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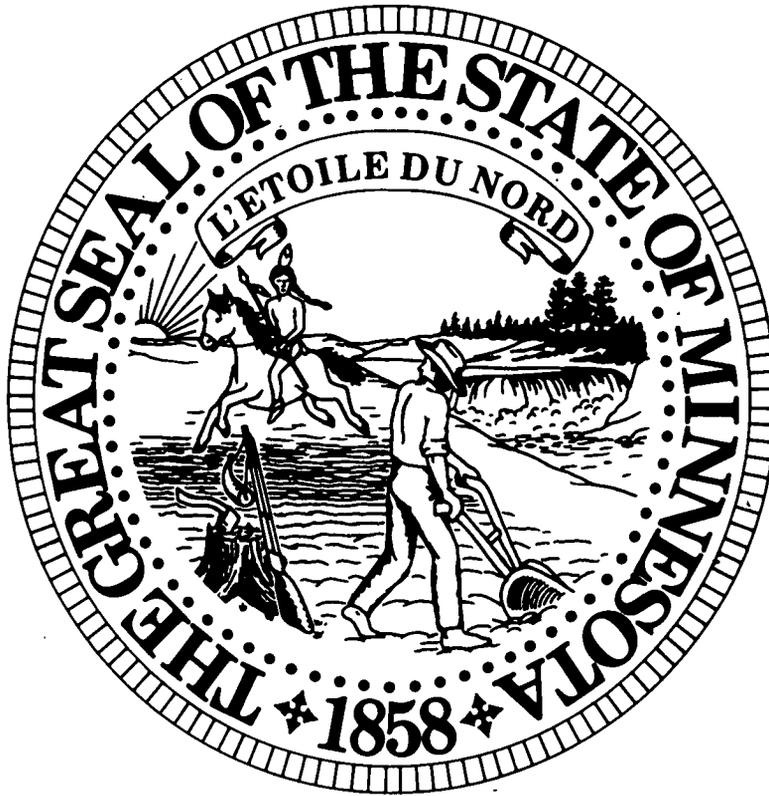
The Minnesota State Register

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

Tuesday 6 July 1993
Volume 18, Number 1
Pages 1-72

State Register

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

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional, technical and consulting contracts, non-state bids and public contracts, contract awards, grants, and a monthly calendar of cases to be heard by the state supreme court.

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

Printing Schedule and Submission Deadlines

Vol. 18 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
1 FY 94	Monday 21 June	Monday 28 June	Tuesday 6 July
2	Monday 28 June	Friday 2 July	Monday 12 July
3	Friday 2 July	Monday 12 July	Monday 19 July
4	Monday 12 July	Monday 19 July	Monday 26 July

*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, 117 University Ave., St. Paul, Minnesota 55155, (612) 297-7963, TDD (Minnesota Relay Service), Metro Area (612) 297-5353, Greater MN 1-800-627-3529.

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

In accordance with expressed legislative intent that the *State Register* be self-supporting, the following subscription rates have been established: the Monday edition costs \$150.00 per year and includes an index issue published in August (single issues are available at the address listed above for \$3.50 per copy); the combined four editions cost \$195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for \$60.00, includes four editions, last for 13 weeks, and may be converted to a full subscription anytime by making up the price difference. No refunds will be made in the event of subscription cancellation.

Both editions are delivered postpaid to points in the United States, second class postage paid for the *State Register* at St. Paul, MN, first class for the *Contracts Supplement*. Publication Number 326630 (ISSN 0146-7751).

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

Arne H. Carlson, Governor

Dana B. Badgerow, Commissioner
Department of Administration

Kathi Lynch, Director

Print Communications Division

Debbie George, Circulation Manager

Jane E. Schmidley, Acting Editor

612/297-7963

FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

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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. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-657-3757.

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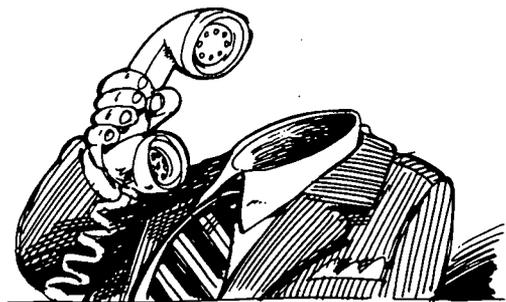
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Minnesota Guidebook to State Agency Services. A treasure of information that cuts red tape and gets you **RESULTS** from Minnesota state government. This important resource helps you through applications, fees, licenses, reports, history, recreation and travel. It describes agencies in detail and how they can assist you, giving addresses, phones and contact people. Stock #1-11-SR, \$16.90.



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Proposed Rules

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

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

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

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

Minnesota Department of Health

Proposed Permanent Rules Relating to the Local Public Health Act

Notice of Intent to Adopt a Rule Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing are Received

Introduction. The Minnesota Department of Health intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedures Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rule by 4:30 p.m., August 9, 1993, a public hearing will be held on August 23, 1993. To find out whether the rule will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after August 9, 1993 and before August 23, 1993.

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

Wayne Carlson
Minnesota Department of Health
Division of Community Health Services
717 S.E. Delaware Street; P.O. Box 9441
Minneapolis, Minnesota 55440
(612) 623-5595
FAX (612) 623-5471

Subject of Rule and Statutory Authority. *Minnesota Statutes*, section 145A.12, subdivisions 2, 3, and 5 states that the Commissioner of Health, in consultation with the State Community Health Advisory Committee, may adopt rules to set:

- standards for administrative and programmatic personnel of Community Health Boards;
- submission dates, procedures, and standards for the submission of community health plans, budgets, and revisions; and
- standards and procedures for a uniform reporting system.

The proposed rules cover: content and approval of community health plans and plan updates submitted by community health boards; review of the plans and plan updates by the commissioner of health to determine eligibility to receive the community health services subsidy and for technical assistance; revision process for community health plans, plan updates and budgets; reporting standards for community health boards; Indian Health grants as they relate to community health planning and reporting; personnel standards for administrators of community health boards; and procedures for the commissioner of health in withholding or terminating subsidy payments to a community health board.

A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed. A free copy of the proposed rule is available on request from Wayne Carlson.

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.

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Comments. You have 30 calendar days, until 4:30 p.m. on August 9, 1993, to submit written comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Your comment must be in writing and received by Wayne Carlson by 4:30 p.m., August 9, 1993. Comment is encouraged. Your comments should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you have 30 calendar days to request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by Wayne Carlson by 4:30 p.m. on August 9, 1993. Your written request for a public hearing must include your name, address, and telephone number. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing.

Modifications. The proposed rule may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rule as attached and printed in the State Register and must be supported by data and views submitted to the agency or presented at the hearing. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for August 23, 1993 will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rule. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Wayne Carlson at (612) 623-5595 after August 9, 1993 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rule, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.14 to 14.20. The hearing will be held on August 23, 1993 in Room 105 of the Minnesota Department of Health, 717 Southeast Delaware Street, Minneapolis, Minnesota, beginning at 10:00 a.m. and continuing until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined during the hearing by the administrative law judge. The administrative law judge assigned to conduct the hearing is Judge Jon L. Lunde. Judge Lunde can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 341-7645 or FAX (612) 349-2665.

Hearing Procedure. If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rule. You may also mail written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the administrative law judge at the hearing. Comments received during this period will be available for review at the Office of Administrative Hearings. You and the agency may respond in writing within five business days after the submission period ends to any new information submitted. All written materials and responses submitted to the administrative law judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. No additional evidence may be submitted during the five-day period. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.0200 to 1400.1200 and *Minnesota Statutes*, sections 14.14 to 14.20. Questions about procedure may be directed to the administrative law judge.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available for review at the agency from Wayne Carlson and at the Office of Administrative Hearings. This statement describes the need for and reasonableness of each provision of the proposed rule. This statement of need and reasonableness includes a summary of all the evidence and argument which the department anticipates presenting at the hearing, if one is held. Copies of the statement are available from the agency at no cost and copies may be obtained at the cost of reproduction from the Office of Administrative Hearings.

Small Business Considerations. *Minnesota Statutes*, section 14.115 requires that an agency consider five factors for reducing the impact of proposed rules on small business. A discussion of the impact on small businesses is contained in the Statement of Need and Reasonableness.

Expenditure of Public Money by Local Public Bodies. The adoption of the proposed rules do not require the expenditure of public money by local public bodies of greater than \$100,000 in the two years following promulgation.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A requires each lobbyist to register with the Ethical Practices Board. Questions about this requirement may be directed to the Ethical Practices Board, First Floor South, Centennial Office Building, St. Paul, Minnesota 55155, telephone: (612) 296-5148.

Adoption Procedure if No Hearing. If no hearing is required, after the end of the comment period the agency may adopt the rule. The rule and supporting documents will then be submitted to the attorney general for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the attorney general or be notified of the attorney general's decision on the rule. If you want to be so notified, or wish to receive a copy of the adopted rule, submit your request to Wayne Carlson.

Adoption Procedure After the Hearing. If a hearing is held, after the close of the hearing record, the administrative law judge will issue a report on the proposed rule. You may request to be notified 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 rule for a period of five working days. If you want to be notified about the report, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. You may also request notification of the date on which the rule is adopted and filed with the Secretary of State. The agency's notice of adoption must be mailed on the same day the rule is filed. If you want to be notified of the adoption, you may so indicate at the hearing or send a request in writing to the agency contact person at any time prior to the filing of the rule with the Secretary of State.

Dated: 10 June 1993

Marlene E. Marschall
Commissioner of Health

Rules as Proposed (all new material)

4736.0010 DEFINITIONS.

Subpart 1. **Scope.** The following terms as used in this chapter have the meanings given in this part.

Subp. 2. **Activities.** "Activities" mean the provision or coordination of services to support the program categories listed in subpart 10.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of health or the commissioner's designees.

Subp. 4. **Community health board.** "Community health board" means a board of health established, operating, and eligible for a subsidy under *Minnesota Statutes*, sections 145A.09 to 145A.13.

Subp. 5. **Community health plan.** "Community health plan" means the written plan described in *Minnesota Statutes*, section 145A.10 and part 4736.0030.

Subp. 6. **Community health services.** "Community health services" means services designed to protect and promote the health of the general population within a community health service area. Community health services emphasize the prevention of disease, injury, disability, and death through the promotion of effective coordination and use of community resources. Community health services extend health services into the community. Program categories of community health services include disease prevention and control, emergency medical care, environmental health, family health, health promotion, and home health care.

Subp. 7. **Fiscal year.** "Fiscal year," for subsidies to a community health board, means January 1 through December 31.

Subp. 8. **Local match.** "Local match" means local tax levies, gifts, fees for services, and revenue from contracts as described in *Minnesota Statutes*, section 145A.13, and part 4736.0090.

Subp. 9. **Plan.** "Plan" means a community health plan as described in subpart 5.

Subp. 10. **Program categories.** "Program categories" of community health services include the following:

A. "Disease prevention and control" means activities intended to prevent or control communicable diseases. These activities include the coordination or provision of disease surveillance, investigation, reporting, and related counseling, education, screening, immunization, case management, and clinical services.

B. "Emergency medical care" means activities intended to protect the health of persons suffering a medical emergency and to ensure rapid and effective emergency medical treatment. These activities include the coordination or provision of training, cooperation with public safety agencies, communications, life-support transportation as defined under *Minnesota Statutes*, section 144.804, public information and involvement, and system management.

C. "Environmental health" means activities intended to achieve an environment conducive to human health, comfort, safety, and well-being. These activities include the coordination or provision of education, regulation, and consultation related to food protection, hazardous substances and product safety, water supply sanitation, waste disposal, environmental pollution control, occupational health and safety, public health nuisance control, institutional sanitation including swimming pool sanitation and safety, and housing code enforcement for health and safety purposes.

D. "Family health" means activities intended to promote optimum health outcomes as related to human reproduction and child growth and development. These activities include the coordination or provision of education, counseling, screening, clinical services,

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school health services, nutrition services, family planning services as defined in *Minnesota Statutes*, section 145.925, and other interventions directed at improving family health. Family health services must not include arrangements, referrals, or counseling for, or provision of, voluntary termination of pregnancy.

E. "Health promotion" means activities intended to reduce the prevalence of risk conditions or behaviors of individuals or communities to prevent chronic disease and affect other definable advances in health status. These activities include the coordination or provision of community organization, regulation, targeted screening and education, as well as informational and other scientifically supported interventions to foster health by affecting related conditions and behaviors.

F. "Home health care" means activities intended to reduce the ill effects and complications of existing disease and to provide suitable alternatives to inpatient care in a health facility. These activities include the coordination or provision of health assessment, nursing care, education, counseling, nutrition services, delegated medical and ancillary services, case management, referral, and follow-up.

Subp. 11. **Public health nurse.** "Public health nurse" means a person who is licensed as a registered nurse by the Minnesota Board of Nursing under *Minnesota Statutes*, sections 148.171 to 148.285, and who meets the voluntary registration requirements established by the Board of Nursing.

Subp. 12. **Special project grant.** "Special project grant" means funds that are provided by the commissioner on a categorical basis using procedures similar to those used when the state enters into contracts.

Subp. 13. **Terminate funding.** "Terminate funding" means the loss of funding for the time specified, with no reinstatement of those funds at a later date.

Subp. 14. **Withhold funding.** "Withhold funding" means the temporary loss of funding for the time specified, with reinstatement of those funds at a later date.

4736.0020 PURPOSE OF RULES.

Parts 4736.0010 to 4736.0130 establish planning, reporting, and personnel standards for the distribution of the community health services subsidy under *Minnesota Statutes*, section 145A.13. This chapter also establishes planning and reporting standards for the distribution of Indian health grants under *Minnesota Statutes*, section 145A.14. Community health boards must comply with parts 4736.0010 to 4736.0130 and other requirements or procedures in statutes and other applicable rules.

4736.0030 CONTENT AND APPROVAL OF COMMUNITY HEALTH PLAN.

Subpart 1. **General.** The community health board must submit a community health plan in 1991 for the years 1992-1995 and must submit a plan covering the four successive years every four years afterward. The commissioner shall send forms and instructions for the community health plan, and the estimated amount of subsidy available for the next two calendar years, to community health boards no later than January 1 for plans due that calendar year. The community health board must submit the plan to the commissioner's office by October 31. The plan must be in the format required in the forms and instructions.

Subp. 2. **Community participation.** The plan must describe the process used to plan community health services. It must include:

A. A narrative summary of the community assessment process as described in *Minnesota Statutes*, section 145A.10, subdivision 5.

B. A summary of the process used to encourage full community participation in the development of the proposed community health plan. Participation must include the following:

(1) Written notice of the initiation of the plan development process made to interested persons, including affected providers, consumers, and local government officials. The notice must include the procedures by which persons may participate in that process. It must describe how persons may obtain a summary of the proposed plan and how they may review the entire proposed plan. The notice must be published in a local newspaper and sent to individuals listed on a general roster for community health services mailings maintained by the community health board.

(2) A public meeting at which interested persons will have the opportunity to comment on the proposed plan. A summary of the proposed plan must be made available to interested persons at least 14 calendar days before this meeting. A copy of the proposed plan must be available for public review at a designated place. The public meeting must be held at least 14 calendar days before approval of a proposed community health plan by the county board or boards as described in *Minnesota Statutes*, section 145A.11.

Subp. 3. **Administrative compliance.** The plan must include documentation of the community health board's compliance with applicable state and federal laws pertaining to the administration of funds. The plan must include information described in items A and B.

A. The community health board must provide information that includes, but is not limited to, the following:

(1) identification of the board and authorization to submit the plan and related documents to the commissioner, including documentation of the legal status of the community health board; and

(2) information about compliance with statutes and rules, documentation of the community participation process required by subpart 2, item B, and documentation that key administrative personnel meet the standards of part 4736.0110.

B. The community health plan must include an annual budget for each of the first two years covered by the plan. The first year's budget must be approved according to *Minnesota Statutes*, section 145A.11, subdivision 3, before the community health board submits the plan. The second year's budget is a projected budget and must be approved in a similar manner by October 31 of the year before it is to take effect. The budget shall categorize the planned expenditures by program category and source of funds. The planned expenditures must be listed in the same format as expenditures are listed in part 4736.0090, subpart 3, item B.

Subp. 4. **Community health services planning process.** The plan must thoroughly assess health status of the area served by the community health board. The plan must review and analyze current community health services. The plan must identify and prioritize community health problems. The plan must also select interventions to address the priority problems. The plan must meet the requirements of this part, in addition to the requirements of *Minnesota Statutes*, section 145A.10, subdivision 5.

A. The plan must describe the community health services and the community health board's priority problems, goals, and objectives. It must also describe the methods designed to maintain the community's health. For a priority problem, the plan must include:

- (1) a statement of the problem, including a description of supporting rationale;
- (2) a goal that describes the outcome if the problem is resolved or reduced;
- (3) for each goal, one or more objectives that measure the outcome, such as changes in morbidity, mortality, behaviors, attitudes, knowledge, or improvements in the delivery of services;
- (4) a detailed description of how objectives will be reached;
- (5) a description of the techniques to be used to evaluate the goal, the objectives, and the methods; and
- (6) an identification of specific types of administrative and program support that the community health board will need from the commissioner to meet its goals or objectives.

B. In the plan, the community health board may use the following public health principles as criteria for identifying and addressing problems, goals, objectives, and methods:

- (1) plans and interventions focus on the health needs of aggregates;
- (2) primary prevention is given priority over secondary and tertiary prevention;
- (3) community resources are organized to meet health needs;
- (4) consideration is given first to interventions that provide for the greatest good for the greatest number of people;
- (5) public health interventions do what others cannot or will not do;
- (6) public health interventions are based on scientific principles and epidemiology is the method of inquiry; and
- (7) public health interventions use resources efficiently.

C. A community health board's plan must show:

- (1) documentation that community assessment results were considered in identifying priority problems in the plan;
- (2) methods of achieving objectives that are consistent with the community health board's budget, staff, and other resource allocations;
- (3) targeted efforts to address specific problems or populations identified in the plan;
- (4) the amount and types of evaluation are consistent with the goals, objectives, and methods;
- (5) the personnel standards of part 4736.0110 are met;
- (6) program category activities consistent with current scientific knowledge and applicable rules, guidelines, and delegation agreements with the commissioner; and
- (7) other community resources and services have been identified and attempts have been made to coordinate them with the plan, where appropriate.

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Proposed Rules

Subp. 5. **Approved plan.** A summary of the approved community health plan must be available from the board upon request to interested persons. A copy of the approved community health plan must be made available for public review at a place designated by the community health board.

4736.0040 PLAN UPDATE.

Subpart 1. **General.** The community health board must submit a community health plan update in 1993 for the years 1994-1995 and must submit a plan update every four years afterward. The commissioner shall send forms and instructions for the plan update and the estimated amount of subsidy available for the next two calendar years to community health boards no later than January 1 for plan updates due October 31 of the same calendar year. Plan updates due October 31 shall cover the two successive calendar years. The plan update must be in the format required in the forms and instructions.

Subp. 2. **Community participation.** A plan update must contain an introduction that includes:

A. A narrative summary of the process used to update the previous plan.

B. A summary of the process used to encourage full community participation in the development of the proposed community health plan update. Participation must include the following:

(1) Written notice of the initiation of the plan update development process made to interested persons, including affected providers, consumers, and local government officials. The notice must include the procedures by which persons may participate in that process. It must describe how persons may obtain a summary of the proposed plan and how they may review the entire proposed plan. The notice must be published in a local newspaper and sent to individuals listed on a general roster for community health services mailings maintained by the community health board.

(2) A public meeting at which interested persons will have the opportunity to comment on the proposed plan update. A summary of the proposed plan update must be made available to interested persons at least 14 calendar days before this meeting. A copy of the proposed plan update must be available for public review at a designated place. The public meeting must be held at least 14 calendar days before approval of a proposed community health plan update by the county board or boards as described in *Minnesota Statutes*, section 145A.11.

Subp. 3. **Administrative compliance.** The plan update must include any changes to documentation in the plan of the community health board's compliance with applicable state and federal laws on the administration of funds.

A. In the updated plan the community health board must describe changes to the following information:

(1) identification of the board and authorization to submit the plan and related documents to the commissioner, including documentation supporting the legal status of the community health board; and

(2) statute and rule compliance information, including documentation of the community participation process required by subpart 2, item B, and documentation that key administrative personnel meet the standards of part 4736.0110.

B. The community health plan update shall include an annual budget for each year covered by the plan update. The first year's budget must be approved according to *Minnesota Statutes*, section 145A.11, subdivision 3, before submitting the plan update. The second year's budget is a projected budget and must be approved in a similar manner by October 31 of the year before it is to take effect. The budget shall categorize the planned expenditures by program category and source of funds. The planned expenditures must be listed in the same format as expenditures are listed in part 4736.0090, subpart 3, item B.

Subp. 4. **Community health services description.** The plan update must describe changes to the previous plan, including changes in the identification and prioritization of community health problems, and the selection of interventions to address the priority problems. In addition to changes to the materials submitted two years previously to meet the requirements of *Minnesota Statutes*, section 145A.10, subdivision 5, the plan update must include, but not be limited to, the information described in items A to C.

A. A plan update must contain a written description of changes to the community health board's priority problems, goals, and objectives designed to maintain the community's health. Problems, goals, and objectives that have not changed since the previous plan need not be restated in their entirety but may be referenced to the page number where they appear in the previous plan.

(1) A description of a change in a priority problem must include:

(a) a statement of the problem, including a description of supporting rationale;

(b) a goal that describes the outcome if the problem is resolved or reduced or the current outcome if the problem has been resolved;

(c) for each goal, one or more objectives that measure the outcome, such as changes in morbidity, mortality, attitudes, knowledge, or improvements in the delivery of services;

(d) a detailed description of how objectives will be reached; and

(e) a description of the techniques to be used to evaluate the goal, the objectives, and the methods.

(2) A description of a change in a goal must include:

(a) a goal that describes the outcome if the problem the goal addresses is resolved or reduced or the current outcome if the goal has been deleted;

(b) one or more objectives that are measurable statements of outcome, such as changes in morbidity, mortality, behaviors, attitudes, knowledge or improvements in the delivery of services;

(c) a method statement that describes how objectives will be reached; and

(d) a description of the techniques to be used to evaluate the changed goal, the objectives, and the methods.

(3) A change, addition, or deletion in an objective must include:

(a) measurable statements of outcome, such as changes in morbidity, mortality, behaviors, attitudes, knowledge, or improvements in the delivery of services;

(b) a method statement that describes how objectives will be reached; and

(c) a description of the techniques to be used to evaluate the changed objectives and the methods.

(4) An identification of changes to the specific types of administrative and program support that the community health board will need from the commissioner to meet its goals or objectives.

B. A plan update must include a summary of any changes to problems, goals, or objectives that implementation of prior plans may have effected.

C. A community health board's plan update must show:

(1) documentation that community assessment results were considered in changing, adding, or deleting problems in the plan update;

(2) methods of achieving objectives that are consistent with the community health board's budget, staff, and other resource allocations;

(3) targeted efforts to address specific problems or populations identified in the plan update;

(4) the amount and types of evaluation are consistent with the goals, objectives, and methods;

(5) that the personnel standards of part 4736.0110 are met;

(6) program category activities consistent with current scientific knowledge and applicable rules, guidelines, and delegation agreements with the commissioner; and

(7) other community resources and services have been identified and attempts have been made to coordinate them with the plan update, where appropriate.

Subp. 5. **Approved plan update.** A summary of the approved plan update must be available upon request to interested persons and a copy of the approved plan update must be made available for public review at a place designated by the community health board.

4736.0050 REVIEW OF COMMUNITY HEALTH PLAN OR PLAN UPDATE.

The commissioner shall review the community health plan or update to determine a community health board's eligibility to receive a subsidy. To receive a subsidy, the commissioner must find that a community health board's plan or update has met the requirements in parts 4736.0030 and 4736.0040.

4736.0060 NOTIFICATION OF DECISION.

Subpart 1. **Commissioner's notice of decision to approve or refer.** After reviewing the community health plan or plan update, the commissioner shall either approve the plan or plan update, or refer the plan or plan update back to the community health board with comments and instructions for further consideration. The commissioner shall notify the community health board of the decision in writing.

Subp. 2. **Referral back to community health board with comments and instructions for further consideration.** If the commissioner refers the plan or plan update back to the community health board, the commissioner's comments and instructions must include specific actions that the community health board must take for the plan or plan update to be approved.

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Proposed Rules

A. If the actions required of the community health board would not otherwise constitute a revision to the plan or plan update as described in part 4736.0080, the community health board must comply with the commissioner's instructions within 60 days of the day the instructions are issued and resubmit the plan or plan update to the commissioner.

(1) The commissioner shall act on the resubmission within 35 days by either approving the plan or plan update or referring it back to the community health board with comments and instructions. Failure to act within 35 days constitutes approval.

(2) Two referrals of a plan or plan update back to the community health board that do not result in an approved plan or plan update constitutes a failure to comply with instructions within the meaning of part 4736.0120, subpart 4, and results in termination of subsidy funds under part 4736.0120.

B. If the actions required of the community health board would otherwise constitute a revision to the plan as described in part 4736.0080, then the community health board must comply with parts 4736.0080 and 4736.0120.

4736.0070 REVIEW OF COMMUNITY HEALTH PLAN FOR ADMINISTRATIVE AND PROGRAM SUPPORT.

The commissioner will review the community health plans to coordinate statewide administrative and program support. As described in parts 4736.0030, subpart 4, item A, and 4736.0040, subpart 4, item A, a community health plan must identify specific types of administrative and program support needed to meet its goals and objectives. The commissioner will provide statewide administrative and program support to community health boards to:

- A. identify and, if possible, fill unmet needs for local program support;
- B. coordinate or combine related activities for maximum effectiveness at the least expense of time and funds;
- C. provide a positive and supportive response to local community health planning and program development; and
- D. provide leadership to the statewide community health services system.

4736.0080 REVISIONS.

Subpart 1. **General.** Revisions to the community health plan or the annual budgets must follow the procedures in this part. All references in this part to the community health plan or plan also includes the plan update as described in part 4736.0040.

Subp. 2. **When a plan must be revised.** A community health plan or annual budget must be revised when there is a substantial change in the plan or budget. A substantial change is a change or expected change that was not anticipated and described in a community health board's plan or budget. The change may result from:

- A. a priority problem that was addressed in the plan but that is no longer being addressed in the manner set forth in the plan through objectives and methods;
- B. a priority problem that has been added to the plan and is being addressed through objectives and methods;
- C. an objective in the plan that is no longer being addressed, or is being dropped or added; or
- D. change in a program category expenditure of greater than ten percent of the community health board's total budget.

Subp. 3. **Exceptions.** The following changes are not substantial changes for purposes of subpart 2:

- A. a delegation agreement under *Minnesota Statutes*, section 145A.07;
- B. receipt or loss of money that the commissioner makes available to a community health board through special project grants;
- C. shifts in activities or budget as a result of new public health initiatives called for by the commissioner;
- D. receipt of new private grants or gifts;
- E. receipt of new federal or state grants other than through the commissioner; or
- F. a modification consistent with the approved plan and approved by the commissioner as not being a substantial change.

Subp. 4. **Procedures for revising a plan.** A community health board must revise its plan according to items A and B.

A. A community health board that determines a substantial change to the plan has occurred must notify the commissioner and revise the plan or budget within 120 days following the process described in part 4736.0040, subparts 2, 3, 4, and 5.

B. If the commissioner determines a substantial change has occurred in a community health plan or budget, the commissioner shall notify the board that it must revise the plan or budget.

(1) Within 35 days after the date the commissioner issues the notice, the community health board must provide the commissioner with written assurances that the board will revise the plan pursuant to the process in part 4736.0030, subparts 2 to 5, or 4736.0040, subparts 2 to 5, as applicable. The board must also supply a timetable for complying. The timetable shall not exceed 90 days from the date the community health board provides the commissioner with the written assurances.

(2) Within 125 days after the date the commissioner issues the notice, the community health board must submit the revised

plan or budget to the commissioner for approval.

(3) Within 35 days after the commissioner receives the revised plan or budget, the commissioner shall either approve the revisions or refer the revisions back to the community health board according to part 4736.0060, subpart 2. If the commissioner fails to act within 35 days after receiving the revisions, the revisions are approved.

4736.0090 REPORTING STANDARDS.

Subpart 1. **General.** A community health board shall submit to the commissioner activity reports and expenditure reports on forms provided by the commissioner. The board must complete a separate reporting form for each county that is a party to a joint community health board and for each city within its community health services area receiving a subsidy.

Subp. 2. **Activities report.** The community health board must submit to the commissioner an annual activity report no later than April 15 of the year following the close of each fiscal year for which subsidy was received. A report form must include data on reportable activities that are included in the community health plan. Reportable activities are activities funded by the community health board and its constituent counties through the use of community health services subsidy, local match or special project grants, and other sources of funding for community health services. Reportable activities are limited to program categories included in the approved community health plan or revision.

Subp. 3. **Report of expenditures.** The community health board must report expenditures according to the requirements in items A and B.

A. The community health board must submit to the commissioner a half-year expenditure report no later than August 15 of each fiscal year. The community health board must submit to the commissioner an annual expenditure report no later than April 15 of the year following the close of each fiscal year for which a subsidy was received. The half-year and annual reports must list total expenditures in program categories by source of funds, including the community health services subsidy, local match funds, vaccine allocations from the commissioner, special project grant funding from the commissioner, other sources of state funding, and other sources of federal funding not eligible as local match.

B. The community health board must submit to the commissioner an annual report of local sources of funds. This report must include a detailed account of expenditures of local match funds in program categories. The report must include, but not be limited to:

- (1) expenditure of revenue received from local tax levies or from the federal government;
- (2) local revenue received from third party payers, including:
 - (a) revenue received from the federal government under the Social Security Act, Health Insurance for the Aged;
 - (b) revenue received for services to low-income people for medical assistance and rehabilitation of the aged, blind, disabled, and families with dependent children;
 - (c) revenue received from the federal government based on Veteran's Administration legislation; and
 - (d) revenue received from private insurance companies or prepaid health plans;
- (3) expenditure of revenue received as a fee for service;
- (4) expenditure of revenue received under contracts or grants; and
- (5) expenditure of revenue received from gifts, license fees, inspection fees, or other revenue from local regulatory activity.

Subp. 4. **Special reports.** A community health board shall submit to the commissioner data and activity reports that the commissioner requests for the purpose of preparing special or evaluation reports needed to evaluate the efficiency and effectiveness of community health services under *Minnesota Statutes*, section 145A.12, subdivision 5. The reports must be on forms and follow instructions provided by the commissioner.

4736.0100 INDIAN HEALTH GRANTS.

Subpart 1. **General.** A community health board that applies for an Indian health grant under *Minnesota Statutes*, section 145A.14, subdivision 2, must follow the procedures in this part.

Subp. 2. **Definition.** For purposes of an Indian health grant, "reside off reservation" means Indian persons not residing on Indian land who are members of an organized tribe, band, or other group of aboriginal people of the United States, having a treaty relationship with the federal government and who are regarded as Indians by the group in which they claim membership.

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Proposed Rules

Subp. 3. **Requirements for applying for Indian health grant.** The community health plan required in parts 4736.0030 to 4736.0080 must:

A. Specifically address parts 4736.0030, subpart 2, and 4736.0040, subpart 2, as they relate to the Indian community affected by the community health plan.

B. Specifically address parts 4736.0030, subpart 4, item A and 4736.0040, subpart 4, item A, as they relate to the Indian health grant part of the community health plan.

Subp. 4. **Forms and instructions.** Reports must be completed according to forms and instructions provided by the commissioner and contained in the contract requirements of the grant.

Indian health grants must be reported as a special project grant for purposes of part 4736.0090.

4736.0110 PERSONNEL STANDARDS.

Subpart 1. **Purpose of standards.** This part establishes minimum standards for training, experience, and skill for the community health services administrator under *Minnesota Statutes*, sections 145A.09 to 145A.13. This part does not apply to employees of community health boards with a personnel system approved by the United States Civil Service Commission.

Subp. 2. **Persons who must meet standards.** A community health board must have a community health services administrator. Persons who are appointed as community health services administrators after the effective date of parts 4736.0010 to 4736.0130 must meet the minimum training and experience standards of this part.

Subp. 3. **Minimum training and experience standards for community health services administrators.** A community health services administrator must have:

A. a baccalaureate or higher degree in administration, public health, community health or nursing, and two years of documented public health experience in an administrative or supervisory capacity;

B. a master's or higher degree in administration, public health, community health or nursing, and one year of documented public health experience in an administrative or supervisory capacity; or

C. a baccalaureate or higher degree and four years of documented public health experience in an administrative or supervisory capacity.

Subp. 4. **Community health services administrator skills.** The documented experience of a community health services administrator must include skills necessary to:

A. direct and implement health programs;

B. prepare and manage budgets;

C. manage a planning process to identify, coordinate, and deliver necessary services;

D. prepare necessary reports;

E. evaluate programs for efficiency and effectiveness;

F. coordinate the delivery of community health services with other public and private services; and

G. advise and assist the community health board in the selection, direction, and motivation of personnel.

Subp. 5. **Additional personnel standards.** Persons implementing or supervising community health services programs by agreement with the commissioner shall meet the personnel standards required in those agreements.

4736.0120 WITHHOLDING AND TERMINATING SUBSIDY PAYMENTS.

Subpart 1. **Grounds for withholding or terminating a subsidy.** The commissioner shall withhold, terminate, or require reimbursement of subsidy funds for failure to substantially comply with the terms of the approved plan or budget or with other requirements of parts 4736.0010 to 4736.0130 or other applicable rules or statutes.

Subp. 2. **Reimbursement required.** The commissioner must require reimbursement of expended subsidy funds that are not part of an eligible program category activity or reimbursement of other unauthorized subsidy expenditures that are identified by fiscal audit.

Subp. 3. **Automatic withholding.** If a community health board's plan or plan update is not approved before the beginning of the fiscal year, the commissioner shall begin withholding funds at the beginning of the fiscal year.

Subp. 4. **Failure to comply with referral instructions.** When a community health board fails to comply with the commissioner's instructions from part 4736.0060, subpart 2, the commissioner shall take action described in items A and B.

A. The commissioner shall continue withholding payment of subsidy funds until the community health board has complied with the commissioner's instructions.

B. If the community health board fails to comply with the instructions of the commissioner after a 60-day period or the community health board fails to comply with the instructions of the commissioner after two referrals back to the community health board, the commissioner shall terminate payment of subsidy funds, including those withheld under subpart 3. The commissioner shall terminate funds on a prorated basis for each day the board fails to comply.

Subp. 5. Failure to revise a plan or budget. When a community health board fails to revise a plan or budget according to part 4736.0080, subpart 4, item B, the commissioner may take action described in items A to D.

A. If the community health board fails to provide its response and proposed timetable to revise the plan or budget within the 35-day time period in part 4736.0080, subpart 4, item B, subitem (1), the commissioner shall withhold payment of subsidy funds until the community health board has provided the commissioner with its response and proposed timetable to revise the plan or budget.

B. If the community health board fails to provide its response and proposed timetable to revise the plan or budget within 70 days after the commissioner's notice under part 4736.0080, subpart 4, item B, the commissioner shall terminate payment of subsidy funds, including those withheld under item A.

C. If the community health board fails to submit the revised plan or budget to the commissioner for approval within the 125-day time period in part 4736.0080, subpart 4, item B, subitem (2), the commissioner shall withhold payments of subsidy funds until the community health board has submitted the revised plan or budget and the commissioner has approved it.

D. If the community health board has failed to submit its revised plan or budget to the commissioner within 160 days after the commissioner's notice under part 4736.0080, subpart 4, item B, the commissioner shall terminate payment of subsidy funds, including those withheld in items A to C.

Subp. 6. Failure to provide reports. Except in cases where a waiver has been granted pursuant to part 4736.0130, the commissioner must withhold payment of subsidy funds if a community health board fails to submit complete and accurate reports as required by part 4736.0090.

Subp. 7. Appeal procedure for termination of subsidy funds. A community health board may contest the termination of subsidy funds by requesting a contested case hearing under the Administrative Procedure Act, *Minnesota Statutes*, chapter 14. The community health board shall submit a written request for a hearing to the commissioner within 15 days after receiving the notice of termination. The request for hearing must state the reasons why the community health board contends the termination should be reversed or modified. At the hearing, the community health board has the burden of proving that it satisfied the commissioner's comments and instructions under part 4736.0060, subpart 2.

4736.0130 WAIVER.

Subpart 1. Waiver of compliance with certain parts. The commissioner may waive compliance with specific provisions of part 4736.0030, 4736.0040, 4736.0090, 4736.0100, 4736.0110, or 4736.0120 for an individual board of health under the following conditions:

- A. the rule, if applied, would impose an undue burden on the board; and
- B. the waiver, if granted, will not adversely affect the public health or welfare.

Subp. 2. Initial application. A community health board may apply for a waiver under this part according to forms and instructions supplied by the commissioner. The community health board must show:

- A. the reasons the board is asking the specific provisions of the rule be waived;
- B. the rule, if applied, would impose an undue burden on the board; and
- C. the waiver, if granted, will not adversely affect the public health or welfare.

Subp. 3. Commissioner's decision. The commissioner shall approve or deny the initial waiver application or renewal application within 60 days after receiving it. The approval or denial must be in writing and must state the reasons for the decision. Failure of the commissioner to act within 60 days after receiving the waiver or renewal application constitutes approval.

Subp. 4. Limitation. A waiver shall not be granted for a period longer than two years.

Subp. 5. Reapplication. A board of health may reapply for a waiver according to the procedures in subpart 2 and if the community health board shows a continuing need for the waiver.

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Proposed Rules

Subp. 6. **Reporting changes.** A community health board that has been granted a waiver must notify the commissioner of any material change in the circumstances that justified the waiver.

Subp. 7. **Revocation.** The commissioner shall revoke a waiver if the commissioner determines a material change has occurred in the circumstances that justified granting the waiver.

REPEALER. *Minnesota Rules*, parts 4700.0100, 4700.0200, 4700.0300, 4700.0400, 4700.0500, 4700.0600, 4700.0700, 4700.0800, 4700.0900, 4700.1000, 4700.1100, 4700.1200, 4700.1300, 4700.1400, 4700.1500, 4700.1600, 4700.1700, and 4700.1800, are repealed.

Higher Education Coordinating Board

Proposed Permanent Rules Relating to Education; Postsecondary, Student Financial Assistance, Work-Study Grants

Notice of Intent to Adopt a Rule Without a Public Hearing

The Minnesota Higher Education Coordinating Board intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed rule and may also submit a written request that a hearing be held on the rule.

Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Mary Lou Dresbach
Minnesota Higher Education Coordinating Board
Capitol Square Building, Suite 400
550 Cedar Street
St. Paul, MN 55101
(612) 296-3974

The proposed rule is about State Work Study Grants. The Statutory authority to adopt this rule is *Minnesota Statutes* 136A.04, Subd. 1(8) and 136A.16, Subd. 2. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

You will have until 4:30 p.m., August 6, 1993, to submit written comment in support of or in opposition to the proposed rule and any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m., August 6, 1993. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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

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

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

Dated: 19 June 1993

David R. Powers
Executive Director

Rules as Proposed**4830.2200 APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS.**

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

Subp. 2. **Allocation formula.** Funds shall be allocated to each school according to the following formula:

A. resident full-time equivalent enrollment of each school, divided by the total resident full-time equivalent enrollment of all participating eligible schools;

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

C. multiplied by the percent of funds for work-study grants actually used by that school during the prior school year.

"Resident full-time equivalent enrollment" means the Minnesota resident full-year enrollment in the fall term determined by the board in its annual enrollment survey in for the year prior to the academic year for which work-study funds are allocated.

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

4830.2300 WORK-STUDY GRANTS.

A school shall determine if a student is eligible for a work-study grant. To be eligible a student must meet the requirements of part 4830.0100, subpart 5, items B, C, D (as defined in Minnesota Statutes, section 136A.101, subdivision 7b), E, and F. Priority must be given to students enrolled for at least 12 credits. A student employed during periods of nonenrollment must sign a statement of intent to enroll full-time at least half-time for the next term or provide proof of registration for the next term.

4830.2400 EMPLOYMENT TERMS; AMOUNT OF GRANTS.

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

Subp. 3. **Hourly wages.** Not less than 30 percent of the amount earned by a student shall be paid by the employer, with the actual percentage determined by the school in consultation with the employer. The board shall annually establish a minimum percentage rate of student compensation to be paid by an eligible employer. A student shall be paid for hours actually worked at an hourly rate agreed to by the employer and the student, with the approval of the school. However, the student must be paid at least the state minimum wage, if the federal minimum wage is not applicable. Student earnings must be paid according to federal regulations governing payment of student earnings under the federal work-study program.

Subp. 4. **Replacement of permanent employee.** A public employer other than the institution may not terminate, lay off, or reduce the working hours of a permanent employee to hire a work-study student, or replace a permanent employee who is laid off from the same or substantially the same job by hiring a work-study student.

Higher Education Coordinating Board

Proposed Permanent Rules Relating to Education; Postsecondary; Student Financial Assistance; General Revision

Notice of Intent to Adopt a Rule Without a Public Hearing

The Minnesota Higher Education Coordinating Board intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed rule and may also submit a written request that a hearing be held on the rule.

Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Mary Lou Dresbach
Minnesota Higher Education Coordinating Board
Capitol Square Building, Suite 400
550 Cedar Street
St. Paul, MN 55101
(612) 296-3974

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

The proposed rule is about post-secondary financial aid program administration for State Grants, Part-time Student Grants, Dislocated Rural Worker Grants, State Grants for Licensed Practical Nurses, State Grants for Registered Nurses, Nursing Home or Intermediate Care Facility Nurses Education Account, and Nursing Grants for Persons of Color. The Statutory authority to adopt this rule is *Minnesota Statutes* 136A.04, Subd. 1(8) and 136A.16, Subd. 2. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

You will have until 4:30 p.m., August 6, 1993, to submit written comment in support of or in opposition to the proposed rule and any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m., August 6, 1993. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, section 14.131 to 14.20.

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

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

The Part-time Student Grant rule, *Minnesota Rule* 4830.1550-4830.1556 is proposed to be repealed. The Dislocated Rural Worker Grant rule, *Minnesota Rule* 4830.1560-4830.1565 is proposed to be repealed.

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

Dated: 17 June 1993

David R. Powers
Executive Director

Rules as Proposed

NURSING HOME OR INTERMEDIATE CARE FACILITY NURSES EDUCATION ACCOUNT

4812.0100 SCOPE.

Parts 4812.0100 to 4812.0170 apply to the nursing home or intermediate care facility nurses education account.

4812.0110 DEFINITIONS.

[For text of subs 1 to 3, see M.R.]

Subp. 4. **Qualified loans.** "Qualified loans" means:

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

B. Stafford Loans/Guaranteed Student Loans (GSLs) and other comparable federal student loans;

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

4812.0130 APPLICATION PROCESS.

Subpart 1. **Letter of interest.** A person planning to enroll or enrolled in a program of study designed to prepare the person to become a registered nurse or licensed practical nurse must submit a letter of interest to the executive director before ~~completing the first year completion~~ of study in a nursing education program. Upon receipt of a letter of interest from a prospective registered nurse or licensed practical nurse, the executive director shall send more detailed information about the program.

Subp. 2. **Application form and contract.** Before ~~completing the first year completion~~ of study the nursing education program, the prospective registered nurse or licensed practical nurse must complete and return the application form and contract provided by the executive director. The prospective registered nurse or licensed practical nurse agrees to serve at least one of the first two years

following completion of the nursing education program providing nursing services in a licensed nursing home or intermediate care facility for persons with mental retardation or related conditions if chosen as a participant. Failure to complete and return the application form and contract by the specified deadline date results in the elimination of the applicant from the classification list.

Subp. 3. **Notification of service.** A program participant must notify the executive director in writing immediately after starting service as a nurse in a licensed nursing home or intermediate care facility for persons with mental retardation or related conditions. A program participant must work as a nurse in a licensed nursing home at least 30 hours per week.

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

4812.0140 LOAN PAYMENT.

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

Subp. 3. **Terms of payments.** The executive director shall make loan payments according to the terms and conditions of the designated loans to the lenders or servicers in an amount that, when annualized, does not exceed \$3,000 per year. The participant must continue to serve as a nurse in a licensed nursing home or intermediate care facility for persons with mental retardation or related conditions during the period the executive director is making loan payments for the participant.

Subp. 4. **Discontinuation of service.** The participant must reimburse the executive director for payments made during any period when the participant is not serving as a nurse in a licensed nursing home or intermediate care facility for persons with mental retardation or related conditions.

4812.0150 PENALTY FOR NONFULFILLMENT.

Subpart 1. **Payment amount.** If a participant fails to fulfill the service requirement of this program, the amount paid on designated loans by the executive director must be repaid with interest at a rate established according to *Minnesota Statutes, section 270.75, subdivision 5*. Interest accrues from the date the participant ceases to practice as a nurse in a licensed nursing home or intermediate care facility for persons with mental retardation or related conditions.

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

4830.0300 ELIGIBLE SCHOOLS.

Subpart 1. **Annual list.** Annually the ~~board~~ executive director shall ~~adopt by resolution~~ approve a list of schools at which a state grant may be used. Schools may be added to the list by the ~~board~~ executive director anytime during the school year.

Subp. 2. **Requirements.** To be eligible a school must:

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

B. offer at least one program that:

[For text of subitems (1) and (2), see M.R.]

(3) is at least ~~ten~~ eight weeks long; and

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

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

4830.0400 APPLICATION DATES AND STUDENT ELIGIBILITY.

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

Subp. 4. **Eligibility for initial grant.** To be eligible for an initial grant a student must be an eligible student, as defined in part 4830.0100, subpart 5, except item D, and:

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

[For text of subps 5 and 5a, see M.R.]

Subp. 6. [See repealer.]

4830.6510 APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS.

Subpart 1. **Application by schools and programs.** A school or program of advanced nursing education that desires program funds for registered nurses must submit ~~by January~~ + each year a completed participation application form provided by the executive director.

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Proposed Rules

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

Subp. 3. **Requirements for participant institutions.** Each participating school or advanced nursing program must also:

A. provide when requested by the executive director by the first working day after May 31 each year with the just or nearly completed academic year's, provide enrollment data of registered nurses seeking to complete baccalaureate or master's degrees in nursing or an advanced program of nursing;

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

[For text of subps 4 to 6, see M.R.]

4830.6610 APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS.

Subpart 1. **Application by schools and programs.** A school or program that desires nursing grant funds for licensed practical nurses must submit to the executive director by January 1 each year a completed participation application form provided by the executive director.

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

Subp. 3. **Responsibility.** Each participating school or nursing program must:

A. provide when requested by the executive director by the first working day after May 31 each year with the just or nearly completed academic year's, provide enrollment data of licensed practical nurses in educational programs leading to licensure as a licensed registered nurse;

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

[For text of subps 4 to 6, see M.R.]

NURSING GRANT PROGRAM FOR PERSONS OF COLOR

4830.9005 SCOPE.

Parts 4830.9005 to 4830.9030 apply to the program of state grants for nursing students who are persons of color.

4830.9010 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 4830.9010 to 4830.9030 have the meanings given them in this part.

Subp. 2. **Person of color.** "Person of color" means a person who is an Asian Pacific-American, African-American, American Indian, or Hispanic-American (Latino, Chicano, or Puerto Rican).

4830.9015 APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS.

Subpart 1. **Application by schools and programs.** A school or registered nursing program must submit each year to the executive director a completed participation application form provided by the executive director.

Subp. 2. **Responsibility.** Each participating school or registered nursing program must:

A. when requested by the executive director, provide enrollment data of students in educational programs leading to licensure as a registered nurse;

B. establish procedures for students to apply for and receive grants;

C. establish criteria to use in awarding grants to nursing students, which must include the likelihood of the student's success in completing the nursing educational program and the likelihood that the student will serve in Minnesota for at least three years following licensure;

D. give priority to students with the greatest financial need;

E. agree that the money awarded through the grant program must not be used to replace any other grant or scholarship money for which the student would be otherwise eligible; and

F. assist the executive director in monitoring recipient service status.

Subp. 3. **Allocation formula.** Funds shall be allocated to each school or registered nursing program according to the following formula: enrollment of registered nursing students of each school or nursing program, divided by the total enrollment of all participating schools or nursing programs; multiplied by the current fiscal year's appropriation for grants under this program.

The minimum allocation to a school or nursing program is \$2,500.

Subp. 4. **Modification of allocations.** The executive director shall allocate funds equal to the school's or program's estimated need for funds if the estimated need is less than the amount determined by the allocation formula.

Subp. 5. **Reallocation.** If funds are available, the executive director shall reallocate funds to schools or nursing programs requesting

additional program funds according to the formula in subpart 3.

Subp. 6. Delay. Failure of a participating school or nursing program to submit the annual application for participation to the executive director or provide requested enrollment data by the deadline dates will result in the delay of notification and disbursement by the executive director to the school or nursing program.

Subp. 7. Accountability. Each participating school and nursing program is accountable for any money disbursed to students for nursing grants. The money may be used only during the fiscal year of disbursement. If a student does not use a grant because the student does not enroll or withdraws from school, the school may use the funds for other eligible students or must return the funds to the executive director.

Subp. 8. Unused funds. When requested by the executive director, a school or nursing program shall report on its use of funds and shall return unused funds. The executive director shall reallocate unused funds to schools or nursing programs that desire additional funds.

Subp. 9. Monitoring recipient service status. The participating school or nursing program must provide the executive director with each recipient's most current permanent address and telephone number on record at the school or nursing program upon graduation or termination of enrollment. Upon request of the executive director, the school or nursing program must also provide the name, address, and telephone number for at least two persons listed on the recipient's nursing grant application as references.

4830.9020 AWARDS.

Subpart 1. Award amount. Grants must be \$2,500 per academic year.

Subp. 2. Award disbursement. A recipient's total nursing grant award must be divided by the number of terms in the academic year and disbursed accordingly.

Subp. 3. Renewal awards. The grant must be awarded for one academic year but is renewable for a maximum of six semesters or nine quarters of full-time study, or their equivalent. A student wishing to renew a nursing grant must complete an application form for each academic year.

4830.9025 RECIPIENT RESPONSIBILITIES.

Subpart 1. Change of address. Until graduation or termination of enrollment, the recipient must notify the school or nursing program in writing of a change of address within 30 days of the change. From the time of graduation or termination of enrollment until three years after the nursing license is received, the recipient must notify the executive director in writing of a change of address within 30 days of the change.

Subp. 2. Service status verification. Each year for up to three years after a nursing license is received, on request of the executive director, a grant recipient must complete and return to the executive director a service status verification form provided by the executive director.

4830.9030 REPORTS BY SCHOOLS OR NURSING PROGRAMS.

Subpart 1. Data collection; reports. The school or nursing program must collect demographic, educational, and financial data specified by the executive director from eligible students requesting grants, and provide this data to the executive director upon request.

The executive director shall require program activity and student data reports at the end of each year. The school or nursing program must complete and submit the reports and any applicable refunds to the executive director by the first working day after August 9. If the reports are not completed correctly and submitted by the deadline, the executive director shall withhold the subsequent year's allocation until reporting requirements are fully met.

Subp. 2. Additional information. The executive director may require additional information not inconsistent with law that in the executive director's judgment is helpful to efficiently administer the program. The additional information may be required from grant applicants or recipients or eligible institutions or programs.

REPEALER. Minnesota Rules, parts 4830.0400, subpart 6; 4830.0500; 4830.1550; 4830.1551; 4830.1552; 4830.1553; 4830.1554; 4830.1555; 4830.1556; 4830.1560; 4830.1561; 4830.1562; 4830.1563; 4830.1564; and 4830.1565, are repealed.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike out~~ 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 out~~ indicate deletions from proposed rule language.

Proposed Rules

Higher Education Coordinating Board

Proposed Permanent Rules Relating to Education; Postsecondary; Student Financial Assistance; SELF Loans

Notice of Intent to Adopt a Rule Without a Public Hearing

The Minnesota Higher Education Coordinating Board intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed rule and may also submit a written request that a hearing be held on the rule.

Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Mary Lou Dresbach
Minnesota Higher Education Coordinating Board
Capitol Square Building, Suite 400
550 Cedar Street
St. Paul, MN 55101
(612) 296-3974

The proposed rule is about the Student Educational Loan Fund, a state program of supplemental loans to postsecondary students. The Statutory authority to adopt this rule is *Minnesota Statutes* 136A.04, Subd. 1(8) and 136A.16, Subd. 2. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

You will have until 4:30 p.m., August 6, 1993, to submit written comment in support of or in opposition to the proposed rule and any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m., August 6, 1993. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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

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

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

Dated: 18 June 1993

David R. Powers
Executive Director

Rules as Proposed

4850.0011 DEFINITIONS.

[For text of subs 1 to 9, see M.R.]

Subp. 10. **Cosigners.** All borrowers from the student educational loan fund shall have a credit worthy cosigner who is either a United States citizen or a permanent resident. The cosigner is jointly and separately responsible for making loan payments (principal, interest, and other charges). The cosigner is relieved of this financial responsibility only in the event of death or permanent disability of the borrower. A cosigner must:

- A. be at least 18 years old;
- B. be a person or an eligible school; and

- C. agree to the release of information to a consumer credit reporting agency, as described in part 4850.0012, subpart 4; and
D. permanently reside in the United States.

If the cosigner has no credit history, credit worthiness shall be determined by the executive director, by a review of banking references and a review of net worth data with a minimum test requiring that net worth equal or exceed a sum ten times the size of each loan amount requested.

[For text of subps 11 to 14, see M.R.]

Subp. 15. **Eligible student.** "Eligible student" means a student who:

A. is enrolled in an eligible school in Minnesota, or is a Minnesota resident enrolled in an eligible school in another state ~~or~~, United States territory, ~~or is a student who graduated from a Minnesota high school and is enrolled in an eligible school in Minnesota or another state or United States territory~~ province as defined in Minnesota Statutes, section 136A.15, subdivision 5;

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

D. is not currently in default, as defined by each specific program, of any student educational loan program (Stafford Loan, GSL, FISL, NDSL, Perkins, HPL, HEAL, ALAS/SLS, or other similar federal, state supplemental, private, or institutional student loan program) at the current or any previous school;

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

[For text of subps 16 to 25, see M.R.]

Subp. 26. **Maximum effort.** To have used "maximum effort" means that the student has applied for and exhausted all eligibility for other forms of financial aid (except work-study, PLUS/ALAS, unsubsidized Stafford, or other similar federal student loan, and HEAL) before applying for a SELF loan. Financial aid administrators must include any financial aid that has been awarded or is expected to be awarded to the student for the loan period.

[For text of subps 27 and 28, see M.R.]

Subp. 29. **Transition period.** "Transition period" means a ~~one-year (365 days)~~ 12-month period immediately following graduation or termination of enrollment for borrowers who have loans made from the bonds. Borrowers with loans made from sources other than the bonds may extend the transition period an additional period not to exceed 24 months upon approval by the executive director. During the transition period, borrowers are billed for interest only.

[For text of subp 30, see M.R.]

4850.0012 SCHOOL AGREEMENTS AND STUDENT APPLICATIONS.

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

Subp. 3. **Application, guarantee, and promissory note.** The student shall ~~complete~~ follow the appropriate SELF application and attached promissory note, and deliver or mail them to process used at the eligible school for certification. The eligible school shall then deliver or mail the application and promissory note to The student who shall deliver or mail ~~them~~ the application and promissory note to the cosigner who shall complete the student's portion of the application and promissory note and deliver or mail them to the executive director. The executive director will check the application and promissory note for completeness, determine the eligibility of the applicant, and conduct a credit check of the cosigner. If the executive director approves the loan application, the document file shall be sent to the trustee (or agent) for approval. The trustee (or agent) shall approve the application and forward the document file to the servicer or shall reject the application and return the document file to the executive director. The servicer shall enter the application on the servicing computer system, prepare and mail a disclosure statement to the borrower and cosigner, advise the school of the loan approval, schedule disbursements, deduct and mail the guarantee fee from the loan proceeds to the insurer, and place the document file in permanent storage. If the executive director rejects the loan application, the applicant and the cosigner must be advised in writing of the decision and the reasons for the rejection.

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

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Proposed Rules

4850.0014 AMOUNT AND TERMS.

Subpart 1. **Loan amounts.** The minimum loan amount from the student educational loan fund is \$1,000 ~~\$500~~.

The annual and maximum loan amounts for:

A. ~~an undergraduate student and graduate students~~ are those prescribed by the board, not to exceed the limits specified in *Minnesota Statutes*, section 136A.1701, subdivisions 4 and 5. The loan must not exceed the stated annual ~~undergraduate~~ borrowing maximum ~~maximums~~ prescribed by the board or the cost of attendance less all other financial aid (including PLUS loans or other similar federal parent loans borrowed on the student's behalf); and the cumulative student loan debt (excluding PLUS loans or other similar federal parent loans borrowed on the student's behalf) must not exceed the product of the grade level times the annual ~~undergraduate aggregate~~ borrowing maximum, except in grade level 05 when the cumulative undergraduate loan debt maximum stays the same as in grade level 04. For example, if the annual undergraduate borrowing maximum in statute is \$4,000, by grade level prescribed by the board. The cumulative ~~undergraduate loan debt borrowing~~ maximum, by grade level, is: prescribed by the board, not to exceed the limits specified in *Minnesota Statutes*, section 136A.1701, subdivisions 4 and 5.

- (1) grade level 1, \$ 4,000;
- (2) grade level 2, \$ 8,000;
- (3) grade level 3, \$12,000;
- (4) grade level 4, \$16,000; and
- (5) grade level 5, \$16,000.

B. a graduate student are those prescribed in *Minnesota Statutes*, section 136A.1701. The loan must not exceed the stated annual graduate student borrowing maximum or the cost of attendance less all other financial aid (including PLUS loans borrowed on the student's behalf); and the cumulative student loan debt of the graduate student (excluding PLUS loans borrowed on the student's behalf) does not exceed the total amount prescribed in *Minnesota Statutes* for both undergraduate and graduate educations combined. For example, if the stated total borrowing maximum is \$25,000, the cumulative graduate student borrowing maximum, by grade level, is:

- (6) grade level 6, \$25,000;
- (7) grade level 7, \$25,000;
- (8) grade level 8, \$25,000; and
- (9) grade level 9, \$25,000.

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

4850.0017 REPAYMENT PROCEDURES.

Borrowers shall make payments of principal and interest according to the following schedule:

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

H. Upon request, the executive director shall provide borrowers and cosigners with an annual statement of outstanding principal and interest paid during the previous calendar year.

Department of Public Safety

Driver and Vehicle Services

Proposed Permanent Rules Relating to Security Standards of Firearms Dealers

Dual Notice: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing are Received

Introduction. The Minnesota Department of Public Safety intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on August 5, 1993, a public hearing will be held on Tuesday, August 17, 1993. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after August 5, 1993, and before August 17, 1993.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to: Richard Carlquist, Deputy Commissioner, Minnesota Department of Public Safety, 211 Transportation Building, 395 John Ireland Boulevard, St. Paul, Minnesota 55104, (612) 296-6642.

Subject of Rules and Statutory Authority. The proposed rules set out firearms dealers security standards. The statutory authority to adopt the rules is *Minnesota Statutes*, section 624.7161, which was enacted in response to the recent phenomena of smash and grab burglaries of Minnesota gun stores. The rules are designed to reduce the number of stolen handguns by establishing measures to (1) delay burglars and (2) shorten the time for alerting law enforcement. Late in 1992, the Department adopted emergency (temporary) rules relating to firearms dealers security standards. Emergency rules are temporary and can be in place for no more than 360 days. The permanent rules now being adopted will replace the emergency rules when they expire in October 1993. A copy of the proposed permanent rules is published in the *State Register*. A free copy of the rules is available upon request from Richard Carlquist.

Comments. You have until 4:30 p.m., Thursday, August 5, 1993, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on August 5, 1993. Your written request for a public hearing must include your name, address, and telephone number. You are encouraged to identify the portion of the proposed rules which caused your request, the reason for the request, and any changes you want made to the proposed rules. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing.

Modifications. The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rules as printed in the *State Register* and must be supported by data and views submitted to the Department or presented at the hearing. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for August 17, 1993, will be canceled if the Department does not receive requests from 25 or more persons that a hearing be held on the rules. If you request a public hearing, the Department will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Richard Carlquist at (612) 296-6642 after August 5, 1993, to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on Tuesday, August 17, 1993, in Room 5, State Office Building, 100 Constitution Avenue, St. Paul, Minnesota 55155, beginning at 9:00 a.m. and will continue until all interested persons have been heard. (The State Office Building is west of the State Capitol, across Constitution Avenue from the State Capitol. The State Office Building has a red roof and is just north of the Transportation Building.) The hearing will continue, if necessary, at additional times and places as determined during the hearing by the Administrative Law Judge. The Administrative Law Judge assigned to conduct the hearing is Steve Mihalchick. Judge Mihalchick can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 349-2544.

Hearing Procedure. If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rules. You may also mail written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Comments received during this period will be available for review at the Office of Administrative Hearings. You and the Department may respond in writing with rebuttal arguments or material within five business days after the submission period ends to any new information submitted after the hearing. All written materials and responses submitted to the Administrative Law Judge during the rebuttal period must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. No additional evidence may be submitted during the five-day rebuttal period. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.0200 to 1400.1200, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

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Proposed Rules

Statement of Need and Reasonableness. A Statement of Need and Reasonableness is now available. This Statement describes the need for and reasonableness of each provision of the proposed rules. It also includes a summary of all the evidence and argument which the Department anticipates presenting at the hearing, if one is held. A free copy of the Statement may be obtained from Richard Carlquist at the address and telephone number listed above. The Statement may also be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings.

Small Business Considerations. In preparing these rules, the Department has considered the requirements of *Minnesota Statutes*, section 14.115, in regard to the impact of the proposed rules on small businesses. The rules will have an effect on businesses engaged in the retail sale of firearms. All or almost all of these businesses are small businesses, as defined in section 14.115. All of these businesses currently have some security measures in place. Some of these businesses will have to enhance their security measures to meet the requirements of the rules. In developing the rules, the Department has attempted to ensure a sufficient level of security while reducing the impact of the rules on dealers as much as possible. The Department's evaluation of the applicability of the methods contained in section 14.115, subdivision 2, for reducing the impact of the proposed rules is addressed further in the Statement of Need and Reasonableness.

Expenditure of Public Money by Local Public Bodies. *Minnesota Statutes*, section 14.11, subdivision 1, does not apply because 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 of the rules.

Impact on Agriculture Lands. *Minnesota Statutes*, section 14.11, subdivision 2, does not apply because adoption of these rules will not have an impact on agricultural land.

Fees. *Minnesota Statutes*, section 16A.128, subdivisions 1a and 2a, do not apply because the rules do not fix fees.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement should be directed to the Ethical Practices Board at First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (612) 296-5148 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, after the end of the comment period the Department may adopt the rules. The rules and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rules are submitted to the Attorney General or be notified of the Attorney General's decision on the rules. If you want to be so notified, or wish to receive a copy of the adopted rules, submit your request to Richard Carlquist at the address listed above.

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may request to be notified of the date on which the Administrative Law Judge's report will be available, after which date the Department may not take any final action on the rules for a period of five working days. If you want to be notified about the report, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. You may also request notification of the date on which the rules are adopted and filed with the Secretary of State. The Department's Notice of Adoption must be mailed on the same day that the rules are filed. If you want to be notified of the adoption, you may so indicate at the hearing or send a request in writing to the agency contact person at any time prior to the filing of the rules with the Secretary of State.

Dated: 18 June 1993

Michael S. Jordan, Commissioner
Department of Public Safety

Rules as Proposed (all new material)

7504.0100 DEFINITIONS.

Subpart 1. **Scope.** For purposes of this chapter, the terms in subparts 2 to 6 have the meanings given them.

Subp. 2. **Firearms dealer.** "Firearms dealer" means a dealer federally licensed to sell pistols who operates a retail business in which pistols are sold from a permanent business location other than the dealer's home. For the purposes of this chapter, a dealer's home does not include the following:

- A. a building located on property that is zoned commercial;
- B. a business location where the square footage used for the business of selling firearms exceeds the square footage used for the dealer's residence; or
- C. a building located on the same property as the dealer's home that is not attached to the dealer's home.

Subp. 3. **Small firearms dealer.** "Small firearms dealer" means a firearms dealer who operates a retail business at which no more than 50 pistols are displayed for sale at any time.

Subp. 4. **Large firearms dealer.** "Large firearms dealer" means a firearms dealer who operates a retail business at which more than 50 pistols are displayed for sale at any time.

Subp. 5. **Pistol.** "Pistol" includes a weapon designed to be fired by the use of a single hand and with an overall length less than 26 inches, or having a barrel or barrels of a length less than 18 inches in the case of a shotgun or having a barrel of a length less than 16 inches in the case of a rifle (1) from which may be fired or ejected one or more solid projectiles by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances; or (2) for which the propelling force is a spring, elastic band, carbon dioxide, air or other gas, or vapor. Pistol does not include a device firing or ejecting a shot measuring .18 of an inch or less in diameter and commonly known as a BB gun, a scuba gun, a stud gun or nail gun used in the construction industry, or children's pop guns or toys.

Subp. 6. **Displayed for sale.** "Displayed for sale" means a pistol available for sale to customers that is either displayed or stored at the dealer's place of business. This does not include pistols temporarily stored at the place of business for repair or servicing.

7504.0200 SECURITY MEASURES FOR SMALL FIREARMS DEALERS.

After business hours when the dealer's place of business is unattended, a small firearms dealer shall place all pistols that are located in the dealer's place of business in a locked safe or locked steel gun cabinet, or on a locked, hardened steel rod or cable that runs through the pistols' trigger guards.

A. The door to a safe must be recessed or flush and made of at least seven gauge steel. The body of a safe must be made of hot rolled steel of at least 12 gauge thickness. A safe must have an Underwriters Laboratory (UL) listed Group 2 combination lock.

B. A rod or cable used to secure a pistol must be hardened steel. The rod or cable must be at least one-fourth inch in diameter. The rod or cable must be secured with a hardened steel lock which has a shackle that is protected or shielded from attack by a bolt cutter.

C. No more than five pistols may be affixed to any one rod or cable.

D. The safe, gun cabinet, rod, or cable must be anchored to prevent its removal from the premises.

E. The door to a gun cabinet must be made of at least 14 gauge steel. The door may be recessed, flush, or overlapping. If the door is flush or overlapping, it must be designed to conceal the location of the locking bolts and hinges from the outside of the cabinet. The door must be reinforced and must be attached to the body by one continuous hinge or at least two hinges that are located either inside or outside the body. If the hinges are located outside the body of the safe, the safe must have an interior locking system consisting of permanent or moveable locking pins securing the door from the inside when it is in the closed position. The body of a gun cabinet must be made of hot rolled steel of at least 14 gauge thickness, and must be continuously welded to create a single, solid structure. A gun cabinet must have either a UL-listed group two combination lock or a UL-listed key lock that is encased in a high security, drill-resistant lock body. A key lock must use a restricted key that can only be duplicated by a factory-authorized source.

7504.0300 SECURITY MEASURES FOR LARGE FIREARMS DEALERS.

A large firearms dealer shall comply with the requirements of items A to H or the requirements of part 7504.0200, items A to D, except that a large firearms dealer shall not use a gun cabinet.

A. The dealer shall install vehicle-resistant barriers to prevent the penetration of the dealer's place of business by a motor vehicle. The barriers must protect any areas that are accessible to vehicles and that have a free run distance of 50 feet or more.

B. The dealer shall secure each perimeter doorway according to subitem (1), (2), or (3).

(1) The dealer may use a windowless steel security door equipped with both a dead bolt and a doorknob lock.

(2) The dealer may use a windowed metal door that is equipped with both a dead bolt and a doorknob lock. The window must be made of one-half inch polycarbonate or glass reinforced with metal mesh. If the window has an opening of five inches or more measured in any direction, then the window must be covered with steel bars or metal grating affixed to the interior of the door.

(3) The dealer may use a metal grate that is padlocked and affixed to the premises independent of the door and door frame.

C. A dealer shall cover all windows with steel bars that are anchored internally to the wall joists.

D. A dealer shall secure a room where pistols are stored after hours with a locked steel door or metal grating.

E. A dealer shall not display pistols within four feet of a window unless the window is covered by metal screen that is anchored internally to the wall joists.

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Proposed Rules

F. A dealer shall secure heating, ventilating, air conditioning, and service openings with steel bars, metal grating, or an alarm system as described in part 7504.0400.

G. A dealer shall illuminate each perimeter doorway so that the doorway is clearly visible after dark from a distance of 100 feet.

H. Metal grates and grating must have spaces no larger than six inches wide along any diagonal. Metal screen must have spaces no larger than three inches wide along any diagonal. Steel bars must be no more than six inches apart on center.

7504.0400 ELECTRONIC SECURITY FOR ALL FIREARMS DEALERS.

A firearms dealer shall install and maintain an electronic security system that meets the requirements of items A to I.

A. The system must emit an audible alarm at the dealer's place of business when triggered.

B. The system must transmit a silent alarm when triggered. The silent alarm must be transmitted directly to a public safety answering point where this service is available. If no local public safety answering point provides an alarm-monitoring service, the silent alarm must automatically transmit a violation signal to a UL-approved monitoring station that must notify an appropriate law enforcement agency within two minutes of receiving the violation signal.

C. A large firearms dealer's system must include a backup silent alarm that transmits the alarm as provided in item B if the primary transmission system fails.

D. The system must include a line cut alarm unless the incoming phone lines are hardened by routing them through underground conduit or similar protective barrier. The line cut alarm must be triggered when the phone line is cut, and must emit an audible alarm.

E. The system must monitor all exterior doors, windows, and other entry points, including but not limited to heating, ventilating, air conditioning, and customer and service entry points.

F. The system must use motion and heat sensors to monitor pistol storage areas and alarm control boards.

G. The system must monitor all interior doors that provide access to pistol storage areas.

H. All components of the system must be UL-approved.

I. All components of the system must be independently tested and certified to comply with this part at least once per year. The test must be conducted by an alarm system installation or monitoring firm or a person approved by the alarm system manufacturer or distributor. Written certification must be available for inspection by a local law enforcement authority.

7504.0500 INSPECTION BY LAW ENFORCEMENT.

A firearms dealer shall make its place of business available to local law enforcement officials during normal business hours for the purpose of verifying compliance with this chapter. A local law enforcement official is not required to give advance notice of an inspection.

7504.0600 EXEMPTIONS.

Upon written request from a firearms dealer, the commissioner of public safety shall grant an exemption from compliance with a requirement of this chapter if the following conditions are met:

A. the request identifies the requirement from which the dealer wants to be exempt;

B. the request identifies security measures used in lieu of complying with the requirement;

C. the requirement is not specifically set out in statute; and

D. the commissioner determines that the security measures will provide a degree of security similar to the degree of security provided by the requirement or will cause a delay in the unauthorized entry into the dealer's business premises equivalent to the delay provided by complying with the requirement.

Department of Public Service

Weights and Measures Division

Proposed Permanent Rules Relating to Regulating Weights and Measures Inspection Fees

Notice of Intent to Adopt Rules Without A Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Public Service proposes to amend the above entitled rule without a public hearing according to the procedure set forth in *Minnesota Statutes*, Sections 14.22 to 14.28 (1992). The Department's authority to adopt the rule is set forth in *Minnesota Statutes*, Section 239.06 (1992).

All persons have until 4:30 p.m. on July 28, 1993 to submit comments in support of or in opposition to any part or subpart of the proposed rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the Department will proceed pursuant to *Minnesota Statutes*, Section 14.131 to 14.20 (1992).

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

Michael Blacik
Department of Public Service
2277 Highway 36
St. Paul, Minnesota 55113-3800
Telephone: 612-639-4010
Facsimile: 612-639-4014

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

The proposed rules, if adopted will increase the fees the Department of Public Service charges to inspect and test commercial scales and some commercial volumetric equipment used to measure non-petroleum products. The Department of Public Service charges these fees, as required by *Minnesota Statutes*, Section 239.101 (1993) to recover the full cost of the inspections. The proposed rule is published below. One free copy of the rule is available upon request from Mr. Blacik at the address and telephone number stated above.

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 Mr. Blacik upon request.

You are hereby advised, pursuant to *Minnesota Statutes*, Section 14.115 (1992), "Small business considerations in rulemaking," that the proposed rules will have an effect on small businesses.

This proposal to increase inspection fees will affect all businesses that operate commercial weighing and measuring equipment. Inspection fees for grocery scales and other common types of light capacity scales will increase 25% to 50%. Vehicle scale inspection fees will increase 8% to 30%. The livestock scale inspection fee will increase 100%.

The increases are due to increased travel, fuel, equipment and salary costs incurred by the Department since the last fee increase in 1986. The large increase in the livestock scale inspection fee is due to the substantial travel expense involved in inspecting these scales. All of the proposed fees meet the cost recovery requirements of *Minnesota Statutes*, Section 239.101 (1993).

As required by *Minnesota Statutes*, Sections 14.1311 and 16A.128, a copy of this notice, and the proposed rules governing inspection fees were sent to the chairs of the House Appropriations Committee and Senate Finance Committee before publication in the State Register.

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Proposed Rules

As required by *Minnesota Statutes*, Section 14.131, a copy of the Statement of Need and Reasonableness has been sent to the Legislative Commission to Review Administrative Rules.

If no hearing is required, upon adoption of the final rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form, to the extent that form relates to legality. 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 rule as adopted, must submit a written request to Mr. Blacik.

Krista L. Sanda, Commissioner
Department of Public Service

Rules as Proposed

7602.0100 INSPECTION FEES.

Subpart 1. **Generally.** The Weights and Measures Division of the Department of Public Service shall charge the following fees for all regular and special inspections as required by *Minnesota Statutes*, ~~sections 239.10 and 239.52~~ section 239.101:

A. For scales classified by capacity;

- (1) ~~\$11~~ \$9 for scales up to and including six pounds capacity;
- (2) ~~\$12~~ \$16 for scales of seven pounds capacity up to and including 250 pounds capacity;
- (3) ~~\$20~~ \$25 for scales of 251 pounds capacity up to and including 1,100 pounds capacity;
- (4) ~~\$45~~ \$50 for scales of 1,101 pounds capacity up to and including 2,000 pounds capacity;
- (5) ~~\$50~~ \$75 for scales of 2,001 pounds capacity up to and including 4,000 pounds capacity;
- (6) ~~\$100~~ \$145 for scales of 4,001 pounds capacity up to and including ~~6,000~~ 10,000 pounds capacity; ~~and~~
- (7) ~~\$115~~ \$175 for scales of ~~6,001~~ 10,001 pounds capacity up to and including ~~10,000~~ 30,000 pounds capacity; ~~and~~
- (8) \$240 for scales over 30,000 pounds capacity.

B. For specific classes of scales;

- (1) ~~\$130~~ \$170 for a two-section vehicle scale;
- (2) ~~\$160~~ \$180 for a three-section vehicle scale;
- (3) ~~\$175~~ \$190 for a four-section vehicle scale;
- (4) ~~\$185~~ \$200 for a five-section vehicle scale;
- (5) ~~\$275~~ \$400 for a railroad track scale tested with equipment owned by the department;
- (6) \$200 for a heavy capacity hopper scale located at a terminal grain elevator railroad track scale test monitored by the department, or for an additional test at a location with two or more railroad track scales;
- (7) ~~\$115~~ for a fertilizer hopper scale;
- (8) ~~\$125~~ \$250 for a livestock scale;
- (9) ~~\$70~~ (8) \$80 for a wheel load weigher used for law enforcement purposes; and
- (10) ~~\$55~~ for a jeweler's, pharmaceutical, or analytical balance (9) \$125 for an agricultural liquid chemical scale.

C. For liquid measuring devices;

- (1) ~~\$45~~ \$75 for an agricultural chemical meters and petroleum bulk meters used to measure petroleum products for which the petroleum inspection fee required by *Minnesota Statutes*, section 296.13 has not been paid meter; and
- (2) ~~\$55~~ \$75 for a liquefied petroleum gas meter or stationary dispenser of liquefied petroleum gas; ~~and~~
- (3) \$75 for a milk meter.

D. For a linear measuring machine, \$15.

E. For issuance or renewal of a placing-in-service permit, ~~\$50~~ \$65. This fee includes administrative costs, supplies registered agents, and 20 minutes of equipment calibration time. When calibration costs exceed this limit, the regular laboratory calibration rate will be charged.

Subp. 2. **Other rates.** The fees in subpart 1 are based on the average amount of time required for an individual inspection and test. This average includes travel, equipment, and administrative costs. For a nonroutine inspection and test, or when a device is not specified in subpart 1, the inspector shall calculate the total charge based on the following hourly rates:

- A. ~~\$50~~ \$60 for one-inspector and appropriate test equipment designated for light capacity scale and volumetric equipment testing;
- B. ~~\$65~~ \$75 for one inspector and appropriate test equipment designated for heavy capacity scale testing; and
- C. \$75 for laboratory calibration time.

Subp. 3. **Zone charges.** A zone charge is added to the fees in subparts 1 and 2 for the initial inspection of a new or newly installed vehicle, industrial, livestock, hopper, or railroad track scale, as follows:

- A. zone 1: a zone charge of \$25 for scales located within and including a 20-mile radius of the work station;
- B. zone 2: a zone charge of \$50 for scales located beyond a 20-mile radius, but within and including a 50-mile radius of the work station;
- C. zone 3: a zone charge of \$100 for scales located beyond a 50-mile radius, but within and including a 100-mile radius of the work station;
- D. zone 4: a zone charge of \$150 for scales located beyond a 100-mile radius, but within and including a 150-mile radius of the work station; and
- E. zone 5: a zone charge of \$200 for scales located beyond a 150-mile radius of the work station.

Adopted Rules

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

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

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

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

Department of Agriculture

Adopted Permanent Rules Relating to Bottled Water and Water Vending Machines

The rules proposed and published at *State Register*, Volume 17, Number 38, pages 2242-2251, March 22, 1993 (17 SR 2242), are adopted as proposed.

Department of Labor and Industry

Adopted Permanent Rules Relating to Governing Examination and License Fees for Pipefitters

The rules proposed and published at *State Register*, Volume 17, Number 44, pages 2746-2749, May 3, 1993 (17 SR 2746), are adopted as proposed.

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Adopted Rules

Department of Transportation

Adopted Permanent Rules Relating to Natural Preservation Routes

The rules proposed and published at *State Register*, Volume 17, Number 14, pages 705-710, October 5, 1992 (17 SR 705), and Volume 17, Number 28, pages 1751-1757, January 11, 1993 (17 SR 1751), are adopted with the following modifications:

Rules as Adopted

8820.0100 DEFINITIONS.

Subp. 1a. **ADT.** "ADT" means average daily traffic, which is computed by dividing the total number of vehicles traveling over a segment of roadway in one year divided by 365.

Subp. 12a. **Natural preservation route.** "Natural preservation route" means an existing or proposed roadway that has been designated as a natural preservation route by the commissioner upon petition by a county board and that possesses sensitive or unique scenic, environmental, pastoral, or historical characteristics. Examples may include, but are not limited to, roads along lakes, rivers, wetlands, or floodplains or through forests or hilly, rocky, or bluff terrain.

8820.4000 REQUEST TO COUNTY BOARD.

Any person may make a written request to designate a county state-aid highway as a natural preservation route. The request must be directed to the county board having jurisdiction over the route. A county board is not required to propose designation for the entire length of a county state-aid highway. The county board shall act on the request within 60 days. ~~The commissioner may~~ In order to designate a county state-aid highway as a natural preservation route only after receipt of, the commissioner must receive a board resolution from the county having jurisdiction over the road.

The county board shall use the descriptions in part 8820.4010 as a guide for determining which designation type best fits a particular route. All of the descriptors may be used in combination. No single descriptor, including ADT, may be used to eliminate a route type from consideration.

8820.4010 CHARACTERISTICS OF ROUTE TYPES.

Subpart 1. **Selection criteria generally.** To be considered for designation as a natural preservation route, a route must be on the county state-aid highway system. It may be selected if it possesses particular scenic, environmental, pastoral, or historical characteristics such as, but not exclusively, routes along lakes, rivers, wetlands, or floodplains or through forests or hilly, rocky, or bluff terrain.

8820.4030 ADVISORY COMMITTEE.

Subpart 1. Appointment and membership. The commissioner shall appoint an advisory committee for each construction district consisting of seven members: one member from the department of natural resources, one county highway engineer, one county commissioner, one representative of a recognized environmental organization, and three members of the public. The commissioner shall refer each county board submittal received to the advisory committee for the construction district in which the county exists. ~~The advisory committee shall consider all data relative to the petition for designation and make a recommendation to the commissioner.~~ No elected or appointed official that represents a political subdivision requesting the designation or any public member residing in that county may serve on the committee.

Subp. 2. Operating procedure. The advisory committee shall meet on call from the commissioner at which time they shall elect a chair and establish their own procedures to investigate the designation proposals.

The committee shall consider:

- A. the economic, social, safety, and environmental impacts that may result from the designation or denial of the designation;
- B. the magnitude of the effects on adjacent lands and the value of the characteristics identified in part 8820.4020, subpart 2;
- C. the number of persons, either residents or the traveling public, affected by designation or denial of designation;
- D. the present and future use of adjacent lands;
- E. safety considerations as they apply to pedestrians; bicyclists; motoring public; and fire, police, and emergency units; and
- F. other related issues as may be pertinent to the roadway that have been identified from information submitted in part 8820.4020, subpart 2.

Subp. 3. Recommendation. After considering all data pertinent to the requested designation, the committee shall recommend to the commissioner approval or disapproval of the request.

8820.4040 DESIGNATION BY COMMISSIONER.

Following receipt of the advisory committee recommendation, the commissioner may designate the roadway as a natural preservation route. The commissioner shall base the decision on the criteria in part 8820.4030, subpart 2, and shall notify the political subdivision in writing of the decision. If the request is denied, a written explanation will be included with this notification.

8820.4060 GEOMETRIC STANDARDS.

The standards in parts 8820.9980 and 8820.9985 apply to designated natural preservation routes. In the case of reconstruction, the designer shall preserve, to the greatest extent possible, the existing profile, alignment, and cross section. In doing so, the designer shall consider the use of guardrails, retaining walls, and curb sections to protect natural amenities. To the extent practical, the designer shall consider include in the design landscaping, including native species, curving alignments, variable back slopes, variable ditch bottoms, limited clearing, and other means available to limit the impacts on the environment while still addressing public safety.

8820.4070 RECONSTRUCTION NOTIFICATION.

A county proposing a project that requires removal of the entire surface of a county state-aid highway that is a natural preservation route shall send to owners of property abutting the highway a written notice that describes the project. In addition, the county shall hold a public meeting to discuss design and construction alternatives. Before project approval, the county engineer shall provide evidence to the state aid engineer that the concerns raised at the public meeting have been addressed or incorporated into the project. Spot maintenance projects, such as culvert replacements or subgrade corrections, do not require notice.

8820.4090 REMOVAL OF DESIGNATION.

A county board, after notice and a public hearing, may petition the commissioner to remove the natural preservation route designation if the board believes the characteristics on which the natural preservation route designation was approved have substantially been lost. The petition for removing the designation must be based on, and the advisory committee shall consider, such items as loss of aesthetic qualities, changes in land use, changes in road function, or significant increases in accidents. The committee shall then make a recommendation to the commissioner. Following receipt of the advisory committee's recommendation, the commissioner may remove the natural preservation route designation from the roadway. The commissioner shall base the decision on the criteria in part 8820.4030, subpart 2, notify the political subdivision in writing of the decision, and include a written explanation with the notification.

8820.9980 MINIMUM GEOMETRIC DESIGN STANDARDS: NATURAL PRESERVATION ROUTES; NEW OR RECONSTRUCTION.

Subpart 1. **Type I natural preservation route.**

TYPE I NATURAL PRESERVATION ROUTE

Surface Type	Aggregate	Paved
Design Speed (4)	30 <u>mph</u>	30 <u>mph</u>
Lane Width	11 <u>ft.</u>	11 <u>ft.</u>
Shoulder Width (8)	1 <u>ft.</u>	2 (5) <u>ft.</u>
Inslope (1)	3:1	3:1
Recovery Area (2)	3 <u>ft.</u>	10 <u>ft.</u>
Design Strength		9 tons
New Bridge (3) Width	28 <u>ft.</u>	28 <u>ft.</u>
Bridge to remain (10)	22 <u>ft.</u>	22 <u>ft.</u>

(1) Applies to slope within recovery area only. Other design features, such as guardrails or retaining walls, should be considered in particularly sensitive areas in lieu of reconstructing the inslope in accordance with part 8820.4060.

(2) Obstacle-free area (measured from edge of traffic lane).

(3) HS-20 loading is required.

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Adopted Rules

- (4) Based on stopping sight distance.
- (5) The designer will provide a four-foot paved shoulder if the route is a popular bike route.
- (6) Ditch depths and widths ~~should~~ must be kept to the minimum required to function hydraulically and to provide for adequate snow storage when a standard ditch would negatively impact the surroundings.
- (7) The designer ~~should~~ shall specify in the plan and special provisions that the clearing width is to be kept to the absolute minimum. In sensitive areas, the normal clearance allowed to a contractor for working room is zero unless otherwise required for special conditions.
- (8) If the route has scenic vistas that will require parking vehicles along the shoulder, widening the shoulder at these locations ~~could be considered~~ is acceptable.
- (9) Curb and gutter may be used in lieu of a ditch section under the paved option. The lane width, shoulder width, and recovery area must be maintained.
- (10) Inventory design rating H-15.

Subp. 2. Type II natural preservation route.

TYPE II NATURAL PRESERVATION ROUTE

Surface Type	Aggregate	Paved
Design Speed (4)	30 <u>mph</u>	40 <u>mph</u>
Lane Width	11 <u>ft.</u>	12 <u>ft.</u>
Shoulder Width (5)	2 <u>ft.</u>	4 <u>ft.</u>
Inslope (1)	3:1	4:1
Recovery Area (2)	9 <u>ft.</u>	10 <u>ft.</u>
Design Strength		9 tons
New Bridge (3) Width	28 <u>ft.</u>	32 <u>ft.</u>
Bridge to remain (8)	24 <u>ft.</u>	24 <u>ft.</u>

- (1) Applies to slope within recovery area only. Other design features such as guardrail or retaining walls should be considered in particularly sensitive areas in lieu of reconstructing the inslope in accordance with part 8820.4060.
- (2) Obstacle free area (measured from edge of traffic lane).
- (3) HS-20 loading is required.
- (4) Based on stopping sight distance.
- (5) The designer will provide a six-foot paved shoulder if the route is a popular bike route. If the route has scenic vistas which will require parking vehicles along the shoulder, widening the shoulder at these locations ~~could be considered~~ is acceptable.
- (6) Ditch depths and widths ~~should~~ must be kept to the minimum required to function hydraulically, to be traversable if within the recovery area, and to provide for adequate snow storage when a standard ditch would negatively impact the surroundings.
- (7) The designer ~~should~~ shall specify in the plan and special provisions that the clearing width is to be kept to the absolute minimum. In sensitive areas the normal clearance allowed to a contractor for working room shall be zero unless required for special conditions.
- (8) Inventory design rating H-15.

Subp. 3. Type III natural preservation route.

TYPE III NATURAL PRESERVATION ROUTE

Surface Type	Aggregate	Paved (8)	Paved
Design Speed (4)	30 <u>mph</u>	30 <u>mph</u>	40 <u>mph</u>
Lane Width	12 <u>ft.</u>	12 <u>ft.</u>	12 <u>ft.</u>
Shoulder Width (5)	3 <u>ft.</u>	4 <u>ft.</u>	6 <u>ft.</u>
Inslope (1)	4:1	4:1	4:1
Recovery Area (2)	10 <u>ft.</u>	10 <u>ft.</u>	15 <u>ft.</u>
Design Strength(5)		9 tons	9 tons
New Bridge Width (3)	32 <u>ft.</u>	32 <u>ft.</u>	32 36 <u>ft.</u>
Bridge to remain (9)	24 <u>ft.</u>	24 <u>ft.</u>	24 <u>ft.</u>

- (1) Applies to slope within recovery area only. Other design features such as guardrail or retaining walls should be considered in particularly sensitive areas in lieu of reconstructing the inslope in accordance with part 8820.4060.
- (2) Obstacle free area (measured from edge of traffic lane).

(3) HS-25 loading is required.

(4) Based on stopping sight distance.

(5) The designer will provide a six-foot paved shoulder if the route is a popular bike route. If the route has scenic vistas which will require parking vehicles along the shoulder, widening the shoulder at these locations ~~could be considered~~ is acceptable.

(6) Ditch depths and widths ~~should~~ must be kept to the minimum required to function hydraulically, to be traversable if within the recovery area, and to provide for adequate snow storage when a standard ditch would negatively affect the surroundings.

(7) The designer ~~should~~ shall specify in the plan and special provisions that the clearing width is to be kept to the absolute minimum. In sensitive areas the normal clearance allowed to a contractor for working room shall be zero unless required for special conditions.

(8) ~~The amount and type of traffic using the route should be one of the considerations used to determine which level should be used for design and construction.~~ This column may be applied only when the project is located in a platted area or an area in a detailed development process, and physical restraints are present that prevent reasonable application of another level of these standards.

(9) Inventory design rating H-15.

8820.9985 MINIMUM GEOMETRIC DESIGN STANDARDS: NATURAL PRESERVATION ROUTES; RESURFACING.

TYPE I, II, OR III NATURAL PRESERVATION ROUTE

Proposed Design Strength	Pavement Width	Shoulder-to-Shoulder Width
7 tons	22 ft.	26 ft.

Widths of bridges to remain in place must equal pavement width. H-15 loading is required.

Emergency Rules

Proposed Emergency Rules

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

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

Adopted Emergency Rules

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

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

Continued/Extended Emergency Rules

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

Department of Health

Proposed Emergency Rules Relating to Procedures for Exceptions to Nursing Home Bed Moratorium

NOTICE IS HEREBY GIVEN that the Department of Health adopts the above-entitled rule, parts 4655.1070 to 4655.1098, as

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Emergency Rules

an emergency rule. The statutory authority and procedure to adopt the rule is contained in *Laws of Minnesota 1993*, Special Session, Chapter 1, Article 1, section 3, Subd. 3, which exempts the rule from *Minnesota Statutes*, sections 14.32 to 14.35.

The rule was originally adopted at *State Register*, Volume 13, number 22, pages 1270-1275, November 28, 1988 (12 S.R. 1271). The rule was extended by notice published at *State Register*, Volume 13, number 44, page 2687, May 1, 1989 (13 S.R. 2687); and again at *State Register*, Volume 16, page 94, July 15, 1991 (16 S.R. 94).

Under the procedure provided by law, the rule takes effect five working days after publication of this notice and is effective during this biennium.

Requests for a copy of the rule or questions should be submitted in writing to:

Anne Kane
Interagency Long Term Care Planning Committee (INTERCOM)
Central Medical Building
393 N. Dunlap Street
P.O. Box 64900
St. Paul, MN 55164-0900

Rules as Proposed (all new material)

PROCEDURES FOR EXCEPTIONS TO NURSING HOME BED MORATORIUM

4655.1070 [EMERGENCY] DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 4655.1070 to 4655.1098 [Emergency], the following terms have the meanings given them in this part.

Subp. 2. **Advisory review panel.** "Advisory review panel" means the group of individuals that must form recommendations according to part 4655.1086 [Emergency] and that is appointed by the Interagency Board for Quality Assurance under *Minnesota Statutes*, section 144A.073, subdivision 3, and part 4655.1074 [Emergency].

Subp. 3. **Allowable costs.** "Allowable costs" means costs allowable according to part 9549.0035, subpart 1.

Subp. 4. **Alternative care grant.** "Alternative care grant" has the meaning given in part 9505.2395, subpart 4.

Subp. 5. **Annual statistical report.** "Annual statistical report" means the report incorporated by reference under part 4655.1072 [Emergency].

Subp. 6. **Appraised value.** "Appraised value" means the value of the nursing home buildings, attached fixtures, and land improvements used for resident care as determined under part 9549.0060.

Subp. 7. **Attached fixture.** "Attached fixture" has the meaning given in part 9549.0020, subpart 6.

Subp. 8. **Attached hospital.** "Attached hospital" means a hospital that is under common ownership and operation with a nursing home and shares with that nursing home the cost of common service areas such as nursing, dietary, housekeeping, laundry, plant operations, or administrative services.

Subp. 9. **Buildings.** "Buildings" has the meaning given in part 9549.0020, subpart 7.

Subp. 10. **Certified boarding care home.** "Certified boarding care home" means a facility licensed under parts 4655.0090 to 4655.1060 and 4655.1200 to 4655.9900, and certified to participate in medical assistance under *United States Code*, title 42, sections 1396 to 1396p as amended through July 18, 1984.

Subp. 11. **Commenced construction.** "Commenced construction" has the meaning given it under *Minnesota Statutes*, section 144A.071, subdivision 3, paragraph (b).

Subp. 12. **Commissioner.** "Commissioner" means the commissioner of the Department of Health or the commissioner's representative.

Subp. 13. **Conversion.** "Conversion" has the meaning given in *Minnesota Statutes*, section 144A.073, subdivision 1, paragraph (a).

Subp. 14. **Cost report.** "Cost report" means the document and supporting material specified by the commissioner of the Department of Human Services and prepared by the nursing home. The cost report includes the statistical, financial, and other relevant information required in part 9549.0041 for rate determination.

Subp. 15. **Department.** "Department" means the Minnesota Department of Human Services.

Subp. 16. **Estimated operating costs.** "Estimated operating costs" means a facility's estimated operating costs during the first two years after completion of the project.

Subp. 17. **Facility.** "Facility" means the attached hospital, nursing home, or certified boarding care home named on a proposal.

Subp. 18. **Hospital.** "Hospital" means an acute care institution licensed under *Minnesota Statutes*, sections 144.50 to 144.58.

Subp. 19. **Interagency board for quality assurance or IBQA.** "Interagency Board for Quality Assurance" or "IBQA" means the board established under *Minnesota Statutes*, section 144A.31, subdivision 1.

Subp. 20. **Land improvement.** "Land improvement" has the meaning given in part 9549.0020, subpart 28.

Subp. 21. **Medical assistance.** "Medical assistance" means the program established under title XIX of the Social Security Act and *Minnesota Statutes*, chapter 256B.

Subp. 22. **Medical assistance cost.** "Medical assistance cost" means the biennial amount by which medical assistance payments will change if a proposal is implemented. Medical assistance costs are determined according to part 4655.1084 [Emergency], subpart 2.

Subp. 23. **Nursing home.** "Nursing home" means a facility licensed according to *Minnesota Statutes*, chapter 144A.

Subp. 24. **Operating costs.** "Operating costs" has the meaning given in part 9549.0020, subpart 32.

Subp. 25. **Proposal.** "Proposal" means a detailed written plan for a conversion, renovation, replacement, or upgrading.

Subp. 26. **Proposer.** "Proposer" means the organization or individual authorized by a facility's governing board or management to prepare and submit a proposal to the IBQA.

Subp. 27. **Renovation.** "Renovation" has the meaning given in *Minnesota Statutes*, section 144A.073, subdivision 1, paragraph (b).

Subp. 28. **Replacement.** "Replacement" has the meaning given in *Minnesota Statutes*, section 144A.073, subdivision 1, paragraph (c).

Subp. 29. **Soft costs.** "Soft costs" means costs capitalized as part of the project relating to implementation of the proposal, including:

- A. sales taxes on materials;
- B. contractor's overhead and profit;
- C. architect and engineering fees;
- D. construction period interest;
- E. permits, zoning, and construction financing;
- F. feasibility, economic, and demographic studies;
- G. legal, accounting, and consulting fees relating to creation of the development; and
- H. cost of designing the improvements.

Subp. 30. **Statutory restriction.** "Statutory restriction" means a replacement restriction, conversion restriction, or upgrading restriction as described under *Minnesota Statutes*, section 144A.073, subdivisions 5 to 7.

Subp. 31. **Submission deadline.** "Submission deadline" means the date by which a proposal must be received by the IBQA, which, according to part 4655.1080 [Emergency], subpart 3, is no later than 90 days after the date a request for proposals is published in the *State Register*.

Subp. 32. **Upgrading.** "Upgrading" has the meaning given in *Minnesota Statutes*, section 144A.073, subdivision 1, paragraph (d).

Subp. 33. **Working day.** "Working day" means Monday to Friday, excluding legal holidays recognized by the state of Minnesota.

4655.1072 [EMERGENCY] INCORPORATION BY REFERENCE OF ANNUAL STATISTICAL REPORT.

The "Annual Statistical Report to the Commissioner of Health, 1988; Nursing Home, Boarding Care Home, Supervised Living Report" is incorporated by reference and is available through the Minitex interlibrary loan system. The report is subject to frequent change.

4655.1074 [EMERGENCY] APPOINTMENT OF ADVISORY REVIEW PANEL.

Subpart 1. **Procedures.** The IBQA shall appoint an advisory review panel according to subparts 2 to 5.

Subp. 2. **Membership.** The advisory review panel must consist of five members: two representatives from organizations that represent consumers of nursing home services, two representatives from organizations representing providers of nursing home services, and one who has a background in long-term care and either accounting, engineering, or building construction.

Subp. 3. **Advisory review panel chairperson.** The executive director of the IBQA shall chair and convene the advisory review panel.

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Subp. 4. **Nominations.** A member of the advisory review panel must be nominated. Anyone can nominate an advisory review panel member.

The IBQA shall publish in the *State Register* a request for nominations to the advisory review panel no later than 30 days after the effective date of parts 4655.1070 to 4655.1098 [Emergency] and at least 30 days before the expiration date of the term of an advisory review panel member. A nomination must be written; must state the name and address of the nominee, must include a description of the nominee's professional experience and training, and must state the positions indicated under subpart 2 for which the person is being nominated.

Subp. 5. **Appointments.** A nominee shall be appointed by a majority vote of the IBQA.

Subp. 6. **Length of term.** A term on the advisory review panel begins the first working day after the vote of the IBQA appointing a person to the panel. An advisory review panel member representing consumers and one representing providers shall serve two years on the panel. The remaining consumer and provider members shall serve three-year terms. The member with the background in long-term care and either accounting, engineering, or building construction shall serve a three-year term. An advisory review panel member may serve an unlimited number of consecutive terms.

4655.1076 [EMERGENCY] IBQA PUBLICATION OF REQUEST FOR PROPOSALS.

Subpart 1. **Date of publication of request for proposals.** The IBQA shall publish in the *State Register* a request for proposals within 30 days after the effective date of parts 4655.1070 to 4655.1100 [Emergency] and within 30 days of the first day of each state fiscal biennium.

Subp. 2. **Contents of a request for proposals.** The request for proposals must state:

- A. a proposal submission deadline date consistent with part 4655.1080 [Emergency], subpart 3;
- B. the amount of the legislative appropriation available for medical assistance costs or state that proposals will not be requested because no appropriations were made;
- C. other relevant information regarding current state long-term care policy goals; and
- D. that the information under part 4655.1078 [Emergency] must be included in a proposal.

4655.1078 [EMERGENCY] FORMAT AND CONTENTS OF A PROPOSAL.

A proposal must be on a form approved by the commissioner and must:

- A. include the name, telephone number, and address of the proposer or other authorized person who can be contacted by the commissioner or the IBQA with questions regarding the proposal;
- B. include the name and address of the nursing home or boarding care home for which the project is being proposed;
- C. be signed by a qualified representative of the entity submitting the proposal;
- D. state whether the proposal is for renovation, replacement, conversion, or upgrading;
- E. describe the problem the proposal will address;
- F. include schematic drawings and an outline of specifications, prepared by a registered architect, for all construction projects including replacement and renovation;
- G. include a cost estimate, prepared by a contractor or architect and other participants in the development of the proposal, for the project described by the drawings and outline of specifications required by item F, including costs of buildings, attached fixtures, land improvements, construction site preparation, and related soft costs;
- H. provide current estimated long-term financing costs of the proposal, including amount and sources of money, annual payments scheduled, interest rates, length of term, closing costs and fees, and insurance costs that are directly related to the building, attached fixtures, land, land improvements, and building site preparation;
- I. state the current cost of real estate taxes and special assessments for the facility and also an estimate of those that would be assessed if the proposal were implemented;
- J. state the current annual care-related and other operating costs and also an estimation of these costs if the proposal were implemented;
- K. describe the environmental conditions in the facility that are reviewed under part 4655.1084 [Emergency], subpart 10, and any proposed changes in those conditions;
- L. for proposals involving replacement of all or part of a facility, provide the property identification number and a general description of the proposed location of a replacement facility;
- M. provide an estimate of the costs of renovation as an alternative to replacement or of replacement as an alternative to

renovation;

N. include the estimated beginning date of construction for renovation and replacements and the proposed timetable for completion of construction; and

O. briefly explain why the proposer chose replacement rather than renovation or renovation rather than replacement.

4655.1080 [EMERGENCY] SUBMISSION OF PROPOSAL.

Subpart 1. **Who may submit a proposal.** A proposal must be submitted by a proposer.

Subp. 2. **Where to submit a proposal.** A proposal must be submitted to the IBQA.

Subp. 3. **Submission deadline.** A proposal must be received by the IBQA no later than 90 days after the date a request for proposals is published in the *State Register*.

4655.1082 [EMERGENCY] INITIAL SCREENING OF PROPOSALS BY IBQA.

The IBQA shall process a proposal according to items A to L.

A. The IBQA shall determine whether a proposal was submitted according to the submission deadline under part 4655.1080 [Emergency], subpart 3.

B. If a proposal was not submitted according to the deadline indicated under part 4655.1080 [Emergency], subpart 3, the IBQA shall return the proposal to the proposer with a written notice that the proposal will not receive further consideration because the proposal was received after the submission deadline.

C. If a proposal is received according to the deadline, the IBQA shall determine whether the proposal meets the definition of conversion, renovation, replacement, or upgrading as those terms are defined under part 4655.1070 [Emergency]. If a proposal does not meet any of those definitions, the IBQA shall return that proposal to the proposer with a written notice that the proposal will not receive further consideration because it does not meet the definition of conversion, renovation, replacement, or upgrading.

D. If the proposal is for an exception that meets the definition of upgrading, renovation, replacement, or conversion as those terms are defined under part 4655.1070 [Emergency], the IBQA shall determine whether the proposal is substantially complete and consistent with part 4655.1078 [Emergency]. A proposal is substantially complete and consistent if it contains the information specified in part 4655.1078 [Emergency], items B, D to K, and M.

E. If an item required for a substantially complete proposal under item D is missing from a proposal that is submitted to the IBQA, the proposal shall be returned to the proposer with a written notice that the proposal will not receive further consideration because of the missing item.

F. If a proposal is substantially complete and consistent according to item D, staff shall, if needed, ask for additional information in writing within ten days after the submission deadline. Additional information shall be requested only if, in the judgment of the IBQA, the additional information is needed to clarify or support previously submitted information.

G. If requested additional information is not received within 17 days after the submission deadline, the proposal shall be returned to the proposer with a notice that the proposal is not approved because the additional information was not received within 17 days following the submission deadline.

H. A proposal that is not completed by the submission of additional information requested under item F shall be returned to the proposer with a notice that the proposal will not receive further consideration because the requested additional information submitted was insufficient.

I. If the format and contents of a proposal submitted to the commissioner are substantially complete and consistent with part 4655.1078 [Emergency], the IBQA shall determine whether the proposal satisfies the statutory restrictions.

J. If a proposal fails to satisfy a statutory restriction, the IBQA shall return the proposal to the proposer with a written notice stating that the proposal will not receive further consideration because it does not satisfy a statutory restriction.

K. If a proposal satisfies all statutory restrictions, data regarding the proposal shall be collected according to part 4655.1084 [Emergency]. The IBQA shall submit the findings and other information from the review conducted under part 4655.1084 [Emergency] to the advisory review panel to review and form recommendations on the proposal according to part 4655.1086 [Emergency].

4655.1084 [EMERGENCY] DATA COLLECTION.

Subpart 1. **Staff.** The IBQA and the commissioners of agencies represented on the IBQA shall assign staff to collect the data under subparts 2 to 14. The IBQA shall use the data collected under this part to develop recommendations to the commissioner under part 4655.1094 [Emergency] on a proposal screened under part 4655.1082 [Emergency].

Subp. 2. **Medical assistance cost of a proposal.** The medical assistance costs of a proposal shall be estimated by:

A. reviewing the accuracy of operating costs provided according to part 4655.1078 [Emergency], item J;

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B. determining the accuracy of the real estate taxes and special assessments provided under part 4655.1078 [Emergency], item I;

C. determining the increase in allowable appraised value according to part 9549.0060, subpart 4; staff shall assume that the costs provided under part 4655.1078 [Emergency], item G, are equal to the total increase in appraised value;

D. determining the increase in the allowable annual costs of the elements identified in part 4655.1078 [Emergency], item H, according to part 9549.0060, subparts 5, 6, and 7;

E. determining an estimate of the total allowable annual costs for the cost categories reviewed in items B to D;

F. determining an estimate of the number of medical assistance resident days and of the proportion of medical assistance resident days to total resident days using information from the most recent cost report of the facility;

G. multiplying the proportion of resident days developed in item F by the estimated annual costs developed in item E;

H. determining the annual medical assistance costs of the proposal by multiplying the amount found in item G by the most recent proportion of medical assistance paid by the state of Minnesota; and

I. multiplying the amount found in item H by two to yield the biennial medical assistance cost of the proposal.

Subp. 3. **Cost information.** The current and projected costs of the proposal shall be calculated according to cost per licensed bed, percent change in cost per licensed bed, and total biennial state and medical assistance costs.

Subp. 4. **Age-related data.** The percentage of individuals in the county of the facility and of counties contiguous to that county who are 65 to 74 years of age, 75 to 84 years of age, and who are 85 or more years of age shall be calculated using either census data or projections of the state demographer based on census data, whichever provides the more recent estimate.

Subp. 5. **Facility occupancy.** The average occupancy rate of the facility's existing beds shall be obtained from the most recent Annual Statistical Report.

Subp. 6. **County-region occupancy.** The average percentage occupancy of the existing licensed beds of all the facilities in the county of the facility and of all facilities in counties contiguous to that county according to the most recent Annual Statistical Report, shall be calculated.

Subp. 7. **Number of licensed beds.** The number of nursing home and licensed boarding care home beds per 1,000 individuals aged 65 or more, aged 75 or more, and aged 85 or more, for the county of each facility, for the region composed of the counties contiguous to the county of the facility, and for the state shall be calculated.

Subp. 8. **Number of occupied licensed beds.** The number of occupied nursing home and licensed boarding care home beds per 1,000 individuals aged 65 or more, aged 75 or more, and aged 85 or more, for the county of each facility, for the region composed of the counties contiguous to the county of the facility, and for the state shall be calculated.

Subp. 9. **Alternative care grant use.** Alternative care grant use means the dollar amount and percentage of alternative care grant allocations used by the county in which the facility is located in the most recent year for which data is available, and shall be obtained for each proposal that is acceptable according to part 4655.1082 [Emergency]. The amount of alternative care grant per person 65 years of age or older spent in the county in which the facility is located, in counties contiguous to the county of the facility, and in the state shall be calculated.

Subp. 10. **Environmental conditions for evaluation.** Information shall be developed that describes the differences between selected existing environmental conditions described under this subpart and the corresponding state licensing standards for new construction and between the proposed correction changes in these environmental conditions and the state licensing standards for new construction. This subpart refers only to those parts of the facility affected by the proposal.

The development of selected information for the purpose of evaluation, comparison, and ranking does not supersede or limit licensing and certification requirements established in chapters 4660 and 9505. The environmental conditions and standards for physical plant evaluation are listed in items A to L.

A. The width of corridors shall be compared with the standards in part 4660.1500, subpart 2.

B. The width of door frames shall be compared with the standards in part 4660.1460, subpart 2.

C. Fire exit enclosures shall be compared with the standards in part 4660.0300.

D. The method and materials of construction of the building shall be compared with the standards for Group D occupancy in the State Building Code. "State Building Code" means those codes and regulations adopted by the commissioner of the Department of Administration according to *Minnesota Statutes*, section 16B.59, and contained in chapter 1300.

E. The number of beds per resident room and the floor area per bed shall be compared to standards in parts 4660.1400 and 4660.1430, subpart 3.

F. The amount of artificial light in resident rooms and major activity areas shall be compared to standards in parts 4660.9900 and 4660.9910.

G. The amount of natural light in resident rooms shall be compared with the standard in part 4660.1450.

H. The number and type of bathing facilities or toilet facilities adjacent to bedrooms shall be compared to the standards in parts 4660.2400, subpart 2, and 4660.2500.

I. Ventilation arrangements shall be compared to the standards in part 4660.8300.

J. Dining room space shall be compared to the standards in parts 4660.4830 to 4660.8380.

K. Day room space shall be compared to the standard in part 4660.4820.

L. Heating and cooling arrangements shall be compared to the standards in part 4660.8200.

Subp. 11. **History of state licensing correction orders and federal certification deficiencies.** For each proposal that is acceptable according to part 4655.1082 [Emergency], the accumulated number and content of licensing correction orders and federal certification deficiencies incurred during the two years before the submission deadline for the proposal shall be collected.

Subp. 12. **History of licensing and certification waivers.** The number and purpose of licensing and federal certification waivers incurred during the two years before the submission deadline for a proposal shall be collected.

Subp. 13. **History of complaints.** The number and content of licensing and federal certification complaints about a facility received during the two years before the deadline for submission of a proposal shall be collected. Substantiated and indeterminable complaints must be included in the data collected under this subpart. If ownership of a facility has changed in the two years before the submission deadline, a history of complaints shall be collected only for the tenure of the current owner.

Subp. 14. **History of sanctions.** The number and content of sanctions relating to licensure and certification that have been levied against a facility and incurred during the two years before the submission deadline for the proposal shall be collected.

4655.1086 [EMERGENCY] FORMATION OF ADVISORY REVIEW PANEL RECOMMENDATIONS TO IBQA.

Subpart 1. **Review of proposals.** A proposal that satisfies the requirements of part 4655.1082 [Emergency] shall be reviewed, evaluated, and ranked by the advisory review panel.

Subp. 2. **Method of evaluation.** The advisory review panel shall evaluate proposals using the information submitted according to parts 4655.1078 [Emergency] and 4655.1080 [Emergency] and the data collected by staff under part 4655.1084 [Emergency].

Subp. 3. **Ranking of proposals.** The advisory review panel shall rank proposals to indicate which proposals should be approved in order of priority based on the criteria in parts 4655.1084 [Emergency] and 4655.1090 [Emergency], items A to H.

Subp. 4. **Formation of recommendations to the IBQA.** Based on the ranking of proposals, the advisory review panel shall recommend that the IBQA recommend approval or disapproval of a proposal. The advisory review panel shall provide written justifications for its recommendations to the IBQA.

Subp. 5. **Deadline for submission of recommendations.** The advisory review panel must submit its recommendations to the IBQA no later than ten days after receipt of the staff review information.

4655.1088 [EMERGENCY] PUBLIC HEARING.

The IBQA shall hold one public hearing on all proposals submitted in response to a request for proposals. The public hearing shall be held after the submission deadline under part 4655.1080 [Emergency], subpart 3, but before the IBQA submits recommendations to the commissioner. The IBQA shall publish a notice of the public hearing in the *State Register* that states the time, date, place, and subject of the hearing.

4655.1090 [EMERGENCY] EVALUATION, COMPARISON, AND RANKING OF PROPOSALS.

The IBQA shall use the findings of the staff data collection process, the advisory review panel, and the public hearing to evaluate, compare, and rank the proposals according to the long-term care needs they address. An evaluation, comparison, or ranking must be based on the criteria under the following items:

A. Occupancy that is determined according to:

(1) the extent to which the average occupancy rate of the facility supports the need for the proposed project in comparison with the average occupancy rate of all facilities in the county of the facility, of the contiguous counties, and with the statewide occupancy rate;

(2) the extent to which the number and proportion of individuals in the county of the facility and of contiguous counties in the age groups 65 to 74, 75 to 84, and 85 and over support the need for the proposal as determined through comparison with other counties and the state;

Emergency Rules

(3) the extent to which the current supply of nursing home and licensed boarding care home beds per 1,000 individuals aged 65 or more, aged 75 or more, and aged 85 or more in the county of the facility supports the need for the proposal in comparison with other counties, regions, and the state; and

(4) the extent to which the number of occupied nursing home and licensed boarding care home beds per 1,000 individuals aged 65 or more, aged 75 or more, and aged 85 or more in the county of the facility supports the need for the proposal in comparison with other counties and the state.

B. The extent to which the proposal enhances the availability and use of alternative care services.

C. The extent to which the proposal reduces the number of nursing home and licensed boarding care home resident rooms with more than two beds.

D. The extent to which a proposal is cost effective in terms of its use of state money, medical assistance cost, cost per licensed bed, change in cost per licensed bed, and, for renovation and replacement proposals, in terms of the costs of renovation in lieu of a proposed replacement or of replacement in lieu of a proposed renovation.

E. The extent to which the proposal complies with licensing regulations as specified in parts 4660.0300 and 4655.1000.

F. The extent to which a proposal improves the conditions that affect health, safety, or comfort of the residents of a facility, including environmental conditions described in part 4655.1084 [Emergency], subpart 10.

G. The extent to which the physical design identified in a proposal will improve the quality of life, comfort, and convenience of the residents through improvements such as increased privacy, increased opportunities for social interaction, improved temperature control, or improved efficiency of care.

H. The extent to which the proposed changes are necessary to meet medical assistance certification and licensing requirements for that facility.

4655.1092 [EMERGENCY] REIMBURSEMENT LIMITS.

Subpart 1. **Cost reimbursement.** The acceptance or determination of costs under parts 4655.1070 to 4655.1100 [Emergency] is not binding for reimbursement. Actual reimbursement of costs is determined according to parts 9549.0010 to 9549.0080.

Subp. 2. **Medical assistance costs.** The sum of the estimated medical assistance costs of all recommended proposals during the first two years of operation must not exceed the amount provided by the legislature as noted in the request for proposals according to part 4655.1076 [Emergency], subpart 2, item B.

4655.1094 [EMERGENCY] IBQA RECOMMENDATIONS TO COMMISSIONER.

The IBQA shall recommend that the commissioner approve or disapprove a proposal. A recommendation under this part must be based on the evaluation, comparison, and ranking completed under part 4655.1090 [Emergency]. A written report of the evaluation, comparison, and ranking completed under part 4655.1090 [Emergency], and the recommendations formed under this part must be submitted to the commissioner not more than 21 days after receipt of the recommendations of the advisory review panel.

4655.1096 [EMERGENCY] COMMISSIONER'S APPROVAL OR DISAPPROVAL OF A PROPOSAL.

Subpart 1. **Approval or disapproval of a proposal.** The commissioner shall approve or disapprove a proposal within 30 days after receiving the IBQA recommendations.

Subp. 2. **Notice of approval or disapproval.** No later than ten days after the commissioner's approval or disapproval of a proposal the commissioner shall send a written notice of approval or disapproval to the proposer. The notice must state the reasons for the approval or disapproval.

Subp. 3. **Expiration of commissioner's approval.** The commissioner's approval of a proposal expires 12 months after the date of the commissioner's signature on the notice of approval unless the facility has commenced construction.

4655.1098 [EMERGENCY] DOCUMENTATION.

Subpart 1. **Preliminary plans.** The proposer of a renovation, replacement, or upgrading that is approved by the commissioner shall submit preliminary plans as defined in part 4660.0600 before drawing final plans.

Subp. 2. **Final working drawings.** The proposer of a renovation or replacement that is approved by the commissioner shall submit final architectural, mechanical, and electrical drawings as defined in parts 4660.0700 and 4660.0800 to the Minnesota Department of Health for review and approval before implementation of the project.

Subp. 3. **Changes in approved projects.** Changes in approved projects for renovation, replacement, or upgrading which alter the methods or materials described in the final working drawings must be submitted to the commissioner for review and approval before the changes are made, according to part 4660.0900.

Subp. 4. **Change orders.** If the commissioner approves the reported changes in a project, a change order permitting the changes

shall be issued. The issuance of a change order does not alter the allowable costs as estimated in part 4655.1084 [Emergency], subpart 2.

Subp. 5. **Cost overruns.** The proposer shall immediately report to the commissioner any cost overruns including a description of the reasons for the overrun.

Subp. 6. **Final statement of costs.** On completion of the proposed project, the proposer shall submit to the Department of Human Services, a final statement of costs that includes a sworn statement of actual costs of items for which costs were estimated according to part 4655.1078 [Emergency], item G, and that compares the actual costs to the estimates.

Executive Orders

Executive Department

Emergency Executive Order 93-6: Providing for Assistance to Officials in Southern Minnesota

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

WHEREAS, southern Minnesota faces the prospect of serious damage from severe flooding; and

WHEREAS, local government officials, having exhausted the means at their command for dealing with the situation, now request state assistance in securing the safety of citizens and property in their respective counties;

NOW, THEREFORE, I hereby order that:

1. The Adjutant General of Minnesota order to active duty on or after June 21, 1993, in the service of the State, such elements and equipment of the military forces of the State as required and for such period of time as necessary to assist and support civil authorities in protecting life and property, and providing emergency services.

2. The cost of subsistence, transportation, fuel, and pay and allowances of said individuals shall be defrayed from the general fund of the State as provided for in *Minnesota Statutes* 1992, Sections 192.49, subd. 1; 192.51; and 192.52.

Pursuant to *Minnesota Statutes*, 1992, Section 4.035, subd. 2, this Order shall be effective June 21, 1993, and shall remain in effect until such date as elements of the military forces of the State are no longer required.

IN TESTIMONY WHEREOF, I have set my hand this twenty-second day of June, 1993.



Arne H. Carlson
Governor

Filed According to Law:
Joan Anderson Growe
Secretary of State
Dated: 22 June 1993

Executive Department

Emergency Executive Order 93-7: Declaring a State of Emergency in the State of Minnesota

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

WHEREAS, on June 15 and 16, 1993, areas of southern Minnesota and southwestern Minnesota already saturated from earlier rainfalls received an additional four to eight inches of rain; and

WHEREAS, rainfall continued intermittently through June 19, 1993; and

WHEREAS, the heavy rainfall has resulted in widespread road and bridge closings and damage, crop destruction, building damage, potential dam and levee failures, and other threats to public safety; and

WHEREAS, the resources of the local government and private relief agencies are being fully utilized to respond to the crisis; and

WHEREAS, local government and private relief agency resources are being exhausted; and

WHEREAS, there is a threat to public safety in Blue Earth, Cottonwood, Faribault, Freeborn, Goodhue, Jackson, Lincoln, Lyon, Martin, McLeod, Murray, Nicollet, Nobles, Pipestone, Rock, Sibley, and Watonwan counties as well as in areas adjacent to the Minnesota and Mississippi Rivers in Brown, Carver, Chippewa, Houston, Lac Qui Parle, LeSueur, Ramsey, Redwood, Renville, Scott, Sibley, and Yellow Medicine counties; and

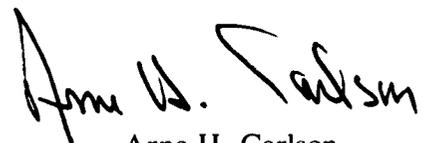
WHEREAS, additional counties may be requesting assistance as flood waters recede;

NOW, THEREFORE, I hereby order that:

A State of Emergency exists in the State of Minnesota and do direct the Division of Emergency Management, in conjunction with the Federal Emergency Management Agency and other state and federal agencies, to determine the need for supplementary disaster aid and to coordinate the provision of any such assistance necessary under existing state and federal authority.

Pursuant to *Minnesota Statutes* 1992, Section 4.035, subd. 2, this Order is effective immediately and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes* 1992, Section 4.035, subd. 3.

IN TESTIMONY WHEREOF, I have set my hand this twenty-third day of June, 1993.



Arne H. Carlson
Governor

Filed According to Law:
Joan Anderson Growe
Secretary of State
Dated: 23 June 1993

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 of Solicitation of Outside Information or Opinions: In the Matter of the Proposed Rules Relating to the Regulation of Securities and the Business of Financial Planning

NOTICE IS HEREBY GIVEN that the Minnesota Department of Commerce is seeking information or opinions from sources outside the agency in preparing to propose the amendment of the rules relating to the regulation of the business of financial planning as they pertain to persons licensed under *Minnesota Statutes* chapter 80A. The adoption of the rules is authorized by *Minnesota Statutes* section 80A.25 and section 45.023 which permits the commissioner of commerce to adopt rules whenever necessary to discharge the commissioner's official responsibilities.

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

Donna M. Watz, Staff Attorney
Minnesota Department of Commerce
133 East Seventh Street
St. Paul, MN 55101

Oral statements will be received during regular business hours over the telephone at (612) 297-1118 and in person at the above address.

Outside opinion is also being solicited as to the effect of the rules on small businesses, as defined under *Minnesota Statutes* section 14.115, subdivision 1. It is expected that the proposed rules will reduce the burden on affected persons or entities, including small businesses, by allowing the person or entity to mail a copy of the required disclosure document to the client. The proposed rules will also allow persons licensed under *Minnesota Statutes* chapter 80A, including small businesses, to be exempt from obtaining a client's signature on the disclosure document. Both of these changes conform regulatory requirements with accepted business practices and would assist small businesses that do business by telephone by minimizing the need to meet personally with clients before effecting transactions.

All statements of information and opinions shall be accepted until 4:30 p.m. on July 21, 1993. Any written material received by the Minnesota Department of Commerce shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rules are adopted.

Dated: 24 June 1993

Bert J. McKasy
Commissioner of Commerce

Department of Employee Relations

Vacancies on Minnesota Employees Insurance Program Advisory Committee

The Minnesota Department of Employee Relations is seeking Minnesotans interested in serving on the *Minnesota Employees Insurance Program* (MEIP) Advisory Committee. The purpose of the committee is to advise the commissioner of employee relations on issues related to policy and administration of the program. The MEIP will provide employers the advantages of large group purchasing of health insurance for their employees, including greater health plan choice, lower costs, and stable premiums.

The ten-member committee will have five members who represent eligible employers and five members who represent eligible individuals. Eligible employers are private for-profit and non-profit businesses, corporations, partnerships, associations or other entities actively engaged in business in Minnesota who have at least two employees. Eligible individuals are employees, dependents of employees or retirees of eligible employers who may be covered by an employer's health benefit plan. Enrollment in the *Minnesota Employees Insurance Program* is not a requirement for participation on the Advisory Committee.

Members are expected to volunteer their time and service to the committee for at least one four-year term. Per diem and expenses may be reimbursed. Advisory Committee meetings will be held quarterly, beginning in September 1993.

Official Notices

For more information, please contact Suzana Cobic-Ivkovic, Employee Insurance Division, Department of Employee Relations, at 612/296-2705 or TDD 612/297-2003, or send a letter of interest to Suzana Cobic-Ivkovic, Employee Insurance Division, Department of Employee Relations, 200 Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155. Applications will be accepted until 4:30 p.m., July 30, 1993.

Ethical Practices Board

Request for Advisory Opinion Re: Payments to Political Fund

The Ethical Practices Board solicits comments regarding the following request for an advisory opinion received from Alan W. Ingram, executive director, National Association of Social Workers ("NASW"), Minnesota Chapter. Written comments should arrive at the Board office, 1st Fl. S., Centennial Bldg., 658 Cedar St., St. Paul, MN 55155-1603, prior to July 19, 1993, for consideration at the Board's meeting of July 22, 1993. June 10, 1993—As suggested when I phoned to ask about the implications of the "bundling" restrictions on the periodic payments by our national PAC to our state PAC [MN-PACE, a registered political fund, #3-0334], I am hereby requesting the Ethical Practices Board to advise our organization as to the legal status of such payments under current Minnesota law (or laws that will go into effect as a result of the 1993 Campaign Finance Reform Act.)

NASW has incorporated into its membership application and renewal forms a \$5.00 check-off for its political action committee. One-half that amount (\$2.50) is rebated to the state chapter from which the member is a resident. Twice each year the national PAC sends a check covering the rebates that have accrued to our state PAC members during the past six months. National uses their share for federal office campaigns; we must use our share for state or local office campaigns.

The question seems to be whether this two-installment payment system (which saves administration costs) violates the intent of the anti-bundling provisions of the new law. Please keep in mind that the amount of these checks is merely the sum total of our share of the "checkoffs" by Minnesota members of NASW. Our local committee then endorses and makes contributions to state or local candidates out of these aggregated funds. The total contribution to any candidate does not exceed the applicable limits for contributions from a single political action committee. In fact, our normal contribution to candidates does not even come close to these limits.

Department of Jobs and Training

Public Comment Period and Hearing on Proposed State Plan for the Minnesota Energy Assistance Program FY 1994

NOTICE IS HEREBY GIVEN that public comment on the above entitled matter will begin upon publication of this notice and will close after thirty (30) days at 5:00 p.m. on Friday, July 30, 1993.

The 1994 Energy Assistance Plan describes how federal funds will be used to help low-income households pay home heating bills and conserve energy. Comments received at the public hearings and during this comment period will be considered in the development of the State Plan.

All interested persons and program recipients have an opportunity to comment on the proposed 1994 Minnesota Energy Assistance Plan. A single copy of the proposed State Plan may be obtained by writing or calling:

Energy Assistance Program
Community Based Services Division
390 North Robert Street
St. Paul, MN 55101
(612) 296-4658

Notice is hereby given that the public hearings for the 1994 Energy Assistance State Plan will be held at:

CITY:	Blaine
DATE:	Tuesday, July 20, 1993
TIME:	9:00 a.m. – 11:00 a.m.
LOCATION:	Human Service Center of Anoka County 1201 89th Avenue N.E. Conference Room 300 Blaine, MN 55434

CITY: Duluth
DATE: Thursday, July 22, 1993
TIME: 3:00 p.m. - 5:00 p.m.
LOCATION: Damiano Center
206 West 4th Street
Room 104
Duluth, MN 55805

Oral and written testimony may be submitted at the hearings. Written testimony will also be accepted at the Community Based Services Division address until 5:00 p.m., Friday, July 30, 1993. All comments will be considered by the Department of Jobs and Training, Community Based Services Division.

Labor and Industry Department

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective July 6, 1993, prevailing wage rates are certified for commercial construction projects in: Anoka county: Roosevelt Middle School Repair Bleachers-Blaine. Cass county: Wastewater Treatment Facility Expansion-Cass Lake. Clay county: Center for the Arts Remodeling MSU-Moorhead. Dakota county: RFC Locker Room & Office Additions-Eagan. Douglas county: Jefferson Sr. High Partial Fire Protection System/Garfield Elementary School Fire Protection/Independent School District #206 Jr. High-Alexandria. Goodhue county: Burnside Elementary School Remodeling-Red Wing. Hennepin county: Wilson Library Stone Replacement & Anchorage/Physics Building Reroofing/Como Married Student Housing Remodeling/U of M Shops Building Asbestos Abatement/Botany & Zoology Building Asbestos Abatement-Minneapolis. Koochiching county: Indus Multipurpose Building-Indus. Mahnommen county: Manito Mall-Mahnommen. Ramsey county: Lakewood Community College Generator Installation-White Bear Lake, Parkview & Little Canada Elementary/Middle School Reroofing-Roseville, Driver Exam Station Sewer & Water-Mounds View/Arden Hills, MN/DNR Unheated Storage Building-St. Paul. Rice county: Blind Academy Library Addition-Faribault. Roseau county: Warroad Elementary School Reroofing-Warroad. S. Louis county: Eveleth Heath Service Park Window Replacement-Eveleth, Water Treatment Plant Modifications-Hoyt Lakes, U of M Marshal W. Alworth Hall & China Hall Piping-Duluth. Stearns county: Beaver Island Park Remodeling-St. Cloud, Paynesville Sr. High & Elementary School Reroofing-Paynesville. Wadena county: Menahga School Asbestos Work-Menahga. Washington county: Park Sr. High School Girls Locker Room/Cottage Grove WWTP Phase 6B Tanks-Cottage Grove, MN/DOT Oakdale Office Remodeling-Oakdale. Winona county: Pasteur Auditorium Winona Statue University Reroofing-Winona.

Copies of the certified wage rates for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

John B. Lennes, Jr.
Commissioner

Labor and Industry Department

Labor Standards Division

Notice of Correction to Prevailing Wage Rates

Prevailing wage rate certified March 1, 1993, for labor class code 101 COMMON LABORER in Faribault county: Joint Powers District #6059 School Building-Blue Earth (City) project for Commercial construction has been corrected.

Copies of the corrected certification may be obtained by contacting the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306, or calling (612) 296-6452.

John B. Lennes, Jr.
Commissioner

Official Notices

Minnesota Comprehensive Health Association

Notice of Meeting of the Research Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association (MCHA), Research Committee will be held at 8:00 a.m. on Thursday, July 15, 1993 at Park Place Center, 5775 Wayzata Boulevard, Suite 746, St. Louis Park, Minnesota.

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

Minnesota Early Childhood Care and Education Council

Meeting Notices

NOTICE IS HEREBY GIVEN that the Minnesota Early Childhood Care and Education Council (ECCE) has scheduled the following meetings. Direct inquiries to, Chair, Minnesota Early Childhood Care and Education Council, Third Floor, Ford Building, 117 University Avenue, St. Paul, MN 55155. PHONE 612/296-1400; TDD MRS: 612/297-5353 (Metro) or 800/627-3529 (Greater MN).

PERSONNEL COMMITTEE MEETING—July 12, 1993, 9 a.m. to 10 a.m., Room 107, State Capitol, 75 Constitution Avenue, St. Paul, Minnesota, to discuss the hiring process for the Council's Executive Director.

REGULAR FULL COUNCIL MEETING—July 12, 1993, 10 a.m. to 3 p.m., Room 107, State Capitol, 75 Constitution Avenue, St. Paul, Minnesota. Among topics to be discussed will be the Council's federal funding action plan and Council staffing plans.

Contact the Council for additional agenda details for these meetings.

Public Employees Retirement Association

Board of Trustee, Notice of Meeting

The next regular monthly meeting of the Board of Trustees of the Public Employees Retirement Association (PERA) will be held on Thursday, July 8, 1993 at 9:30 a.m. in the PERA offices, 514 St. Peter St., Suite 200—Skyway Level, Saint Paul, Minnesota.

Department of Public Safety

Driver and Vehicle Services Division

Notice of Solicitation of Outside Information or Opinions Regarding Development of Rule Amendments Governing Driver Licenses and Motor Vehicle Records

NOTICE IS HEREBY GIVEN that the State Department of Public Safety is seeking information or opinions from sources outside the agency in preparing to propose the amendment of *Minnesota Rules*, parts 7410.0100 through 7410.1800, governing Driver License and Motor Vehicle Records. The amendments will update and clarify the documentation that is required for the issuance and renewal of driver licenses and motor vehicle records and will update the standards for subsequent name changes on the drivers license and motor vehicle records. The adoption of the rule is authorized by *Minnesota Statutes*, sections 299A.01, 14.06, and 168A.24 which authorizes the department to adopt and enforce such rules as may be necessary to carry out the provisions of sections 168A.01 to 168A.31.

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

Laura Nehl-Trueman
Department of Public Safety
Driver and Vehicle Services Division
120 Transportation Building
395 John Ireland Blvd.
St. Paul, MN 55155

Oral statements will be received during regular business hours over the telephone at (621) 296-2608 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* that the department intends to adopt or to withdraw the rules. Any written material received by the State Department of Public Safety shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 24 June 1993

Michael S. Jordan, Commissioner
Department of Public Safety

Office of the Secretary of State

Notice of Vacancies in Multi-Member Agencies

NOTICE IS HEREBY GIVEN to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, 100 Constitution Ave., St. Paul 55155-1299; (612) 297-5845, or in person at Room 174 of the State Office Building. These vacancies will remain open for application through July 27, 1993. Appointing Authorities may also choose to review applications received after that date. Applications are kept on file for a one year period.

The 1992 Annual Compilation and Statistical Report is available from the Minnesota Bookstore. This publication includes a complete listing of state boards and councils that follow the Open Appointments process, descriptions of these agencies and their memberships, and statistical information about appointments and vacancies made during the 1992 fiscal year. The cost of the 1992 Annual Compilation is \$5.50 per copy plus sales tax. There is a \$2.00 charge for mailing per order; an order may include any number of copies. To order copies of the 1992 Annual Compilation please call the Minnesota Bookstore at 297-3000 or 1-800-657-3757.

ADVISORY COUNCIL ON THE MINNESOTA ACADEMY FOR THE DEAF AND THE BLIND

P.O. Box 308, Faribault, MN 55021. 507-332-3363.

Minnesota Statutes 128A.03.

APPOINTING AUTHORITY: State Board of Education. **COMPENSATION:** \$55 per diem.

VACANCY: Seven vacancies: Please refer to the description of this council.

The council advises the Board of Education on policies pertaining to the control, management, and administration of these academies. Up to fifteen members: shall be representative of the various geographic regions of the state and include parents or guardians of visually disabled or hearing impaired children, a staff representative of the applicable academy, two representatives from groups representing the interest of visually disabled or hearing impaired individuals. All members shall have knowledge, experience and interest in the problems of visually disabled or hearing impaired children.

ALCOHOL AND OTHER DRUG ABUSE ADVISORY COUNCIL

Chemical Dependency Program Division, 444 Lafayette Rd., St. Paul, MN 55155-3823. 612-296-3991.

Minnesota Statutes 254A.04.

APPOINTING AUTHORITY: Commissioners of Health/Human Services. **COMPENSATION:** \$55 per diem plus expenses.

VACANCY: One vacancy: must have interest in alcohol dependency and abuse, or in abuse of drugs other than alcohol.

The council advises the commissioner concerning problems of alcohol and other drug dependency and abuse. The council consists of ten members including five members appointed by the commissioner of Human Services with terms ending in even-numbered years and five members appointed by the commissioner of Health with terms ending in odd-numbered years. This includes five with interest in alcohol dependency and abuse, and five interested in abuse of drugs other than alcohol. One member must be over 60 years of age. Monthly meetings.

BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING, LANDSCAPE ARCHITECTURE & INTERIOR DESIGN

133 7th St. E., St. Paul, MN 55101-2333. 612-296-2388.

Minnesota Statutes 326.04.

APPOINTING AUTHORITY: Governor. **COMPENSATION:** \$55 per diem plus expenses.

VACANCY: One vacancy: Public member.

The board licenses and regulates architects, engineers, land surveyors, landscape architects and certifies interior designers. The board consists of twenty members including three licensed architects, five licensed engineers, one licensed landscape architect, two

Official Notices

licensed land surveyors, one certified interior designer, and eight public members. Not more than one member may be from the same branch of the profession of engineering. Each professional member must have ten years experience in their profession and have been in responsible charge of work for at least five years. Meetings four times a year on the second Monday of January and the third Monday of April, July and October. Meetings are normally held at the Sheraton Inn Midway. Members must file with the Ethical Practices Board.

BOARD OF INVENTION

Address and phone number not determined.

Laws of 1993, Chapter 369, Section 51.

APPOINTING AUTHORITY: Governor, subject to advice and consent of the Senate. **COMPENSATION:** \$55 per diem plus expenses. **VACANCY:** Eleven positions: One member appointed from each congressional district and three at-large members. Please see the description of this new board.

The board shall encourage the creation, performance, and appreciation of invention in the state. The board shall investigate and evaluate new methods to enhance invention. The board consists of eleven members, including one member to be appointed from each congressional district and three at-large members. Meeting schedule and location not determined.

CHEMICAL DEPENDENCY COUNSELING LICENSING ADVISORY COUNCIL

MN Dept. of Health, 717 Delaware St. SE, Mpls, MN 55440-9441. 612-623-5185.

Minnesota Statutes 148C.02, Laws of 1993

APPOINTING AUTHORITY: Commissioner of Health. **COMPENSATION:** \$55 per diem plus expenses.

VACANCY: Thirteen positions: Refer to description of this new council.

The council advises the commissioner in development of rules for licensure of chemical dependency counselors and in administering or contracting for the competency testing, licensing, and ethical review of chemical dependency counselors. The council consists of 13 members including: Seven licensed chemical dependency counselors (except for initial appointees); three public members; one director or coordinator of an accredited chemical dependency training program; and one member who is a former consumer of chemical dependency counseling service who received the service more than three years before their appointment. Meetings occur approximately once a month for two to three hours at the MN Dept. of Health.

DATA INSTITUTE BOARD OF DIRECTORS

% MN Dept. of Health, 717 Delaware St. SE, Mpls., MN 55414.

Laws of 1993, Chpt. 395, Art. 3, Sec. 15

APPOINTING AUTHORITY: Commissioner of Health, other specified organizations. **COMPENSATION:** \$55. per diem plus expenses.

VACANCY: Twenty positions: Please see the description of this new board.

The Data Institute will be a partnership between the Commissioner of Health and a 20 member board of directors representing health carriers and group purchasers, health care providers and consumers, working together to establish a centralized cost and quality data system that will be used by the public and private sectors. The board consists of twenty members, including two representatives of hospitals, one appointed by the Minnesota Hospital Association, one appointed by the Metropolitan Healthcare Council, to reflect a mix of urban and rural institutions; four representatives of health carriers, two appointed by the Minnesota Council of HMO's, one appointed by Blue Cross and Blue Shield, and one appointed by the Insurance Federation of Minnesota; two consumer members, one appointed by the Commissioner of Health; one appointed by the AFL-CIO as a labor union representative; five representatives of group purchasers appointed by the Minnesota Consortium of Healthcare Purchasers, to reflect a mix of urban and rural, large and small, and self-insured purchasers; two physicians appointed by the Minnesota Medical Association, to reflect a mix of urban and rural practitioners; one representative of teaching and research institutions, appointed jointly by the Mayo Foundation and the Minnesota Association of Public Teaching Hospitals; one nursing representative appointed by the Minnesota Nurses Association; and three representatives of state agencies, one each to represent the following departments: Employee Relations, Human Services, and Health. Meeting schedule and location not determined.

EDUCATION AND EMPLOYMENT TRANSITION COUNCIL

Address and phone number undetermined.

Laws of 1993, Chapter 335, Section 2.

APPOINTING AUTHORITY: Governor, other specified organizations. **COMPENSATION:** Not determined.

VACANCY: Eighteen positions including three appointed by the governor. Please see the description of this new council.

The council shall assist in developing and implementing youth apprenticeship programs throughout the state and, where feasible, assist in integrating community service and service-learning curriculum into youth apprenticeship programs. The council consists of

eighteen members, including the governor, or governor's designee, a service delivery area director and business chair of a private industry council both appointed by the governor; the Commissioners of Education, Labor and Industry, and Jobs and Training; the chancellors of the technical and community colleges; a representative of the Higher Education Coordinating Board selected by the board; the president of Minnesota Technology Inc.; one representative each from the Minnesota Education Association and the Minnesota Federation of Teachers; the executive director of the State Council on Vocational Technical Education; one representative each from the Minnesota Chamber of Commerce, the Minnesota Business Partnership, and the Minnesota High Technology Council; and two representatives appointed by the Minnesota AFL-CIO. Meeting schedule and location not determined.

EMERGENCY RESPONSE COMMISSION

175 Bigelow Bldg., 450 Syndicate St., St. Paul, MN 55104. 612-643-3000.

Laws of 1989, Chapter 315.

APPOINTING AUTHORITY: Governor. **COMPENSATION:** Per diem plus expenses.

VACANCY: One vacancy: member representing law enforcement. knowledge of emergency response issues, environmental and public safety concerns about hazardous materials, emergency planning and community right-to-know would be helpful.

The commission coordinates the implementation of the federal Emergency Planning and Community Right-To-Know Act, carrying out the requirements of a commission under the Act, and may adopt rules in order to do so. The commission consists of twenty-one members, including the commissioners of the Departments of Public Safety, Health, Agriculture, the commissioner of the Pollution Control Agency; and seventeen members (four from outside the metro area) to be appointed by the governor to include one representative each of: fire chiefs, professional firefighters, volunteer firefighters, fire marshals, law enforcement personnel, emergency medical personnel, health professionals, wastewater treatment operators, labor, local elected officials, three representatives of community groups or the public, four representatives from business and industry, at least one of whom must represent small business. Members must file with the Ethical Practices board.

HEALTH COVERAGE REINSURANCE ASSOCIATION BOARD

Department of Commerce, 133 E. 7th St., St. Paul, MN 55101. 612-297-4634.

Laws of 1992, Chapter 549, Sec. 13-22.

APPOINTING AUTHORITY: Commissioner of Commerce. **COMPENSATION:** Expenses.

VACANCY: One vacancy: must be a HMO member.

The association shall provide reinsurance to health carriers providing health coverage to the small employer market. The board consists of thirteen members, including four public members, three members representing accident and health insurers, three members representing HMOs, and three members representing Blue Cross-Blue Shield. Initial members will be appointed by the Commissioner of Commerce and will serve for a two year period effective the date of the first annual meeting, which must be held by December 1, 1992. The board will be elected by association membership after this two year interim, except for public members. Meetings at the Department of Commerce.

LABOR INTERPRETIVE CENTER—BOARD OF DIRECTORS

Address and phone number not determined.

Laws of 1993, Chapter 369, Section 60.

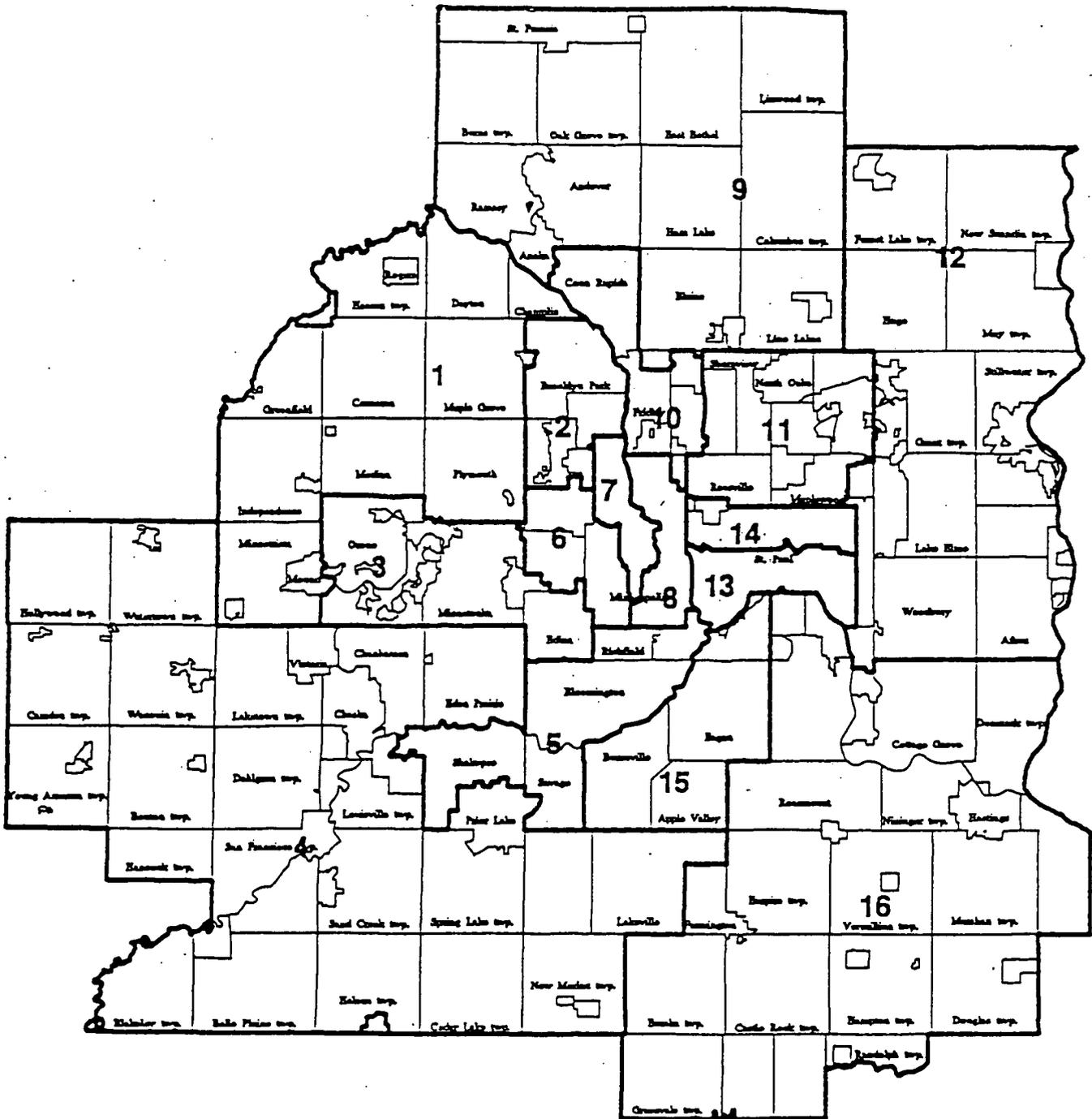
APPOINTING AUTHORITY: Governor, Mayor of St. Paul, Senate Subcommittee. **COMPENSATION:** \$55 per diem plus expenses.

VACANCY: Ten positions: Please see the description of this new board.

The board has the powers necessary for the care, management, and direction of the center, including: overseeing the planning and construction of the center as funds are available, leasing a temporary facility for the center during development of its program, and establishing advisory groups as needed to advise the board on programs, policy, and related issues. The board consists of ten voting members including: three directors appointed by the Governor; one director appointed by the Mayor of St. Paul, with the consent of the City Council; three directors appointed by the Subcommittee on Committees of the Senate Committee on Rules and Administration. Directors must be representative of labor, business, state and local government, local education authorities, and arts groups. The chairs of the Senate Committee on Jobs, Energy, and Community Development and the House of Representatives Committee on Labor-Management Relations shall serve as non-voting members. Meetings will occur at least twice a year, meeting location undetermined at this time.

Metropolitan Council

Plan : SF1081



METROPOLITAN PARKS AND OPEN SPACE COMMISSION

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

Minnesota Statutes 473.303.

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

VACANCY: Eight vacancies: One from each of the Metropolitan Parks and Open Space Commission Districts. Commission District A includes Metropolitan Council Districts 1 and 2; District B includes 3 and 4; District C includes 5 and 6; District D includes 7 and 8; District E includes 9 and 10; District F includes 11 and 12; District G includes 13 and 14; District H includes 15 and 16. Please indicate which Commission District seat A-H is being sought. These positions are open due to redistricting; please refer to the map printed later in this announcement.

The commission assists the metropolitan council in planning the regional recreation open space system, advises the council on grants for the acquisition and development of facilities, and reviews the master plan for facilities. The commission consists of nine members including eight selected from districts of equal population and a chair representing the region at large. Members may not be members of any other metropolitan agency, board or commission, or hold judicial office. Members must reside in the district to which appointed, except chair. Meetings twice monthly. Members must file with the Ethical Practices Board.

METROPOLITAN TRANSIT COMMISSION

560 6th Ave. N., Mpls., MN 55411-4398. 612-349-7400.

Minnesota Statutes 473.404 as amended by Laws of 1989.

APPOINTING AUTHORITY: Regional Transit Board; advice and consent of the senate. **COMPENSATION:** \$50 per diem plus expenses.

VACANCY: One vacancy: Applicants must reside in the City of Minneapolis, must have transit, governmental or management experience, and cannot be a member of another metro agency or hold a judicial office. This position is for a three year term.

The commission provides transit services within the metropolitan area in conformance with the implementation plan of the Regional Transit Board. Five members include one resident of Minneapolis, one resident of St. Paul, two who reside in the service area of the commission outside Minneapolis and St. Paul, and one who may reside anywhere in the metropolitan area. At least one of the members outside of St. Paul and Minneapolis must reside in the full-peak and off-peak service area. Each member must have transit, governmental, or management experience. Members may not, during term of office, be a member of the Metropolitan Council, the Regional Transit Board, the Metropolitan Waste Control Commission, the Metropolitan Airport Commission, the Metropolitan Sports Facilities Commission or any other independent regional commission, board or agency or hold any judicial office. Members must file with the Ethical Practices Board.

METROPOLITAN WASTE CONTROL COMMISSION

Mears Park Center, 230 E. 5th St., St. Paul, MN 55101. 612-222-8423.

Minnesota Statutes 473.503.

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

VACANCY: Eight vacancies: One from each of the Metropolitan Waste Control Commission Districts. Commission District A includes Metropolitan Council Districts 1 and 2; District B includes 3 and 4; District C includes 5 and 6; District D includes 7 and 8; District E includes 9 and 10; District F includes 11 and 12; District G includes 13 and 14; District H includes 15 and 16. Please indicate which Commission District seat A-H is being sought. These positions are open due to redistricting; please refer to the map printed later in this announcement.

The commission plans, constructs, and operates a regional wastewater treatment system. The commission consists of eight members (one from each commission district, A through H) appointed by the Metropolitan Council. The chair is appointed by the governor with senate confirmation. Members may not be members of the Metropolitan Council or any other metropolitan agency, or hold judicial office. Monthly meetings. Members must file with the Ethical Practices Board.

MN ACADEMIC EXCELLENCE FOUNDATION

751 Capitol Square Bldg., St. Paul, MN 55101. 612-297-1875.

Minnesota Statutes 121.612.

APPOINTING AUTHORITY: Governor. **COMPENSATION:** None.

VACANCY: One vacancy: should be experienced, willing, and able to participate in MAEF fundraising and be able to support the public-private partnership model. Minnesota law requires that Board members represent business and education groups. This vacancy is for a business representative. Special needs are persons with backgrounds in banking, law, finance, media-public relations, and fundraising. Members from communities of color, especially Hispanic, and outside of the metro area are especially encouraged to apply.

The foundation promotes academic excellence in Minnesota schools through public-private partnerships. The board of directors

Official Notices

consists of a member of the State Board of Education who shall serve as chair, the commissioner of the Dept. of Education, and twenty members including eight who represent various education groups and twelve who represent various business groups.

MN BOARD OF CHIROPRACTIC EXAMINERS PEER REVIEW COMMITTEE

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

Minnesota Statutes 148.01–148.106.

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

VACANCY: One vacancy: Public member; must be available to attend first meeting on Tuesday, August 10 at 12:30 p.m.

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

MN STATE UNIVERSITY BOARD

230 Park Office Bldg., 555 Park St., St. Paul, MN 55103. 612-296-3717.

Minnesota Statutes 136.02.

APPOINTING AUTHORITY: Governor. Senate confirmation. **COMPENSATION:** \$55 per diem plus expenses.

VACANCY: One vacancy: representative of 3rd congressional district.

The board manages state universities; responsible for academic programs, fiscal management, personnel, admissions requirements, rules and regulations. The board consists of nine members including at least one student or graduate of the Minnesota state university system. Other than student or recent graduate member, at least one member must be a resident of each congressional district, and two members must be graduates of a state university. Approximately ten meetings per year, seven in St. Paul and three on campus. Members must file with the Ethical Practices Board.

MORTUARY SCIENCE ADVISORY COUNCIL

717 Delaware St. S.E., Mpls., MN 55440. 612-623-5491.

Minnesota Statutes 149.02 as amended by *Laws of 1989*, Chapter 282.

APPOINTING AUTHORITY: Commissioner of Health. **COMPENSATION:** \$55 per diem plus expenses.

VACANCY: One vacancy: public member.

The council licenses and regulates morticians and funeral directors; inspects and registers funeral facilities; advises the commissioner of Health in the implementation of mortuary science law and rules of the commissioner, and sits as a panel on disciplinary matters. The council consists of five members, including two public members, two licensed morticians, and a full-time staff member of the Department of Mortuary Science at the University of Minnesota. Quarterly meetings at the Dept. of Health. The University of Minnesota staff member does not receive a per diem or expenses.

PRACTICE PARAMETER ADVISORY COMMITTEE

717 Delaware St. SE, Mpls., MN 55414.

Minnesota Statutes 62J.32, subd. 4 as amended by *Laws of 1993*.

APPOINTING AUTHORITY: Commissioner of Health. **COMPENSATION:** \$55 per diem plus expenses.

VACANCY: One vacancy: Health Plan Representative.

The committee presents recommendations on the adoption of practice parameters and provides technical assistance as needed to the Commissioner of Health and the Minnesota Health Care Commission. The committee consists of fifteen members including eight health care professionals and representatives of the research community and medical technology industry. Meeting location and schedule undetermined at this time.

REGIONAL TRANSIT BOARD

Mears Park Centre, 230 E. Fifth St., St Paul, MN 55101. 612-292-8789.

Minnesota Statutes 473.373.

APPOINTING AUTHORITY: Governor, Metropolitan Council. **COMPENSATION:** \$50 per diem plus expenses.

VACANCY: Eight members appointed by the Metropolitan Council, one from each Metropolitan Agency District, A through H. District A includes Metropolitan Council Districts 1 and 2, District B includes 3 and 4, District C includes 5 and 6, District D includes 7 and 8, District E includes 9 and 10, District F includes 11 and 12, District G includes 13 and 14, District H includes 15 and 16. These positions are open due to redistricting; please refer to the map printed in this announcement.

The board coordinates transit programs, conducts transit research and evaluation, and implements short to mid-range planning consistent with the long-range transit plans of the Metropolitan Council. The board consists of eleven members, including eight

members appointed by the Metropolitan Council, one from each metropolitan agency district, six of the eight members are to be elected city, town, or county officials; three members appointed by the governor, including a chair, one person age 65 or older, and one person with a disability. Appointments are with the advice and consent of the senate. Members must file with the Ethical Practices Board. Meetings at 4:00 every 1st and 3rd Monday at Mears Park Centre.

REHABILITATION REVIEW PANEL

Dept. of Labor and Industry, 443 Lafayette Rd., St. Paul, MN 55101. 612-296-8213.
Minnesota Statutes 176.102, Subdivision 3.

APPOINTING AUTHORITY: Commissioner of Labor and Industry. **COMPENSATION:** \$55 per diem and reimbursed for expenses. **VACANCY:** One vacancy: Employer representative.

The panel advises on rehabilitation matters relating to workers compensation and may issue penalties for violation of rules following a contested case hearing under Chapter 14 under *Minnesota Statutes* 176.103, subd. 3. Members include two representatives each from employers, insurers, rehabilitation and medicine, one representative of chiropractors, four representing labor plus three alternates. The commissioner of Labor and Industry, or designee, is an ex-officio member. Members must file with the Ethical Practices Board.

STATE ADVISORY COUNCIL ON MENTAL HEALTH

444 Lafayette Rd., St. Paul, MN 55155-3828. 612-297-4163.
Minnesota Statutes 245.697.

APPOINTING AUTHORITY: Governor. **COMPENSATION:** \$55 per diem. Reimbursed for expenses. **VACANCY:** One vacancy: social service agency director.

The council advises the governor, the legislature, and state agency heads about policy, programs, and services affecting people with mental illness. Thirty members include commissioner designees from the Departments of Education, Corrections, Vocational Rehabilitation, and the Housing Finance Agency, one representative in the state agency responsible for the state's Title XIX program, one member from each of the four core mental health professional disciplines (psychiatry, psychology, social work, nursing); one representative from each of the following advocacy groups: Mental Health Association of MN, MN Alliance for the Mentally Ill, MN Mental Health Law Projects; providers of mental health services, consumers of mental health services, family members of persons with mental illnesses, legislators, social service agency directors, county commissioners, and other members reflecting a broad range of community interest.

URBAN INITIATIVE BOARD

Address and phone number not determined.
Laws of 1993, Chapter 369, Section 55.

APPOINTING AUTHORITY: Governor. **COMPENSATION:** \$55. per diem plus expenses. **VACANCY:** Eight positions: Please see the description of this new board.

The board shall investigate and evaluate methods to enhance urban development, particularly methods relating to economic diversification through minority business enterprises and job creation for minority and other persons in low-income areas. The enterprises shall include technologically innovative industries, value-added manufacturing, and information industries. The board consists of eleven members, including eight public members with six being from minority business enterprises. No more than four of the public members may be of one gender and all must be experienced in business or economic development. The commissioners of Trade and Economic Development, Jobs and Training, and the chair of the Metropolitan Council also serve as members. Meeting schedule and location not determined.

WORLD TRADE CENTER CORPORATION

400 Minnesota World Trade Center, 30 E. 7th St., St. Paul, MN 55101. 612-297-1580.
Minnesota Statutes 44A.01 as amended by *Laws of 1993*.

APPOINTING AUTHORITY: Governor. Senate confirmation. **COMPENSATION:** \$55 per diem plus expenses. **VACANCY:** Four positions: representatives of the international business community who will serve at the governor's pleasure.

This is a public corporation established to facilitate and support Minnesota World Trade Center programs and services and to promote the Minnesota World Trade Center. Twelve members include four members appointed by the governor and four members elected by the association of members who represent the international business community, and the mayor of St. Paul or designee, and the commissioners of Trade and Economic Development, Agriculture, and Commerce. Members appointed by the governor must be knowledgeable or experienced in international trade in products or services and serve at the governor's pleasure. Elected members have six-year terms. Members must file with the Ethical Practices Board. The board meets on the third Wednesday of each month unless notified otherwise in advance.

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YOUTH WORKS TASK FORCE

550 Cedar St., St. Paul, MN 55101. 612-296-1435.

Laws of 1993, Chapter 146.

APPOINTING AUTHORITY: Governor. **COMPENSATION:** Expenses.

VACANCY: Twelve new positions appointed by the Governor: Please see the description of this new task force.

The task force provides oversight for youth service and service-learning from K-12 to college, full and part-time service; establishes, implements, and evaluates a grant process for full and part-time service, including post-service benefits; and develops curriculum for service-learning and work-based learning. The task force consists of sixteen members, including twelve members appointed by the governor, which include four members from among these agencies: Human Services, Health, Corrections, Agriculture, Public Safety, Finance, Labor & Industry, Office of Strategic and Long-Range Planning, MN Office of Volunteer Services, MN High Technology Council, MN Housing Finance Agency, Association of Service Delivery Areas, and MN Technology Inc; four members, one each representing a public or private sector labor union, business, students and parents; and four members from among the following groups: educators, senior citizen organizations, local agencies working with youth service corps programs, school-based community service programs, higher education institutions, local education agencies, volunteer public safety organizations, education partnership programs, public or nonprofit organizations experienced in youth employment and training, and volunteer administrators, or other organizations working with volunteers. To the extent possible, membership will be balanced according to geography, race, ethnicity, age, and gender. The commissioners or designees of the Department of Education, Jobs and Training, Natural Resources, and the Executive Director or designee of the Higher Education Coordinating Board are also voting members of the task force. The Speaker of the House and the majority leader of the Senate shall each appoint two legislators to be non-voting members of the task force. Meetings at the MN Department of Education, schedule to be determined.

Department of Transportation

Division of State Aid for Local Transportation

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Requirements for Subcontracting to Targeted Group Small Businesses on Contracts Utilizing State Aid Funds

NOTICE IS HEREBY GIVEN that the State Department of Transportation is seeking information or opinions from sources outside the agency in preparing to propose the adoption of the rules governing the requirements for subcontracting to targeted group small businesses for contracts utilizing state aid funds. The adoption of the rule is authorized by *Minnesota Statutes*, section 161.321, subdivision 2(c), which allows the Commissioner to require subcontracting goals for targeted group small businesses, and *Minnesota Statutes*, section 162.02, subdivision 2, and section 162.09, subdivision 2, which allow the Commissioner to create rules governing State Aid Operations.

Please be advised the Commissioner of Transportation's authorized agent will meet in the near future with those county and municipal officials, as required and established in *Minnesota Statutes* 162.02, subdivision 2, and 169.09, subdivision 2, to develop these proposed rules.

The State Department of Transportation 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:

Mr. Dennis C. Carlson, Director
Division of State Aid for Local Transportation
420 Transportation Building
395 John Ireland Boulevard
Saint Paul, MN 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-3011 or in person at the above address.

Any written material received by the State Department of Transportation by August 4, 1993, will be considered in the development of the rules, and shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 25 June 1993

James N. Denn, Commissioner
Department of Transportation

United States Department of the Interior, National Park Service

Draft Management Plan/Draft Environmental Impact Statement for Mississippi National River and Recreation Area

The Mississippi River Coordinating Commission (MRCC) and the National Park Service (NPS) are releasing for public comment the draft comprehensive management plan/draft environmental impact statement (DEIS) for the Mississippi National River and Recreation Area (MNRRA). MNRRA was created by Congress in 1988 as a unit of the national park system. MNRRA follows the Mississippi River from Dayton and Ramsey to the Dakota/Goodhue County line just downstream from Hastings. The MNRRA corridor is 72 miles long and includes 39,102 acres of land, 14,674 acres of water, and 277 miles of shoreline. The draft plan/DEIS is a conceptual, policy level document concentrating on corridor-wide issues such as land use management, commercial navigation, park and recreation opportunities, and the roles of many governmental entities. The document can be reviewed at many metropolitan area libraries and municipal buildings, or by requesting a copy from NPS office in Saint Paul.

Four public hearings will be held. All hearings run from 6:30 p.m. to 9:30 p.m. In addition, an informal open house will be held before each hearing. The open houses will give interested persons a chance to discuss and ask questions about the draft plan/DEIS with MRCC commissioners and NPS staff. The open houses will run from 3:00 p.m. to 6:00 p.m.

- | | |
|---------|--|
| July 26 | Battle Creek Middle School, 2121 North Park Drive, St. Paul
Hearing: Auditorium
Open House: classroom area |
| July 27 | Anoka Technical College, 1335 W. Main, Anoka
Hearing & Open House: Auditorium |
| July 28 | Inver Hills Community College, 8445 E. College Trail, Inver Grove Heights
Hearing: Theater, Fine Arts Building
Open House: Room F150, Fine Arts Building |
| July 29 | Augsburg College, 715 22nd Ave. So., Minneapolis
Hearing: Sateren Auditorium, Music Building
Open House: Room M4, Music Building |

Comments should be directed to: Superintendent, National Park Service, 175 East 5th St., Suite 418, Box 41, St. Paul, MN 55101. Questions can be directed to Mike Madell, Chief of Planning and Resource Management, 612-290-4160. The comment period runs from July 5 to September 10, 1993.

Professional, Technical & Consulting Contracts

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

Department of Human Services

Health Operations Division

Benefit Recovery Section

Request for Proposals for a Nurse Contractor

The Minnesota Department of Human Services, St. Paul, is soliciting proposals from qualified parties to review medical records for the purpose of determining validity of appealing denied Medicare benefits for dual-eligible recipients. The major focus of the contract is the review of medical records to determine eligibility for Medicare reimbursement. Additional responsibilities include providing advice, consultation, recommendations and education in the administration of the Medicare Revenue Enhancement Program; serving as a liaison for providers, fiscal intermediaries, carriers and HMO's; and staffing work groups.

This Request for Proposals 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.

The Department has estimated that the cost of this contract will not exceed \$70,000.00 per year of the contract. This contract

Professional, Technical & Consulting Contracts

position is for the period from the contract effective date to June 30, 1995. All proposals must be submitted no later than 4:30 p.m., July 30, 1993.

For a copy of a more detailed explanation of this request for proposals, please contact:

Julie Elhard,
Medicare Coordinator
Benefit Recovery Section
444 Lafayette Road
St. Paul, MN 55155-3850
(612) 296-7699
FAX: (612) 296-6244

Department of Human Services

Request for Proposal for Contract with Executive Search Firm to Recruit a Medical Director for Department of Human Services

I. SCOPE OF PROJECT:

The Commissioner of the Department of Human Services wishes to contract with an executive search firm to assist in filling the position of DHS Medical Director.

II. GOALS AND OBJECTIVES:

The goal of the contract is to fill the position of DHS Medical Director with a board certified psychiatrist capable of providing leadership, management and direction of the highest quality for the variety of medical care programs provided to recipients of State supported services including programs to persons with mental illness, chemical dependency, developmental disabilities and geriatric conditions.

To accomplish this goal, the Department proposes to contract with a medical executive search firm that has an understanding of the complexities and demands of large public agencies or comparable private networks, a national recruiting base, and past successful experience in recruiting medical administrators especially in the fields of mental health and chemical dependency treatment, as well as the broad range of health care services programs provided to Minnesota residents.

III. PROJECT TASKS:

1. Contractor must develop a clear understanding of the roles and responsibilities of the DHS Medical Director, and of important internal and external relationships including the requirements and needs of the legislative process.
2. Contractor must develop a clear understanding of the threshold qualifications of a candidate for this position. These include:
 - a. M.D. with board certification in psychiatry.
 - b. Significant leadership experience in public sector psychiatry or in private network of comparable complexity
 - c. Significant interest and involvement in public policy issues regarding those who are chronically and seriously mentally ill or disabled.
 - d. Legislative experience in testifying on clinical care and treatment issues.
3. Contractor must advertise for and screen respondents for threshold qualifications.
4. Contractor must provide the department with a reasonable field of qualified candidates interested in the position.
5. Qualified candidates will be interviewed by the Department.
6. The search will be successfully concluded when the position is filled.

IV. HUMAN RIGHTS COMPLIANCE:

It is hereby agreed between the parties that *Minnesota Statutes*, section 363.073 and *Minnesota Rules*, parts 5000.3400 to 5000.3600 are incorporated into any contract between these parties based upon this specification or any modification to it. A copy of *Minnesota Statutes*, section 363.073 and *Minnesota Rules*, parts 5000.3400 to 5000.3600 is available upon request from the contracting agency, the Department of Human Services.

V. SUBMISSION OF PROPOSAL:

All proposals must be sent to and received by:

Eleanor Hoover

Professional, Technical & Consulting Contracts

Personnel Director
Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3820

not later than August 6, 1993.

Late proposals will not be accepted. Submit 5 copies of proposals. Proposals must be submitted in a sealed mailing envelope or package with the responder's name and address clearly written on the outside, and with evidence of the responder's compliance with the Human Rights Act attached to the envelope or package. Each copy of the proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposal must be valid for the length of the proposal.

VI. PROJECT COMPLETION DATE:

Project completion date, January, 1994 or within six months from the date of authorization.

VII. PROPOSAL CONTENTS:

1. A statement describing the contractor's understanding of the needs and organization of DHS and of the roles and responsibilities of the DHS Medical Director position, including the legislative and public policy components.
2. A description of the experience and capability of the contractor in areas relevant to DHS' needs. This includes:
 - a. experience with successful placement of persons in medical administrative/leadership positions
 - b. experience with large public medical health care agencies or complex private networks
 - c. an understanding of the governmental process
 - d. a national recruiting base
 - e. references from previous clients
3. A description of the fees and fee structure of the contractor.
4. A proposed work plan and time lines.
5. A description of duties and responsibilities that the contract will require of DHS.

VIII. EVALUATION:

All proposals will be evaluated based on the following factors:

1. The clarity of contractor's understanding of the nature of the role of Medical Director in DHS (15%).
2. Contractor's understanding of the differences between public and private agencies, as they apply (10%).
3. Contractor's understanding of the legislative components of the position (10%).
4. References from previous clients of the contractor (15%).
5. Clarity, efficiency and applicability of contractor's proposed work plan (20%).
6. Proposed project costs (10%).
7. Qualifications of contractor's personnel proposed for contract (10%).
8. Breadth of contractor's past experience (10%).
9. Contractor's access to national recruiting base (10%).

IX. DEPARTMENT CONTACTS:

Prospective responders should contact the person listed below to obtain an information packet. Any questions regarding this Request for Proposal must be directed to:

Eleanor Hoover
Personnel Director
Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3820
(612) 296-2701

Please note: Other Department personnel are not allowed to discuss the project with responders before the submittal of proposal deadline.

Minnesota Department of Jobs and Training

Division of Rehabilitation Services

Notice of Proposed Contracts—Federal Fiscal Year 1994

The Minnesota Department of Jobs and Training, Division of Rehabilitation Services is publishing notice that the contracts listed below are available and will be awarded for federal fiscal year 1994 (October 1, 1993 to September 30, 1994):

A. Notice of Proposed Contracts for Medical, Psychiatric, and Psychological Services

1. The Division of Rehabilitation Services, Office of Vocational Rehabilitation is seeking to employ qualified individuals under contract who will meet with local staff of the section in order to provide them with advice, consultation, and training on medical and psychiatric or psychological aspects affecting the rehabilitation process for specific clients and for the agency, in general. This section will be seeking at least one medical and one psychiatric or psychological contractor in each of the following locations: Bemidji, Brainerd, Duluth, Fergus Falls, Mankato, Faribault, Marshall, Minneapolis, Rochester, St. Cloud, St. Paul, Virginia, Moose Lake and Anoka. All individuals will be paid at a rate of \$50.00 to \$100.00 per hour. Most contract work will require an average of 2 to 4 hours per week. Total cost is not expected to exceed \$100,000.00. Inquiries should be directed to:

Kim Rezek
Director, Office of Rehabilitation Services
MN Department of Jobs and Training
Division of Rehabilitation Services
1st Floor
390 North Robert Street
St. Paul, Minnesota 55101

All proposals must be received by 4:30 p.m. 7-30-93.

2. The Division of Rehabilitation Services, Social Security Disability Determination Services Section, is seeking to employ individuals under contract who will advise and consult with disability examiner staff and others regarding the medical and psychological aspects of impairments including the nature and severity of disease processes, appropriate medical development and case documentation for individual claims, proper application of SSA medical policy and assessment of the claimant's residual level of functioning. The contractor will also be required to certify the claimant's determination of disability as required by the Social Security Administration. The section will be seeking up to seventeen Minnesota licensed medical doctors and up to thirteen Minnesota licensed consulting psychologists. All services will be utilized in St. Paul. Range of pay is \$45 to \$51 per hour. Contracts will vary from 8 to 35 hours per week and will be for 1 year (10/1/93 through 9/30/94) or 1 year with an option to renew for a 2nd year. Total cost is not expected to exceed \$1,350,000. Inquiries should be directed to:

William T. Ruhl
Assistant Director, Medical Services
Disability Determination Services Section
MN Department of Jobs and Training
Rehabilitation Services
Suite 300—Metro Square Building
Seventh and Robert Streets
St. Paul, Minnesota 55101
(612) 296-4419

All proposals must be received by 4:30 p.m. 7-30-93.

B. Notice of Proposed Contracts for Psychometric Testing Services

The Rehabilitation Services Division, Office of Vocational Rehabilitation is seeking a contractor who would provide psychometric testing to about 4,500 disabled clients. The testing would be provided by the contractor in approximately 50 testing locations throughout the State of Minnesota. The contractor would be required to administer any of eight psychometric tests and provide test scores, together with an interpretation of the tests results, within two weeks of the testing date. Total cost is not expected to exceed \$180,000.00. Inquiries should be directed to:

Kim Rezek
Director, Office of Rehabilitation Services
MN Department of Jobs and Training
Division of Rehabilitation Services
1st Floor

390 North Robert Street
St. Paul, Minnesota 55101

All proposals must be received by 4:30 p.m. 7-30-93.

C. Notice for Request for Qualifications and Request for Proposal for Mobile/Onsite Medical Examination Services

The Division of Rehabilitation Services, Social Security Disability Determination Services Section, is seeking the services of Minnesota licensed physicians and psychologists to provide specialized consultative exams (e.g., orthopedics, internal medicine, neurology, pediatric exam, psychiatry, and psychological) and to travel to various Minnesota cities (e.g. Austin, Bemidji, Duluth, Mankato, Marshall, Moorhead, Rochester, St. Cloud, Willmar, and Winona) to perform consultative examinations and requested lab or x-ray studies and to provide written results of these examinations.

The division's fee schedule will be used as a guide to determine compensation. Fees may not exceed the division's fee maximums. Multiple contracts will be written. Expenditure for these contracts is not expected to exceed \$300,000. Reimbursement for mileage according to state regulations is provided. The contract period is 10/1/93 through 9/30/94. Inquiries and request for a copy of the RFQ and RFP should be directed to:

William T. Ruhl
Assistant Director, Medical Services
Disability Determination Services Section
MN Department of Jobs and Training
Rehabilitation Services
Suite 300—Metro Square Building
Seventh and Robert Streets
St. Paul, Minnesota 55101
(612) 296-4419

All proposals must be received by 4:30 p.m. 7-30-93.

D. Notice for Requests for Proposals for Medical Teledictation Service

The Social Security Disability Determination Services Section is seeking the services of a contractor to receive by telephone, transcribe, and deliver medical reports dictated by consulting and treating physicians. Three telephone lines and (3) sets of telerecording equipment are to be used exclusively by this section. Dictation recording equipment is to be provided by the contractor. Compensation is based on a 12-14 (elite type) word line. The contract will run 10/1/93 through 9/30/94 with an additional one year option to renew and is not expected to exceed 450,000 lines per fiscal year. Expenditure for this contract is not expected to exceed \$60,000.00 for FY 1994 and \$60,000.00 for FY 1995. Inquiries and request for a copy of the RFP should be directed to:

William T. Ruhl
Assistant Director, Medical Services
Disability Determination Services Section
MN Department of Jobs and Training
Rehabilitation Services
Suite 300—Metro Square Building
Seventh and Robert Streets
St. Paul, Minnesota 55101
(612) 296-4419; (612) 297-4578

All proposals must be received by 4:30 p.m. 7-30-93.

Higher Education Coordinating Board

Notice of Availability of Requests for Proposals for Videotape on Student Financial Aid

The Higher Education Coordinating Board is requesting proposals from qualified video producers to produce a videotape about the availability of student financial assistance to help students and families pay the price of higher education.

Proposals must be submitted no later than July 19, 1993.

Copies of the RFP are available from:

Communications
Minnesota Higher Education Coordinating Board
Suite 400 Capital Square Building

Professional, Technical & Consulting Contracts

550 Cedar Street
St. Paul, MN 55101
(612) 296-9678

Minnesota Board of Peace Officer Standards and Training

Request for Proposals for Peace Officer Job Task Analysis

The Minnesota Board of Peace Officer Standards and Training has received a legislative appropriation to conduct a job task analysis of peace officers in this state. The purpose of this study is to validate current standards of professional peace officer education, examinations and licensing. We wish to ensure maximum responsiveness of learning to the actual tasks and duties performed by peace officers. It is highly important to conduct this study at this time to ensure that hiring standards and education are appropriate and defensible in light of the Americans with Disabilities Act and other recent changes in the practice of law enforcement. We expect that this study will result in a written report describing the study and its results; and an executive report and recommendations to be presented to our board.

Details are contained in a request for proposal which may be obtained by calling or writing:

Daniel B. Glass, Activity Manager
Board of Peace Officer Standards and Training St. Paul, Minnesota 55118
1600 University Ave., Suite 200 (612) 643-3060

The estimated cost of the project is \$40,000. Final date for submitting proposals is August 5, 1993 at 4:30 p.m. CDT.

State Grants

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

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

Department of Human Services

Family and Children's Services Division

Notice of Request for Proposals for Child Care Service Development/Technical Assistance Awards Grant Funding

The Department of Human Services is soliciting proposals from public and private nonprofit agencies and for-profit child care services organizations to administer child care technical assistance awards grants to licensed family child care providers in Minnesota through funding from the State's Child Care Services Grant Funds.

The purpose of this Request for Proposals is to solicit organizationally capable agencies with established involvement and expertise in child care services to submit proposals to manage the notification, selection, distribution and supervision of technical assistance awards for licensed child care providers in their region (or metropolitan county). Each technical assistance awards program will offer grants of between \$100 and \$1,000 to child care providers for the following purposes:

- a. facility improvements including, but not limited to, improvements to meet licensing requirements and expand licensed capacity;
- b. toys and equipment;
- c. start-up costs; and
- d. staff training and development costs.

The distribution of funds to agencies applying for this special category of service development grant to administer the technical assistance awards is determined strictly in accordance with the formula set forth in *Minnesota Statutes*, chapter 256H.22, subdivision 2.

Proposals will be reviewed and recommended for funding by a statewide advisory committee appointed by the Commissioner and representing each of the State's economic development regions and the following constituent groups: family child care providers, child care centers, parent users, health services, social services, public schools and other citizens with demonstrated interest in child care

issues. Selection of proposals will be based on the following criteria:

1. (30%) Documentation of organizational capability and established involvement with child care services.
2. (20%) Demonstration of partnership, community education and public awareness building efforts.
3. (20%) Design and methods for monitoring accessibility to, and effectiveness of, the program.
4. (15%) Evidence of ability to provide information, expertise and individual assistance to family child care providers.
5. (15%) Willingness to collaborate with the Department to standardize access to technical assistance awards while being innovative and creative in implementing grants with individual providers.

For complete information regarding the Request for Proposals, contact Jennette Hanson, Child Care Grants Administrator, at (612) 296-5590, Department of Human Services, Family and Children's Services Division, 444 Lafayette Road, St. Paul, MN 55155-3832. **Proposals are due no later than September 1, 1993.**

Department of Jobs and Training

Division of Rehabilitation Services

Notice of Availability of Funds for Vocational Services

The Minnesota Department of Jobs and Training—Division of Rehabilitation Services, is requesting proposals for the development of community-based employability services for adults who are hard of hearing or deaf. Granting of DJT-DRS funds is authorized via *Minnesota Statutes 268A.01*.

Interested parties must submit an application describing the proposed program, which should be designed to:

- Address underemployment and unemployment factors affecting the targeted population groups;
- Improve employment outcomes through the provision of one or more of the following: assessment, career planning, work adjustment training, job skill acquisition, job seeking skills training, job coaching support;
- Demonstrate coordination of a system for providing consultation/technical assistance and training on an "as needed" basis to other programs in Minnesota regarding the provision of appropriate rehabilitation services to these targeted population groups.

Applicants must provide evidence of collaboration among multiple agencies providing services to adults who are deaf or hard of hearing, including but not limited to: governmental entities, Division of Rehabilitation Services field offices, other area community rehabilitation programs, technical colleges or other training programs, and PWI programs.

It is anticipated that a total of \$70-85,000 will be available for this project. A 21.3% match is required from applicants, and may include in-kind contributions. Grants will be awarded for one year and are expected to begin 10/1/93. Application for continuation of the grants for future years will be announced at a later date depending on the availability of project funds.

Applications in the form of a Request for Proposals are available from:

Pamela Belknap
Rehabilitation Specialist
Division of Rehabilitation Services - First Floor
390 North Robert Street
St. Paul, Minnesota 55101
(612) 297-8269 Voice, 296-9141 TT/Y

Completed proposals must be received by 4:30 p.m. on July 30, 1993. Mail or deliver proposals to the DRS Administrative Office, Attention: Pamela Belknap, 390 North Robert Street, First Floor, St. Paul, MN 55101.

Non-State Public Bids and Contracts

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

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

Minnesota Historical Society

Notice of Request for Proposals for Design and Implementation of Computer Network and Associated Hardware and Software Systems

The Minnesota Historical Society is seeking proposals from qualified firms to provide design, hardware and software components, system installation and implementation for a computer network and associated hardware and software systems for its Publication and Research Division.

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

Proposals must be received not later than 2:00 p.m., July 21, 1993.

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

Awards of State Contracts and Advertised Bids

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

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

Department of Administration

Contracts and Requisitions Open for Bid: Call 296-2600 for information on a specific bid, or to request a specific bid.

COMMODITY CODE KEY

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

Materials Management Division: Commodities and Requisitions Awarded

Item: Fixture, Store Display
Req.#: 02420-34767-01
Awarded to: Vertex Exhibits,
Minneapolis, MN
Awarded amount: \$3,202.14
Awarded date: June 29, 1993
Expir/deliv date: July 9, 1993
Shipped to: Department of
Administration

Item: Service, Office Machine, Repair/
Maintenance
Req.#: 02519-40023-01
Awarded to: Mailing Machine Service,
Minneapolis, MN
Awarded amount: \$1,790.04
Awarded date: June 29, 1993
Expir/deliv date: July 1, 1993
Shipped to: Department of
Administration

Item: Service, Printing Equipment,
Repair/Maintenance
Req.#: 02520-40225-01
Awarded to: Perfection Type, Inc.,
Minneapolis, MN
Awarded amount: \$6,499.92
Awarded date: June 29, 1993
Expir/deliv date: July 1, 1993
Shipped to: Minnesota Department of
Administration

Awards of State Contracts and Advertised Bids

Item: Service, Printing Equipment, Repair/Maintenance
Req.#: 02520-40220-01
Awarded to: Elec. Motor Repair Service, Minneapolis, MN
Awarded amount: \$3,000.00
Awarded date: June 29, 1993
Expir/deliv date: July 1, 1993
Shipped to: Minnesota Department of Administration

Item: Computer Equipment Supplies
Req.#: 04151-32689-01
Awarded to: Parker Assoc., Wayzata, MN
Awarded amount: \$1,299.00
Awarded date: June 29, 1993
Expir/deliv date: July 9, 1993
Shipped to: Minnesota Department of Agriculture

Item: Software, Personal Computer
Req.#: 07400-52384-01
Awarded to: A I Systems, Inc., Minneapolis, MN
Awarded amount: \$2,128.00
Awarded date: June 29, 1993
Expir/deliv date: July 9, 1993
Shipped to: Various Locations

Item: Case, Display
Req.#: 07700-42313-01
Awarded to: Facility Systems, Inc., Minneapolis, MN
Awarded amount: 1,948.70
Awarded date: June 29, 1993
Expir/deliv date: August 2, 1993
Shipped to: Various Locations

Item: Printing, Single Sheets, One Color
Req.#: 07300-52408-02
Awarded to: Twin City Litho, Roseville, MN
Awarded amount: \$1,410.00
Awarded date: June 29, 1993
Expir/deliv date: July 9, 1993
Shipped to: Department of Public Safety Warehouse

Item: Copy Machine, Medium Speed; 15 to 50 CPM
Req.#: 11104-08525-01
Awarded to: Copy Sales, Inc., Minneapolis, MN

Awarded amount: \$7,660.32
Awarded date: June 29, 1993
Expir/deliv date: July 1, 1993
Shipped to: Various Locations

Item: Furniture, Office, Miscellaneous
Req.#: 21200-53560-02
Awarded to: Heartwood Arch, Minneapolis, MN
Awarded amount: \$727.40
Awarded date: June 29, 1993
Expir/deliv date: July 1, 1993
Shipped to: Minnesota Department of Jobs and Training

Item: Service, Copy Machine, Repair/Maintenance
Req.#: 26137-02300-01
Awarded to: Copy Cat Business Systems, St. Paul, MN
Awarded amount: \$5,400.00
Awarded date: June 29, 1993
Expir/deliv date: July 1, 1993
Shipped to: State University Board

Item: Computer, Personal
Req.#: 26071-02343-01
Awarded to: Gateway 2000, North Sioux City, SD
Awarded amount: \$2,990.00
Awarded date: June 29, 1993
Expir/deliv date: July 28, 1993
Shipped to: Mankato State University

Item: Computer, Personal
Req.#: 26071-69769-01
Awarded to: Gateway 2000, North Sioux City, SD
Awarded amount: \$2,870.00
Awarded date: June 29, 1993
Expir/deliv date: July 6, 1993
Shipped to: Mankato State University

Item: Computer, Personal
Req.#: 26071-70534-01
Awarded to: Gateway 2000, North Sioux City, SD
Awarded amount: \$1,890.00
Awarded date: June 29, 1993
Expir/deliv date: July 1, 1993
Shipped to: Mankato State University

Item: Computer, Personal
Req.#: 26071-71641-01
Awarded to: Gateway 2000, North Sioux City, SD

Awarded amount: \$4,968.00
Awarded date: June 29, 1993
Expir/deliv date: July 28, 1993
Shipped to: Mankato State University

Item: Cartridge, Toner/Ribbon, Printer
Req.#: 26074-14932-01
Awarded to: Exec. Office Concepts Ltd., Minnetonka, MN
Awarded amount: \$3,024.00
Awarded date: June 29, 1993
Expir/deliv date: July 10, 1993
Shipped to: Winona State University

Item: Cabinet, Storage, Photographic Slides
Req.#: 26074-14930-01
Awarded to: Multiplex Display Fixture, St. Louis, MO
Awarded amount: \$2,069.50
Awarded date: June 29, 1993
Expir/deliv date: July 9, 1993
Shipped to: Winona State University

Item: Lighting, Stage/Theater
Req.#: 27156-11194-01
Awarded to: Secoa, Minneapolis, MN
Awarded amount: 3,963.00
Awarded date: June 29, 1993
Expir/deliv date: June 29, 1993
Shipped to: Normandale Community College

Item: Cabinet, Storage, Photographic Slides
Req.#: 27156-11184-01
Awarded to: Univ. Microfilms Intl., Ann Arbor, MI
Awarded amount: \$1,982.52
Awarded date: June 29, 1993
Expir/deliv date: August 15, 1993
Shipped to: Normandale Community College

Item: Drive, Disk or Tape, Computer
Req.#: 27148-61226-01
Awarded to: Parker Assoc., Wayzata, MN
Awarded amount: \$1,838.00
Awarded date: June 29, 1993
Expir/deliv date: July 10, 1993
Shipped to: Rochester Community College

Awards of State Contracts and Advertised Bids

Item: Weight Training/Exercise
Equipment

Req.#: 27000-47534-01

Awarded to: Rubber Floor Products,
Inc., Wheaton, IL

Awarded amount: \$1,550.00

Awarded date: June 29, 1993

Expir/deliv date: July 30, 1993

Shipped to: Vermilion Community
College

Item: Surveying, Instrument/Equipment

Req.#: 29000-61191-01

Awarded to: Trimble Navigation Ltd. 2,
Elgin, IL

Awarded amount: \$13,535.00

Awarded date: June 29, 1993

Expir/deliv date: July 30, 1993

Shipped to: Department of Natural
Resources

Item: Computer, Personal

Req.#: 29002-23311-01

Awarded to: Gateway 2000, North Sioux
City, SD

Awarded amount: \$3,729.00

Awarded date: June 29, 1993

Expir/deliv date: July 28, 1993

Shipped to: Department of Natural
Resources—Regional Headquarters

Item: Fire Fighting Equipment, Forest

Req.#: 29000-61207-01

Awarded to: Front Line Plus,
Monticello, MN

Awarded amount: \$2,993.14

Awarded date: June 29, 1993

Expir/deliv date: July 15, 1993

Shipped to: Department of Natural
Resources—Regional Headquarters

Item: Boat, Non Powered

Req.#: 29002-23378-01

Awarded to: Rays Sport & Cycle, Grand
Rapids, MN

Awarded amount: \$1,083.00

Awarded date: June 29, 1993

Expir/deliv date: July 2, 1993

Shipped to: Department of Natural
Resources—Regional Headquarters

Item: Boat, Powered

Req.#: 29002-23379-01

Awarded to: Rays Sport & Cycle, Grand
Rapids, MN

Awarded amount: \$3,714.00

Awarded date: June 29, 1993

Expir/deliv date: July 2, 1993

Shipped to: Department of Natural
Resources—Regional Headquarters

Item: Fish Hatchery Equipment,
Miscellaneous

Req.#: 29003-05087-01

Awarded to: Smith Root, Vancouver,
WA

Awarded amount: \$2,940.00

Awarded date: June 29, 1993

Expir/deliv date: August 13, 1993

Shipped to: Department of Natural
Resources—Regional Headquarters

Item: Fish Hatchery Equipment,
Miscellaneous

Req.#: 29003-05089-01

Awarded to: Smith Root, Vancouver,
WA

Awarded amount: \$4,130.00

Awarded date: June 29, 1993

Expir/deliv date: August 13, 1993

Shipped to: Department of Natural
Resources—Regional Headquarters

Item: Vehicle, All-Terrain (ATV)

Req.#: 29004-18844-01

Awarded to: Potters, Inc., New Ulm,
MN

Awarded amount: \$4,249.00

Awarded date: June 29, 1993

Expir/deliv date: September 24, 1993

Shipped to: Department of Natural
Resources

Item: Mower Attachment, Tractor,
Lawn/Garden

Req.#: 29000-60937-01

Awarded to: Deer River Implement,
Inc., Deer River, MN

Awarded amount: \$1,544.79

Awarded date: June 29, 1993

Expir/deliv date: July 1, 1993

Shipped to: Department of Natural
Resources—Southern Service Center

Item: Vehicle, All-Terrain (ATV)

Req.#: 29002-23391-01

Awarded to: Deer River Implement,
Inc., Deer River, MN

Awarded amount: \$3,947.79

Awarded date: June 29, 1993

Expir/deliv date: July 30, 1993

Shipped to: Department of Natural
Resources—Regional Headquarters

Item: Sorbent Material, Industrial

Req.#: 32400-35145-01

Awarded to: Brotex, Inc, St. Paul, MN

Awarded amount: \$1,840.50

Awarded date: June 29, 1993

Expir/deliv date: July 1, 1993

Shipped to: Minnesota Pollution Control
Agency

Item: Printing, ID Cards, Paper

Req.#: 42700-19019-2

Awarded to: Hawkens Printing, Inc.,
St. Paul, MN

Awarded amount: \$585.00

Awarded date: June 29, 1993

Expir/deliv date: July 10, 1993

Shipped to: Department of Labor and
Industry

Item: Printer, Computer

Req.#: 53000-03698-01

Awarded to: Cedar Computer Center,
Edina, MN

Awarded amount: \$4,062.00

Awarded date: June 29, 1993

Expir/deliv date: August 1, 1993

Shipped to: Secretary of State

Item: Fixture, Product Display

Req.#: 53000-03700-01

Awarded to: ABF Industries, Inc., St.
Paul, MN

Awarded amount: \$3,456.00

Awarded date: June 29, 1993

Expir/deliv date: August 1, 1993

Shipped to: Secretary of State

Item: Office Machine, Cash Register

Req.#: 53000-03710-01

Awarded to: AAA Pierce Cash Register,
St. Paul, MN

Awarded amount: \$1,225.00

Awarded date: June 29, 1993

Expir/deliv date: August 8, 1993

Shipped to: Secretary of State

Item: Office Machine, Miscellaneous

Req.#: 53000-03699-01

Awarded to: Girards Business
Machines, Burnsville, MN

Awards of State Contracts and Advertised Bids

Awarded amount: \$2,499.00
Awarded date: June 29, 1993
Expir/deliv date: August 1, 1993
Shipped to: Secretary of State

Item: Printing, Form, Scannable Char.
(MICR/OCR)
Req.#: 55000-60479-01
Awarded to: Printing Resources, Inc.,
Shoreview, MN

Awarded amount: \$11,512.00
Awarded date: June 29, 1993
Expir/deliv date: July 9, 1993
Shipped to: Department of Human
Services

Item: Linen; Bedding and Household
Req.#: 55304-09541-01
Awarded to: Harbor Linen, Cherry Hill,
NJ
Awarded amount: \$957.00
Awarded date: June 29, 1993
Expir/deliv date: July 11, 1993
Shipped to: Brainerd Regional Human
Services Center

Item: Package Sealing Machine
Req.#: 55304-09539-01
Awarded to: Odessa Packaging
Services, Clayton, DE
Awarded amount: \$6,160.31
Awarded date: June 29, 1993
Expir/deliv date: July 11, 1993
Shipped to: Brainerd Regional Human
Services Center

Item: Tractor, Lawn/Garden
Req.#: 55106-03197-01
Awarded to: Lakeland Power
Equipment, Willmar, MN
Awarded amount: \$11,995.00
Awarded date: June 29, 1993
Expir/deliv date: July 6, 1993
Shipped to: Willmar R.T.C.

Item: Material Handling Equipment,
Miscellaneous
Req.#: 75200-80722-01
Awarded to: Elec. Forklift Supply, Ham
Lake, MN
Awarded amount: \$5,960.00
Awarded date: June 29, 1993
Expir/deliv date: July 21, 1993
Shipped to: Minnesota Veterans Home

Item: Medical/Surgical Equipment
Req.#: 75350-35050-01
Awarded to: Carstens Health Ind.,
Chicago, IL

Awarded amount: \$1,385.66
Awarded date: June 29, 1993
Expir/deliv date: June 30, 1993
Shipped to: Minnesota Veterans Home

Item: Poultry
Req.#: 78620-00507-01
Awarded to: Professional Food Systems,
South St. Paul, MN
Awarded amount: \$5,042.55
Awarded date: June 29, 1993
Expir/deliv date: July 12, 1993
Shipped to: Minnesota Correctional
Facility

Item: Plants and Flowers, Office
Req.#: 78790-31047-01
Awarded to: Bachmans, Inc., Eagan,
MN
Awarded amount: \$1,408.90
Awarded date: June 29, 1993
Expir/deliv date: July 16, 1993
Shipped to: Minnesota Correctional
Facility - Faribault

Item: Printing, Form, Multipart,
Carbon, Snapout
Req.#: 79000-34343-02
Awarded to: Pauly Business Forms Co.,
Plymouth, MN
Awarded amount: \$518.00
Awarded date: June 29, 1993
Expir/deliv date: July 15, 1993
Shipped to: Minnesota Department of
Transportation

Item: Printing, Form, Continuous
Req.#: 79000-34342-02
Awarded to: Financial Forms,
Minneapolis, MN
Awarded amount: \$268.80
Awarded date: June 29, 1993
Expir/deliv date: July 15, 1993
Shipped to: Minnesota Department of
Transportation

Item: Tractor, Parts and Accessories
Req.#: 79382-02650-01
Awarded to: MacQueen Equipment,
Inc., St. Paul, MN
Awarded amount: \$30,000.00

Awarded date: June 29, 1993
Expir/deliv date: November 1, 1993
Shipped to: Minnesota Department of
Transportation

Item: Preservatives/Sealing Compounds
Req.#: 79300-09361-01
Awarded to: Construction Materials,
Inc., Minneapolis, MN
Awarded amount: \$801.00
Awarded date: June 29, 1993
Expir/deliv date: August 20, 1993
Shipped to: Minnesota Department of
Transportation

Item: Striping Equipment, Paint, Self
Propelled
Req.#: 79400-03367-01
Awarded to: Linear Dynamics, Inc.,
Omaha, NE
Awarded amount: \$5,298.00
Awarded date: June 29, 1993
Expir/deliv date: August 1, 1993
Shipped to: Minnesota Department of
Transportation

Item: Beads, Glass, Reflective, Treated,
Highway
Req.#: 79500-83512-01
Awarded to: Flex O Lite Sales
Corporation, St. Louis, MO
Awarded amount: \$4,540.20
Awarded date: June 29, 1993
Expir/deliv date: August 15, 1993
Shipped to: Minnesota Department of
Transportation

Item: Paint, Latex, Yellow, Traffic
Marking
Req.#: 79500-83513-01
Awarded to: Centerline Industries,
Ennis, TX
Awarded amount: \$30,648.20
Awarded date: June 29, 1993
Expir/deliv date: August 15, 1993
Shipped to: Minnesota Department of
Transportation

Item: Meter, Temperature
Req.#: 79600-13074-01
Awarded to: Gilson Screen Testing,
Worthington, OH
Awarded amount: \$662.00
Awarded date: June 29, 1993
Expir/deliv date: July 2, 1993
Shipped to: Minnesota Department of
Transportation

Awards of State Contracts and Advertised Bids

Item: Safety Equipment, Miscellaneous
Req.#: 79600-13079-01
Awarded to: P J Distributing Company,
 Mound, MN
Awarded amount: \$719.00
Awarded date: June 29, 1993
Expir/deliv date: July 30, 1993
Shipped to: Minnesota Department of
 Transportation

Item: Table, Library
Req.#: 02511-36932-01
Awarded to: Facility Systems, Inc.,
 Minneapolis, MN
Awarded amount: \$740.00
Awarded date: June 29, 1993
Expir/deliv date: August 2, 1993
Shipped to: Materials Management
 Division/Sherry

Item: Shipping System
Req.#: 79700-03957-01
Awarded to: Mantronics Mailing,
 Mankato, MN
Awarded amount: \$5,287.25
Awarded date: June 29, 1993
Expir/deliv date: July 30, 1993
Shipped to: Minnesota Department of
 Transportation

Item: Service, Printing Equipment,
 Repair/Maintenance
Req.#: 02520-40224-01
Awarded to: Perfection Type, Inc.,
 Minneapolis, MN
Awarded amount: \$3,000.00
Awarded date: June 29, 1993
Expir/deliv date: July 1, 1993
Shipped to: Minnesota Department of
 Administration

Item: Adhesives, Industrial and
 Commercial
Req.#: 79750-01280-01
Awarded to: Construction Materials,
 Inc., Minneapolis, MN
Awarded amount: \$557.52
Awarded date: June 29, 1993
Expir/deliv date: June 30, 1993
Shipped to: Minnesota Department of
 Transportation

Item: Service, Micrographic, Repair/
 Maintenance
Req.#: 02443-40324-01
Awarded to: Bell & Howell, Golden
 Valley, MN
Awarded amount: \$7,786.00
Awarded date: June 29, 1993
Expir/deliv date: July 1, 1993
Shipped to: State of Minnesota

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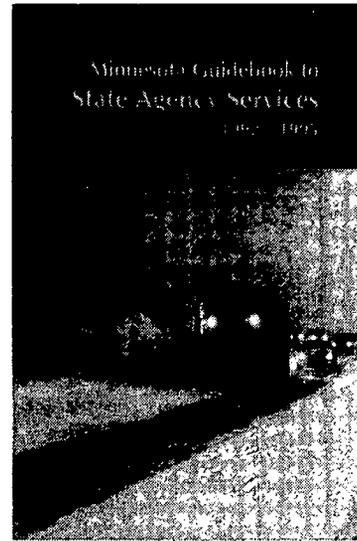
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