

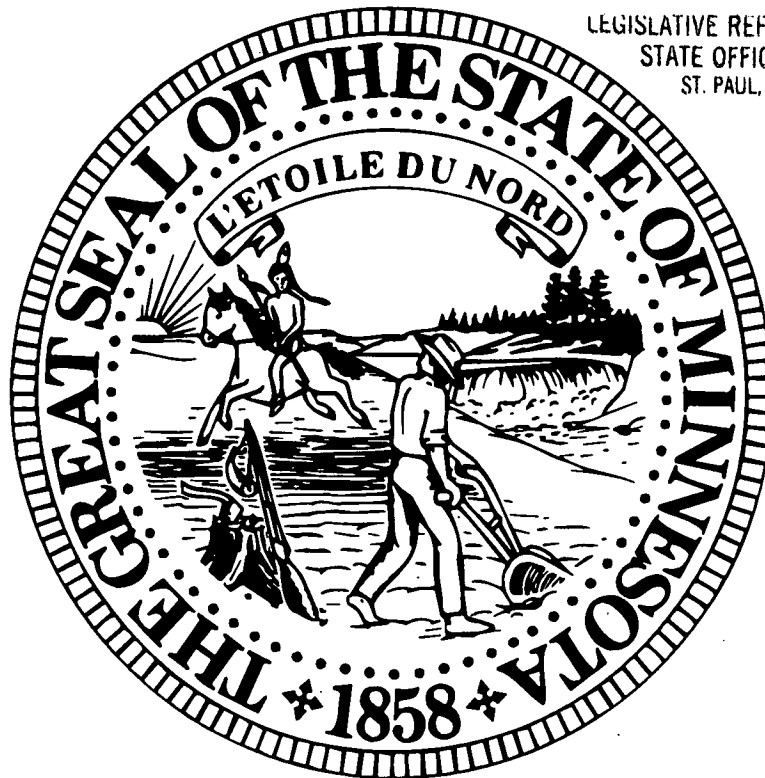
The Minnesota
**State
Register**

Rules and Official Notices Edition

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Published every Monday (Tuesday when Monday is a holiday) by the
Department of Administration - Communications Media Division

Monday 25 November 1996
Volume 21, Number 22
Pages 733-768

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.

Printing Schedule and Submission Deadlines

Vol. 21 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
# 22	Monday 25 November	Friday 8 November	Monday 18 November
# 23	Monday 2 December	Monday 18 November	Friday 22 November
# 24	Monday 9 December	Friday 22 November	Monday 2 December
# 25	Monday 16 December	Monday 2 December	Monday 9 December

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
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Publication Number: 326630. (ISSN 0146-7751)

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- "**Professional, Technical and Consulting Contracts Awards Reports**," – published each month listing the previous month's awards of contracts and RFPs that appeared in the Monday edition of the "*State Register*." Appears monthly in hard copy format only. Single copies are \$15.00 per report, plus \$3.00 shipping if applicable. Order stock # 99-43. Six-month subscriptions cost \$75.00. Order stock #90-15.

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:

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

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

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Professional, Technical and Consulting contract awards are published monthly in an *Awards Report*.

Individual copies and subscriptions for both publications are available through Minnesota's Bookstore, (612) 297-3000 or 1-800-657-3757.

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 80 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. The current 1995 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a 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 most current edition of 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 issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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Proposed Rules

Comments on Planned Rules or Rule Amendments

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

Rules to be Adopted After a Hearing

After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

Rules to be Adopted Without a Hearing

Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. 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*.

Department of Children, Families, and Learning

Proposed Permanent Rules Relating to Certification of School Interpreters/Transliterators for the Deaf and Hard of Hearing

Minnesota State Board of Education

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for a Hearing Are Received

Proposed Rules Relating to Certification of School Interpreters/Transliterators for the Deaf and Hard of Hearing, *Minnesota Rules*, 3525.2385.

Introduction. The State Board of Education intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on December 26, 1996, a public hearing will be held in Little Canada, Minnesota at Capitol View Center, 70 W. County Rd. B2 starting at 9:00 a.m. on February 21, 1997. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after December 26, 1996 and before February 18, 1997.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Mary Cashman-Bakken, Department of Children, Families and Learning, Resource Center: Deaf/HH, P.O. Box 308, Faribault, MN 55021 - call 507/332-5491 (V/TTY) or fax to 507/332-5494.

Subject of Rules and Statutory Authority. The proposed rules are about certification standards for educational interpreters of the deaf and hard of hearing. The statutory authority to adopt the rules is *Minnesota Statutes*, section 121.11, 7c. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on Thursday, December 26, 1996, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

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

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on December 26, 1996. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. 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 enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for February 21, 1997 will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at (507) 332-5491 (V/TTY) after December 26, 1996 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Allen E. Giles, is assigned to conduct the hearing. Judge Giles can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 349-2543 or fax to (612) 349-2665.

Hearing Procedure. If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day response period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day response period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or response period also submit a copy of the written views or data to the agency contact person at the address stated above.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may also be reviewed and copies obtained at the cost of reproduction from either the agency or the Office of Administrative Hearings.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at: First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (612)296-5148 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the agency adopts the rules and files them with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

Order. I order that the rulemaking hearing be held at the date, time and location listed above.

Dated: 12 November 1996

Jeanne Kling, President
State Board of Education

3525.2385 STATE INTERPRETER/TRANSLITERATOR STANDARDS FOR THE DEAF AND HARD OF HEARING.

Subpart 1. Definitions. The terms used in this part have the following meanings:

A. "Cued speech" is a communication method designed to facilitate speechreading. This phonemically based manual signal system uses eight hand configurations and four placement locations to indicate groups to vowel and consonant sounds.

B. "Interpreter/transliterater" means a person who is able to interpret or transliterate the spoken word into sign language and interpret sign language into the spoken word by American Sign Language (ASL), Pidgeon Signed English (PSE), Manually Coded English (MCE), cued speech, voice, oral, or tactile.

Subp. 2. Special education reimbursement. To be eligible for special education reimbursement for the employment of American Sign Language (ASL)/English interpreter/transliterater or cued speech transliterater of the Deaf and Hard of Hearing, the school board in each district shall employ persons who meet the requirements in subpart 3 or 4.

Subp. 3. Interpreter/transliterater. To qualify as a sign language interpreter/transliterater, a person shall have completed a training program affiliated with an educational institution accredited by the state and hold:

- A. an interpreter and transliterater certificate awarded by the Registry of Interpreters for the Deaf (RID); or
- B. a general level proficiency certificate at level 3 awarded by the National Association of the Deaf (NAD).

Subp. 4. Cued speech transliterater. To qualify as a cued speech transliterater, a person shall hold a current applicable transliterater certificate awarded by the Cued Speech National Certifying Association.

Department of Children, Families, and Learning

Proposed Permanent Rules Relating to Graduation Rule

Minnesota State Board of Education

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for a Hearing Are Received

Proposed Rules Relating to Graduation Rule, *Minnesota Rules*, 3501.0200 to 3501.0290.

Introduction. The State Board of Education intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p. m. on December 26, 1996, a public hearing will be held in Room 42, Earle Brown Center, 1890 Buford Avenue, St. Paul, Minnesota, 55108, on Tuesday, January 7, 1997, starting at 9 a.m. and reconvening at 7 p.m. for an evening session on January 7, 1997. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after December 26, 1996 and before January 7, 1997.

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

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Mary Lynne McAlonie, Department of Children, Families and Learning, 732 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101 - call (612) 282-6480 or fax to (612) 282-6779. TDD users may call the Department of Children, Families and Learning at (612) 297-2094.

Subject of Rules and Statutory Authority. The proposed rules are about the basic requirement of written composition for high school graduation. The statutory authority to adopt the rules is *Minnesota Statutes*, section 121.11, 7c. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p. m. on Thursday, December 26, 1996, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on December 26, 1996. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. 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 enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for January 7, 1997 will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at (612) 282-6480 after December 26, 1996 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more person submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge George A. Beck, is assigned to conduct the hearing. Judge Beck can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 341-7601 or fax to (612) 349-2665.

Hearing Procedure. If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day response period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day response period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or response period also submit a copy of the written views or data to the agency contact person at the address stated above.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may also be reviewed and copies obtained at the cost of reproduction from either the agency or the Office of Administrative Hearings.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at: First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (612)296-5148 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the agency adopts the rules and files them with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

Order. I order that the rulemaking hearing be held at the date, time and location listed above.

Dated: 12 November 1996

Jeanne Kling, President
State Board of Education

3501.0200 PURPOSE.

The purpose of parts 3501.0200 to 3501.0290 is to establish a statewide standard that describes what a Minnesota public high school student must demonstrate in written composition to be eligible for a high school diploma.

3501.0210 SCOPE.

Parts 3501.0200 to 3501.0290 govern the written composition standard for a high school diploma that Minnesota public schools must require of all students who enter ninth grade in 1997 or a subsequent year.

3501.0220 DEFINITIONS.

Subpart 1. Scope. For the purposes of parts 3501.0200 to 3501.0290, the terms defined in part 3501.0030 have the same meaning unless otherwise clearly indicated.

Subp. 2. Definitions for basic requirement in written composition testing. For the purposes of parts 3501.0200 to 3501.0290, the following terms have the meanings given them.

A. "Prompt" means a statement of a writing task for which the student is to create a written composition for a specified adult reader.

B. "Scoring criteria" means the five writing characteristics in part 3501.0230, subpart 2, to be used by trained raters in determining to what degree a written response to a prompt does or does not meet the statewide standard for written composition.

C. "Written composition" or "composition" means the composite acts of formulating and preparing, in English, a clearly focused, organized, developed, coherent, and clearly expressed message to be communicated to an adult reader in a written format.

3501.0230 STATEWIDE GRADUATION STANDARD FOR WRITTEN COMPOSITION.

Subpart 1. Basic requirements. The basic graduation requirement for written composition is established in parts 3501.0210 to 3501.0290. The statewide standard for written composition is specified in subpart 2.

Except for decisions consistent with parts 3501.0090 and 3501.0100, to qualify for a high school diploma, a student shall demonstrate competency in the statewide standard for written composition through one of the testing options in part 3501.0250, subpart 1. Districts may require higher standards, additional demonstrations, or both of competency in written composition beyond the statewide standards.

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.

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Subp. 2. Statewide standard in written composition. A student shall demonstrate the ability to create, in English, a written composition. An adequate written composition must show:

- A. clarity of central ideas such that the composition responds directly and specifically to the task presented in the prompt;
- B. coherent focus such that the supporting ideas expressed in the composition relate clearly to the central idea and that there is a clear connection among ideas. Coherent focus may be accomplished through transitions, parallel structure, or other unifying devices;
- C. organization such that the ideas are expressed in an order which is logical and clear and the composition contains a beginning, middle, and end. The student may choose one of a variety of organizational strategies such as cause/effect, problem/solution, chronological sequence, topical order, or spatial organization;
- D. detailed support or elaboration of ideas. The composition must include any or all of the following: information; verbal illustrations; explanations; and examples, which sufficiently clarify and expand the student's central idea for the reader. These details must be logically connected to the central idea; and
- E. language conventions such that the composition includes features of language that are acceptable in standard written discourse. Language conventions are important to ensure that the meaning of the written composition is not impaired. The writer shall apply rules of sentence formation, language choice and order, and language mechanics including punctuation, capitalization, and spelling, of standard written English.

Subp. 3. Scoring. When scoring written compositions, there shall be a no minimum length requirement. Ratings shall be based on the overall quality of the written response relative to the scoring criteria. The general guidelines for score scale points in part 3501.0240 shall be used to evaluate adequate demonstration of the characteristics in subpart 2.

Handwriting must be decipherable. While students should be encouraged to write as neatly as they can, there shall be no penalty for poor handwriting, except that only compositions that are legible shall be scored.

3501.0240 GENERAL GUIDELINES FOR SCORE SCALE POINTS.

Subpart 1. Scoring criteria. Trained raters shall apply the scoring criteria under part 3501.0230, subpart 2, for the basic requirement in written composition to assign score scale points according to subparts 2 to 6.

Subp. 2. Four-point rating. A more than adequate student response in composition shall receive four points. A student response is more than adequate if the composition:

- A. is related to the prompt;
- B. has a central idea that is clearly expressed;
- C. is well developed with supporting details;
- D. has a beginning, middle, and end; and
- E. demonstrates excellent control of the language that enhances the overall quality of the response.

Subp. 3. Three-point rating. An adequate student response in composition shall receive three points. A student response is adequate if the composition:

- A. is related to the prompt;
- B. has a central idea that is clearly expressed;
- C. is developed with supporting details but may present minor obstacles to the reader in moving from one idea to another;
- D. has a beginning, middle, and end; and
- E. demonstrates adequate control of the language in that the composition may have minor errors in sentence formation, usage, or mechanics, but these do not substantially detract from the overall quality of the composition.

Subp. 4. Two-point rating. A less than adequate student response in composition shall receive two points. A student response is less than adequate if the composition:

- A. is related to the prompt; but
- B. is not well focused;
- C. presents obstacles to the reader in moving from idea to idea;
- D. lacks a beginning, middle, or end; or
- E. contains errors in sentence formation, word usage, and mechanics that are frequent enough to detract from the overall quality of the composition.

Subp. 5. One-point rating. A very inadequate student response shall receive one point. A student response is very inadequate if the composition:

- A. is related to the prompt; but
- B. lacks a central idea or coherent focus;
- C. is difficult to follow;
- D. is not clearly organized; or
- E. contains errors in sentence formation, word usage, and mechanics that are frequent enough to detract from the overall quality of the composition.

Subp. 6. Not scorable (N). A student response that cannot be evaluated shall receive an N. A student response shall be designated not scorable when a rater and the scoring leader agree that the composition:

- A. is not related to the prompt;
- B. is not readable because it is illegible or incoherent;
- C. is written in a language other than English;
- D. contains an insufficient amount of writing to evaluate; or
- E. is blank in that no response is given.

3501.0250 TESTING FOR STATEWIDE STANDARDS IN THE BASIC REQUIREMENT OF WRITTEN COMPOSITION.

Subpart 1. District testing options. A school district shall test for competency in the statewide standard in the basic requirement of written composition by using:

- A. a state test; or
- B. an alternative test approved by the state according to the criteria in part 3501.0260.

Subp. 2. Offering tests in basic requirements. A district shall first offer a test of the basic requirement in written composition to students in grade 10. Nonpassing students shall be given the opportunity to retake a test of the basic requirement in written composition at least annually.

Subp. 3. Additional testing opportunities. A district shall establish a process for additional testing of students who by April 1 of their anticipated graduation year have not passed a test in the basic requirement in written composition.

The process shall include:

- A. how the parent, student, or both can request:
 - (1) an additional testing opportunity to take the basic requirement in written composition test; and
 - (2) testing accommodations;
- B. the procedure that the district shall use to act on a request in item A; and
- C. how a parent, student, or both can appeal the district's action under item B.

In addition to the regularly scheduled annual availability of a new form of the state test, an additional statewide administration of the state test shall be made available by the department for one additional retesting of seniors.

Subp. 4. Transfer students. A student transferring into a district shall not be required to take a test of the basic requirement for written composition if the student's record from the former school verifies that the student has already passed a test of that basic requirement consistent with this part. This subpart applies even if the student transfers into a district that has higher standards than the statewide standard for the basic requirement in written composition.

Subp. 5. Specifications for state test in written composition. The state test shall assess the statewide standard for the basic requirement in written composition. The state test shall be written, administered, and scored according to subparts 6 to 8.

Subp. 6. Test contents. The state test shall require a student to compose a single composition in response to one prompt. The prompt shall:

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- A. require no prior preparation for response;
- B. indicate that the response should be written for a specific adult reader;
- C. accommodate a variety of writing strategies and instruction;
- D. contain a topic that is unknown to students, their parents, teachers, or test proctors before the actual testing session; and
- E. elicit demonstration of the general scoring criteria of the statewide standard for the basic requirement in written composition.

Subp. 7. Test administration. The state test shall be administered according to standard conditions for administration that shall be provided to the district with the test.

A. The state test shall be untimed but must be completed in an unbroken block of time. Once the student is excused for lunch, another class, activity, or to go home, the testing session has been concluded.

B. The state test shall require that the student's response be written directly in the test booklets without the use of word processors or writing tools other than pencils and pens, except when the district determines that a student has a physical condition that prevents the student writing by hand or as provided for under part 3501.0090.

C. A student shall not use a dictionary, thesaurus, or other published or prepared reference or preparation material of any type during testing.

Subp. 8. Test scoring. Tests shall be scored independently by members of a state-approved, trained scoring panel using the scoring criteria and the scoring process specified by the state. The state scoring process for the test of the basic requirement in written composition shall be according to items A to E.

A. The state shall contract with an independent vendor chosen for its experience and reliability in training and conducting the scoring of tests of written composition.

B. The contracted vendor shall train each rater on the prompt to be scored and each rater shall satisfactorily complete a qualifying assessment prior to scoring actual student responses. The contractor shall provide periodic reports of interrater agreement as scoring progresses and summary data on interrater agreement when scoring has been completed. The contractor shall also periodically recheck the accuracy of each rater. To qualify for scoring student responses, an individual rater shall demonstrate at least a 90 percent rate of agreement with scores assigned by scoring leaders.

C. A rubric, which is the scoring criteria applied to example compositions unique to a specific prompt, shall be developed as part of the rater training process for rating a specific prompt.

D. Each composition shall be rated independently by two raters. Raters shall assign ratings on a scale of one to four (1-4) or assign a designation of not scorable according to the general scoring criteria in part 3501.0240 and the rubric developed for the specific prompt being scored. When a rater assigns N, the scoring leader shall either determine that the final score is N or declare the test scorable. A test, declared scorable through this procedure, shall be returned to begin the rating process again. Raters may assign only whole number ratings. Except as provided in item E, the written composition score for each student shall be the average of the two assigned ratings. An average score of at least 3.0 shall be required to pass the written composition test.

E. A student composition shall be evaluated by a third rater who is a scoring leader when the composition receives two ratings that:

- (1) differ by more than one point; or
- (2) consist of one 2 and one 3 rating.

The scoring leader shall independently assign a third rating to the composition. The final score shall be calculated by averaging the two ratings that are on the same side of the pass/not pass line. Final scores that are possible under this item are: 1, 1.5, 2, 3, 3.5, and 4. An assigned score of at least 3.0 shall be required to pass the written composition test.

Subp. 9. Test review. All written compositions shall be returned to districts after scoring is completed so that schools, teachers, and students have the opportunity to review them for diagnosis of student writing proficiency and identification of needs for further instruction. Districts may request, in advance of scoring, that compositions with failing scores be returned with analytic scoring to provide additional assistance in preparing the student for retesting.

3501.0260 ALTERNATIVE TESTS FOR WRITTEN COMPOSITION.

Subpart 1. Choice of test. A district may choose a test for written composition from the list of tests that have been submitted, reviewed, and approved by the department according to the criteria in subpart 2. Alternative tests may be national, regional, statewide, or local instruments which assess skills in written composition in English. Requests for review of alternative tests must be submitted to the department by February 1 of the school year preceding the year of intended test administration. The department shall publish the list of all approved tests annually by August 1.

Subp. 2. Criteria for alternative tests. The following criteria shall be used by the state to review and approve alternative tests for written composition:

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A. the test is designed specifically to assess written composition skills including at least those specified in part 3501.0230, subpart 2;

B. the test requires at least one written composition and the written composition portion of the test accounts for at least 50 percent of the total test score;

C. evidence is provided to demonstrate that:

(1) the test is scored by multiple raters who are independent of the testing district and whose pass/fail interrater reliability is at least 90 percent; and

(2) the scoring criteria and scoring process used for the test meet or exceed parts 3501.0240 and 3501.0250, subpart 8; or

(3) the district contracts with the state's vendor to score the test according to the state scoring process;

D. students are not permitted to use a dictionary, thesaurus, or other published or prepared reference or preparation material of any type during the testing session;

E. the test is administered under conditions which ensure that the responses are the original work of the student; and

E. there is a current manual which describes the development of the test instrument, recommended uses of the instrument, and technical data including reliability and validity.

Subp. 3. Test security and recordkeeping. A district which chooses an alternative test shall be responsible for test security, recordkeeping, and reporting as if the district had chosen the state test option. A different prompt for the written composition portion or portions of the alternative test must be used each time the alternative test is administered.

Subp. 4. Continuation of approval. Once a test has been approved, it may continue to be used by districts unless the annual August 1 listing specifically terminates the approval.

Subp. 5. Revised test specifications. Future changes in rule or law of the state test specifications for written compositions shall terminate state approval of alternative tests and require that the alternative tests be resubmitted for review under the revised state test specifications.

3501.0270 SCHOOL DISTRICT RESPONSIBILITIES.

For the purposes of parts 3501.0200 to 3501.0290, parts 3501.0090 to 3501.0170 apply.

3501.0280 TEST OF WRITTEN COMPOSITION; LIMITED ENGLISH PROFICIENT (LEP) STUDENTS.

Subpart 1. Testing considerations. For the purposes of parts 3501.0200 to 3501.0290, part 3501.0100 applies when testing Limited English Proficient (LEP) students.

Subp. 2. Test prompts. A district may translate into another language test prompts for tests of written composition.

Subp. 3. Individual student progress. In addition to the requirements in subparts 1 and 2 and part 3501.0130, individual student progress shall be reported on a student record as described in items A and B.

A. "Pass-translation" shall be the designation for reporting individual student passing scores in tests of written composition when test prompts are translated into a language other than English for the student. However, the student's response must be written in English without the use of any of the materials prohibited in part 3501.0250, subpart 7, item C.

B. "Pass-limited English proficiency" shall be recorded on the student record for written composition, at the request of the student or parent, when an analytic review, conducted by the state contracted vendor, of a twelfth grade LEP student's test concludes that the failing score has resulted solely from inadequate demonstration of language conventions described in part 3501.0230, subpart 2, item E. In no case, however, shall the "pass-limited English proficiency" designation be assigned to a composition completed primarily in a language other than English. No Limited English Proficient (LEP) student or parent shall be required to accept this designation to replace further instruction and further opportunities to achieve a "pass-state level" designation as defined in part 3501.0130, subpart 2, item A.

3501.0290 PASSING SCORE FOR STATE TESTS OF WRITTEN COMPOSITION.

The passing score for the state test of written composition is a rating of 3, consistent with part 3501.0250, subpart 8, items D and E.

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Proposed Rules

Department of Health

Proposed Permanent Rules Relating to Cancer Case Reporting

Notice of Intent to Adopt Rules Without a Public Hearing

Proposed Amendments to Rules Governing the Minnesota Cancer Surveillance System (MCSS), *Minnesota Rules* 4606.3300 - 4606.3309.

Introduction. The Department of Health intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. 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 the agency contact person. The agency contact person is: Sally Bushhouse, D.V.M., Ph.D., MCSS Director, at the Department of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55414, 612/623-5216 (phone), or 612/623-5099 (fax). TDD users may call the Department of Health through the Direct Connect Minnesota Relay Service at 612/297-5353, or in Greater Minnesota at 800/627-3529.

Subject of Rules and Statutory Authority. The proposed rule amendments would restrict the definition of reportable cancers, add data items to be reported, and give the Commissioner of Health authority to inspect a patient's medical records related to the treatment of cancer. The statutory authority to adopt or amend rules for the MCSS is set forth in *Minnesota Statutes* § 144.672 (1994). A copy of the proposed rules is published in the *State Register*.

The proposed amendment to *Minnesota Rules*, Part 4606.3302, Subpart 3.A., eliminates the collection of data on squamous cell carcinoma in-situ and intraepithelial neoplasia of the uterine cervix because it has been well documented that routine collection of such data is incomplete due to inconsistent terminology related to High Grade Neoplasia.

The proposed amendment to *Minnesota Rules*, Part 4606.3302, Subpart 3.B., eliminates basal and squamous cell carcinomas of the skin of the lip and eyelid as part of the definition of "cancer."

The proposed amendments to *Minnesota Rules*, Part 4606.3304, Subparts 1 and 3, add information which must be included in case reports provided to the MCSS. This information is required in order for the State to comply with federal requirements. Beginning in 1997, the Joint Commission on Accreditation in Health Organizations will require each Minnesota hospital to either collect staging information on the most common cancers or demonstrate why it is unable to do so in order to receive accreditation.

The proposed amendment to *Minnesota Rules*, Part 4606.3305, Subpart 3, gives the Commissioner of Health the authority to inspect a patient's medical records related to treatment of cancer in order to ensure the quality and completeness of all the data contained in a cancer case report.

A free copy of the rules is available upon request from the agency contact person listed above.

Comments. You have until 4:30 p.m. on Thursday, December 26, 1996, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Thursday, December 26, 1996. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. 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 enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format. Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules. 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 from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probably cost of the proposed rules. Copies of the statement may be obtained at the cost of reproduction from the agency.

Adoption and Review of Rules. If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Dated: 25 November 1996

Anne M. Barry
Commissioner of Health

4606.3302 DEFINITIONS.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Cancer.** "Cancer" means:

- A. malignant and in situ neoplasms of all sites, except:
 - (1) basal and squamous cell carcinomas of the skin;
 - (2) squamous cell carcinoma in situ of the uterine cervix; and
 - (3) intraepithelial neoplasia of the uterine cervix;
- B. basal and squamous cell carcinomas of the ~~lip, eyelid, or~~ genitalia; and
- C. all brain and central nervous system neoplasms regardless of malignancy.

[For text of subps 4 to 18, see M.R.]

4606.3304 REPORTS.

Subpart 1. **Case information.** Reports of case information that are required in part 4606.3303 must consist of source documents and contain as much of the following information as is known:

[For text of items A to H, see M.R.]

- I. ~~race;~~
- J. ~~ethnicity;~~
- K. attending physician;
- L. ~~other attending physician;~~
- M. ~~diagnostic or treatment facility;~~
- N. ~~case's hospital or clinic medical record number; and~~
- O. hospital registry's accession number;
- P. date of first admission to facility for diagnosis or treatment of the reportable tumor;
- Q. date of discharge from the facility after diagnosis or treatment of the reportable tumor;
- R. cancer diagnostic information:
 - (1) primary site;

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- (2) histologic type;
- (3) grade;
- (4) date of diagnosis or date specimen was obtained; ~~and~~
- ~~(4)~~ (5) pathologist's designation of whether the case is newly or previously diagnosed or not known-;
- (6) sequence number; ~~and~~
- (7) class of case;

S. stage and other prognostic factor information:

- (1) general summary stage, in accordance with the guide listed in subpart 1a, item A;
- (2) tumor size, in accordance with the standards listed in subpart 1a, item B;
- (3) number of regional nodes examined and number positive, in accordance with the standards listed in subpart 1a, item B;
- (4) pathologic T code, N code, and M code, in accordance with the manual listed in subpart 1a, item C;
- (5) AJCC stage group (pathologic), in accordance with the manual listed in subpart 1a, item C;
- (6) clinical T code, N code, and M code, in accordance with the manual listed in subpart 1a, item C;
- (7) AJCC stage group (clinical), in accordance with the manual listed in subpart 1a, item C;
- (8) the edition of the AJCC manual used; and
- (9) distant metastasis, in accordance with the standards listed in subpart 1a, item B; and

T. treatment information:

(1) date and type of first course of any definitive treatment, including surgery, radiation, chemotherapy, hormone therapy, and immunotherapy and biological response modifiers (BRMs), in accordance with the standards listed in subpart 1a, item B; and

(2) if no treatment was performed, reason for no treatment, in accordance with the standards listed in subpart 1a, item B.

Subp. 1a. Reporting standards. The following guides and standards for reporting stage and other prognostic factor information and treatment information are incorporated by reference and are available through the Minitex interlibrary loan system:

A. Summary Staging Guide, Cancer Surveillance Epidemiology and End Results Reporting, SEER Program (April 1977 and subsequent editions) (reprint July 1986), published by the National Institutes of Health (NIH), Public Health Service, U.S. Department of Health and Human Services, NIH publication number 86-2313. The NIH guide is not subject to frequent change;

B. For cancers diagnosed in or before 1995, the standards of the Commission on Cancer Data Acquisition Manual (revised edition September 1994), published by the Commission on Cancer, American College of Surgeons. The manual is not subject to frequent change. For cancers diagnosed in or after 1996, the Standards of the Commission on Cancer, Volume II: Registry Operations and Data Standards (ROADS) (1996 and subsequent editions), published by the Commission on Cancer, American College of Surgeons. The standards are not subject to frequent change; and

C. Manual for Staging of Cancer (4th edition 1992 and subsequent editions), American Joint Commission on Cancer (AJCC), published by J.B. Lippincott Company. The AJCC manual is not subject to frequent change.

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

Subp. 3. Race, ethnicity, and Occupational data. Hospitals, medical clinics, and physicians shall, upon request of the commissioner, report as much information as is known concerning the ~~race, ethnicity, and~~ occupational history of cancer cases. The commissioner shall by publication in the *State Register* request reports of such information when the following conditions exist:

A. epidemiologic surveillance and studies based on this information will assist in identifying cancer risks in certain ~~racial, ethnic, or~~ occupational groups; and

B. there is a specific, planned mechanism for the surveillance and epidemiologic study of the cancer related to the ~~racial, ethnic, or~~ occupational group.

4606.3305 DATA SUBMISSION.

[For text of subps 1 and 2, see M.R.]

Subp. 3. Inspection. For the purpose of assuring the quality and completeness of individual cancer case reports, each reporting entity or individual shall allow the commissioner to inspect the demographic portions of a patient's medical record or medical records related to the diagnosis and treatment of cancer as are necessary to verify the accuracy and completeness of the cancer diagnostic and treatment information and demographic data.

Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

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

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

Exempt Rules

An exempt rule adopted under *Minnesota Statutes* §§ 14.386 or 14.388 is effective upon its publication in the *State Register*.

Emergency Expedited Rules

Provisions for the Commissioner of Natural Resources to adopt emergency expedited Game and Fish Rules are specified in *Minnesota Statutes* §§ 84.027. The commissioner may adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months.

Department of Revenue

Adopted Permanent Rules Relating to Valuation and Assessment of Utility Line Property

The rules proposed and published at *State Register*, Volume 20, Number 40, pages 2399-2403, April 1, 1996 (20 SR 2399), are adopted with the following modifications:

8100.0100 DEFINITIONS.

Subp. 5a. **Earnings growth rate.** "Earnings growth rate" means the average increase or decrease in the five-year moving average earnings per share, expressed as a percentage, as computed in the annual capitalization rate study. The rate will be adjusted to normalize income to one year in the future.

8100.0200 INTRODUCTION.

The commissioner of revenue will estimate the valuation of the entire system of a utility company operating within the state. The entire system will be valued as a unit instead of valuing the component parts, utilizing data relating to the cost of the property and the earnings of the company owning or operating the property. The resulting valuation will be allocated or assigned to each state in which the utility company operates. Finally, by the process of apportionment, the portion allocated to Minnesota will be distributed to the various taxing districts within the state. Most of the data used in the valuation, allocation, and apportionment process will be drawn from reports submitted to the Department of Revenue by the utility companies. These reports will include Minnesota Department of Revenue Annual Utility Reports (UTL forms), Reports to the Minnesota Public Utilities Commission, Annual Reports to Shareholders, Annual Reports to the Federal Energy Regulatory Commission and Annual Reports to the Interstate Commerce Commission. Periodic examinations of the supporting data for these reports will be made by the Department of Revenue.

The methods, procedures, indicators of value, capitalization rates, weighting percents, allocation factors, and equalization will be used as described in parts 8100.0300 to 8100.0700 for ~~1996~~ 1997 and subsequent years.

As in all property valuations, the commissioner of revenue reserves the right to exercise his or her judgment whenever the circumstances of a valuation estimate dictate the need for it.

8100.0300 VALUATION.

Subpart 1. **General.** Because of the unique character of public utility companies, such as being subject to stringent government regulations over operations and earnings, the traditional approaches to valuation estimates of property (cost, capitalized income, and market) must be modified when utility property is valued. Consequently, for the ~~1996~~ 1997 and subsequent assessment years, the value of utility company property will be estimated in the manner provided in this chapter.

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.

Adopted Rules

Subp. 4. **Income approach.** The income indicator of value will be estimated by weighting the capitalized net operating earnings of the utility company, adjusted for the earnings growth rate, for the most recent three years as follows: most recent year, 40 percent; previous year, 35 percent; and final year, 25 percent. The earnings growth rate adjustment is performed by adding the earnings growth rate, expressed in decimal form, to one, squaring the sum of the two numbers, and multiplying the result by the net operating income figure. The net income, adjusted for the earnings growth rate, will be capitalized by applying to it a capitalization rate which will be computed by using the band of investment method. This method will consider:

8100.0400 ALLOCATION.

Subp. 4. **Pipeline companies.** The allocation of pipeline companies shall be the original cost of the utility property located in Minnesota divided by the total original cost of the property in all states of operation weighted at 75 percent. Additionally, throughput of product from operations in Minnesota divided by throughput of product from operations in all states is weighted at 25 percent.

The following example illustrates the allocation of value of property of a pipeline company and the weights given to each factor:

1.	Minnesota Plant Cost	\$13,500,000		
			x .75 =	25.76%
2.	System Plant Cost	\$39,300,000		
3.	Minnesota Throughput (Mcf or Barrel miles)	\$ 8,940,000 8,940,000	x .25 =	8.01%
4.	System Throughput (Mcf or Barrel miles)	\$27,900,000 27,900,000		
5.	Total Percentage Allocable to Minnesota			33.76%

Revenue Notices

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

Department of Revenue

Revenue Notice #96-18: Sales and Use Tax: Ready Mix Transportation Charges

Minnesota Statutes 297A.01, Subdivision 8 defines "sales price" and allows a deduction from the sales price for transportation charges that occur after the retail sale of the property provided the charges are separately stated.

Issue: There have been widespread variations in calculating the amount to be charged as transportation or delivery charges for ready mix concrete.

Department position: The department takes the position that 22 percent of the total sales price for ready mix can be deducted as delivery charge. To be exempt from sales tax, the delivery charge must be stated separately from the cost of the ready mix on the invoice to the customer. If the charge is not separately stated, the entire charge to the customer for ready mix is taxable. If a delivery charge higher than the standard 22 percent is used, the vendor must be able to document how the higher cost was arrived at.

Dated: 25 November 1996

Don Trimble
Assistant Commissioner

Department of Revenue

Revenue Notice #96-19: Corporate Franchise Tax - Mutual Life Insurance Companies

Minnesota Statutes, section 290.35 imposes the franchise tax upon insurance companies, including mutual life insurance companies. Pursuant to that section, the net income of a mutual life insurance company is determined by reference to Section 801 of the *Internal Revenue Code* (IRC) of 1986. *Minnesota Statutes*, § 290.35 also provides that an insurance company is entitled to a credit against franchise tax liability equal to "any taxes based on premiums paid by it that are attributable to the period for which the tax under this chapter is imposed."

For the purposes of *Minnesota Statutes*, § 290.35, premium taxes and franchise taxes are generally attributable to the same taxable year. Mutual life insurance companies, however, are subject to differential earnings amount recomputation required by section 809 of the IRC. That section requires income attributable to one tax year to be reported on the return for the following year due to the recomputation of the differential earnings amount. The differential earnings recomputation may result in additional income attributable to the preceding tax year.

The question has arisen regarding what premiums taxes paid may be applied as a credit against franchise tax resulting from the increased income based on the recomputed differential earnings amount. The possible results are the premium taxes paid in the year in which the differential earnings amount is computed, or the premium taxes paid in the year preceding the year in which the differential earnings amount is recomputed. The recomputed differential earnings amount is attributable to income earned in the preceding year. Hence, the premium tax credit from the preceding year, to the extent which it was not used against franchise tax liability of that year, may be used against franchise tax which is the result of the differential earnings amount recomputed in the following year.

Mutual life insurance companies which are subject to franchise tax based on recomputed differential earnings amounts may apply the unused premiums tax credit from the preceding year to franchise tax liability to the extent of franchise tax assessed because of the recomputed differential earnings amount. Because recomputed differential earnings amounts are income attributable to the prior year, application of the preceding year's unused premiums tax credit is required. Further, because income resulting from the differential earnings amount recomputation is attributable to the preceding year, no premiums tax credit from the year of recomputation may be applied against the resultant franchise tax. The premiums tax credit may be used only to the extent of the lesser of the amount of the unused premiums tax credit of the year preceding recomputation or the franchise tax liability based on the differential earnings amount recomputation in the second year.

The method of computing and applying premiums tax credits set forth in this Revenue Notice is required for tax returns of tax years beginning after December 31, 1996, but may be used in determining the franchise tax liability of any year which is open for filing or amendment under *Minnesota Statutes*, Chapters 289A or 290.

Dated: 25 November 1996

Dwight Lahti
Assistant Commissioner

Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rule-making proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

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

State Board of Investment

Notice of Meeting of the State Board of Investment Administrative Committee

The State Board of Investment Administrative Committee will meet on Monday, December 2, 1996 in the SBI Conference Room, MEA Building, Room 105, 55 Sherburne Avenue, St. Paul, MN from 8:30 A.M. to 10:00 A.M.

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective November 25, 1996 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Hennepin: Minnesota Veterans Homes Board Mpls Campus Renovation-Minneapolis; Audubon Elementary School Asbestos Abatement-Minneapolis; 1997 Roof Replacement, Printing Services Building-Minneapolis; Pratt Education Center Renovation-Minneapolis; Southwest High School Asbestos Abatement Phase 2-Minneapolis; South High School Asbestos Abatement Phase 2-Minneapolis.

Lesueur: Steel Storage Building, Wastewater Treatment Plant-Elysian.

Ramsey: 1996 Bus Garage Renovation-North St Paul; Telephone Systems Upgrade Phase III St Paul Public Schools-St Paul; Telephone Systems Upgrade Phase II, St Paul Public Schools-St Paul; Telephone Systems Upgrade Phase I, St Paul Public Schools-St Paul.

St. Louis: Renovation of the First Presbyterian Church-Ely; Interior Renovation & Accessibility Project, ISD 2154-Eveleth/Gilbert.

Stevens: 1997 Reroofing at Independence Hall-Morris.

Todd: Grey Eagle Elementary School ADA Remodeling-Grey Eagle.

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

Minnesota Board of Nursing

Request for Comments on Planned Amendment to Rules Governing Application for Program Approval, Authorization to Practice Nursing, Requirements for Licensure Without Examination, Application Nullification, Registration Renewal Requirements, Registration Renewal Procedures, Verification of Minnesota License, Registration Fees, Dishonored Checks, and Professional Nursing Organizations with Authority to Certify, *Minnesota Rules* 6301.0600, 6305.0300, 6305.0500, 6305.0600, 6310.2800, 6310.2900, 6310.3100, 6310.3200, 6310.3500, 6310.3600, 6310.3700, and 6330.0350

Subject of Rules. The Minnesota Board of Nursing requests comments on its planned amendment to rules governing application for program approval, authorization to practice nursing, requirements for licensure without examination, application nullification, registration renewal requirements registration renewal procedures, verification of Minnesota license, registration fees, dishonored checks, and professional nursing organizations with authority to certify.

Persons Affected. The amendment to the rules would likely affect applicants for program approval, applicants for nursing licensure, and nurses currently licensed by the Board.

Statutory Authority. *Minnesota Statutes*, section 141.191 authorizes the Board to adopt rules.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing or orally until further notice is published in the *State Register* that the Board intends to adopt the rules. The Board does not contemplate appointing an advisory committee to comment on the planned rules.

Rules Drafts. The Board has prepared a draft of the planned amendments.

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the rules, and requests for more information on these planned rules should be addressed to: Sandra J. MacKenzie, RN, Assistant Director, Minnesota Board of Nursing, 2829 University Avenue SE, Suite 500, Minneapolis, Minnesota 55414; telephone 612-617-2180.

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Note: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The Board is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: 18 November 1996

Joyce M. Schowalter, Executive Director
Minnesota Board of Nursing

Public Employee Retirement Association

Notice of Meetings of Committees of PERA and the Board of Trustees

A meeting of the Board of Trustees of the Public Employees Retirement Association (PERA) will be held on Thursday, December 5, 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 Legislative Committee of the Board of Trustees will be held on Wednesday, December 4, 1996, at 2:00 p.m. in the offices of the association.

A meeting of the Personnel Committee of the Board of Trustees will be held on Thursday, December 5, 1996, at 12 noon in the offices of the association.

Department of Public Safety

Emergency Response Commission

Notice of 1997 Meeting Dates of the Emergency Response Commission

The Emergency Response Commission meetings are held regularly on the second Thursday of the month. Normal business includes policy, administrative, and enforcement actions regarding emergency planning for hazardous materials and community information on storage, use, and release of hazardous materials.

1997 meeting dates are:

Date	Site*
February 13, 1997	B-5, State Capitol
March 6, 1997	Governor's Emergency Mgt. Conference
April 10, 1997	B-5, State Capitol
May 8, 1997	B-5, State Capitol
June 12, 1997	300 State Office Building

State Grants and Loans

August 14, 1997	300 State Office Building
September 11, 1997	300 State Office Building
October 9, 1997	300 State Office Building
November 13, 1997	300 State Office Building
December 11, 1997	300 State Office Building

* Site may be subject to change. All meetings will be held at 9:30 a.m. For additional information on the meetings or on hazardous materials, please contact the Commission at (612) 297-7372.

State Grants and Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan 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 and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Economic Security

Workforce Preparation Branch

Dislocated Worker Program

Grant Proposals Sought from Interested Businesses for Pilot Program of Providing Skills Training for Dislocated and "At Risk" Workers

Eligible organizations interested in taking part in a pilot program in accordance with Section 268.9783 of the *Laws of Minnesota*, may apply to the Minnesota Department of Economic Security (MDES), Dislocated Worker Unit. This pilot is for the purpose of providing skills training for dislocated workers and workers "at risk" of dislocation. The program places emphasis on increasing the skills of employees in order to avoid layoffs, and providing skills training for dislocated workers to meet industry needs.

Participating businesses must demonstrate a need for training assistance and are required to match State resources dollar for dollar. Approximately 1.4 million dollars are available through June 30, 1997. The Governor's Workforce Development Council will review proposed pilots projects in January, March and May of 1997.

Interested parties may obtain a grant application containing complete proposal requirements and application submission dates from the Workforce Preparation Branch at 390 N. Robert St., St. Paul, MN 55101. The contact for this project is Connie McGowan, 612-297-1965. Limited assistance is available to applicants. Verbal instructions or explanations are not binding on the State or the Department. The submission of an application does not obligate the State of Minnesota or the MDES in any respect with regard to selection of projects for funding or costs incurred in the application process.

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, and final submission date of completed contract proposal.

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

Department of Administration

State Designer Selection Board

Request for Proposals for A DNR Project and a Minnesota State Academies for the Deaf and Blind Project

To Minnesota Registered Design Professionals:

IN AN ATTEMPT TO FACILITATE COMMUNICATION, THE STATE DESIGNER SELECTION BOARD HAS MADE SOME CHANGES IN THEIR STANDARD RFP LANGUAGE. PLEASE READ CAREFULLY THE SECTIONS THAT ARE IN BOLD TYPE AS THEY CONTAIN REVISIONS TO THE RFP.

The State Designer Selection Board has been requested to select consultants for two projects. The first is for the Department of Natural Resources, and the other is for the Minnesota State Academies for the Deaf and Blind located in Faribault, Minnesota. Design firms who wish to be considered for these projects should deliver proposals on or before 4:00 p.m., Tuesday, December 17, 1996, to:

Mary Closner, Executive Secretary
State Designer Selection Board
Department of Administration
50 Sherburne Avenue, Room G-10
St. Paul, Minnesota 55155-3000
(612) 296-4655

The proposals must conform to the following:

- 1) **Six (6) copies of the proposal will be required plus one additional unbound copy in black and white for micro fiche purposes only.***
- 2) All data must be on 8½" x 11" sheets, soft bound. No more than 20 printed faces will be allowed (see the following bullet points for clarification).
 - **Any letters directed to the Board shall be bound into the proposal and all pages will be counted as printed face(s).** It is not necessary to do a cover letter to Mary Closner.
 - **Blank dividers (with printed tab headings only) are not counted as faces.**
 - Front and back covers of proposals are not counted as faces.
 - **None of the statutory, mandatory, or optional information, except as required in 3) below, shall appear on the dividers or covers.**
- 3) **The front cover of the proposal must be clearly labeled with the project number, as listed in 7a) or 7b) below, together with the designer's firm name, address, telephone number, **fax number, and the name of the contact person. The back cover shall remain blank.**
- 4) **Brief Proposal Summary:**

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

- a) Name of firm and its legal status;
- b) **Names of the persons responsible for the management, design, and production of each major element of the work, including consultants, as well as Minnesota registration numbers for all (e.g. architects, civil/electrical/mechanical/structural engineers, landscape architects, land surveyors, and geotechnical);**
- c) The proposal shall contain a statement indicating that the consultants listed have been contacted and have agreed to be a part of the design team;

Professional, Technical & Consulting Contracts

- d) A commitment to enter the work promptly, if selected, by engaging the consultants and assigning the persons named in 4(b) above, along with adequate staff to meet the requirements of work;
- e) **A list of State and University of Minnesota current and past projects and studies awarded to the prime firms(s) submitting this proposal during the four years immediately preceding the date of this request for proposal. For the purposes of this list, "awarded" shall mean you have been selected for a given project irrespective of the finalization of the contract.**

The prime firm(s) shall list and total all fees associated with these projects and studies whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects and studies listed pursuant to the above. NOTE: Please call Mary Closner and leave your address or fax number to receive a copy of the acceptable format for providing this information.

- f) In accordance with the provisions of *Minnesota Statutes*, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted; therefore, the proposal shall include one of the following:
 - 1. A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
 - 2. A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights; or
 - 3. **A statement certifying that the firm has not had a cumulative total of more than 20 full-time employees at any time during the previous 12 months, anywhere in the United States. Any questions regarding this topic may be directed to the Department of Human Rights, (612) 296-5934 Phone/(612) 296-9042 Fax.**

5) Additional Mandatory Proposal Contents:

- a) A section containing graphic material (e.g. photos, plans, drawings, etc.) as evidence of the firm's qualifications for the work. The graphic material must be identified. It must be work in which the personnel listed in 4(b) above have had significant participation and their roles must be clearly described. It must be noted if the personnel were, at the time of the work, employed by other than their present firms.
- b) Expanded resumes showing qualification of individuals, listed in 4(b) above, administering or producing the major elements of the work, including consultants. Identify roles that such persons played in projects which are relevant to the project at hand.
- c) A discussion of the firm's understanding of and approach to the project.
- d) A listing of relevant past projects.
- 6) Design firms wishing to have their proposals returned after the Board's review, must follow one of the following procedures:
 - a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two weeks to pick up their proposals, after which time the proposals will be discarded; or
 - b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

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

Any questions concerning the Board's procedures or their schedule for the projects herein described may be referred to Mary Closner at (612) 296-4655.

7a) PROJECT 17-96

Minnesota State Academies for the Deaf (MSAD) and Blind (MSAB)

Faribault, Minnesota

The Residential Academies are combining three projects funded by the State Legislature to demolish two old buildings on the MSAB campus, replace old and worn sidewalks on the MSAB campus, and increase exterior lighting on MSAB and MSAD campuses. These interrelated projects are combined to insure a unified design and to provide an unique opportunity to recognize the architectural and historical significance of Dow Hall. The intent is to select a design team that will bring a high degree of creativity and involvement with the academies' communities to combine and unify the projects and achieve a commemorative place commensurate with the importance of the site.

Professional, Technical & Consulting Contracts

1. PROJECT DESCRIPTION:

- A. The Dow Hall demolition project includes several aspects to remove a hazardous situation on the MSAB campus resulting from two unprotected and unoccupied buildings on the campus:
 - Demolition of both the Dow Hall Building and the Old Industrial Building
 - Construction of a parking area where the Dow Hall Building now stands
 - Removal of all asbestos prior to demolition
 - Utilities/phone service that currently serves buildings on campus must be rerouted
 - Retention of underground storage facility connected to Dow Hall
- B. The replacement of sidewalks includes both the removal and provision of new sidewalks thought the campus at MSAB:
 - The sidewalk system, in addition to meeting all codes and ADA requirements, should also respond to the special needs of the Academies' population.
 - All construction work will be required to meet safety guidelines for students on campus during the construction phase of the project.
- C. The exterior lighting project includes the provision of additional exterior lighting on both the MSAB and MSAD campuses:
 - Assessment of current lighting needs for students and staff
 - The lighting system for both campuses shall meet the requirements for safe travel of blind/visually impaired, deaf and deaf/blind students and shall meet all security needs.

2. DESIGNER REQUIREMENTS:

The designer shall provide a comprehensive scope of services required for the project's ultimate success.

- Student and staff safety is the number one concern. As MSAB has a number of visually impaired/blind persons, safe conditions are of an elevated concern. Assurances are critical in providing for adequate fencing around the construction area.
- The Dow Hall building demolition shall be conducted such that key architectural elements may be incorporated into the overall project to accomplish the commemoration described above. This will include, but not be limited to, reusable wood, cornerstones, decorative stone window caps, and a portion of the brick.

3. REQUIRED CONSULTANT SERVICES:

The selected designer, in consultation with the Academies' personnel and the Department of Administration, will provide a comprehensive scope of services including design for architectural, structural, mechanical, electrical, and civil through the schematic design, design development, construction document, and construction phases. Additional services including but not limited to artistic, historic, preservation, and landscape are required for the "placemaking" component of this project.

4. PROJECT SCHEDULE:

The designer shall start the project as soon as the contract has been executed. Actual construction shall occur in the summer of 1997 when students are not on campus or assurances are in place to protect their safety.

5. PROJECT BUDGET/FEE:

The fee for all services is proposed to be fixed at 7 ½ percent of the actual construction costs of the project. The total funds available for all three components (including fees) are \$1,623,000.

6. INFORMATIONAL MEETING/SITE VISIT:

Dow Hall and the adjacent grounds and structures will be available for a site inspection prior to the proposal submittal date. The site will be available Tuesday, December 3, 1996 at 1:00 p.m. at Dow Hall.

7. PROJECT CONTACT:

Questions concerning the project should be referred to:

Harry Chappius, Physical Plant Director
Minnesota State Academies for the Deaf and Blind
615 Olof Hanson Drive
Faribault, MN 55021
Phone: (507) 332-5468

Professional, Technical & Consulting Contracts

8. STATE DESIGNER SELECTION BOARD SCHEDULE:

Tuesday, December 3, 1996 — Site Visit

Friday, January 3, 1997 — Short List

Tuesday, January 21, 1997 — Interviews & Award

7b) PROJECT 20-96

Department of Natural Resources

Shooting Sports Center

Near Grand Rapids, Minnesota

1. PROJECT DESCRIPTION:

A new building for the DNR Shooting Sports Center near Grand Rapids, Minnesota on a site south of Sugar Lake (CR 449) formerly known as Sugar Hills Ski Resort.

- Public Areas to include:

Combined firearms, air gun, and archery range capable of handling Olympic level competitions

Range observation area

Lobby, training room, locker/toilet/showers, firearms cleaning rooms

- Private/Semi-Private Areas to include:

Offices, storage, shop, delivery receiving area, custodial and mechanical

Armors

Preliminary estimate of building area: 23,650 square feet

2. SITE DESCRIPTION:

The selected site is in the vicinity of the existing Sugar Hills Resort Chalet and Condominiums with the specific building location to be determined by the project design team in concert with the Owner's project team, taking into account adjacencies and economy. The general area is partially wooded and the terrain varies from near level to steep slopes.

3. DESIGNER REQUIREMENTS:

The design team candidates must demonstrate the ability and the experience as well as providing the personnel necessary to fulfill, in a timely manner, the following services:

Complete facility architectural design including structural and mechanical systems, landscape and civil design.

Flexible design options that include system buildings to expedite schedule

Acoustical, HVAC, and electrical systems consistent with the building's purpose

Audiovisual system design

Comprehensive construction cost estimating and project delivery schedule/system (including design)

All construction documents must be prepared on CAD. Septic system design and well drilling are not part of design services, however, the successful designer is required to incorporate, in the construction contract, those elements and specialized equipment as designed and specified by others.

4. PROJECT SCHEDULE:

The Owner requests the building be ready for occupancy/use by late fall 1997.

5. PROJECT BUDGET:

The preliminary construction budget is \$1,700,000 not including fees, tests, acquisition, surveys, firing range apparatus, furnishings, % for art, and overall project contingencies.

6. OWNER:

Minnesota Department of Natural Resources - Division of Enforcement.

Professional, Technical & Consulting Contracts

7. INFORMATIONAL MEETING/SITE VISIT:

A meeting will be held on Monday, December 9, 1996 - 10:00 a.m. at the following location:

DNR Grand Rapids Regional Headquarters
1201 East Highway 2
Grand Rapids, Minnesota

The informational meeting will be followed by a site visit.

8. SUPPLEMENTAL INFORMATION:

Existing site area plan and excerpts from project predesign are available by calling (612) 296-2119.

9. PROJECT CONTACT:

Questions concerning the project should be referred to:

Charles French, Supervising Architect
DNR Bureau of Engineering
500 Lafayette Road
St. Paul, Minnesota 55155-4029
(612) 296-0605 Phone
(612) 297-5818 Fax

10. STATE DESIGNER SELECTION BOARD SCHEDULE:

Monday, December 9, 1996 — Site Visit
Friday, January 3, 1997 — Short List
Tuesday, January 21, 1997 — Interviews & Award

***The addition of the black and white copy is for time and money savings only. If you do not submit this unbound, file copy, you will not be disqualified. We will simply break down one of the bound copies you submit and recycle the components that are unusable for micro fiche (e.g. photos, tabs, decorative covers, laminated inserts, blank covers).**

****The addition of the fax number on the cover is for the convenience of communication only. If you do not have a fax number, you will not be disqualified.**

Douglas Wolfangle, P.E., Chair
State Designer Selection Board

Department of Health

Division of Family Health

Request for Proposals for a Comprehensive Assessment of the Scope Content of the Data Resources of the Division

The Minnesota Department of Health, Division of Family Health (DFH) is requesting proposals to undertake, in conjunction with and with guidance from DFH staff, an assessment of the data resources of the Division.

Goal

The goal of this project is to provide DFH with a comprehensive assessment of the scope and content of its' data resources.

Objective

The project is designed to provide a complete inventory of data currently held within the Division or that are collected on an on-going basis. This inventory will include the content of each data set, the purpose for which the data set was designed, the Division personnel responsible for its maintenance, and related annual costs (estimated).

Background

The Division of Family Health is comprised of a Director's Office and four major sections - Maternal and Child Health, Supplemental Nutrition Programs, the Center for Health Promotion, and Minnesota Children with Special Health Needs. Each of the four sections contains one or more smaller units. There are approximately 170 persons attached to the Division, including several staff in district offices. The State Guide to Health Data currently lists 13 data systems of the Division, however, this is likely a considerable underestimate.

Professional, Technical & Consulting Contracts

Major Tasks and Outcomes

In order to complete this project, the contractor must:

1. Meet with key personnel in each of the four sections of the DFH and in the Director's Office, in order to become knowledgeable of the diverse databases and other data-related resources of the DFH.
2. Provide a written document that describes:
 - a) an inventory of current data holdings, including detailed scope and content of each data set (see Attachment),
 - b) gaps and overlaps, strengths, weaknesses and common problems of current data, and,
 - c) priorities for improving specific databases.

Responders may propose additional tasks or activities if they will substantially improve the results of the project. The contractor will work in consultation with DFH staff.

The project will be completed by June 30, 1997 or within four (4) months from the date the contract officially begins.

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

Prospective responders who have any questions regarding this request for proposal may call or write to:

Debora Barnes-Josiah, Ph.D.
Research Scientist, Division of Family Health
Minnesota Department of Health
Box 9441
717 Delaware Street Southeast
Minneapolis, Minnesota 55440-9441
Telephone: (612) 623-5538

Other Department personnel are not allowed to discuss the request for proposal with anyone, including responders, before the proposal deadline.

All proposals must be sent to and received by:

Debora Barnes-Josiah, Ph.D.
Research Scientist, Division of Family Health
Minnesota Department of Health
Box 9441
717 Delaware Street Southeast
Minneapolis, Minnesota 55440-9441

All proposals must be received no later than 4:00 p.m., Friday, December 20, 1996, as indicated by the date and time noted on each response package by the Director's Office Receptionist, Third Floor, Division of Family Health, 717 Delaware St. S.E., Minneapolis, where the responses will be received.

No faxes or e-mails will be accepted. Late proposals will not be accepted. Submit 3 (three) copies of the proposal. Proposals are to be sealed in mailing envelopes or packages with the responder's name, and address clearly written on the outside. Each copy of the proposal must be signed in ink, by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of any resulting contract.

The following will be considered minimum contents of the proposal:

- A. A statement of the goal, objectives, and tasks to show or demonstrate responder's view of the nature of the contract.
- B. A description of the deliverables to be provided by the responder.
- C. An outline of the responder's background and experience in this area, with particular emphasis on work done in large bureaucracies. Identification of the personnel to conduct the project, with details on training and related work experience. No change in personnel assigned to the project will be permitted without the approval of the project manager.
- D. A detailed cost estimate and work plan that will identify the major tasks to be accomplished and be used as a scheduling and managing tool, as well as the basis for invoicing.
- E. Identification of the level of DFH's participation in the project, as well as any other services to be provided by the Division.

Professional, Technical & Consulting Contracts

All proposals received by the deadline will be evaluated by representatives of the Division of Family Health. A 100 point scale will be used to create the final evaluation recommendation. At the Division's discretion, an interview may be part of the evaluation process.

The factors and weighting on which proposals will be judged include the following:

- | | |
|---|-----|
| A. Expressed understanding of the proposed objectives. | 15% |
| B. Work plan. | 35% |
| C. Cost detail and price. | 30% |
| D. Qualifications and experience of both company and personnel. | 20% |
| Experience of personnel who are committed to work on the contract will be given greater weight than that of the firm. | |

Preference to targeted group and economically disadvantaged businesses and individuals: In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal, and certified Economically Disadvantaged Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of 4% preference in the evaluation of their proposal. For information regarding certification, contact the Materials Management Help line at (612) 296-2600, TTD (612) 282-5799.

It is expected that evaluation and selection will be completed by January 10, 1997.

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

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

- A. Compensation will be for ALL services performed, unless a specific payment schedule is mutually agreed upon. The state DOES NOT make regular payments based upon the passage of time, it only pays for services performed or work delivered AFTER it is accomplished.
- B. Payment is made only after the submission of an authorized invoice to the state. The state must pay its invoices within 30 days of receipt, unless they are formally contested.
- C. No more than 90 percent of the full amount due under the contract may be paid until the final products of the contract have been reviewed by the agency head and the agency head has determined that the contractor has satisfactorily fulfilled all the terms of the contract.

In compliance with *Minnesota Statutes* 16B.167, the availability of this contracting opportunity is being offered to state employees. We will evaluate the responses of any state employee along with other responders to this Request for Proposals.

JOINT NOTICE

Department of Health

Department of Corrections

Request for Proposals for an Evaluation of Community Prevention and Intervention Projects Addressing Violence at Several Levels

A joint project of the Minnesota Departments of Health and Corrections is funding community prevention and intervention projects addressing violence at several levels: primary (preventing rape, sexual assault, and incest from occurring through prevention education targeting all community members), secondary (preventing rape, sexual assault, and incest where risk factors exist), and tertiary (preventing further harm to individuals experiencing rape, sexual assault, and incest through provision of post-incident services). The tertiary services currently exist and will continue into the future. The primary and secondary prevention activities will be developed beginning in 1997.

Violence has many causes; therefore, there are also many prevention and intervention points. As a result, evaluation of interventions and prevention efforts, the focus of this request for proposals, is complex.

The Minnesota Department of Health (MDH), in partnership with the Minnesota Department of Corrections (DOC), is requesting proposals that address all three of the following areas: 1) to assist existing local sexual assault services programs in Minnesota in developing outcome evaluation measures and methodologies for tertiary rape and sexual assault services; 2) to assist these and new

Professional, Technical & Consulting Contracts

projects in implementing the outcome evaluation of primary and secondary rape and sexual assault prevention activities to be developed beginning in 1997; and 3) to develop and implement strategies for synthesizing and analyzing statewide evaluation results. Ongoing evaluation support beyond this project period will be developed for areas 2) and 3) in subsequent years.

Goal

The goal of this project is for rape and sexual assault services programs in Minnesota to identify and implement outcome-based evaluation of rape and sexual assault services, and to identify, through an outcome-based evaluation, strategies effective in preventing sexual assault. Statewide synthesis and analysis of the evaluation results will be conducted.

Objective

The objective of this project is to develop and implement outcome evaluation methods to be used by local sexual assault services programs, as well as to develop and implement a plan for statewide synthesis and analysis of the resulting evaluation information.

Major Tasks and Outcomes

In order to complete this project the contractor must:

1. Consult with MDH, DOC, local grantee projects' staff, and the Sexual Assault Advisory Council Prevention Subcommittee to determine the design and implementation of the project evaluation plans, and general outcome indicators to address statewide;
2. Consult with the local projects (on site and through other means of communication) to determine appropriate methods to evaluate their services and/or prevention efforts (a minimum of twenty-five percent of the local project grantees' funding must be spent on prevention efforts among youth);
3. Develop evaluation plans specific to each project's services and/or prevention strategies;
4. Provide training and consultation to local projects on the purpose and project-specific methods of the evaluation plan (on site and through other means of communication);
5. Develop strategies for synthesizing statewide evaluation results; and
6. Develop a framework for analyzing the statewide evaluation results so that the effectiveness of prevention strategies can be determined and effective efforts promoted.

Responders may propose additional tasks or activities if they will substantially improve the results of the project. The contractor will work closely with MDH and DOC staff.

The first phase of the project will be completed by September 30, 1997. This includes: development and implementation of the evaluation plan with existing projects; development and implementation of the outcome evaluation with existing and new grantees' prevention projects beginning in 1997; and development and implementation of the plan for the synthesis and analysis of resulting statewide information. The second phase of the project, the ongoing support of the prevention evaluation-related activities, will be implemented in succeeding years.

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

Prospective responders who have any questions regarding this request for proposal may call or write to:

Mark Kinde, Supervisor
Minnesota Injury and Violence Prevention Program
Minnesota Department of Health
Box 9441
717 Delaware Street Southeast
Minneapolis, Minnesota 55440-9441
Telephone: (612) 623-5782

Other Department personnel are not allowed to discuss the request for proposal with anyone, including responders, before the proposal deadline.

All proposals must be sent to:

Director's Office
Division of Family Health
Minnesota Department of Health
Box 9441
717 Delaware Street Southeast
Minneapolis, Minnesota 55440-9441

Professional, Technical & Consulting Contracts

All proposals must be received no later than 4:00 p.m., December 16, 1996, as indicated by the date and time noted on each response package by the Director's Office Receptionist, Third Floor, Division of Family Health, 717 Delaware St. S.E., Minneapolis, where the responses will be received.

No faxes or e-mails will be accepted. Late proposals will not be accepted. Submit 6 (six) copies of the proposal. Proposals are to be sealed in mailing envelopes or packages with the responder's name, and address clearly written on the outside. Each copy of the proposal must be signed in ink, by an authorized member of the organization. Prices and terms of the proposal as stated must be valid for the length of any resulting contract.

The Department has estimated that the cost of this first phase of this project should not exceed \$120,000. Note that 25% of the expenditures under this contract must be allocated for evaluation of prevention activities targeted at youth.

The following will be considered minimum contents of the proposal:

- A. A statement of the goal, objective, and tasks to show or demonstrate the responder's view of the nature of the contract.
- B. A description of the deliverables to be provided by the responder.
- C. An outline of the responder's background and experience in this area with particular emphasis on local, state, and federal government work, including examples of similar work done by the responder. Identification of the personnel to conduct the project, with details on training and related work experience. No change in personnel assigned to the project will be permitted without the approval of the project manager.
- D. A detailed cost and work plan that will identify the major tasks to be accomplished and be used as a scheduling and managing tool, as well as the basis for invoicing.
- E. Identification of the level of the Departments' participation in the project as well as any other services to be provided by the departments.

All proposals received by the deadline will be evaluated by representatives of the Minnesota Departments of Health and Corrections. A 100 point scale will be used to create the final evaluation recommendation. At the Departments' discretion, an interview may be part of the evaluation process.

The factors and weighting on which proposals will be judged include the following:

- | | |
|---|-----|
| A. Expressed understanding of the proposed objectives. | 15% |
| B. Work plan. | 30% |
| C. Cost detail. | 10% |
| D. Qualifications and experience of both company and personnel. | 35% |
| Experience of personnel who are committed to work on the contract will be given greater weight than that of the firm. | |
| E. Recognition of the role of cultural influences on outcome indicators. | 10% |

It is expected that proposal evaluation and selection will be completed by January 10, 1997.

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

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

- A. Compensation will be for ALL services performed, unless a specific payment schedule is mutually agreed upon. The state DOES NOT make regular payments based upon the passage of time, it only pays for services performed or work delivered AFTER it is accomplished.
- B. Payment is made only after the submission of an authorized invoice to the state. The state must pay its invoices within 30 days of receipt, unless they are formally contested.
- C. Reimbursement for travel and subsistence expenses actually incurred in performance of a contract is limited to the current "Commissioners Plan" promulgated by the commissioner of employee relations. Travel outside of Minnesota must have received PRIOR written approval of the agency contact BEFORE it takes place. You can contact the commissioner of employee relations to get a copy of this plan.
- D. No more than 90 percent of the full amount due under the contract may be paid until the final products of the contract have been reviewed by the agency head and the agency head has determined that the contractor has satisfactorily fulfilled all the terms of the contract.

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In compliance with *Minnesota Statutes* 16B.167, the availability of this contracting opportunity is being offered to state employees. We will evaluate the responses of any state employee along with other responders to this Request for Proposals.

In accordance with *Minnesota Rules* Part 1230.1910, certified Target Group businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal, and certified Economically

Disadvantaged Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of 4% preference in the evaluation of their proposal. For information regarding certification, contact the Materials Management Help line (612) 296-2600 TDD (612) 282-5799.

Minnesota House of Representatives Public Information Office

Public Notice of Request for Bid for Printing the *Minnesota State Government Series*

NOTICE IS HEREBY GIVEN that the Minnesota House of Representatives Public Information Office is seeking bids from qualified printers to provide printing services for the nine-part *Minnesota State Government Series*.

The size of the publications varies 8-1/2" x 11" to 22.375" x 12". Publications vary from two to four pages. Film will be provided by the House Public Information Office.

All work must be done in-house - unless specifically approved by us.

All bids must be submitted on the forms accompanying the specifications in a sealed envelope and delivered to Room 175, State Office Building, no later than **Thursday, December 5, 1996, at 2 p.m.** Bid submittals will be opened publicly on that date and time.

A copy of the Request for Bid packet can be obtained by calling: Paul Battaglia, 175 State Office Building, St. Paul, Minnesota 55155-1298, (612) 296-8904.

Other department personnel are NOT allowed to discuss the Request for Bid with anyone, including responders, before the proposal submission deadline.

Minnesota House of Representatives Public Information Office Minnesota Senate Publications Office

Public Notice of Request for Bid for Printing the *Members Directory of the Minnesota Legislature* and the *Official Directory of the Minnesota Legislature*

NOTICE IS HEREBY GIVEN that the Minnesota House of Representatives Public Information Office and the Minnesota Senate Publications Office are seeking bids from qualified printers to provide printing services for the *Members Directory of the Minnesota Legislature* and the *Official Directory of the Minnesota Legislature*.

The size of the publications will be 4" x 6". The *Members Directory of the Minnesota Legislature* will contain approximately 176 pages plus cover, and the *Official Directory of the Minnesota Legislature* will contain approximately 392 pages plus cover.

All bids must be submitted on the forms accompanying the specifications in a sealed envelope and delivered to Room 175, State Office Building, no later than **Wednesday, December 4, 1996, at 2 p.m.** Bid submittals will be opened publicly on that date and time.

A copy of the Request for Bid packet can be obtained by calling: Paul Battaglia, 175 State Office Building, St. Paul, Minnesota 55155-1298, (612) 296-8904.

Other department personnel are NOT allowed to discuss the Request for Bid with anyone, including responders, before the proposal submission deadline.

Northwest Technical College

East Grand Forks Campus

Request for Bids for Vending Services

Northwest Technical College - East Grand Forks Campus is requesting bids from vendors for Vending Services at the College. Contact Karen Bolstad by telephone, (218) 773-4539, or by mail, 2022 Central Avenue NE, East Grand Forks, MN 56721 to obtain a "Request For Proposal." All proposals must be received no later than Friday, December 06, 1996.

Pollution Control Agency

Notice of Request for Proposals for Consultant Services

The Minnesota Pollution Control Agency (MPCA) wishes to retain a consultant for the preparation of an Environmental Impact Statement (EIS) for the proposed Superior FCR, Inc. landfill expansion in Monticello Township, Wright County. The consultant contractor will prepare Technical Work Papers (TWPs) for submission to the MPCA, and then use the TWPs and MPCA direction to prepare the draft and final EIS documents. A meeting with the MPCA EIS staff team has been scheduled for those interested in submitting proposals for the project. Attendance is not mandatory. This meeting is scheduled for December 4, 1996, from 9:00 a.m. - 11:00 a.m. in the West Board Room at the MPCA offices, 520 Lafayette Road, St. Paul, Minnesota 55155-4194.

The MPCA reserves the right to reject any and all proposals.

To obtain a copy of the complete RFP, contact:

Kevin J. Kain, EIS Project Manager
Environmental Planning and Review Office
520 Lafayette Road
St. Paul, Minnesota 55155-4194
612/296-7432

Proposals must be submitted on recycled/recyclable paper and printed back to back. Proposals must be received by the MPCA by December 20, 1996, by 4:00 p.m.

In compliance with *Minnesota Statutes* § 16B.167, the availability of this contracting opportunity is being offered to state employees. We will evaluate the responses of any state employee along with other responses to this Request for Proposal.

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.

JOINT NOTICE

Minnesota Chore Corps

Minnesota Department of Human Services

Extended Deadline for Proposals from Interested Private Businesses to Acquire the Minnesota Chore Corps

The due date for proposals from prospective responders for the acquisition of the MN Chore Corps published in the November 12, 1996 *State Register* has been extended from December 10, 1996 to Friday, January 3, 1997.

All proposals must be received by the MN Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3844 no later than 4:30 p.m. January 3, 1997. Late proposals will not be accepted. To receive a packet describing the acquisition requirement call Beth Nelson at (612) 297-7510.

University of Minnesota

Request for Proposal for Design/Build at the University of Minnesota - Project No. 041-97-1251 - of an Existing Building for Student Housing of the Minneapolis, East Bank Campus

The University of Minnesota Facilities Management department is seeking qualified design/build firms or design/build teams for the design and construction of an existing building for student housing on the Minneapolis, East Bank Campus. The building is the Mineral Resources Research Center (MRRC) 56 East River Road.

Representatives of the University of Minnesota will make the selection following a two phase selection process. Phase I will be a qualification selection which will be based on: experience; design qualification; a fee proposal assuming a construction cost of \$5,000,000; ability to meet the University's objectives under the Targeted Business, Urban Community Economic Development, and Small Business Programs; and ability to achieve the schedule. Phase II will require submittal of a design concept.

In general, the project involves identifying design alternatives and a design and construction total cost to provide an appropriate number of efficiency, 2, 3 and 4 bedroom multiple housing units compatible with the program, design and cost objectives of the University. The goal is to offer a variety of unit types which have no more than a single occupant to any bedroom, and maximize the cash flow to the University to cover the amortization of all project costs.

A project budget for "soft costs", which exclude design and construction, will be provided by Northco, the University's Owner Representative, who will then determine the financial feasibility of the project.

A discovery interview for interested teams has been scheduled at the University of Minnesota Donhowe Building (old Shops Building), 319 15th Avenue S.E./Suite 317/318, Minneapolis, MN 55455, for 10:00 a.m. local time, on Monday, November 25, 1996. All firms intending to submit a response to the RFP should attend this meeting. Representatives of the University of Minnesota will be available to answer questions. The RFP Package will be available from the University's Owner Representative, NORTHCO Corporation, 4900 Viking Drive, Edina, MN 55435-5314 on or after November 18, 1996. Contact Ms. Deonna Anderson (612) 820-1655.

Interested firms must provide design/build services on an "open book, full cost disclosure basis". The University's schedule is for completion by September 15, 1997 for occupancy. Deadline for submittal of your proposal for selection consideration is 2:00 p.m., local time, December 10, 1996 in the offices of the University of Minnesota, 400 Donhowe Building, 319 - 15th Avenue SE, Minneapolis, MN 55455, Attention: Denis Larson.

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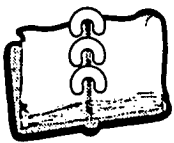
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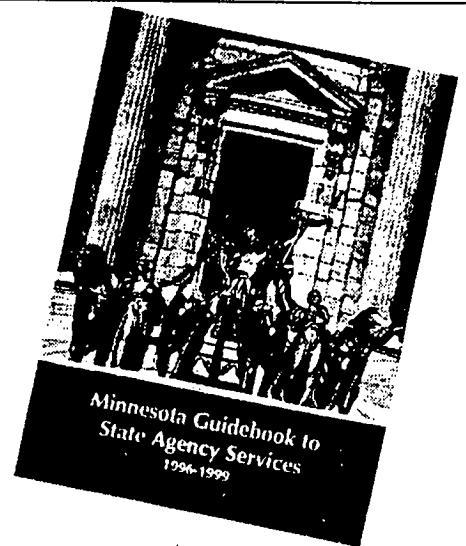
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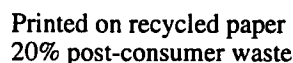




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