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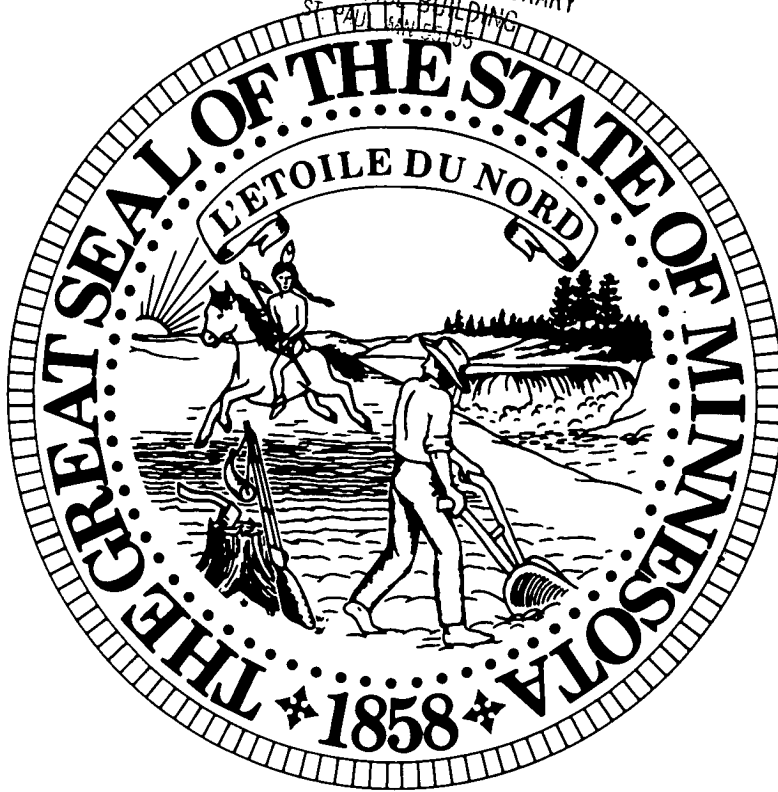
The Minnesota State Register

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

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

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9	Monday 30 August	Monday 16 August	Monday 23 August
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Contact: Senate Public Information Office
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Contact: House Information Office
Room 175 State Office Building, St. Paul, MN 55155
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Minnesota Rules: Amendments and Additions

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

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

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 Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*.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

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-657-3757.

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Proposed Rules

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

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

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

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

Department of Commerce

Proposed Permanent Rules Relating to Workers' Compensation Self-Insurance

Notice of Intent to Adopt Rules Without a Public Hearing

The Minnesota Department of Commerce intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed rule and, during that 30 day period, you may also submit a written request that a hearing be held on the rule.

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

Donna M. Watz, Staff Attorney
Minnesota Department of Commerce
133 East 7th Street
St. Paul, MN 55101
(612) 297-1118

Subject of Rule and Statutory Authority. The proposed rule is about workers' compensation self-insurance. The statutory authority to adopt this rule is *Minnesota Statutes*, sections 176.181 subd. 2 and 45.023. The proposed rule is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on September 23, 1993, to submit written comment in support of or in opposition to the proposed rule or any part or subpart of the rule. 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 rule 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 rule. Your request for a public hearing must be in writing and be received by the agency contact person by 4:30 p.m. on September 23, 1993. Your request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. 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. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Modifications. The proposed rule may be modified as a result of public comment. The modifications must be supported by data and views submitted to the agency and may not result in a substantial change in the proposed rule as printed in the *State Register*. If the proposed rule affects 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 agency contact person. This statement describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rule.

Small Business Considerations. The provisions of *Minnesota Statutes*, section 14.115, subdivision 4 have been reviewed and it has been determined that this proposed rule will not adversely affect small businesses.

Expenditure of Public Money by Local Public Bodies. The provisions of *Minnesota Statutes*, section 14.11, subdivision 1 have been reviewed and it has been determined that this proposed rule will not require the expenditure of public money by local public bodies greater than \$100,000 in the two years following rule adoption.

Impact on Agricultural Lands. The provisions of *Minnesota Statutes*, section 14.11, subdivision 2 have been reviewed and it has been determined that this proposed rule will not affect agricultural land.

Adoption and Review of the Rule. If no hearing is required, after the end of the comment period the agency may adopt the rule. The rule and supporting documents will then be submitted to the attorney general for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the attorney general or be notified of the attorney general's decision on the rule. If you want to be so notified, or wish to be receive a copy of the adopted rule, submit your written request to the agency contact person listed above.

Dated: 9 August 1993

Patrick L. Nelson
Acting Commissioner of Commerce

Rules as Proposed

2780.0400 ACCEPTABLE SECURITIES AND SURETY BONDS INTEREST ON SECURITIES.

Subpart 1. [See repealer.]

Subp. 4. **Interest.** Interest accruing on any negotiable securities deposited ~~under subpart 2~~ shall be collected and transmitted to the depositor, provided that the depositor is not in default in payment of compensation, premiums due to WCRA, or any assessments levied by the Department of Labor and Industry under *Minnesota Statutes*, section 176.131.

REPEALER. *Minnesota Rules*, part 2780.0400, subpart 1, is repealed.

Department of Natural Resources

Proposed Permanent Rules Relating to Cross Country Ski Passes

Notice of Intent to Adopt a Rule Without a Public Hearing

The Department of Natural Resources intends to adopt a permanent rule without a public hearing following the procedures set forth

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

Proposed Rules

in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed rule and may also submit a written request that a hearing be held on the rule.

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

Karen Beckman
Department of Natural Resources
500 Lafayette Road
St. Paul, Minnesota 55155-4020
Telephone (612) 297-4941

Subject of Rule and Statutory Authority. The proposed rule is about cross country ski passes. The statutory authority to adopt this rule is *Minnesota Statutes*, section 85.41, subdivision 2. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

Subject of Rule and Statutory Authority. The proposed rule is about workers' compensation self-insurance. The statutory authority to adopt this rule is *Minnesota Statutes*, sections 176.181 subd. 2 and 45.023. The proposed rule is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on September 22, 1993, to submit written comment in support of or in opposition to the proposed rule or any part or subpart of the rule. 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 rule addressed, the reason for the comment, and any change proposed.

Written Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and be received by the agency contact person by 4:30 p.m. on September 22, 1993. Your request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. 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. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Modifications. The proposed rule may be modified as a result of public comment. The modifications must be supported by data and views submitted to the agency and may not result in a substantial change in the proposed rule as printed in the *State Register*. If the proposed rule affects 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 agency contact person. This statement describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rule.

Small Business Considerations. This rule replaces language previously existing in Commissioner's Order and does not cause increased impact on small business.

Expenditure of Public Money by Local Public Bodies. This rule replaces language previously existing in Commissioner's Order and does not cause increased impact on local governments.

Impact on Agriculture Lands. This rule pertains to the sale of cross country ski passes and the required application and reporting procedures and has no impact on agricultural lands.

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

Dated: 6 August 1993

Rodney W. Sando
Commissioner

Rules as Proposed

6212.0800 APPLICATIONS FOR AGENCIES TO SELL CROSS COUNTRY SKI PASSES.

Subpart 1. Appointment of agents. County auditors may appoint agents for the sale of cross country ski passes, whether cash or consignment, only upon the receipt of a completed application on a form provided by the commissioner.

Subp. 2. Applications must be approved. All applications must be signed by the applicant and approved by the county auditor, or in the case of an application made by a state agency, approved by the commissioner before passes are furnished. Applicants, other than state agencies, requesting to sell passes on consignment must include with their application the surety bond required by part

6212.0900.

Subp. 3. Applications made in triplicate. All applications must be made in triplicate. The county auditor must retain the original and promptly forward one copy to the commissioner. When receiving an application from a state agency, the commissioner must retain the original and one copy. The remaining copy must be retained by the applicant.

6212.0900 CONSIGNMENT OF CROSS COUNTRY SKI PASSES.

Subpart 1. Surety bond required. A county auditor may issue passes on a consignment basis to a subagent who has applied and who furnishes a valid corporate surety bond properly issued by a corporation duly licensed to issue bonds in this state. The surety bond must be:

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

Subp. 2. Issuance of passes to state agency on consignment basis. The commissioner may issue passes on a consignment basis to a state agency that has been appointed by the commissioner.

6212.1100 REQUIRED RECORDS, REPORTS, AND PAYMENTS FOR ISSUANCE OF CROSS COUNTRY SKI PASSES.

Subpart 1. Required records. County auditors or state agencies must keep a record of all transactions relating to passes received by them and passes issued by them to their subagents. The record must include passes received, sold, or returned for redemption or credit, fees collected, commissions retained, remittances made, and cash on hand or deposited showing at all times the current status of the county auditor's or state agency's account and, in the case of the county auditor, the account of each subagent. Subagents must keep a record of all transactions relating to passes issued to them in the same manner as county auditors. All records may be subject to inspection and auditing by the commissioner.

[For text of subp 2, see M.R.]

Subp. 3. Retention of sold passes. The county auditor or state agency must preserve all stubs of sold passes, whether sold by the auditor ~~or~~ subagent, or state agency for at least one year after the end of the pass year.

Subp. 4. Payments and reports by county auditors. ~~Each county auditor must, on or before the 15th day of each month, mail or deliver a complete written report to the commissioner, either on forms provided by the commissioner or in a prescribed format, covering all passes issued and sold during the preceding calendar month. County auditors and subagents must submit a warrant for 96 percent of all pass fees, exclusive of the issuing fee. County auditors and state agencies must, on or before the 15th day of each month, mail or deliver to the license bureau a complete written report to the license bureau pertaining to all cross country ski passes issued and sold. Reports must either be on forms provided by the commissioner or in a prescribed format. County auditors must include a warrant for 96 percent of all the pass fees, excluding issuing fees, collected through their or their subagents' sales. State agencies must include a warrant for 100 percent of all the pass fees collected through their sales. If a county auditor or state agency fails to submit monthly reports within the specified time period, the commissioner may withhold further consignments of passes until the report is received. An immediate accounting of all passes consigned to the county auditor or state agency during the current cross country pass year may be required.~~

Subp. 5. Final report of unsold passes and partially sold books. The following provisions apply to final reports of unsold cross country ski passes and partially sold books:

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

B. No later than August 15, county auditors or state agencies must prepare a final report that will show the total number of unsold and void passes to be credited toward their account and must contain a list of sequential numbers of such passes. Any unsold or void passes not reported for redemption or credit by the date prescribed will be presumed to have been sold and the county auditor and subagent or the state agency will be accountable.

6212.1300 PROHIBITIONS AND PENALTIES ON ISSUANCE OF CROSS COUNTRY SKI PASSES.

Subpart 1. Restriction on sale price of passes. Cross country ski passes must be offered for sale by state agencies, county auditors, or agents only at the fee defined under *Minnesota Statutes*, section 85.42.

[For text of subp 2, see M.R.]

Subp. 3. Revocation of a state agency's authorization to sell passes. The commissioner may revoke the authorization to sell cross country ski passes of any state agency or subagent found in violation of any provision of law or rule relating to the sale and handling of passes or the required reporting.

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Pollution Control Agency

Proposed Permanent Rules Relating to Drip Pads for Wood Treatment

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control MPCA (MPCA) intends to adopt the above-entitled proposed amendments without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rule amendments without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1992). The MPCA's authority to adopt the proposed amendments is set forth in *Minnesota Statutes* § 116.07, subd. 4 (1992).

All persons have until 4:30 p.m. on September 22, 1993 to submit comments in support of or in opposition to the proposed amendments or any part or subpart of the proposed amendments. Comment is encouraged. Each comment should identify the portion of the proposed amendments addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the proposed amendments within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed amendments addressed, the reason for the request, and any change proposed. If a public hearing is required, the MPCA will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1992).

Comments or written requests for a public hearing must be submitted to Glenn Skuta, Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, Minnesota 55155-4194 612/297-8319.

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

The proposed amendments pertaining to the management of hazardous waste, if adopted, incorporate federal regulations into state rules. The proposed amendments specify the requirements that owners and operators of wood preserving operations must follow in managing wood preservation wastes. One free copy of the rules is available upon request from Glenn Skuta at the address and telephone number given above.

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

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1992), "Small business considerations in rulemakings," that the proposed amendments will not negatively affect small businesses that generate hazardous waste. The proposed amendments incorporate federal regulations that the MPCA is required to adopt, and thus impose regulations on small businesses that would be incurred by the federal regulations in the absence of state rules. One exception to the equivalence of the proposed amendments to the federal regulations they incorporate is that an exemption from groundwater protection rules at permitted facilities in the federal regulations was not incorporated into the proposed amendments. This exemption is based upon an exemption previously federally promulgated which the MPCA did not adopt in the interest of groundwater protection. The proposed amendments do not incorporate this new exemption to maintain consistency in the state hazardous waste rules and in the interest of groundwater protection. The MPCA believes that the absence of this exemption in the proposed amendments for permitted facilities will not negatively affect small businesses since the MPCA anticipates that wood treating operations will not need to be permitted, and thus this provision will not apply to them.

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

Charles W. Williams
Commissioner

Rules as Proposed

7001.0623 PART B INFORMATION REQUIREMENTS FOR DRIP PADS.

Subpart 1. Federal regulations adopted by reference. Except as provided in part 7045.0450, subparts 1 and 3, owners and operators of hazardous waste treatment, storage, or disposal facilities that collect, store, or treat hazardous waste on drip pads must provide to the commissioner the information required in Code of Federal Regulations, title 40, section 270.26, as amended, except subsection 270.26(b).

Subp. 2. Exceptions to adopted federal regulation. Where the federal regulations adopted in subpart 1 refer to other federal regulations, the other federal regulations referred to are superseded by their corresponding state rules. Where no corresponding state rule exists, the federal regulations referred to do not apply.

Subp. 3. Effective date. This part is effective six months after the publication of the notice of adoption.

7045.0020 DEFINITIONS.

[For text of subps 1 to 20, see M.R.]

Subp. 20a. **Drip pad.** “Drip pad” means an engineered structure consisting of a curbed, free-draining base, constructed of nonearthen materials and designed to convey preservative kick-back or drippage from treated wood, precipitation, and surface water run-on to an associated collection system at wood preserving plants.

[For text of subps 21 to 22a, see M.R.]

Subp. 22b. **Existing drip pad.** “Existing drip pad” means a drip pad that:

A. is or was used to manage hazardous waste with the waste code of F032 and was constructed, or for which the owner or operator had a design and had entered into binding financial or other agreements for construction, before December 6, 1990; or

B. is used to manage hazardous waste with the waste code of F034 or F035 and was constructed, or for which the owner or operator had a design and had entered into binding financial or other agreements for construction, before the effective date of part 7045.0644.

[For text of subps 23 to 59, see M.R.]

Subp. 59a. **New drip pad.** “New drip pad” means a drip pad that:

A. is or was used to manage hazardous waste with the waste code of F032 and was constructed, or for which the owner or operator had or has a design and had or has entered into binding financial or other agreements for construction, on or after December 6, 1990; or

B. is used to manage hazardous waste with the waste code of F034 or F035 and was constructed, or for which the owner or operator had or has a design and had or has entered into binding financial or other agreements for construction, on or after the effective date of part 7045.0644.

Subp. 59b. **New tank system or new tank component.** “New tank system” or “new tank component” means a tank system or component that will be used for the storage or treatment of hazardous waste and for which installation has commenced after August 8, 1988, or a tank system or component that is regulated as a new tank system or component under Code of Federal Regulations, title 40, section 260.10. However, for purposes of obtaining approval for a petition under part 7045.0075, subpart 7, a new tank system is one for which construction commences after the applicable effective dates of regulation as required in this subpart.

Subp. 59b-59c. **Nonwastewater.** “Nonwastewater” means hazardous waste that is not wastewater as defined in subpart 102c.

Subp. 59e-59d. **Off-specification used oil.** “Off-specification used oil” means a used oil fuel that exceeds any of the specification levels for the following constituents or has a flash point less than 100 degrees Fahrenheit.

Constituent	Allowable level
Arsenic, total	5 parts per million maximum
Cadmium, total	2 parts per million maximum
Chromium, total	10 parts per million maximum
Lead, total	100 parts per million maximum
Total Halogens	4,000 parts per million maximum

Subp. 59d-59e. **Onground tank.** “Onground tank” means a device meeting the definition of “tank” in subpart 90 and that is situated in such a way that the bottom of the tank is on the same level as the adjacent surrounding surface so that the external tank bottom cannot be visually inspected.

[For text of subps 60 to 109, see M.R.]

7045.0292 ACCUMULATION OF HAZARDOUS WASTE.

Subpart 1. **Large quantity generator.** A large quantity generator may accumulate hazardous waste on site without a permit or without having interim status if:

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

B. the waste is placed in containers which meet the standards of part 7045.0270, subpart 4, and are managed in accordance with part 7045.0626; or in tanks provided the generator complies with the requirements of part 7045.0628 except part 7045.0628,

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subpart 9, item C, and subpart 12; or on drip pads, provided the generator complies with part 7045.0644 and maintains records containing a description of procedures that will be followed to ensure that all wastes are removed from drip pads and associated collection systems at least once every 90 days, and maintains documentation of the quantities, dates, and times of each waste removal. These records relating to drip pads must be maintained at the licensed site and must be easily available for agency inspection;

[For text of items C to I, see M.R.]

[For text of subp 2, see M.R.]

Subp. 5. **Small quantity generator.** A small quantity generator may accumulate up to 3,000 kilograms of hazardous waste that is not acute hazardous waste on site without a permit or without having interim status if:

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

B. the waste is placed in containers which meet the standards of part 7045.0270, subpart 4, and are managed in accordance with part 7045.0626; ~~or~~ in tanks provided the generator complies with the requirements of part 7045.0629; or on drip pads, provided the generator complies with part 7045.0644 and maintains records containing a description of procedures that will be followed to ensure that all wastes are removed from drip pads and associated collection systems at least once every 180 days, and maintains documentation of the quantities, dates, and times of each waste removal. These records relating to drip pads must be maintained at the licensed site and must be easily available for agency inspection;

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

Subp. 6. **Very small quantity generator.** A very small quantity generator may accumulate waste on site without a permit or without having interim status until 1,000 kilograms of hazardous waste that is not acute hazardous waste is accumulated if:

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

B. the waste is placed in containers which meet the standards of part 7045.0270, subpart 4, and are managed in accordance with part 7045.0626; ~~or~~ in tanks provided the generator complies with the requirements of part 7045.0629; or on drip pads, provided the generator complies with part 7045.0644 and maintains records containing a description of procedures that will be followed to ensure that all wastes are removed from drip pads and associated collection systems at least once every 180 days, and maintains documentation of the quantities, dates, and times of each waste removal. These records relating to drip pads must be maintained at the licensed site and must be easily available for agency inspection;

[For text of items C to I, see M.R.]

[For text of subps 7 to 11, see M.R.]

7045.0528 TANK SYSTEMS.

Subpart 1. **Scope.** This part applies to owners and operators of facilities that use tank systems, including tank systems, sumps, and other such collection devices or systems used in conjunction with drip pads, as defined in part 7045.0020 and regulated under part 7045.0541, to treat or store hazardous waste, except as part 7045.0450, and items A and B provide otherwise.

[For text of items A and B, see M.R.]

7045.0541 DRIP PADS.

Subpart 1. **Federal regulations adopted by reference.** Owners and operators of facilities that use new or existing drip pads to convey treated wood drippage, precipitation, and/or surface water runoff to an associated collection system are subject to the requirements of Code of Federal Regulations, title 40, part 264, subpart W, as amended. Existing drip pads and new drip pads are defined in part 7045.0020.

Subp. 2. **Leak collection system requirements.** The requirement of Code of Federal Regulations, title 40, section 264.573(b)(3), as amended, to install a leak collection system applies only to:

A. drip pads that are or were used to manage hazardous waste with the waste code of F032 that are constructed after December 24, 1992, except those for which the owner or operator had a design and entered into binding financial or other agreements for construction prior to December 24, 1992; and

B. drip pads that are used to manage hazardous waste with the waste code of F034 or F035 that are constructed after the effective date of this part, except those for which the owner or operator had a design and entered into binding financial or other agreements for construction prior to the effective date of this part.

Subp. 3. **Indoor drip pads.** The owner or operator of any drip pad that is inside or under a structure that provides protection from precipitation so that neither runoff nor run-on is generated is not subject to regulation under Code of Federal Regulations, title 40, section 264.573(e) or 264.573(f), as amended, as appropriate.

Subp. 4. **Incidental drippage in storage yards.** The requirements of Code of Federal Regulations, title 40, part 264, subpart W, as amended, are not applicable to the management of infrequent and incidental drippage in storage yards provided that the owner or

operator maintains and complies with a written contingency plan, approved by the agency, that describes how the owner or operator will respond immediately to the discharge of such infrequent and incidental drippage. At a minimum, the contingency plan must describe how the owner or operator will do the following:

- A. clean up the drippage;
- B. document the cleanup of the drippage;
- C. retain documents regarding cleanup for three years; and
- D. manage the contaminated media in a manner consistent with chapters 7001 and 7045.

Subp. 5. Exceptions to adopted federal regulations. Exceptions to the federal regulations adopted in subpart 1 are as follows:

A. where the federal regulations adopted in subpart 1 refer to other federal regulations, the other federal regulations referred to are superseded by their corresponding state rules; where no corresponding state rule exists, the federal regulations referred to do not apply; and

B. references in the adopted regulations to "regional administrator" mean "commissioner."

Subp. 6. Effective date. This part is effective six months after the publication of the notice of adoption.

7045.0628 TANK SYSTEMS.

Subpart 1. **Scope.** This part applies to owners and operators of facilities that use tank systems, including tank systems, sumps, and other such collection devices or systems used in conjunction with drip pads, as defined in part 7045.0020 and regulated under part 7045.0644, to treat or store hazardous waste, except as items A and B and part 7045.0552 provide otherwise.

[For text of items A and B, see M.R.]

[For text of subs 2 to 12, see M.R.]

7045.0644 DRIP PADS.

Subpart 1. **Federal regulations adopted by reference.** Owners and operators of facilities that use new or existing drip pads to convey treated wood drippage, precipitation, and/or surface water runoff to an associated collection system are subject to the requirements of Code of Federal Regulations, title 40, part 264, subpart W, as amended. Existing drip pads and new drip pads are defined in part 7045.0020.

Subp. 2. **Leak collection system requirements.** The requirement of Code of Federal Regulations, title 40, section 265.443(b)(3), as amended, to install a leak collection system applies only to:

A. drip pads that are or were used to manage hazardous waste with the waste code of F032 that are constructed after December 24, 1992, except those for which the owner or operator had a design and entered into binding financial or other agreements for construction prior to December 24, 1992; and

B. drip pads that are used to manage hazardous waste with the waste code of F034 or F035 that are constructed after the effective date of this part, except those for which the owner or operator had a design and entered into binding financial or other agreements for construction prior to the effective date of this part.

Subp. 3. **Indoor drip pads.** The owner or operator of any drip pad that is inside or under a structure that provides protection from precipitation so that neither runoff nor run-on is generated is not subject to regulation under Code of Federal Regulations, title 40, section 264.573(e) or 264.573(f), as amended, as appropriate.

Subp. 4. **Incidental drippage in storage yards.** The requirements of Code of Federal Regulations, title 40, part 264, subpart W, as amended, are not applicable to the management of infrequent and incidental drippage in storage yards provided that the owner or operator maintains and complies with a written contingency plan, approved by the agency, that describes how the owner or operator will respond immediately to the discharge of such infrequent and incidental drippage. At a minimum, the contingency plan must describe how the owner or operator will do the following:

- A. clean up the drippage;
- B. document the cleanup of the drippage;
- C. retain documents regarding cleanup for three years; and

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Proposed Rules

D. manage the contaminated media in a manner consistent with chapters 7001 and 7045.

Subp. 5. Exceptions to adopted federal regulations. Exceptions to the federal regulations adopted in subpart 1 are as follows:

A. where the federal regulations adopted in subpart 1 refer to other federal regulations, the other federal regulations referred to are superseded by their corresponding state rules; where no corresponding state rule exists, the federal regulations referred to do not apply; and

B. references in the adopted regulations to "regional administrator" mean "commissioner."

Subp. 6. Effective date. This part is effective six months after the publication of the notice of adoption.

Adopted Rules

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

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

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

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

Department of Trade and Economic Development

Adopted Permanent Rules Relating to Water Pollution Control Revolving Fund

The rules proposed and published at *State Register*, Volume 17, Number 44, pages 2766-2771, May 3, 1993 (17 SR 2766), are adopted as proposed.

Department of Labor and Industry

Adopted Permanent Rules Relating to Boilers and Boats for Hire

The rules proposed and published at *State Register*, Volume 17, Number 51, pages 3138-3143, June 21, 1993 (17 SR 3130), are adopted as proposed.

Minnesota Pollution Control Agency

Air Quality Division

Notice of Renumbering of Air Quality Rules

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA), in conjunction with the Office of the Revisor of Statutes, intends to renumber the Air Quality Rules. The purpose of renumbering the Air Quality Rules is to reorganize and provide additional chapters for rules expansion. The rules renumbering table is published below and will become effective immediately following publication in the *State Register*.

MPCA Contact Person: If you have questions regarding the renumbering please contact:

Norma Florell
Minnesota Pollution Control Agency
Air Quality Division
520 Lafayette Road North
St. Paul, Minnesota 55155
Telephone: (612) 296-7712

RULES RENUMBERING

Chapter 7005—Minnesota Pollution Control Agency—Air Quality Division—Definitions

<u>Subtitle</u>	<u>Current Rule</u>	<u>New Number</u>
Definitions	7005.0100	7005.0100
Abbreviations	7005.0110	7005.0110

Chapter 7007—Minnesota Pollution Control Agency—Air Quality Division—Air Emission Permits

<u>Subtitle</u>	<u>Current Rule</u>	<u>New Number</u>
Emission Facility Offsets	7005.3020	7007.4000
	7005.3030	7007.4010
	7005.3040	7007.4020
	7005.3060	7007.4030

Chapter 7009—Minnesota Pollution Control Agency—Air Quality Division—Ambient Air Quality Standards

<u>Subtitle</u>	<u>Current Rule</u>	<u>New Number</u>
Ambient Air Quality Standards	7005.0010	7009.0010
	7005.0020	7009.0020
	7005.0030	7009.0030
	7005.0040	7009.0040
	7005.0050	7009.0050
	7005.0060	7009.0060
	7005.0070	7009.0070
	7005.0080	7009.0080
Air Pollution Episodes	7005.2950	7009.1000
	7005.2960	7009.1010
	7005.2970	7009.1020
	7005.2980	7009.1030
	7005.2990	7009.1040
	7005.3000	7009.1050
	7005.3001	7009.1060
	7005.3002	7009.1070
	7005.3003	7009.1080
	7005.3004	7009.1090
	7005.3005	7009.1100
	7005.3006	7009.1110

Chapter 7011—Minnesota Pollution Control Agency—Air Quality Division—Standards of Performance for Stationary Sources

<u>Subtitle</u>	<u>Current Rule</u>	<u>New Number</u>
<u>GENERAL PROVISIONS</u>		
Emission Standards for Visible Air Contaminants	7005.0115	7011.0010
	7005.0117	7011.0020
	7005.1100	7011.0100
	7005.1110	7011.0105
	7005.1120	7011.0110
	7005.1130	7011.0115
Control of Fugitive Particulate Matter	7005.0116	7011.0120
	7005.0550	7011.0150

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

Adopted Rules

<u>Subtitle</u>	<u>Current Rule</u>	<u>New Number</u>
Odorous Emissions	7005.0900	7011.0300
	7005.0910	7011.0305
	7005.0920	7011.0310
	7005.0930	7011.0315
	7005.0940	7011.0320
	7005.0950	7011.0325
	7005.0960	7011.0330
Acid and Alkaline Fallout	7005.1300	7011.0400
	7005.1310	7011.0405
	7005.1320	7011.0410
Indirect Heating Fossil Fuel-Burning Equipment	7005.0300	7011.0500
	7005.0310	7011.0505
	7005.0320	7011.0510
	7005.0330	7011.0515
	7005.0340	7011.0520
	7005.0350	7011.0525
	7005.0360	7011.0530
	7005.0370	7011.0535
	7005.0380	7011.0540
	7005.0390	7011.0545
7005.0400	7011.0550	
Direct Heating Fossil Fuel-Burning Equipment	7005.2750	7011.0600
	7005.2760	7011.0605
	7005.2770	7011.0610
	7005.2780	7011.0615
	7005.2790	7011.0620
Industrial Process Equipment	7005.0450	7011.0700
	7005.0460	7011.0705
	7005.0470	7011.0710
	7005.0480	7011.0715
	7005.0490	7011.0720
	7005.0500	7011.0725
	7005.0510	7011.0730
	7005.0520	7011.0735
	Portland Cement Plants	7005.1900
7005.1910		7011.0805
7005.1920		7011.0810
7005.1930		7011.0815
7005.1940		7011.0820
7005.1950		7011.0825
Asphalt Concrete Plants	7005.2000	7011.0900
	7005.2010	7011.0905
	7005.2020	7011.0910
	7005.2030	7011.0915
	7005.2040	7011.0920
Bulk Agricultural Commodity Facilities	7005.2520	7011.1000
	7005.2521	7011.1005
	7005.2522	7011.1010
	7005.2523	7011.1015
Coal Handling Facilities	7005.2850	7011.1100
	7005.2860	7011.1105
	7005.2870	7011.1110
	7005.2880	7011.1115

<u>Subtitle</u>	<u>Current Rule</u>	<u>New Number</u>
	7005.2890	7011.1120
	7005.2900	7011.1125
	7005.2910	7011.1130
	7005.2920	7011.1135
	7005.2930	7011.1140
Incinerators	7005.0600	7011.1201
	7005.0610	7011.1202
	7005.0620	7011.1203
	7005.0630	7011.1204
	7005.0640	7011.1206
	7005.0650	7011.1207
Sewage Sludge Incinerators	7005.2350	7011.1300
	7005.2360	7011.1305
	7005.2370	7011.1310
	7005.2380	7011.1315
	7005.2390	7011.1320
	7005.2400	7011.1325
Petroleum Refineries	7005.2100	7011.1400
	7005.2110	7011.1405
	7005.2120	7011.1410
	7005.2130	7011.1415
	7005.2140	7011.1420
	7005.2150	7011.1425
	7005.2160	7011.1430
Liquid Petroleum Storage Vessels	7005.1250	7011.1500
	7005.1260	7011.1505
	7005.1270	7011.1510
	7005.1280	7011.1515
Sulfuric Acid Plants	7005.1350	7011.1600
	7005.1360	7011.1605
	7005.1370	7011.1610
	7005.1380	7011.1615
	7005.1390	7011.1620
	7005.1400	7011.1625
	7005.1410	7011.1630
Nitric Acid Plants	7005.1450	7011.1700
	7005.1460	7011.1705
	7005.1470	7011.1710
	7005.1480	7011.1715
	7005.1490	7011.1720
	7005.1500	7011.1725
Secondary Lead Smelters	7005.2200	7011.1800
	7005.2210	7011.1805
	7005.2220	7011.1810
	7005.2230	7011.1815

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Adopted Rules

<u>Subtitle</u>	<u>Current Rule</u>	<u>New Number</u>	
Secondary Brass and Bronze Ingot Production Plants	7005.2250	7011.1900	
	7005.2260	7011.1905	
	7005.2270	7011.1910	
	7005.2280	7011.1915	
Iron and Steel Plants	7005.2300	7011.2000	
	7005.2310	7011.2005	
	7005.2320	7011.2010	
	7005.2330	7011.2015	
Inorganic Fibrous Materials	7005.1650	7011.2100	
	7005.1660	7011.2105	
Processing Animal Matter	7005.1000	7011.2200	
	7005.1010	7011.2205	
	7005.1020	7011.2210	
	7005.1030	7011.2215	
	7005.1040	7011.2220	
Stationary Internal Combustion Engine Asbestos	7005.1200	7011.2300	
	7005.1550	7011.9921	
	7005.1560	7011.9922	
	7005.1570	7011.9923	
	7005.1580	7011.9924	
	7005.1590	7011.9925	
	7005.1600	7011.9926	
	7005.1610	7011.9927	
	Beryllium	7005.2550	7011.9941
		7005.2560	7011.9942
		7005.2570	7011.9943
		7005.2580	7011.9944
		7005.2590	7011.9945
Mercury	7005.2650	7011.9951	
	7005.2660	7011.9952	
	7005.2670	7011.9953	
	7005.2680	7011.9954	
	7005.2690	7011.9955	

Chapter 7017—Minnesota Pollution Control Agency—Air Quality Division—Monitoring and Testing Requirements

<u>Subtitle</u>	<u>Current Number</u>	<u>New Number</u>
Continuous Monitors	7005.1850	7017.1000
Performance Tests	7005.1860	7017.2000

Chapter 7019—Minnesota Pollution Control Agency—Air Quality Division—Notification, Reporting, Recordkeeping and Emissions Inventory

<u>Subtitle</u>	<u>Current Number</u>	<u>New Number</u>
Notifications	7005.1880	7019.1000
Reporting and Recordkeeping	7005.1870	7019.2000
Emission Inventory	7005.1875	7019.3000
	7005.1876	7019.3010

Chapter 7021—Minnesota Pollution Control Agency—Air Quality Division—Acid Deposition Control

<u>Subtitle</u>	<u>Current Number</u>	<u>New Number</u>
Acid Deposition Control	7005.4010	7021.0010
	7005.4020	7021.0020
	7005.4030	7021.0030
	7005.4040	7021.0040
	7005.4050	7021.0050

Chapter 7023—Minnesota Pollution Control Agency—Air Quality Division—Mobile and Indirect Sources

<u>Subtitle</u>	<u>Current Number</u>	<u>Planned Number</u>
Motor Vehicles	7005.1150	7023.0100
	7005.1160	7023.0105
	7005.1170	7023.0110
	7005.1180	7023.0115
	7005.1190	7023.0120
	Annual Vehicle Inspections	7005.5010
7005.5015		7023.1015
7005.5020		7023.1020
7005.5025		7023.1025
7005.5030		7023.1030
7005.5035		7023.1035
7005.5040		7023.1040
7005.5045		7023.1045
7005.5050		7023.1050
7005.5055		7023.1055
7005.5060		7023.1060
7005.5065		7023.1065
7005.5070		7023.1070
7005.5075		7023.1075
7005.5080		7023.1080
7005.5085		7023.1085
7005.5090		7023.1090
7005.5095		7023.1095
7005.5100		7023.1100
7005.5105		7023.1105
Indirect Source Permits	7001.1250	7023.9000
	7001.1260	7023.9005
	7001.1270	7023.9010
	7001.1280	7023.9015
	7001.1290	7023.9020
	7001.1300	7023.9025
	7001.1310	7023.9030
	7001.1320	7023.9035
	7001.1330	7023.9040
	7001.1340	7023.9045
7001.1350	7023.9050	

Chapter 7025—Minnesota Pollution Control Agency—Air Quality Division—Paint Removal

<u>Subtitle</u>	<u>Current Number</u>	<u>New Number</u>
Abrasive Blasting of Lead Paint from Residences, Child Care and School Buildings	7005.6010	7025.0010
	7005.6020	7025.0020
	7005.6030	7025.0030
	7005.6040	7025.0040
	7005.6050	7025.0050
	7005.6060	7025.0060
	7005.6070	7025.0070
	7005.6080	7025.0080

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Adopted Rules

Chapter 7028—Minnesota Pollution Control Agency—Air Quality Division—Open Burning Permits and Restrictions

<u>Subtitle</u>	<u>Current Number</u>	<u>New Number</u>
	7005.0705	7028.0010
	7005.0715	7028.0020
	7005.0725	7028.0030
	7005.0735	7028.0040
	7005.0745	7028.0050
	7005.0755	7028.0060
	7005.0765	7028.0070
	7005.0766	7028.0080
	7005.0767	7028.0090
	7005.0775	7028.0100
	7005.0785	7028.0110
	7005.0795	7028.0120
	7005.0796	7028.0130
	7005.0805	7028.0140
	7005.0815	7028.0150

Chapter 7030—Minnesota Pollution Control Agency—Air Quality Division—Noise Pollution Control

<u>Subtitle</u>	<u>Current Number</u>	<u>New Number</u>
	7010.0010	7030.0010
	7010.0020	7030.0020
	7010.0030	7030.0030
	7010.0040	7030.0040
	7010.0050	7030.0050
	7010.0060	7030.0060
	7010.0070	7030.0070
	7010.0080	7030.0080
Motor Vehicle Noise Limits	7010.1000	7030.1000
	7010.1100	7030.1010
	7010.1200	7030.1020
	7010.1300	7030.1030
	7010.1400	7030.1040
	7010.1500	7030.1050
	7010.1600	7030.1060

A Notice from Minnesota's Bookstore:

The Pollution Control Rules are being recodified. We anticipate that they will be available in booklet form through Minnesota's Bookstore in October, 1993.

If you would like to back-order these rules, call:

Metro Area: 297-3000 Nationwide: 1-800-657-3757

TDD (Telecommunications device for the deaf): Metro Area: 612/282-5077 Nationwide: 1-800-657-3706

FAX 612/296-2265

Board of Podiatric Medicine

Adopted Permanent Rules Relating to Infection Control

The rules proposed and published at *State Register*, Volume 17, Number 39, pages 2314-2316, March 29, 1993 (17 SR 2314), are adopted with the following modifications:

Rules as Adopted

6900.0300 CONTINUING EDUCATION.

Subp. 1a. **Prorating continuing education hours.** The number of continuing education hours required during the initial licensure

period is that fraction of 30 hours, to the nearest whole hour, that is represented by the ratio of the number of days the license is held in the initial licensure period to 730 days. Continuing education in infection control, including bloodborne diseases, is required for renewal periods beginning on or after ~~July~~ September 1, 1993. For initial licensure periods of less than two years and for the renewal period ending June 30, 1994, one continuing education hour in infection control is required.

Emergency Rules

Proposed Emergency Rules

According to Minn. Stat. of 1984, §§14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

- 1) that a free copy of the proposed emergency rule is available upon request from the agency;
- 2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
- 3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
- 4) that the emergency rule may be modified if the data and views submitted support such modification.

Adopted Emergency Rules

Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

Continued/Extended Emergency Rules

Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. 14.14-14.28 supercede emergency rules.

Department of Natural Resources

Adopted Emergency Game and Fish Rules; Ecologically Harmful Exotic Species

The rules proposed and published at *State Register*, Volume 17, Number 42, pages 2507-2512, April 19, 1993 (17 SR 2507), are adopted with the following modifications:

Rules as Adopted

6216.0100 DEFINITIONS.

Subp. 18. **Undesirable exotic wild animal.** "Undesirable exotic wild animal" means the following ecologically harmful exotic species:

M. mute swan (*Cygnus ~~star~~ olor*);

6216.0300 PERMIT REQUIREMENTS FOR UNDESIRABLE EXOTIC SPECIES.

Subpart 1. **Permits.** ~~The commissioner may issue~~ Before a person may transport, possess, purchase, sell, import, take, or propagate an undesirable exotic aquatic plant or wild animal permits for the transportation, possession, purchase, sale, importation, taking, and propagation of undesirable aquatic plants and animals specified in part 6216.0100 for scientific, research, education, control, or exhibition purposes, a permit must be obtained from the commissioner.

6216.0800 PENALTY.

~~Violation of any of the provisions of parts 6216.0100 to 6216.0700 shall be a misdemeanor.~~

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Executive Orders

Executive Department

Emergency Executive Order 93-15: Declaring a State of Emergency in the State of Minnesota

I, ARNE H. CARLSON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Emergency Executive Order:

WHEREAS, on June 15 and 16, 1993, areas of southern and southwestern Minnesota already saturated from earlier rainfalls received an additional four to eight inches of rain; and

WHEREAS, rainfall continued intermittently through August 9, 1993; and

WHEREAS, the heavy rainfall has resulted in widespread road and bridge closings and damage, crop destruction, building damage, potential dam and levee failures, and other threats to public safety; and

WHEREAS, the resources of local government and private relief agencies are being fully utilized to respond to the crisis; and

WHEREAS, local government and private relief agency resources are being exhausted; and

WHEREAS, in addition to the counties already declared in Executive Orders 93-7 and 93-12, there is a threat to public safety in Aitkin, Grant, Meeker, Norman, Ottertail, Polk, Rice, Steele, Waseca, and Winona counties; and

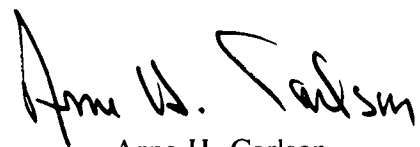
WHEREAS, additional counties may be requesting assistance as flood waters recede;

NOW, THEREFORE, I hereby order that:

A State of Emergency exists in the State of Minnesota and do direct the Division of Emergency Management, in conjunction with the Federal Emergency Management Agency and other state and federal agencies, to determine the need for supplementary disaster aid and to coordinate the provision of any such assistance as necessary under existing state and federal authority.

Pursuant to *Minnesota Statutes 1992*, Section 4.035, subd. 2, this Order is effective immediately and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes 1992*, Section 4.035, subd. 3.

IN TESTIMONY WHEREOF, I have set my hand this eleventh day of August, 1993.



Arne H. Carlson
Governor

Filed According to Law:

Joan Anderson Growe
Secretary of State

Executive Department

Emergency Executive Order 93-16: Declaring a State of Emergency in the State of Minnesota

I, ARNE H. CARLSON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Emergency Executive Order:

WHEREAS, heavy, continuous rainfall during the month of July, 1993, caused the Red River of the North to flood out of its banks; and

WHEREAS, the heavy rainfall has resulted in widespread road and bridge closings and damage, crop destruction, building damage, potential dam and levee failures, and other threats to public safety; and

WHEREAS, the resources of local government and private relief agencies are being fully utilized to respond to the crisis; and

WHEREAS, local government and private relief agency resources are being exhausted; and

WHEREAS, in addition to the counties already declared in Emergency Executive Orders 93-7, 93-12, and 93-15, there is a threat to public safety in Kittson, Mahnomen, Marshall, and Roseau counties; and

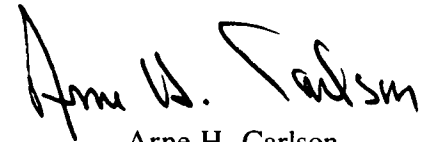
WHEREAS, severe storms continue to cause damage, and additional counties may be requesting assistance as flood waters recede;

NOW, THEREFORE, I hereby order that:

A State of Emergency exists in the State of Minnesota and do direct the Division of Emergency Management, in conjunction with the Federal Emergency Management Agency and other state and federal agencies, to determine the need for supplementary disaster aid and to coordinate the provision of any such assistance as necessary under existing state and federal authority.

Pursuant to *Minnesota Statutes 1992*, Section 4.035, subd. 2, this Order is effective immediately and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes 1992*, Section 4.035, subd. 3.

IN TESTIMONY WHEREOF, I have set my hand this thirteenth day of August, 1993.



Arne H. Carlson
Governor

Filed According to Law:

Joan Anderson Growe
Secretary of State

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.

Board of Animal Health

Notice of Meeting

The Board of Animal Health meeting will be held on Wednesday, September 22, 1993 starting at 9:30 a.m. at the Pine Edge Inn Motel and Restaurant in Downtown Little Falls, Minnesota.

Ethical Practices Board

Advisory Opinions

Advisory Opinion #131 Re: Payments to Political Fund.

Issued 8-4-93 to Alan W. Ingram—SUMMARY—131. The limitation on aggregate contributions made or delivered by an

Official Notices

individual, political committee, or political fund does not apply to a political committee or political fund other than a candidate's principal campaign committee. Payments of members' political contributions to a political fund as rebates through a national organization are not contributions from the national organization. *Minnesota Statutes* §§ 10A.01, subdivisions 7, 10A.27, and *Laws of 1993*, Chapter 318, Article 2, Sections 26 and 31.

Advisory Opinion #132 Re: Defective Campaign Material.

Issued 8-4-93 to Mike Triggs—SUMMARY—132. Campaign material that was not defective when received whose accuracy is altered by subsequent committee actions is not defective within the meaning of *Minnesota Statutes* § 10A.01, subdivision 10c, as amended in *Laws of 1993*, Chapter 318, Article 2, Section 3.

The full text of these opinions are available upon request from the Ethical Practices Board, 1st Floor South, Centennial Building, 658 Cedar Street, St. Paul, MN 55155-1603; (612) 296-5148.

Ethical Practices Board

Request for Advisory Opinion Re: Campaign Finance—Transfer of Funds

The Ethical Practices Board solicits comments regarding the following request for an advisory opinion received from the Honorable Allan Spear. Written comments should arrive at the Board office, 1st Floor South, Centennial Building, 658 Cedar Street, St. Paul, MN 55155-1603, prior to September 24, 1993, for consideration at the Board's meeting of October 14, 1993. August 9, 1993—I am writing you to request an interpretation of the recently enacted campaign finance reform legislation, chapter 318.

Specifically, my question is: Can A Minnesota legislator transfer funds to a candidate for state or local office running in a state other than Minnesota? It is clear to me that transfers between Minnesota candidates at the state level are prohibited. I also understand that transfers between state candidates in Minnesota and candidates at the federal level are prohibited. However, the law is not clear to me on the issue of whether my campaign committee could transfer funds to a state legislative or municipal candidate in another state.

Labor and Industry Department

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective August 23, 1993, prevailing wage rates are certified for commercial construction projects in: Anoka county: Learning Center Distribution Complex Reroofing-Anoka. Carver county: East Union Elementary Addition-Carver. Dakota county: Skyland Park Playground Surfacing-Burnsville. Hennepin county: MTC Heywood Facility Parking Lot Repairs & U of M Shops Building Abatement-Minneapolis. Itasca county: Itasca County Airport Passenger Terminal-Grand Rapids. Nicollet county: St. Peter R.T.C. High Security Building Reroofing-St. Peter. Ramsey county: St. Paul Technical College Cooling Tower Replacement-St. Paul. Rice county: Faribault Jr. High Air Quality-Faribault. St. Louis county: Eveleth High School & Gilbert School Floor Removal & Replacement-Eveleth. Winona county: ISD #861 Fire Alarm Renovation-Winona.

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

Labor and Industry Department

Labor Standards Division

Notice of Correction to Prevailing Wage Rates

Prevailing wage rate certified June 21, 1993 for labor class code 404 CARPENTER in Blue Earth county: Mankato Welding Shop in Mankato project for Commercial construction has been corrected.

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

John B. Lennes, Jr.
Commissioner

Department of Natural Resources

Office of Planning

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Lower Saint Croix National Scenic Riverway Standards and Criteria

NOTICE IS HEREBY GIVEN that the State Department of Natural Resources is seeking information or opinions from sources outside the agency in preparing to propose the amendment of the rule governing Lower Saint Croix National Scenic Riverway standards and criteria. The adoption of the rule is authorized by *Minnesota Statutes*, section 103F.351, subdivision 4, which requires the agency to adopt rules that establish guidelines and specify standards for local zoning ordinances applicable to the area within the boundaries covered by the comprehensive master plan.

The State Department of Natural Resources requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Steve Johnson, Department of Natural Resources/Office of Planning, 500 Lafayette Road, St. Paul, Minnesota 55155-4010. Oral statements will be received during regular business hours over the telephone at (612) 296-0568 and in person at the above address.

All statements of information and opinions shall be accepted until 4:30 p.m. on September 22, 1993. Any written material received by the State Department of Natural Resources shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 13 August 1993

Rodney W. Sando
Commissioner

Department of Natural Resources

Division of Waters

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Standards and Criteria for Floodplain Management

NOTICE IS HEREBY GIVEN that the State Department of Natural Resources is seeking information or opinions from sources outside the agency in preparing to propose an amendment to the rule governing standards and criteria for floodplain management. The adoption of the rule is authorized by *Minnesota Statutes*, section 103F.141, subdivision 1, which requires the agency to implement the provisions of *Minnesota Statutes*, sections 103F.101 to 103F.155.

The State Department of Natural Resources requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Bret Anderson, Department of Natural Resources/Division of Waters, 500 Lafayette Road, St. Paul, Minnesota 55155-4032. Oral statements will be received during regular business hours over the telephone at (612) 297-4602 and in person at the above address.

All statements of information and opinions shall be accepted until 4:30 p.m. on September 22, 1993. Any written material received by the State Department of Natural Resources shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 13 August 1993

Rodney W. Sando
Commissioner

Department of Natural Resources

Division of Enforcement

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Snowmobile Registration, Numbering, Use During Hunting Season, and Accident Reporting

NOTICE IS HEREBY GIVEN that the State Department of Natural Resources is seeking information or opinions from sources outside the agency in preparing to propose an amendment of the rule governing snowmobile registration and display of numbers,

Official Notices

dealer's and manufacturer's registration, use of snowmobiles during hunting season, snowmobile accident reports, and required equipment. The adoption of the rule is authorized by *Minnesota Statutes*, section 84.86, subdivision 1, which requires the agency to adopt rules with a view of achieving maximum use of snowmobiles consistent with protection of the environment.

The State Department of Natural Resources requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Mike Grupa, Department of Natural Resources/Division of Enforcement, 500 Lafayette Road, St. Paul, Minnesota 55155-4047. Oral statements will be received during regular business hours over the telephone at (612) 297-2447 and in person at the above address.

All statements of information and opinions shall be accepted until 4:30 p.m. on September 22, 1993. Any written material received by the State Department of Natural Resources shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 13 August 1993

Rodney W. Sando
Commissioner

Department of Natural Resources

Notice of Intent to Solicit Outside Opinions Regarding Amendments to the Rules Concerning the Leasing of State Owned Lands for the Mining of Metallic Minerals

NOTICE IS HEREBY GIVEN that the Minnesota Department of Natural Resources is seeking information and opinions from sources outside the agency in preparing to propose amendments to the rules regarding permits to prospect for and leases for the mining of metallic minerals within the State of Minnesota. Authority to adopt these rules is conferred upon the Commissioner of Natural Resources by *Minnesota Statutes*, sections 93.08 to 93.12 and 93.25, subject to the approval of the State Executive Council.

The Minnesota Department of Natural Resources requests information and comments concerning the subject matter of this area of rulemaking. Written statements should be addressed to:

Kathy A. Lewis, Mineral Leasing Supervisory
Division of Minerals
Box 45
500 Lafayette Road
Saint Paul, Minnesota 55155-4045

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

Comments will be accepted until November 15, 1993. All written material submitted will become part of the written record in the event that amendments to these rules are adopted.

Dated: 4 August 1993

Rodney W. Sando
Commissioner of Natural Resources
William C. Brice, Director
Division of Minerals

Department of Natural Resources

Division of Fish and Wildlife

The Following Waterbodies are Designated by the Commissioner of Natural Resources as "Infested Waters" in 1993 According to *Minnesota Rule 6216*

<u>County</u>	<u>Waterbody</u>	<u>DNR Protected Waters Inventory Number</u>	<u>Species Designation</u>
Anoka:	Crooked	02-0084	Eurasian water milfoil
	Otter	02-0003	Eurasian water milfoil
	Unnamed (in Springbrook Nature Center)	02-0688	Eurasian water milfoil

<u>County</u>	<u>Waterbody</u>	<u>DNR Protected Waters Inventory Number</u>	<u>Species Designation</u>
Carver:	Auburn	10-0044	Eurasian water milfoil
	Bavaria	10-0019	Eurasian water milfoil
	Lotus	10-0006	Eurasian water milfoil
	Minnewashta	10-0009	Eurasian water milfoil
	Pierson	10-0053	Eurasian water milfoil
	Riley	10-0002	Eurasian water milfoil
	Shutz	10-0018	Eurasian water milfoil
	Stone	10-0056	Eurasian water milfoil
	Virginia	10-0015	Eurasian water milfoil
	Waconia	10-0059	Eurasian water milfoil
Chisago:	Zumbra	10-0041	Eurasian water milfoil
	Green Lake	13-0041	Eurasian water milfoil
Crow Wing:	Rush	13-0069	Eurasian water milfoil
	Bay	18-0034	Eurasian water milfoil
Dakota:	Crystal	19-0027	Eurasian water milfoil
	Lac Lavon	none	Eurasian water milfoil
Douglas:	Oscar	21-0257	Eurasian water milfoil
Hennepin:	Brownie	27-0038	Eurasian water milfoil
	Bryant	27-0067	Eurasian water milfoil
	Bush	27-0047	Eurasian water milfoil
	Calhoun	27-0031	Eurasian water milfoil
	Cedar	27-0039	Eurasian water milfoil
	Christmas	27-0137	Eurasian water milfoil
	Dutch	27-0181	Eurasian water milfoil
	Eagle	27-0111	Eurasian water milfoil
	Fish	27-0118	Eurasian water milfoil
	Forest	27-0139	Eurasian water milfoil
	Harriet	27-0016	Eurasian water milfoil
	Independence	27-0176	Eurasian water milfoil
	Lake-of-Isles	27-0040	Eurasian water milfoil
	Libbs	27-0085	Eurasian water milfoil
	Little Long	27-0179	Eurasian water milfoil
	Long	27-0160	Eurasian water milfoil
	Medicine	27-0104	Eurasian water milfoil
	Minnehaha Cr.	27-0000	Eurasian water milfoil
	Minnetonka	27-0133	Eurasian water milfoil
	Niccum's Pond	private	Eurasian water milfoil
	Parker's	27-0107	Eurasian water milfoil
	Rebecca	27-0192	Eurasian water milfoil
	Sarah	27-0191	Eurasian water milfoil
Schmidt	27-0102	Eurasian water milfoil	
Kanabec:	Knife	33-0028	Eurasian water milfoil
Olmsted:	George	55-0008	Eurasian water milfoil
Ramsey:	Bald Eagle	62-0002	Eurasian water milfoil
	Island	62-0075	Eurasian water milfoil
	Silver	62-0001	Eurasian water milfoil
	Vadnais	62-0038	Eurasian water milfoil
	Wabasso	62-0082	Eurasian water milfoil
St. Louis	Cloquet River from Island Lake to the St. Louis River		Spiny waterflea
	Fish Lake	69-0491	Spiny waterflea
	Island Lake	69-0372	Spiny waterflea

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<u>County</u>	<u>Waterbody</u>	<u>DNR Protected Waters Inventory Number</u>	<u>Species Designation</u>
Scott:	Prior	70-0026	Eurasian water milfoil
Washington:	White Bear	82-0167	Eurasian water milfoil
	St. Croix R.	82-0001	Eurasian water milfoil
Wright:	Augusta	86-0284	Eurasian water milfoil
	Beebe	86-0023	Eurasian water milfoil
	Clearwater	86-0252	Eurasian water milfoil
	Little Waverly	86-0106	Eurasian water milfoil
	Pulaski	86-0053	Eurasian water milfoil
	Rock	86-0182	Eurasian water milfoil
	Sugar	86-0233	Eurasian water milfoil
	Waverly	86-0114	Eurasian water milfoil
Multiple Counties:	Lake Superior	16-0001	Zebra mussel, spiny waterflea, ruffe, white perch
	Mississippi River: downstream of St. Anthony Falls		Zebra mussel, Eurasian water milfoil
	St. Louis River: downstream of Fond du Lac dam		Zebra mussel, spiny waterflea, ruffe, white perch
	Minnesota River: downstream of Shakopee		Zebra mussel

Special note: The National Park Service considers the St. Croix River below the Kinnickinnic River to be contaminated with zebra mussels because of its exposure to zebra mussels from the adjacent infested Mississippi River, which often back-floods into the St. Croix River, and the high probability of their occurrence in those waters. It is not designated as infested waters by the State of Minnesota because zebra mussels have not been confirmed in those waters of the St. Croix River.

The commissioner of natural resources has identified the following waterbodies as having "limited infestations" of Eurasian water milfoil in 1993 according to *Minnesota Rule* 6216.

<u>County</u>	<u>Lake</u>	<u>DNR Protected Waters Inventory Number</u>
Carver:	Lotus	10-0006
	Waconia	10-0059
Crow Wing:	Bay	18-0034
Dakota:	Crystal	19-0027
Douglas:	Oscar	21-0257
Hennepin:	Christmas	27-0137
	Dutch	27-0181
	Eagle	27-0111
	Fish	27-0118
	Little Long	27-0179
	Long	27-0160
Kanabec:	Knife	33-0028
Ramsey:	Bald Eagle	62-0002
	Silver	62-0001
	Wabasso	62-0082
Washington:	White Bear Lake	82-0167
Wright:	Augusta	86-0284
	Beebe	86-0023
	Little Waverly	86-0106
	Sugar	86-0233

The commissioner of natural resources has determined that the water transmitted harmful exotic species defined in *Minnesota Rule* 6216.0100, Subpart 19 are the species required to be identified by the commissioner in *Minnesota Statutes* 18.317 Water Transmitted Harmful Exotic species.

Department of Public Service

Request for Comments on Alternative-Fuel Vehicle State Plan

The 1993 Minnesota Legislature charged the Minnesota Department of Public Service with developing a state plan for development and promotion of alternative-fuel vehicles (AFVs). This plan is intended to provide Minnesota's response to the alternative-fuel vehicle sections of the National Energy Policy Act of 1992. In developing the plan, the Department will conduct public hearings, at least one of which will be held in outstate Minnesota.

The Department believes that comments from interested parties would greatly assist its efforts to develop the state AFV plan. Therefore, the Department issues this request for comments. Comments should be submitted to:

Michael Roelofs
 Department of Public Service
 121 7th Place East, Suite 200
 St. Paul, Minnesota 55101-2145

Comments will be accepted until October 15, 1993.

To assist interested parties in organizing their comments, the Department specifically requests comments on the following questions related to AFVs. Parties are also free to provide any additional information related to AFV policy and development.

A. State Policy Issues

The following questions relate to the overall policy issues related to AFV and alternative transportation-fuel development. The Department expects to address these issues in the state AFV plan, as required by *Minnesota Statute 216C.40*.

1. Should Minnesota state government promote expansion and development of AFVs? Why or why not?
2. *Minnesota Statute 216C.01* defines alternative fuels as any non-gasoline, non-diesel vehicle fuel. Other than electricity, natural gas, liquefied propane, and 85 percent or greater alcohol blends, are there any other alternative transportation fuels that Minnesota's AFV policy should include?
3. Should Minnesota's AFV policy promote all alternative fuels equally, or should the policy emphasize one or more particular fuels? What criteria (including environmental impact, cost-effectiveness, energy security and supply, economic impacts, and competitive issues) should be used to make this policy decision? Which, if any, fuels should be emphasized, and why?
4. What are the attributes of each alternative fuel in terms of: environmental impact, cost-effectiveness, energy security and supply, economic impacts?
5. Should the state's plan set goals for implementation and use of AFV's? If so, what approach should the state use to set those goals? What should they be?
6. Will accomplishing AFV promotion goals require amendments to State law or regulations, including traffic safety prohibitions? Please describe the specific laws, regulations, or prohibitions that would require amendments, present proposed amendment language, and discuss the pros and cons of seeking the amendments.

B. Promotional Mechanisms

The following questions relate to the actions the state could take to achieve its policy objectives.

1. What activities should Minnesota state government implement to promote AFVs? In your comments, please include discussion of the following potential activities:
 - financial incentives (including loans, grants or rebates);
 - increased access (such as permitting special parking or refueling at public facilities);
 - mandates;
 - regulatory activities;
 - educational activities; and
 - tax advantages.

To the extent possible, please present the promotional activities in your preferred order of priority.
2. In what ways and on which activities should state involvement in AFV promotion and development be limited?
3. Should the state convert its own vehicle fleet to AFVs? What factors should the state consider in making this decision and choosing the alternative fuel?

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C. Industrial Involvement

The following questions seek information on the AFV activities currently undertaken in Minnesota and industry's plans for the future.

1. Please describe the activities and efforts your organization currently undertakes involving alternative transportation-fuels and AFVs. To the extent possible, please provide a breakdown of the type (administration, marketing, incentives, etc.) and amount of costs used for each AFV and alternative-fuel activity.
2. Please describe the future activities and efforts your organization plans to undertake, detailing the type and amount of projected costs. What conditions must be present for your organization to expand its current AFV efforts?
3. What role can the state play to assist your AFV and alternative transportation-fuels efforts?
4. For regulated utilities, does your utility intend to file a utility AFV plan pursuant to *Minnesota Statutes 216B.168*? If so, please describe the types of activities and costs you are considering to submit for approval. If not, please explain why.

D. Competitive Issues

The following questions relate to the competition among alternative transportation-fuels and the problems that may arise from partial regulation of the market.

1. Would certain AFV efforts by regulated utilities pose competitive problems in the overall AFV/alternative transportation-fuels market? Please describe the activity and detail the way in which anti-competitiveness could arise.
2. Would excluding the cost of these activities from rate recovery eliminate these competitive problems? Please describe.
3. Should the state set limits to the amount regulated utilities spend on the activities they offer to reduce or eliminate any anti-competitive problems? How should the state determine and enforce these limits?

E. Regulatory Issues

The following questions relate to the regulatory issues surrounding review and approval of utility AFV plans.

1. For any AFV activity undertaken by a regulated utility, what standard(s) should the regulatory agencies apply to determine the project's eligibility for ratepayer recovery? Please describe all factors you believe should be considered and indicate the order of importance.
2. If cost-effectiveness is used as a standard to determine eligibility for ratepayer recovery, should that analysis include consideration of externalities? If so, what externalities should be included in the analysis, and how should the Department quantify them?
3. Should certain parts of a utility's overall AFV program be offered on an unregulated basis? Which parts, and why? What criteria should the regulatory agencies use to determine whether a certain AFV activity should be regulated?
4. Should the Department require utility AFV programs to show potential for future profitability before approving a utility's plan? If so, what type of time frame should the Department use when considering profitability?

State Board of Technical Colleges

The State Board of Technical Colleges, as the designated sole state agency for vocational technical education, is seeking input in the development of the State Plan for fiscal years 1995 and 1996. Input will be sought for both the secondary and post-secondary levels. The public input session will be held in conjunction with the Workforce Conference, Radisson Hotel South, Bloomington, MN, Thursday, September 23, 1993, 12:45–1:45 p.m.

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.

Bureau of Mediation Services

Applications Accepted for Funding Under the Minnesota Area Labor-Management Committee Program for 1994 Grants

The Bureau of Mediation Services is now accepting applications for funding of new or existing Area Labor-Management Committee programs pursuant to *Minnesota Statutes* § 179.81-.85.

Persons interested in apply for such funds may secure an application form and program policies by requesting them in writing from:

Earl R. Willford, Program Director
Office of Cooperative Labor-Management Programs
Bureau of Mediation Services
1380 Energy Lane, Suite Two
St. Paul, Minnesota 55108-5253

Applications for funding during fiscal year 1994 will be accepted until October 15, 1993. All grants awarded will be effective January 1, 1994.

Peter E. Obermeyer
Commissioner

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 Agriculture

Notice of Request for Proposals to Conduct Focus Group Research Regarding Feedlot and Manure Management

The Minnesota Department of Agriculture is seeking proposals from qualified firms and individuals to conduct focus group research with farmers and agriculture professionals regarding feedlot and manure management. The firm or individual will provide all labor, materials, selection of participants, and facilitation of focus groups. The focus group research is expected to yield information relating to educational, research, and regulatory support needs of producers relating to feedlot management, and the storage and utilization of livestock manure.

The Request for Proposals is available by calling or writing Steve Olson, Agriculture Development Specialist, Minnesota Department of Agriculture, 90 W. Plato Blvd., St. Paul, MN 55107. Telephone (612) 297-3217. TDD: MN Relay Service—Twin Cities Metro 297-5353; Greater Minnesota 1-800-627-3529.

Proposals must be received no later than September 17, 1993.

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

Department of Corrections

Central Office—Victim Services Unit

Notice of Request for Proposal for Organizational Structure Analysis

NOTICE IS HEREBY GIVEN to request proposals for an analysis of the Victim Services Unit's organizational structure. Candidates duties involve evaluating the work responsibilities of the unit, legislative mandates and needs of constituencies to determine an appropriate unit structure. Services to be provided during the approximate period of October 15, 1993 to January 15, 1994 and submitted on a per hour basis.

Proposals must be submitted by 4:00 p.m. on September 15. For specific criteria call Denise Rowe at (612) 642-0254.

Legislative Coordinating Commission

Legislative position open. Coordinator, Legislative Commission on Children, Youth and Their Families. For information and job description contact Janet Lund, 612-297-3697. Deadline for application August 31, 1993.

Department of Health

Acute Disease Epidemiology Section

AIDS Epidemiology Unit

Request for Proposals: HIV Antibody Testing of Paper-Adsorbed Dried-Blood Specimens

Purpose:

The Minnesota Department of Health (MDH) has funds available for a twelve-month period (January 1, 1994 to December 31, 1994) for HIV antibody testing of approximately 66,000 paper-adsorbed dried-blood specimens from infants born in the state of Minnesota as part of the Centers for Disease Control and Prevention (CDC) Family of HIV Seroprevalence Surveys.

Duration:

The CDC Family of HIV Seroprevalence Surveys grant period is established for twelve months, January 1, 1994 to December 31, 1994. If additional funds are available, contracts may be renewed. The work will be awarded to one contractor. The state reserves the right to reject all proposals submitted.

Eligibility Criteria:

1. Any public or private laboratory that can demonstrate administrative, organizational, programmatic, and fiscal capability to deliver the proposed service is eligible.
2. In addition, demonstrated experience in laboratory testing for HIV antibodies including standards and methods in place to assure analytic accuracy is desirable.

Procedures for Submitting Proposals:

The complete request for proposal packet is available upon request. After completion, please submit the original and ten (10) copies by 4:00 p.m., Friday, October 8, 1993 to:

Richard Danila, Ph.D., M.P.H.
Supervisor, AIDS Epidemiology Unit
Acute Disease Epidemiology Section
Minnesota Department of Health
717 Delaware Street Southeast
P.O. Box 9441
Minneapolis, MN 55440
(612) 623-5414

Department of Jobs and Training

Division of Community Based Services

Follow-Up Survey of Terminees from Dislocated Worker Programs

The Minnesota Department of Jobs and Training, Division of Community Based Services, is seeking a contractor to conduct telephone follow-up surveys of terminees from state and federally funded dislocated worker programs. The survey instrument has been developed in accordance with federal guidelines and asks questions about employment status and wages earned during the 13th week following program termination.

Individuals wishing to obtain the full Request for Proposal package are to contact Gene Haselmann, Division of Community Services, Minnesota Department of Jobs and Training, at 612-296-8359.

A Proposers' Conference will be held at 9:30 a.m. on September 1, 1993 at the offices of the Minnesota Department of Jobs and Training, Division of Community Based Services, 1st Floor, 390 North Robert Street, St. Paul, Minnesota 55101. Individuals wishing to attend the Proposers' Conference are to contact either Gene Haselmann at the above telephone number or Chrys Zaglifa, 612-296-7916.

Minnesota Department of Revenue

Local Government Services Division

Scope of Project: The Purpose of this Project is to Develop a Detailed Land Valuation Schedule Showing a Range of Values to be Used in the Valuation of Agricultural Lands Throughout the State of Minnesota. The Intent of Producing this Schedule is that it will be used by Various County Assessors as an Aid in Valuing Agricultural Land. The Production of this Land Valuation Schedule is Specifically Authorized and Described by *Minnesota Statutes 273.11 Subdivision 11*. This Request for Proposal Does Not Obligate the State to Complete the Project, and the State Reserves the Right to Cancel the Solicitation if it is Considered to be in its Best Interest

Project Goals:

Main objective of the project is to produce an accurate, detailed land valuation schedule which can be used by county assessors to assist them in valuing agricultural lands within their jurisdiction.

Project Tasks:

The contractor will be required to:

1. Match sales data obtained on documents submitted to the DOR entitled "Certificates of Real Estate Value" (CRV) for the 12 month period between October 1 of the year immediately preceding to September 30 of the current year with information obtained from soil survey information developed by the University of Minnesota.
2. Analyze sales data to determine market price and soil productivity for each sale. This task will include making adjustments to the basic sales price for financing, structures and non-tillable land.
3. Group townships having similar soil types, number of degree days, and other similar characteristics into regions.
4. Produce a schedule of agricultural land values, by county and by region, based on the information obtained from the CRV's and soil surveys.

Project Duration:

The project will be originally negotiated for one year with the state having the option to renew the contract for 2 additional years if necessary.

Project Cost:

The DOR estimates that the cost of this project should not exceed \$15,000.

Project Completion Date:

Copies of the schedule of agricultural land values, together with any and all supporting materials must be delivered to the DOR in reproducible form no later than November 12, 1993.

Professional, Technical & Consulting Contracts

Department Contacts:

If there are any questions regarding this request for proposal, please call or write Jerry Garski, Minnesota Department of Revenue, 10 River Park Plaza, St. Paul, MN 55146-3340. (612) 296-0205.

Please note that other department personnel are not allowed to discuss the project with responders before the deadline for submitting proposals.

Submission of Proposals:

All proposals must be sent to and received by Jerry Garski, Assistant Director of Local Government Services, Minnesota Department of Revenue, 10 River Park Plaza, St. Paul, Minnesota 55146-3340 no later than 5:30 p.m., Sept. 10, 1993.

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

Proposal Contents:

The following will be considered minimal contents of the proposal:

1. A restatement of the objectives, goals and tasks to demonstrate the responder's view of the nature of the project.
2. Identification and description of the items to be provided by the responder.
3. An outline of the responder's background and experience with particular emphasis on previous agricultural valuation efforts.
4. A statement outlining the personnel who will be working on the project, and their background. No change in personnel assigned to the project will be permitted without the approval of the State Project Director/Manager.
5. A detailed cost and work plan which will identify the major tasks to be accomplished and which can be used as a scheduling and managing tool as well as a basis for invoicing.
6. A statement identifying the level of the DOR's participation in the project as well as any other services to be performed by the department.

Evaluation:

All proposals received by the deadline will be evaluated by representatives of the DOR. In some instances, an interview will be part of the evaluation process. Factors upon which proposals will be judged include, but are not limited to the following:

1. Expressed understanding of the project objectives. (20%)
2. Project work plan. (10%)
3. Project detail. (10%)
4. Experience of the responder in the field of agricultural economics. (30%)
5. Qualifications of the primary responder and additional personnel. (30%)

Evaluation and selection may be completed by September 17, 1993. Results will be sent immediately by mail to all responders.

State Designer Selection Board

Request for Proposal for a Project at the University of Minnesota

To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select a designer for a project at the University of Minnesota. Design firms who wish to be considered for this project should deliver proposals on or before 4:00 p.m., September 14, 1993, to:

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

The proposal must conform to the following:

- 1) Six (6) copies of the proposal will be required.
- 2) All data must be on 8½" x 11" sheets, soft bound.

Professional, Technical & Consulting Contracts

3) The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7, below, together with the designer's firm name, address, telephone number and the name of the contact person.

4) Mandatory proposal contents in sequence:

a) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc. If the response is from a joint venture, this information must be provided for firms comprising the joint venture.

b) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. Identify roles that such persons played in projects which are relevant to the project at hand. **NOTE NEW REQUIREMENT:** The proposal **must** contain a statement indicating whether or not the consultants listed have been contacted and have agreed to be a part of the design team.

c) A commitment to enter the work promptly, if selected, by engaging the consultants, and assigning the persons named 4b above along with adequate staff to meet the requirements of work.

d) A list of State and University of Minnesota current and past projects and studies awarded to the prime firm(s) submitting this proposal during the four (4) years immediately preceding the date of this request for proposal. The prime firm's shall list and total all fees associated with these projects and studies whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects and studies listed pursuant to the above. **NOTE:** Please call for a copy of the acceptable format for providing this information.

e) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described. It must be noted if the personnel were, at the time of the work, employed by other than their present firms.

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

5) Statutory Proposal Requirements:

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

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

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

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

- a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or
- b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

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

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

7) PROJECT—06-93

**Carlson School of Management
University of Minnesota**

"The University of Minnesota is planning to construct the Carlson School of Management building to be located at the University of Minnesota, Minneapolis campus. The scope of the project includes an initial programming phase for project scope definition, at this time, with the selected consultant continuing into full design services once future funding (including legislative appropriations) is received. The project is approximately 250,000 gsf of new construction, to be built south of the Humphrey Center on the west bank of the Minneapolis campus. Programmed areas include:

Professional, Technical & Consulting Contracts

Administrative	112,000 gsf
Instructional	125,000 gsf
Support	13,000 gsf

The construction budget is anticipated to be approximately \$35 million, which will need to be analyzed by the selected consultant as a part of the initial programming effort. The maximum fee available for the programming phase of the project, including all travel and reimbursables, is approximately \$100,000. The anticipated future basic services fee for this project, including all travel and reimbursables, shall not exceed 6% to 7% of the construction cost, which will be determined after the programming phase.

As a prominent building on the campus, it is important that the overall design express a very positive aesthetic image and that the architect be able to demonstrate these abilities. The design team is to have applicable experience in a design project of this type."

Questions concerning this project may be referred to Harvey Turner at 624-4085.

M.J. Czarniecki III, Chair
State Designer Selection Board

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 Airports Commission

Public Notice for Qualifications Statements for Legal Services

MSP Part 150 Program—Land Acquisition and Relocation

The Metropolitan Airports Commission (MAC) is requesting qualifications statements from attorneys practicing law in the Twin Cities Metropolitan Area to provide legal representation to MAC in the voluntary and involuntary (eminent domain) purchase of real property as set forth in the MSP Part 150 Program, which is available for review at the Commission offices. The attorney and/or law firm selected by MAC to perform these legal services must have experience in representing a governmental agency in eminent domain/condemnation proceedings and other related areas of law.

To request a copy of the "Request for Qualifications for Legal Services" which outlines the selecting process, contact the Legal Department of the MAC at 726-8192. The deadline for receipt of qualifications statements is September 16, 1993.

Metropolitan Waste Control Commission

Public Notice for Letters of Interest for Professional Services

NOTICE IS HEREBY GIVEN that the Metropolitan Waste Control Commission is soliciting Letters of Interest for professional services for the Seneca WWTP Ash Landfill Closure (MWCC Project Number 910518).

The work will consist of design services for closure of an ash landfill, with an area of approximately 7 acres. The design must comply with all applicable federal, state, and local requirements, and will include placement of cover material and modifications to ground water monitoring. The services will include assisting the Commission staff with necessary permitting and approvals to obtain formal closure of the facility.

All firms interested in being considered for this project are invited to submit a Letter of Interest (LOI) asking for the project Request for Proposal (RFP).

Subject to approval by the Board of Commissioners, RFP's will be distributed on Wednesday, 8/18/93. An informational meeting and site tours will be provided on Tuesday, 8/31/93; meeting will begin at 9:00 a.m. at the Regional Maintenance Facility, 3565 Kennebec Drive, Eagan, MN in the Conference Room. A maximum of 2 representatives from your Project Team may attend this informational meeting and site tour.

Non-State Public Bids and Contracts

Proposals will be due Wednesday, 9/22/93. The selection of the consultant will be based on the proposal only; there will NOT be an interview segment associated with this consultant selection process.

All inquiries and submittals are to be addressed to:

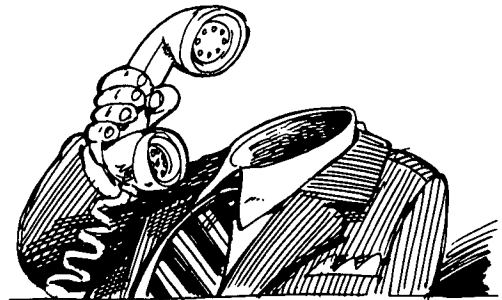
Manager, Contracts & Documents Division
 Metropolitan Waste Control Commission
 Mears Park Centre
 230 East Fifth Street
 St. Paul, MN 55101
 (612) 229-5019

By Order of the
Metropolitan Waste Control Commissioner
 Gordon O. Voss
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