consulting Contracts

Construction Manager Services Sought for Austin Community College

The Minnesota Community College System and the Department of Administration intend to select a Construction Manager for the design phase of the Austin Community College project. The Architect/Engineer, TSP/ADG of Minneapolis, Minnesota, is currently engaged in pre-design planning. Schematic design is scheduled to begin December 15, 1990, and contract documents to be completed by July 31, 1991. The project is currently funded only for this design phase.

The construction budget is \$5,828,000.00. This is to include approximately 40,000 GSF of remodeling, and the Construction Manager's fee. New construction includes additions to the library and the gymnasium; remodeling includes program upgrades, code work, and a complete rework of the ventilation system with the addition of air conditioning.

The Construction Manager will provide services as outlined in AGC form 500 with special emphasis on cost management; value engineering; scheduling; bid packaging, including the direct procurement of major building components. We anticipate funding for construction by the 1992 legislature and would expect to continue with the selected Construction Manager for construction and procurement services. While we anticipate a pure agency relationship with the Construction Manager, a Guaranteed Maximum Price form of agreement could become necessary.

Submittal must include: general corporate qualifications brochure; identification and qualification of proposed key project personnel including the Project Manager and Project Superintendent; a statement of how your firm will perform the Construction Manager role and, specifically, your method of mechanical/electrical cost estimating and value engineering; your basis of compensation; and your firm's ability to offer a guaranteed maximum price.

Several firms will be selected for interviews based on these materials. Those "short listed" firms will be asked for a fee proposal to be submitted at the interview.

Minnesota Department of Revenue

Training Services

Request for Proposal to Design, Develop, Present, and Evaluate a Three-Day Seminar

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

A. Scope of Project

The purpose of this project is to design, develop, present, and evaluate a three-day seminar, eight hours per day, coupled with two days of consultation with Revenue instructional staff, focusing on strategies and techniques which will improve the speed and quality of learning and reduce the amount of time spent in class by using accelerated learning concepts in technical training programs conducted on an internal basis in the Department of Revenue. Seminar participants will be designers and instructors of technical training courses. The primary outcome of this project will be the development and presentation of technical training courses that will utilize the most recent techniques in adult learning, based upon accelerated learning theories.

B. Goals and Objectives

Participants in the three-day seminar and instructors with whom the contractor consults will:

- Understand the recent shift from linear to geodesic teaching/learning techniques.
- Appreciate the need to know the "new" learner and the "new" learning environment.
- Be capable of developing instructional materials for the whole learner.
- Identify and overcome learning barriers.
- Condition the learner for accelerated learning.
- Be able to use mental imagery to improve knowledge and skill acquisition.
- Understand the effects of the total environment (lighting, color, room decor, and furniture arrangement) upon learning.
- Know the means and techniques of helping learners to take full responsibility for their own learning.
- Know how to incorporate learning accelerators into existing curriculum and course offerings.

C. Project Tasks

The provider of the services called for in the proposal will:

Professional, Technical & Consulting Contracts

1. Develop a set of objectives stated in terms of participant behavior commensurate with the purposes and outcomes of this project.
2. Design seminar activities and materials to achieve the objectives of the seminar.
3. Conduct the activities of the seminar over a five-day period.
4. Meet over a two-day period on an individual or small group basis with instructors and Training Services staff members to identify weaknesses, strengths, and problem areas in the instructional process and to develop solutions to any problems that are identified.
5. Evaluate the results and outcomes of the seminar on the basis of the behavioral objectives developed in Step One.
6. Provide the Department of Revenue with a report describing outcomes and evaluations.

Responder may propose additional tasks or activities if they will substantially improve the results of the project.

D. Department Contacts

Prospective responders who have any questions regarding this Request for Proposal may call or write:

Project Director
Shawn Durand
Supervisor, Program Technical Training
Training Services
Department of Revenue
10 River Park Plaza
Mail Station 6584
St. Paul, MN 55146-6584
Phone: (612) 297-4454

E. Submission of Proposals

All proposals must be sent to and received by:

Russell Hill
Supervisor, Training Center
Department of Revenue
10 River Park Plaza
Mail Station 6584
St. Paul, MN 55146-6584

Not later than 4:00 p.m., December 12, 1990

Late proposals will not be accepted. Submit three copies of proposal. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed in ink by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of the project.

F. Project Costs

The Department has estimated that the cost of this project should not exceed \$11,000.

G. Project Completion Date

The project will be completed by March 31, 1991, or within three months from the date of project authorization, whichever occurs later.

H. Proposal Contents

The following will be considered minimum contents of the proposal:

1. A restatement of the project's scope and objectives demonstrating that the responder understands the nature and purposes of the project.
2. A description of the major tasks and activities that the responder will conduct.
3. An outline of the responder's background and experience with emphasis on work with governmental agencies. An identification of personnel to conduct the project, detailing their training and background. No change in personnel assigned to the project will be permitted without the approval of the Project Director.
4. A description of the level and type of the Department's participation in the project as well as any other services to be provided by the Department.

I. Evaluation

All proposals received by the deadline will be evaluated by representatives of the Department of Revenue. Factors upon which proposals will be judged include, but are not limited to, the following:

1. Expressed understanding of project's objectives.
2. Project work plan.
3. Project cost.
4. Qualifications of both company and personnel. Experience of project personnel will be given greater weight than that of the firm.

Evaluation and selection will be completed by December 28, 1990. Results will be sent immediately by mail to all responders.

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 Council of the Twin Cities**Notice of Request for Proposal for Aviation Consulting Services**

NOTICE IS HEREBY GIVEN that the Metropolitan Council is requesting a proposal for technical and professional services for **Major Airport Search Area Selection: Phase IIA.**

The purpose of this RFP is to select an airport search area for a potential new replacement airport for the Minneapolis-St. Paul Metropolitan Area. The work would build on the current Phase II search area activities which involved the development of search area location criteria, preparation of data for each criteria, and identification of candidate search areas within a 14 county study area.

All of the Phase II work was accomplished within the context of the major airport dual-track planning and development strategy as identified by legislative requirements in the 1989 Metropolitan Airport Planning Act.

The Phase IIA work activities will involve the following items:

- Prepare study design.
- Evaluate and analyze candidate search areas, including detailed quantification/assessment/mapping of each search area criteria.
- Prepare evaluation matrix for comparative analysis of candidate search areas.
- Participate in preparation of materials and conduct of public meetings to obtain comments, concerns and issues for comparative evaluation and analysis.
- Prepare draft report and recommendations.
- Prepare environmental assessment as required under Alternative Environmental Review Process approved by Minnesota Environmental Quality Board (EQB).
- Prepare public information packet and participate in public meetings.
- Prepare final advisory task force report.
- Participate in public hearing on draft task force report.
- Participate in Council public hearing on draft final report.
- Assist in preparation of final Council report to legislature.

The designation of a single airport search area will be used by the Metropolitan Council in its regional aviation system plan and development guide; also, by the Metropolitan Airports Commission in siting a new replacement airport.

Non-State Public Contracts

It is anticipated that the project will be funded primarily by a grant from the Federal Aviation Administration. It will commence in January, 1991 and should be completed by January 1, 1992. A disadvantaged business enterprise (DBE) participation goal has been set for this project. Copies of this proposal may be obtained from the Metropolitan Council, Mears Park Centre, 230 East Fifth Street, St. Paul, Minnesota 55101.

Five copies of all proposals must be received no later than 5 p.m. on December 18, 1990, to the attention of Chauncey Case, Transportation Division, Metropolitan Council. Inquiries should be directed to (612) 291-6342.

Metropolitan Council of the Twin Cities

Notice of Request for Proposal for Aviation Consulting Services

NOTICE IS HEREBY GIVEN that the Metropolitan Council is requesting a proposal for technical and professional services for **1991 Annual Contingency Planning Assessment**.

The purpose of this RFP is to maintain the focus on the annual reevaluation/reappraisal of the assumptions underlying this major airport dual-track planning and development strategy. It is a multi-year program (1989-1996). This assessment will help establish the type, timing and level of development recommended for Minneapolis-St. Paul International Airport (MSP) and/or site selection, land banking and development of a new replacement major airport. Annual Contingency assessments from 1989 and 1990 will form one basis for structuring a 1991 report.

Work tasks involve the following items:

- Collection and analysis of pertinent data for regional air-transportation needs to determine appropriate scope, scale, and timing of dual-track planning and implementation activities.
 - Track A, assess capability and needs for enhancement of MSP;
 - Track B, assess progress, issues, problems encountered in search/site area studies and impact of changes in factors/assumptions regarding long-range demand for air-transportation facilities.
- Determine on annual basis the need to update aviation forecasts.
 - Analyze short-range forecasts prepared for the Metropolitan Airports Commission;
 - Identify issues requiring special emphasis in order to improve analysis and understanding of conditions, problems facing national, state and metropolitan air-transportation systems and/or economic conditions.
- Participate in convening and conducting expert panels to critique draft annual contingency assessment.
- Participate in coordination activities of contingency planning advisory committee.
- Assist in preparation of annual contingency report to legislature.
- Identification of one to three special studies that will be highlighted in the assessment report to the Minnesota Legislature (for example; past special studies have included delay, and how to define it, financial model, regional/commuter trends).

It is anticipated that the project will be funded primarily by a grant from the Federal Aviation Administration. It will commence about March 1, 1991 and should be completed by March 31, 1992. A disadvantaged business enterprise (DBE) participation goal has been set for this project. Copies of this proposal may be obtained from the Metropolitan Council, Mears Park Centre, 230 East Fifth Street, St. Paul, Minnesota 55101.

Five copies of all proposals must be received no later than 5 p.m. on December 18, 1990, to the attention of Chauncey Case, Transportation Division, Metropolitan Council. Inquiries should be directed to (612) 291-6342.

State Grants

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

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

Department of Human Services

Board on Aging

Request for Grant Proposals for the Northwest Ombudsman for Older Minnesotans Region

The Minnesota Board on Aging (MBA) operates the Office of Ombudsman for Older Minnesotans pursuant to *Minnesota Statutes* Section 256.974. The statute authorizes the Board to award grants for the provision of ombudsman services in multi-county areas. The MBA is currently seeking proposals from eligible public or private non-profit agencies interested in sponsoring a regional ombudsman office in Northwest Minnesota to provide ombudsman services. The Northwest service area includes the following counties for nursing home services: Becker, Beltrami, Clay, Clearwater, Douglas, Grant, Hubbard, Kittson, Lake of the Woods, Mahnomon, Marshall, Norman, Otter Tail, Pennington, Polk, Pope, Red Lake, Roseau, Stevens, Traverse and Wilkin.

To be eligible, the applicant organization must not be an agency engaged in the provision of nursing home care, hospital care, or home care services either directly or by contract, or have responsibility for planning, coordinating, funding or administering nursing home care, hospital care or home care services.

The Minnesota Board on Aging will make available up to \$39,500 in federal Older Americans Act funds for the nursing home ombudsman service in the northwest ombudsman region for the period February 1, 1991 to December 31, 1991. An eligible applicant must provide at a minimum an additional 15% match.

Letters of intent to apply must be received at the Minnesota Board on Aging no later than 4:00 p.m. on November 30, 1990 at the Board's following address:

Minnesota Board on Aging
c/o Sharon Zoesch
444 Lafayette Road
St. Paul, MN 55155-3843

The complete Grant Application on MBA forms is due at the Minnesota Board on Aging office by 4:00 p.m. on December 27, 1991. Only those grants which meet all federal, state, and MBA requirements will continue to be considered by the Board on Aging.

Questions regarding the application may be addressed to Sharon Zoesch at (612) 296-0382.

Department of Trade & Economic Development

Job Skills Partnership Board

Grant Proposals Sought for Training Programs for Specific Businesses

The Minnesota Job Skills Partnership Board solicits grant proposals from educational and other non-profit organizations for training programs designed for specific businesses. Please contact the Partnership office at 612/296-0388 for details regarding grant applications.

Following are the application deadline dates and Board meeting dates for 1991:

Deadline Dates for New Grant Applications

January 21, 1991
April 22, 1991
July 22, 1991
October 21, 1991

MJSP Board Meeting Dates

February 18, 1991
May 20, 1991
August 19, 1991
November 18, 1991 (Annual Meeting)

Department of Trade & Economic Development

Minnesota Trade Office

Applications Invited from Eligible Existing Nonprofit Organizations for International Cultural and Educational Grants

Definitions:

Nonprofit organization means a corporation or organization that is formed for a purpose not involving pecuniary gain to its members. It does not include cities, counties, school districts, or other subdivisions, units or agencies of state or local government, but these may comprise the membership of a nonprofit organization.

Nonpublic funds means funds from sources other than state, local or federal government appropriations.

Long term trading relations means fostered or improved economic relations between Minnesota and another country.

Cultural and educational exchange program means reciprocal face-to-face exchanges including but not limited to the areas of the humanities, sciences, law, business, labor, agriculture, education, research, environment, government and administration.

History:

In May 1990, the Minnesota Legislature approved an appropriation of \$50,000 for Fiscal Year 1991 to the Minnesota Trade Office for awarding grants to nonprofit organizations to support cultural and educational exchange programs that may have the potential to lead to long-term international trading relations. Grants must be matched with at least \$3 of nonpublic funds for every dollar of state grant funds awarded under this provision. (See *Laws of MN 1990*, Chapter 594, Sec. 24, Subdiv. 1 c.)

Purpose:

Cultural and educational exchanges possess the capacity to foster or improve trading relations between the nations and peoples of the world. The purpose of this program is to increase these exchanges, thereby increasing Minnesota's long-term economic relationships with the rest of the world.

Request for Proposal:

The Minnesota Trade Office (MTO), a division of the Minnesota Department of Trade and Economic Development (DTED), invites applications from eligible existing nonprofit organizations, as defined above, for grants under the International Cultural and Educational Grants Program (ICEGP). The ICEGP will have the following basic parameters:

- a) The maximum amount of grant(s) to any one nonprofit organization shall be \$5,000 per state fiscal year.
- b) The applicant must show evidence of matching funds committed from nonpublic sources of \$3 for each dollar received under ICEGP.
- c) The grant must be used solely for cultural or educational exchange with international groups from other countries.
- d) The application should outline benefits of the proposed exchange, including any long-term trade benefits.

Application Process:

The ICEGP shall be implemented in two cycles. The first cycle will have applications due in December, 1990. The second cycle will have applications due in March, 1991. This RFP covers the \$25,000 available during the first cycle only. Notice of the second cycle will be published in the *State Register* in February, 1991.

Eligible nonprofit organizations may request the prescribed application form from the Minnesota Trade Office after publication of this RFP in the *State Register* by writing:

Minnesota Trade Office
Attn: ICEGP
1000 Minnesota World Trade Center
30 East Seventh Street
St. Paul, MN 55101

or by calling 612/297-4222, or by fax at 612/296-3555.

Completed applications must be received by the Minnesota Trade Office at the above address by 4:30 p.m. on Friday, December 28, 1990, for consideration.

Evaluation of Grant Application:

The Commissioner of DTED shall make grant awards following a review of the applications in accordance with the following criteria:

- a) Past experience of applicant in conducting/organizing international exchange programs.
- b) Completeness and adequacy of proposed exchange program for which grant is sought, including:
 - i) evidence of interest by host country organizations in the proposed exchange.
 - ii) proposed itinerary including dates and places.
- c) Creativity of proposed exchange, and the potential for reciprocal relationships as a result of the exchange.
- d) The importance of the grant in the ability to successfully complete the proposed exchange.

The Department will endeavor to ensure a regional statewide balance in the distribution of these grants.

Notification:

Applications will be reviewed, and approved applicants notified by January 25, 1991. Approved applicants will be required to conclude a grant agreement before any disbursement of funds.

For more information, please contact Mr. Noor Doja at the Minnesota Trade Office at 612/297-4658.

Announcements

Environmental Quality Board (EQB): Comments are due December 12 on the EAWs (environmental assessment worksheets) for the following projects at their listed regional governing unit: **Nicollet Hotel Demolition**, City of Minneapolis, Neil Anderson, City Planning Dept., 210 City Hall, Mpls, MN 55415; **Wabana and Bluewater Lakes Boat-In Campsites Project**, Minn. Dept. of Natural Resources (612) 296-4796 (a public meeting is scheduled for Monday 3 Dec. from 7:00-9:00 p.m. in Room 137 of Wilson Hall at the Itasca Community College in Grand Rapids, with an opportunity to review the EAW and other project-related documents from 3:30-5:00 p.m. in the 2nd Floor Conference Room of the Dept. of Natural Resources Regional Headquarters at 1201 E. Highway 2 in Grand Rapids. • A Minnesota Dept. of Transportation Alternative Review will be conducted on **Trunk Highway 100 Reconstruction**, with comments to be directed to Steve Hay (612) 593-8535. • Chisago County has received a request for environmental review of the **Amador Game Farm**. Direct comments to Marion Heemsbergen (612) 257-1300 at the Chisago County Courthouse in Center City, MN 55012.

Hospitals to Receive "Transition" Grants: Sister Mary Madonna Ashton, Minnesota Commissioner of Health, has awarded state grants of up to \$25,000 each to four rural Minnesota hospitals. The transition grant program was authorized by the 1990 Minnesota Legislature. The grants must be used to develop strategic plans for ensuring access to health care services for community residents—or to make changes in the type or extent of services provided by rural hospitals. Hospitals that participate in the program must provide additional funding for their projects from non-state sources. The non-state contribution must equal one-half of the total amount of the state grant. Projects funded under the program include: • Development and marketing of respite care services at **Ada Municipal Hospital**. Respite care is designed to supplement the efforts of family and friends to care for the disabled and the chronically ill. • Development of a strategic plan for **Eveleth-Fitzgerald Community Hospital**. The plan is expected to focus on possible joint ventures and planning efforts with other health care providers in the area. • Consolidation of services at **Greenbush Community Hospital** with Roseau Area Hospital. The Greenbush facility would continue to offer emergency medical services, long term care, and some outpatient services. • Feasibility planning for a hospital-based clinic at **Parkers Prairie District Hospital**, based on an assessment of health care needs in the area. The proposed clinic would offer primary care, prenatal care and well-child care, as well as offering the services of visiting specialists. To apply for the grant program, a hospital must be located in a rural area as defined under federal Medicare regulations—or in a community with fewer than 5,000 residents. Eligible hospitals must be non-profit, must have 100 or fewer beds, and must have had net financial losses during two of the last three fiscal years.

Minority Student Enrollment in Area Schools: African-American, American Indian, Asian and Hispanic students almost doubled their share of enrollment in Twin Cities Area schools in the 1980s, a new Metropolitan Council report says. Minority enrollment rose from 7.6 percent of total Metro Area enrollment in the 1980-81 school year to 14.7 percent in 1989-90. That followed a rise from 3.8 percent in 1970-71. Minority enrollment continues to be concentrated primarily in Minneapolis and St. Paul. However, four suburban districts now have minority enrollment ranging from 10 to 20 percent, according

Announcements

to the report. In 1989-90, the Minneapolis and St. Paul school districts had 68 percent of the area's minority students, down only two percent from a decade earlier. Only four of the area's 48 school districts had minority enrollments at or above the area's 14.7 percent average. They were Minneapolis, 50 percent; St. Paul, 42.1; Brooklyn Center, 19.6; and Richfield, 14.9 percent. The number of racial and ethnic minority students rose by 92.2 percent over the decade, from 26,833 to 51,571. For a copy of the report, *Minority Enrollment Trends in Twin Cities Area Schools, School Year 1989-90*, call the Council's Data Center at 291-8140. The report costs \$3.

DNR Seeks Advice on Fishing Tournament Guidelines: The Department of Natural Resources is asking anglers for their advice on guidelines for fishing tournaments in Minnesota. In recent years, tournaments have increased sufficiently that the DNR now believes it is time to update tournament policies. "Not long ago, tournaments were mostly ice fishing contents," said Richard Hassinger, chief of the DNR's Section of Fisheries. "Today, professionals are competing for up to \$100,000 in prize money. Times are changing and our policies should reflect this." People who have opinions about tournaments are asked to mail them to: Tournament Response, Minnesota Department of Natural Resources, Section of Fisheries, Box 12, 500 Lafayette Road, St. Paul, MN 55155. Hassinger said the DNR will meet soon with committees representing different facets of the angling community. Organizations such as the Minnesota Sport Fishing Congress, B.A.S.S., and In-Fishermen will be represented. However, the DNR is also seeking advice from everyday anglers, the folks who comprise the largest portion of the angling public. "Our goal is to develop guidelines that are fair to all, while protecting the fishery," said Hassinger. "We are hopeful that improved guidelines will reduce the potential for conflicts between tournament and non-tournament anglers." The DNR has been permitting fishing tournaments since 1976. Guidelines developed that year required tournament sponsors charging more than a \$10 entry fee, or providing over \$2,000 in prizes, to obtain a free permit prior to conducting the tournament. The permit restricted the number of tournament boats to no more than one per 10 acres of water, and limited each tournament to less than seven consecutive days. The guidelines were updated in 1981, generally restricting concurrent tournaments on lakes of less than 20,000 acres in size and establishing a preference system for tournament requests. The revised guidelines also place restrictions on tournaments held on opening day of the angling season; allow only one limit of game fish killed per tournament; and for live release tournaments, state that all fish must be released only in the lake from which they were caught. The guidelines also strongly encourage the immediate release of fish in live release tournaments. Last year the DNR issued 159 permits for fishing tournaments. This is a nearly two-fold increase since 1983 and does not include small tournaments with less than a \$10 entry fee or \$2,000 in prizes.

Hunters: Be Alert for Deer Ticks: Hunters who bag a deer and haul it home may be bringing deer ticks with them. That from the University of Minnesota, whose Department of Microbiology is researching Lyme disease, deer ticks and the ticks' relationship to white-tailed deer. Deer ticks are carriers of Lyme disease, a bacterial infection that can cause a wide variety of symptoms, including arthritis and neurological problems that may develop months to years after a bite. "Deer ticks are still active in mid-November," said Dr. Jim Gill, a University research associate working with Dr. Russell Johnson. "Many hunters incorrectly assume the tick season is over. Unfortunately, it isn't." "Hunters should be aware that when they bag a deer and haul it home, they run the risk of bringing Lyme disease-carrying ticks with them," said Gill. "We discovered that deer which had been dead for at least 30 hours were still carrying deer ticks. This finding has implications for hunters who transport deer in vehicles or hang them in a garage or back yard." The most significant of these implications is the possibility that deer tick populations may become established in new areas. This could happen, Gill said, as hunters bring deer home and hang them prior to butchering. During this time, ticks, sensing their host has died, will attempt to move to another warm-blooded species. Lyme disease is transmitted to humans when a disease-carrying deer tick bites the skin and injects microscopic bacteria, or spirochetes. These bacteria enter the bloodstream and multiply. The disease is treatable with antibiotics. Gill said there are no known cases of anyone contracting Lyme disease as a result of field-dressing a deer or eating its meat. Gill added that deer ticks generally have a hard time attaching to hunters in November. "Most folks are wearing a ton of orange," said Gill, "and ticks have a hard time finding skin under all those clothes." He said that statistically the incident rate of Lyme disease is low during fall and winter. In Minnesota, more than 600 cases of Lyme disease have been reported since 1982. Lyme disease is now identified in 44 states. The deer tick's preferred habitats are wooded and brushy areas.

Federal Tax Credit Program for Employers Extended: The Federal Targeted Jobs Tax Credit (TJTC) program has been extended for 15 months, retroactive from Sept. 30 through Dec. 31, 1991, according to the Minnesota Department of Jobs and Training. TJTC is a program that provides federal tax credits to employers who hire workers from nine targeted groups—workers who traditionally have the most difficulty in finding jobs. Workers and employers who are interested in the program may contact their nearest Job Service office for additional information.

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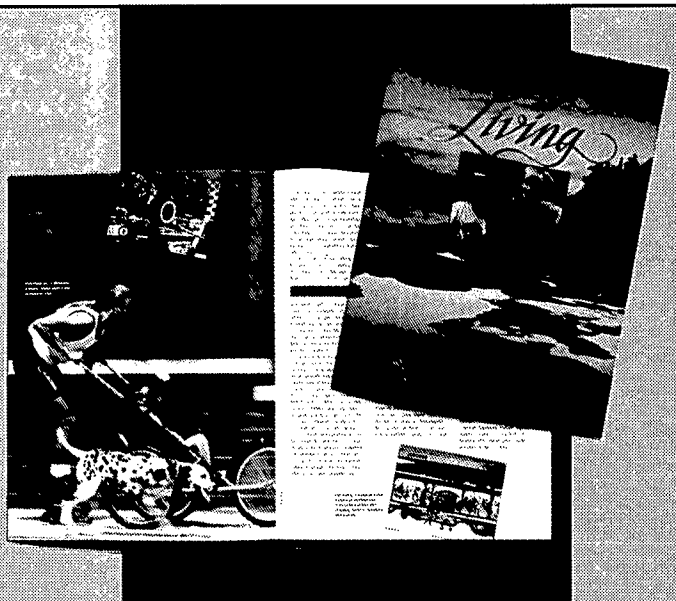
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