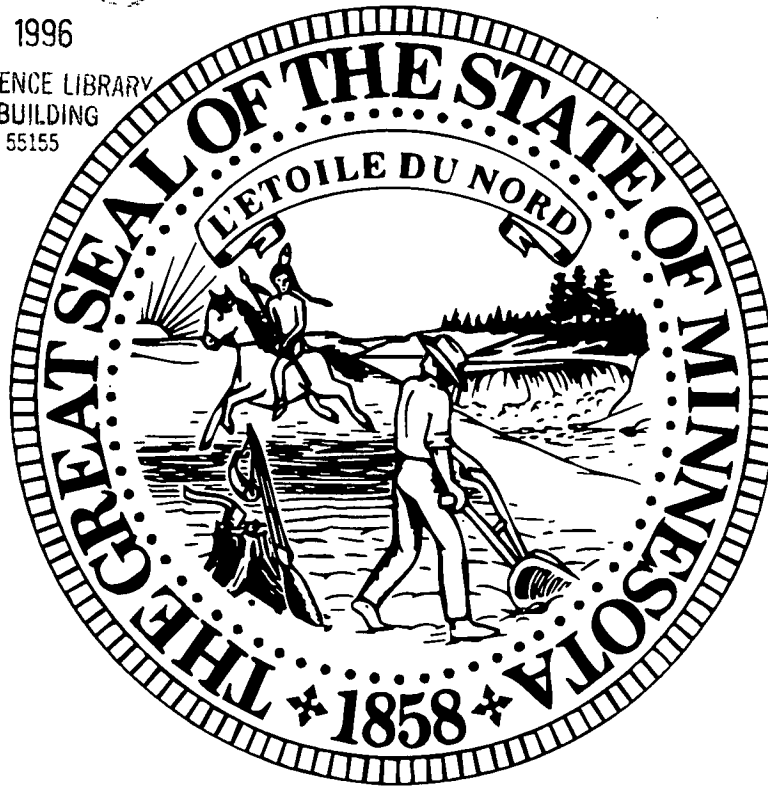


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**State
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State Register

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
# 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
# 9	Monday 26 August	Monday 12 August	Monday 19 August

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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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Proposed Rules

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 Human Services

Proposed Permanent Rules Relating to Provider Services Under Medical Assistance Program

Notice of Intent to Adopt a Rule Without a Public Hearing

In the Matter of the Amendments Proposed to Part 9505.0175 and Part 9505.0395 of DHS Rules Governing Conditions that Providers of Services under the Medical Assistance Program Must Meet to Receive Payment (*Minnesota Rules*, parts 9505.0170 to 9505.0475).

The Department of Human Services (DHS) intends to adopt amendments to 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. You have 30 days to submit written comments on the proposed amendments and may also submit a written request that a hearing be held on the rule.

Agency Contact Person. Comments or questions on the amendments and written requests for a public hearing on the rule must be submitted to: Alice Weck, Minnesota Department of Human Services, 444 Lafayette Rd., St. Paul, MN 55155-3816; telephone (612) 297-4302; TDD (612) 296-7385; fax number (612) 297-3173.

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.

Subject of Rule and Statutory Authority. The proposed amendments change the level of supervision that physicians must provide physician assistants in order for physician assistants' services to be reimbursable under the Medical Assistance program. Specifically, the proposed amendments exempt PA's from the supervisory requirements in part 9505.0175, subpart 46 and substitute other more flexible requirements. In all settings except those defined in federal regulations as a rural health clinic or a federally qualified health center, the substituted supervision standards are the PA registration standards in *Minnesota Statutes*, chapter 147A. In rural health clinics and federally qualified health centers, the amendments substitute applicable federal regulations for the requirements in part 9505.0175, subpart 46. The statutory authority for adopting the proposed amendments is *Minnesota Statutes*, section 256B.04, subdivision 2. A copy of the proposed amendments is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on Thursday, September 5, 1996 to submit written comment in support of or in opposition to the proposed amendments and any part or subpart of the amendments. 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 amendment 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 amendments 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 amendments. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Thursday, September 5, 1996. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed amendments to which you object or state that you oppose the entire amendments. Any request that does not comply

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

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 amendments.

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 amendments 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 amendments may not be substantially different from these proposed amendments. If the proposed amendments 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 amendments, including a description of who will be affected by the proposed amendments and an estimate of the probable cost of the proposed amendments.

Adoption and Review of Rule. If no hearing is required, the agency may adopt the amendments after the end of the comment period. The amendments and supporting documents will then be submitted to the Office of Administrative Hearings (OAH) for review for legality. You may ask to be notified of the date the amendments are submitted to OAH. If you want to be so notified or want to receive a copy of the adopted amendments, 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: 19 July 1996

John Petraborg
Acting Commissioner

Rules as Proposed

9505.0175 DEFINITIONS.

[For text of subs 1 to 45, see M.R.]

Subp. 46. **Supervision.** "Supervision," except as specified in item E, means the process of control and direction by which the provider accepts full professional responsibility for the supervisee, instructs the supervisee in his or her work, and oversees or directs the work of the supervisee. The process must meet the following conditions.

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

E. Items A to D do not apply to supervision of physician assistants. Physician supervision of physician assistants must meet the standards set by *Minnesota Statutes*, chapter 147A, except that in rural health clinics and federally qualified health centers, physician supervision of physician assistants is governed by *Code of Federal Regulations*, title 42, chapter IV, subchapter E, part 491, subpart A, section 491.8.

[For text of subs 47 to 50, see M.R.]

9505.0395 RURAL HEALTH CLINIC SERVICES AND FEDERALLY QUALIFIED HEALTH CENTER SERVICES.

Subpart 1. **Definition.** "Rural health clinic service" means a and "federally qualified health center service" are health service services provided in a clinic certified under or center defined in *Code of Federal Regulations*, title 42, chapter IV, subchapter B, part 405, subpart X, and meeting the conditions set forth in *Code of Federal Regulations*, title 42, chapter IV, subchapter E, part 491, subpart A.

Subp. 2. **Covered services.** All health services provided by a rural health clinic or a federally qualified health center are covered services within the limitations applicable to the same services under parts 9505.0170 to 9505.0475 if the rural health clinic's or center's staffing requirements and written policies governing health services provided by personnel other than a physician are in compliance with *Code of Federal Regulations*, title 42, chapter IV, subchapter E, part 491, subpart A, section 491.8. The limitations on supervision specified in part 9505.0175, subpart 46, do not apply to supervision of physician assistants working in a clinic or a center. Supervision of physician assistants in clinics or centers is governed by the standards in *Code of Federal Regulations*, title 42, chapter IV, subchapter E, part 491, subpart A, section 491.8.

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.

Pollution Control Agency

Adopted Permanent Rules Relating to Air Quality

The rules proposed and published at *State Register*, Volume 20, Number 24, pages 1358-1374, December 11, 1995 (20 SR 1358), are adopted with the following modifications:

Rules as Adopted

7002.0035 AIR QUALITY ANNUAL FEE TARGET.

The annual fee target shall be set as described in items A and B.

A. The unadjusted fee target shall be the greater of the following:

(2) the amount calculated by multiplying \$25 per ton, adjusted for inflation since 1989, times the number of tons of ~~particulate matter~~ and each chargeable pollutant listed in the most recently available emission inventory. ~~PM-10 shall not be double counted as a chargeable pollutant and as particulate matter.~~ No pollutant shall be double counted. A maximum of 4,000 tons per pollutant per facility shall be used for this calculation. The adjustment for inflation shall be in accordance with the adjustment described in *Minnesota Statutes*, section 116.07, subdivision 4d, paragraph (d).

7002.0045 COMPUTATION OF THE DOLLAR PER TON FIGURE.

The dollar per ton figure "\$X" used in part 7002.0025 shall be computed as follows:

$$\$X = [F - (I + P + R + (\$25 \times N))]/(T - L)$$

where:

\$X = Dollar amount per ton figure.

F = Total annual fee target, as determined in part 7002.0035.

I = Total amount billed as indirect source permit fees in the previous calendar year under part 7002.0055.

P = Total amount billed as newly permitted facility fees in the previous calendar year under part 7002.0025, subpart 2a.

R = Total amount to be billed under part 7002.0025, subpart 1, item C, subitem (2), as option B registration permit annual emission fees based on the quantity of VOC-containing materials purchased or used.

N = Total number of emission reporting facilities and facilities issued option B registration permits that are assessed an annual emission fee based on actual emissions under part 7002.0025, subpart 1, item C, subitem (1), with less than one ton of total actual emissions of chargeable pollutants.

T = Total number of tons of all chargeable pollutants ~~and particulate matter, not including PM-10~~, listed in the most recently available annual emissions inventory emitted from emission reporting facilities and facilities issued option B registration permits that are assessed an annual emission fee based on actual emissions under part 7002.0025, subpart 1, item C, subitem (1). No pollutant shall be double counted.

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

Adopted Rules

L = Total number of tons of all chargeable pollutants ~~and particulate matter, not including PM-10~~, listed in the most recently available annual emission inventory emitted from emission reporting facilities and facilities issued option B registration permits that are assessed an annual emission fee based on actual emissions under part 7002.0025, subpart 1, item C, subitem (1), that emit less than one ton of total actual emissions of chargeable pollutants ~~and particulate matter, not including PM-10~~. No pollutant shall be double counted.

7002.0075 NOTIFICATION OF ERROR.

An owner or operator who thinks that the assessed annual emission fee is in error shall provide a written explanation of the person's position to the commissioner within 60 days of receipt of the invoice or no later than June 30 of the year in which the fee was assessed, whichever is later. An owner or operator who thinks that an error exists in emissions inventory data shall submit an explanation by the February 1 following the year in which the inventory is due in accordance with part 7019.3000, subpart 2, or 45 days after the annual emissions inventory mailing date, whichever is later. The assessed fee shall be paid as required in part 7002.0065. The commissioner shall, within 60 days of the receipt of the person's written explanation, either provide a written explanation of why the fee was not in error and shall not be refunded, or, if the commissioner finds that the assessed fee was in error, the overpayment shall be refunded to the person or credited to the person's account.

7007.0150 PERMIT REQUIRED.

Subp. 4. Calculation of potential to emit.

A. For purposes of parts 7007.0200 and 7007.0250, the owner or operator of a stationary source shall calculate the stationary source's potential to emit using the definition in part 7005.0100, subpart 35a, except as provided in subitems (1) and (2).

(2) Emissions caused by activities described in ~~part 7007.1300, subpart 3 or 4~~, of the insignificant activities list in part 7007.1300 shall be considered in the calculation of potential emissions ~~to determine if these emissions, in addition to all other emissions at the stationary source, could make the stationary source subject to different applicable requirements under parts 7007.0100 to 7007.1850 if required by the agency under part 7007.0500, subpart 2, item C, subitem (2).~~

Calculations of emissions under this subpart are only intended to determine if a permit is required.

7007.0300 SOURCES NOT REQUIRED TO OBTAIN A PERMIT.

Subpart 1. **No permit required.** The following stationary sources are not required to obtain a permit under parts 7007.0100 to 7007.1850:

D. any stationary source with only emissions units listed as insignificant activities in part 7007.1300, subparts 2 and 3, if the following requirements are met by the owner or operator:

(2) for emissions units described in part 7007.1300, subpart 3, item H, subitem (1), the owner or operator shall:

(a) record each month the quantity number of gallons of VOC-containing materials purchased or used and the maximum VOC content;

(c) recalculate and record each month the 12-month rolling sum of actual number of gallons of VOCs purchased or used, and the calculation itself and a list of the associated emissions units in which it was used;

E. notwithstanding parts 7007.0200 and 7007.0250, any stationary source that would be required to obtain a permit solely because it is subject to one or more new source performance standards under *Code of Federal Regulations*, title 40, part 60, that has the potential to emit zero tons per year from the affected units facility of each pollutant regulated by the standard.

7007.0500 CONTENT OF PERMIT APPLICATION.

Subp. 2. **Information included.** Applicants shall submit the following information as required by the standard application form:

C. The following emissions-related information:

(2) The application need not include the information required by this part for any activity listed on the insignificant activities list in part 7007.1300, except as provided in this subitem. The application shall include a list of ~~insignificant activities identifying any activity~~ at the stationary source described in ~~part 7007.1300, subpart 3 or 4~~ of the insignificant activities list. If requested by the agency, the permittee shall provide a calculation of emissions from any activity described in ~~part 7007.1300, subpart 3 or 4~~, if these emissions of the insignificant activities list. The agency shall request such a calculation if it finds that the emissions from those activities, in addition to other emissions from the stationary source, could make the stationary source subject to different applicable requirements under parts 7007.0100 to 7007.1850. ~~The commissioner may request that the permittee calculate emissions of any activity described in part 7007.1300, subpart 3 or 4, to verify if the source is subject to any different applicable requirement.~~

7007.1300 INSIGNIFICANT ACTIVITIES LIST.

Subp. 4. **Insignificant activities required to be listed in a part 70 application.** If a facility is applying for a part 70 permit, emissions units with emissions less than all the following limits but not included in subpart 2 must be listed in a part 70 permit application:

C. for hazardous air pollutants, emissions units with:

(1) potential emissions of 25 percent or less of the hazardous air pollutant thresholds listed in part 7007.1251; or

(2) combined HAP actual emissions of one ton per year unless the emissions unit emits one or more of the following HAPs: carbon tetrachloride; 1,2-dibromo-3-chloropropane; ethylene dibromide; hexachlorobenzene; polycyclic organic matter; antimony compounds; arsenic compounds, including inorganic arsine; cadmium compounds; chromium compounds; lead compounds; manganese compounds; mercury compounds; nickel compounds; selenium compounds; 2,3,7,8-tetrachlorodibenzo-p-dioxin; or dibenzofuran. If the emissions unit emits one or more of the HAPs listed in this ~~item~~ subitem, the emissions unit is not an insignificant activity under this ~~subpart~~ subitem.

Calculation of emissions from the emissions units listed in this subpart shall be ~~included in the permit application if emissions from the emissions units listed under this subpart, in addition to all other emissions from the stationary source, could make the stationary source a HAP major source under part 7007.0200, subpart 2, item A provided if required by the agency under part 7007.0500, subpart 2, item C, subitem (2).~~ If emissions units listed under this subpart are subject to additional requirements under section 114(a)(3) of the act (Enhanced Monitoring) or section 112 of the act (Hazardous Air Pollutants), or are part of a title I modification, or if accounted for, make a stationary source subject to a part 70 permit emissions from the emissions units must be calculated in the permit application. If the applicant is applying for a state permit or an amendment to a state permit, this subpart does not apply.

7019.3000 EMISSION INVENTORY.

Subp. 2. **Owner or operator error in reporting data.** If an owner or operator discovers an error in the data after having submitted it to the agency, the owner or operator shall submit corrected data, with a written explanation of the mistake and why it occurred. If the commissioner agrees that the correction is appropriate, the commissioner shall correct the data in the inventory. However, for purposes of assessing the emission fee under part 7002.0025, the commissioner shall not recognize any correction submitted by an owner or operator which would result in a reduction of tons emitted if the correction is submitted after the February 1 following the year in which the inventory is due or 45 days after the annual emissions inventory mailing date, whichever is later.

7019.3020 CALCULATION OF ACTUAL EMISSIONS FOR EMISSION INVENTORY.

A. Emissions from all emissions units shall be reported in the annual emissions inventory report in a format specified by the commissioner. Emissions from insignificant activities listed in part 7007.1300, subpart 2, shall not be reported. Emissions from insignificant activities listed in part 7007.1300, subparts 3 and 4, shall be reported if the commissioner or owner or operator has determined that emissions from those activities are not insignificant for purposes of permitting under parts 7007.0100 to 7007.1850. Notwithstanding the previous sentence, the commissioner may request an inventory of fugitive emissions from roads and parking lots, defined as insignificant under part 7007.1300, subpart 3, item J, upon determining that emissions from these sources represent a substantial portion of the facility's total emissions.

F. ~~The use of control equipment must be required under conditions of a permit or applicable requirement as defined in part 7007.0100, subpart 7, if the owner or operator of an emission reporting facility submits an emission inventory based, in whole or in part, on the effects of the use of pollution control equipment. The emission inventory may be based on the use of control equipment only if the use of the specific control equipment is required under conditions of a permit or applicable requirement as defined in part 7007.0100, subpart 7, or is included in a notification received by the agency under part 7007.1150, item C. This item is effective on the date three years after EPA grants full program approval of the agency's permit program under title 5 of the Clean Air Act.~~

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

Adopted Rules

7019.3030 METHOD OF CALCULATION.

A. The owner or operator of an emission reporting facility, except one issued an option C or D registration permit under part 7007.1125 or 7007.1130, shall calculate the facility's actual emissions using the highest available method on the following hierarchy of methods: listed in subitems (1) to (4). The methods are listed in a hierarchy of the most preferred method to the least preferred method. The most preferred method available shall be used. Where more than one method is listed in the subitem, they are considered to be equal in the hierarchy and any can be used.

B. The owner or operator of a facility issued an option B registration permit under part 7007.1120 that chooses to be assessed a fee under part 7002.0025, subpart 1, item C, subitem (1), shall calculate the facility's actual emissions using the highest available method on the following hierarchy of methods: listed in subitems (1) to (3). The methods are listed in a hierarchy of the most preferred method to the least preferred method. The most preferred method available shall be used. Where more than one method is listed in the subitem, they are considered to be equal in the hierarchy and any may be used.

C. For purposes of selecting a calculation method, a method is considered available if the conditions associated with the method in parts 7019.3040 to 7019.3100 are met. The method described in part 7019.3100 may be used, provided that the proposal is submitted to the division manager by ~~October~~ September 1 of the first year for which the emissions are being calculated. The commissioner shall reject data submitted using the methods described in parts 7019.3040 to 7019.3090 if the conditions for the method are not fully met.

7019.3040 CONTINUOUS EMISSION MONITOR (CEM) DATA.

B. Facilities required to use this method shall include the following information in their emission inventory:

(1) the total operating time of the applicable emission unit and the total operating time of the CEM; ~~and~~

(2) an explanation of how the emissions were calculated based on the CEM data. Except for facilities subject to part 7017.1020, for periods when the CEM is down and the emissions unit is operating, missing emissions data shall be substituted with CEM data recorded during a representative period of operation of the emissions unit, and, if applicable, of the control equipment operation during the same calendar year for which the inventory is being submitted. The CEM must have recorded data for at least 90 percent of the hours the emission unit was operated for the calendar year for which the inventory is being submitted. If substitute CEM data meeting these conditions is not available, emissions during periods of CEM downtime shall be calculated using the next highest available method on the hierarchy of methods listed in part 7019.3030; and

(3) facilities subject to part 7017.1020 shall substitute CEM data in accordance with Code of Federal Regulations, title 40, part 75.

7019.3050 PERFORMANCE TEST DATA.

C. For facilities that are required to conduct annual performance testing, the test was performed during the calendar year for which the emissions are being calculated; ~~or~~. If the agency granted the facility an extension to a testing deadline that resulted in the test being performed after the calendar year but prior to the emissions inventory submittal deadline, the data from that test may be used. For facilities that are not required to conduct annual performance testing, the emission factors used are derived from the most recently conducted performance test. Performance test data may not be more than five years older than the last date of the emission inventory period and must be representative of operating conditions during the calendar year for which the emission inventory is being submitted.

7019.3060 VOLATILE ORGANIC COMPOUND (VOC) MATERIAL BALANCE.

If the methods in part 7019.3040 or 7019.3050 are unavailable to an emission reporting facility or a facility issued an option B registration permit under part 7007.1120 that chooses to be assessed a fee under part 7002.0025, subpart 1, item C, subitem (1), the facility may calculate VOC emissions using the material balance method described in this part. This method may be used in conjunction with or instead of emission factors and enforceable limitations methods described in parts 7019.3080 and 7019.3090, where applicable. A person using material balance to calculate VOC emissions shall determine the total VOC emissions (E) as follows:

$$E = (A - B - C) * (1 - CE)$$

where:

A = the amount of VOC entering the process. The amount of VOC used in this calculation shall be the amount certified by the supplier or the maximum amount stated on the material safety data sheet or the amount determined by reference method 24.

B = the amount of VOC incorporated into the product. This includes VOCs chemically transformed in production. An explanation of this calculation must also be submitted.

C = the amount of VOC, if any, leaving the process as waste, or otherwise not incorporated into the product and not emitted to the air. If the actual VOC content of the waste is unknown, then C = 0.

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CE = the overall efficiency, or the product of capture efficiency and control efficiency, of any device used to capture and/or control VOC emissions, expressed as a decimal fraction of 1.00. The overall efficiency shall be based on efficiency factors, as defined in part 7005.0100, subpart 9b, or shall be based on the overall efficiency verified by a performance test conducted according to parts 7017.2001 to 7017.2060 and 7019.3050. The overall efficiency of a pollution control system that uses a hood, as defined in part 7011.0060, subpart 2, as the emission capture device shall be based on a capture efficiency of 60 percent. If an alternative capture efficiency has been determined by a performance test conducted according to parts 7017.2001 to 7017.2060 and 7019.3050, that capture efficiency shall be used in the calculation of actual emissions.

7019.3100 FACILITY PROPOSAL.

C. The proposal shall be submitted to the commissioner by ~~October~~ September 1 of the year for which the emissions are being calculated. The commissioner shall approve the emission reporting facility's proposal if the commissioner finds that the facility has made the demonstration required under item A. If the commissioner rejects the proposal, the commissioner shall do so by ~~February~~ November 30 of the year ~~the inventory is due~~ for which the emissions are being calculated. Approval of a method shall expire no more than five years after the year for which emissions were first calculated. The commissioner shall revoke approval of the method if, after the first year's emission inventory submittal, the owner or operator or the commissioner has determined that the method described under this part no longer accurately calculates each unit's actual emissions. If the commissioner revokes the approval, the commissioner shall do so by ~~February~~ November 30 of the year ~~in~~ for which the ~~next inventory is due~~ emissions are being calculated.

Revenue Notices

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

Department of Revenue

Revenue Notice #96-7: Sales and Use Tax - Temporary Storage

The Minnesota Supreme Court issued an opinion in the case of *Dahlberg Hearing Systems, Inc. vs. Commissioner of Revenue*, C2-95-1929, on April 26, 1996. The Court held that the taxpayer was not required to pay use tax on computer equipment that was brought into Minnesota for the purpose of installing software, testing the equipment, and subsequently shipping the equipment to other states for usage. The seller had nexus with Minnesota and was required to collect the Minnesota sales tax but failed, for some unknown reason, to collect the sales tax on the transaction. The Court found that the equipment was temporarily stored in Minnesota and therefore not subject to the Minnesota use tax even though the seller was required to collect the Minnesota sales tax when the taxpayer purchased the equipment in Minnesota.

Based upon the decision in *Dahlberg*, the Department adopts the position that temporary storage can only be claimed in certain situations when a use tax is due. The following scenarios set forth situations when temporary storage can and cannot be claimed to relieve the taxpayer of Minnesota use tax obligations.

1. When a taxpayer takes title to tangible personal property outside of Minnesota, brings the property to Minnesota for processing without putting it to intermediate use in Minnesota, and then removes the property for use outside of Minnesota, temporary storage can be claimed. The property is temporarily stored in Minnesota and provided that the property does not return to Minnesota, except in the course of interstate commerce, no Minnesota use tax is due on the property. No Minnesota sales tax is due since the sale takes place outside Minnesota.
2. When a seller, who has nexus with Minnesota, brings goods into Minnesota to fulfill a specific contract, and title to the goods passes to the buyer in Minnesota, a Minnesota sale has occurred and the Minnesota sales tax is due. If the seller fails to collect Minnesota sales tax on those specific goods, Minnesota use tax is due from the buyer. If the buyer removes the goods from Minnesota for use outside the state, without putting them to intermediate use in Minnesota, the buyer can claim temporary storage and no Minnesota use tax would be due. If the seller had not brought the goods into Minnesota to fulfill a specific contract with the purchaser and the goods were removed from the seller's Minnesota inventory, the Department takes the position that *Dahlberg* does not apply. Under the holding in *Dahlberg*, the sales tax is still due under *Minnesota Statutes*, section 297A.02 and the Department has the right to collect the sales tax from the seller. Under *Minnesota Statutes*, section 297A.03, subdivision 1, when the sales tax is paid by the seller, the tax is a debt from the purchaser to the seller recoverable at law in the same manner as other debts.³ When a purchaser issues an exemption certificate to a seller having nexus with Minnesota, takes title to the property in Minnesota and then utilizes

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the property for any purpose not exempted under Chapter 297A, sales tax is due from the purchaser. *Minnesota Statutes*, section 297A.12, provides that when the purchaser issues an exemption certificate but utilizes the property for other than an exempt purpose, it shall be deemed a retail sale by the purchaser and therefore the Minnesota sales tax would be due. Since the purchaser should be paying and reporting sales tax and not use tax, temporary storage cannot be claimed even if the purchaser removes the goods from Minnesota for use outside the state.

4. When a purchaser uses a Direct Pay exemption certificate to make a purchase in Minnesota, the purchaser reports and pays use tax to the Commissioner rather than paying sales tax to the vendor. The Department takes the position that a direct pay purchaser cannot claim temporary storage on goods that were purchased from vendors registered to collect the Minnesota sales tax, if the sale takes place in Minnesota. The sale takes place in Minnesota if the transfer of either title or possession, or both, occurs in Minnesota. If the sale occurs in Minnesota and sales tax would have been paid but for the tender of the direct pay certificate, the Department takes the position that the purchaser is paying a delayed or in lieu of sales tax and therefore temporary storage does not apply.
5. A retailer that maintains a place of business in, or that has physical nexus with, Minnesota must register to collect the Minnesota sales tax since they are a person in this state. *Minnesota Statutes*, section 297A.02 provides that the Minnesota sales tax is imposed upon retail sales made by persons in this state. Therefore, when a sale occurs in this state, made by a seller having nexus with this state, the purchaser cannot claim temporary storage since the seller is collecting the sales tax. If an out-of-state retailer who maintains a place of business in Minnesota ships goods to the purchaser in Minnesota but title passes at a point outside Minnesota, the seller is required to collect the Minnesota use tax. *Minnesota Statutes*, section 297A.21, subdivision 3, provides that the out-of-state retailer, making retail sales from outside the state to a destination in the state, must collect and remit the Minnesota use tax. Where the sale occurs outside Minnesota but was shipped to a destination in Minnesota, the use tax is being collected and temporary storage may be claimed.

Dated: 5 August 1996

Patricia A. Lien
Assistant Commissioner for Tax Policy

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

Agronomy and Plant Protection Division

Notice of Adoption of Voluntary Best Management Practices for Nitrogen Use on Irrigated Potatoes

NOTICE IS HEREBY GIVEN that the State Department of Agriculture has adopted Voluntary Best Management Practices for Nitrogen Use on Irrigated Potatoes. The adoption of Best Management Practices is authorized by *Minnesota Statutes* 103H.151 which requires the Commissioner of Agriculture to take action necessary to prevent contamination of water resources from nitrogen fertilizer use.

The Proposed Best Management Practices for Nitrogen Use on Irrigated Potatoes were first published for comment in Volume 20 (March 18, 1996) issue of the *Minnesota State Register*.

For further information, interested persons or groups are encouraged to contact:

Bruce Montgomery, Soil Scientist
Minnesota Department of Agriculture-Agronomy and Plant Protection Services
90 West Plato Blvd., St. Paul, MN 55107-2094
Telephone: 612-297-7178 FAX: 612-297-2271
Electronic mail: BRUCE.MONTGOMERY@state.mn.us

Organizational Strategy

The BMPs are based upon a three-tier strategy. Each succeeding tier enhances or refines the previous tier. The three tiers are (1) Statewide BMPs, (2) Regional BMPs, and (3) Special Situation BMPs.

- (1) **Statewide BMPs** apply to all areas of the state. The succeeding tiers further refine statewide recommendations. The application of these BMPs result in specific practices that are uniquely tailored to a given situation. Detailed information is available in the Minnesota Extension publication titled *Best Management Practices for Nitrogen Use Statewide in Minnesota* (AG-FO-6125-C (1993)).
- (2) **Regional BMPs** account for some of the local variation in soils, hydrogeologic conditions, and climatic conditions. The state has been divided into five regions based upon general climatic conditions, soil characteristics, and the resulting sensitivity to groundwater contamination. The counties listed do not denote the exact boundaries for each region, but are listed as a guide to nitrogen users where the prevalent conditions may apply. Regional BMPs refine the prescriptions of the statewide BMPs. For additional detailed information, refer to the following Minnesota Extension bulletins: *Best Management Practices for Nitrogen Use in:* a) *Southeastern Minnesota* (AG-FO-6126-B); b) *South-Central Minnesota* (AG-FO-6127-C); c) *Southwestern and West-Central Minnesota* (AG-FO-6128-C); d) *Northwestern Minnesota* (AG-FO-6130); and e) *East-Central and Central Minnesota* (AG-FO-6129).
- 3) **Special Situation BMPs** describe management criteria for the following conditions: a) irrigated soils (Refer to *Best Management Practices for Nitrogen Use on Irrigated, Coarse Textured Soils* (AG-FO-6131-B)) for additional information, b) coarse textured, non-irrigated soils, c) turf, and d) areas near surface water. These areas pose additional environmental susceptibility problems and require additional management considerations.

Nitrogen Fertilizer BMP for Irrigated Potatoes

Nitrogen Fertilizer BMP for Irrigated Potatoes are a separate classification within the Special Situation BMPs-Irrigated soils. These specific BMPs are to be used in conjunction with the statewide and regional BMPs where applicable. BMPs for nitrogen management on irrigated potatoes need to be somewhat flexible due to differences in soil types, climatic conditions, types of potato cultivars grown, harvest criteria, and the types of equipment available for nitrogen applications.

Practices listed under **General Irrigated Potato BMPs** are recommended for any potato variety grown under irrigated conditions on coarse-textured soils. This includes early season varieties (defined here as those potatoes with the vines killed within the time frame of July through early August) and medium and late season (vines killed after mid-August) varieties.

Practices listed under **Specific Irrigated Potato BMPs** were developed through research dominated by the Russet Burbanks variety. The response may vary slightly with other varieties. Additional research will be conducted to fine-tune nitrogen timing for early harvested varieties.

The following abbreviations will be used throughout the remaining text: "N" represents the term "nitrogen" and "lb N/A" represents "pounds of nitrogen per acre."

A. General Irrigated Potato BMPs

1. **Select a realistic nitrogen rate:**
 - (a) **Develop realistic yield goals based on variety and harvest data.** Different potato varieties and differences due to harvest dates will have a pronounced effect of yield and yield goals. Earlier maturing varieties require less N than later maturing varieties. An overestimate of yield goal will result in excessive applications of N which can potentially result in nitrate losses to groundwater.
 - (b) **Yield goals should be based on total yield rather than marketable yield.** Since undersized and other non-marketable potatoes compete with marketable sized potatoes for available nutrients, the University of Minnesota N recommendations have historically been based on total yield. Growers should make estimates of the total yield (marketable and non-marketable potatoes) prior to harvest for future N planning.
 - (c) **Account for nitrogen from previous crops.**
 - (d) **Test irrigation water for nitrate content and adjust N fertilizer accordingly.** Refer to *Best Management Practices for Nitrogen Use on Irrigated, Coarse Textured Soils* (AG-FO-6131-B) for additional information.
 - (e) **Do not apply N fertilizer above recommended rates.** Rates of N recommended for potatoes can be found in the most updated version of *Nutrient Management for Commercial Fruit and Vegetable Crops in Minnesota* (AG-BU-5886-F).
2. **Match N applications with crop needs:**
 - (a) **Do not fall apply N to soils in the textural classes of sandy loam, loamy sand and sand.**
 - (b) **Use a minimal amount of starter N.** Early N applications on sandy soils are highly susceptible to leaching due to low evapotranspiration rates and wet conditions typically found during April and May.
 - (c) **N applied through the hilling stage should be cultivated or incorporated into the hill.**
 - (d) **Plan the majority of N inputs within 50 days after emergence.**
3. **Use petiole analysis to aid in making post-hilling N applications.**
4. **Do not use fertilizers containing nitrate in the starter.**

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5. Follow proven water management strategies to provide effective irrigation and minimize leaching. Water management has a profound effect on N movement. For more information on irrigation scheduling, refer to *Irrigation Water Management Considerations for Sandy Soils in Minnesota* (AG-FO-3875) and *Irrigation Scheduling: Checkbook Method* (AG-FO-1322).
6. Establish a cover crop following potatoes whenever possible.

B. Specific Management Practices

(Note: The following practices have been based on research dominated by the Russet Burbank variety. The response may vary with other potato varieties. Additional research will be conducted to fine-tune N timing for early harvested varieties)

1. Medium and Late Season Varieties

(a) Circumstances when fertigation is available:

- (1) Apply 20 to 40 lb N/A in the starter. Starter rates should be included as part of the total recommended N rate.
- (2) Do not use fertilizer containing nitrate in the starter.
- (3) Apply one-third to one-half of the recommended N at or around emergence; cultivate or incorporate fertilizer into the hill.
- (4) Apply one-third of the recommended N at final hilling. Cultivate or incorporate the fertilizer into the hill. On some heavier-textured soils during rainy periods, it may not be possible to time this application properly due to row closure. In this situation, the N can be applied using fertigation.
- (5) Base timing of subsequent N applications on petiole analysis. Apply up to 40 lb N/A per application through the irrigation system.
- (6) Establish a cover crop after harvest whenever possible.

(b) Circumstances when fertigation is not available:

- (1) Apply 20 to 40 lb N/A in the starter. This amount should be included in the total N rate recommended.
- (2) Do not use fertilizer containing nitrate in the starter.
- (3) Apply one-third to one-half of the recommended N at or around emergence; cultivate or incorporate fertilizer into the hill.
- (4) Apply the remainder of the recommended N rate at final hilling. Cultivate or incorporate the fertilizer into the hill.
- (5) Establish a cover crop after harvest whenever possible.

2. Early Season Varieties (with or without fertigation)

- (a) Use a minimal amount of starter N. Producers are encouraged to experiment with reduced rates of starter N until sufficient University of Minnesota research recommendations are available. Starter rates should be included as part of the total recommended N rate.
- (b) Do not use fertilizer containing nitrate in the starter.
- (c) Apply one-third to two-thirds of the recommended N at or around emergence; cultivate or incorporate fertilizer into the hill.
- (d) Apply the remainder of the recommended N rate at final hilling. Cultivate or incorporate the fertilizer into the hill.
- (e) If fertigation is available: base timing of subsequent N applications on petiole analysis. Apply up to 30 lb N/A per application through the irrigation system.
- (f) Establish a cover crop after harvest.

Minnesota Department of Agriculture

Agronomy and Plant Protection Services Division

Notice of Meetings of the Common Detection Advisory Committee

Two meetings of the Common Detection Advisory Committee have been scheduled for August 14 and August 29, 1996 from 9:00 a.m. to 4:00 p.m. at Holman Field conference room, 644 Bayfield St., St. Paul, MN. Contact Jerry Spetzman (612) 297-7269 or Dan Stoddard (612) 297-8293 for more information.

The committee's sole function will be to make a recommendation to the commissioner of agriculture on which pesticides should be considered common detection.

Minnesota Health Care Commission

Health Technology Advisory Committee (HTAC)

Notice of Solicitation of Public Testimony Regarding HTAC Report on Autologous Bone Marrow Transplantation (ABMT) or Peripheral Blood Stem Cell Transplantation (PBSCT) after High-Dose Chemotherapy for Breast Cancer Evaluation

The Health Technology Advisory Committee (HTAC) of the Minnesota Health Care Commission is charged under *Minnesota Statutes* 62J.152 with conducting evaluations of specific technologies and their specific use and application. For the purposes of evaluation, the definition of technologies in statute includes "... drugs, devices, procedures, or processes applied to human health care" As part of the evaluation process, HTAC is required to submit a preliminary report to the Minnesota Health Care Commission, and to solicit written comments on the report. Before completing its final comments and recommendations on the HTAC technology evaluation report, the Commission solicits and reviews public testimony on the report.

Public testimony on HTAC's evaluation of Autologous Bone Marrow Transplantation (ABMT) or Peripheral Blood Stem Cell Transplantation (PBSCT) after High-Dose Chemotherapy for Breast Cancer will be accepted by the Minnesota Health Care Commission on Wednesday, August 21, 1996, at 9:30 a.m. at

Capitol View Conference Center
70 West County Road B-2
Little Canada, MN 55117

A presentation on the report will precede the public testimony and will begin at approximately 9:00 a.m.

Testimony should be limited to no more than five minutes. Written testimony will also be accepted, and should be submitted to Nancy Cusick at the address below. Individuals interested in providing public testimony are asked to provide prior written or verbal notice to Nancy Cusick, by Monday, August 19, 1996 at:

Minnesota Health Care Commission/Health Technology Advisory Committee

121 East 7th Place, Suite 400
P.O. Box 64975
St. Paul, MN 55164-0975
Phone: 612-282-6374
Fax: 612-282-5628

Any written material such as handouts or copies of written testimony received by the Commission during the public testimony is subject to the requirements of the Minnesota Data Practices Act (*Minnesota Statutes*, Chapter 13).

For information regarding HTAC, or to obtain a copy of the HTAC report on the evaluation of Autologous Bone Marrow Transplantation (ABMT) or Peripheral Blood Stem Cell Transplantation (PBSCT) after High-Dose Chemotherapy for Breast Cancer Evaluation, please contact Nancy Cusick at 612-282-6374, or via fax at 612-282-5628.

Minnesota Department of Health

Health Policy and Systems Compliance Division

Notice of Formal Recommendation to Adopt an Implementation Guide for the ANSI ASC X12 "835" Health Care Remittance Advice Transaction; per *Minnesota Statutes*, Section 62J.56, subdivision 3

Introduction. Notice is hereby given that the Commissioner of Health is formally recommending the use of an implementation guide for electronic commerce for the health care remittance advice transaction.

Description and Statutory Reference. The implementation guide is a description of the conventions of use for electronic commerce in the ANSI ASC X12 "835" Health Care Remittance Advice transaction, that has been reviewed pursuant to *Minnesota Statutes*, section 62J.56, subdivision 3. The statute reads in relevant part: "The commissioner, with the advice of the Minnesota administrative uniformity committee, and the Minnesota center for health care electronic data interchange shall review and recommend the use of guides to implement the core transaction sets. Implementation guides must contain the background and technical information required to allow health care participants to implement the transaction set in the most cost-effective way."

Implementation. The method of implementing the standard transaction sets is described in *Minnesota Statutes*, section 62J.58, subdivision 2, which reads in relevant part: "Six months from the date the commissioner formally recommends the use of guides to implement core transaction sets pursuant to section 62J.56, subdivision 3, all category I and category II industry participants, except pharmacists, shall be able to accept or submit, as appropriate, the ANSI ASC X12 "835" health care remittance advice transaction set (draft standard for trial use version/release 3051) for the electronic transfer of health care remittance advice information."

Date of Implementation. The implementation guide now being formally recommended is for the ANSI ASC X12 "835" health care remittance advice transaction set. The date of the formal recommendation is September 1, 1996. The date upon which industry participants shall be able to accept or submit the ANSI ASC X12 "835" health care remittance advice transaction set, as above, is March 1, 1996.

Second Implementation Guide Announced. The implementation guide now being formally recommended is for the ANSI ASC X12 "835" health care remittance advice transaction set. A previous, very similar, announcement was made on May 1, 1996 for the ANSI ASC X12 "837" health care claim transaction set. The difference between the two announcements is that the May 1, 1996 announcement was for the *claim* sent to the payer by the provider. This announcement is for the *remittance advice*, or the reply to the claim produced by the payer of the claim.

Summary of Issues. *Minnesota Statutes*, sections 62J.50-61 outlines the advantages of uniform health care electronic data interchange standards, to participants in the health care system. Further, the statute requires participants in the health care system who use electronic billing, enrollment or eligibility transactions to support the ANSI ASC X12 standards.

Contact Person. For further information about *Minnesota Statutes*, sections 62J.50-61 please contact Kathleen Kuha, in the Data Analysis Program at MDH, at 612/282-3822, or via Internet at Kathleen.Kuha@health.state.mn.us.

Applicability. The statute does not require a group purchaser, health care provider or employer to use electronic data interchange or to have the capability to do so. This section applies only to the extent that a group purchaser, health care provider or employer chooses to use electronic data interchange.

Development Process for the Implementation Guides. *Minnesota Statutes*, section 62J.56 requires the Minnesota Center for Health Care EDI (MCHE) to provide technical assistance in the development of implementation guides for each of several transactions. In April 1995, MCHE convened an implementation guide work group to develop these guides. The work group consists of representatives of payers, providers, software vendors and state agencies; it continues to meet to develop additional guides as well as assist national groups such as the American National Standards Institute (ANSI) X12N committee in the development of implementation guides. MCHE and MDH seek additional work group members for future implementation guides. Please contact Ed Stroot at 612/228-4381, or via Internet at Ed.Stroot@mhdi.com. for further information on the work group.

The ANSI ASC X12 "835" health care remittance advice implementation guide was developed from a national implementation guide, then carefully reviewed against Minnesota business needs by the work group. Upon approval by the work group, the ANSI ASC X12 "835" health care remittance advice implementation guide was announced in the *State Register* for public review and comment on April 22, 1996. Comments were accepted until June 7, 1996; no substantive comments were received, and all other comments were resolved between the work group and commentors. All comments were considered by the Commissioner of Health. This implementation guide was successfully tested for functional use by work group members.

How To Obtain The ANSI ASC X12 "835" Health Care Remittance Advice Implementation Guide Document. Persons who wish to obtain a copy of the ANSI ASC X12 "835" health care remittance advice implementation guide should call Denine Casserly at MDH, 612/282-5650, or fax a request to 612/282-5628, or write to Minnesota Department of Health, Health Policy and Systems Compliance, Data Analysis Program, 121 East 7th Place, Suite 400, St. Paul, MN, 55101. The document will also be available for downloading on the World Wide Web via link at <http://www.mhdi.com>.

Additional Implementation Guides. Each implementation guide listed in *Minnesota Statutes*, section 62J.56 will be obtained from national sources and reviewed by the work group. Recently, implementation guides have been made available by national groups such as the Workgroup for Healthcare EDI (WEDI) and the ANSI X12N committee. The Minnesota work group will review these implementation guides, evaluating them for recommendation for Minnesota business use. Needs for additions or changes will be brought by the work group members to the appropriate national group, so that Minnesota EDI needs will be reflected in the national implementation guides. Each future implementation guide will be announced in the *State Register* as it is ready for public comment and review. Please contact Patrice Thaler at 612/228-4381, or via Internet at Patrice.Thaler@mhdi.com. for further information on ANSI X12N or WEDI.

Dated: 5 August 1996

Anne M. Barry
Commissioner of Health

Minnesota Department of Health

Request for Comments for Planned Amendment to Rules Governing Health Maintenance Organizations, *Minnesota Rules*, Chapter 4685

Subject of Rules. The Minnesota Department of Health requests comments on its planned amendment to *Minnesota Rules*, chapter 4685 governing health maintenance organizations (HMOs). The Department is considering amendments to rule provisions that may be unclear, outdated or no longer necessary. For example, the rule provisions that govern permissible limitations and exclusions on the provision of comprehensive health maintenance services, *Minnesota Rules* 4685.0700, are being considered for amendment. The comprehensive health maintenance services affected may include durable medical equipment, medical supplies, cosmetic surgery, dental services, vision care services, eyeglasses, ambulance transportation, experimental and investigative services, custodial care, domiciliary care, home health care, maternity services, outpatient treatment of mental illness and chemical dependency, prescription drug services, inpatient hospital services and underwriting restrictions. The Department is considering defining several terms as well as amending or repealing outdated rule provisions. The Department is also considering amendments to the rule provisions that govern quality assurance, *Minnesota Rules* 4685.1100 - 1130. These rule amendments may address definitions of terms, HMO quality assurance programs, activities, quality evaluation steps, focused study steps, filed written plans and work plans.

Persons Affected. The amendment to the rules would likely affect HMO enrollees and providers, HMO administrators, and purchasers of HMO products including the Minnesota Department of Human Services and the Minnesota Department of Employee Relations.

Statutory Authority. *Minnesota Statutes*, Section 62D.20, authorizes the Department to adopt rules reasonably necessary or proper to carry out the provisions of Sections 62D.01 to 62D.30.

Public Comment. Interested persons or groups may submit comments or information on these planned amendments in writing until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. The Department is appointing an advisory committee, consisting of representatives of providers, consumers, purchasers and HMOs, to comment on the planned amendments. Meetings of the advisory committee will be open to the public. If you want to receive notice of these meetings, contact Marge Takash, Minnesota Department of Health, Health Policy and System Compliance Division, P.O. Box 64975, 121 East Seventh Place, St. Paul, Minnesota 55164-0975, (612) 282-5615. TDD users may call the Department at (612) 623-5522.

Rules Drafts. The Department has not yet prepared a draft of the planned amendments.

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 amendments should be addressed to: Susan Margot, Minnesota Department of Health, Health Policy and Systems Compliance Division, P.O. Box 64975, 121 East Seventh Place, St. Paul, Minnesota 55164-0975, (612) 282-6360, fax (612) 282-3839. TDD users may call the Department at (612) 623-5522.

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: 26 July 1996

Anne M. Barry, Commissioner
Department of Health

Official Notices

Department of Health

Facility and Provider Compliance

Notice of Required Registration of Mobile Health Evaluation and Screening Providers

NOTICE IS HEREBY GIVEN that mobile health evaluation and screening providers must register with the Minnesota Department of Health, in accordance with *Minnesota Statutes*, section 144.077. Many of these mobile health evaluation and screening providers are engaged in testing related to occupational health evaluation, although the affected providers are not exclusively engaged in that business.

Definition. "Mobile health evaluation and screening provider" means any provider who is transported in a vehicle mounted unit, either motorized or trailered, and readily movable without disassembling, and who regularly provides evaluation and screening services in more than one geographic location. "Mobile health evaluation and screening provider" does not include any ambulance medical transportation type services or any mobile health service provider affiliated, owned and operated, or under contract with a licensed health care facility or provider, managed care entity licensed under *Minnesota Statutes* Chapter 62D or Chapter 62N, or Minnesota licensed physician or dentist, nor does it include fixed location providers who transfer or move during the calendar year. All mobile health evaluation and screening providers must be directly supervised by a physician licensed under *Minnesota Statutes* Chapter 147.

Licensure requirements. A mobile health evaluation and screening provider is required to comply with all licensing reporting and certification, sanitation, and other requirements and regulations that apply to a health care provider supplying similar services as a fixed location provider.

Registration requirements. A mobile health evaluation and screening provider shall register with the commissioner of Health and file the anticipated locations of practice, schedules, and routes annually no later than January 15. The mobile health evaluation and screening provider shall also include the name and address of the supervising physician. A mobile health evaluation and screening provider shall provide at least 30 days' written notice to populations they intend to serve.

To register with the Minnesota Department of Health as a mobile health evaluation and screening provider, contact:

Minnesota Department of Health
Facility and Provider Compliance Division
393 North Dunlap Street
P.O. Box 64900
St. Paul, MN 55164-0900
612/643-3615

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective August 5, 1996 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Anoka: Security Camera Installation - Lino Lakes MCF-Lino Lakes.

Becker: MN/DOT Headquarters Mechanical Remodeling-Detroit Lakes.

Clay: MN/DOT Truck Station Mechanical Remodeling-Dilworth.

Dakota: Minnesota Veterans Home Fire Sprinkler Systems Bldg. 20 & 24-Hastings; Swimming Pool Addition to Farmington Middle School-Farmington.

Hennepin: Econolot Expansion Bus Shelters & Lavatory Bldg-St. Paul; 1996 Reroofing Normandale Community College Fine Arts Building-Bloomington.

Itasca: Fueling System Upgrade-Grand Rapids; Portage Park Athletic Fields-Cohasset; Southern Itasca Community Resource Center-Grand Rapids.

Olmsted: Graham Arena North-Rochester.

Ramsey: MN/DOT Metro Division Headquarters Reroof-Roseville; MN/DOT Watersedge Metro Division Headquarters HVAC-Roseville; MN/DOT Metro East Headquarters Reroof-Oakdale; MN/DOT Maryland Avenue Cold Storage Pole Building-St. Paul;

UPS System Installation Centennial Office Bldg.-St. Paul; MN/DOT Bridge Crew Truck Station Modifications-Maplewood; Monroe Elementary School Stairwell Railing Improvement-St. Paul.

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

Gary W. Bastian, Commissioner

Department of Natural Resources

Division of Fish and Wildlife

Request for Comments on Planned Rule and Rule Amendments Governing Fish and Game

Minnesota Rules, Chapters 6230, 6232, 6234, 6240, 6244, 6254, 6256, 6258, 6260, 6262, 6264, 6266, 6284, and new rules for aquatic management areas.

Subject of Rule. The Minnesota Department of Natural Resources requests comments on its planned rule and rule amendments governing various fish and game matters.

The department is considering a rule and rule amendments that:

- (1) repeal certain gear restrictions for minnow harvest,
- (2) clarify language regarding possession limits of fish on boundary waters,
- (3) reduce the possession limit for salmon on Lake Superior and its tributaries below the posted boundaries,
- (4) prohibit harvest of wild (unclipped) steelhead on Lake Superior and its tributaries below the posted boundaries,
- (5) restrict the harvest of brook trout on Lake Superior and its tributaries below the posted boundaries,
- (6) clarify requirements for marking uncovered holes in the ice by commercial fishing operators,
- (7) specify allowed and prohibited activities for aquatic management areas,
- (8) modify bass seasons,
- (9) modify mussel harvest regulations,
- (10) modify turtle harvest regulations,
- (11) seasonally close portions of Minnesota-South Dakota boundary waters to fishing,
- (12) modify minnow trap specifications,
- (13) make a technical correction in language describing how to measure length of fish,
- (14) modify special provisions for some wildlife management areas and state game refuges,
- (15) clarify species and time restrictions for hunting in waterfowl Controlled Hunt Zones,
- (16) make the time for retrieving deer with ATV's in northwest Minnesota wildlife management areas consistent with statutory change in shooting hours,
- (17) modify deer registration provisions to conform with the statutory change authorizing quartering of deer before registration,
- (18) modify procedures for bear possession tags,
- (19) modify bear quota areas,
- (20) modify provisions for big game license and permit application and issuance,
- (21) modify deer registration block boundaries in the Twin Cities metro area,
- (22) combine cottontail rabbit, jackrabbit, and snowshoe hare limits,
- (23) modify red fox and raccoon seasons,
- (24) modify trapping regulations,
- (25) modify the process for obtaining fisher, marten and otter possession tags,
- (26) modify early goose season dates, zones, bag limits, and open areas to expand taking of resident giant Canada geese,
- (27) include black bear as a species that can be possessed by permitted wildlife rehabilitators,
- (28) open wildlife management areas to wild rice harvest, and
- (29) modify provisions for deer management permits.

Official Notices

Persons Affected. The rules may affect anglers and businesses related to angling such as resorts, bait shops, guides, motels, etc. The rules may also affect commercial fishing operators, commercial turtle harvesters, commercial mussel harvesters, and commercial bait harvesters. People who own or recreate on lakeshore may be affected by rules governing aquatic management areas.

The rules may affect hunters and trappers in some wildlife refuges, wildlife management areas, and controlled hunt zones; deer, bear, and moose hunters; landowners in the northwest elk range; rabbit and hare hunters; raccoon and fox hunters; trappers; goose hunters; wildlife rehabilitators; and persons who harvest wild rice on wildlife management areas.

Businesses that provide goods and services to hunters and trappers may also be affected by the expanded opportunities, particularly for goose hunting.

Advisory Committee. The department does not contemplate appointing an advisory committee to comment on the planned rule. Direct communication with interested and affected parties and public news releases will provide adequate input for the proposed rule.

Statutory Authority. The adoption of the fisheries related rules is authorized by *Minnesota Statutes*: 97A.045, subs. 2 and 4; 97C.005, subd. 3; 97C.345, subd. 5; 97C.401, subd. 1; 97C.415, subd. 2; 97C.505, subd. 1; 97C.605, subd. 3; 97C.701, subd. 1; and 97C.811, subd. 3.

The adoption of the wildlife related rules is authorized by *Minnesota Statutes*, sections 84.152; 84.924, 86A.06; 97A.083; 97A.091, subd. 2; 97A.092; 97A.137; 97A.401; 97A.418; 97A.431, subd. 4b; 97A.433, subd. 4b; 97A.535; 97B.311; 97B.405; 97B.411; 97B.605; 97B.615; 97B.621; 97B.631; 97B.803; 97B.901; 97B.911; 97B.915; and 97B.925.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing or orally until 4:30 p.m. on October 7, 1996. The department has not yet prepared a draft of the planned rule. Written or oral comments, questions, requests to receive a draft of the rule when it has been prepared, and requests for more information on this planned rule should be addressed to:

Dick Hassinger
Department of Natural Resources
500 Lafayette Road, Box 20
St. Paul, Minnesota 55155-4020
Telephone: (612) 297-1464

Comments submitted in response to this notice will be considered in drafting rules, but comments submitted in response to this notice will not be included in the formal rulemaking record when a proceeding to adopt a rule is started.

Dated: 29 July 1996

Rodney W. Sando, Commissioner
Department of Natural Resources

By Gail Lewellan, Assistant Commissioner of
Human Resources and Legal Affairs

Minnesota Racing Commission

Notice of Membership of Public Advisory Committee to Assist the Minnesota Racing Commission in the Promulgation of Pari-mutuel Racing Rules

NOTICE IS HEREBY GIVEN that the Minnesota Racing Commission has formed a Public Advisory Committee (PAC) to offer assistance to the Commission in drafting various rules and amendments relating to pari-mutuel horse racing. This PAC consists of Dana Doherty, Clyde Fuehrer, Greg Jensen, Troy Mertens, and James Olson. Also participating in the PAC are Racing Commission Rules Committee Chair, James Filkins, Ph.D; Racing Commission Executive Director, Richard Krueger; Assistant Attorney General E. Joseph Newton; and Gambling Enforcement Division Special Agents, Patrick Shannon and Thomas Carroll.

Written or oral comments regarding the membership of the PAC may be directed to:

Richard Krueger, Executive Director
Minnesota Racing Commission
P.O. Box 630
Shakopee, MN 55379
Telephone: 612-496-7950

Office of the Secretary of State

Notice of Vacancies in Multi-Member Agencies

NOTICE IS HEREBY GIVEN to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, 100 Constitution Ave., St. Paul, MN 55155-1299; (612)297-5845, or in person at Room 174 of the State Office Building. In accordance with the Minnesota Open Appointments Law, the Secretary of state acts as an administrator in publishing vacancies, receiving applications, and recording appointments.

Applications will be reviewed and appointments made by the Appointing Authorities for these various agencies. Completed applications are to be submitted to the Secretary of State by **August 27, 1996**. Appointing Authorities for these agencies may also choose to review applications received by the Secretary of State after that date. Applications are kept on file for a one year period.

The 1995 Annual Report and Registration is now available from the Minnesota Bookstore. This publication includes a complete listing of state boards and councils that follow the Open Appointments process, descriptions of these agencies and their memberships, and statistical information about appointments and vacancies made during the 1995 fiscal year.

To order copies of the 1995 Annual Report please call the Minnesota Bookstore at (612)297-3000 or 1-800-657-3757.

ALCOHOL & DRUG COUNSELOR LICENSING ADVISORY COUNCIL Minnesota Department of Health, 717 Delaware St. SE, Mpls., MN 55440-9441 (612) 282-5619 *Minnesota Statutes* 148C.02, *Laws Of 1995*

APPOINTING AUTHORITY: Commissioner of Health

COMPENSATION: \$55 Per diem plus expenses

ONE VACANCY: Consumer member position.

The council advises the Commissioner in development of rules for licensure of chemical dependency counselors and in administering or contracting for the competency testing, licensing, and ethical review of chemical dependency counselors. There are 13 members including: seven licensed chemical dependency counselors (except for initial appointees); three public members; one director or coordinator of an accredited chemical dependency training program; and one member who is a former consumer of chemical dependency counseling service who received the service more than three years before their appointment. The American Indian Advisory Committee on Chemical Dependency shall appoint the remaining member. Meetings occur approximately once a month, for 3 hours at MN Department of Health.

BOARD OF PEACE OFFICER STANDARDS AND TRAINING #200, 1600 University Ave., St. Paul, MN 55104-3060 (612) 643-3060 *Minnesota Statutes* 626.841.

APPOINTING AUTHORITY: Governor

COMPENSATION: \$55 Per diem.

ONE VACANCY: Representative of elected officials for a four year term expiring in January, 1997.

The board licenses peace officers and part-time peace officers, establishes minimum qualifications and standards of conduct, and regulates professional peace officer education and continuing education for peace officers. There are 15 members including: two sheriffs, four municipal police officers (at least two chiefs of police); two peace officers, one who is a member of the Minnesota Trooper's Assn., the superintendent of the Bureau of Criminal Apprehension is an ex-officio member, two members from peace officers or former peace officers currently employed in a professional peace officer education program, one member from among administrators of Minnesota colleges or universities that offer professional peace officer education, one member from among elected city officials from cities of under 5,000, and two members from among the general public. Members are required to file with the Ethical Practices Board. Monthly meetings. Agency does not expire.

BOARD OF TEACHING 608 Capitol Square Bldg., 550 Cedar St., St. Paul, MN 55101 (612) 296-2415 *Minnesota Statutes* 125.183.

APPOINTING AUTHORITY: Governor

COMPENSATION: \$55 Per diem plus expenses.

ONE VACANCY: Classroom teacher.

The board establishes rules governing the education, licensing and relicensing of teachers. There are 11 members including: six classroom teachers and one school administrator who must be fully licensed for the position he or she holds and have at least five years teaching experience in Minnesota; one higher education representative who must be a faculty member preparing teachers; and three members of the public, two of whom must be present or former members of school boards. No member may be reappointed for more than one additional term. Members must file with the Ethical Practices Board. Monthly meetings for 8 hours at Capitol Square Bldg. in St. Paul. The board does not expire.

Official Notices

BUILDERS STATE ADVISORY COUNCIL 133 E. 7th St., St. Paul, MN 55101 *Minnesota Statutes* 326.85.

APPOINTING AUTHORITY: Commissioner of Commerce

COMPENSATION: \$55 Per diem plus expenses.

ONE VACANCY: Local building official.

The council advises the Commissioner of Commerce on matters relating to licensing of building contractors. There are 7 members including at least three members residing in greater Minnesota; one member of the council must be a residential building contractor; one member a remodeler; one member a specialty contractor; one representative of the commissioner; one member a local building official; and one public member. The meeting place is at the Department of Commerce. The expiration date of the council is June 30, 1997.

GENERAL CRIME ADVISORY COUNCIL Minnesota Department of Corrections, 300 Bigelow Building, 450 North Syndicate, St. Paul, MN 55104 (612) 642-0200 Statute Citation Sec. 16 [611.A361].

APPOINTING AUTHORITY: Commissioner of Corrections

COMPENSATION: None.

THREE VACANCIES: One public member and one service provider from greater Minnesota.

Advise the Commissioner of Corrections on all planning, development, data collections, rulemaking, funding and evaluation of programs and services to victims of general crime other than sexual assault and domestic abuse other than matters of a purely administrative nature. There are 12 members, no more than 6 of the members of the council shall be representatives of community of governmental organizations that provide services to victims of crime other than sexual assault and domestic abuse. One-half of members shall be from the Metro area and one-half of members from non-metro, including all non-metro regions of the State. Special consideration to comprising council of diverse populations. Meetings are scheduled monthly for 5 hours at the Department of Corrections Central Office. This council does not expire.

INTERGOVERNMENTAL INFORMATION SYSTEMS ADVISORY COUNCIL (IISAC) Room 320, Centennial Office Bldg., 658 Cedar St., St. Paul, MN 55155. 612-297-5530. *Minnesota Statutes* 16B.42, as amended by *Laws of 1994*.

APPOINTING AUTHORITY: Commissioner of Administration (02).

COMPENSATION: \$55. per diem plus expenses for public members.

VACANCY: One vacancy: Representative of a metropolitan area 2nd or 3rd class city.

The council promotes the use and exchange of government information. It also acts as a liaison in the area of information systems. Grant funds are available for innovative ideas in the area of information systems. The council consists of twenty-nine members including: two members from each of the following groups: counties outside of the seven county metro area, cities of 2nd and 3rd class within the metro area, cities of 2nd and 3rd class outside the metro area, and cities of the 4th class; one member from each of the following groups: the Metropolitan Council, an outstate regional body, counties within the metro area, cities of the first class, school districts within the metro area, school districts outside the metro area, and public libraries; seven state department officials; the assistant commissioner of administration for the Information Policy Office, four representatives of various local government associations; and one member of the House of Representatives and one member of the Minnesota Senate. The legislative members are non-voting members. Members are appointed for four year terms. The full council meets the third Wednesday of every other month. Members are required to serve on a working committee which generally meets monthly. The council expires June 30, 1997 per *Laws of 1994*, Chapter 634.

MARKET ASSISTANCE PROGRAM COMMITTEE 133 E. 7th St., St. Paul, MN 55101 (612) 297-7033 *Minnesota Statutes* 62I.09.

APPOINTING AUTHORITY: Commissioner of Commerce

COMPENSATION: None.

TWO VACANCIES: One insurance industry member and one MJUA eligible member.

The committee reviews applicants of the Minnesota Joint Underwriting Association to ascertain if coverage is available in private insurance. There are 12 members including six representatives of insurers, two insurance agents, two public members, and two representatives of groups insured by the Minnesota Joint Underwriting Association. Meetings schedule varies, but it is usually monthly or bimonthly. The program expires June 30, 1997.

MINNESOTA ROUND TABLE ON SUSTAINABLE DEVELOPMENT 658 Cedar St., St. Paul, MN 55155 (612) 297-2377 *Minnesota Statutes* 116C.04 & 15.0593.

APPOINTING AUTHORITY: Governor & Environmental Quality Board

COMPENSATION: Expenses.

ONE VACANCY: Applicants should have an interest in and understanding of the issues involved in sustainable development. All day meetings will be held monthly in St. Paul and throughout the state.

The round table advises the Environmental Quality Board, Governor and the Legislature on policies, programs & institutional reforms that will facilitate economically efficient, socially beneficial & environmentally sustainable development. It may create its own working groups. The round table consists of 30 members: There are no restrictions round table membership, however the appointing authorities will seek representation from the diverse range of interests such as; agriculture, energy, forestry, education, manufacturing, minerals, recreation and land use. Meetings will be held quarterly for 5-8 hours in St. Paul. The round table has an indefinite duration.

MINNESOTA BOARD OF CHIROPRACTIC EXAMINERS PEER REVIEW COMMITTEE 2700 University Ave. W., Suite 20, St. Paul, MN 55114-1089 (612) 642-0591 *Minnesota Statutes* 148.106.

APPOINTING AUTHORITY: State Board of Chiropractic Examiners

COMPENSATION: \$55 per diem.

ONE VACANCY: Professional member; must be available to attend first meeting on Tuesday, October 1, 1996 at 12:30p.m.

The committee makes determinations of whether or not certain chiropractors properly utilized services rendered or ordered appropriate treatment or service, and if the cost of treatment was unconscionable. There are 7 members including five chiropractors and two consumer members. Terms are one year in length. Members may serve two full terms. Applications may be submitted at any time and are retained and considered for two years. The committee meets on the second Tuesday of every month. The meetings are held at the MN Board of Chiropractic Examiner's Office. The committee does not expire.

PUBLIC UTILITIES COMMISSION 121 7th Place E., Suite 350, St. Paul, MN 55101 (612) 296-7124 *Minnesota Statutes* 216, 216a, 216b, 237.

APPOINTING AUTHORITY: Governor

COMPENSATION: \$54,500 per year.

ONE VACANCY: A non-Republican who is not in the employ of or holding any official relationship to or pecuniarily interested in any individual proprietorship, firm, copartnership, corporation or association, the activities of which are wholly or partially subject to regulation by the PUC, nor serve on or under any committee of any political party. Members may not receive any income directly or indirectly from any public utility or other organization subject to regulation by the commission.

The commission regulates the rates and services of electric, natural gas, and telephone companies. It acts through public hearings, contested case hearings, rulemaking hearings as well as informal complaint. There are 5 members, no more than three members may be from the same political party. At least one member must have been domiciled at the time of appointment outside the seven county metropolitan area. Consideration is given to persons learned in the law or persons who have engaged in engineering, public accounting, or property and utility evaluation, finance, physical or natural sciences, production agriculture, or natural resources, as well as being representative of the general public. Members may not be in the employ of or holding any official relation to or pecuniarily interested in any individual proprietorship, firm, copartnership, corporation or association, the activities of which are wholly or partially subject to regulation by the Public Utilities Commission, nor serve on or under any committee of any political party. Members may not receive any income, other than dividends or other earnings from a mutual fund or trust if these earnings do not constitute a significant portion of the person's income, directly or indirectly from any public utility or other organization subject to regulation by the commission. No person is eligible to be appointed as a member if the person has been employed with an entity, or an affiliated company of an entity, that is subject to rate regulation by the commission within one year from the date when the person's term on the commission will begin. Members must file with the Ethical Practices Board. The commission has regular agenda meetings twice weekly. For certain proceedings the commission will hold a special meeting lasting 2 hours at the Commission's downtown St. Paul office. The board does not expire.

REHABILITATION REVIEW PANEL Department of Labor and Industry, Special Comp. Fund, 443 Lafayette Rd., St. Paul, MN 55101 (612) 297-4404 *Minnesota Statutes* 176.102, Subd. 3.

APPOINTING AUTHORITY: Commissioner of Labor and Industry

COMPENSATION: \$55 Per diem, reimbursed for expenses.

ONE VACANCY: Rehabilitation provider.

The panel advises the Department of Labor & Industry on rehabilitation matters relating to workers' compensation and may issue penalties for violation of rules following a contested case hearing under Chapter 14 under *Minnesota Statutes* 176.103, subd. 3. There are 14 members including two members each from employers, insurers, rehabilitation and medicine, one representative of chiropractors, four representing labor plus three alternates. The Commissioner of Labor and Industry, or designee, is an ex-officio member. Members must file with the Ethical Practices Board. The panel does not expire.

State Grants

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

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

Department of Children, Families and Learning

Notice of Grant Opportunity for Regional Technology Improvement Clearinghouses

The Minnesota Department of Children, Families and Learning announces the availability of grants to establish education technology improvement clearinghouses as described in *Laws for Minnesota* 1996, Chapter 412, Article 12, Sections 1 and 15. Two grants of \$125,000 each will be awarded. The clearinghouses will upgrade and refurbish computers that are donated to schools and provide opportunities for student involvement. The purposes of the enterprises are to:

1. Serve as centers where business or others may donate new or used computers and other technology for use by Minnesota schools;
2. Provide an opportunity for students to upgrade donated and existing school-owned computers so that they are capable of being connected to the Internet and local networks; and
3. Provide a means of informing schools of available technology and distributing donated and upgraded computers to schools for technology improvements in support of learning.

Eligible organizations include school districts, education districts, education cooperatives, regional management information centers, vocational-technical colleges, and collaborations which include the above organizations.

The Request for Proposal and application information will be available on August 5, 1996. This information can be downloaded from the Department's home page on the World Wide Web at <http://www.educ.state.mn.us/> or requested from Lorraine Swenson at (612) 296-2752. Applications are due on September 20, 1996 by 4:00 p.m. Questions concerning this program should be directed to Theresa Mish at (612) 296-6312 or JulAnn Meech at (612) 215-0603.

Department of Human Services

Mental Health Division

Notice of Availability of Funds for Culturally Specific Parent Self-help Groups and Educational Support Models

The Department of Human Services (DHS), Mental Health Division, announces the availability of funding for the development and delivery of culturally specific parent self-help groups and peer educational support models designed to assist parents of children with serious emotional/behavioral disorders. "Culturally specific parent self-help network" refers to the development of support groups that focus primarily on parents within the communities of color and adopt cultural competency approaches to the development of such groups. We expect that these networks will work collaboratively with statewide parent self help organizations.

Up to \$140,000 will be made available from federal Community Mental Health Services Block Grant funds to a minimum of four (4) qualified agencies that demonstrate the ability to help with the implementation of self help/peer education support groups for parents of children with emotional/behavioral disorders within the minority populations. Funding is available from November 1, 1996 to December 30, 1997.

Applications are due by 4:30 p.m. on September 9, 1996. Notification of approved proposals will be completed by October 5, 1996. All applicants will be notified of the final funding decisions by November 30, 1996. Interested parties should contact Sunday Olayinka (612/296-7905) at DHS for application instructions.

Professional, Technical & Consulting Contracts

Department of Veterans Affairs

Notice of Grant Funds Available and Application Requests Accepted for Placement on the Funding List for the Minnesota County Veterans Service Officer Operational Improvement Grant Program

NOTICE IS HEREBY GIVEN that the Minnesota Department of Veterans Affairs is accepting application requests for placement on the funding list for the Minnesota County Veterans Service Officer Operational Improvement Grant Program. This program was created to improve the efficiency of the County Veterans Service Officer system.

Applications will be reviewed and processed and grants will be awarded as required in *Minnesota Statutes* 197.608 and *Minnesota Rules*, parts 9055.0500 to 9055.0610.

Applications will be accepted at the address noted below until 4:30 p.m., September 6, 1996.

Only original applications, as provided to the applicants by the Minnesota Department of Veterans Affairs, will be accepted. Applications received on alternative formats will not be accepted.

Applications will be accepted only by Certified United States Mail, at the address noted below.

To request an application or further information, contact:

Terrence A. Logan or Dennis Forsberg at:

Minnesota Department of Veterans Affairs
20 West 12th Street
St. Paul, Minnesota 55155-2079

Applications must be submitted by certified United States Mail to:

County Veterans Service Officer Operational Improvement Grant Program
Minnesota Department of Veterans Affairs
20 West 12th Street
St. Paul, Minnesota 55155-2079

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 Children, Families and Learning

Request for Proposals for Collection, Analysis, Interpretation and Reporting on School Health

A. Scope of the Project

The Minnesota Department of Children, Families and Learning and the Minnesota Department of Health are requesting proposals to develop information and data relative to the current state of school health and the projected needs for the next five years. This needs assessment is part of the Comprehensive School Health Infrastructure initiative funded through a cooperative agreement with the Centers for Disease Control and Prevention, Division of Adolescent School Health. Comprehensive School Health Infrastructure is defined as a state level multifaceted and collaborative process that facilitates the delivery of a comprehensive, coordinated local school health program. The eight components of a comprehensive school health program are: 1) school health education, 2) school physical education, 3) school health services, 4) school nutrition services, 5) school counseling - psychological and social services, 6) school health environment - facility and personal, 7) health promotion for faculty and staff and 8) parent/community involvement.

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

Professional, Technical & Consulting Contracts

B. Goals and Objectives

This project is intended to give basic summary and needs assessment information to policy makers and to the Centers for Disease Control regarding current status and needs for state level comprehensive school health infrastructure and comprehensive school health programs in Minnesota public schools.

The project requires the collection, analysis and reporting of data relative to current laws and regulations, programs, resources and stakeholders currently in place from the state, local and private sectors. The contractor will work with the Minnesota Department of Children, Families and Learning and the Minnesota Department of Health to develop a thorough understanding and reporting of needs, infrastructure and outcomes for comprehensive school health in the state. This project will work closely with the staff of both departments to determine what essential information is available, needs to be generated and is to be included. The successful contractor must identify and describe appropriate and detailed methodology for gathering and reporting all relevant information.

C. Project Tasks:

In order to complete this project the contractor must:

1. Identify all state laws and regulations that apply to all aspects of school health and the agency assigned responsibility.
2. Identify all relevant data that documents health of school age children at the state level.
3. Identify and describe existing cross agency collaborative activities related to the health of school age children.
4. Inventory and describe the current systems of school health at the state and local level, including all relevant stakeholders.
5. Describe state trends and national models of comprehensive school health.
6. Create an inventory of all programs that interact with school health and school health education.
7. Identify and describe current financing mechanisms for state and local school health programs and compare with other states.
8. Pull together all relevant data and information regarding school health programs and present a summary written report suitable for policy makers. (A draft will be due 30 days before the end of the contract.) Provide 2-3 briefing sessions for department staff and others on the findings of the needs assessment.

Responders may propose additional tasks or activities if they will substantially improve the results of the project; however, these tasks and activities must be submitted as a "proposal addendum". Any additional cost must also be specified in the addendum.

D. Department Contact:

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

Marykay Haas, Supervisor
Comprehensive School Health
Capitol Square Building, Room 988
550 Cedar Street
St. Paul, MN 55101
Telephone: (612) 296-5086

Please note that other department personnel are not allowed to discuss the project with responders before the proposed deadline.

E. Submission of Proposals:

All proposals must be sent to and received by:

Marykay Haas, Supervisor
Comprehensive School Health
Capitol Square Building, Room 988
550 Cedar Street
St. Paul, MN 55101
Telephone: (612) 296-5086

All proposals must be received by 4:00 p.m., August 30, 1996. No faxes or e-mails will be accepted. Late proposals will not be considered.

Submit four (4) copies of the proposal in sealed envelopes with the name and address of the individual/firm submitting the proposal clearly written on the outside. Each copy of the proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of the project.

F. Project Costs:

The department has estimated that the cost of this project should not exceed \$25,000.

G. Project Timelines:

It is anticipated the study will begin approximately October 1, 1996 and be completed by January 31, 1997.

H. Proposal Contents:

The proposal must, at a minimum, contain the following information in the following order:

1. Statements of goals, objectives, methods and work plan with time line for obtaining 1 through 8 listed above.
2. Identify and describe all deliverables.
3. A detailed budget with justification for all work to be done for the project.
4. A summary of the responder's qualifications and experience with similar work including state, local and/or federal needs assessment on policy related topics. Clear identification and credentials for all personnel who will conduct the project.
5. Identification of any areas where Department participation/support will be requested or required.
6. Please provide two (2) references for similar work.

I. Evaluation Criteria:

All proposals received by the deadline will be evaluated by representatives of the Department of Children, Families and Learning and Department of Health. In some instances, an interview may be part of the evaluation process. Factors upon which proposals will be judged, but are not limited to the following:

Primary Criteria:

Quality of detailed work plan, including completeness, organization and methodology
Staff qualifications

Secondary Criteria:

Expressed understanding of project objectives
Budget appropriateness

The criteria and evaluation grid is in place and has been approved by the Department of Administration.

J. Workers' Compensation:

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

K. Targeted Group Businesses and Individuals:

In accordance with *Minnesota Rules* 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal, and certified Economically Disadvantaged Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of 4% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Help line - (612) 296-2600, TTY/TTD - (612) 282-5799.

L. Other Terms and Conditions

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 scheduled is mutually agreed upon. The 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, and 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 the performance of a contract is limited to the current "Commissioner's Plan" promulgated by the commissioner of Employee Relations. Travel outside Minnesota must have received PRIOR written approval of the agency contact BEFORE it takes place. You can contact the commissioner of Employee Relations to get a copy of this plan.
4. No more than 90% 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.

Professional, Technical & Consulting Contracts

Department of Children, Families and Learning

Office of Community Services

Request for Proposals to Develop and Provide at Least Six Regional Trainings for Local Community-Based, Prevention Staff and Volunteers

The Department of Children, Families and Learning requests proposals to develop and provide at least six regional trainings to assist local community-based, prevention staff and volunteers to: 1) Clarify their definition of 'healthy community;' 2) Implement local/community driven evaluation; and, 3) Form and sustain inclusive, community collaborations. It is expected that a single training will be designed, integrating the three topic areas. Respondents to the RFP will be asked to design and implement the regional trainings; develop appropriate written training materials, assume responsibility for all logistical arrangements related to the trainings and provide a summary report on impact with follow up recommendations.

Budget: The department has estimated that the cost of this project should not exceed \$50,000.

Proposals Due By: September 6, 1996

Project Period: October 15, 1996 through December 31, 1997

To request a copy of the full Request for Proposal contact:

Carol Thomas
Office of Community Services, #976
Department of Children, Families and Learning
550 Cedar Street
St. Paul, MN 55101
612/296-8023

This request for proposal 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.

Department of Human Services

Notice of Request for Proposals for Alternative Payment for Nursing Facility Services

1995 Laws of Minnesota, Chapter 207, Article 7, Section 32 (hereinafter *Minnesota Statutes* Section 256B.434) authorizes the Commissioner of the Department of Human Services to establish a contractual alternative payment system as an alternative way to pay for nursing facility services under the Medical Assistance (MA) program. In order to implement this legislation, the Department established the "Nursing Home Contract Project." The purpose of the Project is to explore a contract-based reimbursement system as an alternative to the current cost-based system for reimbursement of nursing facility services under *Minnesota Statutes*, Section 256B.431.

As part of the legislation, the Commissioner is authorized to issue three request for proposals (RFPs) prior to July 1, 1997. This is the third of three RFPs. The Commissioner may select the number of proposals that can be adequately supported with state resources except that the Commissioner may not contract with more than 40 nursing facilities as part of any RFP.

The purpose of this RFP is to solicit proposals from eligible nursing facilities to enter into contracts with the Department to provide nursing facility services to MA recipients. Facilities selected to participate in this project will be eligible to contract with the Department for up to four years.

Requests for copies of the complete RFP, "Alternative Payment for Nursing Facility Services," should be directed to Maren Valley at 612/296-2666. The original and seven (7) copies of the proposal in response to the RFP must be submitted to the Nursing Home Contract Project, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3836, no later than 4:00 p.m. on Friday, September 20, 1996.

The State of Minnesota reserves the right to reject any and all proposals submitted.

Iron Range Resources and Rehabilitation Board**Notice of Request for Proposals for Business Recruitment Program**

The Iron Range Resources and Rehabilitation Board (IRRRB), a State agency responsible for diversifying the economy of Northeastern Minnesota, is seeking proposals from qualified consultants and companies to assist in the recruitment of businesses or industries that may be interested in moving or expanding to the Taconite Tax Relief Area.

GOAL

It is the goal of this project to diversify the non-mining economy of the region with a particular emphasis on higher paid, technologically advanced occupations which will provide long term employment opportunities for the area.

PROJECT SCOPE AND WORK PROGRAM

The Taconite Tax Relief Area (TTRA) is parts of six northeastern counties of Minnesota which mainly depend on the mining industry for employment. The IRRRB expects to establish contracts with two or more individuals/firms for the recruitment of businesses or industries interested in locating in the TTRA. Respondents are requested to explain in detail their proposed plans to accomplish stated objectives. It is anticipated that these contracts will begin on approximately September 1, 1996 and remain in effect until June 31, 1997 with options to renew for four additional one year periods.

This request for proposal 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.

Prospective responders who have any questions or would like a request for proposal may call or write:

Shirley Robinson, Contract Coordinator
IRRRB
P.O. Box 441
Eveleth, MN 55734
(218) 749-7721

by August 13, 1996.

All proposals must be received not later than 3:30 P.M. August 22, 1996, as indicated by a notation made by the receptionist at the front desk of the IRRRB administration building located on highway 53 South, Eveleth, MN.

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

Non-State Public Bids, Contracts & Grants

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

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

Forest Lake Watershed Management Organization**Request for Interest Proposals - Professional Services**

Pursuant to *Minnesota Statutes Annotated* 103B.227, Subd. 5, the Forest Lake Watershed Management Organization hereby solicits Letters of Interests for legal, engineering and technical consultant services for the fiscal years 1997 and 1998. The annual budget for all services for the organization for the year 1997 is \$65,000.

Letters should include a brief description of the company and the experience of the individual(s) proposing to perform services for the FLWMO. The FLWMO will review said letters and reserves to itself the right to take such action as it deems in its best interests. All Letters of Interest shall be submitted on or before September 1, 1996 to:

Curtis Sparks, Chairman
Forest Lake Watershed Management Organization
21350 Forest Boulevard North
Forest Lake, MN 55025
(NO CALLS)

Non-State Public Bids, Contracts & Grants

Minnesota Historical Society

Request for Bids for Personal Computer Training

The Minnesota Historical Society is seeking bids from qualified firms and individuals to provide personal computer training to its employees.

The work will generally consist of off-site training for the Minnesota Historical Society's approximately 300 employees on various combinations of the following software:

- Microsoft Windows '95
- Microsoft Schedule Plus (Version 7)
- Microsoft Exchange (Version 4)
- Microsoft Word - Introduction (Version 7)
- Microsoft Word - Intermediate (Version 7)
- Microsoft Excel - Introduction (Version 7)

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

Bids must be received not later than 2:00 p.m. Central Time on Friday, August 30, 1996.

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

Metropolitan Airports Commission

Public Notice for Qualifications Statements for Bond Counsel/Legal Services

The Metropolitan Airports Commission (MAC) is requesting qualifications statements from attorneys practicing law in the Twin Cities Metropolitan Area to represent MAC as Bond Counsel as set forth in the Request for Qualifications, which is available for review at the Commission offices. The attorney and/or law firm or firms selected by MAC to perform these legal services must have experience in Minnesota in representing a governmental agency as Bond Counsel.

To request a copy of the "Request for Qualifications for Legal Services" which outlines the selection process, contact the Legal Department of the MAC at 726-8197. The deadline for submission of qualifications statements is August 23, 1996.

Metropolitan Council

Notice of Public Hearing on the Metro Mobility Four-Day Reservation Demonstration Project

The Metropolitan Council will hold two public hearings to receive comments on the Metro Mobility four-day reservation demonstration project. The project began July 1, 1996, in an attempt to curb the rising number of trip denials and canceled trips that were adversely affecting the Metro Mobility program.

Public hearings are scheduled as follows:

- | | |
|-----------------------------------|--|
| Monday, September 9, 1996, 6 p.m. | Wednesday, September 11, 1996, 12 Noon |
| Metropolitan Council Chambers | Minneapolis Convention Center |
| Mears Park Centre | Room 102 |
| 230 East Fifth Street | 1301 Second Avenue South |
| St. Paul, MN | Minneapolis, MN |

All interested persons are encouraged to attend the hearings and offer comments. People may register in advance to speak by calling Dawn Hoffner, 221-1932 or 221-9886 (TTY). Upon request, the Council will provide reasonable accommodations to person with disabilities. Special accommodations should be requested by August 26, 1996.

Comments may also be submitted as follows:

- Send written comments to: Tom Vida, Metro Mobility Service Center, 245 East Sixth Street, Saint Paul, MN 55101.
- Fax comments to Mr. Vida at 221-9015.
- Record comments on the Council's Public Comment Line at 291-6536.
- TTY comments to Mr. Vida's attention at 221-9886.
- E-mail comments to: data.center@metc.state.mn.us

Comments must be received by Wednesday, September 25, 1996.

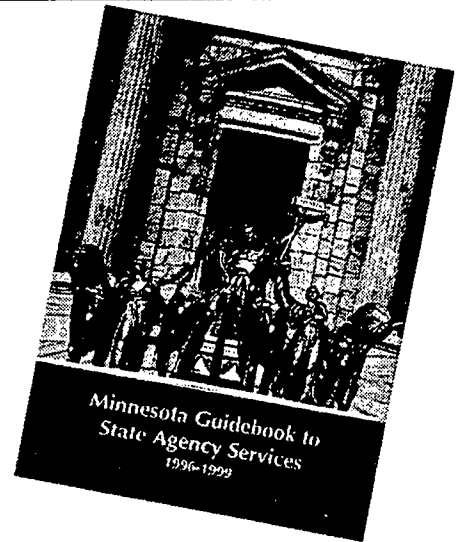
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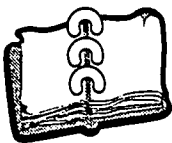
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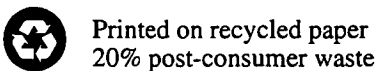


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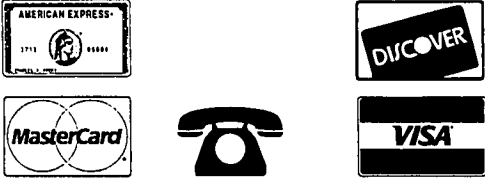
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