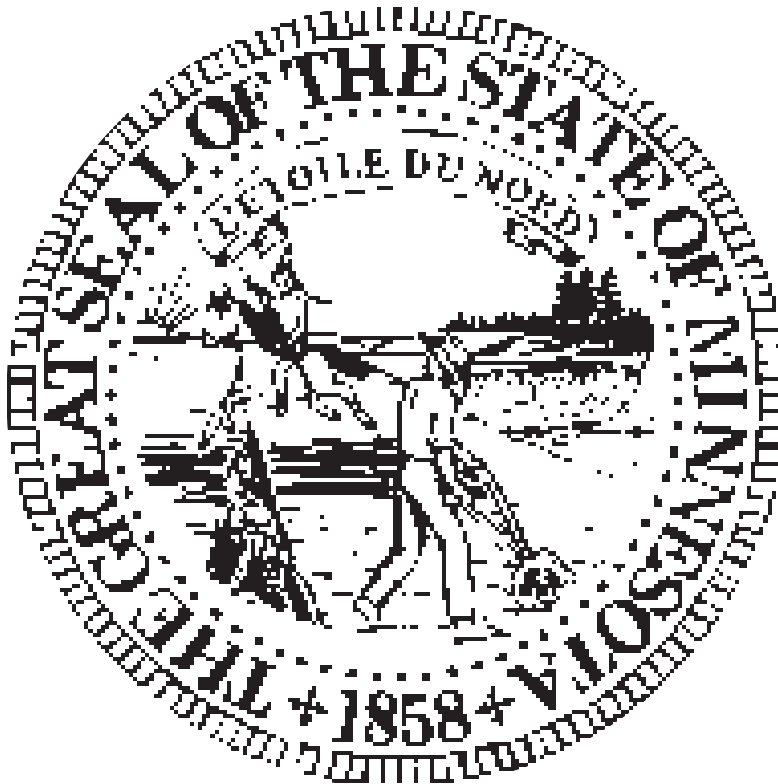


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Rules and Official Notices Edition



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

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Vol. 22 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
# 12	Monday 22 September	Monday 8 September	Monday 15 September
# 13	Monday 29 September	Monday 15 September	Monday 22 September
# 14	Monday 6 October	Monday 22 September	Monday 29 September
# 15	Monday 13 October	Monday 29 September	Monday 6 October
Arne H. Carlson, Governor 612/296-3391		Hubert H. Humphrey III, Attorney General 612/297-4272	Joan Anderson Grove, Secretary of State 612/296-2079
Joanne E. Benson, Lt. Governor 612/296-3391		Judi Dutcher, State Auditor 612/297-3670	Michael A. McGrath, State Treasurer 612/296-7091
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FOR LEGISLATIVE NEWS

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

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

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

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

Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1995 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the most current edition of the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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Proposed Rules

Comments on Planned Rules or Rule Amendments

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

Rules to be Adopted After a Hearing

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

Rules to be Adopted Without a Hearing

Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Department of Agriculture

Proposed Permanent Rules Governing Hybrid Seed Corn

Notice of Intent to Adopt a Rule Without a Public Hearing

Proposed Amendments to Rules Governing Hybrid Seed Corn, *Minnesota Rules* 1510.0111.

Introduction. The Minnesota Department of Agriculture intends to adopt amendments to rules without a public hearing following the procedures set forth in the Administrative Procedures Act, *Minnesota Statutes*, sections 14.22-14.28 and rules of the Office of Administrative Hearings parts 1400.2300-1400.2310. 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 amendments.

Agency Contact Person. Comments or questions on the amendments and written requests for a public hearing on the amendments must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107; Phone (612) 296-6906, Fax (612) 297-5522. TTY users may contact the Department of Agriculture through Minnesota Relay Service at 1-800/627-3529.

Subject of Rules and Statutory Authority. The proposed amendments are about maturity date labeling for seed corn. The statutory authority to adopt these amendments is *Minnesota Statutes*, section 21.85, subd. 11. 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. October 22, 1997, to submit written comment in support of or in opposition to the proposed amendments or any subpart of the amendments. Your comments must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed amendments addressed and the reason for the comment. You are encouraged to propose any change desired. Any comment you would like to make on the legality of the proposed rule must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the 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 October 22, 1997. 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 rule. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed 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 request 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 14.131-14.20.

Modifications. The proposed amendments may be modified as a result of public comment. The modifications must be supported

by the comments and information submitted to the agency, and the adopted rule may not be substantially different than the 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/rule and an estimate of the probable cost of the proposed amendments.

Adoption and Review of the Rules. If no hearing is required, the agency may adopt the amendments after the end of the comment period. The amended rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the amended rules are submitted to the office. 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: 5 September 1997

Sharon Clark, Deputy Commissioner
Department of Agriculture

1510.0111 INFORMATION REQUIRED ON HYBRID SEED CORN LABELS.

Seed labels for hybrid corn varieties or blends of varieties for either grain or forage purposes must include the day classification listed ~~in five-day increments~~ under the heading "~~Minnesota~~ Relative Maturity." The labeled day classification must be within three days of the actual maturity rating determined in comparative trials by the Minnesota agricultural experiment station. For hybrid seed corn blends, the relative maturity and the germination percentage must be derived by averaging the relative maturities and germination percentages according to the proportion of each component in the blend.

Department of Economic Security

Proposed Permanent Rules Relating to Reemployment Insurance Benefits and Procedures

Notice of Intent to Adopt a Rule Without a Public Hearing

In the Matter of the Proposed Adoption of Rules Relating to Reemployment Insurance Benefits and Procedures, Minnesota Rules 3305 and 3310.

The Department of Economic Security intends to adopt the above-entitled permanent rules without a public hearing following the procedures set forth in the Administrative Procedures Act, *Minnesota Statutes*, §§ 14.22 to 14.28. You have 30 days to submit written comments on the proposed rule and may also submit a written request that a hearing be held on the rule.

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

Mr. Lee Nelson
Appeals Office
Department of Economic Security
390 North Robert Street.
St. Paul, MN 55101
612/296-6110
Fax 612/299-2046

Subject and Statutory Authority. The proposed rules are revisions to and the repeal of rules relating to reemployment insurance benefits and appeals. These rules have been developed as authorized by *Minnesota Statutes*, §§ 268.021 and 268.0122, subdivision 5, which permit the Commissioner of the Department of Economic Security to adopt rules governing programs the Commissioner administers. A copy of the proposed amendments to and the citation of those rules to be repealed are published in the *State Register* and attached to this notice as mailed.

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

Proposed Rules

Comments. Persons interested in these rules have 30 days until 3:30 p.m., October 22, 1997 to submit written comments in support of or in opposition to the rules or any part or it. Your comments must be in writing and received by the agency contact person by the due date. Comments are encouraged. Your comments should identify the portion of the proposed rule addressed, any change proposed and the reason for the suggested change.

Request for a Hearing. In addition to submitting comments, you may also request a public hearing on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person, listed above, by 3:30 p.m. on October 22, 1997. You must include your name and address and identify the portion of the rule to which you object to or a statement that you object to the entire rule. Any request for a hearing that does not contain the above information is invalid and will not count when determining whether a public hearing must be held. You are also encouraged to propose changes to the proposed rules. If 25 or more persons submit a written request for a public hearing, a public hearing will be held unless a sufficient number withdraw their request in writing. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, §§ 14.131 to 14.20.

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by data and views submitted to the agency and may not result in a substantial change in the proposed rule as mailed and published in the *State Register*. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Agency Mailing List. Persons may request to be placed on the agency mail list for rulemaking in order to receive notice of future rulemaking. Requests to be added to the rulemaking mail list may be included with your comments on the proposed rules or request for a hearing to the agency contact person. You may also request to be placed on the agency mail list by providing your name and address to:

Michael Fratto
Rules Coordinator
Department of Economic Security
390 North Robert Street
St. Paul, MN 55101
Fax: 612/297-2381

Statement of Need and Reasonableness (SONAR). A SONAR is now available from the agency contact person identified above. This statement contains a summary of the justification for the proposed rule, including who will be affected by the proposed rule and an estimate of the probable cost of the proposed rules.

Adoption and Review of Rule. If no hearing is required, after the end of the comment period the agency may adopt the rule. After adopting the rule, the agency will submit the rule and supporting documents to the Office of Administrative Hearings for review as to legality. You may request to be notified of the date the rule is submitted to the Office of Administrative Hearings by submitting your request to the agency contact person listed above. If you wish to comment on the legality of the proposed rules you must submit the comments in writing to the agency contact person identified above within the 30 day comment period ending on October 22, 1997.

R. Jane Brown
Commissioner

3310.2901 SCOPE AND PURPOSE.

Parts 3310.2901 to ~~3310.2928~~ 3310.2926 establish procedures for hearings conducted by department referees reemployment insurance judges on the appeal of department ~~determinations about the validity of claims for unemployment benefits referred to in part 3310.2700, subpart 5,~~ determinations pertaining to eligibility or disqualification from ~~unemployment~~ reemployment insurance benefits referred to in part 3310.2800, charges to employers' accounts and contribution rate assignments under *Minnesota Statutes*, section 268.06, subdivision 20, determinations on an ~~employing unit's~~ employer's liability to pay ~~unemployment~~ reemployment insurance contributions under *Minnesota Statutes*, section 268.12, subdivision 13, determinations on the erroneous or fraudulent payment of ~~unemployment~~ reemployment insurance benefits under *Minnesota Statutes*, section 268.18, and all other appeals which are decided by referees reemployment insurance judges of the ~~appellate appeals~~ office either by law or rule.

3310.2902 DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 3310.2901 to ~~3310.2928~~ 3310.2926, the terms defined in this part have the meanings given them.

Subp. 2. **Appellate Appeals office.** "Appellate Appeals office" means the ~~appellate appeals~~ office of the Department of Economic Security.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of the Department of Economic Security or a ~~designee~~ duly authorized representative.

Subp. 4. **Department.** "Department" means the Department of Economic Security.

Subp. 5. **Party.** "Party" means any ~~unemployment~~ reemployment insurance claimant or employer whose legal rights, duties, or privileges will be directly determined in a hearing ~~and any authorized representative of the claimant or employer.~~

3310.2913 ACCESS TO DATA.

The parties to a hearing shall be allowed reasonable access to department data necessary to represent themselves properly in proceedings under parts 3310.2901 to ~~3310.2928~~ 3310.2926. Access to data under parts 3310.2901 to ~~3310.2928~~ 3310.2926 shall be consistent with *Minnesota Statutes*, section ~~268.12~~ 268.19, ~~subdivision 12~~, *Minnesota Statutes*, chapter 13, and other laws relating to data practices. Upon oral or written request by a party or the party's ~~authorized~~ representative, the ~~appellate appeals~~ office shall provide copies of documents that are to be introduced as department exhibits. The copies shall be provided at no cost and, upon request, shall be mailed to the party or the party's ~~authorized~~ representative.

REPEALER. *Minnesota Rules*, parts 3305.0300, subpart 2; 3305.0600, subpart 7; 3305.0700, subpart 4; 3305.1000; 3305.1100, subparts 4, 5, and 6; 3305.1200; 3310.0200; 3310.0300; 3310.0600; 3310.0700; 3310.0800; 3310.0900; 3310.1000; 3310.1100; 3310.1200; 3310.1300; 3310.1400; 3310.2300; 3310.2400; 3310.2500; 3310.2600; 3310.2700; 3310.2800; 3310.2927; 3310.2928; 3310.3000; 3310.3100; 3310.3200; 3310.3300; 3310.3400; 3310.3700; 3310.3800; 3310.3900; 3310.4000; 3310.4500; 3310.4600; 3310.4700; 3310.4800; 3310.5200; 3310.5400; 3310.5500; 3310.5600; and 3310.5700, are repealed.

Department of Public Safety

Proposed Permanent Rules Relating to School Bus Endorsements for Drivers' Licenses

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing and Notice of Intent to Adopt Rules With A Public Hearing

Proposed Amendments to Existing Rules Governing Qualifications for School Bus Drivers, *Minnesota Rules*, Chapter 7414.

Introduction. The Department of Public Safety, Driver and Vehicle Services Division, intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28 and the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on October 22, 1997, and a sufficient number are not subsequently withdrawn, a public hearing will be held in Room 500 South, State Office Building, 100 Constitution Avenue, St. Paul, Minnesota, starting at 9 a.m. on November 5, 1997 and continuing until the hearing is completed. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after October 22 and before November 5.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to: Jane A. Nelson, Driver and Vehicle Services Division, Department of Public Safety, 445 Minnesota Street, Suite 196, St. Paul, Minnesota 55101-5196. Telephone: (612) 296-2608. FAX: (612) 296-3141.

Subject of Rule and Statutory Authority. The proposed rules amend existing standards in *Minnesota Rules* Chapter 7414 relating to the qualifications for school bus drivers. The amendments incorporate the federal motor carrier physical qualification standards by reference and provide a waiver process and criteria. A set of common definitions are proposed, the number of endorsement categories expanded for greater flexibility, and the written and road test criteria clarified. A copy of the proposed rule amendments are published in the *State Register* and attached to this notice as mailed.

The statutory authority to adopt the rules is contained in *Minnesota Statutes*, sections 14.06, 171.321 and 299A.01, subdivision 6.

Comments. You have until 4:30 p.m. on October 22, 1997, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rule amendments addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comment you would like to make on the legality of the proposed rules must also be made during this comment period.

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

Proposed Rules

Request for a Hearing. In addition to submitting comment, you may also request that a hearing be held on the proposed rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on October 22, 1997. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comment on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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

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

Cancellation of Hearing. The hearing scheduled for November 5, 1997, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rule or if a sufficient number of requests are withdrawn. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person after October 22, 1997 to find out if the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the proposed rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date, time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Allan W. Klein is assigned to conduct the hearing. The judge can be reached at the Office of Administrative Hearings, 100 Washington Avenue, Suite 1700, Minneapolis, Minnesota 55401-2138. Telephone (612) 341-7609 and fax (612) 349-2665.

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

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

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

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

Adoption Procedure if No Hearing. If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for a review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a

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

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

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

Dated: 3 September 1997

Donald E. Davis, Commissioner
Department of Public Safety

7414.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms in this chapter have the meanings given them in this part.

Subp. 2. **Charter carrier.** "Charter carrier," as used in the definition of "school bus," has the meaning given in Minnesota Statutes, section 221.011, subdivision 21.

Subp. 3. **Department.** "Department" means the Minnesota Department of Public Safety.

Subp. 4. **Driver.** "Driver" has the meaning given in Minnesota Statutes, section 171.01, subdivision 6.

Subp. 5. **Head Start bus.** "Head Start bus" has the meaning given in Minnesota Statutes, section 171.01, subdivision 27.

Subp. 6. **Head Start bus driver.** "Head Start bus driver" has the meaning given in Minnesota Statutes, section 171.3215, subdivision 1, paragraph (d).

Subp. 7. **License.** "License" has the meaning given in Minnesota Statutes, section 171.01, subdivision 14.

Subp. 8. **Motor vehicle.** "Motor vehicle" has the meaning given in Minnesota Statutes, section 171.01, subdivision 3.

Subp. 9. **Parent or guardian.** "Parent" or "guardian," as used in the definition of "school bus," means a person having legal custody of a school-age child or pupil.

Subp. 10. **School.** "School" has the meaning given in Minnesota Statutes, section 120.101.

Subp. 11. **School bus.** "School bus" has the meaning given in Minnesota Statutes, section 171.01, subdivision 21.

Subp. 12. **School bus driver.** "School bus driver" has the meaning given in Minnesota Statutes, section 171.3215, subdivision 1, paragraph (b).

Subp. 13. **School children or pupil.** "School children" or "pupil," as used in the definition of "school bus" and in Minnesota Statutes, section 171.321, subdivision 1, means:

A. an individual meeting the qualifications for admission to a public school as specified in Minnesota Statutes, section 120.06; or

B. an individual admitted to or enrolled in a school as defined in Minnesota Statutes, section 120.101.

Subp. 14. **School-related trip or activity.** "School-related trip or activity," as used in the definition of "school bus," is a function undertaken, sanctioned, sponsored, endorsed, or authorized by a school or school district.

Subp. 15. **School district.** "School district" has the meaning given in Minnesota Statutes, section 120.02.

7414.0200 BASIC REQUIREMENT.

~~Satisfactory completion of a school bus driver's examination is required of~~ Every person ~~who is~~ required by *Minnesota Statutes*, section 171.321 to have a school bus ~~driver's endorsement to operate a motor vehicle that is owned by a government agency; a non-public school corporation or agency; or a private person, firm, association, or corporation; and that is used to transport children to and from public or nonpublic schools and school-related activities on the person's driver's license must meet the requirements specified in this chapter.~~

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

Proposed Rules

A. A person who operates a motor vehicle with a seating capacity for ten or fewer persons used as a school bus is not required to have a school bus endorsement if:

(1) the motor vehicle operated by the individual is not outwardly equipped or identified as a school bus; and

(2) the driver possesses a valid class A, class B, or class C commercial driver's license with a passenger endorsement or a class D driver's license.

B. The driver of a vehicle operated as a Head Start bus is not subject to the qualifications in this chapter for a school bus endorsement, except that the driver is subject to the disqualification provisions applicable to a Head Start bus driver in Minnesota Statutes, section 171.3215.

C. The transportation of persons by a charter carrier is not subject to the provisions of this chapter.

7414.0300 TESTS.

Subpart 1. **Initial driver's endorsement.** ~~The test or examination required for an initial school bus driver's endorsement on a Minnesota driver's license shall include~~ To obtain an initial school bus endorsement to drive a school bus, a person must satisfactorily pass a written test and a road test administered by the department.

Subp. 2. **Written test.** The applicant for a school bus endorsement on the driver's license must satisfactorily pass a written test administered by the department.

A. The written test shall must be based on the provisions of the Highway Traffic Regulation Act,;

(1) chapters 7414 and 7470;

(2) Minnesota Statutes, chapter 169, and driver license laws and rules relating to school bus operation prescribed by the State Board of Education, and sections 171.321 to 171.322; and

(3) a general knowledge of the operation of school buses, including knowledge of the equipment, devices, and laws, and rules peculiar to the operation of school buses.

B. The written test must contain at least 50 questions.

C. There must be at least two forms of the test with the questions arranged in different order on each form.

D. The written test shall be is satisfactorily completed passed if a score of 70 at least 80 percent is obtained. In determining whether a score of 70 has been obtained, the commissioner of public safety shall weight each portion of the test with regard to the criticalness of the specific factor being tested in relation to overall driving safety.

Subp. 3. **Road test.** The applicant must satisfactorily pass a road test shall be given administered by the department in a school bus that represents the least restrictive category of a school bus the applicant expects to operate. There are two separate classes of endorsement: one for a school bus with a capacity of 16 passengers or fewer; the other for a school bus with a capacity of over 16 passengers. An endorsement issued to an applicant taking the test in the smaller bus will be restricted to a bus of that size. An endorsement issued to an applicant taking the test in the larger bus will be unrestricted.

A. The road test must evaluate knowledge of the school bus, bus-related equipment, operation of the motor vehicle in accordance with Minnesota Statutes, chapter 169, and the rules contained in chapter 7470, and include:

(1) a pretrip inspection;

(2) placing the vehicle in operation;

(3) use of the vehicle's controls and emergency equipment;

(4) operating the vehicle in traffic and while passing other vehicles;

(5) turning the vehicle;

(6) braking, and slowing the vehicle by means other than braking;

(7) backing and parking the vehicle;

(8) loading and unloading pupils; and

(9) proper procedures at railroad crossings.

B. The road test shall be is satisfactorily completed passed if a score of 70 at least 80 percent is obtained.

C. In determining whether a score of 70 at least 80 percent has been obtained, the commissioner of public safety shall weight each portion of the test with regard to the criticalness of the specific factor being tested in relation to overall driving safety.

7414.0350 ENDORSEMENT CATEGORIES.

An endorsement to drive a school bus on a Minnesota driver's license must be issued by the department in one of the categories specified in items A to D. The endorsement must be issued based on the passenger capacity of the school bus and the gross vehicle weight (GVW) of the motor vehicle used by the applicant to take the road test.

A. An "A" category endorsement is unrestricted. The license holder may drive a school bus with a GVW of more than 26,000 pounds as well as a school bus described in item B, C, or D.

B. A "B" category endorsement is restricted. The license holder may drive a school bus designed to transport 24 or more passengers with a GVW of 26,000 pounds or less. The license holder may also drive a school bus described in item C or D.

C. A "C" category endorsement is restricted. The license holder may drive a school bus with 16 to 23 passengers with a GVW of 26,000 pounds or less. The license holder may also drive a school bus described in item D.

D. A "D" category endorsement is restricted. The license holder may only drive a school bus designed to transport 15 or fewer passengers.

7414.0400 DRIVER BACKGROUND CHECK.

Subpart 1. **Scope.** Before issuing or renewing a driver's license with a school bus driver's endorsement, the department of Public Safety shall conduct a background check to investigate the applicant's criminal and driving records. The department shall use the criteria listed in ~~subparts 2 and subpart 3~~ and Minnesota Statutes, section 171.3215, when issuing or denying an application for a new school bus driver's endorsement or when renewing or canceling an existing endorsement.

Subp. 1a. **Temporary endorsement.** An otherwise qualified applicant seeking a temporary endorsement on the driver's license to drive a school bus pursuant to Minnesota Statutes, section 171.321, subdivision 3, paragraph (b), shall present to the department at the time of application for the temporary endorsement, the affidavits described in this subpart.

A. The applicant shall sign and have notarized an affidavit attesting:

(1) that the applicant is not currently charged with a felony against another and has not been convicted of a disqualifying offense as defined in Minnesota Statutes, section 171.3215; and

(2) as to the states in which the applicant has resided in the past five years immediately before the date of application.

B. The applicant shall submit a signed and notarized affidavit from an authorized individual of a school district or a contractor employed by a school or school district:

(1) attesting that a criminal records check has been conducted on the applicant;

(2) specifying the source of the criminal records check; and

(3) attesting that the applicant is not currently charged with a felony against another or has not been convicted of a disqualifying offense as defined in Minnesota Statutes, section 171.3215.

C. For an individual who has resided in the state for the past five years immediately before the date of application, the criminal history check must be obtained by the department through the state criminal records repository of the Bureau of Criminal Apprehension.

D. For an individual who has been a resident of a state other than Minnesota at any time in the five years immediately before the date of application, a criminal history check must be obtained from:

(1) a government agency performing the same function as the Bureau of Criminal Apprehension in each resident state other than Minnesota;

(2) the Federal Bureau of Investigation; or

(3) a private source acceptable to the commissioner of public safety.

Subp. 2. [See **repealer**.]

Subp. 3. **Felony charges.** The department shall not consider the application for an initial school bus driver's endorsement of an individual charged with a felony against another until that individual is found not guilty of the charge.

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

A driver with a school bus driver's endorsement who is charged with a felony against another shall notify the employer within seven days of the charge. If the driver fails to notify the employer, the department shall revoke the endorsement. If the endorsement is revoked under this paragraph, the department shall not reinstate the endorsement until the driver is found not guilty of the charge or until five years have elapsed since the final disposition of the case or the applicant's release from a correctional facility, whichever event occurs last.

Subp. 4. [See repealer.]

7414.1100 PHYSICIAN'S CERTIFICATE.

~~An applicant for a school bus driver's endorsement shall be in good physical and mental health, able-bodied, and free from communicable disease. As evidence of physical fitness and mental alertness, the applicant shall submit to a physical examination by a reputable physician designated by the local school authorities; and the physician's certificate of physical fitness and mental alertness shall accompany the application for school bus driver's endorsement when presented to the Department of Public Safety. An applicant for an initial endorsement on the applicant's driver's license to drive a school bus must be physically qualified to operate a school bus. As evidence of physical qualification, the applicant shall submit to the department the form specified in part 7414.1300 completed by a physician licensed under Minnesota Statutes, chapter 147, when the application for the school bus endorsement on the driver's license is made to the department.~~

7414.1200 ~~DISQUALIFICATION~~ PHYSICAL QUALIFICATIONS REQUIREMENT, GENERALLY.

~~An applicant for an initial school bus driver's endorsement or for renewal of a school bus driver's endorsement whose physical examination discloses communicable diseases, or mental or physical conditions of an intermittent or continuing nature that might reasonably affect the ability to operate a school bus, must be denied a school bus driver's endorsement. One or more of the deficiencies specified in items A to M disqualify the applicant for a school bus driver's endorsement:~~

~~A. visual acuity less than 20/40 Snellen in either eye without lenses or by correction with lenses; total form field of vision in the horizontal meridian less than 140 degrees in either eye (drivers required to wear corrective lenses shall wear properly prescribed lenses when driving);~~

~~B. hearing less than 30 db (10/20) in the better ear, with or without a hearing aid;~~

~~C. abusers of alcohol or users of narcotics or drugs that may impair driving ability;~~

~~D. coronary or heart ailment likely to interfere with safe driving; electrocardiogram is required when other findings indicate desirability;~~

~~E. blood pressure over 160/90;~~

~~F. failure to have a satisfactory Mantoux or chest x-ray as required by Minnesota Department of Health, parts 4605.3400 and 4605.3500;~~

~~G. a communicable disease listed in Minnesota Department of Health rules, parts 4605.0200 to 4605.0600, 4605.1700 to 4605.3300, and 4605.3600 to 4605.5100;~~

~~H. loss or impairment of foot, leg, hand, or arm, unless the commissioner grants a waiver after determining that the loss or impairment will not interfere with the applicant's ability to transport students safely;~~

~~I. a mental, nervous, organic, or functional disease likely to interfere with safe driving;~~

~~J. diabetes unless controlled by diet or oral medication only;~~

~~K. epilepsy or other episodic (Paroxysmal) periods of unconsciousness;~~

~~L. use of medication that the examining physician determines is likely to interfere with safe driving; or~~

~~M. lack of good general health.~~

~~The department shall consider an applicant for an initial school bus endorsement or for renewal of a school bus endorsement to be physically qualified for endorsement to operate a school bus when the applicant provides evidence of being examined and the evidence shows that the examiner has determined that the applicant meets the requirements in Code of Federal Regulations, title 49, section 391.41, which are incorporated by reference.~~

7414.1300 ~~EXAMINATION FORM OF~~ PHYSICIAN'S AND CERTIFICATE.

~~The certificate to be examination form used by the physician for reporting to report the physical condition of the applicant shall be one prescribed by the Department of Public Safety and must substantially comply with the form prescribed in Code of Federal Regulations, title 49, section 391.43, paragraph (f). A form may be obtained from that office the department or from any driver examining station. The certificate of the examining physician must be substantially in accordance with the form in Code of Federal Regulations, title 49, section 391.43, paragraph (g).~~

7414.1400 PERIODIC PHYSICAL REEXAMINATION.

Each ~~school bus driver is required to~~ with a school bus endorsement shall take and pass a physical examination every two years ~~in order to retain the school bus driver's endorsement.~~

A. The two-year reexamination period ~~will start~~ starts from the examination date of the most recent physical examination certificate submitted by a ~~school bus driver with a school bus endorsement.~~

B. The department of ~~Public Safety~~ will send a physical examination ~~certificates~~ certificate to ~~school bus drivers a driver with a school bus endorsement.~~

C. A ~~school bus driver with a school bus endorsement~~ shall return the certificate, completed by the examining physician, along with a \$2 processing fee, on or before the expiration of the two-year period, to the department of ~~Public Safety.~~ Failure

D. If the driver fails to pass and the physical examination or return the physical examination will result in cancellation of certificate within two years of the date of the last physical examination filed with the department, the commissioner of public safety shall cancel the school bus driver's endorsement from the Minnesota driver driver's license.

E. If a person's school bus endorsement is canceled because of a failure to submit the certificate verifying physical reexamination within two years after the initial or a subsequent physical examination, the person is allowed up to three years after the date of the last physical examination to submit the required certificate of physical examination without having to retake the written test and road test for school bus endorsement.

7414.1410 WAIVER OF PHYSICAL QUALIFICATIONS; REQUEST AND APPLICATION REQUIRED.

Subpart 1. **Waiver request, generally.** An individual who does not meet the physical qualifications for a school bus endorsement because of a failure to meet the requirements in Code of Federal Regulations, title 49, section 391.41, may request a waiver from the commissioner of public safety according to the procedures and criteria specified in parts 7414.1410 to 7414.1570.

Subp. 2. **Application.** An application for a waiver must be submitted by the applicant seeking the school bus endorsement. The application must be submitted to the Minnesota Department of Public Safety, Driver and Vehicle Services Division.

7414.1420 APPLICATION CONTENTS FOR WAIVER, GENERALLY.

An application for a waiver must:

A. contain the applicant's name, address, birth date, driver's license number, and date of license expiration;

B. specify the physical qualification for which a waiver is requested;

C. describe the applicant's disability or impairment;

D. describe the school bus the applicant intends to drive including the passenger capacity of the vehicle and gross vehicle weight, if known;

E. estimate the period of time per day the driver will be driving and on duty;

F. contain the driving record for the last three years, if any, the applicant has operated a commercial vehicle and the driving record for the last three years the applicant has operated all types of motor vehicles from each state the applicant has had a driver's license or permit;

G. contain a copy of the form for the physical examination performed according to Code of Federal Regulations, title 49, section 391.41, and a copy of the certificate from the examining physician attesting that the applicant is otherwise qualified, except for the disability or impairment for which a waiver is requested;

H. contain a copy of the applicant's road test as prescribed by the department's Driver and Vehicle Services Division;

I. describe the alternative measures; modification of policies, practices, or procedures; or the provision of auxiliary aids or services that will be taken to ensure that there is no significant risk to the health and safety of the public and pupils if the waiver is granted; and

J. contain the signature of the applicant and the date.

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7414.1430 LIMB IMPAIRMENT WAIVER; ADDITIONAL APPLICATION INFORMATION.

The application of an applicant seeking a waiver because of the failure to meet the physical qualifications in *Code of Federal Regulations*, title 49, section 391.41, paragraph (b)(1) or (b)(2), must also contain:

A. a description of the vehicle the applicant intends to drive that specifies:

- (1) whether the transmission is automatic or manual and, if manual, the number of forward speeds;
- (2) the type of brake system;
- (3) whether the steering is manual or power assisted; and
- (4) whether vehicle modification has been or will be made for the applicant; and

B. a medical waiver summary completed by either a board-qualified or board-certified doctor of physical medicine or orthopedic surgeon that includes:

(1) an assessment of the applicant's functional capabilities as they relate to the applicant's ability to perform the normal tasks associated with operating the school bus in question;

(2) a statement by the examining physician that the applicant is capable of safely performing the normal school bus driver operations required; and

(3) an assessment and medical opinion of whether the impairment or disability is likely to remain medically stable over the applicant's lifetime.

7414.1440 VISION WAIVER; ADDITIONAL APPLICATION INFORMATION.

The application of an applicant seeking a waiver because of the failure to meet the vision requirements in *Code of Federal Regulations*, title 49, section 391.41, paragraph (b)(10), must also contain a letter signed and dated from an optometrist or ophthalmologist that:

A. identifies and defines the visual deficiency;

B. certifies that the applicant's visual acuity is at least 20/40 Snellen, corrected or uncorrected, in the better eye;

C. certifies that the applicant has a field of vision of no less than 120 degrees of field in one or both eyes together as demonstrated on a Goldman perimeter using a IIIe target, or equivalent full field test using an automated perimeter;

D. certifies that the individual recognizes the colors of red, green, and amber in traffic signals in an actual field test if the subject fails a color screening test or a comparable color contrast sensitivity test; and

E. certifies that in the examiner's opinion the applicant can safely perform the normal school bus driver operations required.

7414.1450 DIABETES WAIVER; ADDITIONAL APPLICATION INFORMATION.

The application of an applicant seeking a waiver because of the failure to meet the requirement in *Code of Federal Regulations*, title 49, section 391.41, paragraph (b)(3), relating to diabetes mellitus currently requiring insulin for control must also contain:

A. a letter signed and dated from a physician licensed under *Minnesota Statutes*, chapter 147, attesting that:

(1) the physician is familiar with the applicant's medical history;

(2) the applicant does not suffer from hypoglycemia unawareness;

(3) within the last three years the applicant has not had a hypoglycemic reaction that resulted in a change in mental or physical status that precludes the applicant from safely performing normal school bus operations;

(4) the applicant's diabetic condition will not adversely impact the applicant's ability to perform normal school bus operations safely;

(5) the applicant has been educated on diabetes and its management, thoroughly informed on and understands the procedures to follow to monitor and manage the diabetes, and what procedures to follow if complications arise; and

(6) the applicant has the ability and has demonstrated a willingness to properly monitor and manage the diabetes; and

B. a signed statement from an examining ophthalmologist indicating that the applicant:

(1) has been examined within the preceding six weeks;

(2) does not have unstable proliferative diabetic retinopathy; and

(3) has stable distant visual acuity of at least 20/40 Snellen in each eye separately, with or without corrective lenses.

7414.1460 EPILEPSY, LOSS OF CONSCIOUSNESS OR CONTROL WAIVER; ADDITIONAL APPLICATION INFORMATION.

The application of an applicant seeking a waiver because of the failure to meet the requirement in *Code of Federal Regulations*, title 49, section 391.41, paragraph (b)(8), relating to epilepsy or any other condition likely to cause loss of consciousness or loss of ability to control a motor vehicle safely, must also contain the information in this subpart. The applicant shall provide a letter signed and dated from a physician licensed under *Minnesota Statutes*, chapter 147, attesting that:

- A. the physician is familiar with the applicant's medical history and the applicant has been examined within the last six weeks;
- B. any neurological or neuromuscular condition is controlled;
- C. the applicant's driving is not or will not be impaired by weakness, numbness, or muscle spasm, or the applicant adequately compensates for any paralysis or paresthesia while driving;
- D. the applicant is knowledgeable about the condition; and
- E. there are no episodes of altered consciousness or loss of bodily control caused by a neurological condition unless the following apply:

(1) there has been a single, nonrecurring episode of altered consciousness or loss of bodily control that occurred more than two years prior to application, the cause has been identified, and no further treatment is required; or

(2) a seizure disorder has been diagnosed but the person has been episode free for at least five years preceding application and has not required treatment for at least five years preceding application.

7414.1470 GENERAL CRITERIA FOR GRANTING WAIVER.

The commissioner shall grant a waiver if:

- A. the waiver was requested in the manner prescribed by parts 7414.1410 to 7414.1460;
- B. the waiver will have no potential adverse effect on public or pupil safety;
- C. any alternative measures; the modification of policies, practices, or procedures; or the provision of auxiliary aids or services, if any, are equivalent or superior to those prescribed in rules; and
- D. the waiver does not waive a statutory standard.

7414.1490 GRANTING WAIVER FOR DIABETES MELLITUS.

A waiver that is granted to the applicant who fails to meet the physical requirement in *Code of Federal Regulations*, title 49, section 391.41, paragraph (b)(3), relating to diabetes mellitus currently requiring insulin for control, must require the applicant to:

- A. carry, use, and record in a log the readings from a portable, self-monitoring blood glucose device equipped with a computerized memory or, if the device is capable of printing paper tape reports, the paper tape reports may be used instead of a log;
- B. monitor blood glucose one hour before going on duty and approximately every four hours while on duty;
- C. make log records or tapes available to any authorized enforcement official on request;
- D. carry and use when on duty a source of rapidly absorbable glucose;
- E. carry insulin and the equipment of materials necessary to administer this medication;
- F. report in writing within 15 calendar days to the Minnesota Department of Public Safety, Driver and Vehicle Services Division:
 - (1) any citation for a moving traffic violation involving the operation of a school bus along with a photocopy of the citation;
 - (2) the judicial or administrative disposition of a citation for a moving violation involving a school bus along with a photocopy of the notice of disposition; and
 - (3) the involvement in any accident whatever while operating a school bus and include any state, insurance company, or motor carrier accident reports and any attending physician's and laboratory reports of treatment arising from the accident;
- G. submit a signed statement from an ophthalmologist no later than 15 days before the renewal date of the waiver and endorsement that indicates the applicant:

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Proposed Rules

(1) was examined within the six-week period immediately preceding the renewal date of the waiver;

(2) was found not to have unstable proliferative diabetic retinopathy; and

(3) has a stable visual acuity of at least 20/40 Snellen in each eye, corrected or uncorrected; and

H. comply with the provisions of part 7410.2610 for reporting a diabetes-related episode involving the loss of consciousness or voluntary control due to hypoglycemia or hyperglycemia.

7414.1510 GRANTING WAIVER FOR EPILEPSY, LOSS OF CONSCIOUSNESS OR CONTROL.

A waiver that is granted to the applicant who fails to meet the physical requirement in *Code of Federal Regulations*, title 49, section 391.41, paragraph (b)(8), relating to epilepsy, or any other condition likely to cause loss of consciousness or control, must require the applicant to:

A. meet the requirements specified in part 7414.1460;

B. obtain a recommendation to grant a waiver from the department's seizure subcommittee of neurologists established under part 7410.3000; and

C. comply with the reporting provisions of part 7410.2500, subparts 2 and 2a.

7414.1520 NO WAIVER FOR HEARING.

The hearing qualifications contained in *Code of Federal Regulations*, title 49, section 391.41, paragraph (b)(11), are not subject to waiver for a person applying for a school bus endorsement.

7414.1530 GRANTING WAIVER FOR VISION.

A waiver from the vision qualifications contained in *Code of Federal Regulations*, title 49, section 391.41, paragraph (b)(10), relating to vision, may be granted only if the requirements in part 7414.1440, are met.

7414.1550 EFFECT OF WAIVER.

A waiver has only future effect. Alternative measures, conditions, or limitations attached to the waiver have the force and effect of the applicable law or rule.

A. The driver or applicant must have the waiver in possession whenever operating a school bus.

B. If the driver violates the alternative measures, conditions, or limitations attached to the waiver, the applicant is subject to the enforcement actions and penalties provided in the applicable law or rule. The applicant shall notify the commissioner in writing within 30 days of any material change in the conditions upon which the waiver was granted.

7414.1560 RENEWAL OF WAIVER.

Subpart 1. Request. A request for a renewal of a waiver must be submitted by the driver to the commissioner of public safety in writing at least 30 days before its expiration date. The renewal request must contain the current information specified in parts 7414.1410 to 7414.1460.

Subp. 2. Renewal upon satisfactory compliance. The commissioner shall renew the waiver if the applicant continues to satisfy the criteria contained in this part and demonstrates compliance with any alternative measures, conditions, or limitations imposed at the time the original waiver was approved.

Subp. 3. Material change. Subpart 2 does not apply if there has been any material change in the conditions upon which the variance was granted, such as a change in the type or category of school bus to be driven or a material change in the applicant's medical condition.

7414.1570 NOTICE OF DECISION; DENIAL, REVOCATION, OR REFUSAL TO RENEW; APPEALS.

Subpart 1. Notification. The commissioner of public safety shall notify the applicant in writing of the commissioner's decision to grant or deny the waiver.

A. If the waiver is granted, the notice shall specify the period of time for which the waiver is effective and any alternative measures, conditions, or limitations the applicant or driver must meet.

B. If the waiver is denied, the commissioner shall specify the reasons for the denial and indicate that the individual may request a review of the commissioner's decision by a medical review panel established under part 7410.3000.

Subp. 2. Action. The commissioner shall deny, revoke, or refuse to renew a waiver if the commissioner determines the criteria and conditions in parts 7414.1470 to 7414.1560 are not met.

Subp. 3. Appeal. An applicant or driver may appeal the denial revocation, or refusal to renew a waiver, by requesting in writing a review of the commissioner's decision by the medical review board established under part 7410.3000.

REPEALER. *Minnesota Rules*, parts 7414.0400, subparts 2 and 4; and 7414.1500, are repealed.

Department of Revenue

Proposed Permanent Rules Relating to Sales and Use Tax Permits; Reinstatement of Revoked Permits

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

Proposed Amendment to Rules Relating to Sales and Use Tax Permits; Reinstatement of Revoked Permits; *Minnesota Rules*, part 8130.2700.

Introduction. The Department of Revenue intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on October 22, 1997, a public hearing will be held at the Minnesota Department of Revenue, Skjegstad Room, 8th Floor, 10 River Park Plaza, St. Paul, Minnesota 55146, starting at 9:00 a.m. on Wednesday, November 12, 1997. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after October 22, 1997 and before November 12, 1997.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is:

Richard Walzer, Attorney
Minnesota Department of Revenue
Appeals, Legal and Criminal Investigations Division
10 River Park Plaza
St. Paul, Minnesota 55146
(612) 215-5939
Fax # (612) 296-8229

TTY users may call the Department of Revenue at (612) 297-2196

Subject of Rules and Statutory Authority. The proposed rules are about the requirements that must be satisfied by taxpayers who have had two sales tax permits revoked within 24 months, in order for them to obtain a new permit, or to obtain a reinstatement of the second revoked permit. The statutory authority to adopt the rules is *Minnesota Statutes*, section 270.06, clause (14), which provides that the Commissioner of Revenue shall make, publish, and distribute rules for the administration and enforcement of state tax laws. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on Wednesday, October 22, 1997, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Wednesday, October 22, 1997. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

Alternative Format/Accommodation. Upon request, this Notice can be made available in an alternative format, such as large

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Proposed Rules

print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

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

Cancellation of Hearing. The hearing scheduled for November 12, 1997, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at (612) 215-5939 after October 22, 1997 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Bruce H. Johnson is assigned to conduct the hearing. Judge Johnson can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone: 612/341-7666, and fax: 612/349-2665.

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

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

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

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

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

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

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

Dated: 28 August 1997

James L. Girard
Commissioner of Revenue

8130.2700 ~~REVOCATION~~ REINSTATEMENT OF REVOKED PERMITS.

Subpart 1. [See **repealer**.]

Subp. 2. [See **repealer**.]

Subp. 3. [See **repealer**.]

Subp. 5. **New application, or application for reinstatement of revoked permit.** The commissioner may reinstate a revoked sales and use tax permit, or issue a new permit to a taxpayer whose permit had been revoked if the taxpayer:

A. files all unfiled sales and use tax returns;

B. pays with a certified check, cashier's check, or money order the entire balance of tax, penalty, and interest due;

C. deposits with the commissioner, security or a surety bond in an amount equal to three times the average ~~monthly~~ liability for the period for which returns are required to be filed, or six times the average liability in the case of a taxpayer who has had another permit revoked within the preceding 24 months; and

D. signs an agreement to file timely returns and remit tax when due in the future ~~to a named individual within the department~~. The agreement will specify ~~the an~~ individual to whom or location where the returns and payments must be sent. All payments must be made by certified check, cashier's check, or money order, or by electronic funds transfer in the case of a taxpayer who has had another permit revoked within the preceding 24 months; and

E. has sales and use tax returns prepared by an attorney, accountant, agent, or preparer or attends a business education class for sales tax given by the department, if the taxpayer has had another permit revoked within the preceding 24 months.

The commissioner will hold the security deposit described in item C for two years.

Each failure to file a return or pay a tax due during the two-year period extends such period for the duration of the taxable period for which the return has not been filed or the tax has not been paid.

The commissioner will pay interest on any money deposited as security. The interest will be calculated from the date of deposit to the date of refund, or date of application to any outstanding tax liability, at a rate specified in *Minnesota Statutes*, section 270.76. The security deposit will be refunded to the taxpayer at the end of the two-year period, plus any extensions for violations, unless the taxpayer has any unpaid tax liabilities. The commissioner may apply the security deposit to any unpaid tax liabilities.

Subp. 6. [See **repealer**.]

Subp. 7. [See **repealer**.]

REPEALER. Minnesota Rules, part 8130.2700, subparts 1, 2, 3, 6, and 7, are repealed.

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Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* §§ 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the *State Register*. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* §§ 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only.

The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

Department of Labor and Industry

Adopted Permanent Exempt Rules Relating to Medical Record Cost Reimbursement; Independent Medical Examination Fees; Adjustments

5219.0500 INDEPENDENT MEDICAL EXAMINATION FEES.

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

Subp. 4. **Adjustments.** On October 1, 1994, and on October 1 of each succeeding year, the fees in this part must be adjusted by the percentage determined under *Minnesota Statutes*, section 176.645, in the same manner as the conversion factor of the relative value fee schedule is adjusted under *Minnesota Statutes*, section 176.136. This provision does not apply to expenses under subpart 3, item E, subitem (1). The fees shall be adjusted as follows:

- A. On October 1, 1994, the fees in this part shall be increased by 1.65 percent;
- B. On October 1, 1995, the fees as adjusted in item A shall be increased by 2.64 percent; ~~and~~
- C. On October 1, 1996, the fees as adjusted in item B shall be increased by 3.76 percent; and
- D. On October 1, 1997, the fees as adjusted in item C shall be increased by 5.53 percent.

Department of Labor and Industry

Adopted Permanent Exempt Rules Relating to Workers' Compensation; Fees for Medical Services; Conversion Factor; Chiropractic Procedure Codes

5221.4020 FORMULA FOR DETERMINING FEE SCHEDULE PAYMENT LIMITS; CONVERSION FACTOR.

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

Subp. 2. **Conversion factor.** The conversion factor shall be updated annually, pursuant to *Minnesota Statutes*, section 176.136, subdivision 1a. The conversion factor for services included in parts 5221.4030 to 5221.4060 provided after October 1, 1993, is \$52.05. This initial conversion factor is annually adjusted as follows:

- A. for dates of service from October 1, 1994 to September 30, 1995: \$52.91;
- B. for dates of service from October 1, 1995 to September 30, 1996: \$54.31; ~~and~~
- C. for dates of service from October 1, 1996 to September 30, 1997: \$56.35; and
- D. for dates of service from October 1, 1997, to September 30, 1998: \$59.47.

As a sample calculation, the maximum fee for a new patient office examination by a physician, procedure code 99201, is 0.80 (relative value unit). This is multiplied by 52.05 (conversion factor for 1993). The total payment, excluding any applicable adjustment, would be equal to \$41.64 for the service.

5221.4060 CHIROPRACTIC PROCEDURE CODES.
Subpart 1. Key to abbreviations and terms.

A. Column 1 in subpart 2a is labeled “CPT/HCPCS procedure code.” This is the specific code intended to identify the health care service described in column 3.

B. Column 2 in subpart 2a is labeled “CPT/HCPCS description.” This is a short narrative description of the procedure code. Complete descriptions of included chiropractic services appear either in the CPT or HCPCS manual in effect on the date the service was rendered or in subpart 3.

C. Column 3 in subpart 2a is labeled “total RVU.” These are the total relative value units for the service.

Subp. 2a. List of chiropractic procedure codes.

CPT/HCPCS Procedure Code	CPT/HCPCS Description	total RVU
72010	X-ray exam of spine	1.05
72020	X-ray exam of spine	0.52
72040	X-ray exam of neck spine	0.84
72050	X-ray exam of neck spine	0.78
72052	X-ray exam of neck spine	0.96
72070	X-ray exam of thorax spine	1.05
72074	X-ray exam of thoracic spine	0.72
72080	X-ray exam of trunk spine	1.05
72090	X-ray exam of trunk spine	0.63
72100	X-ray exam of lower spine	0.58
72110	X-ray exam of lower spine	1.69
72114	X-ray exam of lower spine	0.99
72120	X-ray exam of lower spine	0.70
72170	X-ray exam of pelvis	0.44
72190	X-ray exam of pelvis	0.57
73020	X-ray exam of shoulder	0.41
73030	X-ray exam of shoulder	0.49
73070	X-ray exam of elbow	0.43
73100	X-ray exam of wrist	0.42
73500	X-ray exam of hip	0.42
73562	X-ray exam of knee	0.49
73610	X-ray exam of ankle	0.46
81000	Urinalysis with microscopy	0.12
81002	Without microscopy	0.07
X2005	Chiropractic visit with manipulation/adjustment, initial; office	0.39
X2006	Chiropractic visit with manipulation/adjustment, subsequent; office	0.42
X2009	Each additional manipulation/adjustment on same day; office, home, or nursing	0.26
98940	<u>Chiropractic manipulation, spinal, one to two regions</u>	0.42
98941	<u>Chiropractic manipulation, spinal, three to four regions</u>	0.53
98942	<u>Chiropractic manipulation, spinal, five regions</u>	0.66
98943	<u>Chiropractic manipulation, extraspinal, one or more regions</u>	0.39
X2100	New patient; brief examination	0.43
X2120	Extensive examination	1.14
X2125	Established patient; brief examination	0.52

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.

Exempt Rules

X2130	Intermediate examination	0.70
X2135	Extensive examination	1.05
X2201	Application of hot pack	0.21
X2202	Application of cold pack	0.19
X2205	Diathermy	0.26
X2210	Electrical stimulation	0.21
X2212	Intersegmental motorized mobilization	0.25
X2214	Muscle stimulation, manual	0.22
X2220	Ultrasound therapy	0.21
X2225	Traction	0.23
X2230	Acupressure, manual or mechanical	0.25
X2245	Infrared - heat lamp	0.21
X2255	Trigger point therapy	0.25
X2392	Exercise consultation/instruction	0.26
X9557	Medical conference up to 25 minutes	0.88

Subp. 3. **Select chiropractic procedure code descriptions.**

X9198	Special chiropractic report. Review of medical and vocational data and preparation of a report to clarify the patient's status, which report includes more information than that contained in the usual chiropractic communication or standard reporting form.
X9199	Unlisted special chiropractic service. Chiropractic services specifically related to planning and coordinating the employee's return to work, including but not limited to office visits, telephone calls, or conferences with the employee, the employer, the insurer, the qualified rehabilitation consultant, and/or other health care providers.
X9557	Conference. Conference by a chiropractor with the patient and/or the patient's representative and/or additional health care providers to coordinate activities of patient care; up to 25 minutes.

EFFECTIVE DATE. The amendments to *Minnesota Rules*, part 5221.4060, subpart 2a, are effective for services on or after October 1, 1997.

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

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and mat-

Minnesota Comprehensive Health Association

Notice of Meeting of the Board of Directors

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA) Board of Directors will be held on Friday, September 26, 1997, at Allina Health System, conference room #300, 5601 Smetana Drive, Minnetonka, MN, at 9:00 a.m.

For additional information, please call Lynn Gruber at (612) 593-9609.

Minnesota Comprehensive Health Association

Notice of Meeting of the Finance Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Finance Committee will be held at 8:00 a.m. on Friday, September 26, 1997. The meeting will be at Allina Health System, 5601 Smetana Drive, Minnetonka, MN in conference room #300.

For additional information, please call Lynn Gruber at (612) 593-9609.

Department of Finance

Comments Sought on the Budget Impact of Welfare Reform

The Department of Finance is examining the potential budgetary impact of welfare reform on state agencies. Finance must report this information to the legislature during the 1998 legislative session. In conjunction with gathering information from state agencies, Finance is also soliciting input from the public. Finance has requested that agencies provide information on programs that received increases or decreases in funding due to federal and state welfare reform laws and on programs that may be affected in the future. Any individuals with relevant information on the impact of welfare reform on state agency programs or activities should contact Jason Hardy by November 22, 1997, by telephone at (612) 296-5779; e-mail at jason.hardy@state.mn.us; or mail at Minnesota Department of Finance; 400 Centennial Office Building; 658 Cedar Street; St. Paul, MN 55155.

Emergency Medical Services Regulatory Board

Notice of Completed Application In the Matter of the License Application of North Ambulance - Pine River, Pine River, Minnesota

PLEASE TAKE NOTICE that the Emergency Medical Services Regulatory Board (hereinafter "EMS RB") has received a completed application from **North Ambulance Service - Pine River, Pine River, Minnesota**, for a new license, advanced ambulance - specialized.

NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes* sec. 144E.11, subd. 3 (1997), each municipality, county, community health board, governing body of a regional emergency medical services system, ambulance service and other person wishing to make recommendations concerning the disposition of the application, shall make written recommendations or comments opposing the application to the EMSRB within 30 days or by October 22, 1997, 4:30 p.m.

Written recommendations or comments opposing the application should be sent to: Keith Wages, Executive Director, EMSRB, 2829 University Avenue S.E., Suite 310, Minneapolis, MN 55414-3222.

Official Notices

If fewer than six comments opposing the application are received during the comment period, and the EMSRB approves the application, the applicant will be exempt from a contested case hearing, pursuant to *Minnesota Statutes* sec. 144E.11, subd. 4 (1997). If six or more comments in opposition to the application are received during the comment period or the EMSRB denies the application, the applicant may immediately request a contested case hearing, or may try to resolve the objections of the public and/or the EMSRB within 30 days, pursuant to *Minnesota Statutes* sec. 144E.11, subd. 5(a), (b) (1997). If the applicant is unable to resolve the objections within 30 days, or if the applicant initially requests a hearing, a contested case hearing will be scheduled and notice of the hearing given pursuant to *Minnesota Statutes* sec. 144E.11, subd. 5(c), (e) (1997).

Dated: 15 September 1997

R. Keith Wages, Executive Director

Emergency Medical Services Regulatory Board

Notice of Completed Application In the Matter of the License Application of North Ambulance - Redwood Falls, Redwood Falls, Minnesota

PLEASE TAKE NOTICE that the Emergency Medical Services Regulatory Board (hereinafter "EMSRB") has received a completed application from **North Ambulance - Redwood Falls, Redwood Falls, Minnesota**, for a new license, advanced ambulance - specialized.

NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes* sec. 144E.11, subd. 3 (1997), each municipality, county, community health board, governing body of a regional emergency medical services system, ambulance service and other person wishing to make recommendations concerning the disposition of the application, shall make written recommendations or comments opposing the application to the EMSRB within 30 days or by October 22, 1997, 4:30 p.m.

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Dated: 15 September 1997

R. Keith Wages, Executive Director

Department of Human Services

Notice of Request for Expression of Interest and Information Regarding Establishment of an Augmentative and Alternative Communications System Purchasing Program

Section I. Request for Expression of Interest and Information

Introduction:

Under the authority of *Minnesota Statutes*, Section 256B.0625, Subd. 31a., The Department of Human Services (DHS) in cooperation with The Department of Administration is soliciting formal responses and additional information from qualified entities/organizations regarding the establishment of an augmentative and alternative communication system purchasing program.

A. General Information:

This request for Request for Information and Interest (RFI) represents the first step in identifying potential statewide private entities to set up a program of purchasing, education, recycling and distribution of augmentative and alternative communication systems. A Request for Proposal (RFP) will be issued if DHS, in cooperation with The Department of Administration, determines there is adequate interest from potential bidders capable of providing augmentative and alternative communication devices to the entire state. The RFP will contain a detailed description of the contractor duties.

B. Background:

Medical assistance (MA) covers augmentative and alternative communication systems (AAC) consisting of electronic or non-electronic devices and the related components necessary to enable a person with severe expressive communication limitations to produce or transmit messages or symbols in a manner that compensates for that disability.

Current payment policy allows payment to vendors/manufacturers enrolled in MA to be reimbursed at 80 percent of the suggested retail price. A "pass-through" vendor system was authorized by the legislature to purchase AAC systems that are not available using this payment policy. "Pass-through" vendors are currently reimbursed at 120 percent of retail, to cover the time and expense of processing requests and shipping costs. This interim payment policy will remain in effect until a satisfactory purchasing strategy is implemented.

In 1996, the Minnesota State Legislature directed the STAR program (A System of Technology to Achieve Results), to investigate and make recommendations regarding access issues for MA clients who use AAC devices. After reviewing their recommendations, the 1997 legislature amended *Minnesota Statutes*, Section 256B.0625 by adding Subdivision 31a., requiring the Commissioner of DHS along with the Commissioner of the Department of Administration to establish a purchasing program within a state agency or by contract with a qualified private entity. The purpose of this purchasing program is to facilitate ready availability of the AAC systems to meet the needs of persons with disabilities, in an efficient and cost-effective manner.

C. Qualified entity definition:

To be considered a qualified entity/organization, the prospective contractor must be capable of meeting the following requirements:

- Be financially capable of start-up costs, acquisition of inventory, and statewide distribution and storage of these devices;
- Coordinate purchase and rental of augmentative and alternative communication systems;
- Negotiate agreements with manufacturers and vendors for purchase of components of these systems, for warranty coverage, and for repair service;
- When efficient and cost-effective, maintain and refurbish, if needed, an inventory of components of augmentative and alternative communication systems for short- or a long-term loan to recipients;
- Facilitate training sessions for service providers, consumers, and families on augmentative and alternative communication systems;
- Develop a recycling program for used augmentative and alternative communication systems to be reissued and used for trials and short-term use, when appropriate.
- Prepare all authorization requests, which includes medical documentation and manufacturer's information for individual cases and send them to the DHS medical review agent.

D. Reimbursement Process:

Reimbursement for all of the responsibilities listed in section "C" will be established through competitive bidding. In no instance will the total reimbursements exceed the current payment policy of 120 percent of retail. There is no additional appropriation from the legislature for start-up costs for a program within a state agency or by contract with a qualified entity.

Section II. Response Requirements

To respond to this RFI, answer the questions in Section III.

Response to the RFI does not bind you to responding to an RFP, or any other obligation. The DHS is eager to hear from anyone interested.

Please mail or deliver the original and seven copies of your RFI response to:

Martha Beckwith
Minnesota Department of Human Services
Managed Care Division
444 Lafayette Road
St. Paul, Minnesota 55155-3853

Please direct any questions to Martha Beckwith (612-296-7584) who is the only authorized staff at DHS who may respond to inquiries concerning this R.F.I. You may also fax inquiries to DHS (Fax 612-282-9919). However, RFI responses will not be accepted via a fax. **All responses are due at the above address by 4:30 p.m. on November 10, 1997.**

Official Notices

We encourage interested entities to send a representative to the Responders' Information session scheduled for November 21, 1997 from 1:00 P.M. to 3:00 P.M. at:

**The Department of Human Services
444 Lafayette Road
Conference Room 1 A/B
St. Paul, MN 55155**

The conference will include a presentation, discussion and an informal question and answer session.

Section III. Questionnaire:

1. Explain your plan to address state wide distribution of augmentative and alternative communication systems ensuring that clients will be served in a timely manner.
2. Explain your plan and tell us what experience/qualifications you have in negotiating with manufacturers or vendors in purchasing less than retail.
3. Describe your plan to provide the expertise to refurbish and repair this equipment.
4. Describe how you would provide statewide training for service providers, consumers, and families on augmentative and alternative communication systems.
5. How would a recycling program for used augmentative and alternative communication systems work?
6. Are you familiar with the authorization process used by DHS?
7. Describe your plan for a complaint and grievance process.
8. Describe your plan for reporting the following requirements: turn around time for client services; number of clients served; number of training sessions; geographic distribution of information regarding services available.
9. Describe your plan for producing a quarterly report tracking service units, including each unit's type and cost, and the county of residence, age and recipient ID number of the client. (a service unit includes a sale, loan or a repair of a piece of equipment)
10. Describe your plan for a quality improvement program, to including a periodic evaluation, using established criteria.

Judicial Branch - Minnesota State Law Library

Joint Notice of County Law Library Filing Fees

Pursuant to *Minnesota Statutes* 134A.09 and 134A.10, the following law library fees are currently in effect. Civil fees include probate matters except as noted. Criminal conviction includes felonies, gross misdemeanors, and misdemeanors except as noted.

COUNTY	CIVIL	CONCILIATION	CRIMINAL CONVICTION	PETTY MISD.
Becker	12.50	7.50	15*	7.50
*Becker assesses \$12.50 on misdemeanors.				
Clay	10	10	10	10
Goodhue	10	10	10	5
Ramsey	10	5	5	5
Scott	7	7	5	5
Sibley	7	7	10*	—

*Sibley assesses \$5 on misdemeanors and traffic violations.

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective September 22, 1997 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Chisago: Lighting Retrofit - Chisago Lakes School District-Lindstrom.

Dakota: Heating & Chilled Water Piping Modifications - Dakota County Technical College-Rosemount.

Hennepin: Cedar Avenue Truck Station - MNDOT-Richfield.

Houston: Athletic Facility - LaCrescent Public Schools-LaCrescent.

Itasca: White Oak Society Fur Post - Tourism/Education Facility-Deer River.

Mille Lacs: Addition/Remodeling - Mille Lacs County Sheriff's Office & Jail-Milaca.

Morrison: Lindbergh Visitor Center-Little Falls.

Ramsey: Asbestos Removal - Heat Plant & Pipe Tunnel - State Capitol Complex-St. Paul.

St. Louis: Reroofing - Denfeld Senior High School-Duluth; Miscellaneous Sprinkler Modifications - Duluth Public Schools; Supplemental Ventilation & Air Conditioning - Darland Administrative Building - UMD-Duluth; Remodeling in Room 2 - Barnes ECCE - Duluth Public Schools-Duluth; Basketball Winches - Ordgan/Woodland - Duluth Public Schools-Duluth.

Stearns: Lighting Retrofit - St. Cloud Veterans Hospital-St. Cloud.

Wilkin: Addition & Landscaping - Breckenridge Public Schools - Elementary/Middle Schools-Breckenridge.

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 is \$1.36 per project. Make check or money order payable to the State of Minnesota.

Gary W. Bastian,
Commissioner

Metropolitan Airports Commission

Notice of Public Hearing Concerning Acquisition of Property Near Saint Paul Downtown Airport Ramsey County, Minnesota

NOTICE IS HEREBY GIVEN that the Metropolitan Airports Commission, a public corporation organized under the laws of the State of Minnesota, will hold a public hearing pursuant to *Minnesota Statutes* § 473.641 to consider the acquisition by the Metropolitan Airports Commission of certain property located near Saint Paul Downtown airport, more specifically:

Property located in Riverview Industrial Park in plats number 3, 5, 8, 10 and 12, Registered Surveys 369 and 399, Northport 1 Addition, Second Addition to Broklynd and adjoining roads, outlots and railroad property, all in Ramsey County, Minnesota.

The public hearing will be held commencing at 2:00 p.m. on the 7th day of October, 1997 in Room 3040 of the Lindbergh Terminal Building at Minneapolis-St. Paul International Airport.

The hearing will afford interested persons, groups and agencies an opportunity for public consideration of the economic, social and environmental effects of the proposed acquisition. Any person wishing to submit information relating to this matter may appear at the public hearing and make an oral statement or present written material. Persons intending to make oral presentations are

Official Notices

requested to notify the Commission by October 3, 1997 in writing or by telephone to Ms. Jenn Unruh, Metropolitan Airports Commission, 6040 28th Avenue South, Minneapolis, MN 55450; telephone (612) 726-8100. Written statements and other exhibits relating to this matter will be incorporated into the transcript of the hearing, provided such statements or exhibits are submitted at the hearing or are presented to the Metropolitan Airports Commission prior to the close of work on October 10, 1997.

Dated: 8 September 1997

/s/Nigel D. Finney
for Jeffrey W. Hamiel
Executive Director
Metropolitan Airports Commission
6040 28th Avenue South
Minneapolis, MN 55450

Lehan J. Ryan
Oppenheimer Wolff & Donnelly
1700 First Bank Building
St. Paul, MN 55101
(612) 223-2500
FAX (612) 223-2596

Metropolitan Council

Notice of Public Forum on the Metro Mobility System

The Metropolitan Council and the Transportation Accessibility Advisory Committee (TAAC), in conjunction with the Metro Mobility Service Center (MMSC), will hold two public forums to receive comments on the Metro Mobility system. These forums are being held to receive input from the riders on how well the system is working for them.

Public forums are scheduled as follows:

Monday, October 27, 1997
6:00 p.m. - 7:30 p.m.
Minneapolis Convention Center
Room 102
1301 Second Avenue South
Minneapolis, MN

Wednesday, November 5, 1997
12:00 Noon - 1:30 p.m.
Mears Park Center
Chambers
230 East Fifth Street
St. Paul, 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), or sign up at the forum. Upon request, reasonable accommodations to persons with disabilities will be provided. Special accommodations should be requested by October 13, 1997.

Comments may also be submitted as follows:

- Send written comments to: Tom Vida, Metro Mobility Service Center, 245 East Sixth Street, St. Paul, MN 55101.
- Fax comments to Mr. Vida at 221-9015.
- Record comments on the Council's Public Comment Line at 602-1500.
- 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 November 19, 1997.

Department of Natural Resources

Division of Minerals

Notice of Plans to Issue a State Industrial Minerals Lease

NOTICE IS HEREBY GIVEN that the Department of Natural Resources, Division of Minerals is planning to issue two state mineral leases to explore for, mine and remove industrial minerals in Lake County in accordance with *Minnesota Rules*, parts 6125.8000 through .8700, the industrial minerals rules, issued under authority of *Minnesota Statutes*, section 98.08 through 93.12 and 93.25. The industrial mineral covered by the leases is dimension stone. The first lease covers dimension stone located in Lot Seven (7), Lot Eight (8) of Section Thirty-six (36), Township Sixty (60) North, Range Seven (7) West; and Lot Two (2), Lot Three (3); of Section One (1), Township Fifty-nine (59) North, Range Seven (7) West. The industrial minerals covered by the second lease are located in Lot Three (3), Lot Four (4) of Section Three (3), Township Fifty-nine (59) North, Range Seven (7) West; and Lot One (1), Lot Two (2), Lot Three (3), Lot Four (4) of Section Four (4), Township Fifty-nine (59) North, Range Seven (7) West. Issuance of the second lease was approved by the State Executive Council at the September 3, 1997 meeting. The applicant is Cold Spring Granite Company, 202 South Third Avenue, Cold Spring, Minnesota 56320. The effective date of the leases is January 2, 1998. For more information, contact Gloria Johnson, Department of Natural Resources, Division of Minerals, Box 45, 500 Lafayette Road, St. Paul, MN 55155-4045, telephone (612) 296-4807. TTY: 1-800-657-3929.

Pollution Control Agency

Water Quality Division

Request for Comments on Planned Amendment to Rule Governing Individual Sewage Treatment Systems, *Minnesota Rules* ch. 7080

Subject of Rule Amendments. The Minnesota Pollution Control Agency (MPCA) requests comments on its planned amendments to *Minnesota Rules* ch. 7080 governing Individual Sewage Treatment Systems (ISTS). The rule explains how the improper location, design, installation, use, and maintenance of individual sewage treatment systems adversely affects the public health, safety, and general welfare by discharge of inadequately treated sewage to the ground surface, surface waters, and ground waters. The MPCA is considering rule amendments that address the administrative, technical and licensing portions of *Minnesota Rules* ch. 7080. This will fulfill the rulemaking mandate under the Individual Sewage Treatment Systems Act, *Minnesota Statutes* §§ 115.55-115.57 (1996), as amended by *Minnesota Laws 1997*, chapter 235. These rule amendments will address amendments to the ISTS Act which appear in *Minnesota Laws 1995*, chapter 233, and *Minnesota Laws 1996*, chapter 427. These rule amendments will also address the inconsistencies the listed statutory amendments have created within the January 1996 rule, and changes which experience under the ISTS Act has shown are necessary. Summary of the changes include:

1996 Legislation

- Local governments no longer have to require a certificate of compliance before they issue building permits or variances for bathroom additions.

1997 Legislation

- All local units of government are now required to pass ordinances regulating septic systems area-wide in addition to in shoreland areas.
- Counties can adopt ISTS standards for new and existing septic systems that are less restrictive than the state 7080 code, as long as standards are protective of health and the environment.
- Existing septic systems which do not present an imminent public health threat and have at least two feet of vertical separation between the bottom of the soil treatment system and the depth to the seasonally high water table need not be upgraded if not located in a shoreland area, a wellhead protection area, or a food, beverage or lodging facility.
- Cesspools are now classified as an imminent public health threat and must be discontinued within 10 months.
- "Warranted" individual sewage treatment systems offering new and promising treatment technologies are allowed if certain local-government and state requirements are satisfied.

Official Notices

The Agency is especially interested in receiving information concerning the following subjects:

1. Existing system compliance standards;
2. New and existing inspection requirements;
3. Performance standard options for system design;
4. Educational requirements for ISTS registration;
5. Local ordinance adoption requirements and technical requirements;
6. Miscellaneous corrections to solve problem areas;
7. Procedures to approve new ISTS technologies; and
8. Warranty system and new technology system implementation.

Persons Affected. The amendments to the rule would likely affect any local unit of government (city, county, or township) due to ordinance changes, and ISTS professionals (inspector, installer, designer, or pumper). Rule changes may also affect some unsewered homeowner. The MPCA will use the existing *Minnesota Rules* 7080.0025 ISTS Advisory Committee to review the planned amendments.

Statutory Authority. The MPCA has general rulemaking authority in *Minnesota Statutes* section 115.03. Specifically, *Minnesota Statutes*, section 115.55, subdivision 3, requires the MPCA to adopt rules containing minimum standards and criteria for the design, location, installation, use, and maintenance of individual sewage treatment systems, and *Minnesota Statutes* section 115.56, subdivision 1, requires the MPCA to adopt rules containing standards of licensure applicable to all ISTS professionals.

Public Comment. Interested persons or groups may submit comments or information on this planned rule amendment in writing until 4:30 p.m. on November 21, 1997. The MPCA has not yet prepared a draft of the planned rule amendment. Written or oral comments, questions, and requests for more information on this planned rule amendment should be addressed to:

Ron Omann
Individual Sewage Treatment Systems Unit
Water Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194
(612) 296-3253

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.

Peder A. Larson
Commissioner

Department of Transportation

Request for Comments on Planned Amendment to Rules Governing State Aid Operations, *Minnesota Rules*, 8820

Subject of Rules. The Minnesota Department of Transportation requests comments on its planned amendment and repeal to rules governing State Aid Operations. The Department is considering rule amendments that modify minimum standards for lane and shoulder widths of low volume rural roadways on the state aid system, repeal the Type III Natural Preservation Route classification, provide flexibility for turnback project funding, and other minor amendments and repeal of obsolete rules.

Persons Affected. The amendment to the rules would likely affect users of state aid funded roadways, counties, towns, and municipalities.

Statutory Authority. *Minnesota Statutes*, sections 162.02 and 162.09, requires the Department to adopt rules for the establishment, location, construction, reconstruction, improvement and maintenance of public highways.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. The Department does contemplate appointing an advisory committee to comment on the planned rules. The State Aid Rules Advisory Committee shall be assembled in accordance with *Minnesota Statutes* Chapter 162.02; subd. 2.

Rules Drafts. The Department has not yet prepared a draft of the planned rules amendments and repeal. A free copy of the rules draft will be available from the agency contact person when it is available.

Agency Contact Person. Written comments, questions, and requests for more information on these planned rules should be addressed to: Hope Jensen; Mail Stop 440; Room 211; 395 John Ireland Boulevard; St. Paul, MN; 55155-1899. TDD users may call the Department at 612-296-9930.

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.

James N. Denn, Commissioner
Department of Transportation

State Grants & Loans

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

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

Department of Health

Public Hearing Regarding the Minnesota Department of Health Application to the Federal Department of Health and Human Services for Federal Fiscal Year 1998 Preventive Health and Health Services Block Grant Funding

The Minnesota Department of Health will sponsor a public hearing to obtain comment on its application for federal fiscal year 1998 Preventive Health and Health Services Block Grant funds. The draft application for those funds is available for inspection upon request.

The public hearing will be conducted as part of a meeting of the State Preventive Health Advisory Committee held Friday, October 3, 1997 at the Minnesota Department of Health, Metro Square Building, 121 E. Seventh Place, St. Paul, Minnesota. The public hearing and meeting will begin at 1:00 p.m. in the Lower Level Meeting Room 56. Any person or group may submit either written or oral comments at the meeting.

Written comments may be submitted by September 29, 1997 to the address below.

For further information contact:

Debra Burns, Section Manager
Health Systems Development
Minnesota Department of Health
121 East Seventh Place
P.O. Box 64975
St. Paul, Minnesota 55164-0975
(612) 296-8209

State Grants & Loans

Minnesota Housing Finance Agency

Grants Available from the Capacity Building Program

The Minnesota Housing Finance Agency announces the availability of grant money to be used for services provided by a qualified housing development finance training firm. The services to be provided include developing skills in financing affordable owner-occupied single family housing, developing analysis and financial skills to finance the development of multifamily rental housing, and developing problem solving and negotiation skills necessary to successfully complete housing developments especially those that use local, state and federal funds. A Request for Proposals may be obtained by contacting Wendy Rejsa at MHFA at (612) 296-9839 or Chris Engel at (612) 296-9805. Proposals from eligible training firms will be due by October 31, 1997.

Department of Human Services

Chemical Dependency Program Division

Notice of Public Comment on the Federal Alcohol and Drug Abuse Block Grant and the Availability of a Statement Describing the Intended Use of Funds for Federal Fiscal Year 1998

NOTICE IS HEREBY GIVEN that the Department of Human Services, Chemical Dependency Program Division, is seeking public comment on the use of the Federal Alcohol and Drug Abuse Block Grant.

NOTICE IS ALSO GIVEN that the Department of Human Services has available a draft Description of Intended Use for funds available to the State of Minnesota from the Federal Fiscal Year 1998 Alcohol and Drug Abuse Block Grant. This description is being made available to the public for comment in accord with Title XIX, Part B of the Public Health Services Act, Public Law 102-321.

Information and copies of the Alcohol and Drug Abuse Plan are available from: Pamela Young, Chemical Dependency Division, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3823, phone (612) 296-4589.

All interested or affected persons and organizations are invited to submit comments. Comments on the proposed plan may be directed to the contact person listed above.

Also available for review and comment is Minnesota's plan for compliance with the Synar Amendment (section 1926 of the Public Health Service Act) restricting the sale and distribution of tobacco products to minors.

Department of Human Services

Notice of Bidders' Conference for Prepaid Health Plan Request for Proposals

On September 15, 1997, the Department of Human Services issued a Request for Proposals from qualified prepaid health plans to provide comprehensive health care services to the eligible MinnesotaCare population. Currently approximately 100,000 eligible MinnesotaCare enrollees are enrolled with prepaid health plans. The Department is seeking additional contractors or expansion of current contractors' networks.

The Department of Human Services will hold a Bidders' Conference for the above mentioned Request for Proposals. The Bidders' Conference will be held on Wednesday, September 24, 1997 from 10:00 AM to 12:30 PM in Room 5A at:

Department of Human Services
444 Lafayette Road
St. Paul, MN.

Potential Bidders should Fax questions to Lill Tallaksen at (612) 297-3230 by 4:00 PM on Tuesday, September 23, 1997. Questions received by that time will be addressed first at the meeting. Questions received after that time and questions from the floor will be addressed as time allows.

Department of Public Safety

Minnesota Auto Theft Prevention Program

Grant Availability for Aid in Identification of Critical Issues, Education and Awareness, and Investigation and Prosecution of Motor Vehicle Theft

The Minnesota Auto Theft Prevention Program Board announces the availability of grant money to be used in the reduction of motor vehicle theft by funding programs which aid in the identification of critical issues, education and awareness and investigation and prosecution. Applications will be accepted from State, County, Local Police, Governmental Agencies, Prosecutors, Judiciary, Businesses, and Community and Neighborhood Organizations. The moneys granted must be dedicated to the area of auto theft. This is the second round of auto theft grants. These grant proposals will be due by December 31, 1997. Grant proposal forms and information may be obtained by contacting Dennis Roske at the Auto Theft Prevention Office at (612/405-6153 or 405-6155).

Professional, Technical & Consulting Contracts

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

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

Department of Administration

Communications Media - Minnesota's Bookstore

Notice of Availability of "Awards Report" for Awarded Professional, Technical, and Consulting Contracts

An "Awards Report" of professional, technical, and consulting contracts, published as open for bid in this *State Register*, is available as a subscription service. This information can be useful to contractors preparing and submitting proposals in response to "Requests for Proposals" appearing in the "*State Register*."

The report lists the item put out for bid, the agency requesting proposals, the contract winner, the amount, the beginning and end dates of the contract, and the duration of the contract. The "Awards Report" is published each month listing the previous month's awards of contracts and RFPs that appeared in the Monday edition of the "*State Register*" magazine. Reports are available only in hard copy format and are mailed first class to subscribers.

"Awards Reports" cover six-months and cost \$75.00 per subscription. Single copies cost \$15.00, plus \$3.00 for shipping. Order Stock # 99-43 for individual copies, or Stock # 90-15 for a six-month subscription. To order, call (612) 297-8774, or toll-free 1-800-657-3757, or FAX your order using VISA, MasterCard, American Express, or Discover Card to (612) 297-8260.

Office of Administrative Hearings

Administrative Procedure Act Section

Notice of Request for Proposal for Administrative Law Judge Services

The Minnesota Office of Administrative Hearings is seeking qualified attorneys to serve as administrative law judges from January 1, 1998 through December 31, 1998. Applications are encouraged from attorneys in Greater Minnesota with family law and/or child support experience. Compensation will be at the rate of \$55 per hour. Persons who serve as contract administrative law judges, or members of their firm, may not appear as an attorney in any hearing conducted by this office. To receive a Request for Proposal, please notify: Kevin Johnson, Chief Administrative Law Judge, Office of Administrative Hearings, Suite 1700, 100 Washington Square, Minneapolis, MN 55401 (telephone: 612/341-7640, TTY: 612/341-7346). Final proposals must be received by October 31, 1997. The Request for Proposal can be furnished in large print or on a cassette tape by calling 612/341-7642.

Professional, Technical & Consulting Contracts

Department of Children, Families and Learning

Notice of Request for Proposals for Internet System for Education and Employment Knowledge

Overview

The State of Minnesota and collaborating state agencies including Minnesota Department of Children, Families and Learning, Minnesota Department of Economic Security, University of Minnesota, Minnesota State Colleges and Universities, the Minnesota Office of Technology, and the Higher Education Services Office are developing the Internet System for Education and Employment Knowledge (ISEEK). Other agencies involved in ISEEK discussions include the Minnesota Department of Corrections, the Minnesota Department of Trade and Economic Development, the Minnesota Private College Council and the Minnesota Association for Private Propriety Schools. ISEEK is an Internet based system that provides students, job seekers, education planners and others with up to date career and education planning information. Education, training, workforce preparation and career development data currently maintained by a wide range of state agencies and post-secondary institutions will be accessible through a single entry point. The state has estimated the cost of this project to be approximately \$700,000.00.

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

Consultant

The collaborating agencies are seeking the professional and technical services of a consultant to develop the ISEEK system. This project will be completed by May 30, 1999. The consultant or contractor will work with the ISEEK steering committee, the ISEEK project manager, and collaborating agencies.

ISEEK Purpose and Objectives

The purpose of the ISEEK system is to package a broad base of career development information from a number of state agencies into usable information that serves a broad base of users. This will include an ISEEK website and servicing information requests from any authorized website that will be integrating ISEEK content.

Key objectives of ISEEK include assisting citizens, students, counselors, and employers to obtain career, employment and education information. The website must present views of career planning, employment and education information to groups with different needs and different goals.

Objectives include providing information which will support people as they:

1. Explore careers.
2. Seek Minnesota jobs.
3. Investigate Minnesota's Higher Education Programs and Courses.
4. Counsel students in career planning.
5. Seek Minnesota job applicants.
6. Plan seeking educational program using labor market information.

Product Description

The architecture of the ISEEK system will use several layers of servers dedicated to specific functionality. This architecture provides for flexibility and for growth. The architecture allows all servers to run on one machine or on several machines. As more capacity is required, additional capacity can be added without modifying software.

ISEEK will exist as a website on the Internet and as an application server that will provide ISEEK information to agency, school and university websites that wish to incorporate career planning information in their websites. This will give participating organizations the opportunity to provide current information on their websites while maintaining their own look and feel. To facilitate this ISEEK integration, an application development tool kit will be provided to local webmasters to provide easy integration into local websites.

The hardware necessary to operate the ISEEK system is the responsibility of the State.

Project Tasks and planned release stages

There are four defined releases of the system. Each release will provide a major component of the system and allow for fixes and revisions of the prior release. The overall system design will be completed during the first release with prototypes and detail designs completed with each additional phase.

Functional Specifications and Timeline

Functional specifications which detail the deliverable items for the ISEEK technical development are available as part of the Request for Proposal. Included with the functional specifications is a ISEEK project plan which lists over 250 project tasks.

The anticipated project timeline is October, 1997 through May 30 1999.

Proposal Submission

Proposals should document experience with similar collaborative computer data base development and internet projects and applicant ability to effectively carry out all aspects of the project. Resumes of principal consultants who will be assigned to the project should accompany the proposal, as well as the names and contact information for 3 current references. Fax copies will not be accepted.

Schedule for the proposal process

- Announcement of the Request for Proposal September 22, 1997
- Proposal Conference September 29, 1997
- Notice of Intent to Respond October 3, 1997
- Proposal submission date October 13, 1997

Late proposals will not be considered.

To receive a copy of the complete Request for Proposal and the ISEEK Functional Specifications, or if you have any questions regarding this request for proposal, you may contact:

Daniel J. Wagner
Supervisor of MCIS and Project Manager of ISEEK
Office of Lifework Development
Minnesota Department of Children, Families and Learning
Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101
fax: 296-4217 phone: 297-2285 until 9/30/97 296-3653 after 9/30/97
email: dan.wagner@so.mnscu.edu

Other department personnel are not authorized to discuss this RFP with prospective responders.

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.

Proposal Evaluation Criteria

Applications will be reviewed and evaluated through a review process. The review will include an evaluation of the proposal submitted by the applicant. Selected applicants may be invited to interview with the Design and Implementation Committee of the ISEEK Steering Committee.

Higher Education Services Office

Request for Proposals for Communications Assistance

The Minnesota Higher Education Services Office is requesting proposals from qualified communications consultants in communicating via the media to students and parents about planning and paying for their children's post-secondary education. The project informs parents about the academic and financial planning needed for education beyond high school. Proposals must be submitted no later than **October 10, 1997**.

The Request for Proposals (RFP) does not obligate the Higher Education Services Office to complete this project, and the Higher Education Services office does reserve the right to cancel the solicitation if it is to be considered in its best interest.

The total cost of this proposal is estimated to be \$35,000 in total for Fiscal Years 1998 and 1999.

Copies of the complete RFP are available from:

Communications
Minnesota Higher Education Services Office
400 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
612/296-9678

Professional, Technical & Consulting Contracts

Housing Finance Agency

Request for Proposal for Network and Telecommunications Support

The Minnesota Housing Finance Agency (Agency) is issuing a Request for Proposals for network and telephone support. The services to be provided under this proposal include, but are not limited to, the following: install, maintain and troubleshoot Agency data networks; and complete moves, adds, changes and cabling as required for telephone service and desktop computers. Proposals are to be submitted to the Minnesota Housing Finance Agency, David Ruch, Information Systems Director, 400 Sibley Street, Suite 300, St. Paul, Minnesota 55101-1998, 612/296-9816, no later than 4:00 P.M. October 10, 1997.

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

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive 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 a 4% preference in the evaluation of their proposal. For information regarding certification, contact the Materials Management Helpline (612) 296-2600 TTY (612) 282-5799.

For a copy of the complete RFP, please contact David Ruch at 612/296-9816.

Department of Human Services

Child Support Enforcement Division

Notice of Request for Proposal to Evaluate the Child Support Delivery System

The Minnesota Department of Human Services, Child Support Enforcement Division (the State) is seeking proposals from qualified contractors to develop a comprehensive evaluation of the delivery of child support services in the State of Minnesota. As a national leader in providing child support services, the State of Minnesota continually strives to improve its performance and its ability to meet the needs of the children whom this program serves. While meeting this need, the State must also keep pace with the manifold and constant changes to the child support enforcement program and the rising expectations of both the public and elected officials. The evaluation, including findings and recommendations, will be presented by the commissioner of human services to the State of Minnesota legislature by June 30, 1998.

Please note that if as a result of its evaluation, the selected contractor recommends that any or all child support functions which are currently performed by the public authority should be privatized, the selected contractor and its subcontractors working on this evaluation shall be prohibited from bidding on said privatization efforts for a period of five years.

In conjunction with the public notice of this contract, notice of this project will be provided to the Human Resources offices of all *Minnesota Statutes* 15.091 agencies and the Higher Education Board. In compliance with *Minnesota Statutes* 16B.167, the availability of this contracting opportunity is being offered to state employees. Responses of any state employees along with other responses to this Request for Proposal (RFP) shall be evaluated. This notice or the RFP does not obligate the State to complete the proposed project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

A copy of the complete RFP can be obtained by contacting Diane Eishen at: (612) 215-5632; fax: (612) 297-4450; or by writing to:

Attn: Diane Eishen
Minnesota Department of Human Services
Child Support Enforcement Division
444 Lafayette Road
St. Paul, MN 55155-3846

All proposals must be received by 4:00 p.m. on Thursday, October 23, 1997. No faxed or other electronically transmitted proposals will be accepted.

Department of Revenue

Request for Proposal (RFP) for Instructional/Consultation Services

The Minnesota Department of Revenue is requesting proposals from qualified parties to provide various employee development and performance management services to agency staff. This request for proposals is for instructional design/delivery and consultation services that the agency may need during the next two fiscal years ('98,'99). Services will be provided "on call," based on requirements stated by the Human Resource Management Division of the agency.

Scope of the Services. Services are to be provided in the areas of employee, management, and organizational development.

Categories of Services. There are two categories of services:

1. Instructional Services.

Assist in designing, conducting, and evaluating specific educational activities that advance the agency's performance in the context of the agency's strategic plan and policies.

2. Consultation Services.

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

Joan Seidel, Manager
Employee Development Services
Minnesota Department of Revenue
Human Resource Management Division
10 River Park Plaza
St. Paul, MN 55146-7113
612-297-4468 (phone)
612-296-2158 (fax)
joan.seidel@state.mn.us@mnet

Ms. Seidel is the only employee authorized to answer questions regarding this RFP

All proposals must be sent to and received by:

Larry Collette, Director
Administrative Management Division
Minnesota Department of Revenue
10 River Park Plaza
St. Paul, MN 55146-7114

All proposals must be received not later than **4:00 p.m., October 15, 1997** at the Minnesota Department of Revenue, 10 River Park Plaza.

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.

Minnesota Historical Society

Notice of Request for Proposals for Delivery and Installation of Herman Miller Walls & Furniture

The Minnesota Historical Society is seeking proposals from qualified firms and individuals to provide delivery and installation services for Herman Miller brand office partitions and furniture.

The Request for Proposals 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.

Proposals must be received not later than 2:00 p.m., Thursday, October 9, 1997.

Details concerning submission requirements are included in the Request for Proposals.

Minnesota Workers' Compensation Assigned Risk Plan

Notice of Request for Proposals for Collection Services

The Minnesota Workers' Compensation Assigned Risk Plan intends to contract with an entity qualified to provide actuarial services. The contract period will commence on January 1, 1998. Interested parties may obtain the complete Request for Proposals (RFP) by sending a written request by mail or fax to:

MWCARP Administrative Office
4500 Park Glen Road, Suite 410
Minneapolis, MN 55416
FAX: (612) 922-5423

Deadline for submission of proposals is October 24, 1997 at 4:00 p.m.



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