

96. May 13

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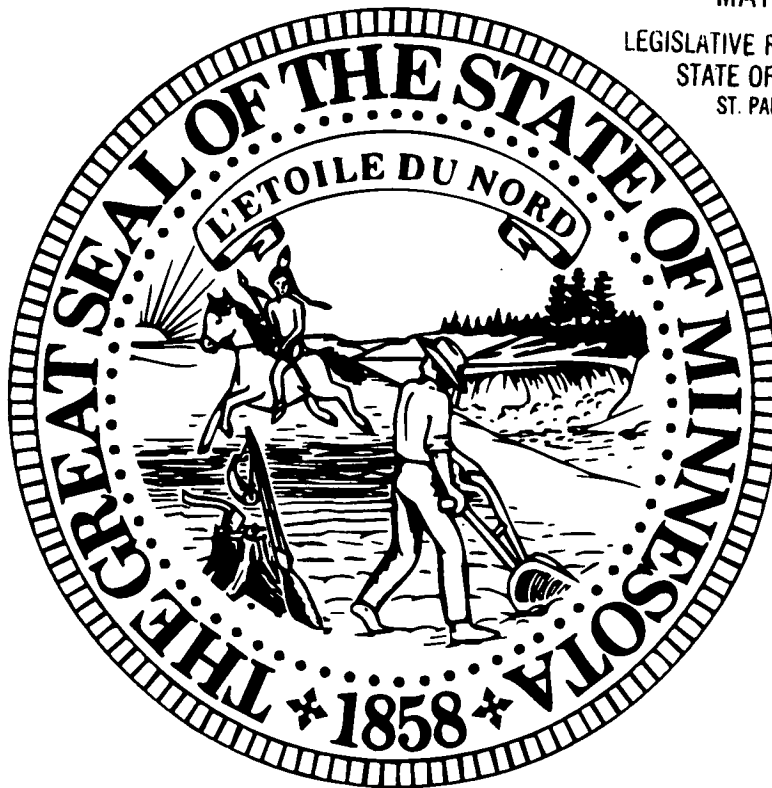
The Minnesota  
**State  
Register**

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**Rules and Official Notices Edition**

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# State Register

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

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official 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. 20 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
# 46	Monday 13 May	Monday 29 April	Monday 6 May
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		1-800-657-3757.
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# Minnesota Rules: Amendments and Additions

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

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

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 Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*.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

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

\* All page numbers with an asterisk represent pages that were incorrectly used in *State Register* Vol. 20 Issue 42 - 15 April 1996 and Vol. 20 Issue 43 - 22 April 1996. Pages were not numbered in correct sequential order resulting in page numbers 2241 - 2314 being used twice in Vol. 20. Because rule cites include the month, day and year of the notice, these page numbers will be left as they are. Correct numbering was resumed with page 2441 of Vol. 20 #44 20 April, 1996.

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## 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.

## Ethical Practices Board

### Adopted Permanent Rules Relating to Ethics Rules Revision

The rules proposed and published at *State Register*, Volume 20, Number 26, pages 1623-1633, December 26, 1995 (20 SR 1623), are adopted with the following modifications:

#### Rules as Adopted

#### 4501.0500 FILINGS, SUBMISSIONS, AND DISCLOSURES.

Subpart 1. **Completion of filing.** A filing with the board is complete upon:

B. receipt of a facsimile transmission of the document according to subpart 5 2; or

Subp. 2. **Alternative filing by facsimile transmission.** A document that may be filed with the board may be filed by facsimile transmission and the filing is complete upon receipt in the board office of the facsimile transmission. A document filed by facsimile transmission has the same force and effect as the original. The original signed document must be received in the board office within five business days after the facsimile transmission is made. ~~If it is not, the board may take any appropriate action, including, but not limited to, considering the filing null and void.~~

#### 4503.0100 DEFINITIONS.

Subp. 2. **Adjournment sine die.** "Adjournment sine die" means final adjournment by the legislature ~~at the end of~~ in the second year of a biennium.

#### 4512.0100 DEFINITIONS.

Subp. 4. ~~Insignificant value, insignificant monetary value, or unexceptional value.~~ "Insignificant value," "insignificant monetary value," and "unexceptional value" mean having a fair market value of less than \$5.

Subp. 5. **Individual services.** "Individual services" means services performed by an official outside of official duties.

Subp. 6. ~~5.~~ **Plaque or similar memento.** "Plaque or similar memento" means a decorative item with an inscription recognizing an individual for an accomplishment.

# Emergency Rules

## Proposed Emergency Rules

According to Minn. Stat. of 1984, §§14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

- 1) that a free copy of the proposed emergency rule is available upon request from the agency;
- 2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
- 3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
- 4) that the emergency rule may be modified if the data and views submitted support such modification.

## Adopted Emergency Rules

Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

## Continued/Extended Emergency Rules

Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. §§14.14-14.28 supercede emergency rules.

## Department of Natural Resources

### Adopted Expedited Emergency Game and Fish Rules; Raccoon and Fox Hunting and Trapping Seasons

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13(b). The statutory authority for the contents of these rules is *Minnesota Statutes*, sections 97B.605 and 97B.621.

Dated: 1 May 1996

Rodney W. Sando  
Commissioner of Natural Resources

By

Gail Lewellan, Assistant Commissioner of  
Human Resources and Legal Affairs

#### Rules as Adopted

##### 6234.1200 TAKING RACCOON.

Subpart 1. **Open season.** Raccoons may be taken statewide, continuously, with legal firearms, bow and arrow, and by trapping from 9:00 a.m. on the Saturday nearest October 15 to December 31.

[For text of subs 2 and 3, see M.R.]

##### 6234.1300 TAKING RED FOX AND GRAY FOX.

Subpart 1. **Open season.** ~~Red fox and Gray fox~~ may be taken statewide with legal firearms, bow and arrow, and by trapping from 9:00 a.m. on the Saturday nearest September 16 to March 15. Red fox may be taken statewide, continuously, with legal firearms, bow and arrow, and by trapping.

[For text of subs 2 and 4, see M.R.]

**EFFECTIVE DATE.** The amendments to *Minnesota Rules*, parts 6234.1200 and 6234.1300, are effective June 1, 1996.

**EFFECT OF EMERGENCY AMENDMENTS.** After the emergency amendments to parts 6234.1200 and 6234.1300 expire, the permanent rules as they read prior to those amendments again take effect, except as they may be amended by permanent rule.

# Withdrawn Rules

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## Board of Dentistry

### Notice of Withdrawal in the Matter of the Proposed Adoption of Rules of the Minnesota Board of Dentistry Governing Continuing Dental Education

The proposed rules published by the Minnesota Board of Dentistry in the *State Register* on December 26, 1995, relating to continuing dental education (*Minnesota Rules* parts 3100.0100, 3100.2000, and 3100.4100 - 3100.4500) were withdrawn by the Board at a public meeting held on March 25, 1996. More than 25 requests for a public hearing were received by the Board during the open comment period which ended on January 25, 1996. After consideration by the Board's Rules Committee, the Board voted to withdraw the proposed rule rather than attempt to obtain a sufficient number of retractions or proceed to a public hearing.

Dated: 30 April 1996

Patricia H. Glasrud  
Executive Director

## Department of Labor and Industry

### Notice of Withdrawal of Proposed Rules Governing Boiler Operation Standards, Repairs by Inspectors and Insured Coverage Reports

**NOTICE IS HEREBY GIVEN** that the proposed amendments to the following rules, as published in the *State Register* on August 14, 1995 (20 S.R. 268), are withdrawn: *Minnesota Rules*, parts 5225.1110, Boiler Operation Standards; 5225.1140, Attendance at High Pressure Plant; 5225.1180, Absence From Plant; 5225.2700, Repairs by Inspectors Prohibited; and 5225.3100, Insured Coverage Report. A new proceeding on amendments to these rules is being initiated as further described in the notice that follows this notice in the *State Register*.

Dated: 1 May 1996

Gary W. Bastian  
Commissioner



## Department of Transportation

### Commissioner of Transportation Order No. 81657 - Maximum Lawful Speeds for Streets and/or Highways in the State of Minnesota

Whereas, *United States Code*, title 23, section 205(d), as amended through December 31, 1995, has repealed the National Speed Limit Compliance Program; and

Whereas, *Minnesota Statutes*, section 169.14, subdivision 4a, effective May 1, 1996, authorizes the Commissioner of Transportation to designate maximum lawful speeds for freeways and expressways, as defined in *Minnesota Statutes*, section 160.02, subdivision 16, with or without an engineering and traffic investigation; and

Whereas, *Minnesota Statutes*, section 169.14, subdivisions 4 and 5, authorize the Commissioner of Transportation to designate maximum lawful speeds for trunk highways and local streets or highways based upon an engineering and traffic investigation; and

Whereas, an engineering and traffic investigation has been conducted for the street and highway systems not defined as freeways or expressways by *Minnesota Statutes*, section 160.02, subdivision 16; and

Whereas, *Minnesota Statutes*, section 169.141, subdivision 2, authorizes the Commissioner of Transportation to rescind prior orders issued thereunder.

Now therefore, it is hereby ordered as follows:

1. Commissioner of Transportation Order No. 72477 dated June 16, 1987 is rescinded and replaced herewith.
2. 65 miles per hour is the maximum allowable speed for vehicles using interstate freeways that are located outside of urbanized areas with a population of greater than 50,000 as defined by the urban census boundary limits.
3. 65 miles per hour is the maximum allowable speed for vehicles using that section of freeway identified as Trunk Highway 52 between Reference Point 46+00.640 (near I-90) and Reference Point 51+00.248 (near the bridge over Willow Creek).
4. 55 miles per hour is the maximum allowable speed for vehicles using all other freeways or expressways as defined in *Minnesota Statutes*, section 160.02, subdivision 16.
5. Except for lesser speed limits properly authorized by law for vehicles using all other streets or highways not defined as freeways or expressways by *Minnesota Statutes*, section 160.02, subdivision 16, the maximum allowable speed shall be 55 miles per hour for such streets or highways.
6. All previously authorized nighttime speed limits that are not currently posted with appropriate signs are hereby rescinded, and the allowable nighttime speed is ordered to be equal to the allowable daytime speed. Nighttime speed limits currently posted shall remain in effect.

This order shall take effect on May 1, 1996.

Dated: 1 May 1996

James N. Denn  
Commissioner of Transportation

# Official Notices

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Pursuant to the provisions of Minnesota Statutes §14.101, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

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

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## Department of Commerce

### Minnesota Joint Underwriting Association Notice of Activation to Insure Specified Classes of Business and Public Hearing

NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes*, section 62I.21, the Minnesota Joint Underwriting Association (MJUA) and the Market Assistance Plan (MAP) are activated to provide assistance to the following classes of business unable to obtain insurance from private insurers:

**Industrial Safety Consultants**

**Design Engineer**

**Structural Engineer**

**Mechanical Contractor**

**Soil Scientist**

**Building Official**

The MJUA and MAP are activated to provide assistance to the above classes of business for a period of 180 days following publication of this notice. A public hearing will be held, for the purpose of determining whether activation should continue beyond 180 days, at the office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota, 55401-2138, on June 18, 1996, at 9:30 a.m. and continuing until all interested persons and groups have had an opportunity to be heard. The hearing shall be governed by *Minnesota Statute* Sections 14.57-14.69 and by *Minnesota Rules* Parts 1400.1500-1400.8400, (1985). Questions regarding the procedure may be directed to Administrative Law Judge Howard Kaibel, 100 Washington Square, Suite 1700, Minneapolis, MN 55401-2138, telephone (612) 341-7615. The authority for this proceeding is found in Chapter 62I of *Minnesota Statutes*, specifically sections 62I.21 and 62I.22. (A copy of those sections follows this notice.)

Prior to the hearing a pre-hearing conference will be held at 1:30 p.m. on June 4, 1996, at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138.

*Minnesota Statutes*, Chapter 62I, which governs the Minnesota Joint Underwriting Association provides for temporary activation for 180 days by the Commissioner of Commerce. To extend the Minnesota Joint Underwriting Association's authority beyond the 180 day period a hearing must be held. Those classes of business for which the Minnesota Joint Underwriting Association was temporarily activated, by this notice and by previously published notices, must prove, at the hearing, that they meet the statutory requirements for coverage by the Minnesota Joint Underwriting Association.

Among those requirements are:

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

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

Activation of a class of business does not guarantee coverage to any class member. Coverage of individual class members is determined by the Minnesota Joint Underwriting Association on a case by case basis once the class has been activated. The MJUA's address is: Pioneer Post Office Box 1760, St. Paul, Minnesota 55101. Their phone number is (612) 222-0484.

The Department strongly suggests that any persons affected by this hearing or otherwise interested in the proceedings familiarize themselves with the requirements of Chapter 62I and the contested case procedures prior to the hearing, that they take such other

steps as are appropriate to protect their interest and that any questions they may have as to how to proceed or how to participate at the hearing be directed to the Administrative Law Judge prior to the hearing.

All interested or affected persons will have an opportunity to participate at the hearing. Questioning of agency representatives or witnesses, and of interested persons making oral statements will be allowed in the manner set forth in the Rules pertaining to contested cases (*Minnesota Rules* parts 1400.1500-1400.8400).

Anyone wishing to oppose activation beyond the 180 days for any particular class, must file a petition to intervene with the administrative law judge at least 10 days before the hearing date. If no notice to intervene is filed for a class, then the class is activated beyond the 180 day period without further action.

*Minnesota Statutes* chapter 10A requires each lobbyist to register with the State of Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statute* Section 10A.01, subdivision 11 as an individual:

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

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101, telephone (612) 296-5148.

Dated: 23 April 1996

## **Department of Health**

### **Bureau of Health Delivery Systems**

#### **Public Meeting Regarding the Minnesota Department of Health Application to the Federal Department of Health and Human Services for Federal Fiscal Year 1997 Maternal and Child Health Services Block Grant Funding**

The Minnesota Department of Health will sponsor a public meeting to obtain comment on its application for continuation of Federal Maternal and Child Health (MCH) Services Block Grant funding for the Fiscal Year starting October 1, 1996 and ending September 30, 1997. The draft application is available for inspection upon request.

Discussion of the application will be conducted as part of the regularly scheduled meeting of the state Maternal and Child Health Advisory Task Force held Friday, June 14, 1996, at the Minnesota Department of Health, 717 S.E. Delaware Street, Minneapolis, Minnesota. The application discussion will begin at 2:00 p.m. in the Chesley Room (room 105). Any person or group may submit either written or oral comments at the meeting.

Any person needing special accommodations for a disability should so indicate at the time of registration. Persons planning to attend and/or present comments are requested to register by June 12, 1996.

For further information or registration contact:

Dr. Ronald Campbell, Section Manager  
Maternal and Child Health  
Minnesota Department of Health  
717 S.E. Delaware Street  
P.O. Box 9441  
Minneapolis, Minnesota 55440-9441  
(612) 623-5539

Department of Health

MCSHN Cost-Sharing Schedule

The applicant's share is one percent of cost of each \$1,000 or fraction of income above 60 percent of the State gross median income for a household of the same size as the applicant's. The applicant's percent share is found on the schedule by looking under the number which corresponds with the number of members in the applicant's household to find the income level which includes the applicant's annual household income. The applicant's percent share is shown on the far left of that income level. For each additional household member greater than 10, add 3 percent to 144 percent for each additional household member and multiply the new percentage by the State's dollar amount for four-person households.

INCOME LEVELS BY NUMBER OF MEMBERS IN HOUSEHOLD

July 1, 1996 - June 30, 1997

Percentage  
which Eligible  
Applicants Share  
Cost of Treatment

%	1	2	3	4	5
0	0 - 16223	0 - 21215	0 - 26206	0 - 31198	0 - 36190
1	16224 - 17223	21216 - 22215	26207 - 27206	31199 - 32198	36191 - 37190
2	17224 - 18223	22216 - 23215	27207 - 28206	32199 - 33198	37191 - 38190
3	18224 - 19223	23216 - 24215	28207 - 29206	33199 - 34198	38191 - 39190
4	19224 - 20223	24216 - 25215	29207 - 30206	34199 - 35198	39191 - 40190
5	20224 - 21223	25216 - 26215	30207 - 31206	35199 - 36198	40191 - 41190
6	21224 - 22223	26216 - 27215	31207 - 32206	36199 - 37198	41191 - 42190
7	22224 - 23223	27216 - 28215	32207 - 33206	37199 - 38198	42191 - 43190
8	23224 - 24223	28216 - 29215	33207 - 34206	38199 - 39198	43191 - 44190
9	24224 - 25223	29216 - 30215	34207 - 35206	39199 - 40198	44191 - 45190
10	25224 - 26223	30216 - 31215	35207 - 36206	40199 - 41198	45191 - 46190
11	26224 - 27223	31216 - 32215	36207 - 37206	41199 - 42198	46191 - 47190
12	27224 - 28223	32216 - 33215	37207 - 38206	42199 - 43198	47191 - 48190
13	28224 - 29223	33216 - 34215	38207 - 39206	43199 - 44198	48191 - 49190
14	29224 - 30223	34216 - 35215	39207 - 40206	44199 - 45198	49191 - 50190
15	30224 - 31223	35216 - 36215	40207 - 41206	45199 - 46198	50191 - 51190
16	31224 - 32223	36216 - 37215	41207 - 42206	46199 - 47198	51191 - 52190
17	32224 - 33223	37216 - 38215	42207 - 43206	47199 - 48198	52191 - 53190
18	33224 - 34223	38216 - 39215	43207 - 44206	48199 - 49198	53191 - 54190

<b>%</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
0	0 - 41181	0 - 42117	0 - 43053	0 - 43989	0 - 44925
1	41182 - 42181	42118 - 43117	43054 - 44053	43990 - 44989	44926 - 45925
2	42182 - 43181	43118 - 44117	44054 - 45053	44990 - 45989	45926 - 46925
3	43182 - 44181	44118 - 45117	45054 - 46053	45990 - 46989	46926 - 47925
4	44182 - 45181	45118 - 46117	46054 - 47053	46990 - 47989	47926 - 48925
5	45182 - 46181	46118 - 47117	47054 - 48053	47990 - 48989	48926 - 49925
6	46182 - 47181	47118 - 48117	48054 - 49053	48990 - 49989	49926 - 50925
7	47182 - 48181	48118 - 49117	49054 - 50053	49990 - 50989	50926 - 51925
8	48182 - 49181	49118 - 50117	50054 - 51053	50990 - 51989	51926 - 52925
9	49182 - 50181	50118 - 51117	51054 - 52053	51990 - 52989	52926 - 53925
10	50182 - 51181	51118 - 52117	52054 - 53053	52990 - 53989	53926 - 54925
11	51182 - 52181	52118 - 53117	53054 - 54053	53990 - 54989	54926 - 55925
12	52182 - 53181	53118 - 54117	54054 - 55053	54990 - 55989	55926 - 56925
13	53182 - 54181	54118 - 55117	55054 - 56053	55990 - 56989	56926 - 57925
14	54182 - 55181	55118 - 56117	56054 - 57053	56990 - 57989	57926 - 58925
15	55182 - 56181	56118 - 57117	57054 - 58053	57990 - 58989	58926 - 59925
16	56182 - 57181	57118 - 58117	58054 - 59053	58990 - 59989	59926 - 60925
17	57182 - 58181	58118 - 59117	59054 - 60053	59990 - 60989	60926 - 61925
18	58182 - 59181	59118 - 60117	60054 - 61053	60990 - 61989	61926 - 62925

## Official Notices

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### Department of Human Services

#### Opinions Sought on Proposed Amendment to Rule Governing Family Planning Services, *Minnesota Rules* part 9505.0280

**Subject of Rule.** The Department of Human Services requests comments on its proposed amendment to the rule governing family planning services, *Minnesota Rules*, part 9505.0280. The department is considering rule amendments that bring the current rule into compliance with federal directives and the state plan. Specifically, the department proposes amending the definition of "family planning services" to exclude treatment of sexually-transmitted disease or other genital infection (part 9505.0280, subpart 1, item A); amending the definition of "family planning supply" to exclude fertility drugs when used to enhance fertility (part 9505.0280, subpart 1, item B); and adding nurse practitioners and certified nurse midwives to the roster of eligible providers (part 9505.0280, subpart 3).

**Persons Affected.** The amendment to the rule would likely affect providers of family planning services (including physicians, nurse practitioners, certified nurse midwives, family planning clinics and agencies) and recipients of family planning services.

The department does not contemplate appointing an advisory committee to comment on the proposed amendment.

**Statutory Authority.** *Minnesota Statutes*, section 256B.04, subdivision 12, authorizes the department to adopt rules for services covered by medical assistance.

**Public Comment.** Interest persons or groups may submit comments or information on this proposed amendment in writing or orally until 4:30 p.m. on Friday, July 5, 1996. The department has prepared a draft of the proposed amendment. Written or oral comments, questions, requests to receive a draft of the rule, and requests for more information on this proposed rule should be addressed to: Asha Sharma, Appeals and Regulations Division, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816; phone: (612) 282-9850.

Dated: 6 May 1996

Maria R. Gomez  
Commissioner

### Department of Human Services

#### Addition to Organ Transplant Coverage

Effective for services provided on or after January 1, 1996, the Department of Human Services (DHS) will cover the following transplant service for recipients of Minnesota Health Care Programs.

**Autologous Bone Marrow Transplant for Breast Cancer.** The transplant facility must: 1) be approved by DHS as meeting American Society of Hematology and Clinical Oncology criteria to perform bone marrow transplants; 2) be a participating provider of services in the Medicare program; 3) be located in the State of Minnesota; 4) submit a written prior authorization request to DHS for each transplant; and 5) meet all other program requirements as described in the Minnesota Health Care Provider manual.

## Department of Labor and Industry

### Request for Comments on Planned Rule Amendments Governing Boiler Operation Standards, Repairs by Inspectors and Insured Coverage Reports

**Subject of Rule:** The Department of Labor and Industry, Code Administration and Inspection Services Unit, requests comments on planned amendments to *Minnesota Rules*, parts 5225.1110, 5225.1140, and 5225.1180, governing the frequency with which boiler plants must be checked. The planned amendments are being considered in an effort to address concerns that have been raised since the adoption of these rules in September, 1994. Amendments are also planned to *Minnesota Rules*, parts 5225.2700 and 5225.3100 to eliminate the authority of Department inspectors to make boiler repairs and to increase the time period within which the insurance exemption certificate must be displayed.

**Persons Affected:** The amendments of the rules would likely affect owners of all boilers and owners of pressure vessels, boiler operating engineers, employees and members of the general public who occupy buildings with boiler plants.

**Statutory Authority:** The Department of Labor and Industry has statutory authority to regulate boilers and pressure vessels and adopt rules under *Minnesota Statutes*, sections 175.171, 183.001, 183.42, 183.44, 183.465, 183.466 and 183.54.

**Public Comment:** Interested persons or groups may submit comments or information on the planned rules amendments in writing or orally, until a further rule notice is published in the *State Register*. The Department has not yet prepared a draft of the planned rule amendment. Written or oral comments, questions, requests to receive a draft of the rule if one becomes available prior to publication, and requests for more information on the planned rule amendments should be addressed to:

Jim Larson, Chief Boiler Inspector  
Code Administration and Inspection Services  
Minnesota Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, Minnesota 55155  
Telephone: (612) 296-4531  
Fax: (612) 296-1140

Comments submitted in response to this notice will not be included in the formal rulemaking record when a proceeding to adopt a rule is started.

Dated: 1 May 1996

Gary W. Bastian  
Commissioner

## Department of Labor and Industry

### Labor Standards Division

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

Effective May 13, 1996 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

**Anoka:** Addition/Remodel Westwood Middle School Spring Lake Park School District 16-Blaine; Phase I Alterations to Golden Lake Elementary School-Circle Pines; Gym Floor Replacement for Anoka/Blaine High School-Anoka/Blaine.

**Brown:** Independent School District No 88 1996 Improvements-New Ulm.

**Dakota:** Construction of a National Guard Armory Inver Grove Heights-Inver Grove Heights.

**Freeborn:** Halvorson Elementary School Crawl Space Asbestos Removal/Reinsulation-Albert Lea.

**Hennepin:** Sanford Asbestos Abatement Project-Minneapolis; Barton School Lead Paint Stabilization Project-Minneapolis; Lehmann Center Asbestos Abatement and Lead Paints Stabilization Project-Minneapolis; Wenonah School Asbestos Abatement Project-Minneapolis; Hennepin County Medical Center Perinatal Suite-Minneapolis; Office Air Conditioning Minneapolis Water Works-Minneapolis; Chemical Dependency Bldg Signage-Minneapolis; South High School/Deferred Maintenance and Science/Tech Prep-Minneapolis; Roosevelt High School-Minneapolis.

## Official Notices

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**Itasca:** Itasca Nursing Home A/C-Grand Rapids.

**Koochiching:** International Falls Schools District-International Falls; Falls High School Flooring Replacement-International Falls.

**St Louis:** Proctor School District-Proctor; ISD 2142 Babbitt School Fire Protection System-Babbitt; Swimming Pool Grouting and Repairs Sports and Health Center UMD-Duluth.

**Stearns:** Additions and Alterations to Holdingford High School-Holdingford.

**Washington:** Minnesota Correctional Facility Stillwater, 6 Annex Mechanical Remodeling-Bayport; Forest Lake Cafeteria Improvements-Forest Lake; New Stillwater Elementary School-Stillwater; MN/DOT Forest Lake Rest Area HVAC Modifications-Forest Lake.

**Wabasha:** Lake City Lift Station Addition-Lake City.

**Winona:** Red Wing/Winona Technical College Winona Campus Workforce Center Remodeling-Winona.

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

## Public Employees Retirement Association

### Board of Trustees, Notice of Meetings

A meeting of the Board of Trustees of the Public Employees Retirement Association (PERA) will be held on Thursday, May 16, 1996 at 9:30 a.m. in the offices of the association, 514 St. Peter Street, Suite 200, Saint Paul, Minnesota.

A meeting of the Finance Committee will be held following the board meeting on Thursday, May 16, 1996, in the offices of the association.

## Department of Public Safety

### Opinion Sought Planned Amendments to Rules Governing School Bus Driver Qualifications, *Minnesota Rules 7414.0200-7414.2100*

**Subject of Rule.** The Minnesota Department of Public Safety requests comments on its planned amendments to rules governing school bus driver qualifications. The department is considering revisions to the rules governing testing, driver background checks, and physical examination requirements.

**Persons Affected.** The amendment to the rule would likely affect all persons who drive or ride school buses, school districts, and those parties employing school bus drivers. The department does plan to appoint an advisory committee to comment on the planned rule.

**Statutory Authority.** *Minnesota Statutes* sections 299A.01, 14.06, and 171.321, subd.2, authorize the department to adopt rules prescribing the qualifications of individuals who drive school buses.

**Public Comment.** Interested persons or groups may submit comments or information on this planned rule in writing or orally until 4:30 p.m. on July 29, 1996. The department does not anticipate that a draft of the rule will be available before the publication of the proposed rule. Written or oral comments, questions, and requests for more information on this planned rule should be addressed to:



Ms. C.A. Moore  
Department of Public Safety  
395 John Ireland Boulevard  
Room 120  
Saint Paul, Minnesota 55155

Phone: 612-296-2608  
Fax: 612-296-3141

Comments submitted in response to this notice will not be included in the formal rulemaking record when a proceeding to adopt a rule is started.

Donald E. Davis, Acting Commissioner  
Department of Public Safety

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**State Grants**

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

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

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## Department of Agriculture

### Commissioner's Office

#### Notice of Availability of Grant Funds for Dairy Diagnostic Teams

The Minnesota Department of Agriculture announces the availability of \$150,000 in grant funds for dairy diagnostic teams for the period through June 30, 1997. The purpose of this grant is to establish an educational delivery team system to provide appropriate new technologies applicable to all size dairy farms to farmers to enhance the financial success and long-term sustainability of dairy farms in the state.

To receive a grant application contact:

Amy Janke  
Policy and Legal Analysis Section  
Minnesota Department of Agriculture  
90 West Plato Blvd.  
St. Paul, MN 55107  
Phone: 612/296-2880  
Fax: 612/297-5522

All grant applications must be received by Ms. Janke at the address above by 4:30 pm, June 14, 1996.

# Professional, Technical & Consulting Contracts

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

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

## Department of Administration

### Building Codes and Standards Division

#### Request for Proposals to Contract for Inspection Services

NOTICE IS HEREBY GIVEN that proposals are being solicited to provide Contract Inspection Services for public and state licensed building projects in jurisdictions that do not have inspection agreements with the Department of Administration, Building Codes and Standards Division for the 70 counties who have not adopted the Minnesota State Building Code. Inspections are to be conducted in accordance with the Minnesota State Building Code. (*Minnesota Statute 16B.61 Subd. 1A and 16B.62 Subd. 1.*) Contracts will be awarded only in those areas where there is a need for the services. Contracts will be extremely limited in the seven county Twin City metropolitan area. This Request for Proposals does not obligate the state to complete the contracts. Multiple contracts will be awarded. **This will be a one (1) year contract.** Individual work orders will be awarded to the contract inspector who is geographically closest to the job site. A contract is not a guarantee that work orders will be issued to every individual.

- A. Proposals are intended for individuals only. Any firm or corporation submitting a proposal must stipulate a specific person to perform service(s) and his/her specific experience.
- B. Public building project for this contract means a building and its grounds the cost of which is paid for by the state or a state agency regardless of its cost, and a school district building project the cost of which is \$100,000 or more. (*Minnesota Statute 16B.60 Subd. 6*)
- C. State licensed facilities. "State licensed facilities" means a building and its grounds that are licensed by the state as a hospital, nursing home, supervised living facility, free-standing outpatient surgical center, or correctional facility.

For complete details and application information contact this Division at the address listed below.

Margaret White  
Building Codes and Standards Division  
408 Metro Square Building  
121 E. 7th Place  
St. Paul, Minnesota 55101  
(612)296-4626 (Voice ) or 297-5353 (TDD-Minnesota Relay Service)  
800-657-3944 (TDD-Greater Minnesota Relay Service)

**PLEASE NOTE ONLY MS. WHITE IS AUTHORIZED TO ANSWER QUESTIONS.** Responses to this request are due in the Building Codes and Standards Division offices by 3:30 on June 3, 1996.

Dated: 29 April 1996

Thomas R. Joachim  
State Building Official

## Department of Human Services

### Requests for Proposals to Conduct Drug and Alcohol Treatment Follow-up Interviews

The Chemical Dependency Program Division of the Minnesota Department of Human Services is soliciting proposals from qualified research consultants to conduct posttreatment telephone interviews with chemical dependency clients as part of the Chemical Dependency Treatment Accountability Plan. The funded follow-up interviews will begin on or about October 1, 1996 or upon such date as it is executed by the Commissioner of Finance, whichever occurs later, and continue for 24 months. The number of prospective interviews to be conducted is 9,600. The maximum funding for follow-up interviews is \$234,000 in a 24-month period.

Follow-up interview data will be recorded on-line using software running on an IBM PC-compatible computer. Software with data entry screens and training will be provided by the Chemical Dependency Program Division.

Proposals due June 24, 1996.

Telephone requests for information regarding this RFP should be directed to Carol Falkowski (612) 296-4616.

## Legislative Coordinating Commission

### Legislative Electric Energy Task Force

#### Proposals Sought for Consultant Services

The Legislative Electric Energy Task Force is seeking a short-term consultant. The duties of the consultant selected pursuant to this request for proposal would include:

- (1) Assist the task force in analyzing issues related to the future of and the economic effects of the continued generation of electric power and radioactive waste at the Prairie Island nuclear power plant. The consultant would provide the task force information about the issues raised by *Minnesota Statutes*, section 216C.061, subdivision 4;
- (2) Assist other consultants retained by the task force as required by the task force;
- (3) Manage the work of the independent panel of experts retained by the task force;
- (4) Write a task force report; and
- (5) Assist the task force in developing recommendations for legislative action.

The task force is operating under tight deadlines to complete its work. The consultant would be expected to begin work immediately and be available for a period of two to six months. The consultant should have experience in relevant energy issues and be experienced in working with the legislature. Proposals should include a proposed hourly rate. Payment would be capped at no more than \$4,500 a month and would be made only after submission of itemized billings. The consultant contract requires task force approval so it is possible all proposals will be rejected. Proposals must be received no later than May 20, 1996. Proposals should be submitted to Barb Patterson, Room 85, State Office Building, St. Paul, MN 55155.

## Professional, Technical & Consulting Contracts

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### Metropolitan Council

#### Public Notice of Request for Proposal for Insurance Placement Management Services

**NOTICE IS HEREBY GIVEN** that the Metropolitan Council Risk Management Services Division is soliciting proposals for Insurance Placement Management Services for the Council's Property and Crime Coverages.

**Purpose:** The Council is seeking insurance brokers qualified to provide insurance placement management services to protect the Council from financial loss from the property and crime exposures as a result of its operations. The services will include consolidation of the current property and crime insurance programs, including program design, marketing and implementation; policyholder services, claims management and procedures, and safety and loss prevention.

**Pre-proposal Conference:** To assist respondents with questions and additional information, a pre-proposal conference has been scheduled for May 23, 1996 at 9:30 a.m. in the Chambers, Mears Park Centre, 230 E. Fifth St., St. Paul, MN. This pre-proposal conference is not mandatory.

**Submission Information:** The original and six copies of the proposal should be submitted by 4:00 p.m., May 31, 1996, to Metropolitan Council, Mears Park Centre, 230 E. Fifth St., St. Paul, MN 55101, attention: Jackie Finger. Copies of the RFP are available by calling 612/229-2032 or 612/291-0904 (TTY).

By Order of the Metropolitan Council  
Richard Johnson  
Associate Regional Administrator

### Department of Public Service

#### Notice of Request for Proposals to Develop Energy Code Training Curriculum and Conducting Instructor Training

The Department of Public Service is seeking proposals from qualified firms and individuals to develop a curriculum to educate stakeholders in the use of energy efficient building techniques in building design and construction and for training stakeholders to identify when a building is within energy code compliance, and furthermore to conduct an instructor training session in the curriculum and to assist instructors in preparing presentations using the curriculum. The estimated total budget for this project is \$28,000. Deadline for receipt of proposals is June 4, 1996.

The contract is anticipated to extend from June, 1996 until April, 1997. Details concerning submission requirements are included in the Request for Proposals. A copy of the Request for Proposals is available by calling or writing Bruce Nelson, Department of Public Service, 121 7th Place E, Suite 200, St. Paul, MN 55101, telephone (612) 297-2313, or FAX (612) 297-1959.

### State Lottery

#### Proposals Sought for the Design and Installation of Computer Software

The Minnesota State Lottery is seeking proposals for the design and installation of computer software to control building access. The design must include the integration of a photo identification for personnel. The projected release date for the Request for Proposal (RFP) is May 16, 1996. Vendor proposals are due by 2:00 P.M. CST, June 5, 1996. Installation required by June 30, 1996. Interested vendors should contact:

Tom Barrett, Admin Services Mgr.  
Minnesota State Lottery  
2645 Long Lake Road  
Roseville, MN 55113  
Phone: (612) 635-8108  
Fax: (612) 297-7497

## **State Lottery**

### **Proposals Sought for Promotional Merchandise**

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

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

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

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

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

## **Department of Transportation**

### **Proposals Sought for Minnesota Guidestar Trilogy Project**

The Minnesota Department of Transportation's Trilogy project is a demonstration of wide area broadcast of traffic information in digital format to in-vehicle receivers capable of decoding and filtering the data for presentation to the driver. Trilogy is currently utilizing the Radio Broadcast Data System - Traffic Message Channel (RBDS-TMC). This technology allows FM radio stations to transmit digital data via FM subcarrier to suitably equipped receivers. As part of the demonstration Trilogy will be installing the in-vehicle receivers in privately owned vehicles within the metropolitan area. Proposals are now being sought to provide the following products and/or services to support this portion of the project.

1. Installation Services: Trilogy is seeking a vendor(s) to provide installation of the various devices in commuter's vehicles.
2. Products: as part of the installation service the vendor shall supply appropriate mounting equipment and miscellaneous hardware as applicable to each individual vehicle.

The Department may award agreements with multiple selected responders. The responses are due May 28, 1996 at 3:00 pm. The selections are expected to be made on or after June 4, 1996.

A copy of the Request for Proposals (RFP) may be obtained by requesting the Minnesota Guidestar Trilogy RFP from:

Gary Hallgren, Trilogy Project Manager  
Minnesota Department of Transportation  
Waters Edge Building  
1500 W. County Road B2  
Roseville, MN 55113  
Fax: 612-582-1131

# Non-State Public Bids, Contracts & Grants

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

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

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## City of Plymouth

### Request for Interest Proposals for Civil Engineering Services

The City of Plymouth Public Works Department hereby solicits **Letters of Interest and Statement of Qualifications** for civil engineering technical consultant services for public improvements. The type of projects include streets, bridges, drainage, sanitary sewer, water distribution, water storage, water treatment, and traffic studies.

Letters should include a brief description of the company and the experience of the individual(s) proposing to perform services for the City. The City will review said letters and reserves to itself the right to take such action as it deems in its best interests. It is the intent to establish a list of consulting firms for City projects in relation to their areas of expertise. When the City needs services for a specific project, a firm will be selected from this list. All Letters of Interest and Qualifications shall be submitted on or before June 1, 1996, to:

Fred G. Moore, Director of Public Works  
City of Plymouth  
3400 Plymouth Boulevard  
Plymouth, MN 55447  
(NO CALLS)

# Wild About Birds

## The DNR Bird Feeding Guide

ISBN 0-9647451-0-0

**Carrol L. Henderson**, Supervisor of the Non-Game Wildlife Program at Minnesota's Department of Natural Resources, shares his knowledge and appreciation for the natural habitats and traits of the wild birds who, with a little help from us, can thrive in spite of a rapidly changing landscape. Written in the same instructive manner as his popular books "Woodworking for Wildlife" and "Landscaping for Wildlife," **"Wild About Birds: The DNR Bird Feeding Guide"** provides techniques used by the author to double the number of species using his feeders. Includes woodshop basics for construction of 26 different feeders and tips on 44 types of food, plus detailed descriptions and photos of almost all the feeder-using species east of the Rocky Mountains - 69 in all. There's even a section on some of the unusual and unexpected wild visitors that may show up for a free meal. Over 425 color photographs, illustrations and diagrams make **"Wild About Birds"** a great reference manual, display book or gift. Ideal for the ornithologist, woodworker, or backyard birdwatcher. Spiral bound, 288 pages. **Stock Number 9-24 \$19.95**

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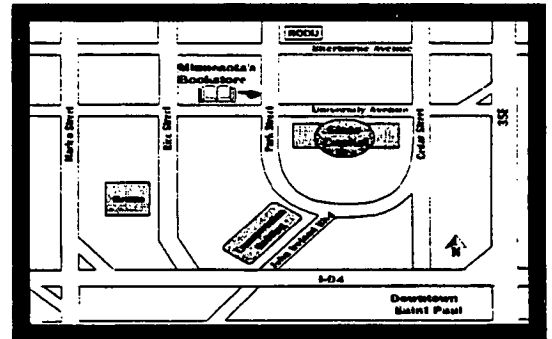
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