

86, December 15

STATE OF MINNESOTA

STATE REGISTER

DEPARTMENT OF ADMINISTRATION—DOCUMENTS DIVISION



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Monday 15 December 1986

VOLUME 11, NUMBER 24

Pages 1061-1092

STATE REGISTER

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

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

Volume 11 Printing Schedule and Submission Deadlines

Vol. 11 Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
24	Monday 1 December	Monday 8 December	Monday 15 December
25	Monday 8 December	Monday 15 December	Monday 22 December
26	Monday 15 December	Friday 19 December	Monday 29 December
27	Friday 19 December	Friday 26 December	Monday 5 January

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

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

Instructions for submission of documents may be obtained from the *State Register* editorial offices, 504 Rice Street, St. Paul, Minnesota 55155, (612) 296-4273.

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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:

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Perspectives—Publication about the Senate.

This Week—weekly interim bulletin of the House.

Session Review—Summarizes actions of the Minnesota Senate.

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

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

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

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How to Follow State Agency Rulemaking Action in the State Register

State agencies must publish notice of their rulemaking action in the State Register. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION also.

The PROPOSED RULES section contains:

- Proposed new rules (including notice of hearing and/or notice of intent to adopt rules without a hearing).
• Proposed amendments to rules already in existence in the Minnesota Rules.
• Proposed emergency rules.
• Withdrawal of proposed rules (option; not required).

The ADOPTED RULES section contains:

- Notice of adoption of new rules and rule amendments adopted without change from the previously published proposed rules. (Unchanged adopted rules are not republished in full in the State Register unless requested by an agency.)
• Adopted amendments to new rules or rule amendments (adopted changes from the previously published proposed rules).
• Notice of adoption of emergency rules.
• Adopted amendments to emergency rules (changes made since the proposed version was published).
• Extensions of emergency rules beyond their original effective date.

The OFFICIAL NOTICES section includes (but is not limited to):

- Notice of intent to solicit outside opinion before promulgating rules.
• Additional hearings on proposed rules not listed in original proposed rules calendar.

ALL ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the State Register and filed with the Secretary of State before April 8, 1985 are published in the Minnesota Rules 1985. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after April 8, 1985 are included in a supplement published in Spring, 1986. Proposed and adopted EMERGENCY (formerly called TEMPORARY) RULES appear in the State Register but are generally not published in the Minnesota Rules due to the short-term nature of their legal effectiveness. Those that are long-term may be published.

The State Register publishes partial and cumulative listings of rule in the MINNESOTA RULES AMENDMENTS AND ADDITIONS list on the following schedule:

Table with 2 columns: Issue range and cumulative issue. Includes: Issues 1-13, inclusive; Issues 14-25, inclusive; Issue 26, cumulative for 1-26; Issues 27-38, inclusive; Issue 39, cumulative for 1-39; Issues 40-51, inclusive; Issue 52, cumulative for 1-52.

MINNESOTA RULES AMENDMENTS AND ADDITIONS

NOTE: This listing includes all proposed and adopted rules printed in this issue except emergency rules and errata for this issue. Please see those sections for the appropriate rule numbers.

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PROPOSED RULES

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

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

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

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

Bureau of Mediation Services

Proposed Permanent Rules Relating to Grievances

Notice of Intent to Adopt Rules without a Public Hearing

NOTICE IS HEREBY GIVEN that the Director, Bureau of Mediation Services, proposes to amend the above-entitled rules without a public hearing. The Director has determined that the proposed amendment of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Sections 14.22-14.28.

Persons interested in this rule are encouraged to submit comment in support of or in opposition to the proposed rule and shall have 30 days to do so. Each comment should identify the portion of the proposed rule being addressed, the reason the comment is being made, and any changes in the proposed rules which are being suggested. The proposed rule may be modified if the modifications are supported by the data and comments received by the Bureau and do not result in substantial change in the intent and purpose of the proposed rule.

Unless 25 or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held. Persons requesting a public hearing should state their name and address and are encouraged to identify the portion of the proposed rule addressed by their request, the reason for the request, and any changes in the proposed rule which are being suggested. In the event a public hearing is required, the Bureau will proceed pursuant to Minnesota Statutes, sections 14.11-14.20.

Comments or written requests for a public hearing on these proposed rules should be submitted to:

Paul W. Goldberg, Director
Minnesota Bureau of Mediation Services
205 Aurora Avenue
St. Paul, MN 55103
(612) 296-2525

Authority to adopt this rule is contained in Minnesota Statutes, section 179A.04, subdivision 3(f). A Statement of Need and Reasonableness that describes the need for and the reasonableness of the proposed rule and the information relied upon to support the amendment has been prepared and is available upon request from the Bureau at the above address or telephone number.

Upon adoption of the final rule without a public hearing, the proposed rule, this notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final Rule as Adopted, should submit a written request to the address provided above.

A copy of the proposed rules are attached to this notice.

Copies of this notice and the proposed rule are available and may be obtained by contacting the Bureau at the above address or telephone number.

Paul W. Goldberg, Director
Bureau of Mediation Services

Rules as Proposed (all new material)**5510.5110 POLICY.**

Parts 5510.5110 to 5510.5180 are to be liberally construed so as to effectuate the purposes of Minnesota Statutes, chapter 179A, the Public Employment Labor Relations Act.

5510.5120 APPLICATION.

Parts 5510.5110 to 5510.5180 are applicable when a public employer and an exclusive representative of public employees have not reached agreement on or do not have access to a contract grievance procedure as required by Minnesota Statutes, section 179A.20, subdivision 4.

5510.5130 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 5510.5110 to 5510.5180 the words defined in this part have the meanings given them.

Subp. 2. **Bureau.** "Bureau" means the Bureau of Mediation Services.

Subp. 3. **Days.** "Days" means calendar days.

Subp. 4. **Employee.** "Employee" means any public employee who is employed in a position that is part of an appropriate unit for which an exclusive representative has been certified under Minnesota Statutes, section 179A.12.

Subp. 5. **Grievance.** "Grievance" means a dispute or disagreement regarding the application or interpretation of any term of a contract required under Minnesota Statutes, section 179A.20, subdivision 1. If no contract exists between the exclusive representative and the employer, grievance means a dispute or disagreement regarding the existence of just cause in the discipline or termination of nonprobationary employees.

Subp. 6. **Nonprobationary.** "Nonprobationary" means an employee who has completed an initial, formally defined probationary period required as a part of the public employer's regular original employment process.

Subp. 7. **Party.** "Party" means either the exclusive representative and its authorized agent or the employer and its authorized representative.

Subp. 8. **Service.** "Service" means personal delivery or service by the United States Postal Service, postage prepaid and addressed to the individual or organization at its last known mailing address. Service under parts 5510.5110 to 5510.5180 is effective upon receipt.

5510.5131 COMPUTATION OF TIME.

In computing any period of time prescribed or allowed by parts 5510.5110 to 5510.5180, the day or act or event upon which a period of time begins to run shall not be included. The last day of the time period shall be included unless it is a Saturday, Sunday, or holiday.

5510.5140 STEP ONE.

When an employee or group of employees represented by an exclusive representative has a grievance, the employee or an agent of the exclusive representative shall attempt to resolve the matter with the employee's immediate supervisor within 21 days after the employee, through the use of reasonable diligence, should have had knowledge of the event or act giving rise to the grievance. The supervisor shall then attempt to resolve the matter and shall respond in writing to the grievant and the agent of the exclusive representative within five days after the grievance is presented.

5510.5150 STEP TWO.

If the supervisor has not been able to resolve the grievance or has not responded in writing within the time period provided in part 5510.5140 (step one), a written grievance may be served on the next appropriate level of supervision by the exclusive representative. The written grievance shall provide a concise statement outlining the nature of the grievance, the provisions of the contract or the just cause situation in dispute, and a statement of the relief or remedy requested. The written grievance must be served on the employer's representative within ten days after the immediate supervisor's response was due under part 5510.5140 (step one). The employer's representative shall meet with the agent of the exclusive representative within five days after service of the written grievance and both parties shall attempt to resolve the grievance. The employer's representative shall serve a written response to the

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

grievance on the agent of the exclusive representative within five days of the meeting. The response shall contain a concise statement of the employer's position on the grievance and the remedy or relief the employer is willing to provide, if any.

5510.5160 STEP THREE.

If the grievance is not resolved under part 5510.5150 (step two), the exclusive representative may serve the written grievance upon the chief administrative agent of the employer or that person's designated representative within five days after the written response required by part 5510.5150 (step two) was due. An agent of the exclusive representative shall meet with the chief administrative officer or designee within five days of service of the written grievance and they shall attempt to resolve the matter. The chief administrative officer or designee shall serve a written response to the grievance on the agent of the exclusive representative within five days of the meeting.

5510.5170 ARBITRATION.

Subpart 1. **Referral to arbitration.** If the response of the chief administrative officer or designee is not received within the period provided in part 5510.5160 (step three) or is not satisfactory, the exclusive representative may serve written notice of its intent to refer the case to arbitration within ten days after the response required by part 5510.5160 (step three) is due.

Subp. 2. **Selection of arbitrator.** Within ten days of the service of written notice of intent to arbitrate, the employer's chief administrative officer or designee shall consult with the agent of the exclusive representative and endeavor to mutually agree upon an arbitrator to hear and decide the grievance. If the parties do not agree upon the selection of an arbitrator, either party may request a list of impartial arbitrators from the bureau. The parties shall alternately strike names from a list of five names to be provided by the bureau until only one name remains, and the remaining name shall be the designated arbitrator. The determination of which party will commence the striking process shall be made by mutual agreement or a flip of a coin. If one party refuses to strike names from the list provided by the bureau, the other party may serve written notice of this fact upon the bureau, with a copy to the offending party. Unless it is confirmed that the parties have otherwise selected or agreed upon an arbitrator within three days of service of the notice of refusal or failure to strike names, the bureau shall designate one name from the list previously provided to the parties and the person so designated by the bureau shall have full power to act as the arbitrator of the grievance.

Subp. 3. **Arbitrator's authority.** The arbitrator shall have no authority to amend, modify, add to, or subtract from the terms of an existing contract. The arbitrator shall consider and decide only the specific issue submitted in writing by the parties. The arbitrator shall give due consideration to the positions of the parties and base the award solely upon the arbitrator's interpretation and application of the written terms of the contract and the facts presented by the parties. The decision and award of the arbitrator shall be final and binding upon both parties.

Subp. 4. **Arbitration expenses.** The employer and the exclusive representative shall share equally the arbitrator's fees and necessary expenses. Cancellation fees shall be paid by the party requesting the cancellation and any fees incurred as the result of a request for clarification shall be paid by the party requesting the clarification. Each party shall be responsible for compensating its own representatives and witnesses except to the extent provided by part 5510.5180, subpart 1.

Subp. 5. **Transcripts and briefs.** Because arbitration is intended to provide a simple, speedy alternative to litigation processes, the use of transcripts and briefs should be considered only in exceptional circumstances. If a verbatim record is required, it may be prepared providing the party desiring the record pays the cost and makes a copy available to the other party and the arbitrator without charge. The arbitrator may maintain written notes of the hearing and may use an electronic recording device to supplement the note taking. These notes shall be considered the arbitrator's private and personal property and shall not be made available to the parties or another third party. If a recording device is used by the arbitrator to supplement the arbitrator's notes, the arbitrator shall retain the recording for a period of 90 days following the issuance of the award.

5510.5180 PROCESSING OF GRIEVANCES.

Subpart 1. **Release time.** To the fullest extent feasible, the processing of grievances under parts 5510.5110 to 5510.5180 shall be conducted during the normal business hours of the employer. Employees designated by the exclusive representative shall be released from work without loss of regular nonovertime earnings as a result of their necessary participation in meetings or hearings held pursuant to parts 5510.5110 to 5510.5180, whenever such release is consistent with the ability of the employer to conduct safe and reasonable operations. No more than three employees shall be entitled to compensation for participation in a single meeting or hearing with respect to any one grievance.

Subp. 2. **Waiver of steps.** The parties may by written mutual agreement waive participation in the grievance steps in parts 5510.5140 to 5510.5160 and may similarly agree to extend the time limits established by parts 5510.5140 to 5510.5170.

Subp. 3. **Time limits.** A failure to raise a grievance within the time limits specified in part 5510.5140, or to initiate action at the next step of the procedure in parts 5510.5140 to 5510.5170 within the time limits in these parts shall result in forfeiture by the

exclusive representative of the right to pursue the grievance. A failure of an employer representative to comply with the time periods and procedures in parts 5510.5140 to 5510.5170 shall require mandatory alleviation of the grievance as requested in the last statement by the exclusive representative.

REPEALER. Minnesota Rules, parts 5510.4600, 5510.4700, 5510.4800, 5510.4900, 5510.5000, and 5510.5100 are repealed.

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 Health

Adopted Permanent Rules Relating to Holidays

The rule proposed and published at *State Register*, Volume 10, Number 53, pages 2611-2612, June 30, 1986 (10 S.R. 2611) is adopted as proposed.

Department of Health

Adopted Permanent Rules Relating to Merit System

The rules proposed and published at *State Register*, Volume 11, Number 13, pages 577-582, September 29, 1986 (11 S.R. 577) are adopted as proposed.

Department of Human Services

Adopted Rules Relating to Medical Assistance

The rules proposed and published at *State Register*, Volume 10, Number 52, pages 2556-2584, June 23, 1986 (10 S.R. 2556) are adopted with the following modifications:

Rules as Adopted

MEDICAL ASSISTANCE ELIGIBILITY

9505.0011 ADMINISTRATION.

Subpart 1. **Compliance with state and federal law.** The commissioner shall cooperate with the federal government in order to qualify for federal financial participation in the medical assistance program. ~~Changes to the medical assistance program required by state or federal law or by court order supersede parts 9505.0010 to 9505.0150~~ All persons should be aware that parts 9505.0010 to 9505.0150 of the medical assistance program may be superseded by a change in state or federal law or by a court order prior to the agency having an opportunity to amend these rules.

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Subp. 2. **Administrative relationships.** The medical assistance program is administered by local agencies under the supervision of the commissioner. The commissioner shall supervise the medical assistance program on a statewide basis so that local agencies comply with the standards of the program.

A local agency shall provide fair and equal treatment to an applicant or recipient according to statewide policies. The commissioner is authorized to correct a policy or practice that conflicts with statewide program requirements. A local agency shall comply with procedures and forms prescribed by the commissioner in bulletins and manuals ~~to assure conformance with~~ insofar as they are consistent with parts 9505.0010 to 9505.0150.

9505.0015 DEFINITIONS.

Subp. 2. **Aid to families with dependent children or AFDC.** "Aid to families with dependent children" or "AFDC" means the program established under Minnesota Statutes, sections 256.72 to 256.873; Code of Federal Regulations, title 45; and parts 9500.2000 to 9500.2880; ~~as proposed at 10 SR 2407, on Monday, April 14, 1986, and adopted at~~

9505.0030 RESIDENCY REQUIREMENTS.

Subpart 1. **Minnesota residency required.** Eligibility for medical assistance is limited to Minnesota residents or persons presumed to be Minnesota residents under Code of Federal Regulations, title 42, section 435.403. A Minnesota resident is:

A. a person who establishes a residence in Minnesota during the month for which eligibility is considered and who ~~does is~~ not have a residence outside of Minnesota eligible for or receiving medical assistance from another state;

Subp. 2. **County of financial responsibility.** Except as provided in items A to D, the county of the applicant's residence on the date of application is the county of financial responsibility. If the prior residence was not in a Minnesota county, or the county of residence cannot be determined, the county of residence is the county in which the person is residing at the time of application.

B. An infant who has resided only in a facility falling within the definition of excluded time is the responsibility of the county that would have been responsible if eligibility could have been established with the birth mother at the time of the birth.

C. ~~If a person receives a grant from The county which is financially responsible for a person who is a recipient of aid to families with dependent children program, Minnesota supplemental aid program, or general assistance program, is also the county of financial responsibility is the county that pays that grant for that person's medical assistance.~~

9505.0050 PERSONS DETAINED BY LAW.

A person, regardless of age, who is detained by law in the custody of a correctional or detention facility as a person accused or convicted of a crime is not eligible for medical assistance. A resident of a correctional facility who is furloughed by the corrections system to a medical facility for treatment or to a residential habilitation program or halfway house without a formal release on probation, parole, bail, his or her own recognizance, or completion of sentence or a finding of not guilty is not eligible for medical assistance.

A person admitted as an inpatient to a hospital, ~~other than a state hospital,~~ on a hold order issued on a civil basis is not considered detained by law.

9505.0055 EFFECT OF PUBLIC ASSISTANCE STATUS ON MEDICAL ASSISTANCE ELIGIBILITY.

Subpart 1. **Recipient of AFDC or MSA with SSI.** A person who is a recipient of aid to families with dependent children is eligible for medical assistance. A person who is a recipient of Minnesota supplemental aid ~~in conjunction with supplemental security income~~ is eligible for medical assistance, except for those persons eligible for Minnesota supplemental aid because the local agency waived excess resources under the Minnesota supplemental aid provisions.

9505.0058 ASSETS; HOMESTEAD AND HOUSEHOLD GOODS AND FURNITURE.

Subp. 2. **Exclusion for person residing in long-term care facility.** The homestead ~~and household goods and furniture~~ of a person residing in a long-term care facility ~~are~~ is excluded if the homestead is used as a primary residence by the person's spouse, the person's child under age 18, or the person's disabled child of any age. ~~They are~~ The homestead is also excluded for the first six calendar months of the person's stay in the long-term care facility. The local agency shall notify the person in writing that the homestead ~~and household goods and furniture~~ must be reduced to an amount within limits or excluded on another basis if the person expects to remain in the long-term care facility for a period longer than six months. The agency must give this notice at the later of the time when the person enters the facility or the determination of eligibility, but no later than the last day of the fifth month of the person's stay in the facility.

9505.0059 ASSETS; REAL PROPERTY OTHER THAN HOMESTEAD.

Subpart 1. **Definitions.** For the purposes of parts 9505.0059 to 9505.0064, the following terms have the meanings given to them in this part.

A. "Equity" means the property's current market value less any encumbrances.

B. "Not salable" means that:

- (1) two sources agree that the property is not salable due to a specified condition; or
- (2) an actual sale attempt was made at a price not more than an estimate of the highest current market value obtained within six months of application or since the last determination of eligibility, but no offer to purchase was received.

For purposes of subitems (1) and (2), the source of information must be from the same geographic area as the property and knowledgeable about the value of the type of property offered for sale. For purposes of subitem (2), "an actual sale attempt" means the individual has listed the property with a licensed real estate broker or salesperson or, if the property is offered for sale by the owner, the owner has affixed to the property a readable sign that includes the address or phone number of the owner and the owner has advertised the property for sale in the official newspaper of the county, the newspaper of largest circulation in the county or the local shopper. For purposes of subitem (2), the minimum period of an actual sale attempt shall be 90 consecutive days.

9505.0060 ASSETS; PERSONAL PROPERTY.

Subp. 3. **Consideration of trust funds.** Trust funds shall be considered available as specified in items A to C. The trusts must also be evaluated under part 9505.0064.

B. Trusts established other than by will by the person or the person's spouse under which the person may be the beneficiary of all or part of the payments from the trust and the distribution of the payments is determined by one or more trustees who may exercise discretion about the distribution to the person shall be considered available assets. This item applies regardless of whether the trust is irrevocable or is established for purposes other than to enable a person to qualify for medical assistance or whether the discretion of the trustees is exercised.

Subp. 4. **Personal property exempt from consideration.** The following items of personal property are exempt from consideration:

- A. Liquid assets in the amount specified in Minnesota Statutes, section 256B.06, subdivision 1, clause (13).
- B. The person's wearing apparel and personal jewelry.
- C. One motor vehicle as defined in Minnesota Statutes, section 256B.06, subdivision 1, clause (13)(b) and used primarily for the person's benefit, and that:
 - (1) has a market value of less than \$4,500; or
 - (2) is necessary to obtain medically necessary health services; or
 - (3) is necessary for employment; or
 - (4) is modified for operation by or transportation of a handicapped person; or
 - (5) is necessary to perform essential daily tasks because of climate, terrain, distance, or similar factors. Other motor vehicles are counted to the extent of the person's equity against the asset limit in item A.

9505.0061 ASSETS; AVAILABILITY.

In addition to assets considered available under parts 9505.0058 to 9505.0064, the local agency must consider assets as specified in items A to E.

A. The local agency may not consider any asset ~~that~~ while the asset is not available to the person. Examples of an asset not available to a person are an estate that has not been probated; property owned together with one or more other individuals which the local agency determines cannot be liquidated or reduced to cash through the exercise of the person's legal rights; an asset of a person who is determined incompetent by the court and whose guardianship is pending; and an asset frozen by a foreign government.

9505.0064 TRANSFERRED ASSETS.

Subpart 1. **Transferred assets; general.** A person's own assets ~~and the assets of a responsible relative under part 9505.0075~~ must be used to pay for the person's health services until the assets are reduced to within the limits in parts 9505.0058 to 9505.0060. The value of an asset that is not excluded under parts 9505.0058 to 9505.0060 and that a person or the person's authorized representative transfers or sells for less than market value within the 24 months preceding application or during the period of medical assistance eligibility shall be considered available as an asset in determining the person's eligibility.

A transfer of a nonexcluded asset for less than market value within 24 months preceding application or during the period of medical assistance eligibility is presumed to be for the purpose of establishing or maintaining medical assistance eligibility, unless

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the individual furnishes convincing evidence to establish that the transaction was exclusively for another purpose. Convincing evidence must include evidence that the person had no health or economic reason to believe that public money would be needed for health service bills or that nursing home care would be needed. A transfer for purposes of preserving an estate for heirs is the same as a transfer for the purpose of establishing or maintaining medical assistance eligibility.

9505.0065 INCOME.

Subp. 3. **Excluded income.** Income in items A to T must be excluded from consideration as income available to meet health service needs:

A. Public assistance payments under the following programs must be excluded: aid to families with dependent children, general assistance, Minnesota supplemental aid, supplemental security income including all income of those persons deemed eligible for supplemental security income under section 1619 A and B of the Social Security Act, food stamps, title XX of the Social Security Act (if not earned income), family subsidy program under Minnesota Statutes, section 252.32 and child welfare relief. The payments must be excluded as income in the month of receipt but counted as an asset if retained after the month of receipt.

H. Federal low income heating assistance program payments must be excluded as income ~~in the month of receipt but counted~~ and as an asset if ~~retained after the month of receipt~~.

K. Payments for foster care and adoptions subsidized under Minnesota Statutes, section 259.40 or under title IV-E of the Social Security Act must be excluded as income ~~in the month of receipt but counted~~ and as an asset if ~~retained after the month of receipt~~.

T. The amount of Retirement, Survivors, and Disability Insurance cost of living increases that have occurred since April 1, 1977, must be disregarded for persons ~~and their spouses who were receiving simultaneously received Retirement, Survivors, and Disability Insurance~~ and supplemental security income or Retirement, Survivors, and Disability Insurance and Minnesota supplemental aid ~~but who became ineligible for those payments as a result of and would currently qualify for supplemental security income or Minnesota Supplemental aid but for the Retirement, Survivors, and Disability Insurance cost of living increases paid after April 1, 1977. The Retirement, Survivors, and Disability Insurance cost of living disregard for these persons applies also to the Retirement, Survivors, and Disability Insurance income of their spouses and dependent children.~~

U. Any other type of funds excluded as income or assets by federal or state law related to medical assistance must be excluded as income or assets.

Subp. 10. **Anticipating income.** Income must be anticipated on ~~an annual~~ a semi-annual basis for all persons except for a person who is on a monthly spend-down under subpart 11, items A and B. Income must be anticipated on a monthly basis for a person who is on a monthly spend-down.

Anticipated income must be determined by using the method in items A to G that most accurately reflects the circumstances of the person:

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

A. The spend-down requirement must be met on a monthly basis by a person residing in a long-term care facility, a person with a ~~full-time~~ personal care assistant, a person receiving health services under parts 9505.2250 to 9505.2380, and a person approved by the department because the person's costs for medically necessary health services regularly exceed the spend-down and the person will not be provided those services without guarantee of eligibility. For purposes of this item, "personal care assistant" means a person who meets the training requirements set by the department to provide personal care service.

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

(4) for a period of up to three calendar months, the medical assistance standard for a family size of one if the person was not living together with a spouse or child under age 21 at the time the person entered a long-term care facility, if the person has expenses of maintaining a residence in the community, and if a physician certifies that the person is expected to reside in the long-term care facility ~~for three calendar months or less on a short-term basis and expected to return to independent living;~~

(5) for the month of discharge from a long-term care facility, the medical assistance standard for the appropriate family size which includes the person discharged from the facility.

C. In determining retroactive eligibility on a spend-down basis for periods before an applicant became eligible for aid to families with dependent children, general assistance, or Minnesota supplemental aid or ~~for an admission to a~~ enters long-term care facility for a period expected to last longer than three months, the agency must base its determination on the actual income for the three-month retroactive period and anticipated income for the remaining months of the annual period in subpart 10. Only bills for health services incurred during the month of application and the three calendar months before the month of application may be used to satisfy the spend-down.

E. The order in which bills must be used to meet the spend-down is:

- (1) health insurance premiums including medicare premiums not deducted from earned income as in subpart 5, item I;

9505.0075 RESPONSIBILITY OF RELATIVES.

Subpart 1. **General requirements; financial obligation of responsible relative.** A responsible relative has an obligation to contribute partial or complete repayment of medical assistance given to a recipient for whom he or she is responsible. The financial obligation of a responsible spouse must be determined under subpart 3 and the financial obligation of a parent must be determined under subpart 6 if the responsible spouse or parent provides the information needed to make the determination. The responsible spouse or parent who refuses to provide information needed to determine the financial obligation under subparts 3 and 6 is obligated to reimburse the local agency for the full amount of medical assistance paid for health services provided to the recipient. The local agency may reduce the amount to be paid on the financial obligation determined under subpart 3 or 6 if payment of the financial obligation will cause the responsible relative undue hardship. In no case shall the financial obligation determined under subpart 3 or 6 for the responsible spouse or parent exceed the amount of medical assistance ultimately provided the recipient.

Subp. 3. **Financial obligation when spouses do not live together.** If spouses do not live together during a period of medical assistance eligibility, the financial obligation of the responsible spouse to reimburse the medical assistance program for costs of services provided to the recipient must be determined according to items A to F:

B. ~~When~~ At the time of the first approved application for medical assistance is approved, the local agency shall determine the available assets of the responsible spouse who is not an applicant or recipient. The following assets must be excluded from the determination:

- (1) liquid assets up to \$10,000 regardless of family size; and
- (2) all other assets allowed as exclusions in part 9505.0060 other than assets in subpart 4, item A.

The responsible spouse may reduce assets in excess of subitems (1) and (2) as in part 9505.0063, subpart 1 between the date of application and the date of determination of eligibility or 45 days after the date of application, whichever is later. The responsible spouse shall pay the medical assistance program one-third of the remaining excess assets. The one-third of the excess may be paid as a lump sum or in 12 equal monthly installments together with any monthly obligation determined under items C, D, and E or with the agreement of the county and the responsible relative, in less than 12 equal monthly payments. The responsible relative who chooses to pay the excess as a lump sum shall pay the excess within 30 days of the date of the notice from the local agency under subpart 8. A responsible relative who chooses monthly payments shall make the first payment as specified in the notice in subpart 8. If the sum of the monthly obligation under items C, D, and E and the amount of the excess asset resulting from the division into 12 monthly installments exceeds the monthly cost of the health service, the local agency shall reduce the payment from excess assets so that the sum is equal to the monthly cost of the health service. Payment in this manner shall continue until the obligation to contribute from assets is satisfied.

Subp. 10. **Refusal or failure to pay.** If a responsible spouse or parent refuses or fails to pay the obligated amount within 30 days of the date specified in the notice under subpart 8, a cause of action exists against the responsible spouse or parent for the portion of medical assistance granted after the date of the notice to a responsible relative of a payment obligation. The county of financial responsibility shall refer the refusal or failure to pay to the county attorney for action to enforce payment of the obligation.

Unless the responsible spouse's or parent's income and assets are deemed available to the applicant or recipient, the refusal or failure of a responsible spouse or parent to pay the obligated amount does not affect the recipient's medical assistance eligibility. If the medical assistance payment to the long-term care facility has been reduced by the expected amount of the responsible spouse's or parent's obligation and the relative fails to pay within 60 days, the local agency shall adjust the payment to the long-term care

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facility so that the facility is paid the facility's per diem rate less the recipient's monthly spend-down from the time of the responsible relative's refusal or failure to pay.

9505.0095 VERIFICATION OF ELIGIBILITY INFORMATION.

The local agency shall verify the eligibility factors, in determining the medical assistance eligibility of the applicant. The local agency must not require an applicant or recipient to verify more than once an eligibility factor not subject to change and available in existing medical assistance files of the local agency.

The applicant shall provide all necessary information and documents and give the local agency written authorization to contact sources who are able to verify the required information to the local agency. An applicant who refuses to authorize verification of an eligibility factor including a social security number shall be denied medical assistance eligibility.

9505.0125 NOTICE OF DENIAL OR TERMINATION

Subpart 1. **Notice to applicant or recipient.** The local agency or department shall send the person a written notice, in the format prescribed by the department, when the agency or department denies prior authorization, restricts free choice of provider, or reduces services, or reduces, denies, or terminates the person's medical assistance eligibility. The notice must clearly state the proposed action, the reason for the action, the person's right to appeal the proposed action, and the person's right to reapply for eligibility or additional eligibility. The notice must comply with parts 9505.0100 and 9505.0150. Except as in subpart 2, the notice must be sent as specified in items A to C:

A. In the case of restriction of free choice of provider or reduction of services, the notice must be sent by the department to the person no later than ten days before the effective date of the restriction or reduction.

9505.0130 RIGHT TO APPEAL; APPEAL PROCESS.

Subpart 1. **Rights of applicant or recipient.** An applicant or recipient of medical assistance has the right to a hearing:

A. if the local agency fails to act on the application within required time limits;

B. if eligibility is denied or terminated;

C. if the recipient's spend-down is increased;

D. if the recipient's choice of provider is restricted;

E. if payment for a health insurance premium is denied because the department determines the insurance policy is not cost effective for the medical assistance program; and

F. if the department denies a recipient's request for health service.

A local agency shall not reduce, suspend, or terminate eligibility when a recipient appeals under subpart 2 before the later of the effective date of the action or within ten days of the agency's mailing of the notice unless the recipient requests in writing not to receive continued medical assistance while the appeal is pending.

9505.0131 WRONGFULLY OBTAINED ASSISTANCE.

Subp. 2. **Responsibility of local agency to act.** A local agency that receives an allegation of ~~medical~~ a person wrongfully obtaining assistance ~~eligibility fraud~~ shall take any or all of the actions in items A to C.

A. The local agency shall refer a case of involving a person suspected ~~medical of wrongfully obtaining~~ assistance ~~eligibility fraud~~ to the person or unit designated by the board of commissioners in the county of the local agency for investigation of the suspected fraud.

B. The local agency shall issue notice according to part 9505.0125 to reduce or terminate the person's medical assistance eligibility when the local agency receives facts and, if possible, verifies the facts that show a person is not eligible for medical assistance or for the amount currently being received.

C. If the preliminary investigation gives the local agency reason to believe that fraud has occurred, the local agency shall refer cases involving persons suspected of ~~probable medical wrongfully obtaining~~ assistance ~~eligibility fraud~~ to the county attorney.

Subp. 3. **Continued medical assistance eligibility.** A local agency shall continue medical assistance eligibility if current program eligibility exists even when wrongfully obtained medical assistance ~~eligibility fraud~~ was proven for an earlier period or is under current investigation as in subpart 2.

Subp. 5. **Reporting requirement.** A local agency shall gather and report statistical data required by the commissioner on local agency activities to prevent persons from wrongfully obtaining medical assistance ~~eligibility fraud~~.

9505.0140 PAYMENT FOR ACCESS TO MEDICALLY NECESSARY SERVICES.

Subpart 1. **Access to medically necessary services.** The local agency shall ensure that a service listed in items A to C is available

to a medical assistance recipient to enable the recipient to obtain a medically necessary health service. The local agency shall pay directly for these services and may charge them to the medical assistance program administrative account for reimbursement. The services are:

C. Meals and lodging necessary to obtain health services. Direct payment or reimbursement to a vendor or to the recipient for the cost of the recipient's meals and lodging necessary to obtain health services eligible for medical assistance reimbursement must be the lesser of the actual cost of the lodging and meals or the standard for lodging and meals ~~permitted for state employees not represented by a bargaining unit established under Minnesota Statutes, section 43A.18, subdivision 2.~~

Subp. 3. Local agency procedure to ensure access to hearings. A local agency shall reimburse applicants and recipients for reasonable and necessary expenses of their attendance at hearings held pursuant to part 9505.0130, subpart 1, such as child care and transportation costs.

EFFECTIVE DATE. Parts 9505.0010 to 9505.0150 are effective January 1, 1987.

Department of Human Services

Adopted Permanent Rules Relating to Merit System

The rules proposed and published at *State Register*, Volume 11, Number 13, pages 598-610, September 29, 1986 (11 S.R. 598) are adopted as proposed.

Department of Public Safety

Adopted Permanent Rules Relating to the Merit System

The rules proposed and published at *State Register*, Volume 11, Number 13, pages 614-618, September 29, 1986 (11 S.R. 614) are adopted as proposed.

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OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, 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 Minnesota Joint Underwriting Association

Notice of Activation to Insure Specified Classes of Business and Public Hearing

Notice is hereby given that, pursuant to Minnesota Statutes, section 62I.21, the Minnesota Joint Underwriting Association (MJUA) and the Market Assistance Plan (MAP) are activated to provide assistance to the following classes of business unable to obtain insurance from private insurers through ordinary means.

- | | | |
|---|--|--|
| 1. Apartment building | 9. Engineering support firms | 17. Retail enforcement products |
| 2. Attorney | 10. LP gas sales | 18. Ski jumps |
| 3. Boiler service, repair and parts sales | 11. Machine shop | 19. Steel erection |
| 4. Cargo insurance | 12. Manufacture/sale of grain products | 20. Technical personnel temporary services |
| 5. Chimney sweeps | 13. Medical equipment sales & rental | 21. Water resources engineers |
| 6. Civil engineers | 14. Outfitter and guide service | 22. Wholesale industrial chemicals |
| 7. Climbing school | 15. Psychotherapist | 23. Wholesale welding supply |
| 8. Design engineers | 16. Public health professionals | |

The MJUA and MAP are activated to provide assistance to the above classes of business for a period of 180 days following publication of this notice. A public hearing will be held, for the purpose of determining whether activation should continue beyond 180 days, in the Large Hearing Room, Metro Square Building on February 24, 1987 at 9:00 a.m. and continuing until all interested persons and groups have had an opportunity to be heard. The hearing shall be governed by Minnesota Statutes Section 14.57-14.69 and by Minnesota Rules Parts 1400.5100-1400.8400, (1985). Questions regarding procedure may be directed to Administrative Law Judge Peter C. Erickson, Office of Administrative Hearings, 310 4th Avenue South, 4th Floor Summit Bank Building, telephone 612-341-7606. The authority for this proceeding is found in Chapter 455 Laws of Minnesota 1986 codified as Chapter 62I of Minnesota Statutes specifically sections 40 and 41 of Chapter 455 codified as Minnesota Statutes 62I.21 and 62I.22. (A copy of those sections follows this notice.)

Prior to the hearing a pre-hearing conference will be held at 1:30 p.m. on February 4, 1986 at the Office of Administrative Hearings, 4th Floor Summit Bank Building, 310 4th Avenue South, Minneapolis, MN 55415.

Chapter 455 Laws of Minnesota 1986 which created the Minnesota Joint Underwriting Association provides for temporary activation for 180 days by the Commissioner of Commerce. To extend the Minnesota Joint Underwriting Association's authority beyond the 180 day period a hearing must be held. Those classes of business for which the Minnesota Joint Underwriting Association was temporarily activated, by this notice and by previously published notices, must prove, at that hearing, that they meet the statutory requirements for coverage by the Minnesota Joint Underwriting Association.

Among those requirements are:

- (1) That members of those classes are unable to obtain insurance through ordinary means;
- (2) That the insurance being sought is required by statute ordinance, or otherwise required by law, and is necessary to earn a livelihood or conduct a business; and
- (3) That the classes of business serve a public purpose.

The classes of business specified in this notice and previously published notices must be shown to meet the statutory requirements or the Minnesota Joint Underwriting Association's authority to provide coverage to them will end after 180 days from the date the notice of activation was published in the *State Register*.

The Department strongly suggests that any persons affected by this hearing or otherwise interested in the proceedings familiarize themselves with the requirements of Chapter 455 and the contested case procedures prior to the hearing, that they take such other steps as are appropriate to protect their interests and that any questions they may have as to how to proceed or how to participate at the hearing be directed to the Administrative Law Judge prior to the hearing.

All interested or affected persons will have an opportunity to participate at the hearing. Questioning of agency representatives or witnesses, and of interested persons making oral statements will be allowed in the manner set forth in the Rules pertaining to contested cases (Minnesota Rules 1400.5100-1400.8400).

Minnesota Statutes chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he

or she commences lobbying. A lobbyist is defined in Minnesota Statute Section 10A.01, subdivision 11 as an individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250, not including traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

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

Dated: 5 December 1986

Michael A. Hatch
Commissioner of Commerce

Department of Energy and Economic Development Business Financial Management Division

Notice of Availability of Tax Exempt Financing Issuance Authority as of December 8 Pursuant to Minn. Laws 1986, Ch. 465, Article 1, Section 22

The Department gives notice that the amounts of tax exempt financing issuance authority available to qualified issuers as of December 8, 1986, is as follows:

Competitive Pool (Federal Volume Limitation Act)

Pursuant to Minn. Laws 1986, Ch. 465, Article 1, Section 19

Total Pool Available (Priority to:

- (a) General Obligation Projects
- (b) Manufacturing Projects

\$24,920,000

For:

- Pollution Control/Waste Management Projects
- Commercial Redevelopment
- Multifamily Housing Projects

\$ same

\$ same

Pursuant to Minn. Laws 1986, Ch. 465, Article 1, Section 19, Subd. 2, and Section 21, Subd. 2, issuers requesting allocations of issuance authority must submit applications, any applicable deposit and any other supporting documents required. Application forms are available from the Department upon request.

Department of Human Services Health Care Programs Division

Public Notice Regarding Changes in Minnesota's Medical Assistance Program

Notice is hereby given to recipients of Minnesota Medical Assistance (MA) and to the public, of changes in the eligibility requirements for MA. This notice is being published pursuant to federal regulations which govern the administration of the Medical Assistance program, 42 CFR 447.205 (1985). The purpose of this notice is to inform the public of changes made in Minnesota Medical Assistance by Medical Assistance Eligibility Permanent Rules, parts 9505.0010 to 9505.0150, effective January 1, 1987. The Medical Assistance Eligibility Permanent Rules, parts 9505.0010 to 9505.0150 provide changes in the areas of: real property limitations; value of the automobile; exclusion of income producing assets; contract for deed limitation; earned income disregard; mileage allowance; cost of utilities; basis for anticipating income; and the right to review records. In addition, the rules require the development of a county transportation plan to ensure access to medically necessary services.

Information on implementation of these requirements will be sent as necessary to local welfare agencies via manual material and

OFFICIAL NOTICES

will be mailed to MA recipients with the medical cards and in specific county generated notices about the effects on the recipient's current eligibility. Copies of this material may be reviewed at the local county welfare or social service agency.

Written comments and questions may be addressed to:

Health Care Programs Division
Administrative Policy Unit
First Floor, Space Center Building
444 Lafayette Road
St. Paul, Minnesota 55101

Comments and suggestions from the public may be viewed at the above address during normal working hours.

Estimated Cost Savings

Estimated cost savings are the total state, federal and county dollars anticipated to be saved for the period July 1, 1987 to June 30, 1988. Medical Assistance costs are apportioned as follows:

	Services
FY '88	53.73% Federal
	41.64% State
	4.63% County

I. Part 9505.0059, subpart 3, and Part 9505.0063, subpart 2. Real property limitations.

Two changes in the exclusion of non-homestead real property are expected to produce savings.

Under part 9505.0059, subpart 3, rental property or other income producing real property are excluded only if the property is not salable or if the person's equity in the property is less than \$6,000. Under part 9505.0063, subpart 2, property which is up for sale is excluded on that basis only upon the person's completion of a signed agreement to repay medical assistance costs from the proceeds of the sale.

Medical assistance program savings in the first year are estimated at \$6,000,000. Annual savings in subsequent years are estimated at \$1,200,000.

II. Part 9505.0060, subpart 4, item C. Exclusion of automobile criteria.

One automobile is currently excluded regardless of value. The rule provides for the exclusion of one motor vehicle when the motor vehicle is used primarily for the person's benefit and has a market value of less than \$4,500 or is necessary to obtain medically necessary health services, or is necessary for employment, or is modified for operation by or transportation for a handicapped person, or is necessary to perform essential daily tasks because of climate, terrain, distance, or similar factors.

It is anticipated this change will have minimal effect to the program cost of the Medical Assistance program.

III. Part 9505.0060, subpart 4, item E. Exclusion of income producing assets.

Current law permits undue hardship waivers which are often granted for income producing assets such as tractors used in farm operations. A federal court decision of December 1985 prevents the granting of any undue hardship waivers. Therefore, the rule eliminates undue hardship waivers and exempts these assets through the income producing asset exclusion. It is estimated that this provision would exclude income producing assets in an additional 200 cases per year. Added costs to the Medical Assistance program are estimated at \$4,400 per case or \$880,000 per year.

IV. Part 9505.0060, subpart 4, item G. Limitation on exclusion of contract for deed.

The permanent rule excludes a contract for deed from consideration as an asset only if the contract is not salable or if its value in combination with the value of all other liquid assets does not exceed the limit of \$3,000.

Savings to the Medical Assistance program in the first year of implementation will be \$1,700,000. Thereafter, annual savings would be \$340,000.

V. Part 9505.0065, subpart 4. Earned income disregards

As required by federal regulations, the proposed rule extends earned income disregards to spouses of aged, blind, or disabled recipients. It is estimated the extension will increase the cost of the Medical Assistance program by \$120,000.

VI. Part 9505.0065, subpart 5, item D. Income deduction allowed for cost of transportation related to employment.

The income deduction allowed for employment transportation is the amount which the Internal Revenue Service (IRS) allows as a deduction from income for actual mileage driven for business purposes. Thus, the rule increases the amount from the present allowance of 13 cents per mile to the IRS allowance of 19 cents per mile. The increase in costs to the Medical Assistance program is estimated at about \$340,000.

VII. Part 9505.0065, subpart 7, item C. Costs of utilities allowed as a deduction from gross rental income.

The proposed rule allows the cost of utilities to be deducted from rental income if the rental agreement specifies that provision of utilities is the owner's responsibility. It is estimated that this change will add \$10,000 to Medical Assistance program costs.

VIII. Part 9505.0065, subpart 10. Anticipating income on a semi-annual basis rather than an annual basis.

Current law requires eligibility to be determined by anticipating income on an annual basis. The rule, as required by federal regulation, requires the use of a period of six months to compute anticipated income. It is anticipated this change will have minimal effect to the Medical Assistance program cost.

Effect on Medical Assistance Administrative Expenditures

IX. Part 9505.0130, Subpart 4. Right to review records.

This subpart requires a local agency to provide a person one photocopy of all material from the person's record without cost. This is a change from current practice. The estimated cost of this change to the Medical Assistance program is \$16,000.

X. Part 9505.0140, subpart 1, item B. Mileage allowed for medical care.

The cost of routine transportation of medical assistance recipients to obtain necessary health care services is a local agency administrative cost to which the federal government contributes 50%.

The rate allowed for mileage affects administrative expenditures as well as program expenditures. This increase produces an annual increase to the Medical Assistance program of \$58,000. (The county share is \$29,000.)

XI. Part 9505.0140, subpart 2. Local agency procedure to ensure access.

This subpart requires a local agency to have and to submit to the department every two years a transportation plan that ensures access to medically necessary services. This is a new requirement that is expected to lead some counties to provide increased transportation service. A 20% increase in the current level of service is assumed at a total annual cost to the Medical Assistance program of \$50,000.

Department of Human Services Long Term Care Management Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to the Rules Governing the Determination of Payment Rates for Intermediate Care Facilities for Persons with Mental Retardation, Minnesota Rules, Parts 9553.0110 to 9553.0080

Notice is hereby given that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose the adoption of amendments to the rules governing the determination of payment rates for intermediate care facilities for persons with mental retardation, Minnesota Rules, parts 9553.0010 to 9553.0080. The adoption of these amendments is authorized by Minnesota Statutes, section 256B.501, subdivisions 2 and 3, which permit the agency to establish procedures and rules for determining rates for care of residents of intermediate care facilities for persons with mental retardation.

The Department is proposing changes in the historical limits on maintenance and administrative costs and the capital debt reduction allowance and is proposing the addition of a new subpart to address adjustments to the property-related payment rate for 1985 Life Safety Code deficiency citations requiring facility modifications or additions.

The State Department of Human Services requests information and opinions concerning the proposed subject matter of the amendments. 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:

Jane Delage
Department of Human Services, Rules Unit
Centennial Office Building
658 Cedar Avenue
St. Paul, Minnesota
55155

Oral statements will be received during regular business hours over the telephone at (612) 297-4302 and in person at the above address.

All statements of information and opinions shall be accepted until further notice. Any written material received by the State

OFFICIAL NOTICES

Department of Human Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 8 December 1986

Sandra Gardebring
Commissioner of Human Services

Department of Human Services Division of Mental Retardation

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to Minnesota Rules, Parts 9540.0100 to 9540.0500 Governing the Family Subsidy Program

Notice is hereby given that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing amendments to Minnesota Rules, parts 9540.0100 to 9540.0500. The amendments to these rules are authorized by Minnesota Statutes, section 252.32, subdivision 4. Amendments are proposed because of statutory changes and include: the age of eligibility; individual service plans; transition planning for a child who is seventeen; application process; criteria for approval; annual review of family eligibility; subsidy amounts, uses and emergency appropriations; coordination with other programs such as Home and Community-Based Waivered Services and income maintenance programs; and other areas necessary to implement the family subsidy program.

The State Department of Human Services requests information and opinions concerning the subject matter of the amendments. 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:

Thomas Fields
Department of Human Services
Division of Mental Retardation
Centennial Office Building, 4th Floor
St. Paul, MN 55155

Oral statements will be received during regular business hours over the telephone by Thomas Fields at 612/296-2147 and in person at the above address.

All statements of information and opinions shall be accepted until further notice. Any written material received by the State Department of Human Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 5 December 1986

Francis E. Giberson
Deputy Commissioner

Office of the Secretary of State

Notice of Vacancies in Multi-Member State Agencies

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to Minn. Stat. § 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155-1299; (612) 296-2805. Application deadline is January 6, 1987.

REHABILITATION REVIEW PANEL has 1 vacancy open for a physician, chiropractor or rehabilitation consultant to serve as an alternate member. The panel reviews rehabilitation plans and rules; advises the Commissioner of Labor and Industry. Members are appointed by the Commissioner of Labor and Industry. Members must file with the Ethical Practices Board. Compensation for members governed by section 15.0575. For specific information contact the Rehabilitation Review Panel, Dept. of Labor and Industry, Office of Public Affairs, Space Center, 444 Lafayette Rd., St. Paul 55101; (612) 297-4374.

MORTUARY SCIENCE ADVISORY COUNCIL has 2 vacancies open for the following: 1 public member and 1 professional 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. Members are appointed by the Commissioner of Health. Bi-monthly meetings at the Dept. of Health. Members receive \$35 per diem plus expenses, except for the University of Minnesota member. For specific information contact the Mortuary Science Advisory Council, Dept. of Health, 717 Delaware St. S.E., Mpls 55440; (612) 623-5491.

ENERGY AND ECONOMIC DEVELOPMENT AUTHORITY has 1 vacancy open for a member. The authority shall implement loan programs that assists and encourages the establishment, maintenance and growth of small businesses in Minnesota, assists in the financing and development of alternative sources of energy and energy conservation; assists in the financing of improvements to public buildings for the purpose of energy conservation or the use of alternative energy resources. Members are appointed by the Governor. Members receive \$35 per diem. Members must file with the Ethical Practices Board. For specific information contact the Energy and Economic Development Authority, Dept. of Energy and Economic Development, 980 American Center, 150 E. Kellogg Blvd., St. Paul 55101; (612) 296-6424.

COSMETOLOGY ADVISORY COUNCIL has 2 vacancies open for the following members: a) 1 private school representative; b) 1 cosmetology salon representative. The council advises the Commissioner of Commerce on matters relating to cosmetology services and on licensing procedures for cosmetologists. Members are appointed by the Commissioner of Commerce. Meetings at least once a year at the call of the Commissioner. Members are compensated for expenses. For specific information contact the Cosmetology Advisory Council, Dept. of Commerce, 500 Metro Sq. Bldg., St. Paul 55101; (612) 297-3562.

COUNCIL ON ASIAN PACIFIC-MINNESOTANS has 1 vacancy open for a public member. The council shall advise the Governor and Legislature on issues confronting Asian-Pacific people in this state. Members are appointed by the Governor and shall broadly represent the Asian-Pacific community of this state. Members receive \$35 per diem plus expenses. For specific information contact the Council on Asian Pacific-Minnesotans, 205 Aurora Ave., Suite 100, St. Paul 55103; (612) 296-0538.

Department of Transportation

Petition of the City of Eagan for a Variance from State Aid Standards for Street Width

Notice is hereby given that the City Council of the City of Eagan has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a construction project on Nicols Road (MSAS 122) from Diffley Road (CSAH 30) to Beau D'Rue Drive (MSAS 104).

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9914 adopted pursuant to Minnesota Statutes Chapter 161 and 162, so as to permit a roadway width of 44' with parallel parking on the east side only instead of the required width of 62' with parallel parking on one side.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 5 December 1986

Leonard W. Levine
Commissioner of Transportation

STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over \$2,000.

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

Commodities contracts with an estimated value of \$5,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers by calling 296-6152. If the appropriate buyer is not available, contact Harvey Leach or Barbara Jolly at 296-3779.

Department of Administration: Procurement Division

Contracts and Requisitions Open for Bid

Call 296-6152 for Referral to Specific Buyers.

Commodity for Bid	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Power Conditioner	Dec. 16, 1986	Natural Resources	St. Paul	29-000-45047
Air Compressor	Dec. 16, 1986	Veterans Home	Minneapolis	75-250-00720
Quarry Tile Rebid	Dec. 16, 1986	Transportation	No. St. Paul	79-900-03313
Barriers Rebid	Dec. 16, 1986	Transportation	Duluth	79-100-03667
Folding Canvas Army Type Cots	Dec. 16, 1986	Military Affairs	Camp Ripley	01-000-04838
Aggregates	Dec. 16, 1986	Transportation	Willmar	79-800A
Portland Cement	Dec. 16, 1986	Transportation	Willmar, Marshall	79-800-PC
Aggregates	Dec. 16, 1986	Transportation	Virginia	79-150-A
Microcomputer Systems	Dec. 16, 1986	Community College	Bloomington	27-156-10089
Electrofishing Boat System with Trailer	Dec. 16, 1986	Natural Resources	St. Paul	29-005-09705
Projector Rebid	Dec. 16, 1986	Health	Minneapolis	12-600-97330
Wildlife Warning Reflectors	Dec. 17, 1986	Transportation	Detroit Lakes	79-050-19018
Student Station Rebid	Dec. 17, 1986	Community College	Hibbing	27-158-49530
Washed Sand	Dec. 17, 1986	Transportation	Crookston	79-250-WS
Poultry	Dec. 17, 1986	Correctional Facility	St. Cloud	78-830-08427
Aggregates	Dec. 17, 1986	Transportation	No. St. Paul	79-900-A
Ready Mix Concrete	Dec. 17, 1986	Transportation	Willmar	79-800RM
Enhancement to Honeywell System	Dec. 17, 1986	Human Services	St. Paul	55-000-95586
Aggregates	Dec. 18, 1986	Transportation	St. Cloud	79-350A
Lease/Purchase of Photocopy Machine	Dec. 18, 1986	Jobs & Training	St. Paul	21-200-14563
Silica Sand	Dec. 18, 1986	Transportation	Willmar	79-800SS
Snowplows	Dec. 18, 1986	Transportation	Various	79-382-01165 etc.
Energy Mgmt. Package	Dec. 18, 1986	State University	Moorhead	26-072-10018
Slide Projector & Trays	Dec. 18, 1986	Various	Various	Price-Contract
Pavement Profiler	Dec. 18, 1986	Transportation	Golden Valley	79-382-01173
Aggregates	Dec. 18, 1986	Transportation	Windom	79-750A
Rubbish Disposal	Dec. 19, 1986	Correctional Facility	Lino Lakes	Price-Contract
Winter Sand	Dec. 19, 1986	Transportation	Bemidji	79-200-WS
Aggregates	Dec. 19, 1986	Transportation	Bemidji	79-200A
Aggregates	Dec. 19, 1986	Transportation	Brainerd	79-300A
Brake Kits & Axles	Dec. 22, 1986	Correctional Facility	Stillwater	78-620-00093
EKS/ACD System	Dec. 22, 1986	Labor Industry	St. Paul	42203-10199
Rubbish Disposal	Dec. 22, 1986	Correctional Facility	Oak Park Heights	Price-Contract
Column Monitor	Dec. 22, 1986	State University	St. Cloud	26-073-14312
Lease/Purchase of Photocopy Machine	Dec. 22, 1986	Iron Range Resources & Rehabilitation	Biwabik	43-000-07638
Telescope	Dec. 22, 1986	State University	Mankato	26-071-17114

Department of Administration Plant Management Division

Request for Proposals for Computer Consultant Services

The Plant Management Division, Minnesota Department of Administration, seeks the services of a qualified consultant with experience in Displaywrite/36 Data File Utility, RPG II, and the IBM System 36 to work with the Plant Management Division over a two year period.

I. BACKGROUND

The division is an Internal Service Fund that provides services, such as janitorial, grounds, trades, environmental, parking, cafeteria, etc., to all building tenants and the public utilizing space in the buildings under the jurisdiction of Plant Management. Plant Management owns an IBM System 36, model 5362, four model 3180 workstations, one model 4214 printer. An IBM PC and NEC model 3550 printer are attached. The CPU terminals are linked via telephone lines. The division has the following software installed: IDDU, Query/36, PC Support/36, Displaywrite/36, RPG II, SSP Release 4, Workstation search and Computer Assisted Training. Several locally generated enhancements to purchased software have been installed.

II. CONTRACT SCOPE

During the course of the contract, the contractor will devote a sufficient amount of time each month to the Plant Management Division in a consultant role. Project assignments will include, but will not be limited to the following:

- Developing local enhancements, installing and ensuring the smooth operation thereof.
- Training division personnel on System/36 operations.
- Working with division personnel to install new software releases, system support programs, and program temporary fixes.
- Developing, testing and implementing stand alone programs to meet division identified needs. To include all necessary documentation to support specialized software.
- Working with the system operators to effectively utilize the system.
- Training new operators, system operators and management.
- Providing advice as to how best utilize hardware/software.
- Make recommendations regarding possible purchases of pre-packaged software.

III. EXPERIENCE REQUIREMENTS

To be deemed qualified to compete for the award of this two year contract, the successful respondent must have at least two years experience working with the System/36, model 5362. Further, the respondent must have demonstrated an ability to successfully tailor IBM software, to enhance local applications.

In addition to the above experience, the respondent must have demonstrated a successful track record with clients in both the private and governmental sectors of the economy.

PROPOSAL CONTENTS

Bidders must provide a detailed explanation of experience with the System/36, and Displaywrite/36. A successful track record of experience in all the above, with particular emphasis on software, must be demonstrated to the sole satisfaction of the state.

Individuals who will be assigned to work on this project must be identified by name and their experience/expertise detailed in the bid.

Hourly billing rates must be quoted. Please note that this is a two year contract which is to begin February 1, 1987, and terminates on January 31, 1989. Billing rates for both years of the contract must be specified.

IV. DEPARTMENT CONTACTS

Prospective respondents having questions regarding this Request for Proposal may call or write:

Lenora A. Madigan
Plant Management Division
625 North Robert Street
St. Paul, Minnesota 55155
Telephone: (612) 296-9898

STATE CONTRACTS

V. SUBMISSION OF PROPOSALS

All proposals must be sent to and received by Lenora A. Madigan, at the above address, no later than 4:30 p.m., December 30, 1986.

VI. CONTRACT COSTS

The division has estimated that the cost of the contract should not exceed \$25,000.

VII. EVALUATION

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

- Demonstrated familiarity and experience with the IBM System/36 and the Displaywrite/36.
- Qualifications of both the company and individuals assigned to work on the contract experience will be an important factor.
- The relevance of previous experience to the responsibility outlined in this proposal.
- The satisfaction of previous customers who have been served by the bidder in work of relevance to this proposal.
- The billing rates quoted.
- Ability, in the sole opinion of the state, to best meet the stated requirements in this proposal.

Evaluation and selection will be completed by Monday, January 12, 1987. All respondents will be notified immediately by mail of the results of the evaluation.

VIII. WITHDRAWAL

The state reserves the right to withdraw this Request for Proposals at any time.

IX. WORKER'S COMPENSATION

The successful respondent will be required to submit acceptable evidence of compliance with worker's compensation insurance coverage requirements prior to the execution of a contract.

X. CONTRACT TERMINATION

This contract may be cancelled in whole or part by either party upon a 30 day written notice.

Community College System Anoka-Ramsey Community College

Request for Insurance Pre-License and Continuing Education Instructors

Anoka-Ramsey Community College is looking for a company to teach insurance pre-licensure and continuing education courses beginning January 31, 1987. Individual instructors must be certified/approved instructors by the Minnesota Department of Commerce. The college anticipates writing eight contracts for between \$5-20,000 each. Proposals must be submitted by December 19, 1986. Submit proposals to Ken Hess, Anoka-Ramsey Community College, 11200 Mississippi Blvd N.W., Coon Rapids, MN 55433-9987. Phone (612) 427-2600.

Department of Energy and Economic Development Governor's Rural Development Council

Request for Proposal for a Conference on Ground Water Issues in Minnesota

The Minnesota Department of Energy and Economic Development, on behalf of the Governor's Rural Development Council (MN DEED/GRDC), is requesting proposals from qualified individuals interested in working with MN DEED/GRDC on a project to provide information on groundwater issues to Minnesota residents

The work is to be completed no later than December 31, 1987. Proposals are being requested to complete the following major activities:

- A. Develop a program for a conference on groundwater issues.
- B. Provide for physical planning, publicity, arranging speakers, registration, etc. for the conference.
- C. Evaluation of conference.

It is estimated that the cost of this activity need not approach but shall not exceed \$10,000.00. Proposals should be received by MN DEED/GRDC no later than 4:30 p.m., January 16, 1987.

The formal Request for Proposals document may be requested and inquiries should be directed to:

Patrice Abbe, Program Manager
Governor's Rural Development Council
Department of Energy and Economic Development
900 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
Phone: 612-297-3546

Department of Energy and Economic Development Governor's Rural Development Council

Request for Proposal for a Conference on Innovative On-Farm and Small-Scale Agriprocessing Enterprises

The Governor's Rural Development Council (GRDC) has identified the need to inform Minnesotans about opportunities and the skills required to take advantage of processes, products, growing crops and markets that add value to Minnesota resources. The concept of new crop/product development and innovative on-farm and small-scale agriprocessing enterprises provides an opportunity for creating greater income for farmers in the state.

The Minnesota Department of Energy and Economic Development, on behalf of the Governor's Rural Development Council (MN DEED/GRDC), is requesting proposals from qualified individuals interested in working with MN DEED/GRDC on a project to provide information on innovative on-farm and small-scale agriprocessing enterprises and new crop/product development to help diversify the farm economy in Minnesota.

The work is to be completed no later than December 31, 1987. Proposals are being requested to complete the following major activities:

A. Develop a program for a conference on innovative on-farm and small-scale agriprocessing enterprises using alternate and traditional crops which can be produced in Minnesota.

B. Provide for physical planning, publicity, arranging speakers, registration, etc. for the conference.

C. Evaluation of conference.

It is estimated that the cost of this activity need not approach but shall not exceed \$10,000.00. Proposals should be received by MN DEED/GRDC no later than 4:30 p.m., January 16, 1987.

The formal Request for Proposals document may be requested and inquiries should be directed to:

Lori Widmark, Program Manager
Governor's Rural Development Council
Department of Energy and Economic Development
900 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
Phone: 612-297-1968

Department of Energy and Economic Development Governor's Rural Development Council

Request for Proposal for a Rural Enterprise Development Pilot Program

The Minnesota Department of Energy and Economic Development, on behalf of the Governor's Rural Development Council (MN DEED/GRDC), is requesting proposals from qualified individuals interested in working with MN DEED/GRDC on a project to design and implement a program to improve the economy of the State of Minnesota through the funding of innovative agriprocessing and farming practices, on-farm enterprises, alternative crops and forestry.

STATE CONTRACTS

The work is to be completed no later than March 1, 1988. Proposals are being requested to complete the following major activities:

- A. Design a comprehensive, on-farm enterprise development program, incorporating the principles and criteria of the Council's Mission Statement and proposed On-Farm Enterprise Loan Program.
- B. Seek to implement the program design on a pilot basis.
- C. Provide ongoing consultation to the Council.
- D. Provide a full report of results, including program design changes and other recommendations.

It is estimated that the cost of this activity need not approach but shall not exceed \$40,000. Proposals should be received by MN DEED/GRDC no later than 4:30 p.m., Friday, January 16, 1987.

The formal Request for Proposals document may be requested and inquiries should be directed to:

Jane Stevenson
Governor's Rural Development Council
Department of Energy and Economic Development
900 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
Phone: (612) 296-3993

Department of Energy and Economic Development

Request for Proposals to Collect Energy Consumption and Building Characteristics Data for Multifamily Buildings

Notice is hereby given that the Department of Energy and Economic Development, Energy Division intends to engage the services of a contractor to collect utility records and complete questionnaires for a group of at least 100 multifamily buildings. The contractor will be responsible for identifying buildings, collecting the utility records and administering a questionnaire prepared by DEED. The contract shall not exceed \$6000. All work must be performed by July 1, 1987.

The full request for proposal is available upon request. Inquiries and requests should be directed to:

Mary Fageron
900 American Center Building
150 E. Kellogg Blvd.
St. Paul, MN 55110
296-1003

Proposals must be received by the Energy Division not later than 4 P.M. January 9, 1987.

Minnesota Historical Society

Advertisement for Bids for Scattered Site Accessibility Upgrade

1. BIDS

Sealed bid proposals for scattered site accessibility upgrade work at five sites owned by the Minnesota Historical Society, in accordance with bidding documents dated November 1, 1986 and prepared by Associated Architects and Engineers, Inc., will be received in the office of the Contract Officer, Minnesota Historical Society, 1500 Mississippi Street, St. Paul, MN 55101 until 2:00 p.m., Central Standard Time, on January 13, 1987, at which time the bid proposals will be publicly opened and read aloud. Bids received after 2:00 p.m., January 13, 1987, will be returned unopened. **ALL SITES MUST BE BID TOGETHER AS ONE PACKAGE.**

2. BID SECURITY

Each proposal must be accompanied by a cash deposit, cashier's check, certified check, or corporate surety bond of a surety company duly authorized to do business in Minnesota, in the sum of not less than 5% of the total bid, which is submitted as bid security to guarantee that the bidder, if awarded the contract, will promptly execute such contract in accordance with the bid proposal and will furnish the required Payment and Performance Bond.

3. PLANS AND SPECIFICATIONS

Copies of bidding documents for preparation of bids will be available for inspection at the offices of Associated Architects and Engineers, Inc., 241 South Cleveland Avenue, St. Paul, Minnesota 55105, at the Builders Exchanges in St. Paul, Minneapolis, St. Cloud, and Duluth, Minnesota, and at the F. W. Dodge Corporation Plan Room, Edina, Minnesota. In addition, upon request to the Architect, interested contractors will each be given one complete set of bidding documents for a deposit of \$25.00. Sets requested to be mailed will be mailed "collect."

4. CONDITIONS OF BIDS

The Minnesota Historical Society reserves the right to accept or reject any or all bids and to waive any irregularities therein. No bid may be withdrawn within thirty (30) days after the scheduled closing time for the receipt of bids.

SUPREME COURT DECISIONS**Decisions Filed Friday 5 December 1986****Compiled by Wayne O. Tschimperle, Clerk****C2-86-756 Sandra Kurowski v. Kittson Memorial Hospital and St. Paul Companies, Relators. Workers' Compensation Court of Appeals.**

Rehabilitation review panels do not have jurisdiction to determine primary liability or medical causation.

There are insufficient findings on medical causation and, thus, this case is remanded to a workers' compensation judge for such findings.

Affirmed in part and reversed in part. Yetka, J.

C4-86-516 State of Minnesota v. Jeffrey L. Anderson, Appellant. Hennepin County.

The trial court did not err in admitting *Spriegl* evidence.

The convictions of aggravated robbery and first-degree (felony) murder are amply sustained by the evidence.

Affirmed. Simonett, J.

C0-85-2091 Garold Eugene Hoven, et al. v. Rice Memorial Hospital and E. Miller, petitioners, Appellants, Gordon J. Bos, C. Knapper and J. E. Krause, petitioners, Appellants. Court of Appeals.

Claimant, in a suit alleging medical negligence on the part of a hospital and surgical team, is not entitled to have the case submitted to the jury on a *res ipsa loquitur* theory when he has failed to establish the injuries sustained would not normally occur in the absence of negligence of the defendants.

Reversed and remanded for reinstatement of the trial court judgment. Kelley, J.

C9-79-50289 In the Matter of the Application for the Discipline of Irving Shaw, an Attorney at Law of the State of Minnesota. Supreme Court.

This court adopts the referee's recommendation that respondent be indefinitely suspended from the practice of law; permission to apply for reinstatement is delayed for 1 year.

Indefinitely suspended. Per Curiam.

ERRATA**Minnesota Pollution Control Agency****Proposed Permanent Rules Relating to Hazardous Waste Codification****Notice of Intent to Adopt a Rule Without a Public Hearing**

The Notice that appeared in Volume 11, Number 21, page 916 (11 S.R. 916) pertaining to the public comment period for amendments to the hazardous waste rules is hereby modified to extend the closing date of the comment period from December 23, 1986 to December 24, 1986.

We want you to have our business — \$1 billion annually

Each year over \$1 billion in state contracts are awarded. About \$20 million in state contracts per week are advertised in the **State Register**, the most complete listing of state contracts available. Just a **sampling** of contracts include:

- consulting services
- commodities
- office equipment and supplies
- vehicles and accessories
- garbage and hazardous waste disposal services
- professional services
- construction and remodeling
- design, graphics and printing
- food services
- video equipment and services
- tools and scientific equipment
- technical services
- computer software
- computers
- mechanical and machine services and parts
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as in effect July 7, 1986

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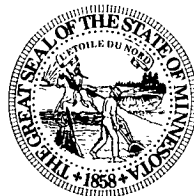


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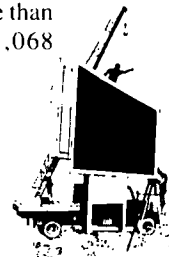
Minnesota Manufacturers' Directory 1986-87

NEW: In the directory this year are two titles (where applicable) Chief Engineer and Data Processing Manager.



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REVISED: There are more than 7,000 changes to the 7,068 entries



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