

96, July 29

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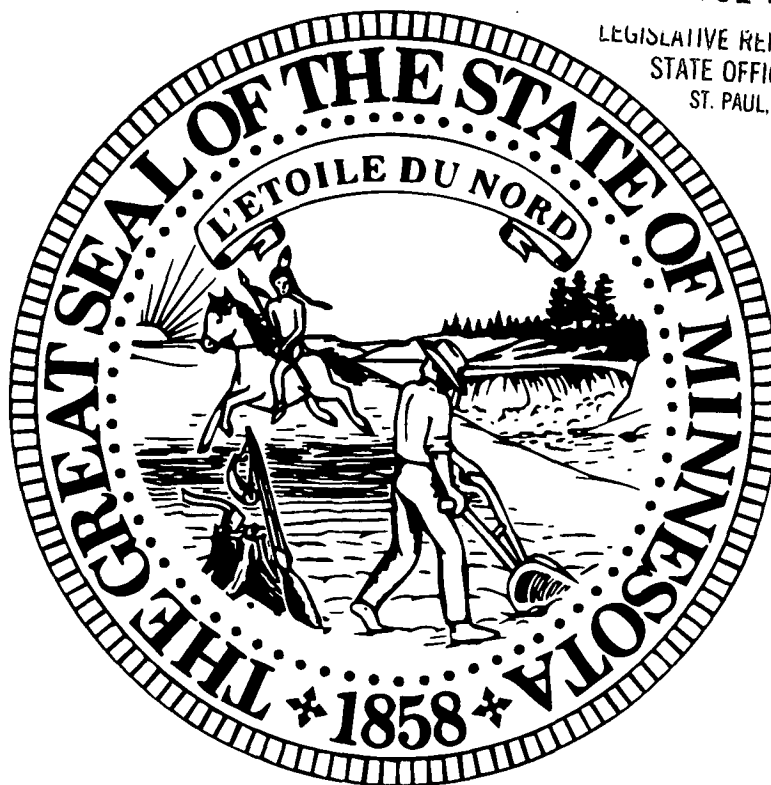
The Minnesota
**State
Register**

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State Register

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

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

A *Contracts Supplement* is published Tuesday, Wednesday and Friday and contains bids and proposals for commodities, including printing bids.

Printing Schedule and Submission Deadlines

Vol. 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
# 5	Monday 29 July	Monday 15 July	Monday 22 July
# 6	Monday 5 August	Monday 22 July	Monday 29 July
# 7	Monday 12 August	Monday 29 July	Monday 5 August
# 8	Monday 19 August	Monday 5 August	Monday 12 August

Arne H. Carlson, Governor 612/296-3391	Hubert H. Humphrey III, Attorney General 612/297-4272	Joan Anderson Growe, Secretary of State 612/296-2079
Joanne E. Benson, Lt. Governor 612/296-3391	Judi Dutcher, State Auditor 612/297-3670	Michael A. McGrath, State Treasurer 612/296-7091
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Kent Allin, Asst. Commissioner 612/297-4261	Mary Mikes, Manager 612/297-3979	Debbie George, Circulation Manager 612/296-0931

PUBLISHING NOTICES IN THE *State Register*: Submit TWO COPIES of your notice, typed double-spaced. State agency submissions must include a "State Register Printing Order" form, and a "Certification/Internal Contract Negotiation" form with contracts for professional, technical and consulting services. Non-State Agencies should submit TWO COPIES, with a letter on your letterhead stationery requesting publication and date to be published. FAXED submissions to 612-297-8260 are received to meet deadline requirements, but must be followed by originals and applicable forms or letters to be accepted. The charge is \$80.00 per page, billed in tenths of a page (columns are seven inches wide). About 2-1/2 pages typed double spaced on 8-1/2"x11" paper equal one typeset page in the *State Register*. Contact the editor if you have questions.

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

SUBSCRIPTION SERVICES:

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

FOR LEGISLATIVE NEWS

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

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

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

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The **State Register Contracts Supplement** with commodities and price contracts advertised by the state is published every Tuesday, Wednesday and Friday. Award results are currently only available from the Materials Management Helpline.

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

Vendors interested in responding to the commodity and price contracts advertised in the Contracts Supplement should contact the Department of Administration **Materials Management Division Helpline** 612/296-2600.

Minnesota Rules: Amendments and Additions

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

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

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

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

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Pursuant to Minn. Stat. § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Labor and Industry

Proposed Permanent Rules Relating to Workers' Compensation; Collective Bargaining Agreements

Notice of Intent to Adopt a Rule Without a Public Hearing

Introduction. The Department of Labor and Industry intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28 and the 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 rule and may also submit a written request that a hearing be held on the rule.

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

Kevin Gregerson
Minnesota Department of Labor and Industry
443 Lafayette Road
St. Paul, Minnesota 55155
Phone: (612) 215-0431; Fax: (612) 297-7098.

Subject of Rule and Statutory Authority. The proposed rule is about how any employer engaged in construction or construction related activities that meets certain workers' compensation insurance premium thresholds may collectively bargain with the certified and exclusive representative of its employees for the establishment of the following alternatives to the normal procedures of *Minnesota Statutes*, Chapter 176:

- A. An alternative dispute resolution system to modify or replace the procedural provisions of chapter 176;
- B. A list of health care providers that may be the exclusive source of all treatment provided under this chapter, and are not required to be certified under section 176.1351;
- C. A list of impartial physicians for conducting independent medical examinations;
- D. The creation of a light duty return-to-work program;
- E. A limited list of individuals and companies for vocational rehabilitation and retraining;
- F. The establishment of safety committees and procedures;
- G. The adoption of a 24 hour health care coverage plan if authorized by law.

The specific statutory authority to adopt this rule is *Minnesota Statutes* § 176.1812 and the general statutory authority is *Minnesota Statutes* §§ 175.171 and 176.83. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed. A free copy of the rule is available upon request from the agency contact person listed above.

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

Comments. You have until 4:30 p.m. on Wednesday, August 28, 1996, to submit written comment in support of or in opposition to the proposed rule and any part or subpart of the rule. 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 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 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 rule. 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 Wednesday, August 28, 1996. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rule to which you object or state that you oppose the entire rule. 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 rule.

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.

Modifications. The proposed rule 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 rule may not be substantially different than this proposed rule. If the proposed rule affects 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 rule, including a description of who will be affected by the proposed rule and an estimate of the probable cost of the proposed rule.

Adoption and Review of Rule. If no hearing is required, the agency may adopt the rule after the end of the comment period. The rule 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 rule is submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rule, 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: 16 July 1996

Gary W. Bastian, Commissioner
Department of Labor and Industry
443 Lafayette Road
St. Paul, Minnesota 55155

Rules as Proposed (all new material)

5229.0010 DEFINITIONS.

Subpart 1. **Collective bargaining agreement.** For the purposes of parts 5229.0010 to 5229.0060, "collective bargaining agreement" means a written agreement that is the product of good faith, arms-length bargaining between one or more employers and the certified and exclusive representative of its employees as to the wages, hours, and other terms or conditions of employment. The agreement must be for a specified project or period of time, cannot be unilaterally amended or terminated, and contains procedures for amending the terms and conditions of the agreement.

Subp. 2. **Certified and exclusive representative.** For the purposes of parts 5229.0010 to 5229.0060, "certified and exclusive representative" means a labor organization that:

A. is certified by the National Labor Relations Board; or is certified by the Bureau of Mediation Services pursuant to *Minnesota Statutes*, section 179.16 or 179A.12, or its constitutional officers have been elected by secret ballot or otherwise in a manner consistent with federal law;

B. is the exclusive bargaining representative for the employer's bargaining unit employees covered by the agreement;

C. provides substantial representational services to employees regarding the terms and conditions of their employment; and

D. is free of domination or interference by any employer and has received no improper assistance or support from any employer.

5229.0020 FILING OF AGREEMENT AND RELATED DOCUMENTS.

Subpart 1. **Request for recognition.** Every employer or employer group and labor representative proposing to establish any program permitted by *Minnesota Statutes*, section 176.1812, shall jointly file with the commissioner a request to recognize an agreement under parts 5229.0010 to 5229.0060. Recognition includes a determination by the commissioner of the eligibility of the parties to enter into the agreement and whether the agreement is in compliance with parts 5229.0010 to 5229.0060, and the benefit provisions of *Minnesota Statutes*, chapter 176.

Subp. 2. **Required documents to be filed.** At the time of filing the original request for recognition, and annually thereafter if required in part 5229.0040, subpart 3, the employer or group of employers and the labor representative shall submit the following documents to the commissioner.

A. A copy of the fully signed underlying or master collective bargaining agreement and the approximate number of employees who will be covered by the agreement. The collective bargaining agreement shall be complete, including side letters and all appendices and other documents referred to in the agreement that relate to the program permitted by *Minnesota Statutes*, section 176.1812. This shall include but not be limited to the following if included in the agreement: trust documents; a description of how the alternative dispute resolution system will operate from the point a dispute arises through review or reconsideration by the court selected; a description of the manner in which the limited lists of health care providers, independent medical examiners, rehabilitation consultants, and retraining programs were compiled and the actual lists including names and addresses of the individuals and programs; and a description of the method of informing covered employees of the procedures applicable to them under the collectively bargained workers' compensation program. The documents submitted shall include a copy of the written materials used to inform the covered employees of the procedures in the program.

B. Evidence that the employer or each member of a group of employers meets all the criteria of parts 5229.0010 to 5229.0060, and *Minnesota Statutes*, section 176.1812.

C. Evidence that the employer or the group of employers shall, on behalf of its individual members, provide the data required by parts 5229.0010 to 5229.0060, and *Minnesota Statutes*, section 176.1812, subdivision 2.

D. If the request for recognition is on behalf of a group of employers, the group shall maintain records of its membership which include the approximate number of employees for each individual member of the group who is bound by the collective bargaining agreement. Copies of membership records shall be delivered to the commissioner on request. The request for recognition shall clearly identify each member in the group and shall state whether all the members of the group are bound by the agreement, or whether each member must individually agree to be bound.

Subp. 3. **Additional information to be filed.** The following additional information shall be filed with the commissioner upon filing the original request for recognition, and annually thereafter as required in part 5229.0040, subpart 3:

A. name, address, and telephone number of the contact person for the employer or group of employers, and the resolution or other instrument conferring authority to that person to act on behalf of the employer or group of employers;

B. name, address, and telephone number of the contact person for the labor representative, and the resolution or other instrument conferring authority to that person to act on behalf of the labor representative;

C. a copy of the most recent Labor Organization Annual Report filing with the United States Department of Labor, along with a statement signed by the labor representative under penalty of perjury that the document is a true and correct copy;

D. if the employer or group of employers is insured under *Minnesota Statutes*, chapter 176, a copy of the insurance contract, to include a specific endorsement for coverage for a workers' compensation program authorized under *Minnesota Statutes*, section 176.1812; and

E. if the employer or group of employers is self insured under *Minnesota Statutes*, chapter 79A, a copy of the certificate to self insure of the employer or group of employers from the department of commerce.

5229.0030 REVIEW AND NOTIFICATION BY COMMISSIONER.

Subpart 1. **Commissioner's review of a request for recognition.** Within 21 days after receiving a request for recognition of a collective bargaining agreement, the commissioner shall either:

A. determine that all required information has been provided and so notify the parties; or

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B. determine that additional information is necessary to complete the request for recognition and so notify the parties.

If additional information is necessary, the commissioner's review of the request for recognition shall be suspended until the additional information is received.

Subp. 2. Commissioner's decision on a request for recognition. Within 21 days after the date that the commissioner has determined that a request for recognition is complete, the commissioner shall either:

- A. issue a letter of recognition; or
- B. issue a letter of the commissioner's decision refusing recognition.

If recognition is refused, the commissioner shall inform the parties of the reasons for the refusal. For good cause and upon written notice to the parties, the commissioner may extend the period for issuing letters of recognition or refusing recognition. The agreement is null and void from its purported effective date if the commissioner refuses recognition.

Subp. 3. Commissioner's letter of recognition. The letter of recognition issued by the commissioner, based upon the review of all documents and materials submitted as required by the commissioner and parts 5229.0010 to 5229.0060, means the following:

- A. the employer or group of employers and the labor representative meet the eligibility requirements of *Minnesota Statutes*, section 176.1812; and
- B. the collectively bargained agreement for workers' compensation is in compliance with parts 5229.0010 to 5229.0060 and the benefit provisions of *Minnesota Statutes*, chapter 176.

Subp. 4. Effective dates of collectively bargained agreements. A fully signed agreement is in effect on the date specified in the agreement as the effective date, however, no agreement shall be effective sooner than 15 days before the date that the commissioner received the request for recognition of the collectively bargained agreement. The commissioner's letter of recognition shall state the effective date.

Subp. 5. Agreements with effective dates prior to recognition. In the case of agreements having effective dates prior to a request for recognition or prior to the issuance of a commissioner's decision on recognition, the parties to the agreement must provide all information requested by the commissioner within 14 days of the commissioner's request in order for the agreement to remain in effect. Failure to provide the information will result in a letter from the commissioner refusing recognition.

5229.0040 ANNUAL DATA REPORTS AND DOCUMENTS.

Subpart 1. Annual data reports. On or before June 30 of each year, every employer or group of employers participating in a collectively bargained agreement to deliver workers' compensation benefits pursuant to *Minnesota Statutes*, section 176.1812, shall file a report with the commissioner. The report shall be on a form provided by the commissioner. The report must contain information concerning those employees covered by the collectively bargained workers' compensation program. Groups of employers shall report the aggregate information for all employers in the group.

Subp. 2. Data elements of reports. The reports to be filed shall contain the following data elements for the preceding calendar year:

- A. the dates during which the collectively bargained agreement was in effect;
- B. the total number of person hours covered by the agreement;
- C. payroll of covered employees, separated by insurance class code if the employer is not self-insured;
- D. the number of claims filed during the year separated into denied claims, medical only claims, and indemnity claims;
- E. the total paid and reserved losses or estimated incurred costs as of the end of the calendar year, separated into indemnity and medical benefits and other loss adjustment costs, for all claims receiving benefits during the reporting year. Separate totals shall be reported for new claims and for claims incurred during previous years which received benefits during the reporting year. The relevant number of claims for each benefit total shall also be reported;
- F. the number of contested claims submitted to mediation, arbitration, the workers' compensation court of appeals, the office of administrative hearings, the district court, the Minnesota Court of Appeals, or the Minnesota Supreme Court;
- G. the number of contested claims resolved prior to mediation, arbitration, the workers' compensation court of appeals, the office of administrative hearings, the district court, the Minnesota Court of Appeals, or the Minnesota Supreme Court;
- H. the number of employees in vocational rehabilitation plans during the year; and
- I. the number of employees in light duty programs during the year.

Subp. 3. Annual documents. On or before June 30 of each year, every employer or group of employers and the labor representatives shall submit updated copies of the documents and other evidence required by parts 5229.0010 to 5229.0060, and *Minnesota*

Statutes, section 176.1812. However, for documents and other evidence that are completely unchanged since the previous submission, the parties may instead submit a statement under penalty of perjury that there has been no change since the previous submission in the documents or evidence not being submitted. The commissioner may nonetheless require any party to submit the actual documents or evidence.

Subp. 4. **Failure to file reports or documents.** If the parties have not submitted the annual data report or annual documents required by parts 5229.0010 to 5229.0060, the commissioner may after notice to the parties and after an opportunity for the parties to respond, terminate recognition of a collective bargaining agreement for a workers' compensation program, or take such other steps deemed necessary to secure the parties' compliance with all reporting requirements.

5229.0050 TERMINATION OF RECOGNITION.

Subpart 1. **Complaints; investigation.** Complaints pertaining to violations of parts 5229.0010 to 5229.0060, or *Minnesota Statutes*, section 176.1812, by the operator or administrator of a collective bargaining agreement for a workers' compensation program shall be directed in writing to the commissioner. As a result of a written complaint or the department's monitoring of the workers' compensation program operations, the department shall investigate the alleged violation. The investigation may be referred to the fraud investigation unit pursuant to *Minnesota Statutes*, section 175.16, subdivision 2. The investigation may include, but shall not be limited to, request for and review of pertinent collectively bargained agreement plan records. If the investigation reveals reasonable cause to believe there has been a violation warranting termination of the commissioner's recognition of the collective bargaining agreement for a workers' compensation program, the commissioner may notify the administrator of the alleged violation and allow them 15 days to correct the violation, or initiate a contested case proceeding under *Minnesota Statutes*, chapter 14, to terminate the recognition.

Subp. 2. **Criteria.** Under *Minnesota Statutes*, section 176.1812, subdivision 4, the recognition of a collective bargaining agreement for a workers' compensation program issued by the commissioner shall be terminated if:

- A. benefits under the program are not being provided according to *Minnesota Statutes*, chapter 176;
- B. the program diminishes an employee's entitlement to benefits under *Minnesota Statutes*, chapter 176;
- C. the program did not result from a collective bargaining agreement as defined in part 5229.0010, subpart 1;
- D. the collective bargaining agreement is not between a qualified employer or qualified group of employers and the certified and exclusive representative of the employees; or
- E. the employer is not engaged in construction, construction maintenance, and related activities.

Subp. 3. **Effects.** The effective date for termination of recognition of the program is the date of the final order for termination. The sponsors of the collectively bargained agreement for a workers' compensation program may reapply for recognition after correcting the violations prompting the termination.

5229.0060 PILOT PROGRAM RULES.

Subpart 1. **Pilot program rules.** The collective bargaining rules in parts 5229.0010 to 5229.0060 apply to every employer and labor representative participating in a collective bargaining agreement to deliver workers' compensation benefits under the pilot program established in *Minnesota Statutes*, section 176.1812, subdivision 6.

Subp. 2. **Eligibility criteria for pilot program.** The pilot program is not limited to employers engaged in construction, construction maintenance, and related activities. In selecting parties requesting recognition under the pilot program, the commissioner shall consider the limitations in items A to C.

- A. A group of employers may not participate in the pilot program.
- B. The pilot program is limited to the first ten private employers and the first ten public employers that obtain a letter of recognition from the commissioner.
- C. The dollar insurance premium limitations contained in *Minnesota Statutes*, section 176.1812, subdivision 1, do not apply to parties requesting recognition under the pilot program.

Subp. 3. **Termination of pilot program.** The authorization for the pilot program ends on December 31, 2001, and therefore, unless extended by law, the collective bargaining agreements recognized as part of the pilot program shall also terminate on December 31, 2001.

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

Peace Officer Standards and Training Board

Proposed Permanent Rules Relating to POST Board Rules Governing Training and Eligibility for Licensing

Notice of Intent to Adopt a Rule Amendment Without a Public Hearing

Proposed Amendment to the Board of Peace Officer Standards and Training Rule Governing Training and Eligibility Requirements, *Minnesota Rules*, chapter 6700.

Introduction. The Minnesota Board of Peace Officer Standards and Training (POST) intends to adopt a permanent rule amendment without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed rule and may also submit a written request that a hearing be held on the rule.

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

Hope Jensen, Rules Coordinator
Minnesota Department of Public Safety
445 Minnesota Street, Suite 1000
St. Paul, Minnesota 55101-2156
Telephone: 612-296-2906; Fax: 612-297-5728

Subject of Rule and Statutory Authority. The proposed rule amendment would make the requirements for admission to POST certified training and eligibility for licensure consistent with the new standards of conduct for Peace Officers which were adopted in October of 1995. The statutory authority to adopt this rule is *Minnesota Statutes*, section 626.843, subdivision 1(d). A copy of the proposed rule is published in the *State Register* and a free copy of the rule is available upon request from the agency contact person listed above.

Comments. You have until 4:30 p.m. on September 12, 1996, to submit written comment in support of or in opposition to the proposed rule and any part or subpart of the rule. 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 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 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 rule. 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 September 12, 1996. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rule to which you object or state that you oppose the entire rule. 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 rule.

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.

Modifications. The proposed rule 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 rule may not be substantially different than this proposed rule. If the proposed rule affects 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 rule, including a description of who will be affected by the proposed rule and an estimate of the probable cost of the proposed rule.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at First Floor, Centennial Office Building, 658 Cedar Street, St. Paul, MN 55155, telephone number 612-296-5148.

Adoption and Review of Rule. If no hearing is required, the agency may adopt the rule after the end of the comment period. The rule 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 rule is submitted to the office. If you want to be so notified, or want to receive a copy of the

Proposed Rules

adopted rule, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

John Laux, Executive Director
Minnesota Peace Officer Standards and Training Board

Rules as Proposed

6700.0100 DEFINITIONS.

[For text of subps 1 to 25, see M.R.]

Subp. 26. Gross misdemeanor. "Gross misdemeanor" means any crime which is not a felony or misdemeanor, and for which the maximum fine which may be imposed is \$3,000.

Subp. 27. Misdemeanor. "Misdemeanor" means a crime punishable by a sentence of not more than 90 days or a fine of not more than \$700, or both.

Subp. 28. Petty misdemeanor. "Petty misdemeanor" means a petty offense which is prohibited by statute, which does not constitute a crime, and for which a sentence of a fine of not more than \$200 may be imposed.

6700.0300 PROFESSIONAL PEACE OFFICER EDUCATION.

[For text of subps 1 to 4, see M.R.]

Subp. 5. Participation requirements.

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

B. No student may be admitted to the professional peace officer program who:

- (1) poses a serious threat to the health or safety of themselves or others;
- (2) has been convicted of a felony or a gross misdemeanor in this state, or in any other state or federal jurisdiction of an offense that would constitute a felony or gross misdemeanor if committed in Minnesota including a finding or verdict of guilt, whether or not the adjudication of guilt is withheld or not entered, an admission of guilt, or no contest;
- (3) has been convicted under *Minnesota Statutes*, sections 609.221 to 609.224 or 609.52;
- (4) has been convicted of a crime for which the penalty was enhanced under *Minnesota Statutes*, section 626.5531;
- (5) has been convicted of a crime listed under *Minnesota Statutes*, section 214.10, subdivision 2a;
- (6) has been convicted of misconduct by an officer under *Minnesota Statutes*, section 609.43; ~~or~~
- (7) has been convicted of any of the crimes in this item in another state or federal jurisdiction, or under a local ordinance, that would be a conviction if committed in Minnesota;
- (8) has been convicted of a state or federal narcotics or controlled substance law irrespective of any proceedings under Minnesota Statutes, section 152.18, or any similar law of another state or federal law;
- (9) has been adjudicated by a court of competent jurisdiction, within or outside of the state, as incapacitated, mentally incompetent, chemically dependent, mentally ill and dangerous to the public, or having a psychopathic personality;
- (10) has practiced outside the scope of Minnesota Statutes, section 626.863;
- (11) has been convicted, including a finding or verdict of guilt, whether or not the adjudication of guilt is withheld or not entered, an admission of guilt, or a no contest plea of a violation of Minnesota Statutes, section 518B.01, subdivision 14; 609.23; 609.231; 609.342; 609.343; 609.344; 609.345; 609.3451; 609.43; 609.465; 609.466; 609.52; 609.53; 609.748, subdivision 6; or 626.557; or
- (12) has been convicted of solicitation, inducement, or promotion of prostitution in violation of Minnesota Statutes, section 609.322, or any conviction under Minnesota Statutes, section 609.324, or has been convicted of similar offenses in another state or federal jurisdiction.

The school shall submit to the POST board the names of applicants for the purpose of verifying the conviction data. The POST board shall report to the school the names of applicants who do not qualify for admission under this section.

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

[For text of items C and D, see M.R.]

[For text of subps 6 to 10, see M.R.]

6700.0601 EXAMINATION STANDARDS.

Subpart 1. **Grounds for denial.** Violations of the following standards shall be grounds to deny an applicant to take an examination or to deny eligibility for a license.

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

I. ~~having been convicted of a crime listed in part 6700.0300, subpart 5, item B, subitems (3) to (7) violated any of the standards of conduct listed in part 6700.1600, items A to C or E to P.~~

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

6700.0700 MINIMUM SELECTION STANDARDS.

Subpart 1. **Selection standards.** A person eligible to be licensed shall meet the following minimum selection standards before being appointed to the position of peace officer. The appointing authority may affirm that the applicant has already completed certain of these standards, but the affirmation must be documented pursuant to subpart 2.

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

K. ~~The applicant shall not have violated any of the standards of conduct listed in part 6700.1600, items B to P.~~

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

6700.0701 NOTIFICATION OF CONVICTION.

If any background search required by this chapter reveals a conviction of a felony or a gross misdemeanor, or the conviction of any crime listed in ~~this chapter~~ part 6700.0300, or conviction of a crime which was charged under an ordinance or law of another state but would be a conviction under ~~Minnesota Statutes, section 609.52, if it was charged under state law~~, the chief law enforcement officer shall immediately notify the board.

6700.1101 PART-TIME PEACE OFFICERS.

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

Subp. 2. **Minimum selection and training standards.** An applicant for a part-time peace officer license shall meet the following minimum selection and training standards set forth in *Minnesota Statutes*, section 626.8463, prior to being appointed. The chief law enforcement officer must affirm that the applicant has completed these standards and maintained appropriate documentation pursuant to subpart 3.

A. The applicant must not have been convicted of a felony or a gross misdemeanor in this state, or in any other state or federal jurisdiction, or of ~~any an~~ offense in any other state or federal jurisdiction which would ~~have been constitute~~ a felony if committed in Minnesota including a finding or verdict of guilt, whether or not the adjudication of guilt is withheld or not entered, an admission of guilt, or no contest. The applicant shall be fingerprinted for the purpose of disclosure of any felony convictions. Fingerprint cards shall be forwarded to the appropriate divisions of the Bureau of Criminal Apprehension and the Federal Bureau of Investigation. The chief law enforcement officer shall immediately notify the board if a felony conviction is discovered.

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

E. ~~The applicant shall not have violated any of the standards of conduct listed in part 6700.1600, items B or E to P.~~

[For text of subps 3 to 8, see M.R.]

Adopted Rules

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

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

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

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

State Lottery

Adopted Permanent Rules Relating to Lottery Retailers

The rules as proposed and published at *State Register*, Volume 20, Number 47, pages 2528-2531, May 20, 1996 (20 SR 2528), are adopted as proposed.

Official Notices

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

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

Department of Agriculture

Rural Finance Authority

Notice of Change in Meeting Site

The August meeting of the Rural Finance Authority Board will be held on August 7, 1996. This meeting will start at 1:00 P.M. in the Conference Room, Main Office Building of the Lamberton Experiment Station, Lamberton, Minnesota. Future monthly meetings will return to the normal meeting location at 90 West Plato Blvd. in St. Paul, MN.

Jim Boerboom
RFA Director

Department of Finance

Cash and Debt Management Division

Notice of Available Tax Exempt Bonding Authority

NOTICE IS HEREBY GIVEN pursuant to *Minnesota Statute 474A.14*, as amended by *Laws of Minnesota 1996*, Chapter 362, regarding the availability of tax exempt bonding authority. Due to significant activity and allocations within the Small Issue Pool, Housing Pool, and Public Facilities Pool since January 1 of this year, it is anticipated that the total sum of \$41,300 of tax exempt bonding authority will be available in the Unified Pool for allocation under the Minnesota Bond Allocation Act when the Unified Pool is established on July 30, 1996.

Questions may be directed to Mr. Lee Mehrkens, Capital Budget Coordinator, Minnesota Department of Finance, at (612) 296-1700.

Laura M. King
Commissioner

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective July 29, 1996 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Anoka: 1996 Reroofing Cedar Creek Natural History Center-Bethel.

Chisago: Close Custody Correctional Facility-Rush City.

Douglas: Alexandria Arena Addition-Alexandria.

Hennepin: Hennepin County Public Works Building and Final Sitework, Bid Package #2-Medina; Southgate Plaza Deck Restoration-Hennepin; Remodel MN/DOT Traffic Management Center-Minneapolis.

Martin: Fairmont Lincoln School-Fairmont.

Olmsted: Chicago Great Western Depot Renovation-Rochester.

Ramsey: State Capitol Security Lighting System-St. Paul; State Capitol Electric Infrastructure-St. Paul; New Exterior Lighting at Franklin, J.J. Hill and Hazel Park Schools-St. Paul.

St. Louis: Progress Park Building-Eveleth.

Traverse: Wheaton Library-Wheaton; Browns Valley Library-Browns Valley.

Washington: Perimeter Wall Catwalk Restoration PH1, Minnesota Correctional Facility-Bayport.

Watonwan: St James School-St. James.

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

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

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

Department of Administration

STAR Program

Notice of Availability of Technology Related Assistance Grants

A System of Technology to Achieve Results (STAR) is offering Regional Assistive Technology Resources (RATR) grants. A pool of up to \$65,000 is available, \$45,000 will go to outstate areas of Minnesota. The STAR Program is accepting proposals from Minnesota based non-profit, for-profit, government, and educational organizations who wish to establish or expand projects that provide technology related assistance to unserved, underserved, or under-represented people with disabilities. This includes minorities, the poor, and persons with limited English proficiency. Grants may be up to \$15,000 depending on the scope of the project. Proposals must be received by September 27, 1996, 4:30 p.m. in the format specified in the application packet. Materials detailing the process can be obtained by contacting STAR at (612) 296-9718, (612) 296-9478 TTY, or 1 800 657-3862, 1 800 657-3895 TTY.

Department of Children, Families and Learning

Notice of Availability of Funds for Drug Control and Systems Improvement Projects

The Office of Drug Policy and Violence Prevention (ODPVP) has announced the availability of almost \$3.4 million in funding for multi-jurisdictional narcotics task forces, prosecution, and other drug control and system improvement grants during calendar year 1997. Funding levels are consistent with those awarded in 1996, which includes \$2.5 million for multi-jurisdictional narcotics task forces, \$800,000 for specialized narcotics prosecution services, and nearly \$300,000 for other drug control and system improvement grants, including the alternative sentencing program, the state forensic science laboratory, and training for narcotics investigators, prosecutors and public defenders. These funds are authorized by P.L. 100-690, Federal Anti-Drug Abuse Act of 1988.

Proposals must support efforts to strengthen the criminal justice system in identifying, apprehending, and prosecuting drug offenders through improved interagency cooperation and shared resources. The Request for Proposals (RFP) includes submission guidelines, timelines and blank forms with instructions. Application specifications, including an outline for the project narrative and required attachments, are also available for each type of project.

Eligible applicants include state and local units of government. Priority consideration will be given to current grantees who are successfully operating existing projects.

Grant funds are available for calendar year 1997. Proposals are due to the Office of Drug Policy and Violence Prevention on August 9, 1996. Grants will be awarded on or about September 13, 1996. A copy of the complete application package may be obtained from:

Kristin E. Lail, Grants Coordinator
Office of Drug Policy and Violence Prevention
444 Cedar Street, Town Square Suite 100-D
St. Paul, MN 55101-2156
Telephone: (612) 297-7308
Fax: (612) 297-7313
E-mail: Kristin.Lail@state.mn.us

Department of Children, Families and Learning

Notice of Availability of Prevention and Intervention Funding

Minnesota's Prevention and Intervention Funding is a grant application process to assist community programs by coordinating funds from a variety of federal and state grant programs. Through a consolidated grant application, \$5.6 million is available from a variety of sources for cooperative efforts to promote comprehensive, community-wide activities. While some funds are targeted to the needs of young people, others are intended to support community and neighborhood efforts for all citizens.

Five fund categories are available for application: community-focused crime prevention, community leadership development, innovative criminal justice programs, local law enforcement officers assigned to schools and youth-focused crime prevention projects.

Completed applications are due August 15, 1996. The application packet, including forms and requirements, is available from the Prevention and Intervention Hotline at 612/297-1419 or 1-800-934-7113. Please leave your name and complete address.

For further information contact:

Denise Garcia, Prevention Grants Coordinator
Minnesota Department of Children, Families and Learning
981 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
612/296-6082

Department of Human Services

Notice of Availability of Community Support Services Funds for Deaf and Hard-of-Hearing Adults with Mental Illness

The Minnesota Department of Human Services (DHS) announces the availability of one-time funds to assist a non-profit organization to expand community support services to deaf and hard-of-hearing adults with mental illness.

The 1996 Legislature made a one time appropriation of \$100,000 to be awarded to a non-profit organization already providing residential programs and supported housing outreach to deaf and hard-of-hearing adults with mental illness. Only providers meeting these criteria are eligible to apply.

Applications must follow the DHS format, and are due by 4:30 p.m. on August 19, 1996. Interested parties should contact John A. Anderson (612/296-7836) at DHS for application instructions and forms.

Professional, Technical & Consulting Contracts

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

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

Department of Commerce

Notice of Deadline Extension for Request for Proposals for Consultant Services in Working with Unclaimed Property and Its Owners

The Minnesota Department of Commerce is seeking proposals from individuals or organizations qualified to perform special consultant services by identifying holders of unclaimed property which are subject to the Minnesota unclaimed property law, audit their records, prepare reports of reportable unclaimed property, and collect reportable unclaimed property.

For a copy of the Request for Proposals or more information contact:

Cheryl Costello
Licensing Division
Minnesota Department of Commerce
133 E. Seventh Street
St. Paul, MN 55101
Voice: (612) 296-6313
Fax: (612) 296-8591
TTY/TDD: (612) 297-5353 and ask for 296-6313

The deadline for proposal submittal has been extended to August 20, 1996, 4:00 p.m. CST.

Department of Corrections

Minnesota Correctional Facility-Stillwater

Notice of Request for Proposals for Providing Psychoeducational and Therapy Services for Incarcerated Sex Offenders

NOTICE IS HEREBY GIVEN that the Sexual Education and Evaluation Center at the Minnesota Correctional Facility-Stillwater is requesting proposals for providing psychoeducation and therapy services to incarcerated sex offenders in the SEEC program. The contract period will run from August 19, 1996, through June 30, 1997. Compensation will be provided by the Department of Corrections at \$25.00 per hour for an approximate eight to ten hours per week. Specific details on the purpose and scope of these services can be obtained by calling Robin A. Goldman, SEEC Director, at (612) 779-5731. The proposals must be submitted by 4:00 p.m. on August 16, 1996, to: Robin Goldman, SEEC, MCF-STW, Box 55, Stillwater, MN 55082.

Office of Environmental Assistance

Notice of Request for Proposal for Preparation of a Report Analyzing the Effectiveness of the Twin Cities Municipal Waste System in Conserving Resources

The Minnesota Office of Environmental Assistance (OEA) is seeking proposals to prepare a report analyzing the effectiveness of the various components and programs of the Twin Cities municipal solid waste system in conserving resources. This report will be used as a source of information in developing a new Twin Cities metropolitan area solid waste management policy plan.

The consultant will evaluate the extent to which the municipal solid waste system programs and facilities affect:

1. consumption, materials use, and generator responsibility;

Professional, Technical & Consulting Contracts

2. the prudent use of the land, including the preservation of open and green space and the protection of natural resources;
3. renewable energy use and efficiencies in the use of energy resources;
4. the economic health of the region, including: the provision of employment, the value of resources conserved, and the amount of taxes collected.

The State is under no obligation to complete the proposed project, does not promise to accept the lower bid, and specifically reserves the right to reject any or all proposals or to proceed to do the work otherwise.

Prospective responders who would like a copy of the Request for Proposals, or who have any questions, may write or call:

Karen Harrington, Principal Planner
Minnesota Office of Environmental Assistance
520 Lafayette Road North, 2nd Floor
St. Paul, Minnesota 55155-4100
612-215-0233 or 612-296-3417, Toll-free: 1-800-657-3843.

No other OEA staff are authorized to discuss this RFP. All proposals must be received by the Minnesota Office of Environmental Assistance not later than 4:00 p.m. on August 19, 1996.

Department of Finance

Request for Proposals to Provide Arbitrage Rebate Compliance and Reporting Services

The selection of a firm to provide arbitrage rebate compliance and reporting services for five outstanding State of Minnesota revenue bonds issued for the acquisition, construction and equipping a heavy aircraft maintenance facility at the Duluth International Airport in Duluth, Minnesota to be leased to Northwest Airlines, Inc.

I. Purposes and Duties

The State of Minnesota, Department of Finance, has issued five series of revenue bonds dated May, 1995. The Department of Finance is seeking a qualified firm to provide arbitrage rebate calculations for the purpose of filing five year returns for the bond issues listed below.

II. The Bonds

The State of Minnesota issued five series of State Revenue Bonds to provide financing for the design and construction of an airline maintenance facility at the Duluth International Airport. The facility will be issued by Northwest Airlines.

Copies of the three official statements for five series of bonds are included with this Request for Proposal. A summary of the five bond issues is below:

1. \$7,800,000 principal amount of Duluth Airport Tax Increment Bonds (State of Minnesota Secured), Series 1995A. The city of Duluth has created a tax increment district at the aircraft maintenance facility site and has pledge the tax increment from the heavy aircraft maintenance facility for debt service on the bonds. No lease payments will be used to pay debt service on these bonds. The bonds have a backup state general obligation pledge.
2. \$11,430,000 principal amount of Duluth Airport Duluth Revenue Bonds (State of Minnesota Secured), Series 1995B. Series 1995B Bonds are intended to be paid primarily from certain Franchise Fees payable by Minnesota Power to the city of Duluth. No lease payments would be used to pay debt service on these bonds. The bonds have a backup state general obligation pledge.
3. \$20,840,000 principal amount of the Series 1995C Bonds. The Series 1995C Bonds are secured by the lease payments, with a backup security of a State of Minnesota general obligation bond pledge.
4. \$4,890,000 principal amount of the Series 1995D Bonds. Series 1995D Bonds secured by the lease payments on the facility. The bonds have a backup state general obligation pledge.
5. \$2,710,000 principal amount of Duluth Airport Lease Revenue Bonds (St. Louis County Secured), Series 1995E. Series 1995E Bonds are secured by the lease payments, with a backup security of a St. Louis County general obligation bond pledge.

The trustee is First Bank National Association.

Copies of the Indentures of Trust between the Commissioner of Finance and the First Bank National Association as Trustee are attached.

III. Purposes and Duties of the Consultant

1. Verify that the issues are subject to the Rebate Requirement.
2. Calculate the bond yield.
3. Identify, and separately account for, all "Gross Proceeds" of the bond issues, including those requiring allocation analyses due to "transferred proceeds" and/or "commingled funds" circumstances.
4. Calculate the issues' excess investment earnings within the legally permitted time period.
5. Deliver appropriate documentation required to support calculations.
6. Provide an executive summary identifying the method used, major assumptions, conclusions and any recommendations for changes in record keeping for investments.
7. Assist the State as necessary in the event of an IRS inquiry.
8. Provide consultation to State staff as necessary regarding matters related to the rebate provisions.
9. Provide assistance and consultation as necessary to retain records and documentation at least six years after the issue's final maturity.
10. Provide legal opinion, from a nationally recognized bond counsel, that arbitrage calculations results are consistent with the Rebate Requirements.
11. Deliver reports annually as of each bond year.
12. Assist the State in completing the proper filing, including IRS Form 8038-T.
13. The Responders may propose additional tasks or activities if they will substantially improve the results of the project.

IV. Consultant's Proposal

Each consultant is to respond to the following. The total length of the response should not exceed 15 pages (including attachments).

1. Your firm's experience and qualifications to provide Arbitrage Rebate Calculation Services.
2. Describe the methodology your firm will use in providing the State with Arbitrage Rebate Calculation Services.
3. Name the lead person from your firm who will be responsible for the day-to-day work. Provide work related information on this person. Also provide information on other people who will be working on the project.
4. Provide sample Arbitrage Rebate Reports.
5. State your costs for providing the service. Travel and other expenses will require prior approval from the Department of Finance to be eligible for reimbursement. Administrative costs will not be reimbursed.
6. Provide the name, address, phone number, and fax number of the contact person in your firm.
7. Provide three references. Include the name of the contact person, that person's affiliation with the organization and a telephone number.
8. The proposal must be signed in ink by an authorized member of the firm.

The Department of Finance will not be responsible for any costs incurred by a responder in preparing and submitting a proposal in response to this RFP or any costs related to the oral interviews, if any.

V. Distribution of Responses

Please deliver fifteen copies of your response by 4:00 PM, August 27, 1996 to:

Peter Sausen
Assistant Commissioner
Minnesota Department of Finance
400 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155

Late responses or facsimile responses will not be accepted.

VI. Tentative Timetable

RFP Mailed	August 6, 1996
Consultant Proposal Due	August 27, 1996
Evaluation of Proposals	Week of August 27
Oral Interviews (if necessary)	Week of September 3
Consultant Selected	By September 13, 1996

Professional, Technical & Consulting Contracts

VII. Contract Term

The resulting contract will be for a five year term, ending June 30, 2001.

VIII. Information Contact

For additional information contact:

Peter Sausen
(612) 296-8372

Please note: Other department personnel are NOT allowed to discuss the project with responders before the submittal of the proposal.

IX. Certificate of Compliance

In accordance with the provisions of *Minnesota Statutes* Section 363.073, for all contracts estimated to be in excess of \$50,000, all responders having more than 20 full-time employees at any time must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted. Your proposal will not be accepted unless it includes one of the following:

- A. A copy of your current Certificate of Compliance; or
- B. A notarized letter or affidavit certifying that your firm has not had more than 20 full-time employees at any time during the previous 12 months.

X. Workers Compensation

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

XI. Proposal Selection

A. Nature of Procurement

This procurement is undertaken by the state pursuant to the provisions of *Minnesota Statute* 16B.17. As such, it is not governed by strict competitive bidding requirements frequently associated with the purchase of supplies and materials by the state.

B. Selection Criteria

The Department of Finance will select the firm whose proposal demonstrates clear capability to best fulfill the purposes of the RFP in a cost-effective manner.

The selection criteria are (not necessarily listed in priority order):

- 1. Knowledge and experience of each firm for the tax-exempt bond issues requiring Arbitrage Rebate Calculations Services.
- 2. Knowledge and experience of the people assigned by each firm.
- 3. Results of oral presentations (if held).
- 4. Costs.

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

XII. Additional Proposal and Contract Requirements

A. Duration of Offer

All proposals must indicate that they are valid for a minimum of ninety (90) calendar days. Prices and terms of the proposal as stated must be valid for the length of any resulting contract.

B. Public Status of Proposals Submitted

Pursuant to *Minnesota law*, all proposals submitted in response to this RFP shall become the property of the State of Minnesota. Such proposals shall also constitute public records and shall be available for viewing and reproduction by any person.

C. Contractual Terms

The contract resulting from this procurement shall, in addition to terms negotiated by the parties, contain the terms and conditions set forth in State of Minnesota Form CD 00032-06, attached as Exhibit A.

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

- (1) Compensation will be for ALL services performed, unless a specific payment schedule is mutually agreed upon. The

Professional, Technical & Consulting Contracts

State DOES NOT make regular payments based on the passage of time, it only pays for services performed or work delivered AFTER it is accomplished.

- (2) Payment is only made after the submission of an authorized invoice to the State. The State must pay its invoices within 30 days of receipt, unless they are formally contested.
 - (3) Reimbursement for travel and subsistence expenses actually incurred in performance of a contract is limited to the current "Non-managerial Unrepresented Employees Plan" promulgated by the commissioner of employee relations. Travel outside of Minnesota must have received PRIOR written approval of the agency contract BEFORE it takes place. You can contact the commissioner of employee relations to get a copy of this plan.
 - (4) No more than 90 percent of the full amount due under a contract may be paid until the final product(s) of the contract have been reviewed by the agency head, and the agency head has determined that the contractor has satisfactorily fulfilled all the terms of the contract.
 - (5) Contractor's duties do not include providing legal services to the State within the meaning of *Minnesota Statutes*, Section 8.06.
- D. In compliance with *Minnesota Statutes* 16B.167, the availability of this contracting opportunity is being offered to state employees. The Department of Finance will evaluate the responses of any state employee along with other responses to this Request for Proposal.

Dated: 19 July 1996

Department of Health

Media Advocacy Consultant

ASSIST Tobacco Use Prevention

Notice of Request for Proposals for Technical Assistance on Media Advocacy

Eligible Applicants:	Non-Profit Organizations, Private Organizations, Individuals
Amount of Available Funds:	\$30,000 approximately per year (dependent on federal funding)
Duration of Contract:	10/01/96 - 09/30/98
Application Materials Available:	07/29/96
Application Deadline:	08/20/96
Award Decision:	Within 60 days of application deadline but no sooner than September 5, 1996
Beginning Contract Date:	10/01/96

Description of Grant:

The Minnesota ASSIST Project is soliciting proposals from qualified consultants (individuals or agencies) to provide technical assistance on media advocacy to ASSIST coalitions and special projects.

Minnesota ASSIST (American Stop Smoking Intervention Study) is a shared project of the Minnesota Department of Health, the American Cancer Society - Minnesota Division, and the communities of Minnesota. The major focus of this project is to reduce tobacco use through community action that emphasizes policy and media advocacy. The ASSIST Project funds community coalitions and special projects that are required to engage in media advocacy activities.

Funding will be awarded based on demonstrated capacity and experience in providing media advocacy services to a project of this scope. Qualified applicants will be able to:

- Work with a broad range of agencies with different levels of media advocacy skills
- Balance competing needs for successful media advocacy
- Build capacity of ASSIST subcontractors to do media advocacy
- Conduct trainings on media advocacy
- Evaluate these efforts to provide technical assistance

Non-State Public Bids, Contracts & Grants

Contact Person:

Vicky Bostrom
Division of Family Health
Minnesota Department of Health
717 SE Delaware Street
P.O. Box 9441
Minneapolis, MN 55440-9441
Telephone: 612/623-5350 Fax: 612/623-5733

Department of Natural Resources

Boat and Water Safety

Request for Proposals for Video Production

The Department of Natural Resources is seeking proposals for producing a 30 to 40 minute boating safety video for new boaters to enhance their knowledge about Minnesota's boating laws, the hazards of drunk boating and hypothermia, the importance of wearing personal flotation devices, and a number of boating handling issues.

Copies of the request for proposals may be obtained at the Department of Natural Resources, Bureau of Information and Education, 5th Floor DNR Building, 500 Lafayette Road, St. Paul, MN 55155-4046 - 612/296-3336.

Estimated cost of the contract is \$16,000. Final date for submitting proposals is August 12, by 4:00 PM.

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.

Southwest Ramsey Watershed Management Organization

Notice of Development of a List of Interested Accounting, Engineering and Legal Firms

Southwest Ramsey Watershed Management Organization (WMO) is developing a list of interested accounting, engineering and legal firms. Southwest Ramsey (WMO) is charged with: overseeing compliance of local water management plans with the watershed management plan and amending the plans as needed; providing a forum for setting intercommunity disputes; and establishing capital improvement programs as needed. The annual budget is under \$20,000 per year. Please submit a letter of interest by September 6, 1996, including a brief background of your firm and a list of billing rates. Submit letters to Anne Weber, Southwest Ramsey WMO, 1000 City Hall Annex, 25 West Fourth Street, St. Paul, MN 55102.

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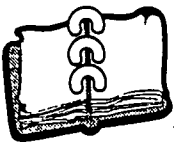
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