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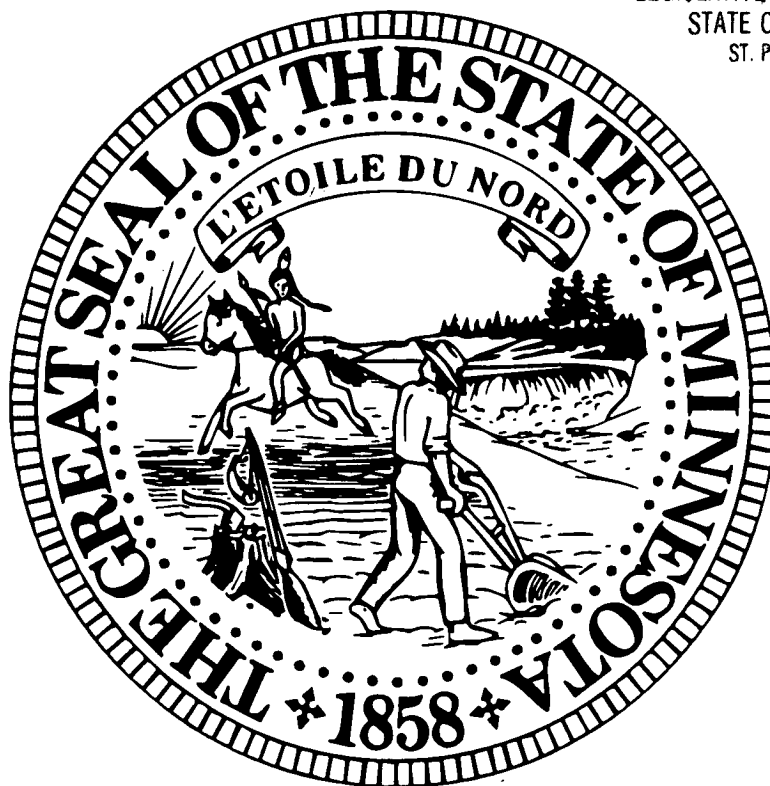
The Minnesota  
**State  
Register**

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**R** E C E I V E D

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**Rules and Official Notices Edition**

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**Monday 17 July 1995**

**Volume 20, Number 3**

**Pages 59-78**

# 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. 20 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
# 3	Monday 17 July	Monday 3 July	Monday 10 July
# 4	Monday 24 July	Monday 10 July	Monday 17 July
# 5	Monday 31 July	Monday 17 July	Monday 24 July
# 6	Monday 7 August	Monday 24 July	Monday 31 July

Arne H. Carlson, Governor 612/296-3391	Hubert H. Humphrey III, Attorney General 612/297-4272	Joan Anderson Growe, 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:	Jane E. Schmidley, Acting 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 \$80.00 per page, billed in tenths of a page (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

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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.

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## 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.

## Department of Agriculture

### Adopted Permanent Rules Relating to Agricultural Inspectors

The rules proposed and published at *State Register*, Volume 19, Number 23, pages 1259-1263, December 5, 1994 (19 SR 1259), are adopted with the following modifications:

#### Rules as Adopted

#### 1505.0754 WORK PLANS AND PERFORMANCE EVALUATIONS FOR COUNTY AGRICULTURAL INSPECTORS.

Subpart 1. **Work plans.** A detailed plan of work to be accomplished by each county agricultural inspector must be jointly developed each year by the commissioner and the county agricultural inspector. A separate work plan must be developed for each of the control programs involving seed, noxious weed, and screenings. If participation in the control programs for feed, fertilizer, pesticide, and insect pests is requested by the commissioner, a separate work plan must also be developed for each program. The plan must list the individual tasks, the amount of time sufficient to complete them, the amount of training required, and the budget necessary. The plan must be submitted to the board of county commissioners each year for its approval of the amount of time and the budget needed.

If the commissioner requests participation in the feed, fertilizer, pesticide, and insect pest control programs, the written request to do so must accompany the work plan.

#### 1505.0756 TRAINING REQUIREMENTS AND AUTHORIZED AGENT STATUS FOR COUNTY AGRICULTURAL INSPECTORS.

##### Subpart 1. Training requirements.

B. To meet qualifications as a county agricultural inspector in the control programs for feed, fertilizers, pesticides, and insect pests, the participating county agricultural inspector must ~~satisfactorily perform~~ meet the criteria in part 1505.0754, subpart 2, for all assigned tasks in the noxious weed, seed, and screenings control programs and must complete the number of hours of training required by the county work plan for each program specified in part 1505.0754, subpart 1.

##### Subp. 2. Authorized agent status.

D. When it is required to be an authorized agent to do the assigned tasks, the commissioner may authorize a county agricultural inspector to be an authorized agent for the feed fertilizer, pesticide, and insect pest control programs if the inspector is already an authorized agent in the noxious weed, seed, and screenings control programs and if the inspector has met the qualification requirement in item C.

#### 1505.0758 MEETINGS AND REPORTS REQUIRED OF INSPECTORS.

##### Subpart 1. Meetings.

A. The commissioner shall provide written notice to county agricultural inspectors of meetings they are required to attend. County agricultural inspectors shall attend the following meetings according to *Minnesota Statutes*, section 18.79, subdivision 7, to receive the training considered necessary by *Minnesota Statutes*, section 18.79, subdivision 6:

**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.

## ERRATA

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B. The commissioner shall provide written notice to local weed inspectors for all meetings they are required to attend. Local weed inspectors are required to attend the following meetings according to *Minnesota Statutes*, section 18.79, subdivision 7, to receive the training considered necessary by *Minnesota Statutes*, section 18.79, subdivision 6:

**Subp. 2. Reports.**

B. An annual report ~~from each municipality~~ must be compiled by the local weed inspector and submitted from each municipality to the county agricultural inspector in the county where the municipality is located. This report is required of local weed inspectors according to *Minnesota Statutes*, section 18.79, subdivision 7, and it serves as a record of their activities in performing the duties assigned to them in *Minnesota Statutes*, section 18.81, subdivision 2.

## ERRATA

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### Department of Human Services

#### Child Support Enforcement Division

#### Request for Proposals to Conduct an Evaluation Study of Non-compliant Child Support Obligor

Two incorrect phone numbers were published in this notice:

612/297-1113 replaces 612/296-1113

fax: 612/297-4450 replaces fax: 612/296-4450

The address to request and submit proposals was correct:

Wayland Campbell, Business Unit Manager  
Minnesota Department of Human Services  
Child Support Enforcement Division  
444 Lafayette Road  
St. Paul, Minnesota 55155-3846

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 #95-5: Sales and Use Tax - Construction Contracts - Purchasing Agent Exemption

#### Introduction

A contractor or subcontractor may make otherwise taxable purchases exempt from sales or use tax for use on a construction contract with an exempt entity when the exempt entity appoints the contractor or subcontractor as its purchasing agent in accordance with *Minnesota Rules*, part 8130.1200, subpart 3D. The Minnesota Supreme Court applied that rule in *Stretar Masonry Company, Inc. v. Commissioner of Revenue*, 518 N.W. 2d 29 (Minnesota 1994), CCH Minnesota Tax Reports Par. 202-560, reversing Dkt. No. 5876 (Minnesota Tax Ct. May 26, 1993), CCH Minnesota Tax Reports Par. 202-501.

The *Minnesota Statutes* and *Rules* have established very strict requirements that taxpayers must meet in order to qualify for the purchasing agent exemption. Either all of the General Requirements discussed in Part A below, or all of the Alternative Requirements discussed in Part B below, must be met in order to qualify for the exemption.

Taxable purchases include purchases of tangible personal property (e.g., building materials) and taxable services (e.g., final construction cleaning). Although most construction contracts are for improvements to real estate as the result of the installation of tangible personal property, some construction contracts include taxable services. In the discussion below, taxable services should be treated as materials provided pursuant to a construction contract.

#### A. General Requirements

1. **Threshold Requirements.** *Minnesota Statutes*, section 297A.25, subdivisions 11 and 16 provide that in addition to the requirements discussed below, the following two requirements must be met before a contractor may make otherwise taxable purchases exempt from sales or use tax for use on a construction contract with an exempt entity:

1. The construction contract pursuant to which the purchases were made must not be a lump-sum contract or similar type of contract with a guaranteed maximum price covering both materials and labor; and
2. If the purchases are used to construct buildings or facilities, the buildings or facilities must be used principally by the exempt entity.

The Department's position is that the first requirement applies to not only the prime contractor, but also every subcontractor who supplies both materials and labor. Thus, in order for an otherwise taxable purchase (for use on a construction project contracted for by an exempt entity) to be exempt from sales or use tax, contracts or subcontracts involving building materials cannot be lump-sum contracts including both materials and labor.

2. **Eligibility to Appoint Purchasing Agent.** Contractors who do work for exempt entities such as churches, schools, and federal agencies normally must pay sales or use tax on all taxable purchases used in performing the construction contract, the same as with any other construction contract. As indicated above, the only time a contractor may purchase otherwise taxable items exempt from sales or use tax for use on a construction contract with an exempt entity is when the entity appoints the contractor as its purchasing agent (see *Minnesota Rules* are 8130.1200, subpart 3D). An exempt entity may appoint a contractor as its purchasing agent only if:

1. The exempt entity initially advertises for separate bids for materials and labor;
2. The exempt entity may accept one bid without accepting both bids; and
3. Separate contracts are issued for the accepted bids for materials and labor.

The Department's position is that these requirements apply to the prime contractor and every subcontractor who supplies both materials and labor.

3. **Appointment of Purchasing Agent.** If all of the above requirements are met and the contractor is awarded both the contract for materials and the contract for labor, *Minnesota Rules*, part 8130.1200, subpart 3D provides that the exempt entity may appoint the contractor as its purchasing agent for materials, provided that the contract for materials clearly shows that:

1. The contractor has been appointed the purchasing agent;
2. The exempt entity takes title to all materials and supplies at the point of delivery;

## Revenue Notices

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3. The exempt entity has the risk of loss for all materials and supplies; and
4. The exempt entity (not the purchasing agent) has responsibility for all defective materials and supplies, including those incorporated into realty.

The Department's position is that these requirements apply to the prime contractor and every subcontractor who supplies both materials and labor.

4. **Notification to Vendors.** *Minnesota Rules*, part 8130.1200, subpart 3D provides that "[a]ny contractor who has been appointed agent for the purchase of materials and supplies . . . shall furnish adequate notification to all vendors and suppliers of such agency relationship and shall make it clear to such vendors that the obligation for payment is that of the owner and not the contractor-agent. All purchase orders and other documents furnished to the vendor shall clearly reflect the agency relationship." Simply noting the appointment of a purchasing agent in the exempt entity's management meeting minutes is not sufficient. All subcontractors who provide materials to the purchasing agent must receive written notice of the appointment.

### B. Alternative Requirements

As discussed in Part A, the requirements of the *Minnesota Statutes* and Rules with respect to the purchasing agent exemption are very strict. The Department recognizes that certain subcontractors may have difficulty obtaining all of the information necessary to determine whether the exempt entity, the prime contractor and other subcontractors have all complied with the requirements of the purchasing agent exemption. A subcontractor will therefore be deemed to qualify for the purchasing agent exemption if, *at the time of the sale*, the subcontractor:

1. Obtains a copy of the Form ST-17 (Certificate of Exempt Status - Exempt Organization) which shows that the purchasing entity is exempt from sales and use tax; or if the exempt entity is not required to have a Form ST-17, a statement to that effect may be accepted in lieu of a Form ST-17;
2. Obtains a letter or other notice which appoints the subcontractor and all other subcontractors who will use the materials and the prime contractor as purchasing agents for the exempt entity for the project;
3. Submits separate bids for materials and labor (each of which can be separately accepted or rejected), or submits only a bid for materials;
4. Obtains separate contracts for materials and labor (i.e., not a lump-sum contract or similar type of contract with a guaranteed maximum price covering both materials and labor), or only obtains a materials contract; and
5. Has a good faith belief that the documents identified above are valid and that the sale is exempt from sales or use tax.

If these Alternative Requirements are not all met *at the time of the sale*, then the General Requirements listed in Part A of this Notice must be met in order to qualify for the purchasing agent exemption.

### Effective Date

The purpose of Part A is to confirm and clarify the long-standing position of the Department with respect to construction contracts and the purchasing agent exemption. The purpose of Part B is to announce less rigorous alternative requirements applicable to subcontractors who claim that exemption. Parts A and B are effective for all open taxable periods for which the purchasing agent exemption may be claimed.

Dated: 17 July 1995

Patricia A. Lien  
Assistant Commissioner for Tax Policy



Pursuant to the provisions of Minnesota Statutes §14.101, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

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

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## Department of Agriculture

### Minnesota Rural Finance Authority

#### Notice of Change in Meeting Site

The August meeting of the Rural Finance Authority Board will be held at the Hutchinson-Willmar Regional Technical College at 2 Century Ave., Hutchinson, Minnesota. The meeting will start at 1:00 P.M. in Conference Room #470 on Wednesday, August 2, 1995. Future monthly meetings will return to the normal meeting location at 90 West Plato Boulevard in St. Paul, Minnesota.

Wayne Marzolf  
Acting Executive Director

## Department of Agriculture

### Agronomy Services Division

#### Notice of Special Local Need Registration

On July 5, 1995, the Minnesota Department of Agriculture issued a Special Local Need (SLN) registration for Fusillade DX herbicide manufactured by Zeneca Inc., Richmond, CA, for the control of grasses in fine fescue being grown for seed. A federal or state agency, a local unit of government, or any person or groups of persons filing with the commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age, shall have 30 days from publication of notice in the *State Register* to file written objections with the commissioner regarding the issuance of the special local need registration.

Objections may be submitted to: John C. Sierk, Minnesota Department of Agriculture, Agronomy Services Division, 90 West Plato Boulevard, St. Paul, MN 55107. Comment deadline is August 16, 1995.

## Minnesota Board of Dentistry

### Notice of Solicitation of Outside Information or Opinions Regarding *Minnesota Rules* part 3100.2000

Pursuant to a new law which went into effect on May 26, 1995, agencies are required to publish notice of proposed rulemaking 60 days prior to publishing a Notice of Intent to Adopt or a Notice of Hearing.

**NOTICE IS HEREBY GIVEN** that the Minnesota Board of Dentistry (Board) is soliciting comments from the public on possible revisions to its rules governing annual license or registration fees and annual license or registration late fees. The proposed revisions include increases in these fees in order to meet the requirements of *Minnesota Statutes*, Section 214.06 (1994), which requires that the Board assess a sufficient amount so that the total fees collected by the Board will as closely as possible equal anticipated expenditures during the fiscal biennium.

Groups and individuals to be affected by these rules include dentists, dental hygienists and registered dental assistants.

The Board does not intend to appoint an advisory committee or advisory task force to comment on the proposed revisions.

The proposed revisions will be determined by the Board at its public meeting on September 9, 1995. You may obtain a copy of the proposed revisions after that date by calling the Board office at (612) 642-0581 or MN Relay Service for Hearing and Speech Impaired ONLY at (612) 297-5353 or (800) 627-3529 or by writing to:

Minnesota Board of Dentistry  
2700 University Avenue West, Suite 70  
St. Paul, Minnesota 55114

## Official Notices

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Written comments on the proposed revisions will be accepted until further notice or until a Notice of Intent to Adopt Rules Without a Public Hearing is published in the *State Register*. Written comments should be mailed to:

Patricia H. Glasrud  
Executive Director  
Minnesota Board of Dentistry  
2700 University Avenue West, Suite 70  
St. Paul, Minnesota 55114

Dated: 3 July 1995

Patricia H. Glasrud  
Executive Director

## Minnesota Board of Dentistry

### Notice of Solicitation of Outside Information or Opinions Regarding *Minnesota Rules* parts 3100.3600 and 3100.8700

Pursuant to a new law which went into effect on May 26, 1995, agencies are required to publish notice of proposed rulemaking 60 days prior to publishing a Notice of Intent to Adopt or a Notice of Hearing.

**NOTICE IS HEREBY GIVEN** that the Minnesota Board of Dentistry is soliciting comments from the public on possible revisions to its rules governing training and education requirements to administer anesthesia and sedation (*Minnesota Rules* part 3100.3600) as well as its rules governing dental hygienists (*Minnesota Rules* part 3100.8700). The proposed revisions include (1) amending the language related to CPR requirements; (2) allowing a dental hygienist under indirect supervision to administer nitrous oxide inhalation analgesia by meeting the same conditions imposed on a dentist for such administration; and (3) allowing a dental hygienist to administer local anesthesia under indirect supervision, upon successful completion of required training.

Groups and individuals likely to be affected by these rules would be dentists, dental hygienists and the general public (patients).

The Minnesota Board of Dentistry does not intend to appoint an advisory committee or advisory task force to comment on the proposed revisions.

You may obtain a copy of the proposed revisions by calling the Board office at (612) 642-0581 or MN Relay Service for Hearing and Speech Impaired **ONLY** at (612) 297-5353 or (800) 627-3529 or by writing to:

Minnesota Board of Dentistry  
2700 University Avenue West, Suite 70  
St. Paul, Minnesota 55114

Written comments on the proposed revisions will be accepted until further notice or until a Notice of Public Hearing or Notice of Intent to Adopt Rules without a Public Hearing is published in the *State Register*. Written comments should be mailed to:

Patricia H. Glasrud, Executive Director  
Minnesota Board of Dentistry  
2700 University Avenue West, Suite 70  
St. Paul, Minnesota 55114

Dated: 29 June 1995

Patricia H. Glasrud  
Executive Director

## Minnesota Department of Health

### Notice Soliciting Comment on Plan for the Use of Administrative Penalty Orders and Cease and Desist Orders

The Minnesota Department of Health, Division of Environmental Health, is seeking comment from interested parties on its adopted plan for the use of administrative penalty orders and cease and desist orders.

*Minnesota Statutes*, sections 144.989 to 144.993 as amended by *Laws of Minnesota 1995*, chapter 165, sections 5 to 10, is the Health Enforcement Consolidation Act. This law applies to all regulatory programs of the environmental health division and provides authority to issue administrative penalty orders and cease and desist orders. The regulatory programs administered by the environmental health division are:

- public pools
- wells and borings
- food and beverage establishments
- lodging establishments, hotels and motels
- board and lodging facilities
- resorts, tourist camps, recreational camping areas, children's camps
- public water supplies
- public water supply treatment operator certification
- water haulers
- sources of ionizing radiation, x-ray machines, facilities using radium
- enclosed sports arenas
- clean indoor air, smoking in public places and places of work
- asbestos abatement
- lead abatement
- plumbing and licensure of plumbers, water conditioning contractors and installers

The administrative penalty order authority allows for the assessment of a penalty by the commissioner of health for violations. The maximum penalty is \$10,000. The penalty may be forgiven for violations that are not serious or repeated.

The cease and desist order authority allows the department to stop an activity for up to 72 hours if the activity is posing an immediate risk to public health.

A plan to use the administrative penalty order authority and cease and desist order authority was adopted by the department November 8, 1993 after meetings with regulated party representatives, public notice of the plan's availability, and a period for public comment. The adopted plan provides for review of the adopted plan at least every two years.

The department at this time is requesting comment on the existing plan and on modifications to the plan under consideration by the department. The department is considering modifications to the existing plan to implement changes in the law adopted this year in *Laws of Minnesota 1995*, chapter 165, sections 5 to 10. Modifications are also being considered to clarify the deadlines for penalty appeal and adjust violations that may be considered serious or warrant cease and desist action by a regulatory program. Comment on other areas of the plan's content are welcome.

Parties who are interested in a copy of the existing plan or modifications to the plan under consideration by the department may receive copies from:

Jane A. Nelson  
Minnesota Department of Health  
Division of Environmental Health  
Suite 220, 121 7th Place  
St. Paul, Minnesota 55164-0975  
Phone: (612) 215-0735 FAX (612) 215-0979

Parties are invited to submit written comment to Ms. Nelson on the existing plan or the modifications under consideration by

## Official Notices

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August 18, 1995. Parties who want to be notified of the availability of a proposed revised plan when notice of availability is made in the *State Register* are invited to submit their name and address to Ms. Nelson by August 18, 1995 or by FAX.

Dated: 3 July 1995

Patricia A. Bloomgren, Director  
Division of Environmental Health  
Minnesota Department of Health

## Department of Human Services

### Division of Licensing

#### Notice of Formation of Interpretive Guidelines Advisory Committee for Child Care Centers (DHS Rule 3)

*Laws of Minnesota 1995*, Chapter 207, Article 2, section 15 authorizes the Commissioner of Human Services to develop and publish interpretive guidelines. "Interpretive guidelines" are policy statements that provide interpretation, details, or supplementary information concerning the application of laws or rules. Interpretive guidelines are published for the information and guidance of consumers, providers of service, and others.

The Department of Human Services, Division of Licensing, is seeking volunteers to serve on an advisory committee to assist it in developing interpretive guidelines for Child Care Centers (DHS Rule 3). Volunteers should be familiar with *Minnesota Rules*, parts 9503.0005 to 9503.0170 (DHS Rule 3).

The Department will attempt to recruit license holders, early childhood administrators, public health nurses, educators, parents with children attending a child care center, and child care advocates to serve on the advisory committee. The advisory committee will meet for four one-half day sessions between September and November 1995. Please note: Participants will not be reimbursed for serving on the advisory committee. Also, the advisory committee will be limited to 30 members and preference for serving on the committee will be given to individuals who served on the advisory committee that developed the pilot project interpretive guidelines in 1994.

Individuals wishing to serve on the advisory committee must contact Jim Schmidt, Department of Human Services, Division of Licensing by Friday, August 25, 1995. To contact Mr. Schmidt, call (612) 296-7473 or write to the Division of Licensing, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3842.

## Department of Human Services

### Benefit Health Care Services Division

#### Amended Notice of Solicitation of Outside Information or Opinions Governing Conditions for Medical Assistance, General Assistance Medical Care, and MinnesotaCare Payment Under *Minnesota Rules*, Parts 9505.5035 to 9505.5105 and Parts 9505.0500 to 9505.0540

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 that establish the requirement of a second surgical opinion as a condition of payment to providers of surgical services to recipients of medical assistance, general assistance medical care, and MinnesotaCare under *Minnesota Rules*, parts 9505.5035 to 9505.5100 and parts 9505.0500 to 9505.0540. The adoption of the proposed amendments is authorized by *Minnesota Statutes*, sections 256.9352, subdivision 2; 256.991; 256B.04, subdivisions 2 and 15; and 256D.03, subdivision 7, paragraph (b).

During the course of the rule amendment process the following issues may be considered: 1. removing the time limit on obtaining a second surgical opinion; 2. deleting the determination of the medical appropriateness of a surgical procedure by a second physician; 3. deleting the determination of the medical appropriateness of a surgical procedure by a third opinion if the second opinion fails to substantiate the need for the surgical procedure; 4. removing the requirement to repeat the second surgical opinion process if the surgical procedure is not performed within the 180 day time limit; 5. amending parts 9505.0500 to 9505.0540 as necessary to assure consistency with parts 9505.5035 to 5100; and 6. extending the requirement to the same services provided to MinnesotaCare recipients under *Minnesota Statutes*, section 256.9353.

Individuals or groups likely to be affected by the rule amendments include recipients of medical assistance, general assistance medical care, and MinnesotaCare and their advocates, physicians providing surgical services requiring second surgical opinions, and inpatient and outpatient hospitals in which the surgical services are performed.

The department will not form an advisory task force to aid in the development of the rule amendments because the amendments will simplify the process and replace the requirement of obtaining approval before performing the surgical procedure with the requirement of obtaining approval before submitting a claim for payment.

The department anticipates that the rule amendment adoption process will take approximately six months.

The department requests information and opinions concerning the subject matter of the rule amendments. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally and may request copies of the current draft of the proposed rule amendments. Please address written statements or requests for drafts to:

Eleanor Weber  
Rules and Bulletins Unit  
Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3816

She will receive oral statements or requests for drafts during the regular business hours over the telephone at (612) 297-4301 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 the rule is adopted.

Dated: 10 July 1995

Eleanor Weber  
Rules and Bulletins

## **Department of Human Services**

### **Health Care Administration**

#### **Primary Care Payment Policy: Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to Rules Governing Inpatient Hospital Admission Certification**

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 amendments to rules governing inpatient hospital admission certification. Adoption of the rules and rule amendments is authorized by *Minnesota Statutes*, sections 256B.04, subdivisions 2 and 15, 256B.503, and 256D.03, subdivision 7(b).

The proposed rule amendments will include changes to ensure consistency with related rules, specifically Rule 54, the Inpatient Payment Rule; updates that ensure consistency with department policy, specifically the conversion to a pre-billing admission certification program; clarifications to review and appeal procedures and payment adjustment mechanisms; and simplification and reorganization of the rule to provide a more comprehensible outline of the various procedures and how they relate to one another, including the removal of all provisions referring to Second Surgical Opinion. Individuals or groups likely to be affected by the proposed rule amendments are providers of inpatient hospital services including hospitals and physicians.

The department formed an advisory task force to aid in developing the proposed rule. The task force members included representatives of the Minnesota Medical Association, Minnesota Hospital Association, Minnesota Hospital Psychiatric Coalition, Council of Hospital Corporations; and utilization review specialists from Miller Dwan Medical Center, St. Joseph's Hospital, St. Paul, Fairview Southdale Hospital, University of Minnesota Hospitals & Clinics, Mercy Medical Center, Abbott Northwestern Hospital, Memorial Hospital, Cambridge, Health One Mercy & Unity Hospitals, Hennepin County Medical Center, Ramsey County Medical Center, St. Lukes Hospital, Fargo, and Riverside Medical Center. The advisory task force completed its work in 1992.

The department anticipates that the rule amendment adoption process will take six to eight months.

The department requests information and opinions concerning the subject matter of the rule amendments. Interested persons or

## Official Notices

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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 rule amendments. Please address written statement or requests for drafts to Eleanor Weber, 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 612/297-4301 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 amendments are adopted.

Dated: 10 July 1995

Eleanor Weber  
Rules and Bulletins

## State Board of Investment

### Official Notice

The Minnesota State Board of Investment (MSBI) retains private money management firms to manage a portion of the pension assets and other accounts under its control. Firms interested in managing domestic stock, international stock, domestic bond or global bond portfolios for the MSBI are asked to write to the following address for additional information:

External Manager Program  
Minnesota State Board of Investment  
Suite 105 MEA Building  
55 Sherburne Avenue  
St. Paul, MN 55155

Please refer to this notice in your written request.

## Department of Labor and Industry

### Labor Standards Division

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

Effective July 17, 1995 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

**Beltrami:** Bemidji State Univ Student Union Door Replacement-Bemidji.

**Hennepin:** Elevated Roadway Canopy System-MSP Int'l Airport.

**Itasca:** Restoration 8 Log Bldgs Scenic State Park-Big Fork.

**Ramsey:** Coffey Hall East Wing Asbestos Abatement-St. Paul; Cooling Towers for St Paul Growth Chambers U of M St Paul Campus-St Paul.

**Washington:** Education Complex & Industries Complex MN Correctional Facility Stillwater-Bayport.

**Winona:** Gildemeister Computer Lab Renovation Start Hall Dust Collector Noise Reduction Work-Winona.

**Wright:** New Construction Cokato Medical Clinic-Cokato.

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

## Minnesota Comprehensive Health Association

### Notice of Meeting of the Communications Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association (MCHA), Communications Committee will be held at 8:00 a.m. on Tuesday, July 25, 1995 at Bigelow's Restaurant, at I-94 and Hamline, St. Paul.

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

## Minnesota Comprehensive Health Association

### Notice of Meeting of the Ad Hoc Committee on MCHA Funding Base and Premium Subsidy Program

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association (MCHA), Ad Hoc Committee on MCHA Funding Base and Premium Subsidy Program will be held at 8:00 a.m. on Friday, July 28, 1995 at Allina Health System, 5601 Smetana Drive, Minnetonka, Minnesota. The meeting will be in conference room 1000, located on the 10th floor.

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

## Department of Natural Resources

### Division of Fish and Wildlife

### Notice of Fish and Wildlife Habitat Stamp Art Contests

Background about the Fish and Wildlife Habitat Stamp Art Contests

*Minnesota Statutes 97A.045* and *Minnesota Rules 6290* permit the Commissioner of the Department of Natural Resources (DNR) to conduct contests for selection of designs for fish and wildlife habitat stamps.

NOTICE IS HEREBY GIVEN that entry dates for three habitat stamp contests conducted by the DNR are as follows:

1. 1996 Trout and Salmon Stamp contest. Entries will be accepted beginning July 31, 1995 and continuing until 4 p.m. Friday, August 11, 1995 at the DNR Fisheries Office, 500 Lafayette Road, St. Paul, MN 55155.
2. 1996 Migratory Waterfowl Stamp contest. Entries will be accepted beginning August 14, 1995 and continuing until 4 p.m. Friday, August 25, 1995 at the DNR Wildlife Office, 500 Lafayette Road, St. Paul, MN 55155.
3. 1996 Pheasant Habitat Stamp contest. Entries will be accepted beginning September 5, 1995 and continuing until 4 p.m. Friday, September 15, 1995 at the DNR Wildlife Office, 500 Lafayette Road, St. Paul, MN 55155.

All entries for the contests must be accompanied by the appropriate application materials. Contest application packages, which include all entry forms and specifications, are available by writing: Minnesota DNR Information Center, 500 Lafayette Road, St. Paul, MN 55155-4040; or by calling the DNR at (612) 296-6157.

Dated: 10 July 1995

Tom Landwehr  
Section of Wildlife  
Department of Natural Resources

# Professional, Technical & Consulting Contracts

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

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

## Department of Administration

### Intelligent Transportation Systems (ITS)

The State of Minnesota is seeking proposals for the procurement of goods and services for the Advanced Rural Transportation and Information Coordination (ARTIC) Operational Test. Involves the design of radio communications and dispatching systems, vehicle location and customer information systems of transit providers, Mn/DOT and the State Patrol. All interested parties should contact Donald H. Olson, CPPB, State of Minnesota Department of Administration, Materials Management Division, at fax 612-297-3996.

Proposals open 12:00 noon August 24th at the Department of Administration, Materials Management Division, Rm 112 Administration Building, 50 Sherburne Avenue, St. Paul, MN 55155. Pre-proposal meeting is scheduled for July 31, 1995, MnDOT District 1B, 101 North Hoover Road, Virginia, MN 55792.

## Department of Corrections

### Notice of Request for Proposals for Providing Psychoeducational and Therapy Services for Incarcerated Sex Offenders

NOTICE IS HEREBY GIVEN that the Sexual Education and Evaluation Center at the Minnesota Correctional Facility-Stillwater is requesting proposals for providing psychoeducation and therapy services to incarcerated sex offenders in the SEEC program. The contract period will run from July 30, 1995, through June 30, 1996. Compensation will be provided by the Department of Corrections at \$25.00 per hour for an approximate seven to eight hours per week. Specific details on the purpose and scope of these services can be obtained by calling Robin A. Goldman, SEEC Director, at (612) 779-5731. The proposals must be submitted by 4:30 p.m. on July 31, 1995, to: Robin Goldman, SEEC, MCF-STW, Box 55, Stillwater, MN 55082.

## Pollution Control Agency

### Proposals Sought for the Final Closure at Red Rock Landfill and Refuse Removal at Adams Landfill in Mower County

Sealed Proposals for the Final Closure at Red Rock Landfill and Refuse Removal at Adams Landfill both in Mower County, Minnesota; project cost estimated greater than 1,000,000 but less than 5,000,000 will be received by the Division of Materials Management, State of Minnesota, Room 112, State Administration Building, St. Paul, Minnesota 55155, until the date and time shown below: General Contractor Bids until 2:30 p.m. on Friday, August 11, 1995. At the time and date respectively shown above, the General Contractor Bids will be opened and publicly read aloud.

The award will be made to the lowest responsible prime bidder who conforms with the language of the specifications, terms of delivery, and any other conditions imposed herein.

Proposal Form, Contract Documents, Plans and Specifications as prepared by Delta Environmental Consultants and their subcontractor Rust Environment & Infrastructure, and are on file in the Division of Materials Management, Room 112 Administration Building, St. Paul, Minnesota and the following Builders Exchanges: St. Paul, Minneapolis, F.W. Dodge and Construction Market Data and National Association of Minority Contractors of Minnesota.

Subsurface Investigation Data is on file for inspection at the office of the Division of Materials Management and at all offices



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## Professional, Technical & Consulting Contracts

listed for inspecting Bidding Documents. Copies are available at no cost and may be obtained when requesting Bidding Documents.

Copies of Proposal Forms, Plans and Specifications for use by Prime Contractors in submitting a bid or subcontractors submitting a subcontract proposal may be obtained from:

Beth Keister  
Rust Environment & Infrastructure  
3033 Campus Drive, Suite 175  
Minneapolis, MN 55441  
(612) 551-1001

with a non-refundable payment of \$60.00/set, made payable to:

Rust Environment & Infrastructure

Each bid or proposal which totals over \$15,000.00 shall be accompanied by a certified check made payable to the State of Minnesota, or a surety bond of a surety company duly authorized to do business in the State of Minnesota, in an amount equal to five percent (5%) of the total amount of bid, which is submitted as a bid security conditioned upon the bidder's entering into a contract with the State of Minnesota in accordance with the terms of the bid. It is agreed that said bid security of the successful bidder will constitute liquidated damages, not a penalty, for failure or refusal of the successful bidder to execute and deliver the contractual documents, in a correct form, within ten (10) days after receipt of the contract documents.

## Department of Public Service

### Notice of Request for Proposals for Persons to Serve as "Stakeholder Partners" for a Project to Upgrade and Improve Implementation of the Minnesota Energy Code

The Department of Public Service is seeking proposals from qualified firms and individuals to assist the department to upgrade and improve implementation of the State energy code. The estimated total budget for this project is \$44,000. Deadline for receipt of proposals is August 21, 1995.

The contract is anticipated to extend from September, 1995 through September, 1996. Details concerning submission requirements are included in the Request for Proposals. The department is anticipating a federal grant to fund this project. In the event these funds are not forthcoming, the department will be unable to complete this project. A copy of the Request for Proposals is available by calling or writing Bruce Nelson, Department of Public Service, 121 7th Place East, Suite 200, St. Paul MN 55101, telephone (612) 297-2313, or FAX (612) 297-1959.

# Non-State Public Bids, Contracts & Grants

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

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

## Minnesota Historical Society

### Notice of Request for Bids for Printing of *Minnesota History Interpreter* and *Minnesota Preservation Planner*

The Minnesota Historical Society is seeking bids from qualified firms and individuals to provide printing and related services for *Minnesota History Interpreter* and *Minnesota Preservation Planner*.

The work will generally consist of printing of 2 newsletters; one monthly, one quarterly; 2,500 and 3,600 copies, respectively. 11 x 17 folded to 8 1/2 x 11, black ink only.

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

Bids must be received not later than 2:00 P.M. Central Time July 27, 1995.

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

## Minnesota Workers' Compensation Assigned Risk Plan

### Notice of Request for Proposals for Safety Inspection Services

The Minnesota Workers' Compensation Assigned Risk Plan intends to contract with one or more firms to conduct on-site safety inspections of Plan insureds for purposes of a safety rating program. The contract period will commence on or about September 1, 1995. Interested parties may obtain the complete Request for Proposals by sending a written request by mail or fax to:

MWCARP Administrative Office  
Safety Inspection RFP  
4500 Park Glen Road, Suite 410  
Minneapolis, MN 55416  
FAX: (612) 922-5423

Deadline for proposals is Wednesday, August 9, 1995 at 4:00 p.m.

## Activity and Coloring Books---

### Puzzles & Mazes and Games, Oh My!

**New!**

Fun-packed coloring and activity book about Minnesota wildlife. Perfect for young grade-schoolers. 48pp. (DNR, 1993) Stock No. 9-4 \$3.25

### Nature Explorer Activity Book

A fun way for parents to introduce children (age 8-12) to the wonders of nature. Over 30 fun activities (both outdoor and indoor) designed for children to do with adults. 72pp. (DNR, 1989) Stock No. 9-49 \$3.95

### 'Forestry for You & Me'

Eight page coloring book about forests, conservation, safety, forest jobs and products, animals and recreation.. 8pp. (DNR, 1989) Stock No. 9-39 \$ .80

### 'Minnesota A to Z'

**New!**

A fun 'alphabet soup' coloring book teaches elements of Minnesota history. 34pp. (MHS Press, 1992) Stock No. 17-10 \$3.50



### Charles Lindbergh

**New!**

Color as you learn about the great Minnesota-born aviator. 32pp. (MHS Press, 1987) Stock No. 17-17 \$2.50

### Dakota Indian

Travel back in time while you color the costumes, games and foods of the Sioux and Eastern Dakota Indian during the early 19th century. 32pp. (MHS Press, 1979) Stock No. 17-2 \$3.95

### Fur Trade

Coloring book features the story of the fur traders--their life, environment, animals. 28pp. (MHS Press, 1981) Stock No. 17-4 \$2.50

### Kelley Farm Activity Book

History of Kelley Farm includes pictures for coloring, games, songs, craft projects and other fun activities for children. 32pp. (MHS Press, 1985) Stock No. 17-47 \$3.50

### Lumberjack

Have fun coloring pictures of the early logging industry and the colorful characters of frontier times. 28pp. (MHS Press, 1982) Stock No. 17-31 \$2.50

### Ojibway Indian

Coloring book depicts the Ojibway/Chippewa Indians of the Western Great Lakes region during the mid-1800's. 30pp. (MHS Press, 1978) Stock No. 17-1 \$2.50



STATE OF MINNESOTA  
Department of  
Administration



# Print Communications Division

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