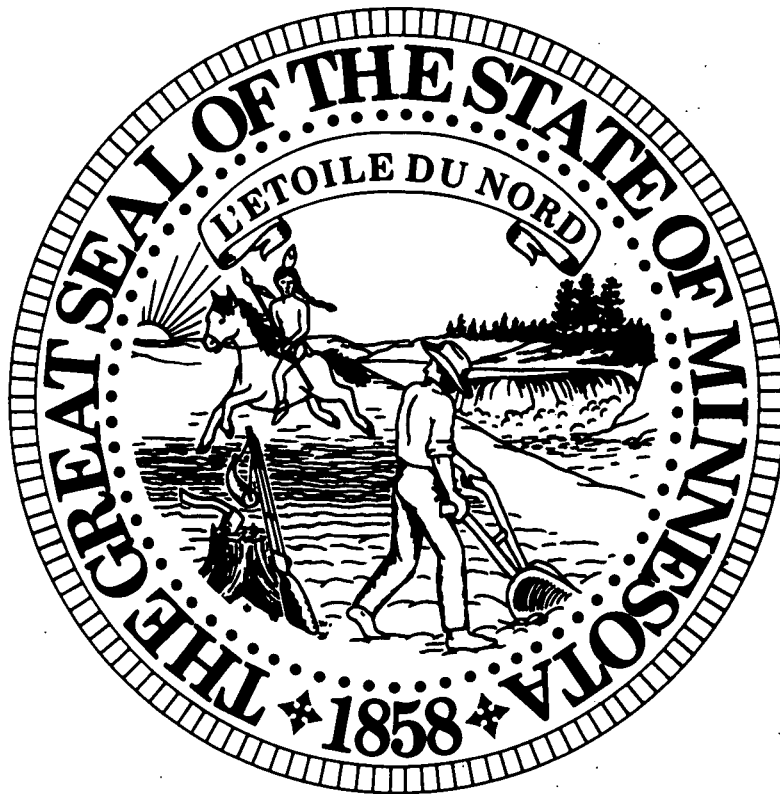


The Minnesota
**State
Register**

Department of Administration—Print Communications Division



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

Monday 23 December 1991
Volume 16, Number 26
Pages 1521-1580

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, state and non-state contracts, contract awards, grants, a monthly calendar of cases to be heard by the state supreme court, and announcements.

A *Contracts Supplement* is published every Thursday and contains additional state contracts and advertised bids, and the most complete source of state contract awards available in one source.

Printing Schedule and Submission Deadlines

Vol. 16 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
26	Monday 9 December	Monday 16 December	Monday 23 December
27	Monday 16 December	Friday 20 December	Monday 30 December
28	Friday 20 December	Friday 27 December	Monday 6 January
29	Friday 27 December	Monday 6 January	Monday 13 January

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the *State Register* editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

The *State Register* is published every Monday (Tuesday when Monday is a holiday) by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. A *State Register Contracts Supplement* is published every Thursday. The Monday edition is the vehicle for conveying all information about state agency rulemaking, including official notices; hearing notices; proposed, adopted and emergency rules. It also contains executive orders of the governor; commissioners' orders; state contracts and advertised bids; professional, technical and consulting contracts; non-state public contracts; state grants; decisions of the supreme court; a monthly calendar of scheduled cases before the supreme court; and other announcements. The Thursday edition contains additional state contracts and advertised bids, and the most complete listing of contract awards available in one source.

In accordance with expressed legislative intent that the *State Register* be self-supporting, the following subscription rates have been established: the Monday edition costs \$140.00 per year and includes an index issue published in August (single issues are available at the address listed above for \$3.50 per copy); the combined Monday and Thursday editions cost \$195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for \$60.00, include both the Monday and Thursday edition, last for 13 weeks, and may be converted to a full subscription anytime by making up the price difference. No refunds will be made in the event of subscription cancellation.

Both editions are delivered postpaid to points in the United States, second class postage paid for the Monday edition at St. Paul, MN, first class for the Thursday edition. 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.

Arne H. Carlson, Governor

**Dana B. Badgerow, Commissioner
Department of Administration**

**Stephen A. Ordahl, Director
Print Communications Division**

**Robin PanLener, Editor
Katherine Artishon, Acting Editor**

Paul Hoffman, Assistant Editor

Debbie George, Circulation Manager

Bonita Karels, Staff Assistant

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
Room 231 State Capitol, St. Paul, MN 55155
(612) 296-0504

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

Contents

Minnesota Rules: Amendments & Additions	
Issues 1-26 inclusive (issues #1-13 appeared in #13)	1524
Proposed Rules	
Environmental Quality Board	
Release of genetically engineered organisms into the environment	1528
Higher Education Coordinating Board	
Postsecondary financial assistance	1529
Pollution Control Agency	
Wood preserving operation wastes	1531
Adopted Rules	
Animal Health Board	
Poultry	1543
Education Board	
Special education entrance and exit criteria and related changes	1543
Trade and Economic Development Department	
Energy conservation investment loan program	1553
Errata	
Labor and Industry Department	
Correction to adopted permanent rules relating to medical fee schedule	1553
Executive Orders	
Emergency Executive Order No. 91-25: Providing for Assistance to Several Counties in Southern Minnesota during the 1991 Halloween Blizzard	1553
Emergency Executive Order No. 91-26: Providing for Assistance to Officials of Rice County, Minnesota	1554
Revenue Notices	
Notice #91-22: Motor vehicle excise tax—Exemption for certain municipal vehicles	1555
Notice #91-23: Sales and use tax—Clothing and wearing apparel exemption	1555
Emergency Rules	
Human Services Department	
Medical care surcharge and special payments	1557
Official Notices	
Commerce Department	
Opinion sought in the matter of the proposed rules relating to residential building contractors and remodelers licenses	1557
Education Department	
Opinion sought on proposed rules governing preparation time requirements for elementary school staff	1558
Lawful Gambling Control Board	
Opinion sought on proposed rules governing the licensing and regulation of the conduct of lawful gambling	1558
Human Services Department	
Medicaid Drug Formulary Committee vacancy	1559
Law Library, Hennepin County	
Filing fee	1559
Metropolitan Council	
Survey of government mobile radio users	1559
Secretary of State	
Vacancies in multi-member agencies	1559
Supreme Court	
Interested participants sought for pilot project re: on-line computer access to district court databases	1560
Transportation Department	
Availability of historic bridge	1561
State Grants	
Human Services Department	
Proposals sought for a Child Placement Trend Analysis ..	1562
Minnesota Trade Office	
Extension of deadline for application for first phase of grants	1562
Supreme Court Calendar	
January 1992	1562
Professional, Technical & Consulting Contracts	
Administration Department	
Proposals sought for rental of a combination of office, shop, warehouse and storage space	1565
Corrections Department	
Proposals sought for primary care physicians' services ..	1565
Historical Society	
Proposals sought for furniture replication and custom cabinetry services	1566
Human Services Department	
Proposals sought for an Employment and Training Strategic Plan, Information Architecture, and a JOBS Automated System Project Proposal	1566
Applicants sought for available contract for independent actuary to review prepaid health plan rates	1567
Jobs and Training Department	
Proposals sought for professional services to evaluate the department's data processing operations	1568
Metropolitan Council	
Proposals sought for financial advisor consultant	1570
Metropolitan Transit Commission	
Proposals sought for internal electronic display system ..	1571
Public Service Department	
Proposals sought for a biomass demonstration system ..	1571
State Treasurer's Office	
Proposals sought for electronic remittance service	1571
State Contracts & Advertised Bids	
Administration Department	
Materials Management Division: Commodities and requisitions open for bid	1572
Print Communications Division: Typesetting, keylining, photo prep and seps, printing, binding, labeling and mailing contracts open for bid	1574
Announcements	1574

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 1-800-9747.

Cumulative Index to Rules in Volume 16, #1-26

State Agricultural Society—Minnesota State Fair

S.F. 1.02; .07; .09; .10; .11; .13; .18; .21; 2.04; .06; .07; .09; .12; .13; .15; .16; 3.01; .07; .08; .09; .10; .11; .12 (adopted) . 198

Abstracters' Board of Examiners

1005.0200; .0600; .0700; .0800 (adopted) 1086

Administration Department

1230.0100; .0150; .0300; .0400; .0500; .0600; .0700; .0900; .1000; .1100; .1150; .1175; .1200; .1400; .1450; .1600; .1700; .1805; .1810; .1820; .1830; .1850; .1860; .1900; .1910 (adopted) 194
1230.0200; .0400 s.1,3; .0700 s.2; .1500; .1700 s.2,3; .1800; .1900 s.2,3,4,6; .2000; .2100; .2200; .2300 (repealed) 2165

Agriculture Department

1525.1521 (proposed) 241
1525.1520 (proposed repealer) 242
1525.1521 (adopted) 1127
1525.1520 (repealed) 1127

Animal Health Board

1710.1300; .1310; .1320; .1330; .1340; .1350; .1360; .1370; .1380; .1390; .1400; .1410; .1420; .1430; .1435; .1440; .1445; .1450; .1455; .1460; .1470; .1480; .1490; .1500; .1510; .1520; .1530 (withdrawn) 1025
1710.1300; .1310; .1320; .1330; .1340; .1350; .1360; .1370; .1380; .1390; .1400; .1410; .1420; .1430; .1435; .1440; .1445; .1450; .1455; .1460; .1470; .1480; .1490; .1500; .1510; .1520; .1530 (proposed) 1025
1700.1300; .1310; .1320; .1330; .1340; .1350; .1360; .1370; .1380; .1390; .1400; .1410; .1420; .1430; .1435; .1440; .1445; .1450; .1455; .1460; .1470; .1480; .1490; .1500; .1510; .1520 (adopted) 1543
1710.0010-.1290 (repealed) 1543

Assessors Board

1950.1020; .1050; .1060; .1070; .1080; .1090 (adopted) 135

Commerce Department

2741.0010-.0240 (proposed) 35
2745.0010-.0050 (proposed) 33
2890.0060; .0090 (emergency proposed) 546

2890.0060; .0090 (adopted) 1504
2890.0080 (adopted) 958

Dentistry Board

3100.0100; .1100; .1200; .3600; .6200; .6300; .8500; .8700 (proposed) 1118
3100.2000 (proposed) 56
3100.2000 (adopted) 1127

Jobs and Training Department

3300.0500 (proposed) 1063
3335.0010; .0020; .0030 (emergency adopted) 173
3350.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0080; .0090; .0100; .0110; .0120; .0130; .0140; .0150; .0160; .0170; .0180; .0190; .0200 (re-proposed) 1429

Technical Colleges Board

3515.0800; .9921; .3700.0145; .0440; .0750; .0800; .1415; 3709.0120; .0130; .0140; .0290; .0300; .0310 (adopted) 249
3515.0900; .1000 (repealed) 249
3515.6005; 3700.0381 (adopted) 1128
3515.5050; .6000; 3700.0320 (repealed) 1128
3700.0296; .0298; .0450; .0768; .0845 (adopted) 545
3700.0381 (is repealed June 30, 1993) 1128
3700.0440 as 3700.0450 (adopted renumbering) 249
3700.0465; .0850 (proposed) 1221
3700.0910 (proposed) 438
3700.0910 (adopted) 1446
3700.1420 (proposed) 1222
3700.1060 (adopted) 136
3709.0300 as 3700.0805; .3709.0310 as 3700.0810; .3709.0140 as 3700.0815; .3709.0120 as 3700.0820; .3709.0290 as 3700.0840; 3515.0800 as 3700.1595 (adopted renumbering) 249

Education Board

3525.0200; .0550; .1100; .1150; .1310; .1320; .1325; .1327; .1329; .1331; .1333; .1335; .1337; .1339; .1341; .1343; .1345; .1347; .1349; .1500; .2325; .2335; .2340; .2345; .2350; .2380; .2750; .2900; .2925; .3000; .3100; .3300; .3500; .3800; .4100; .4200 (adopted) 1543
3525.0200 s.23; .2370; .2380 s.2; .2900 s.2,4 and 5 (repealed) 1543

Education Department

3530.6300; .6400 (repealed) 1086

Employee Relations Department

3920.0100; .0200; .0300; .0400; .0500; .0600; .0700;
.0800; .0900; .1000; .1100; .1200; .1300 (proposed) 893

Environmental Quality Board

4410.0200; .4300; .8000; 4420.0010; .0015; .0020; .0025;
.0030; .0035; .0040; .0045; .0050; .0055; .0060; .0070
(proposed) 422

Health Department

4600.0900 (proposed) 433
4600.0900 (adopted) 1276
4655.1070-.1098 (emergency proposed) 93
4655.9340 (adopted) 484
4667.0005; .0010; .0015; .0020; .0025; .0030 (adopted) 1032
4670.0100; .1320; .2530; .2930; .3030; .3040; .4210;
.4220; .4230; .4240 (proposed) 1254
4670.0100 s.24 (proposed repealer) 1257
4685.0801; .1910; .1940; .1955; .2200; .3300 (proposed) 1474
4685.0800 (proposed repealer) 1482
4690.4600 (proposed) 1061
4690.4600 s.7,8 and 9 (proposed repealer) 1063
4700.1900; .2000; .2100; .2300; .2410; .2420; .2500
(adopted) 170
4700.2300 s.2; .2400; .2550 (repealed) 170
4725.7605 (emergency proposed) 585
4725.7605 (emergency adopted) 1507
4730.0100; .0310; .0360; .0380; .1210; .1510; .1520; .1610;
.1620; .1630; .1655; .1665; .1670; .1675; .1695; .1680;
.1685; .1688; .1690; .1691; .1693; .1695; .1750; .1850;
.1950; .2050; .2150; .2250; .2350; .2450; .2475;
.3605 (adopted) 485
4730.0100 s.11,17,21,27,29,31,41; .0300 s.4; .0700 s.1,2;
.1100; .1200; .1300; .1500; .1600; .1650; .1660; .1700;
.1800; .1900; .2000; .2100; .2200; .2300; .2400; .3300;
.3600 (repealed) 498
4740.2040 (proposed) 1026
4740.2040 (corrected Notice) 1124
4760.0010; .0020; .0030; .0040; .0050; .0060; .0065;
.0070; .0080; .0090; .0100; .0200; .0300 (adopted) 958

Pollution Control Agency

4760.0500; .0510; .0520; .0530; .0540 (proposed) 246
4760.0500; .0510; .0520; .0530; .0540 (proposed) 434

Higher Education Coordinating Board

4800.8100; .8300; .8400; .0400; .2300; .2400; .8550
(proposed) 831
4800.8100 s.2,9 and 14; .8500; .8600; .8700; .8800
(proposed repealer) 833
4830.0100 (proposed) 830
4830.0100 (re-proposal) 1529
4830.1552; .1553; .1554 (adopted) 440

Housing Finance Agency

4900.0010; .0770 (adopted) 542
4900.3210; .3220; .3230; .3270; .3290 (proposed) 1206
4900.3310; .3320 (proposed) 1158; 1224
4900.3370; .3371; .3372; .3373; .3374; .3375; .3376; .3377;
.3378; .3379; .3380 (proposed) 473
4900.3370; .3371; .3372; .3373; .3374; .3375; .3376; .3377;
.3378; .3379; .3380 (adopted) 1446

Labor and Industry Department

5205.0010 (adopted) 441
5205.1400 (adopted) 542
5210.0020; .0270; .0400; .0415; .0530; .0540; .0550; .0560;
.0561; .0562; .0563; .0564; .0565; .0566; .0567; .0568;
.0569; .0570; .0571; .0572; .0573; .0574; .0575; .0576;
.0577; .0578; .0579; .0580; .0581; .0582; .0583; .0584;
.0810; .0860 (proposed) 314
5210.0010 (proposed repealer) 314
5220.0100; .0105; .0110; .0120; .0130; .0410; .0510;
.0710; .0750; .0850; .0950; .1010; .1100; .1200; .1250;
.1400; .1500; .1600; .1700; .1800; .1801; .1802; .1803;
.1805; .1806; .1900; .1910; .2650; .2780 (proposed) 805
5220.0100 s.6,7,8,10a,11,14 and 15; .0210; .0300; .0400;
.0500; .0600; .0700; .0800; .0900; .1000; .1300;
.1801 s.3 and 4; .1802 s.6,7,8 and 9; .1803 s.3 and 4;
.1900 s.3,4,5 and 6 (proposed repealer) 830
5221.1100; .1200; .1215; .1220; .1300; .1410; .1450; .1500;
.1600; .1800; .1900; .1950; .2000; .2050; .2070; .2100;
.2150; .2200; .2250; .2300; .2400; .2500; .2750; .2800;
.2900; .3000; .3150; .3155; .3160; .3200; .3500 (adopted) ... 622
5221.1210 (repealed) 690

Marriage and Family Therapy Board

5300.0302; .0360 (adopted) 865
5300.0320; .0360 (proposed) 57
5300.0320; .0360 (correction 22 July 1991, Vol. 16, No. 4) ... 136

Mediation Services Bureau

5510.0510 s.4; .2930 s.1 (withdrawn) 392

Medical Examiners Board

5600.2500 (adopted) 1178
5600.2600; .2605; .2610; .2615; .2635; .2645; .2655; .2660;
.2665; .2670 (proposed) 1382

Natural Resources Department

6100.0700; .1610 (adopted) 197
6133.0010-.0090 (adopted) 93

Nursing Board

6340.0100; .0200; .0300; .0400; .0500; .0600; .0700;
.0800; .0900; .1000; .1100 (adopted) 960

Pharmacy Board

6800.1150; .1250; .1300 (proposed) 1030
6800.1400; .1410; .1420; .1430; .1440 (proposed) 574

Pollution Control Agency

7001.0520; .0550; .0710; 7045.0020; .0075; .0102;
.0120; .0121; .0125; .0135; .0137; .0205; .0206; .0208;
.0211; .0212; .0213; .0225; .0230; .0240; .0243; .0245;
.0247; .0248; .0250; .0255; .0261; .0292; .0294; .0298;
.0300; .0305; .0310; .0320; .0351; .0375; .0450; .0458;
.0472; .0488; .0526; .0532; .0534; .0552; .0564; .0578;
.0596; .0629; .0655; .0665; .0675; .0685; .0692; .1020;
.1030; .1300; .0031; .0050 (proposed) 323
7001.0520; .0650; 7045.0020; .0075; .0131; .0135;
.0139; .0214; .0292; .0458; .0478; .0532; .0534; .0536;
.0538; .0552; .0564; .0584; .0630; .0632; .0634; .0638;
.0665; .1300; .1305; .1308; .1309; .1310; .1315; .1320;
.1325; .1330; .1333; .1334; .1335; .1339; .1350; .1355;
.1358; .1360; .1380 (proposed) 834
7001.0560; .0626; .0627; 7045.0125; .0135; .0139; .0452;
.0458; .0478; .0482; .0547; .0548; .0556; .0564; .0584;
.0588; .0647; .0648 (proposed) 1394

Minnesota Rules: Amendments & Additions

7001.0623; 7045.0020; .0120; .0135; .0139; .0141; .0145; .0292; .0528; .0546; .0628; .0644 (proposed)	1531
7002.0210; .0220; .0230; .0240; .0270; .0280; .0300; .0305; .0310 (proposed)	578
7002.0260 (proposed repealer)	583
7002.0400-.0450 (emergency proposed)	64
7002.0400; .0410; .0420; .0430; .0440; .0450 (adopted)	1033
7002.0410; .0420; .0430; .0440; .0450; .0460; .0470; .0480; .0490 (proposed)	756
7005.0705; .0715; .0725; .0735; .0745; .0755; .0765; .0766; .0767; .0775; .0785; .0795; .0796; .0805; .0815 (adopted) ...	865
7005.0700; .0710; .0720; .0730; .0740; .0750; .0760; .0770; .0780; .0790; .0800; .0810; .0820 (repealed)	865
7005.6010; .6020; .6030; .6040; .6050; .6060; .6070; .6080 (adopted)	442
7045.0020; .0102; .0120; .0135; .0139; .0141; .0265 (adopted)	197
7045.0211 s.2,3; .0219; .0220; .0230 s.3; .0235; .0240 s.1,2; .0249; .0275 s.1; .0290; .0292 s.3,4; .0296; .0304; .0310 s.4; .1030 s.4 (proposed repealer)	323
7045.0458; .0486; .0488; .0502; .0564; .0594; .0596; .0610 (proposed)	129
7045.0458, .0486, .0488, .0502, .0564, .0594, .0596, .0610 (adopted)	1225
7046.0010; .0020; .0031; .0040; .0045; .0050; .0070 (proposed)	950
7046.0010 s.17 and 17a; .0031 s.3 and 5; .0050 s.4 (proposed repealer)	957
7047.0001; .0002; .0003; .0004; .0005; .0006; .0007 (proposed)	957
7050.0216 (proposed)	1495
7076.0110; .0120; .0130; .0140; .0150; .0160; .0170; .0180; .0190; .0200; .0210; .0220; .0230; .0240; .0280 (adopted)	584
7076.0110 s.5,11,16,17; .0230 s.3; .0240 2.5 (repealed)	584
7077.0705; .0710; .0713; .0720; .0725; .0730; .0735; .0745; .0750; .0755; .0760; .0765 (proposed)	349
7077.0715; 7077.0730 s.3; .0740; .0745 s.2,3 (proposed repealer)	349
7105.0060; .0090 (proposed)	1125
7150.0010-.0500 (adopted)	59
7151.0010-.0240 (proposed)	1159
Harmful Substance Compensation Board	
7190.1100; .1110; .1120; .1130; .1140; .1150; .1160; .1170; .1180; .1190; .2000; .2010 (proposed)	1426
Trade and Economic Development Department	
7380.0720 (proposed)	194
7380.0720; .0750 (adopted)	1553
Public Safety Department	
7409.0100-.4600 (adopted)	1177
7505.0100; .0750; .3100; .3200; .3300; .3400; .3500; .3600 (proposed)	1501
7520.0100; .0650; .1000; .1100 (proposed)	1271
7520.0100 s.24 (proposed repealer)	1273
7560.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800 (adopted)	135
Public Service Department	
7610.0100; .0110; .0130; .0170; .0300; .0310; .0315; .0320; .0400; .0410; .0420; .0600; .0700; .0800; .0810; .0820; .0840; .0850; .0860; .0910; .0914; .0920; .1000; .1010; .1130; .1200; .1210; .1220; .1230; .1300; .1330; .1360; .1380; .1400; .1410; .1420; .1430; .1500 (proposed) ..	356

7610.0100 s.3,9,12,13; .0130 s.2,3; .0200; .0210; .0220; .0700 s.2; .0800 s.2; .0820 s.2,3; .0900; .1120; .1300 s.2,4; .1330 s.2,3; .1510; .1520; .1600; .1610 (proposed repealer)	356
7610.0140; .0160; .0830; .1340; .1600 s.3 (proposed term changes)	356
7610.0110 s.2; .0810 s.2; .1300 s.12; .1320 (proposed term changes)	356
7610.0100; .0110; .0130; .0170; .0300; .0310; .0315; .0320; .0400; .0410; .0420; .0430; .0600; .0700; .0800; .0810; .0820; .0840; .0850; .0860; .0910; .0914; .0920; .1000; .1010; .1130; .1200; .1210; .1220; .1230; .1300; .1330; .1360; .1380; .1400; .1410; .1420; .1430; .1500 (adopted)	1400
7610.0100 s.3,9,12 and 13; .0130 s.2 and 3; .0200; .0210; .0220; .0700 s.2; .0800 s.2; .0820 s.2 and 3; .0900; .1120; .1300 s.2 and 4; .1330 s.2 and 3; .1510; .1520; .1600; .1610 (repealed)	1400
Term Changes	
7640.0110; .0120; .0130; .0160; .0180 (proposed)	1430
7640.0120 s.26 (proposed repealer)	1434
Public Utilities Commission	
7810.8100; .8200; .8300; .8400; .8500; .8600; .8605; .8610; .8615; .8620; .8625; .8630; .8635; .8640; .8645; .8650; .8655; .8660; .8665; .8670; .8675; .8680; .8685; .8690; .8700; .8705; .8710; .8715; .8720; .8725; .8730; .8735; .8740; .8745; .8750; .8755; .8760; .8800; .8805; .8810; .8815; .8900; .8905; .8910; .8915; .8920; .8925; .8930; .8935; .8940 (proposed)	371
Gambling Control Board	
7860.0010; .0020; .0040; .0050; .0060; .0070; .0080; .0090; .0100; .0105; .0110; .0120; .0130; .0140; .0150; .0160; .0170; .0180; .0190; .0200; .0210; .0220; .0230; .0240; .0250; .0260; .0270; .0280; .0290; .0300; .0310; .0320; .0400; .0500; .0600; .0700 (proposed repealer)	950
7861.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0080; .0090; .0100; .0110; .0120; .0130; .0140; .0150; 7862.0010; 7863.0010; .0020; 7864.0010; .0020; 7865.0010; .0020; .0030; .0040 (proposed)	909
Racing Commission	
7869.0100; 7870.0180; .0190; .0200; .0210; .0220; .0221; .0240; .0250; .0260; .0270; .0280; .0290; .0300; .0310; .0320; .0330; .0340; .0350; .0360; .0370; .0380; .0390; .0400; .0410; .0420; .0430; .0450; .0470; .0500; .0510; 7871.0005; .0010; .0020; .0030; .0080; .0100; .0110; .0115; .0120; .0130; .0140; .0160; 7873.0110; .0120; .0190; .0198; .0400; 7874.0100; 7875.0100; .0200; 7877.0100; .0110; .0155; 7878.0100; .0110; .0160; 7879.0100; 7897.0100; .0130 (proposed)	1064
7869.0100 s.19,33a and 65a; 7870.0500 s.6,7,8,9 and 10; 7871.0010 s.2; .0020 s.1; 7871.0070; .0090; 7871.0150; 7873.0120 s.2; .0300 (proposed repealer)	1084
7870.0600; .0620; .0630; .0640; .0650; .0660; .0670; .0680; .0690; .0695; .0720; .0730; .0740; .0750; .0760; .0770; .0780; .0790; .0800; .0810; .0820; .0830; .0840; .0850; .0855; .0860; .0870; 7891.0110 (adopted)	484
State Retirement System	
7900.0200; .0300; .0400; .0410 (proposed)	388
7905.0100; .0200; .0300; .0600; .0700; .0800; .0900; .1000; .1100; .1200; .1300; .1400; .1500; .1600; .1700; .1800; .1900; .2000; .2100; .2200; .2300; .2400; .2500; .2600; .2700; .2800; .2900; .3000 (adopted)	202

Revenue Department	
8092.1400 (adopted)	444
Secretary of State	
8255.0010; .0020; .0030; .0400; .0050 (proposed)	1084
8255.0010-.0050 (proposed)	1175
Board of Teaching	
8700.5505 (proposed)	1273
Veterans Home Board	
9050.0020; .0070; .0080; .0100; .0150; .0200; .0220; .0300; .0500; .0550; .0700 (proposed)	478
9050.0020; .0070; .0080; .0100; .0150; .0200; .0220; .0300; .0500; .0550; .0700 (corrected Notice)	1126
9050.0040; .1000; .1030; .1070 (proposed)	1434
Veterans Affairs Department	
9055.0100; .0015; .0020; .0025; .0030; .0035; .0040; .0050; .0055; .0060; .0070; .0075; .0080; .0085; .0090; .0095; .0100; .0105; .0110; .0115; .0120; .0125; .0130 (proposed) ..	161
Waste Management Office	
9205.0400; .0410; .0420; .0430; .0435; .0445 (proposed)	242
9205.0410 s.2,3,5,8,9,10,12,13,14,15; .0420 s.4; .0440; .0450; .0460; .0470; .0480 (repealed)	246
9210.0620; .0630; .0635; .0460 (proposed)	760
Human Services Department	
9500.1450; .1451; .1452; .1453; .1455; .1457; .1459; .1460; .1462; .1463 (adopted)	1086
9500.1451 s.2,3,5,11,12 and 18; .1459 s.2,3 and 4; 1463 s.1 and 2 (repealed)	1086
9505.0075; 9550.6200; .6210; .6220; .6225; .6226; .6228; .6229; .6230; .6235; .6240 (proposed)	1208
9505.0075 s4; 9550.6210 s14; 9550.6220 s7; 9550.6228 s2 (proposed repealer)	1221
9505.0075; 9550.6200; .6210; .6220; .6225; .6226; .6228; .6229; .6230; .6235; .6240 (proposed)	1482
9505.0075 s.4; .6210 s.14; .6220 s.7; .6228 s.2 (proposed repealer)	1494
9505.0175; .0324 (emergency proposed)	988
9505.0323 (adopted)	59
9505.0445; .1693; .1718; .1748 (proposed)	1258
9505.0476; .0477; .0478; .0479; .0480; .0481; .0482; .0483; .0484; .0485; .0487; .0489; .0490; .0491 (emergency proposed)	973
9505.2165 (proposed)	5
9505.2165 (adopted)	960
9505.5010; .5015 (proposed)	1391
9510.2000; .2010; .2020; .2030; .2040; .2050; .2060; .2070 (emergency proposed)	1035
9510.2000; .2010; .2020; .2030; .2040; .2050; .2060; .2070 (emergency adopted)	1557
9515.1200; .1300; .1400; .1500; .1900; .2200; .2300; .2400; .2500; .2600 (proposed)	306
9515.1200 s.10,13,14,15,19a (proposed repealer)	306
9520.0900; .0902; .0904; .0906; .0908; .0910; .0912; .0914; .0916; .0918; .0922; .0924; .0926 (emergency proposed)	961
9525.1800; .1810; .1820; .1830; .1840; .1850; .1860; .1870; .1880; .1890; .1900; .1910; .1920; 2010 (proposed) ...	294
9525.1800 s.4,16,19; .1860 s.2,5; .1930 s.2 (proposed repealer)	294
9530.6655; .7000; .7021; .7031 (adopted)	391
9535.1700; .1705; .1710; .1715; .1720; .1725; .1730; .1735; .1740; .1745; .1750; .1755; .1760; .1765 (emergency proposed)	983
9549.0059 (adopted)	93
9575.0010; .0350; .0680; .0930; .1030; .1040; .1500 (proposed)	1265

Good Business Decisions are Made with Good Information

Minnesota Manufacturer's Directory. More than 7,000 entries that include name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2, \$85.00 plus tax.

Business and NonProfit Corporation Act 1989. A handy reference that contains all the state laws governing the establishment and conduct of corporations in Minnesota. Includes *Minnesota Statutes* Chapters 308A, 302A and 317A. Code #2-87. \$19.95 plus tax.

Minnesota Guidebook to State Agency Services 1987-1990. Packed with information to help you cut through red tape for easy and fast dealing with state agencies, this treasure of information opens state government to you. Its 640 pages describe agencies, how they work, listing contacts, addresses, phones, and license requirements, grants, forms, reports, maps, publications and much more. Gives historical, statistical and important data useful in hundreds of ways. Code #1-4. \$9.95 plus tax. FAX: (612) 296-2265.



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

Proposed Rules

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

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

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

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

Environmental Quality Board

Proposed Permanent Rules Relating to the Release of Genetically Engineered Organisms into the Environment

Notice of Intent to Adopt Rules With a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Environmental Quality Board (Board) intends to adopt the above-referenced rules with a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules. *Minnesota Statutes*, sections 14.131 to 14.20 (1990). A public hearing will be held on January 27, 1992, in Room 301 of the Centennial Building, 658 Cedar Street, St. Paul, Minnesota, commencing at 1:00 p.m. All interested or affected persons will have an opportunity to participate, and may present their views either orally at the hearing or in writing in any time prior to the close of the hearing record. All evidence submitted should be pertinent to the matter at hand.

Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Allen E. Giles, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota, 55415, telephone 612/349-2543, either before or within five days after the hearing ends. The Administrative Law Judge may, at the hearing, order the record kept open for a longer period not to exceed 20 calendar days. Written material received during this period will be available for review at the Office of Administrative Hearings. After the close of the comment period, the Board and interested persons have three business days to respond in writing to any new information submitted during the comment period. No additional evidence may be submitted during the three-day period.

Persons who submit written comments to Judge Giles are also requested to submit a copy of the comments to Mr. John Hynes, Environmental Quality Board, 300 Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, (612) 296-2871.

PLEASE NOTE that hearings in this matter were held by Judge Giles on September 27, 1991, and October 25, 1991. The record initially closed on November 12, 1991. Subsequently, Judge Giles found that the Environmental Quality Board failed to include in its Statement of Need and Reasonableness a discussion of the manner in which the agency considered methods by which it might reduce the impact of the rules on small businesses and the reasons why the agency determined that it was not feasible or permitted by statute to relax the requirements for small businesses that seek to release genetically engineered organisms into the environment. Because of this unintentional procedural error the Board is required to renounce this matter and hold a new hearing. However, the record of the September 27 and October 25 hearings and all written material submitted to Judge Giles through November 12, 1991, will be entered into the record of this proceeding. **It is not necessary for anyone who submitted oral or written testimony at the previous proceeding to resubmit the testimony.** Only new testimony need to be submitted.

NOTICE IS HEREBY GIVEN that a **STATEMENT OF NEED AND REASONABLENESS** is available for review at the Board offices and at the Office of Administrative Hearings. This document describes the need for and reasonableness of each proposed rule and identifies the information relied upon to support the proposed rules. It includes the original **STATEMENT OF NEED AND REASONABLENESS** and a supplement describing the small business considerations. Copies may be obtained from the Office of Administrative Hearings at the cost of reproduction or from Mr. Hynes free of charge.

PLEASE NOTE: The proposed rules are authorized by *Minnesota Statutes*, section 116C.94. The rules as proposed were published at *State Register*, Volume 16, pages 422-433, August 26th, 1991 (16 S.R. 423). The rules are not being republished as part of this notice. **In addition, please be advised that in the previous hearing the Board staff recommended a number of changes to the rules as proposed.** Any person who wishes to receive a copy of the proposed rules and/or of the Board staff recommended changes may obtain a free copy by contacting Mr. Hynes.

This rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20 (1986) and by *Minnesota Rules*, parts 1400.0200 to 1400.1200. Questions about procedures may be directed to the Administrative Law Judge.

The proposed permanent rules would regulate the placement or use of a genetically engineered organism outside a containment facility. The proposed rules contain amendments to the Board's environmental review rules (chapter 4410) and new rules prescribing the circumstances, procedures, and conditions by which environmental review and the issuance of a permit for the release of a genetically engineered organism must be conducted.

The proposed rules may be modified as a result of the rule hearing process if the modifications do not result in a substantial change in the proposed rules as noticed. Those who are potentially affected by the substance of the proposed rules are therefore advised and encouraged to participate in the process.

The proposed rules will not require the expenditure of public money by local public bodies, therefore the requirements of *Minnesota Statutes*, section 14.11, subdivision 1, do not apply.

The proposed rules will not have a direct and substantial impact on agricultural land in the state, therefore the requirements of *Minnesota Statutes*, sections 17.80 to 17.84 do not apply.

The proposed rules will have a direct impact on small businesses involved in the use of genetically engineered organisms by establishing the requirements and the process for the issuance of a permit for the release of genetically engineered organisms and for certifying containment facilities. The Board's consideration of the impacts of these proposed rules on small businesses is discussed in the **STATEMENT OF NEED AND REASONABLENESS**.

PLEASE NOTE that any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the Board may not take any final action on the proposed rules for a period of five business days. If you wish to be so notified, you may do so at the hearing or you may request notification by writing to the Administrative Law Judge.

Any person may request notification of the date on which the proposed rules were adopted and filed with the Secretary of State. The notice will be mailed to any person requesting this notice on the same day the rule is filed. If you wish to be so notified, you may so indicate at the hearing or send a written request to the Board at any time prior to the filing of the rule with the Secretary of State.

Minnesota Statutes, Chapter 10A requires each lobbyist to register with the State Ethical Practices Board with five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes*, section 10A.01, subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any given month or more than \$250.00, not including his own travel expenses and membership dues, in any year for the purpose of attempting to influence legislation or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250.00 not including his own travel expenses and membership dues, in any year for the purpose of attempting to influence legislation or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota, 55155, telephone (612) 296-5615.

Robert Dunn, Chair

Higher Education Coordinating Board

Proposed Permanent Rules Relating to Postsecondary Financial Assistance

Notice of Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Higher Education Coordinating Board will hold a public hearing in the above-entitled matter at the Veterans Services Building, 20 West 12th Street, 5th Floor Conference Room, St. Paul, Minnesota 55101 commencing at 9:00 a.m. on January 27, 1992, and continuing until all interested persons have had an opportunity to be heard. The rule proposed for adoption defines terminology used in the determination of student and program eligibility for purposes of state post-secondary financial aid programs and eligible service areas for rural medical programs administered by the Board. A copy of the proposed rule is attached hereto.

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

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to ask questions and make statements. Statements may be made orally and written material may be submitted.

The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

Whether or not an appearance is made at the hearing, written material may be submitted to the Administrative Law Judge (ALJ), Barbara L. Neilson, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, MN 55415, (612) 341-7604 either before the hearing or within five working days after the public hearing ends. Those statements will be recorded in the hearing record. The ALJ may, at the hearing, order that the comment period be kept open for a longer period not to exceed 20 calendar days. Comments received during the comment period shall be available for review at the Office of Administrative Hearings. The agency and interested persons may respond in writing within three business days after that comment period ends to any new information submitted. Any written material or responses submitted must be received at the Office of Administrative Hearings no later than 4:30 p.m. of the final day for submission. No additional evidence may be submitted during the three-day period. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.14 through 14.20, and by *Minnesota Rules* parts 1400.0200 to 1400.1200. Questions about the rule hearing procedure may be directed to the ALJ.

NOTICE IS HEREBY GIVEN that a **STATEMENT OF NEED AND REASONABLENESS** is now available for review at the agency and at the Office of Administrative Hearings. This **STATEMENT OF NEED AND REASONABLENESS** includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the **STATEMENT OF NEED AND REASONABLENESS** may be reviewed at the agency or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

The agency intends to present a summary of the **STATEMENT OF NEED AND REASONABLENESS** at the hearing and will answer questions raised by interested persons. You are therefore urged to review the Statement of Need and Reasonableness before the hearing. Additional copies will be available at the hearing.

The Board's statutory authority to adopt the proposed rules is provided by *Minnesota Statutes* 136A.04, Subd. 1(9) and 136A.16.

A copy of the proposed rules is attached hereto. Additional copies will be available at the door on the date of the hearing. If you have any questions on the content of the proposed rules, contact: Mary Lou Dresbach, Minnesota Higher Education Coordinating Board.

NOTICE: Any persons may request notification of the date on which the ALJ's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the ALJ. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the agency at any time prior to the filing of the rules with the Secretary of State.

It is the position of the Minnesota Higher Education Coordinating Board that these rules do not apply to small business concerns. These rules define terminology related specifically to student and program eligibility for purposes of state post-secondary financial aid programs administered by the Board. These state financial aid programs are intended to assist students demonstrating financial need in their pursuit of a post-secondary education and therefore do not impact small businesses.

Minnesota Statutes, ch. 10A requires lobbyists to register with the State Ethical Practices Board. Questions should be directed to the Ethical Practices Board, 625 N. Robert Street, St. Paul, Minnesota 55101-2520, telephone (612) 296-5148.

David R. Powers
Executive Director, MHECB

Rules as Proposed

4830.0100 DEFINITIONS FOR HIGHER EDUCATION PROGRAMS.

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

Subp. 1a. Academic year. "Academic year" means a period of time in which a full-time student is expected to complete:

A. the equivalent of at least two semesters, two trimesters, or three quarters at an institution that measures academic progress in credit hours and uses a semester, trimester, or quarter system;

B. before July 1, 1992, at least 24 semester hours or 36 quarter hours at an institution that measures academic progress in credit hours but does not use a semester, trimester, or quarter system;

C. after June 30, 1992, at least 30 semester hours or 45 quarter hours at an institution that measures academic progress in credit hours but does not use a semester, trimester, or quarter system; or

D. at least 900 clock hours at an institution that measures academic progress in clock hours.

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

Subp. 2a. **Certificate program.** After June 30, 1992, "certificate program" means a program that is:

A. offered by an eligible school as defined in part 4830.0300, subpart 1;

B. at least 12 quarter credits or the equivalent, or 300 clock hours for clock hour schools; and

C. at least eight weeks long.

[For text of subp 3, see M.R.]

Subp. 3a. **Designated rural area.** "Designated rural area" means the area outside the cities of Duluth, Mankato, Moorhead, Rochester, St. Cloud, and outside the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

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

Subp. 5. **Eligible student.** "Eligible student" means a student who meets, at a minimum, all of the following requirements:

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

E. is in good standing and making satisfactory academic progress, as determined by the school defined in Minnesota Statutes, section 136A.101, subdivision 10;

[For text of items F and G, see M.R.]

[For text of subps 6 to 8, see M.R.]

Subp. 8a. **Full-time.** "Full-time" means the enrollment level defined in Minnesota Statutes, section 136A.101, subdivision 7a, except that for purposes of work-study grants administered under parts 4830.2000 to 4830.2600, "full-time" means enrollment in a minimum of 12 credits per quarter or semester, or the equivalent.

[For text of subp 9, see M.R.]

Subp. 10. **Minnesota resident.** "Minnesota resident" means:

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

C. a student who graduated from a Minnesota high school, unless the student is a resident of a bordering state while attending a Minnesota high school; or

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

[For text of subps 10a to 12, see M.R.]

Pollution Control Agency

Proposed Permanent Rules Relating to Wood Preserving Operation Wastes

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) intends to adopt the above-entitled rule amendments without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rule amendments without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1990). The MPCA's authority to adopt the rule amendments is set forth in *Minnesota Statutes* § 116.07, subd. 4 (1990).

All persons have until 4:30 p.m. on January 27, 1992 to submit comments in support of or in opposition to the proposed rule amendments or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rule amendments addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the proposed rule amendments within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule amendments addressed, the reason for the request, and any change proposed. If a public hearing is required, the MPCA will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1990).

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

Comments or written requests for a public hearing must be submitted to Glenn Skuta, Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, Minnesota 55155-3898 (telephone 612/297-8319).

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

The proposed rule amendments pertaining to the management of hazardous waste, if adopted, incorporate federal regulations into state rules. The proposed rule amendments list particular wood preserving wastes as hazardous waste and specify the requirements which owners and operators of wood preserving operations must follow in managing wood preservation wastes. The proposed rule amendments also exclude chlorofluorocarbons (CFCs) which are reclaimed for further use from hazardous waste regulation. This provision is intended to provide regulatory relief for individuals who are providing the environmentally beneficial service of CFC recycling. One free copy of the rules is available upon request from Glenn Skuta at the address and telephone number given above.

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

You are hereby advised, pursuant to *Minnesota Statute* § 14.115 (1990), "Small business considerations in rulemakings," that the proposed rule amendments will not negatively affect small businesses which generate hazardous waste. The proposed rule amendments regarding the management of wood treating wastes are equivalent to the federal rules which they incorporate, and thus do not impose any additional regulations on small businesses. The proposed rule amendments regarding the recycling of CFCs are designed to allow for flexibility in the rules and are less stringent than current rules, thus having a beneficial effect on all businesses to which they apply.

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

Charles W. Williams
Commissioner

Rules as Proposed

7001.0623 PART B INFORMATION REQUIREMENTS FOR DRIP PADS.

Except as otherwise provided in part 7045.0450, subpart 1, owners and operators of hazardous waste treatment, storage, or disposal facilities that collect, store, or treat hazardous waste on drip pads must provide the following additional information:

A. a list of hazardous wastes placed or to be placed on each drip pad; and

B. detailed plans and an engineering report describing how the drip pad is or will be designed, constructed, operated, and maintained to meet the requirements of part 7045.0546, subpart 3, including the as-built drawings and specifications. This submission must address the following items as specified in part 7045.0546, subpart 2:

(1) the design characteristics of the drip pad;

(2) the liner system;

(3) the leakage detection system, including the leak detection system and how it is designed to detect the failure of the drip pad or the presence of any releases of hazardous wastes or accumulated liquid at the earliest practicable time;

(4) practices designed to maintain drip pads;

(5) the associated collection system;

(6) control of run-on to the drip pad;

(7) control of run-off from the drip pad;

(8) the interval at which drippage and other materials will be removed from the associated collection system and a statement demonstrating that the interval will be sufficient to prevent overflow onto the drip pad;

(9) procedures for cleaning the drip pad at least once every seven days to ensure the removal of any accumulated residues of waste or other materials including, but limited to, rinsing, washing with detergents or other appropriate solvents, or steam cleaning;

(10) provisions for documenting the date, time, and cleaning procedure used each time the pad is cleaned;

(11) operating practices and procedures that will be followed to ensure that tracking of hazardous waste or waste constituents off the drip pad due to activities by personnel or equipment is minimized;

(12) procedures for ensuring that, after removal from the treatment vessel, treated wood from pressure and nonpressure processes is held on the drip pad until drippage has ceased, including record keeping practices;

(13) provisions for ensuring that collection and holding units associated with the run-on and run-off control systems are emptied or otherwise managed as soon as possible after storms to maintain design capacity of the system;

(14) if treatment is carried out on the drip pad, details of the process equipment used, and the nature and quality of the residuals;

(15) a description of how each drip pad, including appurtenances for control of run-on and run-off, will be inspected in order to meet the requirements of part 7045.0546, subpart 3. This information should be included in the inspection plan submitted under part 7001.0560, item E;

(16) a certification signed by an independent, qualified, registered professional engineer, stating that the drip pad design meets the requirements of part 7045.0546, subpart 3, items A to F; and

(17) a description of how hazardous waste residues and contaminated materials will be removed from the drip pad at closure, as required under part 7045.0546, subpart 4, item A. For any waste not to be removed from the drip pad upon closure, the owner or operator must submit detailed plans and an engineering report describing how part 7045.0538, subpart 7, will be complied with. This information should be included in the closure plan and, where applicable, the postclosure plan submitted under part 7001.0560, item L.

7045.0020 DEFINITIONS.

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

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

[For text of subps 21 to 109, see M.R.]

7045.0120 EXEMPT WASTES.

The following wastes may be stored, labeled, transported, treated, processed, and disposed of without complying with the requirements of this chapter:

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

P. secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process provided that:

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

(4) the reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal; or

Q. petroleum-contaminated media and debris that fail the test for the toxicity characteristic in part 7045.0131, subpart 7 (hazardous waste codes D018 to D043 only), and are subject to corrective action regulations under chapter 7150-;

R. spent wood preserving solutions that have been reclaimed and reused for their original intended purpose, and wastewaters from the wood preserving process that have been reclaimed and are reused to treat wood; or

S. used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems that use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.

7045.0135 LISTS OF HAZARDOUS WASTES.

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

Subp. 2. **Hazardous wastes from nonspecific sources.** Hazardous wastes from nonspecific sources are listed with the generic hazardous waste number and hazard code in items A to ~~Y~~ Y.

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

U. F027, discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component: (H); ~~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

V. F028, residues resulting from the incineration or thermal treatment of soil contaminated with hazardous waste Nos. F020, F021, F022, F023, F026, and F027: (T)-;

W. F032, wastewaters, process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations, except potentially cross-contaminated wastes that have had the F032 waste code deleted in accordance with part 7045.0145 and where the generator does not resume or initiate use of chlorophenolic formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol. This listing does not include wastewaters which have not come into contact with process contaminants. This listing does not include wastes from plants which have previously used chlorophenolic formulations and are included in the F034 or F035 listings: (T);

X. F034, wastewaters, process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol. This listing does not include wastewaters which have not come into contact with process contaminants: (T); and

Y. F035, wastewaters, process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol. This listing does not apply to wastewaters which have not come into contact with process contaminants: (T).

[For text of subs 3 to 5, see M.R.]

7045.0139 BASIS FOR LISTING HAZARDOUS WASTES.

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

Subp. 2. **Constituents.** The constituents which are the basis for listing the wastes identified in part 7045.0135, subparts 2 and 3 are listed in items A and B.

A. Constituents of wastes identified in part 7045.0135, subpart 2, are listed in subitems (1) to ~~(22)~~ (25).

[For text of subitems (1) to (20), see M.R.]

(21) F027: Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine, and other salts; ~~and~~

(22) F028: Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine, and other salts-;

(23) F032: Benz(a)anthracene; benzo(a)pyrene; dibenz(a,h)-anthracene; indeno(1,2,3-cd)pyrene; pentachlorophenol; arsenic; chromium; tetra-, penta-, hexa-, heptachlorodibenzo-p-dioxins; tetra-, penta-, hexa-, heptachlorodibenzofurans;

(24) F034: Benz(a)anthracene; benzo(k)fluoranthene; benzo(a)pyrene; dibenz(a,h)anthracene; indeno(1,2,3-cd)pyrene; naphthalene; arsenic; chromium; and

(25) F035: Arsenic; chromium; lead.

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

7045.0141 HAZARDOUS CONSTITUENTS.

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

Subp. 3. **"B" constituents.** Hazardous constituents beginning with the letter B are as follows:

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

L. Benzo(k)fluoranthene, 207-08-9, _____;

M. Benzo[a]pyrene, 50-32-8, U022;

~~M-~~ N. p-Benzoquinone, 106-51-4, U197;

~~N-~~ O. Benzotrichloride, 98-07-7, U023;

~~O-~~ P. Benzyl chloride, 100-44-7, P028;

~~P-~~ Q. Beryllium, 7440-41-7, P015;

~~Q-~~ R. Beryllium compounds, not otherwise specified in this list, _____, _____;

~~R-~~ S. Bromoacetone, 598-31-2, P017;

~~S-~~ T. Bromoform, 75-25-2, U225;

- ~~T.~~ U. 4-Bromophenyl phenyl ether, 101-55-3, U030;
- ~~U.~~ V. Brucine, 357-57-3, P018; and
- ~~V.~~ W. Butyl benzyl phthalate, 85-68-7, _____.

[For text of subps 4 to 8, see M.R.]

Subp. 9. "**H**" constituents. Hazardous constituents beginning with the letter H are as follows:

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

- E. Heptachlorodibenzofurans, _____, _____;
- F. Heptachlorodibenzo-p-dioxins, _____, _____;
- ~~G.~~ Hexachlorobenzene, 118-74-1, U127;
- ~~F.~~ Hexachlorobutadiene, 87-68-3, U128;
- ~~G.~~ Hexachlorocyclopentadiene, 77-47-4, U130;
- ~~H.~~ Hexachlorodibenzo-p-dioxins, _____, _____;
- ~~I.~~ Hexachlorodibenzofurans, _____, _____;
- ~~J.~~ Hexachloroethane, 67-72-1, U131;
- ~~K.~~ Hexachlorophene, 70-30-4, U132;
- ~~L.~~ Hexachloropropene, 1888-71-7, U243;
- ~~M.~~ Hexaethyltetraphosphate, 757-58-4, P062;
- ~~N.~~ Hydrazine, 302-01-2, U133;
- ~~O.~~ Hydrogen cyanide, 74-90-8, P063;
- ~~P.~~ Hydrogen fluoride, 7664-39-3, U134; and
- ~~Q.~~ Hydrogen sulfide, 7783-06-4, U135.

[For text of subps 10 to 23, see M.R.]

7045.0145 DELETION OF CERTAIN HAZARDOUS WASTE CODES FOLLOWING EQUIPMENT CLEANING AND REPLACEMENT AT WOOD PRESERVING PLANTS.

Subpart 1. Scope. Wastes from wood preserving processes at plants that do not resume or initiate use of chlorophenolic preservatives will not meet the listing definition of F032 once the generator has met all of the requirements of subparts 2 and 3. These wastes may, however, continue to meet another hazardous waste listing description or may exhibit one or more of the characteristics of hazardous waste.

Subp. 2. Process equipment cleaning and replacement. Generators must either clean or replace all process equipment that may have come into contact with chlorophenolic formulations or constituents thereof, including, but not limited to, treatment cylinders, sumps, tanks, piping systems, drip pads, fork lifts, and trams. Cleaning and replacement of process equipment must be performed in a manner which minimizes or eliminates the escape of hazardous waste or waste constituents, leachate, contaminated drippage, or hazardous waste decomposition products to the groundwater, surface water, or atmosphere. Generators must either:

A. prepare and follow an equipment cleaning plan and clean equipment in accordance with this item by:

(1) preparing and signing a written equipment cleaning plan that describes the equipment to be cleaned, how the equipment will be cleaned, the solvent chosen to be used in the cleaning, how solvent rinses will be tested, and how cleaning residues will be disposed;

(2) removing all residues from process equipment and rinsing process equipment with an appropriate solvent until dioxins and dibenzofurans in the final solvent rinse are found to be at or below the lower method calibration limit (MCL) found in SW-846, Method 8290, Table 1; and

(3) managing all residues from the cleaning process as F032 waste;

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

B. prepare and sign a written equipment replacement plan that describes the equipment to be replaced, how the equipment will be replaced, and how the equipment will be disposed of as F032 waste; or

C. document that previous equipment cleaning and/or replacement was performed in accordance with this part and occurred after cessation of use of chlorophenolic formulations.

Subp. 3. Record keeping. The generator must maintain the following records documenting the cleaning and replacement as part of the facility's operating record:

A. the name and address of the facility;

B. formulations previously used and the date on which their use ceased in each process at the plant;

C. formulations currently used in each process at the plant;

D. the equipment cleaning or replacement plan;

E. the name and address of any persons who conducted the cleaning and replacement;

F. the dates on which cleaning and replacement were accomplished;

G. the dates of sampling and testing;

H. a description of the sample handling and preparation techniques, including techniques used for extraction, containerization, preservation, and chain-of-custody for the samples;

I. a description of the tests performed, the dates the tests were performed, and the results of the tests;

J. the name and model numbers of the instruments used in performing the tests;

K. quality assurance/quality control (QA/QC) documentation; and

L. the following statement signed by the generator or the generator's authorized representative: "I certify under penalty of law that all process equipment required to be cleaned or replaced under *Minnesota Rules*, part 7045.0145, was cleaned or replaced as represented in the equipment cleaning and replacement plan and accompanying documentation. I am aware that there are significant penalties for providing false information, including the possibility of fine or imprisonment."

7045.0292 ACCUMULATION OF HAZARDOUS WASTE.

Subpart 1. **When allowed without a permit.** A generator may accumulate hazardous waste on-site without a permit or without having interim status if:

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

B. the waste is placed either:

(1) in containers which meet the standards of part 7045.0270, subpart 4, and are managed in accordance with part 7045.0626; or

(2) in tanks provided the generator complies with the requirements of part 7045.0628 except part 7045.0628, subpart 9, item C, and subpart 12; or

(3) on drip pads provided the generator complies with the requirements of part 7045.0644 and maintains at the facility a description of procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days and maintains documentation of each waste removal, including the quantity of waste removed from the drip pad and sump or collection system and the date and time of removal;

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

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

7045.0528 TANK SYSTEMS.

Subpart 1. **Scope.** This part applies to owners and operators of facilities that use tank systems to treat or store hazardous waste, except as part 7045.0450, and items A and B, and C provide otherwise.

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

C. Tank systems, sumps, and other such collection devices or systems used in conjunction with drip pads, as defined in part 7045.0020 and regulated under part 7045.0546, must meet the requirements of this part.

[For text of subps 2 to 11, see M.R.]

7045.0546 DRIP PADS.

Subpart 1. **Scope.** The requirements of this part apply to owners and operators of facilities that use new or existing drip pads to convey treated wood drippage, precipitation, and/or surface water run-on to an associated collection system. Drip pads that are used

to manage wastes designated as F032 wastes in part 7045.0135, subpart 2, are considered existing drip pads if they were either constructed before December 6, 1990, or the owner or operator has a design and entered into binding financial or other agreements for construction before December 6, 1990. Drip pads that are used to manage wastes designated as F034 or F035 wastes in part 7045.0135, subpart 2, are considered existing drip pads if they were either constructed before May 4, 1992, or the owner or operator has a design and entered into binding financial or other agreements for construction before May 4, 1992. All other drip pads are considered new drip pads. The owner or operator of any drip pad that is inside or under a structure that provides protection from precipitation so that neither run-on nor run-off is generated is not subject to regulation under subpart 3, item E or F, as appropriate.

Subp. 2. Assessment of existing drip pad integrity.

A. For each existing drip pad as defined in subpart 1, the owner or operator must evaluate the drip pad and determine that it meets all of the requirements of this subpart, except the requirements for liners and leak detection systems of subpart 3, item B. The owner or operator must obtain and keep on file at the facility a written assessment of the drip pad, reviewed and certified by an independent, qualified registered professional engineer that attests to the results of the evaluation. The assessment must be reviewed, updated, and recertified annually until all upgrades, repairs, or modifications necessary to achieve compliance with all of the standards of subpart 3 are complete. The evaluation must justify and document the extent to which the drip pad meets each of the design and operating standards of subpart 3, except the standards for liners and leak detection systems, specified in subpart 3, item B, and must document the age of the drip pad to the extent possible, to document compliance with item B.

B. The owner or operator must develop a written plan for upgrading, repairing, and modifying the drip pad to meet the requirements of subpart 3, item B, and submit the plan to the commissioner before the initiation of any repairs, upgrades, or modifications. The written plan must describe all changes to be made to the drip pad in sufficient detail to document compliance with all the requirements of subpart 3 and must document the age of the drip pad to the extent possible. The plan must be reviewed and certified by an independent, qualified, registered, professional engineer. All upgrades, repairs, and modifications must be completed in accordance with the following:

(1) For existing drip pads of known and documentable age, all upgrades, repairs, and modifications must be completed by February 6, 1994, or when the drip pad has reached 15 years of age, whichever comes later.

(2) For existing drip pads for which the age cannot be documented at facilities seven or less years old, all upgrades, repairs, and modifications must be made by February 6, 2000. If the age of the facility is greater than seven years, all upgrades, repairs, and modifications must be completed by the time the facility reaches 15 years of age or by February 6, 1994, whichever comes later.

(3) If the owner or operator believes that the drip pad will continue to meet all of the requirements of subpart 3 after the date upon which all upgrades, repairs, and modifications must be completed as established under subitems (1) and (2), the owner or operator may petition the commissioner for an extension of the deadline as specified in subitem (1) or (2). The commissioner shall grant the petition for extension based on a finding that the drip pad meets all of the requirements of subpart 3, except those for liners and leak detection systems specified in subpart 3, item B, and that it will continue to be protective of human health and the environment.

C. Upon completion of all repairs and modifications, the owner or operator must submit to the commissioner the as-built drawings for the drip pad together with a certification by an independent, qualified, registered, professional engineer attesting that the drip pad conforms to the drawings.

D. If the drip pad is found to be leaking or unfit for use, the owner or operator must comply with the provisions of subpart 3, item M, or close the drip pad according to subpart 5.

Subp. 3. Design and operating requirements.

A. Drip pads must:

(1) be constructed of nonearthen materials, excluding wood and nonstructurally supported asphalt;

(2) be sloped to free-drain treated wood drippage, rain, and other wastes, or solutions of drippage and water or other wastes to the associated collection system;

(3) have a curb or berm around the perimeter;

(4) in the case of existing drip pads only, be impermeable, for example concrete drip pads must be sealed, coated, or covered with an impermeable material such that the entire surface where drippage occurs or may run across is capable of containing the drippage and mixtures of drippage and precipitation, materials, or other wastes while being routed to an associated collection system; 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

(5) be of sufficient structural strength and thickness to prevent failure due to physical contact, climatic conditions, the stress of installation, and the stress of daily operations, for example variable and moving loads such as vehicle traffic and movement of wood.

B. A new drip pad, or an existing drip pad after the deadline established in subpart 2, must have:

(1) a synthetic liner installed below the drip pad that is designed, constructed, and installed to prevent leakage from the drip pad into the adjacent subsurface soil or groundwater or surface water at any time during the active life, including the closure period, of the drip pad. The liner must be constructed of materials that will prevent waste from being absorbed into the liner and to prevent releases into the adjacent subsurface soil, groundwater, or surface water during the active life of the facility. The liner must be constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients, including static head and external hydrogeologic forces; physical contact with the waste or drip pad leakage to which they are exposed; climatic conditions; the stress of installation; and the stress of daily operation, including stresses from vehicular traffic on the drip pad. The liner must be placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift. The liner must be installed to cover all surrounding earth that could come in contact with the waste or leakage; and

(2) a leakage detection system immediately above the liner that is designed, constructed, maintained, and operated to detect leakage from the drip pad. The leakage detection system must be constructed of materials that are chemically resistant to the waste managed in the drip pad and the leakage that might be generated, and of sufficient strength and thickness to prevent collapse under the pressures exerted by overlaying materials and by any equipment used at the drip pad. The leakage detection system must be constructed of materials that are designed and operated to function without clogging through the scheduled closure of the drip pad, and designed so that it will detect the failure of the drip pad or the presence of a release of hazardous waste or accumulated liquid at the earliest practicable time.

C. Drip pads must be maintained so that they remain free of cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be released from the drip pad. If deterioration or leakage is detected at the drip pad, the owner or operator must comply with the provisions for remedial action under item M.

D. The drip pad and associated collection system must be designed and operated to convey, drain, and collect liquid resulting from drippage or precipitation in order to prevent run-off.

E. Unless protected by a structure, as described in item B, subitem (2), the owner or operator must design, construct, operate, and maintain a run-on control system capable of preventing flow onto the drip pad during peak discharge from at least a 24-hour, 25-year storm, unless the system has sufficient excess capacity to contain any run-on that might enter the system.

F. Unless protected by a structure or cover, as described in item B, subitem (2), the owner or operator must design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm.

G. The drip pad must be evaluated to determine that it meets the requirements of items A to F, and the owner or operator must obtain a statement from an independent, qualified, registered, professional engineer certifying that the drip pad design meets the requirements of this part.

H. Drippage and accumulated precipitation must be removed from the associated collection system as necessary to prevent overflow onto the drip pad.

I. The drip pad surface must be cleaned thoroughly at least once every seven days so that accumulated residues of hazardous waste or other materials are removed, using an appropriate and effective cleaning technique, including, but not limited to, rinsing, washing with detergents or other appropriate solvents, or steam cleaning. The owner or operator must document the date and time of each cleaning and the cleaning procedure used in the facility's operating log.

J. Drip pads must be operated and maintained in a manner to minimize tracking of hazardous waste or hazardous waste constituents off the drip pad as a result of activities by personnel and equipment.

K. After being removed from the treatment vessel, treated wood from pressure and nonpressure processes must be held on the drip pad until drippage has ceased. The owner or operator must maintain records sufficient to document that all treated wood is held on the drip pad following treatment in accordance with this requirement.

L. Collection and holding units associated with run-on and run-off control systems must be emptied or otherwise managed as soon as possible after storms to maintain design capacity of the system.

M. Throughout the active life of the drip pad and as specified in the permit, if the owner or operator detects a condition that may have caused or has caused a release of hazardous waste, the condition must be repaired within a reasonably prompt period of time following discovery, in accordance with the procedures in subitems (1) to (3).

(1) Upon detection of a condition that may have caused or has caused a release of hazardous waste, for example upon

detection of leakage in the leak detection system, the owner or operator must enter a record of the discovery in the facility operating log, immediately remove the portion of the drip pad affected from service, determine what steps must be taken to repair the drip pad and clean up any leakage from below the drip pad, and establish a schedule for accomplishing the repairs. Within 24 hours of the discovery of the condition, the owner or operator must notify the commissioner of the condition and, within ten working days, provide written notice to the commissioner with a description of the steps that will be taken to repair the drip pad and clean up any leakage and the schedule for accomplishing the work.

(2) The commissioner shall review the information submitted, make a determination regarding whether the pad must be removed from service completely or partially until repairs and clean up are complete, and notify the owner or operator of the determination and the underlying rationale in writing.

(3) Upon completing all repairs and clean up, the owner or operator must notify the commissioner in writing and provide a certification, signed by an independent, qualified, registered, professional engineer, that the repairs and clean up have been completed according to the written plan submitted under subitem (1).

N. Should a permit be necessary, the commissioner shall specify in the permit the design and operating practices that are necessary to ensure that the requirements of this subpart are satisfied.

O. The owner or operator must maintain, as part of the facility operating log, documentation of past operating and waste handling practices. This must include identification of preservative formulations used in the past, a description of drippage management practices, and a description of treated wood storage and handling practices.

Subp. 4. Inspections.

A. During construction or installation, liners and cover systems, for example membranes, sheets, or coatings, must be inspected for uniformity, damage, and imperfections, for example holes, cracks, thin spots, or foreign materials. Immediately after construction or installation, liners must be inspected and certified as meeting the requirements of subpart 3 by an independent, qualified, registered, professional engineer. The certification must be maintained at the facility as a part of the facility operating record. After installation, liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters.

B. While a drip pad is in operation, it must be inspected weekly and after storms to detect evidence of:

- (1) deterioration, malfunctions, or improper operation of run-on and run-off control systems;
- (2) the presence of leakage in and proper functioning of the leak detection system; and
- (3) deterioration or cracking of the drip pad surface.

Subp. 5. Closure.

A. At closure, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components such as pad liners, contaminated subsoils, and structures and equipment contaminated with waste and leakage, and manage them as hazardous waste.

B. If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment as required in item A, the owner or operator finds that not all contaminated subsoils can practically be removed or decontaminated, the owner or operator must close the facility and perform postclosure care in accordance with closure and postclosure care requirements of part 7045.0538, subpart 7, that apply to landfills. For permitted units, the requirement to have a permit continues throughout the postclosure period. In addition, for the purpose of closure, postclosure, and financial responsibility, such a drip pad is then considered to be a landfill, and the owner or operator must meet all of the requirements for landfills specified in parts 7045.0486 to 7045.0524.

C. The owner or operator of an existing drip pad, as defined in subpart 1, that does not comply with the liner requirements of subpart 3, item B, subitem (1), must include in the closure plan for the drip pad under part 7045.0486, subparts 3 to 6, both a plan for complying with item A and a contingent plan for complying with item B in case not all contaminated subsoils can be practicably removed at closure. The owner or operator must also prepare a contingent postclosure plan under part 7045.0490, subpart 3, for complying with item B in case not all contaminated subsoils can be practicably removed at closure. The cost estimates calculated under part 7045.0486, subparts 3 to 6, and part 7045.0506, for closure and postclosure care of a drip pad subject to this item must include the cost of complying with the contingent closure plan and the contingent postclosure plan, but are not required to include the cost of expected closure under item A.

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

Subp. 6. Design and installation of new drip pads. Owners and operators of drip pads must ensure that the drip pads are designed, installed, and operated in accordance with all of the applicable requirements of subparts 3 to 5.

7045.0628 TANK SYSTEMS.

Subpart 1. **Scope.** This part applies to owners and operators of facilities that use tank systems to treat or store hazardous waste, except as items A and B, and C, and part 7045.0552 provide otherwise.

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

C. Tank systems, sumps, and other such collection devices or systems used in conjunction with drip pads, as defined in part 7045.0020 and regulated under part 7045.0546, must meet the requirements of this part.

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

7045.0644 DRIP PADS.

Subpart 1. Scope. The requirements of this part apply to owners and operators of facilities that use new or existing drip pads to convey treated wood drippage, precipitation, and/or surface water run-on to an associated collection system. Drip pads that are used to manage wastes designated as F032 wastes in part 7045.0135, subpart 2, are considered existing drip pads if they were either constructed before December 6, 1990, or the owner or operator has a design and entered into binding financial or other agreements for construction before December 6, 1990. Drip pads that are used to manage wastes designated as F034 or F035 wastes in part 7045.0135, subpart 2, are considered existing drip pads if they were either constructed before May 4, 1992, or the owner or operator has a design and entered into binding financial or other agreements for construction before May 4, 1992. All other drip pads are considered new drip pads. The owner or operator of any drip pad that is inside or under a structure that provides protection from precipitation so that neither run-on nor run-off is generated is not subject to regulation under subpart 4, item E or F, as appropriate.

Subp. 2. Assessment of existing drip pad integrity.

A. For each existing drip pad as defined in subpart 1, the owner or operator must evaluate the drip pad and determine that it meets the requirements of this subpart, except the requirements for liners and leak detection systems of subpart 4, item B. The owner or operator must obtain and keep on file at the facility a written assessment of the drip pad, reviewed and certified by an independent, qualified, registered, professional engineer that attests to the results of the evaluation. The assessment must be reviewed, updated, and recertified annually until all upgrades, repairs, or modifications necessary to achieve compliance with all of the standards of subpart 4 are complete. The evaluation must justify and document the extent to which the drip pad meets each of the design and operating standards of subpart 4, except the standards for liners and leak detection systems, specified in subpart 4, item B, and must document the age of the drip pad to the extent possible, to document compliance with item B.

B. The owner or operator must develop a written plan for upgrading, repairing, and modifying the drip pad to meet the requirements of subpart 4, item B, and submit the plan to the commissioner before the initiation of any repairs, upgrades, or modifications. The written plan must describe all changes to be made to the drip pad in sufficient detail to document compliance with all the requirements of subpart 4 and must document the age of the drip pad to the extent possible. The plan must be reviewed and certified by an independent, qualified, registered, professional engineer. All upgrades, repairs, and modifications must be completed in accordance with the following:

(1) For existing drip pads of known and documentable age, all upgrades, repairs, and modifications must be completed by February 6, 1994, or when the drip pad has reached 15 years of age, whichever comes later.

(2) For existing drip pads for which the age cannot be documented at facilities seven or less years old, all upgrades, repairs, and modifications must be made by February 6, 2000. If the age of the facility is greater than seven years, all upgrades, repairs, and modifications must be completed by the time the facility reaches 15 years of age or by February 6, 1994, whichever comes later.

(3) If the owner or operator believes that the drip pad will continue to meet the requirements of subpart 4 after the date upon which all upgrades, repairs, and modifications must be completed as established under subitems (1) and (2), the owner or operator may petition the commissioner for an extension of the deadline as specified in subitem (1) or (2). The commissioner will grant the petition for extension based on a finding that the drip pad meets the requirements of subpart 4, except those for liners and leak detection systems specified in subpart 4, item B, and that it will continue to be protective of human health and the environment.

C. Upon completion of repairs and modifications, the owner or operator must submit to the commissioner the as-built drawings for the drip pad together with a certification by an independent, qualified, registered, professional engineer attesting that the drip pad conforms to the drawings.

D. If the drip pad is found to be leaking or unfit for use, the owner or operator must comply with the provisions of subpart 4, item M, or close the drip pad according to subpart 6.

Subp. 3. Design and installation of new drip pads. Owners and operators of new drip pads must ensure that the pads are designed, installed, and operated in accordance with the applicable requirements of subparts 4 to 6.

Subp. 4. Design and operating requirements.

A. Drip pads must:

- (1) be constructed of nonearthen materials, excluding wood and nonstructurally supported asphalt;
- (2) be sloped to free-drain treated wood drippage, rain, and other wastes, or solutions of drippage and water or other wastes to the associated collection system;
- (3) have a curb or berm around the perimeter;
- (4) in the case of existing drip pads only, be impermeable. For example, concrete pads must be sealed, coated, or covered with an impermeable material such that the entire surface where drippage occurs or may run across is capable of containing the drippage and mixtures of drippage and precipitation, materials, or other wastes while being routed to an associated collection system; and
- (5) be of sufficient structural strength and thickness to prevent failure due to physical contact, climatic conditions, the stress of installation, and the stress of daily operations, including variable and moving loads such as vehicle traffic and movement of wood.

B. A new drip pad or existing drip pad, after the deadline established in subpart 2, item B, must have:

(1) a synthetic liner installed below the drip pad that is designed, constructed, and installed to prevent leakage from the drip pad into the adjacent subsurface soil or groundwater or surface water at any time during the active life, including the closure period, of the drip pad. The liner must be constructed of materials that will prevent waste from being absorbed into the liner and to prevent releases into the adjacent subsurface soil groundwater, or surface water during the active life, including the closure period, of the facility. The liner must be constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients, including static head and external hydrogeologic forces; physical contact with the waste or drip pad leakage to which they are exposed; climatic conditions; the stress of installation; and the stress of daily operation, including stresses from vehicular traffic on the drip pad. The liner must be placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift. The liner must be installed to cover the surrounding earth that could come in contact with the waste or leakage; and

(2) a leakage detection system immediately above the liner that is designed, constructed, maintained, and operated to detect leakage from the drip pad. The leakage detection system must be constructed of materials that are chemically resistant to the waste managed in the drip pad and the leakage that might be generated, and of sufficient strength and thickness to prevent collapse under the pressures exerted by overlaying materials and by any equipment used at the drip pad. The leakage detection system must be constructed of materials that are designed and operated to function without clogging through the scheduled closure of the drip pad, and designed so that it will detect the failure of the drip pad or the presence of a release of hazardous waste or accumulated liquid at the earliest practicable time.

C. Drip pads must be maintained so that they remain free of cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be released from the drip pad. If deterioration or leakage is detected at the drip pad, the owner or operator must comply with the provisions for remedial action under item M.

D. The drip pad and associated collection system must be designed and operated to convey, drain, and collect liquid resulting from drippage or precipitation in order to prevent run-off.

E. Unless protected by a structure or cover, as described in item B, subitem (2), the owner or operator must design, construct, operate, and maintain a run-on control system capable of preventing flow onto the drip pad during peak discharge from at least a 24-hour, 25-year storm, unless the system has sufficient excess capacity to contain any run-on that might enter the system.

F. Unless protected by a structure or cover, as described in item B, subitem (2), the owner or operator must design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm.

G. The drip pad must be evaluated to determine that it meets the requirements of items A to F and the owner or operator must obtain a statement from an independent, qualified, registered, professional engineer certifying that the drip pad design meets the requirements of this part.

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

H. Drillage and accumulated precipitation must be removed from the associated collection system as necessary to prevent overflow onto the drip pad.

I. The drip pad surface must be cleaned thoroughly at least once every seven days so that accumulated residues of hazardous waste or other materials are removed, using an appropriate and effective cleaning technique, including, but not limited to, rinsing, washing with detergents or other appropriate solvents, or steam cleaning. The owner or operator must document the date and time of each cleaning and the cleaning procedure used in the facility's operating log.

J. Drip pads must be operated and maintained in a manner to minimize tracking of hazardous waste or hazardous waste constituents off the drip pad as a result of activities by personnel and equipment.

K. After being removed from the treatment vessel, treated wood from pressure and nonpressure processes must be held on the drip pad until drillage has ceased. The owner or operator must maintain records sufficient to document that all treated wood is held on the drip pad following treatment in accordance with this requirement.

L. Collection and holding units associated with run-on and run-off control systems must be emptied or otherwise managed as soon as possible after storms to maintain design capacity of the system.

M. Throughout the active life of the drip pad and as specified in the permit, if the owner or operator detects a condition that may have caused or has caused a release of hazardous waste, the condition must be repaired within a reasonably prompt period of time following discovery, in accordance with the procedures in subitems (1) to (3).

(1) Upon detection of a condition that may have caused or has caused a release of hazardous waste, for example upon detection of leakage in the leak detection system, the owner or operator must enter a record of the discovery in the facility operating log, immediately remove the portion of the drip pad affected from service, determine what steps must be taken to repair the drip pad and clean up any leakage from below the drip pad, and establish a schedule for accomplishing the repairs. Within 24 hours of the discovery of the condition, the owner or operator must notify the commissioner of the condition and, within ten working days, provide written notice to the commissioner with a description of the steps that will be taken to repair the drip pad and clean up any leakage and the schedule for accomplishing the work.

(2) The commissioner shall review the information submitted, make a determination regarding whether the drip pad must be removed from service completely or partially until repairs and clean up are complete, and notify the owner or operator of the determination and the underlying rationale in writing.

(3) Upon completing repairs and clean up, the owner or operator must notify the commissioner in writing and provide a certification, signed by an independent, qualified, registered, professional engineer, that the repairs and clean up have been completed according to the written plan submitted under subitem (1).

N. The owner or operator must maintain, as part of the facility operating log, documentation of past operating and waste handling practices. This must include identification of preservative formulations used in the past, a description of drillage management practices, and a description of treated wood storage and handling practices.

Subp. 5. Inspections.

A. During construction or installation, liners and cover systems, for example membranes, sheets, or coatings, must be inspected for uniformity, damage, and imperfections, for example holes, cracks, thin spots, or foreign materials. Immediately after construction or installation, liners must be inspected and certified as meeting the requirements of subpart 4 by an independent, qualified, registered, professional engineer. The certification must be maintained at the facility as a part of the facility operating record. After installation, liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters.

B. While a drip pad is in operation, it must be inspected weekly and after storms to detect evidence of:

- (1) deterioration, malfunctions, or improper operation of run-on and run-off control systems;
- (2) the presence of leakage in and proper functioning of the leak detection system; and
- (3) deterioration or cracking of the drip pad surface.

Subp. 6. Closure.

A. At closure, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components such as pad liners, contaminated subsoils, and structures and equipment contaminated with waste and leakage, and manage them as hazardous waste.

B. If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment as required in item A, the owner or operator finds that not all contaminated subsoils can practically be removed or decontaminated, the owner or operator must close the facility and perform postclosure care in accordance with closure and postclosure care requirements of part 7045.0538, subpart 7, that apply to landfills. For permitted units, the requirement to have a permit continues throughout the postclosure period.

C. The owner or operator of an existing drip pad, as defined in part 7045.0546, subpart 1, that does not comply with the liner requirements of part 7045.0546, subpart 3, item B, subitem (1), must include in the closure plan for the drip pad under part 7045.0486, subparts 3 to 6, both a plan for complying with item A and a contingent plan for complying with item B in case not all contaminated subsoils can be practicably removed at closure. The owner or operator must also prepare a contingent postclosure plan under part 7045.0490, subpart 3, for complying with item B in case not all contaminated subsoils can be practicably removed at closure. The cost estimates calculated under part 7045.0486, subparts 3 to 6, and part 7045.0506, for closure and postclosure care of a drip pad subject to this item must include the cost of complying with the contingent closure plan and the contingent postclosure plan, but are not required to include the cost of expected closure under item A.

INSTRUCTION TO REVISOR. The references to parts 7045.0450 to 7045.0544 and 7045.0552 to 7045.0642 shall be changed to 7045.0450 to 7045.0546 and 7045.0552 to 7045.0644 wherever they appear in Minnesota Rules.

Adopted Rules

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

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

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

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

Board of Animal Health

Adopted Permanent Rules Relating to Poultry

The rules proposed and published at *State Register*, Volume 15, Number 47, pages 2466-2472, May 20, 1991 (15 SR 2466), and Volume 16, Number 17, pages 1025-1026, October 21, 1991 (16 SR 1025), are adopted as proposed.

Board of Education

Adopted Permanent Rules Relating to Special Education Entrance and Exit Criteria and Related Changes

The rules proposed and published at *State Register*, Volume 15, Number 45, pages 2374-2400, May 6, 1991 (15 SR 2374), are adopted with the following modifications:

Rules as Adopted

3525.0200 DEFINITIONS FOR SPECIAL EDUCATION.

Subp. 9b. **Program support assistant or pupil support assistant.** "Program support assistant" or "pupil support assistant" means a district employee who is engaged in direct interaction with one or more pupils for instructional activities, physical or behavior management, or integration purposes under the direction of a regular education or special education teacher. A program or pupil support assistant shall only provide services to a pupil under the direction of a regular education or special education teacher or related services provider. The services must be:

B. to supplement instructional activities or to provide extended practice in instances in which the support assistant has had training from a special education teacher or related services staff and continues to receive ongoing direction and support from a special education teacher.

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

The pupil's need for and the specific responsibilities of a pupil support assistant shall be described in writing on the pupil's IEP. A program support assistant is required in an early childhood special education center-based classroom as such classroom is described in part 3525.2335, subpart 2, and may be assigned to programs described in part 3525.2340, subpart 3 4, ~~item~~ items A and B.

Subp. 18b. **Related services.** ~~“Related services” means any specially designed services not provided by regular education or special education instruction to meet the unique needs of a pupil to benefit from the educational program. This includes psychological services, social worker services, occupational therapy, physical therapy, audiology, orientation and mobility training, health services, medical services for diagnostic purposes, music therapy, braillists, interpreter services, transportation, and other similar services. The definition of “related services” in Code of Federal Regulations, title 34, section 300.13, as amended through November 1, 1991, is incorporated by reference into this part.~~

Subp. 24. **Teacher.** “Teacher” means a person licensed under parts 8700.5501 to 8700.5511 by the Board of Teaching to instruct pupils with specific ~~handicapping~~ disabling conditions.

3525.1100 STATE AND DISTRICT RESPONSIBILITY FOR TOTAL SPECIAL EDUCATION SYSTEM (TSES).

Subp. 2. **District responsibility.** A district shall submit to the commissioner the district's plan for providing instruction and related services upon request for all pupils as required by *Minnesota Statutes*, section 120.17. The plan may represent the plan of a single district or a plan for the member districts of a formal special education cooperative. The plan shall be considered as part of the annual school district application for program review, but will not be required to be resubmitted annually. If a cooperative changes administrative organization, it shall submit a revised plan. The new plan must be submitted before the beginning of the next school year. The plan shall include descriptions of the district's:

A. Child study procedures for the identification and assessment of students or other persons suspected of having a handicap disability beginning at birth that include a plan for receiving referrals from parents, physicians, private and public programs, and health and human services agencies.

B. Method of providing the special education services for the identified pupils. The district shall have, as part of the district's TSES plan, a description of the full range of available educational service alternatives. ~~The district shall include a statement in the plan regarding the availability of appropriate educational services to meet the specific needs of pupils.~~ The district's TSES plan shall include:

(1) a description of the sites available in which services may occur. Sites describe the building or other location where special education occurs; and

(2) ~~a description of the settings available in which special education may occur. Settings describe the specific location within the site where special education occurs;~~

(3) a description of the available instruction and related services; and

(4) ~~the availability of both direct and indirect services through the district. Direct services refers to services provided directly to the pupil from a teacher or related service professional. Indirect services refers to services provided indirectly through consultation with a regular education teacher, teacher, parent, or other persons or professionals who have direct contact with the pupil.~~

3525.1150 PROVIDING SPECIAL EDUCATION TO SHARED-TIME PUPILS.

Districts shall identify and make available special education to all students who are handicapped disabled regardless of whether they attend a nonpublic school. For those students who attend a nonpublic school according to *Minnesota Statutes*, section 124A.034, and who are referred for special education services, the district shall inform parents of their right to special education services for eligible students. In the assessment or provision of special education to eligible pupils, the district may:

D. hold IEP or IFSP meetings at the nonpublic school.

3525.1310 STATE AID FOR SPECIAL EDUCATION PERSONNEL.

Salaries for essential personnel who are teachers, related services and support services staff members, directors, and supervisors are reimbursable for the following activities:

B. necessary short-term indirect or consultative services that are provided in conjunction with regular education prereferral activities to an individual suspected of having a handicapping disabling condition to determine whether referrals for assessments shall be made;

K. school psychological services and school social worker services provided alone for pupils identified as emotional or behavioral disordered according to ~~part~~ parts 3525.1329 and 3525.2900 or in conjunction with the instructional program as outlined in any pupil's IEP; and

3525.1320 EXPERIMENTAL PROPOSAL.

Subpart 1. **General requirements.** The State Board of Education shall approve or disapprove a district's experimental proposal for

exemption from its rules. No exemption shall be given from federal regulations, *Minnesota Statutes*, part 3525.1500, subpart 1, and part 3525.2350, subpart 2. A proposal shall be designed to accomplish at least one of the following:

D. an alternative eligibility criteria intended to identify persons as ~~handicapped~~ disabled.

Subp. 2. **Proposal requirements.** A district must apply for exemption before implementing an experimental program by submitting a proposal which sets forth:

G. the annual evaluation procedures ~~conducted by an impartial evaluator from outside the district~~ to be used to demonstrate attainment of the proposal goals and objectives, and the effectiveness of the proposal; and

3525.1325 AUTISM.

Subpart 1. **Definition.** "Autism" is a lifelong developmental disability ~~that occurs~~ with onset usually in the first three years of life. It is a behaviorally defined syndrome characterized by an uneven developmental profile and disturbances in interaction, communication, and perceptual organization. Autism occurs on a continuum from mild to severe. It occurs by itself or in association with other disorders such as mental retardation or fragile X syndrome. It may include the diagnosis of pervasive developmental disorder. Because of the low incidence and complexity of this disability, professionals with experience and expertise in the area of autism need to be included on the team determining the disability and educational program.

Subp. 2. **Criteria.** The team shall determine that a pupil meets criteria for autism according to the Diagnostic and Statistical Manual, Third Revision (DSM-III-R) of the American Psychiatric Association, the current accepted standard in the field. The criteria for autism in (DSM-III-R) are incorporated by reference, DSM-III-R is subject to frequent change and is available through the Minitex interlibrary loan system. Consider a criterion to be met only if the behavior is abnormal for the person's developmental level. DSM-III-R states that a pupil meets criteria when at least eight of the following 16 items are present, these to include at least two items from item A, one from item B, and one from item C:

A. qualitative impairment in reciprocal social interaction (the examples within parentheses are arranged so that those first listed are more likely to apply to younger or more ~~handicapped~~ disabled, and the later ones, to older or less ~~handicapped~~ disabled) as manifested by the following:

B. qualitative impairment in verbal and nonverbal communication and in imaginative activity, (the numbered items are arranged so that those first listed as more likely to apply to younger or more ~~handicapped~~ disabled, and the later ones, to older or less ~~handicapped~~ disabled) as manifested by the following:

D. onset during infancy or early childhood;

E. other symptoms that may occur with the syndrome:

(1) sensory disturbances as evidenced by atypical responses to stimuli (for example, touch, sound, light, movement, smell, taste). Responses may include overreaction, indifference, or withdrawal; and

~~F. (2) uneven acquisition of skills, and/or difficulty in integrating and generalizing acquired skills;~~ and

F. the pupil's need for instruction and services must be supported by at least one documented systematic observation in the pupil's daily routine setting by an appropriate professional and verify the criteria categories in items A to D. In addition, corroboration of developmental or medical information with a developmental history and at least one other assessment procedure that is conducted on a different day must be included. Other documentation should include parent reports, functional skills assessments, adaptive behavior scales, intelligence tests, criterion-referenced instruments, language concepts, developmental checklists, or an autism checklist.

3525.1327 DEAF-BLINDNESS.

Subpart 1. **Definition and criteria.** "Deaf-blindness" means medically verified visual impairment coupled with medically verified hearing impairment that, together, interfere with acquiring information or interacting in the environment. Both conditions need to be present simultaneously and must meet the criteria for both vision and hearing impairments.

Subp. 2. **Criteria Pupils at risk.** Pupils at risk for deaf-blindness include, but are not limited to:

3525.1329 EMOTIONAL OR BEHAVIORAL DISORDERS.

Subpart 1. **Definition.** "Emotional or behavioral disorder" means an established pattern characterized by one or more of the following behavior clusters:

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

C. severely disordered thought processes manifested by unusual behavior patterns, atypical communication styles, and distorted interpersonal relationships.

The condition This category may include, but is not necessarily limited to, disorders such as schizophrenia, depression, anxiety children or youth with schizophrenic disorders, affective disorders, attention deficit anxiety disorders, or other sustained disturbances disorders of conduct or adjustment when they adversely affect educational performance. The established pattern adversely affects educational performance and results in either an inability to build or maintain satisfactory interpersonal relations necessary to the learning process with peers, teachers, and others, or failure to attain or maintain a satisfactory rate of educational or developmental progress that cannot be improved or explained by addressing intellectual, sensory, health, cultural, or linguistic factors.

Subp. 2. **Criteria.** The team shall determine that a learner pupil is eligible as having an emotional or behavioral disorder and in need of special education and related services when the pupil meets the criteria in items A to D.

A. An established pattern must exist that is characterized by one or more of the following clusters:

(3) severely disordered thought processes manifested by unusual behavior patterns, atypical communication styles, or distorted interpersonal relationships such as: reality distortion beyond normal developmental fantasy and play or talk; situationally inappropriate laughter, crying, sounds and language; self-mutilation or self-stimulation; rigid, ritualistic patterning; perseveration or obsession with specific objects; overly affectionate behavior towards unfamiliar persons; or hallucinating or delusions of grandeur.

The condition involves behavioral or emotional responses in school that differ significantly from normative standards, taking into consideration ethnic or cultural variables, as supported by multiple data sources using two or more of the following: behavior checklists, personality or projective measures, interviews with the child or knowledgeable adults, case history, or a an appropriate DSM-III-R diagnosis.

The team, when determining the existence of an emotional or behavioral disorder, must give due consideration to a diagnosis of an emotional disorder made by an appropriately licensed mental health professional.

C. The combined results of prior documented interventions and the assessment data must establish significant impairments in one or more of the following areas: self-care personal, social relations, academic progress, classroom demeanor, or work adjustment vocational skills. This finding must be supported by data from two or more of the following procedures: adaptive behavior scales, sociometric or social skill measures, achievement or cognitive tests; grades, systematic behavioral checklists or observations, vocational skill inventories, or reports. The data must document that the impairment:

(4) occurs suddenly as a crisis of such intensity it results in imminent danger or harm to the learner pupil or others.

D. The team verifies that:

(1) the established pattern may occur with, but is not primarily the result of, intellectual, sensory, health, cultural, linguistic factors, or stressors such as transient medical or psychosocial events, chemical use, abuse or addiction, or a history of an inconsistent educational program; ~~or and~~

(2) identification is not based solely on a conflict between the individual and a political entity, a governmental entity, or for purposes of disciplinary action.

3525.1331 HEARING IMPAIRMENT.

Subp. 2. **Criteria.** The team shall determine that a pupil who has a hearing impairment is eligible for special education instruction and related services if the pupil meets one of the criteria in item A and one of the criteria in item B, C, or D; ~~or E~~.

B. The pupil's hearing impairment affects educational performance as demonstrated by:

(1) a need to consistently use amplification appropriately in educational settings as determined by audiological measures and systematic observation; ~~and or~~

~~E. Children not yet enrolled in kindergarten are eligible for special education instruction and related services if they meet one of the criteria in item A.~~

3525.1333 MENTALLY IMPAIRED: MILD-MODERATE/MODERATE-SEVERE.

Subp. 2. **Criteria for mild-moderate.** The team shall determine that a pupil is eligible as having a mild-moderate mental impairment and is in need of special education instruction and service if the pupil meets the criteria of both items A and B.

A. Performance that falls at or below the 15th percentile is ~~one or more of~~ in the ~~four~~ following adaptive behavior domains measured in both school and home or community on a nationally-normed, technically adequate measures of adaptive behavior instrument:

(4) vocational or occupational competencies associated with this domain are not expected to develop until early school-age years. They become increasingly important at progressively higher grade levels. The vocational or occupational domain includes three

subdomains: knowledge about careers and work; appropriate attitudes and values concerning careers and work; and specific skills associated with job or career.

~~The pupil's performance does not exceed the 25th percentile in more than two domains.~~

B. Significantly subaverage intellectual functioning as indicated by an intelligence quotient below $75 + 70$ plus or minus 1 Standard Error of Measurement (using instruments with a reliability coefficient of ~~0.90~~ .90 or greater) on an intelligence test that is standardized, nationally-normed, technically adequate, and individually administered.

Subp. 3. **Criteria for moderate-severe.** The team shall determine that a pupil is eligible as having a moderate-severe mental impairment and is in need of special education instruction and service if the pupil meets the criteria of both items A and B.

A. Performance that falls below the ~~15th~~ 10th percentile in ~~two or more~~ the four following adaptive behavior domains measured in both school and home or community on a nationally-normed, technically adequate measures of adaptive behavior ~~instrument~~:

B. Significantly subaverage intellectual functioning as indicated by an intelligence quotient below $50 + 50$ plus or minus 1 Standard Error of Measurement (using instruments with a reliability coefficient of ~~0.90~~ .90 or greater) on an intelligence test that is standardized, nationally-normed, technically adequate, and individually administered.

3525.1335 OTHER HEALTH IMPAIRED.

Subpart 1. **Definition.** "Other health impaired" means a broad range of medically diagnosed chronic or acute health condition that may adversely affect academic functioning and result in the need for special education instruction and related services. ~~Examples of health impairment include, but are not limited to, epilepsy, cancer, traumatic brain injury, Tourette's syndrome, juvenile rheumatoid arthritis, and cystic fibrosis. The decision that a specific health condition qualifies as other health impaired will be determined by the impact of the condition on academic functioning rather than by the diagnostic label given the condition.~~

Subp. 2. **Criteria.** The team shall determine that a pupil is eligible and in need of special education instruction and services if the pupil meets the criterion in item A and one of the criteria in item B.

B. The pupil's:

(1) need for special education instruction and service is supported by ~~a functional level of organizational and independent work skills evidence of inadequate academic progress attributable to excessive absenteeism as verified by attendance records, or impaired organizational and independent work skills as assessed by functional and other appropriate assessment procedures~~ due to limited strength, endurance, alertness, ~~inconsistent performance, or~~ intrusive health procedures, or ~~excessive absenteeism~~ as verified by a minimum of two or more documented, systematic observations or structured interviews in daily routine settings, one of which is to be completed by a special education teacher; or

(2) need for special education instruction and service is supported by evidence of an inability to manage or complete classroom tasks within ~~time constraints~~ routine timelines due to ~~excessive absenteeism as verified by attendance records, or~~ limited strength, endurance, alertness, ~~inconsistent performance, or~~ intrusive health procedures, or ~~excessive absenteeism~~ medications that affect cognitive functioning as verified by a minimum of two or more documented, systematic observations or structured interviews in daily routine settings, one of which is completed by a special education teacher; or

(3) health impairment interferes with educational performance as shown by an achievement deficit of ~~1-0~~ 1.5 standard deviations or more below the mean on an individually administered reliable, valid, and adequately normed achievement test.

3525.1341 SPECIFIC LEARNING DISABILITY.

Subp. 2. **Criteria.** The team shall determine that a pupil has a specific learning disability and is in need of special education and related services when the pupil meets the criteria described in items A to C. Information about each item must be sought from the parent and included as part of the assessment data. The assessment data must confirm that the disabling effects of the pupil's disability occur in a variety of settings.

A. The pupil must demonstrate severe underachievement in response to usual classroom instruction. The performance measures used to verify this finding must be both representative of the ~~learner's~~ pupil's curriculum and useful for developing instructional goals and objectives. The following assessment procedures are required at a minimum to verify this finding:

(1) evidence of low achievement from sources such as cumulative record reviews, classwork samples, anecdotal teacher records, formal and informal tests, curriculum based assessment results, and results from instructional support programs such as Chapter 1 and Assurance of Mastery; 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.

Adopted Rules

(2) at least two systematic, prereferral interventions must be conducted in the regular classroom setting over at least a 30-day period involving curriculum modification, alternative instructional strategies, and other relevant adjustments by regular classroom staff that attempt to accommodate for the individual instructional needs of the learner; and

(3) at least one formal observation of the learner's academic performance in the regular classroom setting is required. This observation must be carried out by someone other than the regular classroom teacher to confirm the presence of a specific learning disability. one team member other than the pupil's regular teacher shall observe the pupil's academic performance in the regular classroom setting. In the case of a child served through an Early Childhood Special Education program or who is out of school, a team member shall observe the child in an environment appropriate for a child of that age.

B. The learner pupil must demonstrate a severe discrepancy between general intellectual ability and achievement in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, mathematical calculation, or mathematical reasoning. The demonstration of a severe discrepancy shall not be based solely on the use of standardized tests. The team shall consider these standardized test results as only one component of the eligibility criteria.

(1) The instruments used to assess the learner's pupil's general intellectual ability and achievement must be individually administered and interpreted by an appropriately licensed person using standardized procedures.

(2) For initial placement, the severe discrepancy must be equal to or greater than 1.75 standard deviations of the discrepancy below the mean of the distribution of difference scores for the general population of individuals at the pupil's chronological age level.

C. The team must agree that it has sufficient assessment data that verify the following conclusions:

(1) the learner pupil has an information processing condition that is manifested by behaviors such as: inadequate or lack of expected acquisition of information, disorganization behaviors lack of organizational skills (such as in following directions, written and oral; spatial arrangements; correct use of developmental order; in relating events; transfer of information onto paper), memory (visual and auditory), expression (verbal and nonverbal), and motor control for written tasks such as pencil and paper assignments, drawing, and copying;

(2) the disabling effects of the learner's pupil's information processing condition occur in a variety of settings; and

(3) the learner's pupil's underachievement is not primarily attributable to the result of: visual, hearing, or motor impairment; mental impairment; emotional or behavioral disorders; sensory or health impairments; economic disadvantage; lack of educational opportunity; inflexible curricula, or inappropriate teaching methods; and; or environmental, cultural, economic influences, or a history of an inconsistent education program.

(4) ~~the learner requires specialized instructional methods because the learner's underachievement has not improved as a result of curriculum and teaching modifications by regular classroom teachers.~~

3525.1343 SPEECH OR LANGUAGE IMPAIRMENTS.

Subp. 3. **Articulation disorder; definition and criteria.** "Articulation disorder" means the absence of or incorrect production of speech sounds that are developmentally appropriate. Articulation patterns that can be attributed only to dialectical, cultural, or ethnic differences or to the influence of a foreign language should not be identified as a disorder.

The team shall determine that a pupil has an articulation disorder and is eligible for speech or language special education when:

B. test performance falls 2.0 standard deviations below the mean on a technically adequate, norm-referenced articulation test; ~~or and~~

C. speech intelligibility is affected as documented by two three-minute conversational speech samples; or

D. performance on a pressure consonant test indicates problems in nasal resonance; or

~~D. E.~~ a pupil is nine years of age or older and a sound is consistently in error during speech samples as documented by two three-minute conversational speech samples.

Subp. 4. **Language disorder; definition and criteria.** "Language disorder" means a breakdown in communication as characterized by problems in expressing needs, ideas, or information that may be accompanied by problems in understanding. Language patterns that can be attributed only to dialectical, cultural, or ethnic differences or to the influence of a foreign language should not be identified as a disorder.

The team shall determine that a pupil has a language disorder and is eligible for speech or language special education services when:

D. ~~the pupil scores between 1.5 and 2.0 standard deviations below the mean on at least two language tests and two documented measurement procedures show a lack of spontaneous improvement after four months; or~~

E. if technically adequate, norm-referenced language tests are not available to provide evidence of a deficit of 2.0 standard deviations below the mean in the area of language, two documented measurement procedures indicate a substantial difference from

what would be expected given consideration to chronological age, developmental level, or cognitive level. These procedures may include additional language samples, criterion-referenced instruments, observations in natural environments, and parent reports.

3525.1345 VISUALLY IMPAIRED.

Subp. 2. **Criteria.** The team shall determine that a pupil is eligible as having a visual ~~handicap~~ disability and in need of special education if the pupil meets one of the criteria in item A and one of the criteria in item B.

B. A functional assessment of visual abilities conducted by a licensed teacher of the visually ~~handicapped~~ disabled determines that:

~~C. Pupils not yet enrolled in kindergarten are eligible for visually impaired services if they meet the requirements in item A, subitem (2) or (3); or have a measured acuity less than that of age-appropriate developmental ranges.~~

3525.1347 TEAM OVERRIDE ON ELIGIBILITY DECISIONS.

Subpart 1. **Documentation required.** If the team determines that a pupil is eligible for special instruction and related services because the pupil has a disability and needs special instruction even though the pupil does not meet the specific requirement in parts 3525.1325 to 3525.1345 and 3525.2335, the team must include the documentation in the pupil's special education record listed in items A to D.

Subp. 2. **Log requirement.** ~~The district director of special education must keep a log of team overrides granted from part 3525.1347. Team override decisions do not have to be submitted to the commissioner for approval.~~ **Record of team overrides.** The district director of special education shall keep sufficient records regarding the extent of the team override provision to assist the state in evaluating the adequacy of the various entrance criteria.

3525.1349 EXIT PROCEDURES.

The team shall discontinue special education instruction and services when:

A. the pupil has achieved IEP goals ~~and has demonstrated~~ and objectives such that the pupil demonstrates the ability to succeed in the regular education program or an appropriate community-based environment without special instruction and services;

D. the pupil graduates having successfully completed graduation requirements as prescribed by the board of education or the ~~learner's~~ pupil's IEP;

3525.2325 EDUCATION PROGRAMS FOR K-12 PUPILS AND REGULAR EDUCATION STUDENTS PLACED IN CENTERS FOR CARE AND TREATMENT.

Subp. 2. **Education programs for students and pupils and regular education students placed in short-term programs for care and treatment.** A placement for care and treatment is a short-term placement if the anticipated duration of the placement is less than 31 school days. The school district must begin to provide instruction to the pupil or regular education student immediately after the pupil or student is enrolled in the education program. If the student is enrolled in the educational program without an educational record or IEP, the district's procedures must include immediate phone contact with the home school to see if the regular education student has been identified as ~~handicapped~~ disabled.

B. If a regular education student has not been identified as ~~handicapped~~ disabled or if the providing district cannot determine if a student has been identified as ~~handicapped~~ disabled:

Subp. 3. **Education programs for pupils and regular education students placed in long-term programs for care and treatment.** A placement made for care and treatment is long term if it is anticipated to extend beyond 30 school days. The pupil or regular education student must receive educational services immediately upon enrollment in the education program:

A. If the student has been identified as ~~handicapped~~ disabled and has a current IEP.

B. If the student has not been identified as ~~handicapped~~ disabled or if the providing district cannot determine if the student has been identified as ~~handicapped~~ disabled, the student entering a residential facility for a long-term placement must be screened to determine if there is a need for an appropriate educational assessment. An assessment must begin with a review of screening and other information such as the parent or student interview, available educational and social history, and the purpose of the treatment placement. The assessment must be conducted according to parts 3525.2500 to 3525.2850.

3525.2340 EDUCATIONAL SERVICE ALTERNATIVES.

~~C.~~ Subp. 3. **IEP documentation.** After the team has determined the pupil's goals, objectives, and services necessary to achieve the

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> 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 — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
--

Adopted Rules

pupil's goals and objectives, under part 3525.2900, the team shall document the following on the pupil's IEP plan: the site in which services will occur; the setting in which services will occur; whether the service will be provided directly or indirectly; and the amount and frequency of special education and related services.

Subp. ~~3~~ 4. **Case loads for school-age educational service alternatives.** Items A and B set the maximum number of school-age pupils that may be assigned to a teacher. Item C deals with caseloads of pupils who receive special education less than 50 percent of the instructional day.

3525.2345 DEVELOPMENTAL OR ADAPTED PHYSICAL EDUCATION: SPECIAL EDUCATION.

Subpart 1. **Definition.** "Developmental or adapted physical education: special education" means specially designed physical education instruction and services for pupils with ~~handicaps~~ disabilities who have a substantial delay or disorder in physical development. Developmental or adapted physical education: special education instruction for pupils age three to 21 may include development of physical fitness, motor fitness, fundamental motor skills and patterns, skills in aquatics, dance, individual and group games, and sports.

Students with conditions such as obesity, temporary injuries, and short-term or temporary illness or disabilities are termed special needs students. Special needs students are not eligible for developmental or adapted physical education: special education. Provisions for these students must be made within regular physical education as described in *Minnesota Statutes*, section 126.02.

Subp. 2. **Criteria.** A pupil is eligible for developmental or adapted physical education: special education when the team determines the pupil has met the criteria in items A and B.

A. The pupil has one of the following disabilities ~~according to item B, subitem (1)~~, in each respective criteria in parts 3525.1325 to 3525.1341, 3525.1345, and 3525.1347: autism, deaf/blind, emotional or behavioral disorders, hearing impaired, specific learning disabilities, mentally impaired, severely multiply impaired, other health impaired, physically impaired, visually impaired, or part 3525.2335, subpart 1, item C.

B. The pupil is determined by the team to need specially designed physical education instruction because:

(1) The pupil's performance on an appropriately selected, technically adequate, norm-referenced psychomotor or physical fitness instrument is 1.5 standard deviations or more below the mean. The instrument must be individually administered by appropriately licensed teachers; or

(2) The pupil's development or achievement and independence in school, home, and community settings is ~~insufficient~~ inadequate to allow the pupil to succeed in the regular physical education program as supported by written documentation from two or more of the following: motor and skill checklists; informal tests; criterion-referenced measures; deficits in achievement related to the defined curriculum; medical history or reports; parent and staff interviews; ~~and~~ systematic observation observations; and social, emotional, and behavioral assessments.

3525.2350 MULTIDISABILITY TEAM TEACHING MODELS.

Subp. 3. **Team member responsibility.** The team member licensed in a pupil's disability shall be responsible for conducting the pupil's assessment and participating at team meetings when an IEP is developed, reviewed, or revised. At least weekly, consultation and indirect services as defined in part 3525.2340, subpart 2, items A and B, must be provided to the general or special education teacher providing instruction if not licensed in the disability. The frequency, and amount of time, ~~and documentation of the~~ specific consultation and indirect services shall be included in the pupil's IEP.

3525.2900 DEVELOPMENT AND CONTENT OF INDIVIDUAL EDUCATION PROGRAM PLAN.

Subpart 1. **General requirement to develop an IEP for pupils who are ~~handicapped~~ disabled.** Following an initial assessment, and annually thereafter, an IEP must be developed and implemented for each pupil determined to be ~~handicapped~~ disabled under parts 3525.1325 to 3525.1347. ~~This requirement does not preclude the development of any other personalized learning plans in regular education.~~ The responsible district shall:

C. Upon request of the parent, have the team determine whether it is appropriate to involve additional staff or other persons on the team including someone who is a member of the same minority or cultural background or who is knowledgeable concerning the racial, cultural, or ~~handicapping~~ disabling differences of the student.

E. Prepare an IEP in writing for each person determined to be ~~handicapped~~ disabled according to parts 3525.1325 to 3525.1347. If the responsible district is not the resident district, a copy of the IEP must be sent to the resident district.

G. Implement the IEP for a regular school year unless otherwise specified on the IEP, except that the duration cannot exceed 12 calendar months. For a team to determine the appropriateness of the placement or to resolve questions regarding the content of the IEP including instructional goals and objectives, an interim IEP may be written for a period of no more than ~~30~~ 60 school days.

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

F. According to the principle of least restrictive alternatives, substantiate why the proposed educational placement is the most appropriate in terms of the person's educational needs. The IEP shall include:

(2) a description of the educational activities, frequency, and amount of time in which the pupil will participate in environments which include ~~nonhandicapped~~ nondisabled peers. This provision must be included in the plan only when the pupil will be placed in a segregated special education program more than 50 percent of the school day.

3525.2925 USE OF BEHAVIORAL INTERVENTIONS WITH PUPILS.

Subp. 2. **Application.** This part applies to the planned application or emergency use of aversive or deprivation behavioral intervention techniques and procedures. For the purpose of this part, there are three types of behavioral interventions: exempted procedures, regulated procedures, and prohibited procedures.

A. Exempted procedures are the use of planned instructional techniques and intervention procedures that are common practices in regular education settings or that are consistent with the district's discipline policy if it has been determined to be appropriate for the pupil according to part 3525.2900, subpart ~~2~~ 1, are not subject to the restrictions established by subparts 4 to 10. The discipline policy of the school district must be given to the parent at the time any behavioral interventions are considered.

The procedures in subitems (1) to ~~(6)~~ (7) are examples of intervention that are exempted from the restriction established by subparts 4 to 10. They include, but are not limited to:

(5) temporary interruptions in instruction or ongoing activity in which a pupil is directed to leave an activity for a brief period of time to another location ~~such as the hallway or the principal's office but not to a time-out room~~ under the supervision of a licensed staff member such as a counselor, mental health practitioner, principal, or assistant principal;

B. Regulated procedures are interventions used in a planned manner that meet the definitions of aversive or deprivation procedures in subpart 3 and are not exempted in item A or prohibited in item C. Regulated procedures may only be used when:

(2) in an emergency situation according to subpart 10.

Regulated procedures must be specified and governed by the district's behavioral intervention policy. Regulated procedures include:

(e) temporary delay or withdrawal of regularly scheduled meals or water not to exceed 30 minutes except as provided in subpart 10.

Before implementing any regulated behavioral intervention as a part of the IEP, two conditions must be met: (1) documentation that positive approaches have been tried and have been unsuccessful; and (2) the stated purpose for the use of any behavioral intervention must be to enable a pupil to benefit from educational services in order to develop appropriate skills and behaviors, ~~and not just for the elimination of unwanted behaviors, or for the convenience of staff or program administration.~~

C. Prohibited procedures are interventions that are prohibited from use in schools by school district employees, contracted personnel, and volunteers. The procedures or actions listed in subitems (1) to ~~(8)~~ (9) are prohibited:

(5) denying or restricting a pupil's access to equipment and devices such as hearing aids and communication boards that facilitate the person's functioning except temporarily when the pupil is perceived to be destroying or damaging equipment or devices;

(7) totally or partially restricting a pupil's auditory or visual sense not to include study carrels when used as an academic intervention; and

(8) withholding regularly scheduled meals or water; and

(9) denying a pupil access to toilet facilities.

Subp. 4. **District policy.** Each district shall have a specific policy describing the district's procedures for implementing this part on the use of regulated procedures as a part of a behavioral intervention plan with pupils. The policy shall promote the use of positive approaches for behavioral interventions. The policy must be included in the district's TSES and be available upon request. Policies must be reviewed regularly and shall include, at a minimum, the following procedural components:

A. personnel development activities for all staff, contracted personnel, and volunteers who work with pupils who are ~~handicapped~~ disabled and have IEPs that (a) promote the use of positive approaches, (b) provide an awareness of how to limit the use of aversive and deprivation procedures, (c) how to avoid abuse of such procedures, and (d) specific cautions for the use of regulated procedures with specific populations of pupils or for the use of certain procedures;

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

Subp. 6. **IEP process and required documentation.** If, after completing the initial parts of the IEP including present levels of performance, pupil needs, and goals according to part 3525.2900, the IEP team determines that a behavioral intervention plan that outlines the use of a regulated procedure is necessary to achieve the goal, the procedure must be addressed in the IEP in a behavioral intervention plan that includes the following components as part of the IEP:

M. parent's informed consent consistent with subpart 9.

The use of a regulated procedure for behavior reduction must be a part of a comprehensive educational program that includes goals and objectives on the pupil's IEP that specifically address the corresponding appropriate behaviors that the pupil needs to acquire or demonstrate.

Subp. 9. **Informed consent assurances.** The pupil's parents must be informed of any proposed behavioral intervention plan. The behavioral intervention plan must be implemented consistent with parts 3525.3200 to 3525.3600 and any modifications to that plan. Consistent with parts 3525.3200 to 3525.3600, parents must be informed of assessment results, and the information comprising the behavioral intervention plan, and must be given a demonstration, and answers to any questions about the proposed regulated procedure. A statement of parents' rights must be included. Parents, upon being given proper notice and being informed of their due process rights, may give their consent to an IEP which includes a behavioral intervention plan according to subpart 6.

Subp. 10. **Emergency.** "Emergency" means a situation in which immediate intervention is necessary to protect a pupil or other individual from physical injury, emotional abuse due to verbal and nonverbal threats and gestures, or to prevent severe property damage. The emergency intervention must be the least intrusive intervention possible to reasonably react to the emergency situation. This part does not prohibit staff persons from using reasonable force to protect themselves or other pupils or students as provided in *Minnesota Statutes*, section 609.379. 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 including the behavioral intervention plan. Districts may use regulated 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 three school days after emergency procedures have commenced. The further use of regulated procedures is governed by the standard process for implementing a behavioral intervention plan as provided in this part. Districts must document their efforts to involve parents.

3525.3000 PERIODIC AND ANNUAL REVIEWS.

The providing school district shall determine the effectiveness of the pupil's IEP by conducting periodic ~~and annual~~ reviews of the pupil's program plan. The IEP team shall address the plan for, location of, and frequency of at least one periodic review and one annual review of the pupil's progress in achieving the prescribed educational goals and objectives and the appropriateness of the program and placement, and if only one periodic review is done, it must not be done at the same time as the annual review. The periodic review shall determine:

A. ~~A periodic review is to gather information and data from all service providers to determine the degree to which periodic review objectives as identified in the IEP are being achieved. The IEP manager shall coordinate the recording of the data on the periodic review form and share the results with the IEP team including the parents. The results of periodic reviews must be included in the pupil's school records and a copy sent to the parent and to the resident district if different from the providing district. This copy shall inform the parents and the resident district that they may request a conference to review the pupil's program plan at any time and the procedure to do so. The periodic review does not require a meeting with the parents unless a significant change is to be considered.~~

B. ~~The annual review is to gather information and data from all service providers to determine the pupil's present levels of performance in the total education program. These data, together with input from the parents, will assist the team in determining an appropriate program for the pupil.~~

the degree to which the periodic review objectives as identified in the educational program plan are being achieved;

B. the appropriateness of the educational program plan as it relates to the pupil's current needs;

C. what modifications, if any, need to be made in the program plan.

The initial review shall be made when specified in the program plan, but at least once a year following placement.

~~C.~~ These periodic ~~and annual~~ reviews shall be made by those persons directly responsible for implementing the educational program and by other school district agents as may be needed to ensure an informed and adequate review to ~~determine:~~

(1) ~~the appropriateness of the educational program plan as it relates to the pupil's current needs;~~

(2) ~~what modifications, if any, need to be made in the goals, objectives, services, or placement of the pupil; and~~

(3) ~~whether the pupil continues to require special education based on exit criteria in part 3525.1349.~~

The results of periodic reviews shall be included in the pupil's school records and a copy sent to the parent and to the resident district if different from the providing district. This copy shall inform the parents and the resident district that they may request a conference to review the pupil's program plan at any time and the procedure to do so.

The reviews shall be made in accordance with ~~according to~~ the requirements for nondiscrimination and recognized professional standards.

3525.3100 FOLLOW-UP REVIEW REQUIREMENTS.

The responsible school district shall conduct a follow-up review of the student's current performance no later than 12 calendar months after special education services are discontinued to determine if progress is satisfactory, except if the pupil has graduated or ~~services have~~ been discontinued at age 21.

INSTRUCTION TO REVISOR. On the effective date of the repeal of part 3525.2900, subpart 5, the Revisor shall change the reference in *Minnesota Rules*, part 3525.3600 from "part 3525.2900, subpart 5" to "part 3525.2900, subpart 1, item F."

Department of Trade and Economic Development

Adopted Permanent Rules Relating to Energy Conservation Investment Loan Program

The rules proposed and published at *State Register*, Volume 16, Number 6, pages 193-194, August 5, 1991 (16 SR 193), are adopted as proposed.

Errata

Department of Labor and Industry

Workers' Compensation Division

Correction to Adopted Permanent Rules Relating to Medical Fee Schedule

The workers' compensation medical fee schedule, effective October 1, 1991, was published on Monday, September 23, 1991 in the *State Register*, Volume 16, Number 13, pages 622 to 690, with part of a code erroneously stricken.

On page 682, code 97700-00, item d, "Follow up evaluation for testing strength, dexterity, or stamina" should not have been deleted. **It is hereby reinstated with a new fee of \$35.00 and should read as follows:**

- d. Follow up evaluation for testing for strength, dexterity, or stamina \$35.00

Executive Orders

Executive Department

Emergency Executive Order 91-25: Providing for Assistance to Several Counties in Southern Minnesota During the 1991 Halloween Blizzard

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

WHEREAS, the Sheriffs of Freeborn, Mower, Steele, McLeod, Meeker, Jackson, Redwood, and Goodhue Counties, Minnesota have requested assistance in providing specialized electrical power generating equipment and manpower to operate this equipment, and in addition to provide emergency shelter in the armories; 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.

Executive Orders

WHEREAS, power generating equipment is needed during this emergency to provide these counties with emergency power to continue operations of their critical facilities which are without power due to the massive snow and ice storm; and

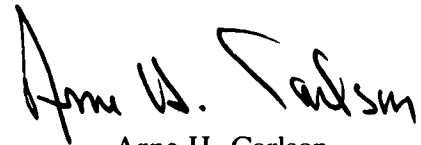
WHEREAS, the Sheriffs of Freeborn, Mower, Steele, McLeod, Meeker, Jackson, Redwood, and Goodhue Counties have exhausted all other resources in their efforts to quickly and efficiently restore power transmission lines and provide emergency shelters to protect life and property;

NOW, THEREFORE, I hereby order that:

1. The Adjutant General of Minnesota order to active duty on or after November 2, 1991, in service of the State, such elements and equipment of the military forces of the State as required and for such period of time as necessary to assist the Freeborn, Mower, Steele, McLeod, Meeker, Jackson, Redwood, and Goodhue County Sheriffs' offices in providing emergency power generating equipment in providing continuity of operation of critical facilities, providing emergency shelters in the armories and the protection of life and property until such time as normal operations can be restored.
2. The cost of subsistence, transportation, fuel, and pay and allowances of said individuals shall be defrayed from the general fund of the State as provided for in *Minnesota Statutes* 1990, Sections 192.49, subd. 1; 192.51, and 192.52.

Pursuant to *Minnesota Statutes* 1990, Section 4.035, subd. 2, this Order shall be effective November 2, 1991, and shall remain in effect until such date as elements of the military forces of the State are no longer required.

IN TESTIMONY WHEREOF, I have set my hand this second day of November, 1991.



Arne H. Carlson
Governor

Filed According to Law:

Joan Anderson Growe
Secretary of State

Executive Department

Emergency Executive Order 91-26: Providing for Assistance to Officials of Rice County, Minnesota

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

WHEREAS, the Sheriff of Rice County has requested assistance in the pumping of water from flooded basements; and

WHEREAS, extreme cold weather caused ice to jam and water to flood from the Cannon River; and


WHEREAS, pumping of the water to avoid damage to property and citizens is beyond the capabilities of local resources;

NOW, THEREFORE, I hereby order that:

1. The Adjutant General of Minnesota order to active duty on or after December 3, 1991, in the service of the State, such elements and equipment of the military forces of the State as required and for such period of time as necessary to ensure the safety of our citizens.
2. The cost of subsistence, transportation, fuel, and pay and allowances of said individuals shall be defrayed from the general fund of the State as provided for in *Minnesota Statutes* 1990, Sections 192.49, subd. 1; 192.51, and 192.52.

Pursuant to *Minnesota Statutes* 1990, Section 4.035, subd. 2, this Order shall be effective December 3, 1991, and shall remain in effect until such date as elements of the military forces of the State are no longer required.

IN TESTIMONY WHEREOF, I have set my hand this third day of December, 1991.


Arne H. Carlson
Governor

Filed According to Law:

Joan Anderson Growe
Secretary of State

Revenue Notices

Effective July 1, 1991, the Department of Revenue has authority to issue revenue notices. A revenue notice is a policy statement made by the department that provides interpretation, details, or supplementary information concerning the application of law or rules. This authority was provided by the Legislature in 1991 Session Laws Chapter 291, article 21, section 6 and will be codified at *Minnesota Statutes* section 270.0604.

Department of Revenue

Revenue Notice #91-22: Motor Vehicle Excise Tax—Exemption for Certain Municipal Vehicles

Municipal fire apparatus and marked police patrols and ambulances are exempt from the motor vehicle excise tax imposed by *Minnesota Statutes*, Chapter 297B by interpretation of the Department of Revenue. The reason is that the vehicles are not required to be registered with the Department of Public Safety under *Minnesota Statute* § 168.012. If the owner of the vehicle nevertheless chooses to register it, no motor vehicle excise tax will be collected at the time of registration.

Dated: 23 December 1991

Department of Revenue

Revenue Notice #91-23: Sales and Use Tax—Clothing and Wearing Apparel Exemption

Minnesota Statutes § 297A.25, subd. 8 provides for an exemption for the sale and use of clothing and wearing apparel.

Minnesota Rules, part 8130.5400 discusses this exemption and gives extensive lists of exempt and taxable items. The following items are additional examples of exempt items:

- Adult cloth and disposable diapers
- Incontinent briefs (pads are taxable)
- Insoles for shoes

Revenue Notices

- Leather jackets and coats
- Neckties
- Nursing pads
- Nylon stockings
- Pantyhose
- Sequined clothing
- Shoe insoles
- Sun visors
- Steel toe shoes and boots

The following items are additional examples of taxable items:

- Doll clothes
- Incontinent pads
- Sunglasses (nonprescription)

Certain articles of clothing are designed for use in sports and may also be worn for general use. These articles are considered to be general clothing and are exempt.

The following items are additional examples of this type of exempt athletic, sporting and recreational clothing:

- Karate uniforms
- Tee-shirts and jerseys

The following items are additional examples of this type of taxable athletic, sporting and recreational clothing:

- Leather glove guards
- Protective masks or shields

Minnesota Statute § 297A.25, subd. 8 further provides for the taxation of articles made of fur if the value is over three times that of the next most valuable component material in the article. If the fur or pelt is subject to the federal luxury tax, the federal luxury tax is included in the base price for calculating sales tax.

Dated: 23 December 1991

Resolve Bargaining Disputes and Grievances

Public Employment Labor Relations Act 1989. The collective bargaining rights and responsibilities of public employers and public employees. Details employees' right to organize and the legislature's authority. Code #2-90, \$6.00 plus tax.

Public Sector Labor Relations in Minnesota. A practical resource and training guide analyzing public sector labor relations in Minnesota. A special emphasis on contract administration, grievance handling and the arbitration process. 286 pages, paperbound. Code #10-51, \$12.50.

Minnesota Guidebook to State Agency Services 1987-1990. A treasure of helpful, useful, and interesting information about Minnesota state government. This important resource guides you through applications, fees, licenses, reports, history and travel highlights. Describes agencies in detail, giving addresses, phones and contact people. Code #1-4, \$9.95 plus tax. FAX: (612) 296-2265.



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

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 Human Services

Adopted Emergency Rules Relating to Medical Care Surcharge and Special Payments

The rules proposed and published at *State Register*, Volume 16, Number 17, pages 1035-1039, October 21, 1991 (16 SR 1035), are adopted as proposed.

Official Notices

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

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

Department of Commerce

Notice to Solicit Outside Opinion in the Matter of the Proposed Rules Relating to Residential Building Contractors and Remodelers Licenses

NOTICE IS HEREBY GIVEN that the Department of Commerce is seeking information or opinions from persons outside the agency in preparing to promulgate new rules for Building Contractors and Remodelers. These rules will include but not be limited to Prohibited Practices—Standards of Conduct, sliding scales for bond amounts and liability insurance coverage, continuing education requirements and examination qualifications.

Promulgation of these rules is authorized by *Minnesota Statutes*, Sections 45.023, 326.94 and 326.98.

Outside opinion is also being solicited as to how these rules will affect small businesses as defined by *Minnesota Statutes* § 14.115, subdivision 1.

The Department of Commerce requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing to:

Minnesota Department of Commerce
133 E. 7th Street
St. Paul, Minnesota 55101

Official Notices

Oral statements will be received during regular business hours over the telephone to Mary Lippert, Attorney for the Department at (612) 296-9423.

All statements of information and comments shall be accepted until January 10, 1992. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are promulgated.

Bert J. McKasy
Commissioner of Commerce

State Board of Education

Notice of Intent to Solicit Outside Information Regarding Proposed Rules Governing Preparation Time Requirements for Elementary School Staff

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 preparation time requirements for elementary school staff. The adoption of the rule is authorized by *Minnesota Statutes* 1991, Ch. 265, Art. 9, Sec. 71, which requires the Board to adopt said Rule.

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 oral statements or comments should be directed to:

Joseph E. Meyerring
State Department of Education
627 Capitol Square Building
St. Paul, MN 55101
(612) 296-4899

Oral statements will be received during regular business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday.

All statements of information and opinion will be accepted until January 10, 1992. Any written materials received by the Board shall become part of the rulemaking record in the event that the rule is adopted.

Joseph E. Meyerring

Lawful Gambling Control Board

Notice of Intent to Solicit Outside Information Regarding Proposed Rules Governing the Licensing and Regulation of the Conduct of Lawful Gambling

NOTICE IS HEREBY GIVEN that the Minnesota Lawful Gambling Control Board (Board) is seeking information or opinions from outside sources in preparing to propose the adoption of rules governing the licensing and regulation of the conduct of lawful gambling. The adoption of the rules is authorized by *Minnesota Statutes*, section 349.151, subdivision 4, clause (5), which allows the Board to make rules authorized by Chapter 349.

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

Nan Connor
Minnesota Lawful Gambling Control Board
1711 West County Road B, Suite 300 South
Roseville, Minnesota 55113
Phone: (612) 639-4000

Oral statements will be received during regular business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday.

All statements of information and opinion will be accepted until February 5, 1992. Any written materials received by the Board shall become part of the rulemaking record in the event that the rules are repealed and adopted.

Harry Baltzer
Executive Director

Department of Human Services

Notice of Vacancy on Medicaid Drug Formulary Committee

The Minnesota Department of Human Service is seeking applications from Minnesotans interested in serving on the Medicaid Drug Formulary Committee. The purpose of the Committee is to advise the Department on drug coverage for the Medical Assistance Program. One of the current openings on the 9-member committee is for a pharmacist who is not employed by the Department of Human Services, and whose practice is primarily with persons paying privately or through health insurance. Community based retail pharmacists are encouraged to apply. Members serve 2-year terms and volunteer their time and service to the committee. The Department will reimburse member for expenses for mileage to and from committee meetings. Members will be awarded continuing education credits for attending committee meetings. For more information, please contact:

Mary Kennedy, Director
Health Care Management Division
(612) 297-3200, or send a letter interest and curriculum vitae to:

Mary Kennedy
Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3853

Applications will be accepted until January 15, 1992.

Hennepin County Law Library

Notice of Filing Fee

Pursuant to *Minnesota Statute* 134A.09, notice is hereby given that the Hennepin County Law Library Board of Trustees, with the confirmation of the Hennepin County Board of Commissioners, has approved the assessment of a \$2.00 law library fee for each violation of a statute or municipal ordinance under which the defendant is subject to the payment of a fine or other penalty, including felonies, gross misdemeanors, misdemeanors, and petty misdemeanors with the exception of parking violations. This fee shall be assessed on all convictions occurring on or after January 1, 1992. All other law library fees remain as previously established.

Metropolitan Council

Notice of Survey of Government Mobile Radio Users

The Metropolitan Council is conducting a survey of government mobile radio users in the Twin Cities Area as part of its study of the feasibility of a region-wide trunked radio system. The survey instrument is being mailed to government radio users known to the Council. If your organization is involved in mobile radio communications, but you have not received a survey from the Council by January 3, 1992, please call John McGough of the Council staff at 291-6388.

Office of the Secretary of State

Notice of Vacancies in Multi-Member Agencies

NOTICE IS HEREBY GIVEN to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, St. Paul, MN 55155-1299; (612) 297-5845, or in person at Room 174 of the State Office Building. More specific information about these vacancies may be obtained from the agencies listed below. The application deadline is January 7, 1992.

METROPOLITAN PARKS AND OPEN SPACE COMMISSION

Mears Park Centre, 230 E. 5th St., St. Paul 55101. 612-291-6333
Minnesota Statutes 473.303

APPOINTING AUTHORITY: Metropolitan Council. **COMPENSATION:** \$50 per diem.

VACANCY: One member: must reside in Parks Commission District F (Council Districts 11 & 12).

The commission assists the metropolitan council in planning the regional recreation open space system, advises the council on grants for the acquisition and development of facilities, and reviews the master plan for facilities. The commission consists of nine

Official Notices

members including eight selected from districts of equal population and a chair representing the region at large. Member may not be members of any other metropolitan agency, board or commission, or hold judicial office. Members must reside in the district to which appointed, except chair. Meetings twice monthly. Members must file with the Ethical Practices Board.

MN BOARD OF CHIROPRACTIC EXAMINERS PEER REVIEW COMMITTEE

2700 University Ave. W., Suite 20, St. Paul 55114-1089. 612-642-0591

Minnesota Statutes 148.01—148.106

APPOINTING AUTHORITY: Executive Director, State Board of Chiropractic Examiners. **COMPENSATION:** \$55 per diem.

VACANCY: Two professional members.

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

NONPUBLIC EDUCATION COUNCIL

710 Capitol Square Bldg., St. Paul 55101. 612-296-3117

Minnesota Statutes 123.935

APPOINTING AUTHORITY: Commissioner of Education. **COMPENSATION:** \$55 per diem, reimbursed for expenses.

VACANCY: One member.

The council advises the commissioner and the state board on nonpublic educational aids. When requested by the commissioner or the state board, the council may submit its advice about other nonpublic school matters. The council is also authorized to recognize educational accrediting agencies for purposes relating to Minnesota's Compulsory Instruction Law. The fifteen member council shall represent various areas of the state, methods of providing nonpublic education, and shall be knowledgeable about nonpublic education.

SUBCOMMITTEE ON CHILDREN'S MENTAL HEALTH

444 Lafayette Rd., St. Paul 55155-3828. 612-297-4164

Laws of 1988, Chapter 689

APPOINTING AUTHORITY: Chairman, State Advisory Council on Mental Health. **COMPENSATION:** \$55 per diem plus expenses.

VACANCY: One member: provider of mental health services preferably representative of community mental health centers.

The subcommittee must make recommendations to the advisory council on policies, law, regulations, and services relating to children's mental health. Members include: commissioners or designees of Department of Commerce, Corrections, Education, Health, Human Services, Finance, and State Planning; one member children's mental health advocacy group, three service providers (preadolescent, adolescent, and hospital-based), parents of emotionally disturbed children; a consumer of adolescent mental health services; educators currently serving emotionally disturbed children; people who worked with emotionally disturbed minority children, or with emotionally disturbed juvenile status offenders; social service representatives; county commissioners; advisory council members; one representative of the local corrections system; and one representative from the Minnesota District Judges Association juvenile committee. The subcommittee meets once a month.

MN CRIME VICTIM AND WITNESS ADVISORY COUNCIL

Dept. of Public Safety, 211 Transportation Bldg., St. Paul 55155. 612-296-6642

Minnesota Statutes 611A.70

APPOINTING AUTHORITY: Commissioner of Public Safety. **COMPENSATION:** None.

VACANCY: One member: Crime Victim Assistance Representative.

The council reviews on a regular basis the treatment of victims by the criminal justice system and the need and availability of services to crime victims. The council consists of fifteen members, including two members of the Minnesota legislature who have demonstrated expertise and interest in crime victim issues, one from each house; one district court judge; one county attorney; one public defender; one peace officer; one medical or osteopathic physician licensed to practice in this state; five members who are crime victims or crime victims assistance representatives; three public members. The appointments should take into account sex, race and geographic distribution. The council meets once a month.

The Supreme Court of Minnesota

Notice of Solicitation of Interested Participants for Pilot Project Re: On-Line Computer Access to District Court Databases

The State Court Administrator's Office is establishing a pilot project to provide online access to its Total Court Information System®

(TCIS)[®]. TCIS[®] is a comprehensive record keeping and management system utilized by most of the state's trial courts, and is supported through seven regional data centers (by Spring of 1992 all district courts except Hennepin and Scott Counties will be online). The data contained on the TCIS[®] databases includes in part, indices (participant, judgement, probate document); register of actions or docket; disposition; and, schedule or calendar status. Access to all trial court case types will be made available where consistent with the Rules of Public Access to Records of the Judicial Branch.

The purpose of this notice is to solicit firms interested in becoming part of the pilot project. The State Court Administrator desires to attract law firms with a range of different types of practices as well as other types of commercial firms such as credit reporting or value-added court data re-sellers. A limited number of firms from those expressing interest will be selected to be put online to any or all district courts utilizing the TCIS[®] systems. Reasonable fees will be charged for this service, initially expected to be a flat monthly fee and a per-transaction fee. Pilot firms will be expected to assist the State Court Administrator in the evaluation of user documentation and training, and alternate communication/access and pricing strategies for the purpose of considering expansion to an ongoing access service.

No later than Friday, January 3, 1992, please send a letter describing your firm's type of practice or primary business, your tentative interest in participating in the pilot project, and your willingness to assist in the evaluation of this service to:

TCIS Access Project
Minnesota Judicial Center
Suite 145
25 Constitution Ave.
Saint Paul, MN 55155

If you would like additional information please call Dale Good at 612-297-7650.

Department of Transportation (Mn/DOT)

Notice of Availability of an Historic Bridge Pursuant to the Surface Transportation and Uniform Assistance Act of 1987, Section 123(f)

Mn/DOT does hereby offer the following structure:

A 3-span Parker Through Truss (total length 482') bridge over the Root River, located at Rushford, in Sections 14 and 23, R8W, T104N, in Rushford Township, in Fillmore County, to any State or local government agency, or responsible private entity who might be interested in moving the above listed historic bridge for preservation purposes. If the bridge cannot be sold a donee will be sought to accept the bridge. In either case the recipient can be reimbursed for costs incurred in such activities as relocation, site preparation, reassembly, rehabilitation, etc. Cost eligible for reimbursement to preserve an historic bridge can not exceed the estimated costs of demolition of the bridge.

In addition, the new owner(s) must enter into an agreement to:

1. Accept title to the bridge,
2. Maintain the bridge and the features that gave it its historic significance; and
3. Assume all future legal and financial responsibility for the bridge, including an agreement to hold Mn/DOT harmless in any liability action.

Interested parties should contact Dale M. Peterson, Project Manager, P.O. Box 6177, Rochester, MN 55903, Phone 507/285-7368.

A written proposal must be submitted no later than 4:00 p.m. Monday, January 13, 1992.

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 Human Services

Family and Children's Services Division

Request for Proposals for a Child Placement Trend Analysis

NOTICE IS HEREBY GIVEN that the Child Placement Services Section, Family and Children's Services Division, Minnesota Department of Human Services, is seeking proposals to develop a trend analysis documenting the patterns of placement of children in publicly funded out of home placements from 1986 through 1990. The trend analysis will include a description of children placed in the social service, corrections, and educational system due to child maltreatment, chemical dependency, emotional disturbance, educational need, developmental disabilities, and delinquency. One grant for \$60,000 will be funded. The trend analysis is due September 15, 1992.

Proposals must be submitted by 4:20 p.m. CDT, Wednesday, January 22, 1992.

For further information contact:

Mary Geerlings (612) 296-7635 or Rob Sawyer (612) 297-2359
Child Placement Services Section
Family and Children's Services Division
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3832

Minnesota Trade Office

International Educational and Cultural Grants Program (ICEGP)

Notice of Extension of Deadline for Applications for First Phase of Grants

On Monday, October 7, 1991, a notice was published on page 874 of the *State Register* announcing the first phase of grants under the International Cultural and Educational Grants Program (ICEGP). The deadline for applications was Friday, November 15, 1991.

NOTICE IS HEREBY GIVEN that the deadline for applications is extended to Friday, January 17, 1992, by 4:30 p.m. All other terms and conditions as originally specified in the notice on October 7, 1991, remain unchanged.

For more information, please contact Mr. Noor Doja, Minnesota Trade Office, 1000 World Trade Center, St. Paul, MN 55101 or call 612/297-4658.

Supreme Court Calendar

Listed below are the cases scheduled to be heard by the Minnesota Supreme Court in the next few weeks. This listing has been compiled by the Minnesota State Law Library for informational purposes only. Cases may be rescheduled by the Court subsequent to publication in the *State Register*. Questions concerning dates, locations, cases, etc., should be directed to: Clerk of the Appellate Courts, Room 230 State Capitol, St. Paul, MN 55155 612-296-2581.

January 1992

Compiled by Susan K. Larson, (612) 296-2775

Listed below are the cases scheduled to be heard by the Minnesota Supreme Court in the next few weeks. This listing has been compiled by the Minnesota State Law Library for informational purposes only. Cases may be rescheduled by the Court subsequent to the publication in the *State Register*. Questions concerning the time and location of hearings should be directed to: Clerk of the Appellate Courts, Room 245 Minnesota Judicial Center, St. Paul, MN 55155, (612) 296-2581.

Monday, January 6, 1992 9:00 a.m. at Supreme Court Courtroom, State Capitol Building

CX-91-325 State of Minnesota, Respondent (Attorney Lee W. Barry, Senior Assistant Hennepin County Attorney) vs. **Gregory Lee Bickham**, Appellant (Attorney Lawrence W. Pry, Assistant State Public Defender). Order Hennepin County.

Was the medical examiner's testimony prejudicial?

Was the evidence sufficient to convict the Appellant of First Degree Murder?

C7-91-430 State of Minnesota, Respondent (Attorney Darrell C. Hill, Assistant Ramsey County Attorney) vs. **Michael Gary Lee**, Appellant (Attorney Renee Bergeron, Assistant State Public Defender). Order Ramsey County.

Did the trial court abuse its discretion by precluding Appellant from asserting a mental illness defense when he failed to make a timely disclosure?

Was Appellant entitled to a jury instruction on the lesser included offense of Murder in the Third Degree?

Did the trial court abuse its discretion by imposing three consecutive sentences as well as a limited upward durational departure from the presumptive guidelines term for one of the offenses?

Tuesday January 7, 1992 9:00 a.m. Supreme Court Courtroom, State Capitol Building

C1-91-1427 80 South Eighth Street Limited Partnership, et al., Respondents (Attorneys R. Terri Mandel of O'Connor & Hannan and Lawrence A. Moloney of Doherty Rumble & Butler) vs. **W.R. Grace Co, et al.**, Appellants (Attorneys Hugh V. Plunkett III., Thomas K. Berg, John C. Childs & Thomas J. Radio of Popham, Haik, et al). Certified Question United States District Court, Third Division.

Whether the economic loss doctrine as set forth in **Superwood Corp v. Siempelkamp Corp.**, 311 N.W.2d 159 (Minn. 1981), and **Hapka v. Paquin Farms**, 458 N.W.2d 683 (Minn. 1990), bars the owner of a building with asbestos-containing fireproofing from suing the manufacture of the fireproofing under the tort theories of negligence and strict liability for the costs of maintenance, removal and replacement of the fireproofing?

If the economic loss doctrine as set forth in **Hapka** would bar a building owner from suing the asbestos-containing fireproofing manufacturer in tort for negligence and strict liability claims, does Chapter 352 of the Minnesota Session Laws apply retroactively to a case initiated in 1988?

If Chapter 352 of the Minnesota Session Laws applies retroactively, does Minnesota law permit an owner of a building to sue the manufacturer of asbestos-containing fireproofing under tort theories of negligence and strict liability for the costs of maintenance, removal and replacement of the fireproofing?

C4-90-1976 Joseph Semrad, et al., Appellants (Attorney Jan Stuurmans of Stuurmans & Karan) vs. **Edina Realty, Inc.**, Respondents (Attorneys Nancy Wiltgen Reibert & George F. McGunnigle, Jr. of Leonard Street & Deinard). Opinion Court of Appeals.

Whether there is a private cause of action against a real estate broker under *Minnesota Statutes* § 82.02 et seq.?

Does a real estate broker have a duty to supervise its agent's actions (outside the scope of employment) occurring on premises over which the broker has not control?

Did the Court of Appeals properly affirm the trial court that Glen Marsh had no actual authority from respondents to sell securities?

Did the trial court properly rule that respondents were not liable as controlling persons under the Minnesota Securities Act. *Minnesota Statutes* § 80A.23, subd. 3?

Did the Court of Appeals improperly make its own factual findings in affirming the decision of the trial court that respondents were not "controlling persons" under the Minnesota Securities Act?

Are Appellants precluded from review of issues not included in their petition for review, but raised for the first time in their brief?

Wednesday, January 8, 1992 9:00 a.m. at Supreme Court Courtroom, State Capitol Building

C9-90-2637 Thomas R. Holmes, Respondent (Attorney Tyrone P. Bujold of Robbins, Kaplin Miller & Ciresi) vs. **Watson-Forsberg Co.**, Appellant (Attorneys Michael D. Barrett & Mark A. Gwin of Cousineau, McGuire & Anderson) vs. **Pro-Tech Roof Systems, Inc.**, Respondents (Attorneys Wayne D. Tritbough & Dale O. Thornsjo of Peterson & Hektner) vs. **Employee Benefit Administration**, Respondent (Attorneys John H. Faricy, Jr. & M. Chapin Hall of Pustorino, Pederson, Tilton & Parrington). Opinion Court of Appeals.

Is the contractual indemnification provision in the associate general contractor's standard subcontract enforceable to the extent of the general contractor's liability?

C5-90-2182 State of Minnesota, Appellant (Attorney Douglas B. Meslow, Gem Lake City Prosecutor) vs. **Sandra Sylvia Starfield**,

Supreme Court Calendar

(Attorney Mark F. Anderson, Assistant State Public Defender). Opinion Court of Appeals.

Did the trial court abuse its discretion by refusing to instruct the jury that they must find the defendant's vehicle operable in order to convict her of being in physical control of a motor vehicle while under the influence of alcohol?

Thursday, January 9, 1992 9:00 a.m. at Supreme Court Courtroom, State Capitol Building

C9-90-2329 Law Enforcement Labor Services, Inc., et al., Respondents (Attorneys Karin Peterson, Gregg M. Corwin & Linda M. Nelson of Gregg M. Corwin & Associates) vs. **County of Mower, et al.**, Appellants (Attorneys Richard A. Beens & Scott M. Lepak of Barna, Guzy & Steffen, LTD). Opinion Court of Appeals.

Whether a public employer may be forced to submit to binding interest arbitration over its contribution toward a retired employee's health insurance premiums?

Whether an employee who retires during the term of the collective bargaining agreements at issue has a vested right to employer health insurance contributions for the rest of his or her life?

CX-90-1304 State of Minnesota, Appellant (Attorneys Jocelyn F. Olson, Assistant State Attorney General & Julius E. Gernes, Winona County Attorney) vs. **Willard LeRoy Davidson, Jr.**, Respondent (Attorney Cathryn Middlebrook, Assistant State Public Defender). Opinion Court of Appeals.

Does *Minnesota Statute* § 617.241 (1990) comport with the due process clause of the Minnesota Constitution in that it is not unconstitutionally vague?

Does *Minnesota Statute* § 617.241 (1990) comport with the freedom of speech and press provisions of Article 1, Section 3 of the Minnesota Constitution?

Is *Minnesota Statute* § 617.241 (1990) overbroad where it fails to reach any constitutionally protected conduct?

Does *Minnesota Statute* § 617.241 comport with the right to privacy recognized under the Minnesota Constitution?

Was the evidence at trial sufficient to support the jury's verdict that the materials in question are obscene.

Did the Appellant receive a fair trial in light of two trial court evidentiary rulings and two rulings on jury instructions?

Monday, January 13, 1992 9:00 a.m. at Courtroom 300, Minnesota Judicial Center

C1-90-469 State of Minnesota, Respondent (Attorneys Gary S. McGlennen & Stephen L. Redding, Assistant Hennepin County Attorneys.) vs. **Larry Lee Jobe**, Appellant (Attorney Peter A. Cahill, of Colich & Cahill). Order of Hennepin County.

Were Appellant's post-*Miranda* statements admissible?

Did the trial court err in its finding that the DNA results were sufficiently reliable to be admissible?

Did cumulative evidentiary errors deprive Appellant of a fair trial?

Did the trial court err by not granting defense counsel's request for a sentencing hearing?

C3-90-2617 Hill-Murray High School, Respondent (Attorneys Paul J. Zech & Charles F. Bisanz of Felhaber, Larson, Fenlon & Vogt.) vs. **Hill-Murray Federation of Teachers, St. Paul, MN**, Appellant (Attorneys Roger A. Peterson & Ronald G. Marks of Peterson, Engberg & Peterson) & **State of Minnesota Bureau of Mediation Service**, Appellant (Attorney Andrea Mitau Kircher, Special Assistant Attorney General). Opinion Court of Appeals.

Whether the Court of Appeals properly found the Minnesota and United States Constitutions prevented the application of protections afforded under the Minnesota Labor Relations Act to lay-teachers in a religious-operated school?

Tuesday, January 14, 1992 9:00 a.m. Courtroom 300, Minnesota Judicial Center

C4-90-2612 State Farm Insurance Co., Respondent (Attorneys Kay Nord Hunt & V. Owen Nelson of Lommen, Nelson, Cole & Stageberg) vs. **Gary & Kelly Seefeld**, Respondent (Attorney John T. Anderson of Anderson & Geisheke) & **Kimberly K. & Craig J. Smith**, Petitioners (Attorneys Jo Lynn Isacson & David W. Skogerboe of Skogerboe & Skogerboe). Opinion Court of Appeals.

Whether a mobile homeowner's policy containing a motor vehicle exclusion provides coverage for injuries sustained as a result of the negligent design and construction of a utility trailer?

C9-91-1612 Susan B. Jellum, Appellant (Attorney David A. Stofferahn) vs. **McGough Construction Company, Inc., & Liberty Mutual Insurance Co.**, Respondents (Attorney William M. Bradt of Hansen, Dordell, Bradt, Odlaug Bradt). Workers' Compensation Court of Appeals.

Whether the hourly wage earned at the time of the injury is conclusive and irrefutable evidence of earning capacity for purposes of determining future entitlement to temporary partial disability benefits?

Is an injured employee, who returns to school when she is not released to return to work, entitled to temporary total disability?

Whether the provision of rehabilitation services is necessary in order to restore the employee's lost economic status?

Professional, Technical & Consulting Contracts

Wednesday, January 15, 1992 9:00 a.m. at Courtroom 300, Minnesota Judicial Center

C9-90-2654 J.A.S., by his guardian ad litem, Clarence J. Sayers, Respondent (Attorney Charles H. LeDuc of Shermoen, LeDuc & Jaksa) vs. **Beltrami County, et al.**, Appellants (Attorneys Gordon W. Myerchin & David M. Box of McElroy, Camrud, Maddock & Olson), & **Charles Wind, et al.**, Respondent (Attorney Gregory G. Scott of Popham, Haik, Schnobrich et al). Opinion Court of Appeals.

Whether the Court of Appeals erred in holding the Indian Child Welfare Act of 1978, 25 U.S.C. 1901 et seq., does not preclude the claim of the child J.A.S. against Beltrami County and Beltrami County Social Services?

Whether the Court of Appeals erred in its application of the Governmental Immunity Doctrine to the claims of J.A.S. against Beltrami County?

Whether the Court of Appeals erred in finding In Summary Judgment Motion, as a matter of law, that the injury to J.A.S. was not unforeseeable by Beltrami County?

C8-90-2287 **State of Minnesota**, Appellant (Attorney Jon P. Eclow, Assistant Cass County Attorney) vs. **Leona Faye Shepard**, Respondent (Attorney Jay E. Sommer). Opinion Court of Appeals.

Was the evidence in the record sufficient to support the jury's verdict finding Respondent guilty of driving under the influence of alcohol?

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.

Department of Administration

Notice of Request for Proposals for Rental of a Combination of Office, Shop, Warehouse and Storage Space

The Department of Administration desires proposals for the rental of 16,786 usable square feet of office space, 21,195 usable square feet of shop/production space, 51,730 usable square feet of warehouse space and nine (9) docks for work units/division within the Department of Administration.

Contact: Department of Administration
Real Estate Management Division
309 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155
Telephone: (612) 296-6674

Proposal must be submitted by 4:30 p.m. (CST) on Tuesday, February 18, 1992.

Department of Corrections

Health Services Unit

Notice of Request for Proposal for Primary Care Physicians' Services

NOTICE IS HEREBY GIVEN that the Minnesota Department of Corrections is seeking the services of a primary care physician at the Minnesota Correctional Facility-St. Cloud. The primary care physician would be on-site at the St. Cloud Correctional Facility three hours per week. The scope of services include primary care and follow-up services, secondary and tertiary referrals, physical examinations, health education, and health maintenance information to the inmate population. Proposals should cover the period from January 1, 1992 through June 30, 1993.

Professional, Technical & Consulting Contracts

Individuals interested in submitting proposals for Primary Care Physician should contact:

Dana Baumgartner
Corrections Health Care Administrator
(612) 642-0248

Proposals must be submitted to the Department no later than 4:30 p.m., December 30, 1991.

Historical Society

Notice of Request for Proposals for Furniture Replication And Custom Cabinetry Services

The Minnesota Historical Society is seeking proposals from qualified firms and individuals to provide professional Furniture Replication and Custom Cabinetry services. To be qualified, the individual responsible for the work must have at least five years cabinet making experience.

The Request for Proposals is available by calling or writing Gary W. Goldsmith, Contracting Officer, Minnesota Historical Society, 690 Cedar Street, St. Paul, MN 55101. Telephone (612) 296-2155.

Proposals received under this request will be used to award Furniture Replication and/or Custom Cabinetry projects through June, 1993. This is an open request, however, in order to be considered for all projects, proposals must be received not later than January 15, 1992.

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

Department of Human Services

Assistance Payments Division

Request for Proposals for an Employment and Training Strategic Plan, Information Architecture, and a JOBS Automated System Project Proposal

Background:

In the fall of 1989, the Minnesota Departments of Human Services (DHS) and Jobs and Training (DJT) prepared a budget request to be submitted to the State Legislature for funding of a JOBS Automated System (JAS). At that time, it was envisioned as being an "umbrella" proposal that would be used to fund and support a number of system efforts within both agencies. Prior to the Legislature receiving the funding request, the request was reviewed by the State's Information Policy Office (IPO). IPO, by State statute, has the authority to make recommendations to the state Legislature on all system funding requests. In reviewing the JAS request, IPO recommended that the agencies, rather than immediately proceeding with JAS system design and development, review how they are currently doing business and the role technology and information play in supporting this business. The JAS funding request, supported by a positive recommendation from IPO, was approved by the State Legislature.

In order to capitalize on the opportunity to impact the delivery of employment and training services over the long term, as well as to accommodate IPO's requirements, the departments have decided to enter into a strategic planning process. Discussions surrounding this decision provided the impetus for the development of this RFP.

Purpose

The purpose of this Request for Proposals (RFP) is to obtain specific proposals for the development of the following products, including cost quotations:

1. An Employment and Training Strategic Plan.
2. An Employment and Training Information Architecture.
3. A JOBS Automated System (JAS) Project Proposal that includes an Advanced Planning Document (APD) for JAS development.

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

Project Scope

The scope of this effort includes the following program areas:

1. Employment and Training Services;
2. Public Assistance Programs;

3. Child Care.

Based on the scope of the above program areas as well as the nature of strategic planning efforts, the following individuals will be providing project input:

1. DHS and DJT agency management;
2. DHS and DJT program management and staff;
3. Local program providers (this includes counties, cities, and private non-profits).

Project Contacts

If you have questions about this solicitation or wish a copy of the complete RFP, you may call or write:

John Brenneman—DHS Project Manager
(612) 297-3174

Paul Wasko—DJT Project Manager
(612) 296-2095

Minnesota Department of Human Services
Assistance Payments Division
Human Services Building
444 Lafayette Road
St. Paul, MN 55155

Other personnel are not allowed to discuss the project prior to the deadline for submitting proposals.

Proposal Submittal

All proposals must be received by 2:00 p.m. C.S.T. by:

Minnesota Department of Human Services
Family Self-Sufficiency Administration
MAXIS Project—4th floor
Human Services Building
444 Lafayette Road
St. Paul, MN 55155

Attn: MAXIS Reception Desk

Late proposals will not be accepted.

Vendors Conference

A conference for Vendors will be held at 1:00 p.m. C.S.T. in Rooms 1A and 1B at the Minnesota Department of Human Services, Human Services Building, 444 Lafayette Road, St. Paul, MN 55155.

The State encourages that all potential Vendors either attend or submit a letter of interest prior to the conference.

Project Timeframe

Work on the three products identified above should be completed within a six month timeframe.

Evaluation

Proposals will be evaluated by a team of State staff. In some instances, an oral demonstration will be part of the evaluation process.

Department of Human Services

Health Care Programs Division

Notice of Availability of Contract for Independent Actuary to Review Prepaid Health Plan Rates

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is seeking applications for professional services from recognized experts in actuarial science and HMO ratesetting to review the department's Fiscal year 1993 and 1994 prepaid health plan rates. This review will encompass an evaluation of the actuarial soundness of the ratesetting methodology used by the department and will include an examination of the rates developed for the following prepaid health plan contracts.

1. The mandatory Medical Assistance Prepayment Program in Dakota, Hennepin, Ramsey, and Itasca counties;

Professional, Technical & Consulting Contracts

2. The AFDC Voluntary Prepayment Program in Anoka, Carver, Lake, Ramsey, Scott, and Washington counties;
3. The mandatory General Assistance Medical Care Prepayment Program in Dakota, Hennepin, Itasca, Lake, and Ramsey.

Interested persons/organizations must submit a written response containing the following information:

1. Name(s) of the individual(s) who will be performing the review;
2. Description of professional qualifications of the reviewer(s) including:
 - Educational background
 - Academic achievements, including publications in professional journals in relevant actuarial areas
 - Membership in professional organizations
 - Expertise in HMO ratesetting, especially related to the Medicare, Medical Assistance or other indigent population groups
 - Previous professional experience in the health care insurance actuarial field
 - Previous experience in contracting with the State of Minnesota
3. A description of the work hours which the reviewer is available to work and the anticipated number of hours needed to review the rates and the ratesetting methodology;
4. A statement indicating the hourly payment rate required to perform the review;
5. A writing sample which demonstrates the ability of the reviewer(s) to clearly communicate technical actuarial concepts to professionals in other fields.

The deadline for submitting a written response to this solicitation is 4:30 p.m. on January 10, 1992. The contract will be awarded on the basis of the following criteria:

1. Relevant education and experience of the reviewer(s);
2. Proposed hourly rate and number of hours required to complete the review;
3. Flexibility in scheduling and ability to begin work immediately;
4. Communications skills;
5. Previous history in contracting with the State of Minnesota.

Evaluation of the written responses and selection of a contractor will be completed by January 27, 1992. All responders will receive a written notice of the results of the selection process. The Department reserves the right to reject all proposals, if such action is deemed to be in the best interest of the department. Please direct all inquiries and responses to:

Bill Novak
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3854
Phone: 612/296-1725

Department of Jobs and Training

Request for Proposal for Professional Services to Evaluate the Department's Data Processing Operations

Project Scope and Goals

The Minnesota Department of Jobs and Training is requesting a proposal for professional consulting services to evaluate and offer recommendations that would improve its data processing operations.

The evaluation of services offered must include a comparative analysis with the services and associated costs of other data processing shops 1) in the Twin Cities area both private and governmental and 2) in several of the government shops who are also responsible for Unemployment Insurance and Job Service activities in our five state Department of Labor region.

Other areas for evaluation include:

- Overall management practices
- Organizational structure
- Employee development and training

Professional, Technical & Consulting Contracts

- Hardware/software configuration
- Telecommunications network structure and maintenance
- User services
- Application software development and maintenance practices and methodology
- Planning for future needs

Recommendations to be offered in the above areas must include an estimated cost/benefit analysis regarding proposed changes wherever possible.

This proposal 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.

Background

The department is structured into five divisions (Job Service and Unemployment Insurance, Rehabilitation Services, State Services for the Blind, Community Based Programs and Program Support Services) and employs 1,800 employees assigned to over 90 offices throughout the state.

The department's central computer facility operates on an IBM mainframe Model 3090-200E with 1,400 terminals connected to it from 82 offices located state-wide. There are also 45 IBM System/36 units located in area offices throughout the state. These units are network attached and are also networked to technical colleges throughout the state. The department has six IBM token ring local area networks and each is running Novell operating systems. They are all connected to the mainframe through a gateway. The department has stand-alone personal computers in almost all of its offices and these units are also attached to the mainframe as 3270 devices.

The department's data processing operations are headed by a director and organized into four (4) sections, Computer Operations, Technical Support, User Computing and Systems/Programming and has a staffing complement of 110 employees.

In addition, the department's Management Planning Office is responsible for overall Strategic Information Planning.

Project Tasks

The Contractor will perform the following major tasks:

1) In an attempt to determine the cost effectiveness and efficiency of the department's current computer operation the contractor will provide a comparative analysis of the services and associated costs of:

- a) several other similar sized private and governmental data processing shops in the Twin City area;
- b) several government shops who are also responsible for Unemployment Insurance and Job Service activities in our five state Department of Labor region. The states included are Illinois, Ohio, Michigan, Wisconsin and Minnesota.

The comparative analysis must identify the shops surveyed and show the relative sizes of each shop, the overall budget, staffing, hardware costs, telecommunications costs, software costs and training costs.

Additionally, the analysis must break out the cost of computer operations and contrast the costs and number of jobs processed, telecommunications transactions, lines printed and staffing. Uptime measurements must also be shown for central site and network.

The analysis must also break out and allow comparison of the cost of Systems and Programming activity for both new development and maintenance. The costs of these activities, amount of staffing, number, size and complexity of jobs or programs developed/or maintained are to be compared.

2. Evaluate the department's data processing operations in the following areas and offer recommendations, as appropriate, for improvements:

- a) Management practices
- b) Organization structure
- c) Employee development
- d) Hardware/software configuration
- e) Network structure and maintenance
- f) User services
- g) Software development and maintenance practices and methodology
- h) The planning process for future needs

Recommendations to be offered in the above areas must include an estimated cost/benefit analysis regarding proposed changes wherever possible.

Professional, Technical & Consulting Contracts

3. Development of tactical operation plans which would lead to the implementation of recommendations.

The responder may prepare additional tasks or activities if they would substantially improve the results of the project.

Proposal Contents

The following items will be considered minimum contents of the proposals:

1. A brief description of the responder's firm including the qualifications relevant to this project and a list of clients who have received similar services and may be contacted for references. A detailed description of the services provided for each client referenced must be included.

2. The names of responder employees that will be assigned to this project, their individual roles, expected level of involvement, relevant experience, and rates of pay.

3. A restatement of the project's scope and goals to show that the responder fully understands the department's goals.

4. A description of the approach that will be used on conducting the project.

5. A detailed work plan which identifies major tasks to be accomplished, number of hours needed to complete each task and cost of completing each task. This plan will be used as a scheduling and managing tool as well as the basis for invoicing.

6. A description of the deliverables to be provided and the cost of each.

7. The reporting and feedback mechanisms that will be used to ensure the project stays on schedule and achieves its objectives.

8. The role department staff will be expected to play in the project as well as other services to be provided by the department.

Department Contact

Prospective responders desiring further information regarding this Request for Proposal may write or call:

Mr. Earl Wilson
Deputy Commissioner
Minnesota Department of Jobs and Training
390 North Robert Street
St. Paul, MN 55101
Telephone Number: (612) 296-1821

No other person may respond to questions concerning this RFP.

Submission of Proposals

All proposals must be sent and received by Earl Wilson, Deputy Commissioner, MN Department of Jobs and Training, 390 North Robert Street, St. Paul, MN 55101 no later than 3:00 p.m., January 13, 1992. Submit five (5) copies of the proposal. Late proposals will not be accepted. **At least one copy must be signed by an officer of the firm in ink.**

Project Completion Date

The project will be completed by April 30, 1992.

Project Costs

The department has estimated that the cost of this project shall not exceed \$25,000.

Project Evaluation

All proposals received by the deadline will be evaluated by department staff based on the following factors:

- 50% 1. Qualifications of both the company and its personnel assigned to the project with the experience of project personnel being given greater weight than that of the firm. Knowledge of and experience in state government data processing operations will be given significant weight. Relevant experience in similar studies will also be weighed.
- 20% 2. Expressed understanding of project goals, as evidenced by the proposal content.
- 20% 3. Project work plan, as developed in the responder's proposal.
- 10% 4. Project cost detail, as listed in the responder's proposal.

Metropolitan Council

Request for Proposals for Financial Advisor Consultant

NOTICE IS HEREBY GIVEN that the Metropolitan Council is requesting proposals for financial advisory services. The contract

will commence on February 1, 1992 and be complete on December 31, 1994. All proposals must be received no later than 5 p.m. on January 17, 1992. (Attention: Richard P. Johnson)

Copies of the Request for Proposal may be obtained from the Metropolitan Council, Mears Park Centre, 230 East 5th Street, St. Paul, Minnesota 55101. Inquiries should be directed to Richard Johnson, (612) 291-6549.

Metropolitan Transit Commission

Request for Proposals for Internal Electronic Display System

The Metropolitan Transit Commission (MTC) seeks proposals to install electronic displays showing transit information and advertisements inside its buses. The project will begin as a 3-month 100-bus demonstration. If successful, it will be implemented on all 950 MTC buses. The vendor will be responsible for covering all installation and operating costs through the sale of advertising.

Proposals are due no later than 2:00 p.m. on January 30, 1992 at the MTC offices. For copies of the full Request for Proposals, please contact Aaron Isaacs, Manager of Research, MTC, 560-6th Avenue North, Minneapolis, MN 55411, Phone (612) 349-7690.

Department of Public Service

Energy Division

Notice of Request for Proposals for a Biomass Demonstration System

The Energy Division has issued a Request for Proposals (RFP) for a grant to partially fund a Biomass Combustion System. This system would be designed to burn waste wood or wood chips, and would preferably be used in an agriculture or commercial operation. The system funded would be used as a demonstration project.

A copy of the RFP may be obtained from Narvel Somdahl, Manager, Energy Technologies, Department of Public Service/Energy Division, 790 American Center Building, St. Paul, MN 55101, telephone 612/297-2117.

The deadline for receipt of proposals is January 3, 1992. The Department has estimated the amount of this grant not to exceed \$10,000.

Office of the State Treasurer

Request for Proposals for Electronic Remittance Service

The State Treasurer is seeking to establish a banking relationship for the electronic remittance of federal income tax withholding payments, FICA Tax payments, Medicare Tax payments and the submission on behalf of the State Treasurer and the Department of Finance of all associated tax returns. Working with the Minnesota Department of Finance, the State Treasurer is seeking bids from qualified companies to provide this remittance service.

The State Treasurer is responsible for depositing these federal tax payments for several different state payrolls. These payrolls include the state's central payroll, several different legislative payrolls, a Community College payroll, six State University payrolls, and a military affairs payroll.

A complete copy of the Request for Proposal may be obtained by contacting:

Jerry Engebretson
Office of the State Treasurer
303 Administration Building
St. Paul, Minnesota 55155
(612) 296-7091

Written responses must be received at the above address before 3:00 p.m. on February 19, 1991.

State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. § 14.10, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Materials Management Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Awards of contracts and advertised bids for commodities and printing, as well as awards of professional, technical and consulting contracts, appear in the midweek **STATE REGISTER Contracts Supplement**, published every Thursday. Call (612) 296-0931 for subscription information.

Materials Management Division—Department of Administration:

Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid.

COMMODITY CODE KEY

A = Sealed Bid	G = \$5,000-\$15,000 Estimated Dollar Value	J = Targeted Vendors Only
B = Write for Price	H = \$15,000-\$50,000 Sealed Bid	K = Local Service Needed
C = Request for Proposal	I = \$50,000 and Over Sealed Bid/Human Rights Compliance Required	L = No Substitute
D = Request for Information		M = Installation Needed
E = \$0-\$1,500 Estimated Dollar Value		N = Pre-Bid Conference
F = \$1,500-\$5,000 Estimated Dollar Value		

Commodity: A H-2000 gallon steel above ground tank
Contact: Brenda Thielen 612-296-9075
Bid due date at 2pm: December 26
Agency: Minnesota Department of Transportation
Deliver to: Various places
Requisition #: B 79000-21409-1

Commodity: A H-Windsock for airfield
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: December 31
Agency: Minnesota Department of Transportation
Deliver to: St. Paul
Requisition #: B 79000-22497

Commodity: B F-LP gas & tanks
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 4:30pm: December 31
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23249

Commodity: B G-Quick detach tractor sweeper
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 4:30pm: December 31
Agency: Minnesota Department of Transportation
Deliver to: St. Cloud
Requisition #: B 79382-02342

Commodity: B E-13" combo VCR/TV
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: December 27
Agency: Minnesota Department of Education/Accounts Payable
Deliver to: St. Paul
Requisition #: B 37080-96555

Commodity: B G L-Mass spec software support
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: December 27
Agency: Minnesota Department of Agriculture
Deliver to: St. Paul
Requisition #: B 04661-21700

Commodity: B E-Cambro microwave food pans
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: January 2
Agency: Anoka-Metropolitan Regional Treatment Center
Deliver to: Anoka
Requisition #: B 55100-04907

Commodity: A I-Sand spreaders
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: January 2
Agency: Minnesota Department of Transportation
Deliver to: Fort Snelling
Requisition #: B 79382-02343

Commodity: B E-Cardboard boxes
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: December 27
Agency: Materials Management Division
Deliver to: St. Paul
Requisition #: B 02511-20276

State Contracts and Advertised Bids

Commodity: B F-Photographic equipment
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: January 2
Agency: Normandale Community College
Deliver to: Bloomington
Requisition #: B 27156-10857

Commodity: B F-Railroad car seals
Contact: Linda Parkos 612-296-3725
Bid due date at 4:30pm: December 27
Agency: Minnesota Department of Agriculture
Deliver to: Minneapolis
Requisition #: B 04131-21701

Commodity: A H-Hydraulic truck mounted conveyor
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: January 2
Agency: Minnesota Department of Transportation
Deliver to: Various places
Requisition #: B 79382-02344

Commodity: Waste tire dump abatement: Owatonna
Contact: Norma Cameron 612-296-3779
Bid due date at 2pm: January 13
Agency: Minnesota Pollution Control Agency
Deliver to: Owatonna
Requisition #: Price contract

Commodity: B L-Intergraph upgrades
Contact: Bernadette Vogel 612-296-3778
Bid due date at 2pm: December 20
Agency: Minnesota Department of Transportation
Deliver to: St. Paul
Requisition #: B 79000-22356

Commodity: B E L-Elisa test kits
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: December 30
Agency: Minnesota Department of Agriculture
Deliver to: Crookston
Requisition #: B 04121-21716

Commodity: B F-Spectra source camera
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: January 3
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23254

Commodity: B E-Digital densitometer
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: December 30
Agency: Willmar Regional Treatment Center
Deliver to: Willmar
Requisition #: B 55106-02151-1

Commodity: B E-Latex paint
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: December 30
Agency: Minnesota Correctional Facility
Deliver to: St. Cloud
Requisition #: B 78830-11092

Commodity: A H-Dairy products
Contact: Linda Parkos 612-296-3725
Bid due date at 2pm: December 27
Agency: Fergus Falls Regional Treatment Center
Deliver to: Fergus Falls
Requisition #: B 55101-01250

Commodity: B G-Meat for February 1992
Contact: Linda Parkos 612-296-3725
Bid due date at 4:30pm: January 9
Agency: Minnesota Correctional Facility
Deliver to: St. Cloud
Requisition #: B 78830-11088

Commodity: B E-Quartz halogen lamps
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: December 30
Agency: Department of Administration
Deliver to: St. Paul
Requisition #: B 02307-24266

Commodity: B G-Lab fermentor-rebid
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: December 30
Agency: Bemidji State University
Deliver to: Bemidji
Requisition #: B 26070-14551-1

Commodity: B E-Cable and connectors
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: December 30
Agency: St. Cloud State University
Deliver to: St. Cloud
Requisition #: B 26073-23268

Commodity: B F-Software for the Mac
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: December 30
Agency: Department of Revenue
Deliver to: St. Paul
Requisition #: B 67430-43405

Commodity: B G L-Floor cleaning equipment
Contact: Linda Parkos 612-296-3725
Bid due date at 4:30pm: December 30
Agency: Mankato State University
Deliver to: Mankato
Requisition #: B 26071-25040

Commodity: B F-Ice cream
Contact: Linda Parkos 612-296-3725
Bid due date at 4:30pm: December 27
Agency: Fergus Falls Regional Treatment Center
Deliver to: Fergus Falls
Requisition #: B 55101-02151

Commodity: B F-Poultry for February 1992
Contact: Linda Parkos 612-296-3725
Bid due date at 4:30pm: December 30
Agency: Minnesota Correctional Facility
Deliver to: St. Cloud
Requisition #: B 78830-11089

Commodity: B G K M-Copiers
Contact: Jack Bauer 612-296-2621
Bid due date at 2pm: January 3
Agency: Department of Natural Resources—Regional Headquarters
Deliver to: Various places
Requisition #: B 29002-21927

Commodity: A I-Posts
Contact: Jack Bauer 612-296-2621
Bid due date at 2pm: January 3
Agency: Minnesota Department of Transportation
Deliver to: Various places
Requisition #: B 79450-00726

State Contracts and Advertised Bids

Commodity: B F-Electric pallet truck
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 4:30pm: January 3
Agency: Minnesota Department of Transportation
Deliver to: Maplewood
Requisition #: B 79000-22501

Commodity: B F-Dunham—Bush pump unit
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 4:30pm: January 3
Agency: Winona State University
Deliver to: Winona
Requisition #: B 26074-14237

Commodity: B E-Set of forks for forklift—rebid
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 4:30pm: January 3
Agency: Minnesota Department of Transportation
Deliver to: St. Cloud
Requisition #: B 79350-01184-1

Commodity: B E K M-Copier
Contact: Jack Bauer 612-296-2621
Bid due date at 4:30pm: January 3
Agency: Minnesota Correctional Facility
Deliver to: St. Cloud
Requisition #: B 78830-11087

Department of Administration: Print Communications Division

Printing vendors for the following printing contracts must review contract specifications in printing buyers office at 117 University Avenue, Room 134-B, St. Paul, MN.

Printing vendors NOTE: Other printing contracts can be found in the Materials Management Division listing above, and in the Professional, Technical & Consulting Contracts section immediately following this section.

Commodity: College catalogs 92-94 Hibbing, Itasca, Mesabi, Rainy River & Fond du Lac Community Colleges, 28M, 6"x9", camera ready copy, binding: 4-perfect, 1-plastic comb, see specs and special instructions
Contact: Printing Buyer's Office
Bids are due: December 23
Agency: Arrowhead Community Colleges
Deliver to: Various
Requisition #: 20093

Commodity: Metro State University 1991-1993 catalog, camera ready copy, 40,000 books, 160 pgs per book, 8½" x 11", 2-sided—head to head, bulk pkg., see specs
Contact: Printing Buyer's Office
Bids are due: December 30
Agency: Metro State University
Deliver to: St. Paul
Requisition #: 20421

Announcements

Support Voiced for Region-Wide Water Supply Plan: General support for a region-wide effort to protect and conserve the Twin Cities Area's vulnerable water supply was voiced at a recent Metropolitan Council-sponsored public hearing. Testimony on the Council's long-term water supply plan came from individual cities, the state Department of Natural Resources (DNR), and the Association of Metropolitan Municipalities (AMM). The plan calls for a coordinated effort, carried out by communities along with the Council, to safeguard the seven-county Metro Area's water supply. While testimony generally supported the proposal, cities expressed concern over possible state-imposed restrictions on their water appropriations, and the DNR expressed concern about how to handle increased work stemming from routine review of municipal water appropriation permits. Testimony supported amending the Metropolitan Land Planning Act to have communities prepare water supply plans. The plans would be submitted to the Council as part of their comprehensive plans. The Council proposal calls for communities to provide:

- A comprehensive description of their water supply systems.
- A comprehensive water conservation program, including emergency preparedness for possible contamination or shortage.
- Ideas for joint efforts with neighboring communities to share water sources, supplies and treatment.
- A plan to protect water from pollution.

The proposal also calls for the DNR to ensure wise use of water by communities, businesses and industries through changes to current laws. The proposal seeks a \$1 million legislative appropriation to

develop a regional groundwater model and do other planning for the region-wide system. The Council is expected to act on the proposal, *Metropolitan Area Water Supply: A Plan for Action*, on Jan. 23. Public comments on the proposal can be submitted to the Council through Dec. 27. For a free copy of the proposal, call the Council's Data Center at 291-8140.

Metropolitan Council to Consider Final Action to Designate Central-Dakota County Area for Possible New Major Airport: After two years of study, the Council will consider selecting the Dakota Search Area as the general location for a new major airport. Choosing the area does not mean an airport will be built there. That decision will be made by the legislature in the future. The area is 115-square miles in size and is located in east-central Dakota County. Under state law, the Council must designate a search area by the end of this year. Once the search area is established, the Metropolitan Airports Commission will begin studies to site a specific airport location within the search area. The planning for a new airport location is being carried out as part of the dual-track airport planning process.

Transit Facilities Plan Being Proposed: On Tuesday, Dec. 17, the Council's Metropolitan Systems Committee will receive and discuss a draft of a transit facilities plan for the region. The draft will contain recommendations about what kinds of transit services (light rail transit, high occupancy vehicle lanes, etc.) are appropriate in the region's large travel corridors. The report will include general costs, staging and recommendations to improve today's transit service. The committee session will be at 4 p.m. in Room A. The full Council will also take up the recommendations on the 19th, and is expected to set a public meeting to get public reaction to the recommendations. For more information, call Ken Reddick at 291-6422, or Jeanne Landkamer at 291-6511.

A Wise Investment—the rules of the game

Securities Laws, 1990. Governs the activities of broker/dealers, agents and investment advisors. *Minnesota Statutes* Chapter 80A. Code #2-12, \$7.00 plus tax.

Securities Rules, 1991. Rules implementing the legislative mandate. Subjects include equity securities and investment companies. *Minnesota Rules* Chapter 2875. Code #3-5, \$14.00 plus tax.

Minnesota Guidebook to State Agency Services, 1987-1990. Packed with information to help you, this 640-page resource guides you through license requirements, forms, fees, reports, services, grants, and more. Its listing of addresses, phones, and agency descriptions cut red tape for easy and fast service from state agencies. Code #1-4, \$9.00 plus tax.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-657-3757. Minnesota residents please include 6½% sales tax. On all orders, add \$2.00 per order for handling. Prepayment is required. Please include daytime phone. VISA/MasterCard, American Express and Discover orders accepted over phone and through mail. *Prices are subject to change.* FAX: (612) 296-2265.



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

Marked down—1/3 Off—Now \$9.95 + tax

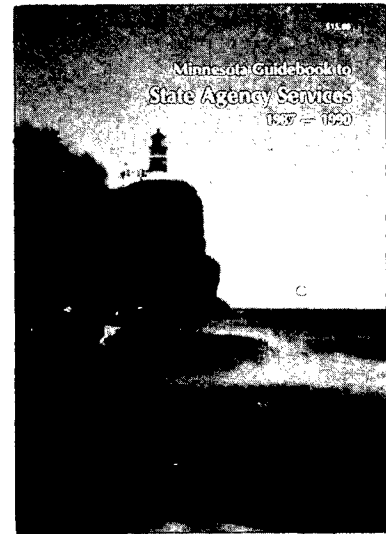
A Beacon to Guide You—Minnesota's Owners Manual

You'll enjoy smooth sailing through your business with state government with the *Minnesota Guidebook to State Agency Services 1987-1990*.

Considered one of the finest resources to Minnesota's state agencies, this valuable and useful book is a treasure awaiting your discovery.

Packed with information to help you, its 640 pages guide you through license requirements, forms, fees, reports, services, grants, hotlines, maps, history, travel highlights and more. Its listing of addresses, phones, and agency descriptions cuts red tape so you get easy and fast service.

Copies cost \$9.95 + tax (MN residents only). Make checks out to the "State of Minnesota" and send to the Print Communications Division, 117 University Avenue, St. Paul, MN 55155. MasterCard, VISA, American Express and Discover orders can be taken over the phone by calling (612) 297-3000 or toll-free in Minnesota 1-800-657-3757.



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

Welcome wildlife to your property

Landscaping for Wildlife. Attract wildlife to your land and gardens, farms and woodlots by spreading nature's welcome mat. Songbirds, butterflies, hummingbirds, pheasants, deer and other wildlife are drawn through these gardening tips and landscaping techniques that add natural beauty to your property and habitat for wildlife. Over 70 color photos and 144 pages give you simple, enjoyable, and inexpensive methods for adding the right touches for a "wildlife party" on your grounds, whether urban or rural. Stock #9-15, \$8.95 plus tax.

Woodworking for Wildlife. Songbirds, owls, ducks, geese, loons and other wildlife will show appreciation for your skills by adding a "wild" dimension to your property. Carefully illustrated with a variety of game bird and mammal box designs, this booklet provides important tips on the placement of nest in proper habitat areas and maintenance requirements. Construction diagrams included. 47 pp. Stock #9-14, \$3.95 plus tax.

Wildlife Set. Order both books above as a set and save 15%. Stock #9-20, \$10.95 plus tax.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-657-3757. Minnesota residents please include 6½% sales tax. On all orders, add \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard, American Express and Discover orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.



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

Getaway in Style

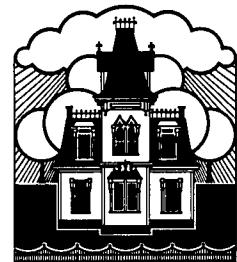
Room at the Inn Wisconsin. Includes hard-to-find lodgings in out-of-the-way places, as well as in Wisconsin's major metropolitan areas and most popular vacation destinations. 224pp. Stock #19-3, \$9.95 plus tax.

Room at the Inn Minnesota. Looking for a weekday or weekend get-away? For a business meeting or simply pleasure? This is the only guide to more than 60 historic "Bed & Breakfast" homes, hotels, and country inns. 160pp. Stock #19-72, \$9.95 plus tax.

Roughing It Elegantly. A guide for the canoe camper visiting the BWCA, Voyageurs Park and Quetico Provincial Park. Full of practical tips and information: planning, organizing, packing, site location, and camp set-up. Simple, creative, enjoyable meals are a major feature. 159pp. Stock #9-3, \$9.95 plus tax.

A Paddler's Guide to the Boundary Waters Canoe Area, 78 pages of detailed maps and descriptions of 31 wilderness canoe routes in the Superior National Forest of Northern Minnesota. Includes what to bring along on canoe trips, regulations, canoe tips and detailed information for self-guided tours. Stock #19-17, \$4.95.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-657-3757. Minnesota residents please include 6½% sales tax. On all orders, add \$2.00 per order for handling. Prepayment is required. Please include daytime phone. VISA/MasterCard, American Express and Discover orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.



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



Armchair Adventures in Minnesota

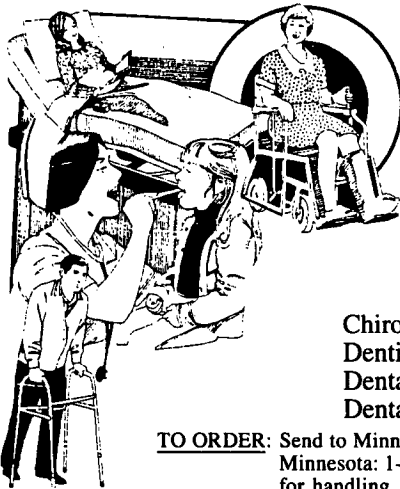
Our Minnesota. More than 100 full-color photos by Les and Craig Blacklock portray Minnesota in her seasonal beauty, with text from the personal journal of Fran Blacklock's thirty years of traveling the state. Stock #9-23. \$13.95 plus tax.

Minnesota Geographic Names. Place names by the thousand, with even more intriguing historical tidbits, in this over 800-page book. A must for the Minnesota-lover! Stock #17-13, \$12.95 + tax.

Historic Sites and Place Names of Minnesota's North Shore. John Fritzen, long time employee of the Minnesota DNR draws upon his almost 40 years as a forester, mostly spent on Minnesota's colorful and legendary North Shore, to regale readers with tales of timbermen, pioneer settlers, miners, commercial fishermen and others. Black and white photos. Stock No. 9-11. \$3.50.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-657-3757. Minnesota residents please include 6½% sales tax. On all orders, add \$2.00 per order for handling. Prepayment is required. Please include daytime phone. VISA/MasterCard, American Express and Discover orders accepted over phone and through mail. *Prices are subject to change.* FAX: (612) 296-2265.

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



Reach Minnesota's health care field decision makers

Health Care Facilities Directory 1991

A list of hospitals and related institutions licensed and/or certified to deliver various levels of care. The list is alphabetical by county, town and facility name. Stock No. 1-89. \$18.95

Mailing Lists of Health Care Professionals Licensed by the State of Minnesota Now Available

Call 297-2552 for more information or write to the address below for your free mailing list service packet.

Chiropractors
Dentists
Dental Assistants
Dental Hygienists

Medical Corporations (Clinics)
Registered Nurses
Licensed Practical Nurses
Pharmacies

Pharmacists
Physical Therapists
Physicians
Veterinarians

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-657-3757. Minnesota residents please include 6½% sales tax. On all orders, add \$2.00 per order for handling. Prepayment is required. Please include daytime phone. VISA/MasterCard, American Express and Discover orders accepted over phone and through mail. *Prices are subject to change.* FAX: (612) 296-2265.

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

Minnesota's North Shore

Historic Sites and Place Names of Minnesota North Shore. Stories recounted by a retired DNR Forester about the North Shore's timbermen, pioneer settlers, commercial fishermen, and others who knew the area first hand. Stock #9-11. 35pp. \$3.50 + tax.

Up North. A memorable collection of essays and stories that capture the mystic moods, seasonal subtleties and colorful characters that fill the landscape up north. Stock #19-16. \$16.95 + tax.

A Family Guide to Minnesota's North Shore. The 150 miles from Duluth to the Canadian border offer travelers wilderness experiences, places of historic significance, and visions of astonishing beauty. Stock #19-84. \$3.95 + tax.

Boundary Waters. Almost 100 pages of beautiful color photographs of Minnesota's canoe country, by Jerry Stebbins with rich text by Greg Breining. Stock #19-69. \$24.99 + tax.

A Paddler's Guide to the Boundary Waters Canoe Area, 78 pages of detailed maps and descriptions of 31 wilderness canoe routes in the Superior National Forest of Northern Minnesota. Includes what to bring along on canoe trips, regulations, canoe tips and detailed information for self-guided tours. Stock #19-17, \$4.95.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-657-3757. Minnesota residents please include 6½% sales tax. On all orders, add \$2.00 per order for handling. Prepayment is required. Please include daytime phone. VISA/MasterCard, American Express and Discover orders accepted over phone and through mail. *Prices are subject to change.* FAX: (612) 296-2265.



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

River Stories That Warm Your Heart

A Stretch on the River. 1950 novel about the son of a wealthy family who goes to work on a Mississippi River towboat to avoid being drafted. With power, gusto and humor, author Richard Bissel creates an energetic, rowdy, and delightful account of a typical trip up the river, accurately re-creating a colorful era of towboating on America's major waterway. Stock #17-6, \$8.95 plus tax.

High Water. During the worst flood on the Mississippi River anyone can remember, the mate of a towboat has his hands full on a perilous trip, working with an unhappy crew, an angry captain, and too many barges to push against too much river. A 1954 Richard Bissel novel reveals the drama, humor and charm of working on the river. Stock #17-8, \$8.95 plus tax.

Old Times on the Mississippi River. George Merrick's lively, loving, and humorous reminiscences of his steamboat life from the bottom up, as a pantry boy, apprentice engineer, second clerk, and "cub" pilot. First published in 1909, he describes steamboat operations—from machinery and personnel to the economics of the business—with vivid examples and rich detail. 323 pp. includes appendices and index. Stock #17-45, \$8.95 plus tax.

Canoeing with the Cree. Minnesota's distinguished newsman, Eric Sevareid, wrote his first book in 1935 about a canoe journey he and a classmate made to Hudson Bay. The classic recounts their trip on the Mississippi, Minnesota and Red River of the North Rivers into Lake Winnipeg, and then God's River to Hudson Bay. 209 pp. includes index, maps and photos. Stock #17-14, \$6.95 plus tax.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-657-3757. Minnesota residents please include 6½% sales tax. On all orders, add \$2.00 per order for handling. Prepayment is required. Please include daytime phone. VISA/MasterCard, American Express and Discover orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.



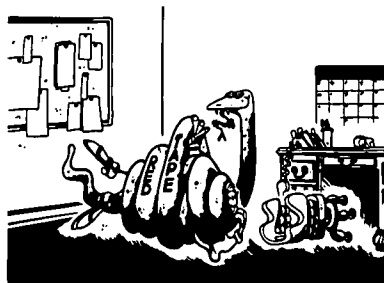
Publication editors: As a public service, please reprint this ad in your publication, either as is, reduced, or redesigned to suit your format.

Now 1/3 Off—Save \$5

Relax. Unwind. Cut your frustrations with the *Minnesota Guidebook to State Agency Services 1987-1990*.

Packed with information that cuts red tape and gets results fast, the *Guidebook* tells you how to put your tax dollars TO WORK FOR YOU! It tells how to obtain grants, scholarships, assistance, information services, tax help and forms, maps, reports, guides, newsletters and publications.

You'll gain access to state agencies like never before and have AT YOUR FINGERTIPS emergency phone numbers, crisis and hot lines. This *Guidebook* will save you valuable time and money by



speedily getting you through the fears of license requirements, forms, fees, application and complaint filing, and even tells the length of waiting time for obtaining services.

Need to know about license requirements for your profession and for

recreation? IT'S A BREEZE with the *Guidebook* on your desk. It's a treasure of information on state parks, campgrounds, state forests and wildlife management areas, historic sites, museums, art galleries, festivals, libraries, education resources, agency descriptions with names and phone numbers of real people, statistical data and historical profiles.

It's "MINNESOTA'S OWNER'S MANUAL"—the handiest, fact-filled resource that answers thousands of your questions about Minnesota and how it works. Order today before they're gone. Stop struggling with bureaucratic red tape! Stock #1-4, 640 pages. Now \$9.95 + 65¢ tax. FAX: (612) 296-2265.

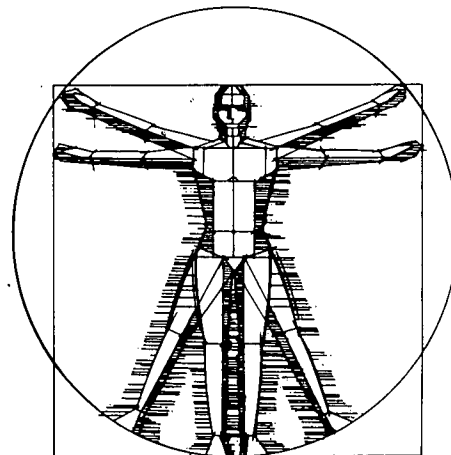
Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

A Helping Hand for the Chemically Dependent

Directory of Chemical Dependency Programs in Minnesota.

This 250-page directory lists prevention and intervention programs including county social service agencies, mental health centers, other information and referral programs, self-help programs and employee assistance programs. It also lists DWI (Driving While Intoxicated) clinics and detoxification centers. Outlining Minnesota's continuum of care, the Minn. Dept. of Human Services Directory lists treatment services under three headings: **Primary Residential Programs**—freestanding facilities, hospital-based facilities and state regional treatment centers; **Intermediate/Extended Residential Programs**—halfway houses, extended care facilities, and board and lodging facilities; **Non-Residential Programs**—freestanding facilities and hospital-based facilities. Stock #1-12, \$15.00 + 90¢ tax.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-657-3757. Minnesota residents please include 6½% sales tax. On all orders, add \$2.00 per order for handling. Prepayment is required. Please include daytime phone. VISA/MasterCard, American Express and Discover orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.



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

Looking for Holiday gift ideas? Minnesota's Bookstore recommends...



The Wolf. Follow the tracks of an endangered species. Learn about the personality, social order, pack composition and family life of the wolf. Trace its behavior beginning at birth. Uncover the wolf's possible future fate. 384 pgs. Stock No. 9-45. \$12.95.

Mammals of Minnesota. Discover the history of past and present Minnesota mammals. From bats to porcupines, beavers to opossum, this thorough reference is packed with information. 290 pgs. Stock No. 19-35. \$16.95.

Minnesota's Job Seeker's Sourcebook. Excellent resource for job seekers: how to get started, where to find help, local government and private employment agencies, resume services, job banks, recruitment publications, school career centers, and MORE! 189 pgs. Stock No. 19-30. \$14.95.

Twin Cities Reader: the "best urban hiker's guide" and easy-to-follow maps on 200+ Metro area and statewide walking sites. Includes helpful tips, walking club information, and health benefits from walking. 364 pgs. Stock No. 9-42. \$14.95.

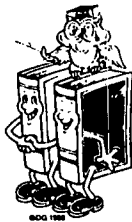
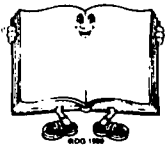
Minnesota's Endangered Flora and Fauna. 300 species are covered ranging from mosses and lichens to butterflies and fish. Endangered and threatened species are illustrated. State distribution maps are provided. 473 pgs. Stock No. 9-30. \$17.95.

Prairie Skies: The Minnesota Weather Book. Twin Cities' meteorologist Paul Douglas wrote this "user friendly" guide to understanding the weather. Cloud identification, tornadoes, forecasting equipment, the state's weather history, and more are depicted with color photos, charts, and diagrams. Includes a popular weather trivia section. Hardcover. 128 pgs. Stock No. 19-4. \$24.95.

Minnesota Weatherguide Calendar. This customer favorite keeps you in-the-know about weather trends, record highs & lows, sunrise/sunset times and more. Beautiful nature photographs. Wall type: Stock No. 15-10. \$8.95. Weekly engagement type: Stock No. 15-56. \$9.95.

Cloud Chart. A beautiful, full-colored reference chart on cloud formations that complements *Prairie Skies*. Find out how the clouds can clue you on the weather ahead. Size 15" x 11". Stock No. 19-71. \$5.00.

FOR THE WEATHER WATCHER!



Wake Up & Smell the Coffee. Favorite breakfast and brunch recipes from the upper midwest's best bed and breakfast inns. From the super-simple to the simply-super, you will find recipes for beverages, muffins, coffeecakes, breads, holiday fare, desserts. Also a travel guide: information for lovers of cozy inns. Paperback. 224 pgs. Stock No. 19-86. \$14.95.

Minnesota Ethnic Cookbook. Explore our rich heritage and then try something different for dinner. This cookbook presents a contemporary picture, set in historic perspective, of the traditional foods of 14 ethnic groups. Paperback. 450 pgs. Stock No. 17-42. \$14.95.

Muffins & Coffee Cakes from Minnesota. Over 70 recipes for tasty morsels to "warm your tummy up" before heading out into the winter cold. 80 pgs. Stock No. 19-36. \$5.95.



Minnesota Puzzle. Kids learn

Paul Bunyan & Babe the Blue Ox. Introduce young children to a great Minnesota legend. Full color with fun illustrations. 29 pgs. Stock No. 17-28. \$1.25.

Forestry for You & Me: Coloring Book. A great tool to teach children about forest safety, occupations and more! 8 pgs. Stock No. 9-39. \$2.50.



Nature Explorer Activity Book. A fun way for parents to introduce children (ages 8-12) to the wonders of nature. Over 30 fun activities (outdoor/indoor) designed for children to do with adults. 72 pgs. Stock No. 9-49. \$3.95.

Stock No. 15-35. \$9.95.

the Minnesota counties. Size 13" x 20"

STATE OF MINNESOTA



Department of Administration

Print Communications Division

117 University Avenue • St. Paul, Minnesota 55155

Metro Area 612-297-3000 (FAX: 612-296-2265)
Toll free 1-800-657-3757

Second Class
U.S. Postage
Paid
Permit No.
326630
St. Paul, MN



Please notify us of any address changes so that we can continue to give you our best service. Include your old mailing label to speed your service.

Legislative Reference Library
Zona DeWitt 7960
645 State office Bldg
INTEROFFICE

TO ORDER:

Complete attached order blank. Include either your VISA/MasterCard or American Express credit card number with the expiration date, or a check/money order made out to the State of Minnesota. Orders by phone are accepted when purchasing with your credit card. Please include a phone number where you can be reached during the day in case we have questions about your order.

Please include 6½% sales tax and \$2.00 postage and handling.

PREPAYMENT REQUIRED.

Merchandise may be returned if it is in resalable condition with a \$1.50 restocking charge.

For Your Convenience, photocopy this order blank

Code No.	Quantity	Description	Item Price	Total

NOTE:
STATE REGISTER and other subscriptions do not require sales tax or postage and handling fees.



Metro area (612) 297-3000
Toll-free 1-800-657-3757
Facsimile (FAX) (612) 296-2265

Prices subject to change without notice.
Please allow about 6 weeks for delivery. In a hurry? Stop by our Bookstore. Bookstore Hours 8 a.m.-4:30 p.m., Monday through Friday.

Name or Company			Subtotal	
Attention			Plus 6½% tax MN Residents Only	
Address				
City	State	Zip	Postage/Handling (per order)	\$2.00
American Express/VISA/MasterCard No.			TOTAL	
Signature		Expiration Date.	Telephone (During Day)	