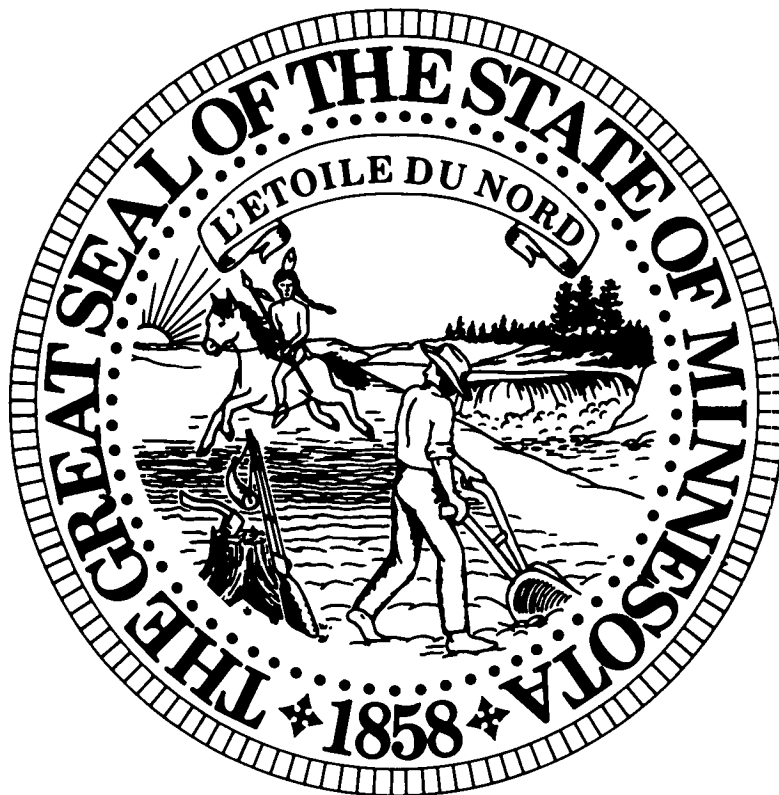


91, June 3

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The Minnesota  
**State  
Register**

Department of Administration—Print Communications Division



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Published every Monday  
(Tuesday if Monday is a holiday)

**Monday 3 June 1991**  
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# State Register

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

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

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

### Printing Schedule and Submission Deadlines

Vol. 15 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
49	Monday 20 May	Friday 24 May	Monday 3 June
50	Friday 24 May	Monday 3 June	Monday 10 June
51	Monday 3 June	Monday 10 June	Monday 17 June
52	Monday 10 June	Monday 17 June	Monday 24 June

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

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

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

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

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

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

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

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

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

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

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## Proposed Rules

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

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

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

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

## Center for Arts Education

### Proposed Permanent Rules Relating to Admissions

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

**NOTICE IS HEREBY GIVEN** that the Minnesota Center for Arts Education Board intends to amend the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1990). The Board's authority to adopt the rule is set forth in *Minnesota Statutes* § 129C.10 subd. 4a (1990).

All persons have 30 days in which to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. That date would end on July 4, 1991 at 4:30 p.m. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1990).

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

James Undercofler, Executive Director  
Minnesota Center for Arts Education  
6125 Olson Memorial Highway  
Golden Valley, MN 55422  
(612) 591-4700

The proposed rule may be modified if the modifications are supported by data and views submitted to the Board and do not result in a substantial change in the proposed rule as noticed. A copy of the proposed rule is attached to this notice.

**A STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rule has been prepared and is available from James Undercofler, Executive Director, Minnesota Center for Arts Education, 6125 Olson Memorial Highway, Golden Valley, MN 55422 upon request.

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

Dated: 10 May 1991

Harry Sieben, Jr.  
Chairman  
Board of Directors

**Rules as Proposed****3600.0010 DEFINITIONS.**

[For text of subs 1 to 4, see M.R.]

Subp. 6. **School record.** "School record" means a transcript of courses taken at the secondary level and their accompanying grades, secondary level attendance records, and ~~any disciplinary action that pertains to the applicant's work at the secondary level~~ individual education plan, if applicable.

**3600.0030 APPLICATION PROCESS.**

Subpart 1. **Eligible applicants.** An eligible applicant is a pupil who would be considered a resident entitled to a free education under *Minnesota Statutes*, section 120.06, as of ~~December 15~~ February 1 of each year, who meets the following requirements:

A. For enrollment in the full-time high school program, ~~pupils who will be in the as an 11th grade the following September-grader, pupils who have successfully completed grade 9 and are enrolled in grade 10 at the time of application and who, at the time of enrollment, have earned sufficient credits to be making normal progress toward graduation. For enrollment in the full-time high school program as a 12th grader, pupils who have successfully completed grades 9 and 10 and are enrolled in grade 11 at the time of application and who, at the time of enrollment, have earned sufficient credits to be making normal progress toward graduation. Pupils who have insufficient credits, as determined by standards established at the time of enrollment, will not be accepted for enrollment.~~

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

Subp. 2. **Application forms for the full-time high school program.** Eligible applicants may apply for admission to the full-time high school program by completing application forms. The center must supply the forms by October 1 each year. Application forms will be available at the center's central office, Monday through Friday, ~~8:00~~ 7:30 a.m. to ~~4:30~~ 4:00 p.m. Additionally, the center will mail forms to all high school buildings in the state. Application forms must be mailed back to the center, and be postmarked by ~~December 15~~ February 1, to be considered for admission into the full-time high school program.

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

Subp. 4. **Number of applications.** An individual may apply up to two times for admission into the full-time high school program if they are eligible applicants as defined in part 3600.0030, subpart 1, at the time of application.

**Subp. 5. Matriculation as a 12th grader.** Eleventh grade students enrolled in the full-time high school program must reapply for continuation in the program as a 12th grader by April 15 of their 11th grade year. Eleventh grade students will not be allowed to reenter the program as 12th grade students unless by the date of the final student learning plan they have achieved 75 percent of their learner outcomes in their art area and 75 percent of their learner outcomes in each of their other classes so as to satisfy the minimum credit requirements of the 11th grade year.

**3600.0040 ARTS REVIEW PROCESS.**

Subpart 1. **Participation; place.** Applicants to the full-time high school program must participate in an arts review process. Reviews will be held in three locations, one in the metropolitan area, one in northern Minnesota, and one in southern Minnesota, ~~from January to mid March~~ each year. Locations and dates for the reviews will be determined by the board.

[For text of subs 2 to 5, see M.R.]

**3600.0060 EVALUATION BY THE FINAL REVIEW TEAM.**

Subpart 1. **Applicants' school records.** Applicants' school records must be evaluated by the final review team designated in part 3600.0050. They must examine three factors in the school records: consistent failing or below average grades, severe drops in grades, and consistent high absentee rates. If any of these three factors appear, the final review team will request additional information from the applicants and the applicants' home schools to determine if these factors would make placement in the full-time high school program inappropriate. If the information is not received within two weeks after the center's request, a decision will be based on the information previously provided shall determine if placement in the full-time arts high school program or residential component is inappropriate and may disqualify students on that basis.

Subp. 2. **Recommendations Application review.** The final review team must shall read the applicants' recommendations applications to determine the applicants' attitudes about prior learning in the academic and arts areas. The final review team ~~may shall~~

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## Proposed Rules

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assign from zero to five ten points for each recommendation. The final review team will assign points in the area of attitude according to what extent the recommendations demonstrate an applicant's the content of the applications according to the extent to which they demonstrate motivation and commitment to learning.

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

### 3600.0070 APPEAL PROCESS.

Subpart 1. **Informal appeal.** Applicants or applicants' parents or guardians may make written requests for explanations of the denial of placement within ten days of the denial date. The director must reply, in writing, within one week of having received the request for explanation of the denial of placement, with a detailed explanation of the review process and reasons for the denial of placement.

Subp. 2. **Formal appeal.** If the denial of placement is still in dispute, applicants or applicants' parents or guardians may take their cases to the appeals subcommittee of the board by submitting a written request explaining the reasons they believe the denial was incorrect within 20 days of the date of the director's written explanation of the denial. The subcommittee must review the appeal, the review team's evaluation, and the director's explanation, and make final recommendations to the full board for adoption within two weeks of having received the written request. The appeals process ends with the formal action of the board at its next scheduled meeting.

## Minnesota Center for Arts Education

### Proposed Permanent Rules Relating to Student Assistance Fund

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

**NOTICE IS HEREBY GIVEN** that the Minnesota Center for Arts Education Board intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1990). The Board's authority to adopt the rule is set forth in *Minnesota Statutes* § 129C.10 subd. 4a (1990).

All persons have 30 days in which to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. That date would end on July 4, 1991 at 4:30 p.m. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1990).

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

James Undercofler, Executive Director  
Minnesota Center for Arts Education  
6125 Olson Memorial Highway  
Golden Valley, MN 55422  
(612) 591-4700

The proposed rule may be modified if the modifications are supported by data and views submitted to the Board and do not result in a substantial change in the proposed rule as noticed. A copy of the proposed rule is attached to this notice.

**A STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rule has been prepared and is available from James Undercofler, Executive Director, Minnesota Center for Arts Education, 6125 Olson Memorial Highway, Golden Valley, MN 55422 upon request.

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

Dated: 10 May 1991

Harry Sieben, Jr.  
Chairman  
Board of Directors

**Rules as Proposed (all new material)****3600.1000 STUDENT ASSISTANCE FUND.**

Subpart 1. **Purpose.** The purpose of this part is to provide procedures for financial assistance to students in the arts high school program who wish to participate in certain defined activities outside of the regular high school program that relate to their chosen art area and, who are without sufficient means to do so themselves. A revolving fund is established in, and funds will be disbursed through, the state treasury as provided in *Minnesota Statutes*, section 129C.10. The money will be provided for this purpose through private gifts only.

Subp. 2. **Defined activities.** Financial assistance under this part may be provided for:

A. attendance at auditions, interviews, reviews, and programs associated with postsecondary education or career opportunities; and

B. travel expenses actually incurred and for food and lodging expenses actually incurred, but not to exceed amounts permitted state employees for food and lodging while on state business.

Subp. 3. **Additional reimbursable activities.** The following expenses, if actually incurred, also may be reimbursed under this part:

- (1) application fees, except for postsecondary institutions for which there is provision for application fee waiver;
- (2) tuition and enrollment charges;
- (3) materials and supplies; and
- (4) travel, food, and lodging.

Subp. 4. **Limitations.** Reimbursement under this part is subject to the following terms and conditions:

- A. used for summer programs between only junior and senior years;
- B. outside activities during the regular school year are not included;
- C. activities may be funded up to 80 percent of allowable limits;
- D. maximum amount granted to a student may not exceed \$1,000;
- E. money advanced that is not used must be returned to the student assistance fund; and
- F. the committee may require preapproval of lodging and lodging expenses.

Subp. 5. **Student eligibility.** To receive reimbursement under this part:

- A. a student must be in good standing in the student's art area and academic studies; and
- B. a student must provide one of the following indicators of need:
  - (1) participation in federal school lunch program;
  - (2) special financial circumstances as verified by student services personnel; or
  - (3) a statement on file from an academic advisor supporting the need.

Subp. 6. **Review and selection.** A committee to review applications for reimbursement under this part, consisting of a representative from student services, the faculty, and administration, must be established by the executive director.

Committee members must be appointed annually.

A student must submit an application form, informational materials about the activity to be undertaken, and a personal statement of need.

Subp. 7. **Timelines.** Except if an emergency exists, students must submit applications by the first of a month for consideration for reimbursement or advancement. The committee must meet monthly as necessary to consider applicants. The director or two members of the committee may declare an emergency and call the committee to meet or to confer by phone on the emergency application.

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# Proposed Rules

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## Board of Nursing

### Proposed Permanent Rules Relating to Nurse Practitioners Prescribing Authority

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

**NOTICE IS HEREBY GIVEN** that the Minnesota Board of Nursing (hereinafter "Board") intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1990). The statutory authority to adopt the rules is *Minnesota Statutes* § 148.235.

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

Any person may make a written request for a public hearing on the rules within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1990).

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

Sandra J. MacKenzie  
Assistant Director  
Minnesota Board of Nursing  
Suite 108  
2700 University Avenue West  
St. Paul, Minnesota 55113  
Telephone: (612) 642-0572

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

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

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

Promulgation of the proposed rules will not result in the expenditure of public monies by local public bodies nor have an impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes* § 14.11 (1990).

The effect of these rules on small businesses is addressed in the Statement Of Need And Reasonableness.

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

Dated: 20 May 1991

Joyce M. Schowalter  
Executive Director

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

##### 6340.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of this chapter, the following terms have the meanings given them.

Subp. 2. **Attachments.** "Attachments" means the materials that must be submitted with the application to demonstrate eligibility to prescribe drugs and therapeutic devices. The materials include a copy of the certificate, completion document, and written agreement.

Subp. 3. **Board.** "Board" means the Board of Nursing.

Subp. 4. **Certificate.** "Certificate" means the document issued by a national professional nursing organization which certifies nurse practitioners.

Subp. 5. **Collaborating physician.** "Collaborating physician" means an individual physician licensed under *Minnesota Statutes*, chapter 147, who agrees to delegate prescribing authority to the nurse practitioner by giving direction and review consistent with the written agreement.

Subp. 6. **Drug.** "Drug" has the meaning given it in *Minnesota Statutes*, section 151.01, subdivision 5.

Subp. 7. **Drug categories or drug types.** "Drug categories" or "drug types" means the major therapeutic classifications in which medications are organized. The drug categories are:

- A. anesthetics;
- B. antiinfectives;
- C. antineoplastic and immunosuppressant medications;
- D. cardiovascular medications;
- E. autonomic and central nervous system medications;
- F. dermatological medications;
- G. ear-nose-throat medications;
- H. endocrine medications;
- I. gastrointestinal medications;
- J. immunologicals and vaccines;
- K. musculoskeletal medications;
- L. nutritional products;
- M. blood modifiers and electrolytes;
- N. obstetrical and gynecological medications;
- O. ophthalmic medications;
- P. respiratory medications;
- Q. urological medications; and
- R. diagnostic and miscellaneous medications.

Subp. 8. **Licensure.** "Licensure" means the process by which the board confers legal authority upon an individual authorizing the person to engage in professional nursing, thereby certifying that those licensed have attained the minimal degree of competency necessary to ensure that the public health, safety, and welfare will be reasonably well protected.

Subp. 9. **National professional nursing organizations.** "National professional nursing organizations" means the organizations adopted by the board under *Minnesota Statutes*, section 62A.15, subdivision 3a, with the authority to certify nurse practitioners. The organizations are the American Nurses Association, the National Certification Board of Pediatric Nurse Practitioners and Nurses, and the Nurses Association of the American College of Obstetricians and Gynecologists Certification Corporation.

Subp. 10. **Nurse practitioner.** "Nurse practitioner" means a registered nurse who has graduated from a program of study designed to prepare a registered nurse for advanced practice as a nurse practitioner and who is certified through a national professional nursing organization.

Subp. 11. **Practice setting.** "Practice setting" means the organizational entity and all its physical locations in which the nurse practitioner and collaborating physician provide care to patients.

Subp. 12. **Practice specialty.** "Practice specialty" means the area in which the individual is certified as a nurse practitioner. These areas are gerontological, adult, family, school, pediatric, obstetric-gynecological, and neonatal.

Subp. 13. **Prescribe.** "Prescribe" means to direct, order, or designate by means of a prescription the preparation, use of, or manner of using a drug or therapeutic device.

Subp. 14. **Prescription.** "Prescription" means a signed written order, or an oral order reduced to writing, given by a practitioner authorized to prescribe drugs for patients in the course of the practitioner's practice, issued for an individual patient and containing

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the following: the date of issue, name and address of the patient, name and quantity of the drug prescribed, directions for use, and the name and address of the prescriber.

Subp. 15. **Program of study.** "Program of study" means a formal organized nursing curriculum composed of didactic and supervised clinical experience that specifically prepares nurse practitioners. The program of study must be accepted by a national professional nursing organization that certifies nurse practitioners, have a formal admission procedure, and recognize the graduate by means of a completion document such as a transcript or certificate.

Subp. 16. **Registration.** "Registration" means the process by which the names and original license numbers of individuals licensed by the board are listed as individuals authorized to engage in professional nursing during a registration period.

Subp. 17. **Registration renewal.** "Registration renewal" means the periodic process by which an individual who is licensed and registered with the board to practice professional nursing requests and obtains registration for the next registration period.

Subp. 18. **Therapeutic device.** "Therapeutic device" means durable medical equipment and assistive or rehabilitative appliances, objects, or products that are required to implement the overall plan of care for the patient.

Subp. 19. **Written agreement.** "Written agreement" means a written document developed jointly by the nurse practitioner and collaborating physician that contains statements that define the delegated responsibilities that relate to the prescription of drugs and therapeutic devices. The delegated prescribing responsibilities must be consistent with the standards established by the Minnesota Medical Association and the Minnesota Nurses Association.

### 6340.0200 ELIGIBILITY CRITERIA FOR PRESCRIBING AUTHORITY.

Subpart 1. **Licensure and current registration.** An applicant shall be licensed and currently registered to practice professional nursing in Minnesota. The applicant shall not be the subject of a board disciplinary order affecting the applicant's license or current registration.

Subp. 2. **Graduation.** An applicant shall have completed a program of study designed to prepare a registered nurse for advanced practice as a nurse practitioner.

Subp. 3. **Certification.** An applicant shall be certified as a nurse practitioner by one of the national professional nursing organizations listed in part 6340.0100, subpart 9. An applicant shall have a current certificate from the national professional nursing organization that granted certification.

Subp. 4. **Written agreement.** An applicant shall have a written agreement with a collaborating physician that is signed and dated by the nurse practitioner and the collaborating physician. The nurse practitioner shall have a written agreement for each practice setting.

### 6340.0300 INITIAL APPLICATION PROCEDURE.

Subpart 1. **Procedure.** A nurse practitioner who seeks prescribing authority shall follow the procedures in subparts 2 to 6.

Subp. 2. **Application.** An applicant shall obtain the application forms and instruction for filing from the board. Information required on the application includes the nurse practitioner's name, registered nurse license number, home and practice setting addresses, home and practice setting telephone numbers, name of collaborating physician, drug categories and therapeutic devices that the nurse practitioner has been authorized to prescribe, and the practice specialty of the nurse practitioner. The application must be notarized. An applicant shall submit true, complete, and accurate information.

An applicant shall submit an application, fee, and attachments for each written agreement.

Subp. 3. **Fee.** An applicant shall submit a fee of \$50 with the application. The fee must be paid to the board in United States currency, cashier's check, or money order. Personal checks are not accepted. If for any reason the applicant is not eligible for prescribing authority, the fee is not refundable.

Subp. 4. **Certificate.** An applicant shall submit a notarized copy of the current certificate issued to the nurse practitioner by the national professional nursing organization.

Subp. 5. **Graduation verification.** An applicant shall submit a notarized copy of a document such as a diploma, letter, or certificate that indicates graduation from a nurse practitioner program. An official transcript may be submitted in lieu of the notarized document providing that the transcript clearly indicates that the program of study prepared the individual for practice as a nurse practitioner.

Subp. 6. **Written agreement.** An applicant shall submit a copy of the written agreement between the nurse practitioner and the collaborating physician.

Subp. 7. **Nullification.** The board shall nullify an application that is not completed within one year. For a nullified application, the fee shall be forfeited and the application and other documents may be destroyed according to the process specified in *Minnesota Statutes*, section 138.17, subdivision 7. If an individual whose application has been nullified seeks prescribing authority, the applicant shall submit a new initial application, fee, and attachments.



**6340.0400 CONFIRMATION OF ELIGIBILITY.**

Subpart 1. **Procedure.** When the board has received a completed application, fee, and attachments, the board shall determine whether the nurse practitioner has demonstrated eligibility to prescribe drugs and therapeutic devices. If the applicant has demonstrated eligibility for prescribing authority, the board shall issue a document and identification number.

Subp. 2. **Document.** The board shall issue a document each time the nurse practitioner submits the required evidence to demonstrate eligibility to prescribe drugs and therapeutic devices. The board shall print the nurse practitioner's name, identification number, practice setting, and expiration date on the document. The expiration date on the document is the same as the registered nurse registration expiration date.

Subp. 3. **Identification number.** The board shall issue an identification number to a nurse practitioner when the nurse practitioner has demonstrated eligibility to prescribe drugs and therapeutic devices. The identification number must include the prefix "NP" and seven digits. The seven digits must be the nurse practitioner's registered nurse license number, preceded by zeros when necessary.

**6340.0500 VERIFICATION OF CONTINUING ELIGIBILITY.**

Subpart 1. **Cycle.** The nurse practitioner with prescribing authority shall demonstrate continuing eligibility to prescribe at the time of renewal of registered nurse registration. The board shall mail a verification form for demonstrating ongoing eligibility with the renewal of registration application.

Subp. 2. **Required information.** Information required on the verification of continuing eligibility form includes the nurse practitioner's name, registered nurse license number, home and practice setting addresses, home and practice setting telephone numbers, name of collaborating physician, drug categories that the nurse practitioner has been authorized to prescribe, and the practice specialty of the nurse practitioner. The nurse practitioner shall submit true, complete, and accurate information. The nurse practitioner shall submit a verification form and fee for each written agreement. In addition, the nurse practitioner shall submit a copy of the current certificate issued by the national professional nursing organization and a copy of the current written agreement, signed and dated, by the nurse practitioner and collaborating physician.

Subp. 3. **Fee.** The nurse practitioner must submit a fee of \$20 with the verification of continuing eligibility. The fee must be paid to the board and is not refundable.

**6340.0600 LOSS OF ELIGIBILITY.**

The nurse practitioner's prescribing authority ceases immediately if one or more of the following occur:

- A. change of collaborating physician within the practice setting;
- B. failure to renew registration as a registered nurse;
- C. failure to demonstrate continuing eligibility to prescribe at the time of renewal of registration;
- D. failure to maintain nurse practitioner certificate issued by the national professional nursing organization;
- E. change of employer;
- F. termination of the written agreement by the collaborating physician or the nurse practitioner;
- G. revocation of the certificate by the national professional nursing organization; or
- H. disciplinary action taken by the board which affects the registered nurse license or current registration certificate.

The nurse practitioner shall report any of the occurrences in subitems A to H to the board within 30 days.

**6340.0700 PROCEDURE FOR REESTABLISHING PRESCRIBING AUTHORITY.**

Subpart 1. **Reestablishing prescribing authority; first part.** For loss of eligibility as described in part 6340.0600, items A to D, the following documentation is required to reestablish eligibility:

- A. If the collaborating physician changes within the practice setting, then the nurse practitioner shall submit a copy of the written agreement that includes the name of the current collaborating physician.
- B. If the nurse practitioner fails to renew registration as a registered nurse, then the nurse practitioner shall meet the requirements for registered nurse reregistration.

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## Proposed Rules

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C. If the nurse practitioner fails to demonstrate continuing eligibility to prescribe at the time of renewal, then the nurse practitioner shall submit the verification of eligibility form and fee.

D. If the nurse practitioner fails to maintain current certification, then the nurse practitioner shall meet the certification requirements of the national professional nursing organization and submit a copy of the current certificate.

Subp. 2. **Reestablishing prescribing authority; second part.** For loss of eligibility as listed in part 6340.0600, item E or F, the nurse practitioner shall follow the procedures in items A to D to reestablish eligibility.

A. An applicant shall obtain the application forms and instruction for filing from the board. Information required on the application includes the nurse practitioner's name, registered nurse license number, home and practice setting addresses, home and practice setting telephone numbers, name of collaborating physician, drug categories and therapeutic devices that the nurse practitioner has been authorized to prescribe, and the practice specialty of the nurse practitioner. The application must be notarized. An applicant shall submit true, complete, and accurate information.

The nurse practitioner shall submit an application, fee, and attachments for each written agreement.

B. An applicant shall submit a fee of \$50 with the application. The fee must be paid to the board in United States currency, cashier's check, or money order. Personal checks are not accepted. If for any reason the applicant is not eligible for prescribing authority, the fee is not refundable.

C. An applicant shall submit a copy of the current certificate issued by the national professional nursing organization.

D. An applicant shall submit a copy of the written agreement between the nurse practitioner and the current collaborating physician.

Subp. 3. **Reestablishing prescribing authority; third part.** For loss of eligibility as listed in part 6340.0600, item G, the national professional nursing organization shall have reinstated the certificate. After the nurse practitioner has been recertified, the nurse practitioner shall follow the procedures in subpart 2 to reestablish eligibility.

Subp. 4. **Reestablishing prescribing authority; fourth part.** For loss of eligibility as listed in part 6340.0600, item H, the board shall have issued the nurse practitioner an unconditional registered nurse license or current registration certificate. After the board orders an unconditional license, the nurse practitioner shall follow the procedures in subpart 2 to reestablish eligibility.

### 6340.0800 CHANGES REQUIRING NOTIFICATION TO THE BOARD.

Subpart 1. **Name change.** The nurse practitioner who has a name change shall notify the board in writing within 30 days.

Subp. 2. **Address change.** The nurse practitioner who has a change in home or practice setting address shall notify the board in writing within 30 days.

Subp. 3. **Telephone number change.** The nurse practitioner who has a change in home or practice setting telephone number shall notify the board in writing within 30 days.

Subp. 4. **Change in categories of drugs.** The nurse practitioner who adds or deletes categories of drugs shall notify the board in writing within 30 days.

Subp. 5. **Changes in written agreement.** The nurse practitioner and collaborating physician shall initial and date any changes such as addition or deletion of drugs or therapeutic devices. At the time of verification of continuing eligibility to prescribe, the nurse practitioner shall submit a copy of the current written agreement that incorporates the changes.

### 6340.0900 IDENTIFICATION.

Subpart 1. **Identification.** In writing prescriptions, the nurse practitioner shall include the nurse practitioner's name, initials, practice setting, and telephone number.

Subp. 2. **Initials.** The nurse practitioner shall use the abbreviation "NP" with the prefix letter designating the practice specialty as follows:

- A. gerontological nurse practitioner, "GNP";
- B. adult nurse practitioner, "ANP";
- C. family nurse practitioner, "FNP";
- D. school nurse practitioner, "SNP";
- E. pediatric nurse practitioner, "PNP";
- F. obstetric-gynecological nurse practitioner, "OGNP"; and
- G. neonatal nurse practitioner, "NNP."

**6340.1000 NOTIFICATION OF PHARMACISTS.**

Subpart 1. **Initial notification.** On March 1, 1992, and every year thereafter, the board shall mail a list of all nurse practitioners with prescribing authority to the Board of Pharmacy and all pharmacies in Minnesota.

Subp. 2. **Maintaining notification.** After the initial and the annual notification, the board shall notify the Board of Pharmacy on a monthly basis of changes in the list of the authorized nurse practitioners. This change list must include additional nurse practitioners who are eligible to prescribe, those nurse practitioners who have lost eligibility to prescribe, and those nurse practitioners who have reestablished their eligibility to prescribe.

Subp. 3. **Nurse practitioner information.** The information about each nurse practitioner that must be included on every list is as follows: the name of the nurse practitioner, identification number, practice specialty, practice setting name, practice setting address, and practice setting telephone number. For those nurse practitioners who have lost eligibility to prescribe, the practice setting telephone number may be omitted.

Subp. 4. **Master record.** The board shall maintain information on each nurse practitioner that includes the drug categories and therapeutic devices that the nurse practitioner is authorized to prescribe. This information shall be made available to pharmacists on request.

**6340.1100 VIOLATION OF RULES.**

Any nurse practitioner who violates a rule in this chapter is subject to board disciplinary action under *Minnesota Statutes*, sections 148.261, subdivision 1, and 148.262.

## 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 Human Services

### Adopted Permanent Rules Relating to Surveillance and Utilization Review of Medical Assistance Services

The rules proposed and published at *State Register*, Volume 15, Number 29, pages 1579-1590, January 14, 1991 (15 SR 1579) are adopted with the following modifications:

#### Rules as Adopted

#### SURVEILLANCE AND UTILIZATION REVIEW OF MEDICAL ASSISTANCE SERVICES

##### 9505.0180 SURVEILLANCE AND UTILIZATION CONTROL PROGRAM.

Subpart 1. [See repealer.]

Subp. 2. **Duty to implement.** The department shall carry out a program of a surveillance and utilization review under parts

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## Adopted Rules

~~9505.1750 to 9505.2150~~ 9505.2160 to 9505.2245 and Code of Federal Regulations, title 42, part 455, and a program of utilization control under Code of Federal Regulations, title 42, part 456. These programs together constitute the surveillance and utilization control program.

Subp. 3. **Surveillance and utilization review.** The surveillance and utilization review program must have a post payment review process to ensure compliance with the medical assistance program and to monitor both the use of health services by recipients and the delivery of health services by providers. The process must comply with parts ~~9505.1750 to 9505.2150~~ 9505.2160 to 9505.2245.

Subp. 4. **Utilization control.** The department shall administer and monitor a program of utilization control to review the need for, and the quality and timeliness of, health services provided in a hospital, long-term care facility, or institution for the treatment of mental diseases. A facility certified for participation in the medical assistance program must comply with the requirements of Code of Federal Regulations, title 42, part 456 for utilization control.

### 9505.2160 SCOPE AND APPLICABILITY.

Subpart 1. **Scope.** Parts 9505.2160 to 9505.2245 govern procedures to be used by the department in identifying and investigating fraud, theft, or abuse by providers or recipients of health services through the medical assistance, general assistance medical care, consolidated chemical dependency treatment, children's health plan, catastrophic health expense protection programs, home and community-based services under a waiver from the Health Care Financing Administration of the United States Department of Health and Human Services, or any other health service program administered by the department, and for the imposition of sanctions against providers and recipients of health services. Additionally, parts 9505.2160 to 9505.2245 establish standards applicable to the health service and financial records of providers of health services through medical assistance, general assistance medical care, consolidated chemical dependency treatment, children's health plan, or catastrophic health expense protection programs.

Parts 9505.2160 to 9505.2245 must be read in conjunction with titles XVIII and XIX of the Social Security Act; Code of Federal Regulations, title 42; *Minnesota Statutes*, chapters 62E, 145, 245, 245A, 252, 253, 254A, 254B, 256, 256B, 256D, 256E, and 609; parts ~~9500.1070, 9505.0010 to 9505.0491, 9505.0500 to 9505.0540, 9505.1000 to 9505.1040, 9505.1100 to 9505.1380, 9505.2390 to 9505.2500, 9505.3010 to 9505.3230, 9505.5000 to 9505.5105, 9530.6800 to 9530.7030;~~ and other rules of the department establishing health service standards for a program.

### 9505.2165 DEFINITIONS.

Subp. 2. **Abuse.** "Abuse" means:

A. in the case of a provider, a pattern of practices that are is inconsistent with sound fiscal, business, or health service practices, and that result in unnecessary costs to the programs, or in reimbursements for services that are not medically necessary or that fail to meet professionally recognized standards for health service. ~~Abuse by a provider is characterized by, but not limited to~~ The following practices are deemed to be abuse by a provider:

- (1) submitting repeated claims from which required information is missing or incorrect;
- (2) submitting repeated claims using procedure codes which overstate the level or amount of health service provided;
- (3) submitting repeated claims for health services which are not reimbursable under the programs;
- (4) submitting repeated duplicate claims for the same health service provided to the same recipient;
- (5) submitting repeated claims for health services that do not comply with part 9505.0210 and, if applicable, part 9505.0215;
- (6) ~~submitting claims for health services which exceed those requested or agreed to by the recipient or the recipient's responsible relative or guardian or the standard required by federal or state law or rule for a program~~ repeated submission of claims for services that are not medically necessary;
- (9) repeatedly failing to disclose or make available to the department the recipient's health service records or the provider's financial records as required by part 9505.2180;
- (13) repeatedly submitting or causing repeated submission of false information for the purpose of obtaining prior authorization, inpatient hospital admission certification under parts 9505.0500 to 9505.0540, or a second surgical opinion as required under part 9505.5035;
- (14) knowingly and willfully submitting a false or fraudulent application for provider status;
- (15) continuing to engage in a practice that is abusive of a program after receiving the department's written warning that the conduct must cease;
- ~~(16)~~ soliciting, charging, or receiving payments from recipients or nonmedical assistance sources, in violation of Code of Federal Regulations, title 42, section 447.15, or part 9505.0225, for services for which the provider has received reimbursement from or should have billed to the program;
- ~~(17)~~ (16) payment by a provider of program funds to a vendor whom the provider knew or had reason to know was suspended or terminated from program participation;

(18) (17) repeatedly billing a program for services after entering into an agreement with a third party payer to accept an amount in full satisfaction of the payer's liability; or

B. in the case of a recipient, the use of health services that results in unnecessary costs to the programs, or in reimbursements for services that are not medically necessary. ~~Abuse by a recipient is characterized by, but not limited to, the presence of one of the following conditions~~ The following practices are deemed to be abuse by a recipient:

(4) altering or duplicating the medical identification card in any manner for the purpose of obtaining additional health services billed to the program or aiding another person to obtain such services;

(11) ~~otherwise~~ obtaining health service by false pretenses.

Subp. 6a. Medically necessary or medical necessity. "Medically necessary" or "medical necessity" has the meaning given in part 9505.0175, subpart 25.

Subp. 6b. Pattern. "Pattern" means an identifiable series of more than one event or activity.

Subp. 9. Provider. "Provider" means a vendor of health services as defined has the meaning given in part 9505.0175, subpart 38.

Subp. 11. Restriction. "Restriction" means:

B. in the case of a recipient, limiting the recipient's participation in a program for a period of 24 months, to only health services which have been prior authorized, or to health services from a designated primary care case manager or other designated health service providers. The restriction of a recipient must be indicated on the recipient's medical identification card or other form of program identification, under part 9505.0145, subpart 4. For purposes of restriction, designated health service providers do not include ~~skilled or intermediate care nursing services~~ long-term care facilities.

#### **9505.2170 BULLETINS, MANUALS, AND FORMS RELATED TO PROGRAM.**

~~Subpart 1. Department issuance. The department may issue bulletins, manuals, and forms prescribed by the commissioner that are consistent with parts 9505.2160 to 9505.2245 and are needed to assist providers, local agencies, and recipients in complying with parts 9505.2160 to 9505.2245 and other rules of the programs.~~

~~Subp. 2. Provider compliance. A provider shall comply with the requirements of procedures and forms prescribed by the commissioner under subdivision 1.~~

#### **9505.2175 HEALTH SERVICE RECORDS.**

Subpart 1. **Documentation requirement.** As a condition for payment by a program, a provider must document each occurrence of a health service provided to a recipient. The health service must be documented in the recipient's health service record as specified in subpart 2 and, when applicable, subparts 3 to 6. Program funds paid for a health service not documented in a recipient's health service record shall be recovered.

Subp. 2. **Required standards for health service records.** A provider must keep a health service record as specified in items A to I.

A. The record must be legible at a minimum to the individual providing care.

Subp. 6. Requirements for rehabilitative and therapeutic services. Rehabilitative and therapeutic service records must meet the requirements of subparts 1 and 2 and must meet the criteria in part 9505.0412.

#### **9505.2180 FINANCIAL RECORDS.**

Subpart 1. **Financial records required of providers.** The financial records of a provider who receives payment for a recipient's services under a program must contain the material specified in items A to H:

A. ~~accounting records, such as payroll ledgers, canceled checks, and bank deposit slips~~ and any other accounting records prepared for the provider;

E. ~~patient~~ the provider's appointment books for patient appointments and ~~supervision~~ the provider's schedules for patient supervision, if applicable;

H. employee records for those persons currently employed by the provider or who have been employed by the provider at any time within the previous five years which under the Minnesota Government Data Practices Act would be considered public data for

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## Adopted Rules

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a public employee such as employee name, salary, qualifications, position description, job title, and dates of employment; and in addition employee records shall include the current home address of the employee or the last known address of any former employee.

### 9505.2185 ACCESS TO RECORDS.

Subpart 1. **Recipient's consent to access.** A recipient of medical assistance is deemed to have authorized in writing a provider or others to release to the department for examination according to Minnesota Statutes, section 256B.27, subdivision 4, upon the department's request, the medical assistance recipient's health service and financial records related to services under a program. The medical assistance recipient's authorization of the release and review of health service and financial records for services provided while the person is a medical assistance recipient shall be presumed competent if given in conjunction with the person's application for a program medical assistance. This presumption shall exist regardless of whether the application was signed by the person or the person's guardian or authorized representative as defined in part 9505.0015, subpart 8.

### 9505.2190 RETENTION OF RECORDS.

Subpart 1. **Retention required; general.** A provider shall retain a health service and financial record related to a health service for which payment under a program was received or billed for at least five years after the initial date of billing. Microfilm records satisfy the record keeping requirements of this subpart and part 9505.2175, subpart 3, in the fourth and fifth years after the date of billing.

### 9505.2195 COPYING RECORDS.

The department, at its own expense, may photocopy or otherwise duplicate any health service or financial record related to a health service for which a provider makes a claim or receives payment under a program. Photocopying shall be done on the provider's premises unless removal is specifically permitted by the provider. If a provider fails to allow the department to use the department's equipment to photocopy or duplicate any health service or financial record on the premises, the provider must furnish copies at the provider's expense within two weeks of a request for copies by the department.

### 9505.2200 IDENTIFICATION AND INVESTIGATION OF SUSPECTED FRAUD AND ABUSE.

Subpart 1. **Department investigation.** The department ~~may~~ shall investigate providers or recipients to monitor compliance with program requirements ~~or to identify for the purposes of identifying~~ fraud, theft, or abuse in the administration of the programs.

Subp. 2. **Contacts to obtain information.** The department may contact ~~persons, agencies, organizations, and others~~ any person, agency, organization, or other entity that ~~may be~~ is necessary to an investigation under subpart 1. ~~Examples Among those who may be contacted are:~~

Subp. 3. **Activities included in department's investigation.** The department's ~~investigation may include, but is not limited to, the activities specified in items A to G~~ authority to investigate extends to the examination of any person, document, or thing which is likely to lead to information relevant to the expenditure of funds, provision of services, or purchase of items identified in part 9505.2160, subpart 1, provided that the information sought is not privileged against such an investigation by operation of any state or federal law. Among the activities which the department's investigation may include are as follows:

Subp. 4. **Determination of investigation.** After completing its investigation under subparts 1 to 3, the department shall determine whether:

B. insufficient evidence exists that fraud, theft, or abuse has occurred; or

E. refer the investigation to the attorney general or, if appropriate, to a county attorney for possible ~~administrative~~, civil, or criminal legal action; or

### 9505.2205 COMMISSIONER TO DECIDE IMPOSITION OF SANCTION.

The commissioner shall decide what sanction shall be imposed against a provider or recipient under part 9505.2210. The commissioner ~~may~~ shall consider the recipient's personal preferences in the designation of a primary care case manager. In addition, the commissioner shall consider the following factors in determining the sanctions to be imposed:

C. willingness of provider or recipient to ~~obey~~ comply with program rules;

### 9505.2210 IMPOSITION OF ADMINISTRATIVE SANCTIONS.

Subpart 1. **Authority to impose administrative sanction.** The commissioner ~~may~~ shall impose administrative sanctions or issue a warning letter if the department's investigation under part 9505.2200 determines the presence of fraud, theft, or abuse in connection with a program or if the provider or recipient refuses to grant the department access to records as required under part 9505.2185.

### 9505.2215 MONETARY RECOVERY.

Subpart 1. **Authority to seek monetary recovery.** The commissioner ~~may~~ shall seek monetary recovery:

B. from a recipient, if payment for a health service provided under a program was the result of fraud, theft, or abuse, or error on the part of the recipient absent a showing that recovery would, in that particular case, be unreasonable or unfair.

Subp. 2. **Methods of monetary recovery.** The commissioner shall recover money described in subpart 1 by the following means:

- C. deducting or withholding from program payments money described in subpart 1; and
- D. withholding payments to a provider under Code of Federal Regulations, title 42, section 7.24; ~~or~~
- E. ~~requesting Medicare to withhold payments pending recovery of money described in subpart 4 447.31.~~

**9505.2220 USE OF RANDOM SAMPLE EXTRAPOLATION IN MONETARY RECOVERY.**

Subpart 1. **Authorization.** For the purpose of part 9505.2215, the commissioner shall be authorized to calculate the amount of monetary recovery from a provider of money erroneously paid based upon extrapolation from systematic random samples of claims submitted by the provider and paid by the program or programs. The department's random sample extrapolation shall constitute a rebuttable presumption regarding the calculation of monetary recovery. If the presumption is not rebutted by the provider in the appeal process, the department shall use the extrapolation as the monetary recovery figure specified in subpart 3.

Subp. 3. **Sampling method.** The department shall use the methods in items A to D in calculating the amount of monetary recovery by random sample extrapolation.

D. The sample size will be sufficiently large so that the estimate of the amount which would be recovered by a full audit will be within five percent of that amount with 95 percent confidence. ~~The department will recover the amount which would be recovered by a full audit, less the five percent factor lower end point of a (two-sided) 95 percent confidence interval for that amount. A two-sided 95 percent confidence interval for that amount will be computed. The department's calculated monetary recovery is the lower end of that confidence interval.~~

**9505.2225 SUSPENSION OF PROVIDER CONVICTED OF CRIME RELATED TO MEDICARE OR MEDICAL ASSISTANCE.**

The commissioner shall suspend a provider who has been convicted of a crime related to Medicare or medical assistance as provided in ~~part 9505.0475. The provider shall be notified as specified in part 9505.0475, subpart 5, and shall have the right to appeal as specified in part 9505.0475, subpart 6~~ Minnesota Statutes, sections 256B.064 and 256D.03, subdivision 7, clause (b). The procedures in part 9505.0475 shall be followed in the suspension process.

**9505.2231 SUSPENSION OR WITHHOLDING OF PAYMENTS TO PROVIDERS BEFORE APPEAL.**

Subpart 1. **Grounds for suspension or withholding.** The commissioner is authorized to suspend ~~a provider from program participation~~ or withhold payments to a provider before an appeal provided in part 9505.2245, if:

Subp. 2. **Exception to prehearing suspension or withholding.** The commissioner shall not order a prehearing suspension or withholding of payments to a nursing home or ~~board and care home~~ convalescent care facility.

**9505.2235 SUSPENSION OR TERMINATION OF PROVIDER PARTICIPATION.**

Subpart 1. **Effect of suspension or termination as provider.** The provider agreement of a vendor who is under suspension or terminated from participation shall be void from the date of the suspension or termination. A suspension or termination from medical assistance does not mean suspension or termination from another program unless the suspension or termination is extended to that program. The vendor who is under suspension or terminated from participation shall not submit a claim for payment under a program, either through a claim as an individual or through a claim submitted by a clinic, group, corporation, or professional association except in the case of claims for payment for health services provided before the vendor's suspension or termination from participation. No payments shall be made to a vendor, either directly or indirectly, for services provided under a program from which the vendor had been suspended or terminated.

**9505.2240 NOTICE TO THIRD PARTIES ABOUT DEPARTMENT ACTIONS FOLLOWING INVESTIGATION.**

Subpart 1. **Notice about providers.** After the department has taken an action against a provider as specified in part 9505.2210, subpart 2, item A, and the right to appeal has been exhausted or the time to appeal has expired, the department shall issue the notices required in items A and B.

B. The department shall notify the general public about action taken under part 9505.2210, subpart 2, item A, subitem (4) or (8), by publishing the notice in a general circulation newspaper in the ~~provider's local trade area~~ geographic area of Minnesota generally served by the provider in the majority of its health services to Minnesota program recipients. The notice shall include the provider's name and service type, the action taken by the department, and the effective date or dates of the action.

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### 9505.2245 APPEAL OF DEPARTMENT ACTION.

Subpart 1. **Provider's right to appeal.** A provider may appeal the department's proposed actions under ~~part~~ parts 9505.2210, 9505.2215, and 9505.2220, under the provisions of *Minnesota Statutes*, section 14.57 to 14.62.

A. The appeal request shall specify:

- (3) the authority in the statute or rule upon which the provider relies for each disputed item; and
- (4) the name and address of the person or entity with whom contacts may be made regarding the appeal; and
- ~~(5) other information required by the commissioner.~~

**REPEALER.** *Minnesota Rules*, parts 9505.0180, subpart 1; 9505.1750; 9505.1760; 9505.1770; 9505.1780; 9505.1790; 9505.1800; 9505.1810; 9505.1820; 9505.1830; 9505.1840; 9505.1850; 9505.1860; 9505.1870; 9505.1880; 9505.1890; 9505.1900; 9505.1910; 9505.1920; 9505.1930; 9505.1940; 9505.1950; 9505.1960; 9505.1970; 9505.1980; 9505.1990; 9505.2000; 9505.2010; 9505.2020; 9505.2030; 9505.2040; 9595.2050; 9505.2060; 9505.2070; 9505.2080; 9505.2090; 9505.2100; 9505.2110; 9505.2120; 9505.2130; 9505.2140; and 9505.2150; are repealed on the effective date of these rules.

## Official Notices

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

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

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## Minnesota Comprehensive Health Association

### Notice of Meeting of Ad Hoc Committee on the Writing Carrier Request for Proposal

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association (MCHA) Ad Hoc Committee on the Writing Carrier Request for Proposal will be held on Wednesday, June 5, 1991, from 12:00 p.m. until 2:30 p.m. at the MCHA offices located in the Park Place Office Center, 5775 Wayzata Blvd., Suite 910, St. Louis Park, Minnesota.

For additional information, please call Lynn Gruber at 593-9609.

## Department of Employee Relations

### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Local Government Pay Equity Compliance

**NOTICE IS HEREBY GIVEN** that the state Department of Employee Relations is seeking information or opinions from sources outside the agency in preparing to propose the adoption of the rule governing local government pay equity compliance. The adoption of the rule is authorized by *Laws of Minnesota* for 1991, Chapter 128. The Local Government Pay Equity Act, *Minnesota Statutes* 471.991-471.999, requires the department to determine whether governmental subdivisions have achieved equitable compensation relationships.

The state Department of Employee Relations requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject in writing or orally. Written statements should be addressed to Faith Zwemke, Pay Equity Coordinator, Department of Employee Relations, 200 Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155.

Oral statements will be received during regular business hours over the telephone at (612) 296-2653 and in person at the above address.

All statements of information and opinions will be accepted until the Notice of Hearing is published in the *State Register*. Any written material received by the state Department of Employee Relations will become part of the rulemaking record.

Dated: 16 May 1991

Commissioner Linda Barton  
Department of Employee Relations



## Department of Human Services

### Long Term Care Management Division

#### Notice of Premium Schedule for Alternative Care Program for 180-Day Eligible Clients

NOTICE IS HEREBY GIVEN to counties and 180-day eligible clients of the alternative care program that all clients eligible for the alternative care program on a 180-day eligibility basis must pay to the county a monthly premium pursuant to proposed *Minnesota Statutes* (1991), section 256B.0913, subdivision 3 for the purpose of helping to pay for the cost of participating in the alternative care program. The premium schedule will be effective July 1, 1991 if the legislation is signed by the Governor. In the event the legislation is not signed by the Governor, the premium schedule will not take effect.

The premium schedule is as follows:

Client Category	Monthly Premium	
Group 1	\$25.00	These clients are eligible for medical assistance if they meet a spenddown but they have not applied for medical assistance. The clients have income of more than \$420.00 per month and assets of less than \$4,500.
Group 2	\$50.00	These clients do not fall into group 1 or 3. The amount available to pay for their nursing home care on line K of the 180-day Eligibility Worksheet (DHS form 2630) is \$8,400 or less.
Group 3	\$75.00	These clients do not fall into group 1 or 2. The amount available to pay for their nursing home care on line K of the 180-day eligibility worksheet is \$8,401 or more.

Persons who receive Minnesota Supplemental Aid or medical assistance or who are eligible for medical assistance without a spenddown, have not applied for medical assistance, and are served under the Medicaid waiver for elderly clients do not have to pay a premium.

The premium is determined by the preadmission screening team or the client's case manager when the client's initial care plan is developed and is redetermined at the client's six month reassessment.

If the amount of home care services provided under the alternative care program to a 180-day eligible client is less than the premium determined according to the above schedule, the client's monthly premium will be the cost of the client's home care services.

## State Board of Investment, Land Exchange Board and the Investment Advisory Council

### Notice of June Meetings

The State Board of Investment and the Land Exchange Board will meet on Tuesday, June 11, 1991 at 8:30 a.m. in Room 118, State Capitol, Saint Paul, MN.

The Investment Advisory Council will meet on Monday, June 10, 1991 at 2:00 p.m. in Room 118, State Capitol, Saint Paul, MN.

## Office of the Ombudsman for Mental Health and Mental Retardation

### Notice of Meeting

The Ombudsman for Mental Health and Mental Retardation Advisory Committee will hold a general meeting at 9:30 a.m. on Friday, June 7, 1991. The meeting will be held at the Ombudsman Office, Suite 202, Metro Square Building on 7th and Robert Street, St. Paul.

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## Minnesota Pollution Control Agency

### Air Quality Division

#### Notice of Intent to Solicit Outside Information or Opinions Regarding Proposed Emergency Rules to Amend Air Pollution Permit Fees (*Minnesota Rules* Part 7002.0010 through 7002.0100)

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (MPCA) is seeking information or opinions from sources outside the MPCA in preparing to propose emergency rules which will amend *Minnesota Rules* parts 7002.0010 through 7002.0100 and establish the annual permit fees to be paid the MPCA for implementing its air quality program. The MPCA's authority to adopt the emergency rules is set forth in *Minnesota Statutes* § 116.07, subd. 4d (1991), which requires the MPCA, by September 1, 1991, to establish annual permit fees to collect the funds needed to conduct its air quality program.

The MPCA requests information and opinions concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comments orally or in writing. Written or oral statements relating specifically to the subject matter of the rule should be directed to Mark Strange at the address listed below.

Mr. Mark Strange  
Air Quality Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55376

Oral comments will be accepted by Mr. Strange during regular business hours at the MPCA office or over the telephone at (612) 296-9711. General questions regarding the rulemaking process should be directed to Norma Florell at (612) 296-7712.

Written and oral comments will be accepted until June 21, 1991. Any written materials received by the MPCA in response to this notice will become a part of the rulemaking record generated in this matter.

Charles W. Williams  
Commissioner

## Minnesota Pollution Control Agency

### Air Quality Division

#### Notice of Intent to Solicit Outside Information or Opinions Regarding Proposed Permanent Rule Governing Air Quality Permit Fees

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (MPCA) is seeking information or opinions from outside sources in preparing to propose the amendment of permanent rules governing air quality permit fees, *Minnesota Rules* parts 7002.0010 through 7002.0100. The amendment of the rule is authorized by *Minnesota Statutes* § 116.07, subd. 4d (1991), which requires the MPCA to establish annual permit fees to collect the funds needed to conduct its air quality program.

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

Mr. Mark Strange  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55376  
Telephone: (612) 296-9711

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

All statements of information and opinion will be accepted until July 15, 1991. Any written materials received by the MPCA shall become part of the rulemaking record in the event that the rule is adopted.

Charles W. Williams  
Commissioner

## Minnesota Property Insurance Placement Facility

### Notice of Meeting of the Governing Board

NOTICE IS HEREBY GIVEN that a meeting of the Governing Board of the Minnesota Property Insurance Placement Facility will be held at 8:30 a.m. on Wednesday, June 12, 1991 in the 1st Floor Conference Room of the Department of Commerce, 133 East 7th Street, St. Paul, MN. For additional information please call 338-7584.

## Department of Public Safety

### State Fire Marshal

### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to Rules Governing the Minnesota Uniform Fire Code

NOTICE IS HEREBY GIVEN that the State Department of Public Safety is seeking information or opinions from sources outside the agency in preparing to propose the amendment of rules governing the Minnesota Uniform Fire Code, *Minnesota Rules*, parts 7510.3100 to 7510.3280. The amendment of the rules is authorized by *Minnesota Statutes*, section 299F.011, subdivision 1, which permits the Commissioner of Public Safety to "promulgate a uniform fire code and make amendments thereto. . . ."

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

Robert L. Imholte  
State Fire Marshal Division  
285 Bigelow Building  
450 North Syndicate Street  
St. Paul, Minnesota 55104

Oral statements will be received during regular business hours over the telephone at (612) 643-3080 and in person at the above address.

All statements of information and opinions will be accepted until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. Any written material received by the State Department of Public Safety will 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: 22 May 1991

Ralph Church, Commissioner  
Department of Public Safety

## Regional Transit Board

### Notice of Public Hearing on Marginal Cost Guidelines for Submitting Bids as Part of Proposals to Operate Public Transit Service

The Regional Transit Board is holding a public hearing pursuant to *Minnesota Statute* 473.392 to receive comments for establishing marginal cost guidelines for submitting bids as part of proposals to operate public transit service.

Interested parties are encouraged to attend this hearing and offer public comment. The hearing will be held Monday June 17 at 5:00 p.m. in the Mears Park Centre Board Chambers. (First Floor, 230 East Fifth St., St. Paul) Those wishing to present comments at the public hearings should contact the RTB at 292-8789, TDD 229-2715. Interpreters will be available.

Copies of the proposed guidelines are available from the RTB. Written comments will be received through Friday, June 21, 1991.

Michael J. Ehrlichmann  
Chair

# State Contracts and Advertised Bids

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

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

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

## Materials Management Division—Department of Administration:

### Contracts and Requisitions Open for Bid

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

**Commodity:** Copier  
**Contact:** John Bauer 296-2621  
**Bid due date at 2pm:** June 6  
**Agency:** Natural Resources Department  
**Deliver to:** Brainerd  
**Requisition #:** 29003-21289

**Commodity:** Delfia neonatal kits  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** June 10  
**Agency:** Health Department  
**Deliver to:** Minneapolis  
**Requisition #:** 12400-80061

**Commodity:** Biological specimens and dissecting supplies  
**Contact:** Dale Meyer 296-3773  
**Bid due date at 2pm:** June 18  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price contract

**Commodity:** Cushman electric tug & quad-steer trailers  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 4:30pm:** June 10  
**Agency:** Human Services Regional Service Center  
**Deliver to:** Brainerd  
**Requisition #:** 02310-19256

**Commodity:** Envelopes: unprinted, white wove, kraft & mailers  
**Contact:** Ann Wefald 296-2546  
**Bid due date at 2pm:** June 14  
**Agency:** Administration Department—Central Stores  
**Deliver to:** St. Paul  
**Requisition #:** Price contract

**Commodity:** Controllers—traconex  
**Contact:** Pamela Anderson 296-1053  
**Bid due date at 2pm:** June 10  
**Agency:** Transportation Department  
**Deliver to:** Fort Snelling  
**Requisition #:** 79050-26938

**Commodity:** Winch packages for Ford and Dodge trucks  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** June 10  
**Agency:** Natural Resources Department  
**Deliver to:** Various  
**Requisition #:** 29000-56295

**Commodity:** Move of pollution control agency  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** June 14  
**Agency:** Pollution Control Agency  
**Deliver to:** St. Paul  
**Requisition #:** 326000-27318

**Commodity:** Roll-up counter door and shutter  
**Contact:** Pamela Anderson 296-1053  
**Bid due date at 4:30pm:** June 10  
**Agency:** Military Affairs Department  
**Deliver to:** As designated  
**Requisition #:** 01000-06552

**Commodity:** Riding mower  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** June 10  
**Agency:** Natural Resources Department  
**Deliver to:** New Ulm  
**Requisition #:** 29004-14806

**Commodity:** Audio monitoring system  
**Contact:** Pamela Anderson 296-1053  
**Bid due date at 2pm:** June 17  
**Agency:** Correctional Facility  
**Deliver to:** Red Wing  
**Requisition #:** 78760-02940

**Commodity:** A/V equipment  
**Contact:** Pamela Anderson 296-1053  
**Bid due date at 2pm:** June 10  
**Agency:** Revenue Department  
**Deliver to:** St. Paul  
**Requisition #:** 67110-34482

**Commodity:** 16-ton tilt bed trailer  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** June 10  
**Agency:** Transportation Department  
**Deliver to:** Various  
**Requisition #:** 79382-02251

**Commodity:** EKS/ACD telecom system  
**Contact:** Teresa Ryan 296-7556  
**Bid due date at 2pm:** June 18  
**Agency:** Administration Department—PrintComm  
**Deliver to:** St. Paul  
**Requisition #:** 02515-10811

Department of Administration: Print Communications Division

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

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

**Commodity:** Central stores invoice continuous feed, 5M 2-part sets, 9½"x11" overall includes ½" stub left/right, negs available, 1-sided, carbonless  
**Contact:** Printing Buyer's Office  
**Bids are due:** June 6  
**Agency:** Administration Department—  
Central Stores  
**Deliver to:** St. Paul  
**Requisition #:** 16519

**Commodity:** Official pan ticket, 100M 6-part sets, 3½"x5½" overall includes ½" stub left side, camera ready + negs, 1-sided, carbonless, shrink wrap 1500 packs  
**Contact:** Printing Buyer's Office  
**Bids are due:** June 6  
**Agency:** Agriculture Department—  
Grain Inspection  
**Deliver to:** Minneapolis  
**Requisition #:** 16538

**Commodity:** Submitted pan ticket, 100M 6-part sets, 3½"x5½" overall includes ½" stub left side, camera ready + negs, 1-sided, carbonless, shrink wrap 1500 sets  
**Contact:** Printing Buyer's Office  
**Bids are due:** June 6  
**Agency:** Agriculture Department—  
Grain Inspection  
**Deliver to:** Minneapolis  
**Requisition #:** 16537

**Commodity:** Notice of benefits charged to reimburseable account, 10M continuous feed, 9½"x11" overall, ½" tear strips left/right, 3-parts, type to set + negs, 1-sided, carbon interleave  
**Contact:** Printing Buyer's Office  
**Bids are due:** June 6  
**Agency:** Jobs & Training Department  
**Deliver to:** St. Paul  
**Requisition #:** 16524

**Commodity:** Combined Human Service Department manuals, 9 different manuals, 8½"x11", 2,850 each, loose leaf, camera ready, drilled standard 3-hole, shrinkwrap  
**Contact:** Printing Buyer's Office  
**Bids are due:** June 10  
**Agency:** Human Services Department  
**Deliver to:** St. Paul  
**Requisition #:** 16481

**Commodity:** Operators checklist, 2M pads of 50 sets, 5"x8½" overall includes ½" top stub, carbonless, negs available, 1-sided, chipboard back, wrap-around cover, taped and wire stapled, shrink wrap  
**Contact:** Printing Buyer's Office  
**Bids are due:** June 6  
**Agency:** Transportation Department  
**Deliver to:** St. Paul  
**Requisition #:** 16530

**Commodity:** Licensed school personnel record forms, 58M 3-part continuous, 9½"x11" overall, fan-fold 1-up, type to set + negs, 1-sided, screen, crimp and perp.  
**Contact:** Printing Buyer's Office  
**Bids are due:** June 6  
**Agency:** Education Department  
**Deliver to:** St. Paul  
**Requisition #:** 16486

# Professional, Technical & Consulting Contracts --- ---

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

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## Department of Agriculture

### Family Farm Services Division

#### Notice of Availability of Contracts for Minnesota Farm Advocates

The Minnesota Department of Agriculture announces the availability of contracts for farm advocates for the period of July 1, 1991 through June 30, 1992. Applicants must be farmers or former farmers; be familiar with or experienced in farm financial planning (cash flows through financial statements); be knowledgeable of farmers' borrowers rights and responsibilities with the ability to comprehend state and federal rules and regulations governing farm credit; have good communications skills (written, oral and listening); and have compassion for and an interest in helping other farmers.

For more information contact:

Pat Schuna  
Family Farm Services Division  
Minnesota Department of Agriculture  
90 West Plato Blvd.  
St. Paul, MN 55107  
(612) 296-1484

## Department of Corrections

### Minnesota Correctional Facility—Stillwater

#### Notice of Request for Services of a Chemical Dependency Counselor

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

**Proposal must be submitted no later than June 14, 1991.**

## Department of Human Services

### Family Support Programs

#### MAXIS Project

#### Request for Proposals for an Issuance Operations Center

**Due date for written responses is 2:00 p.m., Tuesday, July 2, 1991.**

The Minnesota Department of Human Services (MDHS), MAXIS Project is requesting proposals for a prime contractor for the Issuance Operations Center (IOC) which MAXIS will operate.

The Issuance Operations Center (IOC) receives data from the MAXIS application system to produce (print) notices, cash benefit payment warrants, food stamp mailing pieces, and some reports. These outputs are prepared for distribution via the U.S. Postal Service or direct delivery within the IOC. The IOC also maintains Minnesota's food stamp inventory and processes returned cash and food stamp benefits.

The RFP describes a relationship to be established between the State of Minnesota, Department of Human Services (MDHS) and a prime contractor. The prime contractor will provide primary and secondary support in establishing and maintaining operations of the State of Minnesota, Department of Human Services (MDHS) Issuance Operations Center (IOC).

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## Professional, Technical & Consulting Contracts

RFP Components include the following:

- **Equipment:** Provide production and distribution equipment. This includes installation, associated peripherals, software, training and related products and services.
- **Maintenance:** Provide maintenance and technical support for production and distribution equipment and software.
- **Services:** Provide professional, technical, operations and support staff and services for transition to IOC operations.

MDHS will select a prime contractor responsible for the performance of this contract. A prime contractor is a company with a comprehensive selection of products and services, related to this RFP, available through established contractual arrangements with specialized manufacturers, maintenance providers and subcontractors.

The prime contractor arrangement described in this RFP emphasizes the terms of the business relationship. The prime contractor may have one or more subcontractors. The prime contractor will, however, remain solely responsible for the performance of all contractual obligations, whether performed by the prime contractor or subcontractors.

Because the prime contractor arrangement allows subcontracting and other contractual arrangements, vendors as a whole enjoy greater opportunity to participate. Manufacturers and vendors wanting to participate in this procurement should work with a vendor which is responding to the RFP as a prime contractor.

### Organizations interested in receiving a copy of this Request for Information contact:

Mr. Don Olson, Contract Administrator  
Department of Administration  
112 Administration Building  
50 Sherburne Avenue  
St. Paul, MN 55155

Any communication with MAXIS or MDHS relative to this RFP should be addressed, in writing, to the address shown above, or transmitted by fax (followed by original) to 297-3996.

All necessary review and approvals are expected to be complete for a contract to be in place with the selected vendor by September 15, 1991. Projected completion date of the initial transition to a fully operational permanent IOC is November 30, 1991.

## Department of Jobs and Training

### Division of Rehabilitation Services

### Notice of Proposed Contracts—Federal Fiscal Year 1992

The Minnesota Department of Jobs and Training, Division of Rehabilitation Services is publishing notice that the contracts listed below are available and will be awarded for federal fiscal year 1992 (October 1, 1991 to September 30, 1992):

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

1. The Division of Rehabilitation Services, Office of Vocational Rehabilitation is seeking to employ individuals under contract who will meet with local staff of the section in order to provide them with advice, consultation, and training on medical and psychiatric or psychological aspects affecting the rehabilitation process for specific clients and for the agency, in general. This section will be seeking at least one medical and one psychiatric or psychological contractor in each of the following locations: Bemidji, Brainerd, Duluth, Fergus Falls, Mankato, Faribault, Marshall, Minneapolis, Rochester, St. Cloud, St. Paul, Virginia, Moose Lake and Anoka. All individuals will be paid at a rate of \$50.00 to \$100.00 per hour or a maximum of \$110.00 per site per visit. Most contract work will require an average of 2 to 4 hours per week. Total cost is not expected to exceed \$100,000.00. Inquiries should be directed to:

James R. House  
Director, Office of Rehabilitation Services  
MN Department of Jobs and Training  
Division of Rehabilitation Services  
5th Floor  
390 North Robert Street  
St. Paul, Minnesota 55101

All proposals must be received by 4:30 p.m. 7-5-91.

2. The Division of Rehabilitation Services, Social Security Disability Determination Services Section, is seeking to employ individuals under contract who will advise and consult with disability examiner staff and others regarding the medical and psychological

## Professional, Technical & Consulting Contracts

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aspects of impairments including the nature and severity of disease processes, appropriate medical development and case documentation for individual claims, proper application of SSA medical policy and assessment of the claimant's residual level of functioning. The contractor will also be required to certify the claimant's determination of disability as required by the Social Security Administration. The section will be seeking up to seventeen Minnesota licensed medical doctors and up to thirteen Minnesota licensed consulting psychologists. All services will be utilized in St. Paul. Range of pay is \$44 to \$50 per hour. Contracts will vary from 8 to 35 hours per week and will be for 1 year (10/1/91 through 9/30/92) or 1 year with an option to renew for a 2nd year. Total cost is not expected to exceed \$1,250,000. Inquiries should be directed to:

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

All proposals must be received by 4:30 p.m. 7-5-91.

### **B. Notice of Proposed Contract for Psychometric Testing Services**

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

James R. House  
Director, Office of Rehabilitation Services  
MN Department of Jobs and Training  
Division of Rehabilitation Services  
5th Floor  
390 North Robert Street  
St. Paul, Minnesota 55101

All proposals must be received by 4:30 p.m. 7-5-91.

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

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

The division's fee schedule will be used as a guide to determine compensation. Fees may not exceed the division's fee maximums. Multiple contracts will be written. Expenditure for these contracts is not expected to exceed \$300,000. Reimbursement for mileage according to state regulations is provided. The contract period is 10/1/91 through 9/30/92. Inquiries and request for a copy of the RFQ and RFP should be directed to:

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

All proposals must be received by 4:30 p.m. 7-5-91.

### **D. Notice for Request for Proposals for Medical Teledictation Service**

The Social Security Disability Determination Services Section is seeking the services of a contractor to receive by telephone,



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## Professional, Technical & Consulting Contracts

transcribe, and deliver medical reports dictated by consulting and treating physicians. Three telephone lines and (3) sets of telerecording equipment are to be used exclusively by this section. Dictation recording equipment is to be provided by the contractor. Compensation is based on a 12-14 (elite type) word line. The contract will run 10/1/91 through 9/30/92 with an additional one year option to renew and is not expected to exceed 450,000 lines per fiscal year. Expenditure for this contract is not expected to exceed \$60,000.00 for FY 1992 and \$60,000.00 for FY 1993. Inquiries and request for a copy of the RFP should be directed to:

William T. Ruhl  
Assistant Director, Medical Services  
Disability Determination Services Section  
MN Department of Jobs and Training  
Rehabilitation Services  
Suite 300—Metro Square Building  
Seventh and Robert Streets  
St. Paul, Minnesota 55101  
(612) 296-4419; (612) 297-4578

All proposals must be received by 4:30 p.m. 7-5-91.

### Department of Trade and Economic Development

#### Communications Office, Administration Division

#### Request for Proposals for Support Slides and Audio-Visual Production

The Department of Trade and Economic Development wishes to retain a contractor for support slides and audio-visual production services. The services of the contractor will begin approximately July 15, 1991, and end June 30, 1992, with an option to renew for the 1992-93 Fiscal Year. The cost of AV-related projects will not exceed \$10,000.00 annually and may be considerably less. The products of this contract will be part of a broader marketing program.

Proposals must be received by 4:30 p.m. Tuesday, June 18, 1991. For a detailed Request for Proposals please contact:

Communications Office  
Minnesota Department of Trade and Economic Development  
900 American Center Building  
150 East Kellogg Blvd.  
St. Paul, MN 55101  
Phone: (612) 297-1300

### Department of Trade and Economic Development

#### Communications Office, Administration Division

#### Request for Proposals for Design and Typesetting

The Department of Trade and Economic Development wishes to retain a contractor to provide design and typesetting services for literature pieces and related projects including, but not limited to, publications, presentation boards, posters, invitations and advertisements published by the department. The services of the contractor will begin approximately July 15, 1991, and end of June 30, 1992, with an option to renew for the 1992-93 fiscal year. It is estimated that the cost of this project will not exceed \$10,000.00 annually.

Proposals must be received by 4:30 p.m. Tuesday, June 18, 1991. To obtain a complete Request for Proposals that offers details, please contact the:

Communications Office  
Minnesota Department of Trade and Economic Development  
900 American Center Building  
150 East Kellogg Blvd.  
St. Paul, Minnesota 55101  
Phone: (612) 297-1300

## Professional, Technical & Consulting Contracts

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### Department of Trade and Economic Development

Communications Office, Administration Division

#### Request for Proposals for Specialized Writing Services

The Department of Trade and Economic Development wishes to retain a contractor to provide specialized writing services for major literature pieces published by the Department. The services of the contractor will begin approximately July 15, 1991, and end on June 30, 1992, with a renewal option for the 1992-93 fiscal year. It is estimated that the cost of this project will not exceed \$8,000.00 annually.

Proposals must be received by 4:30 p.m. Tuesday, June 18, 1991. To obtain a complete Request for Proposals that offers details, please contact the:

Communications Office  
Minnesota Department of Trade and Economic Development  
900 American Center Building  
150 East Kellogg Blvd.  
St. Paul, Minnesota 55101  
Phone: (612) 297-1300

### Department of Transportation

Division of Operations

#### Notice of Availability of Request for Proposals to Provide Management and Technical Assistance to Disadvantaged Business Enterprises Involved in Transportation-related Fields

Contracts totaling \$350,000 to provide management and technical assistance in the form of one-to-one assistance and group training will be awarded by the Minnesota Department of Transportation (MN/DOT).

The contracts are part of MN/DOT's and the U.S. Department of Transportation, Federal Highway Administration's (FHWA) long-term efforts to increase the participation of disadvantaged businesses in transportation-related industries.

Contracts will be executed for a one year period beginning September 1, 1991 and ending August 31, 1992. The Request for Proposal(s) can be obtained at the address below, or by contacting:

Mr. Carl Fransen, Acting Director  
Minnesota Department of Transportation  
EEO Contract Management Office Room 123  
395 John Ireland Blvd.  
St. Paul, Minnesota 55155  
(612) 297-1376

The deadline for submission of completed proposals is 4:30 p.m. Monday, July 8, 1991.

John H. Riley  
Commissioner

Dated: 24 May 1991

# Non-State Public Contracts

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

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

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## Regional Transit Board

### Notice of Request for Proposal to Operate Fixed Route Public Transit Service in the City of Bloomington, Minnesota

The Regional Transit Board (RTB), the agency responsible for the planning, policy making, administering and funding of public transit service in the Twin Cities Metropolitan Area, is soliciting proposals to operate fixed route public transit service in the City of Bloomington, Minnesota. The successful respondent to the Request For Proposal will enter into an hourly rate contract with the RTB for a 24-month period.

Highlighted below are some of the service requirements:

- Service operates Monday thru Friday 7:30 a.m.-6:30 p.m. and Saturdays 8:30 a.m.-6:00 p.m.
- The estimated number of annual service hours operated will be 6,664 hours.
- The estimated number of annual service miles operated will be 106,888 miles.
- Three transit vehicles (two for operations plus one spare), all equipped with power wheelchair lifts and a minimum seating capacity of 22 passengers, are required.
- Service operations will consist of two buses interlining along two routes providing 60 minute frequency.

The above referenced RFP will be available as of Wednesday, May 29, 1991. Respondents must submit proposals before 4:00 p.m. Central Time, July 8, 1991. The service start-up date is scheduled for November 2, 1991.

If you are interested in receiving free of charge this Request For Proposal, please contact the Regional Transit Board by telephone at (612) 292-8789 or by mail at 230 East Fifth Street, Saint Paul, Minnesota 55101.

## Regional Transit Board

### Request for Proposal for Providing Transit Market Research, Analysis and Marketing Recommendations

The Regional Transit Board will be accepting proposals until 5:00 p.m. on June 21, 1991, for providing Transit Market Research, Analysis and Marketing Recommendations.

The overall objective of this effort is to increase ridership on the transit system region wide. All transit modes will be included in this study: regular route buses, community circulars, dial-a-rides, van pools, ridesharing and Metro Mobility. The market research objective is to identify current transit riders and determine why they ride; identify non-riding markets and determine why they do not ride, and target transit markets that represent the greatest potential number of future transit users.

The required Request for Proposal materials may be obtained from the Regional Transit Board located at 230 East Fifth Street, St. Paul, MN 55101, Monday through Friday between the hours of 8:15 a.m. and 5 p.m.

The Regional Transit Board reserves the right to reject any and all proposals.

All inquiries pertaining to the RFP specifications or any questions in reference to the RFP may be directed to: Regional Transit Board, 230 East Fifth Street, St. Paul, MN 55101 ATTN: Suzanne Hanson, Public Information Manager.

# State Grants

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

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

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## Department of Agriculture

### Program Support Division

#### Notice of Availability of Grant Funds for Agriculture Information Centers

The Minnesota Department of Agriculture announces the availability of \$150,000 in grant funds for agriculture information centers for the period of July 1, 1991 through June 30, 1992. The purpose of this grant is to assist private, non-profit organizations that provide a variety of services to farmers such as financial planning, social service and legal service referrals, assistance with mediation and peer counseling.

The grant must be matched dollar for dollar with nonstate money. However, up to half of the match may be in-kind contributions.

To receive a grant application contact:

Carol Milligan  
Program Support Division  
Minnesota Department of Agriculture  
90 West Plato Blvd.  
St. Paul, MN 55107  
(612) 296-6906

All grant applications must be received by Ms. Milligan at the address above by 4:30 p.m., July 8, 1991.

## Minnesota Housing Finance Agency

#### Notice of Fund Availability for the HUD Rental Rehabilitation Program

In anticipation of the receipt of approximately \$300,000 in federal funds from the Department of Housing and Urban Development (HUD), the Minnesota Housing Finance Agency (MHFA) is pleased to announce that it is accepting applications for the administration of the 1991 Rental Rehabilitation Program and the Rural Rental Rehabilitation Demonstration Program.

The Rental Rehabilitation Program was established to furnish grants to rehabilitate privately owned residential properties as well as Section 8 vouchers or certificates to eligible tenants to provide affordable, decent, safe and energy efficient housing for lower income families. The anticipated Fiscal Year 1991 allocation of federal funds is approximately fifty-three percent (53%) of last years allocation and is expected to be the final allocation of funds to the program. The MHFA has determined the demand for 1991 program funds will far exceed the supply. To maximize the effectiveness of this last allocation, the MHFA has developed an allocation plan which among other criteria, gives priority to units of general local government, cities and urban counties with previous experience in administering the Rental Rehabilitation Program and a current waiting list of projects. The MHFA will attempt to fund as many of these projects as possible. If additional funds are available after the current list has been exhausted, the MHFA may consider funding new proposals.

The Housing Community Development and Homelessness Prevention Act of 1987 established the Rural Rental Rehabilitation Demonstration Program which allows the MHFA to administer the 1991 program statewide with the exception of federal entitlements. For the purpose of the demonstration program, a very limited amount in unutilized state Rental Rehabilitation Program appropriations from prior fiscal years will be available for use in areas eligible for Title V/Farmers Home assistance.

Interested applicants should request a Participation Application Packet from MHFA. The Participation Application Packet contains an application manual which fully describes the program, the allocation plan, and the steps to be taken to apply for administration of the program.

Minnesota Housing Finance Agency  
400 Sibley Street, Suite 300  
Saint Paul, MN 55101  
Attention: Susan Haugen (612) 296-9848

Completed Application Packets must be submitted by 4:30 p.m. on June 30, 1991. The MHFA will approve its recommendations for funding the latter of July 31, 1991 or upon receipt of program funds.

Any questions concerning the Rental Rehabilitation Program or the application process should be directed to Susan Haugen (612) 296-9848.

This Notice of Fund Availability (NOFA) is subject to receipt of HUD Rental Rehabilitation Program funds and to all applicable federal, state and municipal laws, rules and regulations. MHFA reserves the right to modify or withdraw the NOFA at any time and is not able to reimburse any applicant for costs incurred in preparation or submittal of applications.

## Department of Human Services

### Request for Proposals for Children's Justice Act Grant Project

The Minnesota Department of Human Services, Children's Services Division, is soliciting proposals from qualified agencies to establish **Projects to improve the cooperation and coordination between child protective services and law enforcement agencies, and county attorneys' offices in the assessment, investigation and prosecution/adjudication of child maltreatment cases.** Inter-agency collaboration is required and multi-county cooperative efforts are encouraged when appropriate. A total of approximately \$55,000.00 is available for qualified applicants. The State will consider awards of up to \$10,000.00 per applicant.

**Minimum Qualifications:** Qualified applicants must be agencies which provide local, county, regional and/or state child protective, law enforcement and/or county attorney services. One of these agencies will be responsible for the grant application. The application must be accompanied by letters of support from the other agencies, indicating their involvement in the proposal. The proposal must describe how the grant funds will be used to improve coordination between the child protective services agency, county attorney's office and the local law enforcement agencies.

Persons involved in the application process should have experience and expertise in child maltreatment investigations and assessments and must have knowledge of the statutes and laws related to child protection and criminal law violations involving child victims. The applicants must be generally familiar with child protection practices and personnel involved in child maltreatment cases across the State. **THE DEADLINE FOR PROPOSALS IS JULY 31, 1991.**

**To apply, write for a Request for Proposals at the:**

Minnesota Department of Human Services  
Children's Services Division, Child Protective Services  
444 Lafayette Road  
Saint Paul, Minnesota 55155-3830

**Or Call:** (612) 296-2217

**For more information, call:** Lori Holmes or Inta Sellars, Protective Services Program Consultants at (612) 297-2358 or (612) 296-0813, or leave a message at (612) 296-2217.

The Children's Services Division and the State reserve the right to reject any and all proposals submitted.

## Department of Human Services

### Notice of Intent to Identify the Need for a Competitive Bid Process on Existing Chemical Dependency Grants

The Chemical Dependency Program Division (CDPD) of the Department of Human Services is considering the continuation of a grant award to Community University Health Care Center (CUHCC) in the area of prevention for Southeast Asian communities.

The CDPD will open this grant to competitive selection if requested to do so by a qualified potential vendor. The potential vendor must demonstrate its capability to deliver an equal or superior service at a comparable cost.

Potential vendors should submit a letter outlining their qualifications to provide the services described to Ruthie M. Dallas, 2nd floor, 444 Lafayette Road, St. Paul, MN 55155-3823 no later than close of business (4:20 p.m.) Monday, June 17, 1991. Applicants should indicate their interest in this specific grant.

The grant to CUHCC is for approximately \$28,000. The purpose of this grant with CUHCC is to provide prevention strategies which are culturally-appropriate for Southeast Asian communities, including youth-focused prevention activities. Activities include: 1) provision of information on appropriate and harmful patterns of drug or alcohol use that interfere with competent functioning, and are incapacitating and self destructive in nature among the Southeast Asian populations; 2) facilitation of prevention-related activities for Vietnamese youth including unaccompanied minors and Amerasians; 3) provision of community education to adults in the

## State Grants

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Vietnamese, Hmong, Lao and Cambodian communities regarding alcohol and drug abuse; 4) provision to sponsor community forums for the Vietnamese, Lao, Cambodian and Hmong communities within the 7 county metro area about alcohol and drug abuse in order to increase community awareness about chemical use among youth; 5) provision of in-service education to professionals about cultural issues involved in working with the Vietnamese families; and 6) maintaining a record keeping system on grant related activity.

## Departments of Human Services and Jobs and Training and the State Board of Technical Colleges

### Request for Proposals for Special Projects to Reduce Dependency on the Aid to Families with Dependent Children (AFDC) Program

The Minnesota Department of Human Services (DHS), in conjunction with the Minnesota Department of Jobs and Training (DJT) and the State Board of Technical Colleges (SBTC), is requesting proposals for special projects intended to reduce dependency on Aid to Families with Dependent Children (AFDC). This request for proposal is authorized by *Minnesota Statutes* 1987, section 256.7363 based on the availability of funds. State funds available are approximately \$1.1 million.

Two categories of grants will be funded:

- **Prevention Projects.** Prevention projects must prevent AFDC dependency through helping families of individuals at-risk of long-term dependency avoid a long period of AFDC receipt. Prevention projects may target, but are not limited to, AFDC parents under age 21, non-AFDC parents under age 21, non-custodial parents (especially fathers) whose families fall into one of the previous categories, and individuals under age 21 at-risk of premature pregnancy.

- **Intervention Projects.** Intervention projects must reduce AFDC dependency by helping families already experiencing long-term dependency become economically independent. Intervention projects target families who have been on AFDC for 36 months or longer, or other families on AFDC with substantial barriers to employment, or non-custodial parents (especially fathers) whose families fall into one of the other categories.

Funding is available for new projects testing experimental approaches, projects replicating proven models in new areas, or established projects needing funding to add new service components, or currently funded projects.

Preference will be given to projects which include multi-agency participation or coordination.

Proposals will be accepted from counties, employment and training service providers, cities, local and state agencies, federally recognized Indian reservations, K-12 school districts, post-secondary educational institutions, job training agencies, community-based organizations, displaced homemaker programs, and other non-profit agencies. Funding will be available from August 1, 1991, to June 30, 1993. Twenty-five percent (25%) of the proposed budget for each project must be provided from eligible matching sources.

At least two of the projects selected must be operated by or in cooperation with tribes or organizations representing ethnic minorities (*Minnesota Statutes* 256.7365, subd. 4). In addition, DHS, DJT, and SBTC will give special consideration to projects that propose innovative ways to assist the targeted population, and to proposals which include controlled evaluation designs.

**Proposals must be received by July 1, 1991.** A letter of intent is requested by June 15, 1991. Final selection of proposals for funding will be made by August 1, 1991. Projects selected for funding will negotiate with the state for final funding conditions, including requirements for reporting and project evaluation.

For a copy of the full Request for Proposal (RFP) or other questions or information, contact:

Susan Johnson, Program Specialist  
Minnesota Department of Jobs and Training  
150 E. Kellogg Blvd., Room 690  
St. Paul, Minnesota 55101  
(612) 296-6060

## Supreme Court Calendar

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### Cases Scheduled for June 3-6, 1991

Compiled by Staff, Minnesota State Law Library, (612) 296-2775

Listed below are the cases scheduled to be heard by the Minnesota Supreme Court in the next few weeks. This listing has been

compiled by the staff of the Minnesota State Law Library for informational purposes only. Cases may be rescheduled by the Court subsequent to publication in the *State Register*. Questions concerning the time and location of hearings should be directed to: Clerk of the Appellate Courts, Room 245 Minnesota Judicial Center, St. Paul, MN 55155 (612) 296-2581.

**Monday, June 3, 1991 9:00 a.m.—Supreme Court Courtroom, State Capitol Building**

**C7-90-773 MIDWAY NATIONAL BANK OF ST. PAUL as Trustee and Conservator for NANCY BOLLMEIER, Plaintiff, vs. EMIL WAYNE BOLLMEIER, et al., Defendants, and THE HARTFORD FIRE INSURANCE COMPANY, Respondent,** (Attorney: Dexter O. Corliss of Hagglund Law Firm) **vs. STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, petitioner, Appellant,** (Attorneys: Lawrence R. King and Barbara R. Hatch of Murname, Conlin, White, Brandt & Hoffman) **STATE FARM FIRE AND CASUALTY COMPANY, petitioner, Appellant,** (Attorneys: Roderick D. Blanchard, Raymond L. Tahnk-Johnson and William M. Hart of Meagher & Geer) **EMIL WAYNE BOLLMEIER, Respondent,** (Attorneys: Lee L. LaBore and Richard J. Langlais of Langlais & Langlais—for the Estate of Emil Wayne Bollmeier) **DYNEX RESEARCH, INC. et al., Respondents** (Attorneys: Keith J. Kerfeld and Steven D. Hawn—for Emil Wayne Bollmeier, Dynex Research, and C-Tek) **MIDWAY NATIONAL BANK OF ST. PAUL as Trustee and Conservator for NANCY BOLLMEIER, Respondent,** (Attorney: William D. Harper) **NANCY BOLLMEIER, Defendant.** Opinion Court of Appeals.

**Primacy of insurance coverage** in claims asserted by the injured spouse arising from an automobile accident in which the insured was driving the couple home from a business meeting in her vehicle:

- **Was the household exclusion** provision valid—if policyholder was not properly informed of its existence? Under a personal injury umbrella policy in case of injury arising from auto accident?
- **Was evidence properly** filed with Court prior to summary judgment motion hearings?
- **Was cause of action** on which summary judgment predicated properly pled?
- **Is umbrella personal liability policy** excess over other carrier coverage?

**C9-90-1407 DONALD H. COSTELLO, petitioner, Appellant,** (Attorney: Todd J. Zerin) **vs. AETNA CASUALTY AND SURETY COMPANY, Respondent.** (Attorney: Robert J. Schmitz of James F. Dunn & Associates) Opinion Court of Appeals.

**Arbitration of underinsured motorist benefits** by policyholder after receipt of judgment (by jury verdict) of damages against driver of other vehicle and his carrier for injuries sustained in auto accident:

- **Was insured's right to arbitration** for benefits ambiguous on the face of his policy collaterally estopped by the trial court award of damages within the other driver's policy limits?
- **Would the arbitration constitute** relitigating the same?
- **Were the issues** under consideration on appeal properly pled initially?

**Tuesday, June 4, 1991 9:00 a.m.—Supreme Court Courtroom, State Capitol Building**

**C1-91-195 BERNARD KLOSS, Respondent,** (Attorney: Jerry J. Lindberg of Ronald Drewski, PA) **vs. E & H EARTHMOVERS and NORTHWESTERN INSURANCE COMPANY, Relators,** (Attorney: James S. Pikala of Arthur, Chapman & McDonough, PA) **and JIM CHRISTLE and WESTERN NATIONAL INSURANCE COMPANY, Respondents,** (Attorney: Raymond W. Fitch of Fitch, Johnson, Larson & Walsh) **and MINNESOTA DEPARTMENT OF JOBS & TRAINING/UI, Intervenor, and PHYSICIANS HEALTH PLAN, Intervenor.** Decision of Workers' Compensation Court of Appeals.

**Apportionment of offset** benefit costs for permanently, totally disabled employee receiving government disability aid for same injuries invoking workers' compensation coverage:

- **Should the same formula** (as adopted in *Kaisershot*) be used to establish proportionate offset liability as was used for respective responsibility for first and subsequent injuries?
- **Does the date of the injuries** have a bearing on applicability of *Kaisershot*?

**C4-90-2349 STATE OF MINNESOTA, Respondent,** (Attorney: Hubert H. Humphrey, III, State Attorney General) **vs. (Attorneys: Michael O. Freeman, County Attorney, and Lisa A. Berg, Assistant Co. Attorney) MONTEA REGINALD ROSS, Appellant.** (Attorneys: John Stuart, State Public Defender, and Marie L. Wolf, Assistant Public Defender) Order of Hennepin County.

**Waiver of jury trial** first degree murder matter:

- **Was this waiver** knowingly and intelligently made?
- **Were its consequences** understood?
- **Was this adequately** reflected in the record?

## Supreme Court Calendar

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### Wednesday, June 5, 1991 9:00 a.m.—Supreme Court Courtroom, State Capitol Building

**C4-90-1010 STATE OF MINNESOTA, Respondent**, (Attorneys: Hubert H. Humphrey, III, State Attorney General, and Robert A. Stanich, Spec. Asst. Attorney General) vs. (Attorney: James T. Reuter, Chisago County Attorney) **GERALD CHARLES RASINSKI, petitioner, Appellant**. (Attorney: Arden Fritz of Douglas G. Sauter & Associates) Opinion Court of Appeals.

**Criminal vehicular operation** matter resulting in death:

- Was there a **departure** from sentencing guidelines?
- Should the sentences have been executed?
- **Admissibility of certain evidence**—video reconstruction of accident, testimony of rebuttal witness.
- **Excludability of defense witness** undisclosed until defense case closed.

**C7-90-1373 CITY OF WILLMAR, petitioner, Respondent**, (Attorneys: Scott A. Smith and Joy M. Waldera of Popham, Haik, Schnobrich & Kaufman, Ltd.) vs. **SHORT-ELLIOTT-HENDRICKSON, INC., petitioner, Appellant**, (Attorneys: Mark J. Heley and Thomas L. Adams of Meagher and Geer) **ADOLFSON & PETERSON, INC., Respondent**, (Attorney: Steven R. Schwegman of Quinlivan, Sherwood, Spellacy & Tarvestad, P.A.) **CLOW CORPORATION, Respondent**. (Attorney: Kevin Quigley of Oppenheimer, Wolff & Donnelly) Opinion Court of Appeals.

**Waste water treatment facility** design causative of odors emanating from it:

- **Did statute of limitations** toll before action brought by municipality?
- **Were the engineers, contractors and suppliers** equitably estopped from raising the statute of limitations defense?
- **Does the construction** of a sewage treatment plant constitute an improvement to real property governed by *Minnesota Statutes* 541.051 or by provisions of the UCC?

### Thursday, June 6, 1991 9:00 a.m.—Supreme Court Courtroom, State Capitol Building

**C4-84-1032 In Re Petition for Disciplinary Action against ROBERT D. REUTTER, an Attorney at Law of the State of Minnesota**. (Attorneys: William J. Wernz, Director, Lawyers Professional Responsibility, Richard J. Harden, Senior Asst. Director, and Robert D. Reutter, Sioux Falls, SD 57103) Petition for Disciplinary Action.

**Petition for reinstatement** after suspension

**C7-82-467 In Re Petition for Disciplinary Action against WILLIAM A. PETERS, an Attorney at Law of the State of Minnesota**. (Attorneys: William J. Wernz, Director, Lawyers Professional Responsibility, Martin A. Cole, Senior Asst. Director, and William A. Peters, Bloomington, MN) Petition for Disciplinary Action.

**Decision as to discipline**

## Announcements

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**Environmental Quality Board (EQB):** Comments are due June 26 on the EAWs (environmental assessment worksheets) for the following projects at their listed regional governing unit: **Renville County Sanitary Landfill**, MPCA (Minnesota Pollution Control Agency) (612) 297-8236; **Dell Road and Scenic Heights Road**, City of Eden Prairie (612) 937-2262; **Ramsgate Townhomes**, City of Hopkins (612) 935-8474; **Minnegasco Proposed Natural Gas Pipeline Relocation Project—Shakopee Area**, EQB (612) 296-5089. • Petitions have been received for environmental review for the following projects: **North Memorial Medical Center Expansion**, City of Robbinsdale, City Planner, 4221 Lake Road, Robbinsdale, MN 55422; **DNR Turtle Lake Parking Lot**, DNR, Office of Planning & Review, 500 Lafayette Rd., St. Paul, MN 55155; **Fergus Falls Auto Racetrack**, City of Fergus Falls, City Engineer, City Hall, 112 Washington Ave. W., Fergus Falls, MN 56337. • An EIS (environmental impact statement) was prepared for the **Owatonna Municipal Airport**, City of Owatonna (507) 451-4540. • A one-page addendum to the final EIS has been issued for the **Prairie Island Independent Spent Fuel Storage Project**, (612) 296-2096. • Notices of adequacy were issued on the following projects: **Prairie Island Independent Spent Fuel Storage**, (612) 296-2096; **Shepard/Warner East CBD Bypass**, (612) 298-5311.

**Sentencing Guidelines Commission:** The commission will meet Thursday 6 June at 4:30 p.m. at the University Club, 420 Summit Ave., St. Paul. Among items on the agenda are modifications to address legislative changes and other modifications. Call (612) 296-0144 for details.



**Boating Rule Changes for Lower St. Croix River:** New slow-no-wake zone rules for the lower St. Croix River have been adopted by the Minnesota Department of Natural Resources (DNR). The new rule amendments went into effect Tuesday, May 28. A slow-no-wake zone has been established during periods of high water for the entire river between Taylors Falls and the confluence with the Mississippi River at Prescott, Wis. The rule will go into effect whenever the water reaches 683.0 feet (above mean sea level) as measured at the Stillwater gauge by the Corps of Engineers. The rule was added to reduce shoreline erosion and property damage due to boat wakes, and to reduce accidents from floating debris during high water conditions. The DNR said a notification system has been developed to inform the public when this restriction is in effect. In addition, a slow-no-wake zone will be in effect at all times from shore to shore in the area of the river known as Afton-Catfish Bar. This area is marked by regulatory buoys. This restriction will be in effect at all times to reduce the safety hazards present in that busy area of the river. The rule changes resulted from requests by the Chisago and Washington county boards, and by the Minnesota-Wisconsin Boundary Area Commission. The Wisconsin Department of Natural Resources has adopted identical rules. For more information, contact: Anita Twaroski, Boat and Water Safety Section, (612) 297-5708, Minnesota Department of Natural Resources, Box 46, 500 Lafayette Road, St. Paul, MN 55155.

**Metropolitan Urban Service Area Expanded:** The Metropolitan Council approved an amendment to Chanhassen's comprehensive land-use plan that adds 2,780 gross acres to the metropolitan urban service area (MUSA), of which 1,571 can be developed. The MUSA is the portion of the seven-county Metropolitan Area, designated by the council, within which municipal sewer service is provided. Approximately 35 percent of the land in the seven-county area lies within the MUSA. Outside the MUSA, council policy calls for a top density limit of one home per 10 acres of land. Density inside the MUSA is limited by roadway and sewage-treatment capacity. Significant population and employment growth led Chanhassen to request the expansion. The city's population almost doubled in the last decade, jumping from 6,359 in 1980 to 11,700 in 1990. Households increased from 2,283 in 1980 to 4,016 in 1990. The council has approved several large expansions of the MUSA in the last two years, including 1,800 net acres in Woodbury, 1,800 in Plymouth, and 1,725 in Savage. The council is the regional planning and coordinating agency for the seven-county area. It is authorized by state and federal law to plan for airports, parks, highways and transit, sewers, solid waste management, housing, land use and other issues.

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# Human Services Laws and Rules

## Human Services Laws 1990

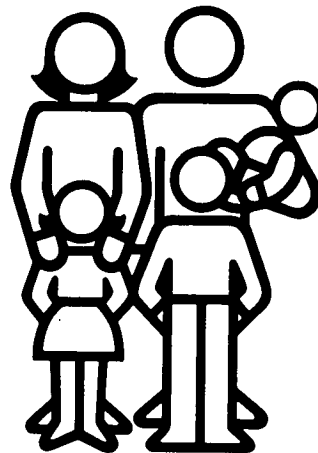
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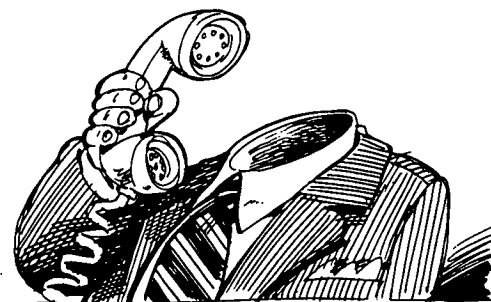
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