

# The Minnesota State Register

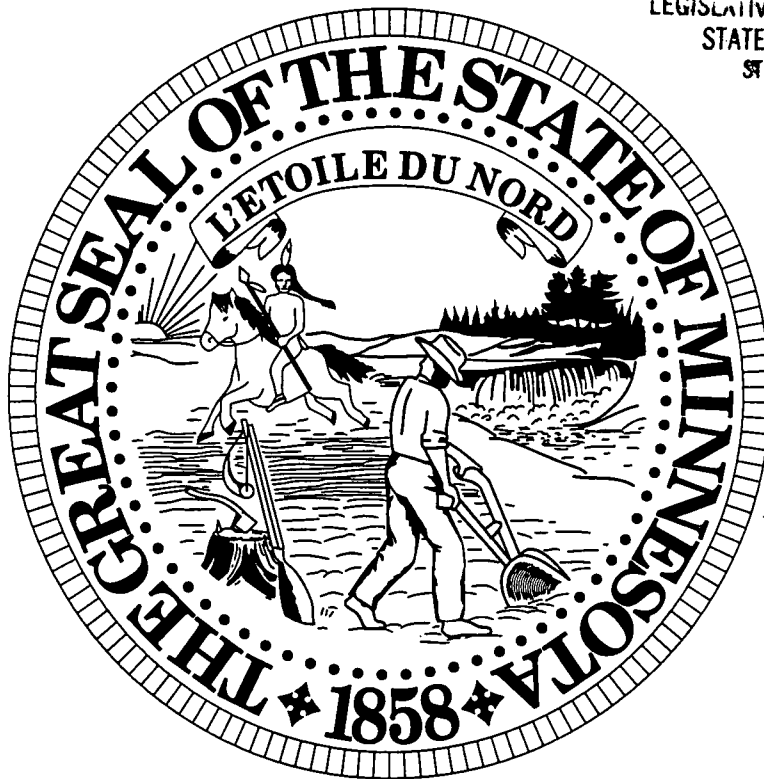
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Rules edition  
Published every Monday  
(Tuesday if Monday is a holiday)

Monday 27 March 1995  
Volume 19, Number 39  
Pages 1989-2022

# State Register

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

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-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.

### Printing Schedule and Submission Deadlines

Vol. 19 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
39	Monday 27 March	Monday 13 March	Monday 20 March
40	Monday 3 April	Monday 20 March	Monday 27 March
41	Monday 10 April	Monday 27 March	Monday 3 April
42	Monday 17 April	Monday 3 April	Monday 10 April

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#### SUBSCRIPTION SERVICES:

The *State Register* is published by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, MN 55155, pursuant to *Minnesota Statutes* § 14.46. Order by phone: Metro area: 297-3000 Toll free 800-657-3757. Telecommunication Device for the Deaf Metro area: 282-5077 Toll free 800-657-3706. **NO REFUNDS.** Both editions are delivered postpaid to points in the United States, second class postage paid for the *State Register* at St. Paul, MN, first class for the *Contracts Supplement*. Publication Number 326630 (ISSN 0146-7751). Subscribers who do not receive a copy of an issue should notify the *State Register* circulation manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

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Contact: Senate Public Information Office (612) 296-0504  
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Contact: House Information Office (612) 296-2146  
Room 175 State Office Building, St. Paul, MN 55155

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Commodities and requisitions are advertised in the  
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"Commodity Contract Awards Reports" are published  
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Individual awards can be obtained from the  
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# 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.

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**Minnesota Rules: Amendments and Additions**

**Workers' Compensation Court of Appeals**

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## Proposed Rules

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

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

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

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

## Department of Labor and Industry

### Proposed Permanent Rules Relating to Prevailing Wage; Job Classifications

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

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

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

Ms. Roslyn Wade, Acting Director  
Labor Standards Division  
Minnesota Department of Labor and Industry  
443 Lafayette Road  
St. Paul, Minnesota 55155  
(612) 296-3349

**Subject of Rule and Statutory Authority.** The proposed rule is about master job classifications for the prevailing wage law, *Minnesota Statutes*, sections 177.41 - 177.44. The statutory authority to adopt this rule is found in *Minnesota Statutes*, sections 14.06, 175.171, and 177.44. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. April 26, 1995, to submit written comment in support of or in opposition to the proposed rule and any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

**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 4:30 p.m. April 26, 1995. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraws their request in writing. If a public hearing is required the agency will follow the procedures in *Minnesota Statutes*, sections 14.13 to 14.20.

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

**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 and identifies the data and information relied upon to support the proposed rule.

**Small Business Considerations.** In preparing these rules the Department of Labor and Industry has considered the requirements of *Minnesota Statutes*, section 14.115 in regard to the impact of the proposed rules on small businesses. The adoption of the rules will not directly affect small businesses. In so far as there is an indirect effect upon small businesses, the effect is out-weighted by

the Department's need to define classes of labor and determine prevailing wage rates. The Department's evaluation of small business considerations is further addressed in the Statement of Need and Reasonableness.

**Expenditure of Public Money by Local Public Bodies.** The total cost to all local public bodies in the state to implement the rules is not likely to exceed \$100,000 in either of the two years immediately following adoption of the rules. Accordingly, pursuant to *Minnesota Statutes*, section 14.11, subdivision 1, the Department of Labor and Industry makes no specific estimate of the total cost to all local public bodies in the state to implement the rule for the two years immediately following its adoption.

**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, subdivision 4 and 5 do not apply because the rules do not establish or adjust departmental charges.

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

Dated: 13 March 1995

Gary W. Bastian  
Acting Commissioner

### Rules as Proposed

#### §200.1100 MASTER JOB CLASSIFICATIONS.

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

##### Subp. 5. Special crafts.

Code No.	Position Title
401	<del>Asbestos workers</del> <u>Heat and frost insulators</u>
402	Boilermakers
403	Bricklayers
404	Carpenters
405	Carpet layers (linoleum)
406	Cement masons
407	Electricians
408	Elevator constructors
409	Glaziers
410	Lathers
411	Signaler
412	Ironworkers
413	Lineman
414	Millwright
415	Painters
416	Piledriver
417	Pipefitters - steamfitters
418	Plasterers
419	Plumbers
420	Roofer
421	Sheet metal workers
422	Sprinkler fitters
423	Terrazzo workers

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Proposed Rules

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Code No.	Position Title
424	Tile setters
425	Drywall taper
<u>430</u>	<u>Wiring systems technician</u>
<u>431</u>	<u>Wiring systems installer</u>
435	Asbestos abatement worker
436	Sign erector

Wage determinations shall be made for other classifications not listed if such other classifications are in general use in the area being surveyed.

## Peace Officer Standards and Training Board

### Proposed Permanent Rules Relating to Violations of Standards of Conduct and Disciplinary Actions for Violations of Administrative Rules

#### Notice of Public Hearing

**NOTICE IS HEREBY GIVEN** that a public hearing concerning the proposed rules amendment captioned above will be held in Room 230 of the Minnesota Judicial Center, 25 Constitution Avenue, St. Paul, Minnesota 55155, on May 2, 1995, commencing at 9:00 a.m., and continuing until all interested persons have had an opportunity to be heard. If necessary the hearing will be continued on May 3, 1995, at 9:00 a.m., in the same location. The rules amendment proposed for adoption would amend the current standards of conduct, and deadly force training rules. A copy of the proposed rules amendment is attached. Additional copies will be available at the door on the date of the hearing.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to ask questions and make statements. Statements may be made orally and written material may be submitted. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rule amendment, you are urged to participate in the rule hearing process.

Whether or not an appearance is made at the hearing, written material may be submitted to the Administrative Law Judge, Steve M. Mihalchick, Minnesota Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401, either before the hearing or within five working days after the public hearing ends. Those statements will be recorded in the hearing record. The Administrative Law Judge may, at the hearing, order that the comment period be kept open for a longer period not to exceed 20 calendar days. Comments received during the comment period shall be available for review at the Office of Administrative Hearings. The agency and interested persons may respond in writing within five business days after that comment period ends to any new information submitted. Written material or responses submitted must be received at the office no later than 4:30 p.m. on the final day. No additional evidence may be submitted during the five-day period. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.14 to 14.20 and by *Minnesota Rules* parts 1400.0200 to 1400.1200. Questions about the rule hearing procedure may be directed to the Administrative Law Judge.

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

The agency intends to submit the Statement of Need and Reasonableness in support of the proposed rule and will answer questions raised by interested persons. You are therefore urged to review the Statement of Need and Reasonableness before the hearing. Additional copies will be available at the hearing.

The department's statutory authority to adopt the proposed rules is provided by *Minnesota Statutes*, section 626.843. There will be no additional costs to local school districts in the state to implement these rules. The proposed rules will not impact small business.

**NOTICE:** Any persons may request notification of the date on which the Administrative Law Judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted or resubmitted to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules were adopted and filed

with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the agency at any time prior to the filing of the rules with the Secretary of State.

Minnesota Statute, Chapter 10A requires all lobbyists to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes* 10A.01, Subd. 11 as any individual:

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

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

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (612) 296-5148.

John Laux, Executive Director  
Board of Peace Officer Standards and Training

## Rules as Proposed

### 6700.0900 CONTINUING EDUCATION.

[For text of subps 1 to 17, see M.R.]

Subp. 18. Deadly force training. At least once during each calendar year, each actively licensed peace officer and part-time peace officer must complete the use of force and deadly force learning objectives, as set forth and approved by the board, for each agency employing the peace officer.

The chief law enforcement officer of each law enforcement agency shall maintain documentation which demonstrates that each peace officer or part-time peace officer employed by the agency has completed each of the learning objectives set forth in the board's learning objectives for use of force and deadly force.

### 6700.1600 VIOLATION OF STANDARDS OF CONDUCT.

Violations of the following standards of conduct by a licensee shall be grounds for revocation, suspension, or nonrenewal of license:

- A. ~~the conviction of a felony in this state or in any other state or federal jurisdiction or of any offense in any other state or federal jurisdiction which would have been a felony if committed in Minnesota;~~
- B. ~~the use of deadly force when not authorized by *Minnesota Statutes*, section 609.066;~~
- C. ~~the making of any false material statement under oath to the board which the peace officer does not believe to be true;~~
- D. ~~the making of any false material statement to the board while obtaining or renewing a license;~~
- E. ~~any violation of a board rule set forth in this chapter;~~
- F. ~~any obstruction, hindrance, interference, or prevention of the execution of part 6700.1700;~~
- G. ~~the conviction of a crime which was charged under an ordinance or ordinance or statute of another state but which would be a conviction under *Minnesota Statutes*, section 609.52 if it was charged under *Minnesota law*; or~~
- H. ~~any conviction of a violation of *Minnesota Statutes*, section 609.23, 609.231, 609.43, 609.465, 609.466, 609.52, or 626.557, or a conviction in another state or federal jurisdiction which would be a violation of the cited statutes if it had been committed in Minnesota.~~

A. engaging in conduct prohibited by, or listed as, grounds for disciplinary action in this chapter, *Minnesota Statutes*, chapter 609.14, or sections 626.84 to 626.90, or engaging in conduct which violates any statute enforced by the board;

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## **Proposed Rules**

B. obtaining a license by fraud or cheating, or attempting to subvert the examination process;

C. being convicted of an offense in this state, including a finding or verdict of guilt, whether or not the adjudication of guilt is withheld or not entered, an admission of guilt, or no contest plea of a felony or gross misdemeanor;

D. having been the subject of revocation, suspension, or surrender of a peace officer license or certificate in resolution of a complaint or other adverse action relating to licensing or certification in another jurisdiction;

E. failing to report the revocation, suspension, or surrender of a license or certificate in resolution of a complaint, or other disciplinary or adverse action taken against a licensee in this or another jurisdiction, or having been refused a license or certificate by any other jurisdiction;

F. being convicted of a state or federal narcotics or controlled substance law irrespective of any proceedings under *Minnesota Statutes*, section 152.18, or any similar law of another state or federal law;

G. being adjudicated by a court of competent jurisdiction, within or without the state, as incapacitated, mentally incompetent, chemically dependent, mentally ill and dangerous to the public, or as having a psychopathic personality;

H. violating any order issued by the board;

I. practicing outside the scope of *Minnesota Statutes*, section 626.863;

J. making an intentional false statement or misrepresentation to the board;

K. engaging in sexual penetration or contact without consent, as defined in *Minnesota Statutes*, section 609.341, or engaging in conduct that violates *Minnesota Statutes*, section 617.23. Sexual contact does not include contact that is part of standard police procedure such as search and arrest;

L. being convicted, including a finding or verdict of guilt, whether or not the adjudication of guilt is withheld or not entered, an admission of guilt, or a no contest plea of a violation of *Minnesota Statutes*, sections 518B.01, subdivision 14; 609.23; 609.231; 609.342; 609.343; 609.344; 609.345; 609.3451; 609.43; 609.465; 609.466; 609.52; 609.53; 609.748, subdivision 6; or 626.557;

M. failing to cooperate with an investigation of the board;

N. engaging in sexual harassment, as defined by *Minnesota Statutes*, section 363.01, subdivision 41;

O. using deadly force when not authorized by *Minnesota Statutes*, section 609.066; or

P. being convicted of solicitation, inducement, or promotion of prostitution in violation of *Minnesota Statutes*, section 609.322, or any conviction under *Minnesota Statutes*, section 609.324.

### **6700.1610 REPORTING OBLIGATIONS AND COOPERATION.**

Subpart 1. Reporting conduct violation. A person with knowledge of conduct constituting grounds for action under *Minnesota Statutes*, chapter 214, or the board's regulatory provisions in part 6700.1600 may report the violation to the board.

Subp. 2. Licensee reporting requirement. A licensee shall report to the board and chief law enforcement officer any action, inaction, or condition of that licensee which the licensee reasonably believes would constitute grounds for disciplinary action under any of the board's regulatory provisions.

Subp. 3. Report submittal requirement. Reports required by this part must be submitted no later than 90 days after learning of the reportable event.

Subp. 4. Cooperation by licensee. A licensee who is the subject of an investigation, or who is questioned in connection with an investigation, shall cooperate fully with the investigation. Cooperating includes responding fully and promptly to questions raised by or on behalf of the board relating to the subject of the investigation, providing copies of records in the licensee's possession relating to matters under investigation, assisting the board in its investigation which includes executing releases for records as requested by the board, and appearing at conferences or hearings scheduled by the board.

### **6700.1700 COMPLAINT PROCEDURES FOR VIOLATIONS OF STANDARDS OF CONDUCT.**

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

Subp. 2. Scope. This part shall constitute the code for regulating the management and processing of complaints concerning allegations of misconduct of all licensees that a standard of conduct described in part 6700.1600 was violated by a licensee. To the extent the terms of this part are inconsistent with any other rules or agreements, the terms of this part shall be controlling.

[For text of subps 3 to 11, see M.R.]

### **6700.1710 DISCIPLINARY ACTIONS FOR VIOLATIONS OF ADMINISTRATIVE RULES.**

Subpart 1. Temporary restraining order. In addition to any other remedy provided by law, the board may, acting through the complaint investigation committee and without a hearing, petition a district court for a temporary restraining order if the committee

finds that the licensee has violated a rule that the board is empowered to enforce and continued practice by the licensee would create an imminent risk or harm to others.

Subp. 2. Grounds. When grounds exist under any of the board's administrative rule regulatory provisions set forth in this chapter, the board may take one or more of the following disciplinary actions:

- A. deny an application for a license;
- B. revoke the license;
- C. suspend the license;
- D. impose limitations on the licensee's ability to practice;
- E. impose conditions on the licensee;
- F. censure or reprimand the licensee; or
- G. take any other action justified by the facts of the case.

Subp. 3. Settlement agreement. When grounds exist under the board's regulatory provisions, the executive director may enter into a settlement agreement with the regulated licensee for corrective action which may include requiring the regulated person:

- A. to complete an educational course or activity;
- B. to submit to the executive director a written protocol or reports designed to prevent future violations of the same kind;
- C. to meet with the executive director or designee to discuss prevention of future violations;
- D. to reimburse the board for its legal and investigative costs; and
- E. to perform other action justified by the facts.

The listing of these measures in this subpart does not preclude the board from including the measure in any order for disciplinary action.

Subp. 4. Reinstatement fee. Upon reinstating a license or granting an applicant's license, the board may, at its discretion, impose a reinstatement fee.

Subp. 5. Cease and desist order. The board may in its own name, acting through the complaint investigation committee, issue a cease and desist order to stop an unlicensed person from engaging in unauthorized practice or violating or threatening to violate a rule or order which the board has issued or is empowered to enforce. The cease and desist order must state the reason for its issuance and give notice of the person's right to request a hearing under *Minnesota Statutes*, sections 14.57 to 14.62. The order shall be effective upon personal service or three days after mailing if served by mail. The board may also, in its own name, seek a temporary restraining order from the appropriate district court to stop an unlicensed person from engaging in unauthorized practice or violating or threatening to violate a rule or order which the board has issued or is empowered to enforce.

TERM CHANGE. The reference "part 6700.1101" will be substituted for the reference "part 6700.1100" wherever the latter reference appears in *Minnesota Rules*, parts 6700.1000 and 6700.1300.

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## Adopted Rules

### 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 Commerce

### Adopted Permanent Rules Governing Self-Insurance Plan Administrators

The rules proposed and published at *State Register*, Volume 19, Number 19, pages 952-953, November 7, 1994 (19 SR 952), are adopted as proposed.

## Department of Human Services

### Adopted Permanent Rules Governing Eyeglass Services Under Medical Assistance

The rules proposed and published at *State Register*, Volume 19, Number 9, pages 478-481, August 29, 1994 (19 SR 478), are adopted with the following modifications:

#### Rules as Adopted

#### 9505.0277 EYEGLOSS SERVICES.

Subpart 1. **Definitions.** The following terms used in this part have the meanings given them.

F. "Medically necessary eyeglasses" means that:

(2) for replacement a change in eyeglasses, there is a change in correction of .50 diopters or greater in either sphere or cylinder power in either eye, or a shift in axis of greater than ten degrees in either eye. For purposes of this item, "diopter" means the unit of refracting power of the lens.

Subp. 2. **Covered eyeglass services.** ~~To be eligible for medical assistance payment, The eyeglass services must meet the requirements of in items A to C~~ E are eligible for medical assistance payment.

A. ~~One Comprehensive vision examination in a 24-month period examinations.~~

B. ~~One Intermediate vision examination in a 12-month period examinations.~~

C. ~~One An initial pair of medically necessary eyeglasses in a 24-month period except that a recipient shall receive;~~

~~(1) one D. A pair of eyeglasses that are an identical replacement within the 24-month period if the of a pair of eyeglasses were that was misplaced, stolen, or irreparably damaged; or,~~

~~(2) E. A new pair of eyeglasses due to a change in the recipient's head size, a change in vision after a comprehensive or intermediate vision examination shows that a change in eyeglasses is medically necessary, or an allergic reaction to the eyeglass frame material. For purposes of this item part, "change in eyeglasses" means a change in prescription.~~

Subp. 3. **Excluded services.** The following eyeglass services are not eligible for payment under the medical assistance program.

C. Fashion tints; ~~photo-chromatic lenses; and~~ polarized lenses, ~~transition lenses; and sunglasses unless medically necessary.~~

Q. Photochromatic lenses except for a person who has a diagnosis of albinism, achromatopsia, aniridia, blue cone monochromatism, cystinosis, or retinitis pigmentosa, or any other condition for which such lenses are medically necessary.

P. Transition lenses.



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 95-2: Lawful Gambling Tax: Refund on Defective Pull-Tabs or Tipboards

This Revenue Notice prescribes the procedures for claiming a refund of lawful gambling taxes paid pursuant to *Minnesota Statutes* § 297E.02, subd. 4, when the pull-tabs or tipboards are subsequently found to be defective.

**Statutory Authority:** *Minnesota Statutes* § 297E.02, subd. 11, "Unplayed or defective pull-tabs or tipboards," provides:

"If a deal of pull-tabs or tipboards registered with the board or bar coded in accordance with chapter 349 and upon which the tax imposed by subdivision 4 has been paid is returned unplayed to the distributor, the commissioner shall allow a refund of the tax paid.

If a defective deal registered with the board or bar coded in accordance with chapter 349 and upon which the taxes have been paid is returned to the manufacturer, the distributor shall submit to the commissioner of revenue certification from the manufacturer that the deal was returned and in what respect it was defective. The certification must be on a form prescribed by the commissioner and must contain additional information the commissioner requires.

The commissioner may require that no refund under this subdivision be made unless the returned pull-tabs or tipboards have been set aside for inspection by the commissioner's employee.

Reductions in previously paid taxes authorized by this subdivision must be made when and in the manner prescribed by the commissioner."

#### Defect

For purposes of this revenue notice, a "defect" is considered to be any gambling product or gambling equipment not manufactured in accordance with the standards set forth in *Minnesota Rules*, part 7864.0020.

#### When defect is found before a game is put into play

Most defects in pull-tabs or tipboards should be discovered before a game is put into play. For purposes of this revenue notice, "put into play" means when the first ticket of the game is sold by a licensed organization. When a defect is discovered before the game is put into play, the game should be returned to the distributor, who then returns it to the manufacturer. Upon request by the commissioner of revenue, the distributor shall submit certification from the manufacturer that the deal was returned and in what respect it was defective. The commissioner will allow a refund to the distributor of the tax paid under *Minnesota Statutes* § 297E.02, subd. 4.

#### When defect is not discovered until after a game is put into play

When a defect is discovered after a game is put into play, the game should be set aside by the organization and made available for inspection by the commissioner. Title and ownership of the game will remain with the organization although the organization may provide to the distributor evidence of the defect. The distributor will in turn obtain certification from the manufacturer that there is a defect and on the nature of the defect. A refund to the distributor of the tax paid will be made based upon the number of unsold tickets, multiplied by the stated price of each ticket, multiplied by the tax rate paid under *Minnesota Statutes* § 297E.02, subd. 4. This revenue notice applies when a defect is discovered after a game is put into play and/or when the Gambling Control Board recalls a game after it is put into play.

#### Forms; Credit

The commissioner of revenue will prescribe forms to be used to report defects, destruction of games and to claim credit. Credit will not be given without certification from the manufacturer substantiating the defect.

Dated: 27 March 1995

Patricia A. Lien  
Assistant Commissioner for Tax Policy

# Official Notices

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

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

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## Board of Animal Health

### Notice of Board Meeting

A meeting of the Board of Animal Health has been scheduled for Wednesday, April 26, 1995 at the Department of Agriculture Building, 90 W. Plato Blvd., St. Paul, MN. The meeting is to start at 9:30 a.m. and will be held in Conference Room 2.

## Department of Human Services

### Childrens' Initiative — Social Services Information System

### Notice of Request for Information on Developing and Implementing a Computer System to Support Delivery of County Social Services

#### Notice of Intent to Develop System

The State of Minnesota, Department of Human Services (DHS), would like interested vendors to be aware that it intends to initiate a project to develop and implement a computer system to support delivery of social services in county human service agencies. This initiative is contingent on approval of funding by the 1995 Minnesota Legislature and available federal matching funds.

#### Providing Information to Vendors

Although DHS has not made a decision regarding the role it wishes vendors to play in support of this effort, DHS would be interested in being notified by any vendor of its interest and ability to support this initiative if DHS were to seek vendor support. DHS anticipates that there are vendors who have existing systems or prototypes that would be of interest to DHS, and that there are other vendors who would be interested in more targeted aspects of the project. To assist vendors in assessing their potential involvement in the project, a short overview of the project appears later in this notice. In addition, DHS will conduct a vendor conference at the following time and place, at which it will provide additional information and answer vendor questions: Kelly Inn, I-94 & Marion Street, St. Paul, MN 55103 - 1:00 p.m., April 21, 1995.

Attendance at this conference will not be a mandatory requirement for a vendor to subsequently bid any RFP that is issued. However, attendance will assure that a vendor has an opportunity to receive information about the project, and will ensure that vendor's place on any subsequent mailing lists for updated information as the project progresses. DHS has chosen this method of information distribution in lieu of responding to telephone requests by individual vendors for information from State staff about the project.

#### Receiving Information from Vendors

In addition to the vendor conference noted above, DHS would like to receive information from any vendor who wishes to offer it, either by mail or through a scheduled presentation with project staff. Such presentations will be scheduled over a 30 day period following the vendor conference. All materials received from vendors under these circumstances may be considered public information. Because DHS has not yet decided to contract for any specific services, it urges vendors to avoid investing significant time in preparation of prototypes or other materials for purposes of the activities described in this paragraph. To schedule a presentation, please contact Jean Sanford at 297-3290.

Any vendor who wishes to be placed on a list to be notified about future project activities of interest to vendors should immediately send a letter, on company letterhead, which contains the name, address, fax, and telephone number of the person identified by the vendor as its preferred contact for matters involving this project, to:

Linda Ady  
Social Services Information System Project  
Minnesota Department of Human Services  
444 Lafayette Road  
St. Paul, Minnesota 55155-3839

### **Project Summary**

Functionally, the system will provide productivity and office automation tools which are targeted to support the work of county-employed social workers who deliver social services to children, adults, and families. These services include, but are not limited to, foster care services, protective services, adoption services, services to the developmentally disabled, mental health services, chemical dependency services, and family preservation services. The system will also provide for statewide, state-level data collection and reporting, and will interface data with a number of other systems. In some counties, the system will support vendor payments and related financial accounting and reports, and must allow for the interface of data with unique, county-developed systems.

Technically, the system's application programs must be spread across three levels: the user workstation, the county-specific mainframe or minicomputer, and the state mainframe. Both local and wide area networks will be used to provide the connectivity among the three levels. The design will be client server with the county host acting as a server and the state mainframe acting as a data warehouse. The number of workstations are anticipated to be between 2500 and 5000, depending upon further specification of the system's functionality and the funding available for their purchase. The number of physical locations will likely approach, and may exceed, one hundred.

The project's management approach will be through a partnership between the state-level Department of Human Services and the 37 Minnesota county human service agencies. The system is required to have the flexibility to be adaptable by each county to its own workflows and methods of service delivery. Minnesota's county administered approach to human services, together with its policy direction toward increased collaboration among a wide variety of entities, public and private, will pose significant demands on this project toward negotiation of functionality, technical platforms/networks, and cost sharing, and toward creating an expandable system whose scope can increase over time to meet new demands and additional users from agencies who collaborate with counties or the Department of Human Services in the delivery of services.

## **Department of Labor and Industry**

### **Labor Standards Division**

#### **Notice of Correction to Prevailing Wage Rates**

Prevailing wage rates determined and certified January 23, 1995, for 101-LABORER, COMMON (GEN LABOR WRK) and 102-LABORER, SKILLED (ASST CRFT JRNY) - Ah Gwan-Ching Center Asbestos Removal Phase II commercial construction has been corrected.

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

Gary W. Bastian  
Acting Commissioner

## **Department of Labor and Industry**

### **Labor Standards Division**

#### **Notice of Prevailing Wage Certifications for Commercial Construction Projects**

Effective March 27, 1995 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

**Anoka:** Hoover & Madison Elementary 1995 Reroofing-Coon Rapids & Blaine; MCF Lino Lakes Boiler Replacement-Lino Lakes.

**Dakota:** Meter Stations M-177, M-221, M-415, M-605, & M-607 Improvements-Inver Grove Heights.

**Hennepin:** Meter Stations M-117, M-221, M-415, M-605, & M-607 Improvements-Golden Valley; U of M Shops Carousel-Minneapolis; 1995 Waterproofing Repair-Pioneer Hall-Minneapolis; ISD 284, Birchview Elementary School Renovations-Plymouth; Henn Cty-Accessibility Improvements-Adult Corrections-Plymouth.

**Itasca:** Connor-Jasper Boiler Replacement ISD 316-Bovey; Administration Bldg Reroof Project-Grand Rapids.

## Official Notices

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**Lake:** Superior Shores Conference Ctr/Bar/Restaurant-Two Harbors.

**Nicollet:** Tomlinson Hall Regional Treatment Center Air Conditioning Addition-St. Peter.

**St. Louis:** NRRI Green House Fence-Hermantown; MN/DOT Virginia Headquarters Ventilation Modifications-Virginia; Airport Improvements-Hibbing.

**Stearns:** St. Cloud State Univ Asbestos Removal in Heating Plant-St. Cloud.

**Washington:** Meter Stations M-117, M-221, M-415, M-605, & M-607 Improvements-Oak Park Hts.

**Winona:** Rollingstone Elementary School-Rollingstone.

**Wright:** 1995 Maple Lk High Sch Media & Classroom Remodeling-Maple Lake.

Copies of the certified wage rate 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.

Gary W. Bastian  
Acting Commissioner

## Department of Natural Resources

### Notice of Intent to Hold State Metallic Minerals Lease Sale and State Lands to be Offered for Metallic Minerals Exploration

The Minnesota Department of Natural Resources announces that plans are being developed to hold the state's twentieth sale of metallic minerals exploration and mining leases. The sale is tentatively scheduled for July 1995. The lease sale plans are being announced at this time in order to give mining companies, public interest groups and all other interested parties additional time to review the areas under consideration.

The purpose of Minnesota's metallic minerals rules (*Minnesota Rules*, parts 6125.0100 - .0700) is to promote and regulate the exploration for, mining and removal of metallic minerals on state-owned and state-administered lands. These rules, and the leases issued under these rules, authorize exploration and development of these 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 ore mined and removed, the submission of data and other reports, and the addressing of environmental considerations. In addition, the state lessee must comply with all applicable regulatory laws.

The areas under consideration for the lease sale cover portions of Aitkin, Beltrami, Carlton, Crow Wing, Itasca, Koochiching, Lake of the Woods, Marshall, Morrison, Norman, Roseau, Saint Louis, and Todd Counties. Some of the lands being considered have been offered in previous metallic minerals lease sales, but based upon the interest shown by industry, new geologic data, and exploration techniques developed during the past few years, it is felt that within these lands there is significant potential for the discovery of mineral resources. Certain new lands of interest are also being considered for the lease sale.

The exact time and place of the lease sale will be announced by legal notice at least thirty (30) days prior to the sale. Mining unit books, listing the state lands to be offered at the lease sale, will be available for inspection or purchase at that time.

A map showing the general areas under consideration may be obtained from the Division of Minerals, Box 45, 500 Lafayette Road, Saint Paul, MN 55155-4045, telephone 612-296-4807.

Dated: 27 March 1995

Rodney W. Sando  
Commissioner of Natural Resources  
Gail I. Lewellan  
Assistant Commissioner  
of Human Resources and Legal Affairs

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

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

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## Department of Economic Security

### Request for Proposals for Minnesota Juvenile Justice Grants

The Minnesota Department of Economic Security and the Juvenile Justice Advisory Committee announce the availability of up to \$1.2 million in funds for three Juvenile Justice Programs funded under the federal Juvenile Justice and Delinquency Prevention Act (U.S. Department of Justice): (1) Delinquency Prevention/Title V Grants, (2) Post-Adjudication Services/Title II Grants, and (3) Prevention, Diversion and Pre-Adjudication Services/Title II Grants. Programs that provide delinquency prevention, diversion, and/or post-adjudication services for youth are eligible to apply. The funding process will have two steps: Concept Paper (Part One due May 26, 1995) and Full Application (Part Two). Only applicants whose concept papers are selected will be invited to submit full applications. For a copy of the request for proposals including the Concept Paper Information and Materials, contact:

Jerry Ascher  
Juvenile Justice Specialist  
Community Based Services  
Minnesota Department of Economic Security  
390 North Robert Street  
St. Paul, MN 55101  
612/296-8601 or 1-800-456-8519

Concept Papers are due no later than 4:30 p.m. on Friday, May 26, 1995.

## Department of Health

Bureau of Health Quality Assurance  
Division of Occupational and Systems Compliance  
Emergency Medical Services Section

### Notice of Availability of Grant Funds for Statewide Poison Information and Education

**Eligible Applicants:** Non-profit corporations and units of government.

**Amount of Funding:** To be determined by State and Federal appropriations and budget deliberations. Estimated at \$580,000 for state fiscal year 1996 (July 1, 1995, through June 30, 1996). Of that amount, \$380,000 is from the state general fund, \$150,000 from federal sources, and \$50,000 from the state 911 emergency telephone service account.

**Grant Period:** Proposals are sought for a two-year period. Initial grant contract(s) will be for a one-year period, July 1, 1995, through June 30, 1996. The Commissioner may extend the terms of the grant contract(s) for an additional year, from July 1, 1996, through June 30, 1997, without reopening the grant process.

**Letter of Intent:** Interested parties must submit a *Letter of Intent to Apply for Funds* in order to become eligible to submit a proposal. The letter must include: 1) name of applicant organization, 2) brief description of organization, and 3) name, address and telephone number of a contact person. *Letters of Intent* are due not later than 4:30 p.m., Monday, April 10, 1995.

**Request for Proposal:** Each party submitting a *Letter of Intent* will receive a *Request for Proposal* (RFP) containing detailed information on grant requirements and procedures and the required content, organization and format of proposals. The RFP is expected to be available April 10, 1995.

**Proposal Deadline:** Proposals will be accepted only from parties that have submitted a *Letter of Intent*. Proposals will be due no later than 4:30 p.m., Monday, May 15, 1995.

**Award Decision:** The designation of a regional poison center(s) is expected on June 16, 1995.

## State Grants

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**Description of Grant Program:** The purpose of this grant program is to provide statewide poison information and education services, to the public and to health professionals, through a single integrated poison control system consisting of one or more regional poison information centers. (The services are *not* intended to fulfill the duties of units of government, private industry or others who may be required by State law to provide information on issues such as worker right-to-know and hazardous materials response.)

In reviewing proposals and selecting a grantee(s), the Commissioner will consider whether applicants demonstrate the ability to:

- provide appropriate and adequate telephone information services to the general public and to health professionals 24 hours a day at no direct cost to users and in a manner utilizing 911 emergency telephone services;
- provide adequate medical direction, as well as the necessary toxicological and related professional and technical resources;
- provide appropriate public education and professional education services;
- provide services in a financially sound and cost-effective manner;
- cooperate with interested health professionals throughout the state to provide services in a coordinated fashion.

Additionally, the Commissioner will consider whether applicants indicate the availability of matching funds and in-kind support, the ability to pursue additional funding from other sources, and the ability to initiate services on July 1.

**Contact Person:** The contact person for this grant program, including the *Letter of Intent*, the *Request for Proposal*, and the submission of proposals, is: Donald O. Hedman, EMS Section, Minnesota Department of Health, P.O. Box 64975, St. Paul, MN 55164-0975. Telephone: (612) 282-3877 or (800) 747-2011.

## Minnesota Department of Human Services

### Chemical Dependency Program Division

#### Request for Proposals (RFP) for Services for Chemically Dependent Women

The Chemical Dependency Program Division of the Minnesota Department of Human Services (hereinafter, CDPD) is soliciting proposals through a competitive bidding process to address two distinct training needs.

First, the Division is requesting proposals for training and technical assistance designed to impact key decision makers in an effort to improve services to substance abusing women in alcohol and drug treatment programs that do not specialize in women's services but admit women to treatment, \$36,000.00 is available for one grantee each year of funding.

Secondly, proposals will be considered for the provision of an annual statewide continuing education program for 250 chemical dependency professionals and other health care/human service providers who work with women in the areas of treatment and prevention. \$25,000.00 is available for one grantee each year of funding. Each application is to be submitted for two years with separate budgets for each year.

Eligible applicants are non-profit or for-profit organizations, and/or individuals who for the first funding area are able to develop, prepare and conduct training for traditional program decision makers on acquiring and providing services to women clients; and for the second area who are knowledgeable in conference planning and development and women's treatment/prevention issues.

A Selection Committee will be formed to screen and review grant applications for this RFP and to make recommendations to the CDPD. The committee will include individuals with special expertise in the award area, State Alcohol and Other Drug Advisory Council members, DHS staff and representatives of the communities/groups to be served. The CDPD staff will make a formal recommendation to the Grants Committee of the State Alcohol and Other Drug Abuse Advisory Council. The Council will make a recommendation to the CDPD director. The final determination will be made by the Commissioner of the Department of Human Services (DHS).

Funds may be used for materials and supplies, in-state travel, lodging, mailings and contracted services or for conference presenters, out of state travel, coping materials. It is anticipated that the work called for would begin by October 1, 1995, or upon such date as it is executed as to encumbrance by the Commissioner of Finance, whichever occurs later. Second year funding will be based on satisfactory performance and the availability of funds.

This Request for Proposals is contingent on the availability of funds. The State reserves the right to reject any and all proposals and to apply the funds to another purpose. The State will not reimburse for the costs of proposal preparation or participation in proposal consideration procedures. Eight copies of the proposal must be received by CDPD no later than 4:20 p.m., Friday, May 19,

1995, or have a legible postmark date no later than May 18, 1995. Proposals in response to the Request for Proposals (RFP) must be submitted using the Chemical Dependency Program Division's grant application form and format. Copies of the RFP and the application form are available on request from the Chemical Dependency Program Division (296-3991). Proposals should be sent to:

Sheila Big Bear, Grant Assistant  
Chemical Dependency Program Division  
Department of Human Services  
444 Lafayette Road  
St. Paul, Minnesota 55155-3823

Requests for information should be addressed to Pamela Young, Women's Planner (612/296-4589). Training on how to complete application materials will be provided at the Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, MN, April 17, 1995, from 1:00 to 3:00 p.m. Please call Pamela Young at 296-4589, if you wish to attend this training.

## State Board of Technical Colleges

### Job Training Partnership Act (JTPA)/Education Coordination

#### Request for Proposals for Funds to Provide Educational and Employment and Training Services to Eligible Youth in School-to-Work Transition Programs

JTPA/Education Coordination activities are authorized under Section 123 of the Job Training Partnership Act, as amended, 1992. The Act appropriates funds to be utilized to provide services to eligible participants agreements.

In 1995, the Education/Coordination funds will be used to serve eligible youth through coordination agreements between Service Delivery Areas (SDA's) and education agencies. These parties are also encouraged to join with community based organizations in their proposal submissions. A Request for Proposals (RFP) is being issued to invite interested parties to submit a proposal. Specifically, this solicitation seeks collaborative projects to provide educational and employment and training services to eligible youth in school-to-work transition programs. Projects providing activities for transitions from secondary to post secondary education and/or transitions from secondary or post secondary education to the workplace, including youth apprenticeships, and which demonstrate use of labor market information by youth, will receive extra points. Projects may be planned for two years in length, not to exceed \$110,000 per year, with second year funding dependent upon successful completion of first year-stated performance standards and available funding. Projects will begin July 1, 1995 and operate until June 30, 1996. Approximately \$460,000 will be available for an expected 3 to 5 awards.

Bidders Conferences will be held in April 1995. The purpose of these meetings is to discuss the proposal process and to answer any questions related to the RFP. Final awards will be made no later than June 9, 1995.

To obtain a copy of the Education Coordination proposal application form or to obtain further information on the Bidders Conferences, please contact Wanda Toepper, State Board of Technical Colleges (612) 296-3753. **ATTENDANCE AT, OR REGISTRATION FOR, THE BIDDERS CONFERENCE IS NOT REQUIRED.**

Proposals must be **RECEIVED** by Bruce Nauth, State Board of Technical Colleges, Suite 130, Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101, **BY 4:00 p.m., MONDAY, MAY 15, 1995.**

# 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].

## Department of Administration

### State Designer Selection Board

### Request for Proposal for a University of Minnesota Project

#### To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select a designer for a University of Minnesota project. Design firms who wish to be considered for these projects shall deliver proposals on or before 4:00 p.m., April 18, 1995, to:

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

**The proposal shall conform to the following:** Proposals not conforming to these requirements will be disqualified and discarded without further examination.

- 1) Six (6) copies of the proposal will be required.
- 2) All data must be on 8 1/2" x 11" sheets, soft bound. No more than 20 printed faces will be allowed.
- 3) The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 8 below, together with the designer's firm name, address, telephone number and the name of the contact person.
- 4) 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 5(b) 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.

#### 5) Proposal Summary

All proposals shall begin with a summary which includes only the following items:

- a) Name of firm and its legal status;
- b) Names of persons responsible for both the management and production of the work including consultants; and Minnesota registration numbers.
- c) The proposal shall contain a statement indicating that the consultants listed have been contacted and have agreed to be part of the design team.
- d) A commitment to enter the work promptly, if selected, by engaging the consultants, and assigning the persons named 5(b) above along with adequate staff to meet the requirements of work.
- e) 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 to 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.
- f) 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; therefore, the proposal shall include one of the following:

1. A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or



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## Professional, Technical & Consulting Contracts

2. A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights; or
3. A statement certifying that the firm has not had more than 20 full-time employees at any time during the previous 12 months.

### 6) Additional Proposal Contents

a) Expanded resumes showing qualification of individuals listed in 5b above administering or producing the major elements of the work, including consultants. Identify roles that such persons played in projects which are relevant to the project at hand.

b) A discussion of the firm's understanding of and approach to the project.

c) A listing of relevant past projects.

7) Other 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.

### 8a) PROJECT - 3-95

Moos Tower Elevator Modernization

Total Project Budget: \$1,234,000.00

#### Project Description

"The University of Minnesota is planning to modernize the elevators in Moos Tower, which is located on the University of Minnesota, Minneapolis campus. The scope of the project is an elevator modernization including an upgrade of the dispatch system for a bank of seven elevators at the south end of Moos Tower.

The construction budget is approximately \$950,000.00. The maximum fee available for design, construction documents, bidding, construction administration, and reimbursables is \$90,000.00, which includes additional construction administration services beyond basic services.

An informational walk through will be scheduled approximately one week prior to the proposal due date. The contact person is Marilyn Rosberg at 626-8791."

Maureen Steele Bellows, Chair  
State Designers Selection Board

## Department of Commerce

### Request for Proposals to Review and Evaluate Continuing Education Programs for the Licensed Industries of Real Estate, Appraisers, Building Contractors and Insurance

#### Introduction and Background

The Minnesota Department of Commerce (hereinafter the "Department") is soliciting proposals from individuals or organizations qualified to review and evaluate the continuing education program(s) regulated by the Department. Current statutes and rules require individuals who wish to renew/maintain their "licensed status" within the industries of: real estate, appraisers, building contractors and insurance, to complete a specific number of Department approved continuing education courses. The individuals or organizations (hereinafter "consultant") will be required to provide written recommendations for improving both the Department's internal processes and procedures relating to course accreditation and the quality, efficiency, method of delivery, and cost effectiveness of the overall program.

Selection of a consultant will be based upon the cost, experience, proposed methodology(s), availability and the projected time necessary to complete the task. After the submission deadline, the Department may request follow-up information from any

## Professional, Technical & Consulting Contracts

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responder if necessary to clarify any portion of their proposal. The Department intends to select a consultant and initiate this review as soon as possible.

This request for proposal does not obligate the state to complete the proposed project and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

### Consultant Responsibilities

#### A. Review current education program

1. Meet and confer with the Department staff, licensees, licensee organizations other effected parties to develop an understanding of the practical issues and concerns relating to this topic and review current program(s).
2. Review the relevant statutes and rules governing the education programs.
3. Review the educational rules which are currently being proposed by the Department.

#### B. Provide a detailed report which evaluates the current program(s), the issues of concern to the effected parties and provide specific recommendations designed to improve the program's efficiency, effectiveness, and overall impact.

1. The report must contain specific recommendations for improving current practices and procedures used to administer and deliver the continuing education programs.
2. The report must also address the specific staffing as well as staff experience and educational qualifications necessary to implement and administer any proposed operational/program changes.
3. The report must be completed by no later than 9/30/95.
4. Responders may propose additional tasks or activities if they will substantially improve the results of the project.

### Information Required in Proposal

In addition to agreeing to and detailing how the respondent intends to fulfill the preceding requirements, the consultant must provide the following information:

- A. Qualifications and background. The consultant should possess management and organizational skills and experience, oral and written communication skills, a familiarity with studies of a similar nature and advanced problem solving skills. In addition, consultants should be familiar with the responsibilities, concepts, and management techniques utilized in the fields of public administration and education.
- B. References and current operations. A list of similar studies done for other governmental entities would be helpful in assessing qualifications and suitability for this project. Entities listed as references may be contacted by the Department as part of its selection/proposal evaluation/process.

### Evaluation Criteria

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

- A. Expresses understanding of objectives.
- B. Work plan.
- C. Cost detail.
- D. Qualifications of both company and staff assigned to project. Experience of project personnel will be given greater weight than that of the firm.
- E. Ability to produce the required evaluation/report within the specified time lines.

### Form of Compensation

The form of remuneration will be based upon a flat fee, regardless of the length of time of the ultimate project. The proposal will contain an estimate of the amount of time needed for completion of the study. The department has estimated that the cost of this contract should not exceed \$25,000.

### Duration of Contract

The proposed contract shall be for a period of 6 months.

### Additional Proposal and Contract Requirements

- A. Duration of offer: All proposals must indicate that they are valid for a minimum of 90 days. This period may be extended by mutual agreement between the consultant and the Department.

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## Professional, Technical & Consulting Contracts

- B. Public status of proposals submitted. All proposals submitted in response to this Request for Proposals will become the property of the Department. Such proposals shall be deemed public records and shall be available for view and reproduction by any person after the choice of a Consultant has been made.
- C. Submission of proposals: Submit five copies of proposal. Proposals are to be sealed in mailing envelopes or packages with the responders name and address clearly written on the outside. Each copy of the proposal must be signed, in ink, by an authorized person. Prices and terms of the proposal as stated must be valid for the length of any resulting contract.
- D. The commissioner of commerce reserves the right to request clarification or elaboration of any segment of any proposal and to negotiate in the best interest of the department.
- E. 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, and certified Economically Disadvantaged Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of 4% preference in the evaluation of their proposal.

### Contract Estimate

The agency estimates that it will spend no more than \$25,000 over the life of the contract; however, the agency cannot determine how much will actually be spent. Because no services may be required in a given period of time, the agency is not committing to spending any funds in any given fiscal year. The agency will establish a maximum it intends to spend in any fiscal year prior to signing a contract, in order to meet the requirements of the Department of Finance.

### Contract Terms

The state's contract language includes the following terms and conditions (summarized here) which you should be aware of in preparing your response.

1. Compensation will be for all services performed, unless a specific payment scheduled is mutually agreed upon. The state does not make regular payments based on the passage of time, it only pays for services performed or work delivered after it is accomplished.
2. Payment is only made after the submission of an authorized invoice to the state. The state must pay its invoices within 30 days of receipt, unless they are formally contested.
3. Reimbursement for travel and subsistence expenses actually incurred in performance of a contract is limited to the current "Non-managerial Unrepresented Employees Plan" promulgated by the Commissioner of Employee Relations. Travel outside of Minnesota must have received prior written approval of the agency contract before it takes place. You can contact the Commissioner of Employee Relations to get a copy of this Plan.
4. No more than 90 percent of the full amount due under a contract may be paid until the final product(s) of the contract have been reviewed by the agency head, and the agency head has determined that the contractor has satisfactorily fulfilled all the terms of the contract.

### Affirmative Action

If contract exceeds \$50,000 and the contractor has more than 20 full-time employees, contractor must obtain a certificate of affirmative action plan compliance from the Commissioner of Human Rights.

### Workers Compensation

The successful responder will be required to submit acceptable evidence of compliance with workers compensation insurance coverage requirements prior to execution of the contract.

### Schedule for Proposals

All proposals must be received in the Commerce Department by 5/1/95 at 4:00 p.m. The Department of Commerce will make its decision on which proposal to accept as soon as reasonably possible. Late proposals will not be accepted.

### Contact Information

For purposes of inquiry and delivery of proposal, contact:

Barbara M. Lessard  
Department of Commerce  
133 East 7th Street  
St. Paul, MN 55101

This is the only employee authorized to answer questions regarding this request for proposal.

## **Professional, Technical & Consulting Contracts**

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### **Department of Corrections**

**Minnesota Correctional Facility - Oak Park Heights, Stillwater**

#### **Notice of Request for Proposals for Providing Education Services**

**NOTICE IS HEREBY GIVEN** that the Minnesota Correctional Facility-Oak Park Heights, is requesting proposals for the professional delivery of education services to the inmates at Minnesota Correctional Facility-Oak Park Heights for the period of July 1, 1995 through June 30, 1997. The estimated cost will not exceed \$558,000 for the two year contract period. The proposals must be submitted by 4:00 p.m., April 17, 1995 to: Eileen Welsh, Education Director. Please contact Ms. Welsh at (612) 779-1412, if interested or for additional information.

### **Department of Corrections**

**Minnesota Correctional Facility-Oak Park Heights, Stillwater**

#### **Notice of Request for Proposals for Providing Employee Physicals**

**NOTICE IS HEREBY GIVEN** that the Minnesota Correctional Facility-Oak Park Heights is requesting proposals for providing employee physical examinations to prospective and existing employees. The contract period will run from July 1, 1995 through June 30, 1997. The estimated cost for MCF-Oak Park Heights is \$14,000 for the period. Specific details on the purpose and scope of these physical examinations can be obtained by calling Leanne Phinney, MCF-Oak Park Heights, Personnel Director, at (612) 779-1314. The proposals must be submitted by 4:00 p.m. on April 21, 1995, to: Leanne Phinney, MCF-OPH, Box 10, Stillwater, MN 55082.

### **Department of Health**

**Facility and Provider Compliance Division**

#### **Notice of Request for Proposals for Two Board Certified Psychiatry or Gerontology Physicians to Serve as Consultants to the Case Mix Review Program**

**Notice of Request for Proposal** for two physicians who are board certified in either psychiatry or gerontology and located in greater Minnesota to act as part time consultants to the Case Mix Review Program. The contract period commences July 1, 1995 and concludes June 30, 1997.

Interested physicians will submit formal proposals according to the procedures required by the Department of Administration. Maximum contract amounts and hourly rates will be discussed in the "Request for Proposal" (RFP) issued by the Minnesota Department of Health.

The deadline for submission for proposals is 2:30 p.m., April 21, 1995.

To obtain a copy of the RFP for Professional Services Contract, contact Connie Krmpotich at the following address:

Connie Krmpotich  
Case Mix Review Program  
Minnesota Department of Health  
393 North Dunlap Street  
P.O. Box 64938  
St. Paul, Minnesota 55164-0938  
(612) 643-2504

## Department of Human Services

### Children's Initiative

#### Request for Proposals for Public Awareness Campaign

The Children's Initiative of the Minnesota Department of Human Services is soliciting proposals for a public awareness campaign targeted to Minnesota citizens to promote the idea of community participation and volunteering in many different ways to support children and prevent child abuse. The theme is "one child, one adult"—every child will have at least one adult who cares.

The time period for this campaign is April 25, 1995 through June 20, 1995. Up to \$100,000 is designated for the completion of this campaign, including, but not limited to, a marketing plan, material development, production and media buys.

Submission of proposals does not obligate the State to completion of the project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

Response to this RFP must be submitted following the written instructions. A copy of the complete RFP is available by calling the Children's Initiative at (612) 296-4332. Upon request, this information will be made available in an alternative format such as Braille, large print or audio tape. There will not be a pre-application.

Respondents must provide five (5) copies of their completed proposal to the Children's Initiative, Julie Carlson, 444 Lafayette E.d., St. Paul, Minnesota 55155-3839 no later than 3:00 p.m. on April 11, 1995.

The state reserves the right to make multiple awards under this RFP. It is anticipated that the selection of vendor will be made by April 25, 1995.

## Minnesota State Lottery

### Request for Bids for Promotional Merchandise

The Minnesota State Lottery will purchase a variety of promotional items for the purpose of marketing lottery games. Those items will be purchased under provisions of *Minnesota Statutes* 349A.07 which states in part:

"The director shall utilize an open bid process and shall take into account the particularly sensitive nature of the state lottery and shall consider the competence, quality of product, experience, and timely performance of each potential vendor in order to promote and ensure security, honesty, fairness, and integrity and the operation and administration of the lottery."

Since time frames of these purchases will often be extremely constrained, the Lottery will establish a list of vendors willing to deliver specific items or groups of items. Invitations to bid on specific items will then be mailed to these vendors and responses mailed directly to the Lottery offices in Roseville.

Companies interested in being included on the Minnesota State Lottery vendor list for promotional merchandise should submit: business name, address, contact person, phone number, fax number, and brief description of your product line.

All responses should be sent to: Susie Kivi, Minnesota State Lottery, 2645 Long Lake Road, Roseville, Minnesota 55113. Vendors may request their names and product lines be added to the list at anytime.

## Professional, Technical & Consulting Contracts

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### Public Employees Retirement Association

#### Request for Proposals (RFP) for Actuarial Consultant Services

Public Employees Retirement Association of Minnesota (PERA) is soliciting proposals from qualified actuaries or firms interested in serving as consulting actuary for the period beginning July 1, 1995, and ending June 30, 1997. The resulting contract may be extended beyond the initial two-year term in one-year increments at a price mutually agreed upon by both parties; however, the number of one-year extensions may not exceed three. Additional services to the contract may be negotiated separately by both parties in writing at a mutually agreed upon price. Primary duties will include providing various consultation and advisory services to the PERA Board of Trustees and Executive Director and performing annual actuarial valuations and reviews of quadrennial experience studies of the PERA-administered retirement plans. The actuarial valuations will supplement those prepared by the actuary retained by the Legislative Commission on Pensions and Retirement.

Qualified actuaries must be regularly engaged in the business of providing actuarial services and have at least 15 years experience with major public employee pension funds or designation as a fellow in the society of actuaries.

Details are contained in a Request for Proposal which may be obtained by calling or writing:

Sally Kupfershmidt, Executive Secretary  
PERA  
Suite 200 - Skyway Level  
514 St. Peter Street  
St. Paul, MN 55102  
Telephone: (612) 296-7489  
Fax: (612) 297-2547

The total estimated contract cost including compensation for all services rendered for the first two years of the contract, travel, communications, computer charges and other costs, should not exceed \$200,000. The deadline for proposal submission is 4:00 p.m. on Wednesday, April 19, 1995.

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# Non-State Public Bids, Contracts & Grants

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

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

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## Metropolitan Council Wastewater Services

### Public Notice for Letters of Interest for Professional Services for Review of the Local Pretreatment Standards in the Waste Discharge Rules and Development of a Computer Model

**NOTICE IS HEREBY GIVEN** that the Metropolitan Council Wastewater Services (MCWS) is soliciting qualifications for professional services for the review of the Local Pretreatment Standards in the Waste Discharge Rules for eight of its Wastewater Treatment Plants and the development of a computer model for future use by MCWS staff which will assist staff in future Local Limits Studies. This is viewed as a one year project to be completed by June 30, 1996. The estimated cost of professional services is \$180,000 or less.

The scope of professional services includes a headworks loading analysis of eight wastewater treatment plants and mass balance calculations as required by current NPDES permit conditions. The parameters of concern include mostly toxic metals along with cyanide, PCBs and some organics. Limiting factors include, but are not limited to, NPDES Discharge Standards, Sludge Regulations, Activated Sludge Inhibition and proposed EPA Air Quality Standards. All wastewater and process analytical data required for this project will be provided/obtained by the MCWS.

The computer model shall include all software and training of MCWS staff. This model shall enable the MCWS staff to review the Local Limits as new data becomes available.

The tentative schedule for selecting a consulting firm for the Local Limits Review and development of a computer model is as follows:

Receive Letters of Interest	March 1995
Request For Qualifications issued	March 1995
Statement of Qualifications received	April 1995
Determine shortlist of firms	April 1995
Request Proposals (RFP)	April 1995
Receive Proposals (RFP)	May 1995
Select Consultant	May 1995
Metropolitan Council Authorization	June 1995
Give Notice To Proceed	July 1995

All firms interested in being considered for this project are invited to submit a Letter of Interest (LOI) asking for the Request for Qualifications (RFQ) package.

All inquiries and submittals are to be addressed to:

Administrative Assistant, Contracts & Documents Division  
Metropolitan Council Wastewater Services  
Mears Park Centre  
230 East Fifth Street  
St. Paul, MN 55101  
(612) 229-2132

### County of Stearns

#### Request for Proposals for Therapeutic Services to Provide Outpatient Sex Offender Treatment in Stearns County, Minnesota

Stearns County Community Corrections is developing a comprehensive Sex Offender Treatment Program for adult and juvenile sex offenders in Stearns County, Minnesota. As a result, Stearns County Community Corrections is requesting services for professional therapeutic intervention to co-facilitate, with probation agents, an outpatient sex offender treatment program.

Respondents would be expected to, as part of the contract, furnish the following services:

- 1) Provide local outpatient treatment and education for sex offenders on probation or supervised release in Stearns County;
- 2) Provide training and case consultation to corrections agents as co-facilitators in the assessment and treatment of sex offenders;
- 3) Provide assessments for sex offenders at the request of Stearns County Community Corrections;
- 4) Provide individual client consultation, support services, and evaluations as part of the treatment component;
- 5) Provide services to include significant others and family members (when appropriate) in the therapy process; and
- 6) Provide an additional optional component to address the needs of less severe offenders convicted of voyeurism, indecent exposure, and other fetishes.

Finally, respondents should describe any other services they would intend to provide. As an example, there may be female offenders in need of treatment services.

This program will be funded with monies made available through Stearns County and the Minnesota Department of Corrections. The contract period would involve 1995 and 1996, and such contract will coincide with the grant dates agreed upon with the Department of Corrections. Renewal of the contract would be contingent upon fund availability from the Department of Corrections or other sources.

Copies of the Request for Services may be obtained from Stearns County Community Corrections, 705 Courthouse Square, Room 445, St. Cloud, MN 56303. Responses to the request must be received at the same address by April 14, 1995. For further information, contact Heidi Freeman at (612) 656-6186, Sandi Sostak at (612) 656-6172, or Stan Brown at (612) 656-6184.





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## NEW Human Services Rules Now Available

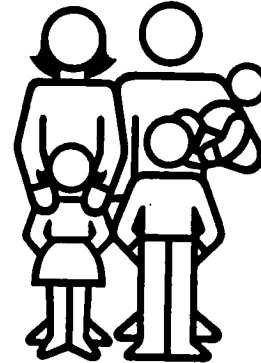
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### Human Services Laws

Selected Chapters from the 1993 Minnesota Statutes related to human services delivery. Among the many topics covered are: government data practices, human service licensing, MN Commitment Act of 1982, medical assistance, MN Family Preservation Act, and chemical dependency. Looseleaf, 1,551pp. Requires 2 binders. Stock No. 2-56 \$34.95

### Health Care Program Manual

(...formerly known as the MA/GAMC Medical Care Provider Manual) This *MinnesotaCare Programs Provider Manual* provides up-to-date information for providers and agency personnel regarding services to Medicaid patients. Covers GAMC and MinnesotaCare services, provider enrollment, claims processing and program compliance. 336pp. (DHS, 1994) Stock No. 10-12 \$20.00

### Home Health Care/Hospice Rules 1993

MN Statutes Chapter 144A and MN Rules Chapters 4668 and 4669. 61pp. Stock No. 3-82 \$6.95

### Nursing & Boarding Care Home Rules

Chapters 4620.1200, 4638, 4655, and 4660. Licensing requirements for facilities where nursing, personal or custodial care is provided. 215pp. (1993) Stock No. 3-12 \$14.00

### Nursing Board Laws

MN Statutes Chapter 148 governs practice of professional nursing in Minnesota. 20pp. (1993) Stock No. 2-91 \$5.00

### Nursing Board Rules

Rules governing preparation programs and licensing and registration of nurses. MN Chapters 6301, 6305, 6310, 6316, 6321, 6330 and 6340. Includes '94 rule changes as an insert. 70pp. (1993) Stock No. 3-94 \$7.00

### Social Work Practice Act

Laws and rules relating to social work licenses. MN Statutes Chapter 148B and MN Rules Chapter 8740. 70pp. (1993) Stock No. 3-39 \$7.95

### Supervised Living Facilities Laws & Rules

Statutes Chapters 144.56 and 144.651-.653 and Rules Chapter 4665. Standards for construction, equipment, maintenance, and operation of supervised living facilities. 42pp. (1992) Stock No. 3-15 \$4.50

### Pharmacy Laws

MN Statutes Chapter 151-152, 214, 319A and sections of other chapters. 122pp. (1993) Stock No. 2-78 \$8.00

### Pharmacy Rules

MN Rules Chapter 6800. 100pp. (1993) Stock No. 3-67 \$8.95

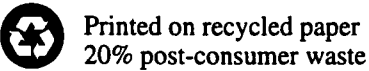


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