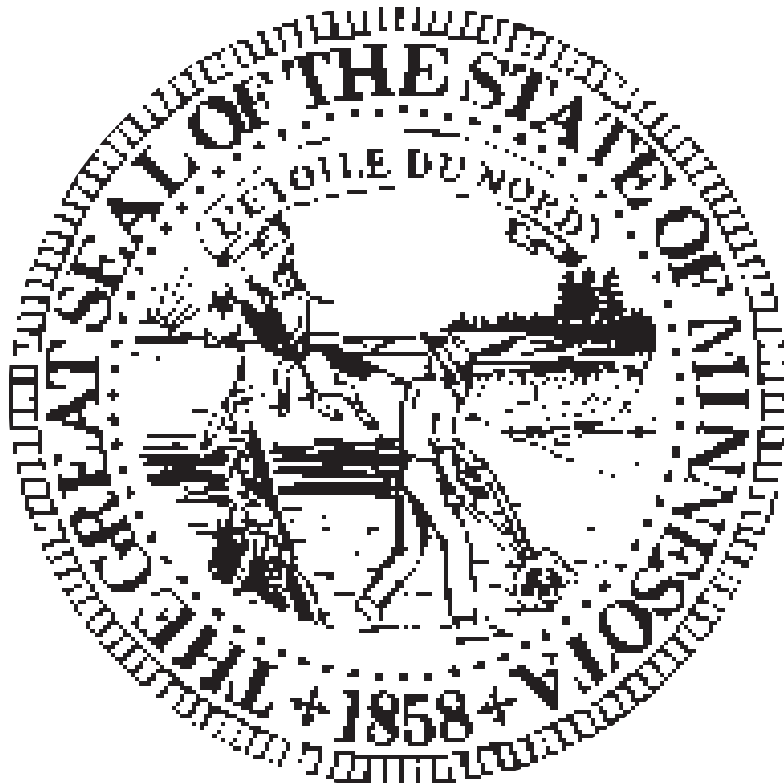


The Minnesota
**State
Register**

Rules and Official Notices Edition



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State Register

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

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

Printing Schedule and Submission Deadlines

Vol. 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
# 15	Monday 13 October	Monday 29 September	Monday 6 October
# 16	Monday 20 October	Monday 6 October	Monday 13 October
# 17	Monday 27 October	Monday 13 October	Monday 20 October
# 18	Monday 3 November	Monday 20 October	Monday 27 October

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- **"Professional, Technical and Consulting Contracts Awards Reports,"** – published each month listing the previous month's awards of contracts and RFPs that appeared in the Monday edition of the "*State Register*." Appears monthly in hard copy format only. Single copies are \$15.00 per report, plus \$3.00 shipping if applicable. Order stock # 99-43. Six-month subscriptions cost \$75.00. Order stock #90-15.

FOR LEGISLATIVE NEWS

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

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

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

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Professional, Technical and Consulting contract awards are published monthly in an <i>Awards Report</i> .		
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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Commerce Dept

2642.0010; .0100; .0110; .0120; .0140; .0180; .0190; .0200; .0210; .0220; .0300; .0310; .0320; .0330; .0350; .0370; .0380; .0390; .0450; .0510; .0650; 2644.0010; .0100; .0110; .0120; .0150; .0190; .0300; .0330; .0360; .0370; .0380; .0400; .0410; .0510; .0600; .0620; .0670; .0730; .0750 (adopted)..... 594

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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*.

Board of Peace Officer Standards and Training

Proposed Permanent Rules Relating to Licensing and Other Fees

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 Amendments to Rules Relating to Licensing and Other Fees, *Minnesota Rules*, 6700.

Introduction. The Board of Peace Officer Standards and Training (POST Board) intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on November 12, 1997, a public hearing will be held in Room 500 South, State Office Building, 100 Constitution Avenue, St. Paul, Minnesota 55155, starting at 9 a.m. on Tuesday, December 2, 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 November 12, 1997 and before December 2, 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:

Mark Bliven
Minnesota Board of Peace Officer Standards and Training (POST Board)
1600 University Avenue, Suite 200
St. Paul, MN 55104-3825
(612) 603-0070 facsimile (612) 643-3072 TTY users (612) 297-2100.

Subject of Rules and Statutory Authority. The proposed rules deal with the raising of licensing and examination fees to more accurately reflect the cost of license and testing administration. This is in response to *Minnesota Statutes* 16A.1285 requirement that fees neither under recover nor over recover costs. In addition the removal of reference to *license endorsement examination* is addressed. The statutory authority to adopt the rules is *Minnesota Statutes*, Section 14.06; Section 214.06 Subds. 1 and 2; Section 626.843 Subd. 1 (n) and Subd. 3 (d); and Section 626.845 Subd. 1 (i). A copy of the proposed rules is 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. You have until 4:30 p.m. on Wednesday, November 12, 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 November 12, 1997. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

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

Cancellation of Hearing. The hearing scheduled for December 2, 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) 603-0070 after November 12, 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 Barbara J. Neilson is assigned to conduct the hearing. Judge Neilson can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone 612/341-7604, 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: 6 October 1997

John T. Laux, Executive Director
Board of Peace Officer Standards and
Training

6700.0600 LICENSING EXAMINATIONS.

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

Subp. 2. **Nonrefundable fee.** A nonrefundable fee shall be paid to the board before taking the following licensing examinations:

- A. peace officer licensing examination, ~~\$40~~ \$105;
- B. reciprocity examination, ~~\$40~~ \$105; and
- C. ~~peace officer license endorsement examination, \$12.50; and~~
- D. part-time peace officer licensing examination, ~~\$12.50~~ \$52.50.

[For text of subps 3 to 5, see M.R.]

6700.0800 LICENSING OF PEACE OFFICERS.

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

Subp. 4. **Licensing fee.** The licensing fee is ~~\$15~~ \$90. If the board receives an application and fee on or after March 1 of the year in which the applicant would otherwise be due to renew the license, the license will be valid through June 30 of the third year following receipt.

[For text of subp 5, see M.R.]

6700.1000 LICENSE RENEWAL.

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

Subp. 3. **Certificate of renewal.** The executive director shall issue a certificate of renewal, which is valid for three years, to each applicant who has submitted the appropriate fee on or before June 30 of the year when the license becomes due for renewal and also completed the required hours of continuing education. The appropriate fees are ~~\$15~~ \$90 for renewal of a peace officer license and ~~\$7.50~~ \$45 for renewal of a part-time peace officer license. The required hours of continuing education are:

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

[For text of subps 4 to 6, see M.R.]

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> 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 — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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Proposed Rules

Subp. 7. **License renewal fee.** For the purposes of subparts 6 and 9, the appropriate license renewal fee for an expired license is as follows:

- A. expired peace officer license is ~~\$45~~ \$125; or
- B. expired part-time peace officer license is ~~\$37.50~~ \$80.

[For text of subps 8 to 11, see M.R.]

6700.1101 PART-TIME PEACE OFFICERS.

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

Subp. 6. **Issuance of part-time peace officer license.** The executive director shall issue a part-time peace officer license to an individual who has met the requirements stated in subpart 2, submitted a written application for licensure, and paid the licensing fee. The period of initial licensure is determined by the initial letter of the licensee's surname, the date of expiration being determined by the provisions of part 6700.1000, subpart 1. The licensing fee is ~~\$7.50~~ \$45. If the board receives an application and fee on or after March 1 of the year in which the applicant would otherwise be due to renew the license, the license will be valid through June 30 of the third year following receipt.

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

Department of Public Service

Proposed Permanent Rules Relating to the Minnesota Energy Code

Notice of Intent to Adopt Rules Without a Public Hearing

Proposed Amendment to Minnesota Rules, part 7670.1115, a portion of chapter 7670 known as the Minnesota Energy Code.

Introduction. The Department of Public Service 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 Administration Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Bruce Nelson, Senior Engineer at Minnesota Department of Public Service, 121 7th Place East, Suite 200, Saint Paul, Minnesota 55101-2145, telephone 612-297-2313, fax 612-297-1959, e-mail bnelson@dpsv.state.mn.us. TTY users may call the Department of Public Service at 612-296-3067.

Subject of Rules and Statutory Authority. The Minnesota rules governing the Minnesota Energy Code were last modified effective June 24, 1994, and included a mandate for all new homes to meet the Canadian R-2000 program requirements beginning January 1, 1998. It has become evident as the January 1, 1998 date approaches that Minnesota is not ready to comply with the R-2000 program requirements.

There is need to revise the rules to mandate requirements which correspond to Minnesota's level of understanding and aptitude while assuring that buildings built to these requirements will safeguard the public health. The proposed rules rescind the January 1, 1998 date for R-2000 program requirements to go into effect.

The statutory authority to adopt the rules is *Minnesota Statutes*, § 216C.19, subd. 8. A copy of the proposed rules is published in the *State Register*, and a copy of the proposed rules is attached to this Notice.

Comments. You have until 4:30 p.m. on Friday, November 14, 1997, to submit written comment in support of or in opposition to the proposed rules and 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 comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed 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 Friday, November 14, 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. Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

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

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

Dated: 25 September 1997

Krista L. Sanda, Commissioner
Department of Public Service

7670.1115 EFFECTIVE DATES.

The effective date of amendments to this chapter is ~~June 16, 1994~~ January 1, 1998.

~~EXCEPTION: Effective January 1, 1998, residential buildings (one and two family and other residential buildings three stories or less in height) must meet the requirements of the R-2000 Home Program Technical Requirements, Canadian Home Builders' Association, September 1992.~~

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> 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 — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

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

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

Exempt Rules

An exempt rule adopted under *Minnesota Statutes* §§ 14.386 or 14.388 is effective upon its publication in the *State Register*.

Emergency Expedited Rules

Provisions for the Commissioner of Natural Resources to adopt emergency expedited Game and Fish Rules are specified in *Minnesota Statutes* §§ 84.027. The commissioner may adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months.

Department of Commerce

Adopted Permanent Rules Relating to Cosmetology Salons and Schools

The rules proposed and published at *State Register*, Volume 21, Number 53, pages 1885-1896, June 30, 1997 (21 SR 1885), are adopted with the following modifications:

2642.0120 INSPECTIONS.

Subp. 4. **Inspection requirements.** Each cosmetology salon shall be subject to inspection at any time, ~~at the request of department staff~~ the commissioner deems it necessary to affirm compliance.

2642.0180 LICENSE RECIPROCITY WITH OTHER JURISDICTIONS.

Subpart 1. **License issued.** A license ~~may~~ shall be issued to an individual applying from another jurisdiction if the requirements of subpart 2 are met.

2642.0210 PROCEDURE FOR ACTIVATING A LAPSED OR INACTIVE LICENSE.

Subpart 1. **Procedure for lapsed licensee.** If an individual's license has expired, the individual ~~may~~ shall be reissued a license after submission of a request for renewal, proof of experience or education as required in part 2642.0200, subpart 2, payment of the license fee, and payment of the processing fee. If more than three years have elapsed, the applicant shall apply for a new license in accordance with subpart 3 and parts 2642.0140 to 2642.0160.

Subp. 2. **Procedure for inactive license.** An individual who has an "inactive" Minnesota license and whose most recent active license has expired by less than three years ~~may~~ shall be reissued an active license for the remainder of the licensing period, after completion of an application, evidence of compliance with part 2642.0200, subpart 2, and payment of the processing fee. If more than three years have elapsed since the applicant's most recent active license has expired, an applicant who wishes to resume the practice of cosmetology ~~may~~ shall be reissued a license after submission of an application, payment of the license fee, payment of the processing fee, and evidence of completion of the appropriate refresher course in subpart 3.

2642.0390 SALON SUPERVISION.

B. Only one person shall be designated as a manager for each salon. No manager may be concurrently responsible for more than one salon unless the salons are under the same ownership and all located in the same complex which is designated as an assisted-living care facility, ~~acceptable to the department.~~ When the manager is not on duty, the manager may specify a responsible person in the manager's absence. The responsible person shall be licensed as a manager, and licensed as a cosmetologist in a cosmetology salon, esthetician salon, or manicurist salon; a licensed esthetician in an esthetician salon; or a licensed manicurist in a manicure salon.

2644.0120 INSPECTIONS.

Subp. 4. **Inspection requirements.** Each cosmetology school shall be subject to inspection at any time, ~~at the request of department staff~~ the commissioner deems it necessary to affirm compliance.

Board of Dietetics and Nutrition Practice

Adopted Permanent Rules Relating to Continuing Education

The rules proposed and published at *State Register*, Volume 21, Number 43, pages 1491-1493, April 21, 1997 (21 SR 1491), are adopted with the following modifications:

3250.0100 DEFINITIONS.

Subp. 2. **Program.** "Program" means an educational activity related to the practice of dietetics and nutrition that offers a specified number of continuing education units. Programs shall be approved by the board or a board-recognized reviewer.

Subp. 3. **Unit.** "Unit" means the equivalent of one clock hour of credit for participation in a program. Units per program shall be determined by the board or ~~board approved~~ board-recognized reviewer. Refreshment breaks and lunches do not count for unit credit.

Subp. 4. **Board-recognized reviewer.** "Board-recognized reviewer" means an organization, approved by the board, that has and maintains current knowledge of dietetics and nutrition necessary to determine whether the program content meets the criteria outlined in part 3250.0130.

3250.0125 QUALIFYING UNITS.

In order to meet the requirements of part 3250.0120, programs and the assigned number of units for the program must be approved by the board. The board shall approve ~~units programs that it determines have satisfactorily met~~ meet the criteria specified in part 3250.0130. Alternatively, the board shall ~~approve units~~ accept programs approved by board-recognized reviewers ~~of units~~. Board approval of ~~units programs~~ may be sought by the licensed individual or the sponsor of a program. Board approval of ~~the units programs~~ may be sought either in advance of or after participation in the program. Units may be obtained through a variety of formats, including, but not limited to, classes, conferences, correspondence study courses, lectures, seminars, study groups, exhibits, poster presentations, and publications.

3250.0130 CONTINUING EDUCATION APPROVAL CRITERIA.

The board and board-recognized reviewers shall use the following criteria to determine whether to approve continuing education programs ~~or units~~ and to determine how many units to assign to each program:

- C. the program sponsor has furnished or agrees to furnish ~~satisfactory~~ evidence of program participation by Minnesota licensees; and

3250.0135 RECORD OF APPROVAL PROGRAMS.

The board shall maintain a record of approved programs and recognized reviewers of continuing education ~~units~~.

3250.0140 SCHEDULE OF REQUIRED CONTINUING EDUCATION UNITS.

C. Each dietitian or nutritionist licensed after December 1, 1997, shall be responsible for obtaining a proportion of the requisite continuing education units for the continuing education cycle in which that person enters as follows:

(3) if licensed during the third year of the cycle, for example, between December 1, 1999, and November 30, 2000, the individual is exempt from obtaining any units by the end of the cycle.

Thereafter, the individual shall obtain 45 ~~credits~~ units during each three-year cycle.

3250.0145 REPORTING CONTINUING EDUCATION.

A. Every three years beginning November 30, 2000, each individual licensed by the board shall report to the board approved continuing education units obtained during the preceding three years. The number of reported units shall be at least 45 or the appropriate portion of units as specified in part 3250.0140. In addition to reporting continuing education units on the form provided by the board, each licensee shall be prepared to provide to the board, upon request, ~~satisfactory~~ evidence of completion of all reported units.

3250.0150 REINSTATEMENT.

A licensee whose license has not been renewed shall, in order to have the licensee's license reinstated:

B. submit ~~satisfactory~~ evidence to the board of having obtained the required continuing education units for the continuing education cycle in effect at the time that the licensee's license was not renewed;

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

C. submit ~~satisfactory~~ evidence to the board of having met the continuing education requirements that would have applied to the licensee during the period of time between the nonrenewal of the license and the application for reinstatement had the licensee held a license during that time; and

D. submit to the board the appropriate reinstatement fee ~~as follows:~~

~~(1) if the period of time between nonrenewal of the license and the application for reinstatement is less than one year, the reinstatement fee which shall be the current annual renewal and late penalty fees plus an administrative charge of \$25;~~

~~(2) if the period of time between nonrenewal of the license and the application for reinstatement is between one and two years, the reinstatement fee shall be two times the current annual renewal and late penalty fees plus an administrative charge of \$25; and~~

~~(3) if the period of time between nonrenewal of the license and the application for reinstatement is more than two years, the reinstatement fee shall be three times the current annual renewal and late penalty fees plus an administrative charge of \$25.~~

Board of Dietetics and Nutrition Practice

Adopted Permanent Rules Relating to License Renewal Fee

The rules proposed and published at *State Register*, Volume 21, Number 49, pages 1756-1757, June 2, 1997 (21 SR 1756), are adopted as proposed.

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.

Board of Education

Adopted Exempt Rules Governing Special Education to Shared-Time Pupils

3525.1150 PROVIDING SPECIAL EDUCATION TO SHARED-TIME PUPILS.

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

Subp. 2. **Assessment.** In the assessment or provision of special education to eligible pupils, the district may:

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

D. hold IEP or IFSP meetings at the nonpublic school.

~~Special education services provided indirectly or directly to the pupil must be provided at a neutral site that is consistent with *Minnesota Statutes*, section 123.932, subdivision 9.~~ The district may provide indirect or consultative special education services to the pupil's nonpublic school on the specific skills identified in the pupil's IEP by phone or at a meeting in a neutral site.

[For text of subp 3, see M.R.]

EFFECTIVE DATE. *Minnesota Rules*, part 2200.2050, is effective for a period of two years from its publication in the *State Register*.

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-

Board of Animal Health

Notice of Fee Change for Animals Bled After October 13, 1997

NOTICE IS HEREBY GIVEN that the Board of Animal Health announces the following fee change effective for animals bled on or after October 13, 1997. All state-federal program, fee-basis testing for pseudorabies and brucellosis will be at the following rates: \$27.00 per farm stop and \$4.00 per animal bled.

Department of Commerce

Extended Period for Request for Comment on Planned Rules Relating to Financial Institution Credit Extension Maximum Rates, *Minnesota Rules* Ch. 2675

The Minnesota Department of Commerce is extending the request for comment originally published in the *State Register* August 25, 1997. The request for comment period was scheduled to expire on October 2, 1997, and has been extended to November 17, 1997. Written or oral comments, questions, and requests for more information on the development of the planned rules should be addressed to:

Terry R. Meyer, Chief Examiner
Financial Examinations Division
Department of Commerce
133 East Seventh Street
St. Paul, Minnesota 55101
Phone: (612) 296-2297
Fax: (612) 296-8591
TTY: (612) 296-2860

Board of Electricity

Planned Repeal of *Minnesota Rules* 3800.3500, Subp. 12 Signaling Circuit

Subject of Planned Rules: The Board of Electricity requests comments on its planned repeal of *Minnesota Rules* 3800.3500, Subp. 12, Signaling Circuit. The definition of "Signaling Circuit" is germane to *Minnesota Statutes* 326.01, Subd. 6d; the definition of "Alarm and Communication System."

Persons Affected: Electrical contractors, alarm and communication contractors, employers not required to be licensed contractors, licensed electricians, employees of alarm and communication contractors, and employees of employers not required to be licensed contractors may be affected by this amendment. The effect of abolishing the definition of "Signaling Circuit" would require reliance on general definitions found in associated standards identified in *Minnesota Statutes* 326.243.

Statutory Authority: *Minnesota Statutes*, Section 326.241, Subd. 2(6) authorizes the Board to adopt reasonable rules to carry out its duties under Sections 326.241 to 326.248 in accordance with Chapter 14.

Public Comment: Interested persons or groups may submit comments, information, or opinions on the subject of the proposed rulemaking in writing until 4:30 p.m. on December 31, 1997. The Board does not contemplate appointing an advisory committee to comment on the repeal of this rule.

Rules Drafts: The Board does not have a draft of proposed rules prepared. Because the proposed action is to repeal a current rule, the rule is stated: **Signaling Circuit.** "Signaling circuit" means an electric circuit that is used exclusively for the supply of energy to a device that gives a recognizable signal, including but not limited to door bells, digital data displays, and signal lights, and that does not supply energy to any device that controls electrical equipment other than the signaling devices.

Official Notices

Contact Person: Written comments should be addressed to John A. Schultz, Board of Electricity, Griggs Midway Building, Ste S-128, 1821 University Avenue, St. Paul, MN 55104-2993. Questions and requests for additional information may be made in writing to the address above or by telephone; (612) 642-0800. The TTY/MRS telephone number is (800) 627-3529. The TTY/MRS number does provide a direct connection to the Board of Electricity.

Alternative Format: Upon request, this Request for Comments can be made available in an alternative format, such as large print, braille, or cassette tape. Please contact the Board of Electricity 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.

Dated: 13 October 1997

John A. Schultz, Executive Secretary
Board of Electricity

Department of Health

Proposed Revisions to Plan for Use of Administrative Penalty Orders and Cease and Desist Orders

Notice of Intent to Finalize Revised Plan

The Minnesota Department of Health, Division of Environmental Health, is finalizing revisions to its existing plan for the use of administrative penalty orders and cease and desist orders. A revised plan is now available for public comment.

The Health Enforcement Consolidation Act (*Minnesota Statutes*, sections 144.989 to 144.993) applies to all regulatory programs of the Environmental Health Division and provides authority to issue administrative penalty orders and cease and desist orders. Authority to develop a plan for the use of the enforcement tools in this Act was granted by *Minnesota Statutes*, section 144.99, subdivision 7.

The regulatory programs administered by the Environmental Health Division are public pools, wells and borings, food and beverage establishments, lodging establishments, hotels and motels, manufactured home parks, resorts, tourist camps, recreational camping areas, children's camps, public water supplies, public water supply treatment operator certification, water haulers, sources of ionizing radiation, x-ray machines, facilities using radium enclosed sports arenas, clean indoor air, smoking in public places and places of work, asbestos abatement, lead abatement, plumbing and licensure of plumbers, and water conditioning contractors and installers.

The administrative penalty order authority allows for the assessment of a penalty by the commissioner of health for violations. The maximum penalty is \$10,000. The penalty may be forgiven for violations that are not serious or repeated. The cease and desist order authority allows the department to stop an activity for up to 72 hours if the activity is posing an immediate risk to public health.

The plan for the use the administrative penalty order authority and cease and desist order authority was initially adopted by the department November 8, 1993, and subsequently amended on December 1, 1995.

Revisions to the existing plan are designed to implement amendments to the Health Enforcement Consolidation Act of 1993 contained in *Laws of Minnesota 1997*, Chapter 205, sections 29 and 30. Other revisions are designed to clarify existing plan provisions. Parties who are interested in a copy of the revised plan may receive copies from:

David Wulff
Minnesota Department of Health
Division of Environmental Health
121 East Seventh Place, Suite 220
P.O. Box 64975
St. Paul, Minnesota 55164-0975
Phone: (612) 215-0849 FAX (612) 215-0979
E-mail: david.wulff@health.state.mn.us

A revised plan will be adopted by the department by December 1, 1997. The revised plan may be modified as a result of public comment received. Parties are invited to submit written comment to Mr. Wulff on the revised plan by 4:30 p.m. November 12 1997.

Dated: 6 October 1997

Patricia A. Bloomgren, Director
Division of Environmental Health

Departments of Human Services, Health and Public Safety

Request for Comments on Planned Amendments and Repeal of Rules of the Minnesota Merit System Governing Physical Examinations, Applications, Disqualification of Applicants, Conduct of Examinations, Salary Adjustments and Increases, the Compensation Plan, Pay Periods, Payment for Full-time and Part-time Employment, Payment for Less than a Full Payroll Period, Compensation for Vacation or Sick Leave or Both Upon Separation, Overtime Compensation, Salary for Appointments, Computing Monthly, Hourly, Less- than-full-time, Biweekly, and Four-Week Salary Rates, and Incumbents of Reclassified Positions

Minnesota Rules, parts 9575.0350, 9575.0400, 9575.0410, 9575.0420, 9575.0470, 9575.1350, 9575.1360, 9575.1370, 9575.1390, 9575.1400, 9575.1410, 9575.1500, 9575.1510, 9575.1580, 4670.0930, 4670.1310, 4670.1320, 4670.1700, 4670.1800, 4670.1920, 4670.4000, 4670.4010, 4670.4020, 4670.4040, 4670.4050, 4670.4100, 4670.4200-4670.4240, 4670.4300, 7520.0530, 7520.0650, 7520.0700, 7520.0800, 7520.1000-7520.1100, and 7520.1200

Subject of rule. The departments of Human Services, Health, and Public Safety are considering rule amendments pertaining to the operation of the Minnesota Merit System that provide clarification on the closing date for receipt of applications, amend the conditions under which applicants can be disqualified, provide examination accommodations for applicants with disabilities, clarify when appointing authorities may require physical examinations, modify the examination requirements when an employee's position is reclassified, provide a 1998 salary adjustment for employees covered by the Minnesota Merit System, and amend the salary ranges in the compensation plan for 1998. Other minor amendments are proposed to remove outdated language or incorrect references to rule numbers. The Departments also are considering repeal of certain rules that pertain to payroll. Repeal of these rules is being proposed since local and county appointing authorities already have payroll policies that apply to local and county human services, social services, health and emergency management employees.

Persons Affected. The amendments to the rules and repeal of rules would affect employees of the county human services, social services, health and emergency management agencies covered by the Minnesota Merit System. Rule amendments to the compensation plan and salary adjustments and increases would affect only those employees of county human services, social services, health, and emergency management agencies who are not covered by the terms of collective bargaining agreements. The departments do not contemplate appointing an advisory committee to comment on the planned rules.

Statutory Authority. *Minnesota Statutes*, sections 256.012, 144.071, and 12.22, subd. 3 authorize the departments to adopt rules to provide local and county appointing authorities with an effective system of personnel administration based on merit principles.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing or orally until 4:30 p.m. on Friday, December 12, 1997. The departments do not anticipate that a draft of the rule amendments will be available before the publication of the proposed rules. Written or oral comments, questions, requests to receive a draft of the rules when they have been prepared, and requests for more information on the planned rules should be addressed to:

Betty Carlson
 Department of Human Services
 444 Lafayette Road
 St. Paul, Minnesota 55155-3822
 Telephone: 612-282-2649

Dated: 6 October 1997

David S. Doth
 Commissioner
 Department of Human Services

Anne Barry
 Commissioner
 Department of Health

Arne H. Carlson
 Governor

Department of Labor and Industry

Request for Comments on Planned Amendment to Rules Governing Prevailing Wage Determinations, *Minnesota Rules, Part 5200.1050*

Subject of Rules. The Minnesota Department of Labor and Industry requests comments on its planned amendment to rules governing prevailing wage determinations. The Department is considering rule amendments that reduce the minimum number of hours which a worker must work on a highway and heavy construction project before that worker's wages may be included in the prevailing wage determination survey process.

In February 1997 the Department adopted a number of changes to the prevailing wage determination process. One of the changes was that individual workers could have their wages reported and included in the determination process more than once, provided the workers were employed on more than one project. Previously, each worker's wages could be reported and included only once in each year, even though the worker may have worked on a number of projects.

As part of the February 1997 changes, the Department for the first time adopted a minimum hours worked requirement for highway and heavy construction and commercial construction. Workers on highway and heavy construction projects must work 24 hours on the project before their wages can be included in the prevailing wage determination process. Workers on commercial construction projects must work 8 hours on a project before their wages may be included in the determination process. The purpose of adopting these minimum hours worked requirements was to deter the practice of rotating work crews between projects in an attempt to manipulate the prevailing wage rate to be determined by the Department.

Since these changes were adopted it has come to the attention of the Department that the 24 hour minimum hours worked requirement for highway and heavy construction purposes was having the unintended result of limiting the ability of some workers to be effectively included in the wage determination process. Specifically, there are certain labor classes in which the workers routinely put in less than 24 hours on an entire highway and heavy construction project. For example, landscapers who plant grass along highway right of way often complete all the required planting in less than 24 hours. Also, some large repaving projects can be completed in less than 24 hours using modern paving equipment. These workers should be able to have their wages included in the prevailing wage determination process. The Department is considering reducing the 24 hour minimum hours worked requirement for highway and heavy construction projects to a level which serves an adequate deterrent purpose, yet still allows for the inclusion of wages for workers who are routinely on projects for less than 24 hours.

Persons Affected. The amendment to the rules would likely affect highway and heavy construction contractors and their workers and owners of highway and heavy construction projects such as state, county and municipal governments.

Statutory Authority. *Minnesota Statutes*, section 175.171, provides the Department with general rulemaking power. *Minnesota Statutes*, section 177.44, subdivisions 3 and 4 deal specifically with highway and heavy construction and provide the authority for these planned amendments.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing or orally until 4:30 p.m. on Friday December 12, 1997 or until notice is published in the *State Register* that the Department intends to adopt or to withdraw the rule amendments. The Department does not contemplate appointing an advisory committee to comment on the planned rule amendments. Persons or groups desiring to comment should do so by December 12, 1997 to assure that their comments may be considered before the Department proceeds to publish a proposed rule and notice of its intent to adopt the rule amendment.

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

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these planned rule amendments should be addressed to:

Erik Oelker
Senior Labor Investigator
Minnesota Department of Labor and Industry
443 Lafayette Road
St. Paul, MN 55111
telephone (612) 296-6452

TTY users may call the Department at (612) 296-4198. This Request For Comments is also available at the Department's World Wide Web address; www.doli.state.mn.us.

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Note: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted

to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: 6 October 1997

Gary W. Bastian, Commissioner
Department of Labor and Industry

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective October 13, 1997 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Carver: Ice Arena Addition - Chaska Community Center-Chaska.

Chisago: Roof Repair - Wild River State Park Buildings-Almelund.

Hennepin: Asbestos Abatement / Phase 5 - Southwest High School-Minneapolis; Annual Building Construction & Remodeling Contracts - U of M-Minneapolis; Lead Paint Stabilization Project - Sullivan School-Minneapolis.

Itasca: Roof Replacement - Various Buildings/Ah-Gwah-Ching Center-Ah-Gwah-Ching.

Ramsey: Signage at Judicial Building-St. Paul; Annual Building Construction & Remodeling Contract - U of M-St. Paul; Life Safety Upgrades - Irondale High School / Edgewood Middle School / Pike Lake Elementary School-Moundsview/New Brighton; Fire Alarm System - Washington Magnet School-St. Paul.

Rice: Replace Quarry Tile Flooring - School of the Deaf-Faribault.

St. Louis: St. Louis County Court House Elevator-Hibbing.

Washington: St. Croix Valley Sports Complex-Stillwater.

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 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

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Determinations for Highway/Heavy Projects

On October 13, 1997, the commissioner determined and certified prevailing wage rates for Highway/Heavy construction projects in each region statewide.

Copies may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306 or by calling (612) 296-6452. The charges for the cost of copying and mailing are \$1.00 for the first page and \$.50 for any additional pages. Please note that the cost per region varies according to the number of pages per region.

Gary W. Bastian
Commissioner

State Grants & Loans

Department of Public Safety

Minnesota Auto Theft Prevention Program

Notice of Meeting of the Board of Directors

The Department of Public Safety, Minnesota Auto Theft Prevention Program, will be holding its Board of Directors meetings on the following dates: October 23, 1997, November 20, 1997 and December 18, 1997. Meetings will begin at 9:00 a.m. at the MATPP office located at 1110 Centre Pointe Curve, Suite 405, Mendota Heights, MN. (Hwy 110 and Lexington Ave. west of Hwy 35W - south side of the GNB Technologies Bldg.). Meetings are open to the public. For more information you may contact the MATPP office at (612/405-6155).

Teachers Retirement Association

Notice of Regular Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Thursday, October 30, 1997, at 9:30 a.m. in Suite 500, Gallery Building, 17 W. Exchange Street, St. Paul, MN to consider matters which may properly come before the Board.

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 Administration

STAR Program

Community Action Networks (CAN)- Rural Delivery of Assistive Technology Services and Devices Grants. Region 2 Only (Aitkin, Carlton, Cook, Itasca, Koochiching, Lake and St. Louis Counties)

A System of Technology to Achieve Results (STAR) is offering grants to Region 2 based groups of volunteers, non-profit or for-profit organizations who wish to establish or expand projects that guarantee rural delivery of assistive technology (AT) services and devices to unserved, underserved or under-represented people with disabilities. This includes minorities, persons with low incomes, and persons with limited English proficiency. Each CAN should be a committee comprised of a majority of individuals with disabilities and immediate family members of individuals with disabilities from region two. The project should include, but is not limited to, assessment, evaluation and consultation for mobility, seating, positioning, augmentative communication, environmental controls, as well as aids to provide sensory or cognitive access to assistive technology; provide training, and help develop advocacy skills with the goal of developing regional capacity to provide access to technology for individuals with disabilities. The grant is for up to \$20,000. Projects must include \$6,600 for resource development activities that ensure the continued provision of AT services and devices in future years. Proposals must be received by Friday, November 14, 1997, 4:30 PM in the format specified in the application packet. Previous winners of RATR or other STAR grants *are eligible*. These funds may not be used to supplant activities or services mandated by other federal or state legislation. Materials detailing the process can be obtained by contacting STAR at 612.296.8817, 612.296.9478 (TTY), 800.657.3862, 800.657.3895 (TTY). No FAX copies will be accepted. Questions should be directed to the Program Specialist at 612.296.9718.

Department of Children, Families and Learning

Children's Trust Fund

Notice of Availability of Grant Funds for Child Abuse Prevention Programs

PROJECT DESCRIPTION: The Children's Trust Fund has received a federal Community-Based Family Resource and Support Program (CBFRS) grant in the amount of \$800,000. This grant is the direct result of legislation that consolidates the Community-Based Family Resource Programs, The McKinney Family Act Family Support Center Program, and the Temporary Child Care for Children with Disabilities and Crisis Nurseries Act programs. The new legislation is based on the recognition that individual child abuse and neglect prevention programs cannot stand alone. In these times of discrete categorical programs with overlapping or fragmented services, the challenge of preventing child abuse and neglect will most effectively be met by programs at all public and private levels working together to achieve their common goal. The federal grant specifically authorizes programs to foster and direct the networking and development of a continuum of preventative services for children and families through State and community-based collaborations and public private partnerships. This legislation requires the development, operation and expansion of a network of programs aimed at preventing the abuse and neglect of children be given priority.

Examples of programs cited by the federal legislation where the networking efforts could be developed or expanded are: Temporary Child Care for Children with Disabilities, Crisis Nursery Programs, Parents Anonymous, Respite Care, Community-Based Family Resource and Support Programs, Family Support Centers, Parents as Teachers (PAT), Home Instruction Programs for Preschool Youngsters (HIPPI), State and Local Chapters of the National Committee to Prevent Child Abuse. The examples are not meant to be all-inclusive. A strategic plan for the development of a network of family resource programs should include any programs or components of programs that work to prevent the abuse and neglect of children.

ELIGIBLE APPLICANTS

Applicants must be community-based public and/or non-profit organizations or agencies, or Indian reservations. These might include such entities as family service centers, community action programs, community nonprofit organizations, family service and/or mental health collaboratives, and tribal governments.

Cooperation and collaboration among various organizations and agencies that can demonstrate evidence of multi-agency involvement in the planning and implementing of proposals is highly encouraged.

Grant Requirements and Process

Program Requirements: Grants will be awarded for proposals that:

- Are designed to meet the needs of families by developing, expanding, or enhancing the core services of education and support services to acquire/develop parenting skills.
- Are current members of, or plan to enter into, collaborative, public-private partnerships to develop a wider network of preventative services (identify existing collaborative or networking agreements and state whether or not your agency is a partner).
- Will constructively and actively involve a cross section of parents/consumers who represent the area being served in the development and on-going operation and governance of the program.
- Demonstrate a willingness to participate in the development and maintenance of a statewide network of family resource and support programs.
- Demonstrate cultural competence. Programs need to demonstrate an understanding and sensitivity to the communities they propose to serve.

Priority consideration will be given to programs serving low income communities and programs serving young parents and/or parents of young children.

How much money is available? The Children's Trust Fund will disburse \$800,000. The CTF will award grants in amounts not less than \$15,000 and not exceeding \$100,000 during this grant cycle. Grant contracts will be executed for a 30-month period beginning March 1, 1998. These funds will be awarded in accordance with Section 201(b) of Title II of the Child Abuse Prevention and Treatment Acts Amendments of 1996 (Community-Based Family Resource and Support Program Grants).

Can these funds be used to expand current efforts? Yes, funds may be used to enhance the capacities to develop and improve services. These funds are intended to address unmet needs in the communities through partnering with other prevention organizations or agencies.

State Grants & Loans

Are there legal requirements? Yes, applicant organizations must comply with all state and federal requirements, including worker's compensation, affirmative action, and data privacy and confidentiality practices. The applicant must be prepared to comply with standardized state reporting and program evaluation requirements. Forms and formats will be provided. Other requirements for entering into a grant contract will be dealt with upon selection of grantees. Grant Contracts require both state and federal tax identification numbers to be provided.

How does this program fit with other networking efforts? Because Minnesota has a number of state and local networking initiatives underway, Community-Based Family Resource and Support Program grant applicants are encouraged to link and coordinate their planning and proposal activities with these efforts. Other agencies in your geographic area may also be receiving this RFP. You are encouraged to communicate and coordinate your program with other agencies. Applicants are asked to describe developing and existing collaborative partnerships in their communities and the applicants level of participation, if any.

What service principles guide this effort? Proposals should adhere to the Community-Based Family Resource and Support Program principles of networking as a way to focus on the family as a whole; being positive and proactive in promoting the healthy development, stability and well-being of children and family members; focusing on prevention to improve family access to formal and informal resources and opportunities, valuing the ongoing contributions of families in designing the program, and establishing policies and governance procedures and in soliciting input and feedback; being community-based, being intensive enough to bring about change, meeting families' needs, and fostering the growth and development of children.

Who will review the applications and determine the awards? Applications will be reviewed and awards determined by the Children's Trust Fund Advisory Council, with expanded membership that includes the representatives of the former Family Preservation and Support Services State Planning Committee, ECFE representatives, local service providers, parents and Tribal representatives.

How do we apply for a grant? Interested parties may request application forms and the complete RFP by calling the Children's Trust Fund office at (612) 296-5436. Forms are available in hard copy or on computer disc in Word Perfect 6.0 or 6.1 format.

Time Line

Application deadline. To qualify, the original and seven copies of the application must be received in the office of the Children's Trust Fund, 550 Cedar Street, Room 949, St. Paul, MN 55101-2273 no later than 4:00 PM on January 9, 1998, or postmarked no later than January 9, 1998.

Notice of grant awards. Applicants will receive notice of the awards in February 1998.

Programs start. Following the award of grants and execution of grant contracts, programs should be ready to begin grant supported activities in March 1998.

Department of Corrections

Notice of Correction to Announcement of Funds Available to Battered Women and Sexual Assault Victims

The notice of availability as published on page 299 in the August 18, 1997 *State Register* is corrected as follows:

The Minnesota Department of Corrections, Victim Services Unit, announces the availability of one grant of \$50,000 in state funds to provide advocacy services for women leaving prostitution to include the development of support services and transitional housing. This grant is for the 12- month period from January 1, 1998 through December 31, 1998. Nonprofit organizations and local units of government are eligible to apply. All applicants must provide a cash or inkind match equivalent to the funding amount. Applications are due **Friday, November 7, 1997**.

To receive application materials, contact:

Minnesota Department of Corrections
Victim Services Unit
1450 Energy Park Drive, Suite 200
St. Paul, MN 55108-5219
612/642-0251 (voice)
1-800/657-3679 (outside the metro area)
612/643-3589 (TTY)

Department of Health

Division of Environmental Health

Requests for Proposals for Two Lead-Related Grants

1. The Minnesota Department of Health intends to award grants of up to \$75,000 to one or more applicants for purchase and maintenance of lead cleanup equipment for loan to the public and related training.
2. The Minnesota Department of Health intends to award grants of up to \$35,000 to one or more applicants for provision of lead-safe housing and relocation costs for families displaced by lead abatement of their primary residence.

Key Dates

- Proposals must be postmarked by *November 28, 1997*.
- Awards will be made by January 19, 1997.
- Funding for lead cleanup equipment must be used by May 15, 1998.
- Funding for lead-safe housing must be used by June 30, 1998.

Submit three copies of proposals to:

Douglas M. Benson
Minnesota Department of Health
Division of Environmental Health
121 East Seventh Place, Suite 360
P.O. Box 64975
St. Paul, Minnesota 55164-0975

Questions on this Request for Proposal should be addressed to Mr. Benson at (612) 215-0881. TTY users may call the Department at (612) 623-5522.

Grant 1

Lead Cleanup Equipment and Material Grants

Proposals must identify lead cleanup equipment to be purchased, its cost, and how it will be made available to the public. Applicants must indicate that they have space available to store and maintain the equipment. Applicants must also explain how they will cope with any perceived potential liability from loaning lead cleanup equipment to the public. Lead cleanup equipment includes high efficiency particle accumulator and wet vacuum cleaners, drop cloths, secure containers, respirators, scrapers, dust and particle containment material, and other cleanup and containment materials to remove loose paint and plaster, patch plaster, control household dust, wax floors, clean carpets and sidewalks, and cover bare soil. Lead cleanup equipment may include other items if the applicant justifies it as being effective at removal or disposal of lead waste.

Eligible applicants

Grant applicants must be nonprofit community-based organizations in areas at high risk for toxic lead exposure. Applicants must include copies of their letters from the U.S. Internal Revenue Service confirming their status as "501(c)(3)" organizations.

Applicants must demonstrate ability to provide services to people who are at risk for lead exposure. Areas at high risk for toxic lead exposure include census tracts that meet one or more of the following criteria:

1. elevated blood lead levels have been diagnosed in a population of children or pregnant women;
2. many residential structures are known to have or are suspected of having deteriorated lead-based paint; or
3. median soil lead levels greater than 100 parts per million.

Eligible Costs

Eligible costs include:

1. purchase of the equipment identified in the proposal;
2. provision of a location for storage and loan to people for cleanup of residential property;
3. training of grantee's staff and of people borrowing equipment;
4. routine cleaning and maintenance of the equipment by grantee's staff; and
5. proper disposal of any waste materials on or in the equipment when it is returned.

State Grants & Loans

Grant 2

Safe Housing Grants

Safe housing includes lead-safe temporary shelter for families displaced by lead abatement or lead hazard reduction that was ordered by an inspecting agency.

Eligible applicants

Applicants must be community health service agencies with authority to conduct lead inspections within their jurisdictions.

Eligible Costs

Eligible costs include:

1. inspection of housing prior to purchase or rent;
2. purchase or rent of temporary housing found by inspection to be free of sources of immediate lead exposure, i.e., free of deteriorating lead-based paint, free of bare lead-contaminated soil and dust, and free of lead-contaminated drinking water;
3. moving expenses up to \$250 per family; and
4. staff training costs related to provision of lead-related health education to families using lead-safe, temporary housing.

Department of Human Services

Notice of Request for Proposals for MinnesotaCare Outreach

The Department of Human Services is seeking proposals to provide information about the MinnesotaCare program and the importance of maintaining health insurance coverage to uninsured Minnesotans. The goal of this program is to substantially reduce the number of Minnesotans without health care insurance by successfully enrolling eligible individuals in the MinnesotaCare program. The Department welcomes proposals that are both regional and statewide in nature, as well as those targeting specific populations.

Grant monies totaling \$750,000 for each of state fiscal years 1998 and 1999 are available for this program. The Department anticipates awarding grants for a variety of projects, with funded projects beginning on or about January 1, 1998. This request for proposals 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.

The complete request for proposals, which contains detailed specifications, will be available for mailing on October 13, 1997. For a copy of this request, contact:

Jane Martin
Health Care for Families and Children
Minnesota Department of Human Services
444 Lafayette Road
St. Paul MN 55155-3848
(612) 297-1183
jane.martin@state.mn.us

Ms. Martin is the only person at the Department of Human Services who is authorized to respond to inquiries regarding this document. All proposals must be received at the above address by Wednesday, November 26, 1997, at 4:00 pm CST.

Department of Public Safety

Minnesota Auto Theft Prevention Program

Notice of Grant Availability for Auto Theft Prevention Programs for Government Units and Local Business and Community Organizations

The Minnesota Auto Theft Prevention Program Board announces the availability of \$1,865,000.00 in grant money. Applications will be accepted from State, County, Local Police Departments, Governmental Agencies, Prosecutors, Judiciary, Businesses, Community and Neighborhood Organizations. Money granted through this program must be dedicated to the area of auto theft. Grant application packets may be obtained by contacting Dennis Roske at the Auto Theft Prevention Office at (612/405-6153 or 405-6155). To be considered, applications must be received in the MATPP office in Mendota Heights by 4:30 p.m. on December 31, 1997.

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

State Designer Selection Board

Addendum to Request for Proposals—Project 3-97

To Minnesota Registered Design Professionals

Corrections to Request for Proposals (RFP) published in the *State Register*, Monday, October 6, 1997.

This is a *Department of Transportation* project, not a Department of Corrections project as referenced in the RFP.

Proposals are due on or before 4:00 p.m. on Monday, **October 27, 1997**. It is not necessary to do a cover letter to *Audrey Clasemann*.

Department of Public Service

Notice of Request for Proposals for Instructors to Provide Training on Energy Efficient Design and Construction of Buildings

The Department of Public Service is seeking proposals from qualified firms and individuals to provide training on energy efficient design and construction of residential buildings. The estimated total budget for this project is \$20,000. Deadline for receipt of proposals is 1:00 p.m., Tuesday, November 4, 1997.

The contract is anticipated to extend from November, 1997 until June 30, 1998. Details concerning submission requirements are included in the Request for Proposals. A copy of the Request for Proposals is available by contacting Bruce Nelson, Department of Public Service, 121 7th Place E, Suite 200, St. Paul, MN 55101, telephone (612) 297-2313, FAX (612) 297-1959, or e-mail: bnelson@dpsv.state.mn.us.

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.

Metropolitan Council

Invitation to Bid on Audio/Visual Equipment and Installation Services

Sealed bids will be received at the offices of the Metropolitan Council, Mears Park Centre, 230 East 5th Street, St. Paul, Minnesota 55101, on October 27, 1997, at 2:00 P.M., at which time and place they will be publicly read for the acquisition of audio/visual equipment and installation services.

Copies of the specifications and bid instructions may be obtained from the offices of the Metropolitan Council or by calling 612-602-1032 or via Fax request at 612-602-1083. All bids to be considered must be submitted on Council approved bid forms.

Potential bidders are strongly encouraged to attend a pre-bid information meeting and project walk through to be held at Mears Park Centre on October 21, 1997, at 10:00 A.M. Call 612-602-1032 for more information and to make reservations.

The award will be based upon, but not necessarily limited to, factors of price, agreement to the Metropolitan Council's terms and conditions and past experience with the Metropolitan Council.

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

Metropolitan Council Environmental Services

Public Notice for Letters of Interest for Professional Services

NOTICE IS HEREBY GIVEN that the Metropolitan Council Environmental Services (MCES) is soliciting proposals for professional services for Risk Management Plans in accordance with the Clean Air Act Section 112(r), for 9 wastewater treatment plants (Metro, Seneca, Blue Lake, Empire, Hastings, Cottage Grove, Chaska, Rosemount and Stillwater).

The services to be provided include review existing Process Safety Management (PSM) Plans for all facilities; review existing data and on chemical storage/usage for all facilities; complete a worst-case release scenario and two alternative scenarios; provide large-scale community maps with potential impact zones; investigate mitigation measures, provide completed Risk Management Plan for each facility; develop and implement Communication Plan.

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

Receive Letters of Interest	October 1997
Request for Proposals (RFP) issued	October 1997
Tour of 3 of the plants	November 1997
General Informational Meeting	November 1997
Proposals Received	December 1997
Select Consultant	December 1997
Negotiate final Contract Agreement	December 1997
Notice To Proceed given	January 1998

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

All inquiries are to be addressed to:

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

Southwest Regional Development Commission

Prairie Expo, Inc.

Request for Qualifications: Resource Development Consultant

Prairie Expo, Inc. and the Southwest Regional Development Commission are seeking qualifications from consultants, and consulting firms for assistance with non-profit capital development.

Project Description:

The Prairie Expo facility will be a tourism development project located in Worthington Minnesota on Interstate 90. This project will be a show case of the cultural, historic, natural, and commercial assets of Southwest Minnesota. The facility will include museum quality displays, an object theater, a restored wetlands—prairie wildlife area, and concessions such as gift store and food service. The project is a private-public partnership. The project is operated by the not-for-profit Prairie Expo, Inc., with ownership held by the Southwest Regional Development Commission. A majority of the funding for this \$7 million project has been secured through a number of public sector funding mechanisms. Prairie Expo is seeking to bridge the final capital financing gap at this time. Upon start-up Prairie Expo will be self-sustaining through a variety of revenue generating enterprises incorporated in the facility.

Services Sought:

Prairie Expo is seeking a consultant to assist in developing a strategy to complete capital financing, and to implement capital development programs. It is anticipated that corporate sponsorship of facility programs and features will be a major element of the strategy. However, Prairie Expo is open to a variety of fund raising programs.

Qualifications are to include:

- Experience with development of corporate sponsorships.
- Experience with capital development projects.
- Experience with private/public partnerships.
- Experience with tourism projects.
- Rates and fee structures.
- References.
- Personnel, credentials and related experience.

Deadline for Qualifications: November 3, 1997.

Submissions and Inquiries can be directed to:

Ann Peterson, Deputy Director
Southwest Regional Development Commission
2401 Broadway Ave., Suite 1
Slayton, MN 56172
Tel: 507-836-8547, ext. 109
Fax: 507-836-8866