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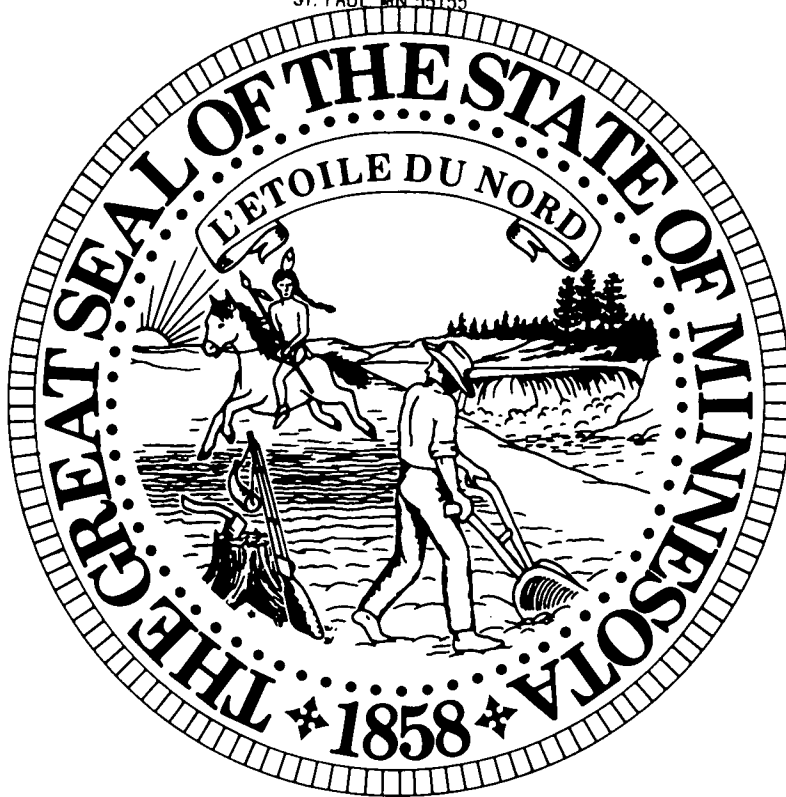
The Minnesota State Register

Department of Administration - Public Communications Division

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The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

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

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51	Monday 20 June	Monday 6 June	Monday 13 June
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Vol 19 # 1	Tuesday 5 July	Monday 20 June	Monday 27 June
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Debra Rae Anderson, Commissioner
Department of Administration

Kathi Lynch, Director
Print Communications Division

Robin PanLener, Editor 612/297-7963
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Briefly-Preview—Senate news and committee calendar; published weekly during legislative sessions.

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

Minnesota Rules: Amendments & Additions

Issues #40-51 inclusive (issues #1-39 appeared in issue #39) 2636

Proposed Rules

Health Department

Dietary and food services for nursing homes 2638

Workers' Compensation Court of Appeals

Workers' Compensation Court of Appeals; rules of procedures..... 2646

Adopted Rules

Agriculture Department

Waste pesticide assessments 2651

Human Services Department

Department health care program participation requirements for vendors and health maintenance organizations..... 2651

Technical Colleges State Board

Education; teacher licenses; general education..... 2652

Teacher licenses; general studies 2653

Withdrawn Rules

State Board of Education

Proposed rules relating to educational due process rights of individuals with handicaps 2654

Revenue Notices

Department of Revenue

Revenue Notice #94-11: MinnesotaCare/sales tax – massage therapists 2655

Revenue Notice #94-12: MinnesotaCare: Who is the taxpayer..... 2655

Official Notices

Agriculture Department

Public hearing on issuing agricultural development revenue bonds for purchase of:

farmland in Lac Qui Parle County..... 2657

dairy cows in Pine County..... 2657

Economic Security Department

Unemployment insurance quality control annual report for calendar year 1993 2658

Health Department

Quarterly change in regional and national consumer price index 2658

Human Services Department

Second surgical opinion requirements effective for dates of service on or after July 1, 1994 2658

Investment Board

Notice to retain private money management firms..... 2659

Labor & Industry Department

Prevailing wage certifications for commercial construction projects..... 2659

Metropolitan Council

Public hearing on proposed 1995-97 transportation improvement program for the Twin Cities metropolitan area 2660

Natural Resources Department

Intent to hold state selected industrial minerals lease sale: state lands to be offered for dimension stone mineral exploration 2661

Pollution Control Agency

Proposed air emission facility general permit..... 2661

State Grants

Corrections Department

Funds available to establish domestic abuse criminal justice intervention program services 2664

Minnesota Planning

Availability of federal and state grant funds to assist community programs 2665

Professional, Technical & Consulting Contracts

Minnesota Academic Excellence Foundation

Proposals sought for assistance to assure continued visibility, interpretation, and administration and delivery of activities and services..... 2666

Administration Department - Real Estate Mgmt. Div.

Proposals sought for rental of: 1-three bedroom home and 1-four bedroom home 2667

State Designer Selection Board

Proposals sought for four projects: two pre-designs for the Capitol area and one project each for Lakewood and Minneapolis Community Colleges 2667

Minnesota Health Care Commission

Proposals sought for technology evaluation consulting services 2673

Health Department

Proposals sought for health benefits design consulting services 2673

Human Services Department

Proposals sought to provide research and analysis of the uniform interstate family support act as well as training of field staff..... 2674

Transportation Department

Proposals sought for a professional psychologist to provide counseling services to employees..... 2674

Awards of State Contracts & Advertised Bids

Commodities and requisitions are advertised in the *State Register Contracts Supplement*, published every Tuesday, Wednesday and Friday.

For subscription information call 612/296-0931.

Commodity awards can be obtained from the **Materials Management Helpline** 612/296-2600.

Minnesota Rules: Amendments and Additions

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

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

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

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

Issues #40-51 inclusive (issues #1-39 appeared in #39)

Accountancy Board

1100.0100; .0200; .0600; .0650; .4000; .4200; .4300; .4400; .4500; .4650; .4900; .5100; .5300; .5800; .5850 (adopted)	2360
1100.3800; .3900; .5200; .5400; .5500; .5600; .5900; .6200 (repealed)	2360
1100.6000 changed to 1100.1902 and 1100.4600 changed to 1100.4950 (renumbered)	2360

Administration Department

1360.0100; .0200; .0300; .0400; .0800; .0900; .1300; .1500; .1600; .1800; .1900; .2000; .2500; .2600; .2700; .2800; .3600 (proposed)	2298
1360.0100 s.1; .0200 s.3,4,9,10,11,17,18; .0600; .0900 s.2,3,5,6; .1700; .1900 s.2; .2100; .2200; .2300; .2900; .2910; .3000; .3100 s.1,2; .3200; .3300; .3400; .3500; .3600 s.2 (proposed repealer)	2298
1361.0100-.0500 (proposed)	2298

Agriculture Department

1509.0030 (adopted)	2651
1512.0010-.0085 (proposed)	2157
1570.0500 (adopted)	2277

Architecture, Engineering, Land Surveying, Landscape Architecture and Interior Design Board

1800.0500; .0800; .2100; .2200; .2300; .4100; .4200 (adopted)	2174
---	------

Corrections Department

2950.0100-.1900 (adopted)	2404
---------------------------	------

Jobs & Training Department

3315.1020; .1315 (adopted)	2194
3300.5000; .5010; .5020; .5030; .5040; .5050; .5060 (adopted)	2248

Education Department

3515.5500 s.4,5,6,7,11; .6005 s.2,3; .9942 (repealed)	2653
3525.0200; .2900 (proposed)	2237
3525.0200; .2900 (withdrawn)	2654
3525.2900 s.3, except subp E, and s.11a (withdrawn)	2403

State Board of Technical Colleges

3700.1200; .1210; .1220; .1230; .1240; .1250; .1260; .1265; .1270; .1275; .1280 (adopted)	2653
3700.1205 (adopted)	2652

Trade and Economic Development Department

4355.0100; .0200; .0300; .0400; .0500; (proposed)	2428
---	------

Health Department

4620.0050; .0100; .0300; .0400; .0500; .0600; .0700; .0750; .1000; .1025; .1200; .1400; .1425 (proposed)	2334
4620.1500 renumbered to 4620.1450 in parts 4620.1450 and 4717.7000 (proposed renumbering)	2334
4620.0100 s.3,6,7; .0200; .0800; .0900; .1500 (proposed repealer)	2334
4650.0102; .0112 (adopted emergency continued)	2552
4650.0102 s.7,16 (emergency repealer continued)	2552
4651.0100; .0120; .0130; .0140; .0150; .0160; .0170; .0180 (adopted emergency continued)	2552
4652.0100; .0110; .0120; .0150; .0170; .0180 (adopted emergency continued)	2553
4653.0120; .0130; .0170 (adopted emergency continued)	2553
4655.0090; 4658.0600; .0605; .0610; .0615; .0620; .0625; .0630; .0635; .0640; .0645; .0650; .0655; .0660; .0665; .0670; .0680; .0685 (proposed)	2638
4656.0020; .0080; .0090 (adopted)	2584
4670.0100; .0600; .0610; .1320; .2620; .4210; .4220; .4230; .4240 (adopted)	2277

Administration Department - Plumbing Code

4715.0420; .0510; .0800; .0805; .0810; .0870; .1020; .1100; .1110; .1120; .1160; .1210; .1240; .1260; .1300; .1330; .1380; .1440; .1510; .1590; .1710; .2000; .2030; .2100; .2110; .2120; .2150; .2161; .2215; .2280; .2300; .2440; .2820; .3700 (proposed)	2309
---	------

Higher Education Coordinating Board

4812.0160; 4830.0700 (adopted)	2483
--------------------------------	------

Housing Finance Agency

4900.0010; .1576; .1910; .1923; .3010; .3371; .3372; .3373; .3377; .3380 (adopted)	2277
4900.2005 (proposed)	2193

Indian Affairs Council

5100.0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900 (proposed)	2474
5100.0200 s.3 (proposed repealer)	2474

Minnesota Rules: Amendments and Additions

Labor & Industry Department

5205.0010 (proposed).....	2394
5220.2540; .2550; .2620; .2630; .2640; .2760; .2780; .2810; .2920 (adopted).....	2546
5221.0400 (adopted).....	2545
5225.0010; .0050; .0090; .0100; .0300; .0400; .0410; .0500; .0550; .0600; .0700; .0880; .0900; .1000; .1110; .1140; .1180; .1200; .1225; .1300; .1350; .1400; .2050; .2100; .2200; .2300; .2400; .2600; .2610; .2700; .3000; .3100; .3150; .3200; .4000; .4100; .4200; .4300; .4400; .4700; .4800; .4900; .5000; .5100; .5200; .6050; .6140; .6150; .6160; .6700; .6940; .8600; .8700 (proposed).....	2342
5225.1100; .1200 s.2; .3400; .3500; .9000 (proposed repealer).....	2342

Medical Practice Board

5600.2500 (proposed).....	2582
---------------------------	------

Natural Resources Department

6232.3000; .3055 (adopted expedited emergency).....	2551
6232.3050 (repealed).....	2551
6262.0500 s.3 (repealed).....	2278
6264.0300 (adopted exempt rules).....	2252
6264.0300 (adopted).....	2483
6266.0700 (adopted expedited emergency).....	2403

Nursing Board

6305.0100; .0300; .0400; .0600; 6310.3600 (adopted).....	2195
6305.0100 s.3,8,9; .0400 s.2,9,11; .0700 (repealed).....	2195

Optometry Board

6500.2000 (proposed).....	2422
---------------------------	------

Podiatric Medicine Board

6900.0200; .0250 (adopted).....	2483
---------------------------------	------

Pollution Control Agency

7007.0200; .0250; .0801; 7011.0551; .0625; .1201; .1205; .1210; .1215; .1220; .1225; .1227; .1229; .1231; .1233; .1235; .1240; .1245; .1250; .1255; .1260; .1265; .1270; .1275; .1280; .1285; 7017.1000 (adopted).....	2584
7011.1201 s.2,3,4; .1202; .1203; .1204; .1206; .1207 (repealed).....	2584
7045.0020; .0120; .0125; .0230 (adopted).....	2195
7050.0110; .0130; .0150; .0170; .0180; .0185; .0186; .0200; .0210; .0211; .0212; .0213; .0214; .0215; .0216; .0217; .0218; .0220; .0221; .0222; .0223; .0224; .0225; .0226; .0227; .0410; .0420; .0425; .0430; .0460; .0466; .0470; (adopted).....	2195
7050.0465 (repealed).....	2195
7050.0215 s.2; .0220 s.3,4 - the total cyanide standard; .0220 s.3,4 - the hexachlorocyclopentadiene secondary drinking water standard; .0220 s.3,4,5 - the iron and manganese aquatic life standards; .0220 s.2,3,4; .0470 s.1 item B, subitems (41), (78), (100); .0470 s.7 item A, subitems (66) T.113, R.15, S.24,25,36 (withdrawn).....	2195

Public Safety Department

7414.1400; .1600 (proposed).....	2476
7514.0100-.2000 (proposed).....	2162
7520.0100; .0350; .0650; .1000; .1100 (adopted).....	2278

Public Service Department

7605.0100; .0110; .0120; .0130; .0140; .0150; .0160; 7670.0125; .0480; .0500; .0510; .0530; .0550; .0850; .1000 (repealed).....	2361
7670.0100; .0130; .0260; .0325; .0400; .0450; .0460; .0470; .0475; .0490; .0495; .0610; .0660; .0710; .0800; .1115 (adopted).....	2361

Public Utilities Commission

7813.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100 (proposed).....	2423
--	------

Gambling Control Board

7861.0010; .0040; .0050; .0060; .0130; .0140; .0020 (proposed).....	2239
--	------

Revenue Department

8130.0700 (adopted).....	2484
--------------------------	------

Secretary of State

8200.3900; .9115; .9305; .9310; .9315; .9320; .9325; .9953; 8210.0700; .3000; .9945; 8235.0300; 8250.0365; .0370; .0375; 8255.0025 (proposed).....	2397
8210.9940 (proposed repealer).....	2397

Water & Soil Resources Board

8400.3000; .3030; .3060; .3110; .3130; .3160; .3200; .3210; .3230; .3260; .3300; .3330; .3360; .3390; .3400; .3460; .3500; .3530; .3560; .3600; .3610; .3630; .3700; .3730; .3800; .3830; .3870; .3930 (proposed).....	2530
8400.3030 s.8,12,13,16,18,21,22,34,35,37,38,39,41; .3100; .3430; .3530 s.3,4; .3660; .3760; .3860; .3900 (repealer).....	2530

Telecommunications Access to

Communication-Impaired Persons Board

8775.0100; .0300; .0400; .0500; .0800 (proposed).....	2479
8775.0100 s.13 (proposed repealer).....	2479

Transportation Department

8880.0100-.1400 (adopted).....	2220
--------------------------------	------

Veterans Home Board

9050.0030; .0040; .0050; .0055; .0060; .0070; .0080; .0150; .0200; .0210; .0220; .0300; .0500; .0510; .0520; .0580; .0600; .0720; .1030; .1070 (adopted).....	2254
9050.0040 s.66 (repealed).....	2254

Human Services Department

9500.4000-.4340 (adopted).....	2360
9503.0055; .0065; 9505.0323; .2395; .2400; .2425; .3015; 9510.1020; .1050; .1070; 9525.0004; .0008; .0012; .0016; .0024; .0028; .0032; .0036; .0225; .0235; .0265; .0295; .0305; .0325; .0335; .0345; .0900; .1210; .1220; .1230; .1240; .1500; .1520; .1550; .1560; .1570; .1600; .1620; .1630; .1640; .1650; .1670; .1680; .1690; .1800; .1820; .1830; .1900; .2040; .2050; .2080; .2090; .2100; .2710; .3015; .3065; 9550.0040; .6210; 9553.0050; 9555.5105; .5605; .6125; .6167; 9560.0652 (adopted).....	2244
9505.5200; .5210; .5220; .5230; .5240 (adopted).....	2651
9525.0015; .0025; .0035; .0045; .0055; .0065; .0075; .0085; .0095; .0105; .0125; .0135; .0145; .0155; .0165; .0180; .0185; .0190; .0225 s.15; .0900 s.20; .2710 s.16; .3015 s.9 (repealed).....	2244
9549.0051; .0059 (adopted).....	2584
9575.0010; .0090; .0350; .0730; .1500 (adopted).....	2277

Workers' Compensation Court of Appeals

9800.0100; .0300; .0310; .0320; .0510; .0800; .0900; .0910; .0920; .1000; .1050; .1100; .1400; .1500; .1600; .1700; .1710; .1720; .1900 (proposed).....	2646
9800.1200 (proposed repealer).....	2646

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.

Department of Health

Proposed Permanent Rules Relating to Dietary and Food Services For Nursing Homes

Dual Notice:

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

Introduction. The Department of Health intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rule within 30 days or by July 20, 1994, a public hearing will be held on August 2, 1994. If fewer than 25 persons request a hearing, the commissioner may still proceed with the scheduled public hearing process. To find out whether the rule will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after July 20, 1994 and before August 2, 1994.

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

Dena Dunkel
Minnesota Department of Health
Health Resources Division
393 North Dunlap Street
P.O. Box 64900
St. Paul, Minnesota 55164-0900
Telephone: (612) 643-2551
Fax (612) 643-2593

Subject of Rule and Statutory Authority. The proposed rule is about the dietary and food services to be provided in licensed nursing homes. The proposed rule amendment is about the applicability of current rules and proposed rules to licensed nursing homes. The statutory authority to adopt the rule is *Minnesota Statutes*, sections 144A.04, subdivision 3 and 144A.08, with the revisions developed under the authority of *Minnesota Laws 1991*, Chapter 292, Article 4, Section 55. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:00 p.m. on July 20, 1994 to submit written comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:00 p.m. on July 20, 1994. Your written request for a public hearing must include your name, address, and telephone number. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If fewer than 25 persons request a hearing, the commissioner may still proceed with the scheduled public hearing process.

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

Cancellation of Hearing. The hearing scheduled for August 2, 1994 will be cancelled if the agency does not receive requests from 25 or more persons that a hearing will be held on the rule. If fewer than 25 persons request a hearing, the commissioner may still proceed with the scheduled hearing process. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Dena Dunkel at (612) 643-2551 after July 20, 1994 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rule, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.14 to 14.20. If fewer than 25 persons request a hearing, the commissioner may still proceed with the scheduled public hearing process. The hearing will be held on August 2, 1994 at Capitol View Conference Center, 70 West County Road B2, Little Canada, Minnesota, beginning at 9:00 a.m. and will continue until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined during the hearing by the administrative law judge. The administrative law judge assigned to conduct the hearing is Jon L. Lunde. Judge Lunde can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, 612/341-7645.

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

Statement of Need and Reasonableness. A Statement of Need and Reasonableness is now available from the agency contact person. This statement describes the need for and reasonableness of each provision of the proposed rule. It also includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing, if one is held. The statement may also be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings.

Statement of Anticipated Costs and Benefits. *Minnesota Statutes*, section 144A.29, subdivision 4 (1993) requires each rule promulgated by the commissioner of health pursuant to sections 144A.01 to 144A.15 to contain a short statement of the anticipated costs and benefits to be derived from the provisions of this rule. This statement has been prepared and is available from the agency contact person.

Small Business Considerations. In preparing these rules, the Department of Health has considered the requirements of *Minnesota Statutes*, section 14.115, in regard to the impact of the proposed rules on small businesses. Subdivision 7 of that section exempts rules that affect "service business regulated by government bodies, for standards and costs, such as nursing homes, long-term care facilities, hospitals, providers of medical care, day care centers, group homes, and residential care facilities..." It is the Department's position that this rule regulating dietary services provided in nursing homes is exempt from § 14.115, because nursing homes are specifically exempted in that statute.

Expenditure of Public Money by Local Public Bodies. The implementation of this rule will not have a total cost of over \$100,000 to local public bodies in either of the two years immediately following the adoption of the rule.

Impact on Agricultural Lands. This rule will not pose any direct adverse impacts on agricultural land as specified in *Minnesota Statutes*, section 17.80 to 17.84.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A requires each lobbyist to register with the Ethical Practices Board.

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Proposed Rules

Questions regarding this requirement may be directed to the Ethical Practices Board at First Floor Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155, (612) 296-5148.

Departmental Charges. *Minnesota Statutes*, section 16A.1285, subdivisions 4 and 5, do not apply because the rules do not establish or adjust departmental charges. Although a portion of the rules relates to the schedule of fines for nursing home violations, the Department believes that the fines are exempt from the procedures of *Minnesota Statutes* section 16A.1285, subdivisions 4 and 5 because the fines are nonrecurring and do not produce significant revenues.

Adoption Procedure if No Hearing. If no hearing is required, after the end of the comment period the agency may adopt the rule. The rule and supporting documents will then be submitted to the attorney general for review as to legality and form to the extent form relates to legality. If fewer than 25 persons request a hearing, the commissioner may still proceed with the scheduled public hearing process. You may request to be notified of the date the rule is submitted to the attorney general or be notified of the attorney general's decision on the rule. If you want to be so notified, or wish to receive a copy of the adopted rule, submit your request to Dena Dunkel listed above.

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

Dated: 31 May 1994

Mary Jo O'Brien, Commissioner
Minnesota Department of Health

Rules as Proposed

4655.0090 SCOPE.

The rules in chapter 4655 apply to both nursing homes and boarding care homes unless otherwise indicated or when superceded by more recently adopted rules for nursing homes.

Rules as Proposed (all new material)

4658.0600 DIETARY SERVICE.

Subpart 1. **Food quality.** Food must have taste, aroma, and appearance that encourages resident consumption of food.

Subp. 2. **Nutritional status.** The nursing home must ensure that a resident is offered a diet which supplies the caloric and nutrient needs as determined by the comprehensive resident assessment. Substitutes of similar nutritive value must be offered to residents who refuse food served.

Subp. 3. **Availability of diet manuals.** Current diet manuals must be readily available in the dietary department.

4658.0605 DIRECTION OF DIETARY DEPARTMENT.

Subpart 1. **Dietitian.** The nursing home must employ a qualified dietitian either full time, part time, or on a consultant basis. A "qualified dietitian" means a person who is registered by the Commission on Dietetic Registration of the American Dietetic Association, or a person who has a bachelor's degree in dietetics, food and nutrition, or food service management plus experience in long-term care and ongoing continuing education in identification of dietary needs, and planning and implementation of dietary programs.

Subp. 2. **Director of dietary service.** If a qualified dietitian is not employed full time, the administrator must designate a director of dietary service who is enrolled in or has completed, at a minimum, a dietary manager course, and who receives frequently scheduled consultation from a qualified dietitian. The number of hours of consultation must be based upon the needs of the nursing home. A director of dietary service hired after the effective date of parts 4658.0600 to 4658.0685 must meet this requirement.

4658.0610 DIETARY STAFF REQUIREMENTS.

Subpart 1. **Sufficient personnel.** The nursing home must employ sufficient personnel competent to carry out the functions of the dietary service. "Sufficient personnel" means enough staff to plan, prepare, and serve palatable, attractive, and nutritionally adequate meals at proper temperatures and appropriate times.

Subp. 2. **Health.** The dietary staff must be free from symptoms of communicable disease and from open, infected wounds.

Subp. 3. **Grooming.** Dietary staff must wear clean outer garments. Hairnets, headbands, caps, or other hair restraints must be

worn to prevent the contamination of food, utensils, and equipment. Hair spray is not an acceptable hair restraint.

Subp. 4. **Hygiene.** Dietary staff must thoroughly wash their hands and the exposed portions of their arms with soap and warm water in a handwashing facility before starting work, during work as often as is necessary to keep them clean, and after smoking, eating, drinking, or using the toilet. Dietary staff must keep their fingernails clean and trimmed.

Subp. 5. **Tobacco use.** Employees must not use tobacco in any form while on duty to handle, prepare, or serve food, or clean utensils and equipment.

Subp. 6. **Eating.** All employees must consume food only in areas designated for employee dining. An employee dining area must not be designated if consuming food in that location could cause contamination of other food, equipment, or utensils. This subpart does not apply to cooks who test the food for flavor and palatability.

Subp. 7. **Handling soiled equipment.** Employees must handle soiled dietary equipment or utensils in a manner that minimizes contamination of their hands.

Subp. 8. **Food handling guide.** A current copy of the department's food handling guide entitled "Information for Food Service Personnel in Hospitals and Related Care Facilities" must be readily available for reference by all dietary personnel.

4658.0615 FOOD HANDLING.

Potentially hazardous food must be maintained at 45 degrees Fahrenheit (seven degrees centigrade) or below, or 140 degrees Fahrenheit (60 degrees centigrade) or above, including periods when it is being transported. "Potentially hazardous food" means any food subject to continuous time and temperature controls in order to prevent the rapid and progressive growth of infectious or toxigenic microorganisms.

4658.0620 FREQUENCY OF MEALS.

Subpart 1. **Time of meals.** The nursing home must provide at least three meals daily, at regular times comparable to normal mealtimes in the community.

Subp. 2. **Snacks.** The nursing home must offer evening snacks daily. "Offer" means having snacks available and making the resident aware of that availability.

Subp. 3. **Time between meals.** There must be no more than 14 hours between a substantial evening meal and breakfast the following day. A "substantial evening meal" means an offering of three or more menu items at one time, one of which includes a high-quality protein such as meat, fish, eggs, or cheese. Up to 16 hours may elapse between a substantial evening meal and breakfast the following day if a resident group, such as the resident council, agrees to this meal span and selects the snacks to be provided.

Subp. 4. **Dining room.** Meals are to be served in a specified dining area.

4658.0625 MENU PLANNING.

Subpart 1. **Menu planning.** All menus must be planned, dated, posted for a minimum of one week in advance, and followed. Residents must be involved in menu planning. Notations must be made of any substitutions in the meals actually served and those substitutions must be of equal nutritional value. The current week's menus, and any changes to those menus, must be posted at a location readily accessible to residents. All menus and any changes for the current week's and following week's menus must be posted in the dietary area. Records of menus and of foods purchased must be filed for six months. A variety of foods must be provided. A file of tested recipes adjusted to a yield appropriate for the size of the home must be maintained.

Subp. 2. **Food habits and customs.** There must be adjustment to the food habits, customs, likes, and appetites of individual residents.

4658.0630 RETURNED FOOD.

Returned portions of food and beverages from individual servings must not be reused unless the food or beverage is served in a sealed wrapper or container which has not been unwrapped or opened.

4658.0635 CONDIMENTS.

Condiments, seasonings, and salad dressing for resident use must be provided in individual packages or from dispensers.

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Proposed Rules

4658.0640 MILK.

Fluid milk and fluid milk products used must be pasteurized and must meet Grade A quality standards in *Minnesota Statutes*, chapter 32. The milk must be dispensed directly from the original container in which it was packaged, shipped, and received. This container may be individual portions, mechanically refrigerated bulk milk dispenser, or a commercially filled container of not more than one gallon capacity. Dry milk may not be reconstituted and served as fluid milk. Dry milk may be added to fluid milk and other foods to increase nutrient density. Dry milk, dry milk products, and commercial nondairy products may be used in instant dessert and whipped products or for cooking and baking.

4658.0645 ICE.

Ice must be stored and handled in a sanitary manner. Stored ice must be kept in an enclosed container. If the container is not mechanically cooled, it must be cleaned at least daily and more often if needed. If an ice scoop is used, the scoop must be stored separately to prevent the handle from contact with the ice.

4658.0650 FOOD SUPPLIES.

Subpart 1. **Food.** All food must be clean, wholesome, free from spoilage, free from adulteration and misbranding, and safe for human consumption. No hermetically sealed, nonacid, or low-acid food which has been processed in a place other than a commercial food-processing establishment may be used.

Subp. 2. **Food brought into nursing home.** Food items from noncommercial sources including fresh produce, game, and fish may be brought into the nursing home to be served for special occasions, in accordance with nursing home policy. These food items must be maintained in a sanitary and safe manner.

Subp. 3. **Food containers.** Food, whether raw or prepared, if removed from the container or package in which it was obtained, must be stored in a clean, covered container. The container need not be covered during necessary periods of preparation or service.

Subp. 4. **Storage of nonperishable food.** Containers of nonperishable food must be stored a minimum of six inches above the floor in a manner that protects the food from splash and other contamination, and that permits easy cleaning of the storage area. Containers may be stored on dollies, racks, or pallets, provided the equipment is easily movable and constructed to allow for easy cleaning. Nonperishable food and containers of nonperishable food must not be stored under exposed or unprotected sewer lines or similar sources of potential contamination. The storage of nonperishable food in toilet rooms or vestibules is prohibited.

Subp. 5. **Storage of perishable food.** All perishable food must be stored off the floor on washable, corrosion-resistant shelving under sanitary conditions, and at temperatures which will protect against spoilage.

Subp. 6. **Prohibited storage.** The storage of detergents, cleaners, pesticides, and other nonfood items, including employees' personal items, is prohibited in food storage areas.

Subp. 7. **Vending machines.** Storage and dispensing of food and beverages in vending machines must be in accordance with parts 1550.5000 to 1550.5130, and in accordance with any applicable local ordinances.

4658.0655 TRANSPORT OF FOOD.

The food service system must be capable of keeping food hot or cold until served. A dumbwaiter or conveyor, which cab or carrier is used for the transport of soiled linen or soiled dishes, may not be used for the transport of food.

4658.0660 FLOOR CLEANING AND TRASH.

Subpart 1. **Cleaning during food preparation.** There must be no sweeping or mopping in the kitchen during the time of food preparation, except when necessary to prevent accidents.

Subp. 2. **Nondietary activity trash, restrictions.** Trash or refuse unrelated to dietary activities must not be transported through food preparation areas or food storage areas for disposal or incineration.

4658.0665 DISHES AND UTENSILS REQUIREMENTS.

The requirements in items A to E apply to the use of dishes and utensils.

A. Only dishes and utensils with the original smooth finishes may be used. Cracked, chipped, scratched, or permanently stained dishes, cups, or glasses or damaged, corroded, or open seamed utensils or cookware must not be used. All tableware and cooking utensils must be kept in enclosed storage compartments.

B. Accessories for food appliances must be provided with protective covers unless in enclosed storage.

C. Enclosed lowerators for dishes are acceptable.

D. Clean spoons, knives, and forks must be touched only by their handles. Clean cups, glasses, bowls, plates, and similar items must be handled without contact with inside surfaces or surfaces that contact the user's mouth.

E. Dishes or plate settings must not be set out on the tables more than two hours before serving time.

4658.0670 DISHWASHING.

Subpart 1. **Requirements.** The dishwashing operation must provide proper separation in the handling of soiled and clean dishes and utensils, and must conform with either part 4658.0675 or 4658.0680 for washing, rinsing, sanitizing, and drying.

Subp. 2. **Sanitization; storage.** All utensils and equipment must be thoroughly cleaned, and food-contact surfaces of utensils and equipment must be given sanitization treatment and must be stored in such a manner as to be protected from contamination. Cleaned and sanitized equipment and utensils must be handled in a way that protects them from contamination.

4658.0675 MECHANICAL CLEANING AND SANITIZING.

Subpart 1. **Generally.** Mechanical cleaning and sanitizing must be done in the manner described by subparts 2 to 8.

Subp. 2. **Cleaning and sanitizing.** Cleaning and sanitizing may be done by spray-type or immersion utensil washing machines or by any other type of machine or device if it is demonstrated that it thoroughly cleans, sanitizes equipment and utensils, and meets the requirements of Standard No. 3, spray-type dishwashing machines, issued by NSF International, June 1982. This standard is incorporated by reference. It is available through the Minitex interlibrary loan system. It is not subject to frequent change. These machines and devices must be properly installed and maintained in good repair. Machines and devices must be operated according to manufacturers' instructions, which must be posted nearby. Utensils and equipment placed in the machine must be exposed to all washing cycles. Automatic detergent dispensers, wetting agent dispensers, and liquid sanitizer injectors must be properly installed and maintained.

Subp. 3. **Drainboards.** Drainboards must be provided and be of adequate size for the proper handling of soiled utensils before washing and for cleaned utensils following sanitization, and must be located and constructed so as not to interfere with the proper use of the dishwashing facilities. This does not preclude the use of easily movable dish tables for the storage of soiled utensils or the use of easily movable dish tables for the storage of clean utensils following sanitization.

Subp. 4. **Preparing to clean.** Equipment and utensils must be flushed or scraped and, when necessary, soaked to remove gross food particles and soil before being washed in a dishwashing machine unless a prewash cycle is a part of the dishwashing machine operation. Equipment and utensils must be placed in racks, trays, or baskets, or on conveyors, in a way that food-contact surfaces are exposed to the unobstructed application of detergent wash and clean rinse water and that permits free draining.

Subp. 5. **Chemical sanitization.** Single-tank machines, stationary-rack machines, door-type machines, and spray-type glass washers using chemicals for sanitization may be used, provided that:

A. wash water temperatures, addition of chemicals, rinse water temperatures, and chemical sanitizers used are in conformance with NSF International Standard No. 3, incorporated by reference in subpart 2, and Standard No. 29, Detergent and Chemical Feeders for Commercial Spray-Type Dishwashing Machines, issued by NSF International, November 1992. These standards are incorporated by reference. They are available through the Minitex interlibrary loan system. They are not subject to frequent change;

B. a test kit or other device that accurately measures the parts per million concentration of the sanitizing solution must be available and be used, and a log of the test results must be maintained for the previous three months;

C. containers for storing the sanitizing agent must be installed in such a manner as to ensure that operators maintain an adequate supply of sanitizing compound; and

D. a visual or audible warning device must be provided for the operator to easily verify when the sanitizing agent is depleted.

Subp. 6. **Hot water sanitization.** Machines using hot water for sanitizing may be used provided that wash water and pumped rinse water are kept clean and water is maintained at not less than the temperature specified by NSF International Standard No. 3, incorporated by reference in subpart 2, under which the machine is evaluated. A pressure gauge must be installed with a valve immediately adjacent to the supply side of the control valve in the final rinse line provided that this requirement does not pertain to a dishwashing machine with a pumped final rinse.

Subp. 7. **Air drying.** Dishes and utensils must be air dried.

Subp. 8. **Cleaning of dishwashing machines.** Dishwashing machines must be cleaned at least once a day, or more frequently if required, in accordance with the manufacturer's recommendation.

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Proposed Rules

4658.0680 MANUAL CLEANING AND SANITIZING.

Subpart 1. **Generally.** Manual cleaning and sanitizing must be done in the manner described in subparts 2 to 9.

Subp. 2. **Three compartment sink.** For manual washing, rinsing, and sanitizing of utensils and equipment, a sink with at least three compartments must be provided and be used. Sink compartments must accommodate food preparation equipment and utensils, and each compartment of the sink must be supplied with hot and cold potable running water. Fixed equipment and utensils and equipment too large to be cleaned in sink compartments must be washed manually or cleaned through pressure spray methods.

Subp. 3. **Drainboards.** Drainboards must be provided at each end for proper handling of soiled utensils before washing and for cleaned utensils following sanitizing and must be located so as not to interfere with the proper use of the utensil washing facilities.

Subp. 4. **Preparing to clean.** Equipment and utensils must be preflushed or prescraped and, when necessary, presoaked to remove gross food particles and soil.

Subp. 5. **Manual dishwashing process.** Except for fixed equipment and utensils too large to be cleaned in sink compartments, manual washing, rinsing, and sanitizing must be conducted in the following manner:

A. sinks must be cleaned before use;

B. equipment and utensils must be thoroughly washed in the first compartment with a detergent in accordance with the detergent manufacturer's instructions;

C. equipment and utensils must be rinsed free of detergent and abrasives with clean water in the second compartment;

D. equipment and utensils must be sanitized in the third compartment according to subpart 6.

Subp. 6. **Sanitization methods.** The food-contact surfaces of all equipment and utensils must be sanitized by:

A. immersion for at least one-half minute in clean, hot water at a temperature of at least 170 degrees Fahrenheit (77 degrees centigrade);

B. immersion for at least one minute in a clean solution containing at least 50 parts per million, but no more than 200 parts per million, of available chlorine as a hypochlorite and at a temperature of at least 75 degrees Fahrenheit (24 degrees centigrade);

C. immersion for at least one minute in a clean solution containing at least 12.5 parts per million, but not more than 25 parts per million, of available iodine and having a pH range which the manufacturer has demonstrated to be effective and at a temperature of at least 75 degrees Fahrenheit (24 degrees centigrade);

D. immersion in a clean solution containing any other chemical sanitizing agent allowed under *Code of Federal Regulations*, title 21, section 178.1010, that will provide at least the equivalent bactericidal effect of a solution containing 50 parts per million of available chlorine as a hypochlorite at a temperature of at least 75 degrees Fahrenheit (24 degrees centigrade) for one minute; or

E. for equipment too large to sanitize by immersion, but in which steam can be confined, treatment with steam free from materials or additives other than those specified in *Code of Federal Regulations*, title 21, section 173.310.

Equipment too large to sanitize by immersion must be rinsed, sprayed, or swabbed with a sanitizing solution of at least twice the required strength for that particular sanitizing solution.

Subp. 7. **Hot water sanitization.** When hot water is used for sanitizing, the following equipment must be provided and used:

A. an integral heating device or fixture installed in, on, or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least 170 degrees Fahrenheit (77 degrees centigrade);

B. a numerically scaled indicating thermometer, accurate to plus or minus three degrees Fahrenheit (plus or minus two degrees centigrade) convenient to the sink for frequent checks of water temperature; and

C. dish baskets or other equipment of such size and design to permit complete immersion of the tableware, kitchenware, and equipment in the hot water.

Subp. 8. **Chemical sanitization.** When chemicals are used for sanitization, they must not have concentrations higher than the maximum permitted under *Code of Federal Regulations*, title 21, section 178.1010, and a test kit or other device that accurately measures the parts per million concentration of the solution must be provided and used, and a log of the test results must be maintained for the previous three months.

Subp. 9. **Air drying.** All dishes and utensils must be air dried.

4658.0685 PENALTIES FOR DIETARY AND FOOD SERVICES AND SANITATION.

Penalty assessments for violations of parts 4658.0600 to 4658.0680 are as follows:

A. part 4658.0600, subpart 1, \$350;

- B. part 4658.0600, subpart 2, \$350;
- C. part 4658.0600, subpart 3, \$100;
- D. part 4658.0605, subpart 1, \$350;
- E. part 4658.0605, subpart 2, \$300;
- F. part 4658.0610, subpart 1, \$300;
- G. part 4658.0610, subpart 2, \$350;
- H. part 4658.0610, subpart 3, \$350;
- I. part 4658.0610, subpart 4, \$350;
- J. part 4658.0610, subpart 5, \$350;
- K. part 4658.0610, subpart 6, \$50;
- L. part 4658.0610, subpart 7, \$350;
- M. part 4658.0610, subpart 8, \$350;
- N. part 4658.0615, \$350;
- O. part 4658.0620, subpart 1, \$350;
- P. part 4658.0620, subpart 2, \$350;
- Q. part 4658.0620, subpart 3, \$350;
- R. part 4658.0620, subpart 4, \$100;
- S. part 4658.0625, subpart 1, \$300;
- T. part 4658.0625, subpart 2, \$300;
- U. part 4658.0630, \$350;
- V. part 4658.0635, \$350;
- W. part 4658.0640, \$350;
- X. part 4658.0645, \$350;
- Y. part 4658.0650, subpart 1, \$350;
- Z. part 4658.0650, subpart 2, \$350;
- AA. part 4658.0650, subpart 3, \$350;
- BB. part 4658.0650, subpart 4, \$350;
- CC. part 4658.0650, subpart 5, \$350;
- DD. part 4658.0650, subpart 6, \$350;
- EE. part 4658.0650, subpart 7, \$350;
- FF. part 4658.0655, \$350;
- GG. part 4658.0660, subpart 1, \$300;
- HH. part 4658.0660, subpart 2, \$300;
- II. part 4658.0665, \$300; and
- JJ. parts 4658.0670 to 4658.0680, \$300.

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Proposed Rules

Workers' Compensation Court of Appeals

Proposed Permanent Rules Relating to Workers' Compensation Court of Appeals; Rules of Procedure

Notice of Intent to Adopt Rules without Public Hearing

Introduction. The Worker's Compensation Court of Appeals intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed rules and you may also submit a written request that a hearing be held on the rules.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to: Randolph J. Hartnett, Staff Attorney, Workers' Compensation Court of Appeals, 775 Landmark Towers, 345 St. Peter Street, St. Paul, MN 55102, (612) 296-6526, and fax (612) 297-2520.

Subject of Rules and Statutory Authority. The proposed rules relate to the Rules of Procedure for practice before the Workers' Compensation Court of Appeals. The statutory authority to adopt the rules is contained in *Minnesota Statutes*, section 175A.07, subdivision 4. A copy of the proposed rules is published in the *State Register*. A free copy of the rules is available upon request from Randolph J. Hartnett, Staff Attorney.

Comments. You have until 4:30 p.m., Wednesday July 20, 1994 to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on July 20, 1994. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rules which caused your request, the reason for the request and any changes you want made to the proposed rules. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required the Workers' Compensation Court of Appeals will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by data and views submitted to the Workers' Compensation Court of Appeals and may not result in a substantial change in the proposed rules as printed in the *State Register*. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A Statement of Need and Reasonableness is now available. This statement describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules. A free copy of the statement may be obtained from Randolph J. Hartnett, Staff Attorney, at the address and telephone number listed above.

Small Business Considerations. In preparing these rules, the Workers' Compensation Court of Appeals has considered the requirements of *Minnesota Statutes*, section 14.155, in regard to the impact of the proposed rules on small businesses and has concluded that the proposed rules accommodate the needs of small businesses. Generally, insurers and self-insured employers do not fit the definition of small business contained in *Minnesota Statutes*, section 14.115, subdivision 1. Health care providers are exempt as regulated businesses under *Minnesota Statutes*, section 14.115, subdivision 7(3). To the extent small businesses are affected, the amendments will serve to clarify procedure for them, as well as for all litigants. Any adverse effect of these proposed rules on small businesses would be minimal, and would be outweighed by the fact that creation of special exemptions or procedures for small businesses would detract from fairness, lead to procedural error, and jeopardize the court's integrity. The court's evaluation of small business considerations is addressed in the Statement of Need and Reasonableness.

Expenditure of Public Money by Local Public Bodies. *Minnesota Statutes*, section 14.11, subdivision 1, does not apply because adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption of the rules.

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

Departmental Charges. *Minnesota Statutes*, section 16A.1285, subdivisions 4 and 5, do not apply because the rules do not establish or adjust departmental charges.

Adoption and Review of Rules. If no hearing is required, after the end of the comment period the Workers' Compensation

Proposed Rules

Court of Appeals may adopt the rules. The rules and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rules are submitted to the Attorney General or be notified of the Attorney General's decision on the rules. If you wish to be so notified, or you wish to receive a copy of the adopted rules, submit your request to Randolph J. Hartnett, Staff Attorney, listed above.

Dated: 2 June 1994

Steven D. Wheeler
Workers' Compensation Court of Appeals

Rules as Proposed

9800.0100 DEFINITIONS.

Subpart 1. **Application.** For the purpose of parts 9800.0100 to ~~9800.1800~~ 9800.1900, the following terms have the meanings given them.

Subp. 2. ~~Administrator~~ **Administrative judge.** "~~Administrator~~ Administrative judge" means the judge designated by the chief judge of the court to receive documents and consider motions, requests for extension, and other miscellaneous matters filed with the court.

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

Subp. 6. **Filed.** "Filed" means the receipt and stamping of a document by the court, division, or office, in conformity with Minnesota Statutes, section 176.275.

[For text of subps 7 and 8, see M.R.]

9800.0300 PREPARATION AND FORM OF LEGAL DOCUMENTS.

Pleadings, briefs, and other legal documents filed with the court ~~shall~~ must be printed or typewritten, double spaced, and ~~shall~~ must use only one side of the paper. All material ~~shall~~ must be submitted on 8-1/2 by 11-inch paper.

9800.0310 SERVICE.

Copies of all notices, documents, and papers that any party is required to file must be served by that party on all other parties to the appeal or review. Service on a party represented by an attorney must be made on that party's attorney of record. If required by statute, service must be made on the party as well as the attorney.

9800.0320 FACSIMILE TRANSMISSION.

Subpart 1. **Accepted.** The court shall accept facsimile transmission of any document not listed in subpart 2. Filing shall be deemed complete at the time that the facsimile transmission is received by the court, provided that transmissions received after the close of business at 4:30 p.m. shall be deemed received on the next day that the court is open for business. The filed facsimile will have the same force and effect as the original. Only facsimile transmission equipment that satisfies the published criteria of the Minnesota Supreme Court may be used for filing in accordance with this part.

Within five days after the court has received the transmission, the party filing the document must mail or deliver the original signed document to the court. Upon failure to do so, the court may make such orders as are just, including dismissal of the motion or application to which the document filed by facsimile transmission relates.

Subp. 2. **Not accepted.** The court shall not accept filing of any of the following documents by facsimile transmission:

- A. notices of appeal or cross appeal;
- B. briefs or memoranda of law;
- C. applications to set aside award and grant new trial or responsive and reply pleadings thereto; or
- D. any other document exceeding three pages in length, not including the cover sheet.

9800.0510 NONAPPEARANCE OF COUNSEL.

If counsel for a party fails to appear to present oral argument, the court may hear argument on behalf of a party whose counsel is

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Proposed Rules

present, and the case will be decided on the briefs and argument heard. If no counsel appear for any party, the case will be decided on the briefs unless the court shall otherwise order orders.

9800.0800 APPEAL OF ATTORNEY FEES BY AN EMPLOYEE.

An employee A party dissatisfied with the employee's an award of attorney fees may make application for review of the fees by completing an application form provided by the court pursuant to *Minnesota Statutes*, section 176.081, subdivision 3.

9800.0900 BRIEFS ON APPEAL.

Subpart 1. **Filing of brief of appellant where a transcript is required.** Appellants and cross appellants shall file a written brief; ~~which shall address only issues raised in that party's notice of appeal;~~ within 30 days after the court receives the transcript. The brief may address only issues raised in that party's notice of appeal. Issues raised in the notice of appeal but not addressed in the brief shall be deemed waived and will not be decided by the court. ~~The failure of any appellant or cross appellant to timely file a brief under this part may result in dismissal of that party's appeal under part 9800.1710.~~

The brief shall be accompanied by an affidavit stating that service of a copy of the brief has been made by the appellant upon all other parties to the action. ~~The original brief and four copies shall be filed with the court in cases where a hearing is to be held. Only the original shall be filed where the hearing is waived by all parties.~~

Subp. 2. **Filing of brief of appellant where no transcript of the proceedings is required.** Where no transcript of the proceedings is required, appellants and cross appellants shall file a written brief; ~~which shall address only issues raised in that party's notice of appeal;~~ within 30 days after the filing of the notice of appeal. The brief may address only issues raised in that party's notice of appeal. Issues raised in the notice of appeal but not addressed in the brief shall be deemed waived and will not be decided by the court. ~~The failure of any appellant or cross appellant to timely file a brief under this part may result in dismissal of that party's appeal under part 9800.1710.~~

The brief shall be accompanied by an affidavit stating that service of a copy of the brief has been made by the appellant upon all other parties to the action. ~~The original and four copies shall be filed with the court in cases where an oral argument is to be held. Only the original shall be filed where the oral argument is waived by all parties.~~

Subp. 3. **Filing of brief of respondent.** All respondents' briefs shall must be filed with the court within 25 days after ~~the filing of the appellant's or cross appellant's brief is filed.~~ The respondent's brief shall may address only issues raised in the brief of the appellant or cross appellant and must be accompanied by an affidavit stating that service has been made upon all other parties to the action. ~~The original and four copies shall be filed with the court in cases where an oral argument is to be held. Only the original brief shall be filed where an oral argument is waived by all parties.~~

Subp. 5. **Reply briefs.** Reply briefs shall must be filed within ten days after ~~the filing of the respondent's brief is filed.~~ They shall may address only issues addressed in the respondent's brief. ~~The original and four copies shall be filed with proof of service upon all other parties when an oral argument is to be held. Only the original brief shall be filed when an oral argument is waived by all parties.~~

Subp. 5a. Requirements for briefs. Any briefs filed under this part must be accompanied by an affidavit stating that a copy of the brief has been served upon all other parties to the action, as provided in part 9800.0310. The original brief and four copies must be filed with the court in all cases.

Subp. 6. **Extensions Time limit for briefs.** Extensions of time for the filing of briefs shall be granted only for cause and if requested within the time for the filing of the brief. ~~Briefs not timely filed shall not be considered by the court unless an extension of time for filing has been granted. The failure of any party to timely file a brief under this part may result in the striking of that party's brief from consideration, or if the untimely brief is that of an appellant or cross appellant, in the dismissal of the appellant's or cross appellant's appeal under part 9800.1710.~~

9800.0910 PREVIOUS DECISIONS.

All decisions of the court, published and unpublished, may be cited in a brief or at oral argument. Where unpublished decisions are cited in a brief, a copy of the decision cited must be attached to the copies of that brief which are submitted to all other parties. Where a party intends to cite, at oral argument, an unpublished decision not noted in that party's brief, copies of the decision must be provided to all other parties at least ten days prior to the date of oral argument.

9800.0920 BRIEF OF AMICUS CURIAE.

Subpart 1. **Filing.** A brief of amicus curiae may be filed with leave of the court. A request for leave to file an amicus brief must be filed with the court and served upon all parties prior to the time fixed for filing of the initial appellant or cross appellant briefs. A request for leave must identify whether the applicant's interest is public or private in nature and must state the reasons why an amicus brief would be beneficial to the court in resolving the issues.

Subp. 2. Time limit. An amicus brief must be filed within the time limits applicable to the party or parties whose position the amicus brief is intended to support, and must conform with part 9800.0900, unless the court directs otherwise.

Subp. 3. Oral argument. An amicus curiae may not participate in oral argument except with leave of the court.

9800.1000 ORAL ARGUMENTS ON APPEAL.

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

Subp. 1a. Time allotted for oral argument. Unless otherwise authorized by the court, each party shall be allotted 15 minutes to make its presentation to the court, including the showing of motion pictures; unless otherwise authorized by the court.

Subp. 2. Motion pictures. Any party desiring to show motion pictures at the oral argument must inform the court and all other parties in writing within 30 days after the transcript is received by the court. This notice shall must indicate the length of time necessary for viewing. The party shall furnish the necessary projection equipment on the day of the hearing. The court shall may on its own motion require the showing of motion pictures when necessary for a full and fair adjudication of a case.

9800.1050 REFERENCES OF QUESTIONS OF FACT.

The court may refer any question of fact to the chief administrative law judge of the Office of Administrative Hearings for assignment to a compensation judge to hear evidence, make findings of fact, and report them to the court, pursuant to Minnesota Statutes, chapter 176.

9800.1100 APPLICATION TO SET AWARD ASIDE AND GRANT A NEW HEARING.

Subpart 1. Applications. An application to set an award aside and grant a new hearing shall must be verified and accompanied by appropriate supporting affidavits of, medical reports, and other documentary evidence, and by a memorandum of law. The application shall must be filed with the court and accompanied by proof of service on all parties to any award to which the application applies.

Subp. 2. Cause. Each application must specifically state the basis upon which cause to vacate the award may be found pursuant to Minnesota Statutes, section 176.461, and the reasons why that basis exists.

Subp. 3. Responsive pleadings. Responses and other pleadings shall must be served upon all parties and filed with the court within 20 45 days after the filing of an application. All responsive pleadings must be accompanied by appropriate supporting affidavits, medical reports, and other documentary evidence, and by a memorandum of law.

Subp. 4. Reply memoranda. Reply memoranda, if any, must be served upon all parties and filed with the court within 15 days after the filing of responsive pleadings. They may address only issues raised in any responsive pleadings.

Subp. 5. Hearing. Any party to a matter related to an application under this part may be heard in oral argument. The court shall inquire of the parties if they desire oral argument. If no party requests oral argument, the court shall make its determination on the pleadings and submitted evidence, if such a determination can be made justly and expeditiously.

Subp. 6. Determination. The court shall grant the application if it determines that cause exists pursuant to Minnesota Statutes, section 176.461. Applications shall be scheduled for hearing.

9800.1400 APPLICATIONS, PETITIONS, AND MOTIONS.

Subpart 1. Scope. All applications, petitions, and motions for relief or consideration by the court, not otherwise provided for in parts 9800.0100 to 9800.1800, shall 9800.1900, must be filed in the following manner and within the following times accordance with this part.

Subp. 2. Procedures for filing. All requests for relief under this part shall must be in writing, verified, and accompanied by appropriate documentation. Requests must also state the relief sought, and the basis therefor for the relief, and be accompanied by an affidavit of service upon all other parties to the action. All requests for relief must be served and filed no later than five working ten days before the time set for oral argument, if any after the date on which the respondent's brief or responsive pleading is due.

Subp. 3. Responses. All other parties shall have five working days after the filing of a request for relief is filed within which to file a response in writing.

Subp. 4. Replies. A reply shall may be filed within five working days after the filing of a response is filed.

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Proposed Rules

Subp. 5. **Oral argument not permitted.** Oral argument on applications, petitions, or motions shall not be permitted except upon order of the court.

9800.1500 PETITION FOR INTERVENTION.

Subpart 1. **Scope.** Persons shall be permitted to intervene ~~in accordance with the requirements of~~ according to *Minnesota Statutes*, section 176.361, subdivision 1. ~~After a petition to intervene is granted, the intervenor must appear at all scheduled hearings of the court relating to the claim unless a written stipulation signed by all parties has been filed with the court which settles all issues relating to the intervention.~~

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

Subp. 3. **Contents of petition.** The contents and format of the petition to intervene shall must conform to part 1415.1200. Responses to the petition shall must be filed in accordance with part 9800.1400, subpart 3.

9800.1600 COMMENCEMENT OF APPEALS.

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

Subp. 1a. **Preparation of transcript.** A written transcript of the record shall must be prepared when required by *Minnesota Statutes*, section 176.421, subdivision 3, unless otherwise ordered by the court. An application for an order under this subpart shall must conform to the requirements of part 9800.1400.

Subp. 2. **Notification of receipt of transcript.** The court shall notify the parties of the date that the transcript was received. This notification letter shall will also inquire whether the parties desire an oral argument and if so, whether parties prefer oral argument before the entire court or a three member panel.

Parties must file a response to the notification letter within ten days after the court files the notification. Failure to file a timely response shall be considered a waiver of oral argument.

9800.1700 TAXATION OF COSTS AND DISBURSEMENTS.

The court shall may tax actual and necessary costs and disbursements, as prescribed by *Minnesota Statutes*, section 176.511. Parties shall comply with the procedure in part 9800.1400 except that petitions under this part must be filed within 45 days of the filing of the final appellate decision in the main action.

9800.1710 DISMISSAL.

If any appellant or cross appellant fails to timely file a brief as required by part 9800.0900, any party may move this court for dismissal of the appeal. If the appellant or cross appellant is in default for more than 30 days and no party has moved for dismissal, the court shall may summarily order the dismissal of the appeal or cross appeal without notice. Dismissals granted or ordered under this part are subject to a motion to reinstate.

A motion to reinstate the appeal or cross appeal will be granted only if the appellant or cross appellant can show good cause for failing to timely file a brief, and can show that the appeal or cross appeal is meritorious, and that reinstatement would not substantially prejudice the rights of any other party.

9800.1720 SUBMISSION WHEN A MEMBER OF THE COURT IS NOT PRESENT.

Except in exigent circumstances, ~~the oral argument~~ arguments shall be heard before the full panel to which the case has been assigned or before the entire court if the matter is of exceptional importance. When any member of the court is not present at oral argument, the case shall be deemed submitted to that member on the record and briefs. When there is a change of court personnel or a recusal, cases shall be deemed submitted to the new member, or to any other member of the court, as necessary to complete a panel, on the record and briefs.

9800.1900 ATTORNEY FEES.

The court may, in its discretion, make an award of reasonable attorney's fees on appeal, as provided in Minnesota Statutes, section 176.511, subdivision 3. The court shall establish guidelines for the award of attorney's fees under this part and shall periodically review these guidelines and place a notice of any changes in the State Register.

REPEALER. Minnesota Rules, part 9800.1200, is repealed.

Adopted Rules

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

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

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

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

Department of Agriculture

Adopted Permanent Rules Relating to Waste Pesticide Assessments

The rules proposed and published at *State Register*, Volume 18, Number 39, pages 2107-2108, March 28, 1994 (18 SR 2107), are adopted as proposed.

Department of Human Services

Adopted Permanent Rules Governing Department Health Care Program Participation Requirements for Vendors and Health Maintenance Organizations

The rules proposed and published at *State Register*, Volume 18, Number 31, pages 1791-1796, January 31, 1994 (18 SR 1791), are adopted with the following modifications:

Rules as Adopted

9505.5220 CONDITIONS OF PARTICIPATION; VENDOR OTHER THAN HEALTH MAINTENANCE ORGANIZATION.

Subp. 2. **Exclusion from other state health care programs.** A vendor that fails to comply with the requirements of this part is excluded from participating in other state health care programs listed in part 9505.5210, subpart 14, except as provided in items A and B to C.

C. An independently owned physical therapy agency or occupational therapy agency, other than a Medicare-certified rehabilitation agency is not subject to the requirements of this part if:

(1) the agency is owned by at least one physical therapist or occupational therapist who is individually Medicare-certified and enrolled as a provider in the department health care programs;

(2) the agency accepts recipients on a continuous basis; and

(3) all health services provided recipients are provided by a therapist who is individually Medicare-certified.

This item does not require an agency to provide services to recipients that the agency does not provide other clients.

Subp. 4. **Waiver.** A vendor may ~~annually~~ request a waiver from the participation requirements of this part in writing from the commissioner. The commissioner shall grant a waiver for up to one year and shall include the vendor on the list of participating providers in part 9505.5240 ~~for one year~~ if:

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Adopted Rules

9505.5230 CONDITIONS OF PARTICIPATION; HEALTH MAINTENANCE ORGANIZATION.

Subpart 1. **Participation in department health care programs.** As a condition of participating in the other state health care programs listed in part 9505.5210, subpart 14, a health maintenance organization must participate in each department health care program within its approved service area as provided in items A to C.

A. A health maintenance organization must submit a response to a department request for proposals to contract as a health plan if the HMO:

(2) is licensed for a service area that includes all or part of the geographic area in the request for proposals and is currently under contract with the department to provide health services under a mandatory health program in the geographic area identified in the request for proposals and will not meet its participation threshold without continuing to participate in that geographic area. A mandatory health program is a health program in a geographic area where recipients must receive health services from a health plan.

B. An HMO required to respond under item A must submit a proposal that meets ~~the requirements in~~ the request for proposals requirements authorized in statute and rule for health plan contracts.

Subp. 4. **HMO subcontracts with other HMOs.**

A. Except as provided in items B and C, if a health maintenance organization subcontracts all or a portion of its provider network to another HMO, only one HMO, as designated by the contracting HMOs, may count the enrolled recipients for purposes of compliance with this part.

B. If at least 75 percent of all persons enrolled with a health maintenance organization are recipients and the HMO does not serve enrollees covered by Medicare or commercial insurance, another HMO with which it subcontracts may not count its enrolled recipients for purposes of compliance with this subpart.

C. Two or more health maintenance organizations that have entered into a written agreement to jointly contract as a single health plan with the department may request a waiver from item A to proportionately count enrolled recipients for purposes of compliance with this part. The commissioner shall grant a waiver permitting each HMO to count a percentage of recipient enrollees for the term of the health plan contract if proportionate counting has the same effect on recipient access to health services as an allocation under item A.

Subp. 7. **Contracting as a health plan.** ~~To contract as a health plan, a health maintenance organization must meet the specifications in the department's request for proposal. When an HMO contracts as a health plan for the first time in a geographic area, the contract may provide that the HMO will offer recipients a choice of individual health professionals or health care locations that is not identical to the choice offered state employees, corporate purchasers, or Medicare enrollees.~~

9505.5240 REPORTS; EXCLUSION FROM PARTICIPATION.

Subp. 3. **Exclusion for noncompliance.** The commissioner shall consider evidence provided in response to a notice of alleged noncompliance. Within 30 days after receiving evidence provided ~~in response to a notice of alleged noncompliance,~~ the commissioner shall notify the provider or health maintenance organization whether compliance has been demonstrated. If no evidence was submitted within 30 days of the notice under subpart 2, or the commissioner determines the provider or HMO is not in compliance, the commissioner shall remove the provider or HMO from the list of participating providers and HMOs in the next subsequent quarterly report a ~~provider or HMO that is not in compliance with parts 9505.5200 to 9505.5240.~~

Board of Technical Colleges

Adopted Permanent Rules Relating to Education; Teacher Licenses; General Education

The rules proposed and published at *State Register*, Volume 17, Number 49, pages 3045-3047, June 7, 1993 (17 SR 3045); and Volume 18, Number 15, pages 1056-1059, October 11, 1993 (18 SR 1056), are adopted with the following modifications:

Rules as Adopted

3700.1205 GENERAL EDUCATION LICENSE.

Subpart 1. ~~May teach~~ **Eligible teacher.** A teacher who has a license in one of the following general educational disciplines may teach in the assigned field of that license:

Subp. 4. **Provisional status.** An applicant shall qualify for a provisional three-year license if the applicant has:

C. an individual education plan by which the applicant will obtain the required educational experience to be fully licensed as a general education instructor approved by the hiring technical college administration; and

State Board of Technical Colleges

Adopted Permanent Rules Relating to Teacher Licenses; General Studies

The rules proposed and published at *State Register*, Volume 17, Number 48, pages 2966-2970, June 1, 1993 (17 SR 2966); and Volume 18, Number 15, pages 1056-1059, October 11, 1993 (18 SR 1056), are adopted with the following modifications:

Rules as Adopted

3700.1200 GENERAL STUDIES.

Subpart 1. ~~Listed here~~ License requirements. An applicant for a license in general studies must meet the requirements in this part. These requirements are in addition to the requirements listed in part 3700.0100 and for a particular license.

Subp. 2. ~~Do not apply~~ Rules not applicable. The requirements in parts 3515.0100, subpart 25; 3515.1200; 3515.1300; 3515.4100; 3515.4200; 3515.4300; 3515.4400; 3515.6005, subpart 1; 3515.9920; and 3515.9941 do not apply to applicants for licensure in general studies. Part 3700.9942 no longer applies to part 3700.1280.

Subp. 3. Occupational experience. The applicant must verify one of the following experiences in items A to E:

C. 40 clock hours of participation verified by an authorized technical college administrator in a any combination of ~~all~~ of the following:

3700.1210 GENERAL STUDIES, APPLIED MATH.

Subpart 1. ~~May teach~~ Eligible teacher. A teacher who has a license in general studies/applied math may teach applied and developmental math.

3700.1220 GENERAL STUDIES, APPLIED COMMUNICATIONS.

Subpart 1. ~~May teach~~ Eligible teacher. A teacher who has a license in general studies/applied communications may teach applied communications.

3700.1230 GENERAL STUDIES, APPLIED PHYSICS.

Subpart 1. ~~May teach~~ Eligible teacher. A teacher who has a license in general studies/applied physics may teach applied physics.

3700.1240 GENERAL STUDIES, APPLIED CHEMISTRY.

Subpart 1. ~~May teach~~ Eligible teacher. A teacher who has a license in general studies/applied chemistry may teach applied chemistry.

3700.1250 GENERAL STUDIES, APPLIED ANATOMY/PHYSIOLOGY.

Subpart 1. ~~May teach~~ Eligible teacher. A teacher who has a license in general studies/applied anatomy/physiology may teach applied anatomy/physiology.

3700.1260 GENERAL STUDIES, FIRST AID INSTRUCTOR.

Subpart 1. ~~May teach~~ Eligible teacher. A teacher who has a technical college first aid instructor license may teach first aid.

3700.1265 GENERAL STUDIES, CARDIO-PULMONARY RESUSCITATION (CPR) INSTRUCTOR.

Subpart 1. ~~May teach~~ Eligible teacher. A teacher who has a technical college cardio-pulmonary resuscitation (CPR) instructor license may teach CPR.

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Withdrawn Rules

3700.1270 GENERAL STUDIES, DEVELOPMENTAL MATH.

Subpart 1. **May teach Eligible teacher.** A teacher who has a license in general studies/developmental math may teach developmental math.

3700.1275 GENERAL STUDIES, DEVELOPMENTAL READING.

Subpart 1. **May teach Eligible teacher.** A teacher who has a license in general studies/developmental reading may teach developmental reading.

3700.1280 GENERAL STUDIES, OCCUPATIONAL ENGLISH AS A SECOND LANGUAGE.

Subpart 1. **May teach Eligible teacher.** A teacher who has a license in general studies/English as a second language may teach English as a second language.

3700.1281 APPLICATION.

Subpart 1. Conversion of existing bilingual instructors licenses. Individuals licensed according to part 3515.9941, bilingual, bicultural remedial-related reading instructor will convert to part 3700.1275, general studies/developmental reading. Individuals licensed according to part 3515.9941, bilingual, bicultural postsecondary remedial-related math instructor may convert to part 3700.1270, general studies/developmental math. An applicant may retain and renew either preconversion license.

Subp. 2. Conversion of existing related instructors licenses. On the effective date of parts 3700.1200 to 3700.1280, the state board shall convert the existing license issued under part 3515.6005, 3515.9921, 3515.9941, or 3515.9942 listed in column A to the license listed in column B. At the licensee's next renewal date the renewed license must show the new license title.

COLUMN A

Related math
Related communications
Related chemistry
Related physics
Related anatomy
First aid
Cardio-pulmonary resuscitation
(CPR)
Remedial related math
Remedial related reading
Occupational English as a
second language
Bilingual-bicultural remedial
related math

Bilingual-bicultural remedial
related reading

COLUMN B

Applied math
Applied communications
Applied chemistry
Applied physics
Applied anatomy/physiology
First aid instructor
Cardio-pulmonary resuscitation
(CPR)
Developmental math
Developmental reading
Occupational English as a
second language
Bilingual-bicultural remedial
related math or developmental
math
Bilingual-bicultural remedial
related reading or
developmental reading

REPEALER. *Minnesota Rules*, parts 3515.5500, subparts 4, 5, 6, 7, and 11; and 3515.6005, subparts 2 and 3, are repealed. ~~Part 3515.9942 no longer applies to part 3700.1280.~~

Withdrawn Rules

State Board of Education

In the Matter of the Proposed Adoption of Rules Relating to Educational Due Process Rights of Individuals with Handicaps

Notice of Withdrawal of Portions of Proposed Rule

NOTICE IS HEREBY GIVEN that the proposed revision of Minnesota State Board of Education Rule 3525.2900 Subpart 11a, and of *Minnesota Rule* 3525.2900 Subpart 3, as published in the *State Register* of April 18, 1994 (18 S.R. 2237), is withdrawn.

The Department of Revenue began issuing revenue notices in July of 1991. Revenue notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue revenue notices is found in *Minnesota Statutes* §270.0604.

Department of Revenue

Revenue Notice #94-11: MinnesotaCare/Sales tax - Massage Therapists

MinnesotaCare tax: Patient services that are provided by a health care provider are subject to MinnesotaCare tax. Patient services are defined in *Minnesota Statutes* § 295.50 subd. 9b to include "... other diagnostic or therapeutic items or services..." provided to a patient or consumer. A health care provider is defined in *Minnesota Statutes* § 295.50 subd. 4 to include a person furnishing diagnostic or therapeutic services to a patient or consumer. Under this definition, a health care provider is a person whose health care occupation is licensed or registered, a person who is eligible for reimbursement under the medical assistance program, or an entity that employs such a person. All patient services provided by such an entity are taxable.

Massage therapy qualifies as therapeutic service and is subject to the MinnesotaCare tax if provided by a licensed or registered health care provider.

Sales Tax: Under *Minnesota Statute* § 297A.01 subd. 3(j)(viii), massage services are subject to sales tax unless they are provided for treatment of illness, injury or disease by or upon written referral of a licensed health care facility or professional. A licensed health care provider who provides only massage services for treatment of illness, injury or disease is not required to obtain a sales tax permit; licensed providers who administer massage for other reasons are required to obtain a sales tax permit.

Unlicensed massage therapists are subject to sales tax unless the massage is provided for the treatment of illness, injury or disease upon a written referral by a licensed health care facility or professional.

Examples:

- An unlicensed and unregistered massage therapist who is self-employed and working without written referral from a physician, pays sales tax;
- An unlicensed and unregistered massage therapist who is employed by a chiropractor pays the MinnesotaCare tax (the employer is responsible for the tax);
- A licensed nurse who provides massage therapy that is related to an illness, injury, or disease, pays the MinnesotaCare tax; massage therapy that is provided for any other reason, is subject to both the MinnesotaCare and the sales tax;
- An unlicensed and unregistered massage therapist who is self-employed and working upon a written referral from a physician to provide treatment of illness, injury or disease, does not pay the sales tax nor the MinnesotaCare tax.

Dated: 20 June 1994

Patricia A. Lien
Assistant Commissioner for Tax Policy

Department of Revenue

Revenue Notice #94-12: MinnesotaCare: Who Is The Taxpayer

Under the MinnesotaCare law, a tax is imposed on the gross receipts received by hospitals, surgical centers, and health care providers for patient services they provide ("providers"). The tax liability is imposed on the entity that has the legal right to these receipts. Generally, this means that the entity receiving the payment for the services from the patient or another consumer is the taxpayer. There are some exceptions:

- When the entity receiving the payment (or its equivalent in services) from the patient or consumer is not a provider (e.g. a business that contracts with outside providers to provide patient services to its employees as part of the employees' benefits, a nursing home), the tax liability falls on the provider who provides the patient services rather than the entity that receives the payment or its equivalent;
- When the person who receives the payment from the patient or consumer serves merely as a billing/collection agency, the receipts are taxable to the provider who is legally entitled to these receipts, not the person who acts as an agent, even if that person is a provider;

Revenue Notices

- When under the law, the payments received by the first provider are excluded from his/her taxable receipts, the next provider who is paid by that provider is responsible for payment of the tax (e.g. an independent contractor nurse who receives payments from a home health agency is responsible for the tax).

When two providers deal with the same patient and the first provider reimburses the second provider for services to the patient the first provider pays the tax and the payment to the second provider is excluded from the second provider's taxable revenues since each transaction is subject to tax only once (i.e. no pyramiding of the tax burden).

When providers are part of a larger corporate entity: Hospitals and surgical centers that are part of a larger business entity pay separately (e.g. each hospital pays the tax independently). In case of health care providers, the legal entity is responsible for payment of the tax, similar to the way it pays its other business taxes (e.g. if the provider pays the payroll withholding taxes as a corporate entity, it is required to pay the MinnesotaCare tax as a corporation; if each facility pays its withholding tax separately, the facility is required to pay the MinnesotaCare tax separately).

Examples:

- A nurse is employed by a clinic and provides patient services to the clinic's patients. The clinic is the taxpayer since it has the legal right to these payments;
- A college employs health care providers who provide patient services to the students. The college also contracts with an outside lab to provide lab services to the students. The students pay the college, and the lab bills the college for the service it provides. The college is the taxpayer since it is a health care provider providing patient services;
- An employer provides patient services to its employees by contracting with an outside clinic to provide the services. The employer does not employ any health care providers who provide patient services. The clinic is the taxpayer since the employer does not meet the definition of a health care provider;
- A business employs a nurse to provide health care services to its employees. This service is part of the employees' benefits. The employer is the taxpayer; the tax is imposed on the amount allocated to these services in the budget;
- A physician works at a hospital on weekends as an independent contractor. The hospital pays the physician regardless of whether the patients pay for the physician's services. The hospital is the taxpayer. The physician may exclude the payment from the hospital from her taxable receipts;
- A billing agency collects payments for patient services provided by a physician; the agency deducts an administrative fee before transferring the payment to the physician; The physician is responsible for payment of the tax on the total amount received by the billing agency, including the administrative fee that is kept by the agency;
- An ambulance service transports a patient to the hospital; the hospital treats the patient; it bills the patient for its service and, according to an agreement with the ambulance service, it bills the patient for the ambulance services as well. The hospital reimburses the ambulance service only if the patient pays for the service (i.e. this service bears the risk of loss of the payment if the patient does not pay for the ambulance services); the ambulance is the taxpayer for the portion of payment that represents the ambulance service; the payment for the services provided by the hospital is taxable to the hospital;
- Nursing homes are excluded from the definition of a health care provider (i.e. they are not subject to the MinnesotaCare tax); a physical therapist provides services to residents of the nursing home as an independent contractor; the physical therapist is the taxpayer;
- Under the law, payments received by a home health agency are excluded from the tax; the agency contracts with a nurse to provide nursing services to its patients; since the payment is not taxable to the home health agency, the nurse is responsible for payment of the tax;
- A staff model HMO contracts with a physician to provide services to enrollees of the HMO; under the law, staff model HMOs may deduct payments to providers that are not employed by the HMO. The physician is responsible for payment of the tax.

Dated: 20 June 1994

Patricia A. Lien
Assistant Commissioner for Tax Policy

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

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

Department of Agriculture

Minnesota Rural Finance Authority

Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under *Minnesota Statutes*, Chapter 41C

NOTICE IS HEREBY GIVEN that a public hearing will be held on July 6 1994, at 9 A.M. in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of **approximately 366 acres of farmland** located in parts of **Section 11 & 12, Tnshp 116N, R43W, Lac Qui Parle County, Minnesota** on behalf of **Christopher D. & Patti Jo Mork**, a married couple (the Borrowers). The maximum aggregate face amount of the proposed bond issue is **\$236,000**. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 1 June 1994

LaVonne Nicolai
RFA Executive Director

Department of Agriculture

Minnesota Rural Finance Authority

Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under *Minnesota Statutes*, Chapter 41C

NOTICE IS HEREBY GIVEN that a public hearing will be held on July 6 1994, at 9 A.M. in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of **approximately 50 head of dairy cows** located in parts of **Section 17 & 20, Pokegama Township, Pine County, Minnesota** on behalf of **Ronald K. & Barbara A. Sigurdson**, a married couple (the Borrowers). The maximum aggregate face amount of the proposed bond issue is **\$60,000**. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 1 June 1994

LaVonne Nicolai
RFA Executive Director

Official Notices

Department of Economic Security

Job Service and Reemployment Insurance

Unemployment Insurance Quality Control Annual Report for Calendar Year 1993

Total Dollars Paid in Population		\$366,172,767
Sample Size		915
	Percentage of Dollars	95% Confidence interval (+/-)
Proper Payments	85.8%	2.3%
Overpayments	14.2%	2.3%
	<hr/>	
	100.0%	
Underpayments	0.5%	0.2%

Claimants failing to conduct required work search were given formal warnings and no overpayment was established. The proper payment rate would be lower and the overpayment rate would be higher if these cases were counted as erroneous payments.

Department of Health

Health Care Delivery Systems

Notice Regarding Quarterly Change in Regional and National Consumer Price Index

Pursuant to *Minnesota Statutes* 62J.04, Subd. 1 (b) the commissioner of health is required to publish the projected limit on the growth of health care expenditures and revenues for 1995 and the quarterly change in the regional consumer price index for urban consumers. The quarterly change in U.S. city average CPI-U index is published for comparative purposes.

The projected limit on the growth of health care expenditures and revenues for calendar year 1995 is 8.3 percent.

The change in the average, unadjusted regional urban-consumer price index for all items for the North Central Region, from fourth quarter 1993 to first quarter 1994 is 0.50 percent.

The change in the average, unadjusted National urban-consumer price index for all items, from fourth quarter 1993 to first quarter 1994 is 0.64 percent.

Department of Human Services

Second Surgical Opinion Requirements Effective for Dates of Service on or after July 1, 1994

NOTICE IS HEREBY GIVEN, that, pursuant to *Minnesota Statutes* 256B.0625, Subd. 4a., the Commissioner of Human Services authorizes, effective for dates of service on or after July 1, 1994, all tonsillectomies, adenoidectomies, cholecystectomies and hysterectomies performed on an outpatient or day surgery basis are subject to second surgical opinion requirements, including procedures performed in an Ambulatory Surgical Center, as described in Chapter 7 of the Minnesota Health Care Provider Manual.

State Board of Investment

Official Notice to Retain Private Money Management Firms

The Minnesota State Board of Investment (MSBI) retains private money management firms to manage a portion of the pension assets and other accounts under its control. Firms interested in managing domestic stock, international stock, domestic bond or global bond portfolios for the MSBI are asked to write to the following address for additional information:

External Manager Program
Minnesota State Board of Investment
Suite 105 MEA Building
55 Sherburne Avenue
St. Paul, MN 55155

Please refer to this notice in your written request.

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective June 20, 1994 prevailing wage rates were determined and certified for commercial construction projects in:

- Aitkin County:** MN/DNR New Consolidated Area Headquarters-Aitkin.
- Benton County:** Site Preparation New Middle School-Sauk Rapids.
- Blue Earth County:** Mankato State University Gage Hall Ground Floor Remodeling-Mankato.
- Carlton County:** Moose Lake Regional Treatment Center Asbestos Removal Buildings 1, 2, 3, 4 & 10-Moose Lake.
- Crow Wing County:** Baxter & Lowell Elementary Underground Storage Tank Removal & Installation-Brainerd; Crow Wing Courtroom #1 Remodeling-Brainerd.
- Dakota County:** Rahn Elementary Reroofing-Eagan.
- Goodhue County:** 1994 Red Wing Tech College Reroofing & Concrete Repair-Red Wing.
- Hennepin County:** West Central Elementary School, Amatage School Remodeling & Burroughs School Remodeling-Minneapolis; MSP Airport Parking Ramp Exit Booth Replacement-MPLS/STP.
- Itasca County:** ASV, Inc. Manufacturing Plant-Grand Rapids.
- Kandiyohi County:** Sibley State Park Headquarters-Near New London; MN/DOT Willmar Headquarters Truck Storage Ventilation-Willmar.
- Nicollet County:** North Elementary Remodeling-St. Peter.
- Olmsted County:** MN/DOT Rochester Chiller Replacement-Rochester.
- Pennington County:** Thief River Falls Regional Airport Ground Storage Reservoir, Northwest Technical College Remodeling-Thief River Falls.
- Pine County:** Pine City Elementary 1994 Reroofing-Pine City.
- Ramsey County:** Dayton's Bluff East 3rd Street New Construction, U of M Eastcliff First Floor Remodeling, MWWTP F & I Asbestos Abatement Phase 2-St. Paul.
- St. Louis County:** Safety Fence At NRRI-Hermantown.
- Stearns County:** Melrose Elementary/High School Burner Replacement-Melrose.
- Stevens County:** U of M/Morris Kitchen Expansion-Morris.
- Wadena County:** Wadena Truck Station-Wadena.

Official Notices

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

John B. Lennes, Jr
Commissioner

Metropolitan Council

Public Hearing on Proposed 1995-97 Transportation Improvement Program for the Twin Cities Metropolitan Area

The Metropolitan Council's Transportation Advisory Board will hold a public hearing on the proposed 1995-97 Transportation Improvement Program (TIP) for the Twin Cities Metropolitan Area.

The TIP includes highway, transit, bikeway, pedestrian enhancement and air quality projects proposed for federal, state and local funding throughout the seven-county metropolitan area over the next three years. The program is prepared annually in accordance with federal requirements and must contain all projects that are to be implemented with federal funding assistance.

The hearing will be held on Wed., July 20, 1994, 4 p.m., in the Metropolitan Council Chambers, Mears Park Centre, 230 E. Fifth St., St. Paul. All interested persons are encouraged to attend the hearing and offer comments. People may register in advance to speak by calling 291-6308 or 291-0904 (TDD). Persons with disabilities may contact the Council at 291-6308 or 291-0904 (TDD) to request reasonable accommodations for the public hearing.

The hearing record will close at 5 p.m., Wed., Aug. 3, 1994. Written comments, which must be received by 5 p.m., Aug. 3 should be sent to Emil Brandt, Transportation Advisory Board, Metropolitan Council, Mears Park Centre, 230 E. Fifth St., St. Paul, MN 55101. Copies of the public hearing draft of the proposed 1995-97 Transportation Improvement Program may be obtained by calling the Council's Data Center at 291-8140 or 291-0904 (TDD).

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Department of Natural Resources

Notice of Intent to Hold State Selected Industrial Minerals Lease Sale State Lands to be offered for Dimension Stone Mineral Exploration

The Minnesota Department of Natural Resources announces that plans are being developed to hold the state's first sale of industrial mineral leases for dimension stone exploration, mining and removal. The sale is tentatively scheduled to take place late 1994 or early 1995. The lease sale plans are being announced at this time in order to give companies, public interest groups and all other interested parties additional time to review the areas under consideration.

The sale will be held pursuant to rules that will be adopted pursuant to *Minnesota Statutes*, section 93.25, which requires the commissioner of natural resources to adopt rules for the leasing of state owned lands for the development of industrial minerals before issuing leases under *Minnesota Statutes*, section 93.25. Final adoption of the proposed rules will be completed prior to the sale date.

The rules to be proposed for adoption, and the leases to be issued under these rules, authorize exploration and development of selected industrial minerals and impose certain requirements on the lessee. The requirements include: the payment of rentals that increase with the passage of time, the payment of royalty for all leased minerals mined and removed, the submission of data and other reports, and the addressing of environmental considerations. The lessee will also be required to provide evidence that the lessee is qualified to hold a state lease and evidence of financial and technical capability to perform under the state lease. In addition, the state lessee must comply with all applicable regulatory laws.

The areas under consideration for lease sale cover dimension stone deposits located in portions of Koochiching, Lake and St. Louis counties. Technical reports 289 (1991) and 298 (1993), titled *Dimension Stone Inventory of Minnesota* are available upon request.

The exact time of the lease sale will be announced by legal notice at least thirty days prior to the sale. A list of lands to be offered at lease sale and the proposed lease form to be used in conjunction with the lease sale will be available for inspection or purchase at that time. For more information, please contact the Division of Minerals, 500 Lafayette Road, St. Paul, MN 55155-4045, telephone 612-296-4807.

Dated: 20 June 1994

William C. Brice, Director
Division of Minerals

Pollution Control Agency

Public Notice on Proposed Air Emission Facility General Permit

NOTICE IS HEREBY GIVEN, that the Commissioner of the Minnesota Pollution Control Agency (MPCA) proposes to issue a general permit governing stationary nonmetallic mineral processing facilities. The issuance of this general permit is authorized by *Minnesota Rules* pt. 7007.1100, subp. 1 (1993), which allows the MPCA to issue a general permit if "numerous and similar stationary sources are subject to substantially similar regulatory requirements. . .". The general permit applies to all areas of the state except areas designated nonattainment for PM₁₀.

The stationary sources eligible for the proposed general permit are major sources as defined in *Minnesota Rules* pt. 7007.0200. The general permit also covers sources required to obtain permits by *Minnesota Rules* pt. 7007.0250.

The proposed general permit contains federally enforceable conditions to limit the potential-to-emit (PTE) of each criteria pollutant to less than 250 tons per year (tpy); therefore each facility is a nonmajor source as defined in 40 CFR Part 52.21 Prevention of Significant Deterioration (*Minnesota Rules* pt. 7007.3000). Also, each stationary source is a nonmajor source as defined in 40 CFR Part 52.24 for all pollutants other than PM and PM₁₀.

Each stationary source eligible for the proposed general permit may include the following types of equipment and activities for which a permit is required by *Minnesota Rules* pt. 7007.0150: crushers (with intended product size greater than 1/4"), screens, transfer operations (including belt conveyors, enclosed truck/railcar loading stations, bucket elevators, storage bins, stackers, ladders, chutes, classification screws, feeders, and pneumatic systems), bagging operations, internal combustion engines, pile forming, storage piles, dredges, unpaved roads and parking lots, bulldozers, loaders, transport vehicles, petroleum storage tanks, maintenance activities (including welding, painting, cleanup, and other similar activities), and other activities listed in *Minnesota Rules* pt. 7007.1300, subs. 2 and 3.

Official Notices

A stationary source is not eligible for the proposed general permit, or ceases to be eligible for the proposed general permit, if any of the following are true:

1. The stationary source is located in a PM₁₀ nonattainment area.
2. The stationary source has emissions units other than those described above, such as crushers (with an intended product size less than 1/4"), process heaters/dryers, grinding mills, air conveying systems, air separators, air classifiers, or calcining operations.
3. Processing operations are located indoors.
4. The stationary source is not classified in SIC codes 1422 (crushed and broken limestone), 1423 (crushed and broken granite), 1429 (crushed and broken stone not elsewhere classified), 1442 (construction sand and gravel) or 1446 (industrial sand).
5. The stationary source processes anything other than crushed and broken limestone, crushed and broken granite, crushed and broken stone, construction sand and gravel, recycled concrete, recycled asphalt concrete and the initial processing of industrial sand.
6. The stationary source includes control equipment not covered in the proposed general permit, such as baghouses or scrubbers.
7. The stationary source has emitted over 250 tpy of nonfugitive emissions since August 7, 1980, or does so in any year during the term of the general permit.
8. The stationary source was not in operation on or before January 1, 1994.

A summary of the highest allowable PTE rates in tpy in consideration of all allowable fuels for each stationary source described in the proposed general permit are as follows:

Pollutant	PM	PM ₁₀	SO ₂	NO _x	VOC	CO	Pb
Total Facility PTE	249	97	16	99	8	22	0

As allowed by *Minnesota Rules* pt. 7007.1100, subp. 5, the MPCA has developed a source-specific permit application that does not include all the required information given in *Minnesota Rules* pts. 7007.0100 to 7007.1850. The differences between the application requirements and this general permit application are discussed in the Technical Support Document, and the MPCA has developed application forms tailored to this general permit which the MPCA plans to use.

The preliminary determination to issue the general permit is tentative. There are four formal procedures for public participation in the MPCA's consideration of the proposed general permit. These procedures are set forth in *Minnesota Rules* pt. 7007.0850, subp. 3. First, interested persons may submit written comments on the proposed permit. Second, interested persons may request that approval of this permit be placed on the agenda of an MPCA Board meeting. Third, interested persons may request the MPCA to hold a public information meeting. Fourth, interested persons may request the MPCA to hold a contested case hearing, which is conducted by the Office of Administrative Hearings pursuant to the Administrative Procedures Act.

Interested persons who submit comments or requests to the MPCA shall set forth:

1. a statement of the person's interest in the draft general permit;
2. a statement of the action the person wishes the MPCA to take, including specific references to the section of the draft permit that the person believes should be changed; and
3. the reasons supporting the person's position, stated with sufficient specificity as to allow the Manager of the Air Quality Division to investigate the merits of the person's position(s).

The public comment period commences June 20, 1994 and terminates July 20, 1994. Comments and requests should be mailed to:

Jeffrey Peltola
Air Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155

All written comments and requests for an Agency Board meeting, public information meeting or contested case hearing received during the public comment period will be considered by the Manager, Air Quality Division. The Manager of the Air Quality Division will issue a final determination in a timely manner after the expiration of the public comment period.

A copy of the draft general permit will be mailed to any interested person upon the MPCA's receipt of a written request. Additional materials relating to the issuance of this general permit, including the technical support document and proposed permit

application forms, are available for inspection at the Minnesota Pollution Control Agency, Air Quality Division, 520 Lafayette Road North, St. Paul, Minnesota 55155, phone (612)282-2603, and at the MPCA's Regional Offices at the following addresses and phone numbers between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

MPCA Regional Offices:

- Region 1** Duluth Government Center
Room 704
320 West Second Street
Duluth, Minnesota 55802
Phone (218)723-4660
- Region 2** 1601 Minnesota Drive
Brainerd, Minnesota 56401
Phone (218)828-2492
- Region 3** Lake Avenue Plaza
714 Lake Avenue
Suite 220
Detroit Lakes, Minnesota 56501
Phone (218)847-1519
- Region 4** 700 North Seventh Street
Marshall, Minnesota 56258
Phone (507)537-7146 or (507)537-7147
- Region 5** 2116 Campus Drive Southeast
Rochester, Minnesota 55904
Phone (507)285-7343

Dated: 20 June 1994

Lisa J. Thorvig
Division Manager
Air Quality Division

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State Grants

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

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

Department of Corrections

Victims Services Unit

Notice of Availability of Funds Available to Establish Domestic Abuse Criminal Justice Intervention Program Services

The Minnesota Department of Corrections, Victim Services Unit, announces the availability of funds to establish domestic abuse criminal justice intervention program services. Up to seven grants of \$20,250 each are available to establish local services in an unserved judicial assignment district. Grants under this RFP are available for the nine-month period October 1, 1994, through June 30, 1995. Only nonprofit organizations are eligible to apply under this RFP. Successful applicants may be eligible for continued funding after the initial grant period if future funds are made available to the department for this purpose.

Applicants for local intervention services must propose to establish such services in any of the following judicial assignment districts.

Third District	Assignment 2	Freeborn, Mower
Fifth District	Assignment 3	Brown, Cottonwood, Nicollet, Watonwan
	Assignment 4	Faribault, Jackson, Martin
	Assignment 5	Murray, Nobles, Pipestone, Rock
Sixth District	Assignment 5	Cook, Lake
Seventh District	Assignment 2	Becker, Clay
	Assignment 3	Douglas, Wadena
Eight District	Assignment 1	Big Stone, Grant, Pope, Stevens, Swift, Traverse, Wilkin
	Assignment 2	Chippewa, Kandiyohi, Lac Qui Parle, Meeker, Renville, Yellow Medicine
Tenth District	Assignment 4	Sherburne, Wright

The deadline for submission of grant proposals is 4:30 p.m. on Tuesday, August 2, 1994. The application packet may be obtained from the contact listed below and must be completed according to the RFP and instructions. Interested applicants are welcome to call or visit the Issuing Office for more details. Those intending to make a visit should arrange an appointment in advance.

Cecelia Miller, Administrative Assistant
Department of Corrections
Victim Services Unit
300 Bigelow Building
450 North Syndicate
St. Paul, MN 55104

Phone: 612/642-0251, 800/657-3679 outside the Twin Cities metropolitan area, or TDD 612/643-3589.

Minnesota Planning

Family Services Collaboratives

Notice of Availability of Federal and State Grant Funds.

Fund Category	Estimated Size of Award Per Year	Dollars Available	Length of Grant Period	Application Deadline	Source of Funds
Implementation grants for family services collaboratives	Up to \$250,000	\$2 million	1 year	December 1, 1994	1993 Omnibus Education and Health and Human Services Act
Grassroots collaboration grants for communities of color, neighborhoods or small nonprofit groups	\$10,000 to \$30,000	\$97,500	1 year	October 17, 1994	1994 Juvenile Justice Act
Community crime and drug prevention activities and high-risk youth violence prevention activities	\$10,000 to \$50,000	\$4.4 million (up to \$2.2 million available January 1, 1995, with remainder reserved for second year)	2 years	October 17, 1994	1994 Juvenile Justice Act; M.S. 299A.34 and 299A.35; Bureau of Justice Assistance
Truancy Action Projects	\$25,000 to \$50,000	\$50,000	1 year	October 17, 1994	1994 Juvenile Justice Act
Male responsibility and fathering grants	Up to \$50,000	\$500,000	1 year	October 17, 1994	1994 Omnibus Education Act
Drug Abuse Resistance Education (D.A.R.E.) [K-6 programs]	Up to \$4,000	\$159,000	1 year	October 17, 1994	Drug Free Schools and Communities Act
Community Violence Prevention Councils	Up to \$3,000	\$200,000	1 year	October 17, 1994	Laws 1993, Ch.224, Art. 4, Subd. 17

Professional, Technical & Consulting Contracts

MINNESOTA'S PREVENTION & INTERVENTION FUNDING is an application process to assist community programs by coordinating funds from a variety of federal and state sources. Grant funds support comprehensive approaches to the complicated problems facing our communities.

Applications will be accepted through this process for **FAMILY SERVICES COLLABORATIVES**. These collaboration grants are designed to foster cooperation and collaboration and assist communities in coming together to improve results for Minnesota's children and families. By providing incentives for better coordination of services, Minnesota hopes to increase the number and percentage of babies and children who are healthy, children who come to school ready to learn, families able to provide a healthy and stable environment for their children, and children who excel in basic academic skills. Funds are available for Family Service Collaborative implementation grants, grassroots collaboration, community crime and drug prevention, high-risk youth violence prevention, Truancy Action Projects, Male responsibility and fathering grants, D.A.R.E., and Community Violence Prevention Councils.

The application process is held once or twice a year based on availability of funds. Grant programs change depending on the availability of funds. This is a collaborative effort among the Children's Cabinet, the Chemical Abuse and Violence Prevention Council and 11 state agencies: Department of Administration, Finance, Public Safety, Corrections, Economic Security, Education, Transportation, Human Services, Health, Housing Finance and Minnesota Planning. The application process is coordinated by the Prevention and Intervention Work Group.

Applications are available July 15, 1994, and are automatically sent to school superintendents, county social service directors and community health service administrators.

To receive an application call the application hotline and leave a detailed message:

Application Hotline (612) 297-1419 or 1-800-934-7113

Or write:

Minnesota Planning
Prevention & Intervention Funding
658 Cedar Street
St. Paul, MN 55155

TDD (612) 297-5353 or 1-800-627-3529 Minnesota Relay Services, ask for Minnesota Planning at (612) 297-1419.

Upon request, this brochure will be made available in an alternate format, such as Braille, large print or audio tape.

Application workshops will be held regionally. A schedule will be sent with applications.

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.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612)296-2600 or [TDD (612)297-5353 and ask for 296-2600].

Minnesota Academic Excellence Foundation

Notice of Request for Proposals for Assistance to Assure Continued Visibility, Interpretation, and Administration and Delivery of Activities and Services

The Minnesota Academic Excellence Foundation is seeking assistance to assure the continued visibility, interpretation, and administration and delivery of MAEF activities and services to targeted K-12 audiences and to generate private sector funds and gifts to support program delivery. Proposals are requested for any or all of the following four areas:

1. **Partners for Quality Project Coordination:** Program support to planning and delivery; management; recruitment and services to pilot sites in quality education initiative. The State estimates the cost of this portion not to exceed \$9,500 in FY 95.

Professional, Technical & Consulting Contracts

2. **Partners for Quality Training and Conference; Planning and Delivery:** Management, planning, delivery and evaluation of semi-annual training sessions to pilot sites in quality education initiative. The State estimates the cost of this portion not to exceed \$30,000 in FY 95.
3. **Public Relations:** Marketing, communications, and publications development and delivery. The State estimates the cost of this portion not to exceed \$20,000 in FY 95.
4. **Assistance to Project Director, Business Partners and Volunteer Management:** Program administration and administrative support to programs, conferences, special events and volunteer recruitment and placement. The State estimates the cost of this portion not to exceed \$30,000 in FY 95.

Proposals may address one or more of these areas. Responders must have documented education, experience, and technical expertise in the areas indicated.

The anticipated time frame is July, 1994 to June 30, 1995, renewable if resources are available and project goals are met for up to two (2) additional years in one (1) year increments. The State reserves the right to make multiple awards under this request for proposals. This request for proposals does not obligate the State to complete the project(s) and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

Copies of the complete Request for Proposals may be obtained by contacting Jennifer LeTourneau, Minnesota Academic Excellence Foundation, 971 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101, (612) 297-1875. Any questions regarding this proposal must be addressed to Ms. LeTourneau. Other personnel are not allowed to discuss the project with responders before the deadline for submission of proposals.

Proposals must be sent to and received by Ms. LeTourneau at the above address by 4:00 P.M. July 11, 1994. Late proposals will not be accepted.

Department of Administration

Real Estate Management Division

Notice of Request for Proposals for Rental of: 1 - Three Bedroom Home and 1 - Four Bedroom Home

The Department of Administration on behalf of the Department of Human Services desires proposals for providing existing or constructing 1 - three (3) bedroom and 1 - four (4) bedroom handicapped accessible homes in Crow Wing County in the Brainerd/Baxter area for lease by the State to provide residential quarters for developmentally disabled persons.

Contact: Department of Administration
Real Estate Management Division
309 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155
Telephone: (612) 296-6674

Proposals must be submitted by 4:30 p.m. (CST) on Friday, July 15, 1994.

Department of Administration

State Designer Selection Board

Request for Proposal for Four Projects: Two Pre-Designs for the Capitol Area and One Each for Lakewood and Minneapolis Community Colleges

To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select designers for four projects. Design firms who wish to be considered for these projects should deliver proposals on or before 4:00 p.m. July 12, 1994, to:

Professional, Technical & Consulting Contracts

George Iwan
Executive Secretary, State Designer Selection Board
Room G-10, Administration Building
St. Paul, Minnesota 55155-3000

The proposal must conform to the following:

- 1) Six (6) copies of the proposal will be required.
- 2) All data must be on 8 1/2" x 11" sheets, soft bound.
- 3) The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number and the name of the contact person.

4) Mandatory Proposal contents in sequence:

- a) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc. If the response is from a joint venture, this information must be provided for firms comprising the joint venture.
- b) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. Identify roles that such persons played in projects which are relevant to the project at hand. **NOTE NEW REQUIREMENT:** The proposals **must** contain a statement indicating whether or not the consultants listed have been contacted and have agreed to be a part of the design team.
- c) A commitment to enter the work promptly, if selected, by engaging the consultants, and assigning the persons named 4b above along with adequate staff to meet the requirements of work.
- d) A list of State and University of Minnesota current and past projects and studies awarded to the prime firm(s) submitting this proposal during the four (4) years immediately preceding the date of this request for proposal. The prime firm(s) shall list and total all fees associated with these projects and studies whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects and studies listed pursuant to the above. **NOTE:** Please call for a copy of the acceptable format for providing this information.
- e) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described. It must be noted if the personnel were, at the time of the work, employed by other than their present firms.

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

5) Statutory Proposal Requirements:

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

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

- a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
 - b) A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights; or
 - c) A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months; or
 - d) A statement certifying that the firm has an application pending for a certificate of compliance.
- 6) Design firms wishing to have their proposals returned after the Board's review must follow one of the following procedures:
- a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or
 - b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

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

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

Professional, Technical & Consulting Contracts

7a) PROJECT - 12-94

Department of Military Affairs
Capitol Area
Pre-Design
Project Appropriation: \$100,000

The Department of Administration in cooperation with the Minnesota Department of Military Affairs will commence the pre-design phase for a new facility to be located in the capitol complex area of St. Paul.

The Department of Military Affairs presently occupies space in the Veteran's Service building with the remaining military operations carried out at the existing Armory at 600 Cedar Street. These two facilities have housed the operations of 4 military units until recently when a new military/community complex opened moving half the units from the Capitol area. The Department of Military Affairs needs to collocate the remaining Capitol area military units with the administrative office space to a joint facility on a new site within the Capitol complex.

This new facility would provide space for both the Department of Military Affairs and a National Guard Training Center with the financial responsibility for the Training Center shared between federal and state dollars. The Department of Military Affairs intends to program the continued public use of the facility during off hours for integrated community activities. The strategic plan indicates a structured vehicle parking ramp would compliment the overall use of this facility.

In keeping with the Department of Administration's 1994 Strategic Plan for locating State agencies and the present capitol area development plans indicate the existing St. Paul Armory location is a strategic development site to enhance the Capitol approach from the downtown central business district. To meet the future combined needs on a new site and maintain the relationship with the neighborhood community long range strategic plan identifies a location along University Avenue between Rice and Marion streets within the Capitol complex, to fulfill their overall needs.

The Minnesota Legislature has supported the concept of a pre-design phase to be incorporated into all future facility projects, statewide. This cooperation leads to the request by the Department of Administration to advertise for a registered professional consultant to assist this department and the Department of Military Affairs in the pre-design activities for a new Military Affairs in the pre-design activities for a new Military Affairs/Training center.

The consultant will be required to analyze, coordinate, administer, program, develop, and record but not necessarily limit their efforts to these activities in establishing pre-design recommendations for department, fiscal, and legislative review.

ACTIVITIES

- A needs analysis
- Linkage to Administration's 1994 Strategic Plan for locating State agencies
- The Agencies goals and objectives
- A comprehensive project schedule of activities
- Agency user program

- Space relationships
- Area requirements
- Conceptual schemes
- Special requirements
- Facility information technology
- Environmental systems criteria
- Material usage
- Vehicular and parking requirements

- Site selection
 - Review of Geotechnical Engineering surveys
 - Identification of site alternatives
 - Evaluation of those options with reference to the Strategic plan
 - Weighted criteria for site selection
- Cost analysis and planning
- Programming framework for the design competition

The Department of Administration in strict consultation with the Capitol Architectural Planning Board (CAAPB) staff

Professional, Technical & Consulting Contracts

- Facility audit proforma
- Alternatives considered

A selection is anticipated by September 1994 which will allow the consultant to proceed immediately into the pre-design phase. Further analysis will require a preliminary draft to be presented to the Department(s) of Administration and Military Affairs by May 1995, prior to preliminary Capital budget submittals to the Department of Finance. One additional request will require a final written pre-design text by August 1995, prior to Administration's final Capital budget deadlines.

With respect to this project, firms must indicate the following:

- The ability to work within the adopted Legislative directives, Administrative standards, Fiscal criteria and CAAPB guidelines;
- the ability to work in building consensus with community orientation and the State and Military Affairs requirements;
- the ability to work with military oriented administrators and staff;
- the ability to 'record' this total assignment by electronic media;
- the ability to work with multiple 'user' and administrative staffs;
- the ability to manage the efforts of multiple consultants;
- the ability to analyze geotechnical and other engineering data; and
- the ability to administer all professional services within the project scope and time schedules.

This pre-design phase is meant to establish the foundations and feasibility of a specific request through written and conceptual graphic schemes. If this pre-design phase is approved by the 1996 Legislature, the second phase will be a CAAPB Design Competition which will determine the architect/engineers for this Department of Military Affairs facility.

All questions concerning this project should be referred to Sally Grans, A.I.A., telephone (612) 297-3455, fax (612) 296-7650.

7b) PROJECT - 13-94

Department of Health Building & Parking Ramp
Capitol Area
Pre-Design
Project Appropriation: \$400,000

The Department of Administration in cooperation with the Minnesota Department of Health will commence the pre-design phase for a new health building and parking ramp to be located in the capitol complex area of St. Paul.

The existing Minnesota Department of Health facility has been located on the University of Minnesota campus for the past 27 years. The facility has become increasingly inadequate and inflexible for accommodating future growth, presents significant barriers for public access and isolates the department from other key state agencies. Staffing levels have increased from 680 in 1968 to over 1000 in 1993. A 1991 study, revised in 1993, projected metro area health staffing levels to increase to 1250 individuals by the turn of the century. This growth is being driven by the public's awareness of new health risks, health reform initiatives, expanded federal health incentives and increased regulatory responsibilities. This suggests the Minnesota Department of Health should not be in isolation and should be located in close proximity to other key regulatory agencies such as Human Services, Pollution Control, the Attorney General's office, Finance and Administration.

The Department of Administration's 1994 Strategic Plan for locating state agencies established a flexible framework to meet agencies' space needs over the next 20 years. The Minnesota Department of Health facility was placed under the Capitol Area Short-Term Development Strategy in order to meet their current and projected needs by the year 2003. The long range strategic plan's analysis addressed the fact that a facility of this size and public function requires an adjacent parking facility to properly accommodate state employees and the customers who will utilize the facility.

The Minnesota Legislature has supported the concept of a pre-design phase to be incorporated into all future facility projects, statewide. This cooperation leads to the request by the Department of Administration to advertise for a registered professional consultant to assist this department and the Minnesota Department of Health in the pre-design activities for a new Health facility.

The consultant will be required to analyze, coordinate, administer, program, develop, and record but not necessarily limit their efforts to the listed activities in establishing pre-design recommendations for department, fiscal and legislative review.

ACTIVITIES

- A needs analysis
- Linkage to Administration's 1994 Strategic Plan for locating State agencies

Professional, Technical & Consulting Contracts

- The Agencies goals and objectives
- A comprehensive project schedule of activities
- Agency user program
 - Space relationships
 - Area requirements
 - Conceptual schemes
 - Special requirements
 - Facility information technology
 - Environmental systems criteria
 - Material usage
 - Vehicular and parking requirements
- Site selection
 - Review of Geotechnical Engineering surveys
 - Identification of site alternatives
 - Evaluation of those options with reference to the Strategic plan
 - Weighted criteria for site selection
- Cost analysis and planning
- Programming framework for the design competition
 - The Department of Administration in strict consultation with the Capitol Architectural Planning Board (CAAPB) staff
- Facility audit proforma
- Alternatives considered

A selection is anticipated by September 1994 which will allow the consultant to proceed immediately into the pre-design phase. Further analysis will require a preliminary draft to be presented the Department(s) of Administration and Health by May 1995, prior to preliminary Capital budget submittals to the Department of Finance. One additional request will require a final written pre-design text by August 1995, prior to Administration's final Capital budget deadlines.

With respect to this project, firms must indicate the following:

- The ability to work within the adopted Legislative directives, Administrative standards, Fiscal criteria and CAAPB guidelines;
- the ability to work with health oriented administrators and staff;
- the ability to 'track' this total assignment by electronic media;
- the ability to work with multiple 'user' and administrative staffs;
- the ability to manage the efforts of multiple consultants;
- the ability to analyze geotechnical and other engineering data; and
- the ability to administer all professional services within the project scope and time schedules.

This pre-design phase is meant to establish the foundations and feasibility of a specific request through written and conceptual graphic schemes. If this pre-design phase is approved by the 1996 Legislature, the second phase will be a CAAPB Design Competition which will determine the architect/engineers for this Department of Health project.

All questions concerning this project should be referred to A. Thomas Ulness, A.I.A., telephone (612) 296-4646, fax (612) 296-7650.

7c) PROJECT -14-94

Minneapolis Community College
Remodeling and New Construction (Working Drawings)
Total Appropriation: \$375,000

PROJECT SUMMARY Minneapolis Community College and Minneapolis Technical College are located on adjacent sites and are connected by sky walks. This project will fund a comprehensive study leading to maximum integration of duplicated functions, yielding maximum efficiency. The study will start with developing a joint academic master plan. Involvement by all stake holders; the City of Minneapolis, students, employers, other providers of higher education, the school board, and concerned citizens; will

Professional, Technical & Consulting Contracts

assure the responsiveness of this academic plan to the community's needs. Based on the academic plan, the project will proceed with an architectural master plan describing the long term, phased integration of the two facilities. Finally based on the approved architectural master plan, the project will proceed with preliminary architectural plans and budgeting for the first phase.

Minneapolis Community College has continued to grow within the confines of its restricted urban site. During the last 2 years this growth has accelerated. The need for additional classroom space is immediate and significant. Space is already leased as well as being borrowed from the adjacent Technical College. Additional space is also required to provide student services with facilities to handle the current population. The project is to plan for these needs by exploring the opportunities presented by merger.

The community college facility model shows student services and administration space to be deficient by 13,608 net square feet (nsf) and faculty offices deficient by another 1,664 nsf. Two classrooms recently redefined as open computer labs have general instruction square footage about what it should be. Individual classrooms, however, are odd shaped, too small and ill-equipped for instruction technology. Consequently, the college is currently leasing approximately 10,000 nsf of efficiently sized classrooms from St. Thomas University on a temporary basis. Individual learning resources are scattered and poorly organized. There is no space adequate for the teaching of microbiology, an essential component of the nursing curriculum.

To satisfy these needs independently of the Technical College, Minneapolis Community College would commit the last building site available to either institution. With the merger imminent, logic dictates a more prudent approach to satisfying these pressing needs.

7d) PROJECT -15-94

Lakewood Community College
Addition and Remodeling (Schematic Plans)

- Total Appropriation: \$170,000

PROJECT DESCRIPTION This project is comprised of several elements. The major elements are the renovation of existing library space, spread over 3 floors, into a multi media LRC responsive to today's resource materials and supporting individual and small group learning. The second major element is a small addition to house general classrooms and a health/physical education lab. The remainder of the project is comprised of remodeling to meet needs of institutional services, student services, bookstore and handicapped accessible lockers.

The current LRC is 60% of the size needed to meet community college standards. It is poorly organized, difficult to access and is almost totally dedicated to print media. Modernization of this key resource has been the focus of most recent community college projects. The LRC is the central resource supporting our strategic emphasis on individual and small group learning as well as our emphasis on developmental education.

Additional classrooms are also needed just to properly serve the current population. Lakewood Community College has 72% of the classroom space needed, and little of it supports media support or distance learning.

The community college facilities model shows the library to be 8,495 square feet (nsf) deficient. Solving this deficiency and reorganizing all LRC functions is the major thrust of this project. This project proposes to infill a slot in what is now an under used two story lounge, and bring both levels within the library secure area. This concept together with relocating A/V will create sufficient space adjacent to existing open computer labs to allow reorganization into a contemporary LRC. Addition of a dedicated elevator will solve access problems while maintaining all library, individual and small group learning resources and open micro computer labs within a single secure area.

The second major thrust of the project is to address shortfalls in general classrooms (9,698 nsf) and physical education (4,429 nsf) while solving the access problems in the physical education area. This is accomplished with a 15,000 gs addition on three levels, providing 7,000 nsf of classrooms and 4,500 nsf of physical education as well as a fully accessible elevator.

The balance of the project is comprised of minor remodeling and reorganization of vacated and poorly used space.

With respect to Projects 14-94 and 15-94, firms must indicate the following:

- 1) a demonstrated ability to respond to program and budget imperatives;
- 2) a demonstrated ability to manage the efforts of consultants, particularly engineers;
- 3) a demonstrated understanding of how to work with higher education facility, students and administrators;
- 4) demonstrated ability to provide necessary services within project budget and timeframe; and
- 5) knowledge of instructional and/or library technology.

In addition, the State will require in its contract with the designer that the State be provided copies of the designer's contracts with its sub-consultants.

Questions concerning projects 14-94 and 15-94 may be referred to Dan Brennan at (612) 296-8952.

Maureen Steele Bellows, Chair
State Designers Selection Board

Health Care Commission

Health Technology Advisory Committee

Request for Proposals for Technology Evaluation Consulting Services

The Health Technology Advisory Committee (HTAC) of the Minnesota Health Care Commission is seeking proposals from qualified firms or individuals to assist HTAC in conducting health technology evaluation projects as required under the MinnesotaCare Act of 1993. These services include but are not limited to: evaluation planning; identification, classification, and prioritization of pertinent research, studies, findings, reports, literature and other information; identification of experts and key groups or individuals; information synthesis and summary; and drafting of preliminary evaluation report.

Details are contained in a request for proposals which may be obtained by contacting:

Karen Linsmayer
Health Technology Advisory Committee
Minnesota Health Care Commission
121 E. Seventh Place, Suite 400
P.O. Box 64975
St. Paul, MN 55164-0975
612/282-6359

Proposals must be received no later than 4:30 p.m. on Friday, July 15, 1994.

Department of Health

Health Care Delivery Systems Division

Notice of Request for Proposals for Health Benefits Design Consulting Services

The Minnesota Department of Health is seeking proposals from qualified firms for Health Benefits Design Consulting Services. The primary goals of the contract are related to health benefits study and design provisions of the MinnesotaCare Act of 1994 and subsequent codifications of the Act, including: 1) Assisting MDH in a process of developing recommendations for a universal standard health benefits set to be presented to the Legislature by January 1, 1995 (*Laws of Minnesota 1994*, Chapter 625, Article 4, Section 7); 2) Assisting MDH in developing recommendations and draft legislation to be sent to the Legislature by January 1, 1995, to establish up to five standardized benefits plans which may be offered by health benefits plans which differ only on the basis of consumer cost sharing (*Laws of Minnesota 1994*, Chapter 625, Article 4, Section 10); and 3) Assisting MDH in reporting to the Minnesota Health Care Commission by October 1, 1994 the various factors that affect health care affordability, including out-of-pocket spending, insurance premiums, and taxes (*Laws of Minnesota 1994*, Chapter 625, Article 6, Section 6).

Additional objectives of the Contract are to provide additional health benefits design consulting and to assist in providing testimony before the Minnesota Health Care Commission, the Legislature, advisory committees and other forums or inquiries as needed.

Details are contained in a request for proposals which may be obtained by contacting:

Sandy Zappa
Department of Health
Health Care Delivery Systems
121 East Seventh Place
P.O. Box 64975
St. Paul, MN 55164-0975
(612) 282-6356

Proposals are due by 4:30 p.m. on July 11, 1994.

Professional, Technical & Consulting Contracts

Department of Human Services

Child Support Enforcement Division

Request for Proposals to Provide Research and Analysis of the Uniform Interstate Family Support Act as Well as Training of Field Staff

The Minnesota Department of Human Services is soliciting proposals from qualified parties to research, analyze, and make recommendations to the State during the development of policy for the Interstate Family Support Act (UIFSA) and to develop and participate in the training of UIFSA users.

This Request for Proposals does not obligate the State to complete the project and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

The Department has estimated that the cost of this contract will not exceed \$30,000.00. All proposals must be received no later than 4:30 on July 13, 1994.

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

Maxine Pederson
Department of Human Services
Child Support Enforcement Division
444 Lafayette Road
St. Paul, MN 55155-3846
(612) 297-1113

Department of Transportation

Notice of Request for Proposals for Counseling Services

The Minnesota Department of Transportation is accepting proposals for a professional psychologist to provide professional counseling service to employees. The contractor will conduct development sessions for supervisors and managers in techniques used in preventing and removing organizational barriers to the orderly flow of work as well as providing guidance to employees with financial, relationship, chemical, parenting or other problems.

The contractor must possess:

1. A doctorate in psychology.
2. A license as a professional psychologist.
3. Four years experience in the practice of clinical psychology.
4. Experience as a professional counselor with an employer of 1,000 or more employees ranging from managers and professionals to trade persons, technicians and clerks.
5. Knowledge of and ability to implement programs to guide managers and supervisors in developing effective work units.

A contract for the requested services will commence September 1, 1994 and terminate on June 30, 1996. The compensation limit for time and expenses during the contract period is \$100,000 with payment not to exceed \$55.00 per hour. Payments will be made monthly for services provided. Services are to be rendered by the individual or persons possessing the doctorate in psychology. Services are to be provided to Mn/DOT employees at least three days in each work week. If two or more qualified applicants wish to submit a combined proposal they may do so provided that the total contract amount will not exceed \$100,000.

Qualified professionals should submit their resumes and work plan proposals not later than July 11, 1994.

Michael Koebnick
Operations Manager
Minnesota Department of Transportation
MS 200
Room 515 Transportation Building
395 John Ireland Blvd.
St. Paul, Minnesota 55155



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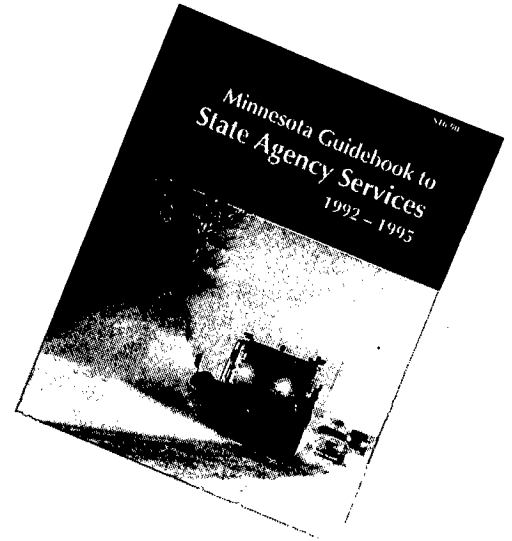
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Minnesota Manufacturer's Directory 1994

Lists companies alphabetically, by community, and by type of product manufactured. Includes name, address, phone number, sales volume, market products, area sales, marketing and purchasing. Also FAX numbers, data processing managers and chief engineers, when available. 742 pp. **Stock No. 40-2 SR \$95.00**

Healing Arts (Physician's) Directory 1991

Names and addresses in alphabetical order for licensed physicians, chiropractors, osteopaths, optometrists, podiatrists and registered physical therapists. 426 pp. **Stock No. 1-1 SR \$19.95**

State Agency Telephone Directory

Orders are now being taken for the 1994 Directory. This directory lists all State of Minnesota government agencies. Features a greatly expanded FAX section with over 250 numbers, alphabetical employee listings, a classified section, organized by department, and "yellow pages" listing state offices in Greater Minnesota. 264pp. **Stock No. 1-87 SR \$12.95**

Airport Directory 1993

List of airports throughout the state. Approaches, rivers, all detailed markings, and much more. 178 pp. (pocket-size) **Stock No. 1-8 SR \$5.95**

Law Enforcement Directory 1993

Directory of state law enforcement agencies, sheriffs and police departments 51pp. **Stock No. 1-6 SR \$7.00**

Directory of Chemical Dependency Programs '92-93

Comprehensive listing of chemical dependency treatment programs in Minnesota. Information on services provided, funding and staff, and a map are also included. 282 pp. **Stock No. 1-12 SR \$17.00**

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