

The Minnesota  
**State  
Register**

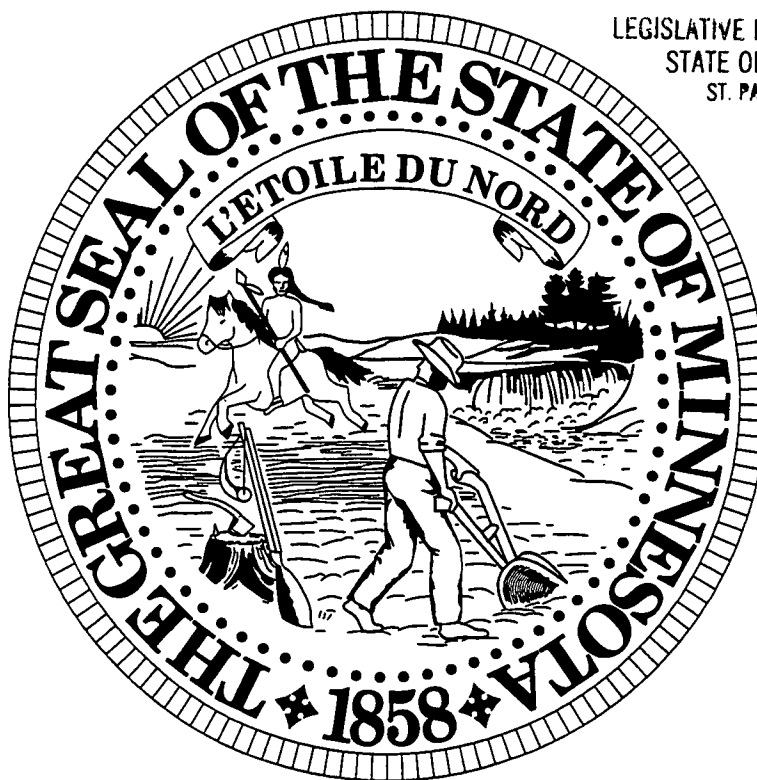
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Department of Administration—Print Communications Division

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# State Register

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

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical consulting contracts, non-state bids and public contracts and grants.

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

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35	Monday 27 February	Monday 13 February	Friday 17 February
36	Monday 6 March	Friday 17 February	Monday 27 February
37	Monday 13 March	Monday 27 February	Monday 6 March

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Room 231 State Capitol, St. Paul, MN 55155

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**This Week**—weekly interim bulletin of the House.

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

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

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

# Minnesota Rules: Amendments and Additions

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

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

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

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

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## Proposed Rules

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

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

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

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

## Department of Agriculture

### Proposed Permanent Rules Relating to Local Implementation of State Pesticide Control Regulations

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

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

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

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

**Subject of Rules and Statutory Authority.** The proposed rules are about procedures and requirements for local units of government to develop delegation agreements with the commissioner for local implementation of the state pesticide control law. The statutory authority to adopt these rules is *Minnesota Statutes*, section 118B.06, subd. 1. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. **March 22, 1995**, to submit written comment in support of or in opposition to the proposed rules or any subpart of the rule. Your comments must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on **March 22, 1995**. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rules which caused your request, the reason for the request, and any changes you want made to the proposed rules. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless sufficient number withdraw their request in writing. If a public hearing is required, the department will proceed according to *Minnesota Statutes*, sections 14.131-14.20.

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

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

**Small Business Considerations.** This rule applies only to local units of government, and has no impact on small business.

**Expenditure of Public Money by Local Public Bodies.** A statement of the estimated cost to local public bodies as a result of this rule is attached to this notice.

## Proposed Rules

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

Dated: 30 January 1995

Elton Redalen, Commissioner  
Department of Agriculture

### Fiscal Note

#### COST TO PUBLIC BODIES

The department envisions that a local unit of government entering into a delegation agreement for which inspection personnel will be hired will have associated costs. This could occur in one of four methods.

1. A local unit of government contracts for existing staff of another local unit of government to provide the required services at a known charge or as an "in kind" service complementing other services already provided through other agreements or functions. (i.e., a township contracts with a county for service on the part of the County Agricultural Inspector.)
2. A local unit of government provides inspection as an added activity for existing staff who are qualified. (i.e., the county adds this duty to existing duties of the Environmental Health Officer, County Agricultural Inspector, Feedlot Officer, Water Plan Coordinator, etc.)
3. A local unit of government contracts with a private entity to perform inspection duties and uses existing staff to carry out administrative functions (i.e., a township hires an Independent Crop Consultant or Environmental Consultant to perform inspection duties.)
4. The local unit of government adds staff to specifically carry out activities associated with implementation of the local implementation program.

It is likely that local units of government choosing to add staff to carry out the activities associated with a local implementation program would expend approximately \$50,000 annually to provide for one full time equivalent personnel, fringe benefits, office support, travel, training and other expenses. The addition of staff to specifically carry out the activities associated with a local implementation program would be the most expensive of the four options described. Therefore, using the figure of \$50,000 as an annual financial expenditure will represent the highest potential cost.

The department envisions as many as five local units of government pursuing delegation agreements the first year and another five the second year. Providing a total potential expenditure of \$750,000 for the biennium cost to public bodies as the highest potential cost.

It must be reiterated here that entry into this process and development of a local implementation program by a local unit of government is completely voluntary on their part. Also, the figure of \$750,000 is an estimate based on the highest potential cost. It is expected local units will use several of the options described or may provide other creative solutions to the financing of their local implementation programs. The actual cost to public bodies could therefore be considerably less based on the number which actually choose to enter the process and the method of staffing and financing chosen.

#### Rules as Proposed (all new material)

##### 1505.4000 PURPOSE.

Parts 1505.4000 to 1505.4110 provide the administrative procedures and requirements for local units of government to develop delegation agreements with the commissioner for local implementation of the state pesticide control law.

##### 1505.4010 SCOPE.

Parts 1505.4000 to 1505.4110 apply to all local units of government. No local unit of government is allowed to implement any portion of the state pesticide control law at the local level except by adoption of a delegation agreement which has been signed by the commissioner or as specifically provided by *Minnesota Statutes*, section 18.81 or 18B.09. Portions of the state pesticide control law which are available for delegation to local units of government are limited to: identification of proper posting, according to

**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

product labeling, of areas where pesticides have been applied (*Minnesota Statutes*, section 18B.07, subdivision 3); identification of maintenance of proper safeguards, according to MDA requirements, to prevent incidents (*Minnesota Statutes*, section 18B.07, subdivision 4); identification of proper backflow prevention devices when public water supplies are used in filling pesticide application equipment (*Minnesota Statutes*, section 18B.07, subdivision 5); identification of proper anti-backsiphoning devices when public waters are used for filling pesticide application equipment (*Minnesota Statutes*, section 18B.07, subdivision 6); identification of proper disposal of pesticide containers (*Minnesota Statutes*, section 18B.07, subdivision 8); confirmation of the holding of valid state permits for chemigation (*Minnesota Statutes*, section 18B.08, subdivision 1); and identification of proper backflow prevention for chemigation systems (*Minnesota Statutes*, section 18B.08, subdivision 3); confirmation of the holding of valid permitting for bulk storage of pesticides (*Minnesota Statutes*, section 18B.14, subdivision 2, paragraph (a)); confirmation of the holding of valid state dealer licensing for wholesale or retail sale of restricted use or bulk pesticides (*Minnesota Statutes*, section 18B.31, subdivisions 1, 2, and 3); confirmation of the holding of valid licensing or certification for commercial (*Minnesota Statutes*, sections 18B.32, subdivisions 1 and 2; and 18B.33, subdivisions 1, 2, and 3) or noncommercial (*Minnesota Statutes*, section 18B.34, subdivisions 1 and 2) application of pesticides; and private application of restricted use pesticides (*Minnesota Statutes*, section 18B.36, subdivision 1). All areas of the pesticide control law related to product registration, issuance of licenses or permits, or collection of pesticide-related fees or surcharges are retained by the department. Local units of government will not be allowed to ban the use or application of specific pesticide active ingredients or formulations. Ordinances by local units of government that prohibit or regulate any matter relating to the registration, labeling, distribution, sale, handling, use, application, or disposal of pesticides is preempted by *Minnesota Statutes*, section 18B.02.

### 1505.4020 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part and in *Minnesota Statutes*, section 18B.01, apply to parts 1505.4000 to 1505.4110.

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of agriculture.

Subp. 3. **Delegation agreement.** "Delegation agreement" means a written agreement between the commissioner and a local unit of government or joint powers organization formed under *Minnesota Statutes*, section 471.59, for performance of specific regulatory duties.

Subp. 4. **Department.** "Department" means the Department of Agriculture.

Subp. 5. **Local implementation proposal.** "Local implementation proposal" means a document developed by a local unit of government to be submitted to and evaluated by the commissioner regarding merits of a proposed program for the implementation of the state pesticide control law by the local unit of government.

Subp. 6. **Local implementation program.** "Local implementation program" means the program to be carried out by the local unit of government upon completion and adoption of a delegation agreement.

### 1505.4030 PROCEDURE.

Subpart 1. **Applicability.** A local unit of government that decides to develop a delegation agreement for the implementation of the state pesticide control law must use the procedure provided in this part to facilitate the development of the local implementation proposal, provide for public participation, and promote intergovernmental coordination.

Subp. 2. **Resolution to develop a local control proposal.** The governing body, council, or board of a local unit of government that decides to develop a delegation agreement for the purpose of local implementation of the state pesticide control law must adopt a resolution to develop a local implementation proposal.

Subp. 3. **Notice of decision to develop proposal.** Within 30 days after adoption of a resolution to develop a local implementation proposal, the governing body or its agent must:

A. send a copy of the resolution, as adopted, along with any description or supporting documents to the commissioner; and

B. publish the resolution, as adopted, along with any description or supporting documents in a minimum of two newspapers of general circulation that serve the geographic area affected. The resolution, description, or supporting documents must include a name, address, and telephone number of a contact person.

The commissioner shall, within 15 days of receipt of a copy of the resolution, provide notification of the local unit of government's decision to the general public through publication of a notice in the *State Register*.

Subp. 4. **Public informational meetings.** Within 90 days of adoption of the resolution to develop a local implementation proposal, and before the local unit of government submits its proposal to the department for review, the local unit of government must hold at least one public informational meeting for the purpose of public education and receipt of public input. Notice of the public meeting must be published in at least one newspaper of general circulation in the affected geographic area. Public informational meetings must provide:

A. a description of the proposed local implementation program;

B. the current status of the development of the proposal; and

C. an opportunity for public input or discussion.

Subp. 5. **Meetings with other local units of government.** A local unit of government developing a proposal under this part must conduct a meeting or meetings with all other local units of government who exercise authorities in the geographic area affected. This must be accomplished before submittal of the proposal to the department. The purpose of this meeting or meetings will be to inform other local units of government of the planned local implementation program.

Subp. 6. **Record of meetings.** A local unit of government shall maintain a record of each meeting held for the purpose of proposal development. The record must include minutes or a transcription and a list of persons in attendance and who they represented. Records of meetings must be supplied to the department with the submittal of the local implementation proposal.

Subp. 7. **Public participation.** Meetings held for the purpose of public participation must be conducted as required by *Minnesota Statutes*, section 471.705.

Subp. 8. **Initial review.** Within 120 days of adoption of a resolution to develop a local implementation proposal, the governing body of the local unit of government must submit for the department's review its proposal, records of meetings held, and supporting documents. The department must complete its review within 90 days of receipt of the proposal. The primary contact person or other officials of the local unit of government bringing the proposal may be asked to meet with the department during the 90-day review period for the purposes of presentation or clarification of points of the local implementation proposal.

The department must inform the governing body of the local unit of government of its findings in writing.

Subp. 9. **Review criteria.** The department shall review the local implementation proposal based on the criteria in items A to E.

A. Does the proposed local implementation program fulfill the mandates of FIFRA?

B. Does the proposed local implementation program fulfill the mandates of *Minnesota Statutes*, chapters 18B and 18D, and rules and orders of the department?

C. Do staff identified to carry out the proposed local implementation program have the education, training, and experience required?

D. Has the local unit of government identified a funding source or sources for the proposed local implementation program and is funding adequate to carry out the program as proposed on an ongoing basis?

E. Does the proposed local implementation program demonstrate consistency with department procedures and policies?

Subp. 10. **Notice of review.** The department shall, within 15 days of receipt of a local implementation proposal, publish the local implementation proposal in the *State Register* for the purpose of the solicitation of outside opinion. The department may apply information received through this process in the review of the local implementation proposal. Consideration of outside opinion must be based on the same review criteria as the local implementation proposal.

Subp. 11. **Negotiation.** Upon receipt of a positive finding on the part of the department regarding the local implementation proposal, the local unit of government may enter into negotiations toward the development of the final delegation agreement. A final version of the delegation agreement must be completed within 90 days of notification of the department's positive findings. If the delegation agreement is not completed within the specified time period the proposal is nullified and cannot be resubmitted for consideration for one year from the end of the 90-day negotiation period.

Subp. 12. **Completion.** The commissioner's signature of a delegation agreement constitutes final department approval. Upon signing of the delegation agreement by the commissioner, the local unit of government has 60 days to adopt the delegation agreement by resolution of its governing body. If the governing body has not adopted the delegation agreement within the 60-day period, the agreement is nullified. Upon adoption, the delegation agreement must be implemented according to the conditions and schedule stipulated in the delegation agreement.

Subp. 13. **Notice of adoption.** Within 15 days of adoption of the delegation agreement, the local unit of government will notify the commissioner by sending a notarized copy of the adopting resolution. The department shall, within 15 days of receipt of the copy of the adopting resolution, publish the delegation agreement in the *State Register* as a means of informing the general public. The local unit of government must publish a copy of the adopting resolution and provide notice of locations where the delegation agreement is available for public review.

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## **Proposed Rules**

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### **1505.4040 CONTENT OF LOCAL IMPLEMENTATION PROPOSALS.**

Subpart 1. **Title sheet.** A local implementation proposal must contain a title sheet that provides the formal title of the proposal, the submittal date, and the title of the governing body submitting the proposal.

Subp. 2. **Table of contents.** A local implementation proposal must contain a table of contents outlining the paragraphs or sections contained within the proposal and the correlating pages on which the paragraphs or sections appear.

Subp. 3. **Map and description of geographic area affected.** A local control proposal must contain a map describing the geographic area affected, its location within the state and county, and local geographic setting. The local implementation proposal must also, within the same section, contain a written description, by geographic indicator, of the area affected. The written description must, at a minimum, describe the boundaries of the affected area and may be a legal description.

Subp. 4. **Primary contact.** A local implementation proposal must identify a primary contact for communication with the commissioner, including the contact's name, official title, official address, telephone number, and facsimile number if available.

Subp. 5. **Executive summary.** A local implementation proposal must contain an executive summary briefly describing the substance and salient points of the proposal.

Subp. 6. **Detailed description of proposed program.** A local implementation proposal must present a detailed description of the proposed local implementation program, including implementation measures, a dated schedule, and expected outcomes for the local implementation program on an annual basis. This section must also describe educational and informational efforts, training programs, data collection procedures, data and information management procedures, and coordination efforts with other government units or entities.

Subp. 7. **Administering agency.** A local implementation proposal must describe the agency authorized by the local unit of government to administer the local implementation program. This section must:

- A. name the authorized agency;
- B. provide an official address and telephone number for contact; and
- C. describe the education, training, and experience qualifications of personnel within the authorized agency who will be responsible for the administration of the local implementation program.

Subp. 8. **Administrative procedures.** A local implementation proposal must outline procedures through which the local implementation program will be administered by the authorized agency. Administrative procedures must include, but are not limited to:

- A. financial reporting and auditing;
- B. document management by the local unit of government and transfer to the department; and
- C. program tracking and reporting procedures.

Subp. 9. **Implementation procedures.** A local implementation proposal must outline the procedures to be followed in implementation of the proposed program. Implementation procedures must provide for:

- A. notice of inspection;
- B. documentation of inspections;
- C. stages of effort to gain compliance;
- D. referral of cases of noncompliance or violation to the department; and
- E. demonstration of consistency with department enforcement policies.

Subp. 10. **Financial considerations.** A local implementation proposal must provide information describing the source of funding for the local implementation program. This section must provide an estimate of the annual budget for the local implementation program and a detailed outline of disbursement of those funds in implementation of the program.

Subp. 11. **Draft delegation agreement.** A local implementation proposal must present a draft delegation agreement to be used as the basis for the development of a final delegation agreement for signature by the commissioner.

### **1505.4050 CONTENTS OF DELEGATION AGREEMENT.**

The local unit of government shall submit a delegation agreement as described in this part. The delegation agreement may be based on appropriate sections of the local implementation proposal. The department may produce and provide model delegation agreements to assist local units in the development of specific delegation agreements.

### **1505.4060 COORDINATION.**

To ensure that there is no overlap in carrying out implementation of delegated authority, local units must coordinate activities in

regard to local implementation. Two or more local units of government who exercise authorities within the same geographic area may not obtain delegation of the same authorities for each of the local units. In cases where such a multiple delegation is requested, the department may require the local units involved to apply as a group formed under a joint powers agreement pursuant to *Minnesota Statutes*, section 471.59.

#### **1505.4070 MINIMUM QUALIFICATIONS OF INSPECTION PERSONNEL.**

Persons who perform the duties of implementation related to field surveillance, inspection, collection of samples, or other activities regarding the collection, preservation, and documentation of evidence are required to meet minimum requirements of education, training, and experience. The minimum requirement is a score of at least 70 percent on an experience and training rating administered by the department. The experience and training rating must have a possible total score of 100 percent. The experience and training rating must be based on the following criteria:

- A. a passing score on the commercial pesticide applicator certification examination or a currently valid license as a commercial pesticide applicator in categories appropriate to the local implementation program; and
- B. a bachelor's degree in agronomy, chemistry, ecology, entomology, horticulture, plant pathology, geology, hydrology, public health, environmental health, or a similar field of study; or
- C. a master's degree in one of the fields listed in item B; or
- D. experience enforcing or ensuring compliance with laws, rules, and regulations pertaining to pesticides; or
- E. experience providing technical advice in the use, storage, handling, and disposal of pesticides; or
- F. professional research or analytical experience pertaining to properties, use, effectiveness, safety, or regulation of pesticides.

Bonus points will be awarded, if a passing score of 70 percent is achieved, for possession of six or more quarter credits or four or more semester credits in pesticide-related courses.

A resume that details the qualifications of identified inspection personnel of the local unit of government must be submitted for department review when submitting the delegation agreement for the commissioner's signature.

#### **1505.4080 ENFORCEMENT.**

The commissioner of agriculture has sole responsibility and authority for enforcement of the State Pesticide Control Law pursuant to *Minnesota Statutes*, chapter 18D. Any compliance issue or alleged violation referred from a locally implemented program to the department for enforcement must be reviewed, prioritized, and processed according to standards and timelines of the Agronomy Services Division, Enforcement Unit. Local units of government must be apprised of the disposition of a case referred from their respective local implementation program.

#### **1505.4090 REPORTING REQUIREMENTS.**

A local unit of government shall submit a two-part annual report to the commissioner. Part one must provide the planned activities for the local implementation program for the upcoming year. Part two must provide information describing the accomplishments and activities of the local implementation program for the preceding year. Inspection personnel, their resumes and training programs, and all schedules, implementation measures, and outcomes must be identified for the local implementation program for both parts one and two.

#### **1505.4100 PERFORMANCE REVIEW AND EVALUATION.**

Review and evaluation of the performance on the part of a local unit of government in implementation of the delegation agreement will be carried out by the department. The review and evaluation of the delegation agreement and the local implementation program will be accomplished in the following manner:

- A. verification of the qualifications of staff on an annual basis;
- B. performance of joint inspections with department field staff;
- C. spot check inspections by department field staff; and
- D. verification of ongoing education and training of staff.

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## Proposed Rules

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A complete on-site program evaluation must be performed between the department and the local unit of government within every third year of the adoption of the delegation agreement.

### 1505.4110 COMPLIANCE.

The commissioner may inspect documents and monitor activities of the local unit of government associated with the local implementation program. The commissioner shall determine compliance of the local unit of government regarding the local implementation program based on the agreement, annual reports, and other records regarding the local implementation program of the local unit of government. The contact person must be notified in the case of noncompliance and procedures that must be undertaken by the local unit of government regarding the noncompliance must be presented in writing. The local unit of government has 90 days from the time of notification regarding noncompliance with the delegation agreement to meet the requirements of the agreement according to the guidance provided by the department.

### 1505.4120 APPEALS.

A delegation agreement receives departmental approval upon signature by the commissioner. This shall be considered a final agency action. Any appeals must be filed with the Minnesota Court of Appeals.

### 1505.4130 TERMINATION.

Subpart 1. **Termination.** Either party to the delegation agreement may dissolve the agreement and void the local implementation program upon 60 days' notification of the other party or parties of the delegation agreement.

Subp. 2. **Notice of termination.** The department must publish notification of termination of a delegation agreement in the *State Register* within 15 days of termination of the delegation agreement. The local unit of government must publish a notice of termination in one newspaper of general circulation within the affected geographic area within 15 days of termination of the delegation agreement.

## Department of Agriculture

### Proposed Permanent Rules Relating to Soil and Plant Amendment Labeling

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

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

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

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

**Subject of Rules and Statutory Authority.** The proposed amendments are about requirements for labeling plant amendments. The statutory authority to adopt these amendments is *Minnesota Statutes*, section 18C.121, subd. 1. A copy of the proposed amendments is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. **March 22, 1995**, to submit written comment in support of or in opposition to the proposed amendments or any subpart of the amendments. Your comments must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed amendments 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 amendments. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on **March 22, 1995**. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed amendments which caused your request, the reason for the request, and any changes you want made to the proposed amendments. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their request in writing. If a public hearing is required, the department will proceed according to *Minnesota Statutes*, sections 14.131-14.20.



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

**Statement of Need and Reasonableness.** A Statement of Need and Reasonableness is now available from the department contact person. This statement describes the need for and reasonableness of each provision of the proposed amendments and identifies the data and information relied upon to support the proposed amendments.

**Small Business Considerations.** Many of the businesses affected by this rule would be defined as a small business according to *Minnesota Statutes*, section 14.115. It is necessary for all plant amendments sold in Minnesota to be labeled according to a uniform set of criteria found in the rules, so no special consideration is given to small business. However, the proposed amendments primarily update existing rules and do not impose additional regulatory requirements.

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

Dated: 24 January 1995

Elton Redalen, Commissioner  
Department of Agriculture

## **Rules as Proposed**

### **1510.0430 AUTHORITY AND PURPOSE.**

Parts 1510.0430 to 1510.0434 are adopted by the commissioner pursuant to *Minnesota Statutes*, section ~~17.725~~ 18C.121, to prescribe conditions for the labels and procedures for labeling soil and plant amendments.

### **1510.0431 DEFINITIONS.**

**Subpart 1. Scope.** The definitions in this part apply to parts 1510.0430 to 1510.0434. For the purposes of parts 1510.0430 to 1510.0434, the terms "brand," ~~"commercial fertilizer,"~~ "commissioner," ~~"compost,"~~ "fertilizer material," ~~"guaranteed analysis,"~~ "guarantor," "label," "labeling," "plant amendment," "plant food," "sewage sludge," and "soil amendment" have the meanings given them in *Minnesota Statutes*, section ~~17.713~~ 18C.005.

**Subp. 2. Animal manure.** "Animal manure" means the excreta of animals together with whatever bedding materials are needed to follow good dairy barn, feedlot, and poultry house practices to maintain proper sanitary conditions.

**Subp. 3. Inert ingredients.** "Inert ingredients" means the ingredients present in soil or plant amendments that are not soil or plant amending ingredients.

**Subp. 4. Peat.** "Peat" means partly decayed vegetable matter of natural occurrence. It is composed chiefly of organic matter that may contain some nitrogen of low activity.

**Subp. 5. Sphagnum peat moss.** "Sphagnum peat moss" means a peat source from a sphagnum moss peat deposit (bog) of which an oven-dried sample would contain a minimum of 66-2/3 percent sphagnum moss fiber by weight. These fibers are stems and leaves of sphagnum that have recognizable fibrous and cellular structure.

### **1510.0432 LABEL REQUIREMENTS.**

**Subpart 1. Information required.** ~~Any~~ A soil or plant amendment, ~~except for sewage sludge, which is offered for sale, or sold, or distributed in this state; in bags or other containers; must have placed on or affixed to the container the following information:~~

- A. net weight;
- B. brand name;
- C. guaranteed analysis; which must be in the following format:

### **GUARANTEED ANALYSIS**

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### SOIL OR PLANT AMENDMENT INGREDIENTS

"Name of Ingredient

...%

(identify and list all)

### INERT INGREDIENTS"Name of Ingredient"

...%

(identify and list all)

(1) List the common or usual English name and percentage by weight of each active ingredient, under the heading "SOIL OR PLANT AMENDMENT INGREDIENTS."

(2) List the common or usual English name and percentage by weight of each inert ingredient, listed under the heading "INERT INGREDIENTS." The "INERT INGREDIENTS" statement may be deleted from the guaranteed analysis statement if the percentage of inert ingredients is zero.

(3) If the product is a microbiological product, a statement of active ingredients in the following format must state the number of viable microorganisms per milliliter for a liquid or the number of viable microorganisms per gram for a dry product:

### ACTIVE INGREDIENTS

(Minimum number) viable (name of organism) per gram or per milliliter.

(List each organism separately):

D. name and address of guarantor;

E. directions for the soil or plant amendment's use; and

F. the soil or plant amendment's purpose or proposed use;

G. the words "NOT A PLANT FOOD PRODUCT"; and

H. a statement listing the common or usual English name of all ingredients used in manufacturing or blending the soil or plant amendment.

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 3a. Sewage sludge without charge. If sewage sludge is transferred between parties without compensation, a copy of the sewage sludge analysis required by the rules of the Minnesota Pollution Control Agency is sufficient to meet the labeling requirements.

Subp. 4. Packaged soil or plant amendments or sludge for sale. For If packaged soil or plant amendments or sewage sludge are offered for sale, the information required in subpart 1 or 2 must be in a readable and conspicuous form and must meet one of the following requirements appear:

A. appear on the front or back side of the package container;

B. occupy at least the upper one-third of either on the upper one-third of the side of the package a container;

C. appear on the upper end of the container; or

D. be printed on a tag and attached affixed to the package upper end of the container.

Subp. 5. Bulk sale soil or plant amendments. For If bulk soil or plant amendments or sewage sludge are offered for sale, the information required in subpart 1 or 2, in written or printed form, must accompany delivery and be supplied to the purchaser at the time of delivery.

### **1510.0433 LABELING AND LABELS.**

Subpart 1. Labeling and labels. Proposed labeling and labels with directions for use of the soil or plant amendment must be furnished with an application for registration of a soil or plant amendment.

Subp. 2. Animal manures. If ingredients are added to animal manure, the ingredients must be specified on the principal label of the container. If the added ingredient exceeds the amount of manure, it must be the first ingredient listed on the principal label and "manure," "cattle manure," "sheep manure," or a similar term must be in type noticeably smaller than that used for the added ingredient. If the packaging of a product features the picture of a designated animal, manure of that species of animal must comprise more than 50 percent of the material in the container.

Subp. 3. Environmentally beneficial. A claim that a product is "environmentally beneficial" or a similar claim must be accompanied by a statement of explanation of the rationale for the claim and a list of all ingredients in order to allow the consumer to determine the validity of the statement.

**Subp. 4. Safety.** A statement suggesting that a product is completely safe and nontoxic to humans, animals, or the environment is a misbranding of the product and must not appear on the label.

**Subp. 5. Name of a soil or plant amendment material.** If the name of a soil or plant amendment ingredient is used as part of the brand name of a soil or plant amendment, such as animal manure, peat, sphagnum peat moss, or compost, the soil or plant amendment must be composed entirely of the ingredient named.

#### **1510.0434 ENFORCEMENT.**

The commissioner shall proceed in accordance with *Minnesota Statutes*, section 47.728 18D.305, upon satisfactory evidence that a label or labeling of a soil or plant amendment or sewage sludge does not meet the provisions in comply with parts 1510.0430 to 1510.0434.

**REPEALER.** Minnesota Rules, part 1510.0432, subparts 2 and 3, are repealed.

## **Department of Economic Security**

### **Proposed Permanent Rules Relating to Vocational Rehabilitation Services**

#### **DUAL NOTICE:**

**Notice of Intent to Adopt a Rule without a Public Hearing unless 25 or More Persons Request a Hearing, And**

**Notice of Hearing if 25 or More Requests for a Hearing Are Received**

**Introduction.** The Department of Economic Security intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedures Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rule by **March 30, 1995**, a public hearing will be held on **April 19, 1995**, as required by *Minnesota Statutes*, sections 14.131 to 14.20. To find out whether the rule will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after **March 30, 1995**, and before **April 19, 1995**.

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

Andrew Beisner  
390 North Robert Street, 1st Floor  
St. Paul, Minnesota 55101  
Telephone Number 612/296-5616  
Fax Number (612) 297-5159  
TDD Number (612) 296-9152

If you wish to discuss these rules directly with the agency contact person you need to use either the TDD number above or the Minnesota Relay Service to connect you with the above TDD. Minnesota Relay Service can be accessed in Greater Minnesota at 800/627-3529; in the Twin Cities Metro area at 297-5353. You will need to provide your area code and telephone number and the TDD number listed above. In addition, you may leave a message for the agency contact person by calling 612/296-5616.

**Alternate Format.** The proposed rules, this notice of intent to adopt rules, and the statement of need and reasonableness are available in alternate formats, including large print and audio tape, upon request from the agency contact person.

**Subject of Rule and Statutory Authority.** The proposed rule is about: 1) eliminating the requirement for consumer financial participation in the cost of sign language interpreter services and other auxiliary aids and services in accordance with the Americans with Disabilities Act; 2) the expectation that sign language interpreters and other auxiliary aids and services will be provided by public entities and public accommodations, including post-secondary educational institutions, under the Americans with Disabilities Act, and not by DRS; 3) clarifying the terms and conditions under which DRS may provide transportation services; 4) clarifying the services DRS may provide to assist eligible consumers establish a small business; 5) clarifying that DRS will purchase only new equipment when vehicle adaptations are being provided; 6) adjusting the cap on DRS payments for post-secondary

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## Proposed Rules

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tuition and fees for two-year programs and for two specialized institutions, Gallaudet University and the National Technical Institute for the Deaf; 7) clarifying that vehicle adaptations are considered rehabilitation technology; and 8) specifying that consumers have free choice of vendor for mental health services.

The statutory authority for the rule is *Minnesota Statutes*, section 268A.03(m). A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed. You may also request one free copy of the rule by contacting the agency contact person.

**Additional Future Rule Amendment.** DRS understands from staff and consumer comments that there are concerns about the terms and conditions for DRS for services relating to post-secondary training. Several of those concerns are being addressed in the rule amendments currently being proposed. However, other concerns about other post-secondary training issues, including maintenance payments to assist in covering additional living costs for consumers who are post-secondary students, need further clarification before the changes are developed. After obtaining further information and data on post-secondary training issues, DRS plans to propose additional amendments to these rules, if necessary, to take effect before the beginning of the 1996-97 academic year.

The federal Department of Education, Rehabilitation Services Administration, is developing proposed revised federal regulations for the vocational rehabilitation program. When final federal regulations are published, DRS will determine if it is necessary to propose amendments to the state vocational rehabilitation rule in order to conform to the revised federal regulations.

**Comments.** You have until 3:30 p.m. on **March 30, 1995** to submit written comments in support of, or in opposition to, the proposed rule or any part or subpart of the rule. Your comments must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed 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 **3:30 p.m. on March 30, 1995**. Your written request for a public hearing must include your name, address, and telephone number. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any additional 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 request in writing.

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

**Cancellation of Hearing.** The hearing scheduled for **April 19, 1995** will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rule. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also leave message for Andrew Beisner at 612/296-5616 or call him at his TDD number using the Minnesota Relay Service as instructed above after **March 30, 1995** to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit written requests for a public hearing on the proposed rule, a hearing will be held following the procedures in *Minnesota Statutes*, §§ 14.14 to 14.20. The hearing will be held on **April 19, 1995** in **IRS Training Center, 502 Galtier Plaza, 175 E. 5th Street, St. Paul** beginning at **9:00 a.m.** and will continue until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined during the hearing by the administrative law judge. The administrative law judge assigned to conduct the hearing is **Barbara L. Neilson**. Judge Neilson can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, Telephone Number 612/341-7604, 612/341-7346 TTY/TDD.

**Hearing Procedure:** If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either in person at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rule. You may also mail written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the administrative law judge at the hearing. Comments received during this period will be available for review at the Office of Administrative Hearings. You and the agency may respond in writing within five business days after the submission period ends to any new information submitted. All written materials and responses submitted to the administrative law judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. No additional evidence may be submitted during the five-day period. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.0200 to 1400.1200 and *Minnesota Statutes* sections 14.14 to 14.20. Questions about procedure may be directed to the administrative law judge.

**Statement of Need and Reasonableness:** A statement of need and reasonableness is now available from the agency contact

person. This statement describes the need for and reasonableness of each provision of the proposed rule. It also includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing, if one is held. The statement may also be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings.

**Small Business Considerations:** The department has determined that these proposed rules do not affect small businesses as defined by *Minnesota Statutes* § 14.115. The department acknowledges references to business or small businesses in the proposed rule, part 3300.5060, subparts 3C and 11. These references are to vocational rehabilitation services provided under an individualized written rehabilitation program in order to assist an eligible consumer establish a small business. The proposed rules do not establish compliance or reporting requirements, design or operational standards, or other requirements that impact small businesses as described in *Minnesota Statutes* § 14.115.

If you disagree with the department's determination, you may write the agency contact person with your concerns or make a presentation to the administrative law judge in person or in writing should a hearing be required.

**Lobbyist Registration:** *Minnesota Statutes* § 10A requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at First floor, Centennial Office Building, 658 Cedar Street, St. Paul, MN 55155, telephone number 612/296-5148.

**Adoption Procedure if No Hearing:** 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 receive a copy of the adopted rule, submit your request to the agency contact person listed above.

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

R. Jane Brown  
Commissioner

## **Rules as Proposed**

### **3300.5010 DEFINITIONS.**

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

Subp. 3a. Auxiliary aids and services for effective communication. "Auxiliary aids and services for effective communication" has the meaning given auxiliary aids and services in Code of Federal Regulations, title 28, sections 35.104 and 36.303, paragraph (b).

[For text of subps 4 to 26, see M.R.]

Subp. 27. Paratransit. "Paratransit" means door-to-door or demand-responsive transportation for persons who are unable to use conventional public transportation. Paratransit may be provided by a public transit agency or contracted out to a private company. the comparable transportation service provided by a public entity as required by United States Code, title 42, section 12143, for individuals with disabilities who are unable to use fixed route transportation services. Paratransit includes door-to-door or demand responsive transportation for persons who are unable to use conventional transportation provided by a public entity. Paratransit may be provided directly by a public transit agency or contracted out to a private company.

[For text of subp 28, see M.R.]

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## Proposed Rules

**Subp. 28a. Physical and mental restoration services.** "Physical and mental restoration services" means the medical or medically related services provided to correct or modify, within a reasonable period of time, a physical or mental condition that is stable or slowly progressive. These services consist of the services listed under the definition of physical and mental restoration services in Code of Federal Regulations, title 34, section 361.1, subsection (c), paragraph (2), as amended.

[For text of subps 29 to 31, see M.R.]

**Subp. 31a. Public entity.** "Public entity" means:

A. any state or local government; or

B. any department, agency, special purpose district, or other instrument of one or more state or local governments.

[For text of subps 32 to 37, see M.R.]

**Subp. 38.** [See repealer.]

[For text of subps 39 to 42, see M.R.]

**Subp. 43. Transportation services.** "Transportation services" means payments for:

A. gasoline and parking; ~~public;~~

B. transportation; ~~provided by a public entity including paratransit; the purchase of vehicle adaptations;~~

C. a driver, if one is required;

D. other available transportation if transportation provided by a public entity, including paratransit, and transportation by private vehicle are unavailable; or

E. the purchase of vehicle repairs.

**Subp. 44. Tuition cap.** "Tuition cap" means:

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

B. for all other undergraduate programs, the dollar amount equal to the average annual cost of tuition and mandatory fees needed for a student to complete 45 ~~60~~ credits in ~~three quarters~~ 12 consecutive months at a state community college. This amount is available annually from the financial aid office at any state community college.

[For text of subps 45 to 50, see M.R.]

### 3300.5040 CONSUMER FINANCIAL PARTICIPATION IN COST OF VOCATIONAL REHABILITATION SERVICES.

[For text of subps 1 to 5, see M.R.]

**Subp. 6. Services exempted from financial participation.** The division must not require eligible consumer financial participation for the following services:

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

J. auxiliary aids and services for effective communication;

K. single-time nonrecurring purchases of goods and services costing \$300 or less; and

~~K.~~ L. postemployment services consisting of the services identified in this subpart.

[For text of subps 7 to 9, see M.R.]

### 3300.5050 COMPARABLE BENEFITS AND SERVICES.

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

**Subp. 2. Consumer responsibilities.** Except in the circumstances described in subpart 1, an eligible consumer must, with the assistance of the division, participate in the search for and use of comparable benefits as follows:

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

C. Before receiving physical and mental restoration services, an eligible consumer must file a claim or application with the consumer's health insurer, if any. If the eligible consumer has no health insurance, or if the restoration services provided are not covered by the eligible consumer's health insurance, the eligible consumer must apply to a local human services agency for medical assistance under Minnesota Statutes, chapter 256B.

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

**3300.5060 TERMS AND CONDITIONS FOR PROVISION OF VOCATIONAL REHABILITATION SERVICES.**

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

**Subp. 1a. Auxiliary aids and services for effective communication.** The division must provide auxiliary aids and services for effective communication necessary to enable an applicant or eligible consumer to access division services. The division must not assume the responsibility of other programs or vendors, such as postsecondary training institutions, community rehabilitation programs, physicians, psychologists, and placement agencies, for providing program and service accessibility under Code of Federal Regulations, title 28, sections 35.149 to 35.164; and 36.301 to 36.310.

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

**Subp. 3. Computer hardware and software.**

A. Before the division purchases computer ~~hardware~~, software, or hardware, including modems, printers, and other peripherals, the amount of consumer financial participation in the cost of the items must be determined under part 3300.5040.

B. The eligible consumer must, with the assistance of the division, participate in the search for and use of comparable benefits under part 3300.5050, subpart 2, item D, except that a search for comparable benefits is not required if the search would cause the eligible consumer to lose an immediate job placement.

C. The division must purchase computer ~~hardware~~, software, or hardware, including modems, printers, and other peripherals, only for disability-related reasons, except for computers purchased as equipment necessary for an eligible consumer to achieve an employment goal of self-employment or operation of a small business.

D. The division must not purchase computer ~~hardware~~, software, or hardware, including modems, printers, and other peripherals, if an eligible consumer's needs can be met through alternative means of accessing computers, such as the use of computer laboratories at postsecondary institutions.

E. Before the division purchases computer ~~hardware~~, software, or hardware, including modems, printers, and other peripherals, if either the counselor or the eligible consumer is uncertain regarding the eligible consumer's needs, an assessment to determine the eligible consumer's needs for computer hardware, software, or modems, printers, and other peripherals must be conducted by a knowledgeable person knowledgeable about computers who is not a vendor of computer equipment.

F. Any division purchases of computer ~~hardware~~, software, or hardware, including modems, printers, and other peripherals, must be made using the information obtained from the assessment under item E.

G. The division expenditures for the purchase of computer hardware, ~~software, or~~ modems, printers, and other peripherals for an eligible consumer must not exceed \$3,000, excluding costs for adaptations to ~~hardware or for specialized software~~ required because of the eligible consumer's disability.

**Subp. 3a. Durable medical equipment.**

A. Before the division provides durable medical equipment, the amount of consumer financial participation in the cost of durable medical equipment must be determined under part 3300.5040.

B. The eligible consumer must, with the assistance of the division, participate in the search for and use of comparable benefits under part 3300.5050, subpart 2, item D, except that a search for comparable benefits is not required if the search would cause the eligible consumer to lose an immediate job placement.

Subp. 4. [See repealer.]

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

Subp. 6. [See repealer.]

[For text of subp 7, see M.R.]

**Subp. 7a. Physical and mental restoration services.**

A. Before the division provides physical and mental restoration services, the amount of eligible consumer financial participation in the cost of physical and mental restoration services must be determined under part 3300.5040.

B. The eligible consumer must, with the assistance of the division, participate in the search for and use of comparable benefits

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## Proposed Rules

under part 3300.5050, subpart 2, items C and D, except that a search for comparable benefits is not required if the search would delay the provision of medical services to an eligible consumer at extreme medical risk, or if the search would cause the eligible consumer to lose an immediate job placement.

C. The division must not pay for recurring, ongoing physical or mental restoration services that an eligible consumer would require regardless of participation in an individualized written rehabilitation program, such as group or individual psychotherapy, prescription drugs, or physical therapy.

D. Eligible consumers may select:

(1) any licensed physician to perform physical restoration services;

(2) any licensed dentist to perform dental restoration services;

(3) any qualified professional to provide mental health services, for example, a licensed clinical social worker, licensed psychologist, registered psychiatric nurse, or traditional American Indian healer; and

(4) any vendor to provide braces or artificial limbs.

Subp. 8. [See repealer.]

Subp. 9. **Rehabilitation technology.**

A. Before the division provides rehabilitation technology, the amount of consumer financial participation in the cost of rehabilitation technology must be determined under part 3300.5040, except that items that are also auxiliary aids and services for effective communication are not subject to consumer financial participation.

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

C. Division purchases of vehicle adaptations must be made as follows:

(1) before the division purchases vehicle adaptations, an evaluation of the vehicle and the consumer's needs must be conducted by a person knowledgeable in adapting vehicles for persons with disabilities who is not a vendor of vehicle adaptations;

(2) any vehicle adaptations purchased by the division must be consistent with the findings of the evaluation in subitem (1);

(3) the division must not consider the availability of transportation provided by a public entity, including paratransit, or carpooling in determining whether to provide vehicle adaptations; and

(4) the division must only purchase vehicle adaptations that have not been previously owned and that are not yet installed in the consumer's vehicle at the time of purchase of the vehicle.

Subp. 10. [See repealer.]

Subp. 11. **Small business enterprises.**

A. Before the division purchases goods and services occupational licenses, tools, equipment, and initial stocks and supplies to establish a small business enterprise, the amount of consumer financial participation in the cost of the goods or services occupational licenses, tools, equipment, and initial stocks and supplies must be determined under part 3300.5040.

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

C. Division assistance in the establishment of a small business enterprise is for the purchase of occupational licenses, tools, equipment, and initial stocks and supplies.

D. Before the division provides goods and services occupational licenses, tools, equipment, and initial stocks and supplies for the establishment of a small business enterprise, the eligible consumer must:

(1) develop and submit to the eligible consumer's rehabilitation counselor a business plan that includes a market analysis, an estimation of the viability of the business, and an evaluation of the business plan and recommendation by the Small Business Administration, a business development center, or a comparable program obtain advice and consultation from a small business development center or comparable organization on developing a business plan and possible sources of funding for the proposed business; and

(2) comply with the loan application procedures of the Small Business Administration in order to obtain advice and consultation on possible sources of funding for the proposed business and whether the proposed business is likely to be successful develop and submit to the eligible consumer's rehabilitation counselor a business plan based on the advice and consultation received under subitem (1) that includes a market analysis, a description of the technical and management expertise of the person or persons expected to manage and operate the business, and a financial analysis including an estimation of the viability of the business.



~~D. E.~~ The division must not require an eligible consumer to accept a loan, but an eligible consumer may choose to accept a loan to supplement the division's purchases of ~~goods or services~~ occupational licenses, tools, equipment, and initial stocks and supplies to establish a small business.

~~E. F.~~ The division's purchases of ~~goods and services~~ occupational licenses, tools, equipment, and initial stocks and supplies for the establishment of a small business enterprise must be made only after the eligible consumer and the rehabilitation counselor take into consideration the information obtained in item ~~E D~~.

~~F. G.~~ Total division expenditures for ~~an eligible consumer's self-employment~~ occupational licenses, tools, equipment, and initial stocks and supplies for a small business enterprise must not exceed \$5,000 for the life of the business, excluding costs for rehabilitation technology.

~~G. H.~~ The division must not purchase occupational licenses, tools, stocks, supplies, or equipment for the ongoing operation of a business after initial stocks, supplies, and equipment are provided.

~~H. I.~~ The division must not pay any costs of bankruptcy proceedings or costs due to the bankruptcy of an eligible consumer's small business.

## Subp. 12. Transportation services.

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

B. The eligible consumer must, with the assistance of the division, participate in the search for and use of comparable benefits under part 3300.5050, subpart 2, item D, except that:

(1) a search for comparable benefits is not required if the search would cause the eligible consumer to lose an immediate job placement; ~~and~~

(2) a search for comparable benefits is not required for vehicle adaptations under item H.

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

D. The division must not purchase, lease, or otherwise obtain, maintain, or insure vehicles for applicants or eligible consumers.

E. If ~~public transportation or paratransit~~ provided by a public entity, including paratransit, is available and used by the eligible consumer, division payments for transportation must not exceed the actual cost of ~~public the transportation or paratransit~~.

F. If ~~public transportation or paratransit~~ provided by a public entity, including paratransit, is available, but the eligible consumer chooses alternate transportation by private vehicle, division payments for transportation must not exceed the equivalent cost of ~~public transportation or paratransit~~ provided by a public entity.

G. If ~~public transportation or paratransit~~ is not available ~~When transportation provided by a public entity, including paratransit, is unavailable and the eligible consumer is being transported by personal vehicle~~, the division's payments must not exceed the costs of gasoline and parking plus the cost of a driver if required. ~~The division must not pay costs to obtain, maintain, and insure the vehicle used by the eligible consumer.~~ The division's payments for gasoline costs must be determined by using the rate established by the Internal Revenue Service for personal income tax deductions for mileage for charitable contributions under the *Internal Revenue Code* of 1986, section 170i, as amended through December 31, 1992. The division's payments for a driver must be determined by the usual and customary rate for the area.

H. Division purchases of vehicle adaptations must be made as follows:

(1) before the division purchases vehicle adaptations, an evaluation of the vehicle and the consumer's needs must be conducted by a person knowledgeable in adapting vehicles for persons with disabilities;

(2) any vehicle adaptations purchased by the division must be consistent with the findings of the evaluation in subitem (1); ~~and~~

(3) ~~the division must not consider the availability of public transportation, paratransit, or carpooling in determining whether to provide vehicle adaptations.~~ When transportation provided by a public entity, including paratransit, and transportation by personal vehicle are unavailable, division payments must not exceed the actual cost of the available transportation.

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

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## Proposed Rules

### Subp. 13. Tuition, fees, books, supplies, and tools and equipment for postsecondary training.

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

~~E.~~ The tuition cap for an eligible consumer enrolled in a graduate program less than full time must be prorated in accordance with the specific program standards for full-time or part-time status without regard to credit hour designations.

~~E.~~ The tuition cap for an eligible consumer enrolled in an undergraduate program for fewer than 12 credits per term must be prorated as follows:

[For text of subitems (1) to (3), see M.R.]

~~F.~~ For specialized postsecondary training programs for persons who are deaf or hard of hearing, where the provision of interpreters is included in the cost of tuition and fees for all students, the tuition cap must be increased by an amount determined according to subpart 4, items C and D.

~~G.~~ When the eligible consumer's individualized written rehabilitation program includes attendance at Gallaudet University or National Technical Institute for the Deaf, the division must not apply the tuition cap in determining the amount of division payments for tuition, fees, books, supplies, and tools and equipment for postsecondary training.

~~H.~~ If the field of study required by the eligible consumer's individualized written rehabilitation program is not available at a Minnesota public postsecondary institution, the division shall not apply the tuition cap in determining the amount of division payments for tuition, fees, books, supplies, and tools and equipment for postsecondary training.

~~H. I.~~ The amount of gift aid available to the eligible consumer to pay for the costs of postsecondary training must be determined annually, based on information obtained from the postsecondary training institution.

~~I. J.~~ When the amount of gift aid equals or exceeds the cost of tuition, fees, books, supplies, and tools and equipment,

(1) the division shall not pay any of the costs of tuition, fees, books, supplies, or tools and equipment; and

(2) ~~the amount by which gift aid equals or exceeds the cost of tuition, fees, books, supplies, and tools and equipment must be used as a comparable benefit to assist in paying the costs of other services necessary for the eligible consumer's participation in the postsecondary training program.~~

~~J. K.~~ When the amount of gift aid is less than the cost of tuition, fees, books, supplies, and tools and equipment, the amount, if any, to be paid by the eligible consumer must be determined by applying the consumer financial participation requirements under part 3300.5040 to the lesser of:

[For text of subitems (1) and (2), see M.R.]

~~K. L.~~ When the cost of tuition, fees, books, supplies, and tools and equipment exceeds the total of gift aid and eligible consumer financial participation, the division shall pay the lesser of:

[For text of subitems (1) and (2), see M.R.]

~~L. M.~~ Regardless of the provisions in items A to ~~K. L.~~, the division must make payments for tuition, fees, books, supplies, and tools and equipment for postsecondary training only to the extent that the division payments do not reduce the amount of gift aid available to the eligible consumer.

~~M. N.~~ The division does not require an eligible consumer to accept self-help aid. The eligible consumer has the right to accept or reject a postsecondary training institution's offer of self-help aid. When the division assistance results in a reduction of eligibility for self-help aid from a postsecondary training institution, the eligible consumer may choose whether to accept the division assistance in full or in part, or to accept the self-help aid.

~~N. O.~~ The division must report to the postsecondary training institution, with the eligible consumer's release, the amount of planned division purchases of services for postsecondary training for an eligible consumer. If the eligible consumer does not provide a release for the division to report planned division purchases of services for postsecondary training, the division must not make the purchases.

**REPEALER.** Minnesota Rules, parts 3300.5010, subpart 38; and 3300.5060, subparts 4, 6, 8, and 10, are repealed.

**EFFECTIVE DATE.** Parts 3300.5010 to 3300.5060 are effective either five working days after the notice of adoption of these rules is published in the State Register, or July 3, 1995, whichever is later.

## **Adopted Rules**

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

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

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

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

## **Pollution Control Agency**

### **Adopted Permanent Rules Relating to Enhanced Monitoring Evidence**

The rules proposed and published at *State Register*, Volume 19, Number 19, pages 967-969, November 7, 1994 (19 SR 967), are adopted as proposed.

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**Withdrawn Rules**

## **Department of Public Service**

### **Notice of Withdrawal of Proposed Rule in the Matter of the Proposed Rule Relating to Weights and Measures**

**NOTICE IS HEREBY GIVEN** that the proposed rules governing specifications for scales and weighing devices, specifications for liquified petroleum gas liquid measuring devices, incorporation of NIST Handbooks 44 and 133, variances to rules and a registration program for persons who install, adjust, repair, service or test commercial weighing and measuring equipment, as published in the *State Register* on November 8, 1993 at pages 1210-1222, (18 S.R. 1210), is withdrawn. The Department intends to commence a new rulemaking proceeding to propose the rules, as modified.

Dated: 2 February 1995

Krista L. Sanda  
Commissioner

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# Official Notices

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

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

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## Department of Administration

### Print Communications Division

#### Notice of Publication and Availability of the 1994 Minnesota Statutes in Print and on CD Rom

**NOTICE IS HEREBY GIVEN** that the 1994 Minnesota Statutes are now available through Minnesota's Bookstore.

The entire set is available on CD Rom for \$225.00 plus tax. Be sure to leave your names/addresses/telephone numbers for supplements. Order Code # 18-8.

The 1994 set in printed form, perfect bound in 15-volumes, costs \$180.00 plus 7% sales tax of \$12.60 if purchasing at the bookstore counter, or 6.5% sales tax of \$11.70 if ordering through the mail from outside St. Paul.

Individual volumes cost \$20.00 plus tax, 7% sales tax at the bookstore is \$1.40, or 6.5% sales tax of \$1.30 if ordering through the mail from outside St. Paul.

The Office of the Attorney General has determined that materials cannot be issued without pre-payment. Credit card orders are accepted over the phone or FAX. Make checks payable to "Minnesota's Bookstore."

If ordering individual volumes please contact the Bookstore, (612) 297-3000 or 296-0931 for volume number containing the chapters you are requesting. Relationship between chapter numbers and volume numbers has changed since the 1992 set.

For more information, or to order, contact:

Minnesota's Bookstore  
117 University Avenue  
St. Paul, Minnesota 55155  
(612) 297-3000  
Toll-free nationwide: 1-800-657-3757  
FAX: (612) 296-2265

## Minnesota Comprehensive Health Association

### Notice of Meeting of the Board of Directors

**NOTICE IS HEREBY GIVEN** that the Minnesota Comprehensive Health Association (MCHA) Board of Directors will meet on Tuesday, April 4, 1995 at 1:30 p.m. at the Holiday Inn Metrodome, 1500 Washington Avenue South, Minneapolis. The meeting will be in the "Aragon B" room.

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

## Minnesota Comprehensive Health Association

### Notice of Actuarial Committee Meeting

**NOTICE IS HEREBY GIVEN** that a meeting of the Actuarial Committee of the Minnesota Comprehensive Health Association (MCHA), will convene at 1:00 p.m. on Tuesday, March 7, 1995 at Blue Cross Blue Shield of Minnesota, 3535 Blue Cross Road, Eagan, Minnesota, in room "B" on the third floor.

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

## **Minnesota Historical Society**

### **State Review Board Regular Meeting**

A meeting of the State Review Board of the Minnesota Historical Society to consider nominations to the National Register of Historic Places will be held on Thursday, March 23, 1995, in the Minnesota Historical Society History Center, Cargill Commons, MacMillan Education Wing, St. Paul, Minnesota. The State Review Board will meet at 7:00 p.m. for an informational presentation on program activities made by the Preservation Office staff. The meeting will be called to order and consideration of the meeting's agenda will begin at 7:30 p.m. A sign language interpreter is available with one weeks notice, and auxiliary aids are available with two weeks notice. Call 612/296-5434, or TTY 612/282-6073. For further information contact the State Historic Preservation Office, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102, (612) 296-5434.

## **Housing Finance Agency**

## **Department of Economic Security**

## **Department of Trade and Economic Development**

### **Notice of Comment Period on the 1996 Citizen Participation Plan**

The Minnesota Housing Finance Agency (MHFA), the Minnesota Department of Trade and Economic Development, and the Minnesota Department of Economic Security announce the availability of the Citizen Participation Plan for public comment from February 27, 1995, through March 14, 1995.

The Citizen Participation Plan is a plan about how the state intends on soliciting public input on the consolidated plan. The Citizen Participation Plan outlines the policies and procedures that the state will follow when asking for public input on the consolidated plan process. Before public input may begin on the consolidated plan, the public must have an opportunity to examine the means by which the state intends on soliciting public input.

The consolidated plan is an application to the U.S. Department of Housing and Urban Development for four grants: the Community Development Block Grant (CDBG), the Emergency Shelter Grant (ESG), the HOME Investment Partnerships program (HOME), and Housing Opportunities for Persons with AIDS (HOPWA). The 1996 consolidated plan will not be available for public comment until November 1995.

The Citizen Participation Plan will be available for public comment from February 27, 1995, through March 14, 1995. Copies of the Citizen Participation Plan are available for examination at a series of public places. A full list of these places appears at the end of this notification. Also, a reasonable number of copies will be available through MHFA and may be requested by calling 612/296-7608, 1/800/657-3769, or (TDD) 612/297-2361.

Persons in need of special accommodations should contact Denise Rogers at 612/296-8206. General questions about the Citizen Participation Plan can be directed to C.J. Eisenbarth at 612/296-8147. Those with a telecommunications device for the deaf (TDD) may use 612/297-2361.

#### **LIBRARIES**

Arrowhead Library System  
701 11th Street North  
Virginia, MN 55792-2298

Bemidji Public Library  
6th & Beltrami  
Bemidji, MN 56601

Duluth Public Library  
520 West Superior Street  
Duluth, MN 55802

East Central Regional Library  
244 South Birch  
Cambridge, MN 55008-1588

Minnesota Valley Regional Library  
100 E. Main Street  
Mankato, MN 56002

Nobles County Library  
Post Office Box 99  
Worthington, MN 56187

Northwest Regional Library  
101 East First Street  
Thief River Falls, MN 56701-2041

Owatonna/Steele County Library  
105 North Elm Street, Box 387  
Owatonna, MN 55060-7488

## Official Notices

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East Lake Branch Library  
2727 East Lake Street  
Minneapolis, MN 55406

Franklin Branch Library  
1314 Franklin Avenue East  
Minneapolis, MN 55404

Grand Marais Public Library  
First Street & West Second Avenue  
P.O. Box 280  
Grand Marais, MN 55604-0280

Great River Regional Library  
405 St. Germain  
St. Cloud, MN 56301

Hosmer Branch Library  
347 East 36th Street  
Minneapolis, MN 55408

Lake Agassiz Regional Library  
115 S. 6th Street, Box 699  
Moorhead, MN 56560

Lexington Branch Library  
1080 University Avenue W.  
St. Paul, MN 55104

Marshall-Lyon County Library  
301 West Lyon Street  
Marshall, MN 56258

Merriam Park Branch Library  
1831 Marshall Avenue  
St. Paul, MN 55104

Minneapolis Public Library  
300 Nicollet Mall  
Minneapolis, MN 55401

Pioneerland Public Library System  
410 W. 5th Street  
Willmar, MN 56201

Red Wing Public Library  
225 East Avenue  
Red Wing, MN 55066-2298

Rice Street Branch Library  
995 Rice Street  
St. Paul, MN 55117

Riverview Branch Library  
1 East George Street  
St. Paul, MN 55107

Rochester Public Library  
11 First Street SE  
Rochester, MN 55901

Sumner Branch Library  
611 Emerson Avenue North  
Minneapolis, MN 55411

St. Paul Public Library  
90 West 4th Street  
St. Paul, MN 55102

Washburn Branch Library  
5244 Lyndale Avenue South  
Minneapolis, MN 55419

West Seventh Popular Branch Library  
265 Oneida Street  
St. Paul, MN 55102

Winona Public Library  
151 West 5th Street  
Winona, MN 55987

### REGIONAL DEVELOPMENT COMMISSIONS

Northwest RDC  
525 Brooks Avenue South  
Thief River Falls, MN 56701-2734

Headwaters RDC  
P.O. Box 906  
Bemidji, MN 56601-0906

Arrowhead RDC  
330 Canal Park Drive  
Duluth, MN 55802-2316

Mid-Minnesota  
333 West Sixth Street  
Willmar, MN 56201-9999

Upper Minnesota Valley RDC  
323 West Schlieman  
Appleton, MN 56208-1299

East Central RDC  
100 South Park Street  
Mora, MN 55051-1431

South West RDC  
P.O. Box 265  
Slayton, MN 56172-0265

Region Nine  
P.O. 3367  
Mankato, MN 56002-3367

Metro Council  
230 East Fifth Street  
St. Paul, MN 55101-1634

Region II Develop Corp  
PO Box 1353  
Bemidji, MN 56601

**HOUSING PARTNERSHIP'S REGIONAL NETWORK PROJECT OFFICES**

Tri-Valley Opportunity Council  
PO Box 607  
Crookston, MN 56716

Northeastern MN Housing Partnership  
Box 818  
Tower, MN 55790

Southwestern MN Housing Partnership  
2524 Broadway Avenue, Box 265  
Slayton, MN 56172

Southeastern MN Housing Network Project  
326 S. Broadway Ave., Suite D  
Albert Lea, MN 56007

Bi-County Community Action Program  
PO Box 579  
Bemidji, MN 56601

Central Minnesota Housing Partnership  
PO Box 642  
St. Cloud, MN 56302

Overcoming Poverty Together  
1507 Mankato Mall, Room 206  
Mankato, MN 56001

**MCKNIGHT REGIONAL OFFICES**

Northwest MN Initiative Fund  
4th St. & Irving, Box 975  
Bemidji, MN 56601

West Central MN Initiative Fund  
205 Norwest Bank Bldg  
220 West Washington  
Fergus Falls, MN 56537

Southwest MN Initiative Fund  
163 9th Ave.  
Granite Falls, MN

Northeastern MN Initiative Fund  
332 West Superior  
Duluth, MN 55802

Central MN Initiative Fund  
58 East Broadway, Box 59  
Little Falls, MN 56345

Southeastern MN Initiative Fund  
540 West Hills Circle, Box 570  
Owatonna, MN 55060

**COUNCILS AND ASSOCIATIONS**

Spanish Speaking Affairs Council  
506 Rice St.  
St. Paul, MN 55103

Council on Black Minnesotans  
426 Wright Bldg.  
2233 University Ave.  
St. Paul, MN 55114

Asian Pacific Minnesotans  
100 Meridian Bank  
205 Aurora Ave.  
St. Paul, MN 55103

## Official Notices

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### Department of Labor and Industry

#### Code Administration and Inspection Services

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Boilers and Power Boats

**ADDITIONAL NOTICE IS HEREBY GIVEN** that the State Department of Labor and Industry, Code Administration and Inspection Services, is seeking information or opinions from sources outside the agency in preparing to propose the amendment of the rule governing boilers at *Minnesota Rule*, Part 5225.0010 to 5225.8700 to limit the daily check, change attendance requirements for some high pressure boilers, prohibit inspector repairs and change notice of coverage requirements. The first notice appears at 19 *State Register* 1525.

The adoption of the rule is authorized specifically by *Minnesota Statutes*, section 183.44, 183.465 and 183.466 and generally by 175.171 and the rest of Chapter 183 which require the agency to make rules for the inspection and operation of boilers and the licensing of operating engineers, and authorize the agency to incorporate specific standards by reference.

The Department of Labor and Industry, Code Administration and Inspection Services, requests information and opinions concerning the subject matter of the rule amendments. 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:

Don Jackman  
Code Administration and Inspection Services  
Minnesota Department of Labor and Industry  
443 Lafayette Road  
St. Paul, Minnesota 55155-4304  
(612) 297-7189

Oral statements will be received during regular business hours over the telephone at the number listed above and in person at the above address.

All statements of information and opinions shall be accepted until further notice. Any written material received by the State Department of Labor and Industry, Code Administration and Inspection Services, 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.

An advisory task force is not being formed. The rulemaking process is expected to take approximately five months unless a hearing is required.

Dated: 13 February

Gary Bastian  
Acting Commissioner



## **Department of Labor and Industry**

### **Labor Standards Division**

#### **Notice of Prevailing Wage Certifications for Commercial Construction Projects**

Effective February 21, 1995 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

**Anoka:** Centennial Jr. High School Fire Alarm Alterations-Circle Pines.

**Blue Earth:** ISD #77 Remodeling Project-Mankato.

**Cass:** Backus Area Forestry Headquarters-Backus.

**Carlton:** Cloquet Public Schools 1994 Reroofing-Cloquet.

**Chippewa:** Montevideo Middle, High School & Elementary Technology Upgrade-Montevideo.

**Dakota:** School District #197 Office Remodel-Mendota Heights; Red Pine Elementary Furniture Installation-Eagan; Nicollet Jr. High School Facility Improvements & Addition-Burnsville.

**Goodhue:** MN Correctional Facility Accessibility Modifications Phase II-Red Wing.

**Hennepin:** Hennepin County Eden Prairie Library Addition-Eden Prairie; U of M Printing Services Building HVAC Replacement-Minneapolis.

**Lesueur:** Montgomery Lonsdale Auto Shop Remodeling-Montgomery.

**Ramsey:** St. Paul Schools Relighting Project, Pool Dehumidification & Piping Replacement-St. Paul; ISD #624 White Bear Lake Area School Remodeling & Additions.

**St. Louis:** Duluth Entertainment Convention Center 1995 Wall Repairs, U of M Fieldhouse Curtain Replacement, U of M Voss Kovach Hall Water Pipe Replacement, U of M ROTC Building Water Piping Replacement, U of M Fume Hood Modifications-Duluth; Wastewater Treatment Facility-Babbitt.

**Stearns:** St. Cloud State University Boiler Stack Construction, Stewart Hall Auditorium Renovation Lighting Upgrade, Sound System Upgrade & Auditorium Renovation Seating Replacement, Atwood Center Room 222 Renovation-St. Cloud.

**Washington:** ISD #624 White Bear Lake Area School Remodeling & Additions; Northeast Metro Technical College Rest Room Renovation-Mahtomedi.

**Watsonwan:** Madelia High School Tunnel Abatement-Madelia.

Copies of the certified wage rate 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.

Gary W. Bastian  
Acting Commissioner

## Minnesota Public Utilities Commission

### Notice of Intent to Solicit Outside Information Regarding a Rulemaking Governing the Provision of Local Telecommunications Services in a Competitive Environment, Docket No. P-999/R-95-53

**NOTICE IS HEREBY GIVEN** that the Minnesota Public Utilities Commission (Commission) is seeking information or opinions from outside sources in preparing to propose rules governing the provision of local telephone services. The rules are authorized by *Minnesota Statutes* §§ 237.10 and 237.16 (1994).

This rulemaking will seek to establish appropriate procedural and substantive standards that facilitate the entry of service providers into local telecommunications markets and govern the provision of services in a competitive environment. The rulemaking will address all relevant issues, including issues related to the following topics:

1. certification procedures (i.e., the procedures applied to companies seeking Commission approval to provide local telephone service);
2. standards regarding the technical, managerial and financial characteristics of companies seeking certification;
3. rate regulation of competing carriers;
4. number portability (i.e., the extent to which a customer's phone number travels with the customer when the customer changes carriers, location or type of service);
5. dialing parity (i.e., the extent to which competing telephone companies assign telephone numbers with the same number of digits);
6. reciprocal compensation arrangements (i.e., reciprocal compensation among competing companies for calls between subscribers of these competitors);
7. interconnection requirements, including 911 interconnection and network interoperability;
8. directory listings;
9. yellow page arrangements;
10. directory assistance access;
11. central office co-location;
12. loop unbundling;
13. imputation (i.e., the extent to which the charges a company applies to its end-use customers should reflect the charges applied to the company's competitors);
14. cross-subsidization;
15. local resale or sharing;
16. universal service;
17. service quality and the applicability of existing rules.

The Commission will form an advisory task force to assist in the development of these rules. The Commission intends to solicit membership that represents the interests of local exchange companies, long distance carriers, local service providers, municipalities, cable providers and end-use customers. Attached is a list of companies, agencies and associations the Commission intends to invite to serve on the task force. The Commission may invite others to serve in addition to or in place of those on the list based on further analysis, public input, and willingness to serve.

The Commission will select its task force members within 60 days after the deadline for comments in this notice. The Commission expects the rulemaking to be completed within approximately 18 to 24 months. The task force will meet, under staff direction, approximately four to six times. Meetings should begin sometime in June of this year. The Commission expects the task force to complete its work with staff by the end of March, 1996.

The Commission requests information and opinions concerning the subject matter of the rulemaking. Comments should address the topics identified in this notice and any other issues relevant to the subject of this rulemaking. Interested persons or groups may submit data or views in writing or orally. Written statements or comments should be directed to:

Dan Lipschultz  
Minnesota Public Utilities Commission  
121 7th Place East

Suite 350  
St. Paul, MN 55101-2147

Oral statements or comments will be received by Dan Lipschultz at (612) 296-9617 during regular business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday.

All statements of information and opinion provided in response to this notice should be submitted to the Commission by 4:30 p.m. on April 3. All written materials received by the Commission pursuant to this notice will become part of the rulemaking record.

Burl W. Haar  
Executive Secretary

The following is a list of those the Commission intends to invite to serve on an advisory task force to assist in the development of rules governing local competition in the telecommunications industry.

1. Minnesota Independent Coalition (MIC)
2. U S West Communications, Inc.
3. Vista Telephone Company
4. GTE
5. Sprint
6. AT&T
7. MCI
8. Minnesota Equal Access Network Services (MEANS)
9. Minnesota Business Utility Users Council (MBUUC)
10. Minnesota Department of Administration
11. Minnesota Public Interest Research Group (MPIRG)
12. Minnesota Senior Federation
13. Department of Public Service
14. Attorney General's Office, Residential Utilities Division
15. MFG - Intelinet
16. Enhanced Telemanagement, Inc. (ETI)
17. Minnesota Cable Communications Association
18. Minnesota League of Cities

Dated: 13 February 1995

# 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 Administration

### State Designer Selection Board

### Request for Proposal for Two Projects

#### To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select a designer for two projects. Design firms who wish to be considered for these projects shall deliver proposals on or before 4:00 p.m., March 14, 1995, to:

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

**The proposal shall conform to the following:** Proposals not conforming to these requirements will be disqualified and discarded without further examination.

1) **Six (6) copies of the proposal will be required for PROJECT - 01-95; Nine (9) copies of the proposal will be required for PROJECT - 02-95.**

2) All data must be on 8 1/2" x 11" sheets, soft bound. No more than 20 printed faces will be allowed.

3) The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 8 below, together with the designer's firm name, address, telephone number and the name of the contact person.

4) 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 5(b) 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.

#### 5) Proposal Summary

All proposals shall begin with a summary which includes only the following items:

a) Name of firm and its legal status.

b) Names of persons responsible for both the management and production of the work including consultants, and Minnesota registration numbers.

c) The proposals shall contain a statement indicating that the consultants listed have been contacted and have agreed to be part of the design team.

d) A commitment to enter the work promptly, if selected, by engaging the consultants, and assigning the persons named 5(b) above along with adequate staff to meet the requirements of work.

e) 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.

f) 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; therefore, the proposal shall include one of the following:

1. A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or

2. A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights; or

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## Professional, Technical & Consulting Contracts

3. A statement certifying that the firm has not had more than 20 full-time employees at any time during the previous 12 months.

- 6) Additional Proposal Contents

- a) Expanded resumes showing qualification of individuals listed in 5b above administering or producing the major elements of the work, including consultants. Identify roles that such persons played in projects which are relevant to the project at hand.
- b) A discussion of the firms understanding of and approach to the project.
- c) A listing of relevant past projects.

- 7) Other 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.

**8a) PROJECT - 01-95**

St. Louis County Fairgrounds  
and Motorsports Complex  
Hibbing, Minnesota

### PROJECT DESCRIPTION

The project proposes a multi-purpose recreational and display complex supporting a variety of activities throughout the year. The main components will be: fairgrounds with multiple use display buildings and grounds; raceway with grandstand and support facilities; common service spaces and structures for administration, food service and parking; motor sports areas including potential drag strip and multiple use motocross course for motorbikes and snowmobiles. The total project cost is estimated at \$9.5 million if all components are constructed. The project will interface with the co-location project of Range Technical College and Hibbing Community College.

### SITE LOCATION

3 1/2 miles north of Hibbing, Minnesota on Highway 169. Approximately 440 acre site.

### WORK TO BE PERFORMED BY CONSULTANT

The selected designer, in consultation with the Iron Range Resources and Rehabilitation Board, the St. Louis County Board, and the St. Louis County Fair Board, shall provide a comprehensive scope of services including design for architectural, general interiors, food services, civil, landscaping, structural, mechanical, electrical, telecommunications, furniture, fixtures and equipment through the Predesign Planning, Schematic Design, Design Development and Construction Document Phases.

The selected designer and associated firms shall each demonstrate experience in successfully completing a similar project in size, type and complexity. The wide range of activities required by the project will require discussions with, obtaining input from and synthesizing all data from several sources.

All designs shall be consistent with: 1) the standards of the Iron Range Resources and Rehabilitation Board: 2) ADA requirements and 3) all applicable building and energy codes. New buildings shall provide a cohesive identity. Building interior spaces shall be designed for maximum space organization and flexibility, good ventilation control and energy efficiency where applicable, and complete fire suppression throughout. The project has been funded through working drawings for the entire project including all costs for administration, project support, site investigations, testing services, predesign fees, eligible reimbursements, contingencies and all related project expenses. The designer fee for all services for the Schematic Design through Construction Document Phases shall be fixed at 6% of the amount budgeted by the State for construction. A designer additional service fee will be negotiated for all Predesign Planning phase work and for applicable reimbursable expenses. The State will require the designer to provide copies of their contracts with all their sub-consultants.

Additional project information is available on request. Questions concerning this project may be referred to:

Mr. Richard A. Nordvold, Special Projects Coordinator  
Iron Range Resources & Rehabilitation Board  
P.O. Box 441  
Eveleth, Minnesota 55734  
(218) 749-7721

## Professional, Technical & Consulting Contracts

### 8b) PROJECT - 02-95

Hutchinson - Willmar Regional Technical College  
Hutchinson Campus Addition & Remodeling

The State Board of Technical Colleges intends to retain an architectural/engineering Design firm to complete all planning and design work for the Hutchinson-Willmar Technical College, Hutchinson Campus Addition and remodeling project, on the existing Hutchinson Technical College site. The project includes an addition to expand the existing facility to provide space for a new Media Resource Center/Library, a new Child Care Center and Laboratory, additional space for the expansion of the Nondestructive Testing (NDT) Program, and a new Exhibit/Concourse Entrance. The project also includes interior remodeling of adjacent areas and functions affected by the project.

Preliminary concept studies indicate needs in the range of 42,675 GSF new space; 18,911 GSF remodeled space; a new Child Care playground and related site improvements.

The selected Designer, in consultation with State and local college officials and in response to the local Master Academic Plan shall provide a comprehensive scope of services including design for architectural, general, interiors, food services, civil, landscaping, structural, mechanical, electrical, telecommunications, furniture, fixtures and equipment through the Predesign Planning, Schematic Design, Design Development and Construction Document Phases. The project work will end with a completed design to be submitted by the Minnesota State Colleges and Universities (MNSCU) System to the State Legislature for additional funding to implement construction and occupancy. The Designer Team shall provide all architectural, interior design and engineering discipline services required and shall include a professional and experienced independent cost estimating consultant capable of providing cost data in-house during each Phase for all work. The Designer team shall complete all documents 100% using only computer aided design and drafting technology in an electronic data exchange file format acceptable to the Owner (AutoCad Release 12).

The selected Designer and associated firms shall each demonstrate experience in successfully completing higher education comprehensive projects of a similar size, type and complexity. The wide range of activities required by the project will require discussions with, obtaining input from and synthesizing all data from several sources. A project team process will be developed with the Designer as the key organization responsible for consolidation of the data into an acceptable and cost responsive design solution. The Owner may retain additional specialty consultants to assist in the project work.

The Design Team shall provide all architectural and engineering discipline services required and shall also complete all necessary space planning and programming work during the Predesign Planning Phase. The Design Team shall review and confirm the exact scope of all project additions and remodeling components by using the Master Academic Plan and obtaining input from and working with State and local college officials.

The new program spaces shall be attached to and maximize the current spaces of the existing facility. All designs shall be consistent with: 1) the facilities standards of the MNSCU System; 2) ADA regulations and 3) all applicable building and energy codes. Building interior spaces shall be designed for efficient space utilization, future space reorganization flexibility, good quality central station climate control systems in all new or remodeled areas, contemporary electronics environments, high energy efficiencies and include complete fire suppression systems. Performance type design specifications for any systems will not be acceptable.

This project has been funded for \$380,000 for the entire project including all costs for administration, project support, site investigations, testing services, predesign fees, design fees, eligible reimbursables, contingencies and all related project expenses. The Designer fee for all services for the Schematic Design through Construction Documents Phases shall be fixed at 6% of the amount budgeted by the State for construction. A Designer additional service fee will be negotiated for all Predesign Planning Phase work and for applicable reimbursable expenses. The State will require the Designer to provide copies of their contracts with all their sub-consultants.

Additional project information is available upon request. Questions concerning this project may be referred to:

Mr. Ronald Erpelding, President  
Hutchinson-Willmar Regional Technical College  
Hutchinson Campus  
2 Century Avenue  
Hutchinson, MN 55350  
(612) 587-3636

Ms. Glenda Moyers  
Director of Facilities & Information Services  
State Board of Technical Colleges  
550 Cedar Street, Suite 100  
St. Paul, MN 55101  
(612) 296-9444

Maureen Steele Bellows, Chair  
State Designers Selection Board

## **Moorhead State University**

### **Notice of Request for the Professional Services of an Enrollment Management and Retention Consultant**

Moorhead State University seeks to hire an enrollment management and retention consultant to assist and advise the institution's Admissions Office and enrollment management and retention committees on future strategies to recruit increasing numbers of students from the institution's target markets and retain greater numbers of current students.

The University envisions this project as including two parts. The first part will involve identifying and developing marketing, recruitment and retention strategies; the second part will be ongoing follow-up to test strategies and outcomes. The contractor will begin immediately upon final execution of a contract and will complete the first part of the project by May 31, 1995. Evaluation and ongoing follow-up will commence in November 1995 and conclude April 30, 1996.

Sample tasks may include, but are not limited to, the following: 1) perform a market analysis, 2) review all current publications as related to marketing efforts, 3) meet with institutional focus groups to identify the institution's market strengths, 4) design market strategies to help prospect, recruit and track interested students, 5) develop a market position strategy to recruit minorities, nontraditional students and other target markets, 6) evaluate the data base used to track prospective and admitted students, 7) review and make recommendations on all retention programs, 8) develop additional strategies to reduce the dropout rate, 9) develop strategy to inform and solicit support from the faculty and campus community for enrollment and retention efforts, and 10) provide ongoing monitoring, evaluation and support for a period up to 6 months after implementation of recommended strategies.

The estimated cost of this contract should not exceed \$60,000, which includes allowable travel expenses. All proposals must be received not later than 4:00 p.m. March 15, 1995, as indicated by a notation made by the receptionist of the institution's Business Office, first floor, Owens Hall Room 106. **Late proposals will not be accepted.**

For a complete Request for Proposal for this project, please contact Carol Kilsdonk, Purchasing Director, Moorhead State University, 1104 South 7th Avenue, Moorhead, MN 56563. Telephone: (218) 236-2059

## **Department of Public Safety**

### **Division of Emergency Management**

### **Request for Proposals for an Instructor and Materials for Three Offerings of a 40-Hour Hazardous Materials First Responder Operational Course**

The Minnesota Department of Public Safety is seeking proposals for an instructor and materials for three offerings of a 40-hour Hazardous Materials First Responder Operational Course. Details are contained in a Request for Proposals which may be obtained by calling or writing:

Ed Leier, Administrator  
Hazardous Materials Program  
Division of Emergency Management  
Department of Public Safety  
B-5 State Capitol, 75 Constitution Avenue  
St. Paul, MN 55155  
(612) 296-0453

The estimated cost of the contract is \$10,000.00. Final date for submitting proposals is **March 17, 1995, by 4:00 p.m.**

## Professional, Technical & Consulting Contracts

### Minnesota Department of Trade and Economic Development

#### Request for Statements of Interest and Capability Regarding a Possible Computer System for One-stop Licensing and Permitting

Pursuant to Executive Order 93-9 the Department of Trade and Economic Development (the Department) has completed a report on the feasibility of "one-stop shopping" for business related state licenses and permits. That report includes a proposal for the development and implementation of a computer-accessible license and permit system having two parts.

- An electronic catalog of licenses and permits with their requirements, statutes, rules, and other information; and
- An interactive electronic application for individual licenses and permits having analog application forms, application instructions, fee computation and electronic payment, electronic submission of application and issuance of a receipt for application and payment.

The report includes a cost and resources proposal for design and implementation of such a system and also includes a computer simulation of how such a system might work.

Proposed legislation for design and implementation of such a system has been introduced in the 1995 legislature (H.F. 441 and S.F. 383).

If the proposed legislation, or similar legislation, is enacted into law, the Department anticipates contracting for computer system design and development services under the provisions of *Minnesota Statutes* § 15.061 and § 16B.17.

To assist with the identification of issues which need to be addressed in any Request For Proposals (RFP) (including the degree to which more than one RFP and contract may be necessary) and to aid in the drafting of any RFPs which may be issued, the Department is seeking statements of interest and capability as potential contractors from individuals and firms in the following areas:

- Planning of large and complex information system projects
- Management of large projects (i.e., involving 40 state agencies)
- Structured analysis for design and construction of computer systems
- Facilitating joint applications development sessions with state agencies
- Entity-relationship modeling
  - object models
  - data models
- Process modeling
- Process reengineering
- Cost-benefit risk analysis
- Digital communications system design and programming
- Methods of sharing data
  - electronic data interchange
  - electronic funds transfer
  - distributed data design
  - file transfer protocols
  - on-line or dial-up access
- Technology planning and selection
- Database design
- Application programming
- Information system testing and user acceptance procedures

Individuals and firms having such interest and capability should first obtain a copy of the report pursuant to Executive Order 93-9 from Charles A. Schaffer, Minnesota Department of Trade and Economic Development, 500 Metro Square, 121 7th Place East, St. Paul, Minnesota 55101-2146, (612) 296-0617, and then respond with written questions about the proposed project and written statements of interest and capability to Charles A. Schaffer at the same address by April 4, 1995.

The Department of Trade and Economic Development will then hold one or more meetings with interested parties for discussion of questions and issues relating to the anticipated project. Such a meeting, or meetings, will be announced in the *State Register* and by mail to individuals and firms who have responded to this notice.. The meeting or meetings will be open to the public and all



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## Professional, Technical & Consulting Contracts

information submitted to or collected by the Department for the conduct of those meetings (including statements of interest and capability) will be public data under *Minnesota Statutes* Chapter 13. A verbatim transcript of the meeting or meetings will be made and will be public data under *Minnesota Statutes* Chapter 13.

Any such meeting is *not* for the purpose of securing or facilitating support for, or hearing opposition to, the substance of the report or specific pieces of legislation introduced to effect the design, implementation and operation of a one-stop licensing system. Such statements of support or opposition should be directed to the legislature.

## Department of Transportation

### Request for Proposals for Exam Validation Study

The Department of Transportation requests proposals to evaluate the examination currently used to select entrants into the Graduate Engineer job class. This evaluation is intended to ensure the availability of a valid examination that meets the Department's needs.

The evaluation project tasks include:

- (a) assess the validity of the current examination in terms of the definition and levels of knowledge, skills and abilities required for entry into the Graduate Engineer class;
- (b) make recommendations relevant to improvements in the examination or development of a new examination;
- (c) make any recommendations relevant to the relationship between the Graduate Engineer class and the other engineer job classes used by the department; and,
- (d) provide a written report of the findings and recommendations.

Responders are encouraged to propose additional tasks or activities if they will substantially improve the results of the project.

The Department has estimated the cost of this contract should not exceed \$30,000 for the project time period of April 1995 through June 30, 1995.

All proposals received by the deadline will be evaluated by staff of the Department of Transportation with attention to the following proposal components:

- 1) Statement of goals, objectives, methodological approach to the project and tasks involved. This statement must express an understanding of the nature and scope of the project. (30 evaluation points)
- 2) Cost and work plan, identifying major tasks to be accomplished in the April 1995 through June 30, 1995 time frame. This plan must be sufficiently detailed to be used as a project management tool. (40 evaluation points)
- 3) The responder's professional qualifications and experience with regard to evaluating the validity of personnel selection processes. (30 evaluation points)

Prospective responders who have questions about this request for proposals may call:

Mike Koebnick, Operations Manager  
Office of Human Resources (612) 296-3648  
Minnesota Department of Transportation  
Room 515 Mail Station 200  
Transportation Building  
395 John Ireland Blvd  
St. Paul, MN 55155

Other Department personnel are not allowed to discuss the request for proposal with responders before the proposal submission deadline.

Proposals should be sent to the above name and address and must be received by 2:30 p.m., March 20, 1995. Late proposals will not be accepted. Please send 2 copies of the proposal.

The Department expects to complete its evaluation of proposals by March 31, 1995. Results will be sent immediately by mail to all responders.

This request for proposal does not obligate the state to complete the project, and the state reserves the right to cancel the solicitation if such cancellation is considered to be in its best interest.

# Non-State Public Bids, Contracts & Grants

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

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

## Minnesota Historical Society

### Notice of Request for Bids for Manufacture of a Book: *The Architecture of Edwin Lundie*

The Minnesota Historical Society is seeking bids from qualified firms to provide all materials, supplies, labor, and equipment to manufacture, bind and deliver a book, tentatively titled *The Architecture of Edwin Lundie*.

The work will generally consist of the manufacture of approximately 2000 paper and 500 cloth bound copies of a 144 page book of which 108 pages are four color and 36 pages are one color.

The Request for Bids is available by calling or writing Gary W. Goldsmith, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone (612) 297-5863.

Bids must be received not later than 2:00 P.M. Central Time March 9, 1995.

Complete Specifications and details concerning submission requirements are included in the Request for Bids.

## Metropolitan Council

### Wastewater Services

### Advertisement for Bids for Seneca Wastewater Treatment Plant Stack Cap Damper Procurement

**NOTICE IS GIVEN THAT** on March 9, 1995, at 2:00 P.M., the Metropolitan Council (COUNCIL) will receive and publicly open separate sealed bids for Seneca WWTP Stack Cap Damper Procurement, MCWS Project Number 930566 at their Central Office at Mears Park Centre, 230 E. 5th Street, Sixth Floor, St. Paul, MN 55101.

This Project consists of procurement of the following:

1. Goods: Furnish 2 stack cap dampers for the incinerator bypass stacks at Seneca WWTP. The Goods will be installed under a separate Contract.
2. Special Services: Provide on-site technical assistance during installation and start-up of the Goods by others. Provide operations and maintenance instruction to COUNCIL personnel.

The estimated procurement cost is between \$50,000 and \$100,000.

Bidding Documents may be obtained from Metropolitan Council Wastewater Services, Attn: Jan Bevins, Mears Park Centre, 230 E. 5th Street, St. Paul, MN 55101.

A Pre-Bid Meeting will be held at the Seneca WWTP Construction Field Office, 3752 Plant Road, Eagan, MN on February 23, 1995 at 10:00 a.m.

Direct inquiries to the COUNCIL's Project Manager, Harold Voth at (612) 771-9599.

*Minnesota Statutes*, sections 473.144 and 363.073, and *Minnesota Rules*, parts 5000.3400 to 5000.3600, will be incorporated into any contract based upon the Bidding Documents or any modifications to them. If a contract for this Project is awarded in excess of \$50,000, the requirements of *Minnesota Rules*, Part 5000.3530 will be applicable. Copies of the above statutes and rules are available upon request from the COUNCIL. Additional pertinent information is contained in the Bidding Documents.

The geographical area for this notice and contract is Dakota County.

By Order of the METROPOLITAN COUNCIL WASTEWATER SERVICES  
Helen A. Boyer, General Manager, Wastewater Services  
Dated this 17th day of February, 1995.



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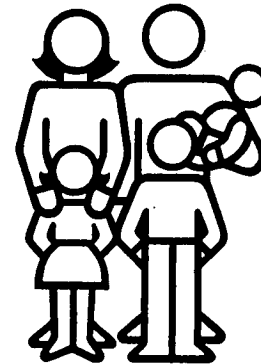
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Selected Chapters from the 1993 Minnesota Statutes related to human services delivery. Among the many topics covered are: government data practices, human service licensing, MN Commitment Act of 1982, medical assistance, MN Family Preservation Act, and chemical dependency. Looseleaf, 1,551pp. Requires 2 binders. Stock No. 2-56 \$34.95

### Health Care Program Manual

(...formerly known as the MA/GAMC Medical Care Provider Manual) This MinnesotaCare Programs Provider Manual provides up-to-date information for providers and agency personnel regarding services to Medicaid patients. Covers GAMC and MinnesotaCare services, provider enrollment, claims processing and program compliance. 336pp. (DHS, 1994)  
Stock No. 10-12 \$20.00

### Home Health Care/Hospice Rules 1993

MN Statutes Chapter 144A and MN Rules Chapters 4668 and 4669. 61pp. Stock No. 3-82 \$6.95

### Nursing & Boarding Care Home Rules

Chapters 4620.1200, 4638, 4655, and 4660. Licensing requirements for facilities where nursing, personal or custodial care is provided. 215pp. (1993)  
Stock No. 3-12 \$14.00

### Nursing Board Laws

MN Statutes Chapter 148 governs practice of professional nursing in Minnesota. 20pp. (1993)  
Stock No. 2-91 \$5.00

### Nursing Board Rules

Rules governing preparation programs and licensing and registration of nurses. MN Chapters 6301, 6305, 6310, 6316, 6321, 6330 and 6340. Includes '94 rule changes as an insert. 70pp. (1993) Stock No. 3-94 \$7.00

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Laws and rules relating to social work licenses. MN Statutes Chapter 148B and MN Rules Chapter 8740. 70pp. (1993) Stock No. 3-39 \$7.95

### Supervised Living Facilities Laws & Rules

Statutes Chapters 144.56 and 144.651-.653 and Rules Chapter 4665. Standards for construction, equipment, maintenance, and operation of supervised living facilities. 42pp. (1992) Stock No. 3-15 \$4.50

### Pharmacy Laws

MN Statutes Chapter 151-152, 214, 319A and sections of other chapters. 122pp. (1993)  
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MN Rules Chapter 6800. 100pp. (1993)  
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