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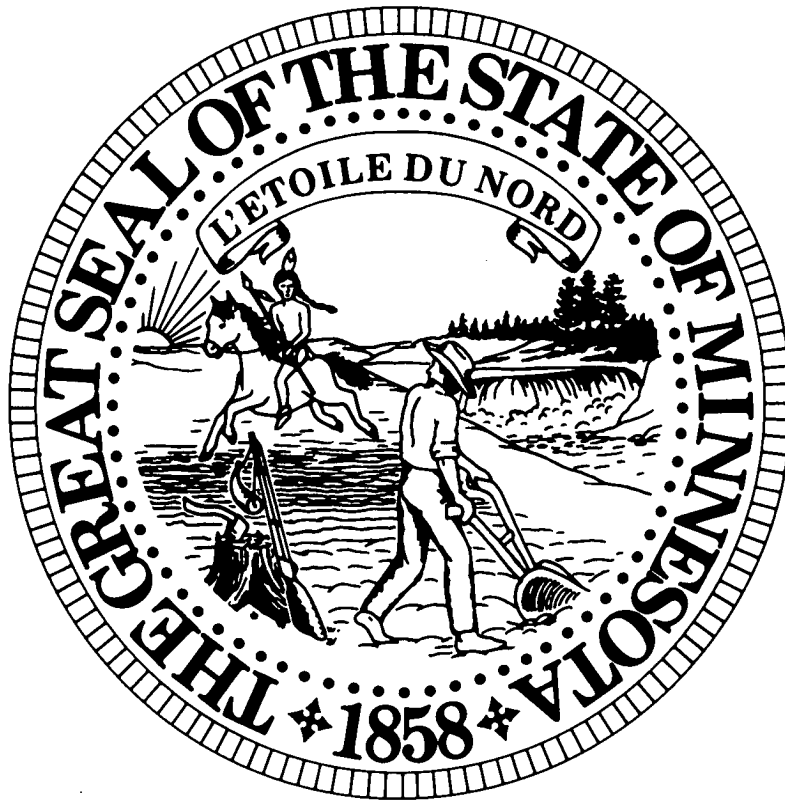
The Minnesota State Register

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Department of Administration—Print Communications Division



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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, professional-technical-consulting contracts, non-state bids and public contracts and grants.

A *Contracts Supplement* is published Tuesday, Wednesday and Friday and contains bids and proposals for commodities, including printing bids.

Printing Schedule and Submission Deadlines

Deadline extensions may be possible at the editor's discretion. Requests for deadline extensions should only be made in valid emergency situations. Please call 297-7963 and leave your fax number—you will be faxed a one-page information sheet regarding submissions and a submission calendar.

Vol. 18 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
40	Monday 4 April	Monday 21 March	Monday 28 March
41	Monday 11 April	Monday 28 March	Monday 4 April
42	Monday 18 April	Monday 4 April	Monday 11 April
43	Monday 25 April	Monday 11 April	Monday 18 April

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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

HOUSE

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

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

This Week—weekly interim bulletin of the House.

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

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

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For subscription information call 612/296-0931.

Commodity awards can be obtained from the **Materials Management Helpline** 612/296-2600.

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 1-800-657-3757.

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Attention Builders, Architects, Designers, Property Owners...

Accessible and Usable Buildings and Facilities CABO/ANSI, A117.1

Just released by the Council of American Building Officials, this 2 publication set includes UBC Chapter 31 and appendix. Specifications in this standard (ANSI - American National Standards Institute) are to make buildings and facilities accessible to individuals with disabilities -- both new buildings and existing structures. These standards are applicable to doorways, routes, seating and other elements of building design. Includes diagrams and floor plans. The two books (total of 96 pp) are bound and three-hole drilled for ease of use. **19-2 SR \$35.00**



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Visit Minnesota's Bookstore to view a variety of building code publications.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Proposed Rules

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

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

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

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

Department of Agriculture

Proposed Permanent Rules Relating to Soil Testing Laboratory Certification

Notice of Intent to Adopt a Rule Without a Public Hearing

The Minnesota Department of Agriculture intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedures Act *Minnesota Statutes* sections 14.22-14.28. You have 30 days to submit written comment on the proposed rules and may also submit a written request that a hearing be held on the rules.

Department Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to:

Carol Milligan
Minnesota Department of Agriculture
90 West Plato Boulevard
St. Paul, MN 55107
(612) 296-6906
Fax (612) 297-7678.

Subject of Rules and Statutory Authority. The proposed rules are about procedures the departments will follow to certify laboratories that analyze soil samples and make fertility recommendations. The statutory authority to adopt these rules is *Minnesota Statutes*, section 18C.141, subd. 6. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. May 4, 1994, to submit written comment in support of or in opposition to the proposed rules or any subpart of the rules. Your comments must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on May 4, 1994. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rules which caused your request, the reason for the request, and any changes you want made to the proposed rules. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their request in writing. If a public hearing is required, the department will proceed according to *Minnesota Statutes*, sections 14.131-14.20.

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by the data and views submitted to the department and may not result in a substantial change in the proposed rules as attached and printed in the *State Register*. If the proposed amendments/rules affect you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A Statement of Need and Reasonableness is now available from the department

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Proposed Rules

contact person. This statement describes the need for and the reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules.

Small Business Considerations. The majority of businesses affected by this rule would be defined as a small business according to *Minnesota Statutes* section 14.115. However, the certification program is completely voluntary, so laboratories are only affected by this rule if they choose to be. Laboratories are not required to comply with this rule or be certified.

Adoption and Review of the Rules. If no hearing is required, after the end of the comment period the department may adopt the rules. The rules and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent that form relates to legality. You may request to be notified of the date the rules are submitted to the Attorney General or be notified of the Attorney General's decision on the rules. If you wish to be so notified or wish to receive a copy of the adopted rules, submit your request to the department contact person listed above.

Dated: 22 February 1994

Elton Redalen, Commissioner
Department of Agriculture

Rules as Proposed (all new material)

1512.0010 PURPOSE.

Parts 1512.0010 to 1512.0085 contain certification procedures and standards for laboratories that offer soil testing services and resulting fertilizer recommendations in Minnesota.

1512.0015 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 1512.0010 to 1512.0085.

Subp. 2. **Certification.** "Certification" means written acknowledgment by the department of the laboratory's demonstrated capability to perform soil testing procedures within required limits and in compliance with parts 1512.0010 to 1512.0085.

Subp. 3. **Check sample.** "Check sample" means a processed and prepared soil sample provided by the department to laboratories for performance evaluation.

Subp. 4. **Department.** "Department" means the department of agriculture.

Subp. 5. **Enrollment period.** "Enrollment period" means a period in which laboratories not previously certified or laboratories seeking initial certification after revocation may submit an initial certification application and fees of application and certification.

Subp. 6. **Initial fee.** "Initial fee" means the sum of the application fee and the annual certification fee provided in *Minnesota Statutes*, section 18C.141. This fee applies to laboratories requesting certification for the first time and to laboratories seeking certification after revocation.

Subp. 7. **Lapsed.** "Lapsed" means that fees have not been paid or application submitted to the department in accordance to the deadline, creating a condition for revocation of certification.

Subp. 8. **Method.** "Method" means the type of analysis for a given soil analysis.

Subp. 9. **Procedure.** "Procedure" means a series of specific analytical steps for a given soil analysis method.

Subp. 10. **Revoked.** "Revoked" means that the department has canceled certification status because of unacceptable check sample performance or violation of law or rule.

Subp. 11. **Soil analysis or soil test.** "Soil analysis" or "soil test" means a physical or chemical analysis offered by the soil analysis industry.

Subp. 12. **Soil analysis and fertility recommendation form.** "Soil analysis and fertility recommendation form" means a soil analysis and fertility recommendation report consisting of one or more pages.

1512.0020 APPLICATION FOR CERTIFICATION AND RENEWAL.

Participation by a laboratory in the Minnesota Soil Testing Laboratory Certification Program is voluntary. Application for initial and renewal certification must be on application forms provided by the department. The enrollment period for laboratories to submit an initial certification application and fees is September 1 to November 30 of any year. The application must include the:

- A. name, address, and telephone number of the laboratory;
- B. names and signatures of laboratory supervisors;
- C. names and signatures of fertilizer recommendation supervisors, if different from those in item B;
- D. types of analyses and analysis methods requested for initial or renewal certification;

E. name of any land grant university whose fertilizer recommendations will be provided on the laboratory's soil analysis and fertility recommendation report forms; and

F. most current copy of soil analysis and fertility recommendation report form used for Minnesota based clients. This requirement does not apply for laboratories that are not providing soil analysis and fertility recommendation services in Minnesota as indicated on the initial or renewal certification application.

1512.0025 TERM OF CERTIFICATION.

Laboratory certifications are valid from January 1 to December 31 and must be renewed annually. The department shall send renewal forms no later than 30 days before expiration of certification.

1512.0030 FEES.

Fees for application and certification are stated in *Minnesota Statutes*, section 18C.141. Applicable fees for initial or renewal certification must be submitted with an application. Fees may not be prorated. Land grant university soil analysis laboratories in Minnesota and those that are in states contiguous with Minnesota are exempt from all fees.

Laboratories that fail to pay the renewal fee by December 31 of each year, as designated by postmark, must have their certifications classified as lapsed and are subject to initial fee charges to regain certification status. A laboratory certification must be reclassified as revoked if the initial or renewal fees payable are not postmarked within 60 days after the December 31 deadline.

1512.0035 MINIMUM STANDARDS FOR LABORATORY EQUIPMENT AND FACILITIES.

Each laboratory that performs soil analysis must maintain equipment and facilities that are adequate and appropriate for the services offered. Each laboratory must maintain the standards in items A and B.

A. Equipment must be maintained in proper working order and routinely checked to assure accuracy. Instruments must meet the specifications of the methodology for the analysis being performed and must be maintained, monitored, and calibrated to assure accuracy.

B. The laboratory must follow a written plan of quality control assurance. The plan must describe policies and procedures used to:

- (1) track soil samples from time of receipt to analysis;
- (2) calibrate instruments, including frequency;
- (3) maintain functional equipment, including routine maintenance procedures and schedules; and
- (4) check internal quality control.

1512.0040 MINIMUM PERSONNEL STANDARDS.

Each laboratory that performs soil analysis must be supervised by persons who are responsible for the training and supervision of the laboratory staff. The supervisor must meet one of the following qualifications:

A. be a graduate of an accredited college with a bachelor of science degree and a graduate in one of the chemical, engineering, physical, or biological sciences; or

B. have five years prior experience in the supervision or operations of a laboratory that performs soil analysis.

1512.0045 RECORDS.

Records of sample receipt, sample analysis, soil fertility recommendations, and internal quality assurance must be maintained for at least one year.

1512.0050 APPROVED SOIL ANALYSIS METHODS AND PROCEDURES.

Soil analysis methods and procedures must be those applicable to Minnesota soils and conditions that are set forth in the most recent edition of the Recommended Chemical Soil Test Procedures for the North Central Region, North Central Regional Publication 221. This publication is incorporated by reference, is not subject to frequent change, and is available from the Minnesota State Law Library, the Minnesota Department of Agriculture, Division of Agronomy Services, or the Soil Testing Laboratory, University of Minnesota, St. Paul.

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Alterations in procedures which maintain the integrity of the analytical method are allowable if the check sample analytical data is within the one standard deviation from the mean range as denoted in part 1512.0065, subpart 6, and as specified in the North Central Regional Publication 221.

1512.0055 SOIL ANALYSIS METHOD OR PROCEDURE VARIANCE.

The department may grant a variance from requirements of part 1512.0050. To request a variance, a laboratory must provide a written request to the department including:

- A. the specific methods or procedures for which the variance is being sought including analytical methodology;
- B. reasons for the request; and
- C. documentation and research to show correlation of analytical data to crop response and interpretation of the soil analysis to provide fertilizer recommendations for Minnesota soils and conditions.

The department shall review information submitted with the variance request in consultation with the soil testing advisory panel according to part 1512.0075. The department shall grant or deny the variance within 100 working days of receipt of the request. Analytical methods or procedures that have been granted a variance may be used by any laboratory requesting initial or renewal certification. Analytical methods or procedures that have been granted a variance must be published in the yearly certification program report and provided by any laboratory requesting certification. The department shall send written reasons for a denial of a request for variance within 100 working days of receipt of request.

1512.0060 APPEAL OF ADMINISTRATIVE DECISION.

The department shall notify a laboratory in writing of the reasons for a decision to deny a variance or to deny, suspend, or revoke certification. The laboratory has 30 days from the date of receiving notice of the decision to appeal the decision. A request to appeal the decision must be in writing to the department, must indicate the facts the laboratory disputes, and must be signed by the laboratory supervisor. The appeal may include a request for a personal meeting with the department for purposes of discussing disputed facts and findings. The department must consult with the advisory panel regarding the appeal. The department shall accept or deny the appeal and respond to the laboratory making the appeal within 100 working days of receipt of the request.

1512.0065 ANALYZING CHECK SAMPLES AND ANALYTICAL DATA FOR GRANTING CERTIFICATION.

Subpart 1. Minimum laboratory analytical methods for laboratory certification. Laboratories desiring certification must analyze the check samples for the following parameters as a minimum requirement: Bray or Olsen phosphorus, potassium, nitrate-nitrogen, pH, and organic matter. Any remaining analysis methods, as recognized by North Central Regional Publication 221, are required only if soil fertility recommendations are made. Each check sample must be handled and analyzed in duplicate for all analysis methods and procedures for which the laboratory is requesting initial or renewal certification. Duplicate check samples must be analyzed on different days and reported as individual results.

Subp. 2. Reporting units on check sample analysis report. Analytical data of check samples must be reported in elemental form as follows:

- A. nitrate-nitrogen, phosphorus, potassium, sulfate-sulfur, chloride, calcium, and magnesium to the nearest part per million (ppm);
- B. organic matter to the nearest tenth of a percentage;
- C. pH and buffer pH to the nearest tenth of a pH unit;
- D. all micronutrients reported to the nearest tenth of a ppm; and
- E. soluble salts reported to the nearest 0.1 mmhos/cm.

Subp. 3. Check sample processing and handling. Check samples, other than blind check samples referred to in subpart 7, must be processed and prepared by the department or by a person under contract with the department according to approved soil analysis methods and procedures. Check samples must be shipped in secure containers and be ready for analysis upon receipt.

Subp. 4. Initial certification check samples. Upon receipt of the application form and application and certification fees, the department shall send eight check samples for analysis. Check samples, accompanied by analysis data forms and instructions, must be sent by the department to a laboratory applying for initial certification between September 1 and December 31. The laboratory must submit analytical data to the department within 30 days of receipt of the check samples. Analytical data submitted after this deadline must be considered invalid. The laboratory may not be reimbursed for analysis costs incurred in obtaining initial certification.

Subp. 5. Renewal certification check samples. Laboratories applying for renewal certification must analyze two sets of four check samples on a semiannual basis. Check samples, accompanied by analysis data forms and instructions, must be sent by the department during the following time periods: March 1 to May 1 and August 1 to October 1. The laboratory must submit analyti-

cal data to the department within 30 days of receipt of the check samples. Analytical data submitted after this deadline must be considered invalid. The laboratory may not be reimbursed for analysis costs incurred in obtaining renewal certification.

Subp. 6. Statistical guidelines for granting certification. The department shall compile analytical data submitted by laboratories for each set of check samples. Check sample analytical data from qualifying laboratories must be composited by the department to provide statistical means and standard deviations for each soil testing method. Check sample analytical data points outside the range of plus or minus one standard deviation from the mean must be noted.

Statistical guidelines for determining initial and renewal certification are:

A. Initial certification. If more than 20 percent of a laboratory's individual check sample analytical data points are outside the range of plus or minus one standard deviation from the mean, the laboratory shall reanalyze check samples. Initial certification must be denied if more than 20 percent of a laboratory's check sample analytical data points are outside the range of plus or minus one standard deviation from the mean.

B. Renewal certification. If more than 20 percent of the analytical data points of each set of four check samples falls outside the range of plus or minus one standard deviation from the mean, the laboratory must reanalyze the check samples. The percent of analytical data points outside the range of plus or minus one standard deviation from the mean for both the analyzed and reanalyzed check samples must then be noted. Once both sets of semiannual check samples have been analyzed, the composite analytical data points from both sets of check samples must be combined to determine the percent that falls outside the range of plus or minus one standard deviation from the mean. Renewal certification must be denied if more than 20 percent of the total annual composite analytical data points falls outside the range of plus or minus one standard deviation from the mean.

Subp. 7. Blind soil check samples to certified and uncertified laboratories. The department may conduct blind check samples on either certified or uncertified laboratories as stated in *Minnesota Statutes*, section 18C.141, subdivision 2, paragraph (d). For purposes of this subpart, "blind check sample" means a sample sent to a laboratory by the department under an assumed name, and in a manner to make it appear that the sample came from a client. Check sample preparation as stated in subpart 3 may not be required so that the identity of the sending party is not revealed. The department shall bear the cost of requested analyses for blind check samples. If analytical data falls outside the range of plus or minus one standard deviation from the mean, the department shall consult with the laboratory concerning the discrepancy or inaccuracy of the blind check samples analytical data produced by the laboratory.

1512.0070 REPORTING CHECK SAMPLE ANALYTICAL DATA, STATISTICS, AND CERTIFIED LABORATORIES.

Subpart 1. Analytical data and statistical reporting. The department shall compile reports of analytical data submitted by laboratories and statistics for each set of check samples. Laboratories must remain unidentified on the report. Each laboratory participating in the certification program must receive a copy of its own data and summary statistics.

Subp. 2. Report of certified laboratories. The department shall compile a yearly report listing laboratories that meet the certification requirements of the Minnesota Soil Testing Laboratory Certification Program, and the analytical methods for which each laboratory is certified. Annual reports must be available April 1 of each year. Current lists of certified laboratories will be available from the department.

1512.0075 ADVISORY PANEL.

The department shall appoint a soil testing advisory panel to provide recommendations on appropriate soil analytical methods and procedures for Minnesota climate and conditions, and to provide technical evaluations of requests for analytical variances. The advisory panel must include representation from the Minnesota Department of Agriculture, the Agricultural Extension Service, the University of Minnesota College of Agriculture, the fertilizer industry, agricultural crop consultants, and the soil testing laboratory industry. The advisory panel shall meet at least once a year. Members shall serve three year terms and have equal voting power. Panel meetings must be open to the public.

1512.0080 LABORATORY INSPECTIONS.

The purpose of laboratory inspections is to investigate the general cleanliness of the laboratory, examine equipment used in soil analysis methods and procedures, and review qualifications of personnel. Inspections of laboratories must be conducted during

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Proposed Rules

normal business hours by the department to determine compliance with certification requirements. Inspections may be unannounced and done on a random basis.

1512.0085 SOIL ANALYSIS AND SOIL FERTILITY RECOMMENDATION REPORTING.

A. Analytical data of client soil samples must be reported in elemental form as follows:

- (1) phosphorus (P), potassium (K), calcium, and magnesium to the nearest part per million (ppm);
- (2) nitrate-nitrogen, sulfate-sulfur, and chloride in pounds per acre for the appropriate sampling depth;
- (3) organic matter to the nearest tenth of a percentage;
- (4) pH and buffer pH to the nearest tenth of a pH unit;
- (5) all micronutrients reported to the nearest tenth of a ppm; and
- (6) soluble salts reported to the nearest 0.1 mmhos/cm.

B. If a certified laboratory provides soil fertility recommendations, the University of Minnesota soil fertility recommendations or that of another land grant university in a contiguous state must be provided in addition to other recommendations, and the source of the recommendations must be identified on the soil analysis and soil fertility recommendation report form. Land grant university soil fertility recommendations must be on the same soil analysis and soil fertility recommendation report form with other soil fertility recommendations as stated by the certified laboratory. If the soil analysis and soil fertility recommendation report form consists of more than one page, the first page of the report form must conspicuously state that "Land Grant University Soil Fertility Recommendations Have Been Provided With This Report." A certified laboratory shall not provide soil fertility recommendations if a request from a client is made that only soil analysis information be provided on the soil analysis and soil fertility recommendation report form.

C. Certified laboratories that provide land grant university soil fertility recommendations must provide these recommendations from only one land grant university to the greatest extent possible. Land grant university soil fertility recommendations must conform to all conditions, requirements, and guidelines established for that state. Soil fertility recommendations of a land grant university from a state contiguous with Minnesota may be substituted if University of Minnesota soil fertility recommendations do not exist or if the selected soil fertility recommendations are more appropriate based on soil or climatic conditions. The origin of land grant university soil fertility recommendations from a state contiguous with Minnesota must be conspicuously stated on the soil analysis and soil fertility recommendation report form. If the certified laboratory makes a soil fertility recommendation in which no University of Minnesota or other suitable land grant university soil fertility recommendation from a contiguous state exist, the laboratory must state on the soil analysis and soil fertility recommendation report form that no land grant university soil fertility recommendations are available. Certified laboratories must update land grant university soil fertility recommendations on an annual basis.

D. Certified laboratories must be certified for any analytical method used to analyze soil for which a soil fertility recommendation is made. If a certified laboratory is not certified for a particular analytical method, this must be noted on the soil analysis and soil fertility recommendation report form. If more than one approved analytical method exists in the North Central Regional Publication 221, the analytical method used must be identified along with the soil fertility recommendation.

E. If soil analysis and soil fertility recommendation report forms are transferred and provided through computer, computer program, electronic, mail, or telephone networks from a certified laboratory, all requirements of parts 1512.0010 to 1512.0085 must be met. A printed copy of a soil analysis and soil fertility recommendation report form must be provided to the client of the certified laboratory.

Department of Public Safety

State Fire Marshal Division

Proposed Permanent Rules Relating to Hazardous Materials Incident Response Plan and System

Dual Notice: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing If 25 or More Requests For Hearing Are Received

Introduction. The Minnesota Department of Public Safety intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on May 4, 1994, a public hearing will be

held on Thursday, June 9, 1994. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after May 4, 1994, and before June 9, 1994.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to:

Robert Dahm
State Fire Marshal Division
450 North Syndicate Street, #285
St. Paul, Minnesota 55104
telephone 612-643-3089

Subject of Rules and Statutory Authority. The proposed rules relate to a hazardous materials incident response plan and system. The statutory authority to adopt the rules is *Minnesota Statutes*, section 299A.50, subdivision 1. A copy of the proposed rules is published in the *State Register*. The proposed rules implement *Minnesota Statutes* 299A.48 through 299A.52, which sets up a framework for the establishment of a regional system of hazardous materials emergency response teams and hazardous materials chemical assessment teams. The rules set out factors to be considered in establishing the service area locations of teams, requirements for designating teams in each service area, the number and qualifications of team members, procedures for establishing equipment requirements for each team, procedures for selecting and contracting for establishing teams, procedures for dispatching teams, categories of response costs to be recovered from the person responsible for causing a hazardous materials emergency, procedures for the reimbursement of teams for their costs of response, and methods of coordinating team response with other state departments and agencies, local units of government, other states, Indian Tribes, the federal government, and other nonpublic persons. A free copy of the rules is available upon request from Robert Dahm.

Comments. You have until 4:30 p.m., Wednesday, May 4, 1994, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on May 4, 1994. Your written request for a public hearing must include your name, address, and telephone number. You are encouraged to identify the portion of the proposed rules which caused your request, the reason for the request, and any changes you want made to the proposed rules. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing.

Modifications. The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rules as printed in the *State Register* and must be supported by data and views submitted to the Department or presented at the hearing. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for June 9, 1994, will be canceled if the Department does not receive requests from 25 or more persons that a hearing be held on the rules. If you request a public hearing, the Department will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Robert Dahm at 612-643-3089 after May 4, 1994, to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on Thursday, June 9, 1994, in Room 15, Minnesota State Capitol, 77 Constitution Avenue, St. Paul, Minnesota, 55155, beginning at 9:00 a.m. and will continue until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined during the hearing by the Administrative Law Judge. The Administrative Law Judge assigned to conduct the hearing is Jon Lunde. Judge Lunde can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone 612-341-7645.

Hearing Procedure. If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rules. You may also mail written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five day

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comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Comments received during this period will be available for review at the Office Of Administrative Hearings. You and the Department may respond in writing with rebuttal arguments or material within five business days after the submission period ends to any new information submitted after the hearing. All written materials and responses submitted to the Administrative Law Judge during the rebuttal period must be received at the Office Of Administrative Hearings no later than 4:30 p.m. on the due date. No additional evidence may be submitted during the five-day rebuttal period. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.0200 to 1400.1200, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

Statement of Need and Reasonableness. A Statement of Need and Reasonableness is now available. This Statement describes the need for and reasonableness of each provision of the proposed rules. It also includes a summary of all the evidence and argument which the Department anticipates presenting at the hearing, if one is held. A free copy of the Statement may be obtained from Robert Dahm at the address and telephone number listed above. The Statement may also be reviewed and copies obtained at the cost of reproduction from the Office Of Administrative Hearings.

Small Business Considerations. In preparing these rules, the Department has considered the requirements of *Minnesota Statutes*, section 14.115, in regard to the impact of the proposed rules on small businesses. The rules will have a direct effect on a small business which manufactures, uses, stores, or transports hazardous materials and experiences an accidental release of those materials in a way which necessitates an emergency response by local authorities and components of the regional response team program. The rules will also have an impact on those small businesses which elect to submit a proposal to participate in the hazardous materials regional response team program, and are selected as a contract for service provider by the commissioner. The Department's evaluation of the applicability of the methods contained in *Minnesota Statutes*, section 14.115, subdivision 2, for reducing the impact of the proposed rules is addressed further in the Statement Of Need And Reasonableness.

Expenditure of Public Money by Local Public Bodies. Local public bodies are not mandated to participate in the regional response team program established by these rules and thus will not incur costs exceeding \$100,000.00 in either of the two years following their adoption. Local public bodies may elect to participate in the program as a contract for service provider, in which case some costs will be incurred. Part 7514.1500, subpart 7, establishes contractor compensation in an amount subject to negotiations between the contractor and the state, and budget appropriations by the state legislature, which will cover all or a portion of those costs.

Impact on Agriculture Lands. *Minnesota Statutes*, section 14.11, subdivision 2, does not apply because adoption of these rules will not have an impact on agricultural land.

Notice to Department of Finance. In accordance with *Minnesota Statutes*, section 16A.1285, subdivision 5, pertaining to departmental charges, the Department has notified the Commissioner of Finance of the Department's intent to adopt rules in the above-entitled matter. A copy of the Department's notice and the Commissioner of Finance's comments and recommendations are included in the Statement Of Need And Reasonableness.

Notice to Chairs of Certain Legislative Committees. In accordance with *Minnesota Statutes*, section 16A.1285, subdivision 4, the Department has sent a copy of this notice and a copy of the proposed rules to the Chairs of the House Ways And Means Committee and the Senate Finance Committee prior to submitting this notice to the *State Register*.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement should be directed to the Ethical Practices Board at First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (612) 296-5148 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, after the end of the comment period the Department may adopt the rules. The rules and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent that form relates to legality. You may request to be notified of the date the rules are submitted to the Attorney General or be notified of the Attorney General's decision on the rules. If you want to be so notified, or wish to receive a copy of the adopted rules, submit your request to Robert Dahm at the address listed above.

Adoption Procedure after a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may request to be notified of the date on which the Administrative Law Judge's report will be available, after which date the Department may not take any final action on the rules for a period of five working days. If you want to be notified about the report, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. You may also request notification of the date on which the rules are adopted and filed with the Secretary of State. The Department's Notice Of Adoption must be mailed on the same day that the rules are filed. If you want to be notified of the adoption, you may so indicate at the hearing or send a request in writing to the agency contact person at any time prior to the filing of the rules with the Secretary of State.

Dated: 21 March 1994

Michael S. Jordan, Commissioner
Department of Public Safety

Rules as Proposed (all new material)**7514.0100 DEFINITIONS.**

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

Subp. 2. **Activated by the state.** "Activated by the state" means dispatched via the Minnesota duty officer system for purposes of emergency response or authorized in writing by the commissioner in advance of training exercises.

Subp. 3. **Chemical assessment team.** "Chemical assessment team" has the meaning given it in *Minnesota Statutes*, section 299A.49, subdivision 2.

Subp. 4. **Commissioner.** "Commissioner" means the Commissioner of the Minnesota Department of Public Safety acting directly or through an authorized agent.

Subp. 5. **Deployment time.** "Deployment time" means the period of time beginning when the decision is made to dispatch a team and ending at the time the complete team begins its response to the scene of the incident.

Subp. 6. **Emergency response team.** "Emergency response team" means a regional hazardous materials response team, as defined in *Minnesota Statutes*, section 299A.49, subdivision 7.

Subp. 7. **Employer.** "Employer" has the meaning given it in *Minnesota Statutes*, section 182.651, subdivision 7.

Subp. 8. **Facility.** "Facility" has the meaning given it in *Minnesota Statutes*, section 115E.01.

Subp. 9. **Local authority.** "Local authority" means the local unit of government's public safety agency in overall command at the scene of a hazardous materials incident.

Subp. 10. **Minnesota duty officer system.** "Minnesota duty officer system" means the single answering point system established under *Minnesota Statutes*, section 115E.09.

Subp. 11. **Minnesota emergency operations plan.** "Minnesota emergency operations plan" means the document that guides state agencies in their response to emergencies and disasters, in accordance with their general responsibilities as assigned in Governor's Executive Order 93-27, and any subsequent revisions to that order.

Subp. 12. **Minnesota incident management system.** "Minnesota incident management system" means a combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure with responsibility for management of assigned resources to effectively accomplish stated objectives at the scene of an incident.

Subp. 13. **Mitigation.** "Mitigation" means those actions necessary to alleviate the immediate threat from a hazardous materials release.

Subp. 14. **Operations authorized by the state.** "Operations authorized by the state" means activities listed in this chapter and the "Minnesota Hazardous Materials Incident Response Act," *Minnesota Statutes*, sections 299A.48 to 299A.52, and suggested operating guidelines, including authorized training exercises when a team is operating outside its geographic jurisdiction.

Subp. 15. **Primary service area.** "Primary service area" means the geographic portion of the state to which a team has been assigned to provide the principal response to an incident.

Subp. 16. **Regional response team program.** "Regional response team program" means the system of regionally located hazardous materials emergency response teams and hazardous materials chemical assessment teams.

Subp. 17. **Response time.** "Response time" means the period of time beginning when the decision is made to dispatch a team and ending when the complete team arrives at the scene of the incident.

Subp. 18. **Responsible person.** "Responsible person" has the meaning given it in *Minnesota Statutes*, section 299A.52, subdivision 1.

Subp. 19. **Secondary service area.** "Secondary service area" means the geographic portion of the state to which a team has been assigned to provide the alternate response to an incident.

Subp. 20. **Suggested operating guidelines.** "Suggested operating guidelines" means the written guidance covering those aspects of an emergency response that lend themselves to a general direction, yet require flexibility in their application so as to meet the unique circumstances of each individual emergency.

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7514.0200 PURPOSE.

The purpose of parts 7514.0100 to 7514.2000 is to implement a statewide plan and system for responding to hazardous materials incidents.

7514.0300 SCOPE.

Parts 7514.0100 to 7514.2000 are intended to provide direction to state and local government and business and industry regarding the implementation of a statewide system of regional hazardous materials emergency response teams and hazardous materials chemical assessment teams. Provisions of this chapter include, but are not limited to, factors to be considered in establishing the service area locations of hazardous materials emergency response teams and hazardous materials chemical assessment teams; requirements for designating teams in each established service area; number and qualifications of team members; procedures for establishing equipment requirements for each team; procedures for selecting and contracting for establishing teams; procedures for dispatching teams at the request of local governments; categories of costs to be used to establish fee schedules for reimbursing teams for costs arising from hazardous materials emergencies and for state recovery of response costs from the person responsible for causing a hazardous materials emergency; and methods of coordinating team response with other state departments and agencies, local units of government, other states, Indian tribes, the federal government, and other nonpublic persons.

7514.0400 AUTHORITY.

This chapter is adopted pursuant to *Minnesota Statutes*, section 299A.50, subdivision 1.

7514.0500 TEAM SERVICE AREAS.

Subpart 1. **Establishing service areas.** The commissioner shall establish up to five service areas for hazardous materials emergency response based on the factors identified in subpart 2.

Subp. 2. **Factors for establishing service areas.** The commissioner shall consider the following factors in establishing service areas:

A. the number and geographic location of fixed facilities that manufacture, use, or store hazardous materials, the accidental release of which may pose a threat to public safety or the environment;

B. the number of miles of primary transportation routes including highways, rail lines, commercially navigable waterways, pipelines, and airports;

C. the population of each county as reported by the most recently available United States Census Bureau information;

D. any special conditions that may be present in a given area of the state, and the need for specialized equipment unique to those conditions that might impact emergency response capability;

E. other factors the commissioner considers appropriate, to the extent they may contribute to the potential for a hazardous materials release that could threaten the public safety or the environment and thus merit an emergency response; and

F. after considering the factors listed in items A to E, a maximum acceptable response time for 90 percent of each primary service area when a team is responding in the service area under favorable weather conditions.

Subp. 3. **Assigning primary service areas.** Following completion of the team selection process identified in part 7514.1500, the commissioner shall select a primary emergency response team for each service area. A service area is the primary service area for the team so selected for that service area.

Subp. 4. **Serving as chemical assessment team.** Each emergency response team shall also serve as a chemical assessment team for all or a portion of its primary service area, as assigned by the commissioner.

Subp. 5. **Designating additional chemical assessment teams.** The commissioner may select additional chemical assessment teams for a service area, as necessary to provide appropriate emergency response capability, in keeping with maximum acceptable response time considerations.

Subp. 6. **Assigning secondary service areas.** The commissioner shall select a secondary emergency response team and a secondary chemical assessment team for each service area or portion of an area to provide additional response capability within a service area when necessary. A service area is the secondary service area for the teams selected for that service area. A team may have more than one secondary service area.

Subp. 7. **Reviewing service area designations.** At least once every two years from the effective date of this chapter, the commissioner shall review service area boundaries and primary and secondary service area designations.

Subp. 8. **Adjusting service area boundaries.** Following review under subpart 7, the commissioner shall adjust service area boundaries and primary and secondary service area designations as necessary to ensure that the most appropriate response is provided statewide. The commissioner shall negotiate with teams affected by an adjustment to modify the team contracts accordingly.

If the commissioner and a team cannot agree on the terms of modifying a contract, the commissioner and the team shall submit to binding arbitration conducted under *Minnesota Statutes*, chapter 572.

Subp. 9. **Statewide response.** An emergency response team or chemical assessment team shall respond to any service area in the state when directed to do so by the commissioner.

7514.0600 QUALIFICATIONS OF TEAM MEMBERS.

Subpart 1. **Qualifications of all members.** Each emergency response team member and chemical assessment team member must be in compliance with the requirements of *Code of Federal Regulations*, title 29, section 1910.120, and in substantial compliance with NFPA 472, "Standard for Professional Competence of Responders to Hazardous Materials Incidents," published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts (1992). NFPA 472 is incorporated by reference, is located at the state law library, is conveniently available to the public, and is not subject to frequent change.

Subp. 2. **Medical support team member.** Emergency response team members assigned to provide on-scene emergency medical support to the team must be in compliance with the requirements of *Code of Federal Regulations*, title 29, section 1910.120, and in substantial compliance with NFPA 473, "Standard for Professional Competencies for EMS Personnel Responding to Hazardous Materials Incidents," published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts (1992), as an Emergency Medical Service/Hazardous Materials Level II Responder. NFPA 473 is incorporated by reference, is located at the state law library, is conveniently available to the public, and is not subject to frequent change.

Subp. 3. **Continuing education requirements.** Each emergency response team member and chemical assessment team member shall successfully complete annual refresher training that meets or exceeds the continuing education requirements of *Code of Federal Regulations*, title 29, section 1910.120.

Subp. 4. **Team training.** Each emergency response team member and chemical assessment team member shall successfully complete a course of instruction designed to familiarize each team member with the suggested operating guidelines and other administrative and operational policies and procedures of the regional response team program. A team member must complete this training before being assigned to duty as an emergency response team member or chemical assessment team member.

Subp. 5. **Reviewing training and continuing education records.** Upon request by the commissioner, the employer of emergency response team members and chemical assessment team members shall make available the hazardous materials training and continuing education records of all team members.

Subp. 6. **Certifying compliance with qualification requirements.** The employer of each emergency response team member and chemical assessment team member shall annually certify to the commissioner that the team member has received training that meets the requirements set out in subparts 1 to 4.

Subp. 7. **Certifying compliance with medical requirements.** The employer of each emergency response team member and chemical assessment team member shall annually certify to the commissioner that the team member has met the medical requirements of *Code of Federal Regulations*, title 29, section 1910.120.

Subp. 8. **Substitution of training requirements.** Upon the request of the employer of emergency response team members and chemical assessment team members, the commissioner shall waive a training requirement specified in this part and replace it with a requirement or standard issued by the Occupational Safety and Health Administration or the National Fire Protection Association when the new requirement or standard replaces, meets, or exceeds the requirement to be replaced.

Subp. 9. **Reviewing training requirements.** At least once every two years from the effective date of this chapter, the commissioner shall review Occupational Safety and Health Administration and National Fire Protection Association hazardous materials training requirements and standards to ensure that training provided to team members meets the most current requirements and standards.

7514.0700 TRAINING PROGRAMS.

Subpart 1. **Training provided by employer.** The employer of emergency response team members and chemical assessment team members shall select training programs and instructional staff that are in compliance with the requirements of this chapter and shall provide that training to team members.

Subp. 2. **Training provided by commissioner.** The commissioner shall develop and provide each emergency response team

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and chemical assessment team with a course of instruction in applying suggested operating guidelines of the regional response team program and other administrative and operational procedures as may be necessary and appropriate.

7514.0800 COMPOSITION OF TEAMS.

Subpart 1. **Composition of emergency response team.** Except as permitted under subpart 2, a hazardous materials emergency response team must be composed of at least 30 qualified members. Twelve members of the team must be available for response at all times. Nine of the 12 members must be available as an emergency response team. Three of the 12 members must be available as a chemical assessment team.

Subp. 2. **Waiver of minimum composition.** The commissioner shall permit an emergency response team to be composed of fewer than 30 qualified members when the team's employer can prove to the commissioner's satisfaction that 12 members of the team will be available for response at all times.

Subp. 3. **Composition of chemical assessment team.** Except as permitted under subpart 4, a team designated solely as a chemical assessment team must be composed of at least nine qualified members. Three members of the team must be available for response at all times.

Subp. 4. **Waiver of minimum composition.** The commissioner shall permit a chemical assessment team to be composed of fewer than nine qualified members when the team's employer can prove to the commissioner's satisfaction that three members of the team will be available for response at all times.

Subp. 5. **Training required to respond as emergency response team.** The nine members of an emergency response team available to respond as an emergency response team must have the levels of training certification described in items A to C:

A. At least four members must be certified by the employer at the highest level of hazardous materials training as defined by *Code of Federal Regulations*, title 29, section 1910.120.

B. The member assigned to provide emergency medical support to the team must be certified by the employer at a minimum of the operations level as defined by *Code of Federal Regulations*, title 29, section 1910.120, and currently certified or registered as an emergency medical technician by the Minnesota Department of Health, in compliance with *Minnesota Statutes*, sections 144.801 to 144.809, and rules adopted pursuant to those sections.

C. The remaining members must be certified by the employer at a minimum of the technician level as defined by *Code of Federal Regulations*, title 29, section 1910.120.

Subp. 6. **Training required to respond as chemical assessment team.** The three members of a chemical assessment team, or of an emergency response team available for response as a chemical assessment team must have the levels of training certification described in items A and B:

A. At least one member must be certified by the employer at the highest level of hazardous materials training as defined by *Code of Federal Regulations*, title 29, section 1910.120.

B. The remaining members must be certified by the employer at a minimum of the technician level as defined by *Code of Federal Regulations*, title 29, section 1910.120.

Subp. 7. **Composition of team membership.** Emergency response teams and chemical assessment teams may be composed of personnel from one or more public or nonpublic agencies. Teams composed of personnel from more than one agency must designate a single point of contact for purposes of emergency dispatch and contract administration.

7514.0900 RESPONSIBILITIES OF TEAMS.

Subpart 1. **Response at commissioner's direction.** An emergency response team and a chemical assessment team shall respond when directed by the commissioner to do so.

Subp. 2. **Primary responsibilities of emergency response team.** As its primary responsibility, an emergency response team shall assist local authorities by taking emergency actions necessary to protect life, property, and the environment from the effects of a release of a hazardous material. These emergency actions include, but are not limited to, preventing the release, mitigating the effects of the release, and stabilizing the emergency situation.

Subp. 3. **Primary responsibilities of chemical assessment team.** As its primary responsibility, a chemical assessment team shall assist local authorities by providing technical advice to local incident commanders, and recommending mitigation actions necessary to protect life, property, and the environment that are in keeping with locally available levels of hazardous materials training and response capability.

Subp. 4. **Additional responsibilities of chemical assessment teams.** A chemical assessment team shall assist an emergency response team by responding, in conjunction with the emergency response team, to assess an incident, develop and recommend mitigation strategies, and assist with response operations.

Subp. 5. Support of clean-up operations. When requested by the incident commander, an emergency response team and a chemical assessment team may remain at the scene of a hazardous materials incident to assist local authorities with the monitoring of clean-up activities conducted by local, state, or federal agencies or the responsible person. The team leader will decide whether the team will remain. A team is not obligated to remain. If a team does remain, its costs are recoverable costs.

Subp. 6. Prohibited actions. An emergency response team and a chemical assessment team shall not:

- A. transport, store, dispose of, or perform remedial clean-up of hazardous materials, except as may be incidentally necessary to mitigate an emergency;
- B. assume overall command of the hazardous materials emergency; or
- C. mitigate incidents involving explosives, explosive devices, incendiary devices, shock-sensitive explosive chemicals, or clandestine drug labs, except to respond to the effects of a hazardous materials release that might occur as a consequence of these incidents or to provide technical assistance in support of the local authority.

Subp. 7. Reporting and documentation. An emergency response team and a chemical assessment team shall submit to the commissioner a detailed report of its response to an incident. The report must be prepared in a manner and form prescribed by the commissioner and, at the minimum, must include:

- A. a list of all equipment used and personnel who responded;
- B. a description of all emergency actions taken;
- C. a copy of the site safety plans developed during the response; and
- D. completed cost recovery forms.

Subp. 8. Notification upon completion of response. When an emergency response team or chemical assessment team has completed its response to an incident, the team leader, acting on behalf of the commissioner, shall notify the commissioner of the Pollution Control Agency as required under *Minnesota Statutes*, section 299A.50, subdivision 3. The commissioner of agriculture must also be notified for incidents where the Department of Agriculture has jurisdiction.

7514.1000 ESTABLISHMENT OF SUGGESTED OPERATING GUIDELINES.

Subpart 1. Initial guidelines. Before implementing the team program, the commissioner shall establish suggested operating guidelines that will guide the response actions of emergency response teams and chemical assessment teams. The guidelines must comply with the requirements of *Code of Federal Regulations*, title 29, section 1910.120, and substantially comply with the requirements of NFPA 471, "Recommended Practice for Responding to Hazardous Materials Incidents," published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts (1992). NFPA 471 is incorporated by reference, is located at the state law library, is conveniently available to the public, and is not subject to frequent change.

Subp. 2. Review and revision. At least annually, the commissioner shall review and, when necessary, revise the suggested operating guidelines established under subpart 1.

7514.1100 EMERGENCY PREPLANNING.

Subpart 1. State agency. Upon a request by the commissioner, a state agency shall give the commissioner hazardous materials storage information that the agency has collected from regulated facilities. The commissioner shall make a request under this subpart when the request is initiated by a team. The commissioner may direct the agency to give the information directly to the appropriate team or teams. This subpart does not apply if the agency is prohibited from disclosing this information by federal or state law.

Subp. 2. Local government. Upon a request by the commissioner, a local emergency response agency shall give the commissioner information necessary to support a team response to an incident within the agency's jurisdiction. The commissioner shall make a request under this subpart when the request is initiated by a team. The commissioner may direct the agency to give the information directly to the appropriate team or teams. Information that may be requested by the team includes:

- A. copies of any facility preplans prepared at the discretion of the agency;
- B. a copy of the agency's hazardous materials emergency response plan prepared in accordance with *Code of Federal Regulations*, title 29, section 1910.120;

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- C. a statement describing the agency's level of hazardous materials training;
- D. resources available locally to support hazardous materials response actions; and
- E. any other information reasonably needed by the teams.

Subp. 3. **Facility.** Upon a request by the commissioner, a facility required to prepare a spill prevention and response plan under *Minnesota Statutes*, section 115E.04, shall give a copy of the plan to the commissioner. The commissioner shall make a request under this subpart when the request is initiated by a team. The commissioner may direct the facility to give the information directly to the appropriate team or teams.

Subp. 4. **Disseminating information to teams.** The commissioner shall give information collected under subparts 1 to 3 to any team that requests the information. When the commissioner gives the information collected under subpart 3 to a team, the commissioner shall provide the facility with the name and address of each team the information has been given to. A team may not distribute the information collected under subpart 3 without informing the facility from which the information was obtained.

7514.1200 EMERGENCY RESPONSE ASSISTANCE.

Emergency response teams and chemical assessment teams are authorized to secure for use during an emergency response any technical assistance or specialized equipment necessary to safely and properly respond to an incident. When the incident involves explosives, explosive devices, incendiary devices, or shock-sensitive explosive chemicals, the teams must first request assistance from a Minnesota Department of Public Safety-authorized bomb squad. The cost of this assistance and equipment will be considered an actual cost of the team's response, recoverable from the responsible party.

7514.1300 REVIEW AND EVALUATION OF RESPONSE.

An emergency response team or chemical assessment team shall conduct an evaluation of a response to an incident within 30 days after termination of the team's response. The team shall give all public and private agencies involved in the response the opportunity to participate in the evaluation.

7514.1400 SUPPLIES, EQUIPMENT, AND VEHICLES.

Subpart 1. **Equipment for emergency response teams.** An emergency response team must have immediate access to the following general categories of supplies and equipment in suitable quantities to respond to anticipated hazardous materials incidents:

- A. chemical reference and emergency response manuals;
- B. personal protective equipment;
- C. leak-control supplies and equipment;
- D. radio and other forms of communications equipment;
- E. computer equipment and supporting software;
- F. monitoring and detection equipment;
- G. basic suppression equipment;
- H. spill containment supplies and equipment,
- I. assorted nonsparking hand tools;
- J. basic first aid supplies; and
- K. miscellaneous incident management and administrative supplies and equipment.

Subp. 2. **Equipment for chemical assessment teams.** A chemical assessment team must have immediate access to the following general categories of supplies and equipment in suitable quantities to respond to anticipated hazardous materials incidents:

- A. chemical reference and emergency response manuals;
- B. decontamination equipment;
- C. personal protective equipment;
- D. radio and other forms of communications equipment;
- E. computer equipment and supporting software;
- F. monitoring and detection equipment; and
- G. miscellaneous incident management and administrative supplies and equipment.

Subp. 3. **Emergency response vehicle requirements.** Hazardous materials emergency response vehicles used by a team must

be of sufficient size and capacity to safely transport team personnel with properly stowed equipment and supplies to the scene of a hazardous materials incident under reasonably anticipated travel conditions.

7514.1500 SELECTION OF TEAMS.

Subpart 1. **Request for proposal to provide contract services.** The commissioner shall issue a request for proposal in the form and manner established by the Minnesota Department of Administration to provide contract service as an emergency response team or chemical assessment team. Requests for proposal may be issued as necessary to provide for the needs of the team program.

Subp. 2. **Proposal evaluation.** The commissioner shall establish an evaluation committee consisting of at least five technically qualified individuals. The committee shall evaluate all proposals received on the basis of the criteria set out in subpart 4, with emphasis placed on the quality of the proposer's response capability. After the evaluation, the committee shall recommend proposals to the commissioner for designation as service providers.

Subp. 3. **Conflict of interest.** Members of the evaluation committee must not have any direct financial interest between any aspect of the team program and any respondent to the request for proposals.

Subp. 4. **Proposal evaluation criteria.** Proposals received in response to the request for proposal must be evaluated based upon, but not limited to, the following criteria:

- A. the number and qualifications of each member of the team;
- B. a plan for maintenance of minimum required levels of staffing;
- C. the location of the proposed team within the designated primary service area, including response time considerations such as access to major transportation routes, and geographic and other physical barriers to a response;
- D. hazardous materials emergency response supplies and equipment, including vehicles, and personnel resources immediately available to the team, whether owned, leased, or available by arrangement;
- E. hazardous materials emergency response experience, including the length of time the team has been in existence and the number and variety of actual responses made;
- F. existing and proposed training and exercise programs;
- G. the length of time necessary for further development to bring the team to the point where it will be ready to respond;
- H. the estimated actual costs of team response; and
- I. the estimated period of time necessary for the deployment of the team.

Subp. 5. **Award of contracts for provision of service.** Emergency response teams and chemical assessment teams will operate under contract with the state of Minnesota, in accordance with *Minnesota Statutes*, sections 15.061 and 299A.50, subdivisions 1 and 2.

Subp. 6. **Term of contract for services.** A contract for service may be executed for a period of up to five years.

Subp. 7. **Contractor compensation.** Contractor compensation must include an annual amount for the term of the contract, subject to negotiations between the contractor and the state and budget appropriations by the state legislature. Contractor compensation may include an amount sufficient to cover all or a portion of:

- A. the cost of capital equipment including vehicles;
- B. the annual cost of training team personnel;
- C. the cost of annual medical examinations for team personnel;
- D. the initial cost of consumable supplies;
- E. program administration costs; and
- F. equipment maintenance costs.

7514.1600 EMERGENCY RESPONSE CRITERIA AND DISPATCHING.

Subpart 1. **Emergency response.** An emergency response authorized by the commissioner may include technical assistance

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Proposed Rules

provided by a team via telephone and other means of communication or the deployment of team personnel and equipment to the scene of a hazardous materials incident.

Subp. 2. Criteria for authorizing emergency response. Except as provided in subparts 3 and 4, the commissioner shall use the provisions of this subpart to determine whether to authorize a team response. The commissioner shall authorize a team response when all the following criteria are met:

- A. there is a release or potential release from a transportation incident or fixed facility;
- B. the release presents an actual or potential threat to public safety or the environment;
- C. local emergency response personnel have been dispatched, are on the scene, and have made an initial assessment of the incident;
- D. local authorities have determined that the response needs of the incident exceed local capabilities; and
- E. local authorities have requested a team response.

Subp. 3. Alternate response criteria. The commissioner shall authorize a team response when the commissioner considers the response to be necessary.

Subp. 4. Special response criteria. The commissioner shall authorize an emergency response team or a chemical assessment team response to provide standby technical assistance in support of a bomb squad response when the commissioner considers it necessary. A response under this subpart is limited to incidents involving explosives, explosive devices, incendiary devices, shock-sensitive explosive chemicals, or a law enforcement agency response to clandestine drug lab incidents. When a team responds, its costs are recoverable costs.

Subp. 5. Authority to request team response. Authority to request the response of an emergency response team and a chemical assessment team resides with local authorities whose jurisdiction includes the scene of the hazardous materials incident.

Subp. 6. Procedure for requesting team. The Minnesota duty officer system is the point of contact for requesting a response by an emergency response team or a chemical assessment team.

Subp. 7. Canceling response en route to incident. Team response may be canceled en route to an incident only by the local authority that initially requested the response.

Subp. 8. Terminating team response actions for safety reasons. The team may terminate response actions at an incident without direction from the incident commander when the team leader or safety officer determines that the ordered response actions would place team personnel in imminent danger.

Subp. 9. Terminating team response at conclusion of incident. Team response may be terminated at an incident upon the direction of the local incident commander, or as provided in subpart 8 or part 7514.0900, subpart 5.

Subp. 10. Deployment time. The average deployment time for emergency response teams and chemical assessment teams must not exceed 15 minutes.

7514.1700 COST RECOVERY.

Subpart 1. Submitting claim for team response costs. Regional teams shall submit to the commissioner claims for reimbursement of reasonable and necessary costs incurred as a result of a regional response in the manner and form identified in part 7514.0900, subpart 7.

Subp. 2. Team response costs; payment and recovery. The state shall reimburse regional teams for reasonable and necessary costs of a regional response after receipt of a properly filed claim. The state shall recover the team's costs, and the state's legal and additional court costs, from the responsible person.

Subp. 3. Team response costs eligible for recovery. Reasonable and necessary team response costs associated with an actual response by a team may be recovered by the team from the state and by the state from the responsible person. Costs eligible for recovery include:

- A. team personnel costs;
- B. additional wage costs for local callback personnel;
- C. vehicle operating costs;
- D. cost of consumable supplies used;
- E. repair or replacement of damaged or destroyed capital equipment;
- F. communications costs, including long distance and cellular telephone charges;
- G. administrative costs;

- H. cost of specialized equipment;
- I. cost of special technical assistance;
- J. costs associated with providing support to clean-up operations when requested in accordance with part 7514.0900, subpart 5;
- K. costs associated with providing standby technical assistance when requested in accordance with part 7514.1600, subpart 4; and
- L. other direct costs incurred by the team as a result of the response.

Subp. 4. **Billing responsible person for costs.** The commissioner shall bill the responsible person for eligible response costs after receipt of a properly filed claim. If the responsible person fails to pay the bill in full within 30 days of its issuance, the commissioner shall issue subsequent billings. Billings must include interest, at the rate currently charged by the state, per month on the unpaid balance. If payment in full is not made within 60 days of the issuance of the first bill, the commissioner:

- A. shall contact the responsible person in an attempt to resolve the claim; and
- B. may bring legal action to recover any unpaid balance.

Subp. 5. **Right to appeal costs billed.** A responsible person that disagrees with a billing for response costs may file a written appeal with the commissioner. The appeal must be filed within 15 days of the billing. The written appeal must clearly state what portions of the billing are being appealed and the basis of the appeal. The commissioner shall review each appeal and issue a written determination within a reasonable time affirming, amending, or rescinding the disputed costs. A responsible person may withhold the amount of the billing in dispute while an appeal is pending. The responsible person must not be assessed interest on the disputed amount while the appeal is in process, unless the commissioner determines that the appeal is solely for the purpose of delay. The decision to dispatch a team, and the response decisions made by a team, are not subject to appeal. Any person aggrieved by a decision made by the commissioner under this subpart may proceed before the commissioner as with a contested case in accordance with the administrative procedure act.

Subp. 6. **Costs not eligible for payment or recovery by commissioner.** The commissioner shall not pay or recover from the responsible person response costs incurred by the local jurisdiction that requested the response of a regional team.

7514.1800 COORDINATING RESPONSE ACTIVITIES.

Subpart 1. **Incident management system.** The team leader shall coordinate the on-scene emergency response operations of the teams with local, state, and federal agencies, Indian tribes, and private response organizations through the Minnesota incident management system.

Subp. 2. **Coordination with local authorities.** A local authority shall provide assistance to team operations in the authority's jurisdiction, which are necessary to the response and in keeping with local emergency operations plans, local emergency response plans, and the level of hazardous materials training required of the authority by the Occupational Safety and Health Administration.

Subp. 3. **Coordination with state agencies.** A state agency shall provide assistance to team operations that is necessary to the response and is in keeping with the agency's role as identified in Governor's Executive Order 93-27, "Assigning Emergency Responsibilities to State Agencies," and any future orders replacing or revising this order, and implemented by the Minnesota emergency operations plan.

Subp. 4. **Coordination with responsible person.** A responsible person shall provide assistance to team operations that is necessary to the response, upon a request by the incident commander or team leader, in keeping with the responsible person's level of training and emergency response plans.

Subp. 5. **Coordination with other states and federal government.** The emergency response actions of the teams must be coordinated with those of federal agencies and other states in accordance with the emergency response plans authorized by *United States Code*, title 42, section 9605, National Contingency Plan, as amended; *United States Code*, title 33, section 311(c)(2), Clean Water Act, as amended; and *United States Code*, title 33, section 2701, Oil Pollution Act of 1990.

Subp. 6. **Coordination with Indian tribes.** Subject to negotiations with Indian tribes located in the state of Minnesota, the commissioner shall enter into agreements with the tribes as necessary and appropriate to establish procedures for team response to incidents occurring on tribal lands.

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Adopted Rules

Subp. 7. **Coordination of team operations.** The commissioner, in consultation with the State Fire Marshal and director of the Division of Emergency Management, shall develop and implement a management plan that identifies the primary and support responsibilities of each, and clear lines of accountability.

7514.1900 MUTUAL AID AGREEMENTS.

The commissioner may enter into mutual aid agreements with federal agencies, other states, Indian tribes, and Canadian provinces for the purpose of supporting the hazardous materials response of either jurisdiction, as provided in *Minnesota Statutes*, section 299A.50, subdivision 2.

7514.2000 LIABILITY AND WORKERS' COMPENSATION COVERAGE.

For the purposes of *Minnesota Statutes*, chapter 176, and section 3.736, coverage is initiated once a team is activated by the state, for operations authorized by the state, and is extended until the team is back in quarters and out of service from the original call.

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 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.

Board of Architecture, Engineering, Land Surveying, Landscape Architecture and Interior Design

Adopted Permanent Rules Relating to Examination of Interior Designer Applicants

The rules proposed and published at *State Register*, Volume 18, Number 30, pages 1690-1695, January 24, 1994 (18 SR 1690), are adopted with the following modifications:

Rules as Adopted

1800.0500 FEES.

Subp. 3. **Initial licensure and renewal.** The fee for licensure or renewal of licensure as an architect, professional engineer, land surveyor, or landscape architect is \$70 per biennium. The fee for certification as a certified interior designer or for renewal of the certificate is \$70 per biennium. The fee for an architect applying for original certification as a certified interior designer is \$50 per biennium. The initial license or certificate fee is prorated at six-month intervals during each biennium. The fee for months 24 to 18 is \$70; for months 18 to 12, \$52.50; for months 12 to 6, \$35; and for months 6 to 0, \$17.50. Beginning July 1, 1994, the initial license or certification fee for all professions is \$70. The renewal fee shall be paid biennially on or before June 30 of each even-numbered year. The renewal fee, when paid by mail, is not timely paid unless it is postmarked on or before June 30 of each even-numbered year.

Revenue Notices

The Department of Revenue began issuing revenue notices in July of 1991. Revenue notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue revenue notices is found in *Minnesota Statutes* §270.0604.

Department of Revenue

Revenue Notice # 94-6: Gross Premium Tax—Cash Surrender Value

General Information:

Minnesota Statutes Section 60A.15 requires that insurance companies pay a tax on the gross premiums received from their insurance customers.

Life insurance policy premiums are payments of stated amounts by the insurance customers over a period of years in return for which the insurer creates an immediate estate in a fixed amount in the event of the insurance customer's death while the policy is in good standing.

The cash surrender value of a life insurance policy is the amount accumulated and held in reserve (excess of net level premiums over the cost of insuring the policyholder for the time the policy was in force), less a surrender charge, if any, plus interest, available to the owner of the policy upon termination or cancellation of the policy before death.

Life insurance policies may be transferred tax-deferred from one life insurance company to another according to *Internal Revenue Code* §1035.

Cash surrender value of transferred life insurance policy is not a premium.

The cash surrender value received by a life insurance company on the exchange of a life insurance policy issued by another life insurance company does not constitute a premium, and therefore is not subject to the gross premiums tax in the hands of the transferee.

Dated: 4 April 1994

Debra L. McMartin
Assistant Commissioner for Tax Policy

Official Notices

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

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

Department of Agriculture

Minnesota Rural Finance Authority

Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under *Minnesota Statutes*, Chapter 41C

NOTICE IS HEREBY GIVEN that a public hearing will be held on April 19 1994, at 9 A.M. in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of approximately 120 acre dairy farm located in Section 36, Edna Township, Ottertail County, Minnesota on behalf of Mark & Dawn Restad, a married couple (the Borrowers). The maximum aggregate face amount of the proposed bond issue is \$154,000. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 15 March 1994

LaVonne Nicolai
RFA Executive Director

Official Notices

Minnesota Higher Education Facilities Authority

Notice of Public Hearing on Revenue Obligations

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to a proposal to issue revenue bonds or other obligations on behalf of **Minneapolis College of Art and Design**, a Minnesota nonprofit corporation and institution of higher education (the "College"), at the Authority's offices at Suite 450 Galtier Plaza, 175 East Fifth Street, St. Paul, Minnesota on April 20, 1994 at 2:00 p.m. Under the proposal, the Authority would issue its revenue bonds or other obligations in an original aggregate principal amount of up to approximately \$1,800,000 to provide financing for the acquisition, construction and equipping of an approximately 13,500 square foot addition to the College's main building, including adding a floor, for studio and other educational purposes (the "Project"), located at 2501 Stevens Avenue South, Minneapolis, Minnesota 55404 and to be owned and operated by the College.

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

Dated: 4 April 1994

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

Department of Human Services

Notice of Vacancies on Transplant Committee

NOTICE IS HEREBY GIVEN, that, pursuant to *Minnesota Statutes* 256B.0629, the Commissioner of Human Services will be appointing a representative of a patient recipient group or organization to the advisory committee on organ and tissue transplants; tenure through January, 1996.

APPOINTING AUTHORITY: Commissioner of the Department of Human Services.

COMPENSATION: Reimbursed for expenses.

This 12 - member advisory committee will meet at least twice per year and advise the Commissioner of Human Services on the efficacy of various transplant procedures, availability of qualified transplant facilities, current practice standards, and medical ethics, law, economics and other issues relating to the transplantation of organs and tissues.

The advisory committee shall present an annual report to the commissioner and the chairs of the health and human services appropriations divisions of the house appropriations committee and the senate finance committee by January 1 of each year on the findings and recommendations of the committee.

Written expressions of interest and qualifications, post marked no later than Friday, April 29, 1994, may be submitted to:

Brenda J. Clark
Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3853
Telephone: (612) 296-6429

Department of Labor & Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective April 4, 1994 prevailing wage rates were determined and certified for commercial construction projects in:

Hennepin County: U of M Anderson Hall Entry Door Replacement-Minneapolis.

Itasca County: Sewage Treatment System-Coleraine.

Lake County: Split Rock Lighthouse Stairway Construction-Two Harbors.

Pipestone County: Southwestern Technical College Restroom Remodeling-Pipestone.

Ramsey County: Webster Magnet East Building Corridor Remodeling-St. Paul.

St. Louis County: U of M/Duluth Health Services Parking Lots-Duluth. Bassett Town Hall Window Replacement-Brimson.

Stevens County: U of M Student Center Dry Sprinkler System-Morris.

Wright County: 1994 Maple Lake High School Alterations-Maple Lake.

Yellow Medicine County: Southwestern Technical College Accessibility Improvements-Granite Falls.

Copies of the certified wage rates for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

John B. Lennes, Jr.
Commissioner

Office of the Secretary of State

Notice of Vacancies in Multi-Member Agencies

NOTICE IS HEREBY GIVEN to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, 100 Constitution Ave., St. Paul, MN 55155-1299; (612) 297-5845, or in person at Room 174 of the State Office Building. In accordance with the Minnesota Open Appointments Law, the Secretary of State acts as an administrator in publishing vacancies, receiving applications, and recording appointments. Applications will be reviewed and appointments made by the Appointing Authorities for these various agencies. Completed applications are to be submitted to the Secretary of State by April 26, 1994. Appointing Authorities for these agencies may also choose to review applications received by the Secretary of State after that date. Applications are kept on file for a one year period.

The 1993 Annual Compilation and Statistical Report is available from the **Minnesota Bookstore**. This publication includes a complete listing of state boards and councils that follow the Open Appointments process, descriptions of these agencies and their memberships, and statistical information about appointments and vacancies made during the 1993 fiscal year. The 1993 Annual Compilation also indicates members with terms that are scheduled to end in January 1994 as open for application. The cost of the 1993 Annual Compilation is \$5.95 per copy plus sales tax. There is a \$2.00 charge for mailing per order; an order may include any number of copies. To order copies of the 1993 Annual Compilation please call the Minnesota Bookstore at 297-3000 or 1-800-657-3757.

Gambling Control Board

1711 W. Co. Rd. B, Suite 300 South, Roseville, MN 55113. 612-639-4000.

Minnesota Statutes 349.151.

Appointing Authority: Governor/Attorney General/Commissioner of Public Safety.

Compensation: \$55 per diem plus expenses.

Vacancy: Two vacancies.

The board issues, suspends and revokes licenses of organizations, bingo halls, distributors and manufacturers of gambling equipment, registers gambling equipment, collects license fees and inspects records, conducts hearings to insure integrity of operations and compliance with all applicable laws and rules. The board consists of seven members including five members appointed by the governor, one member appointed by the commissioner of Public Safety, and one member appointed by the attorney general. No more than three members appointed by the governor may belong to the same political party. All appointments are with the advice and consent of the senate. Members must file with the Ethical Practices Board.

Meetings are held at the Kelly Inn, St. Paul, on the third Monday of each month.

MinnesotaCare Regional Coordinating Boards

121 E. 7th Pl., P.O. Box 64975, St. Paul, MN 55164-0975. 612-682-6328.

Minnesota Statutes 62J.09 (Laws of 1992).

Appointing Authority: Governor.

Compensation: None, Expenses only.

Vacancy: Two vacancies: One consumer from Region 3 and one consumer from Region 4.

The state has been divided into six regions and a Regional Coordinating Board has been formed for each region. The boards are locally controlled and may perform the following activities: Make recommendations to sanction from antitrust liability appropriate specific voluntary agreements between providers, make recommendations regarding capital expenditures, medical technologies and procedures; undertake voluntary education and community cost containment, access or quality projects; and make recommendations on ways to improve the affordability, accessibility and quality of health care in the region and throughout the state. The Regional Coordinating Boards must develop a Regional Plan to be submitted to the Commissioner of Health by June 30, 1993. The

Official Notices

plans must recommend appropriate structure for organizing the health systems to achieve cost containment objectives of the 1992 health care reform legislation, recommend sanctions and process voluntary agreements between providers, and recommend expenditures for major capital, new technologies and medical practices. Each board consists of 17 members, including: 4 representing health care providers, one each appointed by the Minnesota Medical Association, the Minnesota Hospital Association, the Minnesota Nurses Association, and one appointed by the governor to represent providers other than nurses, hospitals and physicians; 4 representing Health Plan Companies who provide coverage for residents of the region - one elected by a vote of all health insurers providing coverage in the region, one elected by a vote of all HMO's providing coverage in the region, one appointed by Blue Cross & Blue Shield of Minnesota, and one appointed by the governor; 3 representing employers in the region to be selected by a vote of the employers who are members of chambers of commerce in the region, at least one must represent self-insured employers; 1 representing employee unions to be appointed by the AFL-CIO Minnesota, to be either a union member residing or working in the region or who is a representative of a union that is active in the region; 3 consumer members, one elected by the community health boards in the region (each community health board has 1 vote), one elected by the state legislators with districts in the region, and one appointed by the governor; 1 county board member elected by all the county board members in the region (each county board has 1 vote); and one state agency commissioner to be appointed by the governor.

Meeting schedule and locations are different for each of the six boards and are available upon request.

Minnesota Board of Chiropractic Examiners Peer Review Committee
2700 University Ave. W., Suite 20, St. Paul, MN 55114-1089. 612-642-0591.
Minnesota Statutes 148.01 - 148.106.

Appointing Authority: Executive Director, MN Board of Chiropractic Examiners.

Compensation: \$55 per diem.

Vacancy: Two vacancies: One public member - must be available to attend first meeting on Tuesday, May 10, 1994 at 12:30 p.m.; and one professional member - must be available to attend first meeting on Tuesday, June 14, 1994 at 12:30 p.m.

The committee makes determinations of whether or not certain chiropractors properly utilized services rendered or ordered appropriate treatment or service, and if the cost of treatment was unconscionable. The committee consists of seven members, including five chiropractors and two consumer members. Terms are varied.

Petroleum Tank Release Compensation Board
133 E. Seventh St., St. Paul, MN 55101. 612-297-4634.
Minnesota Statutes 115C.07.

Appointing Authority: Governor.

Compensation: \$55 per diem plus expenses.

Vacancy: One vacancy: Public member. This position was previously indicated as a vacancy in the 1993 Annual Compilation, however, the type of position has been changed from Petroleum Industry Representative to Public Member due to a statutory change in the membership requirements of this agency.

The board administers compensation from the petroleum tank release clean-up fund for clean-up of leaks and spills from petroleum storage tanks. The board consists of three members including one representative from the petroleum industry, one representative from the insurance industry, and one public member. Members must file with the Ethical Practices Board.

Practice Parameter Advisory Committee
717 Delaware St. SE, Mpls., MN 55414.
Minnesota Statutes 62J.32, subd. 4 as amended by Laws of 1993.

Appointing Authority: Commissioner of Health.

Compensation: Expenses.

Vacancy: One vacancy: Health Plan Representative.

The committee presents recommendations on the adoption of practice parameters and provides technical assistance as needed to the Commissioner of Health and the Minnesota Health Care Commission. The committee consists of fifteen members including eight health care professionals and representatives of the research community and medical technology industry. Meetings held at various locations on the first Thursday of each month, 9:00 to 12:00 AM.

State Advisory Council on Mental Health
444 Lafayette Rd., St. Paul, MN 55155-3828. 612-297-4163.
Minnesota Statutes 245.697.

Appointing Authority: Governor.

Compensation: \$55 per diem. Reimbursed for expenses.

State Grants

Vacancy: One vacancy: General public member; previous member was a consumer of mental health services. Other preferred categories: parent of child with serious emotional disturbance, person of color.

The council advises the governor, the legislature, and state agency heads about policy, programs, and services affecting people with mental illness. Thirty members include commissioner designees from the Departments of Education, Corrections, Vocational Rehabilitation, and the Housing Finance Agency, one representative in the state agency responsible for the state's Title XIX program, one member from each of the four core mental health professional disciplines (psychiatry, psychology, social work, nursing); one representative from each of the following advocacy groups: Mental Health Association of MN, MN Alliance for the Mentally Ill, MN Mental Health Law Projects; providers of mental health services, consumers of mental health services, family members of persons with mental illnesses, legislators, social service agency directors, county commissioners, and other members reflecting a broad range of community interest.

Waste Education Coalition

Office of Waste Management, Waste Education Program,
1350 Energy Lane, St. Paul, MN 55108. 612-649-5750.
Minnesota Statutes 115A.072.

Appointing Authority: Office of Waste Management.

Compensation: Expenses.

Vacancy: One vacancy: A representative of local government in greater Minnesota to represent waste education issues in this region.

The coalition is to advise and assist the staff of the Office of Waste Management to develop, implement, and coordinate state and regional resources in an integrated long-term waste education program which encourages the reduction, reuse, resource recovery, and proper management of solid and hazardous wastes. Eighteen members: one member each from the Pollution Control Agency, Metropolitan Council, Dept. of Education, Dept. of Agriculture, Environmental Education Board, Environmental Quality Board, educational institutions, other public agencies with responsibility for waste management or public education, and three persons representing private recycling or solid waste industries. Meeting schedule: up to twice a month, five hours a month, at the Office of Waste Management.

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 Corrections

Notice of Availability of Funds for Services To Victims of Child Abuse

The Minnesota Department of Corrections, Victim Services Unit, is reissuing a request for proposals for grant funds for direct services, community and professional education, and systems change related to abused children. Grants are for the 12-month period of July 1, 1994, through June 30, 1995. Nonprofit organizations and governmental units are eligible to apply for funds.

Up to five grants for \$32,000 are available to provide services to abused Minnesota children within unserved geographic areas and for traditionally underserved populations. Priority will be given to programs that provide direct services. The deadline for submission is May 13, 1994.

To receive a request for proposals which describes eligibility criteria and how to apply, contact:

Ann Iweriebor
Minnesota Department of Corrections
300 Bigelow Building
450 North Syndicate Street
St. Paul, Minnesota 55104

Telephone: (612) 642-0256 or (800) 657-3679 outside the Twin Cities metro area.

State Grants

Department of Human Services

Family and Children's Services Division

Notice of Request for Proposals for Innovative Programs Which Serve Children at Risk Due to Parental Substance Abuse

The Family and Children's Services Division of the Department of Human Services is soliciting proposals for projects which will provide child welfare services to caretakers who are currently on probation and have identified substance abuse problems. Eligible applicants are county social service or corrections agencies that exist in counties where child protection intake accepts over 500 reports of maltreatment per year. Social service and corrections agencies may apply separately or jointly for these funds. A total of \$770,000.00 is available for funding of one or more qualified grantees. The grant is funded through state fiscal year 1994. The funded service will begin on July 1, 1994.

These projects will recruit and contract with specifically trained family based service aides to work with families where the caretaker is on probation and has a documented history of substance abuse problems. Social workers will be hired with funds from the grant to provide child welfare services, case management and supervision to the family based service aides. A high degree of coordination between corrections and social services will be a feature of this project.

All requests for copies of the complete Request for Proposals (RFP) or for further information should be directed to Stephen D. Vonderharr at 612-296-5324. Six copies of the proposals in response to this RFP must be submitted to the Family and Children's Services Division, Department of Human Services, Human Services Building, 444 Lafayette Road, St. Paul, MN 55155-3830, no later than 4:20 P.M. on *Friday, April 29, 1994*.

The Family and Children's Services Division and the State of Minnesota reserve the right to reject any and all proposals submitted.

Department of Human Services

Request for Proposals (RFP) Mental Health Consumer Organization

The Community Mental Health and State-Operated Services Administration of the Minnesota Department of Human Services (DHS) is soliciting proposals for a statewide adult Mental Health Consumer Organization. This organization must be organized and directed by primary consumers. For this proposal, primary consumers are defined as individuals who are now using or have in the past used mental health services for serious mental illness.

Expected outcomes of the organization will include but not be limited to:

1. Dissemination of recovery oriented information and concepts to primary consumers to support personal recovery efforts and provide opportunities for mutual help, especially as it relates to better understanding and coping with mental illness.
2. Education of primary consumers regarding issues of funding, planning and regulating of mental health services so that consumers will have sufficient information to participate in planning at local and state levels.
3. Increased participation by primary consumers in Local Advisory Councils and other planning groups in order to further define and represent consumer needs as well as reduce stigma and educate the public about mental illness.

Up to \$50,000 is available for one project from the Community Mental Health Services Block Grant, catalog of Federal Domestic Assistance Number 93.958. The Department will seek to contract directly with one organization.

This request for proposals does not obligate the State to complete the project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interests. In addition, selection of a contractor does not guarantee a specific number of hours, or a minimum contract amount.

Proposals in response to this RFP must follow the RFP application instructions. A copy of the complete RFP material is available by contacting Virginia Selleck, Mental Health Division, phone 612/296-7528. Upon request, this information will be made available in an alternative format such as Braille, large print or audio-tape.

There will be a pre-application meeting at The Department of Human Services, Room 1-C, 444 Lafayette Road, St. Paul, Minnesota, on Tuesday, April 19, 1994, from 10:00 a.m. to noon.

Proposals must be received by the Department no later than 4:30 p.m. on May 9, 1994, and must be addressed or delivered to:

Virginia Selleck
Mental Health Division
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3828

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.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612)296-2600 or [TDD (612)297-5353 and ask for 296-2600].

Department of Human Services

Moose Lake Regional Treatment Center

Notice of Request for Proposal for Medical Services

NOTICE IS HEREBY GIVEN that the Moose Lake Regional Treatment Center, Mental Health Bureau, Department of Human Services, is seeking the services for the period July 1, 1994 - June 30, 1995.

These services are to be performed as requested by the Administration of the Moose Lake Regional Treatment Center.

- (1) Services of two Psychiatrists to perform consultation services in Psychiatry at the Moose Lake Regional Treatment Center 80 hrs. a week and to serve in an "On Call" capacity 3 nights per week and 2 weekends per month. The estimated amount of this contract is \$433,232.00.
- (2) Services of a Pharm-D to provide clinical pharmacology consultations, drug utilization program for the Moose Lake Regional Treatment Center. The estimated amount of contract is \$54,000.00.
- (3) Anesthesiology Services performed by a Registered Nurse Anesthetist for dental work performed on unmanageable Mentally Retarded clients; and for Electroconvulsive Therapy. The estimated amount of the contract is \$39,960.00.
- (4) Physical Therapy and Occupational Therapy services performed by a Registered Physical Therapist and Registered Occupational Therapist. Services include consultation, evaluation, direct therapy inservice, and program writing as needed. The estimated amount of contract is \$42,900.00.
- (5) Services of a specialist in Physical and Internal Medicine to perform consultation services at the Moose Lake Regional Treatment Center. The estimated amount of contract is \$41,993.28.
- (6) The services of a Radiologist to interpret x-ray films taken by the hospital's X-Ray Technician. The estimated amount of contract is \$19,925.00.
- (7) Services of a Psychiatrist to perform consultation services at the Moose Lake Regional Treatment Center and to serve in an "On Call" capacity one night each week. The estimated amount of contract is \$170,600.00.
- (8) Services of a Psychiatrist to perform consultation services in Psychiatry at the Moose Lake Regional Treatment Center one day per week and to serve in an "On Call" capacity one night per month. The estimated amount of contract is \$47,400.00.
- (9) Services of a Psychiatrist to perform consultation services in Psychiatry at the Moose Lake Regional Treatment Center. The estimated amount of contract is \$132,000.00.

Responses to the above services must be received by May 2, 1994.

Direct inquires to:

Frank R. Milczark
Chief Executive Officer
Moose Lake Regional Treatment Center
1000 Lakeshore Drive
Moose Lake, MN 55767
(218) 485-4411 Ext. 242

Department of Trade & Economic Development

Minnesota Office of Tourism

Request for Proposals for the State Tourism Advertising Contract

The Minnesota Office of Tourism is seeking proposals from full-service advertising agencies interested in competing for the State tourism advertising contract.

Professional, Technical & Consulting Contracts

The estimated contract amount is \$2 million dollars, subject to legislative approval. The contract will begin July 1, 1994 and expire June 30, 1995, with two one-year renewal options that may extend through June 30, 1997. Renewal options are subject to agency performance, client satisfaction, and available funding.

The advertising contract covers all consumer and travel trade advertising, including print and broadcast media, production and media placement and evaluation services, as well as direct mail, public relations, and research assistance, as necessary or appropriate. Written proposals will be evaluated and scored by a review committee. The two (or more) highest scoring agencies will be invited to make oral presentations to the review committee during the week of May 23, 1994. To receive a request for proposal and background information, please call or write:

Steve Markuson, Manager
Advertising & Public Relations Services
Minnesota Office of Tourism
100 Metro Square, 121 Seventh Place East
Saint Paul, Minnesota 55101-2112
Direct Telephone/Voice Mail: 612/296-2756
FAX: 612/296-7095

NOTE: No other Minnesota Office of Tourism personnel are authorized to discuss this contract request for proposals.

The proposal deadline is 5:00 p.m., Wednesday, May 4, 1994. Proposals received after the deadline will not be considered.

Department of Transportation

Request for Proposals to Conduct a Marketing Study for an Intrastate Transportation Audit Service for Small Business and Government Shippers

The Minnesota Department of Transportation (Mn/Dot) is requesting statements of qualifications and proposals to conduct market research to study the feasibility of establishing an audit service for intrastate transportation charges paid by small businesses, and state and local government agencies. The proposed service will be provided through Mn/DOT's Office of Motor Carrier Services (OMCS).

Purpose and Scope of the Study

For-hire motor carriers with Minnesota operating authority must file their transportation rates for intrastate freight and passenger movements with OMCS. The purpose of the study is to develop recommendations for a bill of lading/charter bill audit service. The intention of the audit service would be to assist Minnesota's small businesses and local government agencies in the management of their transportation costs. The scope of this study includes: 1) Recommending program eligibility criteria (i.e. a definition of "small businesses" for purposes of the program). 2) Market research, including pre-survey interviews and/or focus groups of potentially affected parties, a phone or mail survey, and post-survey interviews and/or focus groups. 3) A marketing plan; including, a definition of the potential market for the service, position of the service relative to services available through private markets, recommendations for service design based upon the market research, cost/pricing strategies, and recommendations for the implementation and promotion of the service.

Project Duration and Costs

This project will begin no later than July 1, 1994 with a duration of approximately six months. The cost of the study is estimated to be approximately \$45,000.

Proposals must be received no later than 5:00 P.M. May 6, 1994. A copy of the Request for Proposals is available upon request. Inquiries and requests should be directed to:

Mr. Larry Johnson, Transportation Rate and Tariff Specialist
Office of Motor Carrier Services
151 Livestock Exchange Building
100 Stockyards Road
South St. Paul, Minnesota 55075
Phone (612) 296-7109 extension 104

Minnesota Zoo

Notice of Request for Bids for Dolphin Sculpture Installation and Site Work

NOTICE IS HEREBY GIVEN that the Minnesota Zoo is seeking bids for its Dolphin Sculpture installation and related site work. Bid packages can be picked up April 6, 1994 from Project Management Office, Minnesota Zoo, 12101 Johnny Cake Road, Apple Valley, MN 55124, Telephone No. 431-9302. Bids will be received at the Minnesota Zoo B Building, Gate 2, 12101 Johnny Cake Road, Apple Valley until 2:00 p.m. on Wednesday, April 20, 1994.

Non-State Public Bids and Contracts

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

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

Metropolitan Council

Notice of Request for Proposals for Aviation Consulting Services

The Metropolitan Council is requesting proposals for technical and professional services for preparation of the **1994 Annual Contingency Planning Assessment and Airport/Community Protection** work. Proposals may be submitted for one or both projects.

- **1994 Annual Contingency Planning Assessment** - The purpose of this RFP is to monitor and anticipate trends and conduct an annual re-evaluation/reappraisal of the Twin Cities' major airport dual-track planning and development strategy. This assessment will help establish the type, timing and level of development recommended for Minneapolis-St. Paul International Airport (MSP) and/or development of a new major replacement airport.
- **Airport/Community Protection** - MSP International airport and the potential new major replacement airport create a number of land use compatibility issues. These large public investments need to be protected; conversely, airport operational and development activities need to be properly planned and appropriate mitigation measures implemented to protect impacted communities and regional systems. The purpose of this RFP is to solicit services to assist in preparing information, conducting technical evaluations and defining overall major-airport/community development protection measures/strategies. These would ultimately be incorporated in an action plan to protect airport investments.

Also included is a sub-element involving analysis of the regional airport system. The purpose of this project is to identify specific aviation protection issues that are related to the planning and development of the region's general aviation reliever airport system.

It is anticipated that the projects will be funded primarily by a grant from the Federal Aviation Administration. The projects will commence about June 1, 1994 and be completed by March 31, 1995. A disadvantaged business enterprise (DBE) participation goal has been approved for these projects. Five copies of all proposals should be submitted to the Metropolitan Council, Mears Park Centre, 230 E. Fifth St., St. Paul, MN 55101, attention Chauncey Case. The deadline for submission is 5 p.m., May 3, 1994. Request copies of the RFP's by calling 612/291-6342 or 612/291-0904 (TDD).

Metropolitan Council

Request for Proposals to Design a Twin Cities Region-Wide 800 MHZ Trunked Radio System

The Metropolitan council solicits proposals for entering into a contract with a consulting firm to design and prepare vendor bid specifications for an integrated 800 Mhz digital trunked radio system serving public service agencies throughout the Twin Cities Metropolitan Area.

Fifteen copies of the proposal should be submitted to the Metropolitan Council, Mears Park Centre, 230 E. Fifth St., St. Paul, MN 55101, Attention: John McGough, contract manager. The deadline for submission is 4:30 p.m., May 6, 1994.

The Council, by this RFP, does not promise to accept the lowest, or any other proposal, and specifically reserves the right to reject any or all proposals, waive any formal requirements, reject any provision in any proposal, obtain new proposals, or proceed to do the work otherwise.

To request a copy of the RFP, call John McGough at 612/291-6388 or 612/291-0904 (TDD).

Non-State Public Bids and Contracts

Metropolitan Transit Commission

Request for Proposals for Project Director for MTC Materials Management System Review and Replacement

Project Manager: Beverly J. Auld
Assistant Chief Administrator/Administration
(612) 349-7511

PLEASE CALL FOR ADDITIONAL DETAILS AND INFORMATION

Proposal Due Date: April 11, 1994

Mailing Address: Metropolitan Transit Commission
560 Sixth Avenue North
Minneapolis, MN 55411-4398
Attn: Donna Kaye

Directory

Introduction

This DIRECTORY contains information and requirements that are:

- A. Unique to this Request for Proposals, and
- B. Referenced through the proposal documents.

Proposals

Due Date

Proposals are due at or before **2:00 PM, April 11, 1994.**

Place

Proposals shall be delivered to:

Metropolitan Transit Commission
560-6th Avenue North
Minneapolis, MN 55411-4398
Attn: Donna Kaye

Changes

A. Requests

Requests for changes in the proposals shall be received by the MTC no later than five (5) days prior to the due date.

B. Addenda

Any addenda issued by the MTC shall be postmarked no later than five (5) days prior to the proposal opening.

Project Manager

Name

Beverly J. Auld
Assistant Chief Administrator/Administration

Address

Metropolitan Transit Commission
560-6th Avenue North
Minneapolis, MN 55411-4398
Attn: Donna Kaye

Telephone

(612) 349-7517

Disadvantaged Businesses

Participation Goals

- a. Targeted Group Businesses 0%

Assistance

Any assistance needed or other matters relating to Targeted Group Businesses shall be referred to Steve Kaukola at (612) 349-7603.

Pre-Proposal Conference

No pre-proposal conference will be held.

Proposal Documents

Copies of the proposal documents may be obtained by calling the Project Manager.

Liquidated Damages

No liquidated damages will be assessed.

Performance Bond

No performance bond will be required.

Background

The Metropolitan Transit Commission (MTC) is the largest transit provider in the Minneapolis/St. Paul area. The following is a synopsis of the operating environment at the MTC.

- Five (5) operating divisions
- 1,209 full time bus operators
- 169 part time bus operators
- 838 = peak weekday vehicle requirement
- 85,000 miles operated on a typical weekday
- 8,400 revenue trips operated on a typical weekday

Statement of Current Computing Environment

The current RUCUS system runs on an IBM 4381 mainframe running under MVS/XA. The RUCUS data, currently, gets migrated to other platforms at the MTC in a variety of ways. We are nearing the end of a project to interconnect all of our systems via an Ethernet backbone and running TCP/IP on all of our platforms to facilitate the transfer of data between systems.

The major components of the network are:

<u>Hardware</u>	<u>Operating System</u>	<u>Network Protocol</u>
IBM 4381	MVS/XA 2.2	VTAM 3.3, TCP/IP
IBM 3725	NCP 4.2	SDLC, BISYNC
PS/2	Netware 3.11	IPX/SPX
PS/2	Netware for SAA 1.3	IPX/SPX, SNA
MicroVAX II	VMS 5.4	DECNET PHASE IV
MicroVAX II	VMS 5.4	LAT, TCP/IP
MicroVAX 3100	VMS 5.2	
UNISYS 60/85	SYSTEM V	TCP/IP
UNISYS 50/90	SYSTEM V	TCP/IP
PDP	UNIX	TCP/IP

Hardware connectivity to this network can be accomplished by an Ethernet connection directly into the backbone, or, a Token Ring connection to our Novell LAN can pass through the Netware for SAA gateway into the IBM 4381 or out onto the Ethernet backbone.

File transfer is provided via FTP or IND\$FILE to the IBM 4381 and via FTP to the DEC, UNISYS and PDP systems.

Required Computer Related Elements for Packages to be Considered

1. Any PC based product will be required to run under Microsoft Windows, (Version 3.1 or higher) as a "pure" Windows application. It will be able to run in the foreground or background under Windows and be able to cut and paste information with other Windows applications.
2. The data files of the selected package application will be definable to and accessible by the relational data base product called SYBASE. The data files produced by the application will have to be SQL compliant, or be in a format that can be translated into the SYBASE, data base such that ad-hoc reporting can be done with standard SQL based software.
3. The proposed system will operate on one of the hardware and software platform environments listed in the 'Current Computing Environment', *excluding* the IBM 4381.

Statement of Qualifications

- Strong background in inventory, purchasing, and information system development.
- Management experience with a large organization.

Non-State Public Bids and Contracts

- Experience in defining and implementing policy, procedure, and work flow changes.
- Project leadership experience with large scale systems development.
- An objective, results oriented management style.
- Experience with bus, trucking or heavy equipment fleet management a plus.
- Experience in a union environment a plus.

Scope of Work

I. Project Overview

The Metropolitan Transit Commission is requesting proposals from qualified individuals to serve as project leader for the review and replacement of the agency's Materials Management System. The individual will be responsible for conducting an in-depth evaluation of MTC's purchasing, inventory and stores functions. The overall goal is to improve the efficient and effective management of these activities, at the same time assuring the availability of materials, supplies, and services required for MTC's transit operation.

A. Background

The Metropolitan Transit Commission is the major provider of transit services in the Twin Cities metropolitan area. It operates a fleet of 970 buses from five garage locations plus a major maintenance facility. The MTC has an inventory of \$7.4 million. The 1994 budget allows for the purchase of \$6.9 million in materials and supplies. This includes \$4.3 million in bus parts and \$2.5 million in other materials and supplies. The inventory is stocked in a central stores warehouse at the Main Overhaul Base and at satellite stockrooms at the five service garages.

The MTC acquired the TRES Material Management System in 1985. The Material Management System was implemented across the Finance and Maintenance Divisions, automating existing manual procedures in the purchasing and inventory areas. The system is linked to the MTC's financial systems but has no link with the MTC's Vehicle Maintenance System (ELKE).

B. Project Purpose

The purpose of this project is to move the MTC forward in its management of materials and supplies in three ways.

1. Conduct an in-depth review of policies and procedures in the areas of purchasing, inventory and stores. Recommend new policies and procedures to improve the effective and efficient management of MTC's material resources. Implement new policies and procedures as a part of the automated system review and replacement.
2. Manage the acquisition and implementation of a new Materials Management Information System that incorporates the above-recommended policies and procedures.
3. Develop and manage the integration of the Material Management System with MTC's Financial Systems, Vehicle Maintenance Systems and other material "users" systems.

C. Project Organization

The successful proposer shall serve as MTC Project Leader providing the services set forth in the Scope of Work. MTC staff will be assigned and will report directly to the Project Leader for the project completion.

D. Project Duration

The work of this contract shall begin on or about May 1, 1994, and is expected to be completed in 12 to 24 months. Specific deliverables and timelines will be established at the time of contract negotiation.

II. Statement of Work

- A. Evaluation of current procedures. (60-90 days)
- B. Recommend changes to current procedures. (30 days)
- C. Manage the acquisition and implementation of a new Material Management Information System. The new system must be fully functional with the new procedures and with the MTC's Financial, Vehicle Maintenance, and other user systems in the MTC SyBase environment. (Timeline to be established)

III. Selection Criteria

Selection will be made on the basis of the following criteria:

1. Demonstration of a thorough understanding of the nature and scope of the work to be accomplished under the contract.
2. Appropriateness of the proposal for accomplishing the objectives of the work.
3. A reasonable budget for accomplishing the required tasks.
4. Proposers meeting the established selection criteria will be interviewed. Final selection will be based on the results of the selection criteria and the interview.



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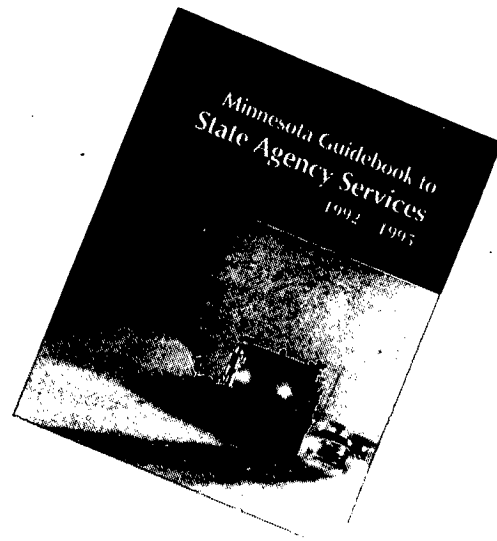
Business & Professional Directories -----

Minnesota Guidebook to State Agency Services 1992-95

An obvious "headliner" on any list for the business reference desk.
The perfect "owner's manual" to Minnesota state government is a great reference tool for:

- * applying for grants, bidding on contracts
- * addresses, phone numbers and key contact people for each agency
- * license requirements and fees
- * gaining access to government services
- * participating in state policy making and service delivery
- * understanding the structure of Minnesota government with detailed descriptions of state agencies, their functions and services.

A MUST for the Minnesota business person. 710 pp. **Stock No. 1-11 SR REDUCED PRICE -- ~~\$16.00~~ NOW \$9.95**



Minnesota Manufacturer's Directory 1994

Lists companies alphabetically, by community, and by type of product manufactured. Includes name, address, phone number, sales volume, market products, area sales, marketing and purchasing. Also FAX numbers, data processing managers and chief engineers, when available. 742 pp. **Stock No. 40-2 SR \$95.00**

Healing Arts (Physician's) Directory 1991

Names and addresses in alphabetical order for licensed physicians, chiropractors, osteopaths, optometrists, podiatrists and registered physical therapists. 426 pp.

Stock No. 1-1 SR \$19.95

State Agency Telephone Directory

Orders are now being taken for the 1994 Directory.

This directory lists all State of Minnesota government agencies. Features a greatly expanded FAX section with over 250 numbers, alphabetical employee listings, a classified section, organized by department, and "yellow pages" listing state offices in Greater Minnesota. 264pp. **Stock No. 1-87 SR \$12.95**

Airport Directory 1993

List of airports throughout the state. Approaches, rivers, all detailed markings, and much more. 178 pp. (pocket-size)

Stock No. 1-8 SR \$5.95

Law Enforcement Directory 1993

Directory of state law enforcement agencies, sheriffs and police departments 51pp. **Stock No. 1-6 SR \$7.00**

Directory of Chemical Dependency Programs '92-93

Comprehensive listing of chemical dependency treatment programs in Minnesota. Information on services provided, funding and staff, and a map are also included. 282 pp.

Stock No. 1-12 SR \$17.00

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Minnesota's Bookstore

117 University, St Paul, Minnesota 55155 (located 1/2 block west of the State Capitol)
612/297-3000 (Metro area) 1-800-657-3757 (Toll Free)

TDD (Telecommunications Device for the Deaf): 612/282-5077 1-800-657-3706 (Toll Free)
FAX 612/296-2265 Online computer access: 612/821-4096 (8-N-1, 1200/2400 bps)

