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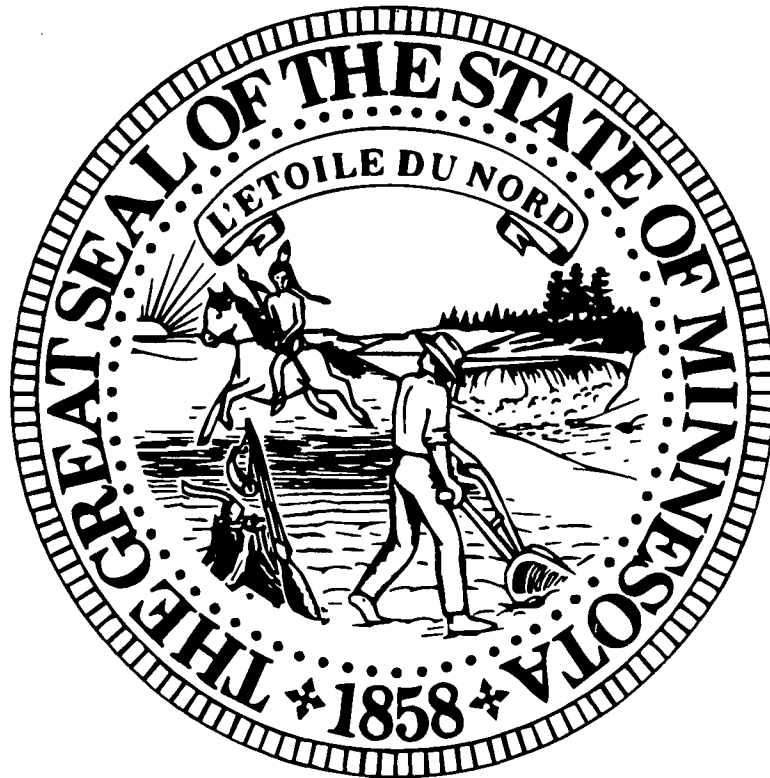
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**State Register**

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# State Register

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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.

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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
# 35	Monday 24 February	Monday 10 February	Friday 14 February
# 36	Monday 3 March	Friday 14 February	Monday 24 February
# 37	Monday 10 March	Monday 24 February	Monday 3 March
# 38	Monday 17 March	Monday 3 March	Monday 10 March

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

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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 Economic Security

### Proposed Permanent Rules Relating to Vocational Rehabilitation Services

#### 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 Hearing are Received

##### Proposed Amendment to Rules Governing Vocational Rehabilitation Services, *Minnesota Rules*, 3300.5010 to 3300.5060.

**Introduction.** The Department of Economic Security 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 March 26, 1997, a public hearing will be held in Department of Economic Security Annex, Room 204 A, accessed through the skyway level of the Firststar Center (formerly the American Bank Building), 389 North Robert Street, St. Paul, Minnesota 55101, starting at 9:00 am on Friday, April 11, 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 March 26 and before April 11.

**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: Andrew Beisner, Rehabilitation Services Branch, Department of Economic Security, First Floor, 390 North Robert Street, St. Paul MN 55101. Andrew Beisner's phone number is (612) 296-9152; that is a TTY phone; persons who use voice phones should call via the Minnesota Relay Service, 1-800-627-3529. TTY users may call him directly. He can also be reached by fax, (612) 297-5159.

**Subject of Rules and Statutory Authority.** The statutory authority to adopt the rules is *Minnesota Statutes*, section 268A.03(m). A copy of the proposed rules is published in the *State Register*. A free copy of the rules is available upon request from the agency contact person listed above. The proposed rules are about:

- **Postsecondary Training Undergraduate Tuition Cap:** RS is proposing amendments to the tuition cap provisions in the rules. The proposed change would eliminate the cap on RS payments for tuition and fees for undergraduate programs at Minnesota public colleges and universities. Under the proposed rule, for undergraduate programs at Minnesota public colleges and universities, the maximum RS payment would be the actual cost of tuition and mandatory fees. For undergraduate programs at all private and all out-of-state public colleges and universities, the tuition cap would be changed to equal the highest cost for tuition and mandatory fees for a full-time student at a Minnesota State University in the Minnesota State College and University (MnSCU) system.

Tuition caps would apply to private and/or out-of state undergraduate programs. However, as is the case under the current rule, the undergraduate tuition cap would not apply to Gallaudet University or National Technical Institute for the Deaf. The undergraduate tuition cap would also not apply when the VR consumer's undergraduate field of study is not available at a Minnesota public postsecondary institution.

- **Postsecondary Training Graduate School Tuition Cap:** RS is proposing that there will be no tuition cap for postbaccalaureate programs at the public Minnesota State Universities in the MnSCU system. For postbaccalaureate programs at the University of Minnesota, the proposed tuition cap would be the amount of tuition and student service fees at the Graduate School of the University of Minnesota-Twin Cities Campus. For postbaccalaureate programs at private universities and non-Minnesota public universities, the tuition cap would be the highest cost of graduate school tuition and mandatory fees at a Minnesota State University in the MnSCU system. RS is proposing that the postbaccalaureate tuition cap would apply whether or not the postbaccalaureate field of study is available at a Minnesota public postsecondary institution.
- **Summer School Tuition Cap:** RS is proposing new summer school tuition caps. These caps would parallel the caps for the regular school year. There would be no cap on undergraduate summer school tuition and mandatory fees at public Minnesota institutions in the MnSCU system, or at the University of Minnesota. For undergraduate summer school programs at all private and all out-of-state public colleges and universities, the cap would be equal to the highest cost for tuition and mandatory fees for two summer school sessions at MnSCU State Universities.

For summer school postbaccalaureate programs at the State Universities in Minnesota's public MnSCU institutions, there would be no tuition cap. For summer school postbaccalaureate programs at the University of Minnesota, the cap would be the cost of tuition and student service fees for two summer school sessions at the Graduate School of the University of Minnesota-Twin Cities Campus.

For summer school postbaccalaureate programs at all private institutions and at non-Minnesota public institutions, the cap would be equal to the highest cost of tuition and mandatory fees for two summer school graduate school sessions at a Minnesota State University in the MnSCU system.

- **Prorating Tuition & Fee Payment:** RS is proposing to change the way it pro-rates payments for tuition and mandatory fees for students who are enrolled less than full time. RS is proposing to accept the postsecondary institution's determination of full-time or part-time status instead of basing prorating on the number of credit hours. RS is also proposing to prorate summer school tuition and fee payments when a vocational rehabilitation consumer is attending fewer than two summer school sessions.
- **Books, Supplies, Tools and Equipment for Postsecondary Training:** RS is proposing an amendment to clarify that any excess gift aid over and above tuition and fees must be applied to the cost of books, supplies, tools and equipment. The proposed amendment also states that RS will pay only for the books, supplies, tools & equipment required of all students in the program.
- **Postsecondary Training Programs Offered Jointly by Community Rehabilitation Programs and Colleges or Universities:** RS is proposing a change in the definition of postsecondary training to specifically include postsecondary training programs offered jointly by community rehabilitation programs and postsecondary institutions, where financial aid is available through the postsecondary institution.
- **Licensing or Registration of Postsecondary Training Programs by the Higher Education Services Office:** RS is proposing a change in the definition of postsecondary training institution to make it clear that institutions must comply with applicable Minnesota laws on licensing or registration of postsecondary training institutions.
- **Maintenance (Payments for Added Living Costs Due to Participation in Vocational Rehabilitation Services):** RS is proposing amendments dealing with maintenance for added living costs due to relocation necessary to participate in postsecondary training, relocation necessary to receive other vocational rehabilitation services, and loss of subsidized housing due to relocation necessary to participate in other vocational rehabilitation services. RS is also proposing to amend the definition of maintenance to specify that it covers added *living* costs, and to clarify that maintenance payments may be made either to a vocational rehabilitation consumer or to another person on behalf of the consumer.
- **Consumer Financial Participation Income Levels:** RS is proposing a change in the income level at which consumer financial participation is required for certain vocational rehabilitation services. The dollar amount at which consumer financial participation begins would be lowered from the present Minnesota median income as adjusted for family size. The new dollar amount that RS is proposing is the average of the state median income and 187.5% of the federal poverty level, as adjusted for family size. There would be no change in the services to which the consumer financial participation requirement applies.

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

## Proposed Rules

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- **Consumer Financial Participation Automatic Exemptions:** RS is proposing to amend the rules so that vocational rehabilitation consumers receiving Supplemental Security Income (SSI) or Medical Assistance (MA) must also meet the following requirements in order to be automatically exempt from the consumer financial participation requirement: the consumer is not living with his or her parents, *and* the consumer has not been determined to be a "dependent student" for financial aid purposes by a postsecondary institution.
- **Consumer Financial Participation — Definition of "Family" for Purposes of Determining Gross Family Income:** RS is proposing to amend the rules so that the vocational rehabilitation consumer's parents are included in the definition of "family" if a postsecondary institution has determined that the consumer is a dependent student for financial aid purposes. RS is also proposing to amend the rules so that the income of the child or children of an eligible consumer is not considered in calculating the consumer's gross family income.
- **Waiver for Used Vehicle Adaptive Equipment:** RS is proposing to amend the rules to allow RS to purchase used vehicle adaptive equipment under specified conditions.
- **Comparable Benefit Search for Medical Services & Durable Medical Equipment:** RS is proposing amendments to the "comparable benefits" provisions in the rules. The amendments would clarify that vocational rehabilitation consumers needing medical services or durable medical equipment must apply for Medical Assistance or General Assistance Medical Care if they do not have medical insurance and if RS determines that they are likely to be eligible for Medical Assistance or General Assistance Medical Care.
- **Order of Selection — "Continuation of Services"** Because of requirements in new federal regulations on Order of Selection [Title 34, *Code of Federal Regulations*, section 361.36(d)(3)], RS is proposing a change to the continuation of services provision in the rules on Order of Selection. The amendment would provide that, when Order of Selection priority categories change, continuation of vocational rehabilitation services will apply to consumers who have actually begun to receive services under an Individualized Written Rehabilitation Program (IWRP). The continuation of services provision would not, however, apply to vocational rehabilitation consumers who have developed an IWRP, but who have not begun receiving services.

**Comments.** You have until 4:30 p.m. on Wednesday, March 26, 1997, 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 March 26, 1997. 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, the proposed rules, and the statement of need and reasonableness 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 the 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 April 11, 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, Andrew Beisner, at (612) 296-9152 after March 26, 1997 to find out whether the hearing will be held. The contact person's phone is a TTY; if using a voice phone, call through the Minnesota Relay Service, 1-800-627-3529.



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## Proposed Rules

**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 Steve M. Mihalchick is assigned to conduct the hearing. Judge Steve M. Mihalchick can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone 612/349-2544, and fax 612/349-2665. Sign language interpreters and real-time captioning will be available at the hearing. Requests for other accommodations should be made to the agency contact person listed above.

**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 request to be placed on the agency's mailing list 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: 13 February 1997

R. Jane Brown  
Commissioner  
Department of Economic Security

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## Proposed Rules

### 3300.5010 DEFINITIONS.

[For text of subs 1 to 11, see M.R.]

Subp. 12. [See repealer.]

[For text of subs 13 and 14, see M.R.]

Subp. 15. [See repealer.]

[For text of subs 16 to 23, see M.R.]

Subp. 24. **Maintenance.** "Maintenance" means the financial assistance provided to or on behalf of an eligible consumer to pay for added living costs incurred by the eligible consumer as a result of participation in other planned vocational rehabilitation services.

[For text of subp 25, see M.R.]

**Subp. 25a. Ongoing monthly living expenses.** "Ongoing monthly living expenses" means costs such as rent, utilities, and food.

[For text of subs 26 to 29, see M.R.]

Subp. 30. **Postsecondary training.** "Postsecondary training" means training provided by:

A. a postsecondary training institution; or

B. a community rehabilitation program in conjunction with a postsecondary training institution, when gift aid for the training is available through the postsecondary training institution.

Subp. 31. **Postsecondary training institution.** "Postsecondary training institution" means a public or private university, college, community college, junior college, vocational school, business school, technical college, technical institute, or hospital school of nursing, or other school as defined in Minnesota Statutes, section 136A.62, subdivision 3, or 141.21, subdivision 5, that is registered as provided by Minnesota Statutes, section 136A.63, licensed as provided by Minnesota Statutes, section 141.25, or exempt from such licensing or registration requirements.

[For text of subs 31a to 43, see M.R.]

Subp. 44. **Tuition cap.** "Tuition cap" means:

A. for postsecondary training programs leading to a bachelor's or higher degree, the dollar amount equal to the average annual cost of tuition and mandatory fees needed for a student to complete 45 credits in three quarters at the University of Minnesota, Morris. This amount is available annually from the financial aid office at the University of Minnesota, Morris; or

B. for all other undergraduate programs, the dollar amount equal to the average annual cost of tuition and mandatory fees needed for a student to complete 60 credits in 12 consecutive months at a state community college. This amount is available annually from the financial aid office at any state community college.

A. For the regular three-quarter or two-semester academic year:

(1) for undergraduate postsecondary training programs at all private postsecondary institutions and at public postsecondary institutions outside Minnesota, the dollar amount equal to the cost of tuition and mandatory fees needed for an individual to be considered a full-time student at the state university in the Minnesota State College and University system with the highest combined cost of tuition and mandatory fees. This amount is available annually from the Higher Education Services Office;

(2) for postbaccalaureate degree programs at the University of Minnesota, the dollar amount equal to the cost of tuition and mandatory student service fees needed for an individual to be considered a full-time student at the Graduate School of the University of Minnesota-Twin Cities Campus. This amount is available annually from the Higher Education Services Office; or

(3) for postbaccalaureate degree programs at all private postsecondary institutions and at public postsecondary institutions outside Minnesota, the dollar amount equal to the cost of tuition and mandatory fees needed for an individual to be considered a full-time student at the graduate school in the Minnesota State College and University system with the highest combined cost of tuition and mandatory fees. This amount is available annually from the Higher Education Services office.

B. For summer school:

(1) for undergraduate summer school programs at all private postsecondary institutions and at public postsecondary institutions outside Minnesota, the dollar amount equal to the cost of tuition and mandatory fees needed for an individual to be considered a full-time student in two consecutive summer school sessions at the state university in the Minnesota State College and University system with the highest combined cost of tuition and mandatory fees. This amount is available annually from the Higher Education Services Office;

(2) for postbaccalaureate degree programs at the University of Minnesota, the dollar amount equal to the cost of tuition and mandatory student service fees needed for an individual to be considered a full-time student in two consecutive summer school sessions at the Graduate School of the University of Minnesota-Twin Cities Campus. This amount is available annually from the Higher Education Services Office; or

(3) for postbaccalaureate degree programs at all private postsecondary institutions and at public postsecondary institutions outside Minnesota, the dollar amount equal to the cost of tuition and mandatory fees needed for an individual to be considered a full-time student in two consecutive summer school sessions at the graduate school in the Minnesota State College and University system with the highest combined cost of tuition and mandatory fees. This amount is available annually from the Higher Education Services Office.

[For text of subs 45 to 50, see M.R.]

### **3300.5020 CONDITIONS FOR IMPLEMENTING AN ORDER OF SELECTION.**

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

**Subp. 2. Continuation of services.** When there is a change in the priority categories open under an order of selection, the division must continue to provide vocational rehabilitation services to eligible consumers who have begun to receive services in accordance with an individualized written rehabilitation program developed before the change occurred.

### **3300.5040 CONSUMER FINANCIAL PARTICIPATION IN COST OF VOCATIONAL REHABILITATION SERVICES.**

**Subpart 1. Financial participation required.** An eligible consumer whose gross family income is more than the ~~state median income as adjusted for family size~~ consumer financial participation threshold shall pay for vocational rehabilitation services an amount equal to the percentage by which the eligible consumer's gross family income exceeds the ~~adjusted median income~~ consumer financial participation threshold. For example, if an eligible consumer's gross family income exceeds the ~~state median income adjusted for the eligible consumer's family size~~ consumer financial participation threshold by ten percent, the eligible consumer shall pay ten percent of the cost of vocational rehabilitation services provided and the division would pay 90 percent.

**Subp. 1a. Consumer financial participation threshold.** The division must calculate the consumer financial participation threshold annually. The consumer financial participation threshold is the average of:

**A.** the most recent estimate of Minnesota median income levels as adjusted for family size using the adjustment methodology specified in Code of Federal Regulations, title 45, section 96.85, as amended; and

**B.** 187.5 percent of the poverty guidelines updated annually in the Federal Register by the United States Department of Health and Human Services under authority of section 673(2) of the Omnibus Budget Reconciliation Act of 1981, as adjusted for family size.

**Subp. 2. No required financial participation.** An eligible consumer whose gross family income is equal to or less than the ~~state median income as adjusted for family size~~ consumer financial participation threshold is not required to pay any portion of the cost of the vocational rehabilitation services that the eligible consumer receives. However, regardless of consumer financial participation requirements under this part, all eligible consumers are required to participate in the search for and utilization of comparable benefits as provided in part 3300.5050, and the division's payments for any vocational rehabilitation services will not exceed the amounts described in part 3300.5060.

**Subp. 3. Basis for determining degree of financial participation required.** The division shall determine the degree of financial participation required for eligible consumers who are not exempt from determination of the degree of financial participation under subpart 4. The degree of financial participation required is determined on the basis of the eligible consumer's gross family income in relation to the ~~most recent estimate of Minnesota median income levels as adjusted for family size using the adjustment methodology specified in Code of Federal Regulations, title 45, section 96.85, as amended~~ consumer financial participation threshold.

**A.** For the purposes of this subpart, the eligible consumer's gross family income includes cash payments or benefits, other than gifts or loans, received by or actually available to an eligible consumer or an eligible consumer's family from public or private sources. These payments or benefits include:

(1) cash earnings from wage or salaried positions before payroll deductions;

(2) cash income receipts from a business, farm, or profession after deduction of operating expenses;

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## Proposed Rules

(3) unearned payments from government assistance programs or other public sources such as unemployment insurance, workers' compensation, veteran's benefits, social security, and government pensions; and

(4) unearned payments from private sources such as private pensions, annuities, net rental income, dividends, and interest.

**B. For purposes of determining gross family income, the eligible consumer's family includes:**

(1) the spouse of the eligible consumer; and

(2) the parent or parents of the eligible consumer if:

(a) the eligible consumer is under 18 years of age and living with the parent or parents; or

(b) the parent or parents claimed the eligible consumer as a dependent for federal income tax purposes in the most recent calendar year; or

(c) a postsecondary institution has determined that the eligible consumer is a dependent student for purposes of determining financial aid for postsecondary training.

**Subp. 4. Exemption from determination of degree of financial participation.** An eligible consumer is not required to pay any portion of the cost of the vocational rehabilitation services that the eligible consumer receives if:

**A.** the eligible consumer receives payments from Aid to Families with Dependent Children, general assistance, or Supplemental Security Income; or

**B.** the eligible consumer has been determined eligible for medical assistance.

**A.** Except as provided in item B, an eligible consumer is not required to pay any portion of the cost of the vocational rehabilitation services that the eligible consumer receives if the eligible consumer has been determined eligible for a federal or state means-tested income assistance program, such as Aid to Families with Dependent Children or general assistance, or a federal or state means-tested health insurance program, such as medical assistance, when the highest income eligibility requirements of the income assistance program or the health insurance program are equal to or less than the consumer financial participation threshold.

**B.** When the eligible consumer has been determined eligible for a federal or state means-tested health insurance program, or when the eligible consumer receives payments from Supplemental Security Income, the division must determine the degree of financial participation required of the eligible consumer if:

(1) the eligible consumer is under 18 years of age and living with the parent or parents;

(2) the parent or parents claimed the eligible consumer as a dependent for federal income tax purposes in the most recent calendar year; or

(3) a postsecondary institution has determined that the eligible consumer is a dependent student for purposes of determining financial aid for postsecondary training.

[For text of subs 5 to 9, see M.R.]

### 3300.5050 COMPARABLE BENEFITS AND SERVICES.

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

**Subp. 2. Consumer responsibilities.** Except in the circumstances described in subpart 1, an eligible consumer must, with the assistance of the division, participate in the search for and use of comparable benefits as follows:

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

**C.** Before receiving physical and mental restoration services or durable medical equipment, an eligible consumer must file a claim or application with the consumer's health insurer, if any. If the eligible consumer has no health insurance, or if the restoration services or durable medical equipment provided are not covered by the eligible consumer's health insurance, the eligible consumer must apply to a local human services agency for medical assistance under *Minnesota Statutes*, chapter 256B, or general assistance medical care under *Minnesota Statutes*, chapter 256D, if the division determines that it is likely that the eligible consumer may be eligible for medical assistance or general assistance medical care.

[For text of item D, see M.R.]

### 3300.5060 TERMS AND CONDITIONS FOR PROVISION OF VOCATIONAL REHABILITATION SERVICES.

[For text of subs 1 to 3a, see M.R.]

**Subp. 5. Maintenance.**

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

**E.** Eligible consumers must meet the following criteria before receiving maintenance:

- (1) participation in one or more other vocational rehabilitation services being provided results in added costs; and
- (2) when added costs are the result of relocation:

- (a) the eligible consumer cannot receive vocational rehabilitation services without relocation;
- (b) a primary residence must be maintained by the eligible consumer or the eligible consumer's family; and

(c) when the relocation is necessary to participate in postsecondary training, the eligible consumer must be unable to work while participating in postsecondary training because of the eligible consumer's disability, and the eligible consumer's inability to work must be determined by a rehabilitation counselor, in consultation with the eligible consumer, based on available medical, psychological, and other diagnostic information; or

(d) when the relocation is necessary to participate in job placement services, the need to relocate must be determined by a rehabilitation counselor, in consultation with the eligible consumer, based on available employment and labor market information.

E. Maintenance will be provided only when participation in one or more other vocational rehabilitation services being provided results in added living costs.

E. Payments for relocation expenses may be provided only when:

- (1) the eligible consumer cannot receive needed vocational rehabilitation services without relocation; and
- (2) a rehabilitation counselor, in consultation with the eligible consumer, has determined that there is a need to relocate, based on available employment and labor market information.

G. Maintenance payments for ongoing monthly living expenses for eligible consumers participating in postsecondary training may be provided only when the eligible consumer cannot receive postsecondary training without incurring added living costs and:

- (1) the eligible consumer is unable to work while participating in postsecondary training because of the eligible consumer's disability, as determined based on available medical, psychological, and other diagnostic information; or
- (2) it is necessary for the eligible consumer to leave subsidized housing in order to participate in postsecondary training under an individualized written rehabilitation program.

H. When added living costs are due to loss of subsidized housing:

- (1) the eligible consumer must reapply for subsidized housing if available in the new location; and
- (2) maintenance for ongoing monthly living expenses shall be discontinued when new subsidized housing is offered or the eligible consumer's individualized written rehabilitation program terminates.

I. Maintenance payments for ongoing monthly living expenses for eligible consumers not participating in postsecondary training may be provided only during a period of temporary relocation necessary to participate in other vocational rehabilitation services under an individualized written rehabilitation program while a primary residence is maintained by the eligible consumer or the eligible consumer's family.

F. J. Except as provided in item G. K., division maintenance payments for ongoing monthly living expenses must not exceed the lesser of:

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

G. K. For eligible consumers receiving maintenance under item E., subitem (2), ~~unit (d)~~ I., division maintenance payments in any 12-month period must not exceed the lesser of:

[For text of subitem (1), see M.R.]

- (2) 12 times the amount determined under item F. J., subitem (2).

[For text of subs 7 and 7a, see M.R.]

Subp. 9. **Rehabilitation technology.**

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

C. Division purchases of vehicle adaptations must be made as follows:

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## Proposed Rules

[For text of subitems (1) to (3), see M.R.]

(4) the division must only purchase vehicle adaptations that have not been previously owned and that are not yet installed in the consumer's vehicle at the time of purchase of the vehicle, except that the division may purchase used vehicle adaptive equipment if the following conditions are met:

(a) the used equipment must be evaluated for its operational reliability by a person knowledgeable in adapting vehicles for persons with disabilities who is not the vendor selling the used equipment or a person employed by that vendor, and a copy of the evaluation must be submitted to the division;

(b) the used equipment meets the eligible consumer's needs as identified in subitem (1);

(c) the cost of the used equipment, including the cost of removing the used equipment from the vehicle in which it is currently installed and installing it in the vehicle being adapted, is less than the cost of purchasing and installing new equipment;

(d) the vendor of the used equipment must provide the division and the eligible consumer with a written warranty in which the vendor of the used equipment agrees to pay the costs of parts and labor necessary to repair or replace the used equipment if the used equipment malfunctions or is found to be defective for a period of at least six months after installation in the eligible consumer's vehicle; and

(e) the purchase of the used equipment must comply with the applicable bidding and purchasing requirements of the Department of Administration, Materials Management Division.

[For text of subps 11 and 12, see M.R.]

### Subp. 12a. Postsecondary training books, supplies, and tools and equipment.

A. Before the division provides books, supplies, and tools and equipment for postsecondary training, the amount of consumer financial participation in the cost of those services must be determined under part 3300.5040.

B. The eligible consumer must, with the assistance of the division, participate in the search for and use of comparable benefits under part 3300.5050, subpart 2, items A, B, and D.

C. Division payments under this subpart shall only be for the cost of books, supplies, and tools and equipment required of all students in the postsecondary training program.

D. The division shall consider any gift aid in excess of tuition and fees as a comparable benefit when determining the amount the division will pay for required books, supplies, and tools and equipment.

### Subp. 13. Postsecondary training tuition, and mandatory fees, books, supplies, and tools and equipment for postsecondary training.

A. Before the division provides tuition, and mandatory fees, books, supplies, and tools and equipment for postsecondary training, the amount of consumer financial participation in the cost of those services must be determined under part 3300.5040.

[For text of item B, see M.R.]

C. The estimated cost of tuition, and mandatory fees, books, supplies, and tools and equipment for the eligible consumer's postsecondary training program must be determined annually, based on information from the postsecondary training institution. The estimated cost of tuition and mandatory fees for the eligible consumer's postsecondary training during the regular academic year and the estimated costs of tuition and mandatory fees for the eligible consumer's summer school postsecondary training must be determined separately, based on information from the postsecondary training institution.

D. The tuition cap for an eligible consumer who will attend fewer than three quarters or two semesters during the regular academic year must be prorated based on the number of quarters or semesters which the eligible consumer will attend. The summer school tuition cap must be prorated based on the number of summer school sessions which the eligible consumer will attend if the eligible consumer is attending a postsecondary institution where there are two summer school sessions.

E. The tuition cap for an eligible consumer enrolled in a graduate postsecondary training program less than full time must be prorated in accordance with the specific program standards for full-time or part-time status without regard to credit hour designations.

F. The tuition cap for an eligible consumer enrolled in an undergraduate program for fewer than 12 credits per term must be prorated as follows:

(1) for an eligible consumer who is enrolled for nine to 11 credits per term, the tuition cap is three-quarters of the dollar amount under part 3300.5010, subpart 44, item A or B;

(2) for an eligible consumer who is enrolled for six to eight credits per term, the tuition cap is one-half the dollar amount under part 3300.5010, subpart 44, item A or B; and

(3) for an eligible consumer who is enrolled for one to five credits per term, the tuition cap is one-fourth of the dollar amount under part 3300.5010, subpart 44, item A or B.

G. When the eligible consumer's individualized written rehabilitation program includes attendance at Gallaudet University or National Technical Institute for the Deaf, E. The division must not apply the tuition cap in determining the amount of division payments for tuition; and mandatory fees, books, supplies, and tools and equipment for postsecondary training; when the eligible consumer's individualized written rehabilitation program includes attendance at:

(1) Gallaudet University;

(2) National Technical Institute for the Deaf; or

(3) a postsecondary training program operated by a community rehabilitation program in conjunction with a Minnesota public postsecondary training institution.

H. G. If the undergraduate field of study required by the eligible consumer's individualized written rehabilitation program is not available at a Minnesota public postsecondary institution, the division shall not apply the tuition cap in determining the amount of division payments for tuition; and mandatory fees, books, supplies, and tools and equipment for postsecondary training.

I. H. The amount of gift aid available to the eligible consumer to pay for the costs of postsecondary training must be determined annually, based on information obtained from the postsecondary training institution. The amount of gift aid available to the eligible consumer to pay for the costs of the regular academic year must be determined separately from the amount of gift aid available to the eligible consumer to pay for the costs of summer school, based on information obtained from the postsecondary training institution.

J. I. When the amount of gift aid equals or exceeds the cost of tuition; and mandatory fees, books, supplies, and tools and equipment; the division shall not pay any of the costs of tuition; and mandatory fees, books, supplies, or tools and equipment.

K. J. When the amount of gift aid is less than the cost of tuition; and mandatory fees, books, supplies, and tools and equipment; the amount, if any, to be paid by the eligible consumer must be determined by applying the consumer financial participation requirements under part 3300.5040 to the lesser of:

(1) the difference between the amount of gift aid and the total cost of tuition; and mandatory fees, books, supplies, and tools and equipment; or

(2) the total of the tuition cap and the cost of books, supplies, and tools and equipment, if applicable.

L. K. When the cost of tuition; and mandatory fees, books, supplies, and tools and equipment exceeds the total of gift aid and eligible consumer financial participation, the division shall pay the lesser of:

(1) the difference between the cost of tuition; and mandatory fees, books, supplies, and tools and equipment; and the total of gift aid and eligible consumer financial participation; or

(2) the total of the division tuition cap, plus the cost of books, supplies, and tools and equipment if applicable, minus the amount of any required consumer financial participation.

M. L. Regardless of the provisions in items A to L K and subpart 12a, the division must make payments for tuition; and mandatory fees, and for books, supplies, and tools and equipment for postsecondary training only to the extent that the division payments do not reduce the amount of gift aid available to the eligible consumer.

N. M. The division does not require an eligible consumer to accept self-help aid. The eligible consumer has the right to accept or reject a postsecondary training institution's offer of self-help aid. When the division assistance results in a reduction of eligibility for self-help aid from a postsecondary training institution, the eligible consumer may choose whether to accept the division assistance in full or in part, or to accept the self-help aid.

O. N. The division must report to the postsecondary training institution, with the eligible consumer's release, the amount of planned division purchases of services for postsecondary training for an eligible consumer. If the eligible consumer does not provide a release for the division to report planned division purchases of services for postsecondary training, the division must not make the purchases.

**REPEALER.** Minnesota Rules, part 3300.5010, subparts 12 and 15, are repealed.

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# Ethical Practices Board

## Proposed Permanent Rules Relating to Ethics in Government

**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 Hearing are Received**

**Proposed Permanent Rules Relating to Ethics in Government, *Minnesota Rules*, Chapters 4501, 4503, 4510, and 4511.**

**Introduction.** The Ethical Practices Board 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 March 27, 1997, a public hearing will be held in the St. Croix Conference Room, Second Floor, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155, starting at 9:00 A.M. on April 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 March 27, 1997 and before April 7, 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: Gary Goldsmith at Ethical Practices Board, First Floor South, Centennial Office Building, 658 Cedar Street, St. Paul, MN 55155. Telephone (612) 296-1720 or (800) 657-3889. Fax: (612) 296-1722. TTY users may call (612) 297-5353 and ask for (612) 296-1720.

**Subject of Rules and Statutory Authority.** The proposed rules are about Chapter 10A of the *Minnesota Statutes*, the Ethics in Government Act, and relate to campaign finance and lobbying. The statutory authority to adopt the rules is *Minnesota Statutes*, section 10A.02, subd. 13. A copy of the proposed rules is published in the *State Register* with this notice, and attached to this notice as mailed. 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 March 27, 1997, 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 March 27, 1997. 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 April 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) 296-1720 or (800)657-3889 after March 27, 1997 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 Jon L. Lunde is assigned to conduct the hearing. Judge Lunde can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 341-7645 and fax (612) 349-2665.



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## Proposed Rules

**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 no charge from the agency, or at the cost of reproduction from the Office of Administrative Hearings. The statement is also available at the agency's worldwide web site at <http://www.epb.state.mn.us>.

**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 (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: 7 February 1997

Jeann Olson  
Executive Director  
Ethical Practices Board

### 4501.0100 DEFINITIONS.

[For text of subs 1 to 8, see M.R.]

Subp. 9. **Promptly.** "Promptly" means ~~completed not later than the end of the third~~ within ten business day ~~days~~ after the event that gave rise to the requirement.

### 4501.0500 FILINGS, SUBMISSIONS, AND DISCLOSURES.

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

A. receipt in the board office of the document being filed, bearing the original signature of the person responsible for filing the document;

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

## Proposed Rules

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B. receipt of a facsimile transmission of the document ~~according~~, subject to subpart 2; or

C. the postmark date of a first class or certified mailing of the document being filed, properly addressed to the board at its current address.

Subp. 2. ~~Alternative Filing by facsimile transmission. A document that may be filed with the board may be filed by facsimile transmission and the filing is complete upon receipt in the board office of the facsimile transmission.~~ A document filed by facsimile transmission has the same force and effect as the original. ~~The original signed document must be received in the board office within five business days after the facsimile transmission is made.~~ Facsimile filings are subject to items A to C.

A. A facsimile transmission received after the close of a business day is considered received at the beginning of the next business day.

B. In the case of a filing by facsimile transmission, the filer must retain the original of the filed document and a record of the date and time of the transmission.

C. Within five days of a request by the board, any person filing a document by facsimile transmission shall refile the document by one of the other filing methods provided in subpart 1.

[For text of subs 3 and 4, see M.R.]

### 4503.0100 DEFINITIONS.

[For text of subs 1 to 5, see M.R.]

Subp. 6. Services for a constituent; constituent services. "Services for a constituent" or "constituent services" means services performed or provided by an incumbent legislator or constitutional officer for the benefit of one or more residents of the official's district. ~~"Services for a constituent" do,~~ but does not include gifts, congratulatory advertisements, charitable contributions, or similar expenditures.

[For text of subs 7 and 8, see M.R.]

### 4503.0200 ORGANIZATION OF POLITICAL COMMITTEES AND POLITICAL FUNDS.

[For text of subs 1 to 5, see M.R.]

Subp. 6. Depositories. The depositories of a political committee or political fund include any depository in which the committee or fund has a savings, checking, or similar account, or purchases a money market certificate or certificate of deposit. Before registering, a political committee or political fund which expects to receive money or negotiable instruments must establish a checking, savings, or similar account in the name of "Campaign Fund of (name of candidate, committee, or fund)."

### 4503.0500 CONTRIBUTIONS.

Subpart 1. All receipts are contributions. Any money, goods, or services received by a principal campaign committee is considered a contribution at the time the item is received.

Subp. 2. Time of receipt of contributions.

A. A monetary contribution is received by a political committee or political fund, for reporting and contribution limit purposes, when the instrument conveying the contribution, such as cash, check, or money order, is physically received by the treasurer, the candidate, or a committee or fund worker.

B. A contribution delivered through the mail is received on the date the mail is gathered from the delivery point by the treasurer, the candidate, or a committee or fund worker.

Subp. 3. Transmission of contributions. Promptly after receipt of any contribution or on demand of the treasurer, an individual must transmit the contribution together with any required record to the treasurer.

Subp. 2. 4. Identification of contributor. ~~The contributor of goods or of services is the~~ An individual or association that pays for the or provides goods or services, or makes goods or services available, with the knowledge that they will be used for the benefit of a political committee or a political fund, is the contributor of those goods or services.

Subp. 3. 5. Contributions from Hennepin county registered associations. In lieu of registration with the board, an association registered with the Hennepin county filing officer under *Minnesota Statutes*, sections 383B.041 to 383B.058, that makes contributions of more than \$100 to a committee or fund in a calendar year may notify the recipient committee of its registration with Hennepin county, including its registration number, and instruct the recipient committee to include the notice when the recipient committee discloses receipt of the contribution.

Subp. 4. 6. Contributions by joint check. A contribution given by a check written on a joint account is considered to be a contribution by the persons who signed the check in equal proportions unless ~~otherwise specified on the check by the signers~~ the candidate or treasurer of the committee or fund has personal knowledge or affirmatively ascertains from any account holder who did not

sign the check that the person is a joint contributor. In such cases, a written notation of the basis for considering the contribution to be a joint contribution must be made at the time the contribution is deposited and kept with the committee's or fund's official records.

Subp. 5- 7. **Forwarding anonymous contributions.** An anonymous contribution in excess of \$20 must be forwarded to the board in its entirety within 14 days after its receipt by the treasurer along with a statement of the amount of the contribution and the date on which it was received.

Subp. 6- 8. **Value of contributions of automobile use.** Automobile use provided without reimbursement to the provider is a donation in kind valued at the lowest rate used by the state of Minnesota to reimburse its employees for automobile use.

Subp. 9. Contributions between principal campaign committees of the same candidate. Contributions between principal campaign committees of the same candidate are prohibited except when the contributing committee intends to terminate its registration and completes the termination by the end of the reporting period in which the contribution was made.

#### **4503.0750 CAMPAIGN EXPENDITURES.**

Equipment purchased by a principal campaign committee is considered to be for the purpose of influencing the nomination or election of the candidate. The full cost of each such purchase must be reported as a campaign expenditure in the year the equipment is purchased or the obligation to pay for the equipment is incurred.

#### **4503.0900 NONCAMPAIGN DISBURSEMENTS.**

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

Subp. 2. [See repealer.]

Subp. 3. Reporting purpose of noncampaign disbursements. Itemization of an expense which is classified as a noncampaign disbursement must include sufficient information to justify the classification.

#### **4503.0950 COSTS OF CONSTITUENT SERVICES AND SERVICES TO RESIDENTS OF CANDIDATE'S DISTRICT WHICH DO NOT REQUIRE REPORTING.**

Subpart 1. Services paid with personal funds of candidate.

A. Constituent services which a principal campaign committee would report as noncampaign disbursements under Minnesota Statutes, section 10A.01, subdivision 10c, clause (f), and which are paid for with the personal funds of an incumbent are not reportable.

B. Services for a resident in the candidate's district after a general election paid for with the personal funds of an incumbent or the winning candidate are not reportable.

Subp. 2. Constituent services provided as part of official duties and paid through legislative appropriation. Constituent services provided by an incumbent as a part of the duties of serving in office and paid for with state funds designated for that use are not reportable.

#### **4503.1100 CARRYFORWARD OF CAMPAIGN FUNDS; UNPAID ADVANCES OF CREDIT.**

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

Subp. 3. Carryforward applies at end of special election cycle. The limitations on carryforward of funds imposed by Minnesota Statutes, section 10A.25, subdivision 11, apply at the end of a special election cycle as well as the end of a general election cycle. The limitations at the end of a special or general election cycle apply to all candidates for the office which was the subject of the election regardless of whether the candidate actually ran in the election.

#### **4503.1300 GOVERNOR AND LIEUTENANT GOVERNOR.**

[For text of subs 1 to 5, see M.R.]

Subp. 6. **Public subsidy agreement.** Promptly following their joint endorsement or filing for office, candidates for governor and lieutenant governor who have not each signed a separate public subsidy agreement must jointly sign a public subsidy agreement if they wish to receive A public subsidy agreement signed by a candidate for governor or lieutenant governor is binding on both candidates and on the surviving principal campaign committee after a merger accomplished under this part.

**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**

### **4503.1400 PUBLIC SUBSIDY AGREEMENTS.**

Subpart 1. [See repealer.]

Subp. 2. **Period covered by agreement.** A public subsidy agreement is effective for the entire election cycle regardless of when the agreement is signed.

Subp. 3. **Effect of signing public subsidy agreement after first year of election cycle.** By signing a public subsidy agreement after the first year of an election cycle, a candidate agrees to abide by spending and contribution limits for candidates with public subsidy agreements for the entire election cycle. The candidate is subject to the same remedies for prior violations of contribution and spending limits as a candidate who signed a public subsidy agreement during the first year of the election cycle.

Subp. 4. **Effect on right to participate in political contribution refund program.** The right to issue receipts under the political contribution refund program established in *Minnesota Statutes*, section 290.06, subdivision 23, arises only when the public subsidy agreement is actually signed.

Subp. 5. **Expiration at end of special election cycle.** Public subsidy agreements for all candidates in a district in which a special election is held expire at the end of the special election cycle regardless of whether the candidate actually ran in the special election.

Subp. 6. **Return of public subsidy.** If a candidate who has received public subsidy money fails to file a year-end report of receipts and expenditures in an election year, the board may determine the amount of public subsidy which must be returned based on the last report filed by the candidate.

Subp. 7. **Nonreceipt of public subsidy funds.** A public subsidy agreement is binding regardless of whether the candidate actually receives funds from the state elections campaign fund.

Subp. 8. **Affidavit of contributions for special elections.** For a special election for which the filing period does not coincide with a general election, the candidate must submit the affidavit of contributions not later than five days after filing an affidavit of candidacy or nominating petition for the office sought.

### **4503.1600 FUNDRAISING CONTRIBUTIONS AND SOLICITATIONS DURING LEGISLATIVE SESSION.**

If the board makes a public finding that there is probable cause to believe a violation of *Minnesota Statutes*, section 10A.065, has occurred, in lieu of pursuing or enforcing a judgment, the board may attempt to negotiate a settlement agreement with the candidate, political committee, or political fund for payment of the civil fine accept payment of any fine imposed and thereafter close the matter.

### **4503.1700 FILING OF 48-HOUR NOTICE.**

The 48-hour notice required under *Minnesota Statutes*, section 10A.20, subdivision 5, may be filed by facsimile transmission in addition to the other methods permitted by law.

### **4511.0010 SCOPE.**

This chapter implements the lobbyist registration and reporting requirements of *Minnesota Statutes*, chapter 10A.

### **4511.0100 DEFINITIONS.**

Subpart 1. **Scope.** The definitions in this part apply to this chapter and *Minnesota Statutes*, chapter 10A. The definitions in chapter 4501 and in *Minnesota Statutes*, chapter 10A, also apply to this chapter.

Subp. 2. **Gift.** "Gift" has the meaning given in chapter 4512 and *Minnesota Statutes*, section 10A.071.

Subp. 3. **Lobbying.** "Lobbying" means attempting to influence legislative action, administrative action, or the official action of a metropolitan governmental unit by communicating with or urging others to communicate with public officials or local officials in metropolitan governmental units. Any activity that directly supports this communication is considered a part of lobbying.

Subp. 4. **Lobbyist's disbursements.** "Lobbyist's disbursements" include all disbursements for lobbying made by the lobbyist, the lobbyist's employer or employee, or any person or association represented by the lobbyist, but do not include compensation paid to the lobbyist.

Subp. 5. **Original source of funds.** "Original source of funds" means a source of funds, other than the entity for which a lobbyist is registered, paid to the lobbyist, the lobbyist's employer, the entity represented by the lobbyist, or the lobbyist's principal, for lobbying purposes.

Subp. 6. **Public higher education system.** "Public higher education system" includes the University of Minnesota and the Minnesota state colleges and universities governed by *Minnesota Statutes*, chapter 136F. The board may issue advisory opinions at the request of other entities with respect to whether or not they are also included within this definition.

**4511.0200 REGISTRATION.**

Subpart 1. Separate registration required for each entity. A lobbyist who lobbies on behalf of more than one individual, association, political subdivision, or public higher education system shall register separately for each separate entity. Members or affiliates of an association represented by a lobbyist are not separate entities for the purposes of this requirement.

Subp. 2. Separate registration for each lobbyist. Multiple lobbyists representing the same individual, association, political subdivision, or higher education system must each register separately.

**4511.0300 PRINCIPALS.**

Individuals or associations represented by lobbyists are presumed to be principals until they establish that they do not fall within the statutory definition of a principal.

**4511.0400 TERMINATION.**

A lobbyist who has ceased lobbying for a particular entity may terminate registration by filing a final lobbyist disbursement report covering the period from the last report filed through the date of termination and indicating on the report that the lobbyist intends to terminate the particular registration as of the specified termination date.

**4511.0500 REPORTING REQUIREMENTS.**

Subpart 1. Separate reporting required for each entity. A lobbyist must report separately for each entity for which the lobbyist is registered.

Subp. 2. Reporting by multiple lobbyists representing the same entity. Items A to C apply if a single individual, association, political subdivision, or public higher education system is represented by more than one lobbyist.

A. The entity must designate one lobbyist to report lobbyist disbursements made by the entity and the reporting lobbyist must indicate this designation on the periodic reports of lobbyist disbursements.

B. A lobbyist may consent to report on behalf of other lobbyists for the same entity, in which case, the other lobbyists are persons about whose activities the reporting lobbyist must report and are subject to the disclosure requirements of Minnesota Statutes, section 10A.04, subdivision 3. Lobbyist disbursement reports filed by the reporting lobbyist must include the names and registration numbers of any other lobbyists whose activities are included in the report.

C. Lobbyists whose activities are reported by a designated reporting lobbyist must file lobbyist disbursement reports specifying the name and registration number of the lobbyist reporting on their behalf.

Subp. 3. Report of officers and directors information. With each report of lobbyist disbursements, each lobbyist, except those whose activities are reported by a designated reporting lobbyist, must report any change in the name and address of:

A. each person, if any, by whom the lobbyist is retained or employed or on whose behalf the lobbyist appears; or

B. if the lobbyist represents an association, each officer and director of the association.

Subp. 4. Limitation on reporting of loans. A lobbyist is not required to report loans to a public official or a local official in a metropolitan governmental unit if:

A. the lobbyist's employer, principal, or association represented which made the loan is a financial institution; and

B. the loan was made in the ordinary course of business on substantially the same terms as those prevailing for comparable transactions with other persons.

Subp. 5. Reporting gifts. A gift to a public or local official from a principal for which a lobbyist is registered must be reported by the lobbyist who reports that principal's lobbying disbursements.

**4511.0600 REPORTING DISBURSEMENTS.**

Subpart 1. Determination of actual costs required. To the extent that actual costs of lobbying activities can be obtained or calculated by reasonable means, those actual costs must be determined, recorded, and used for reporting purposes.

Subp. 2. Approximation of costs. If the actual cost of a lobbying activity cannot be obtained or calculated through reasonable means, those costs must be reasonably approximated.

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## **Proposed Rules**

**Subp. 3. Disbursements allocated between multiple entities.** A disbursement for lobbying purposes that benefits more than one entity for which a lobbyist is separately registered must be allocated between the entities benefited on a reasonable basis and reported based on that allocation.

**Subp. 4. Disbursements which are only partially in support of lobbying.** A disbursement that is partially in support of lobbying and partially for a nonlobbying purpose must be allocated on a reasonable basis between the two purposes and the portion which is for lobbying activities must be reported.

**Subp. 5. Specific disbursement categories.** Disbursements must be reported based on the categories in items A to I.

A. "Lobbying materials" includes the cost of production, purchase, or other acquisition of materials that directly support lobbying.

B. "Media costs" includes the cost of media space or time used for lobbying activities. The cost of preparation of materials for use in the media is reported in the lobbying materials category.

C. "Telephone and communications" includes costs for local and long-distance telephone services, electronic mail, pagers, cellular telephones, facsimile distribution services, telegraph, and other communications services.

D. "Postage and distribution" includes costs of postage from the United States Postal Service as well as other distribution costs associated with lobbying activities.

E. "Fees and allowances" includes fees for consulting or other services as well as expenses associated with those services.

F. "Entertainment" includes costs of all entertainment associated with any situation where lobbying activities take place.

G. "Food and beverages" includes costs of all food and beverages associated with any situation where lobbying activities take place.

H. "Travel and lodging" includes costs of all travel and lodging associated with any lobbying activity, excluding the costs of the lobbyist's own travel to accomplish the lobbying activity.

I. "Other disbursements" includes general administration and overhead and any other lobbyist disbursements not reported in other categories.

**Subp. 6. Effect of gift prohibition.** The reporting requirements in this part do not change the scope of the statutory prohibition under *Minnesota Statutes*, section 10A.071, nor do they create additional exceptions to that prohibition.

### **4511.0700 REPORTING COMPENSATION PAID TO LOBBYIST.**

**Subpart 1. Reporting by lobbyist.** Compensation paid to a lobbyist for lobbying is not reportable by the lobbyist as a lobbyist disbursement.

**Subp. 2. Reporting by principal.** Compensation for lobbying paid by a lobbyist principal to a lobbyist or to the employer of a lobbyist must be included when determining the spending level categories for reporting by the lobbyist principal.

### **4511.0800 ADMINISTRATIVE ACTION.**

**Subpart 1. Commencement.** An administrative action to adopt, amend, or repeal rules pursuant to *Minnesota Statutes*, chapter 14, begins on publication of the notice required under *Minnesota Statutes*, section 14.101, subdivision 1, or at an earlier time when the official, board, commission, or agency undertaking the rulemaking takes the first formal action required by law to begin the rulemaking process. An administrative action for a purpose other than rulemaking begins when the commission or agency undertaking the action takes the first formal action required by statute to begin the action or as otherwise defined by statute.

**Subp. 2. Advisory committees.** Participation on an administrative rulemaking advisory committee established under *Minnesota Statutes*, section 14.101, subdivision 2, is not lobbying.

**REPEALER.** *Minnesota Rules*, parts 4503.0800, subpart 5; 4503.0900, subpart 2; 4503.1400, subpart 1; 4510.0010; 4510.0050; 4510.0400; 4510.0500; 4510.0600; 4510.0700; 4510.0800; 4510.0900; and 4510.1100, are repealed.

## Higher Education Services Office

### Proposed Permanent Rules Governing Audit Requirement for Financial Assistance, and Proposed Repeal of Rules on Postsecondary Review Program

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

**Proposed Rules Governing Definitions for Higher Education Programs, *Minnesota Rules*, 4830.0100, Subp. 11, and the Proposed Repeal of Rules Governing the State Post-Secondary Review Program, *Minnesota Rules*, 4890.0100 - 4890.0900**

**Introduction.** The Higher Education Services Office 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:

Mary Lou Dresbach  
Minnesota Higher Education Services Office  
400 Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101  
(612)296-3974

TTY users may call the State of Minnesota TTY Relay Service at 1-800-627-3529 to be connected with the agency contact person.

**Subject of Rules and Statutory Authority.** The proposed amendment to *Minnesota Rules* 4830.0100, subp. 11 is about the reduction in the length of time documentation must be retained by post-secondary institutions. This documentation relates to agency audits of Minnesota post-secondary institutions participating in state post-secondary financial aid programs administered by the Minnesota Higher Education Services Office.

The proposed repealer relates to *Minnesota Rules* 4890.0100-4890.0900 pertaining to the Statewide Post-secondary Review Program, specifically the role of the Higher Education Services Office as the Statewide Post-secondary Review Entity. This federal program is no longer operational.

The statutory authority to adopt and repeal rules is *Minnesota Statutes*, section 136A.01, Subd. 2(8). Copies of the proposed rule amendment to *Minnesota Rules* 4830.0100, Subp. 11 and the rule repealer of *Minnesota Rules* 4890.0100 - 4890.0900 are published in the *State Register*, and are attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on March 28, 1997, to submit written comment in support of or in opposition to the proposed rule amendment, *Minnesota Rules* 4830.0100, Subp. 11, and any part or subpart of the rules; and to the repeal of *Minnesota Rules* 4890.0100 - 4890.0900. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule amendment or the rule repealer 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 rule amendment or the repealer 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 March 28, 1997. 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 with-

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## Adopted Rules

drawal, 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 amendment to the rules governing Definitions for Higher Education Programs and the proposed repeal of the rules governing the State Post-Secondary Review Program, including a description of who will be affected by the proposed rules amendment and the rules repealer as well as an estimate of the probable cost of the proposed rules amendment and rules repealer. 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 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: 6 January 1997

Robert K. Poch  
Director, Higher Education Services Office

### 4830.0100 DEFINITIONS FOR HIGHER EDUCATION PROGRAMS.

[For text of subs 1 to 10a, see M.R.]

Subp. 11. **Audit requirements.** Audit requirements means that the school must make available to the office and its authorized representatives all pertinent books, documents, papers, and records for audit and examination for ~~five~~ three years after the last day of a fiscal year, ~~unless all or until~~ audit exceptions for the period are resolved ~~earlier~~.

### Proposed Repeal of Rules on Postsecondary Review Program

**REPEALER.** *Minnesota Rules*, parts 4890.0100; 4890.0200; 4890.0300; 4890.0400; 4890.0500; 4890.0600; 4890.0700; 4890.0800; and 4890.0900, are repealed.

## Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §§14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

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

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

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

## Department of Public Safety

### Adopted Permanent Rules Relating to Preliminary Screening Breath Test Devices

The rules proposed and published at *State Register*, Volume 21, Number 20, pages 689-691, November 12, 1996 (21 SR 689), are adopted as proposed.



## Office of the Governor

### Emergency Executive Order #97-07: Providing for Emergency Assistance to Minnesota Livestock Farmers

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, since mid-November 1996, continuing severe winter storms have affected the entire state of Minnesota; and

WHEREAS, this ongoing weather crisis has affected the ability of farmers to transport or obtain feed for livestock; and

WHEREAS, it is urgent that immediate action be taken to avoid economic loss and to protect the economic health and safety of Minnesota citizens;

NOW, THEREFORE, I hereby order that a State of Emergency exists in Minnesota and, with respect to state and local highways, do authorize extension of the 150 mile radius restriction on the Class D driver's license provision in *Minnesota Statutes*, section 171.02 (a)(1), to within 250 miles of the farm. The authority to transport under this declaration extends only to drivers age 18 or older, and only to the borders of the state.

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 seventh day of February, 1997.

Arne H. Carlson  
Governor

Filed According to Law:  
Joan Anderson Growe  
Secretary of State

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## 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.

## Department of Administration

### Communications Media Division

#### *State Register*

#### Notice of Availability of *State Register* by Subscription on Internet

NOTICE IS HEREBY GIVEN that the *State Register* is now available by subscription on the Internet. Details have been placed in a special ad on the inside back cover of this issue of the *State Register*.

Also on the Internet, free of charge, is the *State Register* "Table of Contents" for the current issue, and back issues. The Internet web site is <http://www.comm.media.state.mn.us>

## Official Notices

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### Department of Administration and Department of Natural Resources

#### Notice of Sale of Public Property - 47 Acres in Olmsted County

**NOTICE IS HEREBY GIVEN** that the Minnesota Departments of Administration and Natural Resources intend to sell state-owned property in Olmsted County. Refer to the following advertisement that has been placed in newspapers in the area:

##### Notice of Sale of State Real Property

The Commissioner of Administration, in cooperation with the Department of Natural Resources, offers for sale by sealed bid approximately 47 acres (more or less) of land located in Section 5, Township 106, Range 13 in Olmsted County.

The parcel will be sold on the basis of highest bid which meets all bid requirements, but not for less than the minimum bid of \$221,000. Financing is available. All bids must be received by 1:30 p.m., March 20, 1997, at the Department of Natural Resources, Region V Headquarters, 2300 Silver Creek Rd NE, Rochester, MN 55906.

Bids will be opened at 2:00 p.m., March 20, 1997, at Department of Natural Resources, Region V Headquarters, Rochester. Any announcements made at the bid opening shall take precedence over any material published about this event.

All bids must be on the official bid forms. For bid information, forms, envelopes, property survey and legal description, contact Mr. Gerald Johnson, Regional Realty Coordinator, Department of Natural Resources, 2300 Silver Creek Rd NE, Rochester, Minnesota 55906, Phone (507) 280-2962.

### Minnesota Comprehensive Health Association

#### Notice of Meeting of the Legislative and Public Policy Committee

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Legislative Committee will be held at 8:30 a.m. on Tuesday, February 25, 1997. The meeting will be at the Minnesota Comprehensive Health Association executive office, 5775 Wayzata Boulevard, St. Louis Park, in suite 910. For additional information, please call Lynn Gruber at (612) 593-9609.

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

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

The Executive Council, State Board of Investment and the Land Exchange Board will meet on Wednesday, March 5, 1997 at 8:30 A.M. in Room 125, State Capitol, Saint Paul, MN.

The Investment Advisory Council will meet on Tuesday, March 4, 1997 at 2:00 P.M. in Suite 105, 55 Sherburne Avenue, St. Paul, MN.

## **Department of Health**

### **Interagency Long-Term Care Planning Committee (INTERCOM)**

#### **Notice of Public Hearing on Proposals Submitted for Exceptions to the Moratorium on Certification of Nursing Home Beds**

The Interagency Long-Term Care Planning Committee (INTERCOM) will hold a public hearing on the three proposals submitted in response to the request for proposals published on 12/2/96, for exceptions to the moratorium on certification of nursing home beds, in accordance with *Minnesota Statutes*, section 144A.073, subdivision 3. The public hearing will be held on Tuesday, March 11, 1997, from 2:00 p.m. to 4:00 p.m. The public hearing will be held at the Taylor's Falls Conference Room, 5th Floor, Central Medical Building, 393 North Dunlap Street (near I-94 and Lexington Avenue), St. Paul, Minnesota. For more information, contact Maggie Friend at 612/643-3615.

## **Department of Human Services**

### **Health and Continuing Care Strategies**

#### **Notice of Request for Information from Parties Interested in Developing Outcome-based Measurements and Incentive-based Payments for Long Term Care Nursing Facility Services in Minnesota**

The Department of Human Services (DHS) is seeking information and comments to assist in developing outcome-based measurements and a system of incentive-based payments for achieving specified outcomes in the provision of long term care nursing facility services in Minnesota.

The *1995 Laws of Minnesota*, Chapter 207, Article 7, Section 32 (*Minnesota Statutes* Section 256B.434) authorizes the Commissioner of DHS to:

- establish a contractual alternative payment system as an alternative way to pay for nursing facility services under the Medical Assistance (MA) program;
- develop outcome-based measurements standards related to the provisions of long term care services; and
- develop incentive-based payments for achieving outcomes.

The authorizing legislation includes the policy objectives the Commissioner shall consider in establishing the outcomes and related criteria:

1. Improved cost effectiveness and quality of life as measured by improved clinical outcomes.
2. Successful diversion or discharge to community alternatives.
3. Decreased acute care costs.
4. Improved consumer satisfaction.
5. The achievements of quality.
6. Any additional outcomes the Commissioner finds desirable.

The Department established the Nursing Home Contract Project and entered into contracts with 112 nursing facilities throughout the state of Minnesota. In 1996, the Department received several responses to a Request for Proposals for working on an outcome-based measurements and incentive payment system project. Because of a required reduction in funding, the Department was forced to cancel the RFP and has refocused the outcomes project to work within the available funding.

To do this, the Department is seeking assistance and recommendations for the approach it should take to design a system of outcome-based measurements for care provided to persons in nursing facilities in Minnesota and a system of incentive-based payments to nursing facilities for achievement of specified outcomes. This system (if developed) will be tested within the nursing facilities chosen to participate in the Nursing Home Contract Project, and if successful, may be implemented systemwide as part of the Department's movement toward managed care.

The Department's goal is to work with a consultant(s) to develop a system that includes a minimum of three or more outcomes that are expected to achieve cost savings, provide for incentive based reimbursement (up to a 5% maximum) and utilize current state

## Official Notices

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database systems (MMIS II, MDS, etc) to document outcome achievement and cost savings. This RFI is seeking input on the feasibility of developing such a system given the time, dollars and data resources available.

Responders to this Request for Information should include information regarding:

1. How much emphasis should be placed on each of the three components included in the earlier RFP given limited dollars:
  - defining and establishing the outcomes to be used for the system of incentive-based payments
  - refining the data system to collect the information on outcomes
  - developing the system to set the incentive payments paid for achievement of outcomes?
2. What are the key outcomes the state should focus on given the limited time and dollars for this demonstration?
3. There is an estimated \$600,000 available over three years to fund the outcomes project (the development work, not the incentive payments). About one-half comes from the charge of \$1,000 per facility approved by HCFA, the other half is expected to be state monies appropriated by the legislature. What are the most important tasks to be completed with these funds?
4. How adequate are existing databases such as MDS, MMIS II and QA&R to provide information that measures achievement of specific outcomes?
5. Is there work already done or systems in place (particularly in other states) that include outcomes and related quality indicators or incentive payments? Can the systems already developed (such as the work being done in Wisconsin to use MDS to identify quality indicators) be adapted for use in Minnesota?
6. Currently, all nursing homes in the Nursing Home Contract Project have developed and use a consumer satisfaction survey. All these instruments are different. What would be the best method for assessing consumer satisfaction and tying it to other outcomes or set of outcomes?
7. Currently, only nursing homes in the Nursing Home Contract Project are eligible to receive the incentive payments once they are developed. However, in order to establish the levels of "expected outcomes," it may be important to have data from all nursing homes. Should all nursing homes be required to provide the data needed even though only those in the project receive incentive payments?
8. Is there any other issue/component of the demonstration that you would like to comment on? Do you have any suggestions for another approach the Department might consider?

Prospective responding agencies that have any questions regarding this RFI may call or write:

Allan Weinland, Project Director  
Nursing Home Contract Project  
Minnesota Department of Human Services  
444 Lafayette Road  
St. Paul, Minnesota, 55155-3836  
Telephone: (612) 297-3711 Fax: (612) 282-6859

Submit One (1) copy of the RFI response to:

Allan Weinland, Project Director  
Nursing Home Contract Project  
Minnesota Department of Human Services  
444 Lafayette Road  
St. Paul, Minnesota, 55155-3836

All responses to this RFI are due by March 24, 1997.

The Department may utilize suggestions and recommendations from information received through this RFI in developing a Request for Proposals to solicit qualified parties for the development of an outcome-based measurements and incentive-based payments system.

## **Department of Labor and Industry**

### **Labor Standards Division**

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

Effective February 24, 1997 prevailing wage rates were determined and certified for commercial construction projects in the following counties.

**Anoka:** Park Maintenance Center & Picnic Shelter - Oakgrove

**Clay:** Kise Line 'D' Kise Commons Remodeling MSU - Moorhead; Inspection/testing Fire Alarm Systems - Moorhead

**Hennepin:** Deferred Maintenance Anwatin Middle School - Minneapolis; Eden Prairie High School Auditorium - Eden Prairie; 1997 Parking Structure Rehabilitation Mpls/St. Paul International Airport - Mpls/St. Paul

**Itasca:** ASU Manufacturing Addition - Grand Rapids

**Nicollet:** Elevator Modernization /St. Peter Regional Treatment Center - St. Peter

**Ramsey:** Asbestos Abatement Riverside Boiler Room - St. Paul; 1997 Asbestos Abatement Eastern Hts Elementary - St. Paul; Como Park Conservatory Phase 2 Sitework Restoration of Historical Entry & Site Features - St. Paul

**St. Louis:** Ventilation and Air Conditioning Revisions Darland Administration Building - Duluth; Eveleth Health Park Ventilation - Eveleth

**Stearns:** Masonry Repair Hill/Case Hall SCSU - St. Cloud

**Steele:** Owatonna High School - Owatonna

**Winona:** Airport Campus Red Wing/Winona Technical College Paint Spray Booth Adjusted - Winona

**Wright:** Delano Middle School Reroofing - Delano

Copies of the certified wage rate for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

Gary W. Bastian,  
Commissioner

## **Department of Natural Resources**

### **Request for Comments on Planned Amendment to Rules Governing Parks and Trails; Public Use of State Parks and Other Recreational Areas, *Minnesota Rules*, Parts 6100.0100 to 6100.2400**

**Subject of Rules.** The Minnesota Department of Natural Resources requests comments on its planned amendment to rules governing parks and trails; public use of state parks and other recreational areas, state forest campgrounds, state forest day use areas, the Richard J. Dorer Memorial Hardwood State Forest, and forest lands under the authority of the Commissioner. The Department is considering rule amendments that will affect the recreational use of State Forest lands for the following types of activities:

- Hunting near state forest recreation areas
- Target shooting in certain state forests
- The release of plants on state forest lands
- Storage of personal property on state forest lands
- Operation of recreational motor vehicles, which will include all-terrain vehicles(atv), off- highway motorcycles(ohm), and off-road vehicles(ornv), on state forest lands
- Operation of motor vehicles on forest roads and trails
- Camping on state forest lands outside of designated campgrounds
- Camping in state forest campgrounds.

## Official Notices

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The Department is also considering amendments that will affect the use of state parks for the following types of activities:

- Rock climbing
- Camping
- Picnicking

**Persons Affected.** The amendment to the rules would likely affect hunters, target shooters, owners and operators of recreational motor vehicles, campers who camp in state forest campgrounds, on state forest lands, or in state parks and owners and operators of motor vehicles who travel on state park roads or on state forest roads and trails.

**Statutory Authority.** *Minnesota Statutes*, sections 84.03, 85.052, 89.031, 89.19, and 89.21 authorize the Department to adopt rules for the recreational use of forest lands under the authority of the Commissioner.

**Public Comment.** Interested persons or groups may submit comments or information on these planned rules in writing until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules.

The Department does contemplate appointing an advisory committee to comment on the planned rules. The work of the advisory committee is to evaluate and respond to proposals from the Department relating to the planned rule amendments. Formation of an advisory group will begin after this "request for comments" is published. A series of four to eight meetings over a period of six to nine months is expected. Persons interested in serving on an advisory committee should contact the "Agency Contact Person" listed below no later than 15 days after publication of this notice.

**Rule Drafts.** The Department has not yet prepared a draft of the planned rule amendments. However, a discussion paper is available which reviews the general concepts under consideration. A copy of the discussion paper is available from the "Agency Contact Person".

**Agency Contact Person.** Written comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these planned rules should be addressed to: Steve Simmer, Forest Recreation Program Coordinator, 500 Lafayette Road, St. Paul MN 55155-4044. (612) 297-3508. TYY users may call the Department at (612) 296-5484.

**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 agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: 12 December 1996

Rodney W. Sando, Commissioner  
Department of Natural Resources

## Department of Public Safety

### Minnesota Auto Theft Prevention Program

#### Notice of Meeting of the Board of Directors

The Department of Public Safety, Minnesota Auto Theft Prevention Program, will be holding its Board of Directors meetings on the following scheduled dates: March 13, 1997, March 27, 1997 and April 10, 1997. Meetings will begin at 9:00 a.m. at the MATPP office located at 1110 Centre Pointe Curve, Mendota Hts., MN. (Hwy 110 and Lexington Ave. - GNB Bldg.). Meetings are open to the public and you may contact 612/405-6155 for more information.

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# 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.

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## Department of Human Services

### Chemical Dependency Program Division

#### Notice of Request for Proposals (RFP) to Provide Early Intervention and Outpatient Chemical Dependency Treatment for Adolescents of Color

The Chemical Dependency Program Division (CDPD) of the Department of Human Services is requesting proposals to provide early intervention and outpatient treatment services for adolescents of color. For the purposes of this RFP, "adolescent of color" is defined as: African American, Hispanic American (Chicano Latino), American Indian and Asian American/Refugee. A total of \$165,000 from Federal appropriations is available for a one year period to fund two projects. The funded programs would begin on or about *October 1, 1997* or upon such date as they are executed by the Commissioner of Finance, whichever occurs later and continue for a minimum of one year. The project(s) may continue beyond the initial grant contract based on satisfactory performance and the availability of funds.

Proposals in response to this RFP must be submitted on the CDPD grant application form that can be obtained by contacting the Chemical Dependency Program Division, at (612) 296-3991. Applicant(s) must submit one (1) original and seven (7) copies of parts I-V of the completed application for review. Submit one (1) copy of Part VI (Appendices). Applications must be stapled and all pages numbered. Applicants must also submit either a certificate of compliance from the Commissioner of Human Rights pursuant to *Minnesota Statutes*, section 636.073, or an Affidavit of Exemption. **Proposals must be received by the CDPD no later than 3:00 p.m. on April 11, 1997. Proposals which are mailed must have a legible postmark date of no later than April 9, 1997 to be accepted.** All applications should be submitted to:

State of Minnesota  
Department of Human Services  
Chemical Dependency Program Division  
444 Lafayette Road  
Saint Paul, MN 55155-3823  
Attn: Sheila Big Bear

Inquiries regarding this Request for Proposals should be directed to Nick Vega Puente, Chemical Dependency Program Division, at (612) 296-4620 or a written correspondence may also be mailed to the address previously listed. Interested applicants are requested to advise Nick Vega Puente by telephone of the intent to submit an application, as soon as possible. Copies of Drug And Alcohol Normative Evaluation System (DAANES) and the adolescent treatment outcomes monitoring system client data forms required for use in the proposal can be obtained by calling (612) 296-3991.

For TTY, contact Minnesota Relay Services at (612) 297-5353 or 1-800-627-3529.

## Department of Human Services

### Aging and Adult Services Division

#### Request for Proposals for Respite Care and Caregiver Support Projects

The Minnesota Department of Human Services is soliciting proposals from private nonprofit or public health or human service agencies. The Department proposes to fund up to thirty six projects statewide to benefit informal caregivers.

These projects will be funded with State appropriations for the state fiscal years 1998 and 1999. The maximum request for each of the fiscal years is \$20,000. A request from two or more organizations, areas, or counties wishing to create a joint project will be considered for additional funding.

Projects should combine both respite care and caregiver support services. Projects must serve at a minimum caregivers providing care to persons over age 65. Projects may serve caregivers providing care to other persons as resources allow.

## Professional, Technical & Consulting Contracts

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This Request for Proposals does not obligate the State to complete the project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest. All proposals must be submitted no later than 4:00 p.m. April 15, 1997.

For more information regarding this request for proposals, please contact:

Gina Grannes  
Department of Human Services  
Aging and Adult Services  
444 Lafayette Road  
St. Paul, MN 55155-3843  
(612) 297-4182

## Department of Public Safety

### Minnesota Auto Theft Prevention Program

#### Notice of Grant Availability for the Area of Auto Theft Prevention

The Minnesota Auto Theft Prevention Program Board announces the availability of \$830,000 in grant money. Applications will be accepted from State, County, Local Police or Governmental Agencies, Prosecutors, Judiciary, Businesses, Community and Neighborhood Organizations. The moneys granted out must be dedicated to the area of auto theft. Grant proposals forms and information may be obtained by contacting Dennis Roske at the Auto Theft Prevention office at (612) 405-6155.

## Professional, Technical & Consulting Contracts

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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].

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## Department of Administration

### Notice of Request for Professional Counseling and Consultative Services Designed to Assist in the Identification and Resolution of State Employees' Workplace, Personal, and Family Problems

**NOTICE IS HEREBY GIVEN** that the Department of Administration intends to engage or renew the services of one or more employee assistance provider organizations with access sites in 27 locations throughout Minnesota: Aitkin, Bemidji, Brainerd, Cambridge, Crookston, Detroit Lakes, Duluth, Faribault, Fergus Falls, Grand Rapids, Hibbing, International Falls, Luverne, Mankato, Marshall, Moorhead, Morris, Pipestone, Red Wing, Rochester, St. Cloud, Stillwater, Thief River Falls, Willmar, Winona, and Worthington. The contractor shall provide professional counseling and consultative services designed to assist in the identification and resolution of state employees' workplace, personal, and family problems. This includes consultation with supervisors regarding work groups or challenging employee issues. The contractor is also expected to perform local outreach activity within various state agencies (supervisory referral training, EAP orientations, employee education services, etc.).

Contractor shall be expected to maintain fully staffed offices, Monday through Friday, in each location.

Contractors must be in compliance with the Americans With Disabilities Act.

The contract is effective from July 1, 1997 through June 30, 1999. The estimated amount of billable services for each location is approximately \$5,000.00 annually.

Questions regarding this request for services should be directed to Keith Tvedten at (612) 296-9732.

Responses must be received either by mail or by telephone no later than 3:00 P.M., on March 24, 1997, and can be directed to:

Keith M. Tvedten  
State Employee Assistance Program  
University National Bank  
200 University Avenue West, Suite 200  
St. Paul, MN 55103



## **Department of Transportation**

### **Transportation Resources Investment & Management Division**

#### **Office of Aeronautics**

#### **Notice of Availability of Contracts for Navigation Systems Technicians**

The Office of Aeronautics will award 12 to 16 maintenance contracts for VOR/DME's and NDB's located at airports throughout the State. FAA Certification on at least one of the following is required: Wilcox Mark 10 ILS, Wilcox 476 VOR, Cardion 9467 VOR, Aerocom 5351A DME, Aerocom 5321 NDB, Aerocom 5401B, Artais AWOS, Handar AWOS.

Contract period: July 1, 1997 through June 30, 1999.

For further information, contact:

Robert Milton  
Office of Aeronautics  
222 East Plato Blvd.  
St. Paul, MN 55107  
(612) 296-9250

Proposals must be received no later than March 28, 1997.

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## **Non-State Public Bids, Contracts & Grants**

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

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

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## **Metropolitan Council**

### **Invitation to Bid for Computers, Servers and Printers**

Sealed bids will be received in the office of the Metropolitan Council, Mears Park Centre, 6th Floor, 230 East 5th Street, St. Paul, Minnesota 55101 until 2:00 p.m., THURSDAY, MARCH 6, 1997, for COMPUTERS, SERVERS AND PRINTERS.

Copies of the specifications may be obtained from the office of the MCES at the above address or by calling (612) 229-2032.

All bids to be considered must be submitted on Council approved proposal form and have an Affirmative Action Plan Certificate of Compliance attached, to the outside of the bid envelope.

The award will be based upon but not necessarily limited to factors of price, agreement to Metropolitan Council's terms and conditions and past experience with the Metropolitan Council. The award will be made and determined approximately two weeks after all bid prices have been tabulated.

The Metropolitan Council reserves the right to accept or reject any and all bids or any part of any bid and to waive any minor irregularities and deviations from requirements outlined in the technical specifications.

BY ORDER OF THE METROPOLITAN COUNCIL  
James Solem, Regional Administrator

## **Metropolitan Council Environmental Services**

### **Public Notice for Letters of Interest for Professional Services for Step I Facility Planning for the Metropolitan Waste Water Treatment Plant Solids Processing Improvements Project**

**NOTICE IS HEREBY GIVEN** that the Metropolitan Council Environmental Services (MCES) is soliciting qualifications for professional services for Step I Facility Planning for the MWWTP Solids Processing Improvements project. This project is to be completed within 3 years after issuance of Notice To Proceed. The cost for this Step I Facility Plan is estimated to be less than \$2,500,000.

This project has the following components: (i) investigation of fluidized bed incineration and heat drying with a marketable product for utilization of wastewater biosolids; (ii) high torque centrifuges for dewatering; (iii) market analysis for the heat dried product; (iv) major modifications to the existing air permit in a PM10 Nonattainment area, including mercury emission reductions; (v) examine various project delivery options including design-bid-construct, design-build, design-build-operate, and design-build-own-operate; and (vi) coordination with public and regulatory agencies.

The tentative schedule for selecting a consulting firm for this project is as follows:

Receive Letters of Interest	February 1997
Request for Qualifications (RFQ) issued	February 1997
Statement of Qualifications (SOQ) received	March 1997
Short list of firms developed	March 1997
Request for Proposals (RFP) Issued	March 1997
General Informational Meeting	April 1997
Proposals Received	April 1997
Select Consultant	May 1997
Negotiate final Contract Agreement	May 1997
Notice To Proceed given	June 1997

All firms interested in being considered for this project are invited to submit a Letter of Interest asking for the Request For Proposals package.

All inquiries are to be addressed to:

Administrative Assistant, Contracts and Documents  
Metropolitan Council Environmental Services  
Mears Park Centre  
230 East Fifth Street  
St. Paul, MN 55101

## Minnehaha Creek Watershed District

### Notice of Call for Bids for 1997 Water Quality Sampling and Analysis-Stream and Lake Monitoring

Sealed Bid Proposals for work indicated above will be received by the Minnehaha Creek Watershed District (District) at Gray Freshwater Center, 2500 Shadywood Road, Excelsior, Minnesota 55331-9578 until 10:00 a.m. CST, Wednesday, March 12, 1997, after which time such bids will be publicly opened and read aloud at the District Office. The work, in accordance with drawings and specifications prepared by Wenck Associates, Inc., 1800 Pioneer Creek Center, P.O. Box 428, Maple Plain, Minnesota 55359, consists of the following major items of work:

1. Preparation of a detailed Field Sampling Plan, Quality Assurance Project Plan, and Health and Safety Plan.
2. Collect and analyze samples biweekly (from April through October, 1997) from six lakes in the Upper Watershed of Lake Minnetonka, and 18 bays of Lake Minnetonka.
3. Collect and analyze samples weekly (from April through October, 1997) from 12 stream locations in the Upper Watershed of Lake Minnetonka, and six stream locations along Minnehaha Creek.
4. Collect and analyze samples after any run-off producing storm event from 14 locations in the Upper and Lower Watershed of Minnehaha Creek, during the period from April through October, 1997.

Bid Proposals shall be submitted on forms furnished for that purpose. One copy of the bid proposal shall be submitted.

A Pre-Bid Meeting shall be held at 10:00 a.m. CST, Wednesday, February 26 at the District office at Gray Freshwater Center (see above), to acquaint bidders with the project and answer questions.

The bid of the lowest responsible bidder, will be accepted on or before the expiration of thirty (30) days after the date of the opening of bids. The OWNER, however, reserves the right to reject any or all bids, award all or only portions of the work to a qualified bidder, and to waive any minor irregularities, informalities or discrepancies.

Bidders desiring drawings and specifications for personal use may secure a complete set from:

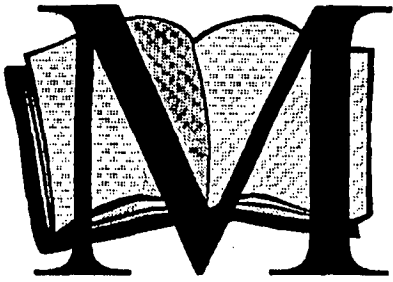
Contact: Howard M. Trussell (612) 479-4238  
Wenck Associates, Inc.  
1800 Pioneer Creek Center  
P.O. Box 428  
Maple Plain, Minnesota 55359-0428  
Telephone: (612) 479-4200  
Facsimile: (612) 479-4242  
E-mail: wenckmp@wenck.com

Non-refundable deposits in the form of a check shall be made payable to:

Minnehaha Creek Watershed District. The deposit shall be in the amount of \$35.00 per set of bid documents (drawings and specifications).

Dated: 13 February 1997

Minnehaha Creek Watershed District  
John Thomas, President



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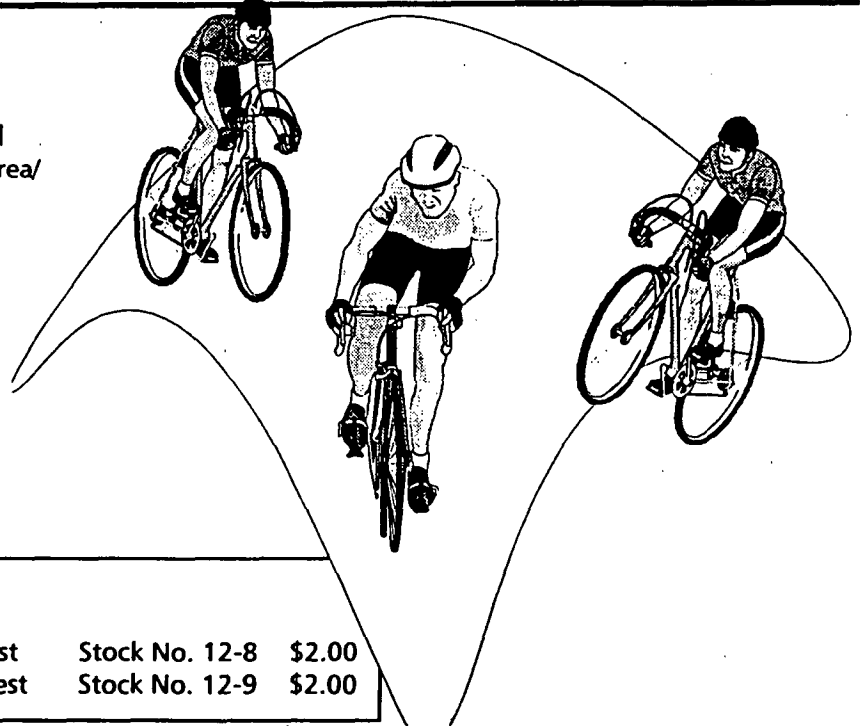
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