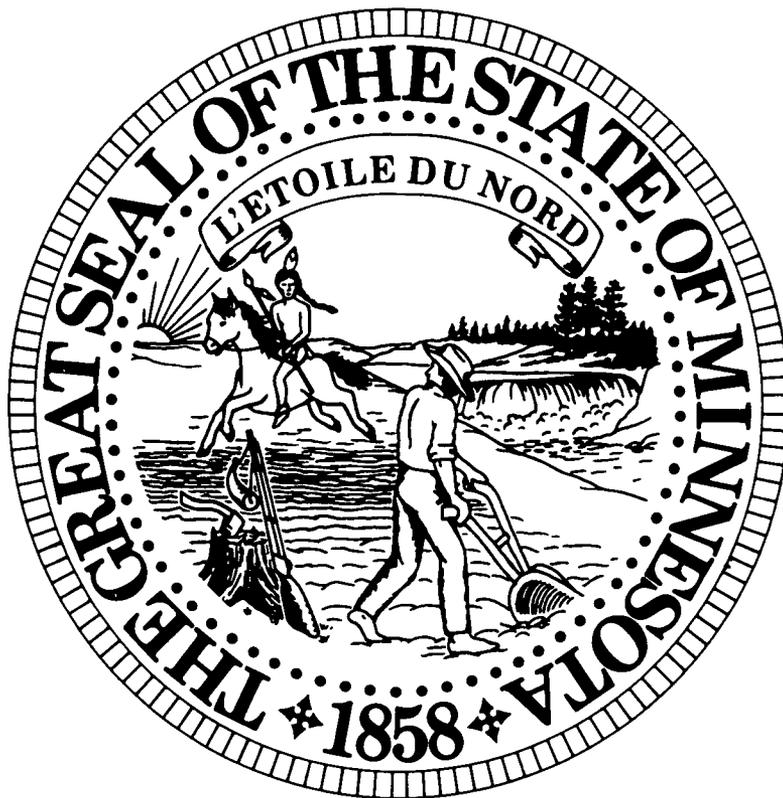


The Minnesota  
**State  
Register**

Department of Administration—Print Communications Division



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

**Monday 26 August 1991**  
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# State Register

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

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, 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
#9	Monday 12 August	Monday 19 August	Monday 26 August
#10	Monday 19 August	Monday 26 August	Tuesday 3 September
#11	Monday 26 August	Friday 30 August	Monday 9 September
#12	Friday 30 August	Monday 9 September	Monday 16 September

\*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.

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# Minnesota Rules: Amendments and Additions

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

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

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

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-9747.

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## Proposed Rules

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

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

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

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

## Environmental Quality Board

### Proposed Permanent Rules Relating to the Release of Genetically Engineered Organisms

#### 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 pursuant to *Minnesota Statutes*, sections 14.131 to 14.20 (1990), on September 27, in room 301 of the Centennial Building, 658 Cedar Street, St. Paul, Minnesota, commencing at 9:00 a.m. Additional days may be scheduled as needed. All interested or affected persons will have an opportunity to participate, and may present their views either orally at the hearing or in writing at 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 EQB 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. 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 are authorized by *Minnesota Statutes*; section 116C.94. A free copy of the proposed rules may be obtained by writing or telephoning: John P. Hynes, Environmental Quality Board, 300 Centennial Office Building, 658 Cedar Street, St. Paul, MN 55155, telephone 612/296-2871.

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.

**NOTICE IS HEREBY GIVEN** that a statement of need and reasonableness is available for review at the EQB 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. Copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

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 not have a direct impact on small businesses, therefore the requirements of *Minnesota Statutes*, section 14.115 (1986) do not apply.

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 EQB 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. After the hearing, 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 EQB 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 within 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

## Rules as Proposed

### 4410.0200 DEFINITIONS AND ABBREVIATIONS.

[For text of subps 1 to 35, see M.R.]

Subp. 35a. Genetically engineered organism. "Genetically engineered organism" has the meaning given in part 4420.0010.

Subp. 35b. Genetic engineering. "Genetic engineering" has the meaning given in part 4420.0010.

[For text of subps 36 to 55, see M.R.]

Subp. 55a. Organism. "Organism" has the meaning given in part 4420.0010.

[For text of subps 56 to 71a, see M.R.]

Subp. 71b. Release. "Release" has the meaning given in part 4420.0010.

[For text of subps 73 to 96, see M.R.]

### 4410.4300 MANDATORY EAW CATEGORIES.

[For text of subps 1 to 34, see M.R.]

Subp. 35. Release of genetically engineered organisms. For the release of a genetically engineered organism that requires a release permit from the EQB under chapter 4420, the EQB is the RGU. For all other releases of genetically engineered organisms, the RGU is the permitting state agency.

## Rules as Proposed (all new material)

### 4410.8000 SPECIAL RULES FOR RELEASE OF GENETICALLY ENGINEERED ORGANISMS.

Subpart 1. **Generally.** Environmental review for the release of genetically engineered organisms shall be conducted according to the procedures in parts 4410.1200 to 4410.3000 except as provided in items A to C.

A. In part 4410.1400 when the EQB is the RGU, it shall have 45 days to add supplementary material, if necessary, and to approve the EAW for distribution.

B. In part 4410.1700 when the EQB is the RGU, part 4410.1700, subpart 2a, does not apply.

C. In deciding whether a project has the potential for significant environmental effects, the criteria in part 4410.1700, subpart 7, shall be replaced by the following factors:

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## Proposed Rules

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- (1) the familiarity and predictability of the donor, recipient, and engineered organisms;
- (2) the history of any previous environmental uses of the genetically engineered organism;
- (3) the potential for the genetically engineered organisms to cause adverse environmental effects including, but not limited

to:

- (a) whether the recipient organism is native or nonnative to the release area;
  - (b) whether the genetically engineered organism is pathogenic or toxic to target or nontarget organisms and to what extent this trait has been introduced or altered as a result of the genetic engineering;
  - (c) the extent to which the genetically engineered organism's competitiveness and survivability under environmental stress including, but not limited to, dormancy, temperature tolerance, fire resistance, drought resistance, or ability to disperse in the environment have been changed or potentially changed as a result of the genetic engineering. The determination of potential changes must be based upon consideration of the natural history of the recipient organism and subsequent effects on natural selection;
  - (d) the extent of change or potential change to the recipient organism's resource base including, but not limited to, the ability of plants to grow on new soil types, of bacteria to metabolize new nutrients, and of fish to eat new foods;
  - (e) the potential for the genetically engineered organism's genes to transfer to other hosts and the resultant effects on other hosts' competitiveness, dispersal, dormancy, pathogenicity or toxicity, and expansion of their resource bases; and
  - (f) the potential of the genetically engineered organism to enter or adversely affect the groundwater environment or to pass unusual genes to a microorganism resident in the groundwater;
- (4) the adequacy and appropriateness of proposed measures for confinement of the genetically engineered organism;
  - (5) any previous risk assessments for the same or similar organisms prepared by federal or state agencies and their adequacy and relevance to the current proposal including, but not limited to, consideration of the following:
    - (a) the range of soils, ecological biotypes, and meteorological conditions that existed in previous field releases and their relationship to the proposed release area;
    - (b) whether the genetically engineered organisms failed to demonstrate an ability to be self-reproducing or competitive because of transient factors; and
    - (c) whether the scale of the assessment was adequate to assess potential for establishing an ecological foothold;
  - (6) the conclusions reached and conditions imposed by federal agencies with jurisdiction over the proposed release;
  - (7) the conclusions reached or conditions imposed by federal or state agencies on previous environmental releases in Minnesota or elsewhere and their adequacy and relevance to the current proposal;
  - (8) the type, extent, and reversibility of environmental effects;
  - (9) the cumulative potential effects of related or anticipated future projects; and
  - (10) the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority.

### Subp. 2. EAW and EIS preparation.

A. The EAW shall be prepared, using an interdisciplinary approach that will ensure the integrated use of the natural and environmental sciences. The review should include involvement of the following disciplines, as appropriate: microbiology, ecology, public health, biological safety, agronomy, plant biology, risk assessment, molecular biology, biochemistry, entomology, vertebrate biology, physical and biological containment, and other appropriate disciplines.

B. The EAW shall be written in plain and objective language and include clear presentation of the proposed release and of the issues of concern.

C. When the EQB is the RGU, the EQB chair may direct the EQB genetic engineering advisory committee to assist in the preparation of the EAW or EIS. The chair may appoint special members to the advisory committee to assist with specific EAWs or EISs.

## PERMITTING PROCESS; RELEASES

### 4420.0010 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of this chapter, the following terms and abbreviations have the meanings given them unless otherwise provided.

Subp. 2. **Agency.** "Agency" means a department, board, or agency of the state of Minnesota.

Subp. 3. **Applicant.** "Applicant" means a person or persons who file an application with the board for a release permit to release a genetically engineered organism.

Subp. 4. **Application.** "Application" means the document filed by a person or persons with the board for a release permit to release a genetically engineered organism.

Subp. 5. **Board.** "Board" means the Environmental Quality Board.

Subp. 6. **Chair.** "Chair" is the chairperson of the board as defined in part 4405.0100, subpart 4.

Subp. 7. **Containment facility.** "Containment facility" means a laboratory, greenhouse, building, structure, or other similar facility that complies with applicable National Institutes of Health (NIH) "Guidelines for Research Involving Recombinant DNA Molecules" 1986, regardless of whether the facility receives any support from NIH, and is certified pursuant to part 4420.0020, subpart 6, or that has been found by the board to be an adequate containment facility under part 4420.0020, subpart 4.

Subp. 8. **Draft release permit documents.** "Draft release permit documents" means the documents prepared by the chair under part 4420.0030, subpart 3, that include the chair's preliminary recommendation to the board to issue or modify a release permit and the proposed terms and conditions of the release permit, or the chair's preliminary recommendation to the board to deny or to revoke a release permit.

Subp. 9. **EAW.** "EAW" means environmental assessment worksheet and has the meaning given in part 4410.0200, subpart 24.

Subp. 10. **EIS.** "EIS" means environmental impact statement and has the meaning given in part 4410.0200, subpart 26.

Subp. 11. **Environment.** "Environment" means the physical conditions existing in the area that may be affected by a proposed release. It includes land, air, water, minerals, flora, fauna, ambient noise, energy resources, and man-made objects or natural features of historic, geologic, or aesthetic significance.

Subp. 12. **Federal application.** "Federal application" means any applications or notifications and supporting documents submitted to any agency of the United States government for the release of a genetically engineered organism.

Subp. 13. **File.** "File" means to deliver or mail five copies to the office of the chair.

Subp. 14. **Genetically engineered organism.** "Genetically engineered organism" means an organism derived from genetic engineering.

Subp. 15. **Genetic engineering.** "Genetic engineering" means the introduction of new genetic material to an organism or the regrouping of an organism's genes using techniques or technology designed by humans. Genetic engineering does not include selective breeding, hybridization, or nondirected mutagenesis, such as hand pollination, procedures based on sexual reproduction that have not involved molecular level manipulation of the genetic material, hybridization where the parent strains do not include genetic material that has been manipulated on the molecular level; mutagenesis induced by chemical, radiation, or heat, embryo rescue, selection of spontaneous mutants, somaclonal variant selection, and artificial insemination.

Subp. 16. **Local governmental unit.** "Local governmental unit" has the meaning given in part 4410.0200, subpart 43.

Subp. 17. **Organism.** "Organism" means any animal, plant, bacterium, cyanobacterium, fungus, protist, or virus.

Subp. 18. **Release.** "Release" means the placement or use of a genetically engineered organism outside a containment facility or under any other conditions not specifically determined by the board to be adequate containment pursuant to part 4420.0020, subpart 4.

Subp. 19. **Release permit.** "Release permit" means the terms, conditions, and authorization by the board under this chapter for the release of a genetically engineered organism.

Subp. 20. **Significant environmental permit.** "Significant environmental permit" means a permit issued by a state agency with the authority to deny, modify, revoke, or place conditions on the permit in compliance with *Minnesota Statutes*, sections 116C.91 to 116C.96, chapter 116D, and the rules adopted under them.

#### **4420.0015 AUTHORITY, SCOPE, PURPOSE.**

Subpart 1. **Authority.** This chapter is adopted under authority granted in *Minnesota Statutes*, section 116C.94, and chapter 116D to implement a permit procedure for the releases of genetically engineered organisms.

Subp. 2. **Scope.** This chapter applies to all releases of genetically engineered organisms.

Subp. 3. **Purpose.** The purpose of the release permit process created by this chapter is to:

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## Proposed Rules

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- A. protect human health and the environment from any significant or material adverse impacts that could result from the release of genetically engineered organisms;
- B. allow for the orderly and safe development and use of released genetically engineered organisms;
- C. provide information to the board and the public concerning proposed releases of genetically engineered organisms; and
- D. provide an orderly and timely process for making decisions on permits for the release of genetically engineered organisms.

Subp. 4. **Cooperative process.** The board shall cooperate with state and federal agencies to the fullest extent possible to reduce duplication between implementation of this chapter and the various state and federal regulatory and review programs regarding genetically engineered organisms.

### 4420.0020 APPLICABILITY OF RULES.

Subpart 1. **Release permit required.** A release permit is required for all releases of genetically engineered organisms except as provided in subparts 2 to 4. Notice of regular or special board meetings considering exemptions pursuant to subpart 2, 3, or 4 must include persons registered under part 4420.0060, subpart 1.

#### Subp. 2. **Exemption for a significant environmental permit.**

A. A permit from the board is not required for a proposed release if a significant environmental permit is required by another agency.

B. The board shall conduct a survey and evaluation of agency permits to determine which permits would be considered significant environmental permits for the release of genetically engineered organisms under this chapter. An agency may request the board to find that a permit is a significant environmental permit for the release of genetically engineered organisms.

C. The board shall find that the permit is a significant environmental permit if the rules and laws applied in the issuance of the permit include all of the following:

(1) a requirement for an environmental assessment worksheet for the proposed release, and compliance with *Minnesota Statutes*, chapter 116D, and rules adopted under it;

(2) an evaluation of the application using an interdisciplinary approach that will ensure the integrated use of the natural and environmental sciences, including involvement of the following disciplines, as appropriate: microbiology, ecology, public health, biological safety, agronomy, plant biology, risk assessment, molecular biology, biochemistry, entomology, vertebrate biology, physical and biological containment, and other appropriate disciplines;

(3) the authority to prescribe terms and/or place conditions on the permit, and the authority to deny, modify, suspend, or revoke the permit; and

(4) considerations for permit issuance or denial substantially the same or equivalent to those listed in part 4420.0035, subpart 3.

D. When the board finds that a permit is a significant environmental permit, the permit must be placed on the list of significant environmental permits for the release of genetically engineered organisms and the list must be published in the EQB Monitor and the *State Register*.

#### Subp. 3. **Exemption for other agency permits.**

A. Any person or entity proposing a release requiring an agency permit not on the list of significant environmental permits may request an exemption from the board release permit. The proposer must file with the board a written request for exemption that includes the reasons the proposed release should be exempted from a release permit, a declaration that the laws, rules, and procedures applied in issuing the agency permit meet the requirements in item B, and a copy of the application for the agency permit.

B. The board may exempt a release from a release permit if an agency permit not on the list of significant environmental permits is required and the board finds that the laws, rules, and procedures to be applied in the issuance of the permit include all of the following:

(1) a requirement for an environmental assessment worksheet for the proposed release and compliance with *Minnesota Statutes*, chapter 116D, and rules adopted under it;

(2) an evaluation of the application using an interdisciplinary approach that will ensure the integrated use of the natural and environmental sciences, including involvement of the following disciplines, as appropriate: microbiology, ecology, public health, biological safety, agronomy, plant biology, risk assessment, molecular biology, biochemistry, entomology, vertebrate biology, physical and biological containment, and other appropriate disciplines;

(3) the authority or an agreement with the proposer for the agency to place conditions on a permit to mitigate or minimize the adverse impacts of the release on human health or the environment and to provide the agency with information adequate to monitor compliance with the permit; and

(4) considerations for permit issuance or denial substantially the same or equivalent to those listed in part 4420.0035, subpart 3.

C. The board must deny or conditionally grant the exemption at its first regularly scheduled meeting after the request for exemption is filed, provided that the exemption is filed at least 21 calendar days before that meeting.

D. The conditional exemption must be revoked if, prior to 20 days after the issuance of the other agency permit, the board finds that the requirements of item B have not been met. The conditional exemption is no longer conditional if the board does not act by 20 days after the issuance of the other agency permit.

**Subp. 4. Exemption for use in a facility not a containment facility.** The procedure for obtaining an exemption from the requirement for a release permit is described in items A to E.

A. Any person or agency proposing the use of a genetically engineered organism in a facility other than a containment facility may request the board to find that the facility provides adequate containment for the specific use under *Minnesota Statutes*, section 116C.91, subdivision 6, and part 4420.0010, subpart 7, and to exempt the specific use of the genetically engineered organism in the facility from a release permit.

The proposer must file with the board a written request for exemption that includes:

- (1) a description of the genetically engineered organism and the use;
- (2) a description of the facility;
- (3) the reasons why the facility provides adequate containment for this genetically engineered organism and this use; and
- (4) any relevant submittals to the federal government.

B. Within five days of the filing, the chair must mail notice of the request to the local governmental units within whose jurisdiction the facility is located, governmental units with approval authority over the use of the facility, and the mailing list of part 4420.0060, subpart 1.

C. The board must grant or deny the exemption at its first regularly scheduled meeting after the request for exemption is filed, provided that the request is filed at least 21 calendar days before that meeting.

D. If the board denies an exemption, the board must inform the proposer in writing of its reasons. The proposer may refile a revised request for exemption or may apply for a release permit.

E. A use of the genetically engineered organism allowed in an exemption granted under this subpart is exempt from environmental review under chapter 4410.

**Subp. 5. Containment facility certification.** The use of a genetically engineered organism in a containment facility is not a release and does not require a release permit.

To certify a facility as a containment facility, the owner or operator of the facility must file with the board a certification stating the level of biosafety maintained at the facility and demonstrating with supporting documentation that the facility complies with the National Institutes of Health "Guidelines for Research Involving Recombinant DNA Molecules" 1986, and that the level of biosafety maintained is appropriate for the genetically engineered organisms being used.

The board may inspect the containment facility to determine if the facility and its operation comply with the certified level of biosafety and if the level of biosafety is appropriate for the genetically engineered organisms being used. If the board finds that the facility does not comply with the certified level of biosafety or if the board finds that level is inappropriate for the level of biosafety required for the genetically engineered organisms being used, it must order the responsible person or agency to comply with the guidelines or to cease using the genetically engineered organism or to file an application for a release permit or exemption. In addition, the board may place reasonable and appropriate conditions on the use of the genetically engineered organism while an application for a release permit or exemption is pending.

#### **4420.0025 APPLICATION PROCEDURES AND REQUIREMENTS.**

**Subpart 1. Application.** An application for a release permit for the release of genetically engineered organisms must be filed in the form approved by the chair. The application shall contain the information required in part 4420.0045.

**Subp. 2. Application acceptance.** The chair shall accept or reject an application within 14 calendar days after receipt of the

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application. The chair shall reject an application if the application does not contain the information required in part 4420.0045 or if the information is not sufficient to carry out the requirements of this chapter or to prepare an EAW under chapter 4410.

If the chair rejects an application, the chair shall inform the applicant in writing of the deficiencies that, if corrected, will allow the application to be accepted. If the application is revised and resubmitted, the chair shall accept or reject the revised application within 14 calendar days from receipt of the revised application. If there is a second rejection by the chair, the applicant may resubmit a revised application to the chair or appeal to the board for acceptance of the application.

After acceptance of an application, the applicant must, in a timely manner, provide the additional information the chair considers necessary to process the application. If the applicant does not provide the information in a timely manner, the chair may delay the preparation and notice of the draft release permit documents until the information is provided.

Subp. 3. **Notice of application acceptance.** Within 15 days of the application acceptance, the applicant must publish notice of application acceptance and availability in a newspaper of general circulation in the area where the release is proposed and mail notice to persons registered under part 4420.0060, subpart 1, and governmental units with approval authority over the release. The chair must publish the notice of application acceptance and availability in the EQB Monitor.

The notice must include:

- A. identification of the applicant;
- B. the date of acceptance;
- C. a brief description of the proposed release including, but not limited to, size, type, and location;
- D. availability of the application;
- E. telephone number and address of the office of the chair; and
- F. information on how a person can receive the trade secret deleted version of the application and all notices pertaining to this release.

Subp. 4. **Application distribution.** Within 21 days of the application acceptance, the applicant must provide a copy of the trade secret deleted version of the accepted application to: each member of the EQB, the Environmental Conservation Library, the Legislative Reference Library, the regional development commission and regional development library for the region in which the release is proposed, and local governmental units within whose boundaries the release is proposed, and any other person upon written request. Copies of the complete application shall be made available to board members upon request. The applicant must provide additional copies of either version of the accepted application to the chair upon request.

### 4420.0030 RELEASE PERMIT PROCEDURES AND REQUIREMENTS.

Subpart 1. **Scope of release permit conditions.** The board may impose reasonable and appropriate release permit conditions to mitigate or minimize the adverse impacts of the release on human health or the environment and to provide the board with information adequate to monitor compliance with the release permit and for analysis relating to future applications.

Subp. 2. **Evaluation and preparation.** The application must be evaluated, and the draft release permit documents must be prepared, using an interdisciplinary approach that will ensure the integrated use of the natural and environmental sciences. The review shall include involvement of the following disciplines, as appropriate: microbiology, ecology, public health, biological safety, agronomy, plant biology, risk assessment, molecular biology, biochemistry, entomology, vertebrate biology, physical and biological containment, and other appropriate disciplines.

Subp. 3. **Draft release permit documents.** Within 45 days of acceptance of the application, the chair must prepare the draft release permit documents and publish notice of their availability in the EQB Monitor. The chair must provide a copy of the draft release permit documents to: each member of the EQB, the Environmental Conservation Library, the Legislative Reference Library, the regional development commission and regional development library for the region in which the release is proposed, governmental units with approval authority over the release, and local governmental units within whose boundaries the release is proposed, and any other person upon written request.

The board may order that the preparation and notice of the draft release permit documents be delayed for not more than 30 days if the application is for a release on multiple sites, for multiple years, or for organisms with different ecological impacts, or if the board determines that more time is needed to complete the preparation and notice of the draft release permit documents due to the complexity of the application.

Subp. 4. **Notice content.** The notice of the draft release permit documents must include, but is not limited to:

- A. the identification of the applicant;
- B. the comment period and the requirements of subpart 7;
- C. a concise description and location of the proposed release;

- D. the preliminary decision of the chair to propose issuance or denial of the release permit;
- E. locations where documents are available for public review;
- F. the address and telephone number of the office of the chair; and
- G. information on how a person can receive all notices pertaining to this release.

This notice may be combined with the notice of EAW availability required under part 4410.1500.

Subp. 5. **Notice distribution.** The chair must distribute the notice of the draft release permit documents in the following manner:

- A. mailed to the applicant;
  - B. mailed to all persons who have registered their names and addresses on the mailing list under part 4420.0060, subpart 1;
- and
- C. to any interested person upon request.

Subp. 6. **Comment period.** A 30-day period for review and comment on the draft release permit documents begins the day notice of the draft release permit documents is published in the EQB Monitor. Comments received after the close of the comment period need not be considered by the board.

Subp. 7. **Comments.** Written comments may address the accuracy and completeness of the material contained in the application, potential impacts that may warrant further investigation before the release is approved, the adequacy of the draft release permit documents, additional permit conditions, and the need for a contested case hearing.

Written comments shall include the following:

- A. a statement of the person's interest in the application or the draft release permit documents;
- B. a statement of the action the person wishes the board to take;
- C. the reasons supporting the person's position; and
- D. if a person requests a contested case hearing, the comments must include a statement of the rationale and facts supporting findings that meet the requirements of subpart 9, item A, to hold a contested case hearing and an identification of the issues that the person proposes to address at the hearing.

Subp. 8. **Public meetings.** One or more public meetings may be held during the public comment period to gather comments on the application and draft release permit documents if the chair determines that a meeting is necessary or useful. Public notice of the meetings shall be given prior to the meetings including mailed notice to persons registered pursuant to part 4420.0060, subpart 2, governmental units with approval authority over the release, and publication in a newspaper of general circulation in the county where the proposed release would take place. All meetings shall be open to the public.

Subp. 9. **Standard for contested case hearing.** The board must hold a contested case hearing when it finds all of the following:

- A. that the person requesting the contested case hearing has raised a material issue of fact or of the application of law to facts related to the chair's preliminary determination or the draft release permit documents;
- B. that the board has jurisdiction to make determinations on the issues of fact or of the application of law to facts raised by the person requesting the contested case hearing; and
- C. that there is a reasonable basis underlying issues of fact or law raised by the person who requests the contested case hearing such that the holding of the contested case hearing would aid the board in making a determination on the release permit.

Subp. 10. **Requirements for contested case hearing.** When the board decides to hold a contested case hearing, the chair must prepare a notice of and an order for hearing, that includes:

- A. the information required by part 1400.5600 of the Office of Administrative Hearings;
- B. a reference to the public notice of the application and the draft release permit documents, including any identification numbers on the draft release permit documents, and the dates of issuance of the public notice and draft release permit documents;
- C. identification of the existing parties and a concise description of the issues that have been raised by any party;
- D. the address and telephone number of the office of the chair; and
- E. information on how a person can receive all notices pertaining to this release.

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The notice of hearing, distribution of the notice, and the conduct of the contested case hearing are governed by *Minnesota Statutes*, sections 14.57 to 14.62, and the rules of the Office of Administrative Hearings, parts 1400.5100 to 1400.8402.

Subp. 11. **Release permit action.** The board shall review the record and issue, modify and issue, deny, or order a hearing on the release permit within 30 days of the close of the comment period unless:

A. if a contested case hearing is ordered pursuant to subpart 9, then a decision on the release permit must be made within 30 days after the issuance of the report of the administrative law judge; and

B. if an EIS is ordered pursuant to part 4410.1700, a decision on the release permit must be made within 30 days after the determination of adequacy of a final EIS.

### 4420.0035 BASIS FOR DECISION.

Subpart 1. **Standard for issuing a release permit.** Except as provided in subpart 2, the board must issue or modify a release permit if the board determines that the applicant will, with respect to the release, comply or will undertake a schedule of compliance to achieve compliance with the conditions of the release permit and all applicable Minnesota statutes and rules administered by the board, and that all applicable requirements of *Minnesota Statutes*, chapter 116D, and the rules adopted under chapter 116D, have been fulfilled.

Subp. 2. **Standard for denying or revoking a release permit.** The following findings by the board constitute justification for the board to deny or to revoke a release permit or to deny a modification to a release permit:

A. that the applicant will not comply or has not complied with the conditions of the release permit or applicable law;

B. that the applicant has failed to disclose fully all facts relevant to the release or has submitted false or misleading information to the board;

C. that the release will result or has resulted in significant or material adverse effects on human health or the environment; or

D. that all applicable requirements of *Minnesota Statutes*, chapter 116D, and the rules adopted under chapter 116D, have not been fulfilled.

Subp. 3. **Considerations.** In determining pursuant to subparts 1 and 2 whether a release permit should be issued or denied, modified, or revoked and in specifying or modifying permit conditions, the board must consider the following:

A. the familiarity and predictability of the donor, recipient, and engineered organisms;

B. the history of any previous environmental uses of the genetically engineered organism;

C. the potential for the genetically engineered organisms to cause adverse environmental effects including, but not limited to:

(1) whether the recipient organism is native or nonnative to the release area;

(2) whether the genetically engineered organism is pathogenic or toxic to target or nontarget organisms and to what extent has this trait been introduced or altered as a result of the genetic engineering;

(3) the extent to which the genetically engineered organism's competitiveness, survivability under environmental stress including, but not limited to, dormancy, temperature tolerance, fire resistance, and drought resistance, or ability to disperse in the environment has been changed or potentially changed as a result of the genetic engineering. The determination of potential changes must be based upon consideration of the natural history of the recipient organism and subsequent effects on natural selection;

(4) the extent of change or potential change to the recipient organism's resource base including, but not limited to, the ability of plants to grow on new soil types, of bacteria to metabolize new nutrients, and of fish to eat new foods;

(5) the potential for the genetically engineered organism's genes to transfer to other hosts and the resultant effects on the other hosts' competitiveness, dispersal, dormancy, pathogenicity or toxicity, or on the expansion of their resource bases; and

(6) the potential of the genetically engineered organism to enter or adversely affect the groundwater environment or to pass unusual genes to a microorganism resident in the groundwater;

D. the adequacy and appropriateness of proposed measures for confinement of the genetically engineered organism;

E. any previous risk assessment for the release of the same or similar organisms prepared by federal or state agencies and the risk assessment adequacy and relevance to the current proposal including, but not limited to:

(1) the range of soils, ecological biotypes, and meteorological conditions that existed in previous field releases and their relationship to the proposed release area;

(2) whether the genetically engineered organisms failed to demonstrate an ability to be self-reproducing or competitive because of transient factors; and

(3) whether the scale of the release was adequate to assess potential for establishing an ecological foothold;

F. the conclusions reached and conditions imposed by federal agencies with jurisdiction over the proposed release and their adequacy and relevance to the current proposal; and

G. the conclusions reached or conditions imposed by federal or state agencies on previous environmental releases in Minnesota or elsewhere and their adequacy and relevance to the current proposal.

#### **4420.0040 GENETIC ENGINEERING ADVISORY COMMITTEE.**

Subpart 1. **General.** The board or chair must provide guidance to the genetic engineering advisory committee in the form of a charge and through specific requests. No member of the advisory committee may receive the trade secret information contained in an application if that person is, or represents in any capacity, a person engaged in any business or enterprise in competition with the applicant or in which the trade secret information could be used for product development purposes.

Subp. 2. **Release review.** The chair may direct the genetic engineering advisory committee to assist in the review of applications and of requests for exemptions and the preparation of draft release permit documents or any other aspect relating to a release pursuant to this chapter. The chair may appoint special members to the advisory committee to assist with specific applications.

Subp. 3. **Program review.** The board may direct the genetic engineering advisory committee to provide advice and make recommendations concerning development, revision, and enforcement of any rule or program initiated under chapter 4420 and *Minnesota Statutes*, sections 116C.92 to 116C.96.

#### **4420.0045 APPLICATION CONTENTS.**

Subpart 1. **Release permit application.** Each application for a release permit shall contain the following information in a form approved by the chair:

A. a cover letter signed by an authorized representative or agent of the applicant requesting a release permit and identifying the proposed release organism and the location of the release;

B. a title page and a table of contents;

C. the applicant's complete name, address, and telephone number;

D. the complete name, title, address, and telephone number of the authorized representative to be contacted concerning the applicant's filing;

E. a description of the proposed release including:

(1) location;

(2) use and purpose;

(3) release date and duration of release;

(4) the information necessary to evaluate the proposed release using the considerations identified in part 4420.0035, subpart 3;

(5) the estimated cost; and

(6) any other information relevant to the release requested by the chair;

F. a list of all the known federal, state, and local agencies or authorities and titles of the permits they issue that are required for the proposed release; and

G. the federal application and the federal Confidential Business Information Deleted application if they have been prepared. The applicant may make reference to the federal application in completing the release permit application.

Subp. 2. **Trade secret information.** Information submitted that qualifies as trade secret information under *Minnesota Statutes*, section 13.37, subdivision 1, paragraph (b), must be treated as nonpublic data in accordance with *Minnesota Statutes*, chapter 13. At the time of submittal, the applicant has the burden to demonstrate that the information in question qualifies as trade secret information. Information regarding the effects of a release on human health or the environment must not be included as trade secret information.

When the application contains information that qualifies as trade secret information, the applicant shall submit a second version of the application with the trade secret information deleted.

**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

### 4420.0050 RELEASE PERMIT MODIFICATION, SUSPENSION, AND REVOCATION NOT INITIATED BY PERMITTEE.

Subpart 1. **Initiation.** Any person or agency may request the board to modify, suspend, or revoke a release permit. The requester must file a written request including:

A. a prima facie showing by affidavit or other documentation that:

(1) a violation of the terms and conditions of a release permit to release genetically engineered organisms has occurred or is likely to occur;

(2) a failure to disclose fully all facts or the submission of false or misleading information by the permittee; or

(3) the terms and conditions of the release permit are inadequate to avoid unreasonable or material adverse effects on human health or the environment; and

B. the action the person or agency is requesting the board to take.

The chair must place the matter on the agenda of the next regular or special meeting of the board according to part 4405.0600 for consideration of an action to modify, suspend, or revoke the release permit.

Subp. 2. **Notice.** The chair must notify in writing the permittee, local governmental units within whose boundaries the release is permitted, governmental units with approval authority over the release, and the persons registered pursuant to part 4420.0060, subpart 2, of the allegations and proposed action. The permittee must be given at least ten days from receipt of the notice to prepare a response to the allegation and proposed action for presentation at the board meeting unless the permittee requests or agrees that the board meeting be held less than ten days after notification. However, the chair may determine that there is imminent and substantial danger to human health or the environment requiring immediate board action and call a special meeting of the board less than ten days after notification.

Subp. 3. **Emergency corrective action.** To assure an adequate response to an emergency, the chair may order corrective action without following the procedures of subpart 2 if the chair determines that the release constitutes a clear and immediate danger requiring immediate action to prevent, minimize, or mitigate damage to human health or the environment.

Subp. 4. **Contested case hearing.** The person or agency initiating the action or the permittee may request the board to hold a contested case hearing pursuant to *Minnesota Statutes*, sections 14.57 to 14.62, and the rules of the Office of Administrative Hearings, parts 1400.5100 to 1400.8402. The board must determine the need for a contested case hearing according to part 4420.0030, subpart 9.

Subp. 5. **Board action.** When the board makes a finding of subpart 1, item A, subitem (1), (2), or (3), it may take action to modify, suspend, or revoke the permit. The board may, at any time, consider suspension or termination of its action if the permittee has undertaken effective corrective or mitigative measures to correct the violations or potential problems.

Subp. 6. **Scope of suspension.** An action by the board to suspend a release permit must be limited to the following:

A. the determination of the corrective or mitigative measures necessary to correct the violations or potential problems; and

B. the time period necessary for the permittee to complete the required corrective or mitigative measures.

Subp. 7. **Scope of modification.** An action by the board to modify the release permit must be according to part 4420.0035 and be limited to the addition or modification of conditions to provide mitigation or minimization of significant or material adverse impacts on human health or the environment.

Subp. 8. **Scope of revocation.** When the board finds any item of part 4420.0035, subpart 2, the board may revoke a release permit.

### 4420.0055 RELEASE PERMIT MODIFICATION REQUESTED BY PERMITTEE.

Subpart 1. **Initiation.** The permittee may request the board to modify the terms or conditions of the release permit on or before the expiration date of the permit. The permittee must file a written request for modification that includes:

A. the modification to the terms or conditions;

B. the purpose of the modification;

C. the information necessary to evaluate the release with the modification pursuant to part 4420.0035;

D. any potential change in the effects on human health and the environment that could result from the release with the modification; and

E. the reasons for requesting the modification.

When the permittee files a request, the chair must place the matter on the agenda of the next regular meeting of the board or may call a special meeting of the board according to part 4405.0600 and subject to the notice requirements of subpart 2 for consideration of an action to modify the release permit.

Subp. 2. **Notice.** The permittee must mail notice of the request for modification to persons who commented on the draft release permit documents, the mailing list of part 4420.0060, subpart 2, the governmental units with approval authority over the release, and the local governmental units within whose boundaries the release is permitted. The persons who commented on the draft release and local governmental units must be given at least ten working days from receipt of the notice to prepare a response to the requested modification for presentation at the board meeting. However, the chair may determine that there is imminent and substantial danger to human health or the environment requiring immediate board action and call a special meeting of the board or the persons who commented on the draft release permit documents and local governmental units may request or agree that the board meeting be held less than ten working days after notification.

Subp 3. **Board action.** If the board determines that the requested modification is in accordance with part 4420.0035, the board may approve the modification.

#### **4420.0060 MAILING LISTS.**

Subpart 1. **General mailing list.** A person who desires to receive copies of general public notices issued by the chair or board relating to this chapter and notices of application issued by an applicant shall submit to the chair a written request that the person's name and address be placed on a mailing list kept by the chair for the purpose of issuing general public notices.

Subp. 2. **Specific release mailing list.** A person who desires to receive copies of all public notices for a specific proposed or permitted release shall submit to the chair a written request that the person's name and address be placed on that specific mailing list kept by the chair for the purpose of issuing public notices on each specific proposed or permitted release.

#### **4420.0070 GENERAL RESPONSIBILITIES.**

The board shall monitor the effectiveness of this chapter and shall take appropriate measures to modify and improve the effectiveness of this chapter. The board shall assist governmental units and interested persons in understanding the rules.

## **Department of Health**

### **Proposed Permanent Rules Relating to Vital Statistics Fee Increases**

#### **Notice of Intent to Amend Rules Without a Public Hearing**

**NOTICE IS HEREBY GIVEN** that the Minnesota Commissioner of Health (hereinafter "Commissioner"), intends to adopt the above-entitled rule amendment without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1990). The statutory authority to adopt the rules is *Minnesota Statutes* § 144.226 (1990).

All persons have 30 days from the date this notice is published in the *State Register* in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

In addition to submitting comments, any person may make a written request within the 30-day comment period for a public hearing on the rules. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request 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 rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Commissioner will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1990).

Comments or written requests for a public hearing must be submitted to:

Frederick L. King  
State Registrar  
Minnesota Department of Health  
717 Delaware Street Southeast  
Minneapolis, Minnesota 55440  
Telephone: (612) 623-5121

**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

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

The rules proposed for adoption relate to increasing the fee for preparing new birth certificates, correcting records and filing delayed registrations from \$5.00 to \$20.00, increasing the fee for issuing copies of affidavits from \$5.00 to \$8.00, and increasing the hourly rate for searching vital records from \$10.00 to \$20.00. A free copy of the rules is available upon request from Frederick L. King.

A **STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Frederick L. King upon request.

*Minnesota Statutes* § 14.115 requires administrative agencies, when preparing a rule or amendment to an existing rule, to consider various methods for reducing the impact of the proposed rule or amendment on small business and to provide opportunity for small business to participate in the rulemaking process. It is the Commissioner's conclusion that *Minnesota Statutes* § 14.115 does not apply to the proposed rule amendment. The reasons for this conclusion are set forth in the **STATEMENT OF NEED AND REASONABLENESS**.

As the promulgation of the proposed rule will not result in the expenditures set forth in *Minnesota Statutes* § 14.11 (1990), no written statement of costs of local public bodies is required. These rules will not have an impact on agricultural land. Pursuant to *Minnesota Statutes* § 16A.128 (1990) the Department of Finance approved these amendments on June 25, 1991, and the Department of Health on August 5, 1991, submitted copies of these amendments to the chairs of the house appropriations and senate finance committees.

If no hearing is required, upon adoption of the rule amendment, the rule amendment and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the 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 adopted rules must submit the written request to Frederick L. King.

Dated: 6 August 1991

Marlene E. Marschall  
Commissioner of Health

### Rules as Proposed

#### 4600.0900 FEES.

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

Subp. 2. **Replacement.** Effective December 1, 1991, the fee for the replacement of a birth certificate ~~shall be \$5~~ following adoption, legitimation, adjudication of paternity, or acknowledgment of paternity is \$20.

Subp. 3. **Filing delayed registration.** Effective December 1, 1991, the fee for the filing of a delayed registration of birth or death ~~shall be \$5~~ is \$20.

Subp. 4. **Alteration, correction, or completion.** Effective December 1, 1991, the fee for the alteration, correction, or completion of a birth or death certificate when requested more than one year after the filing of the certificate ~~shall be \$5~~ is \$20.

Subp. 5. **Fee for verification.** Effective December 1, 1991, the fee for the verification of information from or noncertified copies of a birth, death, or marriage record ~~shall be \$8~~ is \$8 when the applicant furnishes specific information to locate the record. When the applicant does not furnish specific information the fee ~~shall be \$10~~ is \$20 per hour for staff time expended. Specific information shall include the correct date of the event and the correct name of the registrant.

Subp. 6. **Copies of other documents.** Effective December 1, 1991, the fee for issuance of a certified or noncertified copy of any document on file pertaining to a vital record or a certification that a document cannot be found ~~shall be \$5~~ is \$8.

## Pollution Control Agency

### Proposed Permanent Rules Relating to Priorities for Soil Lead Abatement

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

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (Agency) intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act in *Minnesota Statutes* §§ 14.22 to 14.28 (1990). The Agency's authority to adopt the rule is set forth in *Minnesota Statutes* § 116.53, subd. 2 (1990).

All persons have until 4:30 p.m. on September 27, 1991, to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules 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 request in writing. Any person requesting a public hearing must state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Agency will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1990).

Comments or written requests for a public hearing must be submitted to:

Placida L. Venegas  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155  
612/297-8370

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

Pursuant to *Minnesota Statutes* § 116.53, subd. 2 (1990), the Agency must adopt rules establishing the priority for response actions for sites in the state found to be contaminated with soil lead. The rules must consider the potential for children's contact with soil and the existing level of lead in the soil and may consider the relative risk to the public health, the size of the population at risk, and blood lead levels of resident populations. The proposed rules establish procedures for determining priorities for response action. The proposed rules also provide for the creation of a list of census tract sites that have been determined to exceed the soil lead standard.

The proposed rules are published below. In addition, one free copy of the rules is available upon request from Placida L. Venegas at the address and telephone number stated above.

**A STATEMENT OF NEED AND REASONABLENESS** that includes a summary of all the evidence and arguments justifying both the need for and reasonableness of the proposed rules and that identifies the data and information relied upon during the preparation of the proposed rules is available from Placida L. Venegas upon request.

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1990), "Small business considerations in rulemaking," that the proposed rules will have no adverse impact on small businesses.

As required under *Minnesota Statutes* § 14.11 (1990), you are hereby advised that the proposed rule will not impose on local public bodies costs in excess of \$100,000 per year for the first two years the rules are in effect. However, if public money is appropriated by the legislature to fund lead abatement, local agencies may be obliged to prepare estimates of cost under the proposed rules. Additionally, at some point a local agency through ownership of a residence or a playground, may have to abate contaminated soil. If public property is identified as a priority site for soil lead abatement, the proposed rules do not mandate that public funds be expended for that site, the proposed rules only mandate that if public funds are to be expended, they must be expended on sites in order of priority.

If no hearing is required, upon adoption of the proposed rules, the rules and requiring 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, must submit the written request to Placida L. Venegas.

Charles W. Williams  
Commissioner

### Rules as Proposed (all new material)

#### 4760.0500 SCOPE.

Parts 4760.0500 to 4760.0540 establish procedures for determining priorities for response action for residential sites and playgrounds in the state where soils are found to be contaminated with lead, as required by *Minnesota Statutes*, section 116.53, subdivision 2.

#### 4760.0510 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 4760.0500 to 4760.0540, the following terms have the meanings given them.

**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. 2. **Child.** "Child" means a human being under the age of six years.

Subp. 3. **Distributing authority.** "Distributing authority" means a governmental agency or entity, such as a local board of health, that distributes funds for the abatement of soil lead contamination.

Subp. 4. **Elevated blood lead level.** "Elevated blood lead level" means a confirmed concentration of 25 micrograms or more of lead in each deciliter of whole blood.

Subp. 5. **Person.** "Person" has the meaning given in *Minnesota Statutes*, section 116.06, subdivision 8.

Subp. 6. **Playground.** "Playground" means an open area, including vacant lots, used for outdoor games, recreation, and amusement that may contain swings, seesaws, slides, or other means for children's recreation and play.

Subp. 7. **Residence.** "Residence" means a house, duplex, apartment, or other building or structure used or intended for use as human habitation and the real property upon which the building or structure is located.

Subp. 8. **Response action.** "Response action" has the meaning given in *Minnesota Statutes*, section 116.51, subdivision 5.

Subp. 9. **Site.** "Site" means an area of land that has been sampled for soil lead concentration. A site may be as small as a residence or as large as a census tract.

### 4760.0520 PRIORITY RANKING SYSTEM.

Subpart 1. **Priority one.** A site is a priority one site if the site contains more than 300 parts per million lead and the site is a residence of a child with an elevated blood lead level or the residence of a pregnant woman with a blood lead level of ten micrograms per deciliter or more.

Subp. 2. **Priority two.** A site is a priority two site if the site contains more than 300 parts per million lead and the site is a residence or a playground and the site is frequented by a child with an elevated blood lead level.

Subp. 3. **Priority three.** A site is a priority three site if it is a census tract that meets one or more of the following criteria:

A. it contains the residence of a child with an elevated blood lead level or a pregnant woman with a blood lead level of ten micrograms per deciliter or more;

B. any soil sample within the census tract indicates a soil lead level of more than 300 parts per million; or

C. the census tract is on the following list:

	Census Tract Number	City	Lower Confidence Limit	Mean	Upper Confidence Limit
1.	84	Minneapolis	460.019	736.507	1179.170
2.	332	St. Paul	361.915	733.350	1485.990
3.	83	Minneapolis	358.645	460.916	592.350
4.	71	Minneapolis	340.962	514.736	777.080
5.	78	Minneapolis	336.858	459.276	626.180
6.	72	Minneapolis	324.952	412.103	522.630
7.	69	Minneapolis	322.637	407.247	514.050
8.	79	Minneapolis	310.606	514.142	851.050
9.	93	Minneapolis	291.339	640.391	1407.640
10.	18	Minneapolis	241.486	437.469	792.510
11.	23	Minneapolis	239.560	536.452	1201.290
12.	12	Duluth	250.261	519.718	1079.300
13.	82	Minneapolis	264.749	379.520	544.050
14.	25	Minneapolis	182.547	509.773	1423.570
15.	354	St. Paul	260.405	363.646	507.820
16.	15	Minneapolis	209.802	450.573	967.660
17.	366	St. Paul	112.570	588.720	3078.890
18.	47	Minneapolis	192.907	417.770	904.750
19.	70	Minneapolis	37.422	363.044	3522.060
20.	94	Minneapolis	187.400	400.858	857.460
21.	22	Minneapolis	251.728	346.117	476.720
22.	92	Minneapolis	112.740	495.288	2175.890
23.	86	Minneapolis	186.407	349.367	654.790
24.	337	St. Paul	245.707	319.574	415.650
25.	35	Minneapolis	160.398	338.992	716.440

	<u>Census Tract Number</u>	<u>City</u>	<u>Lower Confidence Limit</u>	<u>Mean</u>	<u>Upper Confidence Limit</u>
26.	344	St. Paul	218.728	320.605	469.930
27.	57	Minneapolis	164.839	290.643	512.460
28.	65	Minneapolis	52.789	257.315	1254.250
29.	21	Minneapolis	66.709	255.534	978.840
30.	19	Minneapolis	171.870	282.398	464.000
31.	36	Minneapolis	94.638	254.595	684.910
32.	111	Minneapolis	110.134	257.701	602.990
33.	312	St. Paul	47.241	227.399	1094.610
34.	103	Minneapolis	40.160	218.218	1185.740
35.	368	St. Paul	3.343	136.804	5597.760
36.	2	Minneapolis	104.219	239.240	549.190
37.	17	Minneapolis	46.312	192.512	800.230
38.	27	Duluth	57.187	191.895	643.920
39.	85	Minneapolis	146.515	244.739	408.810
40.	16	Duluth	69.174	197.015	561.120
41.	54	Minneapolis	39.020	161.430	667.850
42.	50	Minneapolis	186.525	255.434	349.800
43.	95	Minneapolis	123.395	217.816	384.490
44.	320	St. Paul	0.124	31.690	8091.850
45.	325	St. Paul	122.539	213.922	373.450
46.	99	Minneapolis	79.929	189.789	450.650
47.	60	Minneapolis	114.333	204.372	365.320
48.	61	Minneapolis	74.229	173.984	407.800
49.	49	Minneapolis	56.477	159.926	452.870
50.	371	St. Paul	135.290	216.914	347.786
51.	18	Duluth	28.309	112.400	446.290
52.	75	Minneapolis	93.796	195.579	407.810
53.	340	St. Paul	99.113	183.212	338.672
54.	363	St. Paul	29.196	110.590	418.900
55.	350	St. Paul	22.960	99.916	434.810
56.	19	Duluth	90.188	196.893	429.840
57.	28	Duluth	56.699	139.281	342.145
58.	112	Minneapolis	48.806	126.633	328.561
59.	16	Minneapolis	29.691	98.646	327.741
60.	52	Minneapolis	0.750	16.699	372.000
61.	357	St. Paul	115.904	188.437	306.360
62.	73	Minneapolis	71.059	148.505	310.357
63.	349	St. Paul	58.097	136.714	321.717
64.	315	St. Paul	152.960	214.613	301.116

Subp. 4. **Prioritizing census tracts.** Priority three census tracts are further prioritized as described in items A to D.

A. A census tract is a priority A if the upper and lower confidence level values for soil lead, within a 95 percent confidence interval, exceed 300 parts per million and a child with an elevated blood lead level or a pregnant woman with a blood lead level of ten micrograms per deciliter or more resides within the census tract.

B. A census tract is a priority B if the upper confidence level value for soil lead, within a 95 percent confidence interval, exceed 300 parts per million and a child with an elevated blood lead level or a pregnant woman with a blood lead level of ten micrograms per deciliter or more resides within the census tract.

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## Proposed Rules

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C. A census tract is a priority C if the upper and lower confidence level values for soil lead, within a 95 percent confidence interval, exceed 300 parts per million.

D. A census tract is a priority D if the upper confidence level value for soil lead, within a 95 percent confidence interval, exceeds 300 parts per million.

Subp. 5. **Individual residences and playgrounds within a census tract.** A residence or playground within a census tract that meets the criteria for a priority one or a priority two site must be prioritized as a priority one or a priority two site.

Subp. 6. **Ranking.** A site must be ranked at the highest priority for which it qualifies, whether the site is a residence or a playground or a census tract.

### 4760.0530 ABATEMENT PRIORITY LIST.

Subpart 1. **Distributing authority.** A distributing authority shall prepare an abatement priority list that ranks known sites within the distributing authority's jurisdiction according to the priorities established in part.4760.0520. The abatement list shall list those known residences and playgrounds that are priority one or priority two and those known census tracts as priority 3A, 3B, 3C, or 3D. The abatement list shall be prepared before the distributing authority uses public funds to abate any site.

Subp. 2. **Amendment of list.** A distributing authority may at any time amend its abatement priority list. A distributing authority shall add additional sites to its abatement priority list at any time that information becomes available identifying new sites.

Subp. 3. **Additional sampling.** A distributing authority may elect to take additional samples before prioritizing a residence or playground or a census tract. The distributing authority shall consider all sample results that the authority considers reliable in making a decision on the proper priority ranking for a particular residence or playground or census tract.

### 4760.0540 RESPONSE ACTION.

Subpart 1. **Use of public funds.** No distributing authority shall authorize public funds for abatement until the authority has prepared an abatement priority list. Public funds shall be used for abatement in order of priority established by the abatement priority list.

Subp. 2. **Additional abatement.** Nothing in parts 4760.0500 to 4760.0540 shall be construed to preclude any person from abating any site, regardless of priority, if the person pays for the abatement without the use of public funds or if the soil abatement is part of a publicly funded abatement project that is not strictly limited to soil lead abatement.

Subp. 3. **Abatement not required.** Parts 4760.0500 to 4760.0540 do not require:

- A. any person to abate any site at that person's expense; or
- B. a distributing authority to abate any site that does not exceed the soil lead standard of 300 parts per million.

Subp. 4. **Abatement procedures.** A person who undertakes abatement of a site contaminated with lead shall follow the abatement procedures in chapter 4760.

## Technical Colleges Board

### Proposed Permanent Rules Relating to President's License

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

**NOTICE IS HEREBY GIVEN** that the State Board of Technical Colleges intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, Section 14.22 to 14.28. The statutory authority to adopt the rules is *Minnesota Statutes* 136C.04, Subdivision 9.

All persons have 30 days until 4:30 p.m., Thursday, September 26, 1991, in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request 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 addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, Sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to either:

M. Robert Babcock,  
Supervisor  
State Board of Technical Colleges  
314 Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101  
Telephone: 612-296-1867

Georgia Pomroy, License Revision  
Specialist  
State Board of Technical Colleges  
322 Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101  
Telephone: 612-297-2204

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

A copy of the proposed rule is attached to this notice.

**A STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from M. Robert Babcock or Georgia Pomroy at the above address and phone, upon request.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the 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 wish to receive a copy of the adopted rule must submit the written request to either M. Robert Babcock or Georgia Pomroy at the above-mentioned address.

Helen Henrie, Deputy Chancellor  
State Board of Technical Colleges

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

#### **3700.0910 PRESIDENTS IN DISTRICTS OPERATING A TECHNICAL COLLEGE.**

Subpart 1. **Must have a president.** A district designated and approved by the state Board of Technical Colleges to operate a technical college shall employ a president who shall have a president's license.

Subp. 2. **President's responsibilities.** A president:

A. Internally:

- (1) recommends and implements college policy in accordance with governing laws and policy;
- (2) plans according to regional/state needs to meet the goals of the technical college system;
- (3) directs evaluation to meet state, regional, and national accreditation standards;
- (4) manages the identification and planning of current and future program majors;
- (5) directs all human resource activity;
- (6) directs student developmental services;
- (7) manages college finances; and
- (8) directs implementation of marketing plans.

B. Externally:

- (1) directs, develops, and maintains liaisons with business, labor, higher education, secondary education, and external agencies; and
- (2) directs implementation of marketing plans.

Subp. 3. **Licensure requirement.** An applicant for a license as a technical college president must meet the following requirements:

A. Education:

- (1) master's degree or higher from an accredited college; and
- (2) six quarter credits or 90 clock hours in the following subjects: effective supervision and management and strategic planning.

**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. 8,000 hours of administrative, supervisory, or managerial level experience in education, business, industry, government, or social service agencies. Three thousand of the 8,000 hours must be experienced within five years before applying for a license.

C. 2,000 hours of occupational experience outside education without regard to recency.

D. Six quarter credits in philosophy of vocational education and education law for the first two-year renewal.

**CONVERSION.** On the effective date of part 3700.0910 the license of a holder of a technical college president's license converts to the license described in part 3700.0910.

**OVERLAP PERIOD; REPEALER.** For one year after the date part 3700.0910 is effective, part 3700.0901 continues to apply to the application, qualification, or criteria for initial licensure of technical college president. When both procedures apply, an applicant may proceed under either procedure.

The day after the year is over, part 3700.0901 is repealed. Then an applicant may only proceed under part 3700.0910.

## 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.

## Higher Education Coordinating Board

### Adopted Permanent Rules Relating to Part-Time Grant Program

The rules proposed and published at *State Register*, Volume 15, Number 41, pages 2220-2223, April 8, 1991 (15 SR 2220) are adopted with the following modifications:

#### Rules as Adopted

#### 4830.1552 APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS.

Subpart 1. **Allocation formula.** The executive director shall allocate funds to each school according to the following formula:

C. Each January, the executive director shall allocate the remaining ten percent of the total part-time grant allocation according to the same formula.

"Number of part-time students" means the sum of all enrolled resident, extension, and unclassified part-time students, who are Minnesota residents, and are reported to the board for its annual enrollment survey as lower division, upper division, and vocational students in the fall term of the school year.

"Registration level" is the number of credits (or an equivalent measure) taken by part-time students in the fall term of the school year as reported to the board for its annual enrollment survey, divided by 12 credits (or an equivalent measure) until June 30, 1992. Beginning July 1, 1992, the annual enrollment survey will be divided by 15 credits (or an equivalent measure).

#### 4830.1553 DETERMINATION OF ELIGIBILITY.

A school shall determine if a student is eligible for a part-time student grant. To be eligible a student must be an eligible student as defined in part 4830.0100, subpart 5, items A, B, C, E, F, and G. The student must be pursuing course work applicable to a degree, diploma, or certificate and be enrolled either less than half-time as defined by the board, or as a new or returning student enrolled at least half-time but less than full-time as defined by the board. Through June 30, 1992, the student must be registered for at least 1/12 of the full-time enrollment level as defined by the school. Beginning July 1, 1992, the student must be registered for at least 3/15 of the full-time enrollment level.

#### 4830.1554 AWARDS.

Subp. 4. **Award amount.** A school shall award a grant for a single academic term to each eligible student, to the extent allocated

funds are available. Awards are not renewable, but a student may apply for an award each academic term. The award amount must not exceed a grant applicant's cost of attendance, as defined in subpart 6, after deducting the following:

B. for an applicant who is not an independent student, a contribution by the grant applicant's parents, as determined by ~~the income/contribution chart provided~~ a financial need analysis performed by the board or a higher amount as determined by the school, divided by the number of terms in the school's academic year;

C. for an applicant who is an independent student, a contribution by the grant applicant, as determined by ~~the income/contribution chart provided~~ a financial need analysis performed by the board or a higher amount as determined by the school, divided by the number of terms in the school's academic year; and

D. the amount of a federal Pell grant award for which the grant applicant is eligible during the academic term for which the student receives an award.

Funds in addition to the award amount may be granted to cover child care expenses related to the student's school attendance if the student is not eligible for AFDC and is not eligible for child care funds under Minnesota Statutes, section 136A.125.

The minimum award amount is \$100 ~~divided by the number of terms in the school's academic year.~~

Subp. 6. **Cost of attendance.** Through June 30, 1992, "cost of attendance" means:

Subp. 7. **Cost of attendance.** Beginning July 1, 1992, "cost of attendance" means:

A. for students registered at least 12/15 of the full-time registration load for one academic term, but less than the school's full-time registration load, the cost of attendance is 80 percent of the amount defined in Minnesota Statutes, section 136A.121, subdivision 6, divided by the number of terms in the school's academic year;

B. for students registered at least 9/15 of the full-time registration load for one academic term, but less than 12/15 of the full-time registration load, the cost of attendance is 60 percent of the amount defined in Minnesota Statutes, section 136A.121, subdivision 6, divided by the number of terms in the school's academic year;

C. for students registered at least 8/15 but less than 9/15 of the full-time registration load for one academic term, the cost of attendance is the amount defined in Minnesota Statutes, section 136A.121, subdivision 6, divided by the full-time registration load for one academic year, multiplied by the student's registration load; and

D. for students registered less than 8/15 of the full-time registration load for one academic term, the cost of attendance is the amount defined in Minnesota Statutes, section 136A.121, subdivision 6, divided by the full-time registration load for one academic year, multiplied by the student's registration load.

## Department of Labor and Industry

### Occupational Safety and Health Division

#### Adopted Permanent Rules Relating to Federal Occupational Safety and Health Standards

The rules proposed and published at *State Register*, Volume 15, Number 52, pages 2700-2703, dated June 24, 1991, (15 S.R. 2700) are adopted as proposed.

#### Rules as Adopted

##### 5205.0010 ADOPTION OF FEDERAL OCCUPATIONAL SAFETY AND HEALTH STANDARDS BY REFERENCE.

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

Subp. 2. **Part 1910.** Part 1910: Occupational Safety and Health Standards as published in Volume 43, No. 206 of the *Federal Register* on October 24, 1978, and corrected in Volume 43, No. 216 on November 7, 1978, which incorporates changes, additions, deletions, and corrections made up to November 7, 1978; and subsequent changes made prior to June 1, 1991:

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

M. *Federal Register*, Vol. 55:

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

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## Adopted Rules

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(21) *Federal Register*, Vol. 55, No. 217, dated November 8, 1990: "Air Contaminants; Grant of Partial Stay for Nitoglycerin."

(22) *Federal Register*, Vol. 55, No. 247, dated December 24, 1990: "Air Contaminants; Final Rule Interpretation for Grain Handling Industry."

N. *Federal Register*, Vol. 56:

(1) *Federal Register*, Vol. 56, No. 48, dated March 12, 1991: "Occupational Exposure to Formaldehyde; Extension of Administrative Stay."

(2) *Federal Register*, Vol. 56, No. 75, dated April 18, 1991: "Hazardous Waste Operations and Emergency Response; Corrections to Final Rule."

(3) *Federal Register*, Vol. 56, No. 105, dated May 31, 1991: "Occupational Exposure to Lead; Corrections to Final Rule."

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

Subp. 6. **Part 1926.** Part 1926: Construction Safety and Health Regulations as published in Part VII, Volume 44, No. 29 of the *Federal Register* on February 9, 1979, which incorporates changes, additions, deletions, and corrections made up to October 17, 1978, and includes General Industry Occupational Safety and Health Standards (29 CFR Part 1910) which have been identified as applicable to construction work; and subsequent changes made prior to June 1, 1991:

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

(G) *Federal Register*, Vol. 56:

(1) *Federal Register*, Vol. 56, No. 15, dated January 23, 1991: "Safety Standards for Stairways and Ladders Used in the Construction Industry; Corrections to Final Rule."

(2) *Federal Register*, Vol. 56, No. 26, dated February 7, 1991: "Safety Standards for Stairways and Ladders Used in the Construction Industry; Corrections to Final Rule."

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

## Pollution Control Agency

### Adopted Permanent Rules Relating to Abrasive Blasting of Residential, Child Care, and School Buildings

The rules proposed and published at *State Register*, Volume 15, Number 31, pages 1665-1672, January 28, 1991 (15 SR 1665) are adopted with the following modifications:

#### Rules as Adopted

##### 7005.6010 APPLICABILITY.

Parts 7005.6010 to 7005.6080 establish the procedures that a contractor shall follow to test for the presence of lead paint prior to abrasive blasting and to remove lead paint by abrasive blasting of the exterior walls of any residential building, child care building, school building, or any building within 100 feet of a residential, child care, or school building, or a playground.

##### 7005.6020 DEFINITIONS.

Subp. 2. **Abrasive blasting.** "Abrasive blasting" means the use of air pressure and an abrasive grit to remove surface coatings, ~~and includes, but is not limited to,~~ Among the techniques specifically identified as abrasive blasting are dry abrasive blasting, wet abrasive blasting, modified-wet abrasive blasting and vacuum blasting.

##### 7005.6040 NOTIFICATION.

Subpart 1. **Notice required.** At least five days before the start of abrasive blasting of lead paint on the exterior of a residential, child care, or school building, or of any building within 100 feet of a residential, child care, or school building, or a playground, the contractor shall provide notice as described in items A and B.

A. Written notice as required in subpart 2 must be given to the owner or administrator and the adult residents of the building to be abrasive blasted, and to the owner or administrator and the adult residents of any residential, child care, or school buildings within 50 feet of the building to be abrasive blasted; ~~and.~~ The contractor must mail or physically hand the notice to the owner or administrator of a child care or school building. For residences, the contractor must mail, physically hand, or put on or under the door of each residence a notice for at least one adult resident of each single-family structure and one adult resident of each unit in a multi-family structure.

B. Written notice as required in subpart 3 must be given to the commissioner.

If the contractor postpones abrasive blasting more than five days from the anticipated start of abrasive blasting stated in the written notices required by this subpart, then the contractor shall, at least two days before the start of abrasive blasting, revise and redistribute the notices required by this subpart with the new days and hours during which abrasive blasting is anticipated.

Subp. 2. **Contents of notice to residents, administrator, and owner.** The notice required in subpart 1, item A, shall state that lead paint is present on the structure, shall provide the results of the test required by part 7005.6030 and the methods of analysis used, shall specify the days and the hours during which abrasive blasting is anticipated, and shall advise the owner or administrator and the adult residents to take the following actions before abrasive blasting begins:

B. completely seal from the outside with adhesive tape or caulking the outermost window or storm window to the window frame, the outermost door or storm door to the door frame, and other air intake openings to the exterior on the walls of the neighboring building that are specified in item A. Walls that adjoin the walls facing the abrasive blasting need only be sealed to a distance of 50 feet from the wall to be abrasive blasted;

D. take inside or remove from the ~~premises near the building or from~~ property within 50 feet of the structure to be abrasive blasted all children's toys and play equipment, or cover equipment that cannot be moved, and all pets, pet houses, and pet food, and water bowls.

#### **7005.6050 CONTAINMENT.**

Subp. 2. **Sealing the residential, child care, or school building.** Before abrasive blasting begins, the contractor shall:

A. fully close and completely seal from the outside with adhesive tape or caulking the outermost window or storm window to the window frame, the outermost door or storm door to the door frame, and ~~other air intake openings to the exterior~~ on the wall to be abrasive blasted and on the two adjoining walls to a distance of 50 feet from the wall to be abrasive blasted, if the building is a residential, child care, or school building;

B. ~~fully close and completely seal with adhesive tape the openings listed in item A on any wall that faces the structure to be abrasive blasted, and the adjoining walls, of a neighboring residential, child care, or school building that is within a distance from a wall to be abrasive blasted that is less than the distance of ground cover required by subparts 3 and 4; and~~

C. tightly cover and seal with impervious plastic all air conditioning units and other ~~vents and~~ air intake openings on the walls listed in ~~items~~ item A and B; and

~~The contractor is not required to perform the actions listed in items B and C only if the owner, administrator, or adult residents of a building have performed the actions listed in items B and C as advised in part 7005.6040.~~

C. if a wall of a neighboring residential, child care, or school building is less than 20 feet from a wall to be abrasive blasted, suspend curtains between the wall to be abrasive blasted and the neighboring building that:

(1) are parallel to the wall being abrasive blasted;

(2) extend vertically from the ground to the height of the wall to be abrasive blasted or, if the curtains are located on the neighboring building, extend vertically from the ground to the height of the wall of the neighboring building which faces the wall to be abrasive blasted;

(3) extend horizontally for the width of the wall to be abrasive blasted or, if the curtains are located on the neighboring building, extend horizontally for the width of the wall on the neighboring building which faces the wall to be abrasive blasted; and

(4) overlap at each seam a distance of at least 1-1/2 feet.

The contractor shall not conduct abrasive blasting if any windows or doors are open on any wall that faces the wall to be abrasive blasted, and on the adjoining walls to a distance of 50 feet from the wall to be abrasive blasted, of a neighboring residential, child care, or school building that is within a distance from a wall to be abrasive blasted that is less than or equal to the distance of ground cover required by subpart 3.

#### **7005.6060 CLEANUP.**

Subp. 2. **Cleanup methods.** The contractor may remove the blasting debris by manual means or by vacuum, but shall not use an air pressure stream or a water stream which redistributes, but does not remove, the blasting debris. The contractor may use air pressure to remove particles from exterior walls, but only if ground covers are in place as required by part 7005.6050, subpart 3, and only before the ~~seals of~~ adhesive tape or caulking seals and the curtains required by part 7005.6050, subpart 2, are removed.

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## Adopted Rules

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### 7005.6080 VACUUM BLASTING.

Subp. 2. **Inapplicable requirements.** Contractors described in subpart 1 are exempt from the following requirements:

C. part 7005.6050, subpart 2, item B; and part 7005.6050, subpart 2, item C; to the extent that item C requires covering and sealing of the air conditioning units and other openings on neighboring structures.

## Department of Revenue

### Adopted Permanent Rules Relating to Annual Withholding Return

The rules proposed and published at *State Register*, Volume 15, Number 48, pages 2526-2528, May 28, 1991 (15 SR 2526) are adopted as proposed.

## Revenue Notices

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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 #91-10: Billing and Collection Services on Minnesota Calls to 900 Pay-Per-Call Services

When a telephone company is the billing agent for a call placed to an information service, the billing and collection services related to intrastate calls are subject to the 900 tax imposed by *Minnesota Statutes* § 295.367.

When the billing agent is not a telephone company, the billing and collection services related to a call are subject to the 900 tax imposed by *Minnesota Statutes* § 295.367 if the call originates in Minnesota and is billed to a Minnesota address.

Dated: 26 August 1991

### Revenue Notice #91-11: Gross Earnings Tax Rate on Cellular Services

Pursuant to *Minnesota Statutes* § 295.34, subd. 1(a), the tax rate applicable to earnings from cellular services is the rate effective for the address to which the services are billed.

Dated: 26 August 1991

### Revenue Notice #91-12: Scope of Application of Gross Earnings Tax to Earnings Derived From Cellular Services

Earnings of a company related to cellular services are included in the gross earnings tax base to the same extent as earnings related to other telephone services. For example, earnings derived from the provision, installation, or maintenance of customer cellular equipment are included in the gross earnings tax base.

Dated: 26 August 1991

### Revenue Notice #91-13: Penalties for Late Payment of Estimated Gross Earnings Tax Related to Cellular Services

The 1991 Legislature provided that no penalties or interest would be imposed with respect to underpayments of estimated gross earnings taxes due on March 15, 1991, and June 15, 1991, to the extent that the underpayment resulted from the expansion of the gross earnings tax to cellular services. Consequently, no penalty or interest will be assessed for those amounts if they are paid by the due date of the annual return.

Dated: 26 August 1991

# 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.

## Office of Attorney General

### Meeting Notice

Pursuant to *Minnesota Statute* 504.22 subdivision 4a, the Attorney General's Office will hold a public meeting regarding proposed revisions to the brochure entitled, *Landlords and Tenants: Rights and Responsibilities*. The meeting will be held on Thursday, August 29, from 2-3 p.m., at 117 University Avenue, Suite 200, St. Paul, MN 55155.

## Department of Human Services

### Notice of Hospital Cost Index

*Minnesota Statutes* 256.969, subdivision 1 and *Minnesota Rules*, parts 9500.1120 require the establishment of a Hospital Cost Index (HCI) for rate setting purposes for inpatient hospital services under the General Assistance Medical Care and Medical Assistance Programs. The inflation forecasts provided below were obtained from the Data Resources, Inc./McGraw-Hill, *Health Care Costs* as published in the second quarter of 1991 using the percent moving average. The cost category weights were provided by the Minnesota Hospital Association. The HCI will be used to adjust the rates of hospitals whose next fiscal year begins during the third quarter of 1991.

*Minnesota Session Laws 1991*, Chapter 292, Article 4, Section 25 amended *Minnesota Statutes* 269.969, subd. 1 to eliminate the HCI under the General Assistance Medical Care program for the biennium ending June 30, 1993.

Comments concerning the HCI may be forwarded to the following address:

Richard Tester  
Hospital Reimbursement Section  
Audit Division  
444 Lafayette Road, Fifth Floor  
St. Paul, Minnesota 55155-3836

<u>Cost Category</u>	<u>Weight</u>	<u>Percent</u>	<u>Weighted Percent</u>
Salaries	.535	5.3	2.84
Employee Benefits	.093	6.1	.57
Medical Fees (Medical Care Service)	.062	5.0	.31
Raw Food	.012	3.7	.04
Medical Supplies (Medical Commodities)	.113	2.5	.28
Pharmaceuticals	.043	2.5	.11
Utilities	.024	-3.6	-.09
Repairs/Maintenance	.017	3.3	.06
Insurance*	.013	3.3	.04
Other Operating	<u>.088</u>	3.3	<u>.29</u>
	1.000		4.45
		HCI =	4.5%

\*Excludes Malpractice

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## Department of Human Services

### Community Social Services Division

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to the Rules Governing the Administration of Community Social Services, *Minnesota Rules*, Parts 9550.0010 to 9550.0092

NOTICE IS HEREBY GIVEN that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose amendments to the rules governing the administration of community social services.

The adoption of these amendments to the rule is authorized by *Minnesota Statutes*, § 256E.05, subdivisions 1 and 1a, which permits the State Department of Human Services to review social service requirements and adopt amendments to bring the rule into conformance with current state laws and to reduce program and administrative costs.

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

Kathy McDonough  
Rules and Bulletins Division  
Minnesota Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3816

Oral statements will be received during regular business hours over the telephone at (612) 297-4997 by Kathy McDonough and in person at the above address.

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

Kathy McDonough  
Rules and Bulletins Division

## Department of Human Services

### Developmental Disabilities Division

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to *Minnesota Rules*, parts 9525.1800 to 9525.1930 Governing Funding and Administration of Home and Community-Based Services

NOTICE IS HEREBY GIVEN that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose the amendment of the rule governing funding and administration of home and community-based services for persons with mental retardation or related conditions. The proposed amendments are necessary to conform to the waiver renewal plan to be submitted to the federal Health Care Financing Administration. The rule is authorized by *Minnesota Statutes*, section 256B.092, which governs case management of persons with mental retardation or related conditions.

The State Department of Human Services requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Laura Plummer, Department of Human Services, Rules and Bulletins Division, 444 Lafayette Road, St. Paul, MN 55155-3816. Oral statements will be received during regular business hours over the telephone at 612/297-1217 and in person at the above address.

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

Dated: 19 August 1991

Laura Plummer  
Rules and Bulletins Division  
Department of Human Services

## **Metropolitan Council**

### **Notice of Potential Effect on Metropolitan Significance Standards**

The Metropolitan Council plans to adopt a revised *Solid Waste Management Development Guide/Policy Plan* on or about September 26, 1991. The revision may affect the standards for determining projects of metropolitan significance in the metropolitan significance rules (*Minnesota Rules* chapter 5800). Comments on the implications of the plan revisions on metropolitan significance standards will be accepted through September 25, 1991. Written statements of information and comment may be addressed to:

Wayne Nelson, Senior Planner  
Solid Waste Division  
Metropolitan Council  
Mears Park Centre, 230 East Fifth Street  
St. Paul, Minnesota 55101

Any written material received by the above date will become a part of the hearing record on the revision of the *Solid Waste Management Development Guide/Policy Plan*. Copies of the plan documents or metropolitan significance rules may be obtained by contacting Wayne Nelson as indicated above.

## **Department of Transportation**

### **State Rail Bank Public Meeting Notice**

#### **Amended Notice**

**NOTICE IS HEREBY GIVEN** that the State Rail Bank Public Meeting to be held in the Melrose City Center on August 28, 1991, is correctly scheduled to be held **AUGUST 29, 1991**, at the Melrose City Center, Melrose, MN at 7:00 p.m.

Notice of this meeting appeared in the *State Register* at 16 S.R. 217.

## **Board of Water and Soil Resources**

### **Monthly Meeting Notice**

The Board of Water and Soil Resources will hold their regularly scheduled monthly meeting on Wednesday, August 28, 1991 in Room 112 of the State Capitol, 75 Constitution Avenue, St. Paul, Minnesota. The meeting will convene at 9:00 a.m.

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## **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.

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## **Minnesota Department of Health**

### **Diabetes Control Program**

#### **Request for Applications**

#### **Preventing Disability from Diabetes through Quality Improvement Programs**

##### **Purpose**

The Minnesota Department of Health (MDH) Diabetes Control Program is seeking applications from primary care providers interested in competing for funds to conduct quality improvement activities directed to the complications of diabetes. The purpose of

## State Grants

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these contracts is to improve the preventive care given to persons with diabetes in the areas of diabetic eye disease, hypertension and lower extremity complications.

### Eligibility Criteria

Eligible applicants for these funds are primary care providers who provide direct medical care to a minimum of 75 persons with diabetes and who are interested in enhancing or developing quality improvement activities directed to diabetes care within their clinic.

### Scope of the Program

The program focus is to establish quality improvement activities within a primary care clinic that address diabetic eye disease as well as hypertension or lower extremity complications. Activities developed through this program will serve as models to be replicated in other Minnesota primary care settings.

### Budget/Time Frame

A total budget of \$24,000 is available to fund up to four clinics at approximately \$6,000 each. The contractual funds are for an estimated nine month contract period that will start no earlier than October 1, 1991 and terminate June 30, 1992.

### Program Requirements

During the contract period, the clinic must: 1) establish a diabetes advisory group; 2) establish and maintain a registry of persons with diabetes who receive primary care services from the clinic; 3) initiate a quality improvement activity that addresses two complications of diabetes: diabetic eye disease and either lower extremity complications or hypertension; 4) conduct a medical records review of this target population for baseline information; 5) define and implement clinical and system interventions based on identified areas needing improvement; 6) design and implement a system to monitor and evaluate the selected program interventions.

In addition to financial support, the MDH can provide technical assistance in the areas of quality improvement activities, protocols, forms and flow sheets, and in developing computerized tracking systems using dBase IV software.

Prospective applicants who have questions and/or would like a copy of the Request for Applications may call or write:

Doug Palmer  
Diabetes Control Program  
Minnesota Department of Health  
717 Delaware Street SE  
P.O. Box 9441  
Minneapolis, MN 55440  
Telephone: (612) 623-5679

Applications are due September 20, 1991 by 4:30 p.m.

## Minnesota Housing Finance Agency

### Request for Proposals Capacity Building Grant Program

The Minnesota Housing Finance Agency (MHFA) announces the availability of \$100,000 in grant funds from the Capacity Building Grant Program. The 1989 Legislature authorized the program to assist nonprofit organizations, local units of government, Indian Tribes, and Indian Tribal Organizations to expand their capacity to provide affordable housing and housing related services (*Minnesota Statutes*, Sect. 462A.21, subd. 3b). The program's purpose is to fund projects and activities which will enable an organization to more effectively address the housing needs of low income persons and families within the organization's service area.

**ELIGIBLE APPLICANTS:** Eligible applicants are nonprofit organizations, housing and redevelopment authorities, regional development commissions, Minnesota cities and towns, and Indian tribes, bands, or communities or Indian tribal organizations.

**ELIGIBLE USES OF GRANT FUNDS:** Grants may be awarded to the following activities: (1) Studies and analyses of housing needs within the applicant's service area and the development of plans and strategies to meet those needs. (2) Staff training related to the management of the organization, real estate development, housing management, or other housing related activities. (3) Legal and other professional services associated with the establishment or incorporation of an organization as a provider of housing or housing related services. (4) Other activities and projects that expand the capacity of the applicant to meet housing needs in the applicant's service area.

**FUNDING PRIORITIES:** Funding priority will be given to: (1) Applicants that include low income persons in their membership, have provided housing or housing related services to low income persons, and demonstrate a commitment of local resources, including in-kind contributions. (2) Applicants requesting funds to restructure their organization to qualify as a Community Housing Development Organization under the Federal HOME Program.

**APPLICATION PROCESS:** Applicants should request an application form from MHFA staff:

Minnesota Housing Finance Agency  
400 Sibley Street, Suite 300  
St. Paul, MN 55101  
Attn: Diane Bauleke (612) 296-9829

**Applications must be received at the Minnesota Housing Finance Agency by 5:00 p.m. Friday, October 18, 1991.**

Any questions concerning the Capacity Building Grant Program or the application process should be directed to Diane Bauleke (612) 296-9829 at MHFA.

This Request for Proposals (RFP) is subject to all applicable federal, state, and municipal laws, rules, and regulations. MHFA reserves the right to modify or withdraw this RFP at any time and is not able to reimburse any applicant for costs incurred in the preparation or submittal of applications.

## Minnesota Housing Finance Agency

### Notice of Fund Availability Capacity Building Revolving Loan Program

The Capacity Building Revolving Loan Program was authorized by the 1989 Minnesota Legislature to assist nonprofit organizations and local units of government engaged in the construction or rehabilitation of low income housing. The program is funded from the Minnesota Housing Finance Agency's general reserves. Loans may be made from the Capacity Building Revolving Loan Program for predevelopment activities such as architectural, engineering and legal services, and options on land and buildings.

**FUNDS AVAILABLE:** \$300,000 available statewide, except within the cities of Minneapolis, St. Paul and Duluth. Contact the Agency for additional application information for proposals located within these three communities.

**LOAN TERMS:** Maximum \$50,000 per project, 0% interest, 1 to 2 year term.

**ELIGIBLE APPLICANTS:** Eligible applicants are nonprofit organizations, housing and redevelopment authorities, regional development commissions, Minnesota cities and towns, and Indian tribes, bands, or communities or Indian tribal organizations.

**ELIGIBLE USES OF THE FUNDS:** All expenses must be reimbursable from the sources of financing proposed for the project at the time of closing. The following are eligible uses of the loan funds: (1) Professional services required in the preparation of the construction or rehabilitation plan. (2) Costs for processing and closing the financing for a project. (3) Costs of contracting with a consultant and in-house staff costs related to the planning, processing, or preparation of a project proposal. (4) Studies and analysis of housing needs related to a particular housing project, including market feasibility studies. (5) Earnest money or option deposits on land and buildings. (6) Other activities necessary to finance, design or plan a specific housing project.

**FUNDING PRIORITIES:** Priority for funding will be given to projects assisting the following populations (listed in order of priority):

1. Low income families with children (50% of HUD area median).
2. Very low income persons (30% of HUD area median).
3. Low income persons (50% of HUD area median).

**APPLICATION PROCESS:** Applicant should request application packets from staff at MHFA:

Minnesota Housing Finance Agency  
400 Sibley Street, Suite 300  
St. Paul, MN 55101  
Attn: Capacity Building Revolving Loan Program  
(612) 297-3294

If, after reviewing the application materials, there are any questions concerning the Capacity Building Revolving Loan Program or the Application process they should be directed to Diane Bauleke (612) 296-9829. Applicants are encouraged to discuss the feasibility of the project with MHFA staff prior to submitting an application for funds.

The original and two (2) copies of the application are due at the MHFA office by **5:00 p.m. on Friday, October 18, 1991**. An MHFA Committee will review the applications and should make funding recommendations to the MHFA Board by November. If funds remain after initial selections are made, the Agency will review additional applications on an open pipeline first come, first served basis.

The Request for Proposal (RFP) is subject to all applicable federal, state and municipal laws, rules and regulations. MHFA reserves the right to modify or withdraw this RFP at any time and is not able to reimburse any applicant for costs incurred for the preparation or submittal of applications.

## State Grants

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### Bureau of Mediation Services

#### Applications Accepted for Funding Under the Minnesota Area Labor-Management Committee Program for 1991 Grants

The Bureau of Mediation Services is now accepting applications for funding of new or existing Area Labor-Management Committee programs pursuant to *Minnesota Statutes* § 179.81-.85 (1990).

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

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

Applications for funding during calendar year 1992 will be accepted until October 15, 1991. All grants awarded will be effective January 1, 1992.

Peter E. Obermeyer  
Commissioner

## Professional, Technical & Consulting Contracts

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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.

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### Department of Administration

#### Administrative Services—STAR Program

#### Notice of Request for Proposals for Two Assistive Technology Programs

The STAR Program, a project of the Governor's Advisory Council on Technology for People with Disabilities, is seeking Request for Proposals for two programs.

The first program is for Research and Writing of Public Education Brochures which will produce a series of awareness brochures that cover the role of assistive technology devices and services in relation to disability and lifespan issues. The purpose of these brochures is to provide low cost, high quality information to individuals with disabilities on the "how-to's" of assistive technology. The level of funding for this program is \$10,000. Responders may submit proposals for **any or all of the proposed brochures**. Cost per brochure should not exceed \$1,250.

The second program is to Coordinate and Deliver Training Curriculum. The Governor's Advisory Council on Technology for People with Disabilities-STAR Program believes the first priority of training is to expand local capacity through in-service training for professionals and employers. Training will be conducted in three one-to one and one-half day sessions held throughout the state. Training modules based on the training session will be prepared for replication of training session. Each of the training sessions will have a different target audience. Training will consist of **both** theory and "hands-on" experience with technology devices and services. The level of funding for this program is \$14,500. Respondents may submit for only one or two of the sessions, in which case, the cost should not exceed \$4,800 per session.

Applications must be received no later than 4:30 p.m. on Monday, September 23, 1991. For applications and further information, please contact:

Rachel Wobschall  
Executive Director, STAR Program  
Department of Administration  
300 Centennial Office Building  
658 Cedar Street  
St. Paul, Minnesota 55155  
(612) 297-1552  
(612) 296-9962 TDD

## **Department of Administration**

### **Print Communications Division**

#### **Contract Available for Printing and Distribution of the *State Register***

The biennial contract for printing and distribution of the *State Register* is open for bid by printing vendors until 2:00 p.m. on Thursday, August 29. At that time, an official opening of bids will take place at the Materials Management Division, Room 112, Administration Bldg., 50 Sherburne Ave., St. Paul, MN 55155.

The contract is estimated at approximately \$160,000.00 per year, covers a two year period, and is subject to renewal for additional years based on conditions of the contract specifications.

For a copy of the specifications, call Norma Cameron at 296-3779, or the Materials Management Division Help Line (612) 296-2600.

## **Department of Corrections**

### **Request for Proposals for Pharmacy Services**

The Minnesota Department of Corrections Central Office Health Services unit is requesting proposals for the provision of Pharmacy Services at our Stillwater, Oak Park Heights, Lino Lakes, and Shakopee correctional facilities, with the eventual expansion of services to the Faribault facility during the 92-93 biennium.

Eligible applicants are expected to submit proposals which include the provision of pharmacy services at all of the aforementioned facilities under one project director, with a plan for the expansion of services at the Faribault facility. Contract period will be from October 1, 1991 through June 30, 1994.

Individuals interested in submitting a proposal, or desiring more information, should request a copy of the complete Request For Proposal (RFP) by contacting Dana P. Baumgartner, Corrections Health Care Administrator at (612) 642-0248. Proposals must be submitted to the department no later than 4:30 p.m. September 9, 1991.

## **Department of Corrections**

### **Minnesota Correctional Facility—Stillwater**

#### **Notice of Request for Services of a Chemical Dependency Counselor or Licensed Education Teacher**

**NOTICE IS HEREBY GIVEN** that the Minnesota Correctional Facility—Stillwater is seeking the services of a qualified Chemical Dependency Counselor, Licensed Education Teacher, or equivalent for the period of October 1, 1991 through June 30, 1993. The estimated cost will not exceed \$19,500 for the term of the contract. Direct inquiries to Don Engeldinger, Minnesota Correctional Facility, P.O. Box 55, Stillwater, MN 55082, or call (612) 779-2760.

**Proposal must be submitted no later than 3:00 p.m. September 16, 1991.**

## **State Designer Selection Board**

### **Request for Proposal for Two Projects**

#### **To Minnesota Registered Design Professionals:**

The State Designer Selection Board has been requested to select designers for two projects. Design firms who wish to be considered for these projects should deliver proposals on or before 4:00 p.m., September 17, 1991, to George Iwan, Executive Secretary, State Designer Selection Board, Room G-10, Administration Building, St. Paul, Minnesota 55155-3000.

#### **The proposal must conform to the following:**

- 1) Six copies of the proposal will be required.
- 2) All data must be on 8½" x 11" sheets, soft bound.
- 3) The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number and the name of the contact person.

## Professional, Technical & Consulting Contracts

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### 4) Mandatory Proposal contents in sequence:

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

b) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. If desired, identify roles that such persons played in projects which are relevant to the project at hand.

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

d) A list of State and University of Minnesota current and past commissions under contract or awarded to the prime firm(s) submitting this proposal during the three (3) years immediately preceding the date of this request for proposal. The prime firm(s) shall list and total all fees associated with these projects whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects listed pursuant to the above.

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

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

### 5) Statutory Proposal Requirements:

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

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

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

b) A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights;

or

c) A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months; or

d) A statement certifying that the firm has an application pending for a certificate of compliance.

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

a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or

b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

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

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

### 7) PROJECT 06-91

Heating, Ventilating and Air Conditioning  
Brainerd Regional Human Services Center  
Preliminary Project Budget: \$2,115,000.00

**PROJECT DESCRIPTION:** This project will focus on upgrading heating, ventilating and air conditioning (HVAC) equipment in residential and program buildings at Brainerd Regional Treatment Center, 1777 Highway 18 East, Brainerd, Minnesota. The scope of work will involve modification of existing duct systems for air supply, return and exhaust; installation of air handling and treatment equipment (i.e., fans, filtering units, humidifiers, heating and cooling coils, cooling equipment, etc.); the installation of adequate control devices; related building modifications associated with these system improvements and equipment installations; and any improvements to electrical systems necessary to accommodate the additional loads of these systems.

**WORK TO BE PERFORMED BY THE DESIGNER:** The designer selected for this project will work with personnel from Brainerd

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## Professional, Technical & Consulting Contracts

Regional Human Services Center (BRHSC), the Department of Human Services (DHS), Department of Administration (DOA), and other state/local agencies associated with BRHSC's physical facilities. The designer's responsibilities will include, but not limited to, the following:

1. A project work plan.
2. The development of project goals and objectives.
3. A comprehensive feasibility study/site development plan (related to HVAC improvements) which considers the condition of existing HVAC systems, utilities, and related infrastructural components; the feasibility of utilizing existing engineering system components during the systems upgrade; various alternatives for implementing improvements to the facility's heating, ventilating, and air conditioning systems, including plans for phasing the implementation of the project; preliminary estimates of construction, operation, and future maintenance costs associated with related building renovations, site/infrastructural improvements, and new construction and equipment installations, for the various alternatives presented. This study will be used by the State to determine the manner in which the State shall proceed with HVAC improvements at BRHSC.
4. Preparation of schematic designs, design development and construction documents; drawings, specifications, and related bidding documents for selected building renovations, site and infrastructural improvements, and new equipment installations; code reviews; presiding at the bid opening; the handling of contract documents; the general supervision of construction work for the owner; assisting in the preparation of supplemental agreements; review and approval of shop drawings and payment requests; and assisting in review and acceptance of work.

5. **Fees:** Anticipated to be seven (7) percent of the construction cost.

**DESIGNER QUALIFICATIONS:** The designer selected for this project shall have a demonstrated track record in HVAC retro-fit design and construction.

**Note:** Topographic surveys, asbestos surveys and abatement, and other testing, and analysis will be provided by the owner.

### 7) PROJECT 07-91

Heating, Ventilating, and Air Conditioning  
Buildings #2, #3, and #35  
St. Peter Regional Treatment Center  
Preliminary Project Budget: \$625,000.00

**PROJECT DESCRIPTION:** This project will focus on upgrading heating, ventilating and air conditioning (HVAC) equipment in residential and program areas of buildings #2, #3, and #4 at St. Peter Regional Treatment Center, 100 Freeman Drive, St. Peter, Minnesota.

The scope of work will involve modification of existing duct systems for air supply, return and exhaust; installation of air handling and treatment equipment (i.e., fans, filtering units, humidifiers, heating and cooling coils, cooling equipment, etc.); the installation of adequate control devices; related building modifications associated with these system improvements and equipment installation; and improvements to electrical systems necessary to accommodate the additional loads of these systems.

**WORK TO BE PERFORMED BY THE DESIGNER:** The designer selected for this project will work with personnel from St. Peter Regional Treatment Center (SPRTC), the Department of Human Services (DHS), Department of Administration (DOA), and other state/local agencies associated with SPRTC's physical facilities. The designer's responsibilities will include, but not limited to, the following:

1. A project work plan.
2. The development of project goals and objectives.
3. A comprehensive feasibility study/site development plan (related to HVAC improvements) which considers the condition of existing HVAC systems, utilities, and related infrastructural components; the feasibility of utilizing existing engineering system components during the system upgrade; various alternatives for implementing improvements to the facility's heating, ventilating, and air conditioning systems, including plans for phasing the implementation of the project; preliminary estimates of construction, operation, and future maintenance costs associated with related building renovations, site and infrastructural improvements, and new construction and equipment installations, for the various alternatives presented. This study will be used by the State to determine how it shall proceed with HVAC improvements at SPRTC.
4. Preparation of schematic designs, design development and construction documents; drawings, specifications, and related bidding documents for selected building renovations, site and infrastructural improvements, and new equipment installations; code reviews; presiding at the bid opening; the handling of contract documents; the general supervision of construction work for the owner; assisting in the preparation of supplemental agreements; review and approval of shop drawings and payment requests; and assisting in review and acceptance of work.

## Professional, Technical & Consulting Contracts

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**Fees:** Anticipated to be Eight (8) percent of the construction cost.

**DESIGNER QUALIFICATIONS:** The designer selected for this project shall have a demonstrated track record in HVAC retro-fit design and construction.

**Note:** Topographic surveys, asbestos surveys and abatement, and other testing, and analysis will be provided by the owner.

Questions concerning these projects may be referred to Alan Van Buskirk at (612) 296-8982.

James Tillitt, Vice Chairman  
State Designer Selection Board

## Minnesota Historical Society

### Notice of Contract Availability for Cultural Resource Survey and Planning Work

The Minnesota Historical Society is considering completing the cultural resource survey and planning projects outlined below, and requests proposals from qualified contractors.

1. Project Title: Survey of the Split Rock Vicinity  
Estimated amount available: \$20,000  
Project time period: October 1, 1991—June 30, 1992

Description: An intensive level survey of underwater and shoreline areas from Castle Danger to East Beaver Bay. Record historic features related to shipping including shipwrecks, abandoned watercraft, dock structures, lumbering artifacts, and fishing villages.

2. Project Title: Survey and Nomination of Three Shipwrecks  
Estimated amount available: \$15,000  
Project time period: November 1, 1991—September 15, 1992

Description: Conduct underwater surveys and prepare National Register nominations for three shipwrecks to be determined by the State Historic Preservation Office within Lake Superior waters of Minnesota. The shipwrecks will be at depths under 100 feet.

Qualifications:

1. Demonstrated experience in conducting cultural resource planning, identification, evaluation, and/or registration activities in conformance with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation highly preferred.
2. Preparation of a National Register form for a property that has been placed on the Register within the last five years highly preferred.
3. The principal investigator should be a maritime archaeologist or a maritime historian and must meet the Secretary of the Interior's Professional Qualifications Standards for historian or archaeologist.

These services will be provided under contract. More detailed information on each project is available for inspection by appointment at the Fort Snelling History Center during business hours. To schedule an appointment, call Michele Decker at 612-726-1171.

Proposals must contain the following:

1. Resume
2. Completed National Register form; consultants who have completed National Register forms for Minnesota may reference the nomination in lieu of sending a copy.
3. Narrative project proposal, including an implementation schedule. All projects must be completed within the specified time periods.
4. Dollar bid, including a line item breakdown of the proposed project budget. Personal compensation, mileage and lodging rates may not exceed maximums allowed under federal regulations.

Contractor qualifications, amount of bid, and quality of proposal will be considered in making any awards.

Qualified contractors should send proposals to: Gary W. Goldsmith, Contracting Officer, 690 Cedar Street, St. Paul, MN 55101, no later than 2:00 p.m. Central Standard Time, September 20, 1991. Late proposals will not be considered.

Award of any of these contracts is contingent upon the availability of funds. The solicitation for proposals does not obligate the Society to complete these projects, and the Society reserves the right to cancel solicitation if it is considered to be in the Society's best interests. The Society reserves the right to accept any proposal or to reject all proposals and to waive any informalities therein.

## Department of Human Services

### Notice of Request for Proposals for the Development of Living-At-Home/Block Nurse Program Projects

The Long Term Care Management Division of the Department of Human Services is soliciting proposals from qualified applicants to develop Living-At-Home/Block Nurse Program projects in Minnesota.

Eligible applicants are public and private agencies with the capacity to carry out the project activities using the living-at-home/block nurse program model. Specifically, these projects must serve persons over sixty-five and be under the direction of a community advisory committee. They must have a defined geographic boundary and demonstrate a team approach to the provision of services which incorporates the older person into the planning.

A total of \$250,000 is available to support six to eight individual project grants during the 1992-1993 biennium. Each grant may receive a maximum of \$35,000 for eighteen months. Counties, organizations, areas and community groups may apply for the funding. A local match of at least 5% is required, which can consist of a combination of cash and in-kind services.

The project sites will begin operation on or about January 1, 1992 and complete their grant cycle by June 30, 1993.

A State Living-At-Home/Block Nurse Program Technical Assistance Center will be open by mid-September 1991 and offer help in preparing proposals and starting the projects.

Requests for copies of the complete RFP for the Living-At-Home/Block Nurse Program projects should be directed to Nancy Smith at (612) 296-5892. The original and six copies of the proposal must be submitted to the Caregiver Support Project, Long Term Care Management Division, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3844, no later than 4:00 p.m. on November 1, 1991.

The Long Term Care Management Division of the Department of Human Services and the State of Minnesota reserve the right to reject any and all proposals submitted.

## Department of Human Services

### Request for Proposals for the Public Information Campaign for the Seniors Agenda for Independent Living

The Seniors Agenda for Independent Living, referred to as "SAIL", is a cooperative effort of the Department of Human Services, Health, Finance, and the Board on Aging. The Legislature appropriated the funding for this joint effort through the Department of Human Services.

This is a request for proposals (RFP) from agencies interested in bidding for one, two, or three contracts for implementing the following: 1) market research to identify wants and needs of target population(s) that may use long term care services; and evaluation of messages developed to attract target populations to new services; 2) mass media campaigns for reaching "at-risk" populations about available services and public information for general population; 3) resource development to adequately fund continued public information campaigns and evaluations. These 18 month contracts are to be part of a statewide effort to increase the availability and use of alternative services for addressing long term care needs. Funding for the SAIL Strategy is provided through the Minnesota Department of Human Services. The 1991 Legislature appropriated \$455,000.00 for these projects for the biennium ending June 30, 1993.

For a copy of the full request for proposals and supporting documents, contact:

Anne P. Kane  
Interagency Long Term Care Planning Committee  
Long Term Care Management Division  
Minnesota Department of Human Services  
5th Floor, Space Center  
444 Lafayette Road  
St. Paul, Minnesota 55101-3844  
612/296-6972

A briefing session for potential responders to this RFP will be held on Wednesday, September 18th at 1:00 p.m.

All proposals must be received by the Department of Human Services no later than 4:30 p.m., Tuesday, October 1, 1991. Please submit completed applications to Anne Kane.

## Professional, Technical & Consulting Contracts

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### Department of Natural Resources

#### Human Resources Bureau

#### Request for Proposals for Leadership Development Program

The Minnesota Department of Natural Resources is soliciting proposals to design and implement a Leadership Development Program for its employees. Proposals are being accepted for two components of this department-wide initiative, both involving the Department's experienced managers, supervisors and lead workers.

##### **PART I: INDIVIDUAL ASSESSMENT OF LEADERSHIP CHARACTERISTICS**

**Purpose:** To assess personal leadership strengths and areas needing improvement; to develop personal leadership goals; and to begin implementation of workplan items.

**Funding:** \$14,000 is available for Part I.

##### **PART II. COACHING OTHERS FOR LEADERSHIP GROWTH**

**Purpose:** To train managers, supervisors and lead workers how to coach their staff for leadership development through on-the-job, action-oriented training, including delegating assignments that provide the challenges, risks and responsibilities vital for leadership growth; using performance appraisal as a development tool for leadership; and coaching employees to prepare and implement individual development plans to strengthen leadership qualities.

**Funding:** \$8,000 is available for Part II.

The contractor may be involved in the design or customization of training materials and assessment instruments, working with the DNR Training Manager. The contractor may be involved directly in employee training and/or in a train-the-trainer approach. The available funds must include the expense of all training materials as well as development, preparation and travel outside of the Metro area.

Proposals may be submitted for Part I only, Part II only, or for both Parts I and II combined.

The contract would be effective from November 1991 through June 1992.

Prospective vendors may obtain copies of the complete Request for Proposals from:

Jackie Lind, Training Manager  
MN Department of Natural Resources  
Box 49  
500 Lafayette Road  
St. Paul, MN 55155  
(612) 296-4823

Seven copies of each proposal must be received at the above address no later than 4:00 p.m., September 20, 1991.

### Department of Public Service

#### Request for Proposals for Contractor to Conduct Study

##### **I. General Instructions**

###### **A. Background**

The 1989 Minnesota Legislature established an Electric Utility Service Area Task Force to study "all issues relating to the setting and changing of service area boundaries." The twelve-member Task Force consists of five members of the Senate, five members of the House, the chair of the Public Utilities Commission, and the commissioner of the Department of Public Service.

The Task Force met six times from August 16, 1989 to January 29, 1990 to gather information about service territory boundaries. The Task Force also sent a survey to utilities to gather information on the general organizational structure of each utility, financial and operating data, capacity and adequacy of supply, electric rates, and service boundaries. The Task Force summarized its findings in a report that was adopted on March 15, 1990. Among other things, the Task Force concluded that the issue of capacity planning deserves a more thorough examination, not only to reach a better understanding of the relationship between capacity and rates, but also to attempt to formulate a planning process, involving all utilities, aimed at minimizing excess capacity and assuring that any unavoidable excess is put to efficient use.

###### **B. Objectives**

The purpose of this Request for Proposals is to secure a contractor with the expertise to conduct the study required by the

Task Force and produce a report on the results of the study. Based on the findings of the Task Force, the 1990 Minnesota Legislature directed the Department of Public Service to conduct the study recommended by the Task Force. The Legislature indicated that "the study must focus on the extent of utility capacity and its effect on rates, and must attempt to identify procedures and processes to review and coordinate capacity planning by regulated and unregulated utilities so that adequate attention is given not only to ways to meet future demand, but also to forecast and find efficient use of surplus capacity."

### C. Bidding Information

Responses to this request are due by 4:30 p.m., September 13, 1991. Late responses will not be considered. All responses and questions regarding this Request for Proposals should be addressed to:

Minnesota Department of Public Service  
790 American Center Building  
150 East Kellogg Boulevard  
St. Paul, Minnesota 55101  
Attn: Douglas R. Larson  
Rate Analyst  
Utility Rate Regulation Unit  
Telephone Number: (612) 296-8344

This is the only employee authorized to answer questions regarding this proposal.

It is anticipated that the Department will enter into a contract with the successful proposer. Attached to this Request, for illustrative purposes only, is a sample professional/technical contract. This Request does not obligate the Department to complete the project described herein and the Department reserves the right to cancel this solicitation, or waives minor informalities, if it is considered in the best interest of the Department.

## II. Statement of Work

### A. Contractor's Duties

The Contractor shall complete the following tasks.

1. Develop research agenda; at a minimum, research must include analyses of the following as it effects capacity planning and rates:

- a. Current utility capacity:
  - inventory of current plants;
  - capacity utilized from other sources;
  - sales/purchases/diversity exchanges;
- b. Regional coordination:
  - overview of Mid-Continent Area Power Pool (MAPP);
  - extent of transactions
  - transmission system loading;
  - required reserve margins;
- c. Demand forecasts:
  - forecast of demand on utility systems through the year 2005;
  - forecast of regional demand through the year 2005;
- d. Future capacity:
  - forecast when customer demand will exceed available capacity;
  - utility plans for meeting anticipated demand;
  - forecast the anticipated cost of future capacity options through the year 2005;
  - projection of future rates through the year 2005 based on the impact of new capacity additions.

2. Review of regulatory procedure and process options available to coordinate capacity planning by regulated and unregulated utilities. This review should include options used in other parts of the country as well as new alternatives.

3. Revise research agenda after DPS review.

## Professional, Technical & Consulting Contracts

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4. Submit final study report; report should include complete description of data, methods used to gather data, and techniques used to forecast demand, capacity, and rate impacts.

5. Prepare and deliver oral testimony to the Task Force on the results of the study.

### B. Assistance Available from State

1. Access to any public information held by the Department which the contractor determines to be useful in the completion of the project. This information may include the advanced forecast submitted by utilities in the Minnesota/Wisconsin Power Supply Group (contains information on individual plants operated by each utility and demand forecasts through the year 2005), annual MAPP forecast (contains load and generating capability data through the year 2000 and estimates of capacity purchases and sales), initial integrated resource plans, and the data and report adopted by the Task Force (contains information on present utility rates, number of customers, capacity summaries, and operating policies).

2. Access to utility information through formal discovery requests which the contractor determines to be useful in the completion of the project.

3. Access to any Department employee with whom the contractor needs to confer.

### C. Deliverable Items

1. A written timetable for accomplishing the tasks outlined above.

2. Weekly oral status reports which will include the following:

- Progress of major project components;
- Description of any problems encountered; and,
- Progress of work plan.

3. A final report.

### D. Schedule

1. The final report must be completed by December 15, 1991.

## III. Project Costs and Contractor Remuneration

### A. Funds Available

An amount not to exceed \$50,00 is available for this contract. This amount includes travel costs, if determined to be necessary.

### B. Remuneration

The contractor will be reimbursed on a monthly basis for the total number of hours worked at the rate specified in the contract. The monthly invoice shall include the following information:

1. Inclusive dates for which reimbursement is sought;

2. Listing of hours worked with a cross reference to the tasks worked upon; and,

3. Certification that the invoice information is valid. Twenty-five percent of the total contract amount will be withheld and paid after DPS review and final acceptance of all deliverables.

## IV. Proposal Contents

This Request is for a procurement of consultant or professional and technical service under *Minnesota Statutes* section 16B.17 and is not governed by competitive bidding procedures. The following will be considered to be the minimum contents of proposals submitted in response to this Request for Proposal.

1. A restatement of the project description given in the Request for Proposal to indicate the proposer's understanding of the project.

2. A statement of how the proposer intends to proceed with each of the tasks outlined above.

3. A preliminary budget showing how the contract funds will be spent, including hourly rates of personnel assigned.

4. A list of key staff (including biographies and qualifications) who will be assigned to work on the project.

5. A review of any recent related work conducted by the proposer and key staff people.

6. The responder may propose additional tasks or activities if these tasks or activities will substantially improve the results of the project.

Proposals will be evaluated based on the contractor's knowledge and proven ability to apply utility ratemaking principles, utilities capacity planning, forecasting techniques, and familiarity with regulatory procedures and processes.

**V. Worker's Compensation**

Prior to the execution of the contract, the successful proposer will be required to submit acceptable evidence of compliance with the Worker's Compensation Insurance Coverage requirements.

**VI. Affirmative Action**

Prior to the execution of the contract, the successful proposer must verify that it has received a certificate of compliance to affirmative action requirements from the Commissioner of Human Rights.

## Department of Trade and Economic Development

### Notice of Availability of Contract for Appraisal Review Services

The Minnesota Department of Trade and Economic Development is seeking proposals from licensed appraisers interested in competing for a contract to provide appraisal review services. The contractor will review appraisal reports submitted by applicants for grants under the Outdoor Recreation Grant Program and provide expert advice and comments to the Department of Trade and Economic Development regarding the quality of the appraisals and whether or not they meet state and federal appraisal guidelines and requirements.

It is estimated that the work time required to perform this review function will total approximately 60 to 80 hours per year. The following tasks, at a minimum, will be required as part of the review function:

- 1) Reading and evaluating each appraisal report submitted;
- 2) Contacting the appraiser who completed the report, when necessary, to obtain information or clarify the procedures used to do the appraisal;
- 3) Provide a written report documenting any appraisal deficiencies;
- 4) Review any required revisions to the appraisal reports;
- 5) Issue a final certification of the appraisals when all identified deficiencies have been addressed;
- 6) Maintain regular contact with the program staff and keep them informed of any problems related to the appraisals being reviewed.

Copies of the Request for Proposals and additional information may be obtained from:

Wayne Sames, Director  
Outdoor Recreation Unit  
Community Development Division  
Department of Trade and Economic Development  
900 American Center Building  
150 East Kellogg Boulevard  
St. Paul, MN 55101-1421  
Phone: 612/296-1567

Proposals must be received at the above address by the end of the business day (4:30 p.m.) September 3, 1991.

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## Non-State Public Contracts

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

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

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## Bassett Creek Watershed Management Organization

### Request for Interest Proposals—Professional Services

Pursuant to MSA 103B.227, Subd. 5, the Bassett Creek Watershed Management Organization hereby solicits interest proposals for

## Non-State Public Contracts

legal, engineering, and technical consultant services for the fiscal years 1992 and 1993. The annual budget for all services for the organization for the year 1991 is \$231,900.

Written proposals setting forth the experience of the individuals who would be interested in performing legal, engineering, or technical services for the Watershed Management Organization should be sent to:

W. Peter Enck, Chairman  
9000 47½ Avenue North  
New Hope, MN 55428  
(NO CALLS)

Please set forth in your written proposal the experience of the individual who proposes to perform services for the Commission and the résumés of support staff who would assist the individual in providing the contractual services. The Commission will review said proposals and reserves to itself the right to take such action as it deems in the best interests of the Watershed Management Organization. All interest proposals shall be submitted on or before September 16, 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:** PBX and voice mail system RFP—rebid  
**Contact:** Teresa Ryan 296-7556  
**Bid due date at 2pm:** September 6  
**Agency:** North Hennepin Community College  
**Deliver to:** Brooklyn Park  
**Requisition #:** B 27153-10334-1

**Commodity:** 386DX/25 computer  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 4:30pm:** August 29  
**Agency:** Bemidji State University  
**Deliver to:** Bemidji  
**Requisition #:** B 26070-14492

**Commodity:** IBM printer supplies  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 4:30pm:** August 29  
**Agency:** Minnesota State Lottery  
**Deliver to:** Roseville  
**Requisition #:** B 99997-20008

**Commodity:** Apple laser printer—no substitute  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 4:30pm:** August 29  
**Agency:** Anoka Ramsey Community College  
**Deliver to:** Coon Rapids  
**Requisition #:** B 27152-46871

**Commodity:** Video equipment  
**Contact:** Pam Anderson 296-1053  
**Bid due date at 4:30pm:** September 3  
**Agency:** Winona State University  
**Deliver to:** Winona  
**Requisition #:** B 26074-14092

**Commodity:** Custom counter/cabinets  
**Contact:** Pam Anderson 296-1053  
**Bid due date at 4:30pm:** August 29  
**Agency:** North Hennepin Community College  
**Deliver to:** Brooklyn Park  
**Requisition #:** B 27000-10361

**Commodity:** Rental/lease trailer office  
**Contact:** Pam Anderson 296-1053  
**Bid due date at 4:30pm:** August 29  
**Agency:** Minnesota Pollution Control Agency  
**Deliver to:** St. Paul  
**Requisition #:** B 32200-30341

**Commodity:** Motorola 2600 cellular phone  
**Contact:** Teresa Ryan 296-7556  
**Bid due date at 4:30pm:** August 29  
**Agency:** Board of Water & Soil Resources  
**Deliver to:** St. Paul  
**Requisition #:** B 99780-20250

**Commodity:** H P printer—no substitute  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 4:30pm:** August 29  
**Agency:** Anoka Ramsey Community College  
**Deliver to:** Coon Rapids  
**Requisition #:** B 27152-46870

**Commodity:** PC express computer—no substitute  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 4:30pm:** August 29  
**Agency:** Anoka Ramsey Community College  
**Deliver to:** Coon Rapids  
**Requisition #:** B 27152-46873

**Commodity:** Impact tester  
**Contact:** Pam Anderson 296-1053  
**Bid due date at 4:30pm:** September 3  
**Agency:** Mankato State University  
**Deliver to:** Mankato  
**Requisition #:** B 26071-64167

**Commodity:** Testing supplies  
**Contact:** Pam Anderson 296-1053  
**Bid due date at 4:30pm:** September 3  
**Agency:** Winona State University  
**Deliver to:** Winona  
**Requisition #:** B 26074-14097

**Commodity:** Gas analyzer  
**Contact:** Pam Anderson 296-1053  
**Bid due date at 4:30pm:** September 3  
**Agency:** Minnesota Pollution Control Agency  
**Deliver to:** St. Paul  
**Requisition #:** B 32200-30339

**Commodity:** Precipitation collector  
**Contact:** Pam Anderson 296-1053  
**Bid due date at 4:30pm:** September 3  
**Agency:** Minnesota Pollution Control Agency  
**Deliver to:** St. Paul  
**Requisition #:** B 32200-30343

**Commodity:** Refrigerant reclaiming  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 4:30pm:** August 29  
**Agency:** Mankato State University  
**Deliver to:** Mankato  
**Requisition #:** B 26071-09600

**Commodity:** Maintenance contract  
 Trane chillers  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 4:30pm:** September 3  
**Agency:** North Hennepin Community College  
**Deliver to:** Brooklyn Park  
**Requisition #:** B 27153-10352

**Commodity:** Air compressor  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 4:30pm:** September 3  
**Agency:** Minnesota Correctional Facility  
**Deliver to:** Red Wing  
**Requisition #:** B 78760-03030

**Commodity:** 1 ton crew cab pickup truck  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** September 3  
**Agency:** Willow River Camp  
**Deliver to:** Willow River  
**Requisition #:** B 78890-42005

**Commodity:** Plow trip springs  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 4:30pm:** August 29  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Fort Snelling  
**Requisition #:** B 79990-00340

**Commodity:** Refrigeration parts—Thermal Company  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 4:30pm:** August 29  
**Agency:** Southwest State University  
**Deliver to:** Marshall  
**Requisition #:** B 26175-02229

**Commodity:** Truck with step-van body  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** September 3  
**Agency:** Faribault Regional Center  
**Deliver to:** Faribault  
**Requisition #:** B 55303-16262

**Commodity:** Power collection system—tractor mower  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 4:30pm:** September 3  
**Agency:** Minnesota Correctional Facility  
**Deliver to:** Red Wing  
**Requisition #:** B 78760-03032

**Commodity:** Furnish & install van body  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 4:30pm:** September 3  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Windom  
**Requisition #:** B 79382-02307

**Commodity:** Hepa filtration system  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 4:30pm:** August 29  
**Agency:** Department of Public Service  
**Deliver to:** Various places  
**Requisition #:** B 80300-92137

**Commodity:** ¼" mirrors—furnish & install  
**Contact:** Pam Anderson 296-1053  
**Bid due date at 4:30pm:** August 29  
**Agency:** Minnesota Academy for the Deaf  
**Deliver to:** Faribault  
**Requisition #:** B 37001-20061

**Commodity:** Video cameras  
**Contact:** Pam Anderson 296-1053  
**Bid due date at 4:30pm:** August 29  
**Agency:** Minnesota Correctional Facility  
**Deliver to:** Stillwater  
**Requisition #:** B 78620-00404

**Commodity:** Signal equipment/parts  
**Contact:** Pam Anderson 296-1053  
**Bid due date at 4:30pm:** August 28  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Oakdale  
**Requisition #:** B 79900-82508

**Commodity:** Tableware  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 4:30pm:** September 3  
**Agency:** Brainerd Regional Human Services Center  
**Deliver to:** Brainerd  
**Requisition #:** B 55304-09127

**Commodity:** Marking paint  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 4:30pm:** August 29  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Oakdale  
**Requisition #:** B 79900-82507

## State Contracts and Advertised Bids

**Commodity:** Meat for October delivery  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 4:30pm:** September 10  
**Agency:** Minnesota Correctional Facility—Faribault  
**Deliver to:** Faribault  
**Requisition #:** B 78790-20264

**Commodity:** Copier rental—rebid  
**Contact:** Jack Bauer 296-2621  
**Bid due date at 4:30pm:** August 28  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Various places  
**Requisition #:** B 79800-03883-1

**Commodity:** UHF FM radios  
**Contact:** Pam Anderson 296-1053  
**Bid due date at 4:30pm:** August 29  
**Agency:** I R R & R B  
**Deliver to:** Chisholm  
**Requisition #:** B 43000-60150

**Commodity:** Lumber  
**Contact:** Pam Anderson 296-1053  
**Bid due date at 4:30pm:** August 29  
**Agency:** Minnesota Correctional Facility  
**Deliver to:** Red Wing  
**Requisition #:** B 78760-03031

**Commodity:** Vertical camera  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 4:30pm:** August 29  
**Agency:** Lakewood Community College  
**Deliver to:** White Bear Lake  
**Requisition #:** B 27154-47235

**Commodity:** Photo cell units  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 4:30pm:** August 29  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** St. Cloud  
**Requisition #:** B 79350-01167

**Commodity:** Extend/CCM software  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 4:30pm:** August 29  
**Agency:** Minnesota State Lottery  
**Deliver to:** Roseville  
**Requisition #:** B 99997-20009

**Commodity:** Light table  
**Contact:** Jack Bauer 296-2621  
**Bid due date at 4:30pm:** August 29  
**Agency:** Winona State University  
**Deliver to:** Winona  
**Requisition #:** B 26074-14126

**Commodity:** Copy machine rental  
**Contact:** Jack Bauer 296-2621  
**Bid due date at 2pm:** August 29  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** Willmar  
**Requisition #:** B 79800-03884-1

**Commodity:** Telephone maintenance—Bemidji  
**Contact:** Teresa Ryan 296-7556  
**Bid due date at 4:30pm:** August 30  
**Agency:** Bemidji State University  
**Deliver to:** Bemidji  
**Requisition #:** B 26070-14482

**Commodity:** Xerox copier maintenance rebid  
**Contact:** Jack Bauer 296-2621  
**Bid due date at 4:30pm:** August 28  
**Agency:** Cambridge Regional Human Services Center  
**Deliver to:** Cambridge  
**Requisition #:** B 55201-20020-1

**Commodity:** Guardrail  
**Contact:** Pam Anderson 296-1053  
**Bid due date at 4:30pm:** August 28  
**Agency:** Building Construction Division  
**Deliver to:** St. Paul  
**Requisition #:** B 02305-21877

**Commodity:** Sterigard latex exam gloves  
**Contact:** Teresa Ryan 296-7556  
**Bid due date at 4:30pm:** September 4  
**Agency:** Moose Lake Regional Training Center  
**Deliver to:** Moose Lake  
**Requisition #:** B 55103-05776

**Commodity:** Double pant leg system  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 4:30pm:** September 4  
**Agency:** Brainerd Regional Human Services Center  
**Deliver to:** Brainerd  
**Requisition #:** B 02310-19568

**Commodity:** Used vending machine  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 4:30pm:** August 30  
**Agency:** Minnesota Department of Jobs & Training  
**Deliver to:** St. Paul  
**Requisition #:** B 21200-41670

**Commodity:** Microsoft software—rebid  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 4:30pm:** August 29  
**Agency:** Winona State University  
**Deliver to:** Winona  
**Requisition #:** B 26074-14066-1

**Commodity:** Rainwear and personal float devices  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 4:30pm:** August 29  
**Agency:** Department of Natural Resources—Northern Service Center  
**Deliver to:** Grand Rapids  
**Requisition #:** B 29007-10422

**Commodity:** Rubber waders  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 4:30pm:** August 30  
**Agency:** Department of Natural Resources—Southern Service Center  
**Deliver to:** St. Paul  
**Requisition #:** B 29008-80472

**Commodity:** Signs  
**Contact:** Jack Bauer 296-2621  
**Bid due date at 4:30pm:** September 4  
**Agency:** Minnesota Department of Jobs & Training  
**Deliver to:** Minneapolis  
**Requisition #:** B 21200-41662

**Commodity:** Custom S/S dishtable  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 4:30pm:** September 4  
**Agency:** Brainerd Regional Human Services Center  
**Deliver to:** Brainerd  
**Requisition #:** B 02310-19567

**Commodity:** Storage freezer and refrigerator  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 4:30pm:** August 30  
**Agency:** Minnesota Department of Agriculture  
**Deliver to:** St. Paul  
**Requisition #:** B 04661-21245

**Commodity:** Annual maintenance generators  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 4:30pm:** August 30  
**Agency:** Mankato State University  
**Deliver to:** Mankato  
**Requisition #:** B 26071-09596

**Commodity:** Binding equipment and supplies  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 4:30pm:** August 27  
**Agency:** Minnesota Department of Administration  
**Deliver to:** St. Paul  
**Requisition #:** B 02509-20457

**Commodity:** Rainwear and life vests  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 4:30pm:** August 29  
**Agency:** Department of Natural Resources—Southern Service Center  
**Deliver to:** St. Paul  
**Requisition #:** B 29008-80471

**Commodity:** Basketball post and backboard  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 4:30pm:** August 29  
**Agency:** Minnesota Correctional Facility  
**Deliver to:** St. Cloud  
**Requisition #:** B 78830-10988

**Commodity:** Decals  
**Contact:** Jack Bauer 296-2621  
**Bid due date at 4:30pm:** September 4  
**Agency:** Department of Natural Resources—Ecological Service  
**Deliver to:** St. Paul  
**Requisition #:** B 29000-57062

**Commodity:** Snowmobile plate  
**Contact:** Jack Bauer 296-2621  
**Bid due date at 4:30pm:** September 4  
**Agency:** Department of Natural Resources—Bureau of License  
**Deliver to:** St. Paul  
**Requisition #:** B 29000-57158

**Commodity:** Drafting pens  
**Contact:** Jack Bauer 296-2621  
**Bid due date at 4:30pm:** September 4  
**Agency:** Minnesota Department of Transportation  
**Deliver to:** St. Paul  
**Requisition #:** B 79000-21739

**Commodity:** Office supplies, miscellaneous  
**Contact:** Ann Wefald 296-2546  
**Bid due date at 2pm:** September 11  
**Agency:** Central Stores  
**Deliver to:** St. Paul  
**Requisition #:** Price Contract

## 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:** Voter registration card, white 100 lb., black ink, 2,860,000 quantity, typesetting required, dylux or equal  
**Contact:** Printing Buyer's Office  
**Bids are due:** August 29  
**Agency:** Department of Revenue  
**Deliver to:** St. Paul  
**Requisition #:** 18299

**Commodity:** Inspector's job guide, camera ready copy, dylux, 1,500 books spiral bound  
**Contact:** Printing Buyer's Office  
**Bids are due:** August 30  
**Agency:** Transportation Department  
**Deliver to:** St. Paul  
**Requisition #:** 18346

**Commodity:** Label w/state seal, type to be set, one-sided, permanent self-adhesive, 2,000 sets, 100 per roll  
**Contact:** Printing Buyer's Office  
**Bids are due:** August 28  
**Agency:** Labor and Industry  
**Deliver to:** St. Paul  
**Requisition #:** 18301

**Commodity:** 1991 MN individual and corporation income tax booklet label processing, standardize and correct label files, deliver finished, printed booklet labels to booklet printer  
**Contact:** Printing Buyer's Office  
**Bids are due:** August 29  
**Agency:** Department of Revenue  
**Deliver to:** St. Paul  
**Requisition #:** 18249

**Commodity:** 1991 Package XM, 80# cover, 70# text, 8½x11, loose-leaf, 3-hole punch, camera ready copy, dylux or equal  
**Contact:** Printing Buyer's Office  
**Bids are due:** August 29  
**Agency:** Department of Revenue  
**Deliver to:** St. Paul  
**Requisition #:** 18292

**Commodity:** MN Explorer (fall, winter, sp/su, fishing), camera ready copy, 30# newsprint, color key, 8pp/12pp/24pp  
**Contact:** Printing Buyer's Office  
**Bids are due:** August 29  
**Agency:** Trade and Economic Development  
**Deliver to:** St. Paul  
**Requisition #:** 18307

## State Contracts and Advertised Bids

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**Commodity:** 1991 year end processing and mailing of MN Department of Revenue Forms, various quantities, some continuous forms, pressure sensitive labels

**Contact:** Printing Buyer's Office

**Bids are due:** August 29

**Agency:** Department of Revenue

**Deliver to:** St. Paul

**Requisition #:** 18270

**Commodity:** MN Careers 1991, camera ready copy, 2-sided, head to head, 50,000, 603 offset, saddle stitch

**Contact:** Printing Buyer's Office

**Bids are due:** September 3

**Agency:** Jobs and Training

**Deliver to:** St. Paul

**Requisition #:** 18339

## Announcements

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**Department of Transportation:** Work starts on TH 61 Tunnel. The first phase of the 1,300-foot mined tunnel on TH 61, two miles north of Two Harbors, begins this month. The tunnel is part of the TH 61 improvement program which also includes a mined tunnel at Lafayette Bluff five miles north of the Silver Creek Cliff project. The project's first phase includes rough grading and major rock excavation. Completion of the Lafayette Bluff Tunnel is expected in mid-October.

**Applications Are Now Available For Minnesota State Arts Board Grants To Individual Artists:** Again this year, several applications are combined into one booklet. Artists can request information about the Arts Board's Fellowship and Career Opportunity Grant programs, as well as the application for the Headlands Residency Project, a program which offers studio and living space to Minnesota artists at Headlands Center for the Arts near San Francisco. The Arts Board recently set the following deadlines for the coming year:

<b>Fellowship Deadlines</b>	September 16, 1991	Visual Arts, Photography, Film & Video
	October 15, 1991	Music and Dance
	December 2, 1991	Prose, Poetry, and Theater Arts
<b>Career Opportunity Grant Deadlines</b>	October 1, 1991	
	December 16, 1991	
	March 2, 1992	
	May 15, 1992	
<b>Headlands Residency Project Deadline:</b>	November 15, 1991	

Contacts: Marjorie Casey  
Erin Hart  
(612) 297-4212

**Minnesota Deer Licenses, Permit Applications Now Available:** Minnesota deer hunters can look forward to another very successful year, according to the Department of Natural Resources (DNR). Deer licenses, regulations and permit applications for the 1991 season will be available beginning the week of Aug. 12 from state license agents and the DNR License Bureau, 500 Lafayette Road, St. Paul, MN 55155-4026. The application deadline for antlerless permits and most special hunts is Thursday, Sept. 5. **For more information, contact: Dave Schad, DNR Wildlife (612) 296-3344.**

## 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 6% sales tax. On all orders, add \$2.00 per order for handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express 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.

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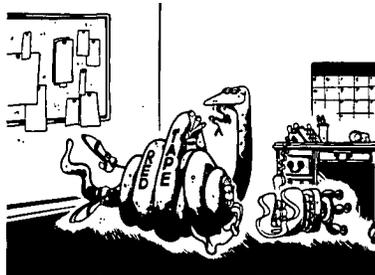
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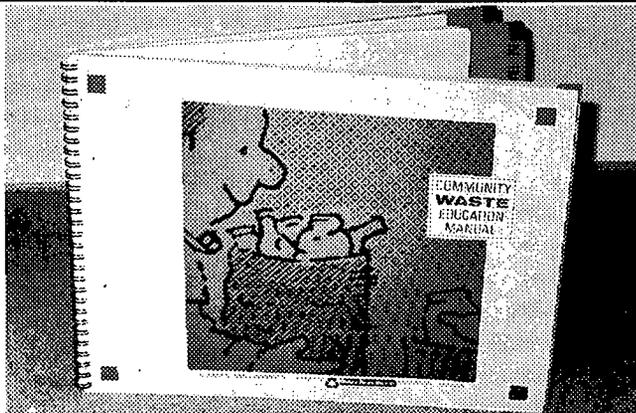
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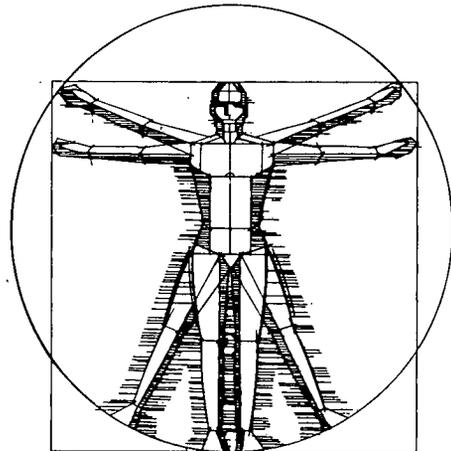
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