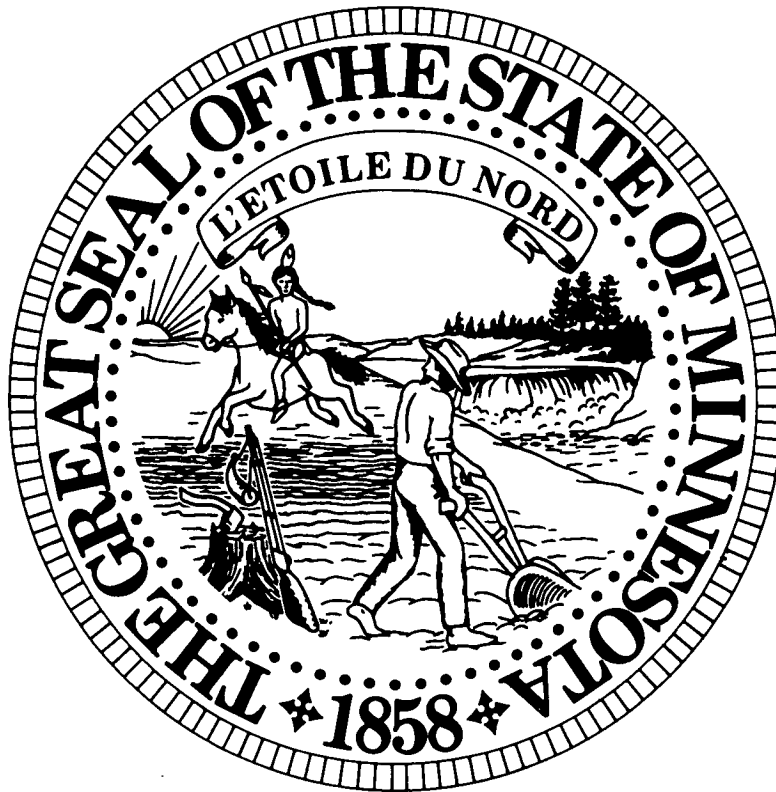


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The Minnesota  
**State  
Register**

Department of Administration—Print Communications Division



Rules edition  
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**Monday 9 March 1992**  
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# State Register

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

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, state and non-state contracts, contract awards, grants, a monthly calendar of cases to be heard by the state supreme court, 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. 16 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
37	Monday 24 February	Monday 2 March	Monday 9 March
38	Monday 2 March	Monday 9 March	Monday 16 March
39	Monday 9 March	Monday 16 March	Monday 23 March
40	Monday 16 March	Monday 23 March	Monday 30 March

\*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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# Minnesota Rules: Amendments and Additions

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

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

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

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

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# Proposed Rules

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

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

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

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

## Department of Health

### Proposed Permanent Rules Relating to Hospital License Fees

#### Notice of Hearing

**NOTICE IS HEREBY GIVEN** that a public hearing on the above-entitled matter will be held at the Minnesota Department of Transportation Training and Conference Center, 1900 West County Road I, Arden Hills, Minnesota on April 9, 1992 commencing at 9:00 a.m. and continuing until all interested or affected persons have an opportunity to participate. The proposed amendments may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed amendments, you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Jon L. Lunde, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415; (612) 341-7645, either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge, may at the hearing, order the record be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings. Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment 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. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the three-day period. The written responses will be added to the rulemaking record. Upon the close of the record the Administrative Law Judge will write a report as provided for in *Minnesota Statutes*, sections 14.15 to 14.50. The rule hearing is governed by *Minnesota Statutes*, sections 14.14 to 14.20. and by *Minnesota Rules*, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

The proposed amendments increase license fees for hospitals, nursing homes, boarding care homes, supervised living facilities and outpatient surgical centers. The text of the proposed amendments follows this notice.

The agency's authority to adopt the proposed amendments is contained in *Minnesota Statutes*, section 144.653, subdivision 6.

It is the position of the Department that these proposed amendments are not subject to *Minnesota Statutes*, section 14.115 regarding small business considerations in rulemaking. The basis for this position, and the Department's evaluation of the amendments under section 14.115, should it be determined that the proposed amendments are governed by section 14.115, are addressed in the statement of need and reasonableness.

Adoption of these amendments will increase aggregate local public body spending by over \$100,000 in either of the first two years following the amendment's adoption. The Department estimates that the total cost to all local public bodies in the state to implement the amendments for the two years immediately following adoption of the amendments will be \$421,903 each year, or \$843,806 total. A copy of the full fiscal note is available from:

Elise Paulsen

Minnesota Department of Health  
Central Medical Building

393 N. Dunlap St., P.O. Box 64900  
St. Paul, MN 55164-0900

Copies of the proposed amendments are now available and a free copy may be obtained by writing to Elise Paulsen at the address above.

Additional copies will be available at the hearing. If you have any questions on the content of the rule, contact Sandra Abrams at the above address or call (612) 643-2100.

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

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

*Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Ethical Practices Board. Questions should be directed to the Ethical Practices Board, First Floor South, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155, (612) 296-5148.

As required by *Minnesota Statutes*, section 16A.128, subdivision 2a, a copy of this Notice and the proposed amendments have been submitted to the Chairs of the House Appropriations Committee and Senate Finance Committee prior to publication of this Notice.

Marlene E. Marschall  
Commissioner

## Rules as Proposed

### 4640.0200 LICENSING.

Subpart 1. **License fees.** Each application for either an initial or renewal license to operate a hospital or a related institution within the meaning of *Minnesota Statutes*, sections 144.50 to 144.56 and these rules, shall be accompanied by a fee based upon the formula established in part 4735.0200. A bed must be licensed if it is available for use by patients. ~~If the number of licensed beds in a nonaccredited hospital is increased during the term of the license, \$25 for each additional bed shall be paid.~~ There shall be no refund for a decrease in licensed beds.

[For text of subps 2 and 3, see M.R.]

### 4655.0300 LICENSING IN GENERAL.

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

Subp. 2. **License fees.** Each application for either an initial or renewal license to operate a nursing home or boarding care home shall be accompanied by a fee based upon the formula established in part 4735.0200. A bed must be licensed if it is available for use by patients or residents. ~~If the number of licensed beds is increased during the term of the license, \$12 for each additional bed shall be paid.~~ There shall be no refund for a decrease in licensed beds.

[For text of subps 3 to 5, see M.R.]

### 4665.0400 LICENSURE PROCEDURE.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Fees.** Each application for either an initial or renewal license to operate a supervised living facility within the meaning of *Minnesota Statutes*, sections 144.50 to 144.56 and parts 4665.0100 to 4665.5600 shall be accompanied by a fee based upon the formula established in part 4735.0200. A bed must be licensed if it is available for use by residents. ~~If the number of licensed beds is increased during the term of the license, \$12 for each additional bed shall be paid.~~ There shall be no refund for a decrease in licensed beds.

[For text of subp 6, see M.R.]

**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

### 4735.0200 LICENSURE FEES FOR HOSPITALS, NURSING HOMES, BOARDING CARE HOMES, SUPERVISED LIVING FACILITIES, AND OUTPATIENT SURGICAL CENTERS.

In accordance with parts 4655.0300, subpart 2, 4640.0200, subpart 1, 4665.0400, subpart 5, and 4675.0300, subpart 8, each application for an initial or a renewal license to operate a hospital, nursing home, boarding care home, supervised living facility, or an outpatient surgical center shall be accompanied by a fee based upon the formula in this part.

Each separate licensure classification requires a separate base fee. For example, a hospital that is accredited by the Joint Commission on Accreditation of Healthcare Organizations with boarding care home beds must submit a ~~\$450~~ \$1,647 base fee for the hospital and a ~~\$50~~ \$249 base fee for the boarding care home plus the appropriate per bed fee for each licensure classification the boarding care home beds.

The fee schedule applies to all licenses issued on or after July 1, ~~1983~~ 1992.

Licensure fees for hospitals, nursing homes, boarding care homes, supervised living facilities, and outpatient surgical centers.

Licensure Classification	Base Fee	Per Bed Fee
Joint Commission on Accreditation of <del>Hospitals</del> <u>Healthcare Organizations</u>		
Accredited hospital	<del>450</del> <u>1,647</u>	\$ 0
Nonaccredited hospital	<del>468</del> <u>1,713</u>	<del>29</del> <u>106</u> (including bassinets)
Nursing home	<del>68</del> <u>249</u>	+ <del>6</del> <u>59</u>
Boarding Care Home	<del>68</del> <u>249</u>	+ <del>6</del> <u>59</u>
Supervised living facility	<del>68</del> <u>249</u>	+ <del>6</del> <u>59</u>
Outpatient surgical center	<del>450</del> <u>1,647</u>	0

## Department of Health

### Proposed Permanent Rules Relating to Flush Threaded Polyvinyl Chloride (PVC) Casing and Screens Used for Monitoring Wells at Petroleum Storage Tank Sites

#### Notice of Intent to Adopt a Rule Without a Public Hearing

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Health intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedures 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*, sections 103I.211 and 103I.222.

All persons have 30 days or until 4:30 p.m. on April 8, 1992 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: Mr. Dan Wilson, Well Management Unit, Minnesota Department of Health, 925 S.E. Delaware Street, P.O. Box 59040, Minneapolis, Minnesota 55459-0040, (612) 627-5161.

The proposed rule may be modified if the modifications are supported by data and views submitted to the Department and do not result in a substantial change in the proposed rule as noticed. A copy of the proposed rule is attached to this notice as mailed and immediately follows the notice as published in the *State Register*.

A free copy of the rule is available upon request from Mr. Dan Wilson, (612) 627-5161.

**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 Mr. Dan Wilson, upon request.

Adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11.



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## Adopted Rules

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form, including the issues of substantial change; whether the Department has the authority to adopt the rules; and whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rules. 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 Mr. Dan Wilson. If the proposed rule has been modified, the notice will also state that fact and will state that a free copy of the proposed rule, as modified, will be available on request from the Department.

Dated: 24 February 1992

Marlene E. Marschall  
Commissioner of Health

### Rules as Proposed (all new material)

#### 4725.7605 FLUSH THREADED POLYVINYL CHLORIDE (PVC) CASING AND SCREENS USED FOR MONITORING WELLS AT PETROLEUM STORAGE TANK SITES.

Notwithstanding parts 4725.6900 to 4725.7600, a monitoring well may use flush threaded polyvinyl chloride (PVC) casing and screens used for leak detection or groundwater monitoring at an underground or aboveground petroleum storage tank site if the requirements in this part are met.

A. The screen must intersect the surface of the water table at the time of installation. The well must be constructed so the joint between the two deepest casing sections is above the surface of the water.

B. The total depth of the monitoring well must be 50 feet or less.

C. The monitoring well must be constructed in unconsolidated materials.

D. The annular space between the bore hole and the casing must be grouted with neat cement. The grout must be placed from within ten feet of the top of the screen to the established ground surface.

E. The flush threaded polyvinyl chloride casing must meet at least the standards in schedule 40 for polyvinyl chloride (PVC) materials of the American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, Pennsylvania. Schedule 40 standards are contained in the Annual Book of ASTM Standards, Volume 8, Designation D 1785-88 Standard Specification for Poly(Vinyl Chloride) (PVC) Plastic Pipe, Schedules 40, 80, and 120 Tables I and II, published December 1988. The ASTM standards are incorporated by reference, are not subject to frequent change, and are available through the Minitex interlibrary loan system.

## 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 Public Safety

### Adopted Permanent Rules Relating to Eligibility and Claims Procedures for Reparations

The rules proposed and published at *State Register*, Volume 16, Number 25, pages 1501-1504, December 16, 1991 (16 SR 1501), are adopted as proposed.

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

## Adopted Rules

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### Department of Public Service

#### Adopted Permanent Rules Relating to Thermal Insulation Standards

The rules proposed and published at *State Register*, Volume 16, Number 24, pages 1430-1434, December 9, 1991 (16 SR 1430), are adopted with the following modifications:

##### Rules as Proposed

##### 7640.0130 INSULATION MATERIALS STANDARDS.

###### Subp. 3. Cellulose insulation.

B. Cellulose fiber spray-applied must comply with ASTM C 1149.

(2) ~~If the product in loose-fill form meets the criteria in ASTM C 1149, section 4.10, for odor emission, then a test of the product in spray-applied form is unnecessary.~~

(3) If the product in loose-fill form meets the criteria in ASTM C 1149, section 4.7, for fungi resistance, then a test of the product in spray-applied form is unnecessary.

### Secretary of State

#### Adopted Permanent Rules Relating to Elections; Redistricting

The rules proposed and published at *State Register*, Volume 16, Number 18, pages 1084-1085, October 28, 1991 (16 SR 1084), and Volume 16, Number 20, pages 1175-1177, November 12, 1991 (16 SR 1175), are adopted with the following modifications:

##### Rules as Adopted

##### 8255.0020 ESTABLISHMENT OF PRECINCT BOUNDARIES LACKING RECOGNIZABLE PHYSICAL FEATURES.

If recognizable physical features are unavailable for use as precinct boundaries, or if establishment of a precinct boundary along a school district boundary which does not follow a recognizable physical feature is desired, the county or municipal governing body may establish precinct boundaries lacking a recognizable physical feature. A precinct boundary lacking a recognizable physical feature must be established as provided in this part.

Two precincts may be formed which share a boundary that is not located on a recognizable physical feature. However, the boundary of the two precincts combined must be entirely located on recognizable physical features or jurisdictional boundaries.

The governing body of a municipality, or of a county for precincts in unorganized territory, may use, in whole or in part, the jurisdictional boundary of the municipality, unorganized territory, or county as a precinct boundary.

If two precincts are divided by a boundary not located on a recognizable physical feature as provided in this part, the two precincts must be named to reflect a relationship for the purpose of reporting election results, for example: "precinct 1A and precinct 1B."

## Withdrawn Rules

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### Department of Natural Resources

#### Notice of Withdrawal of Proposed Rule

#### In the Matter of the Proposed Adoption of Permanent Rules Relating to Travel Within Scientific and Natural Areas

**NOTICE IS HEREBY GIVEN** that the above-referenced proposed rule, which was published in the *State Register* on June 24, 1991 (15 Minn. Reg. 2703), is hereby withdrawn. The State of Minnesota does not intend to adopt this proposed rule at the present time.

Dated: 18 February 1992

Rodney W. Sando, Commissioner  
Department of Natural Resources

# Official Notices

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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.

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## Comprehensive Health Association

### Notice of Meeting of the Executive Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association (MCHA), Executive Committee will be held at 3:30 p.m. on Monday, March 16, 1992 at Blue Cross Blue Shield Minnesota, Yankee Place, 3500 Yankee Drive, Suite 400, Eagan, Minnesota, in Room A.

For additional information please call Lynn Gruber at (612) 593-9609.

## Ethical Practices Board

### Advisory Opinion #121 re: Campaign Finance: Constituent Services

Issued 2-28-92 to the Honorable Rich O'Connor—SUMMARY—121. An incumbent legislator represents the constituency entitled to elect the legislator at the most recent election for the office held. The costs incurred by a legislator's principal campaign committee to provide services to persons who live outside the legislator's present district and within the boundaries of the new district in which the legislator plans to seek election in 1992 must be reported as "campaign expenditures." *Minnesota Statutes* §§ 10A.01, subd. 10c; 10A.25 (1990 & Supp. 1991). The full text of the opinion is available upon request from the Ethical Practices Board, 1st Floor South, Centennial Building, 658 Cedar Street, St. Paul, MN 55155-1603; (612) 296-5148.

## Minnesota Higher Education Facilities Authority

### Notice of Public Hearing on Proposal to Issue Revenue Bonds

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to a proposal to issue revenue bonds on behalf of Carleton College, a Minnesota institution of higher education (the "College"), at the Authority's offices at Suite 450 Galtier Plaza, 175 East Fifth Street, St. Paul, Minnesota on March 25, 1992 at 2 o'clock p.m. Under the proposal, the Authority would issue its revenue bonds in an original aggregate principal amount of up to approximately \$25,000,000 to provide financing for a Project described as (i) the acquisition, construction, furnishing and equipping of an approximately 20,900 square foot alumni and admissions facility, an approximately 42,550 square foot center for mathematics and computing, an approximately 43,000 square foot student residence facility, an approximately \$5,000,000 food service facility, an approximately \$15,400,000 science laboratory building, and an approximately \$1,500,000 science library building, (ii) expansion, remodeling, furnishing and equipping of Boliou Hall, (iii) remodeling, furnishing and equipping of Mudd, Olin, Leighton, Laird, Goodsell and Scoville Halls, (iv) improvements to electrical, heating and cooling systems and extension of such systems to new facilities, (v) acquisition and installation of a new telecommunications system, including a new telephone switch, and (vi) circulation and parking improvements throughout the campus; all including appurtenant site improvements (collectively, the "Project") to be owned and operated by the College and located on its campus, the principal street address of which is 1 North College Street, Northfield, Minnesota 55057.

At said time and place the Authority shall give all parties who appear or have submitted written comments an opportunity to express their views with respect to the proposal to undertake and finance the Project.

Dated: 9 March 1992

By Order Of The Minnesota Higher  
Education Facilities Authority  
Joseph E. LaBelle  
Executive Director

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### Metropolitan Waste Control Commission

#### Public Notice for Statements of Interest for Engineering Services

The Metropolitan Waste Control Commission is soliciting statements of interest for engineering services in support of in-house projects prepared by Commission staff. The Commission intends to engage 5 firms—a Minority Business Enterprise (MBE), a Women's Business Enterprise (WBE), a Small Business in Rural Areas (SBRA), and 2 majority firms. The type of work envisioned for these firms includes assistance to Commission staff in the preparation of design reports and the detailed design of projects. The disciplines comprising the required services include architectural, structural, civil, environmental, mechanical, and electrical.

Firms interested in being considered for this work are to submit a letter denoting such interest and asking for the Request for Qualifications (RFQ) submittal package. Such letters are to be submitted no later than **March 20, 1992**. Statements of interest, are to be directed to Joseph H. Edwards, PE, CCS, CSI, Manager, Contracts and Drafting Division, Metropolitan Waste Control Commission, Mears Park Centre, 230 E. 5th St., St. Paul, MN 55101.

Dated: 10 March 1992

Metropolitan Waste Control Commission  
Gordon O. Voss, Chief Administrator

### Public Employees Retirement Association

#### Board of Trustees Meeting and Public Safety Officers' Meeting

The next regular monthly meeting of the **Board of Trustees** of the Public Employees Retirement Association (PERA) will be on **Thursday, March 12, 1992, at 9:30 a.m. in the Association offices, 514 St. Peter Street, Suite 200—Skyway Level, St. Paul, Minnesota.**

A **Public Safety Officers'** meeting will be held on **Wednesday, March 18, at 1:00 p.m. in the Association offices.**

### Department of Revenue

#### Appeals, Legal Services, and Criminal Investigation Division

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Individual Income Tax Liability of Divorced Spouses and Innocent Spouse Relief

**NOTICE IS HEREBY GIVEN** that the State Department of Revenue is seeking information or opinions from sources outside the agency in preparing the rule governing Individual Income Tax Liability of Divorced Spouses and Innocent Spouse Relief. The adoption of the rule is authorized by *Minnesota Statutes*, section 270.06, clause (13) which permits the agency to make, publish, and distribute rules for the administration and enforcement of state tax laws.

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

Richard L. Walzer  
Department of Revenue  
Appeals, Legal Services, and Criminal Investigation Division  
10 River Park Plaza  
Mail Station 2220  
St. Paul, MN 55146-2220

Oral statements will be received during regular business hours over the telephone at (612) 296-1902 Extension 134 and in person at the above address.

All statements of information and opinions shall be accepted until March 23, 1992. Any written material received by the State Department of Revenue shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Richard L. Walzer  
Attorney

## 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 Appointment, 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 March 31, 1992.

#### **EXPORT FINANCE AUTHORITY**

1000 World Trade Center, St. Paul 55101-4902. 612-297-4658  
*Minnesota Statute* 116J.9673

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

VACANCY: One member. The authority is created to aid and facilitate the financing of exports from Minnesota: meet credit needs of exporters through loan guarantees and export credit insurance. Members must be knowledgeable in international finance, exporting, or international law, and perform their duties in a non self-serving manner. Females are urged to apply. Members must file with the Ethical Practices Board.

#### **MINNESOTA AGRICULTURAL AND ECONOMIC DEVELOPMENT BOARD**

150 E. Kellogg Blvd. #900, MN Dept. of Trade & Economic Dev., St. Paul 55101. 612-297-1391  
*Minnesota Statutes* 41A.01

APPOINTING AUTHORITY: Minnesota Technology, Inc. COMPENSATION: \$55 per diem plus expenses.

VACANCY: Seven members. Consists of the commissioner of finance as chair, the commissioner of agriculture, the commissioner of trade and economic development, the commissioner of the pollution control agency, the president of the Greater Minnesota Corporation or the president's designee, and two public members with experience in finance, appointed by the Greater Minnesota Corporation.

## Executive Council State Board of Investment Land Exchange Board

### Correction in Meeting Date

The meeting date for the Executive Council, State Board of Investment and the Land Exchange Board has been changed from Wednesday, March 11, 1992 at 8:30 a.m. to the new date of **THURSDAY, MARCH 19, 1992 at 9:00 a.m. in Room 125, STATE CAPITOL. PLEASE NOTE THIS CHANGE.**

## Department of Trade and Economic Development

### Community Development Division

#### **Final Statement on Distribution of Small Cities Community Block Grant Funds**

Federal fiscal year 1992 Community Development Block Grant (CDBG) funds, \$62,000 in fiscal year 1991 funds, and \$84,000 in fiscal year 1990 CDBG funds made available to the State for distribution to nonentitlement areas will be distributed in accordance with administrative rules adopted in Chapter 4300. The additional 1990 and 1991 funds were unofficially allocated to the State on February 10, 1992. If preliminary indications are correct, the State of Minnesota will administer an allocation of \$21,212, 000. A draft Final Statement was published in the *State Register* on December 30, 1991, and a public hearing to receive comments was conducted on January 13, 1992. The text of the final Statement follows:

#### **Chapter 4300 Community Block Grants**

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

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

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

**Subp. 2b. Community development application.** "Community development application" means the official consolidated appli-

## Official Notices

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cation form as developed by the Department of Trade and Economic Development to be used to apply for funding assistance from various community assistance programs administered by the Community Development Division.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Subp. 18. Population.** "Population" means the number of persons who are residents in a county, city, or township as established by the last federal census, by a census taken pursuant to *Minnesota Statutes* § 275.53, subp. 2, by a population estimate made by the Metropolitan Council, or by the population estimate of the state demographer made under *Minnesota Statutes* § 116K.04, subd. 4, clause (10), whichever is most recent as to the stated date of count or estimate, up to and including the most recent July 1.

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

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

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

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

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

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

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

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

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

MS § 116J.401; 116J.403; 116J.873

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

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

#### **4300.0200. Purpose**

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

MS § 116J.401; 116J.403; 116J.873

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

#### **4300.0300. Objective of the Program**

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

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

MS § 116J.401; 116J.403

8 SR 1263; L 1987 c 312 art 1

#### **4300.0400. Application of Federal Law**

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

MS § 116J.401; 116J.403

L 1987 c 312 art 1

### **GRANT APPLICATION, EVALUATION, AND DETERMINATION**

#### **4300.1100. Types of Competitive Grants Available**

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

- A. Housing projects which include one or more activities designed to increase the supply or quality of dwellings suited to the occupancy of individuals and families; or
- B. Public facilities projects which include one or more activities designed to acquire, construct, reconstruct, or install buildings or infrastructure which serve a neighborhood area or community.

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

## Official Notices

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### **Subp. 3. [Repealed 11 SR 2416].**

MS § 116J.401; 116J.403; 116J.873

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

### **4300.1101. Economic Development Grants, Noncompetitive**

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

MS § 116J.401; 116J.403; 116J.873

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

### **4300.1200. Application Process and Requirements**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MS § 116J.401; 116J.403; 116J.873

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



**4300.1300. Evaluation of Applications**

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

MS § 116J.401; 116J.403; 116J.873

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

**4300.1400. Comparison of all Competitive Applications, Demographic Points**

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

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

- A. The number of poverty persons in the area under the applicant's jurisdiction;
- B. The percentage of persons resident in the area under the applicant's jurisdiction who are poverty persons; and
- C. The per capita assessed valuation of the area under the jurisdiction of the applicant, such that points are awarded in inverse relationship to applicants' per capita assessed valuation.

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

MS § 116J.401; 116J.403; 116J.873

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

**4300.1500. Comparison of Competitive Applications Within Categories**

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

MS § 116J.401; 116J.403; 116J.873

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

**4300.1600. Evaluation of Housing Projects**

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

- A. Housing units that are occupied by low- and moderate-income persons and are either substandard or pose a threat to the health or safety of the occupants;
- B. An inadequate supply of affordable housing for low- or moderate-income persons; or
- C. Other documented conditions which give evidence of the need for improvements or additions to the housing stock serving low- and moderate-income persons.

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

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

- A. Evaluation of the extent to which the proposed activities will make cost-effective use of grant funds including coordination with, and use of, funds from other public and private sources; and
- B. Evidence that the cost of the proposed activities per benefitting household is reasonable.

MS § 116J.401; 116J.403; 116J.873

L 1987 c 312 art 1; 14 SR 1384

**4300.1700. Evaluation of Public Facilities Projects**

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

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

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

- A. The extent to which the requested grant funds are necessary to finance all or a portion of the costs;
- B. Evidence that the cost of the proposed activities per benefitting household or person is reasonable; and
- C. The extent to which the project benefits existing, rather than future, population, except in cases where the proposed activities are necessary due to expected development or growth which is beyond the applicant's control.

MS § 116J.401; 116J.403; 116J.873

L 1987 c 312 art 1; 14 SR 1384

### **4300.1800. [Repealed, 8 SR 1263].**

### **4300.1900. Evaluation of Comprehensive Program Projects**

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

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

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

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

MS § 116J.401; 116J.403; 116J.873

L 1987 c 312 art 1; 14 SR 1384

### **4300.1901. Evaluation of Economic Development Projects**

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

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

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

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

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

Four hundred points will be awarded based on an evaluation of project quality including an assessment of need, impact, and the capacity of the applicant to complete the project in a timely manner. Consideration of need for an economic development project must be based on deficiencies in employment opportunities and circumstances contributing to economic vulnerability and distress. Consid-

eration of impact must be based on the extent to which the project reduces or eliminates the need. Consideration of capacity must be based on demonstration of administrative capability, realistic implementation schedules, and the ability to conform to state and federal requirements.

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

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

MS § 116J.401; 116J.403; 116J.873

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

#### **4300.2000. Determination of Grant Awards**

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

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

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

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

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

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

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

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

MS § 116J.401; 116J.403; 116J.873

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

### **CONTRACTS AND RECORDS**

#### **4300.3100. Grant Agreements**

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

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

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

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

C. Assurances that the grant recipient will comply with all applicable state and federal laws, including at least the federal laws

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or regulations for which the state is made responsible for enforcement in *Code of Federal Regulations*, title 24, sections 570.495 and 570.496.

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

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

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

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

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

MS § 116J.401; 116J.403; 116J.873

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

### **4300.3200. Recordkeeping and Monitoring**

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

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

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

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

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

MS § 116J.401; 116J.403; 116J.873

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

### **Proposed Distribution of Funds**

The amount of Federal CDBG funds for FY 1992 for use by the Small Cities Development Program is expected to be \$21,212,000. To paraphrase and summarize the administrative rules for this program, two percent plus \$100,000 of the available funds will be used by DTED for administration of the grant program. The remainder will be distributed as follows: 15 percent will be reserved for economic development grants; 30 percent will be reserved for single-purpose housing or public facilities grants; and 55 percent will be reserved for comprehensive grants. A more detailed description of this process has been identified previously in the Final Statement as *Minnesota Rules* 4300.1100 through 4300.2000.

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

The purpose of the Small Cities Development Program is to develop viable urban communities by providing decent housing and a suitable living environment and by expanding economic opportunities, principally for persons of low and moderate income. Activities

funded under this program shall not benefit moderate income persons to the exclusion of low-income persons. All funded activities must be designed to:

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

Under the Housing and Community Development Act of 1974, as amended, at least 70 percent of the funds must be used for activities that principally benefit low and moderate income persons. The Department of Trade and Economic Development, Community Development Division, estimates that up to 80 percent of the funds will be used to benefit persons of low and moderate income.

#### **Recaptured and Reallocated Funds**

If FY '84 through FY '92 grant funds are returned to the Minnesota Department of Trade and Economic Development, Community Development Division, following audit resolution or project closeout, reuse of the funds will be conducted using one of two methods.

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

With either option, a balance of recaptured FY '84 through FY '92 funds will be carried forward only until the point at which competitive grant awards are made. Any balance of recaptured or reallocated funds that exists at the time grants are awarded for the annual competitive grant cycle will be used to finance new competitive or economic development projects. Further, fifteen percent of the recaptured funds will be used for economic development projects. Eighty-five percent of the recaptured funds will be used to finance competitive projects.

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

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

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

#### **Distribution of Program Income**

Any program income which is derived from the use of federal CDBG funds is retained by the recipient communities provided it is used for the same activity. For instance, residential rehabilitation can generate program income if the local grantee establishes a revolving loan fund and receives loan repayments. Under the state's program income policy, the grantee may retain the program income provided it is used for residential rehabilitation. Thus, the state will not have the use of program income for distribution in FY '92.

#### **Description of the Use of Funds in the 1991 Small Cities Community Development Block Grant Program**

For the 1991 grant program, \$19,725,000 in federal fiscal year 1991 funds and \$176,000 in fiscal year 1990 funds was available for grants to eligible applicants for the Small Cities Development Program. Under the administrative rules for the SCDP, economic development applications are accepted on a year-round basis and competitive single-purpose and comprehensive applications had an application deadline of September 1, 1990. The rules for the program establish the availability of 15 percent of the funds for economic development, 30 percent of the funds for single-purpose projects, and 55 percent of the funds for comprehensive programs. The rules also provide for the alteration of these percentages when a shortage of fundable applications occur in any specific category.

Upon completion of the competitive review and ranking process, 34 awards were made on February 5, 1991. The Department of Trade and Economic Development concludes, and HUD monitoring staff concurs, that funds were awarded in accordance with the State's administrative rules for the program.

A formal Performance/Evaluation Report (PER) which provides a detailed description of the use of FY '84 through FY '91 funds is available from this office for public inspection. A copy of the PER is also available at the Minneapolis/St. Paul HUD office.

## Official Notices

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### Assessment of the Relationship of 1991 Funds to State and Federal Objectives

As in previous years, for the 1991 grant program, the Minnesota Department of Trade and Economic Development, Community Development Division, adopted the national objectives for the Community Development Block Grant program. Under these objectives, all funded activities must be designed to:

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

Based on the FY '91 award, at least 70% must be awarded for activities designed to benefit persons of low and moderate income. To date, DTED has awarded over 76 percent of our total FY '91 grant award for activities which benefit low- and moderate-income persons. (This figure was monitored and verified by HUD staff). The remainder of the funds currently awarded for grants has been awarded for activities designed to prevent or eliminate slums and blight or alleviate an urgent community development need.

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

To date, for the 1991 grant program, the Minnesota Department of Trade and Economic Development, Community Development Division, and the 1991 grant recipients budgeted slightly less than \$1.1 million for planning and administration. These funds amount to just over five percent of the block grant, well below the 20.0 percent limit. Again, these figures were monitored and verified by HUD staff.

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

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

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

Based upon analysis of the 1991 Small Cities Development Program, The Minnesota Department of Trade and Economic Development, Community Development Division, concludes that the 1991 grant program fully met state and national objectives for award of funds.

## Board of Water and Soil Resources

### Outside Information or Opinions Sought Regarding Proposed Rule Governing Implementation of the Wetland Conservation Act of 1991

**NOTICE IS HEREBY GIVEN** that the Board of Water and Soil Resources is seeking information or opinions from sources outside the agency in preparing to propose the adoption of the rule governing implementation of the Wetland Conservation Act of 1991. The adoption of the rule is authorized by *Minnesota Statutes*, Laws of 1991, Chapter 354, which requires the agency in consultation with the Department of Natural Resources and Wetland Heritage Advisory Committee, to adopt a rule governing implementation of the Wetland Conservation Act of 1991.

The Board requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Greg Larson, Board of Water and Soil Resources, 155 South Wabasha Street, Suite 104, St. Paul, Minnesota 55107. Oral statements will be received during regular business hours over the telephone at (612) 296-2840 and in person at the above address.

All statements of information and opinions shall be accepted until April 3, 1992. Any written material received by the Board of Water and Soil Resources shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 2 March 1992

Ronald Harnack, Executive Director  
Board of Water and Soil Resources

# 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 Jobs and Training

### Emergency Shelter Grant Program Funds Available

The Minnesota Department of Jobs and Training announces the availability of FFY 1992 Emergency Shelter Grant Program (ESGP) funds. The purpose of this grant is to assist programs that provide shelter or transitional housing to homeless individuals, or provide homelessness prevention services. Eligible activities include:

- 1) Renovation, rehabilitation or conversion of buildings to be used as shelters or transitional housing for the homeless.
- 2) Payment of operating costs of shelter or transitional housing including rent, utilities, maintenance, insurance, furnishings, but excluding administrative staff costs.
- 3) Payment for the provision of essential services to residents of shelter or transitional housing including (but not limited to) services concerned with employment, physical health, mental health, substance abuse, education and general support. This does include the staff salary necessary to provide these services.
- 4) Homelessness prevention activities (excluding rent, utilities, mortgage assistance, first months rent, or damage deposits).

A total of \$563,350 will be awarded under six separate categories as follows:

Category I—\$310,000 set aside for areas of the state serving more than one percent of sheltered population as determined by the Department of Jobs and Training's Quarterly Shelter Survey. Areas qualifying for a set aside are listed below:

<u>AREA</u>	<u>AMOUNT</u>
Anoka county area	\$ 32,645
Bemidji area	\$ 12,182
Hennepin county area	\$110,053
Moorhead area	\$ 24,533
Koochiching/Itasca counties area	\$ 11,590
Mankato area	\$ 20,726
Rochester area	\$ 27,578
St. Paul area	\$ 6,650
Scott/Carver/Dakota counties	\$ 18,696
St. Cloud area	\$ 28,763
Crookston area	\$ 16,665
Total	\$310,000

Category II—\$40,000 will be awarded through a statewide completion to areas of the state serving less than one percent of the sheltered population in the state.

Category III—\$80,000 will be awarded to new programs (starting operation after February 28, 1991), existing programs which have expanded since February 21, 1991.

Category IV—\$50,000 will be awarded through a statewide competition to applicants from areas of the state which must rely on the use of motels or the commercial facilities for sheltering homeless individuals.

Category V—\$75,000 will be awarded through a statewide competition to programs which provide homelessness prevention services. Rental assistance will not be considered as eligible under this program.

Category VI—\$8,350 will be awarded through a statewide completion to one shelter or transitional housing program to conduct a energy efficiency improvement demonstration.

Program administrative costs in the amount of 2.5 percent will be available to local units of government, or nonprofits having more than one sub-grantee.

#### Eligible Applicants

Eligible applicants include units of general local government, or non-profit organizations. A private non-profit organization applying for assistance must certify that the local unit of government in which the project is located approves of the project, and that the project is consistent with the applicable comprehensive housing affordability strategy.

## State Grants

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Application packages can be obtained by calling Vicki Castano in the Community Based Services Division at (612) 296-1459. All applications must be received by the Community Based Services Division no later than 5:00 p.m. April 6th, 1992. Further information can be obtained by calling Patrick Leary at (612) 297-3409 or Julie Urban at (612) 296-5759.

## Board of Water and Soil Resources

### Announcement of Application Period for Local Water Resources Protection and Management Program Grants

The Board of Water and Soil Resources (BWSR) is accepting applications from counties for Local Water Resources and Protection and Management Program grants. The following grant is available:

\* Challenge grants to assist counties in the administration and implementation of the interim guidelines of the 1990 Wetland Conservation Act.

The BWSR has \$300,000 available for these grants. To be considered, applications must be in the BWSR office in St. Paul by 4:30 p.m. May 8, 1992.

County Auditors and Water Plan Coordinators have been notified of this application period. Any other local unit of government that wishes to be notified must contact the BWSR by writing to the Executive Director at the following address:

Ronald D. Harnack  
Executive Director  
Board of Water and Soil Resources  
155 South Wabasha Street, Suite 104  
St. Paul, MN 55107

An application packet which includes additional information about the grants can be obtained by writing to the BWSR office in St. Paul.

## Professional, Technical & Consulting Contracts

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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.

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## Office of Tourism

### Proposals Sought From Individuals Interested in Producing a State Travel Film

The Minnesota Office of Tourism is seeking proposals/applications from individuals interested in producing a state travel film. The estimated contract is \$50,000-150,000, beginning May 1, 1992 through June 30, 1993. Required format is 16mm film with all location shooting to be done in Minnesota.

For further information, contact Susan Lasley at 612/297-3879.

#### Proposal Submissions

Those interested must submit a completed request for proposal and bid form. All bids must include a summary of experience, production and fee schedule, 3/4-inch demo tape of relevant film work, and the name, title, address and phone number of the person empowered to negotiate a contract as a result of this proposal to:

Susan Lasley, Creative Services Manager  
Minnesota Office of Tourism  
375 Jackson Street, 250 Skyway Level  
St. Paul, Minnesota 55101-1848

Potential vendors are cautioned that only Susan Lasley is empowered to discuss and provide information on this project.

Deadline for submissions: 4:30 p.m.—March 23, 1992.

E. Peter Gillette  
Minnesota Department of Trade and Economic Development



## State Designer Selection Board

### Request for Proposal for a Project for the Giants Ridge Recreation Area

#### To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select a designer for a project for the Giants Ridge Recreation Area. Design firms who wish to be considered for this project should deliver proposals on or before 4:00 p.m., March 31, 1992, to:

George Iwan  
Executive Secretary, State Designer Selection Board  
Room G-10, Administration Building  
St. Paul, Minnesota 55155-3000

#### The proposal must conform to the following:

- 1) Six copies of the proposal will be required.
- 2) All data must be on 8½" x 11" sheets, soft bound.
- 3) The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number and the name of the contact person.

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

- a) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc. If the response is from a joint venture, this information must be provided for firms comprising the joint venture.
- b) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. If desired, identify roles that such persons played in projects which are relevant to the project at hand.
- c) A commitment to enter the work promptly, if selected, by engaging the consultants, and assigning the persons named 4b above along with adequate staff to meet the requirements of work.
- d) A list of State and University of Minnesota current and past projects and studies under contract or awarded to the prime firm(s) submitting this proposal during the three (3) years immediately preceding the date of this request for proposal. The prime firm(s) shall list and total all fees associated with these projects and studies whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects and studies listed pursuant to the above. **NOTE:** Please call for a copy of the acceptable format for providing this information.
- e) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described. It must be noted if the personnel were, at the time of the work, employed by other than their present firms.

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

#### 5) Statutory Proposal Requirements:

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

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

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

- a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
  - b) A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights;
- or
- c) A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months; or
  - d) A statement certifying that the firm has an application pending for a certificate of compliance.

## Professional, Technical & Consulting Contracts

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

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

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

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

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

### 7) PROJECT 04-92

Chalet Renovation and Expansion  
Giants Ridge Recreation Area  
Biwabik, Minnesota

#### Description of Project:

The proposed project consists of the planning, design, construction, and renovation of a proposed addition to the existing Giants Ridge Ski Chalet Building at Giants Ridge Recreation Area.

#### Project Details:

Project calls for the research and planning of the expansion and renovation to meet the growing needs of the operation at Giants Ridge. Successful respondent would meet with staff, review previous plans, and make recommendations based on those planning sessions. Prepare all preliminary schematics, plans, and renderings necessary, and upon approval of IRRRB and Giants Ridge, prepare project for actual construction. Successful respondent would carry project through construction.

**Estimated Project Cost:** \$500,000.00

Respondents should have a working knowledge of ski business and experience in recreational planning and development.

Architectural fees will be 8½ percent.

Architects shall work for the Department of Administration and the IRRRB, but directly with Mr. Mike Gentile, Director of Giants Ridge Recreation Area, Biwabik, Minnesota. All questions relating to this project shall be referred to him at (218) 865-4143.

James Tillitt, Chairman  
State Designer Selection Board

## Non-State Public Contracts

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

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

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## Minnehaha Creek Watershed District

### Request for Interest Proposals for Engineering Consultant Services

Pursuant to MSA 103B.227, Subd. 5 the Minnehaha Creek Watershed District hereby solicits interest proposals for engineering consultant services for two years commencing in mid-1992

Individuals interested in performing engineering consultant services for the Minnehaha Creek Watershed District should contact David A. Jones at 3300 Piper Jaffray Tower, Minneapolis, Minnesota 55402 or 333-4800 to receive a proposal.

The Commission will review said proposals and reserves to itself the right to take such action as it deems in the best interest of the Watershed District. All proposals shall be submitted on or before **April 7, 1992**.

# 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 CODE KEY		
<b>A = Sealed Bid</b> <b>B = Write for Price</b> <b>C = Request for Proposal</b> <b>D = Request for Information</b> <b>E = \$0-\$1,500 Estimated Dollar Value</b> <b>F = \$1,500-\$5,000 Estimated Dollar Value</b>	<b>G = \$5,000-\$15,000 Estimated Dollar Value</b> <b>H = \$15,000-\$50,000 Sealed Bid</b> <b>I = \$50,000 and Over Sealed Bid/Human Rights Compliance Required</b>	<b>J = Targeted Vendors Only</b> <b>K = Local Service Needed</b> <b>L = No Substitute</b> <b>M = Installation Needed</b> <b>N = Pre-Bid Conference</b> <b>O = Insurance or Bonding Required</b>

**Commodity:** Telecommunications:  
panasonic digital business system  
(DBS)—rebid  
**Contact:** Patricia Anderson 612-296-3770  
**Bid due date at 2pm:** March 16  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price contract

**Commodity:** Gasoline and diesel fuel  
(transport and tankwagon deliveries)  
**Contact:** Dale Meyer 612-296-3773  
**Bid due date at 2pm:** March 16  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price contract

**Commodity:** B F—Quickie custom  
wheelchair—Duluth  
**Contact:** Teresa Manzella 612-296-7556  
**Bid due date at 4:30pm:** March 18  
**Agency:** Minnesota Department of Jobs  
& Training  
**Deliver to:** Various places  
**Requisition #:** B 21603-19319

**Commodity:** A H L—Dionex upgrade  
**Contact:** Bernadette Vogel 612-296-3778  
**Bid due date at 2pm:** March 16  
**Agency:** Department of Natural  
Resources—Field Services  
**Deliver to:** Forest Lake  
**Requisition #:** B 29000-58072

**Commodity:** B F—Crackfill  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** March 16  
**Agency:** Minnesota Department of Jobs  
& Training  
**Deliver to:** Various places  
**Requisition #:** B 21606-51675

**Commodity:** B F—Prosthetic devices  
**Contact:** Teresa Manzella 612-296-7556  
**Bid due date at 4:30pm:** March 11  
**Agency:** Minnesota Department of Jobs  
& Training  
**Deliver to:** Various places  
**Requisition #:** B 21604-82957

**Commodity:** B E—386SX/20 computer  
**Contact:** Bernadette Vogel 612-296-3778  
**Bid due date at 4:30pm:** March 16  
**Agency:** Minnesota Academy for  
the Deaf  
**Deliver to:** Faribault  
**Requisition #:** B 37001-20681

**Commodity:** I M N—Carpeting and  
install  
**Contact:** Linda Parkos 612-296-3625  
**Bid due date at 2pm:** March 19  
**Agency:** Building Construction Division  
**Deliver to:** Various places  
**Requisition #:** B 02310-25008

**Commodity:** B F—Miscellaneous  
nursing supplies/equipment  
**Contact:** Teresa Manzella 612-296-7556  
**Bid due date at 4:30pm:** March 17  
**Agency:** Winona State University  
**Deliver to:** Winona  
**Requisition #:** B 26074-14316

## State Contracts and Advertised Bids

**Commodity:** B E—Oxygen concentrator  
**Contact:** Teresa Manzella 612-296-7556  
**Bid due date at 4:30pm:** March 13  
**Agency:** Winona State University  
**Deliver to:** Winona  
**Requisition #:** B 26074-14318

**Commodity:** B E—Breath testing device  
**Contact:** Bernadette Vogel 612-296-3778  
**Bid due date at 4:30pm:** March 13  
**Agency:** Minnesota Department of Corrections  
**Deliver to:** Various places  
**Requisition #:** B 78000-32152

**Commodity:** B G—Nicotine air samplers  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** March 13  
**Agency:** Minnesota Department of Health  
**Deliver to:** Minneapolis  
**Requisition #:** B 12500-85787

**Commodity:** B G—Flaw detector/thickness gauge  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** March 13  
**Agency:** St. Cloud State University  
**Deliver to:** St. Cloud  
**Requisition #:** B 26073-23435

**Commodity:** B F—Security equipment  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** March 13  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Fort Snelling  
**Requisition #:** B 79000-22970

**Commodity:** B E—Sony 27" monitor/rec  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** March 13  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Baxter  
**Requisition #:** B 79300-09250

**Commodity:** B F—Durable medical equipment  
**Contact:** Teresa Manzella 612-296-7556  
**Bid due date at 4:30pm:** March 17  
**Agency:** Winona State University  
**Deliver to:** Winona  
**Requisition #:** B 26074-14317

**Commodity:** B F—80386/16 laptop  
**Contact:** Bernadette Vogel 612-296-3778  
**Bid due date at 4:30pm:** March 13  
**Agency:** Department of Labor & Industry  
**Deliver to:** St. Paul  
**Requisition #:** B 42200-17269

**Commodity:** B F—Scopemeter  
**Contact:** Bernadette Vogel 612-296-3778  
**Bid due date at 4:30pm:** March 13  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** St. Paul  
**Requisition #:** B 79000-22916

**Commodity:** B F—TV's  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** March 13  
**Agency:** Department of Employee Relations  
**Deliver to:** St. Paul  
**Requisition #:** B 24600-26687

**Commodity:** B F—Power meter  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** March 13  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Fort Snelling  
**Requisition #:** B 79000-22967

**Commodity:** A H—3M loop detector sealant  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 2pm:** March 16  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Fort Snelling  
**Requisition #:** B 79000-22971

**Commodity:** B F—Overhead door opener  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** March 13  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** St. Cloud  
**Requisition #:** B 79350-01193

**Commodity:** B E L—Door hardware  
**Contact:** Linda Parkos 612-296-3725  
**Bid due date at 4:30pm:** March 17  
**Agency:** Bemidji State University  
**Deliver to:** Bemidji  
**Requisition #:** B 26070-14681

**Commodity:** B F M—Fitness equipment stair climber  
**Contact:** Linda Parkos 612-296-3725  
**Bid due date at 4:30pm:** March 17  
**Agency:** Minneapolis Community College  
**Deliver to:** Minneapolis  
**Requisition #:** B 27151-49060

**Commodity:** B F—Ceramic clay mixer  
**Contact:** Linda Parkos 612-296-3725  
**Bid due date at 4:30pm:** March 17  
**Agency:** Lakewood Community College  
**Deliver to:** White Bear Lake  
**Requisition #:** B 27154-47366

**Commodity:** B F—Door hardware  
**Contact:** Linda Parkos 612-296-3725  
**Bid due date at 4:30pm:** March 17  
**Agency:** Minnesota Correctional Facility  
**Deliver to:** St. Cloud  
**Requisition #:** B 78830-11158

**Commodity:** B G K M—Copier  
**Contact:** Jack Bauer 612-296-2621  
**Bid due date at 4:30pm:** March 17  
**Agency:** St. Cloud State University  
**Deliver to:** St. Cloud  
**Requisition #:** B 26073-23464

**Commodity:** B F—Backpack fire pumps—rebid  
**Contact:** Jack Bauer 612-296-2621  
**Bid due date at 4:30pm:** March 13  
**Agency:** Department of Natural Resources—Northern Service Center  
**Deliver to:** Grand Rapids  
**Requisition #:** B 29007-10428-1

**Commodity:** B G—Furnish and install boiler components  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 4:30pm:** March 17  
**Agency:** Building Construction Division  
**Deliver to:** St. Cloud  
**Requisition #:** B 02310-25026

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## State Contracts and Advertised Bids

**Commodity:** B F—Miscellaneous forestry supplies  
**Contact:** Linda Parkos 612-296-3725  
**Bid due date at 4:30pm:** March 17  
**Agency:** St. Cloud State University  
**Deliver to:** St. Cloud  
**Requisition #:** B 26073-23457

**Commodity:** B G K—Rental of graduation gowns  
**Contact:** Linda Parkos 612-296-3725  
**Bid due date at 4:30pm:** March 17  
**Agency:** North Hennepin Community College  
**Deliver to:** Brooklyn Park  
**Requisition #:** B 27153-21396

**Commodity:** B F L—Door hardware  
**Contact:** Linda Parkos 612-296-3725  
**Bid due date at 4:30pm:** March 17  
**Agency:** Minnesota Correctional Facility  
**Deliver to:** Faribault  
**Requisition #:** B 78790-20565

**Commodity:** B F L—Door hardware  
**Contact:** Linda Parkos 612-296-3725  
**Bid due date at 4:30pm:** March 17  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Golden Valley  
**Requisition #:** B 79500-22521

**Commodity:** A I—Picnic tables  
**Contact:** Jack Bauer 612-296-2621  
**Bid due date at 2pm:** March 18  
**Agency:** Department of Natural Resources—Division of Parks &  
**Deliver to:** Various places  
**Requisition #:** B 29000-58024-1

**Commodity:** B E—Furniture display unit  
**Contact:** Jack Bauer 612-296-2621  
**Bid due date at 4:30pm:** March 17  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Baxter  
**Requisition #:** B 79300-09255

**Commodity:** B F—All terrain vehicle  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 4:30pm:** March 17  
**Agency:** Department of Natural Resources—Regional Headquarters  
**Deliver to:** Grand Rapids  
**Requisition #:** B 29002-22030

**Commodity:** B G—Used snowmobile  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 4:30pm:** March 17  
**Agency:** Department of Natural Resources—Regional Headquarters  
**Deliver to:** Grand Rapids  
**Requisition #:** B 29002-22032

**Commodity:** A H—Truck mtd articulating crane  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 2pm:** March 17  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Fort Snelling  
**Requisition #:** B 79382-02383

**Commodity:** A H—Truck mtd telescoping crane  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 2pm:** March 17  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Fort Snelling  
**Requisition #:** B 79382-02382

**Commodity:** A I—Drill rig and truck  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 2pm:** March 19  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Fort Snelling  
**Requisition #:** B 79382-02384

**Commodity:** Batteries, storage for automotive and trucks—rebid  
**Contact:** Dale Meyer 612-296-3773  
**Bid due date at 2pm:** March 13  
**Agency:** Various  
**Deliver to:** Various locations  
**Requisition #:** Price contract

**Commodity:** Janitorial service—rebid  
**Contact:** Joyce Dehn 612-297-3830  
**Bid due date at 2pm:** March 12  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Maplewood  
**Requisition #:** Price contract

**Commodity:** Service motor vehicles for MN Veterans Home  
**Contact:** Dale Meyer 612-296-3773  
**Bid due date at 2pm:** March 17  
**Agency:** MN Veterans Home  
**Deliver to:** Minneapolis  
**Requisition #:** Price Contract

**Commodity:** Laerdal resusci annies and related repairs  
**Contact:** Don Hanson 612-297-5619  
**Bid due date at 2pm:** March 20  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** B G—Comp related handicap devices  
**Contact:** Bernadette Vogel 612-296-3778  
**Bid due date at 4:30pm:** March 13  
**Agency:** Bemidji State University  
**Deliver to:** Bemidji  
**Requisition #:** B 26070-14684

**Commodity:** B G—Vartyper printer  
**Contact:** Bernadette Vogel 612-296-3778  
**Bid due date at 4:30pm:** March 13  
**Agency:** Mankato State University  
**Deliver to:** Mankato  
**Requisition #:** B 26071-38418

**Commodity:** B E—Panasonic printer  
**Contact:** Bernadette Vogel 612-296-3778  
**Bid due date at 4:30pm:** March 13  
**Agency:** Southwest State University  
**Deliver to:** Marshall  
**Requisition #:** B 26175-02294

**Commodity:** B F—Security cameras and equipment  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 4:30pm:** March 13  
**Agency:** Minnesota Correctional Facility  
**Deliver to:** Faribault  
**Requisition #:** B 78790-20564

**Commodity:** B F—Forms software for scanner  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** March 13  
**Agency:** Minnesota Department of Education/Accounts Payable  
**Deliver to:** St. Paul  
**Requisition #:** B 37010-99660

## State Contracts and Advertised Bids

**Commodity:** B F—Appliances  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** March 13  
**Agency:** Anoka-Metro Regional Treatment Center  
**Deliver to:** Anoka  
**Requisition #:** B 55100-04916

**Commodity:** B F—Channel pads  
**Contact:** Bernadette Vogel 612-296-3778  
**Bid due date at 4:30pm:** March 13  
**Agency:** Mankato State University  
**Deliver to:** Mankato  
**Requisition #:** B 26071-26213

**Commodity:** B F—386 DX/25 computer  
**Contact:** Bernadette Vogel 612-296-3778  
**Bid due date at 4:30pm:** March 13  
**Agency:** Southwest State University  
**Deliver to:** Marshall  
**Requisition #:** B 26175-02293

**Commodity:** A H—386 and 486 computers  
**Contact:** Bernadette Vogel 612-296-3778  
**Bid due date at 2pm:** March 16  
**Agency:** Normandale Community College  
**Deliver to:** Bloomington  
**Requisition #:** B 27156-10887

**Commodity:** B F—Software  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** March 13  
**Agency:** Mankato State University  
**Deliver to:** Mankato  
**Requisition #:** B 26071-48165

**Commodity:** B F—Appliances  
**Contact:** Joan Breisler 612-296-9071  
**Bid due date at 4:30pm:** March 13  
**Agency:** Anoka-Metro Regional Treatment Center  
**Deliver to:** Anoka  
**Requisition #:** B 55100-04915

## Department of Administration: Print Communications Division

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

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

**Commodity:** 1992 Resident Bow and Arrow Deer License, type to be set, two-sided, head-to-head, red ink, no overruns, 200M, carbon interleave  
**Contact:** Printing Buyer's Office  
**Bids are due:** March 12  
**Agency:** Natural Resources  
**Deliver to:** St. Paul  
**Requisition #:** 21586

**Commodity:** 1992 Resident Firearm Deer License, type to be set, two-sided, 9 head-to-head, 525M, no overruns, carbon interleave  
**Contact:** Printing Buyer's Office  
**Bids are due:** March 12  
**Agency:** Natural Resources  
**Deliver to:** St. Paul  
**Requisition #:** 21592

## Subscription Services

Minnesota's Bookstore offers several subscription services of activities, awards, decisions and special bulletins of various Minnesota state agencies.

Use the handy order form on the back of the *State Register* to order. Simply fill in the subscription code number, include your name, address and zip and your check made out to the State of Minnesota (PREPAYMENT IS REQUIRED) and send it in. We'll start your subscription as soon as we receive your order, or whenever you like.

SUBSCRIPTION	COST	CODE NO.	SUBSCRIPTION	COST	CODE NO.
Career Opportunity Bulletin, 1 year	\$ 30.00	90-3	State Register, Monday edition only, 1 year	\$140.00	90-1
Career Opportunity Bulletin, 6 mos.	\$ 24.00	90-4	State Register, Monday and Thursday editions, 1 year	\$195.00	90-1
Human Services Informational and Instructional Bulletin	\$115.00	90-6	Trial State Register, 3-months, Monday and Thursday	\$ 60.00	90-2
Human Services Bulletin List	\$100.00	90-7	Tax Court/Property Decisions	\$300.00	90-11
PERB (Public Employee Relations Board) Awards and Decisions, 1 year	\$350.00	90-9	Workers Compensation Decisions, unpublished subs run Jan-Dec 1991; can be prorated	\$400.00	90-12
Minnesota Statutes 1990 Set + Supplement	\$165.00	18-7			
Minnesota Rules 1991 Set + Supplement	\$200.00	18-100			
Workers Compensation Decisions Vol. 45	\$160.00	90-13			

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 296-0931, or toll-free in Minnesota: 1-800-657-3757. Prepayment is required. Please include daytime phone. *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.

# Minnesota's Bookstore

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## Publications, Services, Subscriptions

### Order Form on Back—For Information, Call 297-3000

**1991 Minnesota Rules.** Eleven volume set includes 1992 Supplement as a subscription service. Stock #18-100, \$200 + tax (Minnesota residents only). Individual volumes can be purchased at \$20.00 + tax.

**1991 Minnesota Session Laws.** Two volume set includes laws passed during the 1991 session. Stock #18-1, \$32.00 + tax.

**101 Ways to Promote Academic Excellence.** A collection of nuts-and-bolts methods educators have successfully used to foster academic achievement. These are techniques that directly help students, can be replicated easily, are cost-effective, and that work in meeting the public education's great challenge: helping every single child learn. Code #5-1, \$4.50.

**1989 Pollution Control Laws.** Laws dealing with water pollution, disposal facilities, solid waste management, the Minnesota Environmental Rights Act, recycling, and more. Code #2-21, \$24.95.

**1991 Hazardous Waste Rules.** Governs the production, storage, transportation and disposal of hazardous waste. *Minnesota Rules* Chapter 7045 and 7046. Code #3-71, \$17.95.

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