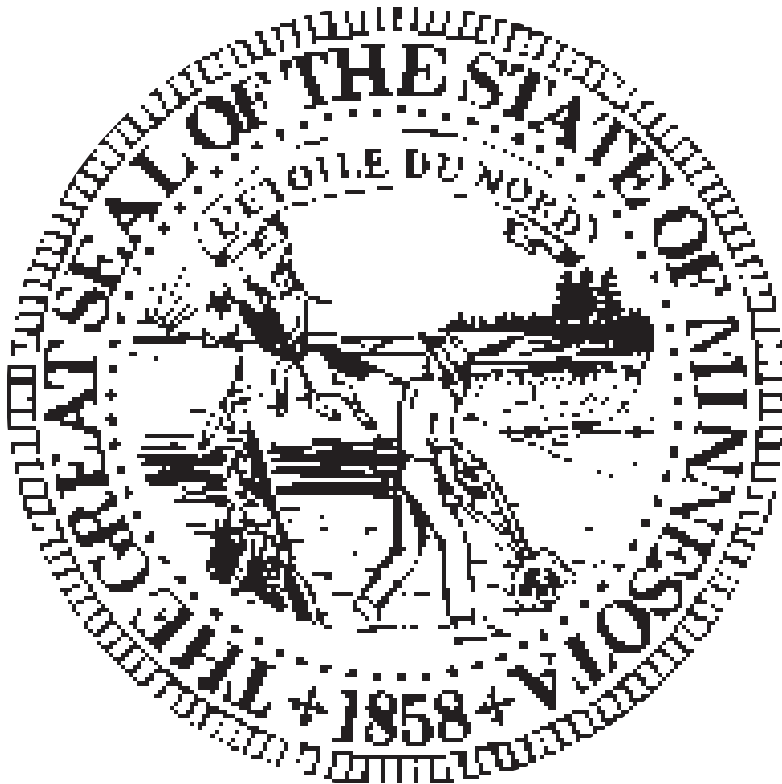


The Minnesota

State Register

Rules and Official Notices Edition



Published every Monday (Tuesday when Monday is a holiday) by the
Department of Administration – Communications Media Division

Monday 1 December 1997

Volume 22, Number 22

Pages 935-964

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
# 22	Monday 1 December	Monday 17 November	Friday 21 November
# 23	Monday 8 December	Friday 21 November	Monday 1 December
# 24	Monday 15 December	Monday 1 December	Monday 8 December
# 25	Monday 22 December	Monday 8 December	Monday 15 December

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
Department of Administration:	Communications.Media Division	Robin PanLener, Editor 612/297-7963
Elaine S. Hansen, Commissioner 612/296-1424	Mary Mikes, Director 612/297-3979	Gretchen Stark, Assistant Editor 612/296-0929
Kent Allin, Asst. Commissioner 612/297-4261		Jessie Hill, Subscriptions 612/297-8774

Copyright © 1997 Communications.Media Division, Department of Administration, State of Minnesota.
Publication Number: 326630. (ISSN 0146-7751)

PUBLISHING NOTICES IN THE *State Register*: Submit TWO COPIES of your notice, typed double-spaced. State agency submissions must include a "State Register Printing Order" form, and a "Certification/Internal Contract Negotiation" form with contracts for professional, technical and consulting services. Non-State Agencies should submit TWO COPIES, with a letter on your letterhead stationery requesting publication and date to be published. FAXED submissions to 612-297-8260 are received to meet deadline requirements, but must be followed by originals and applicable forms or letters to be accepted. The charge is \$84.00 per page, billed in tenths of a page (columns are seven inches wide). About 2-1/2 pages typed double-spaced on 8-1/2"x11" paper equal one typeset page in the *State Register*. Contact the editor if you have questions.

An "Affidavit of Publication" can be obtained at a cost of \$10.00 for notices published in the *State Register*. This service includes a notarized "Affidavit of Publication" and a copy of the issue of the *State Register* in which the notice appeared.

SUBSCRIPTION SERVICES: The *State Register* is published by Communications.Media Division, Department of Administration, State of Minnesota, pursuant to *Minnesota Statutes* § 14.46 and is available at the main branch of county libraries in Minnesota and all "State Depository Libraries": State University and Community College libraries; the University of Minnesota libraries; St. Paul, Minneapolis and Duluth Public Libraries; the Legislative Reference Library; State Law Library; Minnesota Historical Society Library; and the Library Development Service at the State Department of Children, Families and Learning. Copies are available at Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Order by phone: Metro area: 297-3000 Toll free 800-657-3757. TTY relay service phone number: 1-800-627-3529. **NO REFUNDS.** Subscribers who do not receive a copy of an issue should notify the *State Register* Subscription Office immediately at (612) 297-8774. Copies of back issues may not be available more than two weeks after publication. Both editions are delivered postpaid to points in the United States, Periodicals Postage Paid for the *State Register* at St. Paul, MN, first class for the *Contracts Supplement*. See the *State Register* "Table of Contents" on our website: <http://www.comm.media.state.mn.us>

- ***State Register*** (published every Monday, or Tuesday if Monday is a holiday) One year subscription: \$160.00; via Internet: \$185.00. Users agree not to redistribute without authorization. Internet subscribers to the *State Register* agree not to use their subscription at multiple offices in different cities. For example, a business or organization with branch offices in St. Paul, Minneapolis, Duluth, St. Louis, Chicago, New York and Washington, D.C. will use their subscription in only one city.
- ***Contracts Supplement*** (published every Tuesday, Wednesday, Friday) One year subscription: \$135.00 via first class mail, \$150.00 via fax or through our website. Users agree not to redistribute without authorization.
- **13-week trial subscription** which includes both the *State Register* and *Contracts Supplement*. \$65.00
- **Single issues** are available for a limited time: *State Register* \$5.00, *Contracts Supplement* \$1.00. Shipping is \$3.00 per order.
- **"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

Minnesota Rules: Amendments & Additions	
Volume 22, issues #14-22 (issues #1-13 cumulative appeared in issue #13)	938
Proposed Rules	
Health Department	
Mortuary science.....	940
Human Services Department	
Family planning services	943
Labor and Industry Department	
Occupational safety and health; administrative procedures...	944
Adopted Rules	
Economic Security Department	
Reemployment insurance benefits and procedures.....	950
Exempt Rules	
Agriculture Department	
Dairy trade and dairy plants.....	950
Official Notices	
Minnesota Comprehensive Health Association	
Meeting Friday 5 December 1997 of the Board of Directors ..	951
Meeting Tuesday 9 December 1997 of the Enrollee Appeal Committee	951
Health Care Consumer Advisory Board	
Public meetings Thursday 11 December, and Friday 19 December 1997.....	951
Health Department	
Human Services Department	
Public hearing concerning risk adjustment and rate setting methods for the prepaid public health care programs in Minnesota	952
Human Services Department	
Vacancies on Medicaid Citizens' Advisory Committee.....	952
Medical Practice Board	
Comments sought on planned amendment to rules for continuing medical education.....	953
Metropolitan Council	
Public hearing on affordable and life-cycle housing goals agreements negotiated with Twin Cities area communities participating in the livable communities housing incentives account.....	953
Nursing Board	
Meetings during 1998 of the Minnesota Board of Nursing ...	954
Pollution Control Agency	
Public notice for the National Pollutant Discharge Elimination System NPDES/ State Disposal System (SDS) permit program draft reissuance NPDES/SDS General Permit to discharge: noncontact cooling water into waters of the state.....	954
once-through noncontact cooling water into waters of the state.....	955
Public Safety Department	
Meetings during 1998 of the Emergency Response Commission.....	956
Trade and Economic Development Department	
Minnesota Agricultural and Economic Development Board public hearing on proposed project on behalf of The Evangelical Lutheran Good Samaritan Society, North Dakota, and the issuance of bonds.....	956
Transportation Department	
City of Fairmont petition for variance from state aid requirements for street width for diagonal parking	957
City of St. Anthony petition for variance from state aid requirements for design speed	958
State Grants & Loans	
Children, Families and Learning Department	
Children's Trust Fund seeks proposals for 1998-2001 grant cycle for primary and secondary prevention programs that strengthen families.....	958
Water and Soil Resources Board	
Application period announced for 1998 natural resources block grants.....	959
Professional, Technical & Consulting Contracts	
Transportation Department	
Expressions of interest and statements of qualifications sought for preparation of detailed final design plan for Trunk Highway 100 in Golden Valley, Minnesota	960
Winona State University	
Request for WSU catalog printing sealed bids	961
Non-State Public Bids, Contracts & Grants	
Metropolitan Council - Metro Transit	
Final notice of fiscal year 1997 program of projects submitted to the Federal Transit Administration for federal financial assistance	961
Minnesota Historical Society	
Request for bids for printing services for the society all-site travel guide	962
Commodity, Service and Construction contracts are published in a bulletin, the <i>State Register Contracts Supplement</i> , published Tuesday, Wednesday and Friday. Award results are available from the Materials Management Helpline 612/296-2600.	
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.

Volume 22, issues #14-22

Agriculture Department

1525.0010-.0460; .1630-.2020 (adopted exempt)..... 950

Commerce Department

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

2642.0010 s.2, 3, 5, 6, 8, 10, 12, 18, 21; .0170; .0180 s.3; .0620; 2644.0010 s.18, 21; .0120 s.1; .0150 s.1, 2, 3; .0160; .0170; .0180; .0350 (repealed)..... 594

Dietetics and Nutrition Practice Board

3250.0100; .0110; .0120; .0125; .0130; .0135; .0140; .0145; .0150 (adopted)..... 595

3250.0050 (proposed)..... 595

Economic Security Department

3310.2901; .2902; .2913 (adopted)..... 950

3305.0300 s.2; .0600 s.7; .0700 s.4; .1000; .1100 s.4,5,6; .1200; 3310.0200; .0300; .0600; .0700; .0800; .0900; .1000; .1100; .1200; .1300; .1400; .2300; .2400; .2500; .2600; .2700; .2800; .2927; .2928; .3000; .3100; .3200; .3300; .3400; .3700; .3800; .3900; .4000; .4500; .4600; .4700; .4800; .5200; .5400; .5500; .5600; .5700 (repealed)..... 950

Education Board

3525.1150 (adopted exempt)..... 596

Health Department

4610.0420; .0600; .0650; .2800 (proposed)..... 940

4717.7000; 4720.5100; .5110; .5120; .5130; .5200; .5205; .5210; .5220; .5230; .5240; .5250; .5270; .5280; .5290; .5300; .5310; .5320; .5330; .5340; .5350; .5360; .5400; .5500; .5510; .5520; .5530; .5540; .5550; .5555; .5560; .5570; .5580; .5590 (adopted)... 668

Higher Education Services Office

4830.7100; .7500; .7800 (proposed)..... 617

4850.0014; .0015 (proposed)..... 737

Housing Finance Agency

4900.2400; .2420; .2440; .2520; .2540 (proposed)..... 905

Labor and Industry Department

5205.0010; .0065 (proposed exempt)..... 687

5207.0260 (proposed repealer)..... 687

5210.0007; .0060; .0150; .0160; .0310; .0420; .0530; .0532; .0536; .0539; .0542; .0551; .0554; .0596 (proposed)..... 944

5210.0554 s. 2, 3 (proposed repealer)..... 944

Natural Resources Department

6212 (planned proposed rules withdrawn)..... 880

6216.0100; .0200; .0230; .0250; .0260; .0265; .0270; .0280; .0290; .0300; .0350; .0400; .0500; .0600 (proposed)..... 651

6216.0200 s.4 (proposed repealer)..... 651

6216.0350 (superseding permanent rule proposed repealer)..... 651

Peace Officer Standards and Training Board

6700.0600; .0800; .1000; .1101 (proposed)..... 589

Minnesota Rules: Amendments and Additions

Pharmacy Board	
6800.0400 ; .1150; .1250; .1300 (proposed).....	769
Pollution Control Agency	
7007.0501 ; .0801; .1400; 7011.0551 ; .0625; .1201; .1205; .1210; .1215; .1220; .1225; .1227; .1228; .1229; .1230; .1235; .1240; .1260; .1265; .1270; .1272; .1275; .1280; .1281; .1282; .1283; .1284; .1285; .1290; (proposed).....	741
7011.1201 s.7, 10, 47; .1240 s.4, 6; .1265 s.9; .1285 s.4a (proposed repealer)	741
7011.7340 ; .7360; .7380; .7400; .7420; .7440 (proposed).....	665
Public Safety Department	
7506.0100 ; .2100; .2200; .2300; .2500; .2600; .2700; .2900 (adopted)	711
7506.0120 (repealed)	711
Public Service Department	
7670.0100 ; .0325; .0610; .0800; .1115; 7672.0100 ; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; .1200; .1300; 7674.0100 ; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; .1200; 7676.0100 ; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; .1200; .1300; .1300; .1400; 7678.0100 ; .0200; .0300; .0400; .0500; .0600; .0700; .0800 (proposed).....	771
7670.0495 ; .0610 s.2, 5, 6, 9, 10, 11, 13; .0660; .0800 s. 4 (proposed repealer)	771
7670.1115 (proposed)	592
Minnesota State Retirement System (MSRS)	
7905.0100 ; .0300; .0600; .1200; .1600; .1700; .1800; .1900; .2100; .2200; .2300; .2400; .2600; .2900; .3000 (adopted Exempt)	713
Secretary of State	
8205.1000 ; .2000; .2010; .2100; 2110; .2120 (proposed).....	918
Veterinary Medicine Board	
9100.0500 (proposed)	922
Human Services Department	
9505.0280 (proposed)	943
9505.0501 ; .0505; .0515; .0520; .0530; .0540; .0545 (proposed).....	908
9505.0500 ; .0510; .0520 s.4, 5, 6, 9a, 12, 13, 14; .0521; .0522; .0540 s.1, 2, 6 (proposed repealer).....	908

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 Health

Proposed Permanent Rules Relating to Mortuary Science

Notice of Intent to Adopt Rules Without a Public Hearing

Proposed Amendment to Rules Related to Mortuary Science, *Minnesota Rules*, Chapter 4610.

Introduction. The Department of Health intends to adopt rule amendments without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You have 30 days to submit written comments on the proposed rule amendments and may also submit a written request that a hearing be held on the rule amendments.

Agency Contact Person. Comments or questions on the rule amendments and written requests for a public hearing on the rule amendments must be submitted to the agency contact person. The agency contact person is: David Benke at the Mortuary Science Section of the Minnesota Department of Health, 121 East Seventh Place, P.O. Box 64975, St. Paul, MN 55164-0975, or by calling (612) 282-3828. TTY users may call the Department of Health at (612) 623-5522.

Subject of Rules and Statutory Authority. The proposed rule amendments increase licensing and registration fees for morticians, funeral directors, funeral establishments, and interns. The proposed rule amendments also make housekeeping changes to update rule terminology to match statutory terminology and to replace a reference to an advisory council that has expired. The statutory authority to adopt the rule amendments is *Minnesota Statutes*, section 149A.03. A copy of the proposed rule amendments is published in the *State Register* and attached to this notice as mailed. A free copy of the rule amendments is available upon request from the agency contact person listed above.

Comments. You have until 4:30 p.m. on Wednesday, December 31, 1997, to submit written comment in support of or in opposition to the proposed rule amendments and any part or subpart of the rule amendments. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule amendments addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rule amendments must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule 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 December 31, 1997. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rule amendments 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 rule amendments.

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

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 rule amendments may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rule amendments may not be substantially different than these proposed rule amendments. If the proposed rule 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 rule amendments, including a description of who will be affected by the proposed rule amendments and an estimate of the probable cost of the proposed rule amendments. 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 rule amendments after the end of the comment period. The rule amendments and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rule amendments are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rule 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: 14 November 1997

Anne M. Barry, Commissioner
Department of Health

4610.0420 RESIDENT ~~TRAINEE~~ INTERN REGISTRATION.

Resident ~~trainee intern~~ registration with the commissioner of health shall show the date on which the ~~traineeship~~ internship began, the name and address of the ~~mortician individual licensed to practice mortuary science in Minnesota~~ under whom the ~~trainee intern~~ is registered, and the name and address of the company, corporation, or firm of which the ~~mortician supervising mortuary science licensee~~ is the owner, partner, or employee. Discontinuance of ~~training the internship~~ or transfer to some other ~~mortician supervising mortuary science licensee~~ for service as a ~~trainee an intern~~ shall be immediately reported to the commissioner of health. The ~~trainee intern~~ shall file with the commissioner of health not less than 25 case reports upon the forms provided by the commissioner, which shall be signed by the ~~mortician supervising mortuary science licensee~~ under whom the ~~trainee intern~~ is registered.

The application for the initial or renewal registration shall be accompanied by a registration fee in an amount specified in part 4610.2800. The initial and renewal registration shall be issued for the calendar year for which application is made and shall expire on December 31 of each year. Renewal applications and fees shall be submitted no later than December 31 of the year preceding the year for which application is made.

~~Trainee Intern~~ registration shall be permitted for no more than three years; provided that for good cause the ~~Mortuary Science Advisory Council~~ commissioner of health may extend the registration for an additional period not to exceed one year.

4610.0600 FUNERAL DIRECTORS.

Subpart 1. **Licensing requirement.** Every person who wishes to qualify to engage in the practice of funeral directing under *Minnesota Statutes*, chapter 149A, shall comply with the following requirements.

The applicant shall submit two affidavits from ordained religious leaders of the applicant's faith substantiating the beliefs and convictions of the applicant's faith which forbids the practice of embalming.

<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>
--

Proposed Rules

The applicant shall be at least 18 years of age, shall have satisfactorily completed at least two years at an accredited college or university with approximate credit evaluation in course areas as follows: speech and English, 12 quarter credits; the social sciences, 20 quarter credits; natural science, 20 quarter credits; health education (to include personal or community health) 4 quarter credits; and elective areas, 34 quarter credits. Following such academic work applicants shall have completed a course of study and submit the applicant's official transcript from any school of mortuary science accredited by the American Board of Funeral Service Education in order to verify completion of all credits with the exception of embalming.

After the educational qualifications in the order specified have been acquired, the applicant shall have served at least one year as a trainee in funeral directing under a Minnesota licensed mortician. During the period of practical experience or traineeship the applicant shall have been registered as a trainee in funeral directing with the commissioner and shall have participated under supervision in the arranging and direction of at least 25 funerals. The applicant shall attain a satisfactory level of achievement in a comprehensive written examination given by the commissioner in such subjects as anatomy, microbiology, business methods, chemistry, funeral service directing and funeral service management, pathology, *Minnesota laws* and rules as they apply to mortuary science, and the practice of funeral directing. An applicant who fails to attain a satisfactory level of achievement may be reexamined at the discretion of the commissioner.

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

4610.0650 FUNERAL ESTABLISHMENT ~~PERMIT~~ LICENSE.

Applications for an original or renewal ~~permit~~ license to operate a funeral establishment must be submitted on forms provided by the commissioner together with a fee in an amount specified in part 4610.2800. Original ~~permits~~ licenses are effective from the day of issuance to the next June 30. Renewal ~~permits~~ licenses must be issued on an annual basis from July 1 to June 30 of the following year. Failure to submit the renewal application and fee by the expiration date results in an increase in the fee in an amount specified in part 4610.2800. If the renewal application and fee are not paid within 31 days after the expiration date, the ~~permit~~ license automatically lapses.

4610.2800 FEES.

Subpart 1. **Generally.** Fees for registration, examination, and licenses under parts 4610.0420 to 4610.0650 are in subparts 2 and 3.

Subp. 2. **Mortuary science fees.** The following fees are mortuary science fees:

- A. ~~trainee intern~~ registration and renewal fee, ~~\$25~~ \$50;
- B. examination fee, ~~\$50~~ \$75;
- C. original license fee, ~~\$40~~ \$50;
- D. license by endorsement, \$200;
- E. renewal fee, ~~\$50~~ \$75; and
- F. renewal fee late charge, ~~\$10~~ \$25.

Subp. 3. **Funeral directors.** The following fees are funeral director fees:

- A. application fee, \$50;
- B. renewal fee, ~~\$50~~ \$75; and
- C. renewal fee late charge, ~~\$10~~ \$25.

Subp. 4. **Funeral establishments.** The following fees are funeral establishment fees:

- A. funeral establishment ~~permit~~ license fee, ~~\$135~~ \$200;
- B. renewal ~~permit~~ license fee, ~~\$135~~ \$200; and
- C. renewal ~~permit~~ license late charge, ~~\$15~~ \$25.

Department of Human Services

Proposed Permanent Rules Relating to Family Planning Services

Notice of Intent to Adopt Rules Without a Public Hearing

Proposed Amendment to Family Planning Services Portion of Rules Governing Medical Assistance Payments, *Minnesota Rules*, part 9505.0280.

Introduction. The Department of Human Services intends to amend rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You have 30 days to submit written comments on the proposed amendments 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: Asha Sharma at the Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816; phone - (612) 282-9850; fax - (612) 297-3173.

Subject of Rules and Statutory Authority. The proposed amendments are about payment for family planning services. The purpose of the proposed amendments is to conform with changes in federal and state law. These amendments will not change the department's existing practice of paying for family planning services because DHS and Medical Assistance providers have already been in compliance with state and federal law. Among the proposed changes are: expansion of the definition of eligible provider to include nurse practitioner and nurse-midwife; removing treatment of sexually transmitted diseases from services eligible as family planning services; and including testing for sexually transmitted disease when done in conjunction with family planning. The statutory authority to adopt the rules is *Minnesota Statutes*, section 256B.04, subdivisions 4, 12. A copy of the proposed amendments is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on Friday, January 2, 1998, to submit written comment in support of or in opposition to the proposed amendments. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed amendments addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed amendments must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the proposed 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 Friday, January 2, 1998. 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 set of amendments. 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 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 amendments may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed amendments. If the proposed amendments affect you in any way, you are encouraged to participate in the rulemaking process.

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

<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>
--

Proposed Rules

Adoption and Review of Rules. If no hearing is required, the agency may amend the rules after the end of the comment period. The amendments 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 amendments are submitted to the office. If you want to be notified, or want to receive a copy of the 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.

Date: 3 November 1997

David S. Doth
Commissioner
Minnesota Department of Human Services

9505.0280 FAMILY PLANNING SERVICES.

Subpart 1. **Definitions.** For purposes of this part, the terms in items A and B have the meanings given them.

A. "Family planning service" means a ~~health service or family planning supply concerned or health service, including screening, testing, and counseling for sexually transmitted diseases, such as HIV, when provided in conjunction~~ with the voluntary planning of the conception and bearing of children and related to a recipient's condition of fertility; ~~or to the treatment of a sexually transmitted disease or other genital infection.~~

B. "Family planning supply" means a prescribed drug or contraceptive device ordered by a physician or other eligible provider with prescription authority for treatment of a condition related to a family planning service.

[For text of subp 2, see M.R.]

Subp. 3. **Eligible provider.** The following providers are eligible for medical assistance payment for a family planning service or family planning supply: physicians, nurse practitioners, certified nurse midwives, physician-directed clinics, community health clinics, rural health clinics, outpatient hospital departments, pharmacies, public health clinics, and family planning agencies.

For purposes of this subpart, "family planning agency" means an entity having with a medical director that provides family planning services under the direction of a physician who is a provider as defined in part 9505.0345, subpart 3, item C.

Department of Labor and Industry

Occupational Safety and Health Division

Proposed Permanent Rules Relating to Occupational Safety and Health; Administrative Procedures

Notice of Intent to Adopt Rules Without a Public Hearing

Proposed Amendment to Permanent Rules Relating to Occupational Safety and Health; Administrative Procedures, Minnesota Rules Chapter 5210.

Introduction. The Department of Labor and Industry intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Patricia Lorentz, OSHA Division, Department of Labor and Industry, 443 Lafayette Road, St. Paul, MN 55155-4307; phone: (612) 297-3254; Fax: (612) 297-3254; or E-mail: Patricia.Lorentz@state.mn.us. TTY users may call the Department of Labor and Industry at (612) 297-4198.

Subject of Rules and Statutory Authority. The rules proposed for amendment are existing rules governing administrative procedures of the Occupational Safety and Health Division including timely filing of documents and posting of notices. In addition, a new rule is proposed governing abatement verification. The statutory authority to adopt the rules is *Minnesota Statutes*, § 182.657. A copy of the proposed rules is published in the *State Register* following this notice and is attached to this notice as mailed.

Comments. You have until 4:30 p.m. on Wednesday, December 31, 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 December 31, 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 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: 17 November 1997

Gary W. Bastian, Commissioner
Department of Labor and Industry

5210.0007 FILING; FACSIMILE.

Subpart 1. Filing by mail and personal delivery. Filing of documents required by this chapter or *Minnesota Statutes*, chapter 182, may be accomplished by postage prepaid first class mail or personal delivery. Filing is timely if the document is deposited in the United States mail and postmarked within the time fixed for filing. Filing is effective on the postmark date or the date of personal delivery.

Subp. 2. Filing by facsimile. Documents may be filed by facsimile. Filing is completed at the time that the facsimile is received by the commissioner and has the same force and effect as the original. A faxed document will not be considered filed unless all pages are successfully transmitted via facsimile. Documents received by facsimile after 4:30 p.m. Central Standard Time are deemed filed on the next day.

Within five days after the commissioner has received the transmission, the party filing the document must file with the commissioner the original signed document.

<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>
--

Proposed Rules

Subp. 3. Time computation. In computing any period of time prescribed or allowed by this chapter or *Minnesota Statutes*, chapter 182, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

5210.0060 OBJECTIONS.

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

Subp. 2. Notice of public hearing. Within 30 days after the last day for filing objections, if ~~25~~ 100 or more persons request a public hearing, the commissioner shall, and in any other case may, publish in the *State Register* a notice of a public hearing. The notice must contain:

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

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

5210.0150 INCORPORATION BY REFERENCE OF FEDERAL STANDARDS.

Federal Occupational Safety and Health Standard 1910.20, Access to Employee Exposure and Medical Records, *Code of Federal Regulations*, title 29, ~~section 1910.20~~ as published at *Federal Register*, volume 53, number 189, on September 29, 1988; ~~and~~; the clarification published at *Federal Register*, volume 55, number 125, on June 28, 1990; and the redesignation of this standard as section 1910.1020 as published at *Federal Register*, Volume 61, number 120, June 20, 1996, are adopted by reference.

Revisions to *Code of Federal Regulations*, title 29, section 1910, subpart T (Commercial Diving Operations) and subpart Z (Toxic and Hazardous Substances) adopted by the Federal Occupational Safety and Health Administration on May 23, 1980, and published at *Federal Register*, volume 45, number 102, pages 35281 to 35284 are adopted by reference.

5210.0160 MODIFIED DEFINITION.

The terms "Assistant Secretary of Labor for Occupational Safety and Health" and "assistant secretary" as used in *Code of Federal Regulations*, title 29, section ~~1910.20~~ 1910.1020, shall mean the commissioner of the Department of Labor and Industry for the purpose of part 5210.0150.

5210.0310 CLAIM PROCEDURES.

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

Subp. 2. Manner of filing. The complaint may be filed, either orally or in writing, with the commissioner. Written complaints must be filed ~~in accordance with~~ according to part ~~5210.0554~~ 5210.0007.

INVESTIGATIONS; CITATIONS; NOTICE OF CONTEST; MODIFYING ABATEMENT DATE; ABATEMENT VERIFICATION

5210.0420 ~~POSTING OF NOTICE REQUIRED~~ POSTINGS.

Subpart 1. OSHA poster. Each employer shall post and keep posted the "Safety and Health Protection on the Job" poster issued by the Department of Labor and Industry, informing employees of the protections and obligations provided for in the act. The poster must direct employees to contact the employer or the Department of Labor and Industry for assistance and information, including copies of the act and of specific safety and health standards. The poster shall be posted by the employer in each place of employment in a conspicuous place or places where notices to employees are customarily posted. Each employer shall take steps to ensure that the posters are not altered, defaced, or covered by other material.

Subp. 2. Complaints. An employer who receives written notification, by fax or mail, from the commissioner indicating that the commissioner has received a complaint alleging that occupational safety or health hazards exist at the employer's work site, must post a copy of the commissioner's written notification and the employer's response, if any, in a conspicuous place or places where notices to employees are customarily posted. The employer shall take steps to ensure that the notification and response are not altered, defaced, or covered by other material. The notification and response shall remain posted for 15 days.

Subp. 3. Citation and notification of penalty. Upon receipt of a citation and notification of penalty or notification of failure to abate, the employer must post the citation and notification of penalty or notification of failure to abate according to part 5210.0530, subparts 3 and 4.

Subp. 4. Abatement certification. The employer must post abatement certification documents according to part 5210.0532, subpart 4.

Subp. 5. Employer notice of contest. The employer must post an employer's notice of contest according to part 5210.0536, subpart 1.

Subp. 6. Employee notice of contest. The employer must post a copy of the employee notice of contest form, immediately upon receipt of an employee's or authorized employee representative's notice of contest, according to part 5210.0539, subpart 1.

Subp. 7. Notice of hearing. The employer must post a copy of the notice of hearing before an administrative law judge according to part 5210.0595, subpart 2.

Subp. 8. Settlement agreement. The employer must post a settlement agreement according to part 5210.0596, subpart 1.

Subp. 9. Petition for modification of abatement date. The employer must post a petition for modification of abatement date according to part 5210.0542, subpart 4. A copy of the approval or denial of the petition must be posted with the petition and the citation according to part 5210.0542, subpart 6.

Subp. 10. Annual summary of occupational injuries and illnesses. Employers required to maintain the log of occupational injuries and illnesses must post an annual summary according to part 5210.0650, subpart 4.

5210.0530 CITATIONS; POSTING.

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

Subp. 4. Posting time. Each uncontested citation and notification of penalty or uncontested notification of failure to abate, or an unedited copy, shall remain posted until the violation has been abated, or for ~~15~~ 20 days, whichever is later. The filing by the employer, an employee, or an authorized employee representative of a notice of contest or letter of contest extends the employer's posting responsibility under this part until the ~~date of the hearing or earlier final disposition of the~~ contest is resolved through settlement agreement or other final disposition. If the contest is resolved through settlement agreement, the citation and notification of penalty or notification of failure to abate, or unedited copy, shall remain posted with the settlement agreement as required in part 5210.0596.

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

5210.0532 ABATEMENT VERIFICATION.

Subpart 1. Scope and application. This part applies to employers who receive a citation for a violation of the act and establishes procedures to ensure that employers who have been cited for workplace hazards have abated those hazards.

Subp. 2. Abatement certification. The employer must certify to the commissioner that each cited violation not immediately corrected has been abated. Abatement certification shall be submitted within 30 days after receipt of the citation or by the latest abatement date, whichever is earlier. For violations with abatement periods longer than 30 days, the employer must submit additional progress reports every 30 days until all cited violations have been abated, unless otherwise specified in the citation.

A. Abatement certification shall be submitted on the progress report form provided by the commissioner, or a similar alternative format. A fully completed progress report must include the following information:

- (1) the employer's name and address;
- (2) the inspection number for the citation and notification of penalty or the reinspection number for the notification of failure to abate;
- (3) identification of each citation and item for which abatement certification is being submitted;
- (4) a description of the corrective actions taken;
- (5) the abatement date noted on the citation for each item;
- (6) the date on which abatement occurred;
- (7) the anticipated abatement date for uncompleted items;
- (8) a statement that affected employees and their representatives have been informed of the abatement;
- (9) a statement that the information is accurate;
- (10) the signature, title, and telephone number of the employer or the employer's authorized representative;
- (11) the date on which the progress report form was prepared; and

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

(12) a statement that employees and their representatives have been informed of their right to examine and copy all abatement documents submitted to the commissioner.

B. If the anticipated completion date is beyond the abatement date established in the citation, the employer must submit a written Petition for Modification of Abatement Date as required by part 5210.0542 to request an extension of the time allowed for abatement.

C. Progress reports and other abatement documentation shall be submitted according to part 5210.0007.

D. The employer is not required to certify abatement if the investigator, during the on-site portion of the investigation, observes, within 24 hours after a violation is identified, that abatement has occurred and notes in the citation that abatement has occurred.

Subp. 3. Abatement documentation. In addition to the information required in subpart 2, the employer must submit documents demonstrating that abatement is complete for any violation for which the citation indicates that such abatement documentation is required. Documents demonstrating that abatement is complete include, but are not limited to, evidence of the purchase or repair of equipment, photographic or video evidence of abatement, or other written records.

Subp. 4. Employee notification. The employer must inform affected employees and their representatives about abatement activities covered by this part by posting a copy of each progress report submitted to the commissioner where the citation and notification of penalty or notification of failure to abate is required to be posted by part 5210.0530, subpart 3.

The employer must ensure that notice to employees and employee representatives is provided at the same time, or before, the information is provided to the commissioner and that abatement documents are not altered, defaced, or covered by other material and remain posted for 15 days after submission to the commissioner.

Subp. 5. Movable equipment. For serious, repeat, and willful violations involving equipment moved within the work site or between work sites, the employer must attach a warning tag or a copy of the citation to the operating controls or to the cited component of the equipment. Attaching a copy of the citation to the equipment meets the tagging requirements of this subpart and the posting requirements of subpart 4.

A. The employer must use a warning tag that identifies the equipment cited, properly warns employees about the nature of the violation involving the equipment, and identifies the location where a copy of the citation is posted.

B. If the violation has not already been abated, a warning tag or copy of the citation must be attached to the equipment:

(1) for hand-held equipment, immediately after the employer receives the citation; and

(2) for non-hand-held equipment, prior to moving the equipment within or between work sites.

C. For the construction industry, a tag that is designed and used according to *Code of Federal Regulations*, title 29, sections 1926.20(b)(3) and 1926.200(h), meets the requirements of this subpart when the information required by item A is included on the tag.

D. The employer must ensure that the tag or copy of the citation attached to the movable equipment is not altered, defaced, or covered by other material.

E. The employer must ensure that the tag or copy of the citation attached to movable equipment remains attached until:

(1) the violation has been abated and all abatement verification documents required by this part have been submitted to the commissioner;

(2) the cited equipment has been permanently removed from service or is no longer within the employer's control; or

(3) a final order is issued vacating the citation.

5210.0536 EMPLOYER CONTEST.

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

Subp. 2. Filing. For purposes of this part, a notice of contest is filed only upon its receipt by the commissioner. The notice of contest must be filed within 20 calendar days of the date the employer receives the citation and notification of penalty or notification of failure to abate. The day the notice of contest is received shall not be included in calculating the 20 calendar days. The last day of the 20-day period shall be included, unless it is a Saturday, Sunday, or state holiday, in which event the period runs until the next day which is not a Saturday, Sunday, or state holiday. A notice of contest may be filed with the commissioner by postage prepaid first class mail, personal delivery, or facsimile transmission according to part ~~5210.0554~~, ~~subpart 2~~ 5210.0007. If the notice of contest form is not posted, served, and filed within 20 days of the date the employer receives the citation and notification of penalty or notification of failure to abate, the citation and notification of penalty or notification of failure to abate become a final order of the commissioner and is not subject to review by any court or agency.

5210.0539 EMPLOYEE AND AUTHORIZED EMPLOYEE REPRESENTATIVE CONTESTS.

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

Subp. 2. **Filing.**

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

B. Within seven days of the employee's or authorized employee representative's receipt of the employee notice of contest form, the employee or authorized employee representative shall file the fully completed form with the commissioner. ~~For purposes of this part, an employee notice of contest is filed only upon its receipt by the commissioner.~~ The day the notice of contest is received shall not be included in calculating the seven calendar days. The last day of the seven-day period shall be included, unless it is a Saturday, Sunday, or state holiday, in which event the period runs until the next day which is not a Saturday, Sunday, or state holiday. An employee notice of contest form may be filed with the commissioner by postage prepaid first class mail, personal delivery, or facsimile transmission according to part ~~5210.0554, subpart 2~~ 5210.0007.

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

5210.0542 PETITIONS FOR MODIFICATION OF ABATEMENT DATE.

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

Subp. 3. **Time to file.** A petition for modification of abatement date must be filed with the commissioner according to part 5210.0007 no later than the next working day following the date on which abatement was originally required. ~~For purposes of this part, a petition is considered filed upon its receipt by the commissioner.~~

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

5210.0551 SERVICE AND NOTICE.

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

Subp. 3. **Methods of service.** Unless otherwise ordered, service may be made by postage prepaid first class mail or personal delivery according to part 5210.0007, subpart 1. ~~Service is made at the time of mailing or personal delivery.~~

[For text of subp 4, see M.R.]

5210.0554 FILING; ~~FACSIMILE.~~

Subpart 1. **Filing by mail and personal delivery.** All pleadings and other documents must be filed with the commissioner before a case is assigned to an administrative law judge. After the case has been assigned to an administrative law judge, all pleadings or other documents must be filed with the administrative law judge at the address given in the notice informing the parties of the assignment. All pleadings and documents may be filed by postage prepaid first class mail ~~or~~ personal delivery, or facsimile transmission according to part 5210.0007. ~~Except for the notice of contest, letter of contest, and petition for modification of abatement date, filing of pleadings and documents is effective on the postmark date or date of personal delivery.~~

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

5210.0596 SETTLEMENT; MISCELLANEOUS PROVISIONS.

Subpart 1. **Service and notice.** A settlement agreement must be posted where the citation and notification of penalty or notification of failure to abate is required to be posted and must be served on authorized employee representatives by the employer. The citation and notification of penalty or notification of failure to abate, or an unedited copy, shall remain posted with the settlement agreement for ten days, until all stipulations of the settlement agreement have been satisfied, or until all violations have been abated, whichever is later.

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

REPEALER. Minnesota Rules, part 5210.0554, subparts 2 and 3, are repealed.

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

Adopted Rules

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 Economic Security

Adopted Permanent Rules Relating to Reemployment Insurance Benefits and Procedures

The rules proposed and published at *State Register*, Volume 22, Number 12, pages 485-487, September 22, 1997 (22 SR 485), 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.

Department of Agriculture

Adopted Exempt Permanent Rules Relating to Dairy Trade and Dairy Plants

REPEALER. *Minnesota Rules*, parts [1525.0010](#); [1525.0040](#); [1525.0050](#); [1525.0060](#); [1525.0070](#); [1525.0080](#); [1525.0090](#); [1525.0100](#); [1525.0110](#); [1525.0120](#); [1525.0130](#); [1525.0140](#); [1525.0150](#); [1525.0160](#); [1525.0170](#); [1525.0180](#); [1525.0190](#); [1525.0200](#); [1525.0210](#); [1525.0220](#); [1525.0230](#); [1525.0240](#); [1525.0250](#); [1525.0260](#); [1525.0270](#); [1525.0280](#); [1525.0290](#); [1525.0300](#); [1525.0310](#); [1525.0320](#); [1525.0330](#); [1525.0340](#); [1525.0350](#); [1525.0360](#); [1525.0370](#); [1525.0380](#); [1525.0385](#); [1525.0390](#); [1525.0400](#); [1525.0410](#); [1525.0420](#); [1525.0430](#); [1525.0440](#); [1525.0450](#); [1525.0460](#); [1525.1630](#); [1525.1640](#); [1525.1650](#); [1525.1660](#); [1525.1670](#); [1525.1680](#); [1525.1690](#); [1525.1700](#); [1525.1710](#); [1525.1720](#); [1525.1730](#); [1525.1740](#); [1525.1750](#); [1525.1760](#); [1525.1770](#); [1525.1780](#); [1525.1790](#); [1525.1800](#); [1525.1810](#); [1525.1820](#); [1525.1830](#); [1525.1840](#); [1525.1850](#); [1525.1860](#); [1525.1870](#); [1525.1880](#); [1525.1890](#); [1525.1900](#); [1525.1910](#); [1525.1920](#); [1525.1930](#); [1525.1940](#); [1525.1950](#); [1525.1960](#); [1525.1970](#); [1525.1980](#); [1525.1990](#); [1525.2000](#); [1525.2010](#); and [1525.2020](#), are repealed.

EFFECTIVE DATE. This rule is effective upon 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-

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, December 5, 1997, at HealthPartners, 8100 - 34th Avenue South, conference room "2 North D", Bloomington, 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 Enrollee Appeal Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA) Enrollee Appeal Committee will be held on Tuesday, December 9, 1997, at the MCHA Executive Office, Suite 910, 5775 Wayzata Blvd., St. Louis Park, at 3:00 P.M.

This meeting may be closed to the public, if so requested by the appellant, pursuant to *Minnesota Statutes* 62E.10, subd. 4.

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

Health Care Consumer Advisory Board (HCCAB)

Meeting Notice for the HCCAB - Established by the 1997 Legislature

The HCCAB is comprised solely of consumers to advise the Depts. of Health and Commerce, and the Legislature on the needs of Minnesota's health care consumers. Next meetings: Dec. 11, 1997, 1-5pm, Shakopee Community Ctr., 1255 Fuller St., Shakopee; Dec. 19, 1997, 1-4pm, Merriam Park Library, 1831 Marshall Ave., St. Paul. Meetings are public. FFI: 881-0607/721-5156.

Official Notices

Department of Health

Department of Human Services

Notice of Public Hearing Concerning Risk Adjustment and Rate Setting Methods for the Prepaid Public Health Care Programs in Minnesota

NOTICE IS HEREBY GIVEN that the Minnesota Departments of Health and Human Services will hold a public hearing pursuant to the *Laws of Minnesota*, 1997, Chapter 225, Article 2, Section 61 to take public testimony regarding risk adjustment and rate setting methods as they relate to risk adjustment for Medical Assistance, MinnesotaCare, and General Assistance Medical Care in Minnesota.

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. Please contact Kevan Edwards by December 15, 1997 if you would like to testify. Written statements and other printed exhibits presented at the hearing relating to this matter will be incorporated into the hearing record, provided such statements or exhibits are submitted at the hearing or presented to the Department of Health or the Department of Human Services prior to the close of work on December 22, 1997.

The public hearing will commence at 2:00 p.m. on the 17th day of December, 1997 at the Auditorium, Capitol View Conference Center, 70 West County Road B2 (at Rice St., north of Highway 36), Little Canada, Minnesota. For more information, contact Paul Olson, Minnesota Department of Human Services (phone: 612/296-5620, e-mail: paul.olson@state.mn.us) or Kevan Edwards, Minnesota Department of Health (phone: 612/282-3820, e-mail: Kevan.Edwards@health.state.mn.us). For copies of the preliminary interim report on risk adjustment, please contact Kevan Edwards.

Department of Human Services

Vacancies on Medicaid Citizens' Advisory Committee

Pursuant to 42 *Code of Federal Regulations* 431.12 (42 CFR § 431.12), the Minnesota Department of Human Services seeks applications from Medical Assistance (Medicaid) recipients and others interested in serving on the Medicaid (Title XIX) Citizens' Advisory Committee. The purpose of the committee is to ensure that continued high quality health and medical services are provided to low-income persons. The committee, representing Medicaid recipients, advises the Department and helps define what the Medicaid Program should be in relationship to future technological needs. Specifically, the committee explores designated problem areas, evaluates Department programs, makes specific recommendations and resolutions, and contributes to the formulations of Department policy and standards.

In 1997, the Medicaid Citizens' Advisory Committee heard presentations about and advised the Department on the issues of access to dental care in managed care plans; the Balanced Budget Act of 1997 (P.L. 105-33) and other federal and state legislation; the Department's MinnesotaCare Health Care Reform waiver; the Department's Pilot Demonstration Project for Persons with Disabilities; surveillance and integrity review in the Medicaid Program; Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) services for children; and county-based purchasing initiatives.

New members will be appointed for two-year terms, beginning in January, 1998. Committee meetings are held quarterly at the Department of Human Services, 444 Lafayette Road North, St. Paul, Minnesota. Employees of the State of Minnesota and private persons or organizations under contract to the Department of Human Services for administrative services will not be appointed to the committee.

For further information, contact Stephanie Schwartz, Minnesota Department of Human Services at (612) 297-7189. Letters of interest should be sent to: Stephanie Schwartz, HCFA Relations and Legislation Unit, Minnesota Department of Human Services, 444 Lafayette Road North, St. Paul, Minnesota 55155-3853. Letters of interest will be accepted until Friday, January 16, 1998.

Board of Medical Practice

Request for Comments on Planned Amendments of Rules Governing Continuing Medical Education, Minnesota Rules, 5605

Subject of Rules. The Minnesota Board of Medical Practice, hereinafter "Board," requests comments on its planned amendment to rules governing Physician Continuing Medical Education. The Board is required by *Laws of Minnesota 1997*, Chapter 203, Article 2, section 25. to adopt rules governing physician education concerning fetal alcohol syndrome.

Persons Affected. The amendment of the rules would likely affect physicians licensed by the Board who have primary responsibility for the diagnosis, treatment and prevention of fetal alcohol syndrome and their employers.

Statutory Authority. *Minnesota Statute*, 147.01 Subd. 3. (1996) authorizes the Board to adopt rules governing the licensing of physicians and *Laws of Minnesota 1997*, Chapter 203, Article 2, section 25. authorizes the Board to adopt rules governing continuing medical education of physicians regarding fetal alcohol syndrome.

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 February 6, 1998. The Board does not contemplate appointing an advisory committee to comment on the planned rules.

Rules Drafts. The Board has not yet prepared a draft of the planned rule amendment.

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 rules should be addressed to: William Marczewski, Suite 400, 2829 University Avenue SE, Minneapolis, MN 55414-3246, (612) 617-2152. TTY users may call the Board at 800-627-3529.

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: 14 November 1997

Robert Leach, Executive Director
Minnesota Board of Medical Practice

Metropolitan Council

Public Hearing on Affordable and Life-Cycle Housing Goals Agreements Negotiated with Twin Cities Area Communities participating in the Livable Communities Housing Incentives Account

The Metropolitan Council will hold a public hearing on renegotiated affordable and life-cycle housing goals agreements and housing goals for communities initiating participation in the Metropolitan Livable Communities Housing Incentives Account in 1998.

The hearing will be held at noon, Monday, January 5, 1998 in the Metropolitan Council Chambers, Mears Park Centre, 230 E. Fifth St., St. Paul. All interested persons are encouraged to attend the hearing and offer comments. People may register in advance to speak by calling 602-1633 or 291-0904 (TTY). Upon request, the Council will provide reasonable accommodations to persons with disabilities.

The procedure for the hearing will be as follows: 1) Persons will be called to speak in the order in which they have signed in. Those preregistered by phone will be called on first. 2) Individuals will be asked to limit their remarks to 5 minutes. 3) Designated representatives of groups or organizations will be asked to limit their comments to 10 minutes. 4) The chair of the hearing may limit the testimony by any person.

Written comments must be received by 5 p.m., Tuesday, January 20, 1997. They should be sent to Thomas C. McElveen, Metropolitan Council, 230 E. Fifth St., St. Paul, MN 55101. Comments may also be faxed to Mr. McElveen at 602-1442, be recorded on the Council's Public Comment Line at 612-602-1500; or sent electronically to: data.center@metc.state.mn.us

Due to deadlines established for participating communities, a report of these housing goals will not be available before December 31, 1997. Call the Council's Data Center at 602-1140 or 291-0904 (TTY) after December 31, 1997 for copies of available community housing goals agreements.

Official Notices

Board of Nursing

Notice of Meetings of the Minnesota Board of Nursing

NOTICE IS HEREBY GIVEN that the 1998 meetings of the Minnesota Board of Nursing will be held at 9:00 a.m., at 2829 University Avenue SE, Suite 500, Minneapolis, Minnesota on the following dates:

February 5-6, 1998

April 8-9, 1998

June 4-5, 1998

August 13-14, 1998

October 1-2, 1998

December 3-4, 1998

The first day of each meeting pertains to review of disciplinary cases and is closed to the public. For additional information please call 612-617-2297.

Pollution Control Agency

Public Notice for the National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Permit Program, Draft Reissuance NPDES/SDS General Permit to Discharge Noncontact Cooling Water into Waters of the State

The Minnesota Pollution Control Agency (MPCA) proposes to reissue an NPDES/SDS General Permit to cover facilities proposing to discharge noncontact cooling water to waters of the state. This general permit will provide timely reissuance without the delays of individual permit issuance procedures and may potentially cover more than 100 facilities. The general permit has a duration of approximately five years.

This permit regulates the discharge of noncontact cooling water. A general permit will only be issued in cases where:

- a) the discharge consists solely of noncontact cooling water free from chemically-treated recycled cooling, contact cooling, industrial process and other wastewater discharges;
- b) the discharge volume is less than one million gallons per day;
- c) the source of the cooling water is a municipal water supply;
- d) the source of the chlorine, if any, in the cooling water is the municipal water supply;
- e) the permittee is not proposing to chemically treat the cooling water (unless needed as part of the dechlorination process);
- f) the effluent, through dechlorination if necessary, shall have Total Residual Chlorine level which does not exceed 0.04 mg/l;
- g) it is not a new discharge to an Outstanding Resource Value Water or designated trout water;
- h) the MPCA Commissioner has determined that the discharge will not have a significant impact on the receiving waters; and
- i) the discharge would not violate surface water quality standards or ground water quality standards.

This general permit establishes effluent limitations, monitoring requirements, and other conditions on facilities which discharge once-through, noncontact cooling water. The Commissioner's determination that the general permit should be reissued is tentative. Interested persons are invited to submit written comments on the proposed permit action. The public comment period commences December 1, 1997, and terminates December 31, 1997.

Comments should be submitted in writing to Deborah A. Schumann, Point Source Compliance Section/Water Quality Division, Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, Minnesota, 55155-4194.

Any comments received no later than the last day of the comment period will be considered in the formulation of final determination. If you would like to receive a copy of the draft general permit or public notice, please contact Gen Swenson at (612) 296-7225, or toll free at 800/657-3864.

Pollution Control Agency

Public Notice for the National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Permit Program, Draft Reissuance NPDES/SDS General Permit to Discharge Once-through Noncontact Cooling Water into Waters of the State

The Minnesota Pollution Control Agency (MPCA) proposes to reissue an NPDES/SDS General Permit to cover facilities proposing to discharge once-through, noncontact cooling water to waters of the state. This general permit will provide timely reissuance without the delays of individual permit issuance procedures and may potentially cover more than 100 facilities. The general permit has a duration of approximately five years.

This permit regulates the discharge of once-through, noncontact cooling water. A general permit will only be issued in cases where:

- a) the discharge consists solely of noncontact cooling water free from process and other wastewater discharges;
- b) the source of the cooling water is well water or surface water;
- c) there are no chemicals or water treatment additives used;
- d) the only pollutant added is heat;
- e) the discharge is less than one million gallons per day;
- f) it is not a new source discharge to an Outstanding Resource Value Water or designated trout water;
- g) the Commissioner has determined that the discharge will not have a significant impact on the receiving waters; and
- h) the discharge would not violate surface water quality standards or ground water quality standards.

This general permit establishes effluent limitations, monitoring requirements, and other conditions on facilities which discharge once-through, noncontact cooling water. The Commissioner's determination that the general permit should be reissued is tentative. Interested persons are invited to submit written comments on the proposed permit action. The public comment period commences December 1, 1997, and terminates December 31, 1997.

Comments should be submitted in writing to Deborah A. Schumann, Point Source Compliance Section/Water Quality Division, Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, Minnesota, 55155-4194.

Any comments received no later than the last day of the comment period will be considered in the formulation of final determination. If you would like to receive a copy of the draft general permit or public notice, please contact Gen Swenson at (612) 296-7225, or toll free at 800/657-3864.

Official Notices

Department of Public Safety

Emergency Response Commission

Notice of 1998 Meeting Dates of the Emergency Response Commission

The **Emergency Response Commission meetings** are held regularly on the second Thursday of the month. Normal business includes policy, administrative, and enforcement actions regarding emergency planning for hazardous materials and community information on storage, use, and release of hazardous materials.

1998 meeting dates are:

<u>Date</u>	<u>Site*</u>
February 12, 1998	B-5, State Capitol
March 11, 1998	Governor's Emergency Mgt. Conference
April 9, 1998	B-5, State Capitol
May 14, 1998	B-5, State Capitol
June 11, 1998	300 State Office Building
August 13, 1998	300 State Office Building
September 10, 1998	300 State Office Building
October 8, 1998	300 State Office Building
November 12, 1998	300 State Office Building
December 10, 1998	300 State Office Building

* Site may be subject to change. All meetings will be held at 9:30 a.m. For additional information on the meetings or on hazardous materials, please contact the Commission at (612) 297-7372.

Department of Trade and Economic Development

Minnesota Agricultural and Economic Development Board

Notice of Public Hearing on Proposed Project on behalf of The Evangelical Lutheran Good Samaritan Society, North Dakota, and the Issuance of Bonds Under *Minnesota Statutes* 1986, Chapter 116M and *Minnesota Statutes*, Chapter 41A

NOTICE IS HEREBY GIVEN that the Minnesota Agricultural and Economic Development Board (the "Board") or its designated representative, shall meet on December 15, 1997, at 9:00 a.m. o'clock, at 500 Metro Square, 121 7th Place East, Saint Paul, Minnesota, for the purpose of conducting a public hearing on a proposed issue of one or more series of bonds (the "Bonds") and the provision of other financial assistance under *Minnesota Statutes* 1986, Chapter 116M, and *Minnesota Statutes*, Chapter 41A, as amended (the "Act"), to undertake and finance a project on behalf of The Evangelical Lutheran Good Samaritan Society, a North Dakota nonprofit corporation (the "Applicant"). Such persons as desire to be heard with reference to said issue of Bonds will be heard at this public hearing.

The project to be financed consists of the acquisition, construction and equipping of nursing homes, senior housing, assisted living, congregate care and related facilities (the "Project") at the following locations and in amounts not to exceed the following: (i) Albert Lea Good Samaritan Center, 700 County Road 14, Albert Lea, MN 56007-9549, \$2,500,000; (ii) Pipestone Good Samaritan Village, 1311 N. Hiawatha Avenue, Pipestone, MN 56164-2200, \$2,750,000; (iii) Good Samaritan Center, 1414 20th Street NW, East Grand Forks, MN 56721-1067, \$4,000,000; and (iv) Mary Jane Brown Good Samaritan Center, 110 S. Walnut Avenue, Luverne, MN 56156-1799, \$2,000,000.

The initial owner of the Project is the Applicant and the Project will be owned, operated and managed by the Applicant. It is contemplated that the Project will be used as nursing homes, senior housing, assisted living, congregate care or related facilities. The total estimated amount of the Board's proposed bond issues is an amount not to exceed \$11,250,000. The Bonds shall be limited obligations of the Board, the Bonds and the interest thereon shall be payable solely from the revenue pledged to the payment thereof, and a mortgage or security interest or other security arrangements to be established by or on behalf of the Applicant.

Notwithstanding the foregoing, no holders of any such Bonds shall ever have the right to compel any exercise of the taxing powers of the State of Minnesota or any political subdivision thereof to pay the Bonds or the interest thereon nor to enforce payment against any property of said State or said political subdivision.

This Notice of Public Hearing is being given pursuant to Section 147(f) of the *Internal Revenue Code of 1986*, as amended.

A copy of the Application to the Board for approval of the Project, together with all attachments and exhibits thereto and a copy of the Board's resolution accepting the Application and accepting the Project is available for public inspection at the offices of the Board at 500 Metro Square, 121 7th Place East, Saint Paul, Minnesota from the date of this notice to the date of the public hearing hereinabove identified, during normal business hours.

BY ORDER OF THE MEMBERS OF
THE MINNESOTA AGRICULTURAL
AND ECONOMIC DEVELOPMENT
BOARD

Paul Moe, Executive Director
Minnesota Agricultural and Economic
Development Board

Department of Transportation

Petition of the City of Fairmont for a Variance from State Aid Requirements for STREET WIDTH FOR DIAGONAL PARKING

NOTICE IS HEREBY GIVEN that the Fairmont City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a proposed resurfacing project on Municipal State Aid Street No. 101, between Blue Earth Avenue and Fourth Street in the City of Fairmont, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9961, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow a street width of 39 feet from face-of-curb to centerline with diagonal parking allowed, in lieu of the required 13.7 meter face-of-curb to centerline street width with diagonal parking allowed on Municipal State Aid Street No. 101, between Blue Earth Avenue and Fourth Street in the City of Fairmont, Minnesota.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 13 November 1997

Patrick B. Murphy
Division Director
State Aid for Local Transportation

State Grants & Loans

Department of Transportation

Petition of the City of St. Anthony for a Variance from State Aid Requirements for DESIGN SPEED

NOTICE IS HEREBY GIVEN that the St. Anthony City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a proposed reconstruction project on Municipal State Aid Street No. 104 (33rd Avenue), between Silver Lake Road and Highcrest Road in the City of St. Anthony, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9946, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow a 25 mph crest vertical curve in lieu of the required 50 km/h minimum design speed on the proposed reconstruction project on 33rd Avenue, between Silver Lake Road and Highcrest Road in the City of St. Anthony, Minnesota.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 20 November 1997

Patrick B. Murphy
Division Director
State Aid for Local 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 Children, Families and Learning

Children's Trust Fund

Notice of Request for Proposals for Grants for Primary and Secondary Prevention Programs that Strengthen Families

The Children's Trust Fund, a program in the Department of Children, Families and Learning, is supported by a surcharge on birth certificates, federal and state funds, and private donations. The mission of the Children's Trust Fund is to prevent child abuse and neglect by funding primary and secondary prevention programs that strengthen families. \$1.8 million will be available for the grant cycle July 1, 1998-June 30, 2001.

Primary Prevention refers to any steps taken to keep child abuse and neglect from happening before it occurs. The key components of primary prevention programs are that they:

- Affirm and promote positive family functioning rather than just prevent problems
- Work to influence societal forces which affect parents and children
- Offered to all members of the population
- Assure that participation in the program or activities is voluntary.

Secondary Prevention refers to any steps taken to prevent child abuse from happening before it has occurred to a serious degree, but after warning signs have appeared. The key components of secondary prevention programs are that they:

- Affirm and promote positive family functioning with individuals identified as "at risk"
- Focus more on specific problems and stresses of the population
- Are offered to an identified group of "at risk" individuals
- Assure that participation in the program is voluntary.

Funding Focus

Parent education and family support is the funding focus for the 1998-2001 grant cycle, as determined by the Children's Trust Fund Advisory Council. Parent education and family support is defined broadly as programs or activities that:

- Broaden parents' knowledge of child development, human development, stress management, positive parenting practices and similar parenting issues and concerns
- Deepen parents' self understanding through education, mentoring, support groups and like methods
- Reinforce healthy parenting behaviors, lifestyle choices, and relationships
- Assist parents in successfully coping with emergencies, solving problems, or achieving personal parenting goals.

Eligibility

To be eligible for a grant, proposals must be submitted by private nonprofit or public agencies. Programs must also:

1. Identify a service or delivery component, rather than funds for general program operation
2. Have been in operation for a minimum of two years
3. Request a funding amount of \$15,000 to \$100,000
4. Match funds with either in-kind donation or cash contributions that must be applied to the specific program component for which the Children's Trust Fund monies are requested.

Priority

Programs that address one or more of these criteria will be rated higher:

- Target parents of children 0-5
- Recruit, engage the participation of, and provide responsive services to diverse and underserved groups in the community
- Serve families in poverty

You can request a grant application package directly from the Children's Trust Fund by calling 612-297-4749. The packet will contain instructions and forms for completing the application as well as complete details on the submission process.

Applications must be submitted to the authorized county child abuse prevention council by 4:00 P.M. on Monday, March 2, 1998.

Board of Water and Soil Resources

Announcement of Application Period for 1998 Natural Resources Block Grants

The Board of Water and Soil Resources (BWSR) is accepting applications from counties for the 1998 Natural Resources Block Grants. The Natural Resources Block Grant includes the following base grant components:

- Local Implementation of Comprehensive Water Plans;
- Local Administration of the Wetland Conservation Act;
- Local Administration of DNR Approved Shoreland Management Programs; and
- County Administration of the MPCA Feedlot Permit Program.

The BWSR has \$5,750,000 available for these grants. To be considered, applications must be received by the BWSR on or before January 15, 1998.

County Auditors have been notified of this application period. Any other local unit of government that wishes to be notified or obtain an Application must contact the BWSR by writing to the Executive Director at the following address:

Ronald Harnack
Executive Director
Board of Water and Soil Resources
One West Water Street, Suite 200
Saint Paul, MN 55107

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 Transportation

Engineering Services Division

Notice of Availability of Contract for Highway Related Technical Activity

Responses to this advertisement become public information under the Freedom of Information Act.

NOTE: Your proposal will not be considered if you have not met the affirmative action requirement at the time of the proposal submittal. The Minnesota Department of Transportation (Mn/DOT) is soliciting the expressions of interest and statement of qualification for preparation of detailed final design plan for Trunk Highway 100 in Golden Valley, MN.

The project involves Final Design of TH 100 reconstruction project proposed between TH 29th Avenue North and 39th Avenue North in Golden Valley. It is anticipated this portion of TH 100 will be reconstructed as a 4-lane freeway, with future 6-lane freeway consideration being incorporated in the design.

The Consultant will provide all design services, a set of computations, electronic design files in Geopak format compatible with Mn/DOT CADD system, cost estimates, and construction documents necessary to build the proposed roadway in accordance with Mn/DOT Standards and Specifications. The final roadway construction plans will be prepared in metric units. We anticipate that the contract period will begin March 2, 1998 and continue through June 30, 1999.

The TGB participation goal has been established at the 10% level.

Expression of Interest and Statement of Qualification (EISQ) including a cover letter shall not exceed 10 standard pages (excluding 3 design sheet samples) and must be received no later than 2:00 P.M. Tuesday, December 23, 1997 by:

Alex Chernyaev, P.E.
Mn/DOT Agreements Administrator
Mail Stop 680
395 John Ireland Boulevard
St. Paul, MN 55155
Fax: (612) 282-5127

The Expression of Interest and Statement of Qualification shall contain the following:

1. Cover Letter with an expression of interest.
2. Copies of Human Rights Certificate or the letter of compliance with affirmative action requirements.
3. The description of the company's most recent experience in Roadway Final Design and list of the successfully completed projects in that category.
4. The list of the suggested design team, including the brief resume for each leading professional highlighting the most recent experience in the assigned design field.
5. The description of the company's most recent experience in using GEOPAK computer program.
6. The sample of the Plan sheet (one page 11"x17") from one of the company's projects.
7. The sample of the Tabulation sheet (one page 11"x17") from one of the company's projects.
8. The sample of the Cross section sheet (one page 11"x17") from one of the company's projects.

The submitted expression of interest and statement of qualification will remain the property of the State.

The short-listed responders will be requested to provide a technical proposal in January of 1998. Consultant selection for that proposal is anticipated to be completed in February 1998.

This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice, and the department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

Winona State University

Request for WSU Catalog Printing Sealed Bids

NOTICE IS HEREBY GIVEN that Winona State University will receive sealed bids for the printing of the Winona State University Undergraduate Catalog.

Bid specifications will be available December 1, 1997 from Richard Davis, Publications Director, PO Box 5838, 209 Somsen Hall, Winona State University, Winona, MN 55987 or by calling 507/457-5026.

Sealed bids must be received by Richard Davis, PO Box 5838 or Somsen 209C, Business Office, Winona State University, Winona, MN 55987 by 10:00 AM on December 15, 1997.

Winona State University reserves the right to reject any or all bids or portions thereof, or to waive any irregularities or informalities in proposals received.

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

Metro Transit

Final Notice of Fiscal Year 1997 Program of Projects (POP) submitted to the Federal Transit Administration for Federal Financial Assistance

A final public notice is hereby given regarding the Metropolitan Council's applications for financial assistance from the Federal Transit Administration. An adequate opportunity for public hearing will be afforded, if deemed necessary, after receipt of written comments from concerned citizens.

Five separate applications have been submitted:

- **FFY 1997 Urbanized Area Formula Program - Section 5307**

Provides operating assistance to reimburse Metro Transit's prior years operations in the amount of \$3,376,246, reimburse overhaul maintenance in the amount of \$2,050,000 and provide \$12,043,263 to fund 1997 and future years selected capital projects.

- **FFY 1997 Capital Programs - Section 5309**

Section 5309 (m)(l)(c) bus allocations will provide \$5,955,000 to assist in the purchase of 40 ft. buses in 1997.

- **FFY 94-96 Fixed Guideways Program - Section 5309**

To provide flexible funds which cumulatively total \$3,337,482 for the purchase of 40 ft. buses.

- **FFY 1997 Surface Transportation Program - Section 5307**

To provide \$7,500,000 for the purchase of Intelligent Transportation Systems (ITS) that will improve service and enhance safety.

- **FFY 1997 Surface Transportation Program - Section 5307**

To provide \$1,256,000 for the construction of a transit hub in Robbinsdale and \$160,000 to construct Bus Stop Shelters along existing Metro Transit bus routes.

Non-State Public Bids, Contracts & Grants

Project Effects:

Social – No people or businesses will be displaced by these projects; Economic – Individuals or businesses will not be negatively economically impacted by these projects; Environmental – These projects will not have a negative environmental effect in Metro Transit's service area.

Comprehensive Planning – These projects are a part of the Metropolitan Council's 1997-2000 Capital Improvement Program and the region's Transit Improvement Program.

Metro Transit will afford an opportunity for interested parties to express an interest in the social, economic or environmental aspects of these projects. Interested parties may submit their views or opinions in written or facsimile (349-7754) to Metro Transit. Unless amended this notice will be considered final.

Copies of the grant applications will be available for public inspection at the Metro Transit offices located at 560 6th Av. North, Minneapolis, Minnesota 55411.

Art Leahy
General Manager
Metro Transit

Minnesota Historical Society

Notice of Request for Bids for Printing Services

The Minnesota Historical Society is seeking bids from qualified presses to provide printing services for the Society All-Site Travel Guide. Bids are being requested for quantities of 400,000; 500,000; 600,000; and pricing per additional 100,000's. The guide will be a 24 page, self cover, 7.75" x 9", saddle stitch on spine. Paper stock: 70# Sommerset Text Matte Recycled.

The Request for Bids is available by calling or writing Contracting Office, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, Minnesota 55102. Telephone 612-297-7007. Complete specifications, bid format, and details concerning submission requirements are included.

Bids must be received no later than 2:00 PM Central Time, Tuesday, December 16, 1997 in St. Paul by the Contracting Office.