

State of Minnesota

2

STATE REGISTER

Department of Administration—Documents Division

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STATE REGISTER

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

The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, official notices to the public, state and non-state public contracts, grants, supreme court and tax court decisions, and a monthly calendar of cases to be heard by the state supreme court.

Volume 11 Printing Schedule and Submission Deadlines

Vol. 11 Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
8	Monday 10 August	Monday 17 August	Monday 24 August
9	Monday 17 August	Monday 24 August	Monday 31 August
10	Monday 24 August	Monday 31 August	Monday 7 September
11	Monday 31 August	Friday 4 September	Monday 14 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.

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Subscribers who do not receive a copy of an issue should notify the *State Register* Circulation Manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

Rudy Perpich, Governor

**Sandra J. Hale, Commissioner
Department of Administration**

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

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

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

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

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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.

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*.

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*.

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 1-16; 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 Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-652-9747 and ask for "Documents."

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Proposed Rules

Pursuant to Minn. Stat. of 1982, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

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

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

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

Department of Administration

Proposed Permanent Rules Relating to Minnesota State Building Code

Notice of Intent to Adopt a Rule without a Public Hearing

Notice is hereby given that the State Department of Administration, Building Codes and Standards Division 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 14.26.

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

All persons have 30 days in which to submit comment in support 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 the comment and any change proposed.

Any persons 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*, Section 14.31 to 14.20.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or requests to:

Margaret Opalinski
Building Codes and Standards Division
408 Metro Square Building
7th and Robert Streets
St. Paul, Minnesota 55101

Comments or requests for a public hearing must be received by the Building Codes and Standards Division by 4:30 p.m., September 22, 1987.

Authority for the adoption of these rules is contained in *Minnesota Statutes*, Section 16B.58 through 16B.73. Additionally 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 for review at the Building Codes and Standards Division.

You are advised, pursuant to *Minnesota Statutes*, Section 14.115 "Small Business Consideration in Rulemaking", that the proposed rules will not have an impact on small business in Minnesota. Also, pursuant to *Minnesota Statutes*, Section 14.11 "Special Notice of Rulemaking", the adoption of these rules will not have any impact on agricultural land nor should the expenditure of public monies exceed \$100,000 in either of the two years following the adoption of these rules, within the meaning of the law.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted, will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. 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 final rules as proposed for adoption, should submit a written statement of such request to the Building Codes and Standards Division.

One free copy of this notice and the proposed rule may be obtained by contacting the Building Codes and Standards Division, 408 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota 55101.

Dated: 29 July 1987

Sandra J. Hale, Commissioner
Dept. of Administration

Statement of Need and Reasonableness

The above-captioned proposed rules are amendments to the existing Minnesota State Building Code as they relate to building code requirements for child day care facilities.

Pursuant to *Minnesota Statutes*, Section 16B.59 to 16B.73, the Commissioner of Administration is charged with the responsibility of promulgating the *Minnesota State Building Code*. It is the duty of the commissioner to amend the *Minnesota State Building Code* to maintain the most modern code standards regarding minimum safeguards of life, limb, health, property and public welfare together with regulating and controlling the design, construction, quality of materials, use and maintenance of buildings and structures.

The Minnesota State Building Code Rules, 1987 printing, effective February 17, 1987, *Minnesota Rules* 1300.0100 to 1300.2000, 1305.0100 to 1305.7100, 1310.0100 to 1310.9300, 1315.0200 to 1315.0400, 1320.0100 to 1320.2400, 1325.1000 to 1325.9500, 1330.0100 to 1330.2100, 1335.0200 to 1335.3000, 1340.0200 to 1340.9900, 1345.0010 to 1345.3300, 1350.0100 to 1350.9200, 1355.0100, 1360.0100 to 1360.3600, 1365.0200 to 1365.0800, 4215.0100 to 4215.6100 and 4715.0100 to 4715.0100 to 4715.6000, adopted the 1985 Edition of the *Uniform Building Code* by reference with certain amendments as a portion of the Minnesota State Building Code. The amendments to the 1987 publication of the rules updates the *Minnesota State Building Code* to incorporate the adoption of the 1985 Edition of the *Uniform Building Code* as promulgated by the International Conference of Building Officials, Whittier, California.

The proposed rules contain certain amendments to the *Minnesota State Building Code*, Chapter 1305 which adopts and includes amendments to the 1985 Edition of the *Uniform Building Code*.

The proposed rules reflect amendments for regional utilization in keeping with the legislative intent of *Minnesota Statutes*, Section 16B.61. The amendments provide for a modification of certain sections, change wording to clarify the intent, adopt and update to the recommendation of the Legislative Commission for the Review of Administrative Rules.

Any business entity which constructs, expands or remodels buildings is required to comply with the *Minnesota State Building Code*. When adopted, these proposed rules become part of the *Minnesota State Building Code* and will be applicable to all future construction. The rules are not applicable to existing structures unless they are declared unsafe (hazardous and substandard buildings, *Minnesota Statutes*, Section 463.15 to 463.26) or as otherwise modified by Section 104 of the *Uniform Building Code*, 1985 Edition.

The Building Codes and Standards Division has evaluated the effect of the proposed rules on small businesses and has considered each of the methods prescribed by *Minnesota Statutes*, Section 14.115, subd. 2, for reducing the impact of the rules on small businesses. The proposed rules do not require businesses to make reports so the requirements for reporting identified in items (a), (b) and (c) are not applicable.

Compliance requirements of items (a), (b), (c) and (e) are not appropriate because the purpose of these rules is to establish a minimum uniform standard for construction of all public, private, commercial, industrial or residential structures within the State of Minnesota to protect life, limb, health, property, and public welfare of the residents of the state at the least possible cost consistent with recognized standards. *Minnesota Statutes*, Section 16B.59 (1984). To exempt small businesses from any or all requirements of the rules would be contrary to the statutory objectives that are the basis of the proposed rulemaking, *Minnesota Statutes*, Section 16B.59, 16B.61 and 16B.64. The legislature has specifically mandated that the uniformity of building standards is in the public interest. *Minnesota Statutes* Section 16B.85 states in part:

The (building) code and any amendments thereof shall conform insofar as practicable to model building codes generally accepted and in use throughout the United States.

Minnesota Statutes Section 14.115, subd. 2(d) calls for the establishment of performance standards for small businesses as one method of reducing the adverse impact of rules upon them. The code and its amendments are based on the application of scientific principles, approved tests and professional judgement; and to the extent practicable, are in terms or results rather than requiring specific methods or materials. The Building Code uses performance standards wherever possible. Since the performance standards apply across the board to all entities subject to the Building Code, the methods of reducing the impact of the rules provided by Subdivision 2(d) has been utilized. No special changes are necessary for small businesses.

The Building Codes and Standards Division has evaluated the effects of *Minnesota Statutes* 3.981 to 3.983 and 14.131 and believe that the promulgation of these proposed rules will not result in the expenditure of additional monies by local public bodies nor have an impact on agricultural land and meets the test of the exceptions to fiscal notes as provided by *Minnesota Statutes* 3.983.

Elroy Berdahl, Supervisor, and Alvin Kleinbeck, Code Administrator, of the Building Codes and Standards Division will appear on behalf of the proposed rules at the hearing if a hearing is required. They will testify regarding the need for and reasonableness of the proposed rules. The substance of the testimony is set forth herein.

The following is the evidence and argument which supports the need for and reasonableness of the proposed rules.

1305.2050 UBC SECTION 801 OCCUPANCIES DEFINED.

The number of the children defined in the occupancy classification as a day care use is increased from "more than 6" to "more than 10" to reflect a correlation between code requirements and the direction given by the Legislative Committee for the Review of Administrative Rules in relation to day care provider provisions.

UBC SECTION 802(e) SPECIAL PROVISION DAY CARE AND OTHERS.

This item is amended to be consistent with national model code language for day care application.

1305.6200 UBC TABLE 33-A.

The deletion and changes of the footnotes identified are editorial for the 1985 UBC. Line item #18 changes the number of occupants from 7 to 10 to reflect the recommended change from L.C.R.A.R.

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

Rules as Proposed

CHAPTER 1305
DEPARTMENT OF ADMINISTRATION
MINNESOTA STATE BUILDING CODE
AMENDMENT TO THE UNIFORM BUILDING CODE

1305.2050 SECTION 801.

UBC Section 801 is amended to read as follows:

UBC Section 801. Group E Occupancies are:

Division 1. Any building used for educational purposes through the 12th grade by 50 or more persons for more than 12 hours per week or four hours in any one day.

Division 2. Any building used for educational purposes through the 12th grade by less than 50 persons for more than 12 hours per week or four hours in any one day.

Division 3. Any building used for day-care purposes for more than ten children.

For occupancy separations, see Table No. 5-B.

1305.2100 SECTION 802.

UBC Section 802(c) is amended to read as follows:

Section 802(c) Special Provisions. Rooms in Divisions 1 and 2 occupancies used for day-care purposes, kindergarten, first grade, or second grade pupils, and Division 3 occupancies may ~~neither not~~ be located above the first story; ~~nor be located or~~ in a basement unless at least one exit is provided directly to the outside.

EXCEPTION: In buildings equipped with an automatic sprinkler system throughout, rooms used for kindergarten, first- grade and second-grade children or for day-care purposes may be located on the second story, if there are at least two exits directly to the exterior for the exclusive use of those occupants.

Storage and janitor closets must be of one-hour fire-resistive construction. Stages and enclosed platforms must be constructed in accordance with chapter 39. For attic space partitions and draft stops, see section 2516(f).

1305.6200 TABLE NO. ~~33A~~ 33-A.

UBC Table ~~33A~~ No. 33-A is amended as follows:

Delete the right hand column entitled "Access by means of a ramp or an elevator must be provided for the physically handicapped as indicated."

Also delete footnotes 2, 3, 4, 5, 6, 8, 10, and 11.

Amend use item 18 to read as follows:

<u>18. Nurseries for</u>		
<u>Children (Day-care)</u>	<u>10</u>	<u>35</u>

Amend use item 20 to read as follows:

20. Stores-Retail sales rooms		
Basement	See Note 7	20
Ground Floor	50	30
Upper Floors	20	50

Amend use item 22 to read as follows:

22. Warehouses	30	500
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Re-number use items 23. to 25. as 24. to 26. and insert a new use item 23 to read as follows:

23. Manufacturing Areas	30	200
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Department of Human Services

Proposed Permanent Rules Relating to Services to Persons With Mental Retardation or Related Conditions

Notice of Intent to Adopt a Rule without a Public Hearing and Notice of Intent to Adopt a Rule with a Public Hearing if Twenty-Five or More Persons Request a Hearing

Notice is hereby given that the State Department of Human Services proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in *Minnesota Statutes*, section 14.22 to 14.28. The specific statutory authority to adopt the rules, amendments and instruction to the revisor is contained in *Minnesota Laws of 1985*, Chapter 21; *Minnesota Statutes*, section 252.28, subdivision 2; section 256B.092, subdivision 6; and section 256B.503.

Persons interested in this rule shall have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule and comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the 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*, section 14.131 to 14.20. PLEASE NOTE THAT IF TWENTY-FIVE OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN THE 30-DAY COMMENT PERIOD, A HEARING WILL BE HELD ON October 2, 1987, UNLESS A SUFFICIENT NUMBER WITHDRAW THEIR REQUEST, IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING ON THESE SAME RULES PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT OF HUMAN SERVICES. To verify whether a hearing will be held, please call the Department of Human Services between September 24, 1987 and September 30, 1987 at (612) 297-4984.

Persons who wish to submit comments or a written request for a public hearing must submit such comments or requests to:

Jane Nelson
Rulemaking Division
Department of Human Services
658 Cedar Street, Fourth Floor
St. Paul, Minn. 55155
Telephone: (612) 297-1217

Comments or requests for a public hearing must be received by the Department by 4:30 p.m. on September 23, 1987.

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

Proposed parts 9525.0180 to 9525.0190 clarify the criterial contained in *Minnesota Statutes*, section 252.27, subdivision 1, to be used by the agency and county boards in identifying persons with related conditions. The statutory definition of "related condition" is contained *Minnesota Statutes*, section 252.27, subdivision 1. It states:

a person has a "related condition" if that person has a severe, chronic disability that is (a) attributable to cerebral palsy, epilepsy, autism, or any other condition, other than mental illness, found to be closely related to mental retardation because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of persons with mental retardation or requires treatment or services similar to those required for persons with mental retardation; (b) is likely to continue indefinitely; and (c) results in substantial functional limitations in three or more of the following areas of major life activity; self-care, understanding and use of language, learning, mobility, self-direction, or capacity for independent living.

The proposed rules establish criteria for "substantial functional limitation" which are consistent with other department rules and federal laws. The instruction to the revisor and amendments to parts 9500.1070 and 9505.0065 are clean up instructions and amendments to bring the adopted rules specified into compliance with statute.

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

A free copy of this rule, amendments and instructions is available on request for review from:

Shirley Schue
Mental Retardation Division
Centennial Office Building, Fourth Floor
658 Cedar Street
St. Paul, Minnesota 55155
Telephone: (612) 297-4984

A copy of the proposed rule, amendments and instruction may be viewed at any of the county welfare or human service agencies in the State of Minnesota.

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 Shirley Schue upon request.

Adoption of these rules, amendments and instructions will not result in additional spending by local public bodies in the excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11. A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available upon request from Shirley Schue.

If no hearing is required upon adoption of the rule, amendments and revisor's instruction, the rule and the required supporting documents will be delivered 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 rule, must submit the written request to Jane Nelson.

Dated: 24 August 1987

Sandra S. Gardebring, Commissioner
Department of Human Services

Notice of Hearing and Notice of Intent to Cancel Hearing if Fewer than Twenty-Five Persons Request a Hearing in Response to Notice of Intent to Adopt Rules without a Public Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held in room D, 5th Floor, Veteran's Service Building, 20 West 12th Street, St. Paul, Minnesota on October 2, 1987 commencing at 9:00 a.m. and continuing until all interested or affected persons have an opportunity to participate. The proposed rules, amendments and instruction may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed matter you are urged to participate in the rule hearing process.

PLEASE NOTE, HOWEVER, THAT THE HEARING WILL BE CANCELLED IF FEWER THAN TWENTY-FIVE PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SAME RULES WITHOUT A PUBLIC HEARING PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT OF HUMAN SERVICES. To verify whether a hearing will be held, please call the Department of Human Services between September 24, 1987 and September 30, 1987 at (612) 297-4984.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or writing at any time prior to the close of the hearing record. All evidence presented 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 Peter Erickson, Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415; telephone (612) 341-7606, either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge may, at the hearing, order the record be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings. Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the three-day period. The written responses shall be added to the rulemaking record. Upon the close of the record the Administrative Law Judge will write a report as provided for in *Minnesota Statutes*, sections 14.15 and 14.50. The rule hearing is governed by *Minnesota Statutes*, section 14.14 to 14.20 and by *Minnesota Rules*, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

Proposed parts 9525.0180 to 9525.1090 clarify the criteria contained in *Minnesota Statutes*, section 252.27, subdivision 1, to be used by the agency and county boards in identifying persons with related conditions. The statutory definition of "related condition" is contained *Minnesota Statutes*, section 252.27, subdivision 1. It states:

a person has a "related condition" if that person has a severe, chronic disability that is (a) attributable to cerebral palsy, epilepsy, autism, or any other condition, other than mental illness, found to be closely related to mental retardation because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of persons with mental retardation or requires treatment or services similar to those required for persons with mental retardation; (b) is likely to continue indefinitely; and (c) results in substantial functional limitations in self-care, understanding and use of language, learning, mobility, self-direction, or capacity for independent living.

The proposed rules establish criteria for "substantial functional limitation" which are consistent with other department rules and federal laws. The instruction to the revisor and amendments to parts 9500.1070 and 9505.0065 are clean up instructions and amendments to bring the adopted rules specified into compliance with statutory language.

The agency's authority to adopt the proposed rules is contained in *Laws of Minnesota 1985*, Chapter 21; *Minnesota Statutes*, section 252.28, subdivision 2; section 256B.092, subdivision 6; and section 256B.503.

Adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11. A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available upon request from Shirley Schue, Mental Retardation Division, Department of Human Services, Centennial Office Building, Fourth Floor, 658 Cedar Street, St. Paul, Minnesota 55155, Telephone (612) 297-4984.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Shirley Schue, Department of Human Services. This rule is also available for viewing at each of the county welfare or human service agencies in the State of Minnesota.

Additional copies will be available at the hearing. If you have any questions on the content of the rule contact Shirley Schue.

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

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

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, subdivision 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 month or more than \$250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communication or urging others to communicate with public officials; or

(b) who spends more than \$250, not including traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative 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, 625 North Robert Street, St. Paul, Minnesota 55101, telephone (612) 296-5148.

Dated: 24 August 1987

Sandra S. Gardebring, Commissioner
Department of Human Services

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Proposed Rules

Rules as Proposed

9500.1070 SERVICES COVERED BY MEDICAL ASSISTANCE.

Subpart 1. to 12. [Unchanged.]

Subp. 13. **Rehabilitative and therapeutic services in long-term care facilities.** Such services must be provided in accordance with applicable federal regulations, state law, and the Department of Human Services rules.

A. to E. [Unchanged.]

F. The following rehabilitative and therapeutic services are not reimbursable as a separate charge under the MA program when furnished in a long term care facility:

(1) to (15) [Unchanged.]

(16) Services billed for by any source other than the skilled nursing facility, intermediate care facility, or intermediate care facility for ~~the mentally retarded~~ persons with mental retardation or related conditions.

Subp. 14. to 24. [Unchanged.]

9505.0065 INCOME.

Subpart 1. to 10. [Unchanged.]

Subp. 11. **Eligibility based on income spend-down.** A person determined eligible on the basis of a spend-down is eligible for the periods specified in items A to G if the person incurs health service bills at least equal to the amount of the spend-down during the eligibility period. Except as in items C and D, only bills for health services incurred during the eligibility period may be used to satisfy the spend-down. Actual rates charged for the health service to the person less any portion of the bill covered by a liable third party payment shall be used in determining whether the person satisfies the spend-down. Prior authorization requirements and medical assistance payment rates and service limitations under parts 9500.0900 to 9500.1080 shall not apply to health service bills used to satisfy a spend-down. However, rates established by the department for long-term care in nursing homes and residential care facilities for ~~the mentally retarded~~ and physically handicapped persons must be used to calculate the continuing monthly spend-down for a recipient who resides in a long-term care facility during the period between the date of application and the determination of eligibility.

A. [Unchanged.]

B. The monthly spend-down of a person residing in a long-term care facility shall be the net income remaining after deducting subitems (1) to (4). The spend-down must be applied to monthly health service costs in the order incurred until the spend-down is satisfied. For purposes of this item, deductions are:

(1) [Unchanged.]

(2) in the case of a person who is ~~mentally retarded~~ has mental retardation or a related condition as defined in part 9525.0010, subpart 11 or is certified as disabled as defined in part 9505.0040, items E to H and is employed under a plan of rehabilitation, a special monthly personal allowance of the first \$50 of gross monthly earned income;

(3) to (5) [Unchanged.]

C. to G. [Unchanged.]

Subp. 12. [Unchanged.]

9515.0500 PROCEDURES.

None of the treatment methods listed in part 9515.0400 shall be administered to a patient committed to a state hospital unless the medical director of the state hospital, on the basis of consultation with the patient's treating physician, has determined in accordance with the provisions of part 9515.0600 that the treatment method is medically indicated for the committed patient; and:

A. and B. [Unchanged.]

C. In the case of a committed ~~mentally retarded resident~~ resident person who has mental retardation or a related condition, written consent is obtained from the closest responsible relative on a form which specifies the nature, purpose, risks, and effects of the proposed treatment and advises the relative of the right to consult with any other persons regarding the decision and to withdraw consent at any time. The signed consent shall be accessible to the ~~resident's person's~~ responsible relative and must include a certification by the medical director of the state hospital or the resident's treating physician that the relative has read and understands the terms of the document. If the ~~retarded resident~~ resident person also is under guardianship or conservatorship of the commissioner, Department of Human Services, Minnesota Statutes, section 252A.11 the commissioner must give the above consent as provided in subdivision 1, clause (a) or (g) in addition to the relative's consent. A certification shall be made by the medical director of the state hospital or

the resident's treating physician that the ~~retarded resident~~ person has received an explanation of the proposed treatment to the extent of the ~~retarded resident's person's~~ person's understanding; or

D. [Unchanged.]

E. In the case of committed minors, including ~~mentally retarded~~ minors with mental retardation or related conditions, treatments regulated by this rule may not be administered without prior judicial authorization pursuant to part 9515.0700.

9525.0180 PURPOSE.

The purpose of parts 9525.0180 to 9525.0190 is to further define "related condition" as found in Minnesota Statutes, section 252.27, subdivision 1, so that county boards can determine if a person is eligible for services established for persons with mental retardation.

9525.0185 DEFINITIONS.

Subpart 1. Scope. The terms used in parts 9525.0180 to 9525.0190 have the meanings given to them in this part.

Subp. 2. Adaptive behavior similar to that of persons with mental retardation. "Adaptive behavior similar to that of persons with mental retardation" means behavior that has been determined to demonstrate a severe deficit in skills related to personal independence and social responsibility such as self-care, mobility, communication, self-preservation, and community integration, when compared to the norm for individuals of the same chronological age group and cultural peer group. The determination must be made by a psychiatrist, licensed psychologist, or licensed consulting psychologist, through the combination of test data, observation, and all other available information sources.

Subp. 3. Autism. "Autism" means a functional disorder occurring before 30 months of age that results in and causes a pervasive lack of responsiveness to other people, gross deficits in language and communication, and bizarre responses to the environment, all in the absence of delusions and hallucinations. Autism must be diagnosed by a team composed of a licensed physician, a speech pathologist, and a licensed psychologist, licensed psychiatrist, or licensed consulting psychologist.

Subp. 4. Cerebral palsy. "Cerebral palsy" means a clinical disorder that is diagnosed by a licensed physician as a result of medical examination and characterized by aberrations of motor function such as paralysis, weakness, or incoordination.

Subp. 5. County board. "County board" means the board of commissioners for the county of financial responsibility as specified in Minnesota Statutes, sections 256E.08, subdivision 7, and 256B.02 or its designated representative.

Subp. 6. Epilepsy. "Epilepsy" means a clinical disorder diagnosed by a licensed physician as a result of neurological examination that is characterized by a single attack or recurring attacks of loss of consciousness, convulsive movement, or disturbance of feeling or behavior.

Subp. 7. Impairment of general intellectual functioning. "Impairment of general intellectual functioning" means a score of a least two standard deviations below the mean on a standardized individual test of general intellectual functioning administered by a licensed psychologist, licensed consulting psychologist, or licensed psychiatrist.

Subp. 8. Person with mental retardation. "Person with mental retardation" means:

A. a person who has been diagnosed under part 9525.0045 as having significantly subaverage intellectual functioning existing concurrently with demonstrated deficits in adaptive behavior and who manifests these conditions before the person's 22nd birthday;
or

B. a person under five years of age who demonstrates significantly subaverage intellectual functioning concurrently with severe deficits in adaptive behavior but for whom a licensed psychologist or licensed consulting psychologist determines that a diagnosis may not be advisable because of the person's age.

Subp. 9. Related condition. "Related condition" means a severe chronic disability in which onset occurs before the person's 22nd birthday and which:

A. is attributable to cerebral palsy, epilepsy, autism, or any other condition, excluding mental illness, chemical dependency, senility, and debilitating diseases such as muscular dystrophy and multiple sclerosis, considered closely related to mental retardation because the condition results in:

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Proposed Rules

- (1) impairment of general intellectual functioning; or
- (2) adaptive behavior similar to that of persons with mental retardation; or
- (3) requires treatment or services similar to those required for persons with mental retardation; and
- B. is likely to continue indefinitely; and
- C. results in substantial functional limitations in three or more of the following areas of major life activity:
 - (1) self-care;
 - (2) understanding and use of language;
 - (3) learning;
 - (4) mobility;
 - (5) self-direction; or
 - (6) capacity for independent living.

9525.0190 DETERMINATION OF SUBSTANTIAL FUNCTIONAL LIMITATION.

Subpart 1. Professional involvement. A determination of substantial functional limitation must be made by the case manager and at least one of the following professionals:

- A. a licensed physical therapist;
- B. a licensed occupational therapist;
- C. a licensed physician;
- D. a speech and language pathologist or a speech and language therapist;
- E. a licensed psychiatrist, licensed psychologist, or licensed consulting psychologist; or
- F. a certified special education professional.

The selection of the professionals must be based on the suspected functional limitations of the client.

Subp. 2. Criteria. The determination of substantial functional limitation must be based on the criteria in items A to F:

A. A substantial functional limitation in self-care is a long-term condition that results in the person with the condition needing physical, gestural, or verbal assistance at least four days per week to meet most or all personal care needs particularly in the areas of eating, grooming, caring for personal hygiene, and toileting.

B. A substantial functional limitation in language skills is a long-term condition that prevents a person from effectively communicating, either expressively or receptively, with other persons in a general setting without the aid of a third person, a person with special skill, or the aid of a mechanical device.

C. A substantial functional limitation in learning is a long-term condition that impairs the person's cognition, retention, and reasoning so that the person is unable, or is extremely limited in ability, even with specialized intervention, to acquire new knowledge or transfer knowledge and skills to new situations. This functional limitation is typically manifested by performance that makes it necessary for a person to have daily assistance from another person to perform at an age-appropriate level in at least three of the following areas: functional reading skills, functional math skills, time skills, personal history information, and writing skills. For children under the age of six this must be determined by a performance of two standard deviations below the mean on a standardized developmental scale.

D. A substantial functional limitation in mobility is a long-term physical condition that impairs the person's ability to move from one place to another without the assistance of another person or mechanical aid or with such difficulty that an unusually protracted amount of time is required in a barrier-free environment.

E. A substantial functional limitation in self-direction is a long-term condition that results in a person's inability, at an age-appropriate level, to exercise judgments basic to the protection of the person's own self-interest or rights, without supervision on a regular and continuing basis.

F. A substantial functional limitation in capacity for independent living is a long-term condition that prevents the person from performing at age-appropriate levels in at least three areas of independent living skills including using a telephone, shopping for food and clothing, preparing simple meals, housekeeping, and self-medication without the assistance of a second person.

9540.1200 PURPOSES OF GRANTS.

Joint application to the state agency for grants may be made by the county welfare board, community mental health board, or human service board to pay local costs in planning developing alternatives, making appropriate placements, and financing residential

and supportive services for ~~mentally retarded~~ persons with mental retardation or related conditions in community-based programs after existing state and federal resources are fully utilized.

Applications may be made for the following purposes:

A. The placement of ~~mentally retarded~~ residents of state institutions with mental retardation or related conditions into community-based residential facilities. This may include:

(1) and (2) [Unchanged.]

B. The placement of ~~mentally retarded~~ residents of community based residential facilities who have mental retardation or related conditions into independent living. This may include costs of:

(1) to (3) [Unchanged.]

EDITORIAL CHANGES.

Subpart 1. Changes to include "related conditions" with "mental retardation." In each part or range of parts listed in subpart 2, the following changes shall be made in Minnesota Rules:

A. the words "retarded person," "mentally retarded person," "mentally retarded or cerebral palsied person," "mentally retarded individual," or "person with mental retardation" to "person with mental retardation or a related condition";

B. the words "retarded persons," "the mentally retarded," "mentally retarded persons," "mentally retarded individuals," "mentally retarded and cerebral palsied persons," or "persons with mental retardation" to "persons with mental retardation or related conditions";

C. the words "mentally retarded adult" to "adult with mental retardation or a related condition";

D. the words "mentally retarded adults" to "adults with mental retardation or related conditions";

E. the words "mentally retarded child" to "child with mental retardation or a related condition";

F. the words "mentally retarded children" to "children with mental retardation or related conditions";

G. the words "mentally retarded, epileptic, or emotionally handicapped children" to "children with mental retardation or related conditions, epilepsy, or emotional handicaps";

H. the words "who is mentally retarded" to "who has mental retardation or a related condition";

I. the words "who are mentally retarded" to "who have mental retardation or related conditions";

J. the words "who are or may be mentally retarded" to "who have or may have mental retardation or related conditions";

K. the words "mentally retarded" in phrases not listed in items A to J to "having mental retardation or related conditions";

L. the words "mental retardation" in phrases not listed in items A to J to "mental retardation or related conditions," except that the phrases "qualified mental retardation professional" and "mental retardation division" must be left unchanged.

Subp. 2. Locations. The changes set forth in subpart 1 must be made in the following parts of Minnesota Rules: 9505.0015; 9505.1030; 9505.1150; 9510.1020; 9510.1030; 9510.1050; 9510.1090; 9510.1100; 9525.0015, subparts 3, 4, 11, 15, 16, 17, 18, 19, 21, 22, 23, 28, 29, and 31; 9525.0025; 9525.0035; 9525.0055; 9525.0065, subparts 1, 2, 3, 4, and 5; 9525.0075; 9525.0085; 9525.0105; 9525.0115; 9525.0125; 9525.0135; 9525.0145; 9525.0155; 9525.0210, subparts 14, 15, and 19; 9525.0220; 9525.0240; 9525.0260; 9525.0330; 9525.0510; 9525.0520; 9525.0530; 9525.0750; 9525.0760; 9525.0770; 9525.0800; 9525.0820; 9525.0900; 9525.0910; 9525.0920; 9525.0930; 9525.0950; 9525.1200; 9525.1210; 9525.1220; 9525.1810; 9525.1820; 9525.1850; 9525.1860; 9525.1910; 9540.0100, subparts 3 and 6; 9540.0200; 9540.0300; 9540.0400, subpart 3; 9540.1000, subpart 1; 9540.1100; 9540.1300, items A and D; 9540.1500, subparts 1, items A, B, and C, and 2; 9540.2100; 9540.2200; 9540.2400; 9545.0010; 9545.0910; 9553.0010; 9553.0020; 9555.8000; and 9555.8100.

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Official Notices

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

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

Department of Commerce

Notice to Solicit Outside Opinion Regarding Proposed Rules Regarding Securities Guaranteed By Governmental Unit or Instrumentality Including the Impact of the Rules on Small Business

Notice is hereby given that the Department of Commerce is seeking information or opinions from persons outside the agency in preparing to promulgate new rules regarding securities guaranteed by a governmental unit or instrumentality under *Minnesota Statutes* § 80A.15, subd. 1(a). Promulgation of these rules is authorized by *Minnesota Statutes*, Sections 80A.25 and 45.023.

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

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

Kristine Eiden, Deputy Commissioner
Department of Commerce
500 Metro Square Building
St. Paul, MN 55101
(612) 296-6325

Oral statements will be received during regular business hours over the telephone at (612) 296-6325.

All statements of information and comment shall be accepted until September 30, 1987. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are promulgated.

Michael A. Hatch
Commissioner of Commerce

Department of Health

Notice of the Implementation of Federal Regulations Affecting Participation in the Food Stamp Program by Vendors Disqualified from the Special Supplemental Food Program for Women, Infants and Children (WIC Program)

Notice is hereby given that the Minnesota Department of Health is implementing *Federal Regulation* 7 CFR 278.1(a)(1), April 22, 1987 *Federal Register*, volume 52, number 77. This regulation requires that food vendors in the Special Supplemental Food Program for Women, Infants and Children (WIC Program) be notified that Food Stamp Program authorization will be withdrawn from vendors who are disqualified from the WIC Program based in whole or in part on any act which constitutes a violation of WIC regulations and which is shown to constitute a misdemeanor or felony violation of law, or for any of the following specific program violations:

1. Claiming reimbursement for the sale of an amount of a specific food item which exceeds the store's documented inventory for that food item for a specific period of time.
2. Exchanging cash or credit for WIC vouchers.
3. Receiving, transacting and/or redeeming WIC vouchers outside of authorized channels.
4. Accepting WIC vouchers from unauthorized persons.
5. Exchanging non-food items for a WIC voucher.
6. Charging WIC customers more for food than non-WIC customers or charging WIC customers more than current shelf price.
7. Charging for food items not received by the WIC customer or for foods provided in excess of those listed on the voucher.

Departments of Human Services, Health, and Public Safety

End of Solicitation Period for Comments Concerning Merit System Rules

Notice is hereby given that the comment period for the notice of intent to solicit outside opinion concerning Minnesota Merit System rules, published in the *State Register* July 13, 1987 will end on September 8, 1987.

Questions concerning the comment period may be addressed to:

Ralph W. Corey
Minnesota Merit System
Fourth Floor, Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155
Phone: (612) 296-3996

Department of Human Services

Notice of Hospital Cost Index

Pursuant to *Minnesota Rules*, Part 9500.1120 hospitals participating in the Medical Assistance and General Assistance Medical Care programs are subjected to a Health Cost Index that is used in the determination of prospective inpatient hospital rates. Each hospital whose fiscal year starts during a given calendar quarter shall be notified of the HCI to be used 30 days prior to the start of that quarter. It has been determined that the HCI is 5.0 percent according to an independent source, Data Resources, Inc., for Health Care Costs for hospitals whose fiscal years begin during the calendar quarter beginning October 1, 1987.

Sandra S. Gardebring, Commissioner
Department of Human Services

Department of Human Services

Social Services Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Child Foster Care Difficulty of Care Payments

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 child foster care difficulty of care payments. The adoption of the rule is authorized by *Minnesota Statutes*, section 256.82, subdivisions 3 and 3a, which direct the agency to promulgate an emergency rule establishing a uniform statewide system of difficulty of care payments to child foster care providers.

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: Marian Eisner, Minnesota Department of Human Services, Centennial Office Building, 658 Cedar, St. Paul, MN 55155-1689. Oral statements will be received during regular business hours over the telephone at (612) 297-2711 and in person at the above address.

All statements of information and opinions will be accepted until further notice is published in the *State Register* or Notice of Intent to Adopt Emergency Rules 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.

Department of Labor and Industry

Notice of Revision to Prevailing Wage Certifications

Effective July 30, 1987 the commissioner certified revised prevailing wage rates for commercial construction projects in Brown

Official Notices

and Nicollet counties. Labor classes 203, 213, 217, 226, and 238 were inadvertently omitted from the April 1, 1987 certification.

Copies can be obtained by contacting the Minnesota Documents Division, 117 University Avenue, St. Paul, Minnesota 55155.

Ray Bohn, Commissioner
Department of Labor and Industry

Office of the Secretary of State

Notice of Vacancies in Multi-Member State Agencies

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* § 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155-1299; (612) 296-2805. Application deadline is September 15, 1987.

GOVERNOR'S ADVISORY COUNCIL ON TECHNOLOGY AND PERSONS WITH DISABILITIES has 2 vacancies open for members. Members shall represent the private sector, consumers, service agencies, third party funding sources, education and library systems. There is no compensation or per diem. Members are appointed by the Governor. The council shall coordinate, support and advance technology uses for persons with disabilities through implementation and training, information dissemination, technical services, research and development and technology transfer. For specific information contact the Governor's Advisory Council on Technology and Persons with Disabilities, Rachel Wobschall, Dept. of Trade and Economic Development, Governor's Office of Science and Technology, 900 American Center Bldg., 150 E. Kellogg Blvd., St. Paul 55101; (612) 297-4368.

MINNESOTA OFFICE ON VOLUNTEER SERVICES ADVISORY COMMITTEE has 1 vacancy open for a member who resides in Economic Development Region 2 (Lake of the Woods, Beltrami, Clearwater and Hubbard counties). The committee shall encourage and sustain volunteer programs, citizen participation efforts and public/private partnerships that contribute to the quality of life for Minnesota citizens. The committee shall advise and make recommendations to the Governor, Commissioner of Administration, and Director on program directions and policy issues relating to M.O.V.S. Members are appointed by the Commissioner of Administration. Members are reimbursed for expenses. Three to five meetings at the State Capitol Complex. For specific information contact the Minnesota Office on Volunteer Services Committee, 500 Rice St., St. Paul 55155; (612) 296-4731.

MINNESOTA PUBLIC FACILITIES AUTHORITY has 3 vacancies open for public members. The authority shall be responsible for managing grant and loan programs for assisting state or local jurisdictions in financing water and wastewater treatment systems. Also assists local units of government in administering the Municipal Energy Grant and Loan Program, the school energy loan program, and the health care equipment program. Members are appointed by the Governor with advice and consent of the senate. Members receive authorized expenses. For specific information contact the Minnesota Public Facilities Authority, Dept. of Trade and Economic Development, 9th Floor American Center Bldg., 150 E. Kellogg Blvd., St. Paul 55101; (612) 296-5005.

RURAL DEVELOPMENT BOARD has 6 vacancies open for public members (one from each region established by the board) representing 2 local elected officials, 2 members of farm organizations, 1 business representative and 1 labor representative. The board is responsible for investigating and evaluating new methods to be used as a guide for the legislature and state agencies to allocate state resources and funds to rural Minnesota; and administration of the Challenge Grant Program and Rural Rehab Pilot Projected Program. Members are appointed by the Governor. Members received authorized expenses. For specific information contact the Rural Development Board, Dept. of Trade and Economic Development, 9th Floor American Center Bldg., 150 E. Kellogg Blvd., St. Paul 55101; (612) 296-5005.

MEDICAL SERVICES REVIEW BOARD has 1 vacancy open for a medical practitioner. The board advises the department on medical matters relating to workers compensation and hears appeals under chapter 14. Members are appointed by the Commissioner of Labor and Industry. Members receive \$35 per diem plus expenses. Members must file with the Ethical Practices Board. For specific information contact the Medical Services Review Board, Dept. of Labor and Industry, 444 Lafayette Rd., St. Paul 55101; (612) 297-3467.

Department of Trade and Economic Development

Office of Financial Management

Notice of Availability of Tax Exempt Financing Authority

Pursuant to *Minnesota Laws 1987*, ch. 268, article 16

The Department gives notice that the amounts of tax exempt financing authority available to qualified issuers as of August 17, 1987, is as follows:

State Contracts and Advertised Bids

Manufacturing Pool (Small Issue Bonds)	\$69,250,000
Multifamily Housing Pool	\$50,770,000
Public Facilities Pool	\$ 1,245,380

The issuance authority in the pools shown above is available to qualified issuers submitting applications, the required deposit and supporting documents by any Monday through the second to the last Monday in October.

The issuance authority shown below is available to issuers submitting applications during the period beginning with the week ending on the last Monday in October through the second last Monday in December.

Unified Pool \$ N/A

Application forms are available from the Department upon request.

State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, 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.

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.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Procurement 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.

Department of Administration: Procurement Division

Contracts and Requisitions Open for Bid

Call 296-6152 for Referral to Specific Buyers, whose initials are next to each commodity.

Commodity for Bid (and Buyer)	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Electric chain hoist—addendum #1 (DM)	August 25	Transportation	St. Paul	79 000 74617
IBM equipment—rebid (PA)	August 26	State University	Moorhead	26 072 102541
Conference room tables & chairs (LP)	August 26	Administration	St. Paul	02 410 80035
First aid kits & supplies—rebid (DK)	August 27	Various	Various	Price Contract
Maintenance & support of net- work & micro computer systems (DO)	August 27	Various	Various	Price Contract
Computer (BV)	August 27	Community College	Inver Grove Heights	27 157 47876
Radio communications equipt. (EFS)	August 28	Various	Various	Price Contract
Network communications systems (PA)	August 28	State University	Mankato	26 137 03931
Used terminals (BV)	August 28	Community College	Mpls.-North Hennepin	27 153 10091
Lease/automobile—adden. #1 (DM)	August 28	Public Safety	St. Paul	07300 44384
Lease/automobile—adden. #1 (DM)	August 28	Public Safety	St. Paul	07300 44379

State Contracts and Advertised Bids

Commodity for Bid (and Buyer)	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Lease/automobile—addn. #1 (DM)	August 28	Public Safety	St. Paul	07300 44377
Office seating (LP)	August 31	Jobs & Training	West St. Paul	21 200 16149 and 16150
PC computers (MJB)	August 31	State University	Mankato	26 071 17778
Facsimile equipment rental (AW)	September 1	Various	Various	Price Contract

Department of Administration: Printing & Mailing Services

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.

Commodity for Bid (and Buyer)	Bid Due Date at 2 pm	Department or Division	Delivery Point	Requisition #
Application Forms	August 25	Human Services	St. Paul	1106,7,8,9,10
License Renewal Stickers	August 25	Peace Officer Standards & Training	St. Paul	0337
Voter Registration Display Bins	August 25	Secretary of State	St. Paul	0615
Commerce Contact Newsletter	August 25	Commerce	St. Paul	0859
Poster, pocket folder, general in- formation brochure	August 25	Community College	Bloomington	0492,3,4
Forms	August 25	Teachers Retirement Assn.	St. Paul	256
Dog Kennel License	August 25	Board of Animal Health	St. Paul	1144
Employee Biweekly time report	August 25	Central Stores	St. Paul	307
Electronic Equipment Invoice	August 25	Administration	St. Paul	1119
Structure Inventory	August 25	Transportation	St. Paul	407
College Catalog	August 25	Community College	Austin	568
Driver License Application/voter registration card	August 25	Public Safety	St. Paul	170
Benefits Notice	August 25	Jobs & Training	St. Paul	1026
Renewal certificates	August 25	Health	Minneapolis	1062,3,4
Three kinds: stickers	August 26	State Patrol	St. Paul	7969
Application for Assistance and information	August 28	Human Services	St. Paul	1111,2,4,5
1988 tax rate notice	August 28	Jobs and Training	St. Paul	1177
1988-89 college catalog	September 3	Community College	Rochester	1089

Department of Corrections

Minnesota Jail Resource Center

Request for Proposals for Training

The State of Minnesota, acting through the Minnesota Jail Resource Center located in the Department of Corrections, seeks consultants to provide 6 or more training sessions for jail employees and other county officials. The chosen consultant/trainers must have a proven record with the National Institute of Corrections (NIC) Jail Division or National Academy of Corrections as consultants and trainers. Top Priority will be given to consultant/trainers who have direct experience with approved NIC National Academy of Corrections curriculum and lesson plans.

1. Jail As A Part of County Government (Oct. 28-30, 1987)
2. First Line Jail Supervisors Training (Dec. 9-11, 1987)
3. Training for Jail Trainers (Three Day session)
4. Jail Employee Personnel Practices (Three Days)
5. Inter-Personnel Communications Skills (Three Days)
6. Other topics as developed.

The selected consultant/trainers will be chosen based upon proven NIC experience, thoroughness of training proposal, cost effectiveness, and availability for chosen training session dates.

Each contract is expected to range from \$1,000 to \$3,000. Cost estimate for the entire program is \$24,000 involving up to 14 individual contracts. Interested consultant/trainers may submit proposal for individual sessions or the entire program. Funds for this program are provided by a grant from NIC, Department of Corrections Dedicated Funds, and State Funds.

For additional information and specifications, contact:

Tom Reid, Director
Minnesota Jail Resource Center
300 Bigelow Building
450 N. Syndicate Street
St. Paul, Minnesota 55104
(612) 642-0249

Deadline for receipt of proposals is September 8, 1987.

Department of Health

Request for Proposals for Consultant to Develop Econometric Model

The Minnesota Department of Health wishes to retain a contractor to develop an econometric model for purposes of projecting annual treatment expenditures in its Services for Children with Handicaps (SCH) Program. Services are provided to persons under the age of 21 years who have potentially disabling chronic medical conditions such as congenital heart disease, epilepsy, cystic fibrosis, hemophilia, diabetes, cerebral palsy or spina bifida. The types of treatment services provided include physician and specialist visits, laboratory tests and X-rays, medications, appliances and specialized equipment, surgery and anesthesia, and hospitalization. SCH is the payor of last resort and, therefore, provides services to children who are not eligible for Medical Assistance and who are not adequately covered by private insurance.

Scope of Project

The contractor will be required to complete the following tasks:

1. Identify the key variables which impact on annual SCH treatment expenditures and assess their relative importance.
2. Identify the sources of information available for each of the key variables.
3. Construct a formula utilizing the key variables that can be employed by SCH to forecast its annual treatment expenditures.
4. Prepare a written report containing the information referenced in items above.

Project Start and Completion Dates

This project will begin no later than November 1, 1987. The final report will be due no later than April 30, 1988.

Project Costs

It is anticipated that the cost of this project will not exceed \$30,000 for professional services and expenses.

Proposals must be received by the Department of Health by 4:30 p.m., Tuesday, September 15, 1987. A copy of this Request for Proposal is available upon request. Inquiries and requests should be directed to:

David J. Giese, Assistant Director
Maternal and Child Health Division
Minnesota Department of Health
717 Delaware Street S.E.
Minneapolis, Minnesota 55440
Telephone Number (612) 623-5170

State Contracts and Advertised Bids

Department of Health

Contract for Curriculum Writer and Presenter

Notice is hereby given that the Minnesota Department of Health, Maternal and Child Health Division (MCH) intends to issue a contract to obtain the technical services of a curriculum writer and presenter to research and develop curriculum for a series of workshops on Childhood Developmental Disabilities and Chronic Illness and to be a core presenter at the workshop.

This contract will be awarded to the candidate best demonstrating expertise in developing curriculum for children with developmental disabilities and chronic illness and a demonstrated knowledge of assessment of community needs, community development, networking and planning for children with special needs. An ability to present before large groups is also required.

The Minnesota Department of Health will make the final selection and issue a contract not to exceed \$2,000.00 for FY 1988 and \$2,100.00 for FY 1989.

Please submit qualifications by September 8, 1987 to:

Jean Cronje
Child Health Screening/Health Promotion Unit
Division of Maternal and Child Health
Minnesota Department of Health
717 Delaware Street Southeast
Minneapolis, Minnesota 55440
(612) 623-5542

Department of Health

Health Resources Division Emergency Medical Services Section

Notice of Request for Proposal for Medical Director

The Minnesota Department of Health is requesting proposals from eligible physicians who would be able to serve as medical director of its Emergency Medical Services Section for the period from October 1, 1987, to June 30, 1988. Qualifications for the position include: current active practice of emergency medicine or a related specialty; recognized standing in the professional community, e.g., current or recent chairmanships and memberships of the American College of Emergency Physicians, Minnesota Medical Association, and other relevant professionals associations; experience in working with governmental agencies; familiarity with the state emergency medical systems grant program and other federal and state programs; an interest in assisting the Department of Health in defining and achieving goals specific to the planning, development, and regulation of emergency medical services, and the setting of appropriate guidelines and standards.

Minimum tasks include: assisting the Department of Health in the administration of emergency medical services rules and regulations; reviewing requests for waivers and variances; representing the Department with professionals associations, public and private agencies, and the general public; providing general technical assistance to the Department; providing regular progress reports.

Candidates must respond in the form of a proposal to enter into a contract as required by the Department of Health. Reimbursement for a maximum of 300 hours assistance will be \$19,000, which includes travel and expenses. The deadline for proposals is September 8, 1987.

Copies of the request for proposal are available from:

Donald O. Hedman
Emergency Medical Services Section
Minnesota Department of Health
717 S.E. Delaware St.
P.O. Box 9441
Minneapolis, MN 55440

Minnesota Amateur Sports Commission

Request for Proposal to host the 1988 Minnesota State Games

The Minnesota Amateur Sports Commission is requesting proposals from any city in Minnesota interested in hosting the 1988 ('89-'90) Minnesota State Games ("Star of the North" State Games). The Games will be regulated by the Star of the North States Games Board, which will be appointed by the Minnesota Amateur Sports Commission, Minnesota Department of Trade & Economic Development, in late August, 1987.

The Minnesota State Games is an Olympic-style sports festival created for Minnesota's amateur athletes. (The Games are designed for Minnesota residents only.) Patterned after the Olympics, the 1988 Minnesota State Games will likely consist of ten (10) different sporting events for many age levels. The sports may include: basketball, baseball, bowling, canoeing, cycling, soccer, softball, swimming, track & field, and wrestling as well as several competitions for the physically disabled. The host city will have the option to work in cooperation with the State Games Board to add sports or, in some cases, to delete sports that are not suitable for the particular host city.

This will be the first formal Minnesota State Games instituted by the Minnesota Amateur Sports Commission. The Games will provide the incentive for Minnesota athletes of all ages and skill levels to develop their physical talent and competitive abilities. The Games present an opportunity for amateur athletes to compete within their sport to win the prestigious Minnesota State Games title and the statewide recognition they deserve.

Any Minnesota city interested in bidding for the 1988 State Games should realize that hosting statewide competitions in the previously mentioned sports will have a significant economic impact to their host community. These inaugural State Games to be held in the summer of 1988 should have approximately 3,000 to 5,000 athletes and an equal number of friends, families and spectators. Host cities can expect a significant number of visitors, some of whom may desire housing in the dormitory facilities (as space permits) or in the hotels, motels or resorts of the area.

The host city must provide and guarantee the availability of suitable sport facilities for the previously mentioned sports. A key facility for the Games is a stadium with approximately 5,000 seats that could host opening and closing ceremonies. Another important requirement for the host city is that it must provide a qualified number of housing opportunities for competitors and officials. Note: The State Games Board will determine the exact requirements for this provision. The host city will provide a limited number of dormitory rooms and meals on a cost-free basis to the State Games (for officials, etc.) and the majority at provider cost for athletes.

The host city must demonstrate that the total community, including media, educational institutions, business and government agencies will be supportive and cooperate with the State Games.

Host cities are encouraged to identify potential financial sponsors from their community for State Games and to include as a selling point for their bid.

Scheduled Dates for State Games: The State Games Board will work cooperatively with the host city and Minnesota's amateur sport associations in identifying the most suitable dates for the event. It is anticipated that the 1988 Games will be a one-week series of events, and the time will probably occur between the last week in June and the first week in August.

Determination: The State Games Board is expected to name the host city by October 15, 1987 for the Summer '88 State Games. The State Games Board will make its recommendation to the Minnesota Amateur Sports Commission which has final authority as to the State Games Program. The State Games Board has final authority over the policy, scheduling and jurisdiction for State Games in Minnesota upon final approval of the Commission. It is important to note that the State Games Board will assume total financial responsibility for the Games. The host city has a specific responsibility for the physical elements and a portion of the financial equation.

THIS REQUEST FOR PROPOSAL DOES NOT OBLIGATE THE STATE TO COMPLETE THE PROJECT AND THE STATE RESERVES THE RIGHT TO CANCEL THE SOLICITATION IF IT IS CONSIDERED TO BE IN ITS BEST INTEREST.

Proposals should be received by the Minnesota Amateur Sports Commission no later than 4:30 PM, Thursday, September 24, 1987. A copy of the Request for Proposal is available upon request. Inquiries and requests should be directed to:

Paul D. Erickson
Executive Director
Minnesota Amateur Sports Commission
% MN Department of Trade & Economic Development
900 American Center Building
150 E. Kellogg Blvd.
St. Paul, MN 55101
612/296-4845

State Contracts and Advertised Bids

Department of Transportation

Technical Services Division

Availability of Contract for Bridge Design

The Minnesota Department of Transportation intends to engage a consultant to prepare reconstruction plans for Bridge No. 9350 (Dartmouth Bridge) carrying T.H. 94 over the Mississippi River in Minneapolis, Minnesota.

Work is proposed to start after January 1, 1988. Approximately 7 months anticipated for completion.

Technical inquiries should be directed to:

Mr. D. J. Flemming
State Bridge Engineer
Transportation Building
St. Paul, MN 55155
(612) 296-3172

Firms desiring consideration should submit their expression of interest, along with three copies of their Federal Forms 254 and 255 to:

Mr. J. F. Weingartz
Consultant Agreements Engineer
Room 612B
Transportation Building
St. Paul, MN 55155

Response deadline 12:00 p.m., September 8, 1987.

Department of Transportation

Request for Proposals to Assist Transportation Employees to Find New Homes in New Work Location

The Minnesota Department of Transportation is requesting proposals for services involved in relocating Transportation Department managerial employees from one work location to another which is at least 35 miles from the original location.

Services to be Provided

The provider shall offer the home purchase service to an employee who owns a one or two family house, condominium or cooperative apartment which is the principal residence of the employee and has a lot size typical for the area and located in any of the states of the United States, the District of Columbia or Puerto Rico.

The provider shall establish the fair market value of the property by obtaining at least two appraisals of the value of the employee's property. Fair market value is the price expected if a reasonable time is allowed to find a purchaser and if both seller and prospective purchaser are fully informed.

Provider shall offer as the purchase price for the employee's property, the average of the two appraisals. If the lower appraisal varies by more than 5% from the higher, or if provider, with the written concurrence of the State wishes to disregard an appraisal with a valuation which it considers to be unsupportable, provider will select a third appraiser and the two closest appraisals shall be averaged to determine the purchase price.

If the Employee requests funds for a down payment or deposit on a home at the new location prior to the closing, provider will advance up to 95% of the estimated equity, as needed after provider has received the signed contract of sale. Equity is the difference between the purchase price and the balance of liens outstanding against the property. The balance of the equity will be paid on the date of closing as defined in the contract of sale with the employee. Provider shall be responsible for the property from the date the employee accepts provider's offer or vacates the property, whichever is later, to the date it conveys title of the property to a purchaser.

Beginning with the date when provider becomes responsible for the property and until title to the property is transferred to the eventual buyer, provider shall:

a. Make all mortgage payments on account of mortgages affecting the property.

b. Provider may purchase the property subject to the existing mortgage and make the payments thereon, or may elect to pay in full or part any such existing indebtedness. Provider may resell the property subject to said mortgage if in provider's judgment it becomes necessary to do so in order to effect a sale within a reasonable time. If, upon resale of the property provider permits the existing loan to be assumed by the buyer, it will indemnify the employee against any loss resulting from said assumption including, specifically, but not by way of limitation, a suit by a mortgagee against an employee upon the mortgage note. It is further specifically agreed that if any of the transfers contemplated by this paragraph are in default of a due on sale clause in such mortgage, Provider shall indemnify and hold harmless the employee and, if necessary to protect said employee's interests, provider shall pay said mortgage in full. Provider further agrees to pay off an existing FHA or VA mortgage if required to enable the employee to obtain FHA or VA loan on the home being purchased at the new location. Notwithstanding anything to the contrary contained herein, it is specifically agreed that in all sales contemplated by this agreement, passage of title to the ultimate purchaser shall be through provider.

c. Pay all taxes, charges, assessments and utility costs.

d. Keep the property neat and in good repair or redecorate the property where desirable, in the opinion of provider, to maintain or improve marketability of the property, provided aggregate expenditures do not exceed 1% of the purchase price without the written concurrence of the State.

e. Keep the surrounding lawn neat and free from debris and remove snow from sidewalks to permit access by potential buyers and to comply with local ordinances.

f. Provide comprehensive public liability and fire and extended coverage insurance in an amount equal to the fair market value of the property. The fire and extended coverage insurance in an amount equal to the fair market value of the property. The fire and extended coverage insurance will provide for a deductible of \$1,000 and, if such fire and extended coverage is not carried, provider will assume responsibility for any loss that exceeds \$1,000 with respect to any loss occurring on or after the date of closing with the employee.

Upon receipt by provider of the contract of sale, executed by the employee, the property shall be listed for sale with a real estate broker or brokers selected by provider. Provider shall be free at all times to accept any reasonable offer which it deems satisfactory under prevailing market conditions, provided however, in the event the resale price is less than 95% of the purchase price (including net of discount points and other financing concessions), provider will not accept the offer without the written concurrence of the State, it being understood that such concurrence will not be unreasonably withheld. In the event that provider wishes to sell the property on a contract for deed basis, and the State agrees in writing, the terms of the contract for deed and the procedure by which the State pays provider for services performed with respect to that property shall be mutually agreed upon at that time. Provider may not sell the property on a contract for deed basis without the written concurrence of the State.

Provider will pay all reasonable costs connected with the release of each property, together with any loan discount fee which it may have to pay to secure financing for a buyer. The loan discount fee shall not exceed the amount which provider, with the concurrence of the State, determines is reasonable for the area.

If the employee, during the 30-day acceptance period and prior to accepting the contract of sale, enters into a bona fide sales agreement to sell the property to a third party at a price equal to, or higher than provider's offered purchase price, and if the terms of the third party agreement are consistent with provider's contract of sale, the employee may submit and assign the sales agreement and any security deposit thereunder to provider together with the signed contract of sale and the amendment to the contract of sale.

Provider shall accept assignment of that third party agreement and revise its offered purchase price subject to the closing by provider with the third party. Provider shall exert its best effort to consummate the sale negotiated by the Employee. Provider shall not, however, be obligated to accept an assignment of a contract of sale, which provides for a closing date more than 60 days after the date of the assignment, or a contract contingent upon the sale of another property, without the State's written concurrence.

Provider shall advance up to 95% of the estimated equity as needed when the employee assigns the sale to the provider. Equity is the difference between the original offered purchase price and the balance of liens outstanding against the property. The balance of equity will be paid at closing with provider.

The difference is in the original offered purchase price and the assigned sale price (less any mortgage discount points, repairs, or other concessions agreed to by the employee as part of the third party sales agreement or other charges not allowed under the State's relocation policy) will be paid to the employee following the closing of the sale to the third party. If, for any reason, the assigned sale does not close, the price paid to the employee shall be the original purchase price offered by Provider and all parties shall be relieved from further liability under the terms of the amendment to the contract for sale and shall remain bound only by the contract of sale.

Responder may propose additional tasks or activities if they will substantially improve the results of the project.

State Contracts and Advertised Bids

Prospective responders who have any questions regarding the Request for Proposal may call or write:

Roger W. Durbahn
Assistant Personnel Director
Minnesota Department of Transportation
John Ireland Boulevard
St. Paul, Minnesota 55155
(612) 296-3101

All proposals must be sent to and received by:

Roger W. Durbahn
Assistant Personnel Director
John Ireland Boulevard
St. Paul, Minnesota 55155
(612) 296-3101

Not later than 4:30 p.m., September 11, 1987.

Late proposals will not be accepted. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of the project.

The Department has estimated that the cost of this project should not exceed \$200,000 during the two year period commencing October 1, 1987 and ending September 30, 1989.

All proposals received by the deadline will be evaluated by representatives of the Department of Transportation. In some instances, an interview will be part of the evaluation process. Factors upon which proposals will be judged include, but are not limited to, the following:

1. Expressed understanding of project objectives.
2. Project work plan.
3. Project cost detail.
4. Qualifications of both company and personnel. Experience of project personnel will be given greater weight than that of the firm.

Evaluation and selection will be completed by September 18, 1987. Results will be sent immediately by mail to all responders.

State University Board

St. Cloud State University

Notice of Cancellation of Contract Availability

The State University Board, on behalf of St. Cloud State University, is notifying interested responders that its August 10, 1987 *State Register* notice of availability of a contract for ice facility planning is terminated. Any materials received from responders will be returned to the sender unopened.

State Grants

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

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

Department of Jobs and Training

Notice of RFP for an Establishment Grant

The Minnesota Department of Jobs and Training, Office of Services for the Blind and Visually Handicapped issuing a Request for Proposal for a twenty-four/seven day a week Orientation Center Program for the Blind. The program will be funded by an

establishment grant issued by Services for the Blind under the authority of the Rehabilitation Services Administration. The grant will be negotiated with the successful bidder for one year renewable annually for two additional years. The amount of the grant will not exceed \$250,000. The contractor must provide 20% of the cost of the program with the grant providing 80%.

The details of the grant requirements are described in the Request for Proposal (RFP). The RFP may be obtained from Gerald Olerud, Director, Client/Staff Support, Office of Services for the Blind and Visually Handicapped, 1745 University Avenue, St. Paul, Minnesota 55104, (612) 642-0514. The deadline for submission is noon 10/9/1987. Late proposals will not be accepted.

Department of Jobs and Training

Notice of Proposed Contracts for Federal Fiscal Year 1988

The Minnesota Department of Jobs and Training, Services for the Blind is publishing notice that the contracts listed below are available and will be awarded for federal fiscal year 1988 (October 1, 1987 to September 30, 1988):

A. Notice of Proposed Contracts for Medical Services

1. Services for the Blind and Visually Handicapped is seeking 5 individuals to function as Regional General Medical Consultants in the Northeast (Duluth), Northwest (St. Cloud and Moorhead), South (Mankato) and Metro (9 county) Regions and 1 individual to function as Pediatric Specialist Medical Consultant (Statewide) to provide medical services under the contract as follows:

- a. serve as the medical expert for the Regional Supervisor(s) and provide face to face medical consultative services on all medical aspects of the rehabilitation program as it relates to specific clients;
- b. review all medical reports on blind and visually handicapped clients obtained in the region(s) during the year;
- c. determine the adequacy of the medical information obtained;
- d. record and code each disabling condition reported;
- e. make recommendations regarding client limitations;
- f. interpret medical findings to rehab counselors upon request;
- g. provide consultation and recommendations regarding medical practice, procedures and individual client needs upon request;
- i. make recommendations regarding medical charges upon request.

The medical consultants will be responsible to the respective regional supervisors with primary administrative direction coming from the Director of Services for the Blind and Visually Handicapped. All individuals will be paid at a rate of \$40.00 to \$60.00 per hour depending upon qualifications and previous experience in dealing with blind and visually handicapped persons. Most contract work in the outstate regions will require an average of 2-4 hours per month. Most contract work in the Metro Regions (9 county) will require an average of 4-12 hours per month. Total cost of all contracts is not expected to exceed \$25,000.00. Inquiries and/or proposals including a brief statement of qualifications and training/work experience should be directed to:

Julie Talbott
Program Support Manager, Acting, Services
for the Blind and Visually Handicapped
1745 University Avenue
St. Paul, Minnesota 55104
(612) 642-0511

All proposals must be received by 4:30 p.m. 8/28/87.

B. Notice of Proposed Contracts for Low Vision Services

1. Services for the Blind and Visually Handicapped is seeking 1 individual to function as Low Vision Consultant to provide low vision services under the contract as follows:

- a. assist in the planning, development and conducting of in-service training for rehabilitation counselors in the area of low vision;
- b. make recommendations to the State's Authorized Agent regarding staff/clinician certification;
- c. advise on the development of future low vision services;
- d. recommend follow-up low vision services needed by clients;
- e. participate in the planning, development and expansion of low vision services statewide, when requested to do so by the State's Authorized Agent;

State Grants

f. provide statewide consultation and recommendations regarding low vision services, procedures and individual client needs:

i. The service cited will be provided at 1745 University Avenue and may be in the form of face-to-face consultation with staff or by telephone to SSB staff located in out-state locations.

ii. These services will be provided at times and dates agreeable to both SSB and the low vision consultant.

The low vision consultant will be responsible to the Director of Services for the Blind and Visually Handicapped. The individual will be paid at a rate of \$40.00 to \$60.00 per hour. Most contract work will require an average of 4 to 8 hours per month. The total cost of the contract is not anticipated to exceed \$6,000.00. Inquiries and/or proposals including a brief statement of qualifications and training/work experience should be directed to:

Julie Talbott
Program Support Manager, Acting, Services
for the Blind and Visually Handicapped
1745 University Avenue
St. Paul, MN 55104
(612) 642-0511

All proposals must be received by 4:30 p.m. 8/28/87.

C. Notice of Proposed Contracts for Ophthalmological Services

1. Services for the Blind and Visually Handicapped is seeking 1 individual to function as primary ophthalmological consultant and 1 individual to function as secondary ophthalmological consultant during the extended absences of the primary consultant. The secondary ophthalmological consultant will provide ophthalmological services only when requested to do so in writing by the State's Authorized Agent. Both individuals will provide statewide ophthalmological services under the contract as follows:

- a. serve as the ophthalmological expert (Doctor of Medicine with American Board of Ophthalmological certification) and advise agency staff concerning complex medical program issues;
- b. review and classify (code) all eye reports on blind and visually handicapped clients obtained during the year;
- c. make recommendations regarding client limitations;
- d. make written medical recommendations for additional procedures as needed;
- e. provide consultation and recommendations for individual blind and visually handicapped clients referred by the rehabilitation counselor or the agency psychologists.

The ophthalmological consultants will be responsible to the Director of Services for the Blind and Visually Handicapped. The individuals will be paid at the rate of \$40.00 to \$60.00 per hour depending upon qualifications and previous experience in working with blind and visually handicapped persons. Most contract work will require an average of 12 hours per month. The total cost of all contracts is not anticipated to exceed \$12,000. Inquiries and/or proposals including a brief statement of qualifications and training/work experience should be directed to:

Julie Talbott
Program Support Manager, Acting, Services
for the Blind and Visually Handicapped
1745 University Avenue
St. Paul, MN 55104
(612) 642-0511

All proposals must be received by 4:30 p.m. 8/28/87.

D. Notice of Proposed Contracts for Psychological Services

1. Services for the Blind and Visually Handicapped is seeking 4 individuals to function as Regional General Psychological Consultants in the Northeast (Duluth), Northwest (St. Cloud), South (Mankato), and Metro (9 counties) Regions and 1 individual to function as Youth/Adolescent Psychological Consultant (statewide) to provide psychological evaluation services under the contract as follows:

- a. review individual case material on blind and visually handicapped clients and consult with the rehabilitation counselor and/or agency psychologist to determine the appropriate assessment tools and techniques;
- b. interview the client to collect information relevant to the referral questions and the assessment battery;
- c. administer and score the psychological tests/inventories;
- d. provide test scores, interpretations and recommendations relevant to the referral questions in written form within two weeks of the assessment date;

e. provide follow-up consultation services and resource/referral information to the rehabilitation counselor as needed.

The psychological consultants will be responsible to the agency psychologists with primary administrative direction coming from the Director of Services for the Blind and Visually Handicapped. The individuals will be paid at the rate of \$40.00 to \$60.00 per hour depending upon qualifications and previous experience in working with blind and visually handicapped persons. The contract will require an average of 10-12 hours per month. The total cost of all contracts is not anticipated to exceed \$45,000. Inquiries and/or proposals including a brief statement of qualifications and training/work experience should be directed to:

Julie Talbott
Program Support Manager, Acting, Services
for the Blind and Visually Handicapped
1745 University Avenue
St. Paul, Minnesota 55104
(612) 642-0511

All proposals must be received by 4:30 p.m., 9/4/87.

Supreme Court Decisions

Decisions Filed Friday 21 August 1987

C6-86-1232 State of Minnesota v. Joseph Leander Rainer, Appellant. Sherburne County.

The presence of a state investigator during the defense expert's tests and the state's delay in disclosing the investigator's report did not violate the defendant's rights.

The evidence was sufficient to support findings of intent and premeditation.

The trial court properly admitted evidence of prior bad acts.

The trial court properly refused to grant a Schwartz hearing on alleged jury misconduct.

Affirmed. Wahl, J.

C4-86-1195, C7-86-1210 Mervin P. Kirchner, Relator, (C4-86-1195) v. County of Anoka and Iowa National Mutual Insurance Co., Relators (C7-86-1210), County of Anoka and Home Insurance Company, State Treasurer, Custodian of the Special Compensation Fund. Workers' Compensation Court of Appeals.

The combined amount of temporary partial and temporary total disability benefits may not exceed the statutory maximum for temporary total disability benefits.

The statutory maximum is calculated using the date of the injury which caused total disability.

When temporary partial and temporary total disability benefits are reduced because of a statutory maximum the obligation of the earlier insurer is calculated first and the later insurer pays the remainder.

Supplementary benefits are inappropriate since the employee's combined temporary disability benefits exceed the threshold amount for supplementary benefits.

Findings of permanent partial disability for employee's back and leg resulting in separate awards are not manifestly contrary to the evidence.

Each insurer is liable for a portion of the employee's attorney fees, as determined by the workers' compensation court of appeals, and each insurer is responsible for its own attorney fees.

Affirmed as modified. Wahl, J.

C9-87-442 Donald D. Jacobson v. Rochester Communications Corporation, Inc., d.b.a. KWEB Radio Station, Appellant. Olmsted County.

Respondent is a private individual, not a limited purpose public figure, for purposes of this defamation action, and is not required to show actual malice to establish a prima facie case.

Certified question answered in the negative and remanded to the trial court. Wahl, J.

C7-86-1109 In the Matter of the Welfare of: K.A.A., Child Court of Appeals.

A juvenile may not, on his or her own motion, opt out of juvenile court in favor of criminal prosecution as an adult in district court.

Reversed. Kelley, J.

Dissenting, Scott, J.

Announcements

Department of Natural Resources The annual season for harvesting wild ginseng will begin Sept. 1 and run through Dec. 31 announces the Department of Natural Resources (DNR). Wild ginseng is a medicinal herb that has been harvested in Minnesota since the state was first settled by pioneers. Since the early 1900s, ginseng has become very rare. To prevent over-harvesting, the plant is now regulated by the DNR. Last year, over 1,000 pounds of ginseng were harvested in Minnesota, most of it exported to the Orient. Although few diggers harvest more than two or three pounds per season, they are rewarded by prices as high as \$150 per pound.

Wild ginseng may be harvested (dug) without limit during the open season. Only plants with at least three prongs (leaves) and five leaflets each may be legally dug. Immediately after digging or removing any wild ginseng plant, diggers are required to remove all seeds from the plant's berries and plant them in the area where the ginseng was dug. Wild ginseng may be harvested in State Wildlife Management Areas; however, the digger must first obtain a free permit from the wildlife manager. (Ginseng may be harvested in State Forest lands without permits). No one may harvest ginseng in any state park or other area under the administration of the DNR Division of Parks and Recreation.

Ginseng diggers who sell their roots to Minnesota residents or businesses do not need a license. However, diggers who sell to out-of-state residents or businesses are required to purchase a dealers license from the DNR. Proper, out-of-state export papers, required by federal regulations, will be provided by the DNR. Any Minnesota resident or business buying ginseng is required to purchase a \$5 license obtainable from the DNR License Bureau, DNR Building, 500 Lafayette Road, St. Paul, MN 55155-4026. Export certificates for dealers can be obtained at DNR Forestry Offices in Rochester, Lewiston, Lake City and from Conservation Officers throughout the region. A free informational brochure, "Preserving Wild Ginseng In Minnesota," is available by writing DNR Natural Heritage Program, Box 7, DNR Building, 500 Lafayette Road, St. Paul, MN 55155-4007.

State boating safety officials warn boaters to avoid sitting or riding on the gunwales, bow or transom of their motorboats, and to always keep an adequate number of personal flotation devices (PFDs) available in case of emergency. "Some boat operators don't realize that even at slow to moderate speeds, it is impossible to stop a boat in less than several boat lengths," said Tim Smalley, DNR boating safety specialist. "If the boat strikes a floating object, it can catapult a careless rider into the water, severely injuring or perhaps even killing him," Smalley added. There have already been several injuries resulting from passengers falling overboard, and boating enforcement officers report that gunwale or bow riding and lack of enough PFDs are two of the most common ticketed boating offenses.

Goose hunters will have to apply early again this year to reserve a hunting station at the Thief Lake and Lac qui Parle Wildlife Management Areas, the Department of Natural Resources (DNR) announced this week. Applications must be postmarked no later than Sept. 15. They will be accepted on the basis of the earliest postmark but must not be postmarked earlier than Aug. 21. Failure to comply with these requirements will result in rejection of the application. The regular statewide goose season will open with the duck season at noon on Saturday, Oct. 3. A September hunt for Canada geese-only, within the seven county metropolitan area, was announced earlier.

Hunters may apply to reserve one of the stations within the controlled areas of Thief Lake and Lac qui Parle. Applications must be made on a standard, 3½ x 5½ inch postcard bearing the applicant's full name and address and listing first, second and third-choice dates. Applicants should indicate whether they will accept any other date if none of their choices are available. At Thief Lake, the reservation system will be in effect only through Oct. 19; after that date, stations will be available on a first-come, first-choice basis. The system will be in effect at Lac qui Parle for the entire season. Only one postcard per hunter may be submitted to each area, and only successful applicants will be notified. They will receive reservations by mail designating the day of their hunt. Those submitting more than one application per area will have all of their applications rejected. Applications should be sent to: Controlled Hunt, Thief Lake WMA, NE Star Route, Box 17, Middle River, MN 56737; or Controlled Hunt, Lac qui Parle WMA, Watson, MN 56295.

Hunters with reservations will be assigned shooting stations through a drawing held at 5:00 a.m. the morning of the hunt. Successful applicants may be accompanied by one or two guests. At Lac qui Parle, all hunters 18 years of age or older will be charged a fee of \$3 on the day of their hunt to partially cover the special expenses of the hunt. Hunters participating in these hunts will be limited to three trips to the stations, either as guests or successful applicants, except when vacant stations exist. The six-shell limit and steel shot regulations will be strictly enforced, said DNR wildlife officials.

Transportation Department The second in a five-part series of Great River Road route travel guides detailing the route through Minnesota, is now available. "Along the Mississippi—The Great River Road from Lake Itasca to Grand Rapids," describes historic, geologic and natural features along the route besides supplying information about recreational opportunities in the area. The guide can be obtained at a cost of \$4.50. Orders must be prepaid with checks made out to the "Commissioner of Transportation" and sent to Map Sales, B-20 Transportation Bldg., John Ireland Blvd., St. Paul, MN 55155. For more information, call (612) 296-2216.

Documents Division

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NEW PUBLICATIONS:

Building Code 1987. Regulates design, construction, quality of materials, use and occupancy of all buildings and structures. Includes adoption by reference of Uniform Building Code, National Electrical Code and others. Code #3-65s3, \$10.00.

Plumbing Code 1987. Rules concerning public safety and health in regard to: materials, joints, traps, fixtures, water supply, drainage, inspection and water conditioning. Code #3-6, \$11.00.

Health Care Facilities Directory 1987. A list of hospitals and related institutions licensed and/or certified to deliver various levels of care. The list is alphabetical by county, town and facility name. Code #1-89, \$15.00.

Human Services Rules Supplement 1987. The 1987 Supplement to the Department's rule book includes recent changes to many rules in effect from July 1986 through January 1987. Code #3-95s1, \$14.00.

Human Services Rules 1986. Governs assistance programs, eligibility, grant amounts, AFDC and residence requirements. *Minnesota Rules* 9500-9580. Code #3-95, \$24.95.

OTHER PUBLICATIONS

1987 Workers' Compensation Handbook. Includes the statutes (Minn. Stat. Chapter 176), the Office of Administrative Hearings and Litigation Procedure Rules (Rules Chapter 1415), Fees for Medical Services (Rules Chapter 5221), Disability Schedules (Rules Chapter 5223) Workers' Compensation Court of Appeals Rules of Procedure (Rules Chapter 9800). Code #2-72. \$14.00 plus tax.

Woodworking for Wildlife. Carefully illustrated with a variety of game bird and mammal box designs, including maintenance requirements and important information on the placement of nests in proper habitat areas. Diagrams. Code #9-14. \$6.00 plus tax.

Motor Vehicle Traffic Laws. Includes laws governing motor carriers, motor vehicle registration and no-fault auto insurance. Code #2-85, \$12.50 plus tax.

Criminal Code and Selected Statutes 1986. Governs the conduct of peace officers, continuing education requirements for officers, prison sentences and more. Code #2-68, \$12.00 plus tax.

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SUBSCRIPTIONS:

State Register. Minnesota's official weekly publication for agency rules and notices, executive orders of the Governor, state contracts, Supreme Court Calendar, Supreme Court and Tax Court Decisions. Annual subscription \$130; Trial Subscription (13 weeks) \$40.00; Single copies \$3.50.

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