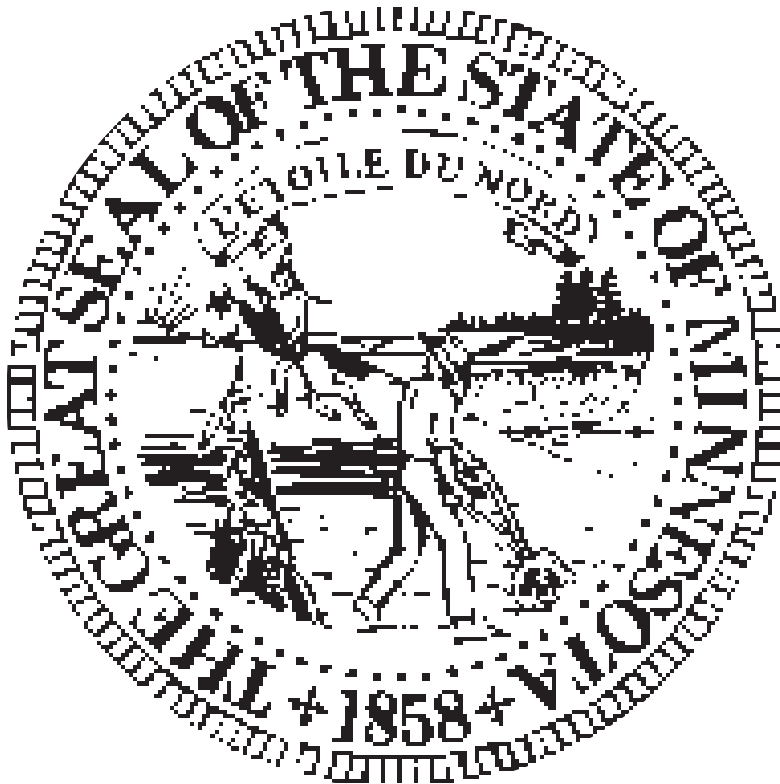


The Minnesota

# State Register

**Rules and Official Notices Edition**



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# State Register

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

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

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Vol. 22 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
# 33	Tuesday 17 February	Monday 2 February	Monday 9 February
# 34	Monday 23 February	Monday 9 February	Friday 13 February
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# 36	Monday 9 March	Monday 23 February	Monday 2 March

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### FOR LEGISLATIVE NEWS

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

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

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

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

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

# Minnesota Rules: Amendments and Additions

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

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

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

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

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

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# Proposed Rules

## Comments on Planned Rules or Rule Amendments

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

## Rules to be Adopted After a Hearing

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

## Rules to be Adopted Without a Hearing

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

## Board of Animal Health

### Proposed Permanent Rules Relating to Diseases of Domestic Animals

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

**Proposed Amendment to Rules Relating to Diseases of Domestic Animals, *Minnesota Rules*, 1700.2100 - 1700.2500 and 1715.0005 - 1715.0190.**

**Introduction.** The Board of Animal Health intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on March 16, 1998, a public hearing will be held in Conference Room 1, Agriculture Building, 90 West Plato Blvd., St. Paul, Minnesota 55107, starting at 1:00 pm on April 14, 1998. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after March 16, 1998 and before April 14, 1998.

**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: Dr. Bill Hartmann at the Minnesota Board of Animal Health, 90 West Plato Boulevard St. Paul, MN 55107, 612-296-2942 Extension 27, FAX 612-296-7417. TTY users may call the Board of Animal Health at 1-800-627-3529.

**Subject of Rules and Statutory Authority.** The proposed rules are about the importation and exhibition of horses. The proposed rules would add a requirement for a test for Equine Infectious Anemia for all horses exhibited in Minnesota. The blood for the test will be required to be drawn from the horse within 12 months of the date of the exhibition. The statutory authority to adopt the rules is *Minnesota Statutes*, section 35.03(1990). A copy of the proposed rules is published in the *State Register*. A free copy of the rules is available upon request from the agency contact person listed above.

**Comments.** You have until 4:30 p.m. on March 16, 1998, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**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

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**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 March 16, 1998. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

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

**Cancellation of Hearing.** The hearing scheduled for April 14, 1998, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at 612-296-2942 Ext. 27 after March 16, 1998 to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Jon L. Lunde is assigned to conduct the hearing. Judge Lunde can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone 612-341-7645, and fax 612/349-2665.

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

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

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

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

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

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

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

Dated: 2 February 1998

T. J. Hagerty D.V.M.  
Executive Secretary, Board of Animal Health

### **1700.2200 CERTIFICATES OF VETERINARY INSPECTION FOR HORSES.**

All horses imported into Minnesota must be accompanied by a certificate of veterinary inspection issued by an accredited veterinarian within 30 days prior to date of importation except:

- A. ~~performing horses used by rodeos, circuses, and as animal acts;~~
- ~~B.~~ horses brought into the state for participation in trail rides, exhibitions, and horse shows where the horses are examined by an official veterinarian;
- ~~C.~~ B. horses consigned to slaughtering establishments under federal inspection; and
- ~~D.~~ C. reactors consigned to a federally inspected slaughtering establishment operated under the Federal Meat Inspection Act that are officially identified and accompanied by a shipping permit issued at the point of origin by a state or federal veterinarian or an accredited veterinarian.

~~A test is not required for horses listed as exceptions in this part or suckling foals accompanying a negative dam.~~

### **1700.2300 CONTENTS OF CERTIFICATE OF VETERINARY INSPECTION.**

The certificate of veterinary inspection must certify that the horses have been examined by an accredited veterinarian within 30 days prior to importation and must include an accurate and complete description of each horse in the shipment including age, sex, color, and markings. Registered horses may be identified by registration name and number.

~~The certificate of veterinary inspection must certify that all horses in this shipment were negative to an approved test for EIA conducted at an approved laboratory within 12 months prior to date of importation. When required, the EIA test date and the name of the laboratory must be recorded on the certificate of veterinary inspection.~~

A copy of the certificate of veterinary inspection approved by the chief livestock regulatory official of the state of origin must be mailed to the board.

### **1700.2305 REQUIREMENT FOR EIA TEST.**

With the exception of items A to C, all horses must be negative to an official test for EIA within 12 months prior to the date of importation:

- A. horses consigned to slaughtering establishments under federal inspection;
- B. reactors consigned to a federally inspected slaughtering establishment operated under the Federal Meat Inspection Act that are officially identified and accompanied by a shipping permit issued at the point of origin by a state or veterinarian or an accredited veterinarian; and
- C. suckling foals accompanying a negative dam.

### **1715.0005 DEFINITIONS.**

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

Subp. 2a. **Coggins test.** “Coggins test” means the agar gel immunodiffusion test for equine infectious anemia that has been approved by the United States Department of Agriculture.

<p><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
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## Proposed Rules

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Subp. 2b. EIA. “EIA” means equine infectious anemia (swamp fever), a virus disease of horses and other members of the equine species.

Subp. 2c. Horse. “Horse” means and includes all members of the equine species such as horses, mules, asses, ponies, donkeys, burros, and zebras.

Subp. 2d. Official test. “Official test” means the Coggins test or other tests approved by the United States Department of Agriculture conducted at a laboratory approved by the United States Department of Agriculture.

[For text of subps 3 to 7, see M.R.]

### **1715.0020 EXEMPTION.**

Performing livestock and poultry used by rodeos, circuses, and as animal acts, if kept isolated from other livestock and poultry on the exhibition premises, are exempt from the requirements of ~~part parts~~ 1715.0040, items C and D ~~and parts~~; 1715.0060 to ~~1715.0190~~ 1715.0115; and 1715.0130 to 1715.0162.

### **1715.0105 EXHIBITION OF SWINE.**

No swine from a pseudorabies-quarantined herd may be exhibited at any type of exhibition. All swine, except swine entered in a slaughter class pursuant to part 1715.0060, must:

A. have had a negative official or approved differential pseudorabies test conducted within 30 days prior to the opening date of the exhibition, a record of which and the result must be entered on a test chart or certificate of veterinary inspection and presented to the official veterinarian at the time of entry; ~~or~~

B. originate from a qualified pseudorabies-negative herd or a qualified negative gene-altered vaccinated herd pursuant to parts 1705.2480 and 1705.2482, with the qualified herd number ~~or pseudorabies-controlled vaccinated herd number~~ and date of last qualifying test reported to the official veterinarian at the time of entry; or

C. originate from a Stage IV or V county or area.

### **1715.0125 TESTING OF HORSES FOR EQUINE INFECTIOUS ANEMIA.**

All horses must be negative to an official test as defined in part 1715.0005, subpart 2d, for EIA within 12 months prior to the opening date of the exhibition. A test is not required for suckling foals accompanying a negative dam.

**REPEALER.** Minnesota Rules, parts 1715.0170; and 1715.0190, are repealed.

## Emergency Medical Services Regulatory Board

### Proposed Permanent Rules Relating to Ambulance Services

#### Notice of Intent to Adopt Rules Without a Public Hearing

##### **Proposed Amendment to Rules Governing Ambulance Services, *Minnesota Rules, Chapter 4690.***

**Introduction.** The Emergency Medical Services Regulatory Board intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. 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: Keith Wages at Emergency Medical Services Regulatory Board, 2829 University Avenue SE, #310, Minneapolis, Minnesota 55414-3222, phone (612) 627-5424 or (800) 747- 2011. TTY users may call MN Relay Service for Hearing/Speech Impaired at (800) 627-3529.

**Subject of Rules and Statutory Authority.** The proposed rules would: 1) expand the types of drugs that basic ambulance services may carry and administer for emergency medical treatment; 2) allow basic ambulance service personnel to assist a patient in the administration of the patient’s personally prescribed drugs; and 3) no longer require any ambulance service to carry syrup of ipecac. The statutory authority to adopt the rules is *Minnesota Statutes* section 144E.16, subdivision 4. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on Thursday, March 19, 1998, 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 March 19, 1998. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

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

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

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

Dated: 29 January 1998

Keith Wages  
Executive Director

#### **4690.0800 RESTRICTED TREATMENTS AND PROCEDURES.**

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

Subp. 4. **Drugs.** In addition to oxygen, which is required, basic ambulance services may ~~not carry and administer only the following drugs other than oxygen, syrup of ipecac, and:~~

A. nonprescription drugs;

B. oral sugar solutions and pharmaceutically prepared oral glucose; and

C. after consulting with poison control or medical control, pharmaceutically prepared oral emetics, including syrup of ipecac, or pharmaceutically prepared stabilizing agents, including activated charcoal.

Subp. 5. **Patient assistance.** A basic ambulance service may assist a patient in the administration of the patient's personally prescribed sublingual nitroglycerin, premeasured subcutaneous epinephrine, or beta agonist administered by metered dosed inhalation.

#### **4690.4400 EQUIPMENT AND SUPPLIES.**

Programs must use student and instructor texts and current reference sources in emergency care and must use standard teaching aids consisting of projectors, screens, films, and slides.

Instructors shall use emergency care equipment of the following types:

A. splinting equipment including backboards;

B. ventilation assistance and airway maintenance equipment and suctioning devices;

<p><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
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## Proposed Rules

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- C. dressings, bandages, and bandaging supplies;
- D. emergency obstetrical kit;
- E. ~~poison treatment kit described in part 4690.0900, subpart 5;~~
- ~~F.~~ burn treatment supplies;
- ~~G.~~ F. equipment for determination of vital signs; and
- ~~H.~~ G. extrication and rescue equipment.

### 4690.7000 EQUIPMENT AND SUPPLIES.

Programs must use student and instructor texts and current references in advanced emergency medical care. Programs must use teaching aids consisting of projectors, screens, films, and slides. Programs must use emergency care equipment of the following types:

- A. splinting equipment;
- B. ventilation assistance and airway maintenance equipment including esophageal obturator airways, endotracheal intubation equipment, and suction equipment;
- C. dressings, bandages, and bandaging supplies;
- D. emergency obstetrical kit;
- E. ~~poison treatment kit described in part 4690.0900, subpart 5;~~
- ~~F.~~ burn treatment supplies;
- ~~G.~~ F. equipment for the determination of vital signs;
- ~~H.~~ G. medical antishock trousers;
- ~~I.~~ H. intravenous therapy equipment; and
- ~~J.~~ I. advanced cardiac care equipment including a portable cardiac monitor and defibrillator.

### 4690.8200 VARIANCES.

Subpart 1. **Application.** The board shall grant a variance from parts 4690.0100 to 4690.8300 except part 4690.8300, subpart ~~6~~ 9, if the applicant proposes alternative practices equivalent or superior to those prescribed in the rule in question and shows that:

- A. applying the rule would impose an undue burden on the applicant; and
- B. granting the variance will not adversely affect the public health or welfare.

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

### 4690.8300 SPECIFIC VARIANCES.

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

Subp. 6. [See repealer.]

Subp. 7. **Variance for certain drugs.** The board shall grant a variance to a basic ambulance service licensee to carry and to administer beta agonist by metered dosed inhalation or nebulization, or both, premeasured subcutaneous epinephrine, sublingual nitroglycerin, or premeasured intramuscular or subcutaneous glucagon only if the licensee shows that:

- A. each attendant who will administer the drug has satisfactorily completed training in the administration of the drug and the training has been approved by the licensee's medical director;
- B. the administration of the drug has been authorized by the licensee's medical director;
- C. the licensee's medical director has developed or approved standing orders for the use of the drug;
- D. continuing education or clinical training in the administration of the drug shall be provided at least annually to the licensee's attendants who are trained to administer the drug; and
- E. at all times, at least one attendant on duty is trained in accordance with item A to administer the drug for which the ambulance service has been granted a variance.

Documentation of items A to E must be retained in the licensee's files.

Subp. 8. **Variance maintenance.** In order to maintain a variance granted under subpart 7, the licensee's medical director shall, by the annual anniversary date of the approved variance:

- A. provide a list of the licensee's attendants;

B. certify in writing that each attendant has satisfactorily completed the required training and retained skill proficiency; and

C. certify in writing that, prior to allowing an attendant who was hired after the variance was granted to administer a drug specified in subpart 7, the attendant satisfactorily completed the required training under subpart 7, item A.

Documentation of items A to C shall be retained in the licensee's files.

Subp. 9. No variance granted. A basic ambulance service shall not be granted a variance for the establishment of intravenous therapy involving the use of drugs other than solutions for intravenous infusion.

**REPEALER.** Minnesota Rules, parts 4690.0900, subpart 5; and 4690.8300, subpart 6, are repealed.

## Department of Transportation

### Transportation Research and Investment Management Division Office of Investment Management

#### Proposed Rules Governing the Establishment, Vacation, Relocation, Consolidation, and Separation of Grades at Public Grade Crossings, Minimum Standards for Visibility at Public and Private Grade Crossings, Minimum Safety Standards for Private Grade Crossings, and the Revision of Existing Rules Governing Railroad Operations, *Minnesota Rules*, chapter 8830

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

**Introduction.** The Department of Transportation intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on Friday, March 20, 1998, a public hearing will be held in the 5th floor conference room, in the Minnesota Veterans Services Building, 20 West 12th Street, St. Paul, Minnesota, 55155; starting at 9:00 a.m., on Tuesday, March 31, 1998. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after 8:30 a.m., on Monday, March 23, 1998, and before 4:30 p.m., March 30, 1998.

**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: Robert Swanson, Office of Freight, Railroads and Waterways, Mail Stop 470, 395 John Ireland Blvd., St. Paul, Minnesota 55155, telephone (612) 296-2472, fax (612) 297-1887.

**Subject of Rules and Statutory Authority.** The proposed rules are about the establishment, vacation, relocation, consolidation, and separation of grades at public grade crossings; minimum standards for visibility at public and private grade crossings; minimum safety standards for private grade crossings; and the revision of existing rules governing railroad operations. The statutory authority to adopt the rules is *Minnesota Statutes*, section 218.071, subdivision 1 which states that the commissioner may promulgate rules, orders, and directives necessary to carry out the respective duties conferred on them by this chapter; section 219.073 which requires the commissioner to adopt rules that contain standards governing the establishment, vacation, relocation, consolidation, and separation of grades at public crossings; section 219.165 which requires the department to adopt rules establishing minimum safety standards at all private railroad grade crossings in the state; section 219.17 which requires the commissioner to adopt rules requiring that uniform warning signs be replaced at grade crossings; section 219.384, subdivision 1 which requires the commissioner to adopt rules establishing minimum standards for visibility at public and private grade crossings; section 222.50, subdivision 3 which requires the commissioner to adopt rules to carry out the purposes of the Rail Services Improvement Program; section 222.58, which authorizes the commissioner to insure any eligible loan under the Rail User and Rail Carrier Loan Guarantee Program under such terms as the commissioner shall prescribe by rules; and 222.63, subdivision 7 which requires the commissioner to adopt rules necessary to establish criteria for properties eligible for inclusion in the state rail bank.

A free copy of the proposed rule is available upon request from the agency contact person listed above.

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

## Proposed Rules

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**Nature and Effect of Proposed Rule Amendment.** The rules of the Minnesota Department of Transportation governing rail operations found in *Minnesota Rules*, chapter 8830 were last adopted in 1974. In 1990, the Minnesota Legislature directed the commissioner in *Minnesota Statutes*, section 219.073, to promulgate rules setting forth standards for the establishment, vacation, relocation, consolidation, and separation of grades at public grade crossings (grade crossings). In 1991, the Minnesota Legislature again enacted new laws which required the commissioner to adopt rules. *Minnesota Statutes*, section 219.384, requires the commissioner to adopt rules establishing minimum standards for visibility at public and private grade crossings. *Minnesota Statutes*, section 219.165, requires the commissioner to adopt rules establishing minimum safety standards at all private railroad grade crossings (private grade crossings). Instead of dividing the directive to promulgate rules into three separate rulemakings, the commissioner decided to develop one rules "package" for adoption. Combining all rulemaking directives into one rulemaking was considered to be more an effective and efficient use of staff resources.

In 1994, the Minnesota Legislature amended *Minnesota Statutes*, sections 222.55 to 222.62 (governing the Rail User and Rail Carrier Loan Guarantee Program). These statutory amendments had to be incorporated into the rules so that the rules could remain current. On December 29, 1995, the ICC Termination Act of 1995 was signed into law. This Act abolished the Interstate Commerce Commission (ICC). The rules were reviewed and modified because of references the rules made to the ICC and its regulations. The Minnesota Legislature, abolished the Transportation Regulation Board (TRB) on July 1, 1996. In May 1996, the Minnesota Governor, through the Reorganization Order 176, transferred all powers and duties of the TRB to the Commissioner of the Department of Transportation, including responsibility for enforcing the TRB's administrative rules found in *Minnesota Rules*, chapter 8920. This rule was reviewed and references to the TRB were deleted where appropriate.

These rules establish standards for grade crossings, for visibility, and for safety developed in response to these legislative directives. Previously there were no such standards in these areas, and therefore no guidance for or uniformity in construction and maintenance of railroad grade crossings, pavement markings, signs, warning devices or visibility requirements. These rules also include a revision of existing rules. Since the rules had not been revised since 1974 they needed to be updated to reflect current practice and technology. Outdated provisions were amended or repealed, and the entire chapter was reorganized where needed for clarity. This reorganization will promote understanding and aid in the compliance with the rules.

These rules ensure that approach grades and crossing surfaces are of standard design to ensure the safety of the traveling public. They also describe the visibility standard that must be obtained, and the safety control devices that must be present at public and private crossings to warn roadway users that they are approaching a railroad crossing. Private grade crossings that are not accessible to the public without the permission of the property owner were excluded from compliance with these standards because they do not pose a safety threat to the traveling public. These include farm crossings that provide access from one farm field to another.

The purpose of these rules is to protect the traveling public at or near grade crossings by setting forth standards which affect safety conditions at grade crossings.

**Comments.** You have until 4:30 p.m. on Friday, March 20, 1998, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m., on Friday, March 20, 1998. 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, explaining 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*, section 14.131 to 14.20.

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

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

**Cancellation of Hearing.** The hearing scheduled for Tuesday, March 31, 1998, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at 296-2472 after 8:30 a.m., Monday, March 23, 1998 to find out whether the hearing will be held.

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

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

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

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

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

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

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

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

Dated: 28 January 1998

James N. Denn, Commissioner  
Department of Transportation

<p><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
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## Adopted Rules

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

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

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

### Exempt Rules

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

### Emergency Expedited Rules

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

## Minnesota Housing Finance Agency

### Adopted Permanent Rules Governing the Urban and Rural Homesteading Program

The rules proposed and published at *State Register*, Volume 22, Number 21, pages 905-907, November 24, 1997 (22 SR 905), are adopted as proposed.

## Department of Public Service

### Adopted Permanent Rules Relating to Conservation Improvement Programs

The rules proposed and published at *State Register*, Volume 21, Number 48, pages 1722-1730, May 27, 1997 (21 SR 1722), are adopted with the following modifications:

#### **7690.0500 BIENNIAL CONSERVATION IMPROVEMENT PROGRAM FILING.**

Subp. 3. **Completeness review.** Upon receipt of a utility's plan, the department shall conduct a completeness review based on the filing requirements listed in subpart 2. The department's findings after this review must set forth the information necessary to make the plan complete and the date by which the information must be filed. The department staff's findings must be ~~mailed within~~ issued no later than ten days ~~of the receipt of~~ after the plan ~~is filed with the department.~~ When the department determines that the necessary information has been filed to make the plan complete, it shall serve a written notice of completion on the utility and persons on the utility's service list established under part 7690.0800, subpart 1.

#### **7690.0550 PROGRAM STATUS REPORT.**

By April 1 of each year, an electric utility shall file with the department, and by May 1 of each year, a natural gas utility shall file with the department, a status report on each project operated during the previous year. The status report must include the following information for each project:

E. the cost effectiveness of the project based on the results of previous years and the actual expenditures, as calculated from the utility, participant, ratepayer, and societal perspectives; ~~when appropriate.~~

An electric or gas utility may submit its financial incentive filing to meet the requirements of the status report if the financial incentive filing includes all of the information specified in items A to E.

#### **7690.0700 EXISTING PROGRAM PROJECTS; FILING.**

The filing requirements for renewing existing conservation improvement program projects are the same as for newly proposed projects. However, if the department has ~~material information~~ already on file, the utility or interested person renewing a project may submit a project update sheet that references ~~material information~~ the department already has on file. The project update sheet must include the project information sheet described in part 7690.0500, subpart 2, and must contain the following information:

**7690.0900 COMMENT ON BIENNIAL CONSERVATION IMPROVEMENT PROGRAM.**

The department shall allow 30 days for written comments on the public utility's biennial conservation improvement program. The time period allowed for written comments begins on the date that the department's finding of completion under part 7690.0500, subpart 3, is ~~mailed~~ issued. The department shall allow 15 days from the filing of the comments for written reply comments. These comments and reply comments must be filed with the Public Utilities Commission, the department, and the utility to which they are addressed. The persons submitting the comments or responses must provide them to any person, upon request.

**7690.1000 PROPOSED DECISION.**

Subpart 1. **Prepared by staff.** After reviewing the comments submitted under part 7690.0900, the department staff shall prepare a proposed decision approving, disapproving, or modifying a program, project, or evaluation plan. The proposed decision must be issued no later than 30 days after the reply comments described in part 7690.0900 are ~~received~~ due.

Subp. 3. **Comment period.** The department shall allow 15 days from the date of ~~service~~ of the proposed decision is issued for written comments on the proposed decision.

**7690.1200 APPROVAL, DISAPPROVAL, OR MODIFICATION OF BIENNIAL PROGRAM.**

Subpart 1. **Determination of reasonable investment.** The department shall determine whether a proposed program or modified program will result in reasonable investments in and expenditures for energy conservation improvements. In making this determination, the commissioner shall consider the following information, which must be included in a public utility's filing:

A. the program's compliance with statutory spending requirements, as specified in *Minnesota Statutes*, section 216B.241, subdivision 1a, with each utility calculating the required spending level by using the gross operating revenues in the year preceding the calendar year in which the filing is submitted and by defining gross operating revenues as:

(1) for electric utilities: the total Minnesota jurisdictional assessable operating revenue as reported in each electric utility's Minnesota jurisdictional report on page E-30, Sales and Degree Days Data, Total Sales to Ultimate Consumer, line (B) Total Revenue Corresponding to Sales; or

(2) for gas utilities: the total Minnesota jurisdictional assessable operating revenue as reported in each gas utility's Minnesota jurisdictional report on pages P-38 and P-39, Sales and Revenues (actual data), line (B) Total Revenues Corresponding to Sales Volume;

F. the ~~diversity~~ of customer classes expected to participate in the program or modified program; and

**7690.1400 PROPOSED CHANGES TO EXISTING PROJECT; SUPPLEMENTAL PROCEDURES.**

Upon the commissioner's own motion or upon the motion of a utility or other person, the commissioner may add a new project or modify, expand, or terminate an existing conservation improvement program before the program's expiration date by ~~submitting a supplemental filing~~. The moving party must give notice of the motion to the parties on the service list for the affected utility's conservation improvement program. A change may be required to make a project more effective, to reach more participants, to reduce unnecessary or ineffective expenditures, to expand, change, or reduce the geographic area or target group that the project covers, or to change the time period during which the project would be in effect. For a new project modification or an existing project termination, whether by a utility or an interested party, the filing requirements and the review and decision process are specified in part 7690.1430. For other program changes, the department shall allow 15 days for written comments on the proposal. The time period allowed for written comments begins on the date that the proposed change is filed with the department ~~is served the proposed change~~. The department shall allow ten days from the filing of the comments for written reply comments. These proposed program changes, comments, and responses must be filed with the Public Utilities Commission, the department, and interested parties on the utility's conservation improvement service list. The commissioner shall issue a written decision, including the commissioner's reasons for the decision, within 35 days from the date reply comments are due. ~~The commissioner may allow some modification and expansion to a program without formal approval (e.g., a letter).~~

**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

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### 7690.1430 NEW PROJECT PROPOSALS; TERMINATING EXISTING PROJECTS.

Interested persons, including political subdivisions and nonprofit and community organizations, may submit alternative projects for inclusion in a utility's conservation improvement program at any time. In addition, a utility may submit a proposal for a new project at times other than when the utility is required to submit its biennial conservation improvement program. Utilities or interested persons also may submit proposals to terminate an existing project. Proposals for alternative projects must follow the requirements of part 7690.0500, except for part 7690.0500, subpart 2, item D. Utility proposals for new projects must follow all the requirements of part 7690.0500. The party submitting the alternative or new proposal shall provide a copy of the alternative or new utility project proposal to any person, upon request. Department staff shall conduct a completeness review of alternative or new utility project proposals, or existing project termination proposals, in the time frame and manner specified in part 7690.0500, subpart 3. The department shall allow 15 days for written comments on the alternative or new utility project or existing project termination proposal. The time period allowed for written comments begins on the date that the department's finding of completion under part 7690.0500, subpart 3, is ~~mailed~~ issued. The department shall allow 15 days from the filing of the comments for written reply comments. These alternative or new utility project or existing project termination proposals, comments, and reply comments must be provided to the Public Utilities Commission, the department, the utility to which they are addressed, and other parties on the affected utility's conservation improvement program service list.

The department staff's proposed decision must be issued no later than ten days after the reply comments described in this part are ~~received due~~. Written comments on the proposed decision are due 15 days from the date the proposed decision is ~~served~~ issued. The commissioner shall issue a written decision, including the commissioner's reasons for the decision, within 30 days from the date comments are ~~received due~~ on the department staff's proposed decision.

### 7690.1440 TIMELINES FOR DIFFERENT PROGRAM FILINGS.

Subpart 1. **Generally.** Parts 7690.0500 to ~~7690.1400~~ 7690.1430 specify the process for the submission, review and approval, modification, or disapproval of various conservation improvement program filings. To both facilitate understanding and to serve as a reference guide, the timelines for completing the review and approval process of the various filings is summarized in subparts 2 to 4. See parts 7690.0500 to 7690.1430 for specific review and approval process requirements.

Subp. 2. **Biennial program filings.** The timelines for biennial conservation improvement program (CIP) filings are ~~as follows:~~ summarized in this subpart. See parts 7690.0500 to 7690.1430 for specific review and approval process requirements.

ACTION	DUE DATE
<del>Biennial</del> Filing of <u>biennial plan</u>	August 1, odd-numbered years for electric utilities July 1, even-numbered years for gas utilities
Notice of completion	10 calendar days after biennial CIP filing <u>is filed with department</u>
Comments on filing	30 calendar days after notice of completion <u>is issued</u>
Reply comments	15 calendar days after comments <u>are filed with department</u>
Proposed decision	30 calendar days after reply comments <u>are due</u>
Written comments	15 calendar days after proposed decision <u>is issued</u>
Commissioner decision	30 calendar days after written comments on proposed decision <u>are due</u>



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## Adopted Rules

Subp. 3. **New project proposals; terminating existing projects.** The timelines for a new project proposal and for terminating an existing project are ~~as follows:~~ summarized in this subpart. See parts 7690.0500 to 7690.1430 for specific review and approval process requirements.

ACTION	DUE DATE
Filing of proposal	Anytime
Notice of completion	10 calendar days after proposal <del>received by</del> <u>is filed with</u> department
Written comments	15 calendar days after notice of completion <u>is issued</u>
Reply comments	15 calendar days after written comments <u>are filed with department</u>
Proposed decision	10 calendar days after reply comments are due
Written comments	15 calendar days after proposed decision <u>is issued</u>
Commissioner decision	30 calendar days after comments on proposed decision are due

Subp. 4. **Modifying or expanding existing project.** The timelines for modifying or expanding an existing project are ~~as follows:~~ summarized in this subpart. See parts 7690.0500 to 7690.1430 for specific review and approval process requirements.

ACTION	DUE DATE
Filing of proposal	Anytime
Written comments	15 calendar days after proposal <del>received by</del> <u>is filed with</u> department
Reply comments	10 calendar days after written comments <u>are filed with department</u>
Commissioner decision	35 days after reply comments are due

### 7690.1600 RULE VARIANCES.

Subp. 4. **Notice and timelines.** A party requesting a rules variance must give notice of the motion to the parties on the service list for the affected utility's conservation improvement program. The request ~~should~~ must state the variance requested and how the request meets the three requirements outlined in subpart 1. The timelines for variance requests are the same as the timelines for proposed changes to an existing project, as outlined in part 7690.1400 and summarized in part 7690.1440, subpart 4.

**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.

## Executive Orders

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### Office of the Governor

#### Emergency Executive Order #98-1: Providing for Assistance to the Division of Emergency Management and the State of Minnesota

I, ARNE H. CARLSON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Emergency Executive Order:

**WHEREAS**, the State of Minnesota is preparing to respond to imminent spring flooding throughout the State; and

**WHEREAS**, the preparation for the response to spring flooding necessitates prior operational and logistical action; and

**WHEREAS**, the Division of Emergency Management has requested National Guard assistance;

**NOW, THEREFORE**, I hereby order that:

1. The Adjutant General of Minnesota order to active duty on or about February 1, 1998, in the service of the State, such personnel and equipment of the military forces of the State as required and for such period of time as necessary to assist and support the preparation for the response to spring flooding.
2. The cost of subsistence, transportation, fuel, pay, and allowances of said individuals shall be defrayed from the general fund of the State as provided for in *Minnesota Statutes* 1996, sections 192.49, subd. 1; 192.51, and 192.52.

Pursuant to *Minnesota Statutes* 1996, section 4.035, subd. 2, this Order shall be effective immediately, and shall remain in effect until such date as elements of the military forces of the State are no longer required.

**IN TESTIMONY WHEREOF**, I have set my hand this sixth day of February, 1998.

Arne H. Carlson  
Governor

Filed According to Law:  
Joan Anderson Growe  
Secretary of State

## Official Notices

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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 Emergency Medical Services Regulatory Board

#### Notice of Completed Application In the matter of the License Application of the Mercy Hospital Ambulance Service, Moose Lake, Minnesota

**PLEASE TAKE NOTICE** that the Emergency Medical Services Regulatory Board (hereinafter "EMS RB") has received a completed application from the **Mercy Hospital Ambulance Service, Moose Lake, Minnesota**, for a new type of service, advanced ambulance service - specialized.

**NOTICE IS HEREBY GIVEN** that, pursuant to *Minnesota Statutes* Sec. 144E.11, subd. 3 (1997), each municipality, county, community health board, governing body of a regional emergency medical services system, ambulance service and other person wishing to make recommendations or comments opposing the application to the EMS RB within 30 days or by March 19, 1998, 4:30 p.m.

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

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

Dated: 4 February 1998

R. Keith Wages, Executive Director

## **Minnesota Emergency Medical Services Regulatory Board**

### **Notice of Completed Application In the matter of the License Application of the Wildwood Lions Ambulance Service, Mahtomedi, Minnesota**

**PLEASE TAKE NOTICE** that the Emergency Medical Services Regulatory Board (hereinafter "EMSRB") has received a completed application from the **Wildwood Lions Ambulance Service, Mahtomedi, Minnesota**, for a change in type of service from basic ambulance to advanced ambulance service.

**NOTICE IS HEREBY GIVEN** that, pursuant to *Minnesota Statutes* Sec. 144E.11, subd. 3 (1997), each municipality, county, community health board, governing body of a regional emergency medical services system, ambulance service and other person wishing to make recommendations or comments opposing the application to the EMSRB within 30 days or by March 19, 1998, 4:30 p.m.

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

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

Dated: 4 February 1998

R. Keith Wages, Executive Director

## **Minnesota Historical Society**

### **Notice of State Review Board Regular Meeting**

A meeting of the State Review Board of the Minnesota Historical Society to consider nominations to the National Register of Historic Places will be held on Thursday, March 19, 1998, in the Minnesota Historical Society History Center, Cargill Commons, MacMillan Education Wing, St. Paul, Minnesota. The State Review Board will meet at 7:00 p.m. for an informational presentation on program activities made by the Preservation Office staff. The meeting will be called to order and consideration of the meeting's agenda will begin at 7:30 p.m. A sign language interpreter is available with one weeks notice, and auxiliary aids are available with two weeks notice. Call 612/296-5434, or TTY 800-627-3529. For further information contact the State Historic Preservation Office, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102, (612) 296-5434.

## Official Notices

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### Legislative Coordinating Commission

#### Board of Trustees Candidate Advisory Council

#### Candidates Sought for the Board of Trustees of the Minnesota State Colleges and Universities (MnSCU)

The Board of Trustees Candidate Advisory Council is currently seeking candidates for the Board of Trustees of the Minnesota State Colleges and Universities to fill four positions on the Board in congressional district 7 as well as 3 at-large seats.

The Council is responsible for recruiting and recommending candidates to the governor for appointment to the Board of Trustees. Members of the Board of Trustees receive per diem and expenses.

For further information and/or application forms, please contact Barb Patterson at (612) 296-9002, 85 State Office Building, St. Paul, MN 55155. Applications must be received by 5:00 p.m. March 16, 1998.

### Metropolitan Airports Commission

#### Notice of Public Hearing Concerning Acquisition of Property Near Flying Cloud Airport Hennepin County, Minnesota

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

Approximately 36 acres included in Lot 27, Block 1 and Outlots A & B, Riley Creek Ridge Subdivision, and a parcel of approximately 16 acres lying West of Eden Prairie Road, East of Outlots A & B, Riley Creek Ridge Subdivision, North of Riley Creek and South of Eden Heights Subdivision, all in Hennepin County, Minnesota.

Approximately 17 acres included in Lots 1 through 5, and all of Block 3, Eden Heights Subdivision, Hennepin County, Minnesota.

Approximately 120 acres situated in the West 200 Feet of the Northwest Quarter of the Southwest Quarter of Section 27, Township 116, Range 22, the North Half of the Southeast Quarter of Section 28, Township 116, Range 22, the North Half of the Northeast Quarter of the Southwest Quarter of Section 28, Township 116, Range 22, and the East 1,000 feet of the South Half of the Southeast Quarter of the Northwest Quarter of Section 28, Township 116, Range 22, all in Hennepin County, Minnesota.

The public hearing will be held commencing at 2:00 p.m. on the 3rd day of March, 1998 in Room 3040 of the Lindbergh Terminal Building at Minneapolis-St. Paul International Airport.

The hearing will afford interested persons, groups and agencies an opportunity for public consideration of the economic, social and environmental effects of the proposed acquisition. Any person wishing to submit information relating to this matter may appear at the public hearing and make an oral statement or present written material. Persons intending to make oral presentations are requested to notify the Commission by March 3, 1998 in writing or by telephone to Ms. Jenn Unruh, Metropolitan Airports Commission, 6040 28th Avenue South, Minneapolis, MN 55450; telephone 726-8100. Written statements and other exhibits relating to this matter will be incorporated into the transcript of the hearing, provided such statements or exhibits are submitted at the hearing or are presented to the Metropolitan Airports Commission prior to the close of work on March 6, 1998.

Dated: 10 February 1998

Jeffrey W. Hamiel  
Executive Director  
Metropolitan Airports Commission  
6040 28th Avenue South  
Minneapolis, MN 55450

Lehan J. Ryan  
Oppenheimer Wolff & Donnelly LLP  
1700 First Bank Building  
St. Paul, MN 55101

## Pollution Control Agency

### Water Quality Division

#### Notice of Intent to Annex and Detach Specified Areas Adjacent to the Shorewood Acres Sanitary District in Accordance with *Minnesota Statutes* § 115.21

The Minnesota Pollution Control Agency (MPCA) has been petitioned by the Shorewood Acres Sanitary District and Minneota Township requesting annexation of specified areas adjacent to the Shorewood Acres Sanitary Sewer District. The petition also requests the detachment of areas within the Shorewood Acres Sanitary District.

The Portions of Minneota Township being considered for annexation include the road right-of-way for use as the District access road; Shorewood Acres Subdivision, Lots 1-14, which was mistakenly stated as the Shorewood Acres Second Addition, Lots 1-14 in the original petition for creation of the Shorewood Acres Sanitary District; and Government Lot 4, which is the area surrounding the location of the old one-cell stabilization pond treatment system and the new cluster mound treatment system constructed to replace the old nonconforming pond system.

The areas adjacent to the Shorewood Acres Sanitary District proposed for annexation are as follows:

1. Shorewood Acres Subdivision, Lots 1-14
2. An easement egress 33 feet on each side of the following described line: That part of the Southeast Quarter of Section 35, Township 101 North, Range 36 West of the Fifth Principal Meridian, Jackson County, Minnesota, described as follows:

Commencing at the southeast corner of Section 35; thence north 00 degrees 00 minutes 00 seconds east (assumed bearing) along the east line of said Section a distance of 1087.36 feet to the point of beginning; thence south 83 degrees 00 minutes 34 seconds west, a distance of 682.24 feet; thence south 80 degrees 51 minutes 11 seconds west, a distance of 536.46 feet; thence south 80 degrees 08 minutes 18 seconds west, a distance of 307.76 feet to the east line of First Addition to Shorewood Acres Subdivision.

3. That part of Southeast Quarter of Section 35, Township 101 North, Range 36 West of the Fifth Principal Meridian, Jackson County, Minnesota, described as follows:

Commencing at the southeast corner of Lot 1 of Block 1 of Shorewood Acres Fourth Addition; thence North 05 degrees 22 minutes east, a distance of 452.00 feet; thence south 89 degrees 47 minutes 02 seconds east, a distance of 679.63 feet; thence north 01 degrees 09 minutes 20 seconds west, a distance of 230.00 feet; thence north 79 degrees 50 minutes 40 seconds east, a distance of 115.00 feet; thence north 88 degrees 51 minutes 05 seconds east, a distance of 796.45 feet; thence south along the east line of said Section, a distance of 623.6 feet to a point 1087.63 feet north of the southeast corner of said Section which point is on the centerline of an easement described in the Quit Claim Deed between Gladys B. Schmidt, as Trustee of the Gladys B. Schmidt Trust, U/A/D October 8, 1994, Grantor, and the Shorewood Acres Sanitary Sewer District, Grantee, recorded in the office of the Jackson County Recorder on microfilm document number 217899; thence south 83 degrees 00 minutes 34 seconds west, a distance of 682.24 feet; thence south 80 degrees 51 minutes 11 seconds west, a distance of 536.46 feet; thence south 80 degrees 08 minutes 18 seconds west, a distance of 307.76 feet to the east line of the First Addition to Shorewood Acres Subdivision; thence along the east line of the First Addition to Shorewood Acres Subdivision to the point of beginning.

The Shorewood Acres Sanitary District and Minneota Township are requesting detachment of the following areas within the Shorewood Acres Sanitary District:

Shorewood Acres Second Addition, Lots 1-14

and

Shorewood Acres Fourth Addition, Block 2, Lots 3, 4, and 5.

Shorewood Acres Second Addition, Lots 1-14 are being detached because this area was mistakenly included in the original petition to create the Shorewood Acres Sanitary District. The homes within this area have conforming individual on-site systems and, therefore, have an adequate and efficient system and means of collecting, conveying, pumping, treating, and disposing of domestic sewage.

The petition proposes to detach Shorewood Acres Fourth Addition, Block 2, Lots 3, 4, and 5 in order to return the area to the Gladys B. Schmidt estate. The Shorewood Acres Sanitary District has no useful purpose for the land.

The areas proposed to be annexed and detached are displayed on a map available at the MPCA.

A legal description of the Shorewood Acres Sanitary District after annexing and detaching the areas specified above is as follows:

## Official Notices

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Those portions in the Southeast Quarter of Section 35, Township 101 North, Range 36 West of the Fifth Principal Meridian, Jackson County, Minnesota described as follows:

1. Shorewood Acres Subdivision, Lots 1-14; Shorewood Acres First Addition, Lots 1-21; and Shorewood Acres Third Addition, Lots 1-10.
2. An easement 33 feet on each side of the following described line: That part of the Southeast Quarter of Section 35, Township 101 North, Range 36 West of the Fifth Principal Meridian, Jackson County, Minnesota, described as follows:  
Commencing at the southeast corner of Section 35; thence north 00 degrees 00 minutes 00 seconds east (assumed bearing) along the east line of said Section a distance of 1087.36 feet to the point of beginning; thence south 83 degrees 00 minutes 34 seconds west, a distance of 682.24 feet; thence south 80 degrees 51 minutes 11 seconds west, a distance of 536.46 feet; thence south 80 degrees 08 minutes 18 seconds west, a distance of 307.76 feet to the east line of First Addition to Shorewood Acres Subdivision.
3. That part of the Southeast Quarter of the Section 35, Township 101 North, Range 36 West of the Fifth Principal Meridian, Jackson County, Minnesota, described as follows:

Commencing at the southeast corner of Lot 1 of Block 1 of Shorewood Acres Fourth Addition; thence north 05 degrees 22 minutes east, a distance of 452.00 feet; thence south 89 degrees 47 minutes 02 seconds east, a distance of 679.63 feet; thence north 01 degrees 09 minutes 20 seconds west, a distance of 230.00 feet; thence north 79 degrees 50 minutes 40 seconds east, a distance of 115.00 feet; thence north 88 degrees 51 minutes 05 seconds east, a distance of 796.45 feet; thence south along the east line of said Section, a distance of 623.6 feet to a point 1087.63 feet north of the southeast corner of said Section which point is on the centerline of an easement described in the Quit Claim Deed between Gladys B. Schmidt, as Trustee of the Gladys B. Schmidt Trust, U/A/D October 8, 1994, Grantor, and the Shorewood Acres Sanitary Sewer District, Grantee, recorded in the office of the Jackson County Recorder on microfilm document number 217899; thence south 83 degrees 00 minutes 34 seconds west, a distance of 682.24 feet; thence south 80 degrees, 51 minutes 11 seconds west, a distance of 536.46 feet; thence south 80 degrees 08 minutes 18 seconds west, a distance of 307.76 feet to the east line of the First Addition to Shorewood Acres Subdivision; thence along the east line of the First Addition to Shorewood Acres Subdivision to the point of beginning.

All contained in Minneota Township. A map of the area is available at the MPCA.

The public has 30 days to submit written comments on the petition. If a person objects to the petition, that person may submit a written request for a hearing. The written comments or a written request for a hearing must be submitted to the MPCA by 4:30 p.m. on March 19, 1998. The written request for a hearing must state your interest in the petition, the nature of your objection and the reason for your objection. If 25 or more timely requests for hearing are received, the MPCA will schedule a hearing prior to making a determination on the petition.

Following the end of the comment period and, if held, the public hearing, the MPCA Commissioner will decide whether to approve the petition for annexation and detachment unless, as provided by *Minnesota Statutes* § 116.02, the MPCA Citizens' Board makes this decision. You have the right to submit a petition to the MPCA Commissioner asking that the MPCA Citizens' Board make the decision on approval of the petition for annexation and detachment. Your petition must be in writing and must be received by MPCA staff during the public comment period. Your petition will be granted or denied in the sole discretion of the MPCA Commissioner. The MPCA Citizens' Board will only make the decision on approval of the petition for annexation and detachment if the MPCA Commissioner grants your petition or if an MPCA Citizens' Board member makes a timely request to have the decision be made by the MPCA Citizens Board.

A copy of the petition, resolutions, map of the areas to be annexed and detached with legal description, and other documents relevant to the petition can be requested from the MPCA. Comments, questions, requests for hearing regarding the district annexation and detachment, and requests for information must be submitted in writing to:

Debra Moynihan	Telephone: (612) 296-5426
Point Source Compliance Section	1-800-657-3864
Water Quality Division	Out of State: 1-800-627-3529
Minnesota Pollution Control Agency	TTY: (612) 282-5332
520 Lafayette Road North	Fax: (612) 297-8683
St. Paul, Minnesota 55155-4194	

This notice, the petition, and other documents relevant to this petition can be made available in other formats, including Braille, large print, and audio tape, upon request.

Peder A. Larson  
Commissioner

## Department of Public Safety

### Minnesota Auto Theft Prevention Program

#### Notice of Meeting of the Board of Directors

The Department of Public Safety, Minnesota Auto Theft Prevention Program, will be holding its Board of Directors meeting on the following dates: February 19, 1998 and March 12, 1998. Meetings will begin at 9:00 a.m. and will be held at the Minnesota Auto Theft Prevention Program (MATPP) office located at 1110 Centre Pointe Curve, Suite 405, Mendota Heights, MN. (Hwy 110 and Lexington Ave., west of Hwy 35W (South) on the south side of the GNB Technologies Bldg.). Meetings are open to the public. For more information you may contact the MATPP office at (612/405-6155).

## Department of Transportation

### Petition of the City of Blaine for a variance from State Aid requirements for AFTER-THE-FACT PLAN APPROVAL

**NOTICE IS HEREBY GIVEN** that the Blaine 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 construction project, known as S.A.P. 106-116-02; 106-126-01 in the City of Blaine, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.2800, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow State Aid plan approval after the required plan approval prior to award of contract.

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: 4 February 1998

Patrick B. Murphy  
Division Director  
State Aid for Local Transportation

# State Grants & Loans

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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.

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## Department of Corrections

### Notice of Availability of Funds to Provide and Finance Work for Juveniles Who Have Monetary Restitution Obligations to Victims

The Minnesota Department of Corrections, Community Services Division, announces the availability of funds to provide and finance work for juveniles who have monetary restitution obligations to victims. The goals of the Juvenile Restitution Grant Program are to provide financial restitution to victims by providing additional funding to eligible juveniles for work performed.

Funds are available to private, non-profit 501(c)(3) organizations, public human service agencies, community corrections agencies, other governmental agencies, and American Indian tribal governments to provide the above programming. The grant program will provide funding of \$250,000 from July 1, 1998, through June 30, 1999. The department intends to award at least ten (10) grants, statewide, for Juvenile Restitution programming.

There is no assurance of continued funding for following years.

The deadline for proposal submission is March 27, 1998, 4:30 p.m. To receive a request for proposal which describes in detail how to apply for this funding, contact Lynda Davis, Minnesota Department of Corrections, Community Services Division, 1450 Energy Park Drive, Suite 200, St. Paul, Minnesota 55108-5219. Telephone (612) 642-0235.

## Department of Human Services

### Mental Health Division

### Notice of Availability of Funds to Develop and Strengthen Parent Leadership, Parent Self-help Support Networks, and Parent Organizations Statewide

The Department of Human Services (DHS), Children's Mental Health Division announces the availability of grant funding up to \$260,000 per year for a two year period in federal community mental health services block grant funds to a minimum of 4-6 qualified public and private nonprofit entities from April 1, 1998 through December 31, 1999. The primary objective of the grant is to develop/strengthen statewide parent leadership, parent self-help support network and provide technical assistance to collaborative initiatives in their effort to support the development of parent organizations statewide. The grant funds will be awarded based on the competitive evaluations of proposal submitted by qualified agencies.

This Request for Proposals (RFP) contains information about two distinct grants. An agency may choose to apply for one or both grants:

1. Leadership development/statewide advocacy grant.
2. Development and maintenance of culturally specific parent self-help networks for parents of children with serious emotional disturbance grant.

Applications are due by 4:00 p.m. on Friday March 13, 1998. Notification of approved proposals is anticipated to be completed by March 27, 1998. All applicants will be notified of the final funding decisions by April 30, 1998. Interested parties should contact Sunday Olayinka (612/296-7905) at DHS for application instructions.



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# 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].

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## Department of Administration

### Communications.Media Division

#### Request for Proposal for Professional and Technical Services in Graphic Design, Keylining, Photography, Creative Services, Illustration, and Desktop Publishing

The Department of Administration, Communications.Media Division, is required to print a variety of public and state information products. Lack of state capability in the areas of creation and design, a large workload and the need to meet multiple deadlines require the Communications.Media Division to contract with outside entities for professional, technical and creative services, as needed. This request for proposal does not obligate the state to complete the project and the state reserves the right to cancel this solicitation if it is considered to be in its best interest.

#### I. Scope of Contract

The contract covers consultation, creation, production and delivery of various creative services, as assigned. Vendor provides staff, materials, production facilities and equipment, pick-up, and delivery, as requested.

#### II. Submissions of Proposals

All proposals must be time-stamped by the Division no later than 4:00 P.M. on March 13, 1998. Late proposals will not be accepted.

#### III. Department Contacts

Prospective respondents who have questions regarding this request for proposal may contact:

Berry J. Conway  
Communications.Media Division  
Department of Administration  
117 University Avenue, Room 124A  
St. Paul, MN 55155  
(612) 296-9886  
TTY (612) 282-5077  
berry.conway@state.mn.us

This is the only employee authorized to answer questions regarding this proposal.

#### IV. *Minnesota Statutes* 15.091

In conjunction with the public notice of this contract, notice of this contract will be provided to the Human Resources offices of all *Minnesota Statutes* 15.091 agencies and the Higher Education Board. Due consideration will be given to any responding employee when the responses to the Request for Proposal are evaluated.

## Professional, Technical & Consulting Contracts

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### Minnesota State Arts Board

#### Notice of Request for Proposals for Graphic Design Services

The Minnesota State Arts Board is seeking proposals for graphic design and production services for the agency's publications. The services will be provided under a contract for the period beginning April 1, 1998 through June 30, 1998. This contract has two one-year renewal options than can be exercised by mutual consent of both parties.

Respondents will be asked to provide a portfolio, staff qualifications, and a fee schedule. It is anticipated that the total design contract for the current fiscal year will not exceed \$7,500.

**Proposals must be received by 4:30 p.m. on Friday, February 27, 1998.**

To obtain a Request for Proposals that offers complete details, please contact:

Erin Hart  
Communications Director  
Minnesota State Arts Board  
Park Square Court  
400 Sibley Street, Suite 200  
Saint Paul, MN 55101-1928  
Phone: (612) 215-1600  
Toll-free: (800) 866-2787  
TTY: (612) 215-6235  
E-mail: erin.hart@state.mn.us

### Minnesota State Colleges and Universities (MnSCU)

#### Request for Qualifications to Conduct Facilities Condition Assessment of MnSCU Buildings

The Minnesota State Colleges and Universities (MnSCU) is soliciting Requests for Qualifications from experienced firms to conduct comprehensive physical inspections of its buildings and grounds. The objective of this assessment is to credibly identify repair and maintenance need, create a database of priorities and repair/maintenance costs, and provide information critical to the Strategic Capital Plan.

MnSCU has developed a system-wide approach for inspection and for database management. Selected firms will be expected to adopt and strictly apply this consistent protocol. MnSCU has developed a training program on the application of this protocol.

Firms responding to this Request for Qualifications must demonstrate experience in the conduct of similar building condition assessments; internally possess or identify associated firms as team members who possess requisite competence in the following professional disciplines: architectural, mechanical, electrical, civil, and code compliance; and have managed relational databases.

Complete Request for Qualifications are due by 10:00 a.m. Monday, March 2, 1998.

To request a copy of the full Request for Qualifications, please contact:

Elaine Bellew  
Minnesota State Colleges and Universities  
700 World Trade Center  
30 East 7th Street  
St. Paul, MN 55101  
Phone: (612)296-7083  
FAX: (612)296-8488  
E-Mail: elaine.bellew@so.mnscu.edu

## Higher Education Facilities Authority

### Request for Proposals for Auditing Services

The Higher Education Facilities Authority requests proposals for auditing services of a certified public accounting firm to examine and report upon the financial statements of the Authority's program for the fiscal years ending June 30, 1998, June 30, 1999, and June 30, 2000.

The audit must comply with generally accepted auditing standards, and the information contained in the audit report should be of sufficient detail to be included in the Authority's Annual Report.

Prospective responders wanting to receive further information or having any questions regarding this request for proposal may call or write:

Ms. Elaine J. Yungerberg  
Assistant Executive Director  
MINNESOTA HIGHER EDUCATION FACILITIES AUTHORITY  
175 Fifth Street East, Suite 450 Galtier Plaza  
St. Paul, Minnesota 55101-2905  
Phone: (612)296-4690 FAX: (612)297-5751

All proposals must be sent to the above address and received by 4:00 PM, March 10, 1998. Submit five (5) copies of the proposal. Each copy of the proposal must be signed by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of any resulting contract.

#### I. Experience

- A. The certified public accounting firm must have a thorough knowledge of the rules and regulations governing issuance of tax-exempt bonds and all Authority obligations; especially the following: Federal arbitrage regulations and Security Exchange Commission regulations and how they may affect the Authority's programs.
- B. The firm must have a minimum of three years of applicable experience in auditing private post-secondary institutions or Minnesota state departments and/or agencies (agencies issuing revenue bonds preferred). As part of your response, please attach a list of relevant entities audited in the past three years.
- C. The successful responder will be required to submit acceptable evidence of compliance with Minnesota workers' compensation insurance coverage requirements and certification by the State of Minnesota with respect to the firm's affirmative action plan, prior to execution of the contract.

#### II. Personnel

- A. The Authority places great importance on the need for continuity in the auditing team. Indicate in the response the account manager you expect will be assigned to the Authority.

#### III. Scope of Services

- A. The auditors must be able to make themselves available to perform in a manner satisfactory to the Authority:
- B. The audit should be completed during the month of August. (The fiscal year begins July 1.) The completed financial report should be delivered to the Authority by mid September.
- C. The annual audit includes the Authority's operating accounts plus an audit of all of the trustee accounts for revenue bonds issued by the Authority. The Authority presently has 54 issues outstanding. The financial report shows all interest earned, all principal and interest paid, and all income received from the institutions to pay principal and interest on outstanding bond issues. The trustees also confirm to the auditors whether or not adequate analysis has been done to comply with arbitrage rebate regulations, and whether or not the bond issue is in monetary default.
- D. The financial report consists of the Balance Sheet, Statement of Revenues, Expenses and Changes in Fund Balances, and the Statement of Cash Flows. The Notes to the Financial Statements include the description of funds, the accounting policies used, investment descriptions, and the financing agreements describing loans receivable and future principal and interest due.

#### IV. Compensation Schedule

The response must set forth a fee schedule for all services. If you expect to bill separately for out-of-pocket expenses, please so state and indicate your willingness to cap those costs. It is estimated from past audit costs that the audit fee for each annual audit will not exceed \$18,000.

## Professional, Technical & Consulting Contracts

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### V. Terms of the Contract

The contract between the Authority and the auditing firm shall be for a one year term, with the option to renew the contract for the next two years. The contract shall incorporate all the terms of this Request for Proposal and such other terms as may be negotiated.

All proposals received by the deadline will be evaluated by a committee of the board of the Higher Education Facilities Authority. Factors on which proposals will be judged include, but are not limited to, the following:

- A. Expressed understanding of both the issues involved in tax-exempt bond financing and the process of auditing an agency that issues tax-exempt bonds.
- B. Qualifications and experience of both company and personnel.
- C. Cost of the audit.
- D. Proposed work plan.

It is expected that the selection process will be completed by April 16, 1998.

### VI. Other Information

The Authority shall welcome such other information relative to your firm's experience and capabilities as you wish to provide. The Responders may propose additional tasks or activities if they will substantially improve the audit process.

## Department of Natural Resources

### Minnesota Forest Resources Council

#### Notice of Request for Proposals for Development of Forest Practice Guidebook

**NOTICE IS HEREBY GIVEN** that the Minnesota Forest Resources Council through the Department of Natural Resources, Division of Forestry is requesting proposals to perform all steps necessary to prepare for publication of a guidebook of the text and associated visuals for the comprehensive set of integrated forest practice guidelines. The guidebook provides recommendations for riparian zone management, wildlife habitat, forest soil productivity, historic/cultural resources, water quality and wetlands protection, and visual quality best management practices. The guidebook is intended for use on all land ownerships.

Services needed by the Minnesota Forest Resources Council include, but are not limited to: editing and formatting the guideline text of the integrated sets of guidelines, development of the overall design and layout of the guidebook, development of stand alone brochures as part of the guidebook, and development of the appropriate graphics for the guidebook.

To obtain a copy of the complete Request for Proposal, contact:

Mike Phillips  
DNR/Division of Forestry  
500 Lafayette Road  
St. Paul, Minnesota 55155-4044  
(612) 297-4924  
e-mail: mike.phillips@dnr.state.mn.us

## Department of Trade and Economic Development

### Notice of Request for Proposals for Web Site Design

The Department of Trade and Economic Development (DTED) is requesting proposals for web design and development services associated with a redesign of DTEDs web site.

A detailed Request for Proposals has been prepared by DTED. It describes the purpose, provides the background information on DTED operations, describes project goals and objectives, technology specifications, deadlines and desired proposal format.

Potential responders interested in submitting a proposal on this project should request the detailed RFP through the contact person listed below. Proposals must be submitted to the individual below. Proposals must be received by DTED **no later than 4:00 p.m., March 10, 1998.**

Contact Person: Debbie Dorner  
Technology Operations Manager  
121 7th Place East  
500 Metro Square  
St. Paul, MN 55101-2146

Telephone: (612) 297-1676

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

## Department of Trade and Economic Development

### Notice of Request for Proposals for Development and Implementation of Web Site Based Electronic System for Retrieval of Information on State Required Licenses and Permits

Pursuant to *Laws of 1997*, Chapter 202, Article 3, Section 14 (codified as *Minnesota Statutes* Section 16E.08), the Department of Trade and Economic Development is requesting proposals for the development and implementation of a web site based electronic system for retrieval of information on state required licenses and permits.

A detailed Request for Proposals has been prepared by the department outlining the background and purpose of the proposed project, technology specifications, deadlines, proposal content and format and other information.

Potential responders interested in submitting a proposal on this project should request the detailed Request for Proposals through the contact person listed below. A required pre-proposal submission meeting will take place at the Department of Trade and Economic Development on March 11, 1998 at 9:00 AM. Potential responders should have read the Request for Proposals in advance of that meeting. Proposals are to be submitted in accordance with the Request for Proposals not later than 4:30 PM on March 31, 1998.

Contact Person: Charles A. Schaffer  
Minnesota Department of Trade and Economic Development  
500 Metro Square  
121 7th Place East  
Saint Paul, MN 55101-2146

Telephone: (612) 296-0617

Notice for Professional/Technical Services is being posted at agency work sites in accordance with requirements of *Minnesota Statutes* 16B167.

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

## Non-State Public Bids, Contracts & Grants

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### Winona State University

#### Notice of Professional/Technical Consultant to Develop a Comprehensive Campus Master Plan

Winona State University is seeking the services of a professional/technical team to develop a comprehensive campus master plan. The consultant must have experience in developing and assessing academic space utilization to determine present and future space needs. Proposals are due by March 9, 1998.

Firms interested in receiving a formal Request For Proposal can contact:

John Burros  
Director of Facilities  
Winona State University  
P.O. Box 5838  
Winona, MN 55987  
(507) 457-5052  
(507) 457-5586 Fax

## Non-State Public Bids, Contracts & Grants

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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.

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### Metropolitan Council

#### Invitation to Bid on Compaq Computer Equipment

Sealed bids will be received at the offices of the Metropolitan Council, Mears Park Centre, 230 East 5th Street, St. Paul, Minnesota 55101, on March 3, 1998, at 2:00 P.M., at which time and place they will be publicly read for the acquisition of Compaq computer equipment.

Copies of the specifications and bid instructions may be obtained from the offices of the Metropolitan Council or by calling 612-602-1499 or via Fax request at 612-602-1083. All bids to be considered must be submitted on Council approved bid forms.

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

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

### Metropolitan Council

#### Invitation to Bid on NEC Computer Equipment

Sealed bids will be received at the offices of the Metropolitan Council, Mears Park Centre, 230 East 5th Street, St. Paul, Minnesota 55101, on March 3, 1998, at 2:00 P.M., at which time and place they will be publicly read for the acquisition of NEC computer equipment.

Copies of the specifications and bid instructions may be obtained from the offices of the Metropolitan Council or by calling 612-602-1499 or via Fax request at 612-602-1083. All bids to be considered must be submitted on Council approved bid forms.

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

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

## Minnesota Historical Society

### Request for Proposals for Building Modifications for Accessibility

The Minnesota Historical Society is seeking proposals from qualified firms to provide all labor, materials and equipment to complete building modifications at the Minnesota History Center for compliance with the Americans with Disabilities Act according to Technical Specifications, Instructions to Bidders, Supplementary Conditions, Contract and the Request for Proposal.

All proposals must be received by Jenna E. Gruen, Contracting Officer for the Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102 or an authorized agent no later than 2:00 p.m. Central Time, Tuesday March 24, 1998. Proposals must be submitted in a sealed envelope with the project name clearly written on the envelope. Late proposals will not be considered.

Authorized agents for receipt of bids are the following: Jenna E. Gruen, Contracting Officer or any Work Service Center staff member in the Finance and Administration Division on the 4th floor of the History Center. Bids may not be delivered to the information desk, to the guard or to any location or individual other than as specified above.

The Request for Proposal is available by calling or writing Jenna Gruen, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone is (612) 297-5863 (jenna.gruen@mnhs.org).

**There will be a mandatory pre-proposal meeting for all interested parties on Thursday, March 5, 1998 at 10:00 a.m. at the Minnesota History Center in the Crosby Room. All parties wishing to submit a proposal must attend this meeting.**

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

## Minnesota Historical Society

### Request for Proposals for Sign Package for Minnesota History Center Library

The Minnesota Historical Society is seeking proposals from qualified firms to provide all labor, materials and equipment to fabricate signs for the Minnesota Historical Society's History Center Library according to design specifications and available Request for Proposal.

All proposals must be received by Jenna E. Gruen, Contracting Officer for the Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102 or an authorized agent no later than 2:00 p.m. Central Time, Tuesday March 10, 1998. Proposals must be submitted in a sealed envelope with the project name clearly written on the envelope. Late proposals will not be considered.

Authorized agents for receipt of bids are the following: Jenna E. Gruen, Contracting Officer or any Work Service Center staff member in the Finance and Administration Division on the 4th floor of the History Center. Bids may not be delivered to the information desk, to the guard or to any location or individual other than as specified above.

The Request for Proposal is available by calling or writing Jenna Gruen, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone is (612) 297-5863 (jenna.gruen@mnhs.org).

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

## Non-State Public Bids, Contracts & Grants

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### University of Minnesota

#### Prequalifications of Designers/Architects/Engineers and Related Construction Project Delivery Professional to Perform Services for the University of Minnesota

The University of Minnesota Facilities Management Department is renewing its services contract agreement list for all design/engineering/consulting services for projects that are less than \$2,000,000 total project cost or are otherwise not required to be submitted to the State Designer Selection Board for consultant selection.

The University will be establishing Service Contract Agreements with the following type of construction project delivery consultants:

Acoustics/Noise Abatement	Forensics	Security and Access Consultant
Agricultural Engineer	Hazardous Material Abatement Consultant	Soil Borings
Architect	Interior Design	Special Inspections
Asbestos Abatement	Land Surveyor	Structural Engineering
Building Automation	Landscape Design/Planning	Testing Companies
Building Commissioning	Lighting Consultant	Theater Consultant
Civil Engineering	Mechanical Engineering	Traffic Engineering
Cost Estimating/Management	Media/Electronics	Underground Tank Removal
District Energy Planning/Design	Parking/Parking Ramp Consultant	Utility Design
Electrical Engineering	Paving Consultant	Vibration Consultant
Elevator/Escalator Consultant	Planning/Programming	Waterproofing Specialist
Energy Management Consultant	Roofing Consultant	Other_____
Environmental Assessment	Schedule Management	
Food Service Consultant		

All interested parties are required to submit their qualifications to the University of Minnesota by responding to the University's Prequalification Package developed to facilitate the selection process. Request the Prequalification Package by providing your name, company name, address and phone number to the University via e-mail at the following e-mail address: [wards@fm.facm.umn.edu](mailto:wards@fm.facm.umn.edu) or call 624-5758 or 624-5765. E-mail is preferred. Upon receipt of your name, company name address and phone number, a Prequalification Package will be sent to you. Companies that currently have a services contract agreement with the University or have in writing indicated a desire to participate in the prequalification process will be sent a Prequalification Package automatically. If you receive the Prequalification Package in the mail with this advertisement, there is no need to e-mail or telephone your request. The deadline for responses is Wednesday, March 25, 1998 at 3:00 p.m. CST.