

# The Minnesota State Register

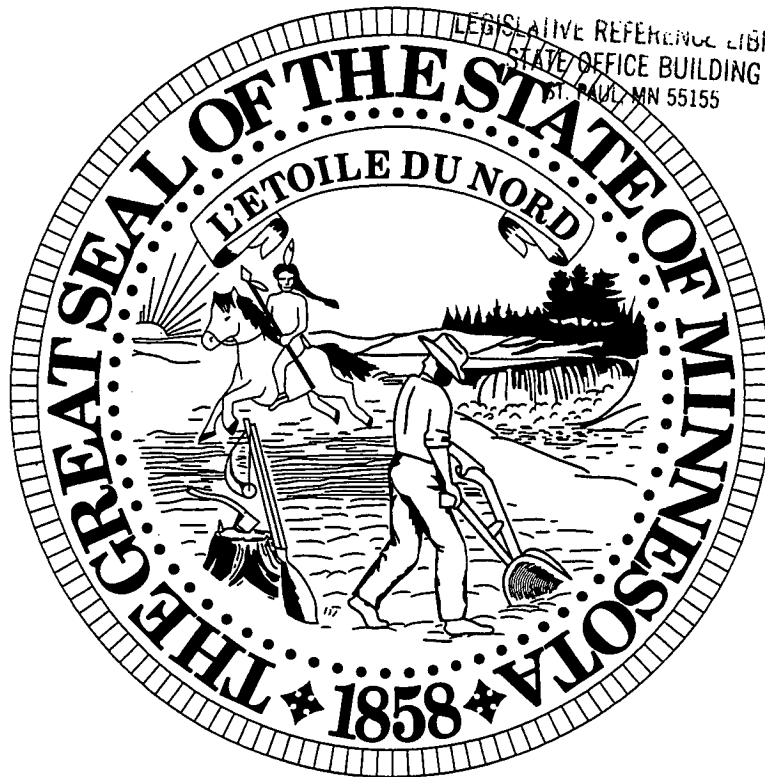
4

Department of Administration—Print Communications Division

RECEIVED

JUN 19 1995

LEGISLATIVE REFERENCE LIBRARY  
STATE OFFICE BUILDING  
ST. PAUL, MN 55155



Rules edition  
Published every Monday  
(Tuesday if Monday is a holiday)

Monday 19 June 1995

Volume 19, Number 51

Pages 2407-2462

# State Register

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

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

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

### Printing Schedule and Submission Deadlines

Vol. 19 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
51	Monday 19 June	Monday 5 June	Monday 12 June
52	Monday 26 June	Monday 12 June	Monday 19 June
Vol. 20 1	Monday 3 July	Monday 19 June	Monday 26 June
Vol. 20 2	Monday 10 July	Monday 26 June	Monday 3 July

Arne H. Carlson, Governor 612/296-3391	Hubert H. Humphrey III, Attorney General 612/297-4272	Joan Anderson Grove, Secretary of State 612/296-2079
Joanne E. Benson, Lt. Governor 612/296-3391	Judi Dutcher, State Auditor 612/297-3670	Michael A McGrath, State Treasurer 612/296-7091
Department of Administration:	Print Communications Division:	Robin PanLener, Editor 612/297-7963
Elaine S. Hansen, Commissioner 612/296-1424	Kathi Lynch, Director 612/297-2553	Paul Hoffman, Assistant Editor 612/296-0929
Robert A Schroeder, Asst. Commissioner 612/297-4261	Mary Mikes, Manager 612/297-3979	Debbie George, Circulation Manager 612/296-0931

An "Affidavit of Publication" can be obtained at a cost of \$5.00 for notices published in the *State Register*. This service includes a notarized "Affidavit of Publication" and a copy of the issue of the *State Register* in which the notice appeared.

To submit notices for publication in the *State Register*, contact the editor listed above. The charge is \$8.00 per column inch (columns are seven inches wide). About 2-1/2 pages typed double spaced on 8-1/2"x11" paper equal one typeset page in the *State Register*. Submit two copies of your notice, typed double spaced, with a letter on your letterhead stationery requesting publication date. Send to the *State Register* at the address listed below.

#### SUBSCRIPTION SERVICES:

The *State Register* is published by the State of Minnesota, Department of Administration, Print Communications Division, pursuant to *Minnesota Statutes* § 14.46. The *State Register* is available at the main branch of county libraries in Minnesota and all "State Depository Libraries": State University and Community College libraries; the University of Minnesota libraries; St. Paul, Minneapolis and Duluth Public Libraries; State Law Library; Minnesota Historical Society Library; and the Library Development Service at the State Department of Education. Single copies cost \$3.50 and are available at Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Order by phone: Metro area: 297-3000 Toll free 800-657-3757. Telecommunication Device for the Deaf Metro area: 282-5077 Toll free 800-657-3706. **NO REFUNDS.** Both editions are delivered postpaid to points in the United States, second class postage paid for the *State Register* at St. Paul, MN, first class for the *Contracts Supplement*. Publication Number 326630 (ISSN 0146-7751). Subscribers who do not receive a copy of an issue should notify the *State Register* circulation manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

- *State Register* (published every Monday, or Tuesday if Monday is a holiday) One year subscription: \$150.00
- *Contracts Supplement* (published every Tuesday, Wednesday, Friday) One year subscription: \$125.00 via first class mail, \$140.00 via fax or through our On-Line Service via your computer modem. For a free sample demo of the On-Line Service call via your modem: 612/821-4096. Access item "S": *State Register* Modem parameters 8-N-1 1200/2400. By purchasing the On-Line access you are agreeing to not redistribute without authorization.
- 13-week trial subscription which includes both the *State Register* and *Contracts Supplement*. \$60.00
- Single issues are available for a limited time: *State Register* \$3.50, *Contracts Supplement* 50¢. Add shipping charge of \$3.00 per order.
- "*Commodity Contract Awards Reports*," - lists awards of contracts and bids published in the Tuesday-Wednesday-Friday "*Contracts Supplement*" - published every two weeks, \$5.00 per individual report, plus \$3.00 shipping if applicable. Order stock # 99-42. Six-month subscriptions cost \$75.00. Appears every two weeks. Order stock # 90-14. Available in hard copy format only.
- "*Professional-Technical-Consulting Award Reports*," - published each month listing the previous month's awards of contracts and RFPs that appeared in the Monday edition of the "*State Register*." Individual copies are \$15.00 per report, plus \$3.00 shipping if applicable. Order stock # 99-43. Six-month subscriptions cost \$75.00. Appears monthly. Order stock number 90-15. Available in hard copy format only.

### FOR LEGISLATIVE NEWS

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

#### SENATE

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

**Perspectives**—Publication about the Senate.

**Session Review**—Summarizes actions of the Minnesota Senate.

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

#### HOUSE

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

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

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

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

## Minnesota Rules: Amendments & Additions

Vol. 19, #40-51 (issues #1-39 cumulative in #39)..... 2410

### Proposed Rules

#### Housing Finance Agency

Home ownership assistance fund..... 2412

#### Pollution Control Agency

Clean water partnership program..... 2414 ✓

### Adopted Rules

#### Education Board

Effective date of the following adopted permanent rules relating to special education rules..... 2432

#### Education Department

Special education rules..... 2432

#### Human Services Department

Conditions for medical assistance and general assistance medical care payment..... 2433

#### Natural Resources Department

Leases for selected industrial minerals..... 2433

Leasing of state lands for metallic minerals..... 2434

### Emergency Rules

#### Natural Resources Department

Adopted expedited emergency game and fish rules; 1995 moose season quotas and moose zone changes..... 2435

Adopted expedited emergency game and fish rules; 1995 fall turkey quotas..... 2442

### Revenue Notices

#### Revenue Department

Revenue Notice 95-4 Sales tax: Penalty for operators of flea markets and similar events..... 2443

### Official Notices

#### Administrative Hearings Office

Comments sought on the development of rules for the rulemaking procedure..... 2443 ✓

#### Economic Security Department

Opinion sought on rules for appeals..... 2444

#### Education Board

Opinion sought on rules for graduation standards..... 2445

#### Health Department

Establishment of an emerging infections program in Minnesota..... 2445

Completed applications and notice of hearing on the license applications of Polk County Ambulance Service, Crookston and County Emergency Medical Services, Fertile..... 2447

#### Health Department

#### Labor and Industry Department

#### Commerce Department

Workers' compensation 24-hour medical coverage pilot project plan..... 2448

#### Human Services Department

Amended notice seeking opinion on rules for administration and provision of foster care services to children and their families.. 2449

Amended notice seeking opinion on rules for eligibility for medical assistance..... 2450

Amended notice seeking opinion on rules for homemaking services..... 2450

Amended notice seeking opinion on rules for operation, maintenance, and licensure of program to be established at the Minnesota Sexual Psychopathic Personality Treatment Center..... 2451

Amended notice seeking opinion on rules for the removal of children in need of protection..... 2452

Opinion sought on rules for medical assistance payment for therapeutic support of foster care and family community support services; and medical assistance payment for wraparound services..... 2452

### Labor and Industry Department

Prevailing wage certifications for commercial construction projects..... 2453

### Mental Health and Mental Retardation Ombudsman

Meeting of the Ombudsman for Mental Health and Mental Retardation Advisory Committee Thursday 22 June 1995..... 2454

### Pollution Control Agency

Opinion sought on rules for adopting miscellaneous required federal regulations on hazardous waste into *Minnesota Rules*... 2454 ✓

Opinion sought on rule amendments for reference materials, testing methodology and hazardous waste constituents..... 2455 ✓

### State Grants

#### Labor and Industry Department

Proposals sought for available labor education advancement program grants..... 2456

### Professional, Technical & Consulting Contracts

#### Agriculture Department

Contracts available for Minnesota farm advocates..... 2457

#### Human Services Department

Proposals sought for annual review of quality of health care delivered through managed care programs..... 2458

#### Transportation Department

Contract available for professional "self-directed work team" services..... 2459

#### University of Minnesota

Deadline extension for request for proposals for historic properties preservation plan..... 2459

### Non-State Public Bids, Contracts & Grants

#### Minnesota Historical Society

Proposals sought for design, layout, and typesetting for *Minnesota History*..... 2460

### State Contracts, RFPs & Advertised Bids

Commodities and requisitions are advertised in the *State Register Contracts Supplement*, published every Tuesday, Wednesday and Friday. "Commodity Contract Awards Reports" are published every two weeks, and "Professional-Technical-Consulting Contract Awards Reports" are published monthly. Both are available through Minnesota's Bookstore, (612) 297-3000 or 1-800-657-3757. For subscription information call 612/296-0931. 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.

## Vol. 19, #40-51- issues #1-39 cumulative in #39

### Administration Department

1215.1400 (proposed) .....	2113
1340.0100-.1280 (proposed) .....	2289
1340.0200-.0900; .1100-.1900; .9000-.9900 (proposed repealer) .....	2289

### Agriculture Department

1505.0980; .1100 (proposed) .....	2267
1510.0430-.0431; .0432; .0433; .0434 (adopted) .....	2269
1510.0432 s.2,3 (repealed) .....	2269

### Chiropractic Examiners Board

2500.0100; .0600 (proposed) .....	2065
2500.0550; (adopted) .....	2139

### Commerce Department

2642.0380 (proposed) .....	2161
----------------------------	------

### Dentistry Board

3100.0100; .2000; .4100; .4200; .4300; .4400; .4500 (proposed) .....	2200
3100.0100; .1150; .1160; .1300; .1700; .1750; .2000; .3600; .4100; .4200; .4300; .4400; .4500; .8500; .8700 (withdrawn) .....	2332
3100.1300; .8500; .8700 (proposed) .....	2205
3100.3600; .8700 (proposed) .....	2197
3100.4300 s.5,6; .4500 s.1; .4600 (proposed repealer) .....	2200
3100.4300 s.5,6; .4500 s.1; .4600 (repealer withdrawn) .....	2332

### Dietetics and Nutrition Practice Board

3250.0010-.0050 (proposed) .....	2326
----------------------------------	------

### Education Department

3500.1000; 3525.0200; .0300; .0400; .0700; .0750; .0800; .0850; .1100; .1150; .1310; .1348; .1350; .1352; .1354; .1356; .1400; .1510; .1550; .2325; .2335; .2340; .2350; .2380; .2405; .2415; .2420; .2470; .2550; .2750; .2900; .3100; .3150; .3200; .3300; .3500; .3600; .3700; .3800; .3900; .4100; .4200; .4300; .4400 (adopted) .....	2432
3525.0200 s.8b,9b, and 18b; .0650; .1200; .1320; .1500; .2300; .2330; .2335 s.1,3,4 and 5; .2340 s.1,2, and 3; .2345; .2350 s.5; .2380 s.3; .2405 s.4; .2410; .2415; .2430; .2500; .2925; .2950 (repealed) .....	2432

### Public Safety Department

3520.2400; .2500; .2600; .2850; .3000; .3100; .3300 (proposed repealer) .....	2362
---	------

### Electricity Board

3800.3600-3603 (adopted) .....	2221
--------------------------------	------

### Environmental Quality Board

4410.0200; .0400; .0500; .1200; .1300; .1400; .1700; .2100; .2300; .2400; .2800; .3100; .4000; .4300; .4400; .4600; .5200; .6100; .6200; .6410; .6500 (proposed) .....	2067
4410.0200 s.19,20,21,31,83; .3200 s.3; .6300; .6400; .6500 s.2-5, 7 (proposed repealer) .....	2067

### Health Department

4605.7000; .7010; .7020; .7030; .7040; .7050; .7060; .7080; .7090; .7700; .7800 (proposed) .....	2356
4605.7600; .7701-.7715 (proposed repealer) .....	2356
4617.0002; .0020; .0025; .0043; .0044; .0045; .0049; .0050; .0056; .0058; .0171; .0172; .0173; .0174 (adopted) .....	2089
4617.0002 s.11; .0046; .0047; .0170; .0175; .0180 (repealed) .....	2089
4655.1070; .1074; .1076; .1078; .1080; .1082; .1084; .1086; .1088; .1090; .1092; .1094; .1096; .1098 (proposed) .....	2300
4670.1320; .4210; .4220; .4230 (adopted) .....	2090

### Housing Finance Agency

4900.1331; .1345; .1375; (proposed) .....	2412
4900.1315 s.7 and 10; .1345 s.1 (proposed repealer) .....	2412

### Labor & Industry Department

5205.0010 (proposed) .....	2031
----------------------------	------

### Natural Resources Department

6105.0330 (proposed) .....	2210
6110.1200 (proposed) .....	2207
6125.8000-.8700 (adopted) .....	2434
6125.4500-.5700 (repealed) .....	2434
6125.0100; .0400; .0410; .0420; .0500; .0600; .0610; .0620; .0700 (adopted) .....	2434
6125.0300; .1000-.4100 (repealed) .....	2434
6200.0200; 6210.0100; 6212.1750; .1800; .2900; .3000; 6214.0500; 6230.0200; .0400; .0900; .1300; 6232.0100; .0200; .0300; .0700; .0800; .1200; .1250; .1300; .1800; .1950; .2000; .2100; .2450; .2500; .2900; .3000; .3700; .3800; .4000; .4700; 6234.0200; .0400; .2600; .3000; .3100; .3400; 6236.0100; .0900; 6240.0200; .0550; .0850; .0860; .0900; .1700; .1950; 6242.0200; .0500; .0900; .1000; .1200; 6252.0500; 6254.0200; .0500; .0510; 6262.0100; .0200; .0300; .0500; 6266.0100; .0300; .0400; .0500 (adopted) .....	2222
6232.3000; .3055 (adopted expedited emergency) .....	2115
6232.3855; .4100 (adopted expedited emergency) .....	2435
6234.1300 s.3; 6262.0500 s.3 (repealed) .....	2222

## Minnesota Rules: Amendments and Additions

<p>6236.0855; (adopted expedited emergency) ..... 2442</p> <p>6262.0500 (adopted emergency)..... 2091</p> <p>6264.0300 (adopted exempt) ..... 2090</p> <p>6287.0100-.0900 (proposed)..... 2090</p> <p><b>Nursing Board</b></p> <p>6305.0500; 6310.2600; .2900; .3200; 6330.0350; 6340.0050; 6340.0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .0950; .1000; .1100 (adopted)..... 2223</p> <p><b>Pollution Control Agency</b></p> <p>7001.0010; 7045.0020; .0450; .0485; .0545; .0546; .0552 (proposed) ..... 2215</p> <p>7001.3050; 7035.0300; .2525; .2845; .2585 (adopted)..... 2330</p> <p>7009.9000 (proposed) ..... 2212</p> <p>7027.0500-.1150 (adopted) ..... 2223</p> <p><b>Pollution Control Agency</b></p> <p>7076.0100; .0110; .0120; .0130; .0140; .0150; .0160; .0170; .0180; .0190; .0200; .0210; .0215; .0224; .0230; .0240; .0250; .0260; .0280; .0285; .0290 (proposed)..... 2413</p> <p>7076.0110 s.14; .0210 s.2,6,7,8 and 9; .0220; .0240 1a; .0280 s.7 (proposed repealer) ..... 2413</p> <p><b>Public Safety Department</b></p> <p>7470.1000-.1700 (proposed)..... 2362</p> <p><b>Crime Victims Reparations Board</b></p> <p>7505.3100; .3200; .3500; .4100 (proposed)..... 2354</p>	<p><b>Public Safety Department</b></p> <p>7520.0650; .1000; .1100 (adopted)..... 2090</p> <p><b>Gambling Control Board</b></p> <p>7861.0010; .0040; .0060; .0080; .0120; 7863.0010; .0020; 7864.0010; .0030 (adopted)..... 2380</p> <p>7861.0080 (adopted) ..... 2222</p> <p><b>Minnesota Racing Commission</b></p> <p>7869.0100; 7870.0500; .0510; 7871.0010; .0110; 7873.0100; .0110; .0130; .0150; .0192; .0198; .0550; 7875.0100; .0200; 7877.0120; .0125; .0130; .0155; .0170; .0180; 7878.0170; 7879.0100; 7883.0140; .0160; 7884.0125; .0195; .0270; 7892.0160; 7895.0110; .0300; 7897.0100; 7899.0100 (adopted)... 2307</p> <p><b>Revenue Department</b></p> <p>8130.2200 (proposed) ..... 2366</p> <p><b>Secretary of State</b></p> <p>8271.0010-.0350 (adopted)..... 2163</p> <p><b>Veterinary Medicine Board</b></p> <p>9100.0100; .1000 (proposed) ..... 2375</p> <p>9100.0100 s.1d (proposed repealer)..... 2375</p> <p>9100.0400; .0500; .0600 (proposed)..... 2243</p> <p><b>Human Services Department</b></p> <p>9505.5000; .5005; .5010; .5020; .5025; .5105 (adopted)..... 2433</p> <p>9505.5010 s.2; .5015 (repealed)..... 2433</p>
--	--

## 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.

## Housing Finance Agency

### Proposed Permanent Rules Relating to Home Ownership Assistance Fund

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

The Minnesota Housing Finance Agency 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. You have 30 days to submit written comments on the proposed rule and may also submit a written request that a hearing be held on the rule.

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

Judie VanDerBosch  
Minnesota Housing Finance Agency  
400 Sibley Street, Suite 300  
St. Paul, MN 55101-1998  
(612) 296-9793

**Subject of Rule and Statutory Authority.** The proposed rule is about Proposed Permanent Rules Relating to Home Ownership Assistance Fund. The statutory authority to adopt this rule is *Minnesota Statutes* 462A.06, subd. 4 and 11. You have until 4:30 PM, July 21, 1995, to submit written comment in support of or in opposition to the proposed rule and any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 PM, on July 21, 1995. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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

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

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

Katherine G. Hadley  
Commissioner

**Rules as Proposed****4900.1331 HOME OWNERSHIP ASSISTANCE FUND.**

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

Subp. 2. **Use of fund; general.** Home ownership assistance fund money may only be used in conjunction with first mortgage loans made or purchased by the agency, except for special initiatives designed to encourage the development or redevelopment of neighborhoods or communities in cooperation with money from community sources. However, within this limitation, money may be combined with funds from outside sources, including funds from other federal, state, and local government agencies or instrumentalities, private foundations, mortgage insuring entities, the Federal Housing Finance Board, or other public or private sources.

Subp. 3. **Fund recapture.** Home ownership assistance must provide for a reasonable likelihood of recapturing the money for later use. Home ownership assistance fund money under part 4900.1375, subparts 2 to 9, must be secured by a lien on the property being purchased with an appropriate repayment schedule provision. ~~A repayment provision under part 4900.1375, subparts 2 to 8, must take into consideration potential income growth of recipients and the percentage of income that recipients may reasonably dedicate toward mortgage payments under mortgage industry accepted underwriting standards.~~

[For text of subp 4, see M.R.]

**4900.1345 RECIPIENTS HOME OWNERSHIP ASSISTANCE FUND.**

Subpart 1. [See REPEALER.]

Subp. 2. **Income limits.** ~~In cases in which home ownership assistance fund money is to be used under part 4900.1375, subparts 2 to 8, in conjunction with mortgage revenue bond funds, the maximum adjusted income for a recipient of home ownership assistance fund money must not exceed 60 percent of the greater of state or area median income as determined and adjusted from time to time by the United States Department of Housing and Urban Development. In cases in which home ownership assistance fund money is to be used under part 4900.1375, subparts 2 to 8, in conjunction with funds other than mortgage revenue bond funds, the maximum adjusted income for a recipient must not exceed 75 percent of the greater~~ Recipients of home ownership assistance fund money must meet a maximum adjusted household income limit of 115 percent of state or area median income as determined and adjusted from time to time by the United States Department of Housing and Urban Development. For purposes of this subpart, adjusted income is as defined in part 4900.0010, subpart 3.

**4900.1375 USE OF HOME OWNERSHIP ASSISTANCE FUND.**

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Entry cost assistance.** The agency may provide interest-free loans to recipients who are determined, on the basis of normal credit procedures, to lack the financial resources necessary to pay entry costs on the property to be purchased. The amount of the entry cost assistance loan must equal (1) the maximum allowable under the applicable mortgage insurance program; or (2) ~~the lesser of 50 percent of the entry costs or \$3,500 if the maximum allowable under clause (1) exceeds this amount.~~ Entry cost assistance may be used to pay a portion of the entry costs on the property to be purchased that are customary within the mortgage industry.

[For text of subps 4 to 10, see M.R.]

**REPEALER.** Minnesota Rules, parts 4900.1315, subparts 7 and 10; and 4900.1345, subpart 1, are repealed.

**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

---

# Minnesota Pollution Control Agency

## Proposed Permanent Rules Relating to the Clean Water Partnership Program

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

The Minnesota Pollution Control Agency (Agency) intends to amend a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes* §§ 14.22 to 14.28. You have 30 days to submit written comments on the proposed rule and may also submit a written request that a public hearing be held on the rule.

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

Shannon Lotthammer  
Water Quality Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155  
Telephone: (612) 296-7727  
Facsimile: (612) 297-8683

**Subject of Rule and Statutory Authority.** The proposed rule is about the administrative procedures for the Clean Water Partnership Program. The statutory authority to adopt this rule is contained in *Minnesota Statutes* § 103F.745. A copy of the proposed rule is published immediately after this notice.

**Comments.** You have until 4:30 p.m. on July 20, 1995, to submit written comments in support of or in opposition to the proposed rule and 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 comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the Agency contact person by 4:30 p.m. on July 20, 1995. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the Agency will follow the procedures in *Minnesota Statutes* §§ 14.131 to 14.20.

**Modifications.** The proposed rule may be modified as a result of public comment. The modifications must be supported by data and views submitted to the Agency and may not result in a substantial change in the proposed rule as printed immediately after this notice. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

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

**Small Business Considerations.** *Minnesota Statutes* § 14.115, subd. 4, requires that the notice of rulemaking include a statement of the impact of this proposed rule on small business. The Clean Water Partnership Program is a voluntary program that makes no demands on local units of government that do not wish to participate or on businesses in the areas where projects are conducted. The Agency has determined that the proposed rule amendments will not have any direct adverse effects on small businesses, but may have some positive indirect effect insofar as project monies are spent on work provided by small businesses.

**Expenditure of Public Money by Local Public Bodies.** *Minnesota Statutes* § 14.11, subd 1, requires the Agency to include a statement of the rule's estimated costs to local public bodies in this notice if the rule would have a total cost of over \$100,000 to all local public bodies in the state in either of the two years following adoption of the rule. Participation in the Clean Water Partnership Program by local public bodies is not mandatory. Adoption of the proposed amendments will not require the expenditure of public monies by local public bodies unless a body elects to participate in the Clean Water Partnership Program.

**Impact on Agriculture Lands.** *Minnesota Statutes* § 14.11, subd 2, requires that if the rule would have a direct and substantial adverse impact upon agricultural lands in the state, the Agency shall comply with specified additional requirements. The proposed rule amendments will not have a direct adverse impact on agricultural land or farming operations in the state.



Participation in the Clean Water Partnership Program is not mandatory. In areas where projects are conducted, the program will continue to improve agricultural lands because best management practices implemented under the program have secondary benefits such as improving soil productivity and limiting soil erosion.

**Economic Factors.** *Minnesota Statutes* § 116.07, subd. 6, requires the Agency to give due consideration to economic factors in exercising its powers. In developing the proposed rule amendments the Agency has considered economic factors and determined that the proposed rule amendments have a positive economic impact on participating local units of government and associated businesses. A more detailed discussion of economic factors can be found in the statement of need and reasonableness.

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

Charles W. Williams  
Commissioner

## Rules as Proposed

### CLEAN WATER PARTNERSHIP GRANTS FINANCIAL ASSISTANCE

#### 7076.0100 PURPOSE.

This chapter provides for the administration of the state clean water partnership ~~grant~~ financial assistance program and the federal nonpoint source management program as provided by *United States Code*, title 33, section 1329. Parts 7076.0100 to 7076.0290 implement these programs by establishing the substantive criteria and procedural conditions under which the agency may award state matching grants and provide technical assistance for the development and implementation of nonpoint source projects, and also award low-interest loans from the state Water Pollution Control Revolving Fund for the implementation of nonpoint source projects.

#### 7076.0110 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 7076.0100 to 7076.0290 have the meanings given them in *Minnesota Statutes*, chapter 116, and rules adopted under that chapter and the meanings given them in this part. If terms defined in this part conflict with the definitions in *Minnesota Statutes*, chapter 116, and the rules adopted under that chapter, the definitions in this part govern.

[For text of subs 2 to 4, see M.R.]

**Subp. 4a. Financial assistance.** "Financial assistance" means a resource investigation or project implementation grant, or a project implementation loan.

**Subp. 5a. Loan sponsor.** "Loan sponsor" means a local unit of government that enters into a loan contract and operating agreement with the agency and secures the loan as a general obligation, pledging its full faith and credit to repayment of the loan. There may be more than one loan sponsor for a project.

**Subp. 6. Local share.** "Local share" means the contributions of a local unit of government to the eligible cost of a project, including the value of cash expenditures; project implementation loans used on eligible project implementation activities; and in kind contributions of labor, equipment, material, and real property used for and expended on eligible project activities.

[For text of subs 7 to 13, see M.R.]

Subp. 14. [See repealer.]

**Subp. 15. Project coordination team.** "Project coordination team" means the public interagency group established in *Minnesota Statutes*, section 103F.761.

**Subp. 18. Project implementation.** "Project implementation" means the implementation of an approved diagnostic study and implementation plan, or their equivalent, that identify best management practices to be implemented.

**Subp. 18a. Project implementation continuation.** "Project implementation continuation" or "project continuation" means an

**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

award of additional project implementation financial assistance to continue implementation activities identified in the implementation plan or work plan that were not funded or were partially funded by the initial project implementation financial assistance.

Subp. 19. **Project implementation grant.** "Project implementation grant" means a grant from the agency to the project sponsor for the implementation of a diagnostic study and implementation plan, or their equivalent, that identify best management practices to be implemented.

Subp. 19a. **Project implementation loan.** "Project implementation loan" means a loan from the agency to the loan sponsor for the implementation of a diagnostic study and implementation plan, or their equivalent, that identify best management practices to be implemented.

Subp. 19b. **Project implementation loan set rate.** "Project implementation loan set rate" means the interest rate designated by the Merrill Lynch 500 Municipal Bond Index, as published every Friday in the Wall Street Journal.

Subp. 19c. **Project implementation period.** "Project implementation period" means a three-year segment of project implementation, which may be extended an additional year upon written approval by the commissioner.

Subp. 20. **Project sponsor.** "Project sponsor" means the local unit of government that applies for a grant, enters into a grant contract, and is responsible for development and implementation of the project and applies for financial assistance. For resource investigation, the project sponsor enters into the grant contract. For project implementation, the project sponsor may enter into a grant contract and/or act as a loan sponsor and enter into a loan contract, or it may manage the project with the financial support of the loan sponsors.

[For text of subps 20a and 20b, see M.R.]

Subp. 20c. **Second-tier borrower.** "Second-tier borrower" means a person who receives a second-tier loan from a loan sponsor.

Subp. 20d. **Second-tier loan.** "Second-tier loan" means a loan made by the loan sponsor, using project implementation loan funds, for implementation of project activities by a person other than the loan sponsor.

Subp. 20e. **State revolving fund.** "State revolving fund" means the state Water Pollution Control Revolving Fund created by Minnesota Statutes, section 446A.07.

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

Subp. 23. **Water of concern.** "Water of concern" means the specific water surface water or groundwater of the state which the project is focused on improving or protecting.

[For text of subp 24, see M.R.]

### 7076.0120 AVAILABLE ASSISTANCE.

Subpart 1. **Financial assistance Grants.** There are two types of grants available for nonpoint source projects: (1) resource investigation grants, and (2) project implementation grants. The grants are for a maximum of 50 percent of the eligible cost of the project. Grants must be awarded, within the limits of available appropriations, to those applicants having the highest priority.

Subp. 1a. **Loans.** Loans are available for project implementation. Loans may cover up to 100 percent of the eligible costs of the project or may be used to finance the local share of a project implementation grant. Loans and grants will be awarded, within the limits of available appropriations, to those applicants having the highest priority as determined by the project ranking.

Subp. 2. **Technical assistance.** The agency may provide technical assistance to local units of government in order to ensure efficient and effective development and implementation of projects. Technical assistance must be given to local units of government that receive grants financial assistance, within the limits of available resources.

### 7076.0130 ELIGIBILITY CRITERIA.

Subpart 1. **Eligible Grant-eligible applicants.** Only local units of government are eligible to apply for grants and receive technical assistance. A local unit of government is eligible to apply for state matching grants and request technical assistance if it has the following:

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

C. the authority to adopt, ~~implement,~~ and enforce official controls; and

D. an approved local water plan that addresses the water of concern ~~is addressed in an approved local water plan.~~

Subp. 1a. **Loan-eligible applicants.** Only local units of government that meet the requirements of subpart 1 are eligible to apply for loans and receive technical assistance. A local unit of government is eligible to receive a loan if it has the following:

A. the ability to pledge its full faith and credit to ensure repayment of a project implementation loan;

B. the authority to generate cash revenues for the repayment of a loan; and

C. the authority to enter into a loan agreement with the agency.

If the local unit of government submitting the application does not meet the criteria in items A to C, it must submit a resolution from at least one local unit of government that does meet the criteria stating that the loan-eligible local unit of government resolves to participate in the project as a loan sponsor.

Subp. 2. **Eligible costs.** Project costs are eligible for state matching grants if the costs are reasonable and necessary and allocable for the development of a diagnostic study and implementation plan, or for the implementation of the plan, and if the financial assistance if they are reasonable, necessary, and allocable to the project. Costs associated with resource investigation are eligible for grant funds only. Both grants and loans may be awarded for the costs of project implementation. The dredging of harbors, lakes, ditches, constructed wetlands, and existing sedimentation basins; and the use of ferric chloride, aluminum sulfate, or other chemicals to precipitate phosphorus are eligible for loan funds but are not eligible for grant funds. In addition, costs are related to any of the following activities are eligible for financial assistance:

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

C. selection, design, layout, and installation of best management practices consistent with section 319 or 320 of the federal Clean Water Act, as amended;

D. development, review, and inspection of procedures for the installation, operation, and maintenance procedures for of best management practices;

E. the costs of implementation of best management practices for animal feedlot operations if the best management practice installation is not related to a criminal enforcement action or a civil enforcement action involving financial penalties;

F. development and implementation of public education materials and activities;

G. development and implementation of official controls;

H. acquisition of easements and property; and

I. other activities determined by the agency or established by federal regulation to be necessary to develop and implement carry out the project.

Subp. 3. **Ineligible costs.** Ineligible costs include any costs that are not related to the activities in subpart 2. Costs identified under subpart 2 are ineligible if the related project activities are started before the grant or loan contract has been signed by the commissioner of finance. Costs identified under subpart 2 that are related to a resource investigation project are ineligible for loan funds. In addition, the following costs are ineligible for financial assistance whether or not they relate to the activities in subpart 2:

A. installation of best management practices before the grant financial assistance award;

B. operation and maintenance of best management practices;

C. activities regulated by the National Pollutant Discharge Elimination System permit program, parts 7001.1000 to 7001.1100; the State Disposal System permit program; the Petroleum Tank Release Cleanup Act, *Minnesota Statutes*, chapter 115C; the Environmental Compensation and Liability Act, *Minnesota Statutes*, chapter 115B; the Chemical Liability Act, *Minnesota Statutes*, chapter 18D; the Comprehensive Environmental Response, Compensation, and Liability Act, *United States Code*, title 42, sections 9601 to 9675; and the Resource Conservation and Recovery Act, *United States Code*, title 42, sections 6901 to 6991;

D. activities regulated by the National Pollutant Discharge Elimination System permit program, parts 7001.1000 to 7001.1100, except that the following are eligible costs:

(1) the costs of outreach, technical assistance, and education activities concerning animal waste management, and the costs of best management practices for animal feedlot operations are eligible if the implementation activities are part of an eligible watershed or groundwater project and if the best management practice installation is not related to a criminal enforcement action or a civil enforcement action involving financial penalties; and

(2) the costs of outreach, technical assistance, implementation of source control and runoff control best management practices, and education activities related to stormwater control.

E. activities regulated by a condition of a solid waste or hazardous waste permit or the agency solid waste rules, chapter 7035; or the agency hazardous waste rules, chapter 7045;

**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

- ~~E. E.~~ activities funded by state or federal grants or loans for wastewater treatment facilities publicly owned treatment works;
- ~~F. G.~~ regulated practices to control spills of pesticides, fertilizer, petroleum, and related materials from bulk storage facilities;
- ~~G. H.~~ regulated practices to manage toxic or hazardous materials;

~~H. I.~~ commercial operations and industrial processes and land use and land management activities directly related to commercial operations and industrial processes including plant yards, access roads, drainage ponds, refuse piles, storage piles, and material product loading areas, excluding farming operations occurring on the farm itself;

- ~~I. J.~~ active and inactive mining activities;
- ~~J. K.~~ building and utility construction;
- ~~K. L.~~ highway and road construction;
- ~~L.~~ dredging of harbors, lakes, and ditches;
- M. activities intended primarily for flood control; and
- N. activities that violate local, state, and federal statutes, rules, and regulations.

Subp. 4. **Eligible local share for grant-funded projects.** Any grant- or loan-eligible project costs as described in subparts 2 and 3 that are not funded through a resource investigation or project implementation grant are eligible as local share. At least 30 percent of the project costs must be derived from nonstate and nonfederal sources. Project implementation loans are considered nonstate and nonfederal sources for the purposes of this subpart. Costs incurred by a land occupier for the installation of best management practices may be considered a part of the local share paid by the local unit of government provided the following conditions are met:

- A. the primary purpose of the best management practices is for improvement and protection of water quality;
- B. ~~the any structural~~ best management practices must be designed for a minimum effective life of ten years;
- C. any equipment purchased for operational best management practices must have a minimum effective life of ten years and be maintained or replaced by the land occupier during this period of time, or there must be a plan approved by the commissioner scheduling the phase-out of the operational best management practices;
- ~~D.~~ the best management practices are a part of an approved implementation plan; and
- ~~E.~~ there must be an operation and maintenance plan for the minimum effective life of the best management practices.

### **7076.0140 NOTICE OF GRANT FINANCIAL ASSISTANCE AVAILABILITY.**

Subpart 1. **Notice.** The agency commissioner will publish in the *State Register* a notice that applications for resource investigation grants and project implementation grants and loans will be accepted whenever the agency commissioner determines that funds are available to award the grants financial assistance. The notice will contain a deadline for application submittal, which must be no less than 60 days from the date of publication.

Subp. 2. **Notification list.** The agency commissioner shall maintain a list of those local governmental bodies that wish to be notified of grant application periods. Any local governmental body that wishes to be placed on the list shall notify the agency commissioner by writing to the director of the water quality division. Whenever the agency commissioner publishes notice in the *State Register*, the agency commissioner shall mail notice of the grant application period to those local governmental bodies on the list.

Subp. 3. **Grant financial assistance application periods.** The agency commissioner may establish a grant financial assistance application period from time to time but there must be at least one application period each calendar year if funds are available.

### **7076.0150 GRANT FINANCIAL ASSISTANCE APPLICATION.**

Subpart 1. **General requirements.** The grant financial assistance application must be submitted by the local unit of government that will be the project sponsor. ~~A grant~~ The financial assistance application must be submitted in a timely fashion to be considered. The grant application must be submitted on a form provided by the agency and must contain the information required in the form and by this part.

Subp. 2. **Resource investigation grant.** An applicant submitting an application for a resource investigation grant must submit contain the following information:

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

B. written documentation that the project sponsor has consulted with the local water planning authority, soil and water conservation districts, and watershed districts in the project area, in preparing the grant application;

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

- D. letters of support from each participating local unit of government, agency, and organization which identify their technical role in resource investigation and their estimated contribution to the local share of resource investigation costs;
- E. the amount of grant funding requested, based on estimated project costs;
- F. a list identifying the amount, type, and source of the local share;
- G. a ~~preliminary work plan project proposal~~ that contains the following:
  - (1) ~~project preliminary~~ goals and objectives;
  - (2) a list of existing reports and data concerning the quality of the water of concern and land use in the project area;
  - (3) a statement of existing water quality conditions and problems and the existing and desired uses of the water of concern;
  - ~~(3)~~ (4) an identification and summary of work plan activities that the grant would make possible;
  - ~~(4)~~ (5) a preliminary schedule of work plan project activities;
  - ~~(5)~~ a preliminary monitoring plan; and
  - (6) a preliminary work plan an estimated project budget; and
- H. documents required by state or federal statutes, rules, and regulations.

Subp. 3. **Project implementation grant financial assistance.** An applicant ~~submitting an application for a project implementation grant shall submit financial assistance must contain~~ the following information:

- A. a resolution by the local unit of government that will be the project sponsor, authorizing the filing of the application and designating an official authorized to execute the grant application;
- B. written documentation that the project sponsor has consulted with the local water planning authority, soil and water conservation districts, and watershed districts in the project area; in preparing the grant application;
- C. a diagnostic study and implementation plan approved under part 7076.0260, or an equivalent study and plan that addresses the requirements of a diagnostic study and implementation plan and that has been approved under part 7076.0260 and is part of a local water plan;
- D. letters of support from each participating local unit of government, agency, and organization that identify their technical role in project implementation and their contribution, if any, to the local share of project implementation costs;
- E. a detailed preliminary work plan and schedule for project implementation during the grant project implementation period;
- F. a detailed budget for the grant project implementation period including the identification of the amount and type of financial assistance requested in the grant;
- G. a list identifying the amount, type, and source of the local share, if any; and
- H. documents required by state or federal statutes, rules, and regulations;
- I. for applicants requesting a loan:
  - (1) identification of the dedicated sources of revenue to be used for repayment of the project implementation loan from the agency; and
  - (2) a resolution from each local unit of government that will be a loan sponsor authorizing the filing of the application, stating the total project implementation loan amount requested, and stating the amount of the total loan that the loan sponsor is requesting which, when added to all other loan sponsor requests, must equal the total project implementation loan request; and
- J. an opinion and supporting documentation from the project sponsor's attorney stating that the project sponsor and participating local units of government have the legal authority to conduct the project.

#### **7076.0160 REJECTION OF GRANT FINANCIAL ASSISTANCE APPLICATION.**

Subpart 1. **Grounds.** An application for a resource investigation grant or a project implementation grant financial assistance shall be rejected by the commissioner for the following reasons:

**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

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

Subp. 2. **Procedure.** The commissioner shall review each ~~grant~~ financial assistance application within 30 days after the deadline for application submittal. The commissioner shall notify each rejected ~~grant~~ applicant of the rejection of its application and the reasons for the rejection.

Subp. 3. **Effect of rejection.** A ~~grant~~ An applicant whose application is rejected must reapply in a subsequent application period to be considered for a ~~grant~~ financial assistance.

### 7076.0170 PROJECT RANKING.

Subpart 1. **Process of ranking.** Upon completion of the commissioner's review of the ~~grant~~ applications for acceptability, the agency shall rank the acceptable ~~grant~~ applications in order of priority. Each project for which an acceptable ~~grant~~ application has been submitted must be awarded the number of priority points the project is entitled to under subparts 2 and 3. The project with the highest number of priority points will be given the highest priority. All projects will be given a ranking depending on the number of points awarded. The resource investigation grant applications must be ranked separately from the project implementation ~~grant~~ applications.

Subp. 2. **Priority points for resource investigation grant applications.** The agency and the project coordination team must use the following criteria to determine the number of priority points to be awarded in the evaluation of each resource investigation grant application. Each project shall receive ~~either zero, two and one-half, five, seven and one-half, or ten points~~ a whole number from zero to ten under each of the following criteria, depending on how well the project satisfies the ~~exerition~~ criteria. The number of points awarded under each of the five ~~exerition~~ criteria assigned by the agency and the project coordination team must be added together to determine the project's total point value. This total number must be used to determine the project's overall ranking and priority.

A. The criteria for the agency are as follows:

(1) the extent to which the proposed project demonstrates a high potential for project success based on the ~~level of definition of the preliminary work plan for project goals and objectives, work activities, and project organization and management structure~~ project organization and management structure and a broad coalition of community support and involvement within the project area;

(2) the extent to which the ~~proposed project demonstrates effective and efficient use of state financial resources based on the proposed budget and work plan~~ proposal identifies preliminary goals and objectives, the existing and desired uses of the water of concern, and the perceived water quality problem or threat;

(3) the extent to which the water of concern is identified as a priority water in the local water plan;

(4) the ~~severity of water quality impairment or threat as compared to expectations for the least impacted waters in that ecoregion~~ extent to which the water of concern in the proposed project is of state and regional significance and priority; and

(5) the ~~extent the proposed project demonstrates the likelihood of water quality protection or improvement of the water of concern identified in the proposed project.~~

B. The criteria for the project coordination team are as follows:

(1) the extent to which the proposed project demonstrates a high potential for project success based on broad-based community support and involvement within the project area;

[For text of subitems (2) to (5), see M.R.]

Subp. 3. **Priority points for project implementation ~~grant~~ financial assistance applications.** The agency and the project coordination team must use the following criteria to determine the number of priority points to be awarded in the evaluation of each project implementation ~~grant~~ application. Each project shall receive ~~either zero, two and one-half, five, seven and one-half, or ten points~~ a whole number from zero to ten under each of the following criteria, depending on how well the project satisfies the ~~exerition~~ criteria. The number of points under each of the five ~~exerition~~ criteria assigned by the agency and the project coordination team must be added together to determine the project's total point value. This total number must be used to determine the project's overall ranking and priority.

A. The agency criteria are as follows:

[For text of subitem (1), see M.R.]

(2) the extent to which the ~~proposed project employs best management practices which provide a technically feasible means to abate or prevent water pollution from nonpoint sources~~ water of concern in the proposed project is of state and regional significance and priority;

## Proposed Rules

(3) the extent to which the proposed project implementation activities are technically feasible and will result in water quality protection or improvement;

[For text of subitem (4), see M.R.]

(5) the extent to which the proposed project demonstrates a high potential for project success based on the broad-based community support and involvement within the project area and the project sponsor's and cooperator's local capability, organization, and authority to carry out the identified activities.

B. The project coordination team criteria are as follows:

(1) the extent to which the proposed project demonstrates a high potential for project success based on community support and involvement employs technically feasible best management practices to meet the proposed water quality goals and objectives, and the likelihood of adoption of the best management practices by the community in the project area;

[For text of subitems (2) to (5), see M.R.]

Subp. 4. **Project coordination team.** The project coordination team has 60 days from the close of the application period to assign points to each project seeking a grant financial assistance. In the event that the project coordination team fails to assign points to all projects with approved grant accepted applications, the projects must be ranked without considering any points under the category for the project coordination team.

### 7076.0180 ALLOCATION OF FUNDING.

Subpart 1. **Project continuation grant amendments Continuation of project implementation.** Each year, the agency shall determine how much of the available funds funding will be set aside to meet that year's anticipated requests for project continuation grant amendments implementation continuations. If the agency subsequently determines that the amount set aside for project continuation grant amendments continuations is more than is required for grant amendments in that year, the agency may reallocate this money to other resource investigation grants and project implementation grants projects or carry over the money to another grant application period.

Subp. 2. **Grant fund allocation.** Within 90 days of following the close of an application period, the agency shall determine how much of the remaining funds, after setting aside funds for project continuation grant amendments implementation continuations, will be made available for resource investigation and project implementation grant awards. In deciding how much money to make available for new grant awards, the agency shall consider the necessity to have money available for subsequent grant periods, the necessity to have money available for anticipated project continuation grant amendments continuations in the next year, and other factors relating to the agency's ability to ensure that money will be available for upcoming projects. If the agency is appropriated grant funding for special purposes, that funding can be set aside for a designated use.

Subp. 3. **Resource investigation; project implementation split of available grant funds.** Within 90 days of following the close of an application period, the agency shall determine how much of the funds funding available for new grants in that application period will be available for resource investigation and project implementation grants. In determining the allocation of funds between resource investigation and project implementation grants, the agency shall consider:

- A. the availability and conditions for use of federal funds; and
- B. the phasing in and continuity of projects in the program; and
- C. the availability of loan funds for project implementation.

If the money intended for resource investigation or project implementation grants, or both, is not awarded during a grant period, the agency may reallocate the funds to the other kind of grant or to a subsequent grant period.

Subp. 4. **Loan fund allocation.** Within 90 days following the close of an application period, the agency shall determine how much of the remaining loan funding, after setting aside funds for project implementation continuations, will be made available for project implementation loan awards. In deciding how much money to make available for new loan awards, the agency shall consider the necessity to have money available for subsequent loan periods and other factors relating to the agency's ability to ensure that money will be available for upcoming projects.

### 7076.0190 SELECTION OF PROJECTS FOR GRANT AWARD.

Subpart 1. **Ranking.** The agency shall complete its ranking of all projects for which an acceptable grant application has been

**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

submitted within 90 days of the close of the application period. The agency shall rank resource investigation separately from implementation projects.

Subp. 2. **Projects funded.** The agency shall select those projects that will be awarded grant funds by awarding grants offer financial assistance to the highest priority resource investigation and project implementation applications within the limits of available funds established under part 7076.0180, subpart 2. A project that receives less than 50 percent of the available points will not be considered for award of grant funds.

Subp. 3. **Agency decision.** All decisions of the agency in ranking projects and awarding grants financial assistance must be made at a regular or special board meeting.

Subp. 4. **Timing.** The agency shall make its decision on fund allocation, project ranking, and projects to which grants financial assistance will be awarded within 90 days of following the close of the application period. After the decision is made, an applicant may request a written justification of the priority points awarded the application by the agency.

Subp. 5. **Reapplication.** A grant An applicant whose application is not awarded grant funds financial assistance must reapply in a subsequent application period to be considered for a grant financial assistance.

### 7076.0200 CONTINUATION OF PROJECT CONTINUATION GRANT AMENDMENT IMPLEMENTATION.

Subpart 1. **Eligibility.** A project sponsor who has been awarded a project implementation grant financial assistance is eligible for a project implementation continuation grant amendment to continue the project after the expiration of the initial grant financial assistance award. The requirements that applied to the initial grant apply to the project continuation grant amendment. Project continuation financial assistance is only available for the continuation of implementation activities outlined in the project implementation work plan developed according to part 7076.0230, as amended and approved by the commissioner, or the implementation plan developed according to part 7076.0250, as amended and approved by the commissioner. The project continuation may be for up to three years, with a possible one-year extension upon written approval by the commissioner. A project sponsor is eligible for one project continuation grant amendment on a particular implementation project. If the project sponsor wishes to receive additional financial assistance beyond the one project continuation, a new application must be submitted during the application period and the project must be ranked.

Subp. 2. **Request.** The commissioner shall solicit requests for project continuations in May of each year that funds are available for project implementation continuations. A project sponsor who seeks a project implementation continuation grant amendment shall submit a request for the grant amendment continuation in the June of the calendar year prior to the date that the activities funded through the initial project implementation grant financial assistance award will be completed and additional funds will be required to continue project implementation. The request must be submitted on a form provided by the agency commissioner. A project sponsor who fails to submit a request for a project continuation grant amendment in the June of the calendar year prior to the date that the funds are required forfeits the right to an amendment a continuation. That project sponsor may apply in a subsequent grant application period to continue the project and compete with other applicants for a project implementation grant financial assistance.

Subp. 3. **Approval.** Subject to the availability of funds, the agency shall approve all or part of the project sponsor's request for a project implementation continuation grant amendment if it meets the following conditions:

- A. the project sponsor has satisfied the terms and conditions of the grant or loan to date; and
- B. the project sponsor has identified the source of the local share of funds necessary for the project continuation grant amendment, if applicable; and
- C. the request specifies the activities to be funded through the project continuation, and these activities are outlined in the implementation plan or project implementation work plan, as amended and approved by the commissioner.

### 7076.0210 GRANT CONDITIONS.

Subpart 1. **Amount.** A grant that is made must may be made for the amount requested by the applicant, up to a maximum of 50 percent of the eligible cost of resource investigation or project implementation. When awarding grants, the agency may award the project all or part of the grant request identified in the application.

Subp. 2. [See repealer.]

Subp. 3. **Grant contract.** The project sponsor must enter into a grant contract with the agency to receive grant funds. The grant contract must include the provisions in part 7076.0220, may be amended upon agreement of the agency and the project sponsor and execution by all the parties that signed the original contract, or their successors in office. Grant increase amendments shall be subject to the availability of funds. The grant contract period for a resource investigation grant shall be for up to three years, with a possible one-year extension upon approval by the commissioner. The grant contract period for a project implementation grant shall



be equal to the project implementation period and may be extended upon agency approval of a project continuation request according to part 7076.0200. The grant contract must:

- A. establish the terms and conditions of the grant;
- B. provide that the project sponsor may enter into subcontracts, under terms and conditions specified by the agency, to complete the work specified in the contract;
- C. provide that cost overruns are the sole responsibility of the project sponsor;
- D. require that the project sponsor submit periodic progress reports and a final report to the commissioner in a format and schedule prescribed by the commissioner; and
- E. incorporate terms and conditions required by federal or state statutes, rules, and regulations.

[For text of subp 4, see M.R.]

Subp. 5. **Audit.** The project sponsor must agree that the books, records, documents, and accounting procedures and practices of the project sponsor relevant to this program may be examined at any reasonable time and location by the commissioner or the commissioner's designee, legislative auditor, or state auditor.

Subp. 6. [See repealer.]

Subp. 7. [See repealer.]

Subp. 8. [See repealer.]

Subp. 9. [See repealer.]

Subp. 10. **Eligible costs.** No grant funds shall be provided to the project sponsor for grant eligible project activities started before the grant contract period or continuing after the end of the contract period.

#### **7076.0215 LOAN CONDITIONS.**

**Subpart 1. Amount.** A loan may be made for up to 100 percent of the eligible cost of project implementation, or for all or part of the local share of a project implementation grant. When awarding loans, the agency may award the project all or part of the loan request identified in the application.

**Subp. 2. Interest rate.** The interest rate of the loan must be at or below the project implementation loan set rate. The commissioner shall determine the project implementation loan interest rate for each application cycle based on current market conditions, the project implementation loan set rate, and the need to maintain the fiscal integrity of the state revolving fund.

**Subp. 3. Second-tier loans.** A loan sponsor awarded a loan by the agency may use the funds it receives to provide loans to second-tier borrowers. The loan sponsor must provide the information and assurances required in the loan contract as described in subpart 6.

**Subp. 4. Repayment.** Repayment of loan funds received must begin not more than one year after the end of the project implementation period, and the loan must be fully amortized not later than 20 years after the end of the project implementation period. Loan repayments must be remitted to the agency at least annually, according to a schedule set forth in the loan contract.

**Subp. 5. Operating agreement.** Except in the case where the project sponsor is the only loan sponsor and the project sponsor is receiving both a project implementation grant and loan, the project sponsor and any loan sponsors must enter into an operating agreement with the agency to administer the project. The operating agreement must:

- A. establish the roles and responsibilities of the project sponsor and any loan sponsors in regard to the coordination and management of the project;
- B. provide that any subcontracts entered into by the project sponsor or loan sponsors to complete the work specified in the loan contracts must include the terms and conditions specified by the agency;
- C. require that the project sponsor submit periodic progress reports and a final report to the commissioner in a format and schedule prescribed by the commissioner;
- D. establish the guidelines for and management of a second-tier loan program, if any;

**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

E. incorporate by reference loan contracts entered into by the project sponsor or loan sponsors in accordance with subpart 6;

F. provide that the agency may withhold disbursement of project implementation loan funds if the conditions of the operating agreement are not met; and

G. incorporate terms and conditions required by federal or state statutes, rules, and regulations.

Subp. 6. Loan contract. To receive loan funds, one or more loan sponsors must enter into a loan contract with the agency. A loan contract may be amended upon agreement of the agency and the loan sponsor and executed by all parties that signed the original contract, or their successors in office. Loan increase amendments are subject to the availability of funds. All loan contracts must:

A. establish the terms and conditions of the loan;

B. require the loan sponsor to undertake an irrevocable obligation and secure the project implementation loan with its full faith and credit, and include an opinion from a bond council attorney stating that the project sponsor has the authority to pledge its full faith and credit;

C. establish default provisions;

D. provide that the project sponsor is responsible for technical and administrative oversight of the project, and specify the roles of the loan sponsors;

E. address, in the case where the project involves providing second-tier loans, the following elements:

(1) the administrative procedures for the second-tier loan program and the types, terms, and conditions of the second-tier loans;

(2) an obligation stating that all principal, interest, and fees received by the loan sponsor from the second-tier borrower and any interest earned on this money must be used by the loan sponsor in the following manner:

(a) for the repayment of any interest charged by the agency on the project implementation loan;

(b) for the repayment of the project implementation loan principal to the agency; and

(c) for eligible costs of the implementation project;

(3) a statement identifying the mechanisms by which the loan sponsor will collect repayment for a second-tier loan in the event that the second-tier borrower does not make repayment on the loan; and

(4) a provision that states that defaults by second-tier borrowers do not affect the responsibility of the loan sponsor to repay in full the project implementation loan;

F. provide that the agency is not responsible for cost overruns; and

G. incorporate terms and conditions required by federal or state statutes, rules, and regulations.

Subp. 7. Records. The project sponsor and any loan sponsors must maintain all records relating to the receipt and expenditure of loan funds for at least three years from the date of termination of the loan contract and operating agreement, according to the responsibilities identified in the operating agreement. Records relating to the installation, operation, and maintenance of best management practices must be maintained for three years beyond the loan contract, or the design or useful life, whichever is longer.

Subp. 8. Audit. The project sponsor and any loan sponsors must obtain audits in accordance with the Single Audit Act of 1984, United States Code, title 31, section 7501-7, and federal Environmental Protection Agency regulations, including Code of Federal Regulations, title 40, section 31.26, as applicable. All books, records, documents, and accounting procedures and practices of the project sponsor and any loan sponsors relevant to this program may be examined at any reasonable time and location by the commissioner or commissioner's designee, the legislative auditor, the state auditor, or the Environmental Protection Agency.

Subp. 9. Eligible costs. No loan funds shall be provided to the loan sponsor for loan-eligible project activities started before the project implementation period established in the loan contract, or continuing after the end of the project implementation period established in the loan contract.

### **7076.0225 PROJECT REPORTING REQUIREMENTS.**

Subpart 1. Annual progress report. The project sponsor must submit an annual progress report to the commissioner by February 1 of each year of the resource investigation or project implementation period. The report must include the following information:

A. a discussion of work progress relative to the schedule, and difficulties encountered meeting the schedule during the year;

B. a discussion of the project findings appropriate to the work conducted during the year;

C. a report of expenditures in the year and those anticipated during the upcoming year;

D. a discussion and summary analysis of monitoring data and a discussion of the changes in water quality that appear to have resulted from the protective and restorative activities implemented during the year;

E. water quality monitoring data collected during the year in the format required by the agency;

F. an assessment of the monitoring and modeling plan component of the work plan and any necessary revisions; and

G. for project implementation, a listing of the specific best management practices implemented and their locations.

Subp. 2. Semiannual update. During each year of the resource investigation grant or project implementation period, the project sponsor must prepare for semiannual submittal or presentation to the commissioner an update of project activities and project expenditures.

Subp. 3. Work plan. The project sponsor, in cooperation with agency staff, must prepare a work plan according to part 7076.0230 and submit it to the commissioner.

Subp. 4. Diagnostic study and implementation plan. The project sponsor for a resource investigation grant shall submit to the commissioner before the final grant payment is made a diagnostic study and implementation plan that meets the requirements of parts 7076.0240 and 7076.0250.

Subp. 5. Project implementation final report. Upon completion of project implementation, the project sponsor must submit to the commissioner a final report that contains the following:

A. a summary of the activities completed during the project implementation period, and difficulties encountered during project implementation;

B. a summary of any implementation activities listed in the work plan that were not completed during project implementation, and an explanation of why they were not completed;

C. an evaluation of the monitoring data collected during project implementation, including a discussion of pollutant load reductions and changes in the water quality of the water of concern;

D. an electronic summary of all data collected during the implementation monitoring phase for storage in the Environmental Protection Agency STORET data bank;

E. a discussion of land use changes in the watershed that have resulted from project implementation;

F. an evaluation of the effectiveness of the public participation and education plans for the project;

G. recommendations for future implementation activities in the project area; and

H. a final financial report containing a detailed summary of project expenditures that are correlated to the elements and tasks of the work plan developed according to part 7076.0230.

#### **7076.0230 WORK PLAN.**

**Subpart 1. Requirements.** The work plan required to be submitted to the commissioner, in a format specified by the commissioner, as a condition of the ~~grant financial assistance~~ must include the requirements in item A for resource investigation grants and the requirements in item B for project implementation ~~grants financial assistance~~.

A. For resource investigation grants, the sponsor shall prepare and submit a detailed work plan that includes work plan must be developed in cooperation with agency staff after the grant is awarded, and must include the following:

(1) a description of the water of concern, the project area, and the existing and desired resource uses, and the economic significance of the water of concern;

(2) a summary and evaluation of existing water quality and land use information;

(3) a description of existing and suspected or potential water quality problems;

(4) a description of specified goals for project results, for water quality characterization and quantitative analysis research and assessment, and for citizen education;

(5) an outline that identifies specific tasks to be completed during the project, including the tasks needed to fulfill the

**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

requirements under parts 7076.0240 and 7076.0250, the individuals responsible for the tasks, and the dates for task initiation and completion;

~~(6)~~ a public participation plan for the project;

~~(5)~~ (7) a monitoring and modeling plan as described in subpart 1a;

~~(6)~~ a list of predictive and diagnostic computer or statistically based models that are to be used for the project and a description and statistical definition of predictive and diagnostic uncertainties;

~~(7)~~ a quality assurance plan for data gathering and analyzing;

~~(8)~~ detailed source and expenditure budgets;

~~(9)~~ a list identifying the technical assistance the project sponsor needs from agency staff; and

~~(9)~~ (10) a resolution from each participating local unit of government, agency, and organization that specifically identifies their technical role in the project and their contribution to the local share of the project costs.

B. For project implementation grants financial assistance, the sponsor shall prepare and submit a detailed work plan that includes any necessary revisions to the approved implementation plan and the following:

[For text of subitems (1) to (4), see M.R.]

~~(5)~~ a monitoring and modeling plan as required in subpart 1a that has been revised to evaluate the effectiveness of best management practices and the improvement of water quality;

~~(6)~~ a list of predictive and diagnostic computer or statistically based models that are to be used for the project and a description and statistical definition of predictive and diagnostic uncertainties a public participation plan for the project;

~~(7)~~ permits and authorities for implementation activities;

~~(8)~~ a list identifying the technical assistance the project sponsor needs from agency staff; and

~~(8)~~ (9) a resolution from each participating local unit of government, agency, and organization that specifically identifies their technical role in the project and their contribution, if any, to the local share of the project costs.

Subp. 1a. **Monitoring and modeling plan.** A monitoring and modeling plan is a component of the work plan. For both resource investigation and project implementation grants, the sponsor shall prepare a monitoring plan that a monitoring and modeling plan must be developed in cooperation with agency staff. The monitoring and modeling plan must:

A. develops develop monitoring objectives based on project goals;

B. defines define the information needs for water quality monitoring and the methods that will be used to evaluate this information;

C. defines the statistical methods needed to address the monitoring objectives;

~~D.~~ sets set the data requirements that are to be met for meaningful modeling and statistical analysis to be completed;

~~D.~~ contain a list of predictive and diagnostic computer or statistically based models that are to be used for the project and a description and statistical definition of predictive and diagnostic uncertainties;

E. delineates delineate and provides provide rationale for the selection of monitoring sites, frequency, parameters, and sampling protocols and explain the quality assurance and quality control procedures for data gathering;

F. identifies identify laboratories, which must be certified by the Minnesota Department of Health, that will be doing analysis for the project, explains their and include the following information:

(1) the specific analytical methods that the laboratories will use for the project;

(2) an explanation of the laboratories' quality assurance and quality control procedures; and provides

(3) the certification number assigned by the Department of Health to prove the laboratories are fulfilling the requirements under chapter 4740; and

G. integrate the watershed or aquifer recharge area assessment and water quality monitoring efforts; and

~~G.~~ outlines H. outline a plan to analyze monitoring and project area land use data and to use the data to assess the project area, water and pollutant loading, and alternative best management practices.

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

**7076.0240 DIAGNOSTIC STUDY.**

Subpart 1. **General requirements.** The diagnostic study required to be submitted by a project sponsor under part 7076.0240 7076.0225, subpart 9 4, must include:

A. a compilation of existing information and the results of water quality monitoring and modeling activities into a detailed description of the water of concern;

B. a detailed description of the project area developed from the information collected;

[For text of items C and D, see M.R.]

Subp. 1a. [See repealer.]

Subp. 2. **Description of Water of concern.** The diagnostic study must contain a detailed description of the water of concern that includes:

A. a summary of historical uses and changes resulting from water quality degradation;

B. a discussion of previous studies and other historic baseline physical, chemical, and biological data; and

C. ~~current data or information for the following:~~

(1) ~~if the water of concern is a lake, the description shall include the following:~~

(a) ~~identification or measurement of lake surface area, maximum depth, average depth, one in ten year low and high as well as average hydraulic residence time, temperature profiles, secchi disk transparencies, the area of the watershed draining to the lake, its tributaries, their estimated contribution to inflows, and a hydrologic budget including groundwater flow;~~

(b) ~~measurement of dissolved oxygen, total phosphorus, dissolved inorganic phosphorus, total Kjeldahl nitrogen, total nitrogen, nitrite plus nitrate nitrogen, total suspended solids, total alkalinity, chloride concentrations, color, pH, and conductivity; determination of mass loadings of total phosphorus, total Kjeldahl nitrogen, and total suspended solids from major tributaries and completion of a nutrient budget for the lake;~~

(c) ~~measurement of average summer epilimnetic chlorophyll a, a description of predominant phytoplankton, zoo-plankton, and submerged, floating, and emergent vascular plant communities; measurement of fecal streptococcus and fecal coliform bacteria where human health may be impacted; and~~

(d) ~~a summary of available fisheries information;~~

(2) ~~if the water of concern is a stream, the description shall include the following:~~

(a) ~~identification or measurement of stream length, sinuosity, order, substrate, estimated maximum high flow for 24 consecutive hours that has a recurrence interval of 25 years, mean flow for the available period of record, and annual minimum flow for seven consecutive days that has a recurrence interval of ten years;~~

(b) ~~measurement of flow and biochemical oxygen demand, total phosphorus, nitrite plus nitrate nitrogen, ammonia nitrogen, organic nitrogen, total dissolved solids, total suspended solids, and diurnal dissolved oxygen concentrations, turbidity, pH, and conductivity;~~

(c) ~~measurement of fecal streptococcus and fecal coliform bacteria where human health may be impacted; and~~

(d) ~~completion of invertebrate and fishery assessments using standard benthological and ichthyological techniques; identification of significant biological habitats including riparian vegetation and spawnings areas; and~~

(3) ~~if the water of concern is an aquifer, the description shall include the following:~~

(a) ~~identification or measurement of the aquifer physical type, size, temperature, porosity, saturated thickness, recharge sources, discharge sources, transmissivity, hydraulic residence time, range of hydraulic gradients, and underlying lithology and stratigraphy;~~

(b) ~~measurement of chemical oxygen demand, total organic carbon, total Kjeldahl nitrogen, ammonia nitrogen, nitrite plus nitrate nitrogen, total phosphorus, chloride, sulfate, calcium, magnesium, iron, manganese, potassium, sodium, bicarbonate, and alkalinity concentrations, oxidation potential, pH, and specific conductance;~~

**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

(e) measurement of organic compounds, pesticides, and metals in areas where they are pollutants of concern;

(d) measurement of fecal streptococcus and fecal coliform bacteria where human health may be impacted; and

(4) if the water of concern is water other than a lake, stream, or aquifer, the data and information requirements will be determined jointly by the agency and the project sponsor.

C. biological, physical, and chemical monitoring data that provides a thorough characterization of the current water quality of the water of concern;

D. water quality data that describes the sources and magnitude of pollutants impacting the water of concern; and

E. other data as defined in the work plan that provides an understanding of the dynamics and interactions of the physical, chemical, and biological processes of the project area and the water of concern.

Subp. 3. **Description of Project area.** The diagnostic study must contain a detailed description of the project area that includes:

A. a map of the project area at a scale appropriate to the project;

B. an aerial photo of the project area;

C. maps of general topographic relief based on United States Geological Survey topographic maps;

D. a physical description of the project area including:

(1) project area maps, including soils maps where available;

(2) a map of the project area divided into subunits on a hydrologic basis including boundaries and flow directions for each subunit;

E. a description of important aquifer systems, confining layers, and flow characteristics;

F. a description of ground and surface water interconnections, such as recharge and discharge areas;

G. a description of known geologic conditions, such as karst areas, buried valleys, or sand plains that may pose concerns relating to water quality;

H. a description of waters of the state and public drainage ditches, including dams and control structures;

I. soil:

(1) a general soils map and description of soils infiltration characteristics; and

(2) a map of erosion prone soils;

J. land use:

(1) existing and future land uses;

(2) areas served by storm sewers, sanitary sewers, and public water systems;

(3) the location of community public water supply, intakes, and wells;

(4) irrigated acreage;

(5) domestic animal density and feedlots;

(6) on-site wastewater treatment systems;

(7) existing management practices;

(8) known tiling and drainage systems;

(9) estimates of pesticide and fertilizer use;

(10) known closed and open sanitary landfills, closed and operating open dumps, and hazardous waste sites;

(11) known abandoned wells not sealed in accordance with state statutes and rules;

(12) underground storage tank sites;

(13) permitted wastewater disposal systems and discharges under chapter 7001 and parts 7023.9000 to 7023.9050;

(14) wetlands identified under the National Wetlands Inventory, an inventory of drained wetlands, and a summary of applicable management plans;

(15) areas delineated as floodplains;

(16) areas with known flooding problems;

(17) a summary of the state ecological and management classifications;

(18) a summary of state management plans for fish and wildlife;

(19) unique features and scenic areas with relationships to water including state designated natural and scientific areas, outstanding resource value waters, areas containing county, state, and federal rare and endangered species and other features such as waterfalls and springs;

(20) the ownership of local, state, and federal Indian tribal lands;

(21) lands with easements that relate to water resources;

(22) population characteristics;

(23) a summary of recreational land uses;

(24) a list of bulk pesticide and fertilizer handling facilities;

(25) a list of commercial and industrial facilities with on-site hazardous materials or wastes;

(26) a list of transportation corridors such as railroads, pipelines, and highways;

(27) a list of operating wells whose construction or maintenance may cause them to serve as conduits for contaminations to recharge groundwater; and

(28) a summary of other potential sources of groundwater contamination;

**K. precipitation:**

(1) a map and list of the location of precipitation gauging stations in the project area;

(2) a map showing isolines of normal annual total precipitation;

(3) a map showing isolines of normal precipitation in inches for the period May to September; and

(4) a summary of precipitation information for the project area; and

**L. hydrology:**

(1) an estimate of the maximum high flow for 24 consecutive hours that has a recurrence interval of 25 years; mean flow for the available period of record; and annual minimum flow for seven consecutive days that has a recurrence interval of ten years;

(2) a description of permitted withdrawals from lakes and streams, including location, source, use, and amounts withdrawn;

(3) a description of protected levels or flows that have been established for lakes and streams;

(4) a description of known water use conflicts, including those caused by groundwater pumping, that affect surface waters;

(5) a description of wells covered by state appropriation permits including location, amounts of water appropriated, type of use, aquifer source, and amount of water used;

(6) a description of known well interference problems and water use conflicts; and

(7) a list of state observation wells including location, unique well number, aquifers measured, years of record, and average monthly levels.

(3) a description of known geologic characteristics that may pose concerns relating to water quality; and

(4) a description of waters of the state and public drainage ditches, including dams and control structures, that are located within the project area;

**B.** a description of existing and predicted future land uses, land cover, sources of pollution that may impact the water of concern, and resource uses including public, private, recreational, and other water uses;

**C.** hydrologic monitoring data that provides a thorough characterization of the surface and groundwater conditions in the project area that affect the quality of the water of concern; and

**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

D. other data as defined in the work plan that provides an understanding of the dynamics and interactions between the project area and the quality of the water of concern.

Subp. 4. **Analysis and assessment.** The diagnostic study must contain an analysis and assessment of the data and information collected as a requirement of subparts 2 and 3 including the following:

A. the identification of existing and potential water quality problems as they relate to the water of concern;

B. a watershed or aquifer recharge area assessment that includes:

(1) an identification of the project area and its subunits defined on a hydrologic basis;

(2) an analysis of the current and predicted future land uses and management practices in the project area and their impact on the quality of the water of concern;

(3) an estimate of the pollutants coming from the subunits of the project area defined on a hydrologic basis and the identification of the target levels of pollutant reduction necessary to meet the project objectives and water quality goals; and

(4) the prioritization of the subunit of the project area defined on a hydrologic basis into priority management areas on which to focus implementation of best management practices;

C. the identification of specific water quality goals for the water of concern that includes, for lakes, an in-lake phosphorus goal defined relative to the ecoregion phosphorus criteria;

~~C. D.~~ the identification of project objectives in terms of:

(1) specific water chemical, biological, and physical measurements; ~~and~~

(2) economic, recreational, and health factors;

~~D.~~ an estimate of the pollutants coming from the subunit of project area defined on a hydrologic basis and the identification of the target levels of pollutant reduction necessary to meet the project objectives and water quality goals; and

~~E.~~ the identification and ranking of the subunit of the project area defined on a hydrologic basis into priority management areas on which to focus implementation of best management practices and

(3) project area characteristics and priority management areas.

### 7076.0250 IMPLEMENTATION PLAN.

The implementation plan required to be submitted by a project sponsor under part ~~7076.0210~~ 7076.0225, subpart ~~9~~ 4, must include:

A. a discussion of how the implementation plan will advance the water quality goals and objectives identified in the diagnostic study;

B. an analysis of the need for best management practices or categories of best management practices that will aid in the achievement of target levels of pollutant reduction in the areas identified as priority management areas, that includes considers:

(1) identification of best management practices or categories of practices;

(2) an estimate of costs for best management practice installation implementation;

(3) a schedule for implementation;

(4) an estimate of engineering and other assistance needs, including best management practice design, and inspection of best management practice installation, operation, and maintenance;

(5) an estimate of pollutant reduction; and

(6) identification of the standards and criteria for best management practice design;

~~B. C.~~ a project implementation water quality monitoring and evaluation plan identifying procedures and schedules for determine determining project progress and accomplishments, that includes considers:

(1) a monitoring and modeling plan that includes the chemical, physical, and biological parameters that will be measured to enable comparisons with goals and objectives established in the diagnostic study;

(2) a procedure to document and evaluate the implementation of best management practices; and

(3) a procedure to identify the effectiveness of the implemented best management practices on water quality, and their impact on water resources in the project area;

~~C. D.~~ a plan and schedule to implement an information and education program in the project area;



~~D. E.~~ an identification of roles and responsibilities of the project sponsor, its representatives, and cooperating agencies in implementing the project;

~~E. F.~~ a proposed schedule for project implementation or other planned project activities, segmented into three-year periods;

~~F. G.~~ an estimated budget for project implementation or other planned project activities, segmented into three-year periods;

~~G. H.~~ a plan to maintain project goals and accomplishments and prevent further nonpoint source pollution; and

~~H. I.~~ a list of any federal, state, or local permits and approvals required to complete the project; ~~and~~

~~I.~~ an opinion and supporting documentation from the project sponsor's attorney that the project sponsor and participating local units of government have the legal authority to implement the project.

#### **7076.0260 DIAGNOSTIC STUDY AND IMPLEMENTATION PLAN APPROVAL.**

[For text of subs 1 and 2, see M.R.]

Subp. 3. **Resubmittal.** A disapproved diagnostic study and implementation plan must be revised by the project sponsor and resubmitted to the commissioner. Upon receipt of the revised diagnostic study and implementation plan, the commissioner shall review the revised diagnostic study and implementation plan in accordance with this part.

#### **7076.0270 BEST MANAGEMENT PRACTICE EVALUATION.**

In selecting best management practices for inclusion in an implementation plan, the project sponsor shall consider the following factors in evaluating the best management practices:

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

D. whether a less costly best management practice could achieve a similar result; ~~and~~

E. whether the best management practice is reasonably suited for the individual site or priority management area; and

F. the likelihood of adoption of the best management practice.

#### **7076.0280 GRANT PAYMENTS.**

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

Subp. 2. **Second payment.** Upon written approval by the commissioner of the work plan required under part ~~7076.0210~~ 7076.0225, subpart ~~3~~ 3, the agency shall provide to the project sponsor 35 percent of the grant award provided in the grant contract. The cumulative assistance paid to the project sponsor shall equal 60 percent of the grant award.

[For text of subs 3 to 6, see M.R.]

Subp. 7. [See repealer.]

#### **7076.0285 LOAN PAYMENTS.**

**Subpart 1. Payments.** Loan funds cannot be used for any project costs incurred before the loan contract is signed by the commissioner of finance. The project sponsor or loan sponsor must submit to the agency a certification of incurred costs in a format and schedule acceptable to the agency, which certifies that eligible costs have been incurred, but not necessarily paid, by the project sponsor or loan sponsor for work on the project. Upon receiving the certification, the agency must pay the project sponsor or loan sponsor if the sponsor is in compliance with the conditions of the loan contract and the requirements of parts 7076.0100 to 7076.0290.

**Subp. 2. Mid-project review and budget adjustment.** Upon expenditure of 50 percent of total eligible project costs, the project sponsor must submit to the commissioner for review and approval a detailed summary of project expenditures and completed work activities. The commissioner shall review the summary to verify cost eligibility and acceptable completion of work plan activities, to compare actual expenditures with the approved project work plan budget, and to verify that the terms of the loan contract are being met.

**Subp. 3. Final project review.** Upon completion of the project, the project sponsor must submit to the commissioner for review and approval a detailed summary of project expenditures and completed work activities. The commissioner shall review the summary to verify cost eligibility and acceptable completion of work plan activities, to compare actual expenditures with the

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

## Adopted Rules

approved project work plan budget, and to verify that the terms of the loan contract are being met. If the commissioner finds that loan funds were used for ineligible projects costs, those funds must be returned to the agency, along with any interest or fees, as outlined in the loan contract.

### **7076.0290 GRANT RESCISSION OF FINANCIAL ASSISTANCE.**

The agency may rescind and seek repayment of a grant financial assistance award if the project is not being completed in accordance with the terms and conditions of the grant or loan contract, including time schedules.

**REPEALER.** Minnesota Rules, parts 7076.0110, subpart 14; 7076.0210, subparts 2, 6, 7, 8, and 9; 7076.0220; 7076.0240, subpart 1a; and 7076.0280, subpart 7, are repealed.

## 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.

## State Board of Education

### Notice of Effective Date of the Following Adopted Permanent Rules Relating to Special Education Rules

**NOTICE IS HEREBY GIVEN** that pursuant to the *Laws of Minnesota* for 1994 (Session Laws) Chapter 647, Article 3, Section 23, the adopted permanent rules relating to Special Education Rules published next in this issue of the *State Register* are effective September 5, 1995.

## Department of Education

### Adopted Permanent Rules Relating to Special Education Rules

The rules proposed and published at *State Register*, Volume 19, Number 17, pages 857-881, October 24, 1994 (19 SR 857), are adopted with the following modifications:

#### Rules as Adopted

#### **3500.1000 EXEMPTIONS FOR EXPERIMENTAL AND FLEXIBLE SCHOOL YEAR PROGRAMS.**

Subp. 4. **Participation and approval.** The district shall provide evidence that the district staff, pupils, and parents who would be affected, participated in the development and will participate in the annual review of the proposal, and that the proposal has the approval of the district school board.

Parents whose children will be involved shall be fully informed at the IEP meeting and shall have the opportunity to approve or disapprove placement in the experimental program.

#### **3525.0700 PARENTAL INVOLVEMENT.**

Parents of children with disabilities have a right to be involved by the school district in the education decision-making process by participating or being afforded the opportunity to participate at each IEP meeting to develop, review, or revise the IEP. At the time of contact, the district shall inform the parents of their right to bring anyone of their choosing to accompany them to the meeting. The district shall inform the pupil's parents about the alternatives and methods of instruction as described in Minnesota Statutes, section 120.17, subdivision 2.

#### **3525.2415 [See repealer.]**

**3525.2900 DEVELOPMENT AND CONTENT OF INDIVIDUAL EDUCATION PROGRAM PLAN.**

Subp. 3. **Content of individual educational program plan.** In preparing the IEP, the district shall include the following:

G. conditional intervention procedures to be used; ~~and~~

H. appropriate evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being achieved; ~~and~~

I. the pupil's need for and the specific responsibilities of a paraprofessional shall be described in the pupil's IEP.

Subp. 5. **The IEP and regulated interventions.**

B. All behavioral interventions not covered in the IEP must be consistent with the district's discipline policy. Continued and repeated use of any element of a district's discipline policy must be reviewed in the development of the individual pupil's IEP.

C. If an emergency intervention is used twice in a month or a pupil's pattern of behavior is emerging that interferes with the achievement of the pupil's educational goals and objectives, a team meeting must be called to determine if the pupil's IEP is adequate, if additional assessment is needed, and, if necessary, to amend the IEP. Districts may use regulated conditional procedures in emergencies until the IEP team meets, provided the emergency measures are deemed necessary by the district to protect the individual pupil or others from harm. The IEP team shall meet as soon as possible, but no later than five school days after emergency procedures have commenced. District administration and parents must be notified immediately when a regulated procedure is used in an emergency situation.

E. A parent has the right to withdraw consent for a behavior intervention plan at any time by notifying the program administrator or designee and the district must stop the procedure immediately. After parental consent is withdrawn and the procedure is stopped, the school must send written acknowledgment to the parent and request parental signature. If a parent's signature to withdraw consent cannot be obtained, the district must document its efforts to communicate and obtain the signature. Parents must be contacted within three school days to determine the need to convene the IEP team to consider a change in program or placement.

**3525.3150 REQUIREMENTS FOR A HIGH SCHOOL DIPLOMA.**

Beginning at grade nine or age 14 and annually thereafter, the IEP team shall address the graduation requirements for a high school diploma for a pupil.

**REPEALER.** *Minnesota Rules*, parts 3525.0200, subparts 8b, 9b, and 18b; 3525.0650; 3525.1200; 3525.1320; 3525.1500; 3525.2300; 3525.2330; 3525.2335, subparts 1, 3, 4, and 5; 3525.2340, subparts 1, 2, and 3; 3525.2345; 3525.2350, subpart 5; 3525.2380, subpart 3; 3525.2405, subpart 4; 3525.2410; 3525.2415; 3525.2430; 3525.2500; 3525.2925; and 3525.2950, are repealed.

## Department of Human Services

### Adopted Permanent Rules Relating to Conditions for Medical Assistance and General Assistance Medical Care Payment

The rules proposed and published at *State Register*, Volume 19, Number 40, pages 2027-2030, April 3, 1995 (19 SR 2027), are adopted as proposed.

## Department of Natural Resources

### Adopted Permanent Rules Relating to Leases for Selected Industrial Minerals

The rules proposed and published at *State Register*, Volume 19, Number 19, pages 953-966, November 7, 1994 (19 SR 953), are adopted with the following modifications:

#### Rules as Adopted

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

## Adopted Rules

### 6125.8300 QUALIFICATIONS TO HOLD LEASE.

The right to apply for, acquire, and hold a lease to explore for, mine, and remove industrial minerals owned by the state, and the right to apply for and hold an authorization to conduct geological data gathering activities, are subject to the following:

A. the applicant is qualified to do business in Minnesota as shown by:

(3) if a limited partnership, a Certificate of Limited Partnership from the Minnesota Secretary of State's ~~office~~ office;

### 6125.8500 PUBLIC SALE OF LEASES.

Subp. 4. **Bids.** Each bid shall be submitted on a form obtained from the commissioner. The bid royalty rate shall be an additional percentage of the gross market value above the base royalty rate.

B. rental for one full calendar year. For the purposes of the bid, the rental is calculated at \$1.50 per acre times the gross acreage of the lands offered for lease. The remaining rentals, due at the time the lease is issued, shall be due upon the effective date of the lease.

The bid, together with the certified check, cashier's check, or bank money order, shall be enclosed in a sealed envelope marked CONFIDENTIAL - BIDS FOR STATE MINERAL LEASES. Each sealed bid envelope shall be delivered in person or by mail to the commissioner at Division of Minerals, 500 Lafayette Road, Saint Paul, Minnesota 55155-4045. Bids may be submitted any time before 4:30 p.m., Saint Paul, Minnesota time on the last business day before the day specified for the opening of the bids, and no bids submitted after that time shall be considered. Upon receipt, the commissioner shall endorse upon each sealed bid envelope the exact time of presentation and preserve the same, unopened in the commissioner's office. At the time specified, the commissioner shall publicly open the bids and announce the amount of each bid separately.

The commissioner will request each high bidder to provide evidence ~~they are~~ it is qualified to hold state mineral leases pursuant to part 6125.8300. The evidence must be provided within 45 days of the request from the commissioner or the bids from that high bidder will be rejected.

### 6125.8700 MODEL FORM OF LEASE.

9. **Gross Market Value at the Mine.** Gross market value after extraction and at the mine means the market price, including all bonuses and allowances received by the lessee, at the point of shipment from the leased premises of the first marketable product or products produced from the leased minerals and sold under a bona fide contract of sale, ~~whether or not such product or products are produced through chemical or mechanical treating processing of the leased minerals.~~

[Note: For certain industrial minerals, there are limited or no established market prices. A lease covering these minerals should include a method to determine the gross market value for royalty calculation purposes. Umpire assays or evaluations is an option for some minerals, such as diamonds. Under certain circumstances, for certain industrial minerals, there may be extensive chemical treatment of the leased minerals on the leased premises prior to shipment. A lease covering this situation should include a method to determine the point at which the first marketable product is arrived at for royalty calculation purposes.]

14. **Commingle Commingled minerals.** The lessee has the right to commingle leased minerals from the leased premises with other minerals of the same nature and type, either in the mine, in stockpile, or in the shipment, but the leased minerals must be kept entirely separate and distinct until their quantities and rank, grade or mineral content have been separately measured and the amount of royalties due are determined.

23. **Cross-mining rights.** The lessee is hereby granted the right to mine and remove any leased minerals from the leased premises through any shafts, openings, or pits that may be made upon adjoining and ~~nearly~~ nearby premises controlled by the lessee. The lessee may, if it so desires, use the leased premises and any shafts, openings, or pits made on it for the mining or removal of any minerals of the same nature and type as the leased minerals from adjoining or nearby premises. The lessee's use of the leased premises for these purposes may not, however, prevent or interfere with the mining or removal of minerals from said leased premises. The minerals taken from the leased premises must at all times be kept entirely separate and distinct from any other minerals until measured and sampled as provided in this lease so that the rights of the state are at all times preserved and protected. The state recognizes the rights and liens of the owners of any nearby or adjoining premises in any minerals mined from them and transported through the leased premises.

## Department of Natural Resources

### Adopted Permanent Rules Relating to the Leasing of State Lands for Metallic Minerals

The rules proposed and published at *State Register*, Volume 19, Number 31, pages 1615-1636, January 30, 1995 (19 SR 1615), are adopted as proposed.

# Emergency Rules

## Proposed Emergency Rules

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

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

## Adopted Emergency Rules

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

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

## Continued/Extended Emergency Rules

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

## Department of Natural Resources

### Adopted Expedited Emergency Game and Fish Rules; 1995 Moose Season Quotas and Moose Zone Changes

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 14.29, subdivision 4(b). The statutory authority for the contents of these rules is *Minnesota Statutes*, sections 97A.431 and 97B.505.

Dated: 6 June 1995

Rodney W. Sando  
Commissioner of Natural Resources  
Gail Lewellan, Assistant Commissioner of  
Human Resources and Legal Affairs

### Rules as Adopted

#### 6232.3855 1995 QUOTAS FOR TAKING MOOSE.

The number of available licenses for the 1995 moose hunting season is as follows:

- A. Moose Zone 3, 16:
- B. Moose Zone 4, 30:
- C. Moose Zone 5, 40:
- D. Moose Zone 6, 5:
- E. Moose Zone 7, 15:
- F. Moose Zone 8A, 15:
- G. Moose Zone 8B, 10:
- H. Moose Zone 9, 20:
- I. Moose Zone 10, 20:
- J. Moose Zone 14, 8:
- K. Moose Zone 15, 4:
- L. Moose Zone 16, 4:
- M. Moose Zone 17, 4:
- N. Moose Zone 20, 26:

## Emergency Rules

---

---

- Q. Moose Zone 21, 5:
- P. Moose Zone 22, 6:
- Q. Moose Zone 23, 3:
- R. Moose Zone 24, 8:
- S. Moose Zone 25, 8:
- T. Moose Zone 29, 8:
- U. Moose Zone 30, 10:
- V. Moose Zone 31, 10:
- W. Moose Zone 32, 18:
- X. Moose Zone 33, 3:
- Y. Moose Zone 34, 4:
- Z. Moose Zone 35, 4:
- AA. Moose Zone 60, 3:
- BB. Moose Zone 61, 9:
- CC. Moose Zone 62, 16:
- DD. Moose Zone 63, 14:
- EE. Moose Zone 70, 2:
- FF. Moose Zone 73, 5:
- GG. Moose Zone 74, 5:
- HH. Moose Zone 76, 10:
- II. Moose Zone 77, 6: and
- JJ. Moose Zone 79, 5.

Total licenses available - 379.

### 6232.4100 MOOSE ZONES.

[For text of subs 1 to 23, see M.R.]

Subp. 24. **Moose Zone 25.** Moose Zone 25 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of County State Aid Highway (CSAH) 2, Cook County, and Forest Road (FR) 166; thence along FR 166 to CSAH 7, Lake County; thence along CSAH 7 to FR 354; thence along FR 354 to the south shore of Kawishiwi Lake; thence in a northwesterly northeasterly direction through the center along the shore of Kawishiwi Lake to the outlet of the Kawishiwi River; thence in a northerly direction along the Kawishiwi River, through Square and Kawasachong Lakes, to Lake Polly; thence in an easterly direction through the center of Lake Polly to the Phoebe River; thence upstream in an easterly direction along the Phoebe River, through Hazel and Knight Lakes, to Phoebe Lake; thence along the north shore of Phoebe Lake to the eastern-most point on Kawishiwi Lake; thence overland in a northeasterly direction to a small bay on the southwestern shore of Watonwan Lake in the Northeast Quarter of the Northeast Quarter of Section 21, Township 62 North, Range 6 West; thence in a southeasterly direction along the southwest shore of said lake to its southeastern-most point; thence overland in a northeasterly direction to Cat Eyes Lake; thence in an easterly direction through Cat Eyes Lake to the stream at the eastern-most point on the lake; thence in an easterly direction along said stream to Phoebe Lake; thence along the west and north shore of Phoebe Lake to the unnamed flowage which enters Phoebe Lake from Grace Lake; thence upstream in an easterly direction along the unnamed flowage to Grace Lake; thence along the southwest shore of Grace Lake to the portage connecting Grace and Beth Lakes; thence in an easterly direction along said portage to Beth Lake; thence in an easterly direction through the center of Beth Lake to the east shore and the portage connecting Beth and Alton Lakes; thence in an easterly direction along said portage to Alton Lake; thence in an easterly and northerly direction along the south and east shores of Alton Lake to the portage connecting Alton and Sawbill Lakes; thence in an easterly direction along said portage to Sawbill Lake; thence in a southerly direction along the west shore of Sawbill Lake to the Sawbill Campground and CSAH 2, Cook County; thence along CSAH 2 to the point of beginning.

[For text of subs 25 to 30, see M.R.]

Subp. 31. **Moose Zone 61.** Moose Zone 61 consists of that portion of the state lying within the following described boundary:

Beginning on the south shore of Sea Gull Lake at a point where Sea Gull Lake touches the midpoint of the section line between Sections 14 and 15 of Township 65 North, Range 5 West (T. 65N, R. 5W); thence in a southeasterly direction along the shore of Sea Gull Lake to the stream entering Sea Gull Lake from Loop Lake; thence in a southerly direction along said stream through Loop Lake to the southern shore of Elusion Lake; thence in a southerly direction along the portage trail to Glee Lake; thence in a southeasterly direction through Glee Lake to its outlet stream to Fay Lake; thence in a southeasterly direction along said stream to Fay Lake; thence in a westerly direction through Fay Lake and along Chub River through Warelub and Seahorse Lakes to the southern tip of Seahorse Lake; thence in a southerly direction along the stream to French Lake; thence in a southeasterly direction along the northeast shore of French Lake at the western-most point on Round Lake in Section 33, Township 65 North, Range 4 West, Cook County, and the portage trail to West Round Lake; thence in a westerly direction along said portage trail to West Round Lake; thence in a northwesterly direction through West Round Lake to the portage trail to Edith Lake; thence in a westerly direction along said portage trail to Edith Lake; thence in a westerly direction through Edith Lake to the portage trail to Brant Lake; thence in a westerly direction along said portage trail to Brant Lake; thence along the south shore of Brant Lake to the unnamed flowage to Crag Lake; thence through Crag Lake to the portage trail to Bat Lake; thence along said portage trail to Bat Lake; thence in a southwesterly direction through Bat Lake to the portage trail to Gillis Lake; thence in a southerly direction across said portage to Gillis Lake; thence along the northern, eastern and southern shores of Gillis Lake to the stream to Crooked Lake; thence in a southeasterly direction along said stream to Crooked Lake; thence along the eastern shore of Crooked Lake to the stream to Tarry Lake; thence in a southerly direction along said stream to Tarry Lake; thence along the northern, eastern and southern shores of Tarry Lake to the stream to Mora Lake; thence in a southerly direction along said stream to Mora Lake; thence along the eastern and southern shores of Mora Lake to the stream to Time Lake; thence in a southeasterly direction along all streams and through Time, Whipped, Fente, and Afton Lakes to Frost River; thence in an easterly direction along Frost River, through Pencil, Chase, and Octopus Lakes to the eastern end of Octopus Lake; thence in a southeasterly direction along an unnamed flowage to Noodle Lake; thence in a southwesterly direction along an unnamed flowage to Wing Lake; thence in a southeasterly direction through Wing Lake to its easternmost tip; thence overland and across Guard Lake for approximately 1,800 feet total in an easterly direction to Ranger Lake; thence in a southeasterly direction through Ranger Lake to its outlet to Cherokee Lake, thence in an easterly direction along said outlet to Cherokee Lake; thence in a northeasterly direction through Cherokee Lake and along all streams through Town and Cash Lakes to the southeast corner of Cash Lake; thence in an easterly direction along an unnamed flowage to the center of the South Half of Section 32 of T. 64N, R. 3W; thence overland for approximately 0.6 miles in an easterly direction to the unnamed lake in the Southwest Quarter of Section 33, T. 64N, R. 3W; thence in an easterly direction through said unnamed lake and along its outlet stream to Davis Lake; thence in an easterly direction and along all streams and portages through Davis, Pup, Winchell, Gaskin, and Icicle Lakes to the east end of Icicle Lake; thence overland approximately 0.1 mile in an easterly direction to Snack Lake; thence in an easterly direction through Snack Lake and its outlet stream to Vista Lake; thence in a northerly direction along all streams and portages between Vista, Horseshoe, Caribou, and Lizz Lakes to Poplar Lake; thence in a westerly direction along the southern and western shores of Poplar Lake to the stream to Skipper Lake; thence in a westerly direction along said stream and other streams or swamps through Skipper, Little Rush, Rush, Banadad, Sebeka, Ross, George, Lower George, Rib, Cross Bay, and Snipe Lakes to the northwest corner of Snipe Lake; thence overland approximately 0.4 miles in a northwesterly direction to the northeast corner of Missing Link Lake; thence in a westerly direction along the northern shore of Missing Link Lake to the portage to Round Lake; thence in a northeasterly direction along said portage to Round Lake; thence in a northwesterly direction along the southwest shore of Round Lake to the flowage to West Round Lake; thence in a westerly direction across said flowage, along all streams, and through West Round, Edith, Brant, then in a northerly direction through Gotter, Flying, Bingshack, and Honker Lakes to the center of the north shore of Honker Lake; thence overland for approximately 0.3 miles in a northerly direction to a swamp flowing northerly to Squat Lake; thence in a northerly direction through said swamp to Squat Lake; thence in a northeasterly direction through Squat Lake to the outlet to the unnamed lake in the Northeast Quarter of Section 19 of T. 65N, R. 4W; thence in a northerly direction along said outlet to said unnamed lake; thence in a northerly direction through said unnamed lake and along all streams and ponds to the north shore of the unnamed pond in the Northwest Quarter of the Southwest Quarter of Section 18 of T. 65N, R. 4W; thence overland for approximately 200 feet in a northerly direction to Are Lake; thence in a northeasterly direction to the northern end of Are Lake; thence overland for approximately 0.3 miles in a northerly direction to an unnamed stream to Sea Gull Lake; thence in a northerly direction along said stream to the south shore of Sea Gull Lake; thence in a southeasterly direction along the south shore of Sea Gull Lake to the point of beginning.

Subp. 32. **Moose Zone 62.** Moose Zone 62 consists of that portion of the state lying within the following described boundary:

Beginning at the Sawbill Campground at the southern end of Sawbill Lake; thence in a westerly direction across Sawbill Lake to the portage connecting Sawbill and Alton Lakes; thence in a westerly direction along said portage to Alton Lake; thence in a southwesterly direction through Alton Lake to the portage to Beth Lake; thence in a westerly direction along said portage to Beth Lake; thence in a westerly direction through Beth Lake to the portage to Grace Lake; thence in a westerly direction along said portage to Grace Lake; thence in a northwesterly direction along the southwest shore of Grace Lake to the unnamed flowage which leads to Phoebe Lake; thence in a westerly direction along said unnamed flowage to Phoebe Lake; thence in a westerly

## Emergency Rules

---

direction along the north shore of Phoebe Lake to Phoebe River; thence in a northwesterly direction along Phoebe River, through Knight and Hazel Lakes thence along all portage trails and through Beth and Grace Lakes to Phoebe Lake; thence along the east and south shores of Phoebe Lake to an unnamed flowage in Section 13 of Township 62 North, Range 6 West entering Phoebe Lake from the south; thence in southerly and westerly directions along said flowage to Cat Eyes Lake; thence in a westerly direction through Cat Eyes Lake to its western-most point; thence overland in a southwesterly direction to the southeastern end of Watonwan Lake; thence in a northwesterly direction along the southwestern shore of Watonwan Lake to a bay in the Northeast Quarter of the Northeast Quarter of Section 21 of Township 62 North, Range 6 West; thence overland in a southwesterly direction to the eastern-most point on Kawishiwi Lake; thence in a southwesterly direction along the shore of Kawishiwi Lake to the public access at the south end of Kawishiwi Lake; thence in a northwesterly direction through the center of Kawishiwi Lake to its outlet, the Kawishiwi River; thence in a northerly direction along the Kawishiwi River through Square and Kawasachong Lakes to the portage to Lake Polly; thence along said portage to Lake Polly; thence in a northwesterly direction through Lake Polly to the Kawishiwi River; thence in a northerly direction along the Kawishiwi River, through Koma Lake, to Malberg Lake; thence in a northwesterly direction through Malberg Lake to the portage trail in the northwest corner of Malberg Lake leading to Kawishiwi River; thence in a northwesterly direction along said portage to Kawishiwi River; thence in a northeasterly direction along Kawishiwi River through Kivaniva, Kivandeba, and John Ek Lakes to the south end of John Ek Lake; thence overland for approximately 100 feet in an easterly direction to an unnamed flowage; thence in an easterly direction along said unnamed flowage across the South Half of the North Half of Section 31 of Township 64 North, Range 5 West (T. 64N, R. 5W) to an unnamed lake in the Northeast Quarter of the Northeast Quarter of said Section 31, T. 64N, R. 5W; thence overland for approximately 600 feet in a southeasterly direction to an unnamed pond in the Southwest Quarter of the Northwest Quarter of Section 32, T. 64N, R. 5W; thence overland for approximately 0.3 miles in an easterly direction to an unnamed flowage leading to Teat Lake; thence in an easterly direction along said unnamed flowage through Teat and Lawless Lakes to the eastern end of Lawless Lake; thence overland and all waters for approximately 0.8 miles in a southeasterly direction to Mesaba Lake; thence in a northeasterly direction through Mesaba Lake to an unnamed stream to Hub Lake; thence in a northerly direction along said unnamed stream to Hub Lake; thence along the east and south shores of Hub Lake to the stream leading to Chuck Lake; thence in an easterly direction along said stream, through Chuck and Florence Lakes to the northeast tip of Florence Lake; thence overland for approximately 100 feet in a northeasterly direction to Caper Lake; thence in a northerly direction through Caper Lake and along the unnamed flowage to the north to Frost River; thence in an easterly direction along Frost River, through Pencil, Chase and Octopus Lakes to the eastern end of Octopus Lake; thence in a southeasterly direction along an unnamed flowage to Noodle Lake; thence in a southwesterly direction along an unnamed flowage to Wing Lake; thence in a southeasterly direction through Wing Lake to its easternmost tip; thence overland and across Guard Lake for approximately 1,800 feet total in an easterly direction to Ranger Lake; thence in a southeasterly direction through Ranger Lake to its outlet to Cherokee Lake; thence in an easterly direction along said outlet to Cherokee Lake; thence in a northeasterly direction through Cherokee Lake and along all streams through Town and Cash Lakes to the southeast corner of Cash Lake; thence in an easterly direction along an unnamed flowage to the center of the South Half of Section 32 of T. 64N, R. 3W; thence overland for approximately 0.6 miles in an easterly direction to the unnamed lake in the Southwest Quarter of Section 33, T. 64N, R. 3W; thence in an easterly direction through said unnamed lake and along its outlet stream to Davis Lake; thence in an easterly direction and along all streams and portages through Davis, Pup, Winchell, Gaskin, and Icicle Lakes to the east end of Icicle Lake; thence overland approximately 0.1 mile in an easterly direction to Snack Lake; thence in an easterly direction through Snack Lake and its outlet stream to Vista Lake; thence in a southerly direction through Vista Lake, along its inlet from Misquah Lake, and through Misquah Lake to its southern tip; thence overland approximately 0.6 miles in a southerly direction to Little Trout Lake; thence in a southerly direction and along all streams through Little Trout, Slough, Iota, Dugout, Swede, and Dane Lakes to the southern tip of Dane Lake; thence overland approximately 800 feet in a southerly direction to Ball Club Lake; thence in a westerly direction through Ball Club Lake and along Ball Club Creek through Cleaver Lake to the unnamed lake in the West Half of Section 27 of T. 63N, R. 2W; thence in a northwesterly direction along the north shore of said lake to its inlet stream at the northern extremity of the lake; thence upstream in a northwesterly direction along said stream to Fishhook Lake; thence in a westerly direction to the westernmost point of Fishhook Lake; thence overland for approximately one-tenth mile in a southwesterly direction to the unnamed lake in the Southeast Quarter of Section 20, T. 63N, R. 2W; thence in a westerly direction through said unnamed lake to its outlet stream; thence in a westerly direction along said outlet stream to Brule Lake; thence in a westerly direction along the south shore of Brule Lake to Jock Mock Bay of Brule Lake; thence in a westerly direction along the south shore of Jock Mock Bay to the portage trail to Juno Lake; thence in a southerly direction across said portage to Juno Lake; thence in a westerly direction through Juno Lake to the portage to Vern Lake; thence in a southeasterly direction through Vern Lake to East Pipe Lake; thence in a westerly direction across all portages and through Pipe Lake to Pipe Creek; thence in a westerly direction along Pipe Creek to Temperance River (Kelly Lake); thence in a southwesterly direction along Temperance River to the portage to Burnt Lake; thence in a northwesterly direction across said portage to Burnt Lake; thence in a northwesterly direction through Burnt Lake, across all portages and through Smoke Lake to the east shore of Sawbill Lake; thence in a southerly direction along the east shore of Sawbill Lake to Sawbill Campground, to the point of beginning.



Subp. 33. **Moose Zone 63.** Moose Zone 63 consists of that portion of the state lying within the following described boundary:

Beginning at the point where the Cook and Lake County boundaries meet the United States-Canada international boundary; thence in a southwesterly direction along the U.S.-Canada international boundary through Swamp, Cypress, and Knife Lakes to the section line between Sections 28 and 29 of Township 65 North, Range 7 West (T. 65N, R. 7W) in Knife Lake; thence in a southerly direction along said section line to the shore of Knife lake; thence overland for approximately 0.6 miles in a southerly direction to Skoota Lake; thence in a southerly direction to the south shore of Skoota Lake; thence overland for approximately 0.1 miles in a southerly direction through Grubstake Lake; thence in an easterly direction through Grubstake Lake to its easternmost tip; thence in an easterly direction along a swampy flowage to Kekekabic Lake; thence in an easterly direction along the south shore of Kekekabic Lake to the stream to Strup Lake; thence in a southerly direction along said stream through Strup and Wisini Lakes to the southernmost tip of Wisini Lake; thence in a southerly direction across the portage trail to Ahmakose Lake; thence in a southwesterly direction through Ahmakose Lake and its outlet stream to Gerund Lake; thence in a southeasterly direction through Gerund Lake and its outlet stream to Fraser Lake; thence in an easterly direction through Fraser Lake to the portage trail to Sagus Lake; thence along said portage trail and along all streams through Sagus, Roe, and Cap Lakes to the eastern end of Cap Lake; thence overland for approximately 0.4 miles in a south-southeasterly direction to Boulder Lake; thence in a southwesterly direction through Boulder Lake and along its outlet stream to Adams Lake; thence in a southerly direction to the southwest tip of Adams Lake; thence overland for approximately 0.25 miles in a southwesterly direction to Beaver Lake; thence in southwesterly and southeasterly directions through Beaver Lake to the stream entering Beaver Lake from the east near the southern tip of Beaver Lake; thence in an easterly direction along said stream to the unnamed lake approximately 0.1 miles to the east; thence in a southerly direction through said unnamed lake and the stream connecting it to Kawishiwi River; thence in a southerly direction along Kawishiwi River, through River Lake, to the unnamed flowage to the east in the Southeast Quarter of Section 14 of T. 63N, R. 7W; thence in an easterly direction along said unnamed flowage across Sections 14 and 13 of T. 63N, R. 7W, and part of Section 18 of T. 63N, R. 6W, to Record Lake; thence in a northeasterly direction through Record Lake to the Northeast corner of Record Lake; thence overland for approximately 1200 feet in a northeasterly direction to Malberg Lake; thence in a northwesterly direction through Malberg Lake to the portage trail in the northwest corner of Malberg Lake leading to Kawishiwi River; thence in a northwesterly direction along said portage to Kawishiwi River; thence in a northeasterly direction along Kawishiwi River through Kivaniva, Kivandeba, and John Ek Lakes to the south end of John Ek Lake; thence overland for approximately 100 feet in an easterly direction to an unnamed flowage; thence in an easterly direction along said unnamed flowage across the South Half of the South Half of Section 31 of T. 64N, R. 5W, to an unnamed lake in the Northeast Quarter of the Northeast Quarter of said Section 31 of T. 64N, R. 5W; thence overland for approximately 600 feet in a southeasterly direction to an unnamed pond in the Southwest Quarter of the Northwest Quarter of Section 32 of T. 64N, R. 5W; thence overland for approximately 0.3 miles in an easterly direction to an unnamed flowage leading to Teat Lake; thence in an easterly direction along said unnamed flowage through Teat and Lawless Lakes to the eastern end of Lawless Lake; thence overland and all waters for approximately 0.8 miles in a southeasterly direction to Mesaba Lake; thence in a northeasterly direction through Mesaba Lake to an unnamed stream to Hub Lake; thence in a northerly direction along said unnamed stream to Hub Lake; thence along the east and south shores of Hub Lake to the stream leading to Chuck Lake; thence in an easterly direction along said stream, through Chuck and Florence Lakes to the northeast tip of Florence Lake; thence overland for approximately 100 feet in a northeasterly direction to Caper Lake; thence in a northerly direction through Caper Lake and along the unnamed flowage to the north to Frost River; thence in a northwesterly direction along Frost River, and all streams, through Afton, Fente, Whipped, and Time Lakes to Mora Lake; thence along the southern and eastern shores of Mora Lake to the stream to Tarry Lake; thence in a northerly direction along said stream to Tarry Lake; thence along the eastern shore of Tarry Lake to the stream to Crooked Lake; thence in a northerly direction along said stream to Crooked Lake; thence along the eastern shore of Crooked Lake to the stream to Gillis Lake; thence in a northwesterly direction along said stream to Gillis Lake; thence along the southern, eastern, and northern shores of Gillis Lake to the portage trail to French Lake; thence in a northerly direction along said portage trail to French Lake; thence along the northeastern shore of French Lake to the stream to Seahorse Lake; thence in a northerly direction along said stream to Seahorse Lake; thence in northerly and easterly directions through Seahorse, Warelub, and Fay Lakes to the stream to Glee Lake; thence in a northwesterly direction along said stream through Glee Lake to its northwesternmost corner; thence in a northerly direction along the portage trail to Elusion Lake; thence in a northwesterly direction along all streams through Elusion and Loop Lakes and a series of unnamed ponds to Sea Gull Lake on the section line between Sections 14 and 15 of T. 65N, R. 5W; thence in westerly and northerly directions along the south and west shores of Sea Gull Lake to its junction with Alpine Lake in the Northeast Quarter of Section 9 of T. 65N, R. 5W; thence along the northeastern shore of Alpine Lake to the portage to Red Rock Lake; thence in a northeasterly direction along said portage to Red Rock Lake; thence in a northerly direction through Red Rock Lake to Red Rock Bay; thence in a northerly direction along the west shore of Red Rock Bay to Rocky Point on American Point of Saganaga Lake; thence in a northerly direction from Rocky Point and eastern shores of Gillis Lake to the portage trail to Bat Lake; thence in a northerly direction along said portage trail to Bat Lake; thence through Bat Lake to the portage trail to Crag Lake; thence through Crag Lake to the unnamed flowage to Brant Lake; thence north from said flowage to Flying Lake; thence in a northerly direction, and along all streams, through Flying, Bingshack, and Honker Lakes to the center of the north shore of Honker Lake; thence over-

## Emergency Rules

land for approximately 0.3 miles in a northerly direction to a swamp flowing northerly to Squat Lake; thence in a northerly direction through said swamp to Squat Lake; thence in a northeasterly direction through Squat Lake to the outlet to the unnamed lake in the Northeast Quarter of Section 19 of Township 65 North, Range 4 West; thence in a northerly direction along said outlet to said unnamed lake; thence in a northerly direction through said unnamed lake and along all streams and ponds to the north shore of an unnamed pond in the Northwest Quarter of the Southwest Quarter of Section 18 of Township 65 North, Range 4 West; thence overland for approximately 200 feet in a northerly direction to Arc Lake; thence in a northeasterly direction to the northern end of Arc Lake; thence overland for approximately 0.3 miles in a northerly direction to an unnamed stream to Sea Gull Lake; thence in a northerly direction along said stream to the southeastern shore of Sea Gull Lake; thence along the southeastern, eastern, and northeastern shores of Sea Gull Lake to Gull Lake; thence in a northerly direction through Gull Lake and along the Sea Gull River to Saganaga Lake; thence along the east shore of Saganaga Lake to Saganaga Falls in Section 4 of Township 66 North, Range 4 West; thence easterly to the United States-Canada international boundary; thence in a southwesterly direction along the international boundary through Saganaga and Swamp Lakes to the point of beginning.

Subp. 34. **Moose Zone 70.** Moose Zone 70 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of County State Aid Highway (CSAH) 16, Cook County, and Swamp River; thence in an easterly direction along Swamp River to Jackson Creek; thence in easterly and northeasterly directions along Jackson Creek, through Jackson Lake, to the unnamed creek entering Jackson Lake; thence in an east-northeasterly direction along said unnamed creek, adjoining swamp and upland, to an unnamed lake in the Northeast Quarter of Section 13 of T. 63N, R. 4E; thence in an easterly direction to the Reservation River and the Grand Portage Indian Reservation Boundary; thence in a northwesterly direction point where the Brule River crosses U.S. Highway 61; thence northeasterly along U.S. Highway 61 to the Grand Portage Indian Reservation Boundary at the Range line between Ranges 4 and 5 East; thence in a northerly direction along the Grand Portage Indian Reservation Boundary to Swamp Lake; thence in a northwesterly direction along the Grand Portage Indian Reservation Boundary to Pigeon River and the United States-Canada international boundary; thence in a northwesterly direction along the United States-Canada international boundary on the Pigeon River and South Fowl Lake to North Fowl Lake and Royal River; thence in a westerly direction along Royal River to John Lake; thence in a westerly direction along the south shore of John Lake to the outlet of Little John Lake; thence in a southerly direction through Little John Lake to McFarland Lake; thence in a westerly direction through McFarland Lake to Pine Lake; thence in a westerly direction through Pine Lake to the range line between Range 2 East and Range 3 East; thence in a southerly direction along said range line across land and the waters of Long Lake and Stump Lake to Fault Lake; thence in a westerly direction through Fault Lake, Bronco Lake, and the stream flowing into Bronco Lake from the west to Puff Creek; thence in a southwesterly direction along Puff Creek to its junction with an unnamed creek on the section line between Sections 14 and 15 of Township 64N, Range 2 East (T. 64N, R. 2E); thence in a southeasterly direction along said unnamed creek to Tittle Lake; thence in a southeasterly direction through swamp for approximately one-half mile to the unnamed lake in the Southwest Quarter of Section 13 of T. 64N, R. 2E; thence in a southwesterly direction through approximately one-half mile of swamp to Greenwood Lake at a location in the Southeast Quarter of the Northeast Quarter of Section 23, T. 64N, R. 2E; thence in a southwesterly direction through Greenwood Lake to its outlet at Greenwood River; thence in a southerly direction along Greenwood River to its junction with Brule River; thence in a southeasterly direction along Brule River to the section line between Sections 9 and 10 of T. 62N, R. 3E; thence overland in an easterly direction for approximately 800 feet to Flute Reed River; thence in a northeasterly direction along Flute Reed River, through its headwaters swamp, to the flowage entering it from Moosehorn Lake; thence in an easterly direction along said flowage from Moosehorn Lake to Grand Portage State Forest Road (GPSFR) 2, Cook County; thence along GPSFR 2 to CSAH 16, Cook County; thence along CSAH 16 to the point of beginning.

[For text of subs 35 and 36, see M.R.]

Subp. 37. **Moose Zone 73.** Moose Zone 73 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of County State Aid Highway (CSAH) 12, Cook County, and CSAH 8, Cook County; thence along CSAH 8 to CSAH 27, Cook County; thence along CSAH 27 to Forest Road (FR) 323; thence along FR 323 to Ball Club Lake; thence in a northeasterly direction across Ball Club Lake to the opposite shore; thence northwesterly and westerly along said shore to the easterly tip of the bay; thence in a northerly direction overland from the tip of said bay for approximately 800 feet to Dane Lake; thence in a northerly direction through Dane Lake to its outlet stream; thence in a northwesterly direction along said stream to Swede Lake; thence in northeasterly and easterly directions through Swede Lake to its outlet stream; thence in easterly and northerly directions along said outlet streams to South Brule River at Dugout Lake; thence in an easterly direction along South Brule River through Dugout, Marshall and Bower Trout Lakes to its junction with the North Brule River to form Brule River; thence in a southeasterly direction along the Brule River to the unnamed stream entering the Brule River near the center of the eastern edge of Section 9, Township 62 North, Range 3 East (T. 62N, R. 3E); thence along said unnamed stream to a trail (abandoned roadbed) in the Northwest Quarter of Section 9, T. 62N, R. 3E; thence in a southerly direction along said trail for approximately 1.6 miles to its junction with a second trail (abandoned roadbed); thence in a westerly direction along said second trail for approximately 1.5 miles to its junction with a third trail (abandoned roadbed); thence in a southerly direction along said

third trail for approximately 2.25 miles to CSAH 14, Cook County; thence along CSAH 14, and through Northern Light Lake to U.S. Highway 61; thence in a southwesterly direction along U.S. Highway 61 to Devil Track River; thence northeasterly along Devil Track River to CSAH 60, Cook County; thence along CSAH 60 to CSAH 12, Cook County; thence along CSAH 12 to the point of beginning.

Subp. 38. **Moose Zone 74.** Moose Zone 74 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of County State Aid Highway (CSAH) 12, Cook County, and Forest Road 146; thence in a northerly direction along CSAH 12 to the stream connecting Road Lake to Poplar Lake; thence in a westerly direction along said stream to Poplar Lake; thence in a westerly direction along the southern and western shores of Poplar Lake to the stream to Skipper Lake; thence in a westerly direction along said stream and other streams or swamps through Skipper, Little Rush, Rush, Banadad, Sebeka, Ross, Seal, George, Lower George, Rib, Cross Bay, and Snipe Lakes to the northwest corner of Snipe Lake; thence overland approximately 0.4 miles in a northwesterly direction to the northeast corner of Missing Link Lake; thence in a westerly direction along the northern shore of Missing Link Lake to the portage to Round Lake; thence in a northeasterly direction along said portage to Round Lake; thence in a northwesterly direction along the southwest shore of Round Lake to the flowage to West Round Lake; thence in a westerly direction across said flowage, thence along the south shore of Brant Lake to the unnamed flowage to Crag Lake; thence north from said flowage along all streams, and through West Round, and Edith, Lakes to Brant; then in a northerly direction Lake through Getter, Flying, Bingshack, and Honker Lakes to the center of the north shore of Honker Lake; thence overland for approximately 0.3 miles in a northerly direction to a swamp flowing northerly to Squat Lake; thence in a northerly direction through said swamp to Squat Lake; thence in a northeasterly direction through Squat Lake to the outlet to the unnamed lake in the Northeast Quarter of Section 19 of Township 65 North, Range 4 West (T. 65N, R. 4W); thence in a northerly direction along said outlet to said unnamed lake; thence in a northerly direction through said unnamed lake and along all streams and ponds to the north shore of the unnamed pond in the Northwest Quarter of the Southwest Quarter of Section 18, T. 65N, R. 4W; thence overland for approximately 200 feet in a northerly direction to Arc Lake; thence in a northeasterly direction to the northern end of Arc Lake; thence overland for approximately 0.3 miles in a northerly direction to an unnamed stream to Sea Gull Lake; thence in a northerly direction along said stream to the south shore of Sea Gull Lake; thence in westerly and northerly directions along the south and west shores of Sea Gull Lake to its junction with Alpine Lake in the Northeast Quarter of Section 9, T. 65N, R. 5W; thence along the northeastern shore of Alpine Lake to the portage to Red Rock Lake; thence in a northeasterly direction along said portage to Red Rock Lake; thence in a northerly direction through Red Rock Lake to Red Rock Bay; thence in a northerly direction along the west shore of Red Rock Bay to Rocky Point on American Point of Saganaga Lake; thence in a northerly direction from Rocky Point along the southeastern, eastern, and northeastern shores of Sea Gull Lake to Gull Lake; thence in a northerly direction through Gull Lake and along Sea Gull River to Saganaga Lake; thence along the east shore of Saganaga Lake to Saganaga Falls in Section 4 of Township 66 North, Range 4 West; thence in an easterly direction to the United States-Canada international boundary; thence in easterly and southerly directions along the international boundary through Saganaga, Maraboef, Gneiss, Granite, Clove, Magnetic, Gunflint, Little Gunflint, North, South, Rat, and Rose Lakes to the east end of Rose Lake; thence in a southeasterly direction along the stream leading to Daniels Lake; thence in a southwesterly direction through Daniels Lake to an unnumbered road bed in the Northwest Quarter of the Northwest Quarter of Section 35, T. 65N, R. 1W; thence in an easterly direction along said unnumbered road bed to CSAH 66, Cook County; thence overland in an easterly direction across CSAH 66, Cook County, for approximately 100 yards to Clearwater Lake; thence in an easterly direction through Clearwater Lake to the portage to Caribou Lake; thence along the southwest shore of Caribou Lake to the portage to Deer Lake; thence in a southerly direction along said portage to Deer Lake; thence in a southwesterly direction to the south shore of Deer Lake; thence in a southeasterly direction overland approximately 1,000 feet to Moon Lake; thence along the western shore of Moon Lake to the stream to Flour Lake; thence in a westerly direction along said stream to Flour Lake; thence along the eastern shore of Flour Lake to the portage trail to East Bearskin Lake; thence in a southerly direction along said portage to East Bearskin Lake; thence in a westerly direction through East Bearskin Lake to the public access and Forest Road 146; thence along Forest Road 146 to the point of beginning.

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

Subp. 43. **Moose Zone 79.** Moose Zone 79 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway 1 and U.S. Highway 61; thence along State Trunk Highway 1 to County State Aid Highway (CSAH) 7, Lake County; thence along CSAH 7 to Forest Road (FR) 166; thence along FR 166 to the Temperance River; thence in a southerly direction along Temperance River CSAH 2, Cook County; thence in a northerly direction along CSAH 2, Cook County, to Sixmile Creek; thence in a northeasterly direction along Sixmile Creek to the Range Line between Range 3 West and Range 4 West of Township 60 North; thence in a southerly direction along said Range Line to the unnamed creek in Section 19 of Township 60 North, Range 4 West; thence in an easterly direction along said unnamed creek to Poplar River; thence in a northeasterly direction along Poplar River to Caribou Creek; thence upstream in a northeasterly direction along Caribou Creek through Caribou and Bigsby Lakes to Murrur Creek; thence in a northeasterly direction along Murrur Creek to FR 332; thence in an easterly direction along FR 332 to CSAH 45, Cook County; thence in an easterly direction along

## Emergency Rules

CSAH 45, Cook County, to the Cascade River; thence in a southerly direction along the Cascade River to U.S. Highway 61; thence along U.S. Highway 61 to the point of beginning.

[For text of subp 44, see M.R.]

**EFFECTIVE DATE.** Minnesota Rules, part 6232.3855, is effective through December 31, 1995.

## Department of Natural Resources

### Adopted Expedited Emergency Game and Fish Rules; 1995 Fall Turkey Quotas

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 14.29, subdivision 4(b). The statutory authority for the contents of these rules is *Minnesota Statutes*, sections 97A.045, subdivision 2; 97A.435, subdivision 1; and 97B.711, subdivision 3.

Dated: 6 June 1995

Rodney W. Sando  
Commissioner of Natural Resources  
Gail Lewellan, Assistant Commissioner of  
Human Resources and Legal Affairs

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

#### 6236.0855 1995 FALL TURKEY HUNT QUOTAS.

Time Period	Dates	Zone Quotas				
		1	2	3	4	5
A	Oct. 18-22	200	400	400	100	150
B	Oct. 25-29	200	400	400	100	150
	TOTAL	400	800	800	200	300

The grand total for all zones is 2,500.

**EFFECTIVE DATE.** Minnesota Rules, part 6236.0855, is effective through December 31, 1995.

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

## Department of Revenue

### Revenue Notice 95-4 Sales tax: Penalty for Operators of Flea Markets and Similar Events

*Minnesota Statutes*, section 297A.041 requires that before an operator of a flea market, craft show, antique show, coin show, stamp show, comic book show, convention exhibit area, or similar selling event can rent space to a person desiring to sell at the event, the operator must obtain evidence that the seller holds a valid sales tax permit, or a written statement from the seller that no taxable items are being sold. *Minnesota Statutes*, section 289A.60, subdivision 17, imposes a penalty of \$100 for each day of a selling event that the operator fails to obtain evidence that a seller holds a sales tax permit. If the operator fails to obtain evidence of a sales tax permit from any seller at an event, the Minnesota Department of Revenue will impose the penalty against the operator for each seller from whom the evidence was not obtained.

Dated: 19 June 1995

Patricia A. Lien  
Assistant Commissioner for Tax Policy

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.

## Office of Administrative Hearings

### Notice of Solicitation of Comments on the Development of Rules Governing Rulemaking Procedure

*Minnesota Laws 1995*, Ch. 233, transfers the responsibility for review of rules adopted without a hearing from the Attorney General to the Office of Administrative Hearings (OAH) effective January 1, 1996, and requires OAH to adopt new rules and revise the Attorney General's applicable rule.

**NOTICE IS HEREBY GIVEN** that OAH is seeking comments in preparing new rules relating to 1) approval of exempt rules under *Minnesota Laws 1995*, Ch. 233, Art. 2, § 27; 2) approval of rules adopted under a good cause exemption pursuant to *Minnesota Laws 1995*, Ch. 233, Art. 2, § 29; 3) the procedure to be followed for determining whether a rule is substantially different, including an expedited procedure for adoption of substantially different rules under *Minnesota Laws 1995*, Ch. 233, Art. 2, § 31; and 4) the procedure for approving agency additional notice plans under *Minnesota Laws*, Ch. 233, Art. 2, § 31. OAH is also seeking comments on revision of its present rulemaking rules (*Minnesota Rules* pts. 1400.0200 to 1400.1500) and revision of the Attorney General's rule review rules. (*Minnesota Rule* Chapter 2010).

Specifically, OAH is looking for comments on:

- a. Appropriate standards for approving exempt rules.
- b. What expedited procedure would be appropriate and feasible for substantially different rules.
- c. What standards would be appropriate for approving agency notice plans.
- d. What changes should be made to existing OAH and AG rules based upon past experience and the requirements in the new legislation.

## Official Notices

---

Groups and individuals expected to be affected by these rules include state agencies, the Attorney General, regulated businesses and individuals, groups of regulated businesses and individuals such as trade associations, administrative law practitioners, local political subdivisions, advocacy groups, and anyone who might be affected by state agency rulemaking.

OAH does not contemplate appointing an advisory committee or advisory task force to comment on the proposed rules.

Written comments will be accepted until further notice or until a Notice of Hearing or Notice of Intent to Adopt Rules without a Hearing is published in the *State Register*. However, commenters are encouraged to submit comments before August 1, 1995. Comments may be mailed to:

Rulemaking Unit  
Office of Administrative Hearings  
100 Washington Avenue South, Suite 1700  
Minneapolis, MN 55401-2138

OAH does not currently have a draft of the rules prepared. If you wish to receive a draft when its prepared, or if you wish to be placed on the OAH rulemaking list, please write or call Sandy Haven, 100 Washington Avenue South, Suite 1700, Minneapolis, MN 55401-2138, (612) 341-7642.

Dated: 12 June 1995

Kevin E. Johnson  
Chief Administrative Law Judge  
Office of Administrative Hearings

## Department of Economic Security

### Job Service/Reemployment Insurance Division

#### Notice of Solicitation of Outside Opinion Regarding Proposed Rules Governing Appeals

**NOTICE IS HEREBY GIVEN** that the Department of Economic Security is seeking information or opinions from sources outside the agency in preparing to propose rules governing procedures for hearings conducted by the department. (*Minnesota Rules* Part 3310.2901 to 3310.2928)

The adoption of these rules is authorized by *Minnesota Statutes* Sections 268.0122 Subdivision 5 and 268.021 which authorizes the Commissioner to adopt rules with respect of the programs the department administers.

The proposed rules may include: Changes to reflect practice due to new technologies, including but not limited to facsimile, electronic mail, and video taping; an update to comport with present statutes, and a repeal of certain parts or subparts which are deemed unnecessary.

The Department of Economic Security requests information and opinions concerning the subject matter of the proposed rules. Interested persons or groups may submit data or views in writing or orally. Written statements should be addressed to:

Gloria Hill  
Office of Appeals  
Minnesota Department of Economic Security  
390 North Robert St.  
St. Paul, MN 55101

Oral statements will be received during regular business hours in person at the above address or over the telephone at 612/296-3335.

All statements of information and opinion will be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules without a Hearing is published in the *State Register*. Any written material and all comments received by the department will be made part of the official rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rules are adopted.

Dated: 12 June 1995

R. Jane Brown  
Commissioner

## State Board of Education

### Notice of Intent to Solicit Outside Information Regarding Proposed Rule Governing Graduation Standards

**NOTICE IS HEREBY GIVEN** that the Minnesota State Board of Education (Board) is seeking information or opinions from outside sources in preparing to propose the adoption of rules governing Graduation Standards. The adoption of the rule is authorized by *Minnesota Statutes* 121.11 Subd. 7c. (1994), as amended by *1995 Minnesota Laws* (First Special Session) Chapter 3, Article 7, Section 1, Subd. 7c., which requires the Board to adopt a statewide, results-oriented graduation rule.

The subject matter that may be considered by the Board when the rule is proposed includes but is not limited to: required statewide graduation standards in mathematics and reading, how students demonstrate competency in the basic requirements of mathematics and reading, school districts' testing options, testing conditions for students with special needs and school district notification and reporting requirements.

The Board anticipates the rulemaking process for this rule to be completed by December 1995.

The groups and individuals likely to be affected include all students entering 9th grade in public school districts in and after 1996, their parents, public school districts, educators, local school boards and communities.

The Board requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views in writing or orally. Written or verbal statements or comments should be directed to:

Mary Lynne McAlonie  
Minnesota State Board of Education  
717 Capitol Square Building, 550 Cedar Street  
St. Paul, Minnesota 55101  
Telephone: (612) 297-7820 or (800) 657-3927 (toll-free - 24 hours a day)  
FAX (612) 282-6779 TDD/TTY (612) 297-2094

Oral statements will be received during regular business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday; and by FAX and toll-free number 24 hours a day.

All statements of information and opinion will be accepted until August 1, 1995. Any written materials received by the Board shall become part of the rulemaking record in the event that the rule is adopted.

To obtain copies of the preliminary draft of the rules, make a written or verbal request to the address or the telephone or fax numbers above.

## Department of Health

### Notice of Establishment of an Emerging Infections Program in Minnesota

An article appeared in the January/February 1995 issue of the *Disease Control Newsletter* of the Minnesota Department of Health regarding establishment of an Emerging Infections Program in Minnesota. This program is specifically geared toward expanded surveillance activities for emerging pathogens. As part of this initiative, we are in the process of revising the *Minnesota Rules* Governing Communicable Diseases (*Minnesota Rules* 4605.7000-4605.7800). The rule revision process is expected to be completed during the summer of this year. The revised rules will be printed in the *Disease Control Newsletter* once the process is complete. The revised version of the rules includes requirements for reporting of several new or reemerging pathogens, including the following examples: invasive disease caused by group A streptococcus or GAS (including streptococcal toxic shock syndrome and necrotizing fasciitis), invasive disease caused by group B streptococcus or GBS (currently only neonatal group B streptococcal disease is reportable), invasive disease caused by *Streptococcus pneumoniae*, and cryptosporidiosis. MDH is currently implementing surveillance for these specific conditions and the purpose of this article is to officially request reporting of these diseases by hospitals, physicians and laboratories. According to rule 4605.7080, the Commissioner of Health can request reporting of specific diseases when certain circumstances exist. These circumstances include:

1. There is evidence that epidemiologic investigation based upon reports of cases, suspect cases and death due to the disease or syndrome will assist in further understanding of the disease.
2. Persons afflicted with the disease or syndrome are likely to suffer complications, disability or death as a result.
3. A case-oriented public health response will be helpful for control.

## Official Notices

---

4. There is a specific planned mechanism for surveillance of the disease or syndrome.
5. Reports of individual cases of the disease will serve as indicators of possible widespread contamination or increased risk which may be preventable.

These conditions are met for all of the above mentioned diseases. Specific comments for each condition are as follows:

**There is evidence that epidemiologic investigation based upon reports of cases, suspect cases and deaths due to the disease or syndrome will assist in further understanding of the disease.**

1. **Invasive GAS disease.** There are limited national data suggesting that the incidence of invasive GAS is increasing (1-4). In addition, clusters of invasive GAS have been identified (5). Active surveillance for invasive disease caused by this pathogen will provide data to determine trends in the incidence of disease to better identify the risk to household contacts and other close contacts, and to characterize strains of this pathogen from a population-based perspective.
2. **Invasive GBS disease.** Currently, there are guidelines for identifying and treating pregnant women who are carriers of GBS so that transmission to their newborn infants can be prevented (6). Accurate surveillance data will provide information on the current incidence of this disease in light of these guidelines. Surveillance data will also provide a more accurate assessment of disease in adults caused by this pathogen.
3. **Invasive disease caused by *Streptococcus pneumoniae*.** An issue of major public health concern is the emergence of antibiotic-resistant strains of *Streptococcus pneumoniae* (7). This trend has important implications for treatment of these infections. Additional epidemiologic data on the occurrence of invasive *Streptococcal pneumoniae* infections as well as levels of antimicrobial resistance are critical for addressing this issue.
4. **Cryptosporidiosis.** There are few data available on the current epidemiology of cryptosporidiosis in the United States. Surveillance data from sentinel sites will assist in understanding the magnitude of this problem and help to define the current risk of infection.

**Persons inflicted with the disease or syndrome are likely to suffer complications, disability or death as a result.**

1. **Invasive GAS disease.** Invasive disease caused by GAS frequently leads to severe morbidity or death (1).
2. **Invasive GBS disease.** Invasive disease caused by GBS also frequently can lead to severe illness or death, particularly in neonates.
3. **Disease caused by invasive *Streptococcus pneumoniae*.** Invasive disease caused by this pathogen is frequently serious and life-threatening.
4. **Cryptosporidiosis.** In immunocompetent patients, cryptosporidiosis is generally a self-limited illness; however, in immunocompromised patients (particularly those with HIV infection), cryptosporidiosis can be severe and life-threatening (8).

**A case-oriented public health response will be helpful for control.**

For each of these diseases, case-specific surveillance data will be useful in understanding and monitoring trends in disease occurrence and in developing control strategies.

**There is a specific planned mechanism for surveillance of the disease or syndrome.**

For invasive disease caused by GAS, GBS and *Streptococcus pneumoniae*, hospital-based surveillance has been established. This surveillance system is part of the Emerging Infections Program and includes a network of all hospital laboratories throughout Minnesota. We are requesting that hospitals submit isolates of these pathogens, isolates of *Haemophilus influenzae* and *Neisseria meningitidis* (conditions which are already reportable under current Minnesota rules) and to MDH for further analysis. We are also requesting that infection control practitioners at each hospital complete a standardized case report form for each case of these bacterial diseases. For cryptosporidiosis, MDH is requesting that laboratories submit case reports when *Cryptosporidium parvum* is identified in a stool specimen. In addition, MDH is developing sentinel surveillance through selected laboratories that are either currently screening for *Cryptosporidium* or are willing to submit stools to MDH so that screening can be conducted. This sentinel approach will help identify the magnitude of this problem in Minnesota.

**Reports of individual cases of the disease will serve as indicators of possible widespread contamination or increased risk which may be preventable.**

1. **Invasive GAS disease.** Individual case reports can help to identify clusters of disease throughout the state. In certain instances, such as in institutional settings, prophylaxis of close contacts may be warranted. Rapid identification of clusters through individual case reports will facilitate a public health response so that control measures can be instituted if appropriate.



2. **Invasive GBS disease.** Accurate surveillance data on the occurrence of invasive GBS disease, particularly in newborns, can be used to help assess current prevention strategies. In addition, accurate surveillance data may be important when a vaccine becomes available.
3. **Invasive disease caused by *Streptococcus pneumoniae*.** Accurate surveillance data on the occurrence of antibiotic-resistant invasive disease caused by *Streptococcus pneumoniae* can be shared with clinicians and may be critical in the treatment of these infections. Thus, while the condition itself may not be preventable, treatment strategies based on current prevalence of antibiotic-resistant organisms may help to prevent mortality or severe complications.
4. **Cryptosporidiosis.** Outbreaks of cryptosporidiosis, particularly involving contaminated water, are known to occur. Surveillance for this condition may allow the more rapid identification of outbreaks and institution of appropriate control measures as needed.

Based on the above criteria, MDH has established surveillance for the above conditions until the revised version of Minnesota Rules Governing Communicable Diseases are finalized later this year. For any questions regarding these conditions or surveillance for these conditions, please contact the Acute Disease Epidemiology Section at (612) 623-5414.

## Department of Health

### Commissioner's Office

#### **Notice of Completed Applications and Notice of and Order for Hearing Before the Commissioner of Health in the Matter of the License Applications of Polk County Ambulance Service, Crookston, Minnesota, and County Emergency Medical Services, Fertile, Minnesota**

**PLEASE TAKE NOTICE** that the Commissioner of Health (hereinafter "Commissioner") received a completed application from Polk County Ambulance Service (hereinafter "Polk County"), Crookston, Minnesota, for a change in type of license from Basic to Advanced Ambulance Service. Thereafter, the Commissioner scheduled a hearing on the application for June 15, 1995 at Northwest Correctional Center, 600 Bruce Street, Community Room, Crookston, Minnesota, to start at 7:00 p.m.

The Commissioner has also received a completed application from County Emergency Medical Services (hereinafter "County EMS"), Fertile, Minnesota, for an Advanced Ambulance - Specialized license based in Crookston, Minnesota. Before the hearing on this application was scheduled, County EMS filed a motion to intervene as a party in the hearing on Polk County's application. County EMS based the motion on its contention that the Polk County application has a direct bearing on its current transport operations. By order of June 6, 1995, Administrative Law Judge Steve M. Mihalchick (hereinafter "ALJ") granted County EMS's motion to intervene.

Upon review of the applications of Polk County and County EMS and of County EMS's motion to intervene, it is apparent that much of what will be at issue in the Polk County hearing will also be raised in the County EMS hearing. Accordingly, the Commissioner has decided, in consultation with the ALJ and pursuant to *Minnesota Rules*, part 1400.6350, to continue the Polk County hearing and to hold a consolidated hearing as specified below:

**NOW, THEREFORE, IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN** that:

1. The hearings on the Polk County application will not be conducted on June 15, 1995, but will be rescheduled and continued to be held in consolidation with the hearing on County EMS's application, as specified below.
2. The hearing on the ambulance license applications of Polk County and County EMS will be consolidated pursuant to *Minnesota Rules*, part 1400.6350.
3. Pursuant to *Minnesota Statutes* §§ 14.57-14.69 and 144.802, the consolidated public hearing will be held on August 17 and 18, 1995 at the Northwest Correctional Center, 600 Bruce Street, Community Room, Crookston, Minnesota, commencing at 7:00 p.m. on August 17 and at 9:00 a.m. on August 18. If you are interested in this matter, you are urged to attend the public hearing. Failure to do so may prejudice your rights in this and any subsequent proceeding in this matter.
4. The purpose of the hearing is to determine whether the applications from these ambulance services should be granted based upon the criteria set forth in *Minnesota Statutes* § 144.802, Subd. 3(g).
5. This proceeding has been initiated pursuant to and will be controlled in all aspects by *Minnesota Statutes* §§ 144.801 - 144.8093, *Minnesota Statutes* § 14.57, and Rules for Contested Cases of the Office of Administrative Hearings, *Minnesota Rules*

## Official Notices

---

1400.5100-1400.8402. Copies of the rules and statutes may be obtained for a fee from the Department of Administration, Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, telephone: (612) 297-3000.

6. Steve M. Mihalchick, Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone: (612) 349-2544, will preside as administrative law judge at the hearing, and will make a written recommendation on these applications. After the hearing, the record and the administrative law judge's recommendation will be forwarded to the Commissioner to make the final determination in the matter.

7. Any person wishing to intervene as a party must submit a petition to do so under *Minnesota Rules* 1400.6200 on or before July 18, 1995. This petition must be submitted to the administrative law judge and shall be served upon all existing parties and the Commissioner. The petition must show how the contested case affects the petitioner's legal rights, duties or privileges and shall state the grounds and purposes for which intervention is sought and indicate petitioner's statutory right to intervene if one exists.

8. In addition to or in place of participating at the hearing, any person may also submit written recommendations for the disposition of the application. These recommendations must be received by the administrative law judge on or before July 25, 1995.

9. Any subpoena needed to compel the attendance of witnesses or the production of documents may be obtained pursuant to *Minnesota Rules* 1400.7000.

10. At the hearing each applicant will present evidence showing that the license it has requested should be granted. All persons will be given an opportunity to cross-examine witnesses, to be heard orally, to present witnesses, and to submit written data or statements. All persons are encouraged to participate in the hearing and are requested to bring to the hearing all documents, records, and witnesses needed to support their position. It is not necessary to intervene as a party in order to participate in the hearing.

11. Please be advised that if nonpublic data is admitted into evidence, it may become public data unless an objection is made and relief is requested under *Minnesota Statutes*, § 14.60, Subd. 2.

12. You are hereby informed that you may choose to be represented by an attorney in these proceedings, may represent yourself, or be represented by a person of your choice if not otherwise prohibited as the unauthorized practice of law.

13. A Notice of Appearance must be filed with the administrative law judge identified above within 20 days following receipt of this Notice and Order for Hearing by any person intending to appear at the hearing as a party.

14. In accordance with the provisions of *Minnesota Statutes* § 14.61, the final decision of the Commissioner in this proceeding will not be made until the Report of the Administrative Law Judge has been made available to the parties in the proceeding for at least 10 days. Any party adversely affected by the Report of the Administrative Law Judge has the right to file exceptions and present arguments to the Commissioner. Any exceptions or arguments must be submitted in writing and filed with the Commissioner of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440 within 10 days of the receipt of the Administrative Law Judge's Report.

Dated: 7 June 1995

Anne M. Barry  
Acting Commissioner of Health

## Department of Health

## Department of Labor and Industry

## Department of Commerce

### Notice of Workers' Compensation 24-Hour Medical Coverage Pilot Project Plan

**NOTICE IS HEREBY GIVEN** that the Minnesota Departments of Health, Labor and Industry, and Commerce will be developing a 24-hour coverage plan, on a pilot project basis, coordinating the medical benefits of workers' compensation with the medical benefits to be offered by an integrated service network, health maintenance organization, or an insurer or self-insured employer under chapters 79, 79A, 176, 181, 62A, 62C, 62D, 62H, and 62N. The commissioners shall provide the plan and recommendations of any legislative changes to the legislature by January 15, 1996. This project is required by *1995 Laws of Minnesota*, Chapter 234, Article 8, Section 49, and Chapter 231, Article 2, Section 7.

The agencies are developing a mailing list of interested persons and organizations who would like to participate in the process by providing information or opinions on the 24-hour medical coverage pilot project plan. Additional information is expected to be mailed to those on the mailing list in July 1995. Persons interested in being on a mailing list should contact Laura Millsap of the

Department of Health, Health Care Delivery Policy Division, P. O. Box 64975, St. Paul, MN 55164-0975, FAX (612) 282-5628, or E-mail [laura.millsap@health.state.mn.us](mailto:laura.millsap@health.state.mn.us), or phone (612) 282-3847. For project information, contact Sandra Keogh of the Minnesota Department of Health at (612) 282-6354, or Kathryn Berger of the Department of Labor and Industry at (612) 297-4791, or Charles Ferguson of the Department of Commerce at (612) 297-3976.

Dated: 12 June 1995

Anne M. Barry  
Acting Commissioner  
Department of Health

Gary W. Bastian  
Commissioner  
Department of Labor and Industry

James Ulland  
Commissioner  
Department of Commerce

## **Department of Human Services**

### **Family and Children's Division**

#### **Amended Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendment of Rules Related to the Administration and Provision of Foster Care Services to Children and Their Families**

The State Department of Human Services hereby gives notice that it seeks information or opinions from sources outside the agency in preparing to propose amendments to rules related to the administration and provision of foster care services to children and their families, *Minnesota Rules*, parts 9560.0500 to 9560.0630 and part 9560.0670.

The proposed amendments will establish criteria for return of foster children to their homes, establish standards for conducting a search for relatives of children in foster care, and recruitment of foster and adoptive families from diverse backgrounds. The adoption of the proposed amendments is authorized by *Minnesota Statutes*, section 257.071, subdivision 8 and 257.072, subdivision 9.

During the course of the rule development process the department may consider issues relating to criteria for return of foster children to their homes, standards for conducting a search for relatives of children in foster care, and recruitment of foster and adoptive families from diverse backgrounds. The types of groups and individuals likely to be affected include: children, parents, relatives, foster parents, foster care providers, advocates, social workers, agencies, and other groups that work with children.

The department formed an advisory task force to aid in the development of the rule. The department invited legal aid attorneys, attorneys representing families, advocates for children, county social workers, advocates for relatives, advocates for minority groups, and others to join the advisory task force. The advisory task force completed consideration of the foster care rule in January 1995.

The department anticipates that adoption of the criteria for removal of children will take an additional six months.

The department requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally and may request copies of the proposed amendment. Please address written statements or requests for the proposed amendment to: Asha Sharma, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3816. She will receive oral statements during regular business hours over the telephone at (612) 282-9850 and in person at the above address.

The department will accept all statements of information and opinions until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the State Department of Human 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.

Dated: 12 June 1995

Asha Sharma  
Rules Division

## Department of Human Services

### Health Care Policy Division

#### Amended Notice of Solicitation of Outside Information or Opinions Regarding Proposed Repeal of Rules Governing Eligibility for Medical Assistance

The State Department of Human Services hereby gives notice that it seeks information or opinions from sources outside the agency in preparing to propose the repeal of the rule governing eligibility for medical assistance. The repeal of the rule is authorized by *Minnesota Statutes*, section 256B.04, which permits the department to make uniform rules for the administration of medical assistance.

During the rule repeal process the department will consider repeal of incorrect or outdated provisions in the medical assistance eligibility rule to conform to state and federal law. The rule will also be amended to comply with a statutory amendment to be effective July 1995. The proposed repeals will *not* change the current law on eligibility for medical assistance. The provisions proposed for repeal are: *Minnesota Rules*, part 9505.0015, subparts 7, 10, 15, 18, 22, 26, 29, 30, 35, 43; part 9505.0020; part 9505.0030; part 9505.0040; part 9505.0050; part 9505.0055; parts 9505.0058-9505.0065; part 9505.0071; part 9505.0110; and part 9505.0145.

Individuals or groups likely to be affected by the repeals include recipients of medical assistance and their friends, families, and advocates, medical assistance administrators, social workers, county officials working with medical assistance programs, and other individuals and groups connected with the issue of eligibility for medical assistance.

The department has formed an advisory task force to aid in the repeal of the rule. The department invited the following persons or associations to join the advisory task force: county social workers, advocacy groups, legal aid attorneys, care providers, department program persons, and others. The department appointed the advisory task force in March 1995. The advisory task force completed consideration of the rule in April 1995.

The department anticipates that the rule repeal process will take an additional three months.

The department requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally and may request a copy of the proposed draft of rule repeals. Please address written comments or requests for proposed rule drafts to: Asha Sharma, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3816. She will receive oral statements during regular business hours over the telephone at (612) 282-9850 and in person at the above address.

The department will accept all statements of information and opinions until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the State Department of Human Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the proposed rule provisions are repealed.

Dated: 5 June 1995

Asha Sharma  
Rules Division

## Department of Human Services

### Quality Services Division

#### Amended Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Homemaking Services, *Minnesota Rules*, Part 9565.1200, subpart 2

The State Department of Human Services hereby gives notice that it seeks information or opinions from sources outside the agency in preparing to propose amendment of the rule governing homemaking services. The amendment of the rule is authorized by *Minnesota Statutes*, sections 256.01, subdivision 2 and 256E.05, subdivisions 1 and 1a, which permit the agency to promulgate and amend rules to administer community social service programs.

During the course of the rule amendment process the department will consider whether to reduce the ongoing training requirement for providers of homemaking services from 24 hours annually to six hours annually. The initial training requirement of 24 hours will remain the same. The affected parties are recipients of homemaking services, their friends, families, and advocates;

providers of homemaking services and their advocates; persons who train homemakers; and county administrators and employees working with homemaking service programs.

The department has not formed an advisory task force to aid in the amendment of the rule because the rule involves a reduction in training requirements and, therefore, in expenditure for training.

The department anticipates that the rule adoption process will take an additional three months.

The department requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally and may request a copy of the proposed amendment. Please address written comments or requests for copies of the proposed amendment to: Asha Sharma, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3816. She will receive oral statements during regular business hours over the telephone at (612) 282-9850 and in person at the above address.

The department will accept all statements of information and opinions until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the State Department of Human 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.

Dated: 5 June 1995

Asha Sharma  
Rules Division

## **Department of Human Services**

### **Residential Program Management Division**

#### **Amended Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Operation, Maintenance, and Licensure of Program to be Established at the Minnesota Sexual Psychopathic Personality Treatment Center**

The State Department of Human Services hereby gives notice that it seeks information or opinions from sources outside the agency in preparing to propose the adoption of rules governing the operation and licensure of the Minnesota Sexual Psychopathic Personality Treatment Center program. Adoption of the rules is authorized by *Minnesota Statutes*, section 246B.04.

The proposed rules will address such areas as program services, treatment planning, admission criteria, behavior management and safety, staffing requirements, and client rights. Individuals and groups likely to be affected by the proposed rules are program participants, staff members, and counties with financial responsibility for program participants.

The department formed an advisory task force to aid in developing the rule. The task force members represented counties, legal aid attorneys, unions representing treatment center employees, psychologists and psychiatrists familiar with sex offender issues, providers of sex offender programs, and advocacy groups for persons with mental illness. The advisory group completed its work early in 1995.

The department anticipates that the rule adoption process will take at least another five months.

The department requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally and may request copies of the current draft of the proposed rules. Please address written statements or requests for drafts to: Alice Weck, Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816.

She will receive oral statements or requests for drafts during regular business hours over the telephone at 612/297-4302 and in person at the above address.

The department will accept all statements of information and opinions until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material the department receives will become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 12 June 1995

Alice S. Weck  
Department of Human Services

## Department of Human Services

### Family and Children's Services Division

#### **Amended Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules and Amendments Governing the Removal of Children in Need of Protection, currently governed by *Minnesota Rules*, part 9560.0220, subparts 6, 7**

The State Department of Human Services hereby gives notice that it seeks information or opinions from sources outside the agency in preparing to propose the amendment and adoption of the rule governing standards for removal of children in need of protection.

The amendment and adoption of the rule is authorized by *Minnesota Statutes*, sections 256.01, subdivisions 2 (1)(b), 2 (3); 256E.05, subdivisions 1, 1a; and 257.175, which permit the agency to adopt and amend standards for the protection of children and the provision of community social services.

During the course of the rule development process the department may consider the following issues: the criteria governing removal of children in emergency and nonemergency situations and how detailed these criteria should be. The types of groups and individuals likely to be affected include: children, parents, relatives, foster parents, foster care providers, advocates, social workers, agencies, and other groups that work with children.

The department formed an advisory task force to aid in the development of standards governing foster care and has decided to place some of the foster care provisions into the child protection rule. The department invited legal aid attorneys, attorneys representing families, advocates for children, county social workers, advocates for relatives, advocates for minority groups, and others to join the advisory task force. The advisory task force completed consideration of the foster care rule in January 1995. The department will not be convening a new advisory committee to consider criteria for removal of children because the foster care advisory task force made recommendations on these criteria.

The department anticipates that adoption of the criteria for removal of children will take approximately six months.

Interested persons or groups may submit data or views on the subject matter of concern in writing or orally and may obtain copies of drafts of the proposed rule amendment. Please address written comments or requests for copies of the draft amendment to: Asha Sharma, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3816. She will receive oral statements during regular business hours over the telephone at (612) 282-9850 and in person at the above address.

The department will accept all statements of information and opinions until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the State Department of Human 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.

Dated: 5 June 1995

Asha Sharma  
Rules Division

## Department of Human Services

### Health Care Policy Division

#### **Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Medical Assistance Payment for Therapeutic Support of Foster Care and Family Community Support Services; and Medical Assistance Payment for Wraparound Services**

**NOTICE IS HEREBY GIVEN** that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules governing Medical Assistance Payment for Therapeutic Support of Foster Care and Family Community Support Services; and Medical Assistance Payment for Wraparound Services. The adoption of the rules is authorized by *Minnesota Statutes*, section 256B.0625, subdivisions 35, 36, and 37, which authorize medical assistance payment for therapeutic support of foster care, family community support services, and wraparound services, and *Minnesota Statutes*, section 256B.04, subdivision 2, which authorizes the Commissioner to make uniform rules for administering medical assistance.

During the course of the rule development process the following issues may be considered: what kinds of services are covered; who is an eligible provider of services; who is eligible to receive services; frequency of services; length of services; nature of services; exceptions and limitations to services; conditions under which prior authorization for services will be required; method of delivery of services; whether services are dependent upon being integrated in a plan of care; and use of outcomes criteria.

The State Department of Human Services has formed an advisory committee to aid in the development of the rule. The Department of Human Services has invited the following persons or associations to join the advisory committee: Minnesota League of Women Voters; State Advisory Council on Mental Health; Minnesota Foster Parents Association, Minnesota Licensed Family Child Care Association; Southern Minnesota Regional Legal Services; Legal Aid Society of Minneapolis; Minnesota Mental Health Law Project; Council on Black Minnesotans; Spanish Speaking Affairs Council; Indian Affairs Council; Minnesota Nurses Association; Family and Children's Services; Minnesota Psychiatric Society; Minnesota Psychological Association; Board of Marriage & Family Therapists; Minnesota Business Partnership; Department of Health; Children's Defense Fund; PACER Center, Inc.; Minnesota Association of Community Mental Health Programs; Minnesota Council of Child Caring Agencies; Minnesota Chapter of National Association of Social Workers; Wilder Child Guidance; Human Services, Inc.; and Minnesota Association of County Social Service Administrators. The State Department of Human Services will appoint the advisory task force by February 1, 1994. The advisory task force has completed meeting for the purpose of consideration of the rule. The rule adoption process will take approximately 21 months.

The types of groups and individuals likely to be affected by the proposed rule include children with severe emotional disturbances; families, including foster families, of children with severe emotional disturbances; providers, including mental health professionals and practitioners, of services to children with severe emotional disturbances and their families; county human service staff; and persons represented by the organizations invited to participate on the advisory task force.

The State Department of Human Services requests information and opinions concerning the subject matter of the rules. 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: Carol Grant, Rules and Bulletins, Human Services Building, 444 Lafayette Road, St. Paul, MN 55155-3816. Oral statements will be received during regular business hours over the telephone by Carol Grant at (612) 297-1217 and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the State Department of Human 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.

Drafts of the proposed rules may be obtained from the State Department of Human Services by requesting them from Carol Grant at the above telephone number or at the above address.

Dated: 12 June 1995

Carol Grant  
Rule and Bulletins

## **Department of Labor and Industry**

### **Labor Standards Division**

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

Effective June 19, 1995 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

**Beltrami:** Campus Security System CCTV Bemidji State University-Bemidji.

**Clay:** Exterior Recaulk Phase II Comstock Memorial Union MSU-Moorhead.

**Dakota:** South St Paul High School Partial Reroofing-South St Paul.

**Hennepin:** Reroofing Drivers Exam Building-Plymouth; Hennepin County Medical Center Skyway over 7th Street-Minneapolis.

**Ramsey:** Asbestos Abatement Hazel Park Jr High-St Paul; Asbestos Abatement Highland Park Jr & Sr High Schools-St Paul; Asbestos Abatement Maxfield Elementary-St Paul; Electric Power and Technology System-North St Paul/Maplewood; Addition to Pinewood Elementary-Moundsview.

## Official Notices

---

**St. Louis:** Duluth Shop Floor Replacement-Duluth.

**Scott:** West Booster Station-Savage.

**Steele:** Owatonna Watermain-Owatonna.

**Stevens:** Chokio Alberta Lighting Retrofits-Chokio Alberta.

**Washington:** 1995 Reroofing Stillwater Schools-Afton; Electric Power and Technology System-Oakdale.

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, Commissioner

## Office of the Ombudsman for Mental Health and Mental Retardation

### Notice of Meeting

The Ombudsman for Mental Health and Mental Retardation Advisory Committee will hold a general meeting from 9:00 a.m. until 1:00 p.m. on Thursday, June 22, 1995. The meeting will be held in Suite 420, Metro Square Building on 7th and Robert Street, St. Paul.

## Minnesota Pollution Control Agency

### Division of Hazardous Waste

### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rulemaking Adopting Miscellaneous Required Federal Regulations into *Minnesota Rules*, Chapters 7001 and 7045

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (Agency) is seeking information or opinions from sources outside the Agency in preparing to propose the adoption of rules governing: Toxicity Characteristics Revisions — Technical Corrections; Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris; Coke Byproduct Listings; Consolidated Liability Requirements; Chlorinated Toluenes Production Waste Listing; Hazardous Soil Case-by-Case Capacity Variance; Toxicity Characteristic Amendment; Liquids in Landfills; Land Disposal Restrictions; Renewal of the Hazardous Waste Debris Case-by-Case Capacity Variance; Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated; and Waste Analysis and Waste Specific Prohibitions for Land Disposal Restrictions. The adoption of the rule is authorized by *Minnesota Statutes*, section 116.07, subdivision 4 (1994), which permits the Agency to adopt rules governing generators of hazardous waste, the management, identification, labeling, classification, storage, collection, treatment, transportation, processing, and disposal of hazardous waste and the location of hazardous waste facilities. This rulemaking has the potential to affect primarily those who generate hazardous waste.

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

Nathan Cooley  
Hazardous Waste Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, MN 55155

Oral statements will be received during regular business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday, over the telephone at (612) 297-7544 and in person at the above address. You may obtain current drafts of proposed rule language from this Agency contact as it is developed.

All statements of information and opinion will be accepted until Wednesday July 26, 1995. Any written material received by the Agency will 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.

Charles W. Williams  
Commissioner



## Minnesota Pollution Control Agency

### Hazardous Waste Division

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendment to Rule Governing Reference Materials, Testing Methodology and Hazardous Waste Constituents, *Minnesota Rule* Parts 7045.0065, 7045.0075, 7045.0131, 7045.0135, 7045.0141, 7045.0528, 7045.0538, 7045.0628, 7045.0638

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (Agency) is seeking information or opinions from sources outside the Agency in preparing to propose the amendment of the rule governing the updating of test reference "Testing Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846); the addition of chlorophenolic chemicals to the hazardous waste constituent list and the correction of minor errors from previous rulemakings. Once adopted, the provisions will potentially affect any business that generates hazardous waste. The adoption of the rule is authorized by *Minnesota Statutes*, section 116.07, subdivision 4 (1994), which permits the Agency to adopt rules governing hazardous waste.

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

Jeannie Blatz  
Hazardous Waste Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4194  
Telephone: (612) 297-8335  
Facsimile: (612) 297-8676

Oral statements will be received during regular business hours over the telephone at (612) 297-8335 and in person at the above address. Drafts of the rule are also available from Jeannie Blatz upon request.

All statements of information and opinions shall be accepted until Wednesday July 26, 1995. Any written material received by the Agency shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule amendment is adopted.

Charles W. Williams  
Commissioner

# State Grants

---

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

---

## Department of Labor and Industry

### Notice of Availability of Labor Education Advancement Program Grants: Request for Proposals

The Commissioner of the Minnesota Department of Labor and Industry announces the availability of funds for the operation of Labor Education Advancement Programs (L.E.A.P.) in the State of Minnesota.

Funds will be available during each year of the state's fiscal years beginning August 1, 1995 and July 1, 1996.

The commissioner shall award grants to community-based organizations serving the targeted populations on a competitive request-for-proposal basis. Interested organizations shall apply for the grants in a form prescribed below. As part of the application process, applicants must provide a statement of need for the grant, a description of the targeted population and apprenticeship opportunities, a description of activities to be funded by the grant, evidence supporting the ability to deliver services, information related to coordinating grant activities with other employment and training programs, identification of matching funds, a budget, and performance objectives. Each submitted application shall be evaluated for completeness and effectiveness of the proposed grant activity.

Program and Proposal Information

#### I. PURPOSE

The purpose of this grant will be to provide for the operation of Labor Education Advancement Programs (L.E.A.P.).

#### II. OBJECTIVE

The objective of the L.E.A.P. is to increase the participation of people of color and women in apprenticeable trades and occupations.

#### III. PROCESS

The Commissioner will accept proposals for the operation of L.E.A.P. for the fiscal years beginning August 1, 1995 and July 1, 1996.

#### IV. ELIGIBLE GRANT APPLICANTS

Proposals will be accepted from community-based organizations serving the targeted population on a competitive request-for-proposal basis.

#### V. PROPOSAL CONTENTS

At a minimum, proposals will be expected to contain the following information:

##### A. Program Administration/Management

1. Administrative Structure (including personnel)
2. Program narrative outlining the organization's mission, goals, objectives, and performance indicators
3. List of Advisory Council or Advisory Committee members

##### B. Budget

1. Amount requested
2. Line item breakdown of operating costs
3. List sources of nonstate matching funds
4. Budget Narrative

##### C. Demographic Data

1. Identification of geographic area served
2. Rate of unemployment in service area
3. Comparative data on the ratio of unemployment between minorities and nonminorities in the service area

---

---

## Professional, Technical & Consulting Contracts

4. Percent of racial minorities in area served
5. Source of demographic data

D. Evidence of ability to deliver services, which may be demonstrated by one of the following:

1. Previous experience operating LEAP and results (please provide details of LEAP operation)
2. Previous experience providing job training and job placement services to economically disadvantaged individuals, diverse ethnic and racial minority groups, and females
3. Provide documentation of existing working relationships with employers and labor organizations
4. Means of measuring outcomes (effectiveness of program)

E. Statement of assurance including:

1. The department or state may conduct post-grant audits
2. Periodic performance and financial reports will be submitted promptly
3. The applying organization has an effective equal employment policy
4. Evidence of workers' compensation coverage as required by Minnesota law

### VI. PROPOSAL DEADLINE

Interested parties must submit proposals for funds no later than 4:00 p.m., July 17, 1995. Proposals must be submitted to:

Gary Bastian, Commissioner  
Minnesota Department of Labor and Industry  
443 Lafayette Road  
St. Paul, Minnesota 55155

---

---

## Professional, Technical & Consulting Contracts

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

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

---

## Department of Agriculture

### Farm Advocate Program

#### Notice of Availability of Contracts for Minnesota Farm Advocates

The Minnesota Department of Agriculture announces the availability of contracts for farm advocates for the period of July 1, 1995, through June 30, 1996. Applicants must be farmers or former farmers; be familiar with or experienced in farm financial planning (cash flows through financial statements); be knowledgeable of farmers' borrowers rights and responsibilities with the ability to comprehend state and federal rules and regulations governing agricultural credit; have good communications skills (written, oral and listening); and have compassion for and an interest in helping other farmers. Resumes will be accepted through June 30, 1995.

For more information contact:

Pat Schuna  
Farm Advocate Program  
Minnesota Department of Agriculture  
90 W. Plato Blvd.  
St. Paul, MN 55107  
(612) 296-1484

# Professional, Technical & Consulting Contracts

---

---

## Department of Human Services

### Performance Measurement Division

#### Notice of Request for Proposal for Review of Quality of Health Care

The Department of Human Services (Department) is seeking proposals from qualified parties to conduct annual improvement audits delivered through managed care programs. This includes Medical Assistance and General Assistance Medical Care populations enrolled in prepaid health plans in nine counties. The quality improvement audit will include:

- A. Three Clinical Focused Studies
- B. Clinic Facility Reviews
- C. Medical Record Review
- D. Technical Assistance in Medicaid HEDIS Performance Measures Reporting
- E. Quality Improvement Plan Follow-up
- F. Collaboration with Health Plans and DHS on design and follow-up audits for coming years

This independent, external, quality assurance review must be conducted by a Peer Review Organization (PRO), by an entity that is eligible to be a PRO or by a private accreditation body. A non-PRO organization that has a contract to review HMO services is also considered to be a PRO for purposes of this quality assurance review.

A contract will be awarded for a one year period, renewable for up to four additional years to the successful responder.

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

Proposals are due July 14, 1995, at 3:00 p.m.

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

Tamara Murray  
Quality Assurance Coordinator  
Performance Measurement Division  
State of Minnesota  
444 Lafayette Road  
St. Paul, MN 55155-3854  
Phone: (612) 282-6647

Dated: 9 June 1995

## Department of Transportation

### Finance and Administration Division

#### Notice of Availability of a Contract for Professional "Self-directed Work Team" Services

The Department of Transportation is requesting proposals for a qualified vendor to analyze self-directed work teams in both the seven county metro area and greater Minnesota Mn/DOT offices, and to develop and implement a manual with a training program and working models for team members, supervisors and managers. The department estimates that the cost of this project need not approach, but shall not exceed, \$40,000.00 (forty thousand dollars.) It is anticipated that the contract period will begin on August 4, 1995 and continue through July, 1996.

For further information, or to obtain a copy of the completed Request for Proposal contact:

Sue Muehlbach, Education Services Director  
Mail Stop 200, 395 John Ireland Boulevard  
St. Paul, MN 55155

Phone: 612-296-3125  
FAX: 612-297-7944

Proposals must be received at the above address no later than 4:00 p.m. on July 12, 1995. This request does not obligate the State of Minnesota, Department of Transportation to complete the work contemplated in this notice, and the department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

## University of Minnesota

#### Deadline Extension for Request for Proposals for an Historic Properties Preservation Plan

The University of Minnesota is currently soliciting proposals from professional planning and historical resource consultants for services to assist the University in the development of a Preservation Plan that will include a comprehensive evaluation of its properties for their historical significance and a plan with policies and procedures that will guide decisions on treatment of identified historic properties. The Preservation Plan is being prepared in cooperation with the State Historic Preservation Office of the Minnesota Historical Society.

Consultants interested in obtaining a copy of the Request for Proposal document or for information on the RFP schedule, please contact Denis Larson, Principal Buyer, University of Minnesota Facilities Management, at (612) 625-5554. Proposals are invited from qualified individuals and firms.

Preferred qualifications include: demonstrated professional experience in conducting historic resource planning, identification, evaluation and/or registration activities in conformance with the Secretary of Interior's Standards and Guidelines for Archaeology and Historic Preservation; experience in preparation of a National Register form and related Historic Context Report; professional qualifications meeting the Secretary of the Interior's Professional Qualifications Standards for Architectural Historians and Historians; demonstrated experience in writing policy related to preservation and treatment of historic properties; and a familiarity with the University of Minnesota's architectural and institutional history.

All proposals must be received by the University no later than 3:00 p.m. on July 5, 1995. **(NOTE: The deadline is extended from a previously advertised deadline of June 27, 1995.)**

# 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 Proposals for Design, Layout, and Typesetting for *Minnesota History*

The Minnesota Historical Society is seeking proposals from qualified firms and individuals to provide professional services for the design, layout, and typesetting of four issues (one year) of *Minnesota History* magazine, the Society's scholarly journal.

The work will consist generally of electronic pre-press services including typesetting from DOS-formatted disks, Macintosh design and layout of illustrated articles and four-color covers, and output on Syquest disk.

Qualified proposers will have demonstrated experience in desk top design and typesetting, familiarity with humanities journal style and with typesetting requirements for scholarly publications, experience with one-, two-, and four-color design, and the ability to work with historic photographs and documents.

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

Proposals must be received not later than July 10, 1995.

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

Dated: 19 June 1995

# Chemical Dependency

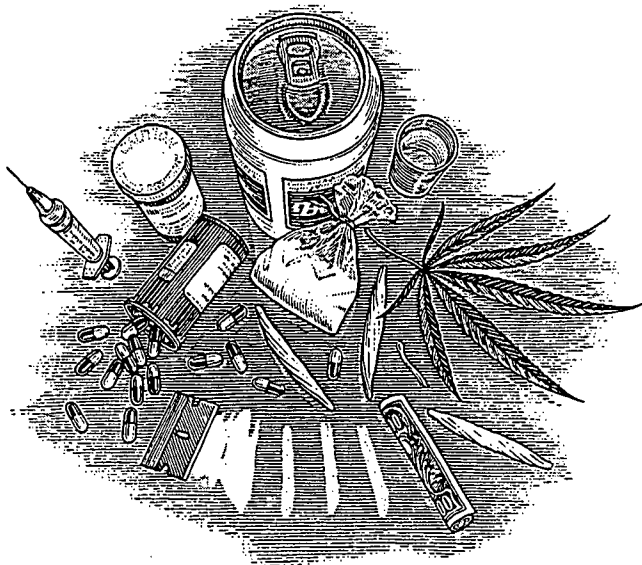
## Treating the Family---

### Process Parenting: *Breaking the Addictive Cycle*

An indispensable tool for early childhood/family educators, public health nurses, chemical dependency counselors, parent effectiveness trainers, etc. This training manual focuses on parenting as a process. Featured areas include prevention, education and treatment techniques for those working with recovering chemically dependent parents and dysfunctional families. Includes a step-by-step curriculum PLUS over 30 client exercises as well as guidance in working with urban/rural, gay/lesbian and parents of color. Plastic-ring bound. 199pp. (Dept. of Human Services, 1988) Stock No. 5-4 \$15.00

### Process Parenting -- Videotape

Author reads from the book... Excellent tool for classroom training. (Dept. of Human Services, 1989) Stock No. 4-5 \$15.00



## Directories---

### Chemical Dependency Programs Directory

Comprehensive listing of chemical dependency treatment programs in Minnesota. Information on services provided, funding and staff, and a map are also included. 282pp. (Dept. of Human Services, 1992/93) Stock No. 1-12 \$17.00

### MN Directory of Services for Chemically Dependent Women and Their Children

Listing of treatment and support services throughout the state. Each agency/service listed alphabetically within geographic area. Listings include address, phone, hours, eligibility criteria, payment options, and a summary of their services. Organized for quick access to services within each geographic area. Plastic-ring bound, 97pp. (Dept. of Human Services, 1989) Stock No. 1-5 \$10.00

## Hearing Impaired---

### Hope & Help: Videotapes

Five tapes, shown in American Sign Language as well as caption and voice, contain footage from the best treatment resources in the country for persons with a hearing impairment who are chemically dependent. Five 1/2" VHS tapes -- 70 minutes total. (Dept. of Human Services & Hennepin County, 1987)

MINNESOTA residents: Stock No. 4-1 \$100.00

NON-residents: Stock No. 4-2 \$395.00

**Tape 1** (14 min.) and **Tape 2** (13 min.):

Special problems faced by the chemically dependent person with a hearing impairment.

**Tape 3** (16 min.):

Using Alcoholics Anonymous (AA) as a resource.

**Tape 4** (12 min.):

A guide for people with a hearing impairment who have a chemically dependent family member.

**Tape 5** (28 min.):

A guide for chemical dependency counselors and treatment staff serving persons with a hearing impairment.

