

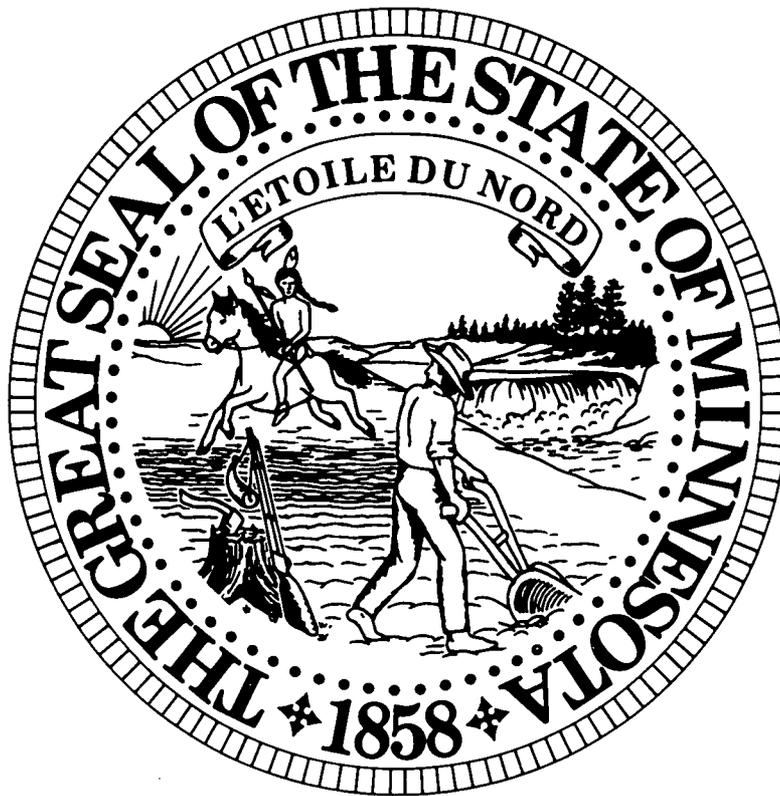
P182

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The Minnesota State Register

Department of Administration—Print Communications Division

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Rules edition
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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
40	Monday 16 March	Monday 23 March	Monday 30 March
41	Monday 23 March	Monday 30 March	Monday 6 April
42	Monday 30 March	Monday 6 April	Monday 13 April
43	Monday 6 April	Monday 13 April	Monday 20 April

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

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

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

The *State Register* is published every Monday (Tuesday when Monday is a holiday) by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. A *State Register Contracts Supplement* is published every Thursday. The Monday edition is the vehicle for conveying all information about state agency rulemaking, including official notices; hearing notices; proposed, adopted and emergency rules. It also contains executive orders of the governor; commissioners' orders; state contracts and advertised bids; professional, technical and consulting contracts; non-state public contracts; state grants; decisions of the supreme court; a monthly calendar of scheduled cases before the supreme court; and other announcements. The Thursday edition contains additional state contracts and advertised bids, and the most complete listing of contract awards available in one source.

In accordance with expressed legislative intent that the *State Register* be self-supporting, the following subscription rates have been established: the Monday edition costs \$140.00 per year and includes an index issue published in August (single issues are available at the address listed above for \$3.50 per copy); the combined Monday and Thursday editions cost \$195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for \$60.00, include both the Monday and Thursday edition, last for 13 weeks, and may be converted to a full subscription anytime by making up the price difference. No refunds will be made in the event of subscription cancellation.

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

Subscribers who do not receive a copy of an issue should notify the *State Register* circulation manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

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FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

Contents

Minnesota Rules: Amendments & Additions

Issues 40-41 inclusive (issues #1-39 appeared in #39) 2192

Proposed Rules

Water and Soil Resources Board

Waters; metropolitan area local water management 2193

Adopted Rules

Health Department

Emergency care course certificate issuance 2207

Pollution Control Agency

Training and certification; underground storage tanks 2207

Minnesota Racing Commission

Horse medication 2207

Technical Colleges Board

Teacher licenses; new program instructional staff 2207

Technical college teacher licenses: dental assisting; machine tool career 2207

Commissioners' Orders

Natural Resources Department

Commissioner's scientific and natural area Order No. 92: Blue Devil Valley scientific and natural area 2208

Commissioner's scientific and natural area Order No. 93: Sugar Loaf Point scientific and natural area 2208

Commissioner's scientific and natural area Order No. 94: Gustafson's Camp scientific and natural area 2209

Official Notices

Minnesota Comprehensive Health Association

Enrollee appeal committee meeting 2211

Actuarial committee meeting 2211

Board of directors meeting 2211

Corrections Department

Outside opinions sought regarding proposed rule governing municipal jail facilities 2211

Ethical Practices Board

Requests for advisory opinions re: lobbyist principal 2212

Labor & Industry Department

Notice of withdrawal of prevailing wage rates 2212

Notice of correction to prevailing wage rates 2212

Pollution Control Agency

Notice of proposed addition to the permanent list of priorities among releases or threatened releases of hazardous substances or pollutants or contaminants 2213

Teachers Retirement Association

Meeting notice 2214

State Grants

Health Department

Grants available for conducting lead-related screening, home assessments and health education 2214

State Board of Technical Colleges

JTPA education coordination funds available 2215

Trade and Economic Development Department

Outdoor recreation and small cities development grants available to local units of government 2215

Professional, Technical & Consulting Contracts

Agriculture Department

Advertising services sought 2216

Minnesota Community College System

Recordkeeping services sought for defined contribution retirement plans 2216

State Designer Selection Board

Project services sought for University of Minnesota project 2217

Minnesota Housing Finance Agency

Proposals sought for audit services 2219

Human Services Department

Proposals sought for medical line information services 2220

Jobs and Training Department

Proposals sought for professional services 2221

Non-State Public Contracts

Minnesota Historical Society

Bids sought of Bank of England wooden chairs 2223

Lower Minnesota River Watershed District

Proposals sought for engineering consultant services 2223

Metropolitan Airports Commission

Public notice for qualifications statements for legal services 2223

State Contracts & Advertised Bids

Administration Department

Materials Management Division: Commodities and requisitions open for bid 2224

Print Communications Division: Typesetting, keylining, photo prep and seps, printing, binding, labeling and mailing contracts open for bid 2226

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.

Issues 40-41 inclusive (issues # 1-39 appeared in #39)

Technical Colleges Board

3700.0465; .0850 (adopted) 2207
 3700.1420 (adopted) 2207

Health Department

4690.4600 (adopted) 2207
 4690.4600 s.7, 8, and 9 (repealed August 1, 1994) 2207

Higher Education Coordinating Board

4810.3030 (adopted) 2162
 4810.3030 s.2 (repealed) 2162

Pollution Control Agency

7105.0060; .0090 (adopted) 2207
 7151.0010; .0020; .0030; .0040; .0050; .0060; .0070;
 .0080; .0090; .0100; .0110; .0120; .0130; .0140; .0150;
 .0160; .0170; .0180; .0190; .0200; .0210; .0220; .0230;
 .0240 (withdrawn) 2166
 7100.0010; .0020; .0030; .0040; .0050; .0060; .0070;
 .0080; .0090 (proposed repealer withdrawn) 2166

Harmful Substance Compensation Board

7190.1100; .1110; .1120; .1130; .1140; .1150; .1160;
 .1170; .1180; .1190; .2000; .2010 (adopted) 2162

Public Utilities Commission

7810.8100; .8200; .8300; .8400; .8500; .8600; .8605;
 .8610; .8615; .8620; .8625; .8630; .8635; .8640; .8645;
 .8650; .8655; .8660; .8665; .8670; .8675; .8680; .8685;
 .8690; .8700; .8705; .8710; .8715; .8720; .8725; .8730;
 .8735; .8740; .8745; .8750; .8755; .8760; .8800; .8805;
 .8810; .8815; .8900; .8905; .8910; .8915; .8920; .8925;
 .8930; .8935; .8940 (adopted) 2163

Water and Soil Resources Board

8410.0010; .0020; .0030; .0040; .0050; .0060; .0070;
 .0080; .0090; .0100; .0110; .0120; .0130; .0140; .0150;
 .0160; .0170; .0180 (proposed) 2193

Minnesota Racing Commission

7890.0100; .0130; .0140; .0150; .0160; 7892.0120
 (adopted) 2207

Teaching Board

8700.5505 (adopted) 2165

Transportation Department

8840.5100; .5300; .5400; .5500; .5600; .5650; .5700;
 .5800; .5900; .5910; .5925; .5940; .5950; .5975; .6000;
 .6100; .6200; .6300 (proposed) 2145
 8840.5200; .5700 s.3 (proposed repealer) 2162

Proposed Rules

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

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

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

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

Board of Water and Soil Resources

Proposed Permanent Rules Relating to Waters; Metropolitan Area Local Water Management

Notice of Intent to Adopt Proposed Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Water and Soil Resources (Board) proposes to adopt *Minnesota Rules*, parts 8410.0010 to 8410.0180 without a public hearing unless 25 or more persons submit written requests for a public hearing with respect to the proposed rules. The Board has determined that the proposed rules will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* §§ 14.22 to 14.28. The statutory authority of the Board to adopt the proposed rules is contained in *Minnesota Statutes*, § 103B.101, Subd. 7; § 103B.211, Subd. 1; § 103B.231, Subd. 6, 10 and 14; and § 103B.227, Subd. 3.

Interested persons shall have until 4:30 p.m. May 6, 1992 to submit comments in support of or in opposition to the proposed rules. Comment is encouraged. Each comment should identify the portions of the proposed rules being addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Board and do not result in a substantial change in the proposed language.

Any person may make a written request for a public hearing on the proposed rules within the 30-day comment period. Any person requesting a public hearing must state his or her name, address, and telephone number and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a person desires that a hearing be held on only a portion of the proposed rules, it is requested that the Board be informed of the specific portion of the rules on which a hearing is being requested at the time the hearing request is made. This will enable the Board to limit the hearing, if one is held, to the specific issues of concern. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed rules or a portion thereof by 4:30 p.m. May 6, 1992, thus necessitating that one be held with respect to the proposed rules. If a hearing is required, the Board will proceed pursuant to *Minnesota Statutes*, §§ 14.131 to 14.20.

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

Bruce Sandstrom
Minnesota Board of Water and Soil Resources
155 South Wabasha Street, Suite 104
St. Paul, Minnesota 55107
(612) 297-4958

A copy of the proposed rules are attached to this notice. A free copy of the proposed rules may be obtained from the Board by writing or telephoning Bruce Sandstrom at the address or telephone number listed above.

The proposed rules govern the content of amendments to watershed management plans for 46 Watershed Management Organizations (WMOs) in the seven county metropolitan area. The rules also govern the content of WMO annual financial, audit and activity reports; how WMO members may be removed; the content of WMO joint powers agreements; and standards and criteria for making determinations of whether watershed plans are being implemented.

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

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

IF NO HEARING IS REQUIRED, the Board will submit to the Attorney General the proposed rules and notice as published, the rules as proposed for adoption, any written comments received by the Board, the statement of need and reasonableness, and a statement explaining any modifications to the proposed rules. The Attorney General will approve or disapprove the rules as to legality and form, including the issue of substantial change and determine whether the Board 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 must submit the written request to Bruce Sandstrom at the address listed above. If the proposed rules have been modified, the notice will also state that fact and will state that a free copy of the proposed rules, as modified, will be available upon request from the Board.

Local Government Considerations

The Board's evaluation of the impact of the proposed rules on the expenditure of public monies by local public bodies is addressed in the statement of need and reasonableness. There will be a direct cost to some local units of government and this will vary according to such factors as the size of the watershed, the number of communities in each WMO, whether the WMO is a watershed district and the degree to which a WMO's original plan met the intent of the Metropolitan Waters Management Act.

Agricultural Land

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

Small Business Considerations

The Board is subject to *Minnesota Statutes*, § 14.115 regarding small business considerations in rule making. The Board's evaluation of the applicability of the methods contained in *Minnesota Statutes*, § 14.115, Subd. 2, for reducing the impact of the proposed rules on small business is addressed in the statement of need and reasonableness. It is the Board's conclusion that the rules have insignificant impact on small businesses.

Dated: 20 March 1992

Ronald D. Harnack, Executive Director
Minnesota Board of Water and Soil Resources

Rules as Proposed (all new material)

8410.0010 SCOPE.

Subpart 1. **Application.** Upon adoption, parts 8410.0010 to 8410.0180 apply to the general administration of metropolitan watershed management activities and to amendments to existing plans made after January 1, 1995. If no plan has been submitted to the board by the effective date of parts 8410.0010 to 8410.0180, any plan thereafter submitted must be in compliance with parts 8410.0010 to 8410.0180. A watershed management organization must amend its plan consistent with parts 8410.0010 to 8410.0180 and submit amendments to the board according to its amendment schedule and amendment procedures outlined in part 8410.0140, but not later than ten years from the date of initial plan approval.

Subp. 2. **Failure to implement plans.** When the board determines that a plan is not being properly implemented under an action initiated according to part 8410.0180, and there is reason to believe that an improved plan would lead to improved water management, the board may direct the responsible authorities to develop an amended plan within a reasonable time frame. In making this determination, the board must consider items including, but not limited to:

- A. when the plan was approved and adopted;
- B. the status of local plan development and adoption;
- C. the scope and anticipated costs to amend;
- D. the availability of funds; and
- E. the potential short- and long-term adverse impacts on the natural resources of the affected watershed.

8410.0020 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part and in *Minnesota Statutes*, section 103B.205, apply to parts 8410.0010 to 8410.0180.

Subp. 2. **Board.** "Board" means the Minnesota Board of Water and Soil Resources created by *Minnesota Statutes*, section 103B.101.

Subp. 3. **Capital improvement.** "Capital improvement" means a physical improvement that is not directed toward maintenance of an in-place system during its life expectancy.

Subp. 4. **Metropolitan Council or council.** "Metropolitan Council" or "council" means the Metropolitan Council as created by *Minnesota Statutes*, section 473.123.

Subp. 5. **Flooding problem.** "Flooding problem" means a flooding problem that has been identified as a problem by the watershed management organization or local unit of government.

Subp. 6. **Groundwater plan.** "Groundwater plan" means a county plan adopted under *Minnesota Statutes*, section 103B.255.

Subp. 7. **Local comprehensive plan.** "Local comprehensive plan" has the meaning given "comprehensive plan" in *Minnesota Statutes*, section 473.852, subdivision 5.

Subp. 8. **Local government unit or unit.** "Local government unit" or "unit" has the meaning given it in *Minnesota Statutes*, section 473.852, subdivision 7.

Subp. 9. **Metropolitan Water Management Act.** "Metropolitan water management act" has the meaning given it in *Minnesota Statutes*, sections 103B.201 to 103B.255.

Subp. 10. **Minor plan amendments.** "Minor plan amendments" means items such as recodification of the plan, revision of a procedure meant to streamline administration of the plan, clarification of the intent of a policy, the inclusion of additional data not requiring interpretation, or any other action that will not adversely affect a local unit of government or diminish a water management organization's ability to achieve its plan's goals or implementation program.

Subp. 11. **Minor watershed unit.** "Minor watershed unit" means each of the approximately 5,600 minor watershed units delineated on the state watershed boundaries map prepared under the requirements of Laws 1977, chapter 455, section 33, subdivision 7, paragraph (a).

Subp. 12. **Metropolitan Urban Service Area or area.** "Metropolitan Urban Service Area" or "area" has the meaning given on maps prepared by the Metropolitan Council. The latest version of the map identifying the area is incorporated by reference and is subject to periodic change. The latest version of the map identifying the area is available from the state law library through the Minitex interlibrary loan system. The area is the seven-county metropolitan area that the council is committed by policy to provide regional planning for sanitary sewer, highway, transit, park, and airport facilities.

Subp. 13. **Natural surface water storage and retention systems.** "Natural surface water storage and retention systems" means public waters and wetlands as defined in *Minnesota Statutes*, section 103G.005, subdivisions 15 and 19.

Subp. 14. **Official controls.** "Official controls" has the meaning given it in *Minnesota Statutes*, section 473.852.

Subp. 15. **Plan.** "Plan" means the watershed management plan prepared by a watershed management organization or county as required by *Minnesota Statutes*, section 103B.231, subdivision 1.

Subp. 16. **Plan review authorities.** "Plan review authorities" means the Metropolitan Council, the Department of Health, the Department of Natural Resources, the Pollution Control Agency, the Board of Water and Soil Resources, and counties, cities, towns, and soil and water conservation districts partially or wholly within the watershed management organization as defined in *Minnesota Statutes*, section 103B.231, subdivisions 7, 8, and 9.

Subp. 17. **Public waters.** "Public waters" means waters of the state identified as public waters under *Minnesota Statutes*, section 103G.005, subdivision 15.

Subp. 18. **Seven-county metropolitan area.** "Seven-county metropolitan area" means the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington, excluding the corporate boundaries of the city of New Prague.

Subp. 19. **Subwatershed unit.** "Subwatershed unit" means a hydrologic area less than the entire area under the jurisdiction of a watershed management organization.

Subp. 20. **Watershed.** "Watershed" means a drainage area with boundaries that are substantially coterminous with those of an aggregation of contiguous minor watershed units possessing similar drainage patterns and that cross the borders of two or more local government units.

Subp. 21. **Watershed district.** "Watershed district" means a district established under *Minnesota Statutes*, chapter 103D.

Subp. 22. **Watershed management organization or organization.** "Watershed management organization" or "organization" means: (1) a watershed district wholly within the metropolitan area; or (2) a joint powers entity established wholly or partly within the metropolitan area by special law or by agreement that performs some or all of the functions of a watershed district that has the

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Proposed Rules

characteristics and the authority specified under *Minnesota Statutes*, section 103B.211. Counties may be watershed management organizations if a joint powers watershed management organization does not perform and the responsibility for plan preparation is deferred to the counties. Lake improvement or conservation districts are not watershed management organizations.

Subp. 23. **Wetlands.** "Wetlands" means waters of the state identified as wetlands under *Minnesota Statutes*, section 103G.005, subdivision 19.

Subp. 24. **Wetland banking system.** "Wetland banking system" means an accounting system established by a unit of government for the purpose of tracking and managing net losses and gains to wetland values that occur as a result of development.

8410.0030 CONTENT OF JOINT POWERS AGREEMENTS.

Subpart 1. **Requirements.** In addition to a description of any authorities adopted under the content requirements of joint powers agreements as outlined in *Minnesota Statutes*, section 103B.211, subdivision 1, joint powers agreements establishing a watershed management organization must, at a minimum, contain the following items:

- A. a purpose statement consistent with *Minnesota Statutes*, section 103B.201;
- B. a complete legal description defining the boundary of the organization;
- C. a requirement to adopt rules of order and procedure;
- D. a process for establishing an annual budget and work plan;
- E. a formula for determining each member's share of the annual operating budget;
- F. a statement of how member appointees are to be compensated;
- G. a procedure providing for the establishment of citizen and technical advisory committees or other means of public participation;
- H. a section defining the powers and duties of the organization;
- I. a section establishing the duties and terms of the officers of the organization;
- J. a notification process on the location and time of meetings;
- K. a section defining the voting requirements for decision making and capital improvements consistent with *Minnesota Statutes*, section 103B.211, subdivision 1, paragraph (c);
- L. a section outlining meetings to be scheduled at least annually;
- M. the process and responsibilities of the organization and its members for filling vacancies consistent with *Minnesota Statutes*, section 103B.227, subdivisions 1 and 2;
- N. the duration of the agreement and a process for dissolution that provides for at least 90 days' notice of the intent to dissolve to the affected counties and the board; and
- O. a section defining how the membership will be represented, with the total number of representatives to be at least three.

Subp. 2. **Updating.** Joint powers agreements must be updated if necessary to be in conformance with this chapter no later than January 1, 1993, or one year after adoption of chapter 8410, whichever is later.

Subp. 3. **County membership.** A county may be a member of a joint powers agreement organization when the conditions described in *Minnesota Statutes*, section 103B.211, subdivision 3, are present.

8410.0040 REMOVAL OF ORGANIZATION REPRESENTATIVES.

A manager of a watershed district or a member of a joint powers board may be removed from the position by the appointing authority before term expiration for violation of a code of ethics of the watershed management organization or appointing authority or for malfeasance, nonfeasance, or misfeasance, after being provided an opportunity for hearing before the appointing authority. Managers holding the position as an elected official who are not reelected, or are serving an indefinite term at the pleasure of the appointing authority, may be removed by the appointing authority at will. A decision of the appointing authority may be appealed to the Board of Water and Soil Resources.

CONTENT OF WATERSHED MANAGEMENT ORGANIZATION PLANS

8410.0050 EXECUTIVE SUMMARY.

Each plan must have a section entitled "Executive Summary." The summary should outline the purpose of the watershed management organization; the membership of the organization's board of managers; the general boundaries of the organization; a brief history of the organization; a summary of the organization's goals, problems, and potential solutions; and the general content of required local plans.

8410.0060 LAND AND WATER RESOURCE INVENTORY.

Subpart 1. **Required.** Each plan must contain an inventory of water resource and physical factors affecting the water resources based on existing records and publications. If data publications and maps are available at a convenient central location, they may be included by reference. The plan must include a brief summary of the data and must identify where the publication can be obtained. At a minimum, the information in subparts 2 to 11 must be included in the plan. Subparts 2 and 4, item E, may be in the local plan instead of the watershed management organization plan.

Subp. 2. **Precipitation.** Each plan must include precipitation data normally used in the seven-county metropolitan area for hydrologic and hydraulic design.

Subp. 3. **General geology and topographic data.** Each organization plan shall contain a summary describing the general topographic relief, geology, aquifers, and all known groundwater and surface water connections. The summary should reference available publications and maps where data may be available in greater detail. A map defining appropriate subwatershed units within the organization must be included.

Subp. 4. **Surface water resource data.** Necessary surface water data within the watershed includes:

A. a map of the public waters and public ditch systems established under *Minnesota Statutes*, chapter 103D or 103E, including the location of existing dams and control structures;

B. a copy of the National Wetlands Inventory Map produced by the United States Fish and Wildlife Service and, if considered useful by the organization, a copy of the Metropolitan Mosquito Control District Mosquito Control Wetland Inventory;

C. either an inventory of the functional values of the wetlands present, a provision for a phased project to create the inventory within a given time frame, or the adoption of a specific process to identify the functional values on a case-by-case basis for the review of individual project proposals, all of which must be consistent with *Minnesota Statutes*, section 103B.3355;

D. a table of the major hydrologic characteristics of public waters if provided by the Department of Natural Resources in a format that can be readily incorporated in a plan;

E. maps showing the areas served by each existing stormwater system that identify existing stormwater ponds and the location of all stormwater outfalls;

F. a table summarizing available information on the 100-year flood levels and peak discharges of existing and proposed stormwater ponds and flood profile information that corresponds to the peak discharges of channelized flow passing through the watershed. The plan shall determine the need for additional data and recommend a schedule for the data. A discussion must also be provided relative to the consistency of the flood profile information developed as part of the stormwater management plan to that of any information published in a Federal Emergency Management Agency flood insurance study;

G. a general discussion of, or a map showing areas of, known flooding problems not identified as flood-prone in a published flood insurance study;

H. a listing of the existing flood insurance studies and a location of where they can be viewed;

I. a summary of water quality data and any related information, if available, from the Pollution Control Agency, the Department of Natural Resources, the Department of Transportation, the Department of Health, the Metropolitan Council, the Metropolitan Waste Control Commission, the water management organization, the soil and water conservation district, and the affected counties and cities;

J. a map or list, if available, showing the location of known existing and abandoned surface water quality and quantity monitoring sites;

K. a list of municipalities with approved shoreland ordinances and projected completion dates for those without ordinances; and

L. a table listing the amounts and locations of all surface water appropriations as permitted by the Department of Natural Resources and provided to the organization.

Subp. 5. **Groundwater resource data.** Necessary groundwater data includes any data required to be included in the organization plan by a county groundwater plan. If a county groundwater plan is not anticipated to be completed, the organization plan must include groundwater data as necessary to allow groundwater issues to be addressed.

Subp. 6. **Soil data.** Each organization plan must include a general discussion of the types of soil present, their development

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Proposed Rules

limitations, their infiltration characteristics, and their tendency to erode. The discussion must include a list of references where more detailed data are available.

Subp. 7. **Land use and public utility services.** Necessary land use and public utility services information is limited to information that existed at the time the plan or plan amendment was developed, including:

- A. a general map of existing land uses;
- B. a general map showing anticipated land uses; and
- C. reference to the location of the metropolitan urban service area.

Subp. 8. **Water-based recreation areas and land ownership.** Necessary information on water-based recreation areas and land ownership includes a map or a discussion of the location of all existing and proposed local, regional, state, and federal parks, preserves, wildlife areas, recreation areas, canoe routes, and water accesses available for use by the public.

Subp. 9. **Fish and wildlife habitat.** Necessary information on fish and wildlife habitat includes:

- A. a list and description of the Department of Natural Resources ecological and management classifications for lakes and streams, where available;
- B. a list and description of the conclusions and recommendations of biological surveys or reconnaissance studies, where available; and
- C. a description of state management plans for fish and wildlife areas, where available.

Subp. 10. **Unique features and scenic areas.** Necessary unique feature and scenic area information includes a map or a description or listing of unique features and scenic areas with relationships to water including state designated natural and scientific areas; areas containing county, state, and federal rare and endangered species; and other features such as waterfalls, springs, historic mills, and heritage elements identified by the Department of Natural Resources heritage program, to the extent it is available from the department.

Subp. 11. **Pollutant sources.** Necessary information on pollutant sources includes a map or list from appropriate agencies of:

- A. known closed and open sanitary landfills, closed and operating open dumps, and hazardous waste sites identified under *Minnesota Statutes*, chapter 115A or 115B, and a summary of available water quality information relating to these sites; and
- B. feedlots, abandoned wells as defined by the Department of Health, registered underground and aboveground storage tank sites, permitted wastewater discharges, and a summary of available water quality information relating to these sites.

If the information in this subpart is included in a county groundwater plan, the information can be excluded from the organization plan if suitable references are provided.

8410.0070 IMPACT ON OTHER UNITS OF GOVERNMENT.

During the development of its plan or plan amendments, each watershed management organization shall request a summary of the relevant water management policies and goals of each local, regional, and state review authority identified in *Minnesota Statutes*, section 103B.231, subdivisions 7, 8, and 9. The organization shall take into consideration the goals and policies of the review authorities when drafting the organization's goals and policies. The organization's plan shall clearly outline and justify anticipated inconsistencies between its goals and policies and those of the authorities who responded if the requested information is furnished within 45 days of the organization's request.

8410.0080 ESTABLISHMENT OF GOALS AND POLICIES.

Subpart 1. **Plan contents.** Each plan must contain specific goal statements and corresponding policies relating to the overall purposes specified in *Minnesota Statutes*, section 103B.201. The goals and policies of the watershed management organization shall attempt to avoid conflict with county, regional, or state goals and policies. The goals must be outlined in sufficient detail to provide direction regarding what the policies should accomplish, provide direction to the organization's board, and allow for the success or failure of the goals and policies to be quantified. The goals and policies should recognize the fundamental relationship between water quality and land use. Development of goals and policies must, at a minimum, address the issues in subparts 2 to 9.

Subp. 2. **Water quantity.** Each plan must outline goals and policies describing how stormwater runoff will be managed. The maximum allowable peak runoff must be established for appropriate subwatersheds to the extent necessary to assure that the goals and policies of the organization will be met and address how runoff from developments creating more than one acre of new impervious surface will be managed with respect to *Minnesota Statutes*, section 103B.3365. The plan must describe the criteria used for defining "appropriate subwatersheds."

Subp. 3. **Water quality.** Each plan must outline specific water quality goals and policies for natural surface water storage and retention systems within the organization. Goals should be related to parameters or quantities that can be measured. The relationship of land use to water quality should be considered when developing goals and policies. The goals and policies should be developed to

strive for compliance with applicable water quality standards and be suitable for the intended uses of natural surface water storage and retention systems.

Subp. 4. **Recreation and fish and wildlife.** Each plan must outline how water resource based recreational activities and wildlife interests will be protected or improved through the implementation of the plan. In consideration of these issues, the plan must determine whether there is a need to classify or prioritize individual water resources for management purposes.

Subp. 5. **Enhancement of public participation; information and education.** Each plan must outline goals and policies describing who will participate and when public participation will be encouraged. Goals and policies must at least address the creation and purposes of advisory committees and public information programs.

Subp. 6. **Public ditch systems.** If public ditch systems constructed under *Minnesota Statutes*, chapter 103D or 103E, are within the organization, the plan shall by policy define the organization's relationship to the ditch authority and recommend whether or not there are advantages to managing the ditch systems under the Metropolitan Water Management Act and determine whether ditch maintenance activities have the potential of adversely impacting any goal of the organization.

Subp. 7. **Groundwater.** If a county groundwater plan has not commenced at the time the plan or plan amendment is initiated, the organization shall assess the need and degree of involvement the organization has in groundwater management and establish appropriate goals and policies.

Subp. 8. **Wetlands.** Each plan must outline specific goals and policies regarding the management of wetlands within the organization and identify high priority areas for wetland preservation, restoration, and establishment. Wetland management goals and policies should address utilization, protection and preservation, and the enhancement or restoration of wetlands identified in the organization. Each plan must also evaluate the need to establish a wetland banking system.

Subp. 9. **Erosion.** Each plan must identify specific goals and policies that will control soil erosion consistent with the goals and policies outlined in this part.

8410.0090 ASSESSMENT OF PROBLEMS.

Each plan must contain an assessment of existing and potential water resource related problems using a combination of analysis of land and water resource data collected under part 8410.0060 and through the identification of existing or potential problems by residents or local, regional, or state agencies. During the development of the assessment, the watershed management organization shall request a brief assessment of existing problems affecting the organization from the plan review authorities, the Department of Transportation, and the Department of Agriculture based on data, plans, and other documentation in their possession. The organization should solicit comments from residents and local officials in the watershed district for information about problems that may be primarily local in nature. The organization's assessment shall include a discussion of the relationship of locally identified problems to problems identified by the plan review authorities, provided the information is received within 45 days of the organization's written request. The assessment of existing and potential problems as determined by the organization must, at a minimum, include the following topic areas:

- A. specific lakes and streams with water quality problems;
- B. flooding and stormwater rate control issues within and between communities;
- C. impacts of water quality and quantity management practices on recreation opportunities;
- D. impacts of stormwater discharges on water quality and fish and wildlife resources;
- E. impact of soil erosion on water quality and quantity;
- F. general impact of land use practices and, in particular, land development and wetland alteration on water quality and water quantity;
- G. the adequacy of existing regulatory controls to manage or mitigate adverse impacts on public waters and wetlands;
- H. the adequacy of programs to:
 - (1) limit soil erosion and water quality degradation;
 - (2) maintain the tangible and intrinsic values of natural storage and retention systems; and
 - (3) maintain water level control structures;
- I. the adequacy of capital improvement programs to correct problems relating to:

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Proposed Rules

- (1) water quality;
- (2) water quantity management;
- (3) fish and wildlife habitat and public waters and wetland management; and
- (4) recreational opportunities; and

J. future potential problems that are anticipated to occur generally within a 20-year period based on growth projections and planned urbanization identified in local and regional comprehensive plans. The assessments must include a discussion of the relationship between locally identified problems and the problems and goals identified in county, regional, state, and federal plans that are brought to the attention of the organization.

8410.0100 IMPLEMENTATION PROGRAM.

Subpart. 1. **Plan contents.** Each plan must describe an implementation program consisting of nonstructural, structural, and programmatic solutions to the problems, issues, and goals identified under parts 8410.0080 and 8410.0090. In developing its implementation program, the requirements in subparts 2 to 7 must be followed. Each plan should clearly define the responsibility of the watershed management organization and the local units of government in carrying out the implementation program and further define the organization's role when a local unit of government is considering a variance or fails to implement its water resource management responsibilities.

Subp. 2. **Regulatory controls.** In establishing required regulatory controls, items A to E must be considered.

A. Each plan must provide for the regulation of activities in wetlands and specify respective duties of the organization and local units of government. Each plan must describe local controls and procedures regarding carrying out the local government responsibilities under the Wetland Conservation Act of 1991, Laws 1991, chapter 354, and any rules adopted under it. Each plan must also define any other controls the organization has determined to be necessary to achieve its water management goals that may be more restrictive than those required by the Wetland Conservation Act of 1991, Laws 1991, chapter 354. The description must consider, where applicable, the following topics:

- (1) the relationship of the organization, state agencies, local soil and water conservation districts, and affected counties, cities, and towns with respect to authority, administration, and coordination;
- (2) designated repositories for required maps or inventories of wetlands;
- (3) procedures related to enforcement;
- (4) a description of local wetland banking programs and their relationship to a corresponding state program; and
- (5) the methods and procedures to be used in determining replacement of wetland values in mitigation proposals.

B. The organization shall specify controls or programs to reduce erosion and sedimentation to receiving waters. In rural areas, agricultural crop land erosion may be controlled by implementing zoning ordinances consistent with part 6120.3300, subpart 7, and may include other water resources outside of designated shoreland areas as considered appropriate by the organization. Organizations affected by specific state laws requiring adoption of uniform countywide erosion and sediment control standards or programs must comply with those laws. Any other organization must either adopt by reference an existing set of erosion and sediment control guidelines or best management practices published by a county, a soil and water conservation district, the board, or the Pollution Control Agency, or establish comparable erosion and sedimentation guidelines of its own for the purpose of administering erosion controls.

C. Each plan must specify controls that require all appropriate building permits, driveway permits, and grading permits to contain enforceable provisions to protect soil from erosion during and after construction, including sites for which approved erosion control plans are in place.

D. Each plan must identify member local units of government that have failed to adopt and administer a Department of Natural Resources approved shoreland and floodplain ordinance where mandated by state law. If the plan notes that flood damage has occurred outside of mapped floodplains or a potential for flooding exists adjacent to stormwater facilities, the plan shall require the local unit of government to determine if additional local controls are necessary to address the situation.

E. If a plan notes the existence of certain land uses that could adversely affect the organization's ability to achieve its water quality goals, and these uses cannot be properly managed or regulated with existing controls, the uses constitute a public nuisance according to *Minnesota Statutes*, section 609.74. In those cases, the plan must provide for the adoption of local controls to define and abate the nuisances. For the purpose of this chapter, public nuisances may include any action, failure to act, or land use practice that would impair water quality if allowed to continue.

Subp. 3. **Stormwater and drainage design performance standards.** Each plan must contain minimum standards and provide for appropriate controls for the design of new stormwater conveyance, ponding, and treatment systems consistent with the overall goals

of the organization plan and consistent with *Minnesota Statutes*, section 103B.3365, subdivision 4. Included will be performance standards that provide for:

- A. the establishment of target in-lake nutrient concentrations and corresponding pollutant loadings for sediment and nutrients;
- B. the establishment of maximum permissible runoff rates for selected design storms based on considerations such as existing and future flood levels and expected increases in runoff volume with respect to impacts on downstream channels and adjacent development;
- C. the establishment of standards to reduce the impacts of flooding on natural resources and personal and real property;
- D. the establishment of design criteria for stormwater outlet structures to address floatable pollutants and to provide for access for maintenance and repair;
- E. pond design methodology for nutrient entrapment consistent with the subwatershed goals; and
- F. compliance with pollutant loading for specific subwatersheds consistent with local, regional, and statewide plans in consideration of Pollution Control Agency water quality standards.

Subp. 4. Information program. Each plan must provide for the publishing of at least one written communication per year identifying the representatives on the organization's board, current advisory committee members, how to contact the organization, its role in local water management, the goals and policies of the organization, when public meetings are held, how the organization is financed, where the plan can be viewed, and other information relative to the implementation of the plan. The communication may be accomplished through the publication of a newsletter, publication of all or a portion of an annual report, an article or news release submitted to a local newspaper widely distributed in the member communities, an attachment to a sewer or water bill, or other similar media format that annually reaches the general population.

Subp. 5. Data collection programs.

A. Each plan must establish water quality and quantity monitoring programs that are capable of producing accurate data to the extent necessary to determine whether the water quality and quantity goals of the organization are being achieved. The programs shall, at a minimum, include the location of sampling, the frequency of sampling, the proposed parameters to be measured, and the requirement of periodic analysis of the data.

B. Each plan should encourage all units of government collecting water quality and quantity management data to annually submit the data consistent with state compatibility guidelines to the organization and other appropriate state agencies for entry into public access data bases.

Subp. 6. Management programs. Each organization plan must assess or require local plans to assess the need for periodic maintenance of public works, facilities, and natural conveyance systems and specify any new programs or revisions to existing programs needed to accomplish its goals and objectives. Each plan must further identify which units of government or private parties are responsible for maintenance. Each plan must, at a minimum, assess or require local plans to assess:

- A. the need and frequency for sweeping of public and private streets and parking lots;
- B. the need and frequency for inspecting stormwater outfalls, sumps, and ponds;
- C. the adequacy of maintenance programs for stormwater facilities and water level control structures owned by both organization members and nonmembers;
- D. the condition of public ditches constructed under *Minnesota Statutes*, chapter 103D or 103E, if the organization has jurisdiction over these systems;
- E. the need to establish a water body management classification system to provide for water quality and quantity management based on a hierarchical basis;
- F. the need to establish local spill containment clean-up plans; and
- G. the need for other management programs as considered necessary.

All proposed management programs establishing a classification system for the management of water bodies shall be consistent with chapter 7050. If organization classifications are inconsistent, the organization shall petition the Pollution Control Agency to revise the classifications in chapter 7050.

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Proposed Rules

Subp. 7. **Potential structural solutions to problems.**

A. Each plan that documents existing water management problems that cannot be resolved by preventative actions shall investigate the feasibility of implementing structural solutions that would remediate or resolve each problem.

B. For each structural solution proposed, each plan shall provide a cost estimate and a recommendation as to how it should be funded.

C. Each potential structural solution identified under this part shall be assigned priorities. In assigning priorities, consideration shall be given to regional and state plans in conjunction with the organization's goals, policies, and problems identified in parts 8410.0080 and 8410.0090.

8410.0110 IMPACT ON LOCAL GOVERNMENT.

Subpart 1. **Existing local controls.** Each plan shall review the impact of local controls and programs required by the plans according to part 8410.0100. This review shall include concerns expressed by counties, cities, and townships with respect to their administrative and financial capabilities to adopt and enforce the controls and programs in addition to a table that generally describes the status of local controls and programs of affected counties, cities, and townships with respect to that required by the plan.

Subp. 2. **Financial impact on local government.** Each plan shall contain an analysis of the financial impact of implementation of the proposed regulatory controls and programs identified under part 8410.0100. The analysis shall include, at a minimum, an estimate of the costs associated with the plan's implementation and anticipated sources of revenue.

Subp. 3. **Adoption by reference.** All or part of a watershed management organization plan may be adopted by reference by a local unit of government for all or part of its local plan to the degree specified in the approved organization plan.

8410.0120 IMPLEMENTATION PRIORITIES.

Each plan must prioritize the plan implementation components to make the best use of available local funding; to prevent future water management problems from occurring to the maximum extent practical; and to ensure that regional, county, state, and federal grant funding is targeted properly.

8410.0130 IMPLEMENTATION COMPONENTS.

Subpart 1. **Controls.** Each organization plan must provide for the adoption of necessary regulatory controls, stormwater design standards, education programs, data collection programs, and maintenance programs that the plan identifies under part 8410.0100.

Subp. 2. **Responsibilities.** Each organization plan must clearly distinguish the responsibilities of the watershed management organization versus the responsibilities of affected counties, cities, and townships with respect to each implementation program element established according to part 8410.0100.

Subp. 3. **Schedule.** Each organization plan must include a schedule for implementation by the organization, joint powers agreement members, and affected local units of government. All plan controls and programs to be implemented by the organization must be in effect within one year of plan adoption. All local plan controls and programs must be developed and in effect within two years of adoption of the last organization plan in the local unit of government.

Subp. 4. **Capital improvement program.** Each organization plan shall include a capital improvement program that identifies specific capital improvements necessary to implement the water resource management goals and policies of the organization.

Subp. 5. **Enforcement.** Each organization plan must identify the procedure to be followed to enforce violations of the controls of the organization as well as those of the local unit of government.

Subp. 6. **Administration process.** Each organization plan must specify the administrative process and timelines for the submittal, review, and approval of local plans and variances by the organization.

8410.0140 PLAN CONTENTS; AMENDMENTS.

Subpart 1. **Amendment section.** Each plan must contain a section entitled "Amendments to Plan" containing the year the plan extends to and establishing the process by which interim amendments may be made and who may initiate the amendments.

Subp. 2. **General amendment procedure.** All amendments to a plan must adhere to the review process provided in *Minnesota Statutes*, section 103B.231, subdivision 11, except when the proposed amendments constitute minor amendments and:

A. the watershed management organization has held a public meeting to explain the amendments and published a legal notice of the meeting twice, at least seven days and 14 days before the date of the meeting;

B. the organization has sent copies of the amendments to the affected local units of government, the Metropolitan Council, and the state review agencies for review and comment; and

C. the board has either agreed that the amendments are minor or failed to act within 45 days of receipt of the amendments.

Subp. 3. **Minor amendments to capital improvements.** Amendments to an approved plan's capital improvement program may be considered to be minor plan amendments if the following conditions are met:

A. the original plan set forth the capital improvements but not to the degree needed to meet the definition of "capital improvement program" as provided in *Minnesota Statutes*, section 103B.205, subdivision 3; and

B. the affected county or counties have approved the capital improvement in its revised, more detailed form.

Subp. 4. **Form of amendments.** Unless the entire document is reprinted, all amendments adopted by the organization must be printed in the form of replacement pages for the plan, each page of which must:

A. on draft amendments being considered, show deleted text as stricken and new text as underlined;

B. be renumbered as appropriate; and

C. include the effective date of the amendment.

Subp. 5. **Distribution of amendments.** Each organization must maintain a distribution list of agencies and individuals who have received a copy of the plan and shall distribute copies of amendments within 30 days of adoption. All organizations should consider sending drafts of proposal amendments to all plan review authorities to seek their comments before establishing a hearing date or commencing the formal review process.

8410.0150 ANNUAL REPORTING REQUIREMENTS.

Subpart 1. **Requirement for annual financial, activity, and audit reports.** Within 120 days of the end of the watershed management organization's fiscal year, each organization shall submit to the board a financial report, an activity report, and an audit report for the preceding fiscal year if it has expended or accrued funds during this time. These reports may be combined into a single document. The audit report for the preceding fiscal year must be prepared by a certified public accountant or the state auditor and forwarded to the state auditor's office within 120 days of the end of the fiscal year.

Subp. 2. **Content of annual financial report.** The annual financial report must include the following information:

A. the approved budget;

B. a reporting of revenues;

C. a reporting of expenditures; and

D. a financial audit report or section that includes a balance sheet, a classification of revenues and expenditures, an analysis of changes in final balances, and any additional statements considered necessary for full financial disclosure.

Subp. 3. **Content of annual activity report.** The annual activity report must include the following information:

A. a list of the organization's board members, advisory committee members, and board member vacancies at the end of the reporting year, including the names of designated officers and members and information on how members can be contacted, and indicating the governmental organization that each board member represents for joint powers organizations and the county that each member is appointed by for watershed districts;

B. a list of organization employees and consultants, including mailing addresses and telephone numbers;

C. an assessment of the previous year's annual work plan that indicates whether the stated goals and objectives were achieved and, if they were not achieved, indicates why they could not be achieved;

D. a projected work plan for the next year indicating the desired goals and objectives;

E. a summary of the permits or variances issued or denied under ordinances or rules required by the organization or local plan and any enforcement actions initiated by either the organization or its local units of government;

F. a summary of water quality monitoring data collected by the organization or its local units of government;

G. an evaluation of the status of local plan adoption and implementation based on a review of the local unit of governments' activities by the organization during the past year;

H. a copy of the written communication required by part 8410.0100, subpart 3;

I. the organization's activities related to the biennial solicitations for interest proposals for legal, professional, or technical consultant services under *Minnesota Statutes*, section 103B.227, subdivision 5;

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Proposed Rules

J. an assessment of changes in fund balances, including a description of the costs of each program element with respect to the overall annual budget; and

K. the status of any locally adopted wetland banking program.

Subp. 4. **Procedure for state audit.** The board shall use the procedure described in items A to D to determine whether to order a state financial or performance audit of an organization.

A. Before the board will consider ordering a state audit, a written complain must be filed with the board's executive director requesting the board to order a state audit. The complaint must state as specifically as possible the grounds for requesting a state audit. Valid grounds for requesting a state audit include the mishandling or misuse of public funds or the documented failure to implement an approved plan.

B. The executive director shall determine whether there is a basis for a complaint before reporting the complaint to the board. The executive director shall ensure that the affected organization is notified of the complaint and given an opportunity to respond to the allegations before determining whether there is a basis for the complaint.

C. If the executive director determines there is a basis for the complaint, the complaint shall be reported to the board. The affected organization shall be given an opportunity to appear before the board at the time the complaint is reported to it and respond to the allegations in the complaint. The complainant shall also be given an opportunity to appear.

D. After having the complaint reported to it, and after providing an opportunity for the organization and the complainant to be heard by it, the board shall decide whether to order a state financial or performance audit of the organization.

CONTENT OF LOCAL PLANS

8410.0160 GENERAL STRUCTURE.

Each local plan must, at a minimum, meet the requirements for local plans in *Minnesota Statutes*, section 103B.235, except as provided by the watershed management organization plan under part 8410.0110, subpart 3. Each local plan must include sections containing a table of contents; purpose; water resource related agreements; executive summary; land and water resource inventory; establishment of goals and policies; relation of goals and policies to local, regional, state, and federal plans, goals, and programs; assessment of problems; corrective actions; financial considerations; implementation priorities; amendment procedures; implementation program; and an appendix. Each community should consider including its local plan as a chapter of its local comprehensive plan. Each local plan shall be adopted within two years of the board's approval of the last organization plan that affects local units of government.

8410.0170 STRUCTURE.

Subpart 1. **Purpose.** Each local plan must have a section entitled "Purpose" outlining the purposes of the water management programs required by *Minnesota Statutes*, sections 103B.205 to 103B.255.

Subp. 2. **Water resource management related agreements.** Appropriate water resource management related agreements that have been entered into by the local community must be outlined, including joint powers agreements related to water management that the local community may be party to between itself and watershed management organizations, adjoining communities, or private parties. Available information concerning these agreements in general conformance with the content of joint powers agreements for organizations as outlined in part 8410.0030 must be included.

Subp. 3. **Executive summary.** Each plan shall have a section entitled "Executive Summary" that generally summarizes the content of the local plan in a manner similar to that required for organization plans under part 8410.0050.

Subp. 4. **Land and water resource inventory.** Each local plan must contain a composite land and water resource inventory containing all relevant data from organization plans affecting it consistent with the data required by part 8410.0060.

Subp. 5. **Establishment of policies and goals.** Each local plan must state specific goals and corresponding policies related to the purpose of these plans, be consistent with the policies and goals of the organization plans within the city or township, and address the relation of the local plan to the regional, state, and federal goals and programs outlined in part 8410.0070.

Subp. 6. **Assessment of problems.** Each plan must contain a summary assessment of existing or potential water resource related problems, including those identified in organization plans that affect the community. The problem assessment must be completed for only those areas within the corporate limits of the community and meet the same content requirements as those outlined for organization plans under part 8410.0080, subparts 1 and 2.

Subp. 7. **Corrective actions.** Each local plan shall describe nonstructural, programmatic, and structural solutions to the problems identified in subpart 6. The mandatory actions for organization plans outlined in part 8410.0100, subparts 1 to 6, shall be considered except that actions must be limited to those that can be implemented at a local level. All corrective actions must be consistent with the organization plans having jurisdiction in the municipality or township.

Subp. 8. **Financial considerations.** Each local plan must contain an analysis of the financial impact of implementation of the proposed regulatory controls and programs identified under subpart 7. The analysis must include, at a minimum, the following items:

- A. the estimated cost of adoption and enforcement of local controls and standards for the local municipality;
- B. the estimated annual cost of implementation of other specified programs to each local municipality;
- C. a discussion of local ability to fund adoption of and enforcement of local controls and standards, implementation of other specified programs, and capital improvements, including:
 - (1) levy limit constraints;
 - (2) effect on other city funding needs;
 - (3) establishment of watershed management taxing districts;
 - (4) creation of stormwater utilities; and
 - (5) monetary impact against homes or farmsteads in affected community;
- D. the impact on the local municipality of local implementation of each capital improvement project component if ad valorem financing is used; and
- E. a summary of grant funding that would likely be available to fund water management projects and programs.

Subp. 9. **Implementation priorities.** Each local plan must prioritize implementation components to make the best use of available local funding and prevent future water management problems from occurring to the maximum practical extent. Local plans must prioritize organization plan implementation components in line with organization priorities as outlined under part 8410.0120 only for implementation components that must be facilitated by the local municipality or township.

Subp. 10. **Implementation program.** Each local plan must outline required implementation components that apply at a local level. These components shall be consistent with the required plan components outlined for organization plans under part 8410.0130. Official local controls must be enacted within six months of adoption of the local plan.

Subp. 11. **Amendment procedures.** Each local plan must contain a section entitled "Amendments to Plan" containing the year the plan extends to and establishes the process by which amendments may be made. The amendment procedure shall conform with the plan amendment procedure outlined in the organization plans that affect the community. Local plan amendments must be forwarded to each organization affected by the local plan amendment for review and approval before adoption.

Subp. 12. **Submittal and review.** After consideration and before adoption, the local plan shall be submitted to all affected organizations for review according to *Minnesota Statutes*, section 103B.235. Each local unit of government must also notify affected organizations within 30 days of adoption and implementation of the plan, including the adoption of necessary official controls.

8410.0180 DETERMINATIONS OF FAILURE TO IMPLEMENT.

Subpart 1. **Applicability.** This part applies when a plan is not being implemented for a watershed either because no watershed management organization exists, because the organization has not adopted an approved plan, or because the approved plan is not being carried out.

Subp. 2. **Establishing cause.** Before the board's involvement in determinations of whether a plan is being properly implemented, the board shall first establish just cause for the determination by review of a written complaint from an aggrieved party or through conclusions arrived at by board staff under the review of an organization's annual report. A complaint or appeal made by an aggrieved party under *Minnesota Statutes*, section 103B.231, subdivision 13, must be made in writing to the executive director of the board and must summarize the issues at dispute and the efforts the party made to resolve the problem.

Subp. 3. Board staff responsibilities.

A. Board staff may investigate issues relating to alleged failure to implement plans primarily by response from written complaint from an aggrieved party or by review of the organization's annual report. Within 30 days of receiving a written complaint, board staff are required to initiate a preliminary investigation of the facts as they appear based on personal observation, review of all relevant documents, and discussions with involved parties. The results of this preliminary investigation shall be reviewed with the executive director, and the board's legal counsel if appropriate, before preparation of a report. The report shall ascertain whether a failure to implement exists, define the exact nature of the failure to implement, and recommend a course of action.

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

B. On completion of a report regarding a complaint or review of an annual report, the staff shall send a copy of its report by certified mail to the organization members of record to set a time and place for a meeting agreeable to all parties to informally discuss the contents of the report if a conflict exists. The complainant and any other aggrieved or affected party shall also be sent a copy of the report by certified mail and shall be invited to attend any meeting held to discuss the report.

C. The affected organization shall be allowed 30 days to hold a public meeting to develop a formal course of action if the joint powers agreement requires that process. Any formal response shall be sent by certified mail to the board and any aggrieved or affected party within 15 days of the meeting.

D. The affected organization and any aggrieved or affected party may not appeal to the board's dispute resolution committee established under *Minnesota Statutes*, section 103B.101, subdivision 10, to hear and resolve disputes over plan implementation until after the meeting has been held according to item B.

E. Based on information discovered at the meeting held according to item B, or receipt of the formal response received from the organization according to item C, board staff shall report to the board at a regular meeting as to the status of the dispute. If the board needs to take further action to resolve the dispute, board staff shall recommend the appropriate course of action, consulting with the board's legal counsel as appropriate.

Subp. 4. Board responsibilities.

A. On receipt of the board staff's report and recommendations, the board is required to do any or all of the following:

- (1) nothing further if the staff's investigation finds that the subject plan is being properly implemented, provided the board concurs;
- (2) advise board staff to conduct additional fact finding it considers necessary and report back to the board accordingly;
- (3) order the dispute resolution committee to convene to attempt to negotiate the matter and to advise the board further; or
- (4) issue findings of fact and conclusions of its investigation advising the affected organizations, county, or counties of the documented failure to implement the subject plan and advise the appropriate unit of government of its responsibility to implement the plan under *Minnesota Statutes*, section 103B.231, subdivision 3, paragraph (b), within a prescribed period of time.

B. On issuance of its findings under subpart 3, item A, the board shall notify the appropriate counties to proceed as required by *Minnesota Statutes*, section 103B.231, subdivision 3, paragraph (b) or (c), as applicable. If a county fails to act after it is notified, the board shall notify state agencies that they may initiate their prerogatives under *Minnesota Statutes*, section 103B.231, subdivision 3, paragraph (g).

C. The board's dispute resolution committee has the following duties and responsibilities with respect to disputes relating to failure to implement a plan:

- (1) convene and hear appeals from both aggrieved parties and organizations not satisfied with the findings and recommendations of the board's staff report presented at the meeting required by subpart 2; and
- (2) convene at the pleasure of the board as prescribed by item A to attempt to negotiate and settle disputes over determinations relating to implementation of plans and to further advise the board.

Adopted Rules

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

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

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

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

Department of Health

Adopted Permanent Rules Relating to Emergency Care Course Certificate Issuance

The rules proposed and published at *State Register*, Volume 16, Number 18, pages 1061-1063, October 28, 1991 (16 SR 1061), are adopted as proposed.

Pollution Control Agency

Adopted Permanent Rules Relating to Training and Certification; Underground Storage Tanks

The rules proposed and published at *State Register*, Volume 16, Number 19, pages 1125-1126, November 4, 1991 (16 SR 1125), are adopted as proposed.

Minnesota Racing Commission

Adopted Permanent Rules Relating to Horse Medication

The rules proposed and published at *State Register*, Volume 16, Number 29, pages 1684-1686, January 13, 1992 (16 SR 1684), are adopted as proposed.

Technical Colleges Board

Adopted Permanent Rules Relating to Teacher Licenses; New Program Instructional Staff

The rules proposed and published at *State Register*, Volume 16, Number 21, pages 1221-1223, November 18, 1991 (16 SR 1221), are adopted as proposed.

Technical Colleges Board

Adopted Permanent Rules Relating to Technical College Teacher Licenses: Dental Assisting; Machine Tool Career

The rules proposed and published at *State Register*, Volume 16, Number 21, pages 1221-1222, November 18, 1991 (16 SR 1221), 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.

Commissioners' Orders

Department of Natural Resources

Commissioner's Scientific and Natural Area Order No. 92: Blue Devil Valley Scientific and Natural Area

WHEREAS, certain lands in Yellow Medicine County, Minnesota, described as:

That part of Government Lot 3, Section Four (4), Township One Hundred Fifteen (115) North, Range Thirty-nine (39) West, described as follows: Commencing at the northwest corner of said Government Lot 3; thence southerly along the west line of said Government Lot 3 on an azimuth of 181° 34' 27", the direction is based on the Minnesota State Plane Coordinate System, South Zone, and is measured clockwise from North, a distance of 565.00 feet to the point of beginning of the parcel to be described; thence continue on an azimuth of 181° 23' 17" along the west line of said government lot a distance of 151.43 feet to the northwesterly line of Highway Right-of-Way Plat No. 87-16 on file and of record in the Yellow Medicine County Recorder's Office; thence along the northwesterly line of said highway plat on an azimuth of 44° 37' 28" a distance of 111.55 feet to the beginning of a curve; thence northeasterly a distance of 74.87 feet along a tangential curve which is the northwesterly line of said highway plat, concave to the southeast, having a radius of 622.96 feet and a central angle of 6° 53' 10"; thence on an azimuth of 279° 34' 37" not tangent to the described curve a distance of 132.20 feet to the point of beginning.

AND, the Northwest Quarter of the Northeast Quarter (NW ¼ NE ¼), Section Four (4), Township One Hundred Fifteen (115) North, Range Thirty-nine (39) West of the Fifth Principal Meridian, EXCEPT the following described tracts: the North 300 feet of said Northwest Quarter of the Northeast Quarter; **AND ALSO EXCEPT** beginning at the southeast corner of said Northwest Quarter of the Northeast Quarter of said Section 4, Township 115 North, Range 39 West; thence West 520 feet to the center of the road; thence North 40° East 180 feet; thence North 55° East 500 feet; thence South 420 feet to the place of beginning; **AND ALSO EXCEPT** that part of the Northwest Quarter of the Northeast Quarter of Section 4, shown as Parcel 5 on the plat designated as State Highway Right-of-Way Plat No. 87-16 on file and of record in the Office of the Register of Deeds in and for Yellow Medicine County, Minnesota. are under the control and possession of the Department of Natural Resources; and

WHEREAS, such lands contain habitat for the five-lined skink (Eumeces fasciatus), a state endangered species; and

WHEREAS, the most effective means by which such lands can be protected and perpetuated in their natural state and used for educational and research purposes in such a manner as will leave them conserved for future generations is by designation as a Scientific and Natural Area;

NOW THEREFORE, I, Rodney W. Sando, Commissioner of Natural Resources, pursuant to authority vested in me by *Minnesota Statutes* §§ 84.033, 86A.05, subd. 5, and other applicable law, do hereby designate the above-described lands as Blue Devil Valley Scientific and Natural Area. Furthermore, the Blue Devil Valley Scientific and Natural Area is designated as a Public Use unit, open to the public for nature observation and general educational and research activities.

IT IS FURTHER ORDERED that the provisions of *Minnesota Rules* pts. 6135.4500 through 6135.5000 shall apply to the above-designated area.

Dated at St. Paul, Minnesota, this 9th day of March, 1992.

Rodney W. Sando, Commissioner
Department of Natural Resources

Department of Natural Resources

Commissioner's Scientific and Natural Area Order No. 93: Sugar Loaf Point Scientific and Natural Area

WHEREAS, certain lands in Cook County, Minnesota, described as:

That part of Government Lot 1 lying South of State Highway 61, Section Twenty-nine (29), Township Fifty-eight (58) North, Range Five (5) West, as shown on the attached Exhibit A.

are under the control and possession of the Department of Natural Resources; and

WHEREAS, such lands contain geological features of basalt lava flows of international and statewide significance (thin fluid basalt lavas, including ropy surfaces, pipe amygdules and thin-bedded pahoehoe), an unusual beach, composed of well-rounded boulders, cobbles, and pebbles of a wide variety of rock types from the Pleistocene ice sheet and rounded during the Nipissing stage of Lake Superior, a tombolo from the Nipissing stage that connects the lava flows to the mainland, and habitat for Hudson Bay Eyebright (Euphrasia hudsoniana), a special concern species; and

WHEREAS, the most effective means by which such lands can be protected and perpetuated in their natural state and used for

educational and research purposes in such a manner as will leave them conserved for future generations is by designation as a Scientific and Natural Area;

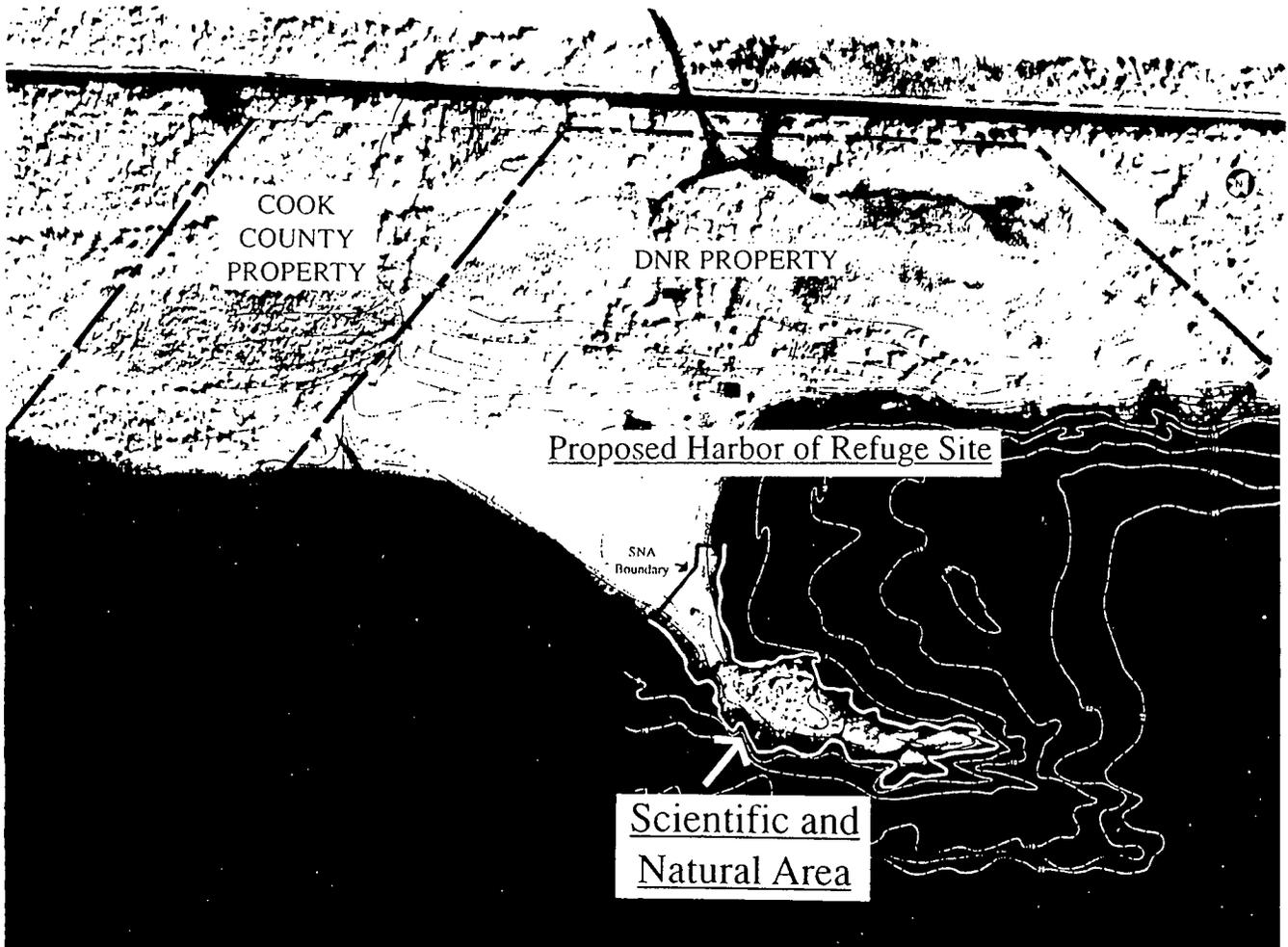
NOW THEREFORE, I, Rodney W. Sando, Commissioner of Natural Resources, pursuant to authority vested in me by *Minnesota Statutes* §§ 84.033, 86A.05, subd. 5, and other applicable law, do hereby designate the above-described lands as Sugar Loaf Point Scientific and Natural Area. Furthermore, the Sugar Loaf Point Scientific and Natural Area is designated as a Public Use unit, open to the public for nature observation and general educational and research activities.

IT IS FURTHER ORDERED that the provisions of *Minnesota Rules* pts. 6135.4500 through 6135.5000 shall apply to the above-designated area.

Dated at St. Paul, Minnesota, this 19th day of March, 1992.

Rodney W. Sando, Commissioner
Department of Natural Resources

Exhibit A



Department of Natural Resources

Commissioner's Scientific and Natural Area Order No. 94: Gustafson's Camp Scientific and Natural Area

WHEREAS, certain lands in Lake of the Woods County, Minnesota described as:

Commissioners' Orders

The South Half of the Southeast Quarter (S ½ SE ¼), Section Four (4); the North Half of the Northeast Quarter (N ½ NE ¼), Section Nine (9); that part of the Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼) of Section Ten (10) lying westerly of the existing vehicle trail and that part of the Southwest Quarter of the Southwest Quarter (SW ¼ SW ¼) of Section Three (3) lying southerly and westerly of the vehicle trail; ALL IN Township One Hundred Fifty-eight (158) North, Range Thirty-three (33) West, and as shown on the attached Exhibit A.

are under the control and possession of the Department of Natural Resources; and

WHEREAS, such lands contain examples of old growth red and white pine stands surrounded by an aspen-balsam fir-paper birch-white cedar forest; and

WHEREAS, the most effective means by which such lands can be protected and perpetuated in their natural state and used for educational and research purposes in such a manner as will leave them conserved for future generations is by designation as a Scientific and Natural Area;

NOW THEREFORE, I, Rodney W. Sando, Commissioner of Natural Resources, pursuant to authority vested in me by *Minnesota Statutes* §§ 84.033, 86A.05, subd. 5, and other applicable law, do hereby designate the above-described lands as Gustafson's Camp Scientific and Natural Area. Furthermore, the Gustafson's Camp Scientific and Natural Area is designated as a Public Use unit, open to the public for nature observation and general educational and research activities.

IT IS FURTHER ORDERED that the provisions of *Minnesota Rules* pts. 6135.4500 through 6135.5000 shall apply to the above-designated area, except that dogs are permitted and public hunting and trapping shall be permitted during legal open seasons in that these lands abut other public lands currently open to these activities.

Dated at St. Paul, Minnesota, this 11th day of March, 1992.

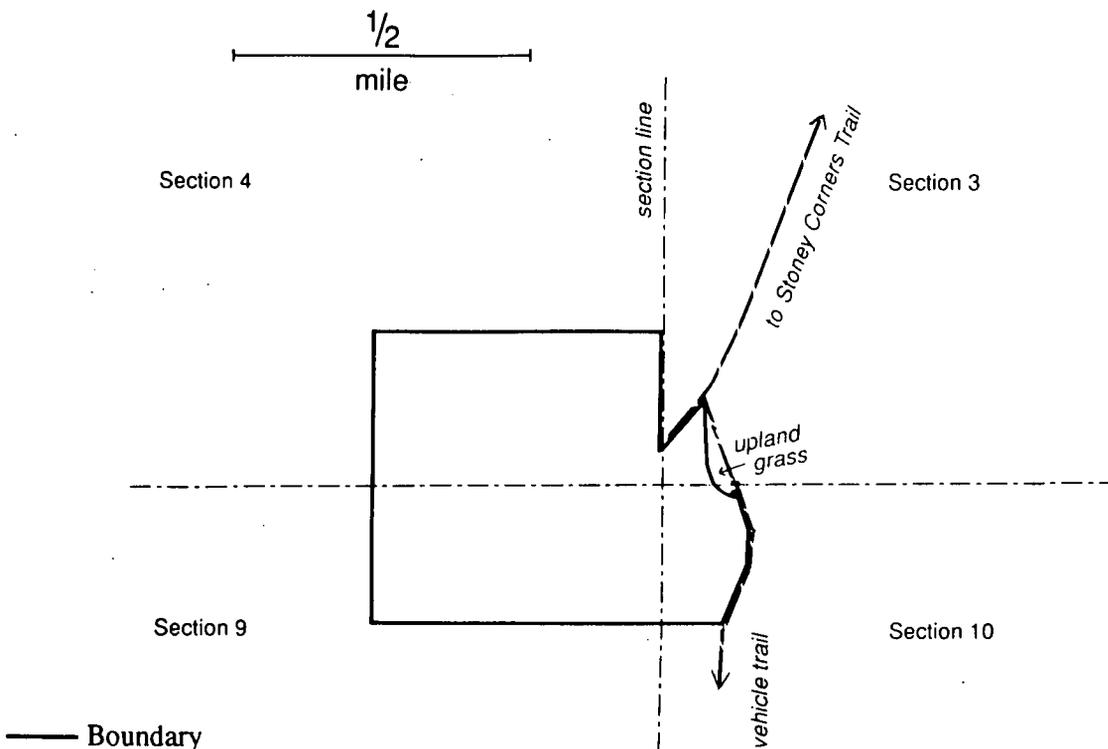
Rodney W. Sando, Commissioner
Department of Natural Resources

Exhibit A

Gustafson's Camp Scientific & Natural Area



Township 158N,33W



Official Notices

Pursuant to the provisions of Minnesota Statutes § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Minnesota Comprehensive Health Association

Notice of Meeting of the Enrollee Appeal Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association (MCHA), Enrollee Appeal Committee will be held at 8:30 a.m. on Monday, April 13, 1992 at the Minnesota Department of Commerce, 133 E. 7th Street, St. Paul, Minnesota, in the first floor hearing room. Portions of this meeting may be closed to the public.

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

Minnesota Comprehensive Health Association

Notice of Actuarial Committee Meeting

NOTICE IS HEREBY GIVEN that a meeting of the Actuarial Committee of the Minnesota Comprehensive Health Association (MCHA), will convene at 9:00 a.m. on Thursday, April 23, 1992 at Blue Cross Blue Shield of Minnesota, 3535 Blue Cross Road, Eagan, Minnesota, in the Fish Bowl.

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

Minnesota Comprehensive Health Association

Notice of Board of Directors Meeting

NOTICE IS HEREBY GIVEN that the Minnesota Comprehensive Health Association (MCHA), Board of Directors will meet at 9:00 a.m. on Thursday, April 9, 1992 at Prudential Insurance Company of America, 3701 South Wayzata Boulevard, Minneapolis, Minnesota, in the 8th floor board room.

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

Department of Corrections

Community Services Division

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

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

The State Department of Corrections requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Kenneth E. Merz, Director Standards Development, Minnesota Department of Corrections, 300 Bigelow Building, 450 North Syndicate Street, St. Paul, MN 55104. Oral statements will be received during regular business hours over the telephone at 612/642-0333 and in person at the above address.

All statements of information and opinions shall be accepted until May 15, 1992. Any written material received by the State Department of Corrections shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 30 March 1992

Orville B. Pung
Commissioner
Department of Corrections

Ethical Practices Board

Requests for Advisory Opinions Re: Lobbyist Principal

The Ethical Practices Board solicits comments regarding the following requests for an advisory opinion received from Jeffrey W. Hamiel, Executive Director, Metropolitan Airports Commission, and from Kathleen M. Lamb, Esq., on behalf of the Metropolitan Sports Facilities Commission. Written comments should arrive at the Board office, 1st Fl. S., Centennial Bldg., 658 Cedar St., St. Paul, MN 55155, prior to April 17, 1992, for consideration at the Board's meeting of April 23, 1992.

March 17, 1992—The Metropolitan Airports Commission recently reviewed the Lobbyist Principals Bulletin from the Ethical Practices Board. The bulletin informs the Commission that [it] has “been identified by a lobbyist registered in Minnesota as a principal as defined in *Minnesota Statutes* § 10A.01, subd. 28.” The bulletin also states that if the Commission does not agree that it is a “lobbyist principal” as defined in Minnesota state law, it should notify the Ethical Practices Board as soon as possible.

It is our opinion that the Commission is not a lobbyist “principal” under *Minnesota Statutes* § 10A.01, subd. 28, because the Commission is neither an “individual” nor an “association” as those terms are defined in Chapter 10A. Furthermore, *Minnesota Statutes* § 10A.01, subd. 27, specifically identifies the Commission as a “political subdivision.” The Commission does report estimated expenditures paid to lobbyists and employees to the State Auditor pursuant to *Minnesota Statutes* § 6.76.

Please remove the Metropolitan Airports Commission from the list of “principals” required to complete and file the Annual Report of Lobbyist Principal form, and provide us with a written acknowledgment.

March 23, 1992—On behalf of the Metropolitan Sports Facilities Commission (“Commission”), I am writing with regard to the filing of the Annual Report of Lobbyist Principal.

After examining Chapter 10A, I have come to the conclusion that the Commission was mistakenly identified as a lobbyist principal, and so is not required to complete or to file the Annual Report of Lobbyist Principal. I have based this conclusion on the fact that the term “principal” means either an “individual” or an “association.” (*Minnesota Statutes* § 10A.01, subd. 28 (1990)). Neither term (individual, association) is defined such that the term “political subdivision” or “metropolitan governmental unit” would be included. Since the Legislature expressly defined the term “political subdivision” separately and did not include it in the definition of “principal,” I do not believe that the Commission must report as a principal to the Ethical Practices Board.

Department of Labor and Industry

Labor Standards Division

Notice of Withdrawal of Prevailing Wage Rates

The Commissioner has withdrawn prevailing rates certified February 1, 1992 for labor class code 309-tractor-trailer driver for highway/heavy and commercial construction projects in the following Minnesota Counties:

Aitkin, Becker, Beltrami, Carlton, Cass, Clay, Clearwater, Cook, Crow Wing, Hubbard, Itasca, Kittson, Koochiching, Lake, Lake of the Woods, Mahnommen, Marshall, Norman, Ottertail, Pennington, Polk, Redlake, Roseau, St. Louis, Wadena, and Wilkin.

Prevailing wage rates for labor class codes 306-single axle or two axle units, 307-tandem axle or three axle unit, 308-four axle unit, and 309-five axle unit, for the above counties certified on February 1, 1991 are continued in effect.

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

Dated: 27 March 1992

John B. Lennes, Jr.
Commissioner
Department of Labor and Industry

Department of Labor and Industry

Labor Standards Division

Notice of Correction to Prevailing Wage Rates

Prevailing wage rates certified February 1, 1992 for labor class code 226—ROLLER, SELF PROP FOR COMPACTION in Becker

county for highway/heavy construction, 421—SHEET METAL WORKER in Red Lake, Polk, Marshall, Pennington, and Roseau counties for commercial construction work has been corrected.

Copies of the corrected certification may be obtained by contacting the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306, or by calling (612) 296-6452.

John B. Lennes, Jr.
Commissioner

Minnesota Pollution Control Agency

Ground Water and Solid Waste Division

Notice of Proposed Addition to the Permanent List of Priorities Among Releases or Threatened Releases of Hazardous Substances or Pollutants or Contaminants

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is publishing for public comment a proposed addition to the Permanent List of Priorities (PLP) among releases or threatened releases of hazardous substances, pollutants, or contaminants for which the MPCA may take removal or remedial actions under the Minnesota Environmental Response and Liability Act (MERLA), *Minnesota Statutes* ch. 115B. The statutory basis for, and explanation of, the PLP is discussed below.

Pursuant to MERLA, *Minnesota Statutes* § 115B.17 (1990), the MPCA is authorized to take any removal or remedial action which the MPCA deems necessary to protect the public health, welfare, or the environment whenever there is a release, or substantial threat of release, from a facility of any pollutant or contaminant which presents an imminent and substantial danger to the public health, welfare, or the environment, or whenever a hazardous substance is released or there is a threatened release of a hazardous substance from a facility.

Minnesota Statutes § 115B.17, subd. 13 (1984), required the MPCA to establish priority rules among releases or threatened releases of hazardous substances, and pollutants or contaminants. The priority rules, *Minnesota Rules* ch. 7044, became effective on July 10, 1984.

Minnesota Statutes § 115B.17, subd. 13 also requires the MPCA to adopt a PLP. Before any addition to the PLP is adopted by the MPCA, it must be published in the *State Register* and a 30-day public comment period must be provided. This notice is, therefore, published to inform the public that the MPCA is proposing to add the Archer Daniels Midland/Westgate site, Minneapolis, St. Paul, to the PLP and to solicit public comments with regard to this site only.

This proposed addition to the PLP has been ranked using the modified Hazard Ranking System (HRS) method as required by *Minnesota Rules* pt. 7044.1000 (1991). The modified HRS score for the Archer Daniels Midland/Westgate Site is 17.

The modified HRS is based on the original HRS (HRS I) adopted by the U.S. Environmental Protection Agency (EPA) as published in the *Federal Register* on July 16, 1982. EPA has since revised the HRS scoring system, as published in the *Federal Register* on December 14, 1990. Any new site which is proposed for the Federal National Priorities List (NPL) is required to be scored using the revised HRS (HRS II). The MPCA will continue to utilize the original HRS (HRS I) for ranking sites, as required by *Minnesota Rules* pt. 7044.1000, until such time as state rules are updated to reflect the revised HRS (HRS II). This site has also passed the pre-screening test of *Minnesota Rules* pt. 7044.1200 (1991) for eligibility.

The numerical scores generated by the HRS scoring process should not be interpreted as exact number priorities. The scores shown indicate the relative ranking and general classification of sites, but sites with scores within approximately ten points of each other may be considered roughly equivalent in terms of a known or possible public health or environmental threat. Generally, the cleanup of a hazardous waste site involves a three-phase program:

1. Remedial Investigation/Feasibility Study—investigation of the extent, magnitude, and nature of the release or threatened release, and identification, evaluation, and selection of appropriate removal or remedial action(s);
2. Remedial Design—detailed design of the selected removal or remedial action(s); and
3. Response Action—implementation of the selected removal or remedial action(s).

The Archer Daniels Midland/Westgate site has been assigned to response classes C & D as required by *Minnesota Rules* pt. 7044.0300 (1991). (The terms response action, removal action, and remedial action are defined in *Minnesota Statutes* § 115B.02.) Each of the four response action classes is defined as follows:

CLASS A—Declared Emergencies. This class includes all sites at which an emergency has been declared by the MPCA Commissioner or Commissioner of Agriculture pursuant to MERLA. According to *Minnesota Rules* pt. 7044.0200, subp. 4 (1991), an “emergency” means that “there is an imminent risk of fire or explosion, that a temporary water supply is needed where an advisory has been issued, or that immediate adverse human health effects may be anticipated due to direct contact or inhalation and an advisory

Official Notices

has been issued." An "advisory" is defined in *Minnesota Rules* pt. 7044.0200, subp. 3, to mean a warning by the MPCA Commissioner, Commissioner of the Minnesota Department of Health, Minnesota Department of Natural Resources, or the Minnesota Department of Agriculture issued to the public concerning a hazardous substance, or pollutant or contaminant at or near a site.

CLASS B—Response Actions Completed and Operation and Maintenance/Long-term Monitoring Ongoing. This class includes all sites where response actions have been completed and long-term monitoring of these completed response actions is in progress. This class also includes all sites where activities are necessary to operate and maintain response actions that have previously been completed. Examples include continued operation of a ground water pump out system, long-term monitoring, and work necessary to maintain the integrity of the site such as maintaining cover or closure.

CLASS C—Response Actions Necessary or in Progress or First Year Operation and Maintenance at a Site. This class includes all sites where remedial design and implementation of response actions (other than Class A or B), such as barrel removal, soil decontamination, first year ground water pump out or monitoring, are necessary to effect a permanent remedy or cleanup of a site.

CLASS D—Remedial Investigations and Feasibility Studies (RI/FS) Necessary or in Progress. This class includes all sites which require a RI to determine the extent, magnitude, and nature of the release or threatened release, and a FS to evaluate and select response action(s).

The MPCA invites members of the public to submit written comments on the proposed addition to the PLP for this site only. All written comments with regard to the proposed addition of the Archer Daniels Midland/Westgate Site must be received no later than 4:30 p.m., May 6, 1992.

Written comments should be submitted to Gary Krueger, Minnesota Pollution Control Agency, Ground Water and Solid Waste Division, Program Development Section, 520 Lafayette Road, St. Paul, Minnesota 55155-3898. All written comments received by the above deadline will be considered by the MPCA with regard to the proposed addition of the Archer Daniels Midland/Westgate Site to the PLP.

Charles W. Williams
Commissioner

Teachers Retirement Association

Notice of Regular Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Friday, April 24, 1992, at 9:30 a.m., in Suite 500, Gallery Building, 17 W. Exchange St., St. Paul, MN to consider matters which may properly come before the Board.

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 Health

Notice of Availability of Grants for Conducting Lead-Related Screening, Home Assessments and Health Education

Purpose

The Minnesota Department of Health Lead Program is seeking organizations interested in competing for grants to conduct blood lead testing of children from 6 months to 6 years of age at risk for lead poisoning, conduct home assessments of children identified with an abnormal blood leads, and provide health education to the parents of children identified with abnormal blood leads. All of these activities shall be conducted in compliance with the 1991 Centers for Disease Control's childhood lead statement, Preventing Lead Poisoning in Young Children and the Minnesota Department of Health rule governing lead standards for paint, dust and drinking water.

Eligibility Criteria

Two grants are expected to be awarded through this project, depending on the applications received. One grant will be for a standard metropolitan statistical area (SMSA) and one grant will be for a non-standard metropolitan statistical area, in the state of Minnesota. Boards of health, community clinics and independent health care entities may work together to submit an application.

Budget/Time Frame

Costs under this project for one or more grants are not to exceed a total of \$200,000 in the biennium. Funding for the STATE biennium ends on June 30, 1993. Not more than 75% of these funds will be awarded to standard metropolitan statistical area applicants. Eligible applicants must be ready to recruit subjects by August 1, 1992.

Procedure For Submitting Proposals

Those interested in receiving the complete request for proposal document may contact:

Dianne Kocourek Ploetz
Health Educator, Lead Program
Minnesota Department of Health
Community and Environmental Services
925 S.E. Delaware Street
P.O. Box 59040
Minneapolis, MN 55459-0040
(612) 627-5018

Five copies of the completed proposal must be received at the above address no later than May 4, 1992, 4:30 p.m.

State Board of Technical Colleges**JTPA Education Coordination Funds Available**

JTPA/Education Coordination activities are authorized under Section 123 of the Job Training Partnership Act. The Act appropriates funds to be utilized "to provide services to eligible participants through cooperative agreements."

In 1992, the education coordination funds will be used to serve special needs groups through cooperative agreements between service delivery areas (SDAs) and education agencies. A request for proposals (RFP) is being issued to invite interested parties to submit a proposal. Specifically, this solicitation seeks service delivery areas, education agencies, and special needs/community groups interested in joint efforts to provide better and more comprehensive educational and training services. The intent of this RFP is to focus on the needs of one specific special needs group, unless rationale is provided for including additional groups. Funds will be available to operate projects from July 1, 1992 until June 30, 1993. Fund requests should not exceed \$50,000.00. Approximately \$400,000.00 is available under this request. Approximately 8-10 awards will be made.

Bidders Conferences will be held in April 1992. The purpose of these meetings is to discuss the proposal process and to answer any questions related to the RFP. Final awards will be made no later than May 1992.

To obtain a copy of the Education Coordination proposal application form or to obtain further information on the Bidders Conferences, please contact Bruce Nauth, State Board of Technical Colleges (612/296-8493) or Charles Robinson, State Job Training Office (612/297-1054). **Attendance at/or registration for the Bidders Conferences is not required.**

Proposals must be **received** by Bruce Nauth, State Board of Technical Colleges, Suite 130, Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101, by **4:30 p.m., Monday May 11, 1992.**

Department of Trade and Economic Development**Notice to Local Units of Government of Availability of Outdoor Recreation and Small Cities Development Grants**

Consistent with the Community Development Application Process, applications for funding of various types of community improvement projects can be submitted year round. Complete applications (parts 1 and 2) for those projects that are eligible to compete for funds through the Community Development Division's competitive programs (Small Cities Development Program and the Outdoor Recreation Grant Program) must be received no later than September 1, 1992 to be considered during the 1992 review and ranking period (September 1, 1992 - February 1, 1993). Complete applications received after September 1, 1992 will be considered during the 1993 review and ranking period.

State Grants

Local government units are encouraged to contact the Community Development Division Single Application Coordinator at 612 297-5710 or toll-free at 1 800 657-3502 to receive a copy of the Community Development Application and details on the single application process. Local government units are also encouraged to request a copy of "Enhance Minnesota" for additional information on the types of community improvement projects that may be eligible through the various community assistance programs administered by the Community Development Division.

Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Department of Agriculture

Advertising Services Sought

The Plant Industry Division, Department of Agriculture, is seeking a consultant to provide advertising services under contract to develop and implement, upon review and approval of the department, an advertising campaign to promote Minnesota certified seed potatoes and thus increase the demand and sales of same through advertising, promotion, and public relations throughout the country. To receive a copy of this Request for Proposal call or write:

Richard T. Zink, Ph.D., Assistant Director
Minnesota Department of Agriculture
Plant Industry Division
90 West Plato Blvd.
St. Paul, MN 55107-2094
(612) 296-7509

All proposals must be sent to and received Not later than 4:30 p.m., May 1, 1992.

Minnesota Community College System

Request for Proposals Recordkeeping for Defined Contribution Retirement Plans

The Minnesota Community College System (MCCS) administers two defined contribution retirement plans: Individual Retirement Account Plan (IRAP), established by the Legislature on July 1, 1988; and since July 1, 1991, the College Supplemental Retirement Plan (SRP). The System is requesting proposals from firms interested in providing recordkeeping services and consultative assistance to the MCCS. Specific tasks will include recording investments and maintaining individual participant records, preparing quarterly reports to individual participants, and providing staff with professional consultative services on an on-going basis. The contract will be effective on July 1, 1992 and run through June 30, 1995.

Background: The MCCS Supplemental Retirement Plan has approximately 1,600 active and 300 inactive participants. Most participants contribute up to \$1,100 annually, while less than 100 contribute up to \$450 annually. These amounts are matched by the employer. The MCCS Supplemental Retirement Plan also includes the management of all past contributions made since its inception in 1965.

The majority of investments for Supplemental Retirement Plan participants are made with the State Board of Investment (SBI). Participants also have the option to select two other investment managers, Prudential and TIAA-CREF, and to change investment options within an investment manager's portfolio. Recordkeeping will be required only for those participants who retain or select the State Board of Investment as their investment manager.

The Minnesota Community College System IRAP has approximately 600 participants. Employee and Employer contributions presently are made at the rate of 4.5% of compensation. Although most participants invest their funds with Prudential or TIAA-CREF, a growing number have selected the SBI as their investment manager. Recordkeeping services will be required for those participants who choose the SBI.

Items to be addressed in the RFP shall include (but need not be limited to):

Cost of maintaining active and inactive accounts (data entry, data reconciliation, transactions, and allocations) for those SRP

Professional, Technical & Consulting Contracts

and IRAP participants who select the State Board of Investment as their investment manager. Tasks include updating individual records on a monthly basis for new participants, employee information changes, investment transfer requests and distribution requests.

Cost of completing plan management tasks for all State Board of Investment (SBI) investment accounts including but not limited to: receiving share valuation reports from the SBI; confirming accuracy of withdrawal amounts paid to participants from IRAP or SRP funds allocated to the SBI; reconciling the SBI fund balance to the total of all participant accounts; and after reconciliation of the assets described above, allocate contributions to all active participants eligible for contributions and allocate gains/losses to participant balances.

Cost of providing MCCS with the following reports: An activity summary which shows activity for the month for each person and each fund; trust accounting information for both plans which contains a reconciliation of the SBI fund balances to the total of the participant accounts; and distribution check requests for each person who requested a distribution from MCCS during the month.

Cost of preparing a statement format for and reporting information to individual participants on a quarterly basis on contributions received and investments made, net gain or loss, and the current value of such investments.

Cost of providing consultative services (please include a per hour charge) on such topics as plan design and interpretation, tax implications, and information management systems; in addition, advising MCCS regarding potential in-house administration of the recordkeeping function. Since this is a three-year agreement, respondents should provide specific cost information for the first year and projections for the subsequent periods.

In addition, respondents should provide the following background information:

- The number of firms/governmental units for whom the firm is currently providing recordkeeping services under a qualified plan, including the number of active and inactive accounts of the largest firm/governmental unit for whom the firm is currently providing recordkeeping services.
- Names of at least three firms/governmental units for whom similar work is currently being performed, and the length of time such work has been performed. Please list the name, address and phone number of an individual that a representative from the MCCS may contact.
- The name and a brief functional description of the software system to be used in providing the recordkeeping function.
- The hardware configuration used in the recordkeeping function.
- Available backup (e.g., the firm's disaster plan).

To assist potential respondents, the MCCS has background materials pertaining to both the Individual Retirement Account Plan and the Supplemental Retirement Plan and the current management structure.

For additional information, please contact:

Anne Weyandt
Director of Executive and Staff Services
Minnesota Community College System
203 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
612/296-5157

The RFP should be received by the Minnesota Community College System, addressed to Anne Weyandt, no later than 4:30 p.m. Friday, April 24, 1992.

The System reserves the right to withdraw this request or to determine whether or not to issue a contract to any of the respondents to this RFP.

A decision to issue a contract may be based on factors other than cost alone, including the results of written recommendations by other firms by which respondents have been engaged.

State Designer Selection Board

Request for Proposal for a Project for the University of Minnesota

To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select a designer for a project for the University of Minnesota. Design firms who wish to be considered for this project should deliver proposals on or before 4:00 p.m., April 28, 1992, to:

Professional, Technical & Consulting Contracts

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.

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

- a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
 - b) A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights;
- or
- c) A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months; or
 - d) A statement certifying that the firm has an application pending for a certificate of compliance.
- 6) Design firms wishing to have their proposals returned after the Board's review must follow one of the following procedures:
 - a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or
 - b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

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

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

7) PROJECT—06-92

Nineteenth Avenue Parking Ramp
University of Minnesota
Minneapolis, Minnesota

The University of Minnesota is planning to build a new parking ramp on the West Bank of the Minneapolis campus. The new Nineteenth Avenue Parking Ramp will be located on a portion of the western half of the block bounded by Third and Fourth Streets Southeast and Nineteenth Avenue on the west.

The Nineteenth Avenue Parking Ramp will contain approximately 500 parking spaces for contract and public parking. The construction budget is approximately \$4,500,000.00.

The project program is available for copying at Kinkos, 306 15th Avenue Southeast, Minneapolis, Minnesota.

It is important that the parking ramp have a positive aesthetic image and that the architect have excellent design ability. Extensive experience in the design of parking ramps is required, including technical and construction supervision capabilities unique to this type of project. A qualified parking consultant, a traffic engineer, and a landscape architect are to be part of the design team.

Questions concerning this project may be referred to Nilgun Tuna at (612) 624-4109.

James Tillitt, Chairman
State Designer Selection Board

Minnesota Housing Finance Agency

Request for Proposal for Audit Services

Purpose

The Minnesota Housing Finance Agency (Agency) is a public body corporate and politic, constituting an agency of the State of Minnesota. The Agency was created in 1971 in response to legislative findings that there existed in Minnesota a serious shortage of decent, safe, and sanitary housing at prices or rentals within the means of persons and families of low and moderate income, and that the then present patterns of providing housing in the State limited the ability of the private building industry and the investment industry to produce such housing without assistance and resulted in a failure to provide sufficient long term mortgage financing for such housing. In order to accomplish its purpose, the Agency is authorized to issue bonds to increase the supply of funds available for the purchase of mortgage loans or securities backed by mortgage loans from private lending institutions and for direct lending to individual borrowers and housing development sponsors.

Programs

The Agency operates three program divisions—multifamily, home improvement and homeownership—which offer over 40 housing programs with funding from the sale of tax-exempt and taxable bonds, federal appropriations, allocation of the Federal Low Income Tax Credit, State appropriations, Minnesota's Housing Trust Fund, and the Agency's Housing Investment Fund and Housing Affordability Fund.

The Agency presently finances approximately 470 multifamily developments with an aggregate first mortgage balance of approximately \$555 million. Agency staff provides the underwriting, project management and servicing functions for the multifamily programs. Approximately 60% of the bond-financed units receive housing assistance payments (HAP) under the Section 8 housing assistance program of the United States Housing Act of 1937.

The home improvement loan programs provide loans to eligible homeowners for home improvements. Loans are originated by approximately 390 financial institutions throughout the State. The Agency creates a secondary market for eligible loans which are purchased from the financial institution. The majority of these loans are serviced by two financial institutions.

The homeownership program provides mortgage loans to eligible first-time homebuyers. Loans are originated by approximately 305 different financial institution locations throughout the State. The Agency creates a secondary market for eligible loans which are purchased from the financial institutions. The majority of the loans are serviced by five financial institutions.

Request for Proposal

The Agency's Board (i.e. Members) has adopted a policy requiring bidding for audit services every four years. The Agency will enter into a one year contract with the selected auditor with the intent of renewing the contract on an annual basis for each of the succeeding three years.

Services to be provided include the annual audit of the Agency's financial statements, providing an audit opinion on each individual Fund; annual audit of the HAP program and other federal funded programs; management letter; cold comfort reviews in conjunction

Professional, Technical & Consulting Contracts

with the sale of bonds and other services as requested by the Agency. Preparation of schedules, financial statements and audit report is performed by the staff of the Agency. Interim work for both of the annual audits should occur in May and the field work performed in late July-early August such that the audit reports are completed and ready for presentation to the Members at their regularly scheduled August meeting (i.e. the fourth Tuesday of the month). Cold comfort reviews are scheduled as needed.

Items to be covered by the proposal include the following:

1. Description of national firm and areas of expertise.
2. Description of local office and areas of expertise.
3. Description of specific work with financial institutions, real estate, other housing finance agencies and government organizations.
4. Philosophy of providing audit services to the client.
 - a. Annual audits—financial statements and federal programs (i.e. Single Audit)
 - b. Cold comfort reviews
 - c. Other services
5. Philosophy of establishing fees for the services listed in 4 above and the effect of a four year rotation. A proposed fee structure for both the audits, including start-up costs, if any, and cold comfort reviews.
6. Résumés of personnel to be assigned to the Agency.
7. Certificate of Compliance from Commissioner of Human Rights.
8. Evidence of compliance with workers' compensation insurance coverage requirements.

Proposals will be narrowed to three and a subcommittee of the Board of the Agency will interview the final firms on April 23, 1992. A firm will be selected and fee negotiation finalized at that time.

Please submit ten copies of your proposal by April 16, 1992 and address them to:

Minnesota Housing Finance Agency
Attn: Robin Hanson, Finance Director
400 Sibley Street, Suite 300
St. Paul, Minnesota 55101

Additional Information

The following documents are also available for review:

1. *Minnesota Statutes*, Chapter 462A.
2. 1991 Financial Report, including audited financial statements.
3. Recent official statements.
4. 1992-1993 Minnesota Housing Finance Agency Affordable Housing Plan

Please contact Robin Hanson at 612/296-9813 with any questions or requests for additional information.

Department of Human Services

Health Care Administration

Notice of Request for Proposals for Medical Line Information Services

The Minnesota Department of Human Services, Health Care Administration is requesting proposals from organizations interested in providing medical information line services to Medical Assistance recipients in Anoka County. Services included will be the following: Provision of medical information, direction to appropriate care site, provision of information on medical care providers, authorization of transportation services, tracking and reporting of phone calls and follow-up with callers. The telephone line will operate 24 hours per day, seven days per week, except for designated holidays. The phone line must be staffed by registered nurses using predetermined medical protocols.

This service has been provided to Ramsey County MA recipients since January 1991 on a pilot basis. The state has determined that it is cost effective to expand this service into Anoka County. An implementation date of July 1, 1992 is proposed.

A request for proposals is available upon request to the Department of Human Services. Proposals are due by May 1, 1992.

For a copy of the Request for Proposals, please contact:

Kathleen Schuler
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3854
612-297-4668

Department of Jobs and Training

Proposals Sought for Professional Services

Request for Proposal for professional services to develop and facilitate a process within the department's Unemployment Insurance (UI) Tax Office that would result in a strategic business plan being produced. In addition, the proposal should identify how the office's personnel and work values will be identified and what process will be used to make any changes required by the strategic business plan.

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

Background

The UI Tax Office has the responsibility of determining which employers are subject to the unemployment tax and what workers are covered for unemployment benefits. In addition the Office assigns tax rates, processes quarterly tax and wage details and collects and accounts for all UI taxes which are an estimated \$400.0 million. Over 90,000 Minnesota employers pay into the system.

The Office is comprised of four major sections and has in excess of 160 employees. The four major sections are Tax Accounting, Field Audit, UI Compliance, and Legislation and Rules.

Project Tasks

The contractor service will include the following major tasks:

1. Work with Office's core management team to identify personal and work values, create a shared vision and determine the desired results from the process and the role the Office's management will be required to play.
2. Work with all of the Office's supervisors and managers to identify personal and work values, align these values with those of the core management team, refine the shared vision, improve communications, help resolve old issues and attempt to get all supervisors and managers committed to the change process.
3. Develop a strategic business plan that at a minimum would include:
 - a. Assessment of the current reality from the stakeholders' perspective.
 - b. Assessment of the needs and expectations of the stakeholders.
 - c. Holding of strategic planning workshops to refine the Office's vision, mission, goals, and structural changes needed to attain the established goals.
 - d. Development of an action plan to carry out the needed changes.
4. Working with Office staff, perform the following activities:
 - a. Develop a communications and dialogue process that would align employees around the Office's vision, mission and goals, improve the quality of life in the Office and set quality standards.
 - b. Coach and train managers to sustain their required role in making changes.
 - c. Create a vehicle for ongoing communications with external stakeholders.
 - d. Develop and install a process for monitoring the progress being made and for making any changes in the action plan required by changed conditions.

The responder may propose additional tasks or activities if they would substantially improve the results of the project.

Proposal Contents

The following items will be considered minimum contents of the proposal:

1. A brief description of the responder's firm including the qualifications relevant to this project and a list of clients who have received similar services and may be contacted for references.

Professional, Technical & Consulting Contracts

2. The names of responder employees that will be assigned to this project, their individual roles, expected level of involvement, relevant experience, and rates of pay.
3. A restatement of the project's scope and goals to show that the responder fully understands the department's goals.
4. A description of the approach that will be used in conducting the project.
5. A detail work plan which identifies major tasks to be accomplished, number of hours needed to complete each task and cost of completing each task. This plan will be used as a scheduling and managing tool as well as the basis for invoicing.
6. A description of the deliverables to be provided and the cost of each.
7. The reporting and feedback mechanisms that will be used to ensure the project stays on schedule and achieves its objectives.
8. The role department staff will be expected to play in the project as well as other services to be provided by the department.

Department Contacts

Prospective responders desiring further information regarding this Request for Proposal may write or call:

Mr. Dave Haney
Director, Tax Branch
Minnesota Department of Jobs and Training
390 North Robert Street
St. Paul, MN 55101
Telephone Number: (612) 296-3736

? This is the only employee authorized to answer questions regarding this RFP.

Submission of Proposals

All proposals must be sent and received by Dave Haney, Director of Tax, MN Department of Jobs and Training, 390 North Robert Street, St. Paul, MN 55101 no later than 3:00 p.m., April 24, 1992. Submit five (5) copies of the proposal. At least one (1) copy must be signed in ink by an officer of the firm. Late proposals will not be accepted.

Project Completion Date

The entire project will be completed by November 2, 1992. Project tasks 1, 2 and 3 will be completed by August 14, 1992.

Project Costs

The department has estimated that the cost of this project shall not exceed \$35,000.

Project Evaluation

All proposals received by the deadline will be evaluated by department staff based on the following factors:

- 50% 1. Qualifications of both the company and its personnel assigned to the project with the experience of project personnel being given greater weight than that of the firm. Knowledge of and experience in state government will be given significant weight.
- 20% 2. Expressed understanding of project goals, as evidenced by the proposal content.
- 20% 3. Project work plan, as developed in the responder's proposal.
- 10% 4. Project cost detail, as listed in the responder's proposal.

Non-State Public Contracts

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

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

Minnesota Historical Society

Notice of Request for Bids for Bank of England Style Wooden Chairs

The Minnesota Historical Society is seeking bids from qualified firms and individuals to provide 75 Red Oak, custom finish, Bank of England Style chairs, which shall be Krug brand, model 177-S or equivalent.

The Request for Bids is available by calling or writing Gary W. Goldsmith, Contracting Officer, Minnesota Historical Society, 690 Cedar Street, St. Paul, MN 55101. Telephone (612) 296-2155.

Bids must be received not later than 2:00 p.m. April 13, 1992.

Details concerning submission requirements are included in the Request for Bids.

Lower Minnesota River Watershed District

Request for Interest Proposals for Engineering Consultant Services

Pursuant to MSA 103B.227, Subd. 5 the Lower Minnesota River 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 Lower Minnesota River Watershed District should contact Bruce D. Malkerson, 3300 Piper Jaffray Tower, 222 South 9th Street, 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 May 1, 1992.

Metropolitan Airports Commission

Public Notice for Qualifications Statements for Legal Services

The Metropolitan Airports Commission (MAC) is requesting qualifications statements from attorneys practicing in the Twin Cities Metropolitan Area to represent MAC in equal employment opportunity and human rights discrimination matters and other related areas of law. The attorney and/or law firm selected by MAC to perform these legal services must have five years experience in human rights and equal employment opportunity issues, and must be certified by the Department of Administration as a "targeted group business" (TGB) prior to selection.

To request a copy of the "Request for Qualifications for Legal Services" which outlines the selection process, contact the Legal Department of the MAC at 726-8192. The deadline for receipt of qualifications statements is April 30, 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		
A = Sealed Bid B = Write for Price C = Request for Proposal D = Request for Information E = \$0-\$1,500 Estimated Dollar Value F = \$1,500-\$5,000 Estimated Dollar Value	G = \$5,000-\$15,000 Estimated Dollar Value H = \$15,000-\$50,000 Sealed Bid I = \$50,000 and Over Sealed Bid/Human Rights Compliance Required	J = Targeted Vendors Only K = Local Service Needed L = No Substitute M = Installation Needed N = Pre-Bid Conference O = Insurance or Bonding Required

Commodity: B F—Quantum hard drive—rebid
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: April 9
Agency: Mankato State University
Deliver to: Mankato
Requisition #: B 26071-64297-1

Commodity: B F—Upgrade AT 286 PC's
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: April 9
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23551

Commodity: B F—Detector Tubes
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: April 8
Agency: Minnesota Department of Health
Deliver to: Minneapolis
Requisition #: B 12200-86581

Commodity: B F—Camcorder
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: April 8
Agency: Worthington Community College
Deliver to: Worthington
Requisition #: B 27146-92521

Commodity: A I L—CICS/Gateway software
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: April 6
Agency: Department of Revenue
Deliver to: St. Paul
Requisition #: B 67120-43579

Commodity: B E—Valves
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 4:30pm: April 8
Agency: Southwest State University
Deliver to: Marshall
Requisition #: B 26175-02302

Commodity: B E—Upgrade miscellaneous computers
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: April 9
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23550

Commodity: B F—486-33 computer
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: April 9
Agency: Cambridge Center
Deliver to: Cambridge
Requisition #: B 27141-48942

Commodity: B F—Lumber (for bleacher seats)
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: April 8
Agency: Worthington Community College
Deliver to: Worthington
Requisition #: B 27000-92524

State Contracts and Advertised Bids

Commodity: A I L—Sybase software
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: April 6
Agency: Department of Revenue
Deliver to: St. Paul
Requisition #: B 67120-43578

Commodity: B G—Parts for Vilter compressor
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 4:30pm: April 8
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23545

Commodity: B F—VCR
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: April 9
Agency: Worthington Community College
Deliver to: Worthington
Requisition #: B 27146-92522

Commodity: B F—Hardwood lumber
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: April 9
Agency: Minnesota Correctional Facility—Faribault
Deliver to: Faribault
Requisition #: B 78790-20668

Commodity: B F—Lumber
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: April 9
Agency: Minnesota Department of Transportation
Deliver to: Willmar
Requisition #: B 79800-03908

Commodity: A H—Make custom furniture (wood)
Contact: Pam Anderson 612-296-1053
Bid due date at 2pm: April 13
Agency: Office of Administrative Hearings
Deliver to: Minneapolis
Requisition #: B 99690-20090

Commodity: B F—Photographic supplies
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: April 9
Agency: Normandale Community College
Deliver to: Bloomington
Requisition #: B 27156-10906

Commodity: B F K M—Copier rental
Contact: Jack Bauer 612-296-2621
Bid due date at 4:30pm: April 13
Agency: Department of Labor & Industry
Deliver to: Various places
Requisition #: B 42701-17333

Commodity: B F K M—Used Lektriever
Contact: Jack Bauer 612-296-2621
Bid due date at 4:30pm: April 1
Agency: Department of Human Services
Deliver to: St. Paul
Requisition #: B 55000-25307

Commodity: B F—Recorder/players
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: April 9
Agency: Normandale Community College
Deliver to: Bloomington
Requisition #: B 27156-10911

Commodity: B G—Materials for construction of chemical storage building
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: April 14
Agency: Minnesota Department of Transportation
Deliver to: Various places
Requisition #: B 79050-27611

Commodity: B F—Siding materials
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: April 9
Agency: Minnesota Department of Transportation
Deliver to: Willmar
Requisition #: B 79800-03909

Commodity: B F—Storage building
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: April 9
Agency: Southwest State University
Deliver to: Marshall
Requisition #: B 26175-02306

Commodity: B F L—Lab equipment
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: April 9
Agency: Minnesota Pollution Control Agency
Deliver to: Duluth
Requisition #: B 32100-31223

Commodity: B F L—Display
Contact: Jack Bauer 612-296-2621
Bid due date at 4:30pm: April 2
Agency: Department of Human Services
Deliver to: St. Paul
Requisition #: B 55000-25306

Commodity: B E—Trefice boiler gauges
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 4:30pm: April 10
Agency: Minnesota Correctional Facility
Deliver to: St. Cloud
Requisition #: B 78830-11175

Commodity: Repair parking lots
Contact: Joyce Dehn 612-297-3830
Bid due date at 2pm: April 21
Agency: Various
Deliver to: Various
Requisition #: Price contract

Commodity: Computer equipment maintenance
Contact: Donald Olson 612-296-3771
Bid due date at 2pm: May 15
Agency: Administration Department
Deliver to: St. Paul
Requisition #: RFP

Commodity: Unleaded gasoline, gasohol, #1 and #2 regular diesel fuel
Contact: Dale Meyer 612-296-3773
Bid due date at 2pm: April 14
Agency: Transportation
Deliver to: Mankato
Requisition #: Price contract

Commodity: B F—SMC network cards
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: April 10
Agency: Department of Military Affairs
Deliver to: St. Paul
Requisition #: B 01000-06908

Commodity: B F—H P Laserjet III printer
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: April 10
Agency: Anoka Ramsey Community College
Deliver to: Coon Rapids
Requisition #: B 27152-46916

State Contracts and Advertised Bids

Commodity: B E—Electronic supplies
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: April 10
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23543

Commodity: B F—Luminaires
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: April 9
Agency: Southwest State University
Deliver to: Marshall
Requisition #: B 26175-02305

Commodity: S F—Ice maker
Contact: Joan Briesler 612-296-9071
Bid due date at 4:30pm: April 9
Agency: Moose Lake Regional Treatment Center
Deliver to: Moose Lake
Requisition #: B 55103-05814

Commodity: B F—SIMMS memory
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: April 10
Agency: Minnesota Department of Health
Deliver to: Minneapolis
Requisition #: B 12500-86755

Commodity: B G—SIMMS memory
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: April 10
Agency: Normandale Community College
Deliver to: Bloomington
Requisition #: B 27156-10909

Commodity: B E—Lab supply
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: April 10
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23556

Commodity: B F L—Test kits
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: April 9
Agency: Minnesota Pollution Control Agency
Deliver to: Duluth
Requisition #: B 32100-31221

Commodity: B F—Sealer
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: April 10
Agency: Minnesota Department of Transportation
Deliver to: Willmar
Requisition #: B 79800-03907

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: Community based services envelope, brown, camera ready copy
Contact: Printing Buyer's Office
Bids are due: April 7
Agency: Jobs & Training
Deliver to: St. Paul
Requisition #: 22207

Commodity: Directory listing information, type to be set, 150 pads (1,500 sets) glue, stub, carbon interleave
Contact: Printing Buyer's Office
Bids are due: April 8
Agency: Administration Department
Deliver to: St. Paul
Requisition #: 22251

Commodity: Lake Vermillion island brochure, camera ready copy, two-sided, 10M sheets
Contact: Printing Buyer's Office
Bids are due: April 8
Agency: Natural Resources
Deliver to: Grand Rapids
Requisition #: 22100

Commodity: Work release receipts, negs available, one-sided, 750 sets, stub at left, carbonless, wrap-around cover
Contact: Printing Buyer's Office
Bids are due: April 8
Agency: Corrections
Deliver to: St. Paul
Requisition #: 22246

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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.

Real Estate Rules 1991. Chapters 2800, 2805 and 2810 from the *Minnesota Rules. Essential* for both students and established brokers and salespersons. It contains all education and licensing requirements. Code #3-99, \$6.00.

Police Report Writing Style Manual 1989. A common framework for report writing throughout the state. Discusses the general purpose of police reports, reviews field notetaking, offers instructions on completing common report forms and introduces the Data Practices Law. Code #14-13, \$15.00.

OTHER PUBLICATIONS

Voices of the Loon. Includes introduction, loon call identification, distant chorus, tremolo duet, wail duet, border confrontation, wails with morning songbird chorus, tremolos while running, wails during thunderstorm and coyotes calling with loons. Cassette tape. Code #19-73, \$12.00.

Secrets of the Congdon Mansion. A complex, intriguing murder case set in one of Minnesota's most spectacular mansions. Now a top Minnesota tourist attraction on Duluth's famous Lake Superior North Shore Drive. By Joe Kimball. Code #19-56, \$5.95.

A Paddler's Guide to the Boundary Waters Canoe Area. Advice on what to bring along on canoe trips, regulations, canoe tips and detailed information for self-guided tours. Includes detailed maps and descriptions of 31 wilderness canoe routes in the Superior National Forest of Northern Minnesota. Stock #19-17, \$4.95.

Minnesota Geographic Names. Names of places by the thousand plus interesting historical tidbits included in this 800+ page book. Minnesota history buffs—this is for you! Stock #17-13, \$12.95.

Room at the Inn Minnesota. The only guide to more than 60 historic Bed & Breakfast homes, hotels and country inns. Stock #19-72, \$9.95.

Minnesota Manufacturer's Directory, 1992. More than 7,000 entries listing name, address, phone, staff size, sales volume, market area, year of establishment, type of firm, CEO, sales or marketing and purchase managers, and four manufactured products. Stock #40-2. \$90.00. Directory will also be available on Computer Diskette. Call for further information.

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

Workers Compensation Decisions. Volume 45. Selected landmark decisions of the Worker's Compensation Court of Appeals during the period July '91 through Dec. '91. The subscription rate for this volume is \$160.00.

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