

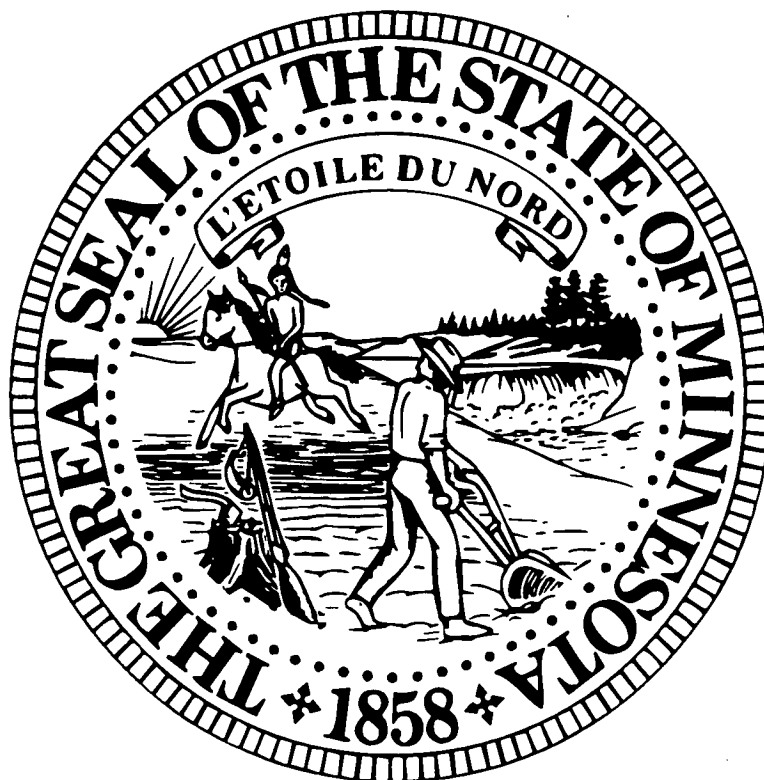
# The Minnesota State Register

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Rules and Official Notices Edition



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# State Register

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

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

### 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
# 26	Monday 23 December	Monday 9 December	Monday 16 December
# 27	Monday 30 December	Monday 16 December	Friday 20 December
# 28	Monday 6 January	Friday 20 December	Friday 27 December
# 29	Monday 13 January	Friday 27 December	Monday 6 January

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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:

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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 Labor and Industry

### Occupational Safety and Health Division

### Proposed Permanent Rules Relating to Safety and Health Standards; Adoption of Federal Occupational Safety and Health Standards by Reference

**NOTICE IS HEREBY GIVEN** that the Department of Labor and Industry, Occupational Safety and Health Division (Minnesota OSHA) proposes to adopt the following revisions to the Department of Labor and Industry, Occupational Safety and Health Rules, as authorized under *Minnesota Statutes* § 182.655 (1994). This notice proposes the adoption by reference of corrections and amendments to Occupational Safety and Health Standards that have already been proposed and adopted by the Federal Occupational Safety and Health Administration (Federal OSHA).

All interested or affected persons have 30 days from the date this notice is published in the *State Register* to submit, in writing, data and views on the proposed amendments to the rule. Comments in support of or in opposition to the proposed amendments are encouraged. Each comment should identify the portion of the proposed amendment addressed, the reason for the comment, and any proposed change.

Any person may file with the Commissioner written objections to the proposed amendments stating the grounds for those objections and may request a public hearing. A public hearing will be held if 25 or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period. Requests for hearing must include the name and address of the person submitting the request, define the reasons for the request, and discuss any proposed changes. If a public hearing is required, the Department will proceed according to the provisions of *Minnesota Statutes* § 182.655 and *Minnesota Rules* 5210.0010 to 5210.0100.

Written comments or requests for a public hearing should be sent to: Occupational Safety and Health Division, Department of Labor and Industry, 443 Lafayette Road, St. Paul, Minnesota 55155-4307. A complete copy of the standards proposed for adoption is available by writing to this address, or by calling (612) 297-3254 or (612) 282-5806.

Gary W. Bastian  
Commissioner

### SUMMARY OF CHANGES

The following is a brief summary of the proposed amendments. Persons interested in reviewing the complete *Federal Register* notices referenced below may obtain copies from the above address.

- (A) "Incorporation of General Industry Health and Safety Standards Applicable to Construction Work; Final Rule; Correcting Amendment." On August 12, 1996, Federal OSHA published a correcting amendment to the above-mentioned final rule which was published on June 20, 1993. The amendment deletes the regulatory text which incorporated 1910.333 and 1910.334 (Subpart S, Electrical) into paragraphs (a)(4)(f) and (g) of 1926.416 and paragraph (d) of 1926.417 (Subpart K,

Electrical), because the Agency clearly stated in the preamble to the final rule for Electrical Safety-Related Work Practices that the provisions in question did not apply to construction employment. This notice simply deletes improperly incorporated requirements from the text of 29 CFR 1926 Subpart K and, accordingly, does not increase the existing regulatory burden.

By this notice, Minnesota OSHA proposes to adopt the correcting amendment to 29 CFR Part 1926, as published in the *Federal Register* on August 12, 1996.

- (B) "Occupational Exposure to Asbestos, Tremolite, Anthophyllite and Actinolite; Final Rule, corrections." On August 23, 1996, Federal OSHA published corrections to the final asbestos standards contained in 29 CFR Parts 1910, 1915, and 1926. The corrections and clarifications being made are based on the existing rulemaking record and are not intended to affect the worker protection afforded by the standards in a significant way. Among the clarifications are:
- Employers must inform employees required to wear respirators that they may choose to require the employer to provide a powered air-purifying respirator instead of a negative-pressure respirator.
  - Employers must assure employee comprehension of warning signs and labels required by the standards. OSHA is not mandating that the signs and labels be written in languages other than English. Pictographs and graphics can be used to assure comprehension.
  - The requirement for a 32-hour training course for workers engaged in Class II removals of asbestos-containing material as part of general asbestos abatement work was inadvertently deleted in an earlier correction, and is restored and clarified. Thirty-two hour training is required when Class II operations require controls such as critical barriers or negative-pressure enclosures.
  - Training for workers who engage in other Class II removals must include training in each category of material the employee removes and in each work practice and each removal method the employee uses.
  - A training course may use written materials and electronic media such as videotapes or computer-based training, but a knowledgeable person (such as a person who qualifies as a "competent person" for the particular type of asbestos work addressed in the training) must be available to answer questions during the training.

Clarifications or corrections also are made for provisions for medical surveillance; Class III work (where a small amount of asbestos-containing material must be cut away to access mechanical or structural components of buildings), and Class IV work (where employees clean up an area after a Class I, II, or III job in that area is completed.)

By this notice, Minnesota OSHA proposes to adopt the corrections to the final rule for the asbestos standards contained in 29 CFR 1910, 1915, and 1926, as published in the *Federal Register* on August 23, 1996.

- (C) "Safety Standards for Scaffolds Used in the Construction Industry; Final Rule." On August 30, 1996, Federal OSHA published the final rule which revises the construction industry safety standards which regulate the design, construction, and use of scaffolds. Existing OSHA regulations on scaffolds in construction were initially adopted in May 1971 and have been in place with only minor amendments since then. OSHA began a complete review of the standards after becoming aware of concerns about their effectiveness. The resulting final rule updates the existing scaffold standards and sets performance-oriented criteria, where possible, to protect employees from scaffold-related hazards such as falls, falling objects, structural instability, electrocution and overloading. In particular, the final rule has been updated to address types of scaffolds — such as catenary scaffolds, step and trestle ladder scaffolds, and multi-level suspended scaffolds — not covered by OSHA's existing scaffold standards. In addition, the final rule allows employers greater flexibility in the use of fall protection systems to protect employees working on scaffolds, and extends fall protection to erectors and dismantlers of scaffolds to the extent feasible. Another area that the final rule strengthens is training for workers using scaffolds; the conditions under which such employees must be retrained are also specified in the final rule. Finally, the language of the rule has been simplified, duplicative and outdated provisions have been eliminated, overlapping requirements have been consolidated, and the performance orientation of the rule has been enhanced to allow employers as much flexibility in compliance as is consistent with employee protection. An estimated 2.3 million construction workers (about 65% of the construction industry workforce) work on scaffolds frequently and would be protected by the revised standard. The rule will also save construction employers at least \$90 million annually in costs that would otherwise result from lost workdays due to scaffold-related injuries.

**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

By this notice, Minnesota OSHA proposes to adopt the final rule for Scaffolds used in the construction industry, as published in the *Federal Register* on August 30, 1996. This standard will become effective five days after publication of the adoption notice in the *State Register* except for 1926.453(a)(2) which will not become effective until Federal OSHA receives an Office of Management and Budget (OMB) Control Number. The effective date for 1926.453(a)(2) will be published in the *State Register* as soon as it is announced by Federal OSHA. In addition, the effective date for compliance with the provisions of paragraphs (e)(9) and (g)(2) of 1926.451, which addresses safe access and fall protection, respectively, for employees erecting and dismantling supported scaffolds, will be September 2, 1997.

[NOTE: On November 25, 1996, Federal OSHA published an administrative stay of the implementation of §1926.451(b)(2)(i) as it relates to roof bracket scaffolds.

The stay delays implementation of the requirement in §1926.451(b)(2)(i) that roof bracket scaffolds be at least 12 inches wide. The Murray-Black Co., a manufacturer of roof bracket scaffolds, has filed a petition for review of final subpart L in the United States Court of Appeals for the Sixth Circuit with respect to the roof bracket width requirement. Federal OSHA has received information from Murray-Black and other manufacturers of roof bracket scaffolds which indicates that most roof bracket scaffolds currently in use are either 8 or 10 inches wide and that those roof brackets function adequately. The original requirements of subpart L do not set a minimum width for such scaffolds.

Federal OSHA has concluded that the submissions by Murray-Black and other scaffold manufacturers raise reasonable concerns regarding the minimum width requirements for roof bracket scaffolds in §1926.451(b)(2)(i) and that further rulemaking is needed to determine what minimum width would be appropriate for roof bracket scaffolds. Accordingly, Federal OSHA stayed §1926.451(b)(2)(i), as regards roof bracket scaffolds until November 25, 1997, or until rulemaking is completed, whichever is later. Minnesota OSHA will honor the stay and will delay enforcement of §1926.451(b)(2)(i) until November 25, 1997, or until Federal OSHA completes rulemaking on this issue.]

- (D) "Occupational Exposure to 1,3-Butadiene; Final Rule." On November 4, 1996, the *Federal Register* published the final rule Occupational Exposure to 1,3-Butadiene. This final standard amends OSHA's occupational standard that regulates employee exposure to 1,3-Butadiene (BD). The basis for this action is a determination, based on animal and human data, that OSHA's current permissible exposure limit (PEL) which permits employees to be exposed to BD in concentrations up to 1,000 parts BD per million parts of air (1,000 ppm) as an eight-hour time-weighted average (TWA) does not adequately protect employee health. OSHA's new limits reduce the PEL for BD to an eight-hour TWA of 1 ppm and a short-term exposure limit (STEL) of 5 ppm for 15 minutes. An "action level" of 0.5 ppm as an eight-hour TWA is included in the standard as a mechanism for exempting an employer from some administrative burdens, such as employee exposure monitoring and medical surveillance, in instances where the employer can demonstrate that the employee's exposures are consistently at very low levels. In order to reduce exposures and protect employees, OSHA's BD standard includes requirements such as engineering controls, work practices and personal protective equipment, measurement of employee exposures, training, medical surveillance, hazard communication, regulated areas, emergency procedures and recordkeeping.

The effective date of these amendments is February 3, 1997. Start-up date for engineering controls is November 4, 1998, and for the exposure goal program November 4, 1999. Affected parties do not have to comply with the information collection requirements in §1910.1051(d) exposure monitoring, §1910.1051(f) methods of compliance, §1910.1051(g) exposure goal program, §1910.1051(h) respiratory protection, §1910.1051(j) emergency situations, §1910.1051(k) medical screening and surveillance, §1910.1051(l) communication of BD hazards to employees, and §1910.1051(m) recordkeeping, until the U.S. Department of Labor publishes a *Federal Register* notice informing the public that OMB has approved these information requirements under the Paperwork Reduction Act of 1995. The effective date for these provisions will be published in the *State Register* as soon as it is announced by Federal OSHA.

By this notice, Minnesota OSHA proposes to adopt the final rule for the 1,3-Butadiene standards contained in 29 CFR 1910, 1915, and 1926, as published in the *Federal Register* on November 4, 1996.

### 5205.0010 ADOPTION OF FEDERAL OCCUPATIONAL SAFETY AND HEALTH STANDARDS BY REFERENCE.

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

Subp. 2. **Part 1910.** Part 1910: Occupational Safety and Health Standards as published in Volume 43, No. 206 of the *Federal Register* on October 24, 1978, and corrected in Volume 43, No. 216 on November 7, 1978, which incorporates changes, additions, deletions, and corrections made up to November 7, 1978; and subsequent changes as follows:

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

S. *Federal Register*, Volume 61:

[For text of subitems (1) to (5), see M.R.]



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## Proposed Rules

(6) Federal Register, Vol. 61, No. 165, page 43454, dated August 23, 1996: "Occupational Exposure to Asbestos, Tremolite, Anthophyllite and Actinolite; Final Rule: corrections."

(7) Federal Register, Vol. 61, No. 214, page 56746, dated November 4, 1996: "Occupational Exposure to 1,3-Butadiene; Final Rule."

Subp. 3. **Part 1915.** Part 1915: Occupational Safety and Health Standards for Shipyard Employment as published in Volume 47, No. 76 of the Federal Register on April 20, 1982; all changes made prior to December 31, 1986, which consolidated Part 1915 and Part 1916; technical amendments and redesignations published in Volume 58, No. 125, of the Federal Register on July 1, 1993; and additional changes as follows:

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

T. Federal Register, Vol. 61, No. 165, page 43454, dated August 23, 1996: "Occupational Exposure to Asbestos, Tremolite, Anthophyllite and Actinolite; Final Rule: corrections."

U. Federal Register, Vol. 61, No. 214, page 56746, dated November 4, 1996: "Occupational Exposure to 1,3-Butadiene; Final Rule."

[For text of subps 4 and 5, see M.R.]

Subp. 6. **Part 1926.** Part 1926: Construction Safety and Health Regulations as published in Part VII, Volume 44, No. 29 of the Federal Register on February 9, 1979, which incorporates changes, additions, deletions, and corrections made up to October 17, 1978, the incorporation and redesignation of the regulatory text of the General Industry Occupational Safety and Health Standards (29 CFR Part 1910) that have been identified as applicable to construction work as published in the Federal Register, Volume 58, No. 124, dated June 30, 1993, and corrected in Volume 58, No. 143, dated July 28, 1993; and additional changes as follows:

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

L. Federal Register, Vol. 61, No. 46, page 9228, dated March 7, 1996: "Miscellaneous Minor and Technical Amendments; Final Rule; Corrections and Technical Amendments."

[For text of subitems (1) and (2), see M.R.]

(3) Federal Register, Vol. 61, No. 156, page 41738, dated August 12, 1996: "Incorporation of General Industry Health and Safety Standards Applicable to Construction Work; Final Rule: correcting amendment."

(4) Federal Register, Vol. 61, No. 165, page 43454, dated August 23, 1996: "Occupational Exposure to Asbestos, Tremolite, Anthophyllite and Actinolite; Final Rule: corrections."

(5) Federal Register, Vol. 61, No. 170, page 46026, dated August 30, 1996: "Safety Standards for Scaffolds Used in the Construction Industry; Final Rule."

(6) Federal Register, Vol. 61, No. 214, page 56746, dated November 4, 1996: "Occupational Exposure to 1,3-Butadiene; Final Rule."

[For text of subp 7, see M.R.]

**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.

# Executive Orders

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## Office of the Governor

### Emergency Executive Order #96-18: Declaring a State of Emergency in the State of Minnesota

I, ARNE H. CARLSON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Emergency Executive Order:

**WHEREAS**, on November 15 through November 30, 1996, severe winter storms, accompanied by freezing rain, very heavy snowfall, ice, sleet and extreme cold temperatures have adversely affected a portion of southwestern Minnesota; and

**WHEREAS**, this event has caused considerable damage to the public infrastructure as well as to homes, farms and businesses in that portion of the state; and

**WHEREAS**, Cottonwood, Freeborn, Faribault, Jackson, Lincoln, Lyon, Nobles, Murray, Pipestone, Rock, Waseca and Yellow Medicine counties have now been assessed and determined to have extensive damages; and

**WHEREAS**, the resources of local government and private relief agencies are being fully utilized to respond to the crisis; and

**WHEREAS**, those resources are expected to be exhausted as the recovery process continues;

**NOW, THEREFORE**, I hereby order that:

A State of Emergency exists in the State of Minnesota and do direct the Division of Emergency Management, in conjunction with the Federal Emergency Management Agency and other state and federal agencies, to determine the need for supplementary disaster aid and to coordinate the provision of any such assistance as necessary under existing state and federal authority.

Pursuant to *Minnesota Statutes* 1996, Section 4.035, subd. 2, this Order is effective immediately and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes* 1996, section 4.035, subd. 3.

**IN TESTIMONY WHEREOF**, I have set my hand this eleventh day of December, 1996.

Arne H. Carlson  
Governor

Filed According to Law:

Joan Anderson Growe  
Secretary of State

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 96-20: Sales Tax on Motor Vehicles - Exemption for Rebates Used to Purchase Motor Vehicles

*Minnesota Statutes*, section 297B.01, subdivision 8, defines the purchase price of a motor vehicle when another motor vehicle is taken in trade (hereafter "trade-in") as a credit or as part payment on the purchase price. The credit or value of the trade-in is deducted from the total selling price of the motor vehicle in order to arrive at the purchase price. Rebates provided by manufacturers are also deducted from the total selling price of the motor vehicle. The final purchase price after deducting trade-ins and rebates is subject to the sales tax on motor vehicles. This Revenue Notice clarifies the Department's position on motor vehicle rebates in general.

The Department's position is that any rebate, incentive, coupon, discount, check, or credit (hereafter "rebate"), regardless of origin, is deducted from the selling price in order to arrive at the purchase price. This results in consistent treatment of all credits used when purchasing motor vehicles. To qualify, the rebate must have a definite and fixed value at the time of the motor vehicle purchase and be applied as a down payment or refunded directly to the customer. You must subtract the rebate *before* calculating the sales tax on the motor vehicle purchase.

In addition to manufacturer's rebates, the exemption applies to rebates issued by third parties who have entered into agreements with motor vehicle manufacturers to offer rebates. For example, a credit card company offers car rebates based on an agreement with the motor vehicle manufacturer as an incentive for the purchaser to use their credit card. In this case, the credit card company rebate is not subject to the sales tax on motor vehicles.

This revenue notice applies only to motor vehicle rebates. Rebates for water craft, all terrain vehicles, snowmobiles, or other items that are not required to be registered for road use are not exempt from sales tax.

#### Effective date

This notice is effective February 15, 1995.

Dated: 23 December 1996

Terese M. Koenig, Director  
Appeals, Legal Services  
& Criminal Investigations Division

## Department of Revenue

### Revenue Notice #96-21: Individual Income Tax - Assignability of Income Recognized on Employer Provided Stock Options

It is the position of the Department of Revenue that income from employee stock options is compensation for personal services. When a nonresident individual recognizes such income, the income is assigned pursuant to *Minnesota Statutes* § 290.17, subd. 2 (a) (1). Income is assigned to Minnesota to the extent that the individual performed services in Minnesota under the employment contract which granted the stock option.

In the case where a non-resident individual recognizes income when the option is granted or when the option is exercised, the Minnesota source income is the income recognized for federal purposes multiplied by the ratio of days worked in Minnesota during the employment contract period granting the option over the total of days worked under the contract.

In the case where a non-resident defers recognition of the income on an employer provided stock option until the stock purchased under the option is sold, the Minnesota assignable income is measured by the lesser of the gain recognized on the sale of the stock or the amount which would have been recognized at the exercise of the option, multiplied by the ratio of the days worked in Minnesota under the employment contract granting the option over the total days worked under the contract.

Dated: 23 December 1996

Jennifer L. Engh  
Assistant Commissioner for Tax Policy

# Official Notices

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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.

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## Department of Economic Security

### Request for Comments on Planned Adoption of Rules Governing Reemployment Insurance, *Minnesota Rules 3305 and 3310*

**Subject of Rule:** The Department of Economic Security requests comments on its planned repeal of rules covering: an individual's eligibility for reemployment insurance (unemployment insurance) and procedures for applying for and receiving reemployment insurance (unemployment insurance).

The department has identified specific subparts which are obsolete as a result of legislative changes. These subparts will be repealed.

**Persons Affected:** The repeal of these rules would likely affect all covered and reimbursing employers, all persons filing claims for and those receiving reemployment insurance (unemployment insurance) benefits. However, since these rules are obsolete as a result of statutory amendments the department has determined the affect on all parties will be negligible.

**Statutory Authority:** *Minnesota Statutes* §§ 268.0122, subdivision 5 and 268.021 authorizes the department to adopt rules to carry out programs which the commissioner is responsible for under state or federal law.

**Public Comment:** Interested persons or groups may submit comments or information on these planned rules in writing or orally until 4:30 p.m. on March 3rd, 1997. The department has identified specific subparts that it intends to repeal but has not yet prepared a draft of the planned rule repeal and does not anticipate that a draft of the rule repeal will be available before the publication of the proposed rule. Written or oral comments, questions, requests to receive a draft of the proposal when it has been prepared, and requests for more information on this planned rule amendments should be addressed to:

Lee B. Nelson  
Minnesota Department of Economic Security  
Appeals Office  
390 North Robert Street  
St. Paul, MN 55101  
612/296-6110

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

R. Jane Brown, Commissioner

## Department of Health

### Health Policy and Systems Compliance Division

#### Notices Related to Essential Community Provider Designation

**NOTICE IS HEREBY GIVEN** that applications for Essential Community Provider designation have been received from the applicants listed below. Pursuant to *Minnesota Statutes* section 62Q.19, subdivision 1, the public has 30 days from the date of this publication to submit written comments regarding these applications. Written comments should be submitted to: Tom Johnson, Minnesota Department of Health, Health Policy and Systems Compliance Division, 121 East Seventh Place, P.O. Box 64975, St. Paul, Minnesota 55164-0975. Telephone inquiries may be directed to Mr. Johnson at (612) 282-6333.

**Hiawatha Valley Mental Health Center**  
166 Main Street  
Winona, Minnesota 55987  
**Date application was received: November 7, 1996**

**Human Development Center**

1401 East First Street  
Duluth, Minnesota 55805

**Date application was received: November 14, 1996**

**Linden Center for Psychological Health, Inc.**

3459 Washington Drive, Suite 100  
Eagan, Minnesota 55122

**Date application was received: December 9, 1996**

**McLeod County Public Health Nursing Service**

1805 Ford Avenue, Suite 200  
Glencoe, Minnesota 55336

**Date application was received: November 12, 1996**

**Mid-Minnesota Health Clinic**

48 North 29th Avenue  
St. Cloud, Minnesota 56303

**Date application was received: December 3, 1996**

**Migrant Health Services, Inc.**

810 Fourth Avenue South  
Moorhead, Minnesota 56560

**Date application was received: November 25, 1996**

**Northland Clinic**

412 North Main  
Warroad, Minnesota 56763

**Date application was received: November 25, 1996**

**Pelican Valley Health Center Clinic**

211 East Mill Street  
Pelican Rapids, Minnesota 56572

**Date application was received: November 12, 1996**

**Rush City Area Hospital and Clinic**

760 West Fourth Street  
Rush City, Minnesota 55069

**Date application was received: December 5, 1996**

**Tyler Medical Clinic**

210 Highland Court  
Tyler, Minnesota 56178

**Date application was received: November 18, 1996**

The following applications for designation as Essential Community Providers have been found to be in compliance with *Minnesota statutes* and rules and has been approved:

Gillette Children's Specialty Healthcare  
St. Paul, Minnesota

Kittson Memorial Hospital and Home (including clinics in Hallock and Stephen)  
Hallock, Minnesota

Dated: 11 December 1996

Anne M. Barry, Commissioner  
Minnesota Department of Health

## State Grants and Loans

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### Department of Labor and Industry

#### Labor Standards Division

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

Effective December 23, 1996 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

**Blue Earth:** Energy Conservation Measures ECM'S ISD#177-Mankato.

**Brown:** Retelaff Auto Dealership Building Renovation-New Ulm.

**Dakota:** #1 Boiler Stack Replacement Minnesota Vets Home-Hastings.

**Hennepin:** 1996 Renovation Boyton Health Service-Minneapolis; Remodeling for Dept. Economic Security 200 No. Plymouth Ave.-Minneapolis; North Hennepin Community College Pipe Reinsulation-Brooklyn Park; MAC Keewaydin School Sound Abatement-Minneapolis.

**Kandiyohi:** Willmar Regional Treatment Center Building #1 Asbestos Removal-Willmar.

**Meeker:** Darwin Park & Rest Area-Darwin.

**Ramsey:** Remodeling Room 376 McNeal Hall U of M-Falcon Heights; Telephone System Upgrade Phase III Como Park/North End/Webster Elementary Schools-St. Paul.

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

## State Grants and Loans

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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.

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### Department of Administration

#### Governor's Council on Developmental Disabilities

#### Notice of Cosponsorship Grants for Statewide Conferences

The Governor's Council on Developmental Disabilities is pleased to announce the availability of a total of \$10,000 for cosponsorship of Minnesota statewide training conferences that relate to the development of leadership skills among people with developmental disabilities and family members. A maximum of \$1,000 may be awarded to an agency/organization that shows the need for financial assistance in order to conduct a statewide training conference and meets other eligibility criteria. The Council reserves the right to award less than the maximum of \$1,000 to an applicant agency/organization, refuse to cosponsor a training conference, or withdraw the availability of funds at any time.

*Preference will be given to those applicants who did not receive a cosponsorship grant during FFY 1996 (October 1, 1995 - September 30, 1996) and meet other eligibility criteria.*

Training conferences must be *statewide* and held between February 17 and September 30, 1997. Eligible applicants include national organizations that are holding a training conference in Minnesota; Minnesota chapters of national organizations; or Minnesota association/organizations of providers, advocates, parents, self advocates, or professionals.

Applicants who will be considered for cosponsorship grants must demonstrate and exemplify the concepts and values that are expressed in the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1996 (P.L. 104-183) and consistent with Council priorities, including:

- Develop consumer and family leadership;
- Promote self determination and interdependency;
- Encourage integration, inclusion and active participation of individuals with developmental disabilities and family members in their communities;
- Recognize the productivity and personal contributions of individuals with developmental disabilities and their families.

Cosponsorship funds may be used for presenters who reflect these values, or scholarships for individuals with disabilities or family members to participate in a statewide training conference.

Completed applications must be received no later than 4:30 p.m. on Friday, January 31, 1997. Selection will be based on meeting all eligibility criteria and the date on which the completed application is received.

For additional information or to request an application form, please contact:

Colleen Wieck, Executive Director  
Governor's Council on Developmental Disabilities  
300 Centennial Office Building  
658 Cedar Street  
St. Paul, Minnesota 55155  
(612) 296-4018 (voice) or (612) 296-9962 (TDD)

## **Department of Administration**

### **Governor's Council on Developmental Disabilities**

#### **Request for Proposal for a Contract Relating to Leadership Developmental and Cultural Diversity**

The Governor's Council on Developmental Disabilities is pleased to announce that it is seeking proposals from nonstate agencies or organizations that have an estimated and credible community presence, understand the significance and effects of cultural diversity and disability, and are committed to developing community leaders among family members of individuals from diverse racial and ethnic backgrounds. Applicants must have experience in leadership training, community organizing, and direct experience with racial and ethnic communities.

A total of \$75,000 in federal funds is available under provisions of the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1996 (P.L. 104-183). Two awards of approximately \$37,500 each will be made to the successful applicants.

Each project is for approximately a one year period beginning as soon as possible after May 1, 1996. Funds must be used to implement a leadership training program for parents of young children with developmental disabilities who are also members of a racial or ethnic minority population.

For further information or to request a copy of the Request for Proposal, please contact:

Colleen Wieck, Executive Director  
Governor's Council on Developmental Disabilities  
300 Centennial Office Building  
658 Cedar Street  
St. Paul, Minnesota 55155  
(612) 296-4018 (voice) (612) 296-9962 (TDD)

# 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 Children, Families and Learning

### Office of Lifework Development

#### Notice of Request for Proposal to Reconstruct and Operate the State High School Follow-up System

The Department of Children, Families and Learning is soliciting proposals from qualified vendors to reconstruct and operate the states' High School Follow-up System.

The Department has established that the cost of this project should not exceed \$300,000. The development phase of this contract must be completed by April 25, 1997. It is the intent of the agency to award a contract to the successful contractor for the development phase of this project (activities 1-7). Based upon continued funding, satisfactory performance and with the agreement of both parties, separate subsequent annual contracts for up to a maximum of five years for conducting the annual follow-up may be awarded.

For a complete Request for Proposal, please contact Ronald L. Johnson, Department of Children, Families and Learning, 650 Capitol Square Building, 550 Cedar St., St. Paul, Minnesota 55155, telephone (612) 296-0327, fax (612) 296-3348.

**Complete proposals are due by January 28, 1997.**

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.

## Department of Human Services

### Moose Lake Regional State Operated Services

#### Notice of Request for Proposals for Clinical Pharmacology Consultations and a Drug Utilization Program

The Minnesota Department of Human Services, Moose Lake Regional State Operated Services is soliciting proposals from qualified parties to provide clinical pharmacology consultations, and a drug utilization program. Contract would require services of a clinical pharmacist 3 days a week, 8 hours per day for the period February 1, 1997 - January 31, 1998, with a two year option to renew.

This request for proposal does not obligate the State to complete the contract, and the State reserves the right to cancel the solicitation if it is considered to be in it's best interest.

#### I. NATURE OF CONTRACT

Improved pharmacologic services and assurance of safe and proper use of medication.

#### II. GOALS AND OBJECTIVES

Clinical pharmacology services are necessary for two reasons:

- a. Clinical pharmacology consultations used by the physicians in direct management and care of the patients. These consultations look at issues as to the most effective drugs, drug combinations and dangerous combinations of those that may cause ineffectual treatment along with in depth reviews of previous pharmacology used on patients that can be then referred to the physician in a more comprehensive and appropriate treatment plan for the individual.
- b. Developing clinical research models and active involvement in the drug usage evaluation, as required by Joint Commission on Accreditation of Hospital's standards.



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## Professional, Technical & Consulting Contracts

### III. CONTRACTOR'S DUTIES

- a. The pharmacist shall, with input from the interdisciplinary team, review the drug regimen of each client at least quarterly.
- b. The pharmacist shall provide the facility with a written record of each client's medication review.
- c. The pharmacist shall report an irregularities in a client's medication regimen to the prescribing physician and the interdisciplinary team.
- d. The pharmacist shall ensure adverse reactions are reported to the vendor pharmacist.
- e. The pharmacist shall review medication administration of standing orders.
- f. The pharmacist shall ensure a proper system of security is in place, including storage, handling, and destruction of medications.
- g. The pharmacist shall ensure the drug reference manual is current.
- h. The pharmacist shall participate as appropriate in the development, implementation, and review of each client's program plan, in person or through a written report to the interdisciplinary team.

### IV. SUBMISSION OF PROPOSALS

All proposals must be sent to and received by:

Moose Lake Regional State Operated Services  
Frank R. Milczark  
Chief Executive Officer  
1111 Hwy. 73  
Moose Lake, MN 55767

not later than 12:00 noon, January 10, 1997.

Late proposals will not be accepted. Submit six copies of proposals. Proposals must be submitted in a sealed mailing envelope or package with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed, in ink, with original signature by an authorized member of the firm. Prices and terms of the proposal must be valid for the length of the proposal.

### V. AMOUNT OF CONTRACT

The estimated amount of contract is \$117,000.00 per year.

### VI. PROPOSAL CONTENTS

- a. Resume' with prospective contractor's educational and professional background required.
- b. Proof of valid license to practice pharmacy in State of Minnesota
- c. Proof of doctoral degree from an accredited College of Pharmacy.

### VII. EVALUATION

All proposals received by the deadline specified in Section IV. will be evaluated by representatives of the Department of Human Services. A personal interview may be part of the evaluation process.

### VIII. DEPARTMENT CONTACTS

Prospective responders who have any questions regarding this Request for Proposals may call or write:

Moose Lake Regional State Operated Services  
Gregory Peterson, M.D.  
1111 Hwy. 73  
Moose Lake, MN 55767  
(218) 485-5300

### IX. CONSULTANTS AND TECHNICAL SERVICES

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

# Professional, Technical & Consulting Contracts

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## Department of Transportation

### Engineering Services Division

#### Notice of Availability of Contract for Highway Related Technical Activity-Final Design of TH 100 Reconstruction Project

Responses to this advertisement become public information under the Freedom of Information Act.

*Note: Your proposal will not be considered if you have not met the affirmative action requirement at the time of the proposal submittal.*

The Minnesota Department of Transportation (Mn/DOT) is soliciting the expressions of interest for preparation of detailed final design plan for Trunk Highway 100 in Golden Valley, MN.

The project involves Final Design of TH 100 reconstruction project proposed between Glenwood Avenue North to near Golden Valley Road in Golden Valley, a length of approximately 2.0 kilometers.

The Consultant will provide all design services, a set of computations, electronic design files in Geopak format, cost estimates, and construction documents necessary to build the proposed roadway in accordance with Mn/DOT Standards and Specifications. The final roadway construction plans will be prepared in metric units, using the Interim Mn/DOT Plan Metrication Guidelines as a guide. It is anticipated that the contract period will begin March 1, 1997 and continue through April 1, 1998.

To obtain copy of the complete Request for Proposal (RFP), contact in writing:

Alex Chernyaev, P.E.  
Agreements Administrator  
Mail Stop 680, 7th Floor  
395 John Ireland Boulevard  
St. Paul, MN 55155  
Fax: (612) 282-5127

RFPs will be available through January 10, 1997.

Proposal must be received at the above address no later than 2:00 P.M. on Friday, January 17, 1997.

The consultant selection for this proposal is anticipated to be completed in January 1997.

This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice, and the department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

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## Non-State Public Bids, Contracts & Grants

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

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

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### Minnesota Historical Society

#### Notice of Request for Bids for Pattern & Casting for Historic Fence Panel Replacement

The Minnesota Historical Society is seeking bids from qualified firms and individuals to provide complete in all respects pattern & casting for fence panel replacement at the Alexander Ramsey House in accordance with drawings provided by the Society, and a site visit.

The work will generally consist of (1) casting for 200 fence lattice panels, (2) 51 ornamental line posts, and (3) 20 Rosettes for gate restoration.

The Request for Bids is available by calling or writing Deane M. Roe, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone (612) 297-5863.

Bids must be received not later than 2:00 P.M. Central Time on January 15, 1997.

Complete Specifications and details concerning submission requirements are included in the Request for Bids.

### Region Nine Development Commission

#### Request for Proposals for a Six County Multi-Jurisdictional Dispatch System Feasibility Study with Funds from a Minnesota Board of Government Innovation and Cooperation Grant

##### Introduction

Blue Earth, Faribault, Martin, Sibley, Waseca and Watonwan Counties have received a grant from the Minnesota Board of Government Innovation and Cooperation to study the feasibility of implementing a multi-jurisdictional dispatch system among the counties. The project is administered by the Region Nine Development Commission.

##### Amount of Funds Available

\$40,000

##### Deadline for Receipt of Proposals

Proposals must be received in the Region Nine Development Commission Office *January 21, 1997*. Faxed proposals will not be accepted. Address all proposals to:

Harry Jenness  
Region Nine Development Commission  
P.O. Box 3367  
Mankato, Minnesota 56002-3367

##### Scope of Services

The purpose of the Minnesota Board of Government Innovation and Cooperation Grant is to study the potential for multi-jurisdictional dispatching within the six counties, to explore solutions to current problems with radio frequencies and other dispatch issues, and, as determined by the study, develop strategies for multi-jurisdictional dispatch implementation by the interested jurisdictions.

##### The following services will be provided by the contractor:

1. A description of the characteristics and use patterns of existing dispatch systems of the six counties.
2. Projections of future use to the year 2020, based upon population projections and population characteristics, projected changes in dispatch systems within the counties, and industry projections.
3. A financial analysis of capital and operating costs for existing dispatch systems, including sources of funding. This analysis would concentrate on the resources necessary to sustain the current systems to the year 2020.

## Non-State Public Bids, Contracts & Grants

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4. An assessment of staffing patterns of dispatchers and related job responsibilities. This analysis would concentrate on the impact of multi-jurisdictional dispatching on the related job responsibilities of existing dispatchers.
5. An analysis of potential technological improvements and systems available to implement multi-jurisdictional dispatch.
6. A projection of start up and operational costs of an integrated multi-jurisdictional dispatch system. A cost comparison between existing and integrated systems, including any changeover costs incurred by public and volunteer users, should be projected for the first three years, and in five year increments to 2020.
7. Identification of factors related to multi-jurisdictional dispatch, including frequency coordination, emergency and non-emergency dispatching, and coordination with dispatch systems beyond the jurisdiction of the six counties.
8. It is expected that the contractor will include a stakeholder analysis, and that stakeholders may include individuals and services beyond the borders of the six counties. Stakeholder analysis may include interviews, surveys, focus groups or other studies.
9. A discussion of the relationship of multi-jurisdictional dispatch to the appropriate state statutes and regulations.

### Expected Results

As a result of the feasibility study, the six counties expect to learn:

1. If cost savings can be achieved through shared dispatch systems
2. If improvements in existing systems can be achieved through shared or improved technology.
3. If time and quality improvements in emergency service dispatch would be achieved through shared dispatch or improved technology.
4. What investments would be required to achieve these improvements.

### Timeline for Contractor Services

*The feasibility study should be completed by July 15, 1997.* Quarterly updates on the status of the study will be presented by the Steering Committee composed of County Commissioners representing each of the six counties. Monthly status reports will be submitted to the Region Nine Development Commission.

### Proposal Contents

The following will be considered minimum contents of the proposals.

1. A restatement of the project tasks, to show or demonstrate the responder's view of the nature of the project.
2. An identification and description of the deliverables to be provided by the responder. This shall include a detailed response to each task listed in the Scope of Services and the Expected Results.
3. An outline of the responder's background and experience, with particular emphasis on work with local government and dispatch systems. Identify all personnel who will conduct the project, with detailed information about their training and work experience. No change in personnel assigned to the project will be permitted without approval of the Project Coordinator.
4. A detailed cost and work plan which will identify the timeline and major tasks to be accomplished. This will be used as a scheduling and managing tool to measure contract compliance.

### Evaluation Criteria

All proposals received by the deadline will be evaluated by a technical review team, and the Steering Committee of the six counties. Factors upon which proposals will be judged include, but are not limited to:

1. Expressed understanding of project objectives - 10%
2. Projected work plan - 65%
3. Qualifications of both company and personnel - 25%

*Evaluation and selection will be completed by February 7, 1997.*

Program questions regarding the request for proposal may be directed to:

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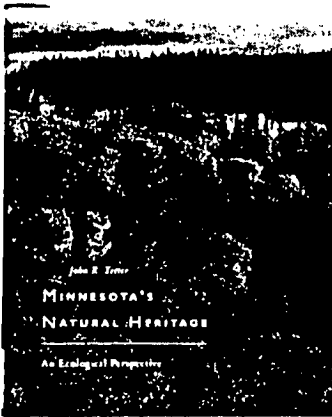
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