

95. May 30

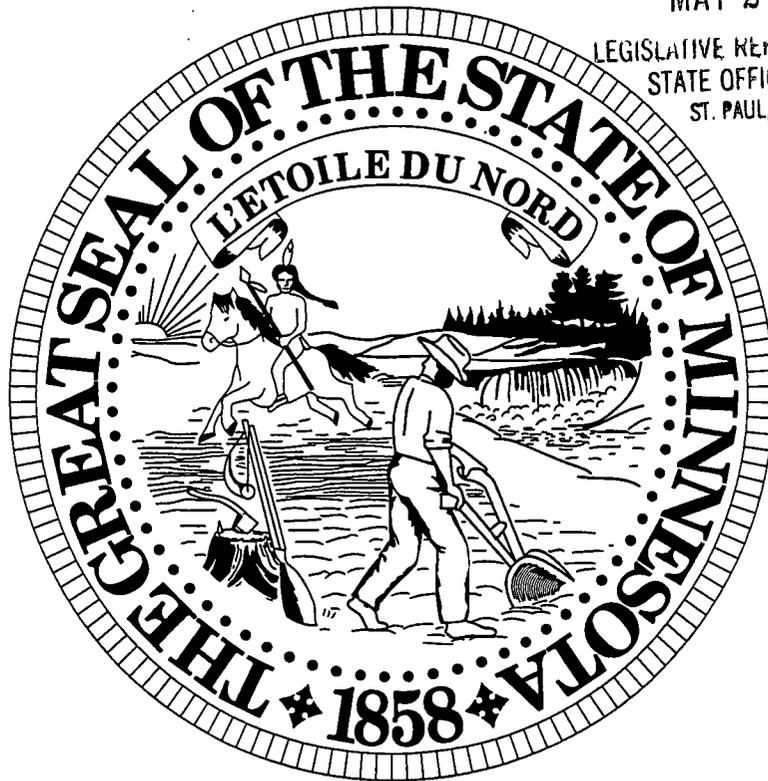
The Minnesota
**State
Register**

Department of Administration—Print Communications Division

4
RECEIVED

MAY 26 1995

LEGISLATIVE REFERENCE LIBRARY
STATE OFFICE BUILDING
ST. PAUL, MN 55155



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

Tuesday 30 May 1995

Volume 19, Number 48

Pages 2285-2320

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
48	Tuesday 30 May	Monday 15 May	Monday 22 May
49	Monday 5 June	Monday 22 May	Friday 26 May
50	Monday 12 June	Friday 26 May	Monday 5 June
51	Monday 19 June	Monday 5 June	Monday 12 June

Arne H. Carlson, Governor 612/296-3391	Hubert H. Humphrey III, Attorney General 612/297-4272	Joan Anderson Growe, Secretary of State 612/296-2079
Joanne E. Benson, Lt. Governor 612/296-3391	Judi Dutcher, State Auditor 612/297-3670	Michael A McGrath, State Treasurer 612/296-7091
Department of Administration:	Print Communications Division:	Robin PanLener, Editor 612/297-7963
Elaine S. Hansen, Commissioner 612/296-1424	Kathi Lynch, Director 612/297-2553	Paul Hoffman, Assistant Editor 612/296-0929
Robert A Schroeder, Asst. Commissioner 612/297-4261	Mary Mikes, Manager 612/297-3979	Debbie George, Circulation Manager 612/296-0931

An "Affidavit of Publication" can be obtained at a cost of \$5.00 for notices published in the *State Register*. This service includes a notarized "Affidavit of Publication" and a copy of the issue of the *State Register* in which the notice appeared.

To submit notices for publication in the *State Register*, contact the editor listed above. The charge is \$8.00 per column inch (columns are seven inches wide). About 2-1/2 pages typed double spaced on 8-1/2"x11" paper equal one typeset page in the *State Register*. Submit two copies of your notice, typed double spaced, with a letter on your letterhead stationery requesting publication date. Send to the *State Register* at the address listed below.

SUBSCRIPTION SERVICES:

The *State Register* is published by the State of Minnesota, Department of Administration, Print Communications Division, pursuant to *Minnesota Statutes* § 14.46. The *State Register* is available at the main branch of county libraries in Minnesota and all "State Depository Libraries": State University and Community College libraries; the University of Minnesota libraries; St. Paul, Minneapolis and Duluth Public Libraries; State Law Library; Minnesota Historical Society Library; and the Library Development Service at the State Department of Education. Single copies cost \$3.50 and are available at Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. 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.

- *State Register* (published every Monday, or Tuesday if Monday is a holiday) One year subscription: \$150.00
- *Contracts Supplement* (published every Tuesday, Wednesday, Friday) One year subscription: \$125.00 via first class mail, \$140.00 via fax or through our On-Line Service via your computer modem. For a free sample demo of the On-Line Service call via your modem: 612/821-4096. Access item "S": *State Register* Modem parameters 8-N-1 1200/2400. By purchasing the On-Line access you are agreeing to not redistribute without authorization.
- 13-week trial subscription which includes both the *State Register* and *Contracts Supplement*. \$60.00
- Single issues are available for a limited time: *State Register* \$3.50, *Contracts Supplement* 50¢. Add shipping charge of \$3.00 per order.
- "Commodity Contract Awards Reports," - lists awards of contracts and bids published in the Tuesday-Wednesday-Friday "*Contracts Supplement*" - published every two weeks, \$5.00 per individual report, plus \$3.00 shipping if applicable. Order stock # 99-42. Six-month subscriptions cost \$75.00. Appears every two weeks. Order stock # 90-14. Available in hard copy format only.
- "Professional-Technical-Consulting Award Reports," - published each month listing the previous month's awards of contracts and RFPs that appeared in the Monday edition of the "*State Register*." Individual copies are \$15.00 per report, plus \$3.00 shipping if applicable. Order stock # 99-43. Six-month subscriptions cost \$75.00. Appears monthly. Order stock number 90-15. Available in hard copy format only.

FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

Minnesota Rules: Amendments & Additions

Vol. 19, #40-48 (issues #1-39 cumulative in #39)..... 2288

Proposed Rules

Administration Department

Minnesota Building Code: Accessibility 2289

Health Department

Procedures for exceptions to nursing home bed moratorium 2299

Adopted Rules

Minnesota Racing Commission

Pari-mutuel horse racing 2307

Commissioners' Orders

Transportation Department

Commissioners' Order # 81000: Amended order and notice of street and highway routes designated and permitted to carry the gross weights allowed 2308

Official Notices

Administration Department

Contract Awards Reports Available 2309

Minnesota Comprehensive Health Association

Meeting of the Executive Committee Friday 2 June 1995 2309

Electricity Board

Monthly meetings schedule 2309

Executive Council

State Board of Investment

Land Exchange Board

Investment Advisory Council

Meetings scheduled for Tuesday 6 June and Wednesday 28 June 1995 2310

Labor & Industry Department

Prevailing wage certifications for commercial construction projects 2310

Trade and Economic Development Department

Cancellation of meeting to discuss a possible one-stop licensing and permitting system 2311

Public hearing on proposed project by Bolger Publications, Inc. and the issuance of bonds on their behalf 2311

State Grants

Human Services Department

Proposals sought for the development of children's supervised visitation facilities 2312

Proposals for maternal and child health social service programs designed to improve the health and functioning of children born to mothers using alcohol and other controlled substances 2312

Trade and Economic Development Department

Grant proposals for training programs designed for specific businesses 2313

Professional, Technical & Consulting Contracts

Community College - North Hennepin

Proposals sought for food services 2313

Corrections Department

Proposals sought to develop a narrated video on juvenile and adult court ordered community supervision 2313

Electricity Board

Proposals sought for independent contract electrical inspectors 2314

Health Department

Proposals sought for HIV/STD prevention programs 2314

Human Services Department

Proposals sought for the services of two physical therapists at Faribault Regional Treatment Center 2315

Proposals sought for a Protestant chaplain, physical therapist, nurse practitioner, and a consultant Registered Nurse 2316

Labor and Industry Department

Proposals sought to provide medical case management, utilization review and bill payment services for claims 2316

Public Safety Department

Proposals sought for contract services for the motorcycle safety education campaign 2317

Transportation Department

Proposals sought for abstractors services 2317

Non-State Public Bids, Contracts & Grants

Minnesota Health Data Institute

Proposals sought for consumer survey printing/distribution services 2318

State Contracts, RFPs & Advertised Bids

Commodities and requisitions are advertised in the *State Register Contracts Supplement*, published every Tuesday, Wednesday and Friday. "Commodity Contract Awards Reports" are published every two weeks, and "Professional-Technical-Consulting Contract Awards Reports" are published monthly. Both are available through Minnesota's Bookstore, (612) 297-3000 or 1-800-657-3757. For subscription information call 612/296-0931.

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

Minnesota Rules: Amendments and Additions

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

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

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

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

Vol. 19, #40-48 - issues #1-39 cumulative in #39

Administration Department

1215.1400 (proposed)	2113
1340.0100-.1280 (proposed)	2289
1340.0200-.0900; .1100-.1900; .9000-.9900 (proposed repealer)	2289

Agriculture Department

1505.0980; .1100 (proposed)	2267
1510.0430-.0431; .0432; .0433; .0434 (adopted)	2269
1510.0432 s.2,3 (repealed)	2269

Chiropractic Examiners Board

2500.0100; .0600 (proposed)	2065
2500.0550; (adopted)	2139

Commerce Department

2642.0380 (proposed)	2161
----------------------------	------

Dentistry Board

3100.0100; .2000; .4100; .4200; .4300; .4400; .4500 (proposed)	2200
3100.1300; .8500; .8700 (proposed)	2205
3100.3600; .8700 (proposed)	2197
3100.4300 s.5,6; .4500 s.1; .4600 (proposed repealer)	2200

Electricity Board

3800.3600-3603 (adopted)	2221
--------------------------------	------

Environmental Quality Board

4410.0200; .0400; .0500; .1200; .1300; .1400; .1700; .2100; .2300; .2400; .2800; .3100; .4000; .4300; .4400; .4600; .5200; .6100; .6200; .6410; .6500 (proposed)	2067
4410.0200 s.19,20,21,31,83; .3200 s.3; .6300; .6400; .6500 s.2-5, 7 (proposed repealer)	2067

Health Department

4617.0002; .0020; .0025; .0043; .0044; .0045; .0049; .0050; .0056; .0058; .0171; .0172; .0173; .0174 (adopted)	2089
4617.0002 s.11; .0046; .0047; .0170; .0175; .0180 (repealed)	2089
4655.1070; .1074; .1076; .1078; .1080; .1082; .1084; .1086; .1088; .1090; .1092; .1094; .1096; .1098 (proposed)	2300
4670.1320; .4210; .4220; .4230 (adopted)	2090

Labor & Industry Department

5205.0010 (proposed)	2031
----------------------------	------

Natural Resources Department

6105.0330 (proposed)	2210
6110.1200 (proposed)	2207

6200.0200; 6210.0100; 6212.1750; .1800; .2900; .3000; 6214.0500; 6230.0200; 0400; .0900; .1300; 6232.0100; .0200; .0300; .0700; .0800; .1200; .1250; .1300; .1800; .1950; .2000; .2100; .2450; .2500; .2900; .3000; .3700; .3800; .4000; .4700; 6234.0200; .0400; .2600; .3000; .3100; .3400; 6236.0100; .0900; 6240.0200; .0550; .0850; .0860; .0900; .1700; .1950; 6242.0200; .0500; .0900; .1000; .1200; 6252.0500; 6254.0200; .0500; .0510; 6262.0100; .0200; .0300; .0500; 6266.0100; .0300; .0400; .0500 (adopted)	2222
6232.3000; .3055 (adopted expedited emergency)	2115
6234.1300 s.3; 6262.0500 s.3 (repealed)	2222
6262.0500 (adopted emergency)	2091
6264.0300 (adopted exempt)	2090
6287.0100-.0900 (proposed)	2090
Nursing Board	
6305.0500; 6310.2600; .2900; .3200; 6330.0350; 6340.0050; 6340.0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .0950; .1000; .1100 (adopted)	2223
Pollution Control Agency	
7001.0010; 7045.0020; .0450; .0485; .0545; .0546; .0552 (proposed)	2215
7009.9000 (proposed)	2212
7027.0500-.1150 (adopted)	2223
Public Safety Department	
7520.0650; .1000; .1100 (adopted)	2090
Gambling Control Board	
7861.0080 (adopted)	2222
Minnesota Racing Commission	
7869.0100; 7870.0500; .0510; 7871.0010; .0110; 7873.0100; .0110; .0130; .0150; .0192; .0198; .0550; 7875.0100; .0200; 7877.0120; .0125; .0130; .0155; .0170; .0180; 7878.0170; 7879.0100; 7883.0140; .0160; 7884.0125; .0195; .0270; 7892.0160; 7895.0110; .0300; 7897.0100; 7899.0100 (adopted)	2307
Secretary of State	
8271.0010-.0350 (adopted)	2163
Veterinary Medicine Board	
9100.0400; .0500; .0600 (proposed)	2243
Human Services Department	
9505.5000; .5005; .5010; .5020; .5025; .5105 (proposed)	2027
9505.5010, s.2; .5015 (proposed repealer)	2027
9575.0350; .1500 (adopted)	2090

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 Administration

Building Codes and Standards Division

Proposed Permanent Rules Relating to Accessibility

Notice of Hearing in the Matter of the Proposed Adoption of Amendments to Chapter 1340 of the Minnesota State Building Code

Notice is hereby given that a public hearing in the above-captioned matter will be held pursuant to *Minnesota Statutes* 14.14 to 14.20. The hearing will be held at the Sheridan-Midway Hotel in the Midway II room located at 400 North Hamline in St. Paul, Minnesota on Friday June 30, 1995 beginning at 1:00 p.m. The hearing will continue until all interested persons and groups have had an opportunity to be heard concerning the proposed rules and will reconvene at 6:30 p.m. for those unable to attend during the afternoon. The commissioner's authority to adopt the rule amendments is set forth in *Minnesota Statute* 16B.61 subdivision 1, and 471.467 subdivision 1.

Subject Matter: If adopted, the proposed rules would establish new minimum standards in the Minnesota State Building Code governing accessibility for the disabled. The proposed rules include by reference, adoption of Chapters 11 and Divisions I and II of Appendix Chapter 11 of the *1994 Uniform Building Code* as promulgated by the International Conference of Building Officials (ICBO) in Whittier, California. In addition, *CABO/ANSI A117.1 - 1992* as promulgated by the Council of American Building Officials (CABO) of Falls Church, Virginia in conjunction with the American National Standards Institute (ANSI), is the national standard being adopted by reference in section 1101.2 of the *1994 Uniform Building Code (UBC)*. The proposed rules also contain certain amendments to the referenced chapters of the 1994 UBC and CABO/ANSI A117.1.

Availability: The proposed rules follow this notice in the *State Register*. Additional copies of the rule may be obtained from the Division of Building Codes and Standards by writing or telephoning the division at the following address or telephone number. Large print copies of the proposed rules are also available from:

Peggi White
Building Codes and Standards Division
408 Metro Square Building
7th and Robert Streets
St. Paul, MN 55101
Voice: (612) 296-4626 or,
TTY/TDD (612) 297-5353, (800) 657-3529 (ask for 296-4622)

Both the *1994 Uniform Building Code* and *CABO/ANSI A117.1 - 1992* may be purchased at:

Minnesota Bookstore
117 University Avenue

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

St. Paul, MN 55155

Voice: (612) 297-3000 or MN Toll Free: 1-800-657-3757

TDD Metro: (612) 282-5077 or MN Toll Free: 1-800-657-3706

Both the 1994 *Uniform Building Code* and *CABO/ANSI A117.1 -1992* may be reviewed at the Office of the Building Codes and Standards Division.

Sign language interpreters will be at the public hearing. Anyone having a need for special services during the public hearing related to a disability should contact Peggi White of the division no later than Friday June 16 in order to arrange the necessary services.

Statement of Need and Reasonableness: Notice is hereby given that a statement of need and reasonableness for the proposed rules is now available for review at the division and at the office of Administrative Hearings. This Statement of Need and Reasonableness includes a summary of all the evidence which the division anticipates presenting at the hearing justifying both the need for and reasonableness of the proposed rules. The Statement of Need and Reasonableness may be reviewed at the Division of Building Codes and Standards or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction or the Division of Building Codes and Standards.

Public Comment and Hearing Procedures: Any person may present views on the proposed rules in one or more of the following ways: by submitting written data to the administrative law judge at any time before the close of the hearing; by submitting oral or written data at the hearing; by video tape at the hearing; and by submitting written material to the administrative law judge during the comment period following the hearing. Statements may be submitted without appearing at the hearing. The rule may be modified as a result of this proceeding.

Written material may be submitted and recorded in the hearing record for five working days after the public hearing ends. This comment period may be extended for a longer period not to exceed twenty calendar days if so ordered by the administrative law judge at the hearing. The written comments received during this period shall be available for review at the Office of Administrative Hearings. The Division of Building Codes and Standards and any interested persons may respond in writing within five working days after the comment period ends to any new information submitted. Any written material or responses submitted must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the final day. No additional evidence may be submitted during this five-day period.

The rule hearings procedure is governed by *Minnesota Statutes*, section 14.14 to 14.20 and by parts 1400.0200 to 1400.1200 of *Minnesota Rules*. questions regarding procedure may be directed to the administrative law judge. The administrative law judge assigned to preside over the hearing is:

Bruce Cambell
Administrative Law Judge
Office of Administrative Hearings
100 Washington Square, Suite 1700
Minneapolis, MN 55401-2138
(612) 341-7600

NOTICE: Any person 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. 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 the 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.

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

Questions should be directed to the Ethical Practices Board, First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (612) 296-5248.

Promulgation of the proposed rule will not result in the expenditure of public monies by local public bodies of more than \$100,000 in either of the two years following the adoption of these rules nor have any impact on agricultural land. The division's evaluation of the applicability of the methods contained in *Minnesota Statutes* section 14.115, subdivision 2 for reducing the impact of the proposed rule on small businesses, is addressed in the State of Need and Reasonableness.

Dated: 12 May 1995

Elaine S. Hansen
Commissioner of Administration

Rules as Proposed (all new material)**1340.0100 ADOPTION OF UNIFORM BUILDING CODE CHAPTER 11 AND APPENDIX CHAPTER 11 DIVISIONS I AND II BY REFERENCE.**

Chapter 11 and Appendix Chapter 11, Divisions I and II, of the 1994 edition of the Uniform Building Code as promulgated by the International Conference of Building Officials, Whittier, California are incorporated by reference and made part of the Minnesota State Building Code except as amended in this chapter. The Uniform Building Code is not subject to frequent change and a copy of the Uniform Building Code is available in the office of the commissioner of administration. In this chapter, "UBC" refers to the Uniform Building Code.

1340.1102 SECTION 1102, DEFINITIONS.

UBC Section 1102 is amended by adding a definition to read as follows:

"Public building," for purposes of this chapter, means a building and its grounds the cost of which is paid for by the state or local government or any department, agency, special purpose district, or other instrumentality of the state or local government.

1340.1103 SECTION 1103, BUILDING ACCESSIBILITY.

Subpart 1. UBC Section 1103.1.1 is amended to read as follows:

1103.1.1 General. Accessibility to temporary or permanent buildings, or portions thereof, shall be provided for all occupancy classifications except as modified by this chapter. All levels of a floor located on an accessible route shall be accessible by ramp or elevator except as modified by this chapter. See also Appendix Chapter 11.

EXCEPTIONS: 1. Floors or portions of floors not customarily occupied, including, but not limited to, elevator pits; observation galleries used primarily for security purposes; elevator penthouses; nonoccupiable spaces accessed only by ladders, catwalks, crawl spaces, or freight elevators; piping and equipment catwalks; and machinery, mechanical, and electrical equipment rooms.

2. Temporary structures, sites, and equipment directly associated with the construction process such as construction site trailers, scaffolding, bridging, or material hoists are not required to be accessible. This exception does not include walkways or pedestrian protection required by Chapter 30.

Subp. 2. UBC Section 1103.1.2.7 is amended by the addition of the following:

3. In Group I, Divisions 1.1 and 2 nursing homes and long-term care facilities, at least one in every two patient rooms, or fraction thereof, including associated toilet room and bathrooms. All nonaccessible rooms shall be adaptable and located on an accessible route.

Subp. 3. UBC Section 1103.1.2.9.1 is amended to read as follows:

1103.1.2.9.1 Group R Occupancies - General. Group R Occupancies shall be accessible or adaptable as provided in this chapter.

EXCEPTION: Owner-occupied dwelling units.

Public- and common-use areas and facilities such as recreational facilities, laundry facilities, garbage and recycling collection areas, mailbox locations, lobbies, foyers, and management offices shall be accessible.

EXCEPTION: When recreational facilities are provided accessory to accessible dwelling units, only 25 percent of recreational facilities need be accessible, provided not less than one of each type in each group of such facilities shall be accessible. All recreational facilities of each type on a site shall be considered in determining the total number of each type which are required to be accessible.

Subp. 4. UBC Section 1103.1.2.9.2 is amended to read as follows:

1103.1.2.9.2 Apartment houses and residential condominium developments. In apartment houses and residential condominiums containing more than seven dwelling units, at least two percent, but not less than one, of the dwelling units shall be accessible. All dwelling units on a site shall be considered to determine the total number of accessible dwelling units. All dwelling units on accessible routes shall be adaptable. Accessible dwelling units shall comply with CABO/ANSI A117.1 sections 4.3.3, 4.13.5, 4.25, and 4.33. Adaptable dwelling units shall comply with CABO/ANSI A117.1 sections 4.3.3, 4.13.5, 4.20.2.2, 4.22.2.1, 4.22.2.2, 4.25.3, 4.33.3.1, 4.33.3.2.1, 4.33.3.2.3, 4.33.3.4.1, 4.33.3.4.3, 4.33.3.5 Exception 2, 4.33.3.6, 4.33.4.1, and 4.33.4.2.

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

EXCEPTION: Dwelling units with two or more stories in a nonelevator building need not be accessible; or adaptable.

Subp. 5. UBC Section 1103.1.2.9.3 is amended to read as follows:

1103.1.2.9.3 Hotels and lodging houses. In hotels, motels, lodging houses, resorts, dormitories, and other similar places of transient housing, accessible facilities shall be provided according to UBC Table No. 11-D including associated bathing, shower, and toilet facilities. In hotels with 51 or more guest rooms, 50 percent, but not less than one, of the accessible guest rooms shall have a roll-in shower.

EXCEPTION: Transient housing that contains not more than five rooms for rent and that is actually occupied by the proprietor of the facility as the residence of the proprietor.

TABLE NO. 11-D - NUMBER OF ACCESSIBLE UNITS

NUMBER OF ROOMS	ACCESSIBLE ROOMS
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% OF TOTAL UNITS
Over 1,000	20 plus 1 for every 100 units or fraction thereof, over 1,000

In addition to the accessible guest rooms required above, guest rooms for persons with hearing impairments shall be provided in accordance with Table No. 11-B. Guest rooms for persons with hearing impairments shall be provided with visible and audible alarm-indicating appliances, activated by both the in-room smoke detector and the building fire-protective signaling system.

**TABLE NO. 11-B - NUMBER OF ROOMS FOR PERSONS
WITH HEARING IMPAIRMENTS**

TOTAL NUMBER OF ROOMS	MINIMUM REQUIRED NUMBER
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% OF TOTAL ROOMS
Over 1,000	20 plus 1 for every 100 rooms or fraction thereof, over 1,000

Subp. 6. UBC Section 1103.1.2.9.4 is amended to read as follows:

1103.1.2.9.4 Congregate residences. In congregate residences with more than 20 occupants, at least two percent, but not less than one, of the sleeping rooms shall be accessible.

All nonaccessible sleeping rooms designed for congregate senior housing shall be adaptable and located on an accessible route.

Subp. 7. UBC Section 1103.2.2 is amended to read as follows:

1103.2.2 Accessible route. When a building, or portion of a building, is required to be accessible or adaptable, an accessible route shall be provided to all portions of the building, to accessible building entrances, connecting accessible pedestrian walkways and the public way.

EXCEPTION: In other than public buildings as defined in chapter 1302 and part 1340.1102, the offices of health-care

providers, transportation facilities and airports, and multitenant group M retail and wholesale occupancies, floors above and below accessible levels that have an aggregate area of not more than 3,000 square feet and an aggregate occupant load of not more than 50 need not be served by an accessible route from an accessible level.

When floor levels are required to be connected by an accessible route, and an interior path of travel is provided between the levels, an interior accessible route between the levels shall be provided. When only one accessible route is provided it shall not pass through kitchens, storage rooms, toilet rooms, bathrooms, closets, or other similar spaces.

EXCEPTION: A single accessible route may pass through a kitchen in an accessible or adaptable dwelling unit.

When more than one building or facility is located on a site, accessible routes shall be provided connecting accessible buildings and accessible site facilities.

EXCEPTION: For Group R, division 1, apartment occupancies, when the slope of the finished grade between accessible buildings and facilities exceeds 1 in 20, or where physical barriers of the site prevent the installation of an accessible route, a vehicular route with parking at each accessible building or facility may be provided in place of an accessible route.

Subp. 8. UBC Section 1103.2.4 is amended to read as follows:

1103.2.4.1 Signs - International symbol of accessibility. In addition to the requirements of *Minnesota Statutes*, section 16B.61, subdivision 5, paragraph (e), the following elements and spaces of accessible facilities shall be identified by the international symbol of accessibility.

1. Accessible parking spaces regulated in *Minnesota Statutes*, section 169.346, subdivision 2, paragraph (a).
2. Accessible areas of refuge.
3. Accessible passenger loading zones.
4. Accessible toilet and bathing facilities.

1103.2.4.2 Other signs. Inaccessible building entrances, inaccessible public toilets and bathing facilities, and elevators not on an accessible route shall be provided with directional signage indicating the route to the nearest similar accessible element.

For assembly areas, a sign notifying the general public of the availability of assistive listening systems shall be provided in the assembly area, ticket offices, and similar locations.

Signage which provides direction to or information about functional spaces of the building shall be provided in accordance with CABO/ANSI A117.1 sections 4.28.2, 4.28.3, and 4.28.5.

Signage indicating exits, restrooms, and room numbers shall be provided in accordance with CABO/ANSI A117.1 sections 4.28.2, 4.28.5, 4.28.6, and 4.28.7.

Each door to an exit stairway shall have a tactile sign, including raised letters and Braille, stating EXIT and shall comply with CABO/ANSI A117.1.

At exits and elevators serving a required accessible space, but not providing an approved accessible means of egress, signs shall be installed indicating the location of accessible means of egress.

1340.1104 SECTION 1104, EGRESS AND AREAS OF REFUGE.

UBC Section 1104.2.5 is amended to read as follows:

1104.2.5 Two-way communication. Areas of refuge shall be provided with a two-way communication system which provides both visible and audible signals. Such system shall connect the area of refuge and a central control point, or, if the central control point is not constantly attended, the communication system shall also have controlled access to a public telephone system. Location of the central control point shall be approved by the fire department.

1340.1105 SECTION 1105, FACILITY ACCESSIBILITY.

Subpart 1. UBC Section 1105.3, the last sentence, is amended to read as follows:

All platform lifts shall be capable of independent operation.

Subp. 2. UBC Section 1105.4.1 is amended to read as follows:

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

1105.4.1 Drinking fountains. Where more than one drinking fountain is provided on a floor, 50 percent shall be accessible in accordance with CABO/ANSI A117.1. When only one drinking fountain is provided, there shall be one discharge spout provided in accordance with CABO/ANSI A117.1 and one discharge spout provided at a higher location; or other equivalent water provision equipment shall be provided.

Subp. 3. UBC Section 1105.4 is amended by the addition of the following:

1105.4.8 Telephones. On floors where public telephones are provided, 25 percent, but not less than one shall be accessible and be provided with a telecommunication device for the deaf (TDD) and be evenly dispersed throughout the floor. On floors where two or more banks of telephones are provided, at least one in each bank shall be accessible and be provided with a telecommunication device for the deaf (TDD). In addition, 25 percent, but not less than one of all other public telephones, shall be equipped with volume controls and shall be dispersed among all types of public telephones, including closed circuit telephones, throughout the building or facility.

Public telephones without volume controls or TDD's shall be provided with directional signage indicating the location of the nearest such device.

If a public telephone is located in or adjacent to a hospital emergency room, hospital recovery room, or hospital waiting room, one public telecommunication device for the deaf (TDD) shall be provided at each such location.

Subp. 4. UBC Section 1105.4 is amended by the addition of the following:

1105.4.9 Swimming pools. When common- or public-use swimming pools, hot tubs, spas, and similar facilities are provided, they shall be accessible. Swimming pools shall be accessible by transfer tier, hydraulic chair, ramp, or other means. Hot tubs and spas and similar facilities designed for more than four shall be accessible as per the swimming pool requirements.

EXCEPTION: Pools used exclusively for diving.

1340.1106 APPENDIX SECTION 1106 ACCESSIBLE EXTERIOR ROUTES.

UBC Appendix Section 1106.1 is amended to read as follows:

1106.1 General. Accessible exterior routes shall be provided from public transportation stops, accessible parking and accessible passenger loading zones, and public sidewalks to the accessible building entrance they serve. Exterior accessible routes shall not exceed a slope of 1:20.

EXCEPTION: Curb ramps shall comply with CABO/ANSI A117.1 section 4.7.

When more than one building or facility is located on a site, at least one accessible route shall connect accessible elements, facilities, and buildings that are on the same site. The accessible route between accessible parking and accessible building entrances shall be the most practical direct route.

1340.1107 APPENDIX SECTION 1107 PARKING FACILITIES.

UBC Appendix Section 1107.3 is amended to read as follows:

1107.3 Signs. Accessible and van-accessible parking spaces required by this section, shall be identified by a sign complying with CABO/ANSI A117.1 and *Minnesota Statutes*, section 169.346, subdivision 2, paragraph (a), which includes the international symbol of accessibility.

1340.1110 SECTION 4.3.3 ACCESSIBLE ROUTE.

Section 4.3.3 of CABO/ANSI A117.1 is amended to read as follows:

4.3.3 Width. Clear width of an accessible route shall be 36 inches (915 mm) minimum, except at doors (see section 4.13.5). See Figure B4.3.3 (a). Clear width of the accessible route with turns around an obstruction less than 48 inches (1220 mm) wide shall have a clear space of 42 inches by 48 inches (1065 mm by 1220 mm) minimum. See Figure 4.3.3 (b).

EXCEPTION: The accessible exterior route to building entrances shall be not less than 48 inches wide (1220 mm).

1340.1120 SECTION 4.6.2 PARKING SPACES.

Section 4.6.2 of CABO/ANSI A117.1 is amended to read as follows:

4.6.2 Parking spaces. Parking spaces for persons with disabilities shall be 96 inches (2440 mm) wide minimum and shall have an adjacent access aisle 60 inches (1525 mm) wide minimum, see Figure B4.6.2. Parking access aisles shall be part of the accessible route to the building or facility entrance and shall comply with section 4.3. Two accessible parking spaces shall be permitted to share a common access aisle. Parked vehicle overhangs shall not reduce the clear width of an accessible circulation route.

Accessible parking spaces shall be identified by a sign centered on the head of the space, located a maximum of 96 inches (2400 mm) from the head of the space. Such sign shall be mounted from 48 inches (1200 mm) to 60 inches (1525 mm) between the

bottom of the sign and the parking surface, showing the international symbol of accessibility and complying with *Minnesota Statutes*, section 169.346, subdivision 2, paragraph (a). The line of sight from the driver's position, in a vehicle parked in the space, to the sign shall not be obscured by permanent or temporary objects.

EXCEPTION: Parallel parking spaces shall have the sign located on the side at the head end of the space.

1340.1130 SECTION 4.10.1 NEW ELEVATORS.

Subpart 1. Section 4.10.1.12.1 of CABO/ANSI A117.1 is amended to read as follows:

4.10.1.12.1 Control buttons. Control buttons shall be three-fourths inch (19 mm) minimum in their smallest dimension. Control buttons shall be raised or flush. Control buttons shall be arranged with numbers in ascending order. When two or more columns of buttons are provided they shall read from left to right. See Figure B4.10.1.12 (a).

Subp. 2. Section 4.10.1.14 of CABO/ANSI A117.1 is amended to read as follows:

4.10.1.14 Emergency communications. If provided, car emergency signaling devices between the elevator and a point outside the hoistway shall comply with chapter 1307. The highest operable part of a two-way communication system shall be a maximum of 48 inches (1220 mm) above the floor. If the device is located in a closed compartment, the compartment door hardware shall comply with section 4.25. The device shall be identified by raised symbols and lettering complying with section 4.28 and located adjacent to the device. If the system uses a handset, the cord from the panel to the handset shall be 29 inches (735 mm) long minimum. The car emergency signaling device shall not be limited to voice communication. If instructions for use are provided, essential information shall be presented in both tactile and visual form.

1340.1140 SECTION 4.10.2 EXISTING ELEVATORS.

Section 4.10.2.5.1 of CABO/ANSI A117.1 is amended to read as follows:

4.10.2.5.1 Car control buttons. Car control buttons shall be three-fourths inch (19 mm) minimum in their smallest dimension. Control buttons shall be raised or flush.

1340.1150 SECTION 4.13.6 MANEUVERING CLEARANCES AT DOORS.

Section 4.13.6.2 of CABO/ANSI A117.1 is amended to read as follows:

4.13.6.2 Front approaches to push side of swinging doors, equipped with a latch, shall have maneuvering space that extends 12 inches (305 mm) minimum beyond the latch side of the door and 48 inches (1220 mm) minimum perpendicular to the doorway. See Figure B4.13.6 (a).

1340.1160 SECTION 4.16.7 DIAPER CHANGING TABLES.

CABO/ANSI A117.1 is amended by adding section 4.16.7 to read as follows:

4.16.7 Diaper changing tables. When changing tables are provided, the work surface shall be mounted no higher than 34 inches (864 mm) above the floor.

1340.1170 SECTION 4.17 WATER CLOSETS.

Subpart 1. Section 4.17.2 of CABO/ANSI A117.1 is amended to read as follows:

4.17.2 Clear Floor Space. Clear floor space for water closets shall be 48 inches (1220 mm) in front of the water closet and 42 inches (1065 mm) from the center line of the water closet on the side not adjacent to the wall. See Figure B4.17.2.

Subp. 2. Section 4.17.4.1 of CABO/ANSI A117.1 is amended to read as follows:

4.17.4.1 Horizontal side wall grab bar shall be 42 inches (1065 mm) long minimum, located 12 inches (305 mm) maximum from the rear wall and extending 54 inches (1370 mm) minimum from the rear wall. In addition to the horizontal grab bar, a vertical grab bar shall be installed at least three inches (76 mm) but not more than six inches (152 mm) above the horizontal grab bar and be a minimum of 18 inches (458 mm) in length, located from 11 to 13 inches (280 to 330 mm) in front of the leading edge of the water closet. See Figure 1340.1260 B4.17.3.

Subp. 3. Section 4.17.6 of CABO/ANSI A117.1 is amended to read as follows:

4.17.6 Dispensers. Toilet paper dispensers shall comply with section 4.25.4, and shall be installed below the horizontal grab bar between seven inches and nine inches (180 mm and 230 mm) in front of the water closet. The outlet of the dispenser shall be

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

located a minimum of 15 inches (381 mm) above the floor with at least two inches of clearance between the top of the dispenser and the horizontal grab bar. Dispensers shall not be of a type that control delivery, or that do not allow continuous paper flow. See Figure 1340.1260 B4.17.3.

1340.1180 SECTION 4.18.3 WHEELCHAIR ACCESSIBLE STALLS.

Subpart 1. Section 4.18.3.1 of CABO/ANSI A117.1 is amended to read as follows:

4.18.3.1 Wheelchair accessible stalls shall be 60 inches (1525 mm) wide minimum and provide 48 inches (1220 mm) minimum clear space in front of the water closet. See Figure 1340.1270 B4.18.3.1.

Subp. 2. Section 4.18.3.2 of CABO/ANSI A117.1 is amended to read as follows:

4.18.3.2 If the door swings into the stall, the required depth shall be 66 inches (1677 mm) minimum clear space in front of the water closet. See Figure 1340.1280 B4.18.3.2.

1340.1190 SECTION 4.20 LAVATORIES AND SINKS.

Section 4.20.5 of CABO/ANSI A117.1 is amended to read as follows:

4.20.5 Faucets. Faucets shall comply with section 4.25.4. Self-closing faucets, when used, shall remain open for ten seconds minimum. Self-closing faucets which require an individual to reach forward and push down to activate the mechanism shall not be used at accessible locations.

1340.1200 SECTION 4.21 BATHTUBS.

Section 4.21 of CABO/ANSI A117.1 is amended by adding section 4.21.4.4 to read as follows:

4.21.4.4 Vertical grab bar. A vertical grab bar shall be installed on the control end of the bathtub midway between the shower head and the entrance opening to the bathtub. The bar shall be a minimum of 24 inches (610 mm) in length and be mounted at least three inches (76 mm) but not more than six inches (152 mm) above the horizontal bar.

1340.1210 SECTION 4.22 SHOWER STALLS.

Section 4.22 of CABO/ANSI A117.1 is amended by adding section 4.22.4.3 to read as follows:

4.22.4.3 Vertical grab bar. A vertical grab bar shall be installed on the control side of the unit midway between the shower head and the entrance opening to the unit. The bar shall be a minimum of 24 inches (610 mm) in length and be mounted at least three inches (76 mm) but not more than six inches (152 mm) above the horizontal grab bar. When the control for the shower is mounted on the rear wall of the unit, a vertical bar shall be mounted on each side a maximum of nine inches (229 mm) away from the shower head.

1340.1220 SECTION 4.24 GRAB BARS.

Section 4.24.2.2 of CABO/ANSI A117.1 is amended to read as follows:

4.24.2.2 Position of grab bars. Grab bars shall be mounted in a horizontal position, 33 inches to 36 inches (840 mm to 915 mm) above the floor, except where a supplemental grab bar is installed in relation to a fixture rim or surface. Vertical grab bars shall be installed as required for water closets, bathtubs, and showers.

1340.1230 Section 4.31.5 CHECKOUT COUNTERS.

Section 4.31.5 of CABO/ANSI A117.1 is amended to read as follows:

4.31.5 Checkout counters. Checkout counter surface shall be 34 inches (865 mm) maximum above the finished floor. The top of the counter edge protection shall be 36 inches (915 mm) maximum above the finished floor.

1340.1240 Section 4.33 DWELLING UNITS.

Subpart 1. Section 4.33.2 of CABO/ANSI A117.1 is deleted.

Subp. 2. Section 4.33.3.1 of CABO/ANSI A117.1 is amended to read as follows:

4.33.3.1 Doors. Doors shall not swing into the clear floor space required for any fixture unless a clear floor space complying with section 4.2.4.1 is provided beyond the arc of the door swing within the room.

Subp. 3. Section 4.33.3.2.3 of CABO/ANSI A117.1 is amended to read as follows:

4.33.3.2.3 Water closet grab bars. Grab bars complying with section 4.24 shall be installed, or structural reinforcement or other provisions shall be made that will allow installation of grab bars meeting these requirements.

EXCEPTION: Grab bars complying with section 4.24 shall be installed in accessible dwelling units.

Subp. 4. Section 4.33.3.2.4 of CABO/ANSI A117.1 is amended to read as follows:

4.33.3.2.4 Toilet paper dispenser. The toilet paper dispenser shall comply with section 4.17.6.

Subp. 5. Section 4.33.3.4.3 of CABO/ANSI A117.1 is amended to read as follows:

4.33.3.4.3 Bathtub grab bars. Grab bars shall be installed in compliance with section 4.21.4, or structural reinforcement shall be made that will allow installation of grab bars meeting these requirements.

EXCEPTION: Grab bars in accessible dwelling units shall be installed in compliance with section 4.21.4.

Subp. 6. Section 4.33.3.5 of CABO/ANSI A117.1 is amended to read as follows:

4.33.3.5 Showers. Where a shower is provided, it shall comply with section 4.22.

EXCEPTIONS: 1. In lieu of providing a seat, the wall opposite the controls in a shower stall shall be structurally reinforced the full depth of the stall at a height from 16 inches to 20 inches (405 mm to 510 mm) measured from the bathroom floor, to allow for the installation of a shower seat.

2. Structural reinforcement shall be permitted that will allow installation of grab bars complying with section 4.22.4 in adaptable dwelling units.

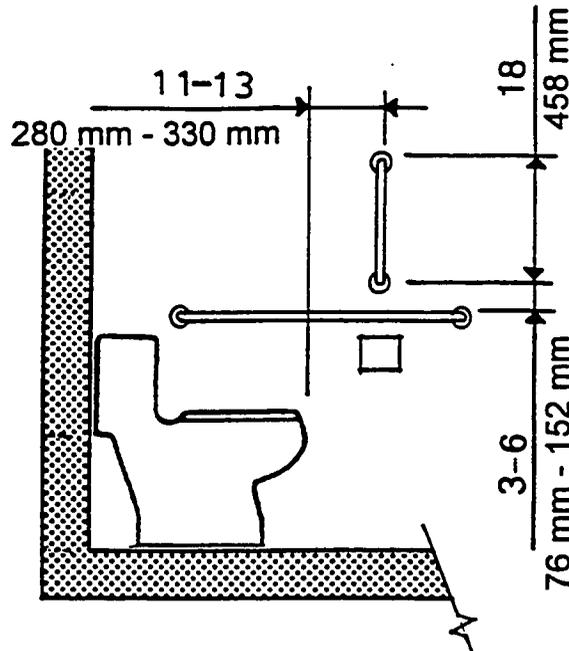
1340.1250 APPENDIX B (INFORMATIVE) ILLUSTRATIONS.

Appendix B of CABO/ANSI A117.1 is amended to read as follows:

The figures contained in this Appendix have been amended to comply with chapter 1340 and are provided only to illustrate some of the criteria in the standard. They are not part of the standard and are not intended to introduce criteria that are not contained in the standard.

1340.1260 B4.17.3, WATER CLOSET SIDE VIEW.

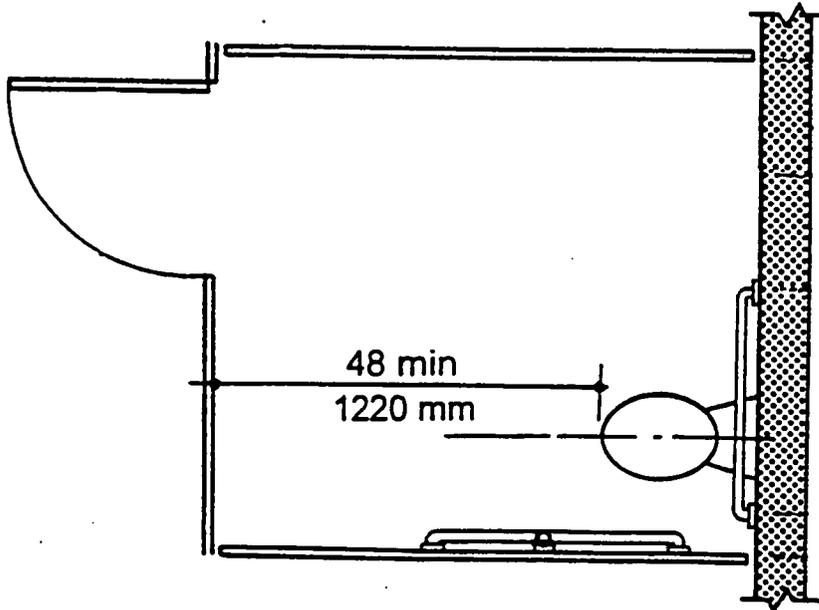
See part 1340.1170, subparts 2 and 3.



Proposed Rules

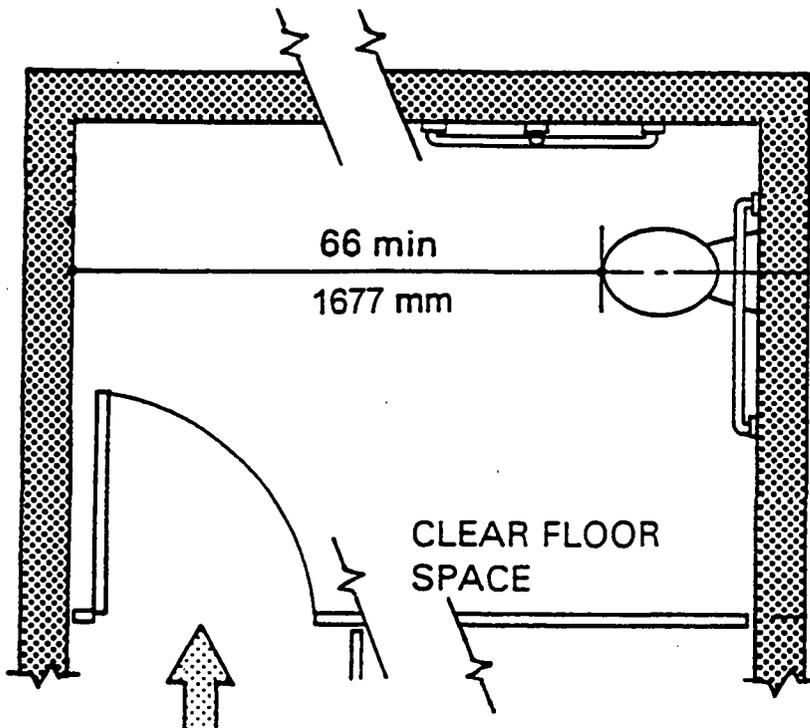
1340.1270 B4.18.3.1, WHEEL CHAIR ACCESSIBLE TOILET STALLS - DOOR SWING OUT.

See part 1340.1180, subpart 1.



1340.1280 B4.18.3.2, WHEELCHAIR ACCESSIBLE TOILET STALLS - DOOR SWING IN.

See part 1340.1180, subpart 2.



REPEALER. *Minnesota Rules*, parts 1340.0200; 1340.0300; 1340.0400; 1340.0500; 1340.0600; 1340.0700; 1340.0800; 1340.0900; 1340.1100; 1340.1200; 1340.1300; 1340.1400; 1340.1500; 1340.1600; 1340.1700; 1340.1800; 1340.1900; 1340.9000; 1340.9100; 1340.9200; 1340.9300; 1340.9400; 1340.9500; 1340.9600; 1340.9700; 1340.9800; and 1340.9900, are repealed.

Department of Health

Facility & Provider Compliance Division

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

Notice of Intent to Adopt Rules Without a Public Hearing

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

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

Mary Hedges
Minnesota Department of Health
393 North Dunlap St., P.O. Box 64900
St. Paul, MN 55164-0900
(612) 643-2157
Fax: (612) 643-2593

Subject of Rules and Statutory Authority. The proposed permanent rules are the Procedures for Exceptions to the Nursing Home Bed Moratorium. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 144A.071, subd. 2 and 144A.073, subd. 8. A copy of the proposed rules is published in the *State Register*. The proposed permanent rules are to replace the emergency rules which have been in effect since November 8, 1988 and are due to expire on June 30, 1995. The proposed permanent rules incorporate the current emergency rules with minimum changes that have been proposed to clarify or to respond to changes in *Minnesota Statutes*, sections 144A.071 to 144A.073. A free copy of the rules is available upon request from Mary Hedges.

Comments. You have until 4:30 p.m., Thursday, June 29, 1995, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by Mary Hedges by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by Mary Hedges by 4:30 p.m. on June 29, 1995. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rules which caused your request, the reason for the request, and any changes you want made to the proposed rules. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the Minnesota Department of Health will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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

Statement of Need and Reasonableness. A Statement of Need and Reasonableness is now available. This Statement describes the need for and reasonableness of each provision of the proposed rules and identified the data and information relied upon to

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

support the proposed rules. A free copy of the Statement may be obtained from Mary Hedges at the address and telephone number listed above.

Small Business Considerations. Under *Minnesota Statutes*, section 14.115, subd. 7, clause (3), the small business consideration applicable to rulemaking does not apply to service businesses regulated by government bodies, for standards and costs, such as nursing facilities. Since the proposed rules govern nursing facilities, the requirements under *Minnesota Statutes*, section 14.115 do not apply to this rule.

Expenditure of Public Money by Local Public Bodies. *Minnesota Statutes*, section 14.115, subdivision 1, does not apply because adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption of the rules. A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2, estimating the fiscal impact of the rules is available upon request from Mary Hedges at the address and telephone number listed above.

Impact on Agriculture Lands. *Minnesota Statutes*, section 14.115, subdivision 2, does not apply because adoption of these rules will not have an impact on agricultural land.

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

Adoption and Review of Rules. If no hearing is required, after the end of the comment period the Minnesota Department of Health may adopt the rules. The rules and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rules are submitted to the Attorney General or be notified of the Attorney General's decision on the rules. If you wish to be so notified, or wish to receive a copy of the adopted rules, submit your request to Mary Hedges at the address and telephone number listed above.

Dated: 12 May 1995

Anne M. Barry, Acting Commissioner
Minnesota Department of Health

Rules as Proposed (all new material)

PROCEDURES FOR EXCEPTIONS TO NURSING HOME BED MORATORIUM

4655.1070 DEFINITIONS.

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

Subp. 2. **Advisory review panel.** "Advisory review panel" means the group of individuals that must form recommendations according to part 4655.1086 and that is appointed by the Interagency Long-Term Care Planning Committee under part 4655.1074 and *Minnesota Statutes*, section 144A.073, subdivision 3.

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

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

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

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

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

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

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

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

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

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

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

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

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

Subp. 16. **Estimated operating costs.** "Estimated operating costs" means a facility's estimated operating costs during the first 24 months after completion of the project.

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

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

Subp. 19. **Interagency long-term care planning committee or INTERCOM.** "Interagency long-term care planning committee" or "INTERCOM" means the committee established under *Minnesota Statutes*, section 144A.31, subdivision 1.

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

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

Subp. 22. **Medical assistance cost.** "Medical assistance cost" means the annual amount by which medical assistance payments will change if a proposal is implemented. Medical assistance costs are determined according to part 4655.1084, subpart 2, and as provided under *Minnesota Statutes*, section 144A.073.

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

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

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

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

Subp. 27. **Relocation.** "Relocation" means the movement of licensed nursing home beds or certified boarding care home beds from the existing site as permitted under *Minnesota Statutes*, section 144A.073, subdivision 5.

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

Subp. 29. **Replacement.** "Replacement" means the demolition or delicensure and reconstruction or construction of an addition to all or a substantial part of an existing facility.

Subp. 30. **Soft costs.** "Soft costs" means costs capitalized as part of the project relating to implementation of the proposal, including:

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

Subp. 31. **Statutory restriction.** "Statutory restriction" means a replacement restriction, conversion restriction, or upgrading restriction as described under *Minnesota Statutes*, section 144A.073, subdivisions 5 to 7.

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

Subp. 32. **Submission deadline.** "Submission deadline" means the date by which a proposal must be received by the INTERCOM, which, according to part 4655.1080, subpart 3, is no later than 90 days after the date a request for proposals is published in the *State Register*.

Subp. 33. **Upgrading.** "Upgrading" has the meaning given in *Minnesota Statutes*, section 144A.073, subdivision 1, paragraph (d).

Subp. 34. **Working day.** "Working day" means Monday, Tuesday, Wednesday, Thursday, or Friday, excluding legal holidays recognized by the state of Minnesota.

4655.1072 INCORPORATION BY REFERENCE OF ANNUAL STATISTICAL REPORT.

The 1994 Annual Statistical Report to the Commissioner of Health, Nursing Homes and Boarding Care Homes, and future amendments are incorporated by reference and are available through the Minitex interlibrary loan system. The report is subject to frequent change.

4655.1074 APPOINTMENT OF ADVISORY REVIEW PANEL.

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

Subp. 2. **Membership.** The advisory review panel must consist of five members:

- A. two representatives from organizations that represent consumers of nursing home services;
- B. two representatives from organizations representing providers of nursing home services; and
- C. one who has a background in long-term care and either accounting, engineering, building construction, or design.

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

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

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

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

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

4655.1076 INTERCOM PUBLICATION OF REQUEST FOR PROPOSALS.

Subpart 1. **Date of publication of request for proposals.** The INTERCOM shall publish in the *State Register* a request for proposals within 30 days of the first day of each state fiscal biennium, and as frequently thereafter as determined by the commissioner.

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

- A. a proposal submission deadline date consistent with part 4655.1080, subpart 3;
- B. the amount of the legislative appropriation available for medical assistance costs or state that proposals will not be requested because no appropriations were made;
- C. other relevant information regarding current state long-term care policy goals;
- D. how the approval criteria will be prioritized by the advisory review panel, the interagency long-term care planning committee, and the commissioner; and
- E. that the information under part 4655.1078 must be included in a proposal.

4655.1078 FORMAT AND CONTENTS OF PROPOSAL.

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

- A. include the name, telephone number, and address of the proposer or other authorized person who can be contacted by the commissioner or the INTERCOM with questions regarding the proposal;

- B. include the name and address of the nursing home or boarding care home for which the project is being proposed;
- C. be signed by an authorized representative of the entity submitting the proposal;
- D. state whether the proposal is for renovation, replacement, conversion, or upgrading;
- E. describe the problem the proposal will address;
- F. include schematic drawings and an outline of specifications, prepared by a registered architect, for all construction projects including replacement and renovation;
- G. include a cost estimate, prepared by a contractor or architect and other participants in the development of the proposal, for the project described by the drawings and outline of specifications required by item F, including costs of buildings, attached fixtures, land improvements, construction site preparation, and related soft costs;
- H. provide current estimated long-term financing costs of the proposal, including amount and sources of money, bond fund reserve, or other similar reserves as required under the proposed financing mechanisms, annual payments scheduled, interest rates, length of term, closing costs and fees, and insurance costs that are directly related to the building, attached fixtures, land, land improvements, and building site preparation;
- I. state the current cost of real estate taxes and special assessments for the facility and also an estimate of those that would be assessed if the proposal were implemented;
- J. state the current annual care-related and other operating costs and also an estimation of these costs for the first 24 months after completion of the project if the proposal were implemented;
- K. describe the environmental conditions in the facility that are reviewed under part 4655.1084, subpart 10, and any proposed changes in those conditions;
- L. for proposals involving replacement of all or part of a facility, provide the property identification number and a general description of the proposed location of a replacement facility;
- M. provide an estimate of the costs of renovation as an alternative to replacement or of replacement as an alternative to renovation;
- N. include the estimated beginning date of construction for renovation and replacements and the proposed timetable for completion of construction;
- O. briefly explain why the proposer chose replacement rather than renovation or renovation rather than replacement; and
- P. a statement concerning any licensure or certification orders, deficiencies, or substantiated complaints or sanctions during the 24 months prior to submission of the proposal.

4655.1080 SUBMISSION OF PROPOSAL.

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

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

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

4655.1082 INITIAL SCREENING OF PROPOSALS BY INTERCOM.

The INTERCOM shall process a proposal according to items A to K.

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

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

C. If a proposal is received according to the deadline, the INTERCOM shall determine whether the proposal meets the definition of conversion, renovation, replacement, or upgrading as those terms are defined under part 4655.1070. If a proposal does not

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

meet any of those definitions, the INTERCOM shall return that proposal to the proposer with a written notice that the proposal will not receive further consideration because it does not meet the definition of conversion, renovation, replacement, or upgrading.

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

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

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

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

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

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

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

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

4655.1084 DATA COLLECTION.

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

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

- A. reviewing the accuracy of operating costs provided according to part 4655.1078, item J;
- B. determining the accuracy of the real estate taxes and special assessments provided under part 4655.1078, item I;
- C. determining the increase in allowable appraised value according to part 9549.0060, subpart 4; staff shall assume that the costs provided under part 4655.1078, item G, are equal to the total increase in appraised value;
- D. determining the increase in the allowable annual costs of the elements identified in part 4655.1078, item H, according to part 9549.0060, subparts 5, 6, and 7;
- E. determining an estimate of the total allowable annual costs for the cost categories reviewed in items B to D;
- F. determining an estimate of the number of medical assistance resident days and of the proportion of medical assistance resident days to total resident days using information from the most recent cost report of the facility;
- G. multiplying the proportion of resident days developed in item F by the estimated annual costs developed in item E;
- H. determining the annual medical assistance costs of the proposal by multiplying the amount found in item G by the most recent proportion of medical assistance paid by the state of Minnesota; and
- I. multiplying the amount found in item H by two to yield the biennial medical assistance cost of the proposal.

Subp. 3. **Cost information.** In addition to the cost estimates in subpart 2, the current and projected costs of the proposal shall be calculated according to cost per licensed bed, percent change in cost per licensed bed, and total biennial state and medical assistance costs.

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

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

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

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

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

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

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

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

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

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

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

D. The method and materials of construction of the building shall be compared with the standards for Group D occupancy in the State Building Code. State Building Code has the meaning given in *Minnesota Statutes*, section 16B.60, subdivision 4.

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

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

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

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

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

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

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

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

Subp. 11. **History of state licensing correction orders and federal certification deficiencies.** For each proposal that is acceptable according to part 4655.1082, the accumulated number and content of licensing correction orders and federal certification deficiencies incurred during the 24 months before the submission deadline for the proposal shall be collected.

Subp. 12. **History of licensing and certification waivers.** The number and purpose of licensing and federal certification waivers incurred during the 24 months before the submission deadline for a proposal shall be collected.

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

Subp. 13. **History of complaints.** The number and content of substantiated licensing and federal certification complaints about a facility received during the 24 months before the deadline for submission of a proposal shall be collected. If ownership of a facility has changed in the 24 months before the submission deadline, a history of complaints shall be collected only for the tenure of the current owner.

Subp. 14. **History of sanctions.** The number and content of sanctions relating to licensure and certification that have been levied against a facility and incurred during the 24 months before the submission deadline for the proposal shall be collected.

4655.1086 FORMATION OF ADVISORY REVIEW PANEL RECOMMENDATIONS TO INTERCOM.

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

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

Subp. 3. **Ranking of proposals.** The advisory review panel shall rank proposals to indicate which proposals should be approved in order of priority based only on the criteria in *Minnesota Statutes*, section 144A.073.

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

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

4655.1088 PUBLIC HEARING.

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

4655.1090 EVALUATION, COMPARISON, AND RANKING OF PROPOSALS.

The INTERCOM shall use the findings of the staff data collection process, the advisory review panel, and the public hearing to evaluate, compare, and rank the proposals according to the long-term care needs they address. An evaluation, comparison, or ranking must be based on the application in a consistent manner of the criteria provided in *Minnesota Statutes*, section 144A.073.

4655.1092 REIMBURSEMENT LIMITS.

Subpart 1. **Cost reimbursement.** The acceptance or determination of costs under parts 4655.1070 to 4655.1098 is not binding for reimbursement. Actual reimbursement of costs is determined according to parts 9549.0010 to 9549.0080.

Subp. 2. **Medical assistance costs.** The sum of the estimated medical assistance costs of all recommended proposals during the first 24 months of operation must not exceed the amount provided by the legislature as noted in the request for proposals according to part 4655.1076, subpart 2, item B.

4655.1094 INTERCOM RECOMMENDATIONS TO COMMISSIONER.

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

4655.1096 COMMISSIONER'S APPROVAL OR DISAPPROVAL OF PROPOSAL.

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

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

Subp. 3. **Expiration of commissioner's approval.** The commissioner's approval of a proposal expires 18 months after the date of the commissioner's signature on the notice of approval unless the facility has commenced construction.

4655.1098 DOCUMENTATION.

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

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

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

Subp. 4. **Change orders.** If the commissioner approves the reported changes in a project, a change order permitting the changes shall be issued. The issuance of a change order does not alter the allowable costs as estimated in part 4655.1084, subpart 2.

Subp. 5. **Cost overruns.** The proposer shall immediately report to the commissioner any cost overruns including a description of the reasons for the overrun as required by *Minnesota Statutes*, section 144A.073, subdivision 3b.

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

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.

Minnesota Racing Commission

Adopted Permanent Rules Governing Pari-Mutuel Horse Racing

The rules proposed and published at *State Register*, Volume 19, Number 38, pages 1952-1964, March 20, 1995 (19 SR 1952), are adopted with the following modifications:

Rules as Adopted

7877.0120 FEES.

Subp. 2. **Fingerprinting and licensing reciprocity.** The commission ~~may~~ shall license persons holding valid permanent licenses issued by Association of Racing Commissioners International (RCI) member racing jurisdictions in North America if the persons meet the criteria specified in this subpart. The licensee must be in good standing, have cleared a Federal Bureau of Investigation (FBI) or Royal Canadian Mounted Police (RCMP) fingerprint check within the previous 36 months, file an application and/or affidavit as may be required by the commission, and pay the required applicable fees before participating in racing.

F. Provided the requirements in items A to E have been met, the commission ~~may~~ shall issue either a license and/or a validation sticker. The validation sticker shall be affixed to either a license issued by the commission or a valid license issued by another RCI member jurisdiction. The validation sticker shall contain Minnesota's two-letter postal service abbreviation, the year of the validation, and may contain the audit trail code or serial number, if applicable. The validation sticker shall be constructed of an

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.

Commissioners' Orders

approved tamper-resistant material. The affixing of the validation sticker shall constitute licensing. The commission shall determine the period of time that the license is valid in Minnesota.

7884.0270 EXPANDED HOMESTRETCH RACING.

Subp. 2. **Rules.** In the event the homestretch is expanded pursuant to subpart 1, the following shall apply:

B. The lead horse in the homestretch shall maintain its position giving the trailing horses full access to the expanded inside lane. If, in the opinion of the stewards, the lead horse changes course in the homestretch in an attempt to prevent a trailing horse from passing, said horse ~~may~~ shall be placed accordingly.

D. During the final one-eighth mile of a race, a horse may only be driven into the expanded homestretch lane for the purpose of passing another horse and ~~may~~ shall not be driven into the expanded homestretch lane for the purpose of blocking a trailing horse. It shall be presumed that any horse driven into the expanded homestretch lane which blocks a trailing horse, without advancing on the horse it was allegedly attempting to pass, was being driven for the purpose of blocking a trailing horse. If, in the opinion of a majority of the stewards, a horse is driven into the expanded homestretch lane for the purpose of blocking a trailing horse, the driver of the blocking horse may be fined and/or suspended and the horse may be placed accordingly.

Commissioners' Orders

Department of Transportation

Order No. 81000: Amended Order and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed under *Minnesota Statutes* § 169.825

Whereas, the Commissioner of Transportation has made his Order No. 80000, dated March 10, 1994, which order has been amended by Orders No.'s. 80212, 80246, 80580, 80861 and 80881 designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under *Minnesota Statutes* § 169.825, and

Whereas, the Commissioner has determined that the additional following routes, or segments of routes, should be designated to carry the gross weights allowed under *Minnesota Statutes* § 169.825.

IT IS HEREBY ORDERED that Commissioner of Transportation Order No. 80000 is further amended this date by adding the following designated streets and highway routes, or segment of routes, as follows:

County Roads

Hennepin County

C.S.A.H. 81 from T.H. 169 to C.R. 202.

C.S.A.H. 61 from I-94 eastbound Entrance Ramp North to C.S.A.H. 130.

C.S.A.H. 130 from Intersection T.H. 169 northbound Entrance Ramp West to City of Maple Grove jurisdiction (centerline of T.H. 169).

Dated: 19 May 1995

James N. Denn
Commissioner

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

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

Department of Administration

Print Communication Division

"Contract Awards Reports" Available

Individual copies of "Contract Awards Reports" are available, as well as six-month trial subscriptions, as part of an improved service to subscribers tracking commodity and service contracts and bids, as well as professional, technical and consulting contracts.

This information is especially useful in the competitive bidding process used by the state's purchasing office, the Materials Management Division.

- "*Commodity Contract Awards Reports*," — lists awards of contracts and bids published in the Tuesday-Wednesday-Friday "*Contracts Supplement*" — published every two weeks, \$5.00 per individual report, plus \$3.00 shipping if applicable. Order stock # 99-42. Six-month subscriptions cost \$75.00 — a savings of about \$38.00 over the cost of purchasing them individually. Appears every two weeks. Order stock # 90-14. Available in hard copy format only.
- "*Professional-Technical-Consulting Award Reports*," — published each month listing the previous month's awards of contracts and RFPs that appeared in the Monday edition of the "*State Register*." Individual copies are \$15.00 per report, plus \$3.00 shipping if applicable. Order stock # 99-43. Six-month subscriptions cost \$75.00, a savings of about \$38.00 over the cost of purchasing them individually. Appear monthly. Order stock number 90-15. Available in hard copy format only.

To order the appropriate "Awards Reports" for your business or organization, contact Minnesota's Bookstore at (612) 297-3000, or toll-free nationwide: 1-800-657-3757. Credit card orders can be taken over the phone, mailed in, or FAXED to (612) 297-8260.

Minnesota Comprehensive Health Association

Notice of Meeting of the Executive Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association (MCHA), Executive Committee will be held at 2:00 p.m., on Friday, June 2, 1995 at HealthPartners, 8100 34th Avenue South, Bloomington, Minnesota. The meeting will be in room "10 South."

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

State Board of Electricity

Notice of Monthly Meetings

The monthly meetings of the State Board of Electricity are held on the second Tuesday of each month at 10:00 A.M. in the Board's office in the Grigg's Midway Building at 1821 University Avenue, Room S 128, St. Paul, Minnesota 55104.

Official Notices

Executive Council State Board of Investment Land Exchange Board Investment Advisory Council

Official Notice of Meetings of the Executive Council, State Board of Investment, Land Exchange Board, and the Investment Advisory Council

The Executive Council, State Board of Investment and the Land Exchange Board will meet on Wednesday, June 28, 1995 at 8:30 A.M. in Room 125, State Capitol, St. Paul, MN.

The Investment Advisory Council will meet on Tuesday, June 6, 1995 at 2:00 P.M. at the Minnesota Judicial Building, Room 230, 25 Constitution Avenue, St. Paul, MN.

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective May 30, 1995 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Anoka: 1995 Partial Reroofing Columbia Arena-Fridley; Northtown Transit Hub-Spring Lake Park; Installation of Mounting Hardware for Large Screen Video Monitors-Various Schools ISD 11.

Douglas: No. 1 Replacement Lift Station-Carlos.

Hennepin: St Anthony Falls Heritage Zone Signage System-Minneapolis; Golden Valley Radio Equipment Building-Golden Valley; Primary Electrical Distribution System Upgrade-Phase 3-MSP International Airport; West Metro Highway Relamping Project-Hennepin Co; Lighting Retrofit at Minnetonka Public Schools-Minnetonka, Excelsior, Wayzata; Olson School Asbestos Abatement-Minneapolis; Armatage School Asbestos Abatement-Minneapolis; Washburn School Asbestos Abatement-Minneapolis; Dowling School Asbestos Abatement-Minneapolis; Hiawatha School Asbestos Abatement-Minneapolis; Cooper School Asbestos Abatement-Minneapolis; Burroughs School Asbestos Abatement-Minneapolis.

Koochiching: Depot Building Renovation-International Falls.

Lyon: Ventilation Upgrade Southwest State University Food Service-Marshall.

Murray: Eno-O-Line Park-Currie.

Pennington: Security Fencing Thief River Falls Truck Station Site-Thief River Falls.

Ramsey: Battle Creek Middle School Handicapped Accessibility Phase II-St. Paul; General Construction Contract-St. Paul; Accessibility Improvements at James J Hill House-St. Paul; 1995 Roof Membrane Replacement, Adams Elementary School-St. Paul; Masonry Wall Restoration Central Senior High School-St. Paul.

St. Louis: Addition & Renovation Range Mental Health, Inc., William J Bell Building-Virginia; Glen Avon Hockey/Soccer Recreation Area Building-Duluth; Wastewater Treatment Facility-Babbitt.

Scott: Burner Replacement at Prior Lake Senior High-Prior Lake.

Stevens: Alberta School Remodeling Project-Alberta.

Wadena: Menahga.

Washington: Oakdale Unheated Storage Building-Oakdale; Quarry Tile Corridor Floor Oakdale Headquarters-Oakdale; Increase Height of 4' O.H. Doors Oakdale Headquarters-Oakdale; Replacement Windows Oakdale Headquarters-Oakdale.

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, Commissioner

Department of Trade and Economic Development

Notice of Cancellation of Meeting to Discuss a Possible One-Stop Licensing and Permitting System

The meeting announced at 19 *State Register* 2228 (May 8, 1995) to discuss a possible one-stop licensing and permitting system is canceled. In the absence of funding from the legislature the department does not anticipate conduct of the one-stop project as proposed.

Questions should be directed to Charles A. Schaffer at the Minnesota Department of Trade and Economic Development, 500 Metro Square, 121 E. Seventh Place, St. Paul, Minnesota 55101-2146, phone (612) 296-0617.

Department of Trade and Economic Development

Minnesota Agricultural and Economic Development Board

Notice of Public Hearing on Proposed Project and the Issuance of Bonds Under *Minnesota Statutes* 1986, Chapter 116M and *Minnesota Statutes*, Chapter 41A

NOTICE IS HEREBY GIVEN that the Minnesota Agricultural and Economic Development Board (the "Board") or its designated representative, shall meet on **June 15, 1995 at 9:00 a.m.** o'clock, at 500 Metro Square, 121 7th Place East, Saint Paul, Minnesota, for the purpose of conducting a public hearing on a proposed issue of bonds (the "Bonds") and the provisions of other financial assistance under *Minnesota Statutes* 1986, Chapter 116M, and *Minnesota Statutes*, Chapter 41A, as amended (the "Act"), to undertake and finance a project on behalf of Bolger Publications, Inc., a Minnesota corporation (the "Applicant"). Such persons as desire to be heard with reference to said issue of Bonds will be heard at this public hearing.

The project to be financed consists of the acquisition, renovation, construction, improvement and equipping of a manufacturing facility in the Cities of Minneapolis, Minnesota and St. Paul, Minnesota located at 3301 Como Avenue S.E., Minneapolis, Minnesota (the "Project"). The initial owner of the Project will be the Applicant and the Project is expected to be owned, operated and managed by the Applicant. It is contemplated that the Project will be used primarily for the manufacture of printing products and related activities. The estimated amount of the Board's proposed bond issue is an amount not to exceed \$4,500,000. The Bonds shall be limited obligations of the Board, the Bonds and the interest thereon shall be payable solely from the revenue pledged to the payment thereof, and a mortgage or security interest or other security arrangements to be established by or on behalf of the Applicant. In addition, the Bonds and the Project may be subsequently considered by the Board for financial assistance to be provided by the Economic Development Fund created and established under *Minnesota Statutes* 1986, Chapter 116M or other financial or special assistance from the Board. Notwithstanding the foregoing, no holders of any such Bonds shall ever have the right to compel any exercise of the taxing powers of the State of Minnesota or any political subdivision thereof to pay the Bonds or the interest thereon nor to enforce payment against any property of said State or said political subdivision.

A copy of the Application to the Board for approval of the Project, together with all attachments and exhibits thereto and a copy of the Board's resolution accepting the Application and accepting the Project is available for public inspection at the offices of the Board at 500 Metro Square, 121 7th Place East, Saint Paul, Minnesota from the date of this notice to the date of the public hearing hereinabove identified, during normal business hours.

Dated: 17 May 1995

**BY ORDER OF THE MEMBERS OF THE
MINNESOTA AGRICULTURAL AND
ECONOMIC DEVELOPMENT BOARD**

Paul Moe, Executive Director,
Minnesota Agricultural and
Economic Development Board

State Grants

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

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

Department of Human Services

Family and Children's Services Division

Notice of Request for Proposals for the Development of Children's Supervised Visitation Facilities

The Family and Children's Services Division of the Department of Human Services is soliciting proposals from qualified applicants to develop and/or maintain children's supervised visitation facilities to reduce children's vulnerability to violence and trauma related to family visitation. Multi-county and/or multi-agency proposals are encouraged. Eligible applicants are existing local non-profit, nongovernmental, or governmental organizations with the capacity to carry out the project activities. A total of \$296,000 is available for the development and/or maintenance of a minimum of 6 children's supervised visitation facilities. Awards up to \$50,000 per project will be funded. A local match of 25% for new programs and 35% for existing programs is required. The funding is anticipated to begin August 1995 continuing through June 1996 and is expected to be funded through June 30, 1999 based upon successful first year implementation and legislative appropriation of future funding for this project.

All requests for copies of the complete RFP or for further information should be directed to Joan Monahan at 612/297-3842. Six copies of the proposals in response to this RFP must be submitted to the Family and Children's Services Division, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3830, no later than **4:00 P.M. on June 20, 1995**. The Family and Children's Services Division and the State of Minnesota reserve the right to reject any and all proposals submitted.

Department of Human Services

Family and Children's Services Division

Notice of Request for Proposals for Maternal and Child Health Social Service Programs Designed to Improve the Health and Functioning of Children Born to Mothers Using Alcohol and Other Controlled Substances

The Family and Children's Services Division of the Department of Human Services is soliciting proposals from qualified applicants to develop comprehensive maternal and child health social service programs and supporting services for high-risk women and infants. Eligible applicants are private non-profit agencies located in Ramsey and Hennepin counties with the capacity to carry out the project activities. A total of \$609,000 is available for funding three projects. A maximum of \$203,000 per project will be funded. The funding is anticipated to begin August 1995 continuing through June 1996 and is expected to be funded through June 30, 1999 based upon successful first year implementation and legislative appropriation of future funding for this project.

All requests for copies of the complete RFP or for further information should be directed to Joan Monahan at 612/297-3842. Six copies of the proposals in response to this RFP must be submitted to the Family and Children's Services Division, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3830, no later than **4:00 P.M. on June 20, 1995**.

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

Professional, Technical & Consulting Contracts

Department of Trade and Economic Development

Minnesota Job Skills Partnership Board

Notice of Request for Grant Proposals for Training Programs Designed for Specific Businesses

The Minnesota Job Skills Partnership Board solicits grant proposals from educational and other non-profit organizations for training programs designed for specific businesses.

At their June 19 and 20, 1995 meeting, the MJSP Board will be considering grant proposals submitted by May 1, 1995. Projects will be starting with the new grant round beginning July 1, 1995, subject to the availability of funds.

Please contact the Partnership office at 612/296-0388 for details regarding MJSP Board meeting.

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].

Community College System

North Hennepin Community College

Request for Food Service Proposal

North Hennepin Community College, which enrolls approximately 6000 students during the academic year and is located in the northwest suburb of Brooklyn Park, MN, is soliciting proposals for providing food services (hotline, catering and vending) to the college campus.

Interested parties should contact Mr. Ed Green at the college location at 7411 85th Avenue North, Brooklyn Park, MN 55445 or (612) 424-0803 for bid information by **JUNE 15, 1995**.

Department of Corrections

Field Services Division

Request for Proposal to Develop an 8 - 12 Minute Narrated Video Showing Aspects of Juvenile and Adult Court Ordered "Community Supervision"

The Department of Corrections would like this effort aimed at adult audiences with anticipated use in our training academy, for community education as part of public speaking engagements, and for recruitment of new personnel and volunteers at job fairs and campuses.

For a copy of the request for proposal and information packet contact:

David Erickson
Minnesota Department of Corrections
142 West Main Street
P.O. Box 627
Albert Lea, MN 56007
(507) 377-3730

All proposals must be received no later than 4:30 p.m. on July 10, 1995.

Professional, Technical & Consulting Contracts

State Board of Electricity

Notice of Request for Proposals for Independent Contract Electrical Inspectors

The Minnesota State Board of Electricity is seeking services of independent contract electrical inspectors who must hold a Class "A" Journeyman or Class "A" Master electrician's license in Minnesota to make electrical inspections in designated geographical areas. Compensation is based on a percentage of the inspection fee paid by the installer of wiring when the inspections are completed.

Presently there are no geographical areas open, but all applications submitted will be kept on file for future openings. A formal request for proposal may be requested from and other inquiries made to:

William Bickner
Executive Secretary
State Board of Electricity
Griggs Midway Bldg., Room S 128
1821 University Avenue
St. Paul, Minnesota 55104

Department of Health

AIDS/STD Prevention Services Section

Request for Proposals for HIV/STD Prevention Programs

Purpose

The Minnesota Department of Health (MDH) has supplemental funds available for a twelve-month period (October 1, 1995 - September 30, 1996) for Human Immunodeficiency Virus (HIV) and Sexually Transmitted Disease (STD) prevention programming within the following program categories:

1. Targeted Outreach and Prevention Case Management for Disenfranchised Adults. Disenfranchised Adults include the following, which are not mutually exclusive: men who have sex with men; women whose sexual partners are men who have sex with men; injectable drug using (IDUs) adults; women whose sexual partners are IDU adults; HIV/STD-infected adults; adults whose sexual partners are HIV/STD-infected persons; adults involved in sex work; and adults who are low income, homeless, and/or undocumented. (Maximum Funding: \$45,000.)
2. Targeted Outreach and Prevention Case Management for Women at Risk. Women at Risk include the following, which are not mutually exclusive: women who are IDUs; women who are sexual partners of IDUs; women whose sexual partners are men who have sex with men; women who are HIV/STD infected; women who are sexual partners of HIV/STD infected persons; chemically dependent women; battered women or women in abusive relationships; and/or women who are involved in sex work. (Maximum Funding: \$45,000.)
3. Targeted Outreach and Intervention for Adult Migrant Workers/Settled Latino Immigrants in Greater Minnesota, who may include the following which are not mutually exclusive: men who have sex with men; women whose sexual partners are men who have sex with men; adults who are IDUs; adults whose sexual partners are IDUs; HIV/STD-infected persons; adults whose sexual partners are HIV/STD-infected persons; adults involved in sex work; and adults who are low income, homeless, and/or undocumented. (Award: \$50,325.)
4. Targeted Outreach and Intervention for Gay/Bisexual Men of Color. (Award: \$60,000). A maximum of two programs will be funded.

Amount

Up to \$200,325

Duration

The grant period is established for 12 months, October 1, 1995 - September 30, 1996. Funded programs may be eligible to apply for additional future funding. Continuation or expansion funding may be available, and will be dependent upon the availability of state and federal HIV/STD prevention funds to the MDH and satisfactory program performance during the first year.

Eligibility

1. Any public or private agency (not-for-profit) that can demonstrate administrative, organizational, programmatic, and fiscal capability to develop, implement, and evaluate the proposed program.

Professional, Technical & Consulting Contracts

2. Demonstrated support from Community Health Boards (local health departments), community and neighborhood agencies, health care providers, members of the target population, representatives from the communities of color (if applicable), and other appropriate organizations, groups, and/or individuals within the community.
3. Demonstrated current and/or future potential for additional complementary funding and other resources for development, implementation, and evaluation of the program; as well as continuation of the program beyond 1996.

Procedure for Grant Application

Letters of Intent:

Agencies intending to submit a proposal for HIV/STD prevention programming are required to submit a **Letter of Intent** by **4:30 p.m., Friday, June 23, 1995**. Letters should follow the format presented on the **Letter of Intent Outline** (see Attachment A) and must have a legible postmark from the United States Postal Service, or a legible pick-up or drop-off time from a private carrier with a date and time that precedes **4:30 p.m., Friday, June 23, 1995**. Only those agencies submitting a Letter of Intent are eligible to submit a full proposal.

Grant Proposals:

All agencies which meet the eligibility criteria outlined above are eligible to submit a full proposal. If an agency proposes programming for more than one of the four program categories, a separate proposal **must** be submitted for each category. This request for proposals includes instructions, format, necessary forms, and selected readings and will be made **available on request**. To request the proposal packet, please contact Camilla Mateka-Lundberg at the Minnesota Department of Health (612/623-5698). Agencies seeking MDH funding for HIV/STD prevention programming are required to submit an original and 15 copies of the completed proposal that arrives at MDH on or before **4:30 p.m., Thursday, July 13, 1995**, or that has a legible postmark from the United States Postal Service, or a legible pick-up or drop-off time from a private carrier with a date and time that precedes **4:30 p.m., Thursday, July 13, 1995**.

Full proposals are to be submitted by the specified date and time to:

Camilla Mateka-Lundberg
Prevention Programs Unit
AIDS/STD Prevention Services Section
Minnesota Department of Health
717 S.E. Delaware Street
P.O. Box 9441
Minneapolis, Minnesota 55440-9441
612/623-5698

PLEASE NOTE: All submissions are final. **Full proposals not received by the deadlines outlined above will not be considered.**

Informational Meeting for Prospective Applicants

An informational meeting will be held in Room 110 at Midtown Commons, 2324 University Avenue West, St. Paul, MN 55114 to review application materials and provide an opportunity for questions and answers regarding the application process. The meeting will be held on: June 14, 1995 — 1:30 - 4:30 p.m.

PLEASE NOTE: All submissions are final. **Letters of Intent and subsequent full proposals not received by the deadlines outlined above will not be considered.**

Department of Human Services

Faribault Regional Treatment Center

Request for Proposals for General and Medical Services of Two Physical Therapists

NOTICE IS HEREBY GIVEN that Faribault Regional Treatment Center is seeking the following services for the period July 1, 1995 through June 30, 1996. These services are to be performed as requested by the administration of the Faribault Regional Treatment Center.

1. **Services of two Physical Therapists** to provide Physical Therapy services for clients of Faribault Regional Center. The amount of the contracts are estimated not to exceed \$18,000.00.

Professional, Technical & Consulting Contracts

Direct Inquiries and responses to:

Michael Hopwood, Contract Coordinator
Faribault Regional Treatment Center
802 Circle Drive
Faribault, MN 55021
(507) 332-3530

Responses on the above services must be received by 2:00 pm June 12, 1995.

For copies of the full Request for Proposals, please contact Michael Hopwood. Award of any of these contracts is contingent upon availability of funds. This request does not obligate the State and the State reserves the right to cancel the solicitation.

Department of Human Services

Willmar Regional Treatment Center

Notification of Request for Proposals for the Services of a Protestant Chaplain, Physical Therapist, Nurse Practitioner, and a Consultant Registered Nurse

NOTICE IS HEREBY GIVEN that the Willmar Regional Treatment Center, Mental Health Division, Department of Human Services, is seeking the following services for the period starting July 1, 1995 - June 30, 1997. These services are to be performed as requested by the Administration of the Willmar Regional Treatment Center; Willmar, MN.

1. **Services of 1 full-time Protestant Chaplain** to conduct services and other ministries to Mentally Ill, Developmentally Disabled and Chemically Dependent patients. Estimated amount of the contract will not exceed \$42,390.00 yearly.
2. **Services of a part time Physical Therapist** to provide assessments, evaluations, treatment plans, instruct staff in physical therapy techniques and follow up review of Physical Therapy programs established for the patients of Willmar Regional Treatment Center. Estimated contract not to exceed \$14,000 yearly.
3. **Services of a Nurse Practitioner** to provide health assessments, and management consultation for the patients of Willmar Regional Treatment Center and medical staff. Estimated contract not to exceed \$49,830 yearly.
4. **Services of a Consultant R.N.** to provide consultation and training to D.D. clients and staff at the Redwood Falls SOCS in Redwood Falls, MN. Estimated contract not to exceed \$14,700 yearly.

Questions: 612-231-5396 - Stephen Grams

WRITTEN RESPONSES/BIDS FOR R.F.P.'S FOR THE ABOVE SERVICE MUST BE RECEIVED BY 6/12/95.

ADDRESSED TO: Mr. Stephen Grams, Business Manager; Willmar Regional Treatment Center; Box 1128; Willmar, MN 56201.

Department of Labor and Industry

Notice of Request for Proposals to Provide Medical Case Management, Utilization Review and Bill Payment Services for Claims

The Minnesota Department of Labor and Industry, Special Compensation Fund is soliciting proposals from qualified vendors to provide medical case management, utilization review and bill payment services for uninsured employer and defaulted self-insured employer claims. These services must be provided in accordance with all applicable workers' compensation laws and administrative rules and within the specifications provided in the Request for Proposal. To request a copy of the Request for Proposal, contact;

Brandon Miller, Acting Director
Special Compensation Fund
Minnesota Department of Labor and Industry
443 Lafayette Road
St. Paul, MN 55155
Phone: 612-296-2411

Department of Public Safety

Public Education and Media Relations

Notice for Request for Proposals for Contract Services for the Motorcycle Safety Education Campaign

The Minnesota Department of Public Safety seeks to contract for professional services needed to develop and execute a comprehensive, statewide public information and education campaign to promote motorcycle safety among both motorcyclists and motorists, in order to reduce motorcycle fatalities, injuries and crashes. All work products shall be completed prior to the 1996 riding season. The contract will be in effect from July 5, 1995 through June 30, 1996.

The Minnesota Department of Public Safety has a mandate to assure the safety of motorcyclists on public roadways through the administration of the Motorcycle Safety Fund, which is dedicated from state fees for two-wheeled vehicle license endorsements.

Proposal Content

Proposals must include a demonstration that the responder understands the program's desired outcomes; outline of responder's background and experience; identification of personnel who would be assigned to the project; identification of additional resources of responder; a detailed work plan; a detailed cost breakdown of major tasks; a detailed timeline; three to five references; and an approved affirmative action plan (for responders with more than 20 full-time employees).

Project Cost

The estimated cost of this contract should not exceed \$100,000. Detailed information is contained in a Request for Proposal, which may be obtained by calling or writing:

Katherine Carlson
Public Education and Media Relations Office
Minnesota Department of Public Safety
444 Cedar Street, Suite 100-E
St. Paul, MN 55101-2156
(612) 297-1765
TTY: (612) 282-6555

Proposals must be received in the Office not later than 4:00 p.m. Monday, June 26, 1995. The state retains the option to renew this contract with a selected contractor for up to two subsequent years.

Department of Transportation

Engineering Services Division

Notice of Request for Proposals for Abstractors Services

The Minnesota Department of Transportation (Mn/DOT) is seeking abstractors and other qualified individuals and/or firms experienced in researching real estate title matters. Qualified individuals and/or firms will be put on a list for on-call work. This list will be active for a five year period. Mn/DOT has fixed rates for this type of work. Rates are \$75 per new certificate of title; \$35 per title update (continuation); and \$75 per parcel recording. Additional compensation may be given for exceptional circumstances.

The qualified parties will be asked to prepare, on approved forms, certificates of title, summarizing the searches of records in the office of the appropriate county recorders/registrar of titles, auditors, treasurers and court administrators. The certificates of title are to provide details of the ownership of, and encumbrances affecting the marketability of, specified tracts of land. In addition to the preparation of original certificates of title, previously prepared certificates will be brought up-to-date by the qualified individuals and or firms.

The qualified parties will also be asked to bring certificates up-to-date and secure the appropriate recording of instruments of conveyance and related real estate instruments to place clear title in the name of the State of Minnesota.

Interested parties may submit a cover letter with a resumé explaining your experience in researching real estate title matters, appropriate licenses and your real estate related education. Resumés must be typed. Include your applicable license number, identify which counties you are familiar with and what counties you are willing to work in. Indicate if your firm is certified by the Department of Human Rights for Affirmative Action as stated in *Minnesota Statute 363.073*, or if your firm is certified by the

Non-State Public Bids, Contracts & Grants

Department of Transportation as a Disadvantaged Business Enterprise (DBE) or as a Small Targeted Business (STB), *Minnesota Statute 16B.19*. Technical questions concerning the proposed work may be addressed to Ms. Peggy Peterson at (612) 296-3286.

Submit three copies of your resumé to:

Mr. Gabriel S. Bodoczy, P.E.
Consultant Agreements Unit
Minnesota Department of Transportation
395 John Ireland Boulevard, Room 320, mail stop 680
St. Paul, Minnesota 55155
Attention: Linda Moline
Fax: (612) 282-5127

Resumés must be received at the above address no later than 2:00 P.M. on Friday, June 30, 1995. No time extensions will be granted.

Responses to this advertisement become public information under the Freedom of Information Act. This request does not obligate the State of Minnesota Department of Transportation to assign the work contemplated in this notice, and Mn/DOT reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

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.

Minnesota Health Data Institute

Minnesota Institute for Community Health Information

Notice of Request for Proposals for Consumer Survey Printing/Distribution Services

The Minnesota Health Data Institute (MHDI)/Minnesota Institute for Community Health Information (MICH) seeks a firm to assist its Consumer Survey Task Force in the printing and distribution of data collected and analyzed for its 1995 Consumer Survey Report to the Public. MHDI/MICH will provide the contractor with detailed specifications for the Report to the Public. The report will provide Minnesota consumers with the results of a telephone survey of health plan members conducted between April and June of 1995. Results of this survey, requested by the Minnesota Legislature in 1994, will compare the responses of more than 18,000 Minnesota enrollees within 46 private plans, Medicare, and state health plans. Statewide distribution of this report will be the first week in October, 1995. The contractor is encouraged to collaborate with statewide resources and similar industry partners in defining an effective statewide printing and distribution strategy for this community report that will benefit health care consumers, purchasers and policymakers in Minnesota. The contractor will be selected through a competitive bidding process. The proposed budget for this printing/distribution contract is \$175,000.00 (One hundred seventy five thousand dollars). Details are provided in a request for proposals that may be obtained by contacting:

Deb Anderson
Minnesota Health Data Institute
910 Piper Jaffray Plaza
444 Cedar Street
Saint Paul, Minnesota 55101
phone (612) 228-4373 or fax (612) 222-4209

Proposals are due by noon on Monday, June 19, 1995.

Government

The White House-- An Historic Guide

Packed with beautiful color photographs of interior and furnishings, historical photos and illustrations, this guide tells the rich and varied story of the building's history, its architecture and furnishings. Hardbound, 159pp. (*White House Historical Society, 1991*) Stock No. 16-30 \$14.00

Minnesota's State Capitol

The Art and Politics of a Public Building

The fascinating historical, architectural and political story behind the construction of the state capitol building, designed by Cass Gilbert. Includes numerous illustrations and photographs plus complete listing of the items contained in the cornerstone and murals/paintings of its interior. Hardbound, 100pp. (*MN Historical Society Press, 1974*) Stock No. 17-9 \$8.95

Audit Guide for Local Government

Prepared in a handy checklist format, this guide outlines minimum legal compliance for auditors. Guides you through depositories of public funds and public investments, conflicts of interest, public indebtedness, bid laws, claims and disbursements, auditors report on compliance, relief associations and uniform financial accounting and reporting standards for Minnesota schools. (*State Auditor, 1993*) Stock No. 10-30 \$49.95



The Making of Laws & Rules.....

Minnesota/U.S. Constitution

This 32 page booklet includes both the MN State Constitution (including 1988 amendments) AND the U.S. Constitution. Stock No. 7-12 \$4.00

Call for a free catalog detailing rule/law extracts and subscription services.

Revisor's Manual 1993

Organized as both a ready reference and an instruction manual, this publication teaches general methods of drafting Minnesota legislative bills, offers practical help, style suggestions, mechanics and covers complex subject areas as they apply to legislative documents. 304pp. (*Revisor of Statutes, 1993*) Stock No. 7-1 \$10.00

Revised!

Track rule-making and access over \$1 billion annually in state contracts

The State Register is your source for:

- * proposed and adopted state rules
- * state contracts for professional, technical and consulting services
- * non-state public contract requests
- * official government announcements including requests for outside opinions

The Contracts Supplement is your source commodity contracts to include...

- * office and computer equipment or supplies
- * construction and remodeling
- * vehicles & accessories; oil, gas, tires
- * audio visuals, video equipment
- * trees, food products, feeds and more...

The *State Register* = one year subscription (delivered Monday) \$150.00 by mail

The *Contracts Supplement* = one year subscription (delivered Tuesday, Wednesday, Friday)

Available three different ways:

- * by first class mail = \$125.00
- *** electronic delivery = \$140.00 via fax or computer modem through

Minnesota's Bookstore ONLINE SERVICE. -- A fast way to review bid notices 24 hours/day, 7days/week! Call via modem for a sample demo. After payment is received, you will be issued a private access phone number.

*** By purchasing this service you are agreeing not to redistribute without authorization.

Trial Subscription -- 13 week trial subscription \$60.00 (Includes BOTH the State Register and the Contracts Supplement).

