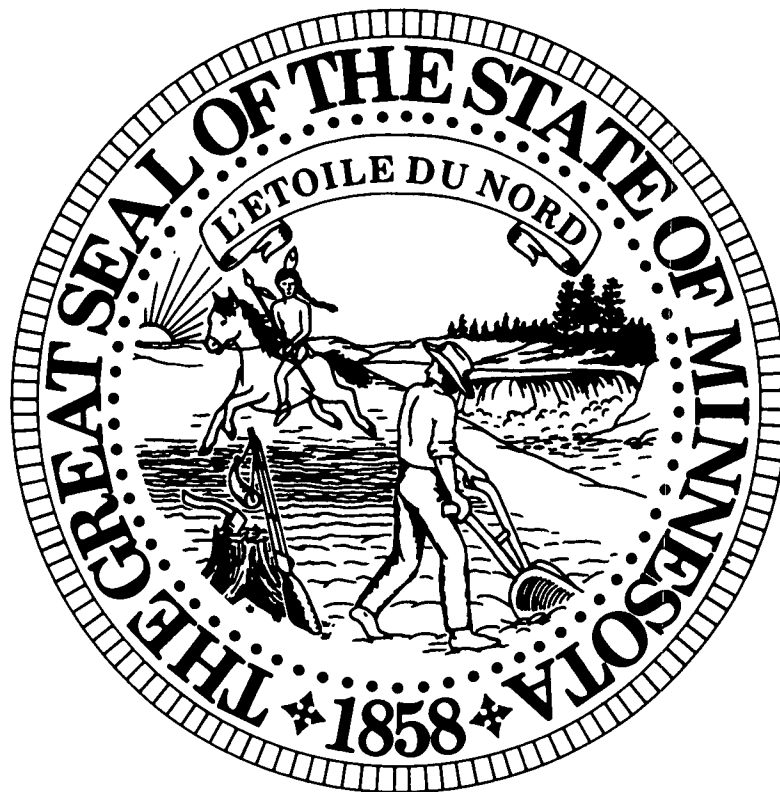


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The Minnesota
**State
Register**

Department of Administration—Print Communications Division



Rules edition
Published every Monday
(Tuesday if Monday is a holiday)

Monday 18 March 1991
Volume 15, Number 38
Pages 2081-2128

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 announcements.

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
38	Monday 4 March	Monday 11 March	Monday 18 March
39	Monday 11 March	Monday 18 March	Monday 25 March
40	Monday 18 March	Monday 25 March	Monday 1 April
41	Monday 25 March	Monday 1 April	Monday 8 April

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the *State Register* editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

The *State Register* is published every Monday (Tuesday when Monday is a holiday) by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. A *State Register Contracts Supplement* is published every Thursday. The Monday edition is the vehicle for conveying all information about state agency rulemaking, including official notices; hearing notices; proposed, adopted and emergency rules. It also contains executive orders of the governor; commissioners' orders; state contracts and advertised bids; professional, technical and consulting contracts; non-state public contracts; state grants; decisions of the supreme 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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**Dana B. Badgerow, Commissioner
Department of Administration**

**Stephen A. Ordahl, Director
Print Communications Division**

Robin PanLener, Editor

Paul Hoffman, Assistant Editor

Debbie George, Circulation Manager

Bonita Karels, Staff Assistant

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

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(612) 296-0504

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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
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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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9502.0335; .9503.0030; .9525.0235; .1520; .2020; .9530.4270;
9543.3000; .3010; .3020; .3030; .3040; .3050; .3060; .3070
.3080; .3090; 9545.0090; 9555.6125; .9620; (adopted) 2043

9502.0335 s.7; 9525.1520 s.5 (repealed) 2043

9505.2160-.2245 (proposed) 1579

9505.1750-.2150 (proposed repealer) 1579

9530.6605; .6640; .6650; .7000; .7031 (adopted emergency) .. 627

9560.6650 s.3 (emergency repealer) 627

9530.6605; .6640; .6650; .7000; .7031 (emergency extended) . 1543

9530.6650 s.3 (emergency repealer extended) 1543

9530.6655; .7000; .7012; .7015; .7020; .7022;
.7024 (adopted) 1540

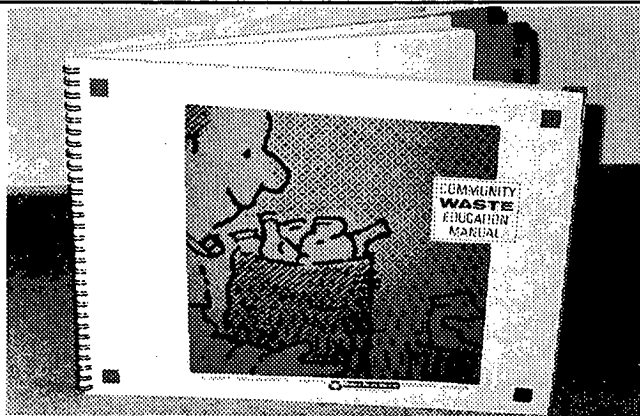
9530.7020 s.3,4 (repealed) 1540

9530.6655 (proposed rule withdrawn) 1540

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9560.0410; .0420; .0430; .0440; .0450; .0460; .0470;
.0475; .0480; .0485 (proposed) 1535

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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.

Pollution Control Agency

Proposed Permanent Rules Relating to Hazardous Waste Clarifications

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) intends to adopt the above-entitled rule amendments without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rule amendments without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1990). The MPCA's authority to adopt the rule amendments is set forth in *Minnesota Statutes* § 116.07, subd. 4 (1990).

All persons have until 5:00 p.m. on April 17, 1991 to submit comments in support of or in opposition to the proposed rule amendments or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rule amendments addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the proposed rule amendments within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing must state his or her name and address, and is encouraged to identify the portion of the proposed rule amendments addressed, the reason for the request, and any change proposed. If a public hearing is required, the MPCA will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1990).

Comments or written requests for a public hearing must be submitted to Glenn Skuta, Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, Minnesota 55155 (telephone 612/643-3478).

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

The proposed rule amendments pertaining to the management of hazardous waste, if adopted, incorporate federal regulations into state rules and clarify the existing state rules governing the management of mixtures of hazardous and nonhazardous wastes. The federal amendments incorporated by the proposed rule amendments address the management of mining wastes, the lists of hazardous wastes, and the requirements for out-of-state shipments of hazardous waste. The proposed rule amendments regarding mining wastes limit the current hazardous waste regulatory exclusion for all mineral processing wastes to nine specific waste streams. These proposed rules are more stringent than the federal exclusion for mineral processing wastes which they incorporate. While the federal amendments exclude twenty mineral processing wastes, the proposed rules exempt only nine of these waste streams. These proposed rule amendments also include requirements for the management of mixtures of hazardous wastes with excluded mining wastes. The proposed rule amendments regarding the lists of hazardous wastes add two waste streams from the production of methyl bromide, one waste stream from the production of chlorinated aliphatic hydrocarbons, and the compound allyl chloride to the lists. These proposed rule amendments also modify the listing descriptions for waste streams from the production of chlorinated aliphatic hydrocarbons and the chemical conversion coating of aluminum. The proposed rule amendments regarding out-of-state shipments of hazardous wastes clarify the definition of "designated facility" and the requirements for generators of hazardous waste. The proposed rule amendments are

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

published below. One free copy of the rules is available upon request from Glenn Skuta at the address and telephone number given above.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule amendments has been prepared and is available from Glenn Skuta upon request.

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1990), "Small business considerations in rulemakings," that the proposed rule amendments will not affect small businesses which generate hazardous waste. The hazardous wastes which these proposed amendments regulate are not generated by small businesses.

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

Charles W. Williams
Commissioner

Rules as Proposed

7045.0020 DEFINITIONS.

[For text of subs 1 to 14, see M.R.]

Subp. 15. **Designated facility.** "Designated facility" means a hazardous waste treatment, storage, or disposal facility which:

A. (1) has received interim status;

(2) has received an agency permit,

(3) is subject to the requirements of part 7045.0125, subpart 5, 6, or 10, or subpart 9, item B, or part 7045.0685; or

(4) if located outside Minnesota, has been exempted from the requirements to obtain a permit by the United States Environmental Protection Agency; has either received an Environmental Protection Agency permit or a permit from an authorized state, or has interim status; ~~and~~

B. has been designated on the manifest by the generator pursuant to part 7045.0261, or has been designated on a shipping paper or management plan required by part 7045.0125; and

C. if located in an Environmental Protection Agency authorized state which has not yet obtained authorization to regulate the hazardous waste it is receiving as hazardous, must be a facility allowed by the receiving state to accept the waste.

[For text of subs 16 to 109, see M.R.]

7045.0102 MIXTURES OF WASTES.

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

Subp. 2. **Mixtures of hazardous and nonhazardous wastes.** The mixing of a hazardous waste with a nonhazardous waste as described in this subpart constitutes treatment. Generators who mix hazardous and nonhazardous wastes on site must meet the requirements of part 7045.0211 for generators with on-site facilities.

A. A mixture is a hazardous waste if it is a mixture of nonhazardous waste and any waste which is hazardous solely because it exhibits the characteristic of ignitability, corrosivity, oxidativity, or reactivity as described in part 7045.0131, unless the resulting mixture ~~no longer exhibits~~ does not exhibit any of the characteristics of ~~ignitability, corrosivity, oxidativity, or reactivity and does not exhibit characteristics of extraction procedure (EP) toxicity or toxicity hazardous waste~~ as defined in part 7045.0131.

B. A mixture is a hazardous waste if it is a mixture of nonhazardous waste and any waste listed in part 7045.0135 solely because of ignitability, corrosivity, or reactivity, unless:

(1) the resulting mixture ~~either no longer exhibits~~ does not exhibit any of the characteristics of ~~ignitability, corrosivity, and reactivity, and does not exhibit characteristics of extraction procedure (EP) toxicity or toxicity hazardous waste~~ as defined in part 7045.0131; ~~or~~

(2) the resulting mixture has been excluded from regulation pursuant to part 7045.0075, subpart 2; or

(3) the nonhazardous waste is exempt from regulation under part 7045.0120, item 1, and the resultant mixture no longer exhibits any characteristic of hazardous waste as defined in part 7045.0131 for which the hazardous waste listed in part 7045.0135 was listed.

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

D. A mixture is a hazardous waste if it is a sewerage mixture of nonhazardous waste and any waste which is hazardous because it exhibits the characteristics of extraction procedure (EP) toxicity or toxicity as defined in part 7045.0131 unless:

(1) prior to entering the sewer the resulting mixture no longer exhibits the ~~characteristics~~ characteristic of extraction procedure (EP) toxicity or toxicity; and

(2) the sewerage of the mixture has been approved by the agency pursuant to parts 7045.0220 to 7045.0255.

This provision does not apply to those mixtures defined as nonhazardous under item F.

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

H. Any mixture of a waste from the extraction, beneficiation, and processing of ores and minerals excluded under part 7045.0120, item I, and any other waste exhibiting a characteristic of hazardous waste under part 7045.0131 is a hazardous waste only if:

(1) it exhibits a characteristic that would not have been exhibited by the excluded waste alone if such mixture had not occurred; or

(2) it continues to exhibit any of the characteristics exhibited by the nonexcluded wastes prior to mixture.

For the purposes of applying the toxicity characteristic of part 7045.0131, subpart 7, to such mixtures, the mixture is also a hazardous waste if it exceeds the maximum concentration for any contaminant listed in part 7045.0131, subpart 8, that would not have been exceeded by the excluded waste alone if the mixture had not occurred or if it continues to exceed the maximum concentration for any contaminant exceeded by the nonexempt waste prior to mixture.

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

7045.0120 EXEMPT WASTES.

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

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

I. waste from the extraction, beneficiation, and processing of ores and minerals, including coal, and including phosphate rock and overburden from the mining of uranium ore; For purposes of this item, beneficiation of ores and minerals is restricted to the following activities: crushing; grinding; washing; dissolution; crystallization; filtration; sorting; sizing; drying; sintering; pelletizing; briquetting; calcinizing to remove water or carbon dioxide; roasting, autoclaving, or chlorination in preparation for leaching (except where the roasting, autoclaving, or chlorination/leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing); gravity concentration; magnetic separation; electrostatic separation; flotation; ion exchange; solvent extraction; electrowinning; precipitation; amalgamation; and heap, dump, vat, tank, and in situ leaching. For the purposes of this item, waste from the processing of ores and minerals includes only the following wastes:

- (1) red and brown muds from bauxite refining;
- (2) slag from elemental phosphorus production;
- (3) gasifier ash from coal gasification;
- (4) process wastewater from coal gasification;
- (5) slag tailings from primary copper processing;
- (6) fluorogypsum from hydrofluoric acid production;
- (7) iron blast furnace slag;
- (8) treated residue from the roasting/leaching of chrome ore; and
- (9) basic oxygen furnace and open hearth furnace slag from carbon steel production;

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

7045.0135 LISTS OF HAZARDOUS WASTES.

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

Subp. 2. **Hazardous wastes from nonspecific sources.** Hazardous wastes from nonspecific sources are listed with the generic hazardous waste number and hazard code in items A to U V.

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Proposed Rules

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

M. F019, wastewater treatment sludges from the chemical conversion coating of aluminum, except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process: (T);

[For text of items N to Q, see M.R.]

R. F024, process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor cleanout wastes from the production of certain chlorinated aliphatic hydrocarbons, having carbon content from one to five, utilizing by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. This listing does not include light ends, spent filters and filter aids, spent dessicants, wastewater wastewaters, wastewater treatment sludges, and spent catalysts, and wastes listed in this subpart and subpart 3: (T);

S. F025, condensed light ends, spent filters and filter aids, and spent dessicant wastes from the production of certain chlorinated aliphatic hydrocarbons, by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution: (T);

T. F026, wastes, except wastewater and spent carbon from hydrogen chloride purification, from the production of materials on equipment previously used for the manufacturing use as a reactant, chemical intermediate, or component in a formulating process of tetra-, penta-, or hexachlorobenzene under alkaline conditions: (H);

~~U.~~ U. F027, discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component: (H); and

~~V.~~ V. F028, residues resulting from the incineration or thermal treatment of soil contaminated with hazardous waste Nos. F020, F021, F022, F023, F026, and F027: (T).

Subp. 3. **Hazardous waste from specific sources.** Hazardous wastes from specific sources are listed with the industry and hazardous waste number and hazard code in items A to L.

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

E. Pesticides:

[For text of subitems (1) to (18), see M.R.]

(19) K125, filtration, evaporation, and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts: (T); ~~and~~

(20) K126, bag house dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts: (T);

(21) K131, wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide: (C,T); and

(22) K132, spent absorbent and wastewater separator solids from the production of methyl bromide: (T).

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

[For text of subs 4 and 5, see M.R.]

7045.0139 BASIS FOR LISTING HAZARDOUS WASTES.

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

Subp. 2. **Constituents.** The constituents which are the basis for listing the wastes identified in part 7045.0135, subparts 2 and 3 are listed in items A and B.

A. Constituents of wastes identified in part 7045.0135, subpart 2 are listed in subitems (1) to ~~(24)~~ (22).

[For text of subitems (1) to (18), see M.R.]

(19) F025: Chloromethane; dichloromethane; trichloromethane; carbon tetrachloride; chloroethylene; 1,1-dichloroethane; 1,2-dichloroethane; trans-1,2-dichloroethylene; 1,1-dichloroethylene; 1,1,1-trichloroethane; 1,1,2-trichloroethane; trichloroethylene; 1,1,1,2-tetrachloroethane; 1,1,2,2-tetrachloroethane; tetrachloroethylene; pentachloroethane; hexachloroethane; allyl chloride (3-chloropropene); dichloropropane; dichloropropene; 2-chloro-1,3-butadiene; hexachloro-1,3-butadiene; hexachlorocyclopentadiene; benzene; chlorobenzene; dichlorobenzene; 1,2,4-trichlorobenzene; tetrachlorobenzene; pentachlorobenzene; hexachlorobenzene; toluene; naphthalene;

(20) F026: Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans;

~~(20)~~ (21) F027: Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine, and other salts; and

~~(21)~~ (22) F028: Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine, and other salts.

B. Constituents of wastes identified in part 7045.0135, subpart 3 are listed in subitems (1) to ~~(89)~~ (91).

[For text of subitems (1) to (87), see M.R.]

~~(88)~~ K 126: Ethylene thiourea; ~~and~~

~~(89)~~ K 131: Dimethyl sulfate, methyl bromide;

~~(90)~~ K 132: Methyl bromide; and

~~(91)~~ K 136: Ethylene dibromide.

7045.0141 HAZARDOUS CONSTITUENTS.

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

Subp. 2. "A" constituents. Hazardous constituents beginning with the letter A are as follows:

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

~~M.~~ Allyl chloride, 107-18-6, _____;

~~N.~~ Aluminum phosphide, 20859-73-8, P006;

~~N.~~ O. 4-Aminobiphenyl, 92-67-1, _____;

~~O.~~ P. 5-(Aminomethyl)-3-isoxazolol, 2763-96-4, P007;

~~P.~~ Q. 4-Aminopyridine, 504-24-5, P008;

~~Q.~~ R. Amitrole, 61-82-5, U011;

~~R.~~ S. Ammonium vanadate, 7803-55-6, P119;

~~S.~~ T. Aniline, 62-53-3, U012;

~~T.~~ U. Antimony, 7440-36-0, _____;

~~U.~~ V. Antimony compounds, not otherwise specified in this list, _____, _____;

~~V.~~ W. Aramite, 140-57-8, _____;

~~W.~~ X. Arsenic, 7440-38-2, _____;

~~X.~~ Y. Arsenic compounds, not otherwise specified in this list, _____, _____;

~~Y.~~ Z. Arsenic acid, 7778-39-4, P010;

~~Z.~~ AA. Arsenic pentoxide, 1303-28-2, P011;

~~AA.~~ BB. Arsenic trioxide, 1327-53-3, P012;

~~BB.~~ CC. Auramine, 492-80-8, P014; and

~~CC.~~ DD. Azaserine, 115-02-6, U015.

[For text of subs 3 to 23, see M.R.]

7045.0265 USE OF MANIFEST.

[For text of subs 1 to 3, see M.R.]

Subp. 4. **Out-of-state shipments.** When a shipment of hazardous waste is to be delivered to a hazardous waste facility located outside the state of Minnesota, the generator must ensure that:

A. the copy of the hazardous waste manifest signed by the facility operator is sent to the commissioner within 40 days of the acceptance of the hazardous waste by the hazardous waste facility; and

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Proposed Rules

B. for shipments of a hazardous waste to a designated facility in an authorized state which has not yet obtained authorization to regulate that particular waste as hazardous, the designated facility agrees to sign the manifest and return the manifest to the generator, and that any out-of-state transporter signs and forwards the manifest to the designated facility.

[For text of subp 5, see M.R.]

Public Utilities Commission

Proposed Permanent Rules Relating to Telephone Assistance Plan

Notice of Intent to Adopt Rules Without a Public Hearing and Notice of Intent to Adopt Rules With a Public Hearing if Twenty-five or More Persons Request a Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Public Utilities Commission (Commission) intends to adopt the above-entitled rules without a public hearing following the procedures for adopting rules without a public hearing set forth in the Administrative Procedure Act, *Minnesota Statutes* sections 14.22 to 14.28. The Commission's authority to adopt the rules is set forth in *Minnesota Statutes* sections 237.71, 237.711 and 237.10.

All persons have until 4:30 p.m. on April 17, 1991, to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. PLEASE USE DOCKET NO. P-999/R-90-86 ON ALL CORRESPONDENCE.

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

If a public hearing is required, the Commission will proceed pursuant to *Minnesota Statutes* sections 14.131 to 14.20. **PLEASE NOTE that if twenty-five or more persons submit written requests for a public hearing within the 30-day comment period, a hearing will be held on Wednesday, April 24, 1991, in accordance with the notice of public hearing of these same rules published in this State Register and mailed to persons registered with the commission.** To verify whether a hearing will be held, please call the Commission between April 18, 1991, and April 23, 1991 at (612) 296-7124.

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

Dan Lipschultz
Minnesota Public Utilities Commission
780 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 296-9617

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

The proposed rules, if adopted, will establish a uniform time frame for reimbursing company expenses incurred administering the telephone assistance plan and provide a formula to determine the maximum reimbursement a company is entitled to receive. The proposed rules are published below. One free copy of the rules is available upon request from the Commission by contacting the Commission's receptionist, Kris Kline, at the above address or by calling (612) 296-7124.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Commission by contacting the Commission's receptionist, Kris Kline, at the above address or by calling (612) 296-7124.

YOU ARE HEREBY ADVISED, pursuant to *Minnesota Statutes* section 14.115, "small business considerations in rulemaking," that the proposed rules affect small businesses. The rules apply to all phone companies in Minnesota. Therefore, they will have an impact on smaller companies which qualify as "small businesses" under *Minnesota Statutes* section 14.115, subd. 1.

The proposed rules will impact companies that file their required periodic expense reports before the deadline for these filings. Instead of being reimbursed within 60 days of their filings as they are now, they will be reimbursed within 60 days of the date their filings are due. The proposed rules may also reduce the compensation some companies are accustomed to receiving because of the ceiling these rules place on reimbursement. Finally, companies may, under these rules, choose to petition the Commission to establish "TAP enrollment charges" to use in determining the maximum reimbursement they can receive for administrative expenses.

The adoption of these rules by the Commission will not require the expenditure of public money by local public bodies or have a direct impact on agricultural land. Therefore, *Minnesota Statutes* section 14.11 is not applicable to this rulemaking proceeding.

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

Richard R. Lancaster
Executive Secretary

Notice of Hearing and Notice of Intent to Cancel Hearing if Fewer Than Twenty-Five Persons Request a Hearing In Response to Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Public Utilities Commission (Commission) will hold a public hearing in the above-entitled matter in the Commission's Large Hearing Room, 780 American Center Building, 150 East Kellogg Blvd., St. Paul, Minnesota, commencing at 9:00 a.m. on Wednesday, April 24, 1991, and continuing until all interested or affected persons have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted to the presiding Administrative Law Judge, as hereinafter indicated, without appearing at the hearing.

PLEASE NOTE, however, that the hearing will be cancelled if fewer than twenty-five persons request a hearing in response to the notice of intent to adopt these same rules without a public hearing published in this *State Register* and mailed to persons registered with the commission. To verify whether a hearing will be held, please call the Commission between April 18, 1991 and April 23, 1991 at (612) 296-7124.

The matter will be heard before Administrative Law Judge Bruce D. Campbell, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, (612) 341-7602. The rule hearing procedure is governed by *Minnesota Statutes* sections 14.131 to 14.20 and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.0200 to 1400.1200. Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge at the address and telephone number stated above.

The subject of the hearing will be the proposed amendments to rules governing the telephone assistance plan, *Minnesota Rules*, parts 7817.0100 to 7817.1000. The proposed rule amendments are authorized by *Minnesota Statutes* sections 237.10, 237.71 and 237.711. The proposed rules are published below. One free copy of the rules is available on request by contacting:

Kris Kline
Minnesota Public Utilities Commission
780 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 296-7124

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

Any person may present his or her views on the proposed rules in one or more of the following ways: by submitting written data to the Administrative Law Judge at any time before the close of the hearing; by submitting oral or written data at the hearing; and by submitting written data to the Administrative Law Judge during the comment period following the hearing. The comment period will be not less than five working days after the public hearing ends. The comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. The written material received during the comment period shall be available for review at the Office of Administrative Hearings. Within three business days after the expiration of the comment period, the Commission and interested persons may response in writing to any new information received during the comment period; however, no additional evidence may be submitted during this three-day period. Any written material or responses submitted must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the final day.

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Proposed Rules

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

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

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

YOU ARE HEREBY ADVISED, pursuant to *Minnesota Statutes* section 14.115, "small business considerations in rulemaking," that the proposed rules will affect small businesses. The rules affect all phone companies in Minnesota. Therefore, they will have an impact on smaller companies which qualify as "small businesses" under *Minnesota Statutes* section 14.115, subd. 1.

The proposed rules will impact companies that file their required periodic expense reports before the deadline for these filings. Instead of being reimbursed within 60 days of their filings as they are now, they will be reimbursed within 60 days of the date their filings are due. The proposed rules may also reduce the compensation some companies are accustomed to receiving because of the ceiling these rules place on reimbursement. Finally, companies may, under these rules, choose to petition the Commission to establish "TAP enrollment charges" to use in determining the maximum reimbursement they can receive for administrative expenses.

The adoption of these rule amendments by the Commission will not require expenditure of public monies by local public bodies nor have a direct impact on agricultural land. Therefore, *Minnesota Statutes* section 14.11 is not applicable to this rulemaking proceeding.

Please be advised that *Minnesota Statutes* ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes* section 10A.01, subd. 11, paragraph (a) as any individual:

(1) Engaged for pay or other consideration, or authorized to spend money by another individual, association, political subdivision, or public higher education system, who spends more than five hours in any month or more than \$250, not including the individual's own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action, or the official action of a metropolitan governmental unit, by communicating or urging others to communicate with public or local officials; or

(2) Who spends more than \$250, not including the individual's own travel expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action, or the official action of a metropolitan governmental unit, by communicating or urging others to communicate with public or local officials.

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

Richard R. Lancaster
Executive Secretary

Rules as Proposed

7817.0100 DEFINITIONS.

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

Subp. 12a. Service order record change charge. "Service order record change charge" means the fee that a telephone company charges to a subscriber for making a change in the subscriber's service.

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

Subp. 13a. TAP enrollment charge. "TAP enrollment charge" means the administrative cost to a telephone company of enrolling each new participant in the telephone assistance program as determined under part 7817.0300, subpart 5.

[For text of subps 14 and 14a, see M.R.]

Subp. 15. Telephone assistance plan or TAP. "Telephone assistance plan" or "TAP" means the plan required by *Minnesota Statutes*, sections 237.69 to 237.72, and set out in this chapter.

[For text of subp 16, see M.R.]

7817.0300 FUNDING.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Use of surcharge revenues and fund.** A telephone company shall remit, under *Minnesota Statutes*, section 403.11, surcharge revenues to the Department of Administration for deposit in the telephone assistance fund. The commission shall use the money in the telephone assistance fund to:

A. reimburse the telephone assistance credits extended by a telephone company ~~and reimburse a telephone company's expenses, not including expenses of collecting the surcharge,~~ within 60 days of receipt of a the deadline for filing the telephone company's report under part 7817.0900 or the date the report is filed, whichever occurs later;

B. reimburse the administrative expenses of the Department of Human Services ~~from January 1, 1988, to June 30, 1989,~~ not to exceed ~~\$90,000~~ the amount specified in *Minnesota Statutes*, section 237.701; and

C. reimburse the administrative expenses of the commission not to exceed ~~\$25,000 annually~~ the amount specified in *Minnesota Statutes*, section 237.701; and

D. reimburse a telephone company's administrative expenses in accordance with subpart 4.

Subp. 4. **Reimbursing telephone company expenses.** The commission shall reimburse telephone company expenses as provided in items A to E.

A. The commission shall reimburse only with money in the telephone assistance fund.

B. The commission shall not reimburse the expenses of collecting the surcharge.

C. The commission shall not reimburse expenses under this subpart unless the telephone company has filed a report that complies with part 7817.0900. The commission shall reimburse the telephone company within 60 days after the deadline for filing its report under part 7817.0900 or the date the report is filed, whichever occurs later.

D. A telephone company with five or more new TAP participants enrolled during the reporting period for which reimbursement is sought must be reimbursed for expenses actually incurred and claimed up to an amount no greater than the number of new participants enrolled during the reporting period times one of the following:

(1) the company's tariffed service order record change charge; or

(2) the company's tariffed TAP enrollment charge determined under subpart 5.

E. A telephone company with fewer than five new TAP participants enrolled during the reporting period for which reimbursement is sought must be reimbursed for expenses actually incurred and claimed up to an amount no greater than five times one of the following:

(1) the company's tariffed service order record change charge; or

(2) the company's tariffed TAP enrollment charge determined under subpart 5.

Subp. 5. **TAP enrollment charge.** A telephone company may petition the commission to establish a TAP enrollment charge for the company, which may differ from the company's service order record change charge. The TAP enrollment charge must be determined according to items A and B.

A. A company's petition to establish a TAP enrollment charge must include financial and cost-study information adequate to support the company's proposed TAP enrollment charge. The commission may accept, modify, or reject the company's petition.

B. A TAP enrollment charge must be based exclusively on the cost of one or more of the following company activities directly related to administering TAP:

(1) responding to customer inquiries regarding TAP;

(2) mailing TAP applications to customers;

(3) changing manual or computerized customer records and billing systems to reflect the addition or removal of a customer's TAP credit;

(4) sending annual notice of TAP to all subscribers;

(5) notifying the Department of Human Services of customers added to or removed from TAP;

(6) removing customers from TAP when declared ineligible by the Department of Human Services;

(7) storing TAP applications;

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Proposed Rules

(8) remitting surcharge revenues to the Department of Administration as required by part 7817.0300, subpart 3; and

(9) reporting to the Public Utilities Commission and Department of Public Service under part 7817.0900, subparts 2 to 4.

Subp. 6. Absence of TAP enrollment service charge. If a telephone company does not have a tariffed TAP enrollment charge when claiming reimbursement for TAP-related expenses, the maximum reimbursement allowed must be based on the company's service order record change charge as provided in subpart 4, item D, subitem (1); or item E, subitem (1).

Transportation Regulation Board

Proposed Permanent Rules Relating to Practice and Procedure

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Transportation Regulation Board intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes* § 174.02.

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

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

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

Mary Swanson
Transportation Regulation Board
254 Livestock Exchange Bldg.
100 Stockyards Road
South St. Paul, MN 55075
(612) 297-4362

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

The rule proposed for adoption relates to the following matters: practice and procedure before the Transportation Regulation Board. A free copy of the rule is available upon request from Mary Swanson.

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

YOU ARE HEREBY ADVISED, pursuant to *Minnesota Statutes* section 14.115 (1988), "Small business considerations in rulemaking," that the proposed rules may affect small business.

The adoption of these rule amendments by the Board will not require expenditure of public monies by local public bodies nor have a direct impact on agricultural land. Therefore, *Minnesota Statutes* section 14.11 (1988) is inapplicable to this rulemaking proceeding.

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

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

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

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

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

Dated: 13 February 1991

Eldon Keehr, Board Member
Transportation Regulation Board

Rules as Proposed (all new material)

8920.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Board.** "Board" means the Minnesota Transportation Regulation Board.

Subp. 3. **Complainant.** "Complainant" means a person who complains formally or informally that (1) a board rule, (2) a general order of the board, or (3) an action or failure to act by the board, whether past, present, or reasonably certain to occur as determined by the board, allegedly violates a law governing the activities of the board or under which the board has jurisdiction or allegedly violates a board rule or order.

Subp. 4. **Intervenor.** "Intervenor" means a person permitted to intervene as a party in a proceeding under this chapter.

Subp. 5. **Motor carrier.** "Motor carrier" has the meaning given it in *Minnesota Statutes*, section 221.011, and includes local cartage carriers.

Subp. 6. **Participant.** "Participant" means a person appearing at a proceeding under part 8920.0800 to present views without becoming a party.

Subp. 7. **Party.** "Party" means a person by or against whom a proceeding before the board is begun, a person permitted to intervene in a proceeding under this chapter, or a person admitted under this chapter as a protestant in a motor carrier proceeding.

Subp. 8. **Person.** "Person" means an individual, organization, corporation, municipal corporation, public corporation, body politic, government agency, association, partnership, receiver, joint venture, trustee at common law, or statutory trust guardian or personal representative.

Subp. 9. **Petitioner.** "Petitioner" means a person who requests board permission, authorization, or approval or notifies the board of a proposed change in a tariff or rate proposal.

Subp. 10. **Presiding officer.** "Presiding officer" means the presiding board member, when appropriate, or the administrative law judge presiding at a hearing.

Subp. 11. **Proceeding.** "Proceeding" means an undertaking of the board, on its own motion or otherwise, formal or informal, by which it seeks to resolve a question or issue presented to it in a complaint, petition, application, or notice of a proposed change in a tariff or other rate proposal.

Subp. 12. **Proof of service.** "Proof of service" means a certificate or affidavit of service stating the facts of service, including the time and manner of service, and identifying the parties served.

Subp. 13. **Protestant.** "Protestant" means a party objecting in a motor carrier proceeding.

Subp. 14. **Respondent.** "Respondent" means one against whom a complaint is filed or against whom an investigation, order to show cause, or other proceeding on board motion is addressed.

Subp. 15. **Service date.** "Service date" means the same as issue date. In the case of an order of the board, it is the date stamped in the upper right hand corner. In the case of a letter or notice, it is the date typed in the upper right hand corner.

Subp. 16. **Staff.** "Staff" means professional or managerial persons employed by the board or assigned by the attorney general or commissioner of transportation to assist the board in a proceeding.

8920.0150 TIME.

Subpart 1. **Computation.** In computing a period of time prescribed by this chapter, the day of the last act, event, or default from

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which the designated period of time begins to run is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or legal holiday.

Subp. 2. **Extra time for service by mail.** When a party has the right or is required to do some act or take some action within a prescribed period after the service of a notice or other paper on the party, or whenever service is required to be made within a prescribed period before a specified event, and the notice or paper is served by mail, three days is added to the prescribed period. In the event an agency chooses to utilize the Central Mailing Section, Publications Division, Department of Administration, four days is added to the prescribed period.

8920.0200 SCOPE AND CONSTRUCTION.

This chapter governs practice and procedure in matters before the board. It is to be liberally construed to secure just, economical, and expeditious determination of the issues presented. This chapter is to be construed by the board in light of its statutory responsibilities and its obligation to act in the public interest. Except as otherwise indicated, this chapter applies to persons subject to the regulatory jurisdiction of the board. A conflict between this chapter and a statute must be resolved according to the statute.

INITIATING A PROCEEDING; FORM

8920.0300 INITIATED BY COMPLAINT, PETITION, OR MOTION.

A proceeding may be initiated by:

- A. a formal or informal complaint alleging a violation of a law, or a rule or requirement made under a power granted by law;
- B. a petition for the granting of a license, permit, franchise, certificate of convenience and necessity, privilege, or authority to grant or withhold that is specifically vested in the board;
- C. a petition for a board order granting relief under or from a law, rule, or requirement made under a power vested by law, or order approving a proposal or other submission required or permitted by law to be made by the board; or
- D. a motion of the board.

8920.0400 TITLE; REFERENCES TO PARTIES.

Subpart 1. **Form.** A person initiating a proceeding is referred to as the complainant if the proceeding is by complaint and is referred to as the petitioner in other cases. A person against whom a complaint is brought is referred to as the respondent. In other proceedings the matter is entitled "In the Matter of", followed by a brief description of the subject matter to which it relates.

Subp. 2. **Effect of error.** No proceeding may be dismissed, impaired, or prejudiced because it is incorrectly entitled, but opportunity must be given to correct the error, giving due consideration to a person who may have been misled by the error.

PARTIES, INTERESTED PERSONS, JOINDER

8920.0500 PARTIES IN GENERAL.

Parties to proceedings are referred to as petitioners, complainants, intervenors, respondents, or protestants according to the nature of the proceeding and the relationship of the parties to it. Parties to a proceeding may present evidence, cross-examine witnesses, and file briefs and exceptions to the administrative law judge's recommended decision. Parties must be notified of scheduling actions relating to the proceedings.

8920.0600 INTERVENORS.

Subpart 1. **Party to proceeding.** A person who becomes a party under this part is referred to as an intervenor.

Subp. 2. **Petition and showing of interest.** Other persons may become parties to the proceeding by leave of the board or administrative law judge on petitioning to intervene under parts 8920.2300 to 8920.2500 and showing that:

- A. the person is specifically deemed by statute to be interested in the particular type of matter involved or is specifically declared by statute to be an interested party to the particular type of proceeding involved; or
- B. by the outcome of the proceeding the person will be bound and affected either favorably or adversely with respect to an asserted interest peculiar to the person as distinguished from an interest common to the public or other taxpayers in general.

Subp. 3. **Department of Transportation.** The Department of Transportation may intervene in a case and become a party to the case while retaining its investigative role.

8920.0700 PROTESTANTS; NOTICE.

Subpart 1. **Party to proceeding.** A person who becomes a party to the proceeding under this part is referred to as a protestant.

Subp. 2. **Notice of intent to protest.** A motor carrier desiring to oppose a motor carrier petition shall file with the board a written notice of intent to protest along with the docket number as published in the board calendar signed by the carrier's attorney, if any, an agent authorized to sign, or partner or officer. The notice of intent to protest must include proof of service of the notice on the petitioner or the petitioner's attorney.

Subp. 3. **Failure to file timely notice.** A motor carrier desiring to participate in the proceeding may be admitted as a party only when it has filed a timely notice of intent to protest as required by *Minnesota Statutes*, section 174A.02, subdivision 4, that is, within 20 days of the notice having been fully given.

Subp. 4. **Notice states grounds, interest.** A notice of intent to protest filed under this part must set forth specifically the grounds on which the protest will be made and must contain a concise statement of the interest of the protestant in the proceeding. The notice of intent to protest must include copies of the operating authority held by the protestant.

Subp. 5. **Failure to appear.** If a timely notice of intent to protest is filed but the protestant, without good cause, fails to appear at the hearing, the presiding officer shall disregard the notice.

Subp. 6. **Petition by nonmotor carriers.** A nonmotor carrier desiring to participate as a party in a motor carrier hearing shall file a formal petition for leave to intervene under parts 8920.2300 to 8920.2500 including proof of service of the petition on the petitioner or the petitioner's attorney.

8920.0800 PARTICIPANTS.

The administrative law judge may hear the views or evidence of a person concerning the subject matter, but no person may become or may be considered to have become a party to the proceeding by reason of that participation in the hearing.

A person may enter an appearance in a proceeding, but no person may become or may be considered to have become a party to the proceeding by reason of having entered an appearance.

8920.0900 JOINDER OF SEVERAL PERSONS IN ONE PLEADING.

Two or more persons may join in one pleading when they desire to make substantially the same allegation, subject to the power of the board to order separate hearings on its own motion or on the motion of a party to the proceeding.

PLEADINGS

8920.1000 TYPES OF PLEADINGS.

The pleadings before the board are informal complaint, formal complaint, answer, reply, petition, notice of intent to protest, petition to intervene and answer to petition to intervene, exceptions and replies to exceptions, and requests for oral argument, as appropriate, including amendments or supplements to them.

8920.1100 FORM OF INFORMAL COMPLAINT.

Subpart 1. **Making informal complaint.** An informal complaint may be made by letter or other writing. In an emergency, a board member or the board staff shall accept an informal complaint by telephone and prepare and file a memorandum concerning the call.

Subp. 2. **Information required.** No form of informal complaint is prescribed, but in substance the informal complaint must:

A. contain the name and address of the complainant and the name of each carrier or other person against whom the complaint is made;

B. state that a *Minnesota statute* or board rule has been violated by the carrier or other person;

C. state when, where, and how the violation occurred; and

D. request affirmative relief.

Subp. 3. **Copies, informing respondents.** Informal complaints must be accompanied by enough copies to enable the board to send one copy to each carrier and other persons named. Informal complaints may be accompanied by supporting affidavits and papers.

8920.1200 RESPONSE TO INFORMAL COMPLAINT.

Responses to informal complaints may be submitted to the board by the named respondents within 20 days of board notification without proof of service on the complainant and without verifications unless the complaint is verified. The board shall ensure that the complainant is notified of the substance of the response.

8920.1300 FILING INFORMAL COMPLAINT.

Informal complaints are assigned numbers on the informal docket in the order of their receipt. Copies of the informal complaint and writings relating to it are filed under the name of the respondent. Matters thus presented, if their nature warrants it, are taken up by correspondence with the persons affected, to try to resolve the complaint without formal hearing.

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8920.1400 FORM OF FORMAL COMPLAINT.

A formal complaint must state the names and addresses of the complainants and respondents without abbreviation, and the names and addresses of complainants' attorneys, if any. Formal complaints are filed as received and assigned numbers on the formal docket. Formal complaints must be served on respondents with proof of service filed with the board.

8920.1500 FORMAL COMPLAINT ALLEGATIONS; JOINDER OF CAUSES.

A formal complaint must be drawn to advise fully and completely the respondents and the board of *Minnesota statutes* or board rules that authorize the complaint and that allegedly have been or are being violated. The complaint must set forth briefly and in plain language the facts claimed to constitute the violation and the relief sought. Two or more grounds of complaint involving the same principle, subject, or statement of facts may be included in one complaint, but must be stated separately and the paragraphs numbered. If violations of two or more sections of *Minnesota Statutes* are alleged, the facts claimed to constitute violations of one section must be stated separately from those facts relating to any other section. To avoid repetition, facts in one allegation may be incorporated by reference in another allegation.

8920.1550 INVESTIGATIVE DATA.

If the commissioner of transportation provides investigative data to the board under *Minnesota Statutes*, section 221.0315, the commissioner must notify the petitioner or carrier.

8920.1600 TARIFF REFERENCE.

Complaints or objections regarding rates, fares, charges, classifications, rules, regulations, or practices must be specific with reference to the approved tariff on file.

8920.1700 PREFERENCE OR PREJUDICE ALLEGED.

If a complainant alleges undue or unreasonable preference or advantage or undue or unreasonable prejudice, disadvantage, or discrimination, in violation of *Minnesota statutes*, then the formal complaint must name the particular person, company, firm, or corporation affected, describe the locality or traffic affected, and specify the statute prohibiting the preference, advantage, prejudice, disadvantage, or discrimination relied on as constituting the violation.

8920.1800 SIGNATURE AND VERIFICATION.

A formal complaint must be personally signed by the complainant or by a person authorized to appear for the complainant under part 8920.3100. In addition, the facts alleged must be verified under oath by a complainant or by a partner, officer, agent, or attorney of the complainant. However, if the verification is made by an agent or attorney, the reason it is not made by a complainant, partner, or officer must be stated.

8920.1900 SUPPLEMENTAL COMPLAINT.

Supplemental complaints setting forth causes of action alleged to have accrued in favor of the complainants and against the respondents since the filing of the original formal complaint may be served by the complainants on the respondents at any time before the date set for hearing on the original complaint and, upon leave granted, may be filed as provided for original complaints. Supplemental complaints must be disposed of in the same proceeding, if practicable.

8920.2000 ANSWER TO FORMAL COMPLAINT.

Subpart 1. **Service.** An answer to a formal complaint must be filed with the board, with proof of service on complainant, within 20 days after the day on which the complaint was served.

Subp. 2. **Form and style.** An answer to a formal complaint must be drawn to advise fully and completely the parties and the board of the nature of the defense, to state that the respondent has granted the relief demanded if that is the case, and admit or deny specifically and in detail each material allegation of the pleading answered. Denial of an alleged discrimination or that an alleged preference or prejudice is undue or unreasonable must state fully the grounds relied upon in making the denial.

Subp. 3. **Signature and verification.** An answer must be signed by the respondent or the respondent's attorney and verified.

8920.2100 REPLY.

If the answer to a complaint alleges the granting of the relief demanded, the complainant shall file with the board a reply admitting or denying the allegation. The reply must be filed within 20 days, with proof of service on the respondent. If the complainant fails to reply, or admits the allegation, the proceeding must be dismissed.

8920.2200 PETITION CONTENTS.

Except as otherwise prescribed by the board or required by statute, a petition must contain the name and address of the petitioner without abbreviation and the name and address of the petitioner's attorney, if any.

A petition must state the facts and the grounds on which relief or authority is sought, the statute or statutes under which the proceeding is brought or that are otherwise applicable, and the relief or authority sought by the petitioner.

The petition must be signed in the same way as a formal complaint, but unless required by the board or by statute the petition need not be verified. Only the original must be filed with the board, but additional copies must be given to the board on request.

8920.2300 PETITION TO INTERVENE.

Subpart 1. **Filed with board.** A person desiring to be made a party to a pending proceeding may petition for leave to intervene. The original petition, six copies, and the proof of service must be filed with the board before the case is assigned to the Office of Administrative Hearings. After assignment to the Office of Administrative Hearings, a petition to intervene may be filed at least ten days before the date set for hearing. A petition to intervene may be filed after that time only for good cause shown.

Subp. 2. **Grounds and interest alleged.** A petition to intervene must allege the grounds for the proposed intervention and the specific interest of the petitioner in the proceeding that qualifies the petitioner as a party under this chapter. The allegations must be reasonably pertinent to the issues involved in the principal pleadings, and must not unduly broaden the issues.

Subp. 3. **Signature.** The petition must be signed and verified in the same way as a formal complaint.

Subp. 4. **Service.** The petition must be served under part 8920.2700 on the parties to the proceeding.

8920.2400 ANSWER TO PETITION TO INTERVENE.

Parties to the proceeding may file answers to petitions to intervene with the board with proof of service on the petitioner in intervention before the hearing, or parties may answer on the record at the opening of the hearing if fewer than ten days have elapsed from the date of service on them of the petition to intervene. If ten days or more have elapsed, the administrative law judge shall grant or deny the petition to intervene and state the reasons. If permission is granted, the petitioner to intervene becomes an intervenor and a party to the proceedings. Answers to petitions to intervene must admit or deny the interest of the petitioner in intervention. If the intervention is objected to by a party to the proceeding, the grounds for the objection must be stated in the answer. The answers need not be verified unless the petition to intervene has been verified. Failure to file an answer to a petition to intervene or to make oral objection to the petition is considered to be consent to the intervention. However, on considering the files and records of the proceeding, the administrative law judge may grant or deny the petition to intervene regardless of whether answers to it have been filed or oral objections made.

8920.2500 SCOPE OF INTERVENOR'S PARTICIPATION.

The participation of a party granted leave to intervene is limited to those matters raised in its petition to intervene, unless for good cause shown on the record the administrative law judge grants an intervenor the right to participate more fully than set forth in the petition to intervene. If there are two or more intervenors with substantially like interests and positions, the administrative law judge, to expedite the hearing, may set appropriate limits on the number of attorneys permitted to cross-examine and to make and argue motions and objections on behalf of the intervenors.

8920.2600 AMENDMENTS.

Subpart 1. **Amendments of pleadings.** Formal complaints, answers to formal complaints, and replies may be amended before the original time for answering or replying has expired, but may be amended after that time only by order of the administrative law judge for good cause shown upon motion and upon notice to the parties to the proceeding.

Amendments to petitions initiating a proceeding that do not enlarge the authority or relief sought or otherwise materially alter the petition, and amendments to notices of intent to protest and petitions to intervene, may be made without leave of the administrative law judge before the day of the hearing. After the hearing begins, the petition, notices of intent to protest, or petitions to intervene may be amended only by order of the administrative law judge for good cause shown upon motion.

Subp. 2. **Answers.** Rules on the form, content, signature, verification, and time of filing of answers to formal complaints and petitions to intervene apply to answers to amended or supplemental complaints and answers to amended petition to intervene.

8920.2700 SERVICE.

When filing a pleading or other document initiating or relating to a proceeding pending before the board, the rules of service in items A to D must be adhered to.

A. Service of documents must be made on other parties in proceedings before the board by deposit in the first class mail with postage prepaid or by delivery in person, unless otherwise ordered by the administrative law judge or unless otherwise specifically provided by law.

B. When a party has appeared by attorney, service on the attorney constitutes service on the party.

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C. The date of service is the day when the document served is deposited in the mail as evidenced by the postmark or is delivered in person, as the case may be, unless otherwise provided by the board or the administrative law judge if the case has been referred to the Office of Administrative Hearings.

D. When a document is served, the person serving the paper shall file with the board or the administrative law judge proof of service, or proof of acceptance of service by the person served or the person's attorney. Proof of service or acceptance must be annexed to the copies of the documents served.

8920.2800 CONTINUANCES AND EXTENSIONS OF TIME.

For good cause shown, continuance and extensions of time may be granted or denied at the discretion of the board or the administrative law judge.

8920.2900 DOCKETS.

Unless otherwise specified in this chapter, an original and six copies of pleadings, briefs, written arguments, notices, written motions, and other papers relating to or affecting the power or jurisdiction of the board or intended for the information of or action by the board must first be filed with the board. The board shall keep a copy as a public record. When a matter within the board's jurisdiction is filed, the board shall enter the matter on the docket and give it a consecutive docket number.

The board shall keep the necessary dockets. The dockets must be open to public inspection, but a person desiring to inspect a record of the board shall first apply to the board.

8920.3000 TRADE SECRET AND PROPRIETARY INFORMATION.

This chapter does not require parties to reveal proprietary information or trade secrets or processes in a document filed with the board under this chapter. When a document is filed with proprietary information or trade secret portions omitted, the person filing the document shall bring the omissions to the attention of the administrative law judge. The administrative law judge may require omitted information to be submitted. If the administrative law judge considers this information to be necessary to the hearing, the information must be protected by protective orders.

8920.3100 HEARINGS.

Subpart 1. **Referral to Office of Administrative Hearings.** The board shall refer a proceeding to the Office of Administrative Hearings for contested case hearing under the procedures in parts 1400.5100 to 1400.8300:

A. when an issue of fact has been joined upon formal complaint by filing proof of service of answer or by failure of respondent to answer;

B. when a hearing is required by law; or

C. in every other case determined by the board to require a contested case hearing.

Subp. 2. **Board determination.** The board may determine a proceeding without a contested case hearing and without referring the proceeding to the Office of Administrative Hearings:

A. when the board determines that there are no material issues of fact to be determined and the pleadings raise only issues of law or policy that can be resolved through briefs;

B. when the parties, through their authorized representatives, waive any right to a contested case hearing;

C. when the parties stipulate, either in writing or oral entry in the record, to all or part of the facts involved in the controversy; or

D. following an uncontested or unopposed proceeding.

Subp. 3. **Waiver of right to testify.** When competent motor carriers object to the grant of a petition but choose not to intervene as protestants within the established time frame, this choice operates to waive the right of these motor carriers to testify at the hearing on the matter.

Subp. 4. **Contested case procedures incorporated.** Parts 1400.5100 to 1400.8300 are incorporated by reference.

Subp. 5. **Record of proceeding.** A written transcript of testimony before the Office of Administrative Hearings may be required if exceptions to findings of fact in a recommended decision are taken under part 8920.3200, subpart 2, or if a hearing is scheduled to last more than one day. The transcript is to be prepared at the expense of the petitioner or complainant and, at the discretion of the board, protestants or respondents.

8920.3200 EXCEPTIONS TO RECOMMENDED DECISIONS AND ORDERS.

Subpart 1. **Decision contents; service.** A recommended decision of an administrative law judge in a contested case hearing must consist of findings of fact, conclusions of law, and recommendation. The decision must be served on the parties to the proceeding by mail.

Subp. 2. **Filing exceptions.** Within 20 days after the service date, which is the issue date, of a recommended decision, a party may file and serve exceptions to the decision and reasons in support of the exceptions. The filing must be postmarked or delivered personally. Since the postmark would be later than the issue date when an order is sent by the board through the Central Mailing Section, four days is added to the prescribed period of 20 days in accordance with part 8920.0150. If an order is mailed without going through the Central Mailing Section, three days is added to the prescribed period in accordance with part 8920.0150. Exceptions that are not filed in a timely fashion must not be accepted or read by the board unless the party, for good cause shown, has applied to the board for an extension of time.

Subp. 3. **Contents of exceptions.** Exceptions to findings of fact or conclusions of law must be specific and must be stated and numbered separately. When exception is taken that a finding of fact is unsupported or contrary to substantial evidence in the record, a corrected finding must be submitted. Specific reference in the transcript supporting the correction to the finding must be submitted in support of the exception.

Subp. 4. **Replies.** A reply to an exception is not required, but may be filed by a party within ten days after service by mail of the exception to which the reply is made. Proof of service of the reply on the parties of record must be filed with the reply.

Subp. 5. **Supporting arguments required.** Exceptions and replies must contain written arguments in support of the position taken by the party filing them.

8920.3300 ORAL ARGUMENT.

If a party adversely affected by a recommended decision requests oral argument before the board when filing exceptions or replies, the board must permit it. Oral arguments are limited to a discussion of legal issues and a restatement of facts in evidence. No new evidence may be received at oral arguments.

8920.3400 UNTIMELY SUBMISSION OF COMMENTS OR LETTERS.

The board shall not consider comments or letters filed in place of oral argument if submitted by parties or intervenors after oral arguments.

8920.3500 PETITION FOR FURTHER HEARING.

Before the board issues a final rewritten decision or order in a proceeding, a party desiring a further hearing may file a petition for further hearing with the board. The petition must clearly set forth the grounds relied on for a further hearing. If the party proposes to produce additional testimony, the testimony must be briefly summarized. No further hearing may be granted if the evidence to be adduced appears to be merely cumulative. The petition must be served on the parties to the proceeding. An adverse party has ten days from the service date of the petition to answer. A reply to an answer is not permitted. The board may grant or deny the petition without a hearing or may set a hearing on the petition.

8920.3600 BOARD'S FINAL DECISIONS AND ORDERS.

Subpart 1. **Contents.** A decision or order must be in writing and set forth findings of fact, conclusions of law, and a statement of reasons necessary to decision.

Subp. 2. **Filed and mailed.** The board shall file its decisions and orders and notify parties to the proceeding of the filing. Copies of the decision or order must be mailed to the parties by first class United States mail.

Subp. 3. **When effective.** A decision or order of the board is effective upon filing and mailing unless the board orders a different date.

8920.3700 PETITIONS FOR FURTHER ACTIONS.

Subpart 1. **Deadline.** Within 20 days from the service date of the board's final decision and order, a party to the proceeding may petition for a rehearing; for an amendment or vacation of the findings of fact, decision, or order; or for reconsideration or reargument.

Subp. 2. **Contents.** A petition for rehearing, vacation, reconsideration, or reargument must specifically set forth the grounds relied upon and clearly state the errors. A petition for an amendment of the findings of fact, decision, or order must contain the desired proposed amendments and must state clearly the reasons for amending.

Subp. 3. **Service.** A petition under this part must be served on the parties to the proceeding. An adverse party has ten days from the service date of the petition to answer. Replies are not permitted.

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. 4. **Board actions.** The board may grant or deny the petition without a hearing or in its discretion set the matter for hearing. Pending the decision of the board on the petition, the board may vacate and set aside the decision or order.

Subp. 5. **Extending time for appeal.** A petition under this part does not extend the time for appeal from a final decision or order unless it is filed within ten days after the filing and mailing of the board's decision or order under *Minnesota Statutes*, section 14.64.

8920.3800 AMENDMENT OF EFFECTIVE DATE.

Petitions to amend an order or decision that seek only a change in the date when the order or decision takes effect, or in the period or date prescribed, must be made by petition reasonably filed and served in a like manner as other petitions under this part and part 8920.3900, except that, if an unforeseen emergency satisfactorily shown by the petitioner requires relief within three days, the relief may be sought informally, by telegram or otherwise, upon notice to the parties to the proceeding.

8920.3900 SECOND PETITION ON SAME GROUND.

A second petition for further hearing, rehearing, amendment, or vacation of a finding of fact, decision or order, reconsideration, or reargument by the same party or parties and on the same grounds as a former petition that has been considered and denied, must not be entertained.

8920.4000 VARIANCE.

Subpart 1. **Conditions justifying.** Upon written application or upon its own motion, the board shall grant a variance to this chapter when it appears to the satisfaction of the board that:

- A. enforcing the rule would impose an excessive burden on the applicant or others affected by the rule;
- B. granting the variance would not adversely affect the public interest; and
- C. granting the variance would not conflict with standards imposed by law.

Subp. 2. **Alternative practices.** A variance granted under subpart 1 may be conditioned upon alternative practices proposed by the applicant or imposed by the board and adapted to the circumstances and facts justifying approval of the variance.

Subp. 3. **Notice.** Within 30 days after receiving an application, the board shall notify the applicant by written order that the variance is granted or denied and the reasons for that decision.

Subp. 4. **Duration; revocation.** A variance may be of limited duration. The board shall revoke a variance if a material change occurs in the circumstances that justified the variance under subpart 1, or if the applicant fails to comply with the specified practices.

Adopted Rules

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

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

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

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

Department of Commerce

Adopted Permanent Rules Relating to Franchise Arbitration

The rule proposed and published at *State Register*, Volume 15, Number 25, pages 1390-1391, December 17, 1990 (15 SR 1390) is adopted as proposed.

Department of Human Services

Adopted Permanent Rules Relating to Family Day Care, Adult Foster Care, and Child Foster Care Licensing Functions of County and Private Agencies

The rules proposed and published at *State Register*, Volume 15, Number 9, pages 474-486 and 521-525, August 27, 1990 (15 SR 474) are adopted with the following modifications:

Rules as Adopted

9543.0040 LICENSE APPLICATION PROCEDURES.

Subpart 1. **Licensure information.** The agency shall provide information on license application procedures to prospective applicants according to items A to ~~C~~ D.

B. The agency shall ~~immediately~~ provide the license application form prescribed by the commissioner to every prospective applicant who requests an application.

C. An agency that requires prospective applicants to attend an informational meeting before receiving a license application form must ensure that meetings take place at least every two months on either a group or individual basis.

D. Upon receiving a completed and signed license application form, the agency shall provide the applicant a copy of the program rules.

Subp. 2. **Licensing study.** The agency shall perform a licensing study of the applicant that includes:

B. a written record of a home study that includes:

(3) when an applicant has been operating a program:

(a) ~~an observation of the program in operation~~ in-home visit to observe compliance with program requirements;

Subp. 3. **Background study.** The agency shall conduct a background study according to items A to ~~C~~ D.

C. If the individual has lived in the county for less than five years, the study under item B shall include records from the previous county or counties of residence for the past five years.

D. When a background study indicates a subject is disqualified under part 9543.3070, the agency shall:

9543.0080 COUNTY INVESTIGATION OF UNLICENSED PROGRAMS.

Subpart 1. **Unlicensed family day care and adult foster care.** When a county agency learns that a family day care or adult foster care program required to be licensed is operating without a license, the county shall, within five working days, notify the operator in writing that a license is required or the program must discontinue operation.

B. If an operator who is eligible for licensure fails to sign an application form within 30 calendar days after notice that a license is required or fails to cooperate in the licensing study, the county agency shall:

(1) ask the county attorney to take legal action to halt the continued operation of the program or obtain misdemeanor prosecution of the operator; and

9543.0100 RECOMMENDING NEGATIVE LICENSING ACTIONS.

Subp. 3. **Revocation or denial of license.** Violations that are grounds for recommending license revocation or denial include, but are not limited to:

B. a disqualification in part 9543.3070, as proposed at 15 State Register 486, August 27, 1990, and as later adopted, or in rules governing the program;

Subp. 6. **Notification of licensee of negative licensing action.** The agency shall give written notice to a license holder when the agency recommends a negative licensing action to the commissioner.

Subp. 7. **Notice to parents of negative licensing action.** The agency shall give written notice of a negative licensing action to the parents or guardians of children in the programs as follows:

Subp. ~~7.~~ 8. **Notice of negative licensing action to county.** If a negative licensing action has been ordered against a child foster care

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Adopted Rules

program that is supervised by a private agency, the private agency shall notify in writing the county agency in which the program is located and any county that has placements in the home.

9543.0120 REPRESENTING THE COMMISSIONER IN CONTESTED CASE PROCEEDINGS.

Subpart 1. **Contested case proceedings.** The county agency shall represent the commissioner in contested case appeals of negative licensing actions involving license holders supervised by the county agency. The county agency shall:

C. within 30 days after receipt of the appeal packet from the department, arrange with the Office of Administrative Hearings for the services of an administrative law judge and a timely date and location for the hearing;

9543.0140 COUNTY CERTIFICATION.

Subp. 9. **Contracting licensing functions.** A county agency must receive prior approval from the commissioner before contracting with an authorized private agency or another county agency to perform licensing functions delegated under part 9543.0030, subpart 1, and remains subject to the certification provisions in part 9543.0140. This subpart does not apply to purchase of service contracts which have as their primary purpose to provide foster care services for individual clients.

EFFECTIVE DATE. Parts 9543.0010 to 9543.0150 and the repealer are effective ~~January~~ + March 29, 1991.

Pollution Control Agency

Adopted Permanent Rules Relating to Household Hazardous Waste

The rules proposed and published at *State Register*, Volume 15, Number 17, pages 951-953, October 22, 1990 (15 SR 951) are adopted with the following modifications:

Rules as Adopted

7035.2535 GENERAL SOLID WASTE MANAGEMENT FACILITY REQUIREMENTS.

Subp. 6. **Household hazardous waste management.** A solid waste management facility operator, not including a transfer facility operator, must develop a plan by June 30, 1992, addressing household hazardous wastes and must include in the plan an explanation of how it will comply with the requirements of items A to C.

B. The facility operator shall participate with the operator's county in education programs or projects which will promote the identification and reduction of household hazardous waste ~~use~~ in the home and which will promote the proper handling and disposal of this waste. Such projects undertaken by the facility operator must be coordinated with county projects whenever possible and literature or other public information must be consistent with the county's household hazardous waste public education programs. In addition to activities conducted in conjunction with the county's program, facility activities ~~may~~ must include:

(2) providing public information to help identify household hazardous waste; ~~or~~ and

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

Subp. 7. **Treatment.** Operators conducting treatment of collected household hazardous wastes are subject to the requirements of items A to C.

B. Treatment methods which do not require approval of the commissioner are bulking of:

(3) motor oil; and

~~When~~ While bulking is being done, the personnel training and safety procedures required in subpart 4 must specifically address how this activity will be conducted.

C. All other methods of waste treatment must be identified in the notification required under subpart 2 and the commissioner's approval obtained for those specific activities before any of those activities are begun. In addition to the information required in subpart 2, the notification must provide the following information:

(2) a statement that individuals conducting treatment must have performed the specific treatment procedure at least once prior to performing that treatment procedure at a household hazardous waste collection site; ~~and~~

(3) a detailed description of the treatment activity and an explanation of how human health and the environment will be protected; and

(4) evidence of liability insurance.

Public Employment Relations Board

Adopted Permanent Rules and Amendments Relating to Arbitration Policies, Issues and Appeals, Meeting Procedures, Code of Ethics, and Independent Review

The rules proposed and published at *State Register*, Volume 15, Number 18, pages 999-1011, October 29, 1990 (15 SR 999) are adopted with the following modifications:

Rules as Adopted

7300.0600 PRESIDING OFFICER; ADMINISTRATIVE LAW JUDGE.

The board may appoint an administrative law judge to hear an appeal. The administrative law judge shall have such authority as the board deems necessary and appropriate to hear the appeal. The administrative law judge must submit to the board recommended findings, conclusion, and order as requested by the board. The final decision must in all cases be made by the board.

7315.1000 PRESIDING OFFICER; ADMINISTRATIVE LAW JUDGE.

The board may appoint an administrative law judge to hear the grievance. The administrative law judge shall have authority as the board deems necessary and appropriate to hear the grievance. The administrative law judge must submit to the board recommended findings, conclusions, and order as requested by the board. The final decision on the grievance shall in all cases be made by the board.

7315.1100 BRIEFS.

~~Upon completion of the hearing,~~ The board may request the parties to submit a ~~post-hearing~~ brief if the written brief will assist the board in making its determination. If briefs are necessary, the board must establish a briefing schedule and notify the parties of the dates for submission of the briefs.

7320.0090 ARBITRATOR CONDUCT, STANDARDS, AND RESPONSIBILITIES.

Subp. 8. **Hearing conduct.** The parties are entitled to a hearing that is conducted in a fair and impartial manner, allowing the parties adequate opportunity to present their respective evidence and argument. The arbitrator is responsible for conducting an orderly proceeding and may:

An accurate record must be developed by the arbitrator. The arbitrator may, with notice to the parties, use a tape recorder to supplement notetaking. Notes, recorded tapes, and other records of the hearing developed by the arbitrator shall remain the property of the arbitrator and must be retained by the arbitrator for 90 days after delivery of a copy of the award to the parties. The provision of an official transcript may be arranged for by either party before the hearing. The transcript must be paid for by the party or parties requesting it. A copy of the official transcript must be submitted at no cost to the arbitrator and made available to the parties, at copying costs.

Subp. 11. **Jurisdiction.** In ruling on a grievance, an arbitrator must comply with the limitations of authority found in a labor agreement. In interest arbitration cases, the arbitrator or arbitration panel has jurisdiction to rule on the ~~issues items~~ or the arbitrability of the ~~issues items~~ certified to impasse by the commissioner of the bureau of mediation services. At any stage of interest or grievance arbitration proceedings, the parties may settle some or all of the ~~issues items in dispute~~. In those circumstances where some but not all of the ~~issues items~~ have been settled, the arbitrator must state in the award those certified ~~issues items~~ which were settled by the parties. The jurisdiction of the arbitrator continues until all ~~issues items~~ certified to impasse have been resolved.

7320.0110 SELECTION RATE OF ARBITRATORS.

Subpart 1. Maintenance of statistical information. The executive director shall maintain reliable data concerning the frequency with which individuals are selected by the parties from panels referred by the board. On an annual basis, the board must review statistics showing the selection rates of its arbitrators, and rank the arbitrators according to their usage by the number of times proposed and the number of times selected.

Subp. 2. Selection rates of arbitrators in lowest quartile. An arbitrator may be removed from the roster if the arbitrator has been in the lowest quartile of the selection rate for the past two consecutive years and was selected for fewer than two cases in the most recent 12-month period.

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Adopted Rules

Subp. 3. Selection rate of newly enpaneled arbitrators. A newly enpaneled arbitrator is not subject to subpart 2 until after the arbitrator has completed four years of service on the arbitrator roster.

7320.0120 REFERRAL ARBITRATION PANELS.

Subp. 5. **Replacements of referral arbitration panels.** The board must replace referral arbitration panels under the following circumstances.

D. A replacement panel must be provided to the parties if the arbitrator selected is unable to render an award.

E. A replacement panel must be provided to the parties when one of the proposed arbitrators on the referral arbitration panel has voluntarily removed their name from the arbitrator roster and one of the parties requests a replacement panel.

7320.0140 CERTIFICATION OF IMPASSE.

Subpart 1. **Contents.** A certification of impasse by the commissioner according to *Minnesota Statutes*, chapter 179A, must contain the following:

C. a determination by the commissioner of the ~~matters~~ items in dispute;

Executive Orders

Executive Order #91-7: Providing for the Establishment of the Governor's Action for Children Commission; Rescinding Executive Order #90-1

I, ARNE H. CARLSON, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

WHEREAS, the future of Minnesota rests on the well-being of our children and families; and

WHEREAS, Minnesota's children and families deserve the best support that we in government, business, education, and the non-profit community can offer; and

WHEREAS, too many of our children are at risk, their basic physical and emotional needs unmet, and their development impaired; and

WHEREAS, children and families benefit most from services that are comprehensive, integrated, client-centered, and community-based; and

WHEREAS, prevention of problems is better than treatment and correction; and

WHEREAS, a fundamental reshaping of services for children and families is long overdue; and,

WHEREAS, a partnership of government, business, education and the non-profit community is urgently needed to develop and implement a comprehensive action plan for Minnesota's children and families;

NOW, THEREFORE, I hereby order that the Governor's Action for Children Commission be established.

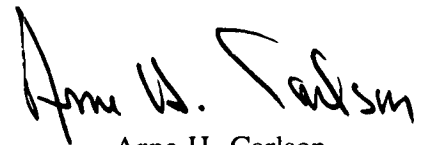
1. The Commission shall advise the Governor on policy issues concerning the well-being of children and families.
2. The Commission shall have up to 25 members, appointed by the Governor. Members shall be persons in leadership positions who have a demonstrated commitment to children and family issues. The Governor or his designee shall chair the Commission and may choose another member to serve as co-chair.
3. The Commission shall develop an aggressive action plan on how parents, government, business, education, the non-profit community, and others will meet the needs of Minnesota's children and families. The Commission shall look at ways to reshape current services. The Commission shall:
 - (a) Create a new vision for Minnesota's children and families;

- (b) Develop and recommend strategies to improve opportunities for all children to reach their full potential;
 - (c) Develop and recommend measures by which to assess yearly progress;
 - (d) Recommend changes in the service delivery system that will provide more effective, higher quality, "user friendly" services to those who need them; and
 - (e) Create and foster a public dialogue to highlight children's needs and the importance of meeting those needs.
4. The Commission shall form working committees of members and non-members to carry out its activities. Working committees shall support the Commission through fact-finding, examining issues, and formulating recommendations for action. Working committees shall be composed of persons with knowledge and familiarity in specific issue areas that relate to the Commission's goals.
 5. The Commission may be staffed by persons on loan from state agencies or other organizations. In addition, the Commission may hire staff. State agencies shall assist the Commission in carrying out its work.
 6. The Commission may solicit funds from private sources to support its work. Funds received by the Commission shall, upon acceptance by the State Treasurer and Commissioner of Finance pursuant to *Minnesota Statutes* 1990, Chapter 7, become the property of the State of Minnesota. Such funds shall be subject to all standard accounting policies and procedures and shall further be subject to all appropriate auditing requirements and mechanisms.
 7. No more than 15 Commission members may be reimbursed for expenses as provided in *Minnesota Statutes* 1990, Section 15.0593.

Executive Order 90-1 is rescinded.

Pursuant to *Minnesota Statutes* 1990, Section 4.035, this Executive Order shall be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until rescinded by the proper authority or it expires in accordance with *Minnesota Statutes* 1990, Section 4.035, Subdivision 3.

IN TESTIMONY WHEREOF, I have set my hand this eighth day of March, 1991.



Arne H. Carlson
Governor

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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.

Executive Council and the State Board of Investment

Official Notice of Meetings of the Executive Council and the State Board of Investment

The Executive Council and State Board of Investment will meet on Friday, March 22, 1991 at 8:30 a.m. in Room 112, State Capitol, Saint Paul, MN.

The Investment Advisory Council will meet on Wednesday, March 20, 1991 at 2:00 p.m. in Conference Rooms "B" and "C", MEA Building, 41 Sherburne Avenue, Saint Paul, MN.

Department of Human Services

Notice of Appointment of an Advisory Committee on Organ and Tissue Transplants and Notices of Meetings of That Committee

NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes* 256B.0629, the Commissioner of Human Services has appointed an Advisory Committee on Organ and Tissue Transplants. The Committee will conduct meetings on Tuesday, February 19 and Tuesday, February 26 from 2:30 to 4:30 p.m. in room 3B of the Department of Human Services office building at 444 Lafayette Road, St. Paul, Minnesota 55155.

The purpose of the meetings is to develop recommendations on coverage of transplant procedures for a report to be submitted to the Legislature and Department of Human Services.

Department of Natural Resources

Minerals Division

Notice of Intent to Solicit Outside Opinions Regarding Proposed Rules Concerning the Leasing of State-owned Lands for Petroleum and Natural Gas

NOTICE IS HEREBY GIVEN that the Minnesota Department of Natural Resources is seeking information and opinions from sources outside the agency in preparing to propose the adoption of rules regarding the leasing of state-owned lands for petroleum and natural gas within the State of Minnesota. Authority to adopt such rules is conferred upon the Commissioner of Natural Resources by *Minnesota Statutes*, Sections 93.08—93.12 and 93.25, subject to the approval of the State Executive Council.

The Minnesota Department of Natural Resources requests information and comments concerning the subject matter of this area of rulemaking. A draft copy of rules for the leasing of state-owned lands for petroleum and natural gas is available for review. Interested or affected persons or groups may submit statements orally or in writing. Written statements and requests for a draft copy of the leasing rules should be addressed to:

Kathy A. Lewis, Attorney
Mineral Leasing Supervisor
Division of Minerals
500 Lafayette Road
St. Paul, MN 55155-4045

~ Oral comments will be accepted between 8:00 and 4:30 p.m. by telephone at 612-296-4807 or in person at the above address.

Comments will be accepted until August 1, 1991. All written material submitted will become part of the written record.

Dated: March 18, 1991

Rodney W. Sando, Commissioner
Department of Natural Resources

Department of Natural Resources

Minerals Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Adoption of Rules Relating to Nonferrous Metallic Mineral Mineland Reclamation

NOTICE IS HEREBY GIVEN that the Minnesota Department of Natural Resources is seeking information or opinions from sources outside the agency in preparing to promulgate rules relating to the reclamation of nonferrous metallic mineral minelands. The promulgation of these rules is authorized by *Minnesota Statutes* section 93.481, subdivision 6, which requires the department to either adopt new rules, or amend existing rules relating to mineland reclamation, before a permit to mine metallic minerals, other than taconite and iron ore, can be issued.

The Minnesota Department of Natural Resources requests information and comments concerning the subject matter of draft rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements, or requests for copies of the draft rules, shall be addressed to:

Julie Jordan
Department of Natural Resources
Division of Minerals
P.O. Box 567
Hibbing, Minnesota 55746

Oral statements will be received during regular business hours over the telephone at (218) 262-6767 and in person at the above address.

All statements of information and comments shall be accepted until May 1, 1991. Any written material received by the Minnesota Department of Natural Resources shall become part of the record in the event that the rules are promulgated.

William C. Brice, Director
Division of Minerals

Pollution Control Agency

Notice of Intent to Issue a General Permit for the Discharge of Treated Wastewater from Ground Water Remedial Action Projects

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA or Agency) intends to issue a General Permit under the provisions of *Minnesota Rules* Part 7001.0210 for discharges from ground water remedial action projects. Comments are solicited regarding Draft National Pollutant Discharge Elimination System (NPDES) State Disposal System (SDS) General Permit No. MN G790000. Comments should be submitted in writing in accordance with the attached public notice.

Public Notice for the National Pollutant Discharge Elimination System (NPDES) and State Disposal System (SDS) Permit Program

(Section 403, Clean Water Act, as amended, *Minnesota Statutes* Chapters 115 and 116, as amended, and *Minnesota Rules* Chapter 7001)

Draft NPDES and SDS General Permit to construct treatment facilities, disposal systems and/or to discharge water from ground water remedial action projects into Waters of the State.

Public Notice Issued On: March 18, 1991

Last Day to Submit Comments: April 16, 1991

Name and Address of Applicant:
Facilities in Minnesota using discharge to surface water or on-site disposal as part of ground water remediation.

Name and Location of Facility:
Any location in Minnesota where such activities are being conducted.

Receiving Water: Surface waters of the state except for Outstanding Resource Value Waters (ORVW) protected pursuant to *Minnesota Rules* pt. 7050.0180 and designated trout waters, and/or indirectly to state ground waters through land application.

The MPCA proposes to issue an NPDES/SDS General Permit to cover facilities proposing to discharge treated wastewater from ground water remediation projects to waters of the state. The general permit will be used by the Minnesota Pollution Control Agency (MPCA) for a term of approximately five years.

Official Notices

The draft general permit, fact sheet, and other documents are available for inspection and may be copied any time between 9:30 a.m. and 3:30 p.m., Monday through Friday. Copies of the public notice and fact sheet are available at the address shown below. If you have any questions regarding the draft general permit or would like to receive a copy of the draft general permit or fact sheet, please contact Peter Sandberg at (612) 296-7307.

The authority to develop and issue a general permit is based on the 1979 EPA promulgated revisions to the NPDES program regulations, which created a class of permits called general permits. The general permits are issued under 40 CFR 122.28 and *Minnesota Rules* pt. 7001.0210. General permits can be issued in NPDES approved States if the approved state program includes general permit authority. The General Permit Program of the Minnesota Pollution Control Agency was approved by EPA on December 15, 1987.

This general permit is being proposed as a mechanism to regulate the extraction of petroleum contaminated groundwater, which is found to be a threat to public welfare and the environment. The Division of Water Quality currently has many requests for authorization to discharge petroleum contaminated groundwater. It is important these requests be addressed without delay due to the need to initiate remediation as soon as possible in order to prevent the possible spread of contaminant plumes in groundwater. This general permit will allow cleanup actions at contaminated sites to begin without the delays of individual permit issuance procedures. This general permit will potentially cover more than 50 sites.

This permit regulates the discharge of groundwater contaminated with petroleum products. A general permit will only be issued in cases where:

- a) the discharge contains and/or is being treated for petroleum contamination
- b) the discharge is less than or equal to 50 gallons per minute
- c) the discharge is not to an Outstanding Resource Value Water or designated trout water
- d) the Commissioner determines that the discharge of the extracted water will not have significant impacts on the receiving waters
- e) the discharge would not violate surface water quality standards or groundwater quality standards

This NPDES/SDS general permit establishes effluent limitations, monitoring requirements, and other conditions on facilities which discharge treated groundwater incidental to the groundwater cleanup operations which have been contaminated by petroleum products. General conditions, which are a part of all NPDES/SDS permits, are included as PART II of this permit.

Treatment or disposal systems which might be used to enable the effluent to meet discharge limitations include air stripping, carbon absorption, spray irrigation, oil-water separation, heat stripping, biological degradation, oxidation, reverse osmosis, ion exchange and other methods that have been approved by the Agency.

On the basis of preliminary MPCA staff review and application of applicable standards and regulations, the Commissioner has made a preliminary determination that a general permit should be issued for construction of treatment and disposal systems and discharge from these facilities subject to certain effluent limitations and special conditions.

The Commissioner's determination that the general permit should be issued is tentative. Interested persons are invited to submit written comments upon the proposed permit action. The comment period begins and ends as indicated on page one of this Notice. Any comments received no later than the last day of the comment period will be considered in the formulation of final determinations.

Any comments submitted are required by *Minnesota Rules* Part 7001.0110 to include the following information:

1. a statement of the person's interest in the draft general permit;
2. a statement of the action the person wishes the Agency to take, including specific references to sections of the draft general permit that the person believes should be changed; and
3. the reasons supporting the person's position, stated with sufficient specificity as to allow the Commissioner to investigate the merits of the person's position.

During the comment period, any person may submit a request for a public informational meeting or a contested case hearing on the proposed permit action. A public informational meeting is an informal meeting which the Agency may hold to help clarify and resolve issues. A contested case hearing is a formal proceeding before a state Administrative Law Judge.

Any request for a public informational meeting or a contested case hearing must include the items 1 through 3 listed above and also a statement of the reasons the person desires the Agency to hold a public informational meeting or contested case hearing and the issues that the person would like the Agency to address at the public informational meeting or contested case hearing.

In the absence of any requests for a public informational meeting or contested case hearing, the final decision of the proposed permit action will be made by the Director of the Division of Water Quality under a delegation made by the Minnesota Pollution Control Agency Board. However, any person may request that this permit be considered by the Agency Board prior to final permit action. Such requests must be made in accordance with *Minnesota Rules* pt. 7000.0500, subp. 6.

Comments or requests should be submitted in person or by mail within the comment period to:

Industrial Section
Water Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, Minnesota 55155

Please be advised that the public is entitled to participate in the activities of both the Minnesota Pollution Agency Board and the Commissioner in accordance with the provisions of *Minnesota Rules* pts. 7000.1500 and 7000.1600. The general permit will be issued if the Agency determines that the proposed permittees will, with respect to the facility or activity to be permitted, comply or undertake a schedule of compliance to achieve compliance with all applicable state and federal pollution control statutes and rules administered by the Agency and the conditions of the general permit, and that all applicable requirements of *Minnesota Statutes* Chapter 116D and the rules promulgated thereunder have been fulfilled.

Pursuant to the waiver provisions authorized by 40 CFR Part 123.23, this draft general permit is within the class, type and size for which the Regional Administrator, U.S. Environmental Protection Agency, Region V, has waived his right to review, object or comment on this proposed permit action.

Please bring the foregoing to the attention of persons whom you know would be interested in this matter.

Minnesota Pollution Control Agency

Division of Hazardous Waste

Notice of Intent to Solicit Outside Information Regarding Proposed Rule Governing Priorities for Response Action

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (Agency) is seeking information or opinions from outside sources in preparing to propose the adoption of rules establishing priorities for responding to sites in the state that have been found to be contaminated with lead. The adoption of the rules is authorized by *Minnesota Statutes* § 116.53, subd. 2 (1990) which requires the Agency to adopt rules establishing the priority for response actions considering the potential for children's contact with the soil and existing level of lead in the soil, the risk to public health, size of the population at risk and blood lead levels of resident populations.

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

Placida Venegas
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
Telephone: 612/643-3474

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

All statements of information and opinion will be accepted until April 24, 1990. Any written materials received by the Agency shall become part of the rulemaking record in the event that the rules are adopted.

Charles W. Williams
Commissioner

Office of the Secretary of State

Notice of Vacancies in Multi-Member Agencies

NOTICE IS HEREBY GIVEN to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, St. Paul, MN 55155-1299; (612) 297-5845, or in person at Room 174 of the State Office Building. More specific information about these vacancies may be obtained from the agencies listed below. The application deadline is April 9, 1991.

Official Notices

Speech-Language Pathologist and Audiologist Advisory Council

717 S.E. Delaware St., Minneapolis 55414. 612-623-5000

Minnesota Statutes 214.13

APPOINTING AUTHORITY: Commissioner of Health. **COMPENSATION:** \$55. per diem plus expenses.

VACANCY: Seven members: please see description of this new council for membership qualifications.

The council advises the commissioner of Health on matters related to the registration and regulation of speech-language pathologists and audiologists including: registration standards; enforcement of the registration rules; and continuing education. The council consists of seven members including: two public members (as defined by *Minnesota Statutes* 214.02) each who is either receiving the services of a speech-language pathologist or audiologist or is a family member of or caregiver for such a person; two speech-language pathologists registered or eligible for registration under *Minnesota Rules* 4750.0010-4750.0700, both currently, and one who has been for five years immediately preceding appointment, engaged in the practice of speech-language pathology in Minnesota; one speech-language pathologist registered or eligible for registration who is currently and has been for the five years immediately preceding appointment employed by a Minnesota public school district or consortium authorized by *Minnesota Statutes* and is licensed in communication disorders by the Minnesota Board of Teaching; and two audiologists registered or eligible for registration under *Minnesota Rules* 4750.0010-4750.0700, both currently, and one who has been for the five years preceding appointment, engaged in the practice of audiology in Minnesota. Monthly four-hour meetings for the first six months after creation; quarterly thereafter. Meetings take place at the MN Department of Health.

Medical Services Review Board

Dept. of Labor and Industry, Rehabilitation & Medical Affairs, 443 Lafayette Rd., St. Paul 55155. 612-296-8213

Minnesota Statutes 176.103

APPOINTING AUTHORITY: Commissioner of Labor and Industry. **COMPENSATION:** \$55 per diem plus expenses.

VACANCY: Two member alternates: medical background with experience in workers compensation.

The board advises on medical matters relating to workers compensation and hears appeals under Chapter 14. Members include two chiropractic members, one hospital administration member, six physician members, one employee member, one employer member, and one public member plus eight alternates. The commissioner or his designee serves as an ex-officio member. Members must file with the Ethical Practices Board.

Minnesota Board on Aging

4th Floor, Human Services Bldg., 444 Lafayette Road, St. Paul 55155-3843. 612-296-2770

Minnesota Statutes 256.975

APPOINTING AUTHORITY: Governor. **COMPENSATION:** \$55 per diem plus expenses.

VACANCY: One member.

The board develops, coordinates, evaluates, and administers federal and state funds for programs for the aging; makes grants to 14 area agencies on aging and non-profit agencies; serves as advocate for older persons. The board consists of twenty-five members including at least one member from each congressional district. Monthly meetings. Members must file with the Ethical Practices Board.

Advisory Council on Workers' Compensation

Dept. of Labor and Industry, 443 Lafayette Rd., St. Paul 55155. 612-296-6889

Minnesota Statutes 175.007

APPOINTING AUTHORITY: Commissioner of Labor and Industry. **COMPENSATION:** \$55 per diem plus expenses.

VACANCY: One employer member.

The council studies workers compensation law and its administration and recommends changes where appropriate. Members include five representatives of employers, five representatives of employees, five non-voting public members and two recipients of workers' compensation benefits under Chapter 176 and the chairs of the Rehabilitation Review Panel and the Medical Services Review Board. Monthly meetings. The council is not subject to Section 15.059, subdivision 5.

State Health Advisory Task Force

717 S.E. Delaware St., Mpls. 55414. 612-623-5000

Minnesota Statutes 144.011

APPOINTING AUTHORITY: Commissioner of Health. **COMPENSATION:** Expenses.

VACANCY: Fifteen members: please see the description of this new advisory task force.

The task force advises the commissioner of Health on policy development issues within the jurisdiction of the State Department of Health. The task force consists of fifteen members; membership will be broadly representative of licensed health professions.

government, and will include the public, business, and labor. Meeting schedule—no more than quarterly; locations undetermined at this time.

Real Estate Appraiser Advisory Board

Dept. of Commerce, 133 E. 7th St., St. Paul 55101. 612-297-4630
Minnesota Statutes 82B.05

APPOINTING AUTHORITY: Commissioner of Commerce. COMPENSATION: \$35 per diem plus expenses.

VACANCY: One member: a consumer of appraisal services.

The advisory board makes recommendations to the commissioner as to rules regarding pre-licensing and continuing education, license examination specifications, periodic review of standards for development and communication of real estate appraisals, and other matters necessary under statute. The board consists of fifteen members, including eight licensed real estate appraisers, two of whom are to be Level Two, four consumers of appraisal services, and three members from the public. Meetings will be held at least quarterly, location not established.

Consumer Advisory Council on Vocational Rehabilitation

390 N. Robert, 5th Floor, St. Paul 55101. 612-296-1822
Minnesota Statutes 129A.02

APPOINTING AUTHORITY: Commissioner of Jobs and Training. COMPENSATION: \$55 per diem.

VACANCY: One member: please see description of this advisory council.

The council advises the assistant commissioner of vocational rehabilitation on policy matters relating to vocational rehabilitation services. The council consists of a maximum of thirteen members, the majority shall be persons with a disability, current or former recipients of vocational rehabilitation services or who represent consumer/advocacy groups serving vocational rehabilitation clients. If qualified persons are available, one member is appointed from each of the following: business, labor, education, medicine, and private not for profit rehabilitation industry. Monthly meetings.

Minnesota State Retirement System**Board of Directors, Regular Meeting**

A regular meeting of the Board of Directors, Minnesota State Retirement System, will be held on Friday, March 22, 1991 at 9:00 a.m. in the office of the System, 529 Jackson Street, St. Paul, Minnesota.

Board of Water and Soil Resources**Notice of Regular Monthly Meeting**

The Board of Water and Soil Resources will hold their regularly scheduled monthly meeting on Wednesday, March 27, 1991 at the Department of Natural Resources Building, 6th floor conference room, 500 Lafayette Road, St. Paul, Minnesota. The meeting will begin 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: Trailer and skid mounted air compressor
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: March 22
Agency: Transportation Department
Deliver to: Various
Requisition #: 79382-02209

Commodity: Furnish and install detention screen and windows
Contact: Pamela Anderson 296-1053
Bid due date at 2pm: March 25
Agency: Human Services Department
Deliver to: Brainerd
Requisition #: 55304-08799

Commodity: Plotter supplies—versatec 3444
Contact: Ann Wefald 296-2546
Bid due date at 2pm: March 25
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Mail room furniture
Contact: John Bauer 296-2621
Bid due date at 4:30pm: March 22
Agency: Community College Board
Deliver to: St. Paul
Requisition #: 27138-52330

Commodity: Mobile light tower
Contact: Mary Jo Bruski 296-3772
Bid due date at 4:30pm: March 25
Agency: Transportation Department
Deliver to: Golden Valley
Requisition #: 79382-02205

Commodity: Point of sale system
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: March 26
Agency: Natural Resources Department
Deliver to: Various
Requisition #: 29000-55910

Commodity: Reader/printer
Contact: John Bauer 296-2621
Bid due date at 4:30pm: March 22
Agency: Community College
Deliver to: Fergus Falls
Requisition #: 27142-49149-01

Commodity: Buoy and Accessories
Contact: Mary Jo Bruski 296-3772
Bid due date at 4:30pm: March 25
Agency: Natural Resources Department
Deliver to: St. Paul
Requisition #: 29000-55849

Commodity: LEM system furniture
Contact: John Bauer 296-2621
Bid due date at 2pm: March 26
Agency: Administration Department—Building Construction Division
Deliver to: Brainerd
Requisition #: 02310-19061

Commodity: Refinish bathtubs (reporcelaining)
Contact: Pamela Anderson 296-1053
Bid due date at 4:30pm: March 22
Agency: Minnesota Academy for the Deaf
Deliver to: Faribault
Requisition #: 37001-10946

Commodity: Dishwasher
Contact: Joan Breisler 296-9071
Bid due date at 4:30pm: March 25
Agency: Natural Resources Department
Deliver to: Lake Itasca
Requisition #: 29001-17832

Commodity: LEM system furniture
Contact: John Bauer 296-2621
Bid due date at 2pm: March 26
Agency: Administration Department—Building Construction Division
Deliver to: Brainerd
Requisition #: 02310-19059

Commodity: 72" Rotary mower
Contact: Mary Jo Bruski 296-3772
Bid due date at 4:30pm: March 22
Agency: Natural Resources Department
Deliver to: Rochester
Requisition #: 29000-55826

Commodity: Ford E-350 Van
Contact: Brenda Thielen 296-9075
Bid due date at 2pm: March 25
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79382-02201

Commodity: Tables
Contact: John Bauer 296-2621
Bid due date at 4:30pm: March 26
Agency: Community College
Deliver to: Brainerd
Requisition #: 02310-19062

Commodity: Chairs
Contact: John Bauer 296-2621
Bid due date at 4:30pm: March 26
Agency: Administration Department—
InterTechnologies Group
Deliver to: St. Paul
Requisition #: 02410-12036

Commodity: Drafting supplies
Contact: John Bauer 296-2621
Bid due date at 4:30pm: March 26
Agency: Transportation Department
Deliver to: Various
Requisition #: 79000-14103

Commodity: Copier rental
Contact: John Bauer 296-2621
Bid due date at 2pm: March 26
Agency: Transportation Department
Deliver to: Rochester
Requisition #: 79600-04342

Commodity: Bituminous materials
Contact: Dale Meyer 296-3773
Bid due date at 2pm: April 2
Agency: Transportation Department
Deliver to: Various
Requisition #: Price Contract

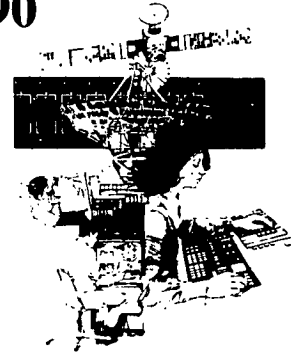
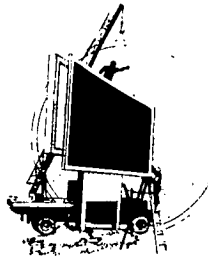
PLEASE NOTE: As of deadline for this issue of the *State Register*, no new printing contracts were received.

Minnesota Manufacturer's Directory 1989-90



UPDATED: Name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2, \$78.50.

NEW: In the directory this year are two titles (where applicable) Chief Engineer and Data Processing Manager.



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.

MAILING LISTS GALORE

Successful business means successful sales

The Minnesota Documents Division has a variety of mailing lists of licensed professionals and permit holders that will enable you to focus your marketing efforts on a targeted audience.

Types of lists available are: registered nurses, real estate agents, physicians, insurance agents, boatowners, hunters, cosmetologists, teachers, and many more! And you can get them on printouts, cheshire/pressure sensitive labels, as well as 9-track magnetic tapes.

What's more, you can choose from several selection capabilities. You will find our selections most helpful and beneficial to your business when you learn that you can acquire names and addresses of individuals in the areas you need to target most.

Find out more about our mailing lists by writing for our free mailing list catalog. In a hurry? Call (612) 297-2552 for more information. Requests can be sent to: Minnesota Documents Division, Mailing List Operation, 117 University Avenue, St. Paul, MN 55155. 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.

Department of Corrections

MCF-Oak Park Heights Correctional Facility

Notice of Request for Proposals for Providing Education Services, Employee Physicals, Food Services, Inmate Medical Services, Orthopedic Medical Services

Notice of Request for Proposals for Providing Education Services

NOTICE IS HEREBY GIVEN that the Minnesota Correctional Facility-Oak Park Heights, is requesting proposals for the professional delivery of education services to the inmates at MCF-Oak Park Heights for the period of July 1, 1991 through June 30, 1993. The estimated cost will not exceed \$658,000 for the two year contract period. The proposals must be submitted by 4:30 p.m., April 15, 1991 to: Erik Skon, Resident Program Manager. Please contact Mr. Skon at (612) 779-1491, if interested or for additional information.

Notice of Request for Proposals for Providing Employee Physicals

NOTICE IS HEREBY GIVEN that the Minnesota Correctional Facility-Oak Park Heights and Minnesota Correctional Facility-Stillwater are requesting proposals for providing employee physical examinations to prospective and existing employees. The contract period will run from July 1, 1991 through June 30, 1993. The estimated cost for MCF-Oak Park Heights is \$6,000 for the period from July 1, 1991 through June 30, 1992; \$6,000 for the period from July 1, 1992 through June 30, 1993. The estimated cost for MCF-Stillwater is \$9,000 for the period from July 1, 1991 through June 30, 1992; and \$9,000 for the period from July 1, 1992 through June 30, 1993. Specific details on the purpose and scope of these physicals examinations can be obtained by calling Leanne Phinney, MCF-Oak Park Heights, Personnel Director, at (612) 779-1314. The proposals must be submitted by 4:30 p.m. on April 15, 1991. Send the proposals to Leanne Phinney, MCF-OPH, Box 10, Stillwater, MN 55082.

Notice of Request for Proposals for Providing Food Services

NOTICE IS HEREBY GIVEN that the Minnesota Correctional Facility-Oak Park Heights, is requesting proposals for the professional management of our Food Service activity for the period of July 1, 1991 through June 30, 1993. The estimated cost will not exceed \$491,000 for the two-year contract period. This proposal shall include all civilian personnel to operate the service. The proposals must be submitted by 4:30 p.m., April 15, 1991, to: Dennis Benson, Associate Warden of Administration. Please contact Mr. Benson at (612) 779-1461, if interested.

Notice of Request for Proposals for Providing Inmate Medical Services

NOTICE IS HEREBY GIVEN that the Minnesota Correctional Facility-Oak Park Heights is requesting proposals for providing emergency room services, ambulance service, and specialized clinical services to inmates. The contract period will run from July 1, 1991 through June 30, 1993. The estimated cost is \$20,000 for the period from July 1, 1991 through June 30, 1992; and \$20,000 for the period from July 1, 1992 through June 30, 1993. Specific details on the purpose and scope of these medical services can be obtained by calling Ken Carlson, MCF-Oak Park Heights, Health Services Director, at (612) 779-1436. The proposals must be submitted by 4:30 p.m. on April 15, 1991. Send the proposals to: Ken Carlson, MCF-OPH, Box 10, Stillwater, MN 55082.

Notice of Request for Proposals for Providing Orthopedic Medical Services

NOTICE IS HEREBY GIVEN that the Minnesota Correctional Facility-Oak Park Heights is requesting proposals for providing orthopedic medical services to inmates. The contract period will run July 1, 1991 through June 30, 1993. The estimated cost is \$20,000 for the period from July 1, 1991 through June 30, 1992; and \$20,000 for the period from July 1, 1992 through June 30, 1993. Specific details on the purpose and scope of these services can be obtained by calling Ken Carlson, MCF-Oak Park Heights Health Services Director, at (612) 779-1436. The proposal must be submitted by 4:30 p.m. on April 15, 1991. Send the proposals to: Ken Carlson, MCF-Oak Park Heights, Box 10, Stillwater, MN 55082.

Department of Corrections

Health Services Unit

Notice of Request for Proposals for Services at Various State Correctional Facilities of an Ophthalmologist, Optometrist, Psychiatric Consultant, Dietician, Physical Therapist, Lab X-Ray Tech, Radiologist, Pharmacist, Primary Care Physician and Medical Director

Ophthalmologist

NOTICE IS HEREBY GIVEN to request proposals to provide the services of an Ophthalmologist who will visit Minnesota Correctional Facilities Stillwater and Oak Park Heights. The Ophthalmologist will coordinate tertiary eye care for inmates and advise on continued and future ophthalmological services and equipment. Proposals should cover the period of July 1, 1991 through June 30, 1993.

Optometrist

NOTICE IS HEREBY GIVEN that the Minnesota Department of Corrections is seeking the service of an optometrist to perform refractions and provide consultations at the Minnesota Correctional Facility—St. Cloud an average of five, two hour sessions per month. The actual hours worked are to be mutually agreed upon between the Superintendent and the Consultant. Proposals should cover the period of July 1, 1991 through June 30, 1993.

Psychiatric Services

NOTICE IS HEREBY GIVEN to request proposals to provide psychiatric consultation services to Minnesota Correctional Facilities—Stillwater, Lino Lakes, Shakopee, St. Cloud, Oak Park Heights, and at the Department of Corrections Mental Health Unit. Services include initial psychiatric evaluation, prescription of psychotropic medications, evaluate/certify mental illness for emergency holds and judicial commitment. Proposals should cover the period of July 1, 1991 through June 30, 1993.

Dietician

NOTICE IS HEREBY GIVEN to request proposals to provide the services of a dietician to provide dietary consultation and to insure that inmates at the Minnesota Correctional Facilities—Stillwater, Oak Park Heights, Lino Lakes, St. Cloud, and Shakopee receive nutritional, well balanced meals and that those who require special diets receive them as prescribed. Proposals should cover the period of July 1, 1991 through June 30, 1993.

Physical Therapist

NOTICE IS HEREBY GIVEN to request proposals to provide Physical Therapy services at Minnesota Correctional Facilities—Stillwater, and Oak Park Heights. Treatments provided on-site, thirty two per month. And are limited by the equipment and space available. Proposals should cover the period of July 1, 1991 through June 30, 1993.

Lab/X-Ray Tech

NOTICE IS HEREBY GIVEN to request proposals to carry out all laboratory procedures, take and develop x-rays, perform EKG's as directed by the medical staff. These services are to be performed at the Minnesota Correctional Facility Lino Lakes. Maintain a bacteriological and environmental control systems. Assist with the selection, installation and maintenance of laboratory and x-ray equipment. Consultant shall make three visits per week as scheduled by the Nursing Supervisor. Proposals should cover the period of July 1, 1991 through June 30, 1993.

Radiologist

NOTICE IS HEREBY GIVEN to request proposals to provide the services of a Radiologist to provide full radiological services by making twelve (12) visits per month for a total of one hundred and fifty six visits (156) visits per year at times mutually agreeable to the State and consultant. A visit will last four hours. The radiologist will read, record, and insure proper documentation of all x-rays taken at MCF-STW, MCF-OPH, MCF-SCL and MCF-LL. Proposals should cover the period of July 1, 1991 through June 30, 1993.

Pharmacy Services

NOTICE IS HEREBY GIVEN that the Minnesota Department of Corrections is seeking the services of an on-site licensed Pharmacists at Minnesota Correctional Facilities—Stillwater, Oak Park Heights, Lino Lakes, St. Cloud, Faribault, and Shakopee. Services include filling physician prescriptions, complying with MN. Board of Pharmacy requirements, and institution policy and procedures, and participation other related health services activities. Proposals should cover the period of July 1, 1991 through June 30, 1993.

Professional, Technical & Consulting Contracts

Primary Care Physician Services

NOTICE IS HEREBY GIVEN that the Minnesota Department of Corrections is seeking the services of primary care physicians at Minnesota Correctional Facilities—Stillwater, Oak Park Heights, St. Cloud, Lino Lakes, Shakopee, Faribault, and Willow River/Moose Lake. Proposals should cover the period of July 1, 1991 through June 30, 1993.

Medical Director

The Minnesota Department of Corrections is seeking proposals for a Medical Director. The Medical Director is a part-time contract consultant who will provide medical input into all facets of the delivery of Health Services. He/She will advise the Department's Health Care Administrator as necessary regarding the delivery of services to this population.

Duties and Responsibilities

- Provide medical case management of all referral services for the Department of Corrections.
- Review and recommend changes of medical policies and procedures.
- Attend bi-annual meetings with Department of Corrections contract physicians.
- Conduct on-site visits as deemed mutually necessary.

Special Requirements

- Maintains a current license to practice medicine in the State of Minnesota.
- Maintains a current (DEA) Drug Enforcement Administration registration number.
- Completion of residency in a specialty such as family practice or internal medicine which is geared toward board certification eligibility.

For additional information, contact:

Dana P. Baumgartner, Health Care Administrator
Department of Corrections
300 Bigelow Building
450 N. Syndicate Street
St. Paul, Minnesota 55104
Phone: (612) 642-0248

Proposals for the above contract must be submitted no later than April 1, 1991.

Department of Health

Division of Community Health Services

Request for Proposals for Conference Planning Services

The Minnesota Department of Health, Division of Community Health Services is releasing a Request for Proposals for conference planning services for the 1992 Community Health Conference. The services will include planning, administering, and evaluating a two-day conference aimed at state and local public health officials. The Conference is scheduled for October 14-16, 1992 at the Madden's facility in Brainerd and attracts 400 participants.

Responsibilities include staffing a planning committee, developing program content and securing presenters, making all physical arrangements with the hosting facility, conducting and overseeing the registration process, insuring that conference support services run smoothly, developing and mailing all written materials and correspondence, maintaining records of all income and expenses associated with the conference, developing an evaluation process, and submitting a final report. The contract with the Health Department will be from January 1, 1992 to December 31, 1992. Contract costs shall not exceed \$10,000.

The application deadline for responding to the RFP is August 30, 1991. Interested bidders may obtain a complete copy of the RFP by writing or calling:

Bill Brand
Minnesota Department of Health
717 SE Delaware Street
P.O. Box 9441
Minneapolis, MN 55440
612/623-5609

Department of Human Services

Health Care Programs Division

Notice of Availability of Health Care Consultation Contracts

The Department of Human Services (DHS) intends to issue consultant contracts for the purpose of providing professional advice and recommendations in the administration of the Medical Assistance (MA) and General Assistance Medical Care (GAMC) Programs. All physicians must be Board Certified or Board eligible within their respective specialties. Medical specialty areas being sought are:

Adult Psychiatry (2), Surgery, Internal Medicine, Physical Medicine, Child Psychiatry, Ophthalmology, Otorhinolaryngology, Orthopedics, Obstetrics and Gynecology, Family Practice (3), Pediatrics (2), Plastic Surgery, Neurosurgery, Radiology, Oral Surgery, Pulmonary with home care and pediatric focus, Dermatology, Gastroenterology, Hematology, Pathology, Osteopath, Emergency Medicine, Endocrinology, Anesthesiology, Allergy, and Cardiology.

DHS intends to issue consultant contracts to the following specialties for professional advice and recommendations in the administration of the Health Care Programs:

- A Licensed Consulting Child Psychologist
- A Licensed Consulting Adult Psychologist
- A Doctor of Chiropractic Medicine
- A Dentist specialized in orthodontics
- A Certified Audiologist
- Two (2) Certified Registered Physical Therapists
- A Certified Speech-Language Pathologist
- A Registered Dietician
- A Licensed Respiratory Therapist
- A Licensed Prosthetist
- A Licensed Enterostomal Nurse
- A Registered Pediatric Nurse Practitioner
- A Licensed Occupational Therapist
- A Certified Laboratory Technician
- A Licensed Optometrist
- A Registered Pharmacist with geriatric focus
- A Registered Pharmacist with infectious disease focus
- A Licensed Pharmacy Technician
- A Registered Nurse Practitioner with Endocrinology focus
- A Licensed Podiatrist
- A Certified Registered Nurse Anesthetist

All contracts will be awarded to candidates based on their recent experience, education, achievements, professional standing and the Department's need for types of specialists. DHS shall make the final selection of consultants and issue contracts of varying amount of time and money for the period of July 1, 1991 through June 30, 1993 with an option of up to a two year renewal to June 30, 1995.

Interested parties should submit resumes or direct inquiries by May 1, 1991 to:

Mary Bruns, Supervisor	444 Lafayette Road
Health Care Benefits Administration	Saint Paul, MN 55155-3853
Health Care Operations Section	Phone: 612-297-2022
Department of Human Services	Fax: 612-297-3230

Department of Human Services

Health Care Programs Division

Notice of Request for Proposal for Prepaid Health Plans

The Department of Human Services is seeking proposals from prepaid health plans to provide health care services to General Assistance Medical Care (GAMC) recipients in Hennepin County. The existing GAMC prepaid health plan contractors in Hennepin

Professional, Technical & Consulting Contracts

County will be required to submit a modified version of the proposal. Prepaid health plans must be organized to provide all GAMC covered services and must be able to accept financial risk. Capitation rates will be set by the department in consultation with an independent actuary. Contracts will be awarded based on: (1) geographic accessibility of service delivery sites; (2) ability to provide service to the entire range of the GAMC population; (3) financial and risk capability; and (4) ability to meet quality assurance, complaint and appeal and service delivery standards. The commissioner reserves the right to reject any proposal.

The formal request for proposal which contains detailed specifications may be obtained by writing or contacting:

Rick Chiat
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3854
Phone: 612/296-1481

The deadline for submitting a proposal is 4:30 p.m., April 8, 1991.

Department of Jobs and Training

Office of the Commissioner

Notice of Request for Proposals for a 1991 Summer Program: Youth Experience Program for Youth and Young Adults who are Visually Impaired and Multi-Handicapped

The Minnesota Department of Jobs and Training, Office of the Commissioner, is publishing notice that the request listed below is available and will be awarded for the current year 1991 (June 1, 1991 to August 31, 1991).

The Commissioner's Office of the Department of Jobs and Training (DJT), Minnesota Services for the Blind and Visually Handicapped (SSB) is seeking organizations to conduct a Summer Youth Experience Program for Young Adults who are Visually Impaired and Multi-Handicapped. The program will be an independent living skills program for a minimum of eight visually impaired and multi-handicapped youth between the ages of 17 and 21 years.

The Director of said organization will be responsible to the SSB facility manager in respect to program performance. SSB's total contribution towards the activity described in the RFP will not exceed \$30,000 (thirty thousand dollars). Any additional costs incurred in the facilitation of this program is the sole responsibility of the bidder.

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

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

All proposals must be received by the close of business (4:30 p.m.), April 12, 1991.

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 Education

Division of School Management and Support Services

Availability of Federal Funds for Adult Basic Education

The Minnesota Department of Education announces the availability of funds for the 1991-1992 school year to subsidize Adult Basic

Education under Public Law 91-230, as amended.

Adult Basic Education (ABE) programming in Minnesota is intended to change the lives of adults with limited basic skills by enabling them to master, to the best of their abilities, the tasks required for responsible citizenship, productive employment and self-sufficiency.

Application for ABE program design approval and funding should include any or all of the following components: Adult literacy, family literacy, workforce literacy, English as a second language, basic skills education and high school equivalency preparation.

Applicants eligible to apply for ABE program design approval and to receive State and/or Federal adult education funding include:

- **Local Education Agencies:** Public boards legally constituted to administer and direct public elementary and secondary schools in Minnesota school districts and Minnesota school district cooperatives as well as formal consortia of Minnesota public school districts and community resource and service agencies, are eligible to apply for and receive State ABE aids and Federal Adult Education Act Basic and English Literacy grants; and

- **Public and Private Non-Profit Agencies, Organizations and Institutions:** Minnesota technical institutes, community colleges, voluntary organizations, community-based organizations, job training agencies, correctional institutions, etc., are eligible to receive Federal Adult Education Act Basic and English Literacy grants. They are NOT eligible to receive State ABE aids unless they are involved in a formal consortium with one or more Minnesota public school districts. Private, but not public, non-profit organizations in Minnesota also are eligible to apply for State private non-profit ABE performance contracts.

All applicants other than Minnesota public school districts and consortia that include Minnesota public school districts must include documentation that they have consulted with applicable local educational agencies in the development of their proposed adult education programs, and that they have provided the applicable local educational agencies at least 10 working days in which to comment on the application prior to its being submitted. All comments made by the local educational agencies must be attached to the application.

The Applicable Local Educational Agency:

a) For the Minnesota Literacy Council's statewide programming will be the district in which its main office is located, currently St. Paul Public Schools;

b) For the Duluth Indian Adult Education project will be Duluth Public Schools; and

c) For State correctional facilities and State hospitals will be those districts in which each of the State institutions is located.

In all other cases, the Applicable Local Educational Agencies are considered to be the Minnesota public school district(s) located in the same political sub-division that most closely approximates the proposed service area, or, if the area already is served by an ABE consortium, that ABE consortium. In case of a dispute, the Department of Education will decide what constitutes the applicable local educational agency.

Public and private non-profit agencies, organizations and institutions that apply in a formal consortium with public school districts will be considered to have complied with this advice and guidance requirement if the public school district members of that consortium are actively involved in planning, implementing, evaluating and improving the consortium's ABE program.

Application procedures and forms may be obtained after March 15, 1991, by writing to:

Barry Shaffer
Adult Basic Education
Minnesota Department of Education
997 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101

To be considered for approval all completed applications must be delivered to the Department of Education's Community and Adult Education Section on or before June 3, 1991.

Department of Education

Division of School Management and Support Services

Availability of Federal Funds for Adult Basic Education Special Experimental Demonstration Projects and Teacher Training

The Minnesota Department of Education announces the availability of Federal Adult Education Act Section 353 funds for the 1991-1992 fiscal year for special experimental demonstration projects and teacher training under Public Law 91-210, as amended.

State Grants

Not less than 10 percent of the funds granted to Minnesota under the Adult Education Act each year will be made available for:

ABE SPECIAL PROJECTS THAT:

- **Involve the use of innovative methods**, systems, materials or programs that may have significance in developing and implementing the self-directed, learner-centered ABE described in the State Plan, or be of special value in promoting that effective adult learning; or

- **Involve Adult Basic Education** programs including learning opportunities for limited English proficient adults, which are part of community learning centers, carried out in cooperation with other Federal, Federally assisted, State or local programs that have unusual promise of promoting a comprehensive, coordinated approach to addressing appropriately the needs of educationally disadvantaged adult; and for ABE STAFF DEVELOPMENT PROJECTS that; enable persons engaged as personnel in ABE programs to carry out the purposes of the Adult Education Act as described in the Minnesota State Plan for Adult Education.

All approved activities under Section 353 will be considered to be one-year grants. Projects that may take longer than one year to develop completely can be considered for approval and funding in a subsequent year if each annual application represents a segment that can be achieved and evaluated in one year. Applications for a subsequent year of a previously approved and funded project will compete with all other applications received each year.

Applications for ABE Section 353 Special Project or Staff Development program design approval and funding may be submitted by local educational agencies, and by public or private agencies, organizations, and institutions with priority given to applications representing consortia of all available resources and services.

Application procedures and forms may be obtained after March 15, 1991 by writing to:

Barry Shaffer
Adult Basic Education
Minnesota Department of Education
997 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101

To be considered for approval, all completed applications must be delivered to the Department of Education's Community and Adult Education Section on or before June 3, 1991.

Office of Waste Management

Notice of Request for Proposal for Waste Education Project Grant Funds

This notice is issued by the Director of the Office of Waste Management (OWM) under authority provided in *Minnesota Rules* Parts 9210.1000 to 9210.1060. Under this authority, the OWM has established the Waste Education Grant Program. The OWM has grant funds available for "waste education information projects" as defined in *Minnesota Rules* pt. 9210.1050, subp. 3 and "waste education facilities projects" as defined in *Minnesota Rules* pt. 9210.1060 subp. 3. Pursuant to the procedures set forth in *Minnesota Rules* pt. 9210.1020, subp. 1, the Director of the OWM hereby requests persons interested in receiving such funds to submit proposals to the OWM.

The OWM has approximately \$75,000 available for waste education projects. Waste education projects may receive grants equal to 75 percent of the eligible project costs. The remaining 25 percent must be satisfied with cash or in-kind contributions. In this funding round, the maximum grant award for a waste education information project is \$8,000; the maximum grant award for a single education facility project is \$8,000; and the maximum grant award for a school district project is \$20,000.

In this funding round, the OWM is particularly interested in awarding grants to: (1) waste education information projects that provide information on source reduction, recycling, or the purpose of recycled products and (2) waste education facilities projects that focus on the planning and implementation of new or expanded long-term waste abatement management practices at one or more education facilities.

The terms "waste abatement management practices," "eligible costs," and "in-kind contributions" are defined in the rules governing this grant program. *Minnesota Rules* ch. 9210. The rules also describe the procedures for obtaining a grant. Briefly, those procedures are as follows:

Interested persons must submit proposals to the OWM. Proposals must contain the information set forth in *Minnesota Rules* pt. 9210.1020, subp. 2. After receiving proposals the OWM will notify applicants of the eligibility and completeness of their proposals and will evaluate the proposals against the criteria established in *Minnesota Rules* pt. 9210.1050, subp. 7 and 9210.1060, subp. 7. All applicants will then be advised of the disposition of their applications.

The OWM has prepared a Request for Proposal (RFP) that provides additional information for potential applicants. Interested persons may obtain a copy of the RFP, including the rules governing this grant program, by contacting:

Nancy Delles
Minnesota Office of Waste Management
1350 Energy Lane, Suite 201
St. Paul, MN 55108
612-649-5482 or 1-800-877-6300

The deadline for submitting proposals to the OWM is 4:30 p.m. C.S.T., April 22, 1991. **PLEASE NOTE**, applications must be *received* by the OWM at the above address by April 22, 1991 or they will not be considered for funding.

Announcements

Sentencing Guidelines Commission: Meeting at 3:00 p.m. Wednesday 20 March in the President's Room at the University Club, 420 Summit Avenue, St. Paul. Among agenda items are severity level ranking principles. Call (612) 296-0144.

Volunteer Recognition Week: April 21-27 is "Volunteer Recognition Week", set to coincide with National Volunteer Week. The week's theme, "Celebrate Minnesota Volunteers" issued a catalog showcasing items available for purchase to recognize volunteers: balloons, note pads, T-shirts, placemats, buttons and keychains can be ordered through Creative Promotions, Inc., 6288 Claude Way East, St. Paul, MN 55076 (612) 450-4444. Minnesota's Bookstore carries the *Handbook for Volunteer Recognition* and volunteer recognition certificates signed by Governor Arne Carlson. For more information, contact the Minnesota Office on Volunteer Services, (612) 296-4731, 500 Rice Street, St. Paul, MN 55155. • The 1991 Minnesota Conference on Volunteerism is scheduled for May 15-17 at the Radisson Hotel, Duluth. The conference theme is "Mining Minnesota's Volunteer Resources: Motivating, Managing, and Multiplying." Call Melissa Eystad (612) 297-7077.

Task Force Calls for Healthier Lifestyles: The Commissioner's Task Force on Health Promotion has issued its final report to state Health Commissioner John F. McCally. The report, titled "Toward Healthy Communities—Healthy People," outlines strategies for encouraging people to make changes in their behavior, in areas like tobacco use, drug and alcohol use, exercise and nutrition. Task Force Chair Emily Anne Staples presented the report to Commissioner McCally. Staples said the group had tried to sketch a broad framework for health promotion efforts, rather than providing detailed recommendations for new programs. The report includes recommendations for (1) encouraging government policies that affect health-related behavior, (2) giving communities the resources to promote healthier behavior, (3) creating an environment that promotes healthier lifestyles, and (4) helping individuals make changes in their behavior.

Itasca State Park Centennial Summer Guide: The Itasca State Park Centennial Summer Guide is now available and contains all the information needed to plan a visit to Itasca State Park during its Centennial year. Itasca, established on April 20, 1891, is celebrating its 100th year with special events, arts programs, nature studies and much more. Considered the "jewel" of Minnesota's state parks, Itasca is a 32,000 acre sanctuary where the mighty Mississippi River begins its journey 2,552 miles to the Gulf of Mexico. Towering pines and over 100 lakes invite the 600,000 visitors who come every year to fish and hike in the park. Come to Itasca on April 20 for the birthday celebration. On May 4 or 11, get involved in the Adopt an Acre tree planting program. Over the summer, pack a picnic dinner, or order one from Douglas Lodge, and enjoy "Music in the Park." Craft-buffs can come to the "Artist in the Park" series every Saturday. On June 23, watch the Centennial Itasca State Park wagon train, with 25 covered wagons and over 100 horseback riders, parade through the park after a 16-day ride from St. Paul. A chuck wagon dinner is planned, along with music and storytelling. The Summer Guide is available at Itasca State Park, or call toll-free 1-800-652-9747 and ask for the Minnesota Department of Natural Resources. In the Twin Cities, call (612) 296-4776. The guides are also available at all Minnesota Travel Information Centers.

Proposed New Waterfowl Feeding and Resting Areas: Each year the Minnesota Department of Natural Resources (DNR) establishes a number of "waterfowl feeding and resting areas" on public waters. Use of motors on these waters is restricted during the waterfowl season to reduce disturbance. This year, in response to the DNR's request for petitions from state waterfowl hunters, a total of seven lakes were recommended for designation as new or modified feeding and resting areas. All of these lakes met the statutory criteria for adequate public access and, in the judgment of the DNR, will provide significant and needed feeding and resting areas for waterfowl. The DNR proposes to establish the following seven lakes as feeding and resting areas, beginning this fall: **Goose Lake** in Pope County (Gilchrist Township), **West arm of Dead Lake** in Ottertail County, **Wagonga Lake** in Kandiyohi County, **Oakleaf Lake** in Nicollet County (Oshawa Township), **Prairie and Savana Rivers Flowage** in

Announcements

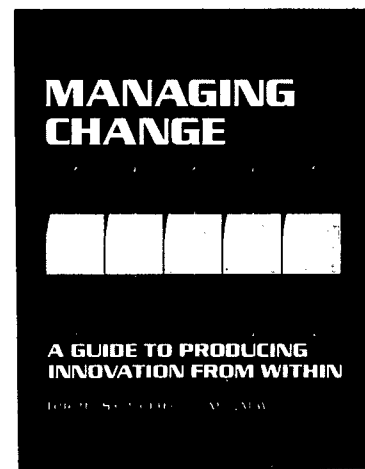
Aitkin County (Turner Township), **Southwest half of Flowage Lake**, and the Sandy River Flowage in Aitkin County, (Jevne and Workman Townships), **West half of Sandy River Lake** in Aitkin County (Workman Township). If designated, the use of all motorized watercraft will be prohibited on these waters during the waterfowl season, except for watercraft propelled by electric trolling motors of less than 30 pounds thrust. These proposals will be discussed, along with other hunting and trapping issues, at DNR wildlife public input meetings in March. The meetings will be held: March 5 in Staples at the Staples Technical College, Assembly Hall; March 7 at the Austin Technical College, Room A120B, 1900 N.W. Eighth Ave.; March 12 at the Moorhead Center Hall, Council Chambers, 500 Center Ave.; March 14 in Grand Rapids at the Itasca Community College, Wilson Hall, Room 137; March 19 at Windom High School, Lecture Hall, Room 128; March 21 in the Chaska Middle School, Commons Room, Engler Boulevard off Highway 41; and March 26 in the DNR Cafeteria, 500 Lafayette Road, St. Paul.

Manage Change and Information Plans

Managing Change. A guide to managing change from *within* an organization, it combines common sense with solid theory about organizational behavior and change. Based on the premise: for an enterprise to succeed, employees must be involved as active partners. Operating in an environment of change, government adapts to newly elected officials, new political appointees, new economic conditions, new laws and rules, new managers and employees, and new mandates and priorities. Through the STEP plan, government capitalizes on that change by emphasizing closeness to the customer, employee participation, managerial discretion, partnerships, productivity improvement and work measurement. Contains a project directory and glossary. Paperbound, 181 pages. Stock #19-64, \$16.50.

Charting Your Course. Strategic information planning for the 90s, shows how to chart and navigate the changing currents of the Information Age. Bibliography, 54 pages. Stock #10-14, \$5.50.

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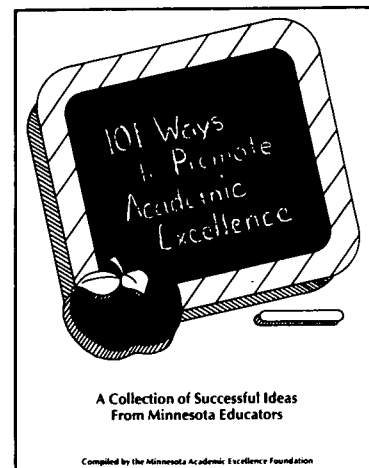
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Community Waste Education Manual. Practical guide helps communities develop waste education campaigns with organizing volunteers, planning a budget, working with media and more. Includes camera-ready art and copy for media and publication needs. Stock #5-7, \$22.95 + \$1.38 tax.

School District Profile 1988-89. Comparative enrollment, staffing and financial data on Minnesota's school districts, evaluation of the statistical content with commentary on trends and patterns. Stock #5-3, \$5.00 + 30¢ tax.

The School Book 1990-91. Comprehensive guide to elementary schools in the Twin Cities: school addresses/phone, staffing information, and MTC bus connections at schools. Lists class size, student/teacher ratio, grading and curriculum. 554 pages. Stock #40-9, \$12.95 + 78¢ tax.

Chemical Dependency Programs Directory 1989. Features comprehensive listings for programs ranging from Prevention/Intervention Services to a wide range of Treatment Services. Each type of program includes an alphabetical listing of facilities and brief narrative description of programming provided. Stock No. 1-12, \$15.00 plus tax.

Process Parenting—Breaking the Addictive Cycle. A training manual that provides parent education and treatment techniques for professionals who work with recovering chemically dependent parents or dysfunctional families. Stock No. 5-4, \$15.00 plus tax.

It's Never Okay: A Handbook for Professionals on Sexual Exploitation by Counselors and Therapists. Therapeutic and prevention issues and employer responsibilities are discussed in this task force report, as well as recommended curriculum for training institutions for counselors and therapists. Stock No. 14-16, \$19.95

OTHER PUBLICATIONS

Our Minnesota. More than 100 full-color photos by Les and Craig Blacklock portray Minnesota in her seasonal beauty, with text from the personal journal of Fran Blacklock's thirty years of traveling the state. Stock #9-23. \$13.95 plus tax.

Historic Sites and Place Names of Minnesota's North Shore. John Fritzen, long time employee of the Minnesota DNR draws upon his almost 40 years as a forester, mostly spent on Minnesota's colorful and legendary North Shore, to regale readers with tales of timbermen, pioneer settlers, miners, commercial fishermen and others. Black and white photos. Stock #9-11. \$3.50 plus tax.

Landscaping for Wildlife. Attract songbirds, deer, butterflies, hummingbirds, pheasants, and other wildlife to your property by using the tips in this 144-page, 4-color book. Stock #9-15, \$8.95 plus tax. See "Special Set Offer" below.

Minnesota Manufacturer's Directory, 1991. More than 7,000 entries listing name, address, phone, staff size, sales volume, market area, year of establishment, type of firm, CEO, sales or marketing and purchase managers, and four manufactured products. Stock #40-2. \$85.00.

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State Register. Minnesota's official weekly publication for agency rules and notices, executive orders of the Governor, state contracts, Supreme Court Calendar, Supreme Court and Tax Court Decisions. Annual subscription: Monday edition only \$140; Monday and Thursday's State Contract Supplement \$195; 13-week trial (includes both Monday and Thursday editions) \$60.00.

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