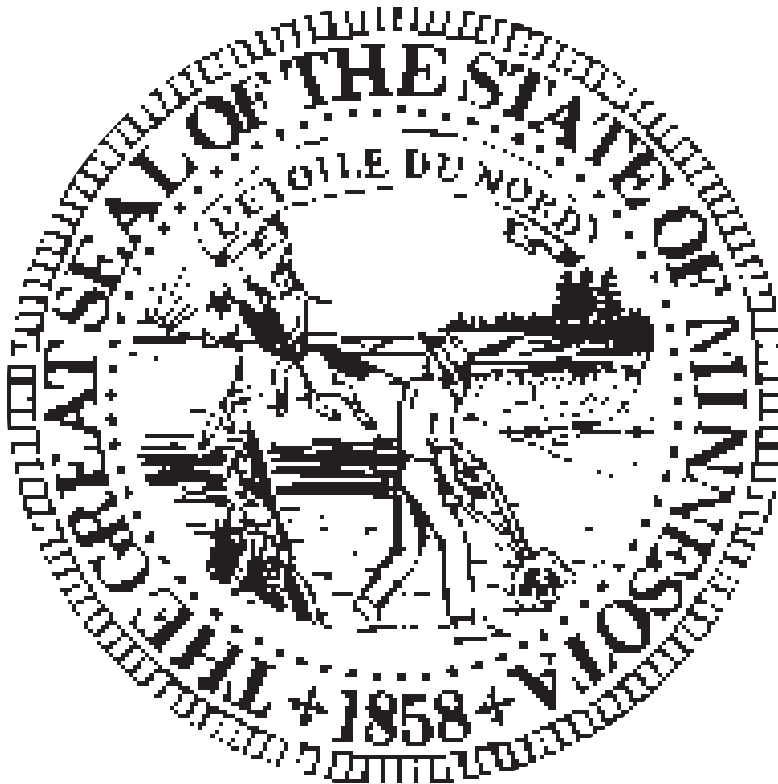


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Judicial Notice Shall Be Taken of Material Published in the *State Register*

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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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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9575.0350; .0400; .0410; .0420; .0470; .1360; .1410; .1500; .1580 (proposed) 1746

9575.1350; .1370; .1390; .1400; .1510 (proposed repealer)..... 1746

Proposed Rules

Comments on Planned Rules or Rule Amendments

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

Rules to be Adopted After a Hearing

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

Rules to be Adopted Without a Hearing

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

Department of Commerce

Proposed Permanent Rules Recognizing a New Annuity Mortality Table for Use in Determining Reserve Liabilities for Annuities

Notice of Intent to Adopt Rules Without a Public Hearing

Proposed Permanent Rules Recognizing New Annuity Mortality Tables for Use in Determining Reserve Liabilities for Annuities, *Minnesota Rules* ch. 2752.

Introduction. The Department of Commerce (“Department”) 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.

Department Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the Department contact person. The Department contact person is Donna M. Watz, Staff Attorney, State Department of Commerce, 133 East Seventh Street, St. Paul, Minnesota, 55101, phone (612) 296-6593, and FAX (612) 296-4328. TTY users may call the Department of Commerce at (612) 296-2860.

Subject of Rules and Statutory Authority. The proposed rules recognize new annuity mortality tables for use in determining reserve liabilities for annuities. The statutory authority to adopt the rules is found under *Minnesota Statutes*, sections 61A.25 and 45.023. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on Wednesday, July 29, 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 Department 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.

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

Proposed Rules

Request for a Hearing. In addition to submitting 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 Department contact person by 4:30 p.m. on Wednesday, July 29, 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 Department 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 Department must give written notice of this to all persons who requested a hearing, explain the actions the Department took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the Department 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 Department 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 Department, 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 Department 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 Department.

Adoption and Review of Rules. If no hearing is required, the Department 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 Department to receive notice of future rule proceedings, submit your request to the Department contact person listed above.

Dated: 16 June 1998

David B. Gruenes
Commissioner of Commerce

2752.0010 DEFINITIONS.

Subpart 1. Terms. For purposes of parts 2752.0010 to 2752.0040, the terms in this part have the meanings given them.

Subp. 2. 1983 Table "a." "1983 Table 'a'" means the mortality table developed by the Society of Actuaries Committee to Recommend a New Mortality Basis for Individual Annuity Valuation and adopted as a recognized mortality table for annuities in June 1982, by the National Association of Insurance Commissioners.

Subp. 3. 1983 GAM Table. "1983 GAM Table" means the mortality table developed by the Society of Actuaries Committee on Annuities and adopted as a recognized mortality table for annuities in December 1983, by the National Association of Insurance Commissioners.

Subp. 4. 1994 GAR Table. "1994 GAR Table" means the mortality table developed by the Society of Actuaries Group Annuity Valuation Table Task Force and adopted as a recognized mortality table for annuities in December 1996, by the National Association of Insurance Commissioners.

Subp. 5. Annuity 2000 Mortality Table. "Annuity 2000 Mortality Table" means the mortality table developed by the Society of Actuaries Committee on Life Insurance Research and adopted as a recognized mortality table for annuities in December 1996, by the National Association of Insurance Commissioners.

2752.0015 INCORPORATIONS BY REFERENCE.

The 1983 Table "a," the 1983 GAM Table, the 1994 GAR Table, and the Annuity 2000 Mortality Table are incorporated by reference. The tables are not subject to frequent change and are available at the State Law Library, 25 Constitution Avenue, Saint Paul, Minnesota 55155.

2752.0020 INDIVIDUAL ANNUITY OR PURE ENDOWMENT CONTRACTS.

Subpart 1. Approved table for annuity or pure endowment contract issued on or after August 1, 1978. Except as provided in subparts 2 and 3, the 1983 Table "a" and the Annuity 2000 Mortality Table are recognized and approved as individual annuity mortality tables for valuation and, at the option of the company, either of these tables may be used for purposes of determining the minimum standard of valuation for an individual annuity or pure endowment contract issued on or after August 1, 1978.

Subp. 2. Approved table for annuity or pure endowment contract issued on or after October 1, 1998. Except as provided in subpart 3, the Annuity 2000 Mortality Table shall be used for determining the minimum standard of valuation for an individual annuity or pure endowment contract issued on or after October 1, 1998.

Subp. 3. Approved table for annuity or pure endowment contract based on life contingencies issued to fund periodic benefits. The 1983 Table "a" without projection is to be used for determining the minimum standard of valuation for an individual annuity or pure endowment contract issued on or after October 1, 1998, solely when the contract is based on life contingencies and is issued to fund periodic benefits arising from:

- A. settlements of various forms of claims pertaining to court settlements or out-of-court settlements from tort actions;
- B. settlements involving similar actions such as workers' compensation claims; or
- C. settlements of long-term disability claims where a temporary or life annuity has been used in lieu of continuing disability payments.

2752.0030 GROUP ANNUITY OR PURE ENDOWMENT CONTRACTS.

Subpart 1. Approved table for annuity or pure endowment purchased on or after August 1, 1978, under a group annuity or pure endowment contract. Except as provided in subpart 2, the 1983 GAM Table, the 1983 Table "a," and the 1994 GAR Table are recognized and approved as group annuity mortality tables for valuation and, at the option of the company, any one of these tables may be used for purposes of valuation for an annuity or pure endowment purchased on or after August 1, 1978, under a group annuity or pure endowment contract.

Subp. 2. Approved table for annuity or pure endowment purchased on or after October 1, 1998, under a group annuity or pure endowment contract. The 1994 GAR Table shall be used for determining the minimum standard of valuation for any annuity or pure endowment purchased on or after October 1, 1998, under a group annuity or pure endowment contract.

2752.0040 APPLICATION OF THE 1994 GAR TABLE.

In using the 1994 GAR Table, the mortality rate for a person age x in year (1994 + n) is calculated as follows:

$$q_x^{1994+n} = q_x^{1994}(1-AA_x)^n$$

where the q_x^{1994} s and AA_x s are as specified in the 1994 GAR Table.

EFFECTIVE DATE. Parts 2752.0010 to 2752.0040 are effective October 1, 1998.

Minnesota Racing Commission

Proposed Permanent Rules Governing Broodmare Registration

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 Governing General Definitions, Minnesota Rules Chapter 7895.0125, Subp. 1; Thoroughbred Registration, Broodmare Registration.

Introduction. The Racing Commission 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

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

within 30 days or by 4:30 p.m. on July 29, 1998, a public hearing will be held in the Board Room, Canterbury Park, 1100 Canterbury Road, Shakopee, Minnesota 55379, starting at 8:30 AM on Monday, August 10, 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 July 29, 1998 and before August 10, 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: Richard Krueger at the Minnesota Racing Commission, P.O. Box 630, Shakopee, Minnesota 55379, telephone (612) 496-7950, FAX (612) 496-7954. TTY users may call the Racing Commission at TTY phone 800/627-3529.

Subject of Rules and Statutory Authority. The proposed rule amendment would stipulate additional requirements for the registration of thoroughbred broodmares so as to be eligible to participate in the Breeders' Fund awards program. The statutory authority to adopt the rule is *Minnesota Statute* 240.23, general rulemaking authority. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on Wednesday, July 29, 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 July 29, 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 August 10, 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) 496-7950 after July 29, 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 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.

Other Notices. The Commission published a Request for Comments in the *State Register* on March 2, 1998. The Commission will publish the proposed rule and a dual notice of adoption in the *State Register* on June 29, 1998. Three business days prior to publication, the Commission will mail a copy of the proposed rule and the notice to all persons who have registered their names with the Commission for the purpose of receiving rulemaking notices; there are 106 individuals on that mailing list. Three business days prior to publication, the Commission will mail a copy of the proposed rule and the notice to the heads of various horseperson's organizations in Minnesota. These include the Minnesota Thoroughbred Association, the Horsemen's Benevolent and Protective Association, Minnesota Quarterhorse Racing Association, Minnesota Arabian Racing Association, Minnesota Harness Racing, Inc., and the Traverse County Fairboard. A notice of the intent to adopt this rule amendment will be printed in the June - July issue of the Minnesota Thoroughbred Association newsletter. In addition the Commission's Rules Committee Chairman will provide announcements as to the status of the rules during each monthly meeting of the full Commission and the Commission's rulemaking docket will be updated and posted as necessary to reflect the status of the proposed rules.

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.

Richard G. Krueger, Executive Director
Minnesota Racing Commission

7895.0125 THOROUGHBRED REGISTRATION.

Subpart 1. **Broodmare registration.** To be eligible to receive any breeders' award payments, the following requirements must be met:

A. Prior to foaling, a broodmare must be in Minnesota and registered or the registration renewed with the racing commission or official registering agency on or before ~~January 31~~ March 15 of the year in which the broodmare will foal and must remain in Minnesota until foaling. The broodmare's original jockey club certificate must be received by the racing commission or official registering agency.

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

B. In the event an unregistered broodmare should foal in Minnesota before ~~January 31~~ March 15, the owner must submit a sworn affidavit to the racing commission or the official registering agency attesting that the foal was born in Minnesota. The affidavit will be considered evidence that the foal is a Minnesota-bred or Minnesota-foaled horse and the owner of the broodmare or his or her agent must register the broodmare in accordance with item A. The attending veterinarian, licensed by the state of Minnesota, must certify on information and belief that the information provided from the owner or agent is true and correct.

C. Late fees for late broodmare registration will be imposed as follows:

(1) A late fee of \$50 will be imposed for broodmare registrations received ~~February 1~~ March 16 to ~~March 1~~ April 14 (excluding Saturday and Sunday) of the foaling year.

(2) A late fee of \$100 will be imposed for broodmare registrations received ~~March 2~~ April 15 to ~~May 1~~ June 13 (excluding Saturday and Sunday) of the foaling year.

D. Failure to submit broodmare registration forms on or before ~~May 1~~ June 13 of the foaling year (excluding Saturday and Sunday) will require a late fee of \$300 to qualify for any subsequent claims for breeders' award payments or for the foal to be registered as Minnesota-bred.

E. The commission may, at its discretion, request written documentation from any persons seeking late registration that the broodmare was standing in Minnesota as of ~~January 31~~ March 15 of the foaling year.

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

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.

Board of Education

Adopted Permanent Rules Relating to GED Test Scores

The rules proposed and published at *State Register*, Volume 22, Number 38, pages 1626-1627, March 23, 1998 (22 SR 1626), are adopted as proposed.

Department of Public Safety

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

The rules proposed and published at *State Register*, Volume 22, Number 12, pages 487-496, September 22, 1997 (22 SR 487), are adopted with the following modifications:

7414.0200 BASIC REQUIREMENT.

Every person required by *Minnesota Statutes*, section 171.321 to have a school bus endorsement on the person's driver's license must meet the requirements specified in this chapter.

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

(2) the driver possesses a valid class ~~A~~, ~~class B~~, or ~~class C commercial driver's license with a passenger endorsement or a class D~~ driver's license in accordance with *Minnesota Statutes*, section 171.02, subdivision 2.

7414.1100 [Withdrawn at 22 S.R. 2345]

7414.1300 EXAMINATION FORM AND CERTIFICATE.

The examination form used by the physician to ~~report record~~ the physical condition of the applicant must substantially comply with the form prescribed in *Code of Federal Regulations*, title 49, section 391.43, paragraph (f). A form may be obtained from the department or from any driver examining station. The certificate of the examining physician must be substantially in accordance with the ~~form~~ certificate in *Code of Federal Regulations*, title 49, section 391.43, paragraph (g).

7414.1430 LIMB IMPAIRMENT WAIVER; ADDITIONAL APPLICATION INFORMATION.

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

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

7414.1500 ADDITIONAL EXAMINATIONS.

~~A physical examination may be required more often upon demand of any school district from or to which such school bus driver shall be transporting school children. Such extra examination shall be paid for by the district demanding it. Pursuant to *Minnesota Statutes*, section 171.13, subdivisions 1 and 3, the commissioner may require a medical examination of an applicant for a school bus endorsement or licensed driver with a school bus endorsement to determine incompetency, physical or mental disability or disease, or any other condition that might affect the driver in exercising reasonable and ordinary control over a motor vehicle.~~

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

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

Expedited Emergency Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited emergency 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. Expedited emergency rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Expedited emergency rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these Expedited emergency rules detail the agency's rulemaking authority.

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules; Designated Infested Waters

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the content of these rules is *Minnesota Statutes*, section 84D.12, subdivision 3.

Dated: 23 June 1998

Rodney W. Sando
Commissioner of Natural Resources

6216.0350 DESIGNATED INFESTED WATERS.

Subpart 1. **Listing of waters infested with Eurasian water milfoil.** The following water bodies are designated by the commissioner as infested with Eurasian water milfoil (*Myriophyllum spicatum*). Activities at these waters are subject to parts 6216.0100 to 6216.0600, *Minnesota Statutes*, section 84D.13, and other applicable laws.

	Name	DNR Protected Waters Inventory Number
A. Anoka County		
	(1) Cenaiko Lake	02-0654
	(2) Crooked Lake	02-0084
	(3) <u>Lake George</u>	<u>02-0091</u>
	(4) Otter Lake	02-0003
	(4) (5) Unnamed lake in Springbrook Nature Center	02-0688
	[For text of items B to D, see M.R.]	
E. Dakota County		
	(1) Crystal Lake	19-0027
	(2) Lac Lavon	19-0347
	(3) <u>Lake Marion</u>	<u>19-0026</u>
	(4) Twin Lakes	19-0028
	[For text of item F, see M.R.]	
G. Hennepin County		
	(1) Arrowhead Lake	27-0045
	(2) <u>Bass Lake</u>	<u>27-0015</u>
	(3) Brownie Lake	27-0038
	(3) (4) Bryant Lake	27-0067
	(4) (5) Bush Lake	27-0047
	(5) (6) Lake Calhoun	27-0031
	(6) (7) Cedar Lake	27-0039
	(7) (8) Christmas Lake	27-0137
	(8) (9) Dutch Lake	27-0181
	(9) (10) Eagle Lake	27-0111
	(10) (11) Fish Lake	27-0118
	(11) (12) Forest Lake	27-0139

Withdrawn Rules

(13) Gleason Lake	27-0095
(12) (14) Lake Harriet	27-0016
(13) (15) Hiawatha Lake	27-0018
(14) (16) Lake Independence	27-0176
(15) (17) Lake of the Isles	27-0040
(16) (18) Libbs Lake	27-0085
(17) (19) Little Long Lake	27-0179
(18) (20) Long Lake	27-0160
(19) (21) Medicine Lake	27-0104
(20) (22) Minnehaha Creek	27-0000
(21) (23) Lake Minnetonka	27-0133
(22) (24) Niccum's Pond	private
(23) (25) Lake Nokomis	27-0019
(24) (26) Parker's Lake	27-0107
(25) (27) Lake Rebecca	27-0192
(26) (28) Rice Lake	27-0116
(27) (29) Round Lake	27-0071
(28) (30) Lake Sarah	27-0191
(29) (31) Schmidt Lake	27-0102
(30) (32) Swan Lake	27-0000
(31) (33) Whaletail Lake	27-0184
(32) (34) Wirth Lake	27-0037

[For text of items H to P, see M.R.]

[For text of subps 2 to 6, see M.R.]

EFFECTIVE DATE; EFFECT OF EMERGENCY AMENDMENTS. After the emergency amendments to *Minnesota Rules*, part 6216.0350, subpart 1, expire, the permanent rule as it read prior to those amendments again takes effect, except as it may be amended by permanent rule.

Withdrawn Rules

Minnesota Department of Public Safety

Driver and Vehicle Services Division

Proposed Amendments to *Minnesota Rule* 7414.1100, Relating to School Bus Driver Endorsements

Notice of Withdrawn Rule

The proposed amendments to *Minnesota Rule* 7414.1100 as published on September 22, 1997 at 22 *State Register* 487 are withdrawn.

Donald E. Davis
Commissioner

Official Notices

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 matters of public interest.

Department of Children, Families and Learning

Extended Deadline for Request for Comments on Planned Amendment of Rules Relating to Inclusive Education Program, *Minnesota Rules* 3500.0550

The deadline for receiving comments on the planned amendment of the above captioned rules is extended to 4:30 p.m. on July 31, 1998. The original "Request for Comments" in this matter was published in the *State Register*, Monday, June 8, 1998 at Volume 22, Number 49, page 2164 (22 S.R. 2164).

Department of Human Services

Health Care Administration

Public Notice Regarding Changes in the Medical Assistance (MA) Program, the General Assistance Medical Care (GAMC) Program, and the MinnesotaCare Program

NOTICE IS HEREBY GIVEN to recipients, providers of services, and to the public of certain changes to the Medical Assistance (MA) Program, the General Assistance Medical Care (GAMC) Program and the MinnesotaCare Program, enacted by the 1998 Minnesota Legislature. This notice is published pursuant to *Code of Federal Regulations*, Title 42, section 447.205, which requires public notice of any significant proposed change in the methods and standards for setting payment rates for services. This notice is also published pursuant to the federal Balanced Budget Act of 1997 (Public Law 105-33). Section 4711 of the Act, amending Title XIX of the Social Security Act (42 *United States Code* section 1396a(a)(13)), requires the Department to publish proposed and final nursing facility payment rates, the methodologies underlying the establishment of such rates, and the justification for such rates. The Department's notices regarding proposed nursing facility and ICF/MR rates were published in the *State Register* on February 2, 1998 (22 S.R. 1352). The changes to the state MA Program are expected to result in a net increase in MA Program expenditures of \$3,209,000 for State Fiscal Year 1999.

The actual text of these changes is contained in *1998 Minnesota Session Laws* at the chapters cited below. *Minnesota Session Laws* are available by calling the House or Senate Index at (612) 296-6646 or (612) 296-0504. It is important to note that not all changes made to these programs by the 1998 legislature are mentioned in this notice. For example, only eligibility changes that are considered of interest to providers are represented in this notice.

Information related to implementation of these provisions will be sent to local human services agencies through bulletins and manual updates, to MA, GAMC and MinnesotaCare enrollees through written notice, and to health care providers through newsletters and updates to the Minnesota Health Care Programs Provider Manual.

Changes were made in the following areas:

- I. MA, GAMC, and MinnesotaCare Eligibility
- II. MA, GAMC, and MinnesotaCare Services
- III. MA, GAMC, and MinnesotaCare Payment Rates
- IV. Services and Payment Rates Related to MA Long Term Care
- V. Changes to Services and Rates Related to MA Health Care and Home and Community Based Waivers
- VI. Other

I. MA, GAMC, MinnesotaCare Eligibility

- By 7/1/98, a procedure is to be implemented for public assistance applicants and recipients to indicate their language preference in order to receive information pertaining to the public assistance programs in that preferred language. Chapter 407, Article 4, Section 5.
- Effective 7/1/98, MA income deductions for FICA and federal and state income taxes for persons who are aged, blind or

disabled are eliminated. Chapter 407, Article 4, Section 13.

- Effective 7/1/98, MA includes a new eligibility category for disabled children who lost Supplemental Security Income (SSI) due to changes in SSI disability criteria. Chapter 407, Article 4, Section 14.
- Effective 7/1/98, MA and GAMC income deductions for child support payment for persons who are aged, blind or disabled are eliminated. Chapter 407, Article 4, Section 15.
- Effective 7/1/98, the MA income standard for persons who are aged, blind or disabled and the GAMC income standard for adults without children is increased to 133 1/3 % of the former Aid to Families with Dependent Children (AFDC) income standard in effect on July 16, 1996. (\$467 per month for a single person and \$583 per month for a couple). Chapter 407, Article 4, Section 16.
- By 7/1/99, the Commissioner is to consider using the percentage change in the Consumer Price Index for all urban consumers to increase the base Aid to Families with Dependent Children standard used to calculate the MA and GAMC income standard. Chapter 407, Article 4, Section 16.
- Effective 7/1/98, Qualifying Individuals with incomes less than 175% of the federal poverty guidelines are eligible for payment of part or all of their Medicare Part B premium, depending upon income level. Chapter 407, Article 4, Section 18.
- Effective 7/1/97, Cuban-Haitian entrants (as defined in section 501(e) of Public Law Number 96-422, the Refugee Education and Assistance Act of 1980) and children of persons determined by the U.S. Attorney General to be battered are added to the MA definition of "qualified noncitizen." Chapter 407, Article 4, Section 19.
- By 1/15/99 and yearly thereafter, the Commissioner shall report to the Legislature the cost of increasing the income standard for persons who are aged, disabled or blind, by the rate of increase in Consumer Price Index. Chapter 407, Article 4, Section 63.
- By 12/15/98, the Commissioner shall develop a plan, with input from an advisory committee, to serve public assistance clients with limited English language proficiency, and shall submit a report with cost estimates to the Legislature. Chapter 407, Article 4, Section 64.
- Effective 7/1/98, notices to MA, GAMC and MinnesotaCare clients shall contain a statement, in multiple languages, that the contents of the notice are important, and that help with translation, depending upon the notice, can be obtained from a county worker, a managed care plan representative, or a MinnesotaCare enrollment representative. Chapter 407, Article 4, Section 64.
- Effective 9/30/98, the MA asset test for pregnant women is eliminated. Chapter 407, Article 5, Section 3.
- Effective 9/30/98, the MA asset test for children is repealed unless a waiver of the Balanced Budget Act of 1997 maintenance of effort requirement is repealed. Chapter 407, Article 5, Section 4.
- Effective 9/30/98, the MA income standard for infants under age two is raised to from 275% to 280% of the federal poverty guidelines. Chapter 407, Article 5, Section 5.
- Effective 10/1/98, clients of a center for victims of torture are eligible for GAMC with no income, asset or citizen requirements if they are ineligible for MA or regular GAMC. People eligible under this basis are not required to be in a managed care health plan. Chapter 407, Article 5, Section 6.
- Effective 7/1/98, the shift of certain GAMC recipients (adults with children with incomes below 275% of the federal poverty guidelines and adults without children with incomes between 75% and 175% of FPG) to MinnesotaCare is delayed until 1/1/00. Chapter 407, Article 5, Section 6.
- Effective 1/1/99, MinnesotaCare definitions of families with children and student income are amended. Chapter 407, Article 5, Section 7.
- Effective 1/1/99, the requirement for MinnesotaCare enrollees to apply for MA after inpatient hospitalization is repealed. Chapter 407, Article 5, Section 13.
- Effective 1/1/99, the requirement that hospitalized single adults and parents enrolled in MinnesotaCare with income greater than 175% of federal poverty guidelines apply for MA is repealed. Chapter 407, Article 5, Section 13.
- Effective 1/1/99, the MinnesotaCare enrollees that must apply for MA are adults without children who receive Supplemental Security Income or other disability-related pension income and would be eligible for MA without a spenddown. Chapter 407, Article 5, Section 21.
- Effective 1/1/00, counties that choose to become MinnesotaCare enrollment sites must consider MinnesotaCare applications to also be applications for MA. Chapter 407, Article 5, Section 21.
- Effective 1/1/99, noncitizens are required to document their immigration status for purposes of MinnesotaCare eligibility.

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Chapter 407, Article 5, Section 23.

- Effective 1/1/99, people in correctional facilities are not eligible for MinnesotaCare . Chapter 407, Article 5, Section 24.
- Effective 1/1/99, nonparental caretakers are allowed to apply for MinnesotaCare for children separately or with the family. For applications for child, only the income of the child is used for eligibility determination. Chapter 407, Article 5, Section 25.
- Effective 1/1/99, an authorized representative is allowed to apply for MinnesotaCare on another's behalf. Chapter 407, Article 5, Section 26.
- Effective 1/1/99, MinnesotaCare coverage for newborns born to MinnesotaCare-enrolled mothers is automatic. Requirements for adding family members are clarified. Chapter 407, Article 5, Section 28.
- Effective 1/1/99, coverage for new family members added to a currently enrolled MinnesotaCare family begins the first day of the month following the month eligibility is approved or at eligibility renewal, whichever the family prefers. The income of the new family transfer is included with the families gross income and the adjusted premium begins in the month renew family member is added.
- Effective 1/1/99, families and individuals are required to reapply for MinnesotaCare after a lapse in coverage of one month or more. Chapter 407, Article 5, Section 30.
- Effective 1/1/99, MinnesotaCare eligibility is presumed by information on the application which must be verified within 30 days or the enrollee is disenrolled. Persons ineligible upon verification are disenrolled. Chapter 407, Article 5, Section 31.
- Effective 7/1/98, failure to pay MinnesotaCare premiums includes payment with a dishonored check and the Commissioner may demand a guaranteed form of payment as replacement. Chapter 407, Article 5, Section 32.
- Effective 1/1/99, individuals who voluntarily disenroll from MinnesotaCare must wait four months to reenroll in the program. Chapter 407, Article 5, Section 32.
- Effective 1/1/99, the employer-subsidized insurance exemption for MinnesotaCare is eliminated for parents in the former Children's Health Plan. Children who were in the former Childrens Health Plan, children enrolled after 9/30/92 under the 1992 law change, and children with income less than 150% of federal poverty are eligible for MinnesotaCare despite the availability of employer-subsidized health insurance coverage as long as they maintain continuous MinnesotaCare or MA coverage. Children who apply for MinnesotaCare on or after the implementation date of family subsidized health coverage program (to be developed), with incomes greater than 150% of federal poverty, must meet employer-subsidized insurance requirements. Chapter 407, Article 5, Section 33.
- Effective 1/1/99, adult enrollees without children whose incomes increase above 175% of federal poverty and enrolled families with children whose income increases above 275% of federal poverty are no longer eligible for MinnesotaCare and will be disenrolled unless 10% of their annual income is less than the annual premium for a policy with a \$500 deductible available through the Minnesota Comprehensive Health Association. Those determined to be ineligible shall be given an 18 month notice period before disenrollment. Chapter 407, Article 5, Section 33.
- Effective 1/1/99, eligibility for MinnesotaCare will be denied only if applicants have current access to employer-subsidized insurance or if employers canceled employer-subsidized insurance in the last 18 months. Dependent employer-subsidized insurance requirements and other employer benefits for health care are clarified. Requirements on barriers to MinnesotaCare eligibility because of other health coverage are clarified. Chapter 407, Article 5, Section 33.
- Effective 1/1/99, pregnant women who do not pay MinnesotaCare premiums are not subject to sanctions. The Commissioner may offer specified MinnesotaCare premium payment options. Section also clarifies that MinnesotaCare premiums are not refundable. Upon request by a MinnesotaCare enrollee or applicant, the Commissioner may collect enrollees' or applicants' premiums through the Minnesota Revenue Recapture Act and may file for the Minnesota Working Family Tax Credit on behalf of the enrollee. Chapter 407, Article 5, Section 39.
- Effective 9/30/98, the MinnesotaCare asset test for children is repealed unless the Health Care Financing Administration waives the maintenance of effort requirement to access enhanced federal funding through the newly enacted federal Children's Health Insurance Program. Chapter 407, Article 5, Section 40.
- Effective 4/22/98, the Commissioner must seek federal authority to use the Federal Earned Income Tax Credit for payment of MinnesotaCare premiums. Chapter 407, Article 5, Section 43.
- By 9/30/98, the Commissioner shall develop and submit to the Health Care Financing Administration a plan to obtain enhanced federal funding for the purposes of subsidizing health insurance coverage for uninsured families who are ineligible for the MinnesotaCare Program due to the availability of employer-subsidized health insurance. In developing the plan, the Commissioner must consult with the Legislative Commission on Health Care Access and must submit draft

legislation by December 15, 1998. Chapter 407, Article 5, Section 45.

- Effective 4/22/98, the Commissioner is authorized to claim enhanced federal matching funds under the State Children's Health Insurance Program (sections 2105(a)(2) and 2110 of the Balanced Budget Act of 1997) for any and all state or local expenditures eligible as child health assistance for targeted low-income children and health service initiatives for low-income children. Chapter 407, Article 5, Section 45.
- Effective 7/1/98, families ineligible for Statewide Minnesota Family Investment Program due to earned income or child/spousal support are eligible for extended MA when field trials end. Chapter 407, Article 6, Section 9.
- Effective 7/1/98, or upon any necessary federal approval, those opting to discontinue eligibility for cash payments through the Statewide Minnesota Family Investment Program are eligible for automatic MA as long as they meet Statewide MFIP requirements. Persons must be informed of the option to transition into MinnesotaCare. Chapter 407, Article 6, Sections 13 and 63.

II. MA, GAMC and MinnesotaCare Services

- Effective 7/1/98, the Commissioner may implement a prescription drug benefit for qualified Medicare beneficiaries at no less than 100 percent of the federal poverty guidelines (FPG) and service-limited Medicare beneficiaries at no less than 120 percent of FPG, if a federal waiver is received by 9/15/98. If the waiver is received, the Commissioner shall not implement the state-funded senior drug program. A report shall be submitted to the Minnesota House and Senate Health and Human Services Committee chairs by 10/15/98, on whether the drug benefit will be implemented under a Qualified Medicare Beneficiary waiver or under a state-funded senior drug program on 1/1/99. Chapter 407, article 1, section 2.
- Effective 1/1/99, managed care contracts entered into under *Minnesota Statutes*, sections 256B.69 and 256D.03(4), must require health plans to inform enrollees that, if requested, the certificate of coverage may be obtained in the following languages: Laotian, Spanish, Hmong, Russian, Somali, Vietnamese, or Cambodian. Chapter 407, Article 4, Section 48.
- Effective 7/1/99, if an MA recipient enrolled in PMAP is denied further nursing facility services after residing in a nursing facility more than 180 days, payments from health plans to the nursing facility must continue for 30 days or until the recipient is discharged, whichever is first. Chapter 407, Article 3, Section 17.
- Effective 7/1/98, DHS is required to administer a program to pay for costs of drugs prescribed exclusively for post-kidney transplant maintenance when those costs are not otherwise reimbursed by a third party. DHS may contract with a nonprofit entity to administer this program. Program funding is limited to \$160,000 and is to sunset on 7/1/2000. Chapter 407, Article 4, Section 6.
- Effective 7/1/98, gender reassignment surgery and medical services associated with gender reassignment are deemed not covered. Gender reassignment surgeries and associated services will still be covered services if the Medical Assistance recipient began receiving gender reassignment services prior to 7/1/98. Chapter 407, Article 4, Section 20.
- Effective 7/1/98, until the volume of augmentative and alternative communication systems purchased increases to allow a discount price, the Commissioner shall pay augmentative and alternative communication manufacturers and vendors at the manufacturer's suggested retail price for augmentative and alternative communication systems and related components. The Commissioner shall separately reimburse providers for purchasing and integrating individual communication systems which are unavailable as a package from an augmentative and alternative communication vendor. Chapter 407, Article 4, Section 26.
- Effective 5/22/98, requirements relating to MA coverage of day treatment services for adults are changed to allow greater flexibility, including allowing provision of day treatment services in homes or other settings, and changing the current limit of three hours per day to 15 hours per week. Chapter 407, Article 4, Section 3.
- Effective 1/1/99, pregnant women and children on MinnesotaCare are eligible for full MA services. Pregnant women and children who are lawfully residing in the United States but who are not "qualified noncitizens" are eligible for coverage of all services provided under MA. Chapter 407, Article 5, Section 11.
- Effective 1/1/99, pregnant women on MinnesotaCare are eligible for full MA services as of the date of pregnancy diagnosis. In addition, copayments paid by pregnant woman on MinnesotaCare totalling more than \$30 are required to be reimbursed. Chapter 407, Article 5, Section 12.
- Effective 4/22/98, MinnesotaCare covers services, including sign and spoken language interpreters, that assist an enrollee in obtaining covered health services. Chapter 407, Article 5, Section 14.

III. MA, GAMC and MinnesotaCare Payment Rates

- Effective retroactive to 8/1/97, Medicare revenue received by Health Maintenance Organizations (HMOs) or Community Integrated Service Networks (CISNs) through risk-based or Medicare+Choice contracts, are excluded from the HMO surcharge. For the period 10/1/98 through 12/31/98, monthly charges for the HMO surcharge shall be offset by the

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amount the HMO overpaid from 8/1/97 through 9/30/97. Chapter 407, Article 4, Sections 7 and 59.

- For fiscal year 1999, \$10,000,000 is appropriated to the Commissioner of Health from the general fund to be placed in the medical education and research trust fund. \$5,000,000 becomes part of the base level funding for medical education and research for the biennium beginning July 1, 1999. Chapter 407, Article 1, Section 2.
- The Commissioner of Human Services shall seek to maximize federal financial participation for payments for medical education and research costs. The appropriated funds, plus any federal financial participation shall be distributed to medical assistance providers according to the distribution methodology of the medical education research trust fund established under *Minnesota Statutes* section 62J.69. Chapter 407, Article 1, Section 2.
- Effective 7/1/98, the clinical training of doctors of chiropractic is added in the definition of medical education for the purposes of the medical education and research trust fund. Chapter 407, Article 2, Section 5.
- Effective 7/1/98, any funds transferred to the medical education and research trust fund under *Minnesota Statutes*, section 256B.69, subdivision 5c from the removal of medical education funds from Prepaid Medical Assistance and Prepaid General Assistance Medical Care capitation rates shall be distributed to qualifying applicants based on a distribution formula that reflects a summation of (a) an education factor, determined by the total number of eligible trainees and the total statewide average cost per trainee, by type of trainee; and (b) a public program volume factor, determined by the total volume of public program revenue received by each training site as a percentage of all public program revenue received by all training sites. In the formula, the education factor and public program factor shall each be weighted at 50 percent. Chapter 407, Article 2, Section 7.
- Effective 7/1/98, services provided by Indian Health Service facilities and facilities operated by a tribe or tribal organization shall be paid according to the rate determined by the United States Undersecretary of Health under the authority of *United States Code*, title 42, sections 248A and 248B. Payments according to this rate are effective retroactive to July 11, 1996. Chapter 407, Article 4, Section 9.
- Effective 1/1/99, out of state hospitals in local trade areas that have 20 or fewer admissions per year will have these admissions paid at a statewide average rate determined by DHS. Chapter 407, Article 4, Section 10.
- Effective 7/1/98, DHS has authority to pay tribal governments directly for General Assistance Medical Care services (in addition to MA services). Tribal governments involved in direct purchasing models must report to DHS annually on the operation of the model. Chapter 407, Article 4, Section 11.
- Effective 7/1/98, the MA rate for special transportation services is increased to an amount not to exceed \$15.00 for the base rate and \$1.20 per mile. Chapter 407, Article 4, Section 22.
- Effective for services rendered on or after 7/1/99, MA and GAMC payment for ambulance services is increased by five percent. Chapter 407, Article 4, Sections 23 and 56.
- Effective 7/1/98, tribally owned and operated clinics have the option of being reimbursed as a Federally Qualified Health Center, an Indian Health Services facility, or any other provider type recognized under Minnesota's Medicaid State plan, if the facility qualifies. Payments according to this rate are retroactive to July 11, 1996. Chapter 407, Article 4, Section 27.
- Effective April 22, 1998, the Commissioner shall grant a delay of up to nine months in the implementation of county-based purchasing if the county or group of counties has submitted a preliminary proposal for county-based purchasing by September 1, 1997, has not already implemented the prepaid medical assistance program before January 1, 1998, and has submitted a written request for the delay to the commissioner by July 1, 1998. In order for the delay to be continued, the county or group of counties must also submit to the commissioner additional information by December 1, 1998. Chapter 407, Article 4, Section 45.
- By January 15, 1998, the Commissioner of Health, in consultation with the Commissioner of Human Services, associations representing Minnesota counties, consumer advocates, associations representing health care providers and institutions, and representatives of institutions providing a disproportionate share of uncompensated medical care shall submit the legislature a report and recommendations on the provision and financing of uncompensated care in Minnesota. Chapter 407, Article 4, Section 65.
- Effective April 22, 1998, the threshold limits for fee-for-service medical assistance rehabilitative and therapeutic services for January 1, 1998 through June 30, 1999, shall be the limits prescribed by the DHS Health Care Programs Provider Manual for calendar year 1997. By January 15, 1999, the Commissioner of Human Services, in consultation with the DHS Rehabilitative Work Group shall report to the Legislature recommendations and proposed legislation for the appropriate level of rehabilitative services delivered to medical assistance recipients before prior authorization. Chapter 407, Article 4, Section 66.
- Effective 4/22/98, the Commissioner shall claim all available federal matching funds under Title XIX for fetal alcohol

syndrome and fetal alcohol effect initiatives. Chapter 407, Article 1, Section 2.

- By December 15, 1998, the Commissioner of Human Services, in consultation with the Commissioner of Health, shall report to the legislature on the costs of providing dental care services to recipients of the MA, GAMC, and MinnesotaCare programs and the reimbursement level of those programs under fee-for-services and under managed care plans. By February 1, 1999, the Commissioner shall present recommendations to the legislature on how access to dental services for MA, GAMC, and MinnesotaCare recipients can be expanded. The Commissioner shall determine which areas of the state are experiencing a significant access problem, and shall evaluate the feasibility of a disproportionate share adjustment for dental services. Chapter 407, Article 4, Section 67.
- Effective for services rendered on or after 7/1/98, the payment or allocation rates are increased by three percent for the following services: Medical Assistance Home and Community-Based Waiver Services for Persons with Mental Retardation or Related Conditions (MR/RC waiver) under *Minnesota Statutes*, section 256B.501; Elderly Waiver (EW) services under *Minnesota Statutes*, section 256B.0915; Community Alternatives for Disabled Individuals (CADI) waiver services under *Minnesota Statutes*, section 256B.49; Community Alternative Care (CAC) waiver services under *Minnesota Statutes*, section 256B.49; Traumatic Brain Injury Waiver (TBIW) services under *Minnesota Statutes*, section 256B.49; home health agency services (excluding medical supplies and equipment) under *Minnesota Statutes*, section 256B.0625, subdivision 6a; personal care services and nursing supervision of personal care services under 256B.0625, subdivision 19A; private duty nursing services under *Minnesota Statutes*, section 256B.0625, subdivision 7; day training and habilitation services for adults with MR/RC under *Minnesota Statutes*, section 252.40 to 252.47; physical therapy services under *Minnesota Statutes*, sections 256B.0625, subdivision 8, and 256D.03, subdivision 4; occupational therapy services under *Minnesota Statutes*, sections 256B.0625, subdivision 8a, and 256D.03, subdivision 4; speech-language therapy services under *Minnesota Statutes*, section 256D.03, subdivision 4, and *Minnesota Rules*, part 9505.0390; respiratory therapy services under *Minnesota Statutes*, section 256D.03, subdivision 4, and *Minnesota Rules*, part 9505.0295; dental services under *Minnesota Statutes*, sections 256B.0625, subdivision 9, and 256D.03, subdivision 4; Alternative Care (AC) services under *Minnesota Statutes*, section 256B.0913; adult residential program grants under *Minnesota Rules*, parts 9535.2000 to 9535.3000, adult and family community support grants under *Minnesota Rules*, parts 9535.1700 to 9535.1760, and semi-independent living services (SILS) under *Minnesota Statutes*, section 252.275, including SILS funding under county social services grants formerly funded under *Minnesota Statutes*, chapter 256I; day treatment under *Minnesota Rules*, part 9505.0323; the skills training component of (a) family community support services under *Minnesota Statutes*, section 256B.0625, subdivisions 5 and 35, (b) therapeutic support of foster care under *Minnesota Statutes*, section 256B.0625, subdivisions 5 and 36, and (c) home-based treatment under *Minnesota Rules*, part 9505.0324; and community support services for deaf and hard-of-hearing adults with mental illness who use or wish to use sign language as their primary means of communication. Effective 1/1/99, prepaid Medical Assistance, GAMC and MinnesotaCare Program capitation rates shall be increased as appropriate to reflect these service rate increases. Chapter 407, Article 1, Section 2.
- Effective 7/1/98, the Commissioner of Children, Families, and Learning, in cooperation with the Commissioner of Human Services, shall develop a statewide data management system using the educational data reporting system or other existing data management system for school districts and cooperative units to use to maximize medical assistance reimbursement for health and health-related services provided under individual education plans and individual family service plans. Chapter 398, Article 2, Section 2.
- Effective 7/1/98, school districts may enroll as medical assistance home care or personal care attendant providers or subcontractors and bill the Department of Human Services under the medical assistance fee-for-service claims processing system for special education services which are covered services under *Minnesota Statute* section 256B. A school district is not eligible to enroll as a home care provider or a personal care provider organization for purposes of billing home care services under *Minnesota Statutes* section 256B.0627 until the Commissioner of Human Services issues a bulletin instructing county public health nurses on how to assess for the needs of eligible recipients during school hours. To use private duty nursing services or personal care services at school, the recipient or responsible party must provide written authorization in the care plan identifying the chosen provider and the daily amount of services to be used at school. Chapter 398, Article 2, Section 2.
- For fiscal years beginning on or after July 1, 1999, the Commissioner of Finance shall include, as a budget change request, an annual inflationary adjustment in payment rates equal to the percentage change in the Consumer Price Index for All Urban Consumers as forecasted in the fourth quarter of the prior year for the calendar year during which the rate increase occurs for the following provider services: home and community-based waiver services for persons with mental retardation or related conditions under section 256B.501; home and community-based waiver services for the elderly under section 256B.0915; waived services under community alternatives for disabled individuals under section 256B.49; community alternative care waived services under section 256B.49; traumatic brain injury waived services under section 256B.49; nursing services and home health services under section 256B.0625, subdivision 6a; personal care services and nursing supervision of personal care services under section 256B.0625, subdivision 19a; private duty nursing services under sec-

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tion 256B.0625, subdivision 7; day training and habilitation services for adults with mental retardation or related conditions under sections 252.40 to 252.46; physical therapy services under sections 256B.0625, subdivision 8, and 256D.03, subdivision 4; occupational therapy services under sections 256B.0625, subdivision 8a, and 256D.03, subdivision 4; speech-language therapy services under section 256D.03, subdivision 4, and *Minnesota Rules*, part 9505.0390; respiratory therapy services under section 256D.03, subdivision 4, and *Minnesota Rules*, part 9505.0295; physician services under section 256B.0625, subdivision 3; dental services under sections 256B.0625, subdivision 9, and 256D.03, subdivision 4; alternative care services under section 256B.0913; adult residential program grants under *Minnesota Rules*, parts 9535.2000 to 9535.3000; adult and family community support grants under *Minnesota Rules*, parts 9535.1700 to 9535.1760; and semi-independent living services under section 252.275, including SILS funding under county social services grants formerly funded under chapter 256I. The Commissioner shall increase prepaid medical assistance program capitation rates as appropriate to reflect the rate increases in this section. Chapter 407, Article 4, Section 12.

IV. Services and Payment Rates Related to MA Long Term Care

Nursing Facilities

Pursuant to the Governor's supplemental budget, the Department proposed changes to the rate-setting system. The Minnesota Legislature considered the Department's proposed changes, gathered information, and held public hearings at which trade associations, providers, facility employee union representatives, nursing facility residents, and the general public were invited to attend. The legislature considered the public's input and enacted legislation changing the rate-setting system by the following:

- Effective the 4/22/98, a 96 bed nursing home with a prior moratorium exception was granted an additional 18 months to complete its project. Chapter 407, Article 3, Section 24.
- Effective 7/1/98, the following changes were made to the nursing home moratorium provisions in *Minnesota Statutes*, section 144A.073: 1) a nursing facility's prior moratorium exception was modified to permit the construction project to go forward within three miles of the old facility; 2) new authorization to replace a 285 bed facility with a 150 bed facility; and 3) allows DHS to expand the Rule 80 licensure of a nursing home in Red Wing Minnesota. Chapter 407, Article 3, Section 2.
- Effective 7/1/00, the Commissioner shall implement a performance-based contracting system to replace the current nursing facility cost-based and contract (alternative) payment systems (*Minnesota Statutes* sections 256B.431 and 256B.434 and *Minnesota Rules*, parts 9549.0010 to 9549.0080 (Rule 50) provisions). Subdivision 1 sets forth general information about the new system and methods for reimbursing property costs. Subdivision 2 identifies contract provisions which must be included in the new payment system. Subdivision 3 specifies payment rate provisions, including the inflation factor to be used in granting inflation increases. Inflation increases will be included by the Department of Finance as a budget change request. Contract facilities shall have the option of payment for property-related costs either via the method in *Minnesota Statutes*, section 256B.431 (cost-based) or *Minnesota Statutes*, section 256B.434 (Alternative Payment System, or APS). Once the facility makes its election, that election shall remain in effect for at least four years. Effective on or after 7/1/00, the Commissioner may implement a new method of payment for property-related costs. Chapter 407, Article 3, Section 14.
- Effective 7/1/98, if a nursing facility's operating lease provides that the lessee's rent is adjusted to recognize improvements made by the lessor and related debt, the project's costs and related debt shall be included in the computation of the facility's building capital allowance, provided that reimbursement for these costs under an operating lease does not exceed the rate otherwise paid. Chapter 407, Article 3, Section 6.
- Effective 7/1/98, obsolete language governing rates for Andrew Boarding Care Home is repealed and a correction is made in a cross reference to a reimbursement rule. Chapter 407, Article 3, Section 21.
- Effective 7/1/98, a 122 bed nursing facility located in Columbia Heights receives a property-related payment rate increase of \$2.41. Chapter 407, Article 3, Section 8.
- Effective 7/1/98, for rate years beginning on or after 7/1/98, nursing facilities reporting reductions in costs due to a refund or credit may receive an adjustment to their spend-up limit for the rate year following the rate year in which the rate reduction occurred. Chapter 407, Article 3, Section 10.
- Effective 7/1/98, a 40 bed nursing facility which had a 20 bed increase will receive an additional year of exemption from the spend-up and high cost facility limits. Chapter 407, Article 3, Section 10.
- Effective 7/1/98, seven nursing facilities are granted one-time operating cost rate add-ons, adjustments, exceptions, or property rate changes to address various rate issues. Chapter 407, Article 3, Section 11.
- Effective 7/1/98, the following nursing facility reimbursement changes were made in Chapter 407, Article 3, Section 11:
 - (a) Internal rate setting limits (the care related, other operating, maintenance, and administrative) will not apply, except

for purposes of the facility efficiency incentive computations.

- (b) Reductions due to the spend-up and high cost facility limits shall be combined and prorated between the care-related and other operating per diems.
- (c) A nursing facility's total operating cost payment rates must not be less than its rates in effect on 6/30/97, subject to field audit and appeal.
- Effective 7/1/98, the prior year's spend-up and high cost limits will be indexed for inflation, rather than re-established based on actual facility spending. Chapter 407, Article 3, Section 11.
- Effective 7/1/98, nursing facilities, whether reimbursed pursuant to Rule 50 or pursuant to the Alternative Payment System, may apply to the Commissioner for a 3 percent salary adjustment per diem. The application must contain a plan by which the nursing facility will distribute the adjustment to its employees. The rate adjustment would be added to the facility's payment rate for the period 7/1/98, or the effective date of the nursing facility's plan, through 6/30/00. Chapter 407, Article 3, section 4.
- Effective 7/1/98, nursing facilities under common ownership may allocate self-insurance costs for worker's compensation and health insurance plans based on the proportion of facility salaries in each cost category. Chapter 407, Article 3, Section 9.
- Effective 7/1/98, Alternative Payment System (APS) nursing facilities located in counties participating in the Prepaid Medical Assistance Program (PMAP) are not subject to the provision of *Minnesota Statutes*, section 256B.433, subdivision 3, paragraph (c), limiting rent charged to on-site therapy vendors to 108 percent of nursing facility costs for rented items. Chapter 407, Article 3, Section 12.
- Effective 7/1/98, APS nursing facilities are not prevented from seeking approval for an exception to the nursing home moratorium, and if approved shall receive a rate adjustment for the project. Chapter 407, Article 3, Section 13.
- Effective 7/1/98, provisions are repealed related to establishing nursing facility level of care changes. Chapter 407, Article 4, Sections 34, 35, 42, and 69.

The Department anticipates adding these changes to its MA State plan. Additionally, as part of its evaluation of quality and access in Minnesota nursing facilities, on a biennial basis the Department prepares a report for the Legislature analyzing Minnesota's nursing facility bed supply. In January 1998, the latest report ("the 1997 Distribution of Nursing Home Beds in Minnesota") was submitted to the Legislature. Based on this report and other information, the Department has concluded that the quality of and access to Minnesota nursing facility services by MA individuals is no different than for the general population.

- Effective 7/1/98, the statewide average payment rate for nursing facilities is \$103.98. This average rate includes both cost based (Rule 50) and contract (APS) facilities. While the rate increase associated with the salary adjustment is effective 7/1/98, because nursing facilities have until 12/31/98 to submit plans to the Department, the rate increase associated with the 3.0 percent salary adjustment is not included in this average rate. The Department estimates an additional increase of about 1.8 percent in the weighted average payment rate upon full implementation of the salary adjustment.
- Effective 7/1/98, the weighted average nursing facility case mix rates are as follows:

A: \$71.32	B: \$78.94	C: \$89.58	D: \$92.32	E: \$100.45	F: \$104.36
G: \$105.42	H: \$116.47	I: \$119.99	J: \$126.35	K: \$144.22	

Individual nursing facilities' payment rates are available by contacting the Audits Division, Minnesota Department of Human Services, 444 Pine Street, St. Paul, MN 55155-3836 or at (612) 296-9916.

Long-Term Care Facilities (Nursing Facilities and ICFs/MR) and Hospitals

Pursuant to the Governor's supplemental budget, the Department proposed changes to the rate-setting system. The Minnesota Legislature considered the Department's proposed changes, gathered information, and held public hearings at which trade associations, providers, facility employee union representatives, long-term care facility residents, and the general public were invited to attend. The legislature considered the public's input and enacted legislation changing the rate-setting system by the following:

- Effective 7/1/98 for the reporting year ending 9/30/97 for nursing facilities and for the reporting year ending 12/31/97 for ICFs/MR, costs incurred for residents temporarily admitted from facilities evacuated due to flooding and for whom their services were continued to be billed under the evacuated facility's provider number, would not be included on the cost report of the facility providing temporary care. Chapter 407, Article 1, Section 2.
- Effective 7/1/98, the Commissioner shall involve the nursing facility and ICF/MR industry and consumer representatives in the development of recommendations for nursing facility and ICF/MR reimbursement. By January 15, 1999, the Commissioner shall make recommendations to the chairs of the Health and Human Services Policy and Fiscal Committees on the repeal of specific statutes and rules as well as any other additional recommendations related to

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implementation of the nursing home and ICF/MR reimbursement system. The Commissioner may consider methods of establishing rates that account for client costs and needs, links between performance indicators and incentives and reimbursement, and allowance of local control over resources necessary for local agencies to set rates and contract with facilities. The Commissioner may also establish methods of providing information regarding service quality to consumers. Chapter 407, Article 3, Section 23.

- Effective 7/1/98, statutory language relating to the repealed federal language governing procedures for setting payment rates for hospitals and long-term care facilities is repealed. Chapter 407, Article 4, Sections 8, 41, 42, and 43.
- Effective 7/1/98, documentation requirements for time and attendance requirements for long-term care facilities are modified to permit storage on microfilm. Chapter 274, Section 1.

Where applicable, the Department anticipates adding these changes to its MA State plan.

ICFs/MR

Pursuant to the Governor's supplemental budget, the Department proposed changes to the rate-setting system. The Minnesota Legislature considered the Department's proposed changes, gathered information, and held public hearings at which trade associations, providers, facility employee union representatives, ICF/MR residents, and the general public were invited to attend. The legislature considered the public's input and enacted legislation changing the rate-setting system by the following:

- Effective 7/1/98, \$65,000 is appropriated for a 12 bed ICF/MR in Stearns County and a 12 bed ICF/MR in Sherburne County. Chapter 407, Article 1, Section 2.
- Effective 7/1/98 to 10/1/00, the Commissioner shall make available salary and related employee cost per diem adjustments for staff of certain ICFs/MR, excluding administrative and central office employees. The adjustment will be equal to such costs based on reporting year ending 12/31/96, multiplied by 3.0 percent, and divided by a facility's recipient days. By 12/31/98, a facility must make application to the Commissioner with a plan by which the salary adjustment will be distributed to its employees. Chapter 407, Article 3, Section 15.
- Effective 7/1/98, Housing with Services establishments may obtain a Class E Assisted living license instead of a Class A license. Establishments with a Class E license remain subject to payment limitations set forth in the Alternative Care (AC) and Elderly Waiver (EW) statutes. Chapter 407, Article 2, Section 77.
- Effective 7/1/98, expansion of the Elderly Waiver is delayed until 7/1/99 or upon federal approval, whichever is later. Once federal approval is received to increase the elderly waiver maintenance needs allowance, it shall be adjusted each July 1. Chapter 407, Article 4, Section 37.
- Effective 7/1/98, language that prohibited automatic inflation adjustments for home and community-based waived services and programs and required the Department of Finance to prepare a budget change request as part of the biennial budget process is repealed. Chapter 407, Article 4, Section 38.
- Effective 10/1/00, the Commissioner shall implement a performance-based contracting system to replace the current method of setting total cost payment rates for ICFs/MR under *Minnesota Statutes*, section 256B.501, and *Minnesota Rules*, parts 9553.0010 to 9553.0080 (Rule 53). Prospective rates for rate years beginning on or after 10/1/00 will be based on rates in effect on 9/30/00, indexed for inflation according to a prescribed formula. The Commissioner of Finance shall include annual inflation adjustments in operating costs as a budget change request in each biennial budget. Performance-based contracts must include provisions for modifications of payments for changes in consumer needs, establishment and monitoring of performance and quality assurance indicators, annual financial and statistical reports, and requirements and penalties for facilities that do not meet standards set in the contract. Chapter 407, Article 3, Section 16.
- By 1/15/99 and yearly thereafter, the Commissioner is to report the cost of increasing the provider rates under *Minnesota Statutes*, section 256B.038 by an amount equal to the percent change in the Consumer Price Index. Chapter 407, Article 4, Section 63.

The Department anticipates adding these changes to its MA State plan.

- Effective 7/1/98, the statewide average payment rate for ICFs/MR is \$148.20. While the rate increase associated with the salary adjustment is effective 7/1/98, because ICFs/MR have until 12/31/98 to submit plans to the Department, the rate increase associated with the 3.0 percent salary adjustment is not included in this average rate. The Department estimates an additional increase of about 1.9 percent in the weighted average payment rate upon full implementation of the salary adjustment.

V. Changes to Services and Rates Related to MA Health Care and Home and Community Based Waivers

- Effective 7/1/98, to receive private duty nursing services at school, the recipient or responsible party must provide written authorization in the care plan identifying the chosen provider and the daily amount of services to be used at school.

Chapter 407, Article 4, Section 21.

- Effective 7/1/98, to use personal care services at school, the recipient or responsible party must provide written authorization in the care plan identifying the chosen provider and the daily amount of services to be used at school. Chapter 407, Article 4, Section 24.
- Effective 7/1/98, tracheostomy suctioning using a clean procedure properly delegated by a registered nurse is an MA personal care service. Before this procedure can be delegated to a personal care assistant, a registered nurse must determine that the tracheostomy suctioning can be accomplished utilizing a clean rather than a sterile procedure and must ensure that the personal care assistant has been taught the proper procedure. A clean procedure refers to a procedure that reduces the numbers of microorganisms or prevents or reduces the transmission of microorganisms from one person or place to another. A clean procedure may be used beginning 14 days after insertion. Chapter 407, Article 4, Section 29.
- Effective 7/1/98, to continue to receive personal care services after the first year, the recipient or the responsible party, in conjunction with the public health nurse, may complete a service update on forms developed by the Commissioner. The service update may substitute for the annual reassessment. Chapter 407, Article 4, Section 30.
- Effective 7/1/98, recipients of personal care assistant (PCA) services may share personal care assistants and the Commissioner shall provide a rate system for shared personal care assistant services. Unless otherwise provided, all other statutory and regulatory provisions relating to personal care services apply to shared care services. Chapter 407, Article 4, Section 31.
- Effective 7/1/99, GAMC for mental health case management is transferred to the counties. The service will no longer be covered under GAMC. All current funding for GAMC mental health case management will be transferred to the counties in the form of grants, similar to other current mental health grant programs. Chapter 407, Article 4, Section 55.
- Effective 7/1/98, providers of mental health case management may obtain a waiver of the current requirement that case managers have a bachelor's degree. The Department will grant waivers submitted by counties on a case by case basis if the individual: 1) meets state qualifications for a mental health practitioner; 2) has 40 hours of approved training in case management skills; and 3) has at least 6,000 hours of supervised experience in the delivery of services which are similar to case management services. Chapter 407, Article 4, Sections 2 and 4.
- Effective 7/1/99, the billing and payment methodology for mental health case management will change. A monthly payment rate will be established for each county, based on each county's actual costs. To receive reimbursement for each person served, the county must document at least one direct contact by a qualified case manager during the month, and agree to provide all other necessary case management services for that individual for that month. If the county chooses to use contracted vendors, Medical Assistance will pay the monthly rate negotiated by the county with the vendor. Whether the service is provided by county staff or contracted vendors, the counties will be responsible for the non-federal share of the cost of case management services. The current state share of case management funds will be transferred to the counties in the form of grants, similar to other current mental health grant programs. Chapter 407, Article 4, Section 25.
- Effective 7/1/98, licensed independent social workers and licensed graduate social workers are eligible to enroll as Medical Assistance providers of mental health services, if they have received a master's degree and are practicing under supervision. Chapter 407, Article 4, Section 28.
- Effective 7/1/98, capitation rates for services for persons participating in the demonstration project for persons with disabilities will be adjusted annually to include any rate increases and payments for expanded or new services. Additionally, the initial demonstration project rate shall include an amount to adjust for underutilization of dental services. Chapter 407, Article 4, Section 55.
- By December 1, 1998, the Commissioner shall report to the legislature on recommendations to maximize federal funding for mental health services for children and adults. In developing the recommendations, the Commissioner is to seek advice from a children's and adults' mental health services stakeholders advisory group. The report shall include a proposal developed in conjunction with counties that does not shift caseload growth to counties after July 1, 1999, and recommendations on whether the state should directly participate in medical assistance mental health case management by funding a portion of the nonfederal share of Medicaid. Chapter 407, Article 4, Section 62.

VI. Other

- Effective 7/1/98, the Commissioner is authorized to charge a fee to individuals and private entities for a health care eligibility manual using the difference between the cost of producing and distributing the manual and the fees to defray costs. It shall be provided at no cost to government agencies and nonprofit agencies serving the legal and social service needs

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of clients. Chapter 407, Article 1, Section 2.

- Effective 4/22/98, MA services of speech-language pathologists are covered notwithstanding *Minnesota Rules*, part 9505.0390, subpart 1, item L, if the person:
 - (1) holds a masters degree in speech-language pathology;
 - (2) is licensed by the Minnesota board of teaching as an educational speech-language pathologist; and
 - (3) either has a certificate of clinical competence from the American Speech and Hearing Association, has completed the equivalent educational requirements and work experience necessary for the certificate or has completed the academic program and is acquiring supervised work experience to qualify for the certificate. Chapter 398, Article 2, Section 46.

Department of Natural Resources

Trails and Waterways Unit

Request for Comments on Planned Rule Governing Restricted Use of Gull Lake Public Water Access Site *Minnesota Rules*, part 6218.0200

Subject of Rule. The Minnesota Department of Natural Resources requests comments on its planned rule governing the use of the Gull Lake public water access site on the east side of Gull Lake in Township 135 North, Range 27 West, Crow Wing County. The proposed rule would prohibit use of the site between the hours of 12:00 a.m. to 5:00 a.m., except during the fishing opening weekend that starts on the Saturday two weeks prior to the Saturday of Memorial Day weekend.

The Gull Lake public water access site has been managed by Crow Wing County and the City of Nisswa, and has been closed during these hours during their management of the site. The Department of Natural Resources has taken over management of the site.

Persons Affected. The rule will affect persons who would use the Gull Lake public water access site in Crow Wing County.

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

Statutory Authority. The adoption of the rule is authorized by *Minnesota Statutes*, sections 86A.05, subdivision 9 and 86A.06.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing or orally until 4:30 p.m. on August 28, 1998. The department has prepared a draft of the planned rule. Written or oral comments, questions, requests to receive a draft of the rule, and requests for more information on this planned rule should be addressed to:

Kristine Lampert
Department of Natural Resources
500 Lafayette Road, Box 52
St. Paul, Minnesota 55155-4052
Telephone: (612) 296-0741

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

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

Dated: 18 June 1998

Dennis Asmussen
Director, Trails and Waterways Unit

Public Utilities Commission

Notice of Rulemaking Advisory Committee Members

The Public Utilities Commission has organized two advisory committees to advise the Commission on rulemakings. The members are as follows:

Rules Governing the Competitive Provision of Local Telephone Service, including issues related to Universal Service, Regulatory Treatment of Competitive Local Exchange Carriers (CLECs), Service Quality, and Emergency Service (911), Docket No. P-999/R-97-609

Natalie J. Baker, AT&T Communications of the Midwest, Inc.; Michael C. Martin, Cable Communications Association; Lyle Wray, Citizens League; Tim Lovaasen, Communications Workers of America; Christopher Sandberg and Jeff Nodland, FirstCom, Inc.; Steve Hegdal, Frontier Telephone; Ed Beauvais, Robert D. Cook, and Karen Williams, GTE; Rebecca J. Bennett and Tim Gates, MCI Telecommunications Corporation; William Flynn, Minnesota Business Utilities Users Council; Ellen Gavin and Nelson Updow, Minnesota Department of Public Service; Richard Johnson and Thomas Farm, Minnesota Independent Coalition; Garth Morrisette and Scott Wilensky, Minnesota Office of Attorney General — Residential and Small Business Utilities Division; JoAnn Hanson, Minnesota Office of Technology; Jane Leonard, Minnesota Rural Partners; August Blegen, Minnesota Senior Federation; Victor Dobras, Sprint; Kevin Saville, US WEST Communications, Inc.; Mark J. Ayotte and John Van de North, consortium of wireless telecommunications providers; and Commission staff.

Rules Governing Uniform Statewide Standards for Users of Public Rights-of-Way, Docket No. U-999/R-97-902

Jim Mulder, Association of Minnesota Counties; Gary Witt, AT&T Communications of the Midwest, Inc.; Leonard Krumm, City of Minneapolis; Ron Manz, City of Redwood Falls; David Mielke, GTE Telephone Operations; Chris Clark, Interstate; Tom Grundhoefer and Doug Franzen, League of Minnesota Cities; Jim Harlan, MCI Communications; Rick Pilon, Minnegasco; Troy Gilchrist, Minnesota Association of Townships; William Flynn, Minnesota Business Utility Users Council; Michael Martin, Minnesota Cable Communications Association; Mike Ahern, Minnesota Independent Coalition; Dan Tonder, Minnesota Power; Priti Patel, Minnesota Department of Public Service; Jerry Knickerbocker, Minnesota Telephone Association; Ron Wiest, Office of Pipeline Safety; Donna Stephenson, Northern States Power Company; Kevin Saville, U S WEST Communications, Inc.; Michael J. Bradley, UtiliCorp United; and Commission staff.

State Grants & Loans

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

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

Office of Environmental Assistance

Notice of Request for Proposals for the Environmental Assistance Grant Program

The Minnesota Office of Environmental Assistance (OEA) is a state agency that works to protect Minnesota's environment and assure a sustainable economy through waste prevention and resource conservation.

This notice is issued by the Director of the OEA under authority provided in *Minnesota Statutes* § 115A.0716 which allows the OEA to administer its Environmental Assistance Grant and Loan program. The due date for grant applications this round is October 15, 1998. The maximum grant award is \$75,000. Applicants are required to have a one-to-one cash or in-kind match.

The purpose of this notice is to solicit proposals for projects that meet the objectives of the Environmental Assistance Grant Program.

The OEA has identified several priority projects for funding based on community, industry, government, and the public needs and the goals of the OEA. Priorities are listed in no particular order. Projects should meet one or more of the priorities listed. Projects that do not meet a priority will not be considered. If you are uncertain whether or not your project fits within a priority area, please contact the OEA to discuss whether your project may be eligible for funding.

State Grants & Loans

Sustainable Communities and Practices

The OEA prefers projects that advance community sustainability and create linkages among community environmental, economic and social issues and foster public and private partnerships. Projects should demonstrate the ability to implement community practices in: resource conservation/efficiency, pollution prevention, strengthening local economies, and developing local policy instruments.

- Develop and implement local projects in the areas of: community development, multi-modal transportation systems, energy use reduction and renewable energy technologies, or efficient land use.
- Develop or implement educational materials or an educational program aimed at integrating sustainability concepts into a specific community or organization. Part of an educational program would include an intentional delivery system that includes interaction, materials and input.
- Plan and implement a continuing education course on sustainability for professionals whose practice affects local sustainability. Including: Zoning officials, engineers and contractors, land surveyors, elected officials, etc.
- Provide education on long term implications of economic decisions and present alternatives that support sustainability.

Environmental Education

The OEA prefers projects that build environmental education capacity to provide a level of understanding necessary for decision-making (i.e. the ability for a teacher to integrate pollution prevention, source reduction, reuse and recycling, and sustainable development curriculum into classrooms through K-12, to higher education levels or for trade groups to develop similar training).

- Programs that result in increased community environmental awareness/knowledge and more effective community environmental education.
- Development of performance packages that integrate environmental components into the State of Minnesota Graduation Standards.
- Develop local or regional environmental education networks whose work may include a local environmental education needs assessment, a program to build capacity for environmental education efforts, and/or the creation of links with and between environmental resource professionals and local and community organizations, schools, or businesses.
- Design and deliver environmental education per the *Greenprint* for the following audiences: consumers, business communities, citizen and youth groups, and religious groups.
- Create, adapt and/or deliver environmental education or waste education programs for cross-cultural or under-represented audiences.
- Conduct waste education programs on source reduction, local recycling and markets, special wastes or illegal dumping/burning. This may include development or adaptation of materials.

Pollution Prevention and Recycling

The OEA prefers projects that minimize toxicity, reduce materials used, encourage the reuse of materials or implement innovative recycling programs.

- Develop and implement a corporate-wide, multi-facility program or a school district-wide program that reduces, reuses and recycles food waste. The project must include education of the users of the program.
- Develop and implement a corporate-wide program or a school district-wide program that uses non-hazardous cleaners, paints, pesticides and other materials in building maintenance.
- Implement regional materials exchange programs for businesses in areas of the state not adequately covered by a local materials exchange such as central, southwest and northwest Minnesota.
- Demonstrate and document moving from solvent-based systems to aqueous or plant based systems that do not transfer pollution to another source or media (i.e. paints, adhesives, cleaners, etc.)
- Develop and implement policies, practices, or programs that result in procurement of recycled products and/or other pollution preventing products.

Environmental Attributes in Product Design

The OEA prefers projects that consider product life-cycle, design-for-the-environment principles including use of renewable materials or recycled feedstock, design for disassembly, energy-efficiency, and reduction of toxic materials and/or packaging.

- Redesign of products for durability, disassembly, reparability, recyclability, and incorporation of recycled content material.
- Development of product and/or component manufacturer take-back systems (product stewardship) including but not limited to such problem materials as paint, disposable propane tanks, or electronic products.

- Research, demonstrate or implement the use of alternative product formulations that remove, or substantially remove, lead, cadmium, mercury, arsenic, hexavalent chromium, chlorinated hydrocarbons, or endocrine disrupters with functionally equivalent products that do not contain, or contain decreased amounts of those chemicals. Product examples may include, but are not limited to, such things as: neon lights, inks, dyes, pigments, paints, fungicides, treated lumber, electronic products, construction materials and paper.
- Implement research, design, or construction projects emphasizing design for the environment, disassembly/deconstruction principles, and/or resource efficient building practices, principles, programs, codes, systems, and/or specifications.

Environmental Businesses & Technology

The OEA prefers projects that design and implement environmentally sound manufacturing business practices, pollution prevention technologies, and resource conservation processes.

- Research and develop methods for reusing, recycling and/or procuring products made from wastes, including but not limited to, PET plastics, glass, paint, construction and demolition debris, computer monitors or TV tubes (CRT's), auto shredder fluff, glass grinding sludge, fabric scraps, etc.
- Research, develop, and/or implement methods for using renewable plant based materials.
- Implement a business evaluation and assistance program that will improve the functioning, operation, manufacturing process, marketing efforts, and profitability of manufacturers of recycled products.

Proposed grant projects must address a specific priority.

The OEA has approximately one million dollars for this grant funding round. The OEA will consider applications for projects that begin in May 1999. The OEA has prepared a Request for Proposal (RFP) that provides application forms and detailed information on proposal evaluation criteria, review procedures, and other information specific to each project area, for applicants. Interested persons may obtain a copy of the RFP by contacting:

Jeanne Giernet
Minnesota Office of Environmental Assistance
520 Lafayette Road, 2nd Floor
St. Paul, MN 55155-4100
(651) 215-0237 or 1-800-657-3843 (toll-free in Minnesota)

PLEASE NOTE, applications must be postmarked or hand delivered by 4:30 p.m., October 15, 1998 to be considered for funding.

Department of Health

Division of Family Health

Home Visiting Program to Prevent Child Abuse and Neglect

Request for Proposals for Home Visiting Projects

Purpose: The Minnesota Department of Health (MDH) is seeking proposals from Community Health Boards for home visiting projects which *enhance* and *expand* the agency's existing public health nurse and family aide home visiting activities. The overall goal of the Home Visiting Program is to prevent child abuse and neglect by promoting positive parenting, resiliency in children, and a healthy beginning for children. This one-time grant funding is intended to assist local public health agencies to strengthen and build upon their current array of services for families, and to further develop a coordinated, community-based approach to the prevention of child abuse and neglect.

Statutory Requirements: The Home Visiting Program to Prevent Child Abuse and Neglect is authorized by *Minnesota Statutes*, Section 145A.15. A copy of the statute is provided with the application materials. Projects funded under this program must:

1. Contact families at the birth of a child to provide information and offer home visiting services;
2. Conduct a screening process to determine if families need additional support or are at-risk for child abuse and neglect;
3. Use a common risk assessment tool;
4. Offer public health nurse and family aide home visiting services to at-risk families, which may begin in the first trimester of pregnancy and continue until age six;
5. Coordinate with other local home visiting programs, including those offered by school districts;

State Grants & Loans

6. Distribute educational and public information programs and materials to hospitals, clinics, and other community providers;
7. Evaluate services to families, using the MDH Evaluation Plan; and
8. Provide at least 40 hours of training for public health nurses, family aides, and other home visitors.

Program services must be culturally relevant and must be designed to foster collaboration among existing agencies and community-based organizations.

Duration: January 1, 1999 through December 31, 1999 (one calendar year).

Eligibility: Community Health Boards may apply for funding. Agencies with existing and new home visiting programs may apply; priority will be given to programs with local matching funds. Agencies with programs which currently meet many of the statutory requirements for home visiting programs are encouraged to apply for this funding. It is recommended that agencies consider the availability of staffing for program expansion, if funded.

Funding: A total of \$120,000 for one calendar year is available on a competitive basis. The department will fund at least four home visiting projects to prevent child abuse and neglect. The maximum amount of funding available for each project is \$25,000.

MDH Review Process: All applications will be reviewed by a committee composed of MDH staff as well as persons from other agencies and organizations interested in the prevention of child abuse and neglect. Criteria for review are available with the application materials. Site visits by members of the application review team will occur to agencies with higher ranking proposals. Final award recommendations will be made by October 5, 1998.

Application Instructions: Call or write Barbara Palmer at the address and phone number below to request the application materials. In an effort to reduce the amount of time required to apply for Home Visiting Program funds, the grant application process for this one-time funding has been streamlined. The application packet includes additional background information and application instructions, the application form, review criteria, statutory requirements, and reference materials.

Six copies of the completed application, at least one of which must have all original signatures, must be submitted to:

Barbara Palmer, RN, MPH
Minnesota Department of Health
Division of Family Health
717 Delaware Street Southeast, PO Box 9441
Minneapolis, MN 55440-9441
Telephone: (612) 623-5339
FAX: (612) 623-5775

on or before 4:30 pm Friday, August 21, 1998. A legible postmark from the Post Office or a private carrier which indicates a date and time preceding the above deadline will be accepted as verification that the deadline was met.

Barbara Palmer is the only MDH employee authorized to answer questions regarding this RFP. Other department personnel are NOT allowed to discuss the RFP with anyone, including responders, before the submission deadline.

Housing Finance Agency

Super Request for Proposals for Multifamily Housing Programs

The Minnesota Housing Finance Agency (MHFA), the Family Housing Fund, the Metropolitan Council, the Minneapolis Public Housing Authority, and the Greater Minnesota Housing Fund announce the availability of loan or grant funds to eligible sponsors to assist in the development, construction, acquisition and rehabilitation of affordable rental housing for low and moderate income residents of Minnesota. This RFP includes funding for HIV/AIDS housing/services.

Amount of Funds Available:

Approximately \$11 million

Location:

Generally statewide. MHFA funds are available statewide. Funds from the Metropolitan Council, Minneapolis Public Housing Authority and Family Housing Fund are available in the seven-county metropolitan area only. Funds for HIV/AIDS housing/services are available in the eleven county metropolitan area. Funds from the Greater Minnesota Housing Fund will be available for projects outside the seven-county metropolitan area.

Form of Awards:

Funds are awarded generally as a zero percent (0%), 20-30 year deferred or subordinated loan or grant. Actual interest rate, term and type of loan or grant will vary depending upon recommended funding source(s) and will be discussed in detail with sponsors upon selection for funding.

For developments using the Federal Low Income Housing Tax Credit Program, loans may be structured with an interest rate to be eligible for inclusion in qualified basis.

Eligible Applicants:

In general, eligible applicants include limited profit and non-profit entities, private individuals, corporations, partnerships, Minnesota cities, Minnesota units of local government, Housing and Redevelopment Authorities, Community Housing Development Organizations (CHDOs), joint power boards established by two or more cities, and community based organizations.

Eligible Projects:

The funds may be used for a variety of rental housing types including permanent housing, publicly owned housing, temporary or transitional housing, emergency shelters, supportive housing and HIV/AIDS housing/services.

Permanent rental housing must be "residential housing" or be "generally available to low and moderate income people." The owner of permanent supportive housing shall not also be the provider of services.

- "Residential housing" is housing where the individual units have bathrooms and kitchen facilities.
- Housing that is "generally available to low and moderate income people" is housing for which occupancy is either unrestricted or restricted only on the basis of income.

Some sources of funding may require ownership by a public entity.

Developments which provide for or maintain economic integration are encouraged.

Developments shall be closely targeted to areas of economic growth, or with sufficient market demand (including household growth, local employment growth, low vacancy rates, and long waiting lists) and with an emphasis on housing for large families and single individuals.

Developments with age restrictions of 55 and older are not eligible under most funding sources.

Income Limits:

The overall goal of the Super RFP is to serve lower income households. Funding sources included in this Super RFP generally allow incomes up to 50% of median income in the seven-county metropolitan area, and up to 80% of statewide median income in Greater Minnesota (adjusted for family size). Some funding sources, particularly those whose objective is to address needs identified in a continuum of care plan, require lower income limits.*

Gross Rent Limits:

Generally, maximum gross rents shall not exceed 30% of 50% of statewide or area median income.* This is dependent upon the recommended funding source(s).

**NOTE: Priority will generally be given to those developments serving the lowest income households.*

MHFA First Mortgage Programs:

The MHFA also has available long term fixed rate mortgages for acquisition, refinance, or new construction of multifamily housing for developments that may generate adequate income to service debt. These mortgages are offered through the Low and Moderate Income Rental Program (LMIR). Separate application materials are not required for the first mortgage programs.

Employer Matching Grant Program:

Contributions made by employers for the development, rehabilitation or acquisition of affordable housing may be eligible for a matching grant if the employer contribution is:

- made to a fund administered by a nonprofit corporation to which the employer is not associated or to a government agency; and
- used to develop or rehabilitate affordable housing located in Minnesota or used to assist low-income and moderate-income households to acquire affordable housing located in Minnesota.

Eligible uses include new construction or rehabilitation of multifamily rental housing. Proposals for downpayment assistance for single family acquisition will also be accepted through the Multifamily Super RFP due to the timing of the availability of this funding.

Professional, Technical & Consulting Contracts

Application Process:

To request a Multifamily application form and procedural guide, please contact:

Minnesota Housing Finance Agency
400 Sibley Street, Suite 300
St. Paul, MN 55101
(612) 297-3294, or
toll free: 1-800-657-3701

Application materials for the LIHC Program can also be obtained by calling the above telephone number.

Application Submission Deadline:

The *original and two (2) copies* of the Multifamily application *and all attachments* are due by 4:30 p.m. on Thursday, August 20, 1998. Staff will make recommendations for funding to the MHFA Board on October 22, 1998.

This request for proposals (RFP) is subject to all applicable federal, state, and municipal laws, rules, and regulations. MHFA reserves the right to modify or withdraw this RFP at any time and is not able to reimburse any applicant for costs incurred in the preparation or submittal of applications.

It is the policy of the Minnesota Housing Finance Agency (MHFA) to further fair housing opportunity in all Agency programs and to administer its housing programs affirmatively, so that all Minnesotans of similar income levels have equal access to Agency programs regardless of race, color, creed, religion, national origin, sex, marital status, status with regard to receipt of public assistance, disability, or familial status.

Professional, Technical & Consulting Contracts

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

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

Department of Administration

State Designer Selection Board

Request for Proposals for the Lola and Rudy Perpich Minnesota Center for Arts Education (Project 15-98)

IN AN ATTEMPT TO FACILITATE COMMUNICATION, THE STATE DESIGNER SELECTION BOARD HAS MADE SOME CHANGES IN THEIR STANDARD RFP LANGUAGE. PLEASE READ CAREFULLY THE SECTIONS THAT ARE IN BOLD TYPE AS THEY CONTAIN REVISIONS TO THE RFP.

To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select consultants for a project. Design firms who wish to be considered for these projects must deliver proposals on or before 4 p.m., Monday, July 13, 1998, to:

Sharon Schmidt, Acting Executive Secretary
State Designer Selection Board
Department of Administration
50 Sherburne Avenue, **Room 200**
St. Paul, Minnesota 55155-3000
612.297.5525

Questions concerning the Board's procedures herein described or the schedule in Item 7.h may be referred to the Executive Secretary at 612.297.5525. Questions relating to the project may be referred to the project contact(s) in Item 7.i.

Professional, Technical & Consulting Contracts

NOTE TO RESPONDERS: IN ORDER TO BE CONSIDERED BY THE BOARD, THE PROPOSALS MUST CONFORM TO THE FOLLOWING CONTENT AND FORMAT REQUIREMENTS AS OUTLINED IN ITEMS 1 THROUGH 5 BELOW. FAILURE TO DO SO WILL RESULT IN THE DISQUALIFICATION OF THE PROPOSAL:

1. **Eight (8) copies** of the proposal shall be submitted plus one (1) additional unbound copy in black and white for micro fiche purposes only.
2. All data shall be on 8 1/2" x 11" sheets, soft bound. No more than 20 printed faces shall be allowed (see the following for clarification):
 - a. All letters directed to the Board shall be bound into the proposal and all pages shall be counted as printed face(s). It is not necessary to do a cover letter to the Executive Secretary.
 - b. Blank dividers (with printed tab headings only) shall not be counted as faces.
 - c. Front and back covers of proposals shall not counted as faces.
 - d. None of the statutory, mandatory, or optional information, except as requested in Item 3 below, shall appear on the dividers or covers.
3. **The front cover of the proposal shall be clearly labeled with the project number and project title as shown at the top of this request for proposal, together with the designer's firm name, address, telephone number, fax number, and the name of the contact person. The back cover shall remain blank.**

4. Brief Proposal Summary:

All proposals shall begin with a summary which includes only the following items:

- a. Name of firm and its legal status;
- b. Names of the persons responsible for the management, design, and production of each major element of the work, including consultants, and Minnesota registration number for each person and consultant (e.g., architects, civil/electrical/mechanical/structural engineers, landscape architects, land surveyors, and geoscientist);
- c. A statement indicating that the consultants listed have been contacted and have agreed to be a part of the design team;
- d. A commitment to enter the work promptly, if selected, by engaging the consultants and assigning the persons named in Item 4.b above, along with adequate staff to meet the requirements of work;
- e. A list of State and University of Minnesota current and past projects and studies awarded to the prime firm(s) responding to this request for proposal during the four years immediately preceding the date of this request for proposal. For the purposes of this list, "awarded" shall mean you have been selected for a given project regardless of the status of the contract.

The prime firm(s) shall list and total all fees associated with these projects and studies whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects and studies listed pursuant to the above.

NOTE: Please call the Executive Secretary at 612.297.5525 and leave your address or fax number to receive a copy of the acceptable format for providing fee information.

- f. **Minnesota Statutes, Section 363.073, subd. 1, in part, requires: "No department or agency of the state shall accept any bid or proposal for a contract or agreement unless the firm or business has an affirmative action plan submitted to the commissioner of human rights for approval. No department or agency of the state shall execute any contract or agreement for goods or services in excess of \$100,000 with any business having more than 40 full-time employees, either within or outside this state, on a single working day during the previous 12 months, unless the firm or business has an affirmative action plan for the employment of minority persons, women, and the disabled that has been approved by the commissioner of human rights." THEREFORE, THE PROPOSAL SHALL INCLUDE ONE OF THE FOLLOWING:**

- 1) **A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or**
- 2) **A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights; or**
- 3) **A statement certifying that the firm has applied for Affirmative Action Plan approval to the Commissioner of Human Rights and the date when such application was received by the Commissioner of Human Rights; or**
- 4) **A statement certifying that the firm has not had a cumulative total of more than 40 full-time employees at any time during the previous 12 months, anywhere in the United States.**

Professional, Technical & Consulting Contracts

5. Additional Mandatory Proposal Contents:
 - a. A section containing graphic material (e.g., photos, plans, drawings, etc.) as evidence of the firm's qualifications for the work. The graphic material shall be identified. It shall be work in which the personnel listed in Item 4.b above have had significant participation and their roles shall be clearly described. It shall be noted if the personnel were, at the time of the work, employed by other than their present firms.
 - b. Expanded resumes showing qualification of individuals, listed in Item 4.b above, administering or producing the major elements of the work, including consultants. Identify roles in which such persons played in projects which are relevant to the project at hand.
 - c. A discussion of the firm's understanding of and approach to the project.
 - d. A listing of relevant past projects.
6. Design firms wishing to have their proposals returned after the Board's review shall follow one of the following procedures:
 - a. Enclose a *self-addressed, stamped* postal card with the proposals. Design firms shall be notified when material is ready to be picked up. Design firms shall have two weeks to pick up their proposals, after which time the proposals shall be discarded; or
 - b. Enclose a *self-addressed, stamped* mailing envelope with the proposals. When the Board has completed its review, proposals shall be returned using this envelope.

In accordance with existing statutes, the Board shall retain one copy of each proposal submitted.

7. PROJECT 15-98

**Lola and Rudy Perpich Minnesota Center for Arts Education
6125 Olson Memorial Highway
Golden Valley, Minnesota 55422**

a. PROJECT DESCRIPTION:

The Center for Arts Education operates the state's residential arts high school program and provides professional development services in arts education to teachers statewide. It occupies buildings on a 33 acre campus previously owned by the Golden Valley Lutheran College. Construction of a new instructional wing (instructional resources facility) is underway and slated for completion in the winter of 1999. Projects to be addressed during the designer selection process are for the renovation and upgrading of existing, occupied facilities as follows:

- 1) Partial renovation of the existing main classroom/administration building, including the upgrade of hallways which will connect to the new instructional resources facility; conversion of a temporary computer lab to a student commons area, reconfigurations of classroom and administrative support spaces to alleviate overcrowding and enhance operational functions; and improvements to the cafeteria food service and seating areas. The two-story building is approximately 54,000 sq. ft. and was constructed in 1961.
- 2) Asset preservation projects to improve the safety/security of campus buildings and correct deteriorating infrastructure, including installation of a sprinkler system in the dormitory; demolition of the entry to the existing main administration/classroom building (a new main entry is included in the new instructional resources facility under construction) and reconfiguration of the exterior wall; and repairs to the GAIA building foundation which has deteriorated due to water damage. The dormitory is a three-story, 40,000 sq. ft. building constructed in 1977. The GAIA building is a 14,000 sq. ft. two-story classroom structure built in 1966, originally designed and used as a dormitory.
- 3) Partial renovation of the GAIA building, currently used for student instruction in music, the sciences and social studies, to spaces for adult professional development and administrative support purposes, including the possible addition of up to 20 parking spaces. Conversion of the GAIA building from a college dormitory to high school classroom spaces occurred in 1990.

To the extent possible and appropriate, spaces are to be designed for multiple uses to allow for flexible scheduling and a diversity of function. Pre-design work has been completed for some components of these projects. It is expected that this work will be used as the basis for design and construction.

b. REQUIRED CONSULTANT SERVICES:

The scope of work involves schematic design, design development, contract and bidding documents and construction administration. Full architectural/engineering services, including architectural, mechanical, electrical, audiovisual, telecommunications/technology, scheduling and cost estimating services will be required, as well as a licensed fire protection consultant.

Professional, Technical & Consulting Contracts

Responding designers should have applicable prior experience in renovating general education and arts education facilities of comparable size and scope, as well as experience in restorative/corrective design work. They must demonstrate a capacity to complete projects within budget and in a timely fashion. Center management is committed to a collaborative, participatory design process that is driven by client and user needs. An ability to interact effectively with Center customers and other design professionals is essential to this process.

c. SERVICES PROVIDED BY OTHERS:

The selected designer may be required to work with the Adams Group of Charlotte, North Carolina on issues that relate to the Center's long-range master plan and earlier pre-design work on which these projects are predicated. Previous construction projects and water management issues may impact design and construction.

d. SPECIAL CONSIDERATIONS:

Some facilities will be occupied during construction and care must be taken to mitigate disruption to staff and students. The arts high school is a residential program with students living in a campus dormitory. Special consideration must be given to the safety and security of students while school is in session (September - mid June).

e. PROJECT BUDGET/FEES

Project cost is estimated up to \$1,275,000. Of that amount, construction is estimated at \$1,100,000, including design and construction contingencies, with a design fee of approximately \$91,000. The budget for furniture, fixtures and equipment and other miscellaneous fees and allotments comprises the remaining \$84,000. Alterations in the scope of these projects may result in commensurate adjustments to these estimated costs. Full funding for this work has been obtained through an appropriation by the state legislature.

f. PROJECT SCHEDULE

Construction is expected to occur between spring of 1999 and fall of 1999, with projects which are least disruptive to students and staff occurring first (prior to June 15), while school is in session. The majority of construction should be planned to occur between June 15 and August 31, or earlier if the school calendar dictates otherwise. A phasing plan will be required as part of the construction documents.

g. PROJECT INFORMATIONAL MEETING(S) SITE VISIT(S):

One informational meeting and site tour will be scheduled on the campus of the Center for Arts Education prior to the deadline for submission of proposals. There will be NO alternative or additional meetings or tours available. General information packets containing the Center's original master plan brochure (currently being revised), a synopsis of pre-design work completed for these projects and general agency information will be available by written request to: Barbara Martin, Center for Arts Education, 6125 Olson Memorial Highway, Golden Valley, Minnesota 55422.

h. STATE DESIGNER SELECTION BOARD SCHEDULE:

Project Site Visit:	July 8, 1998, 10 a.m.
Project Proposals Due:	July 13, 1998
Project Shortlist:	July 23, 1998
Project Interviews & Award:	August 6, 1998

I. PROJECT CONTACT:

Questions concerning the project should be referred to:

Barbara Martin, Deputy Director
Lola and Rudy Perpich Minnesota Center for Arts Education
6125 Olson Memorial Highway
Golden Valley, Minnesota 55422
Phone: 612.591.4717
FAX: 612.591.4747

Richard Cottle, Project Manager
Dept of Admin Division of Building Construction
50 Sherburne Avenue, Room G-10
St. Paul, MN 55155
Phone: 612.297.2208
FAX: 612.296.7650

Douglas Wolfangle, P.E., Chair
State Designer Selection Board

Professional, Technical & Consulting Contracts

Department of Children, Families and Learning

Notice of Request for Proposal for an Interactive Web Site for the Food and Nutrition Service

The Minnesota Department of Children, Families & Learning is soliciting proposals from qualified vendors to develop an interactive web site for the Food and Nutrition Service. The contractor will design and implement a web site that will incorporate interactive databases for use in gathering as well as disseminating information. The project will also involve digitizing resources and search capabilities.

The Department has estimated that the cost of this project should range from \$150,000 to \$450,000. The anticipated project timeline is August 1998 through August 30, 1999 or within 12 months from the date of project authorization.

For a complete copy of the Request for Proposal, please contact:

Mary Begalle, Supervisor
Food and Nutrition Service
Minnesota Department of Children, Families & Learning
550 Cedar Street
St. Paul, MN. 55101-2273
phone: 296-5262 fax: 296-1873
e-mail: mary.begalle@state.mn.us

All proposals must be received no later than 3 p.m. CDT on July 24, 1998. Late proposals will not be considered.

Colleges and Universities, Minnesota State (MnSCU)

Mankato State University

Notice of Request for Proposals from Suppliers for Sale of Specific Beverages

Mankato State University is seeking proposals from qualified suppliers to provide and aggressively support the sale of specific beverages on its campus and at University sponsored and hosted events. Mankato State University is a public university within the Minnesota State Colleges which is composed of over 14,000 students and staff.

For more information and a copy of the Request for Proposal contact: Starr Kirklin, Director of Development MSU 101, PO Box 8400, Mankato, MN 56002-8400; (507) 389-6837; Fax (507) 389-1899. This is the only person designated to answer questions from interested vendors regarding the beverage proposals. Proposals will be accepted until 4:30 p.m. on Friday, July 24, 1998.

Dated: 15 June 1998

Colleges and Universities, Minnesota State (MnSCU)

Winona State University

Request for Bid for X-Ray Powder Diffractometer

NOTICE IS HEREBY GIVEN that Winona State University will receive sealed bids for a fully automated X-Ray powder diffractometer.

Bid specifications will be available June 29, 1998 from Sandra Schmitt, Purchasing Director, PO Box 5838, 205 Somsen Hall, Winona State University, Winona, MN 55987 or by calling 507/457-5067.

Sealed bids must be received by Sandra Schmitt, PO Box 5838 or Somsen 205C, Business Office, Winona State University, Winona, MN 55987 by 12 Noon on July 13, 1998.

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

Department of Natural Resources

Division of Fish and Wildlife

Notice of Request for Proposals for Scanning of Fisheries Documents

NOTICE IS HEREBY GIVEN that the Department of Natural Resources (DNR), through its Division of Fish and Wildlife, requests proposals to scan approximately 450,000 pages of lake survey files and to create a searchable CD disk that will serve as the archives for the paper files.

The contractor will clean the files for scanning, scan the paper files, and create searchable CD disks. The disks must be suitable for archiving and retrieving this information with existing Section of Fisheries computer equipment. Paper files will be sent to the State Documents Center.

The DNR has estimated that the cost of this contract should not exceed \$50,000. This proposal does not obligate the agency to spend the estimated dollar amount.

The contract will begin September 1, 1998, and will be completed June 30, 1999.

Call or write for the full Request for Proposal which will be sent free of charge to interested vendors. Please contact:

Paul J. Wingate, Fisheries Research Manager
Minnesota Department of Natural Resources
500 Lafayette Road, Box 12
St Paul, MN 55155 - 4012
Phone (612) 296-3325
FAX (612) 297-4916

Other department personnel are **NOT** allowed to discuss the Request for Proposal with anyone, including responders, before the proposal submission deadline.

In accordance with *Minnesota Rules*, part 1230.1810, subpart B, and *Minnesota Rules*, part 1230.1830, certified targeted group businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal, and certified Economically Disadvantaged Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 4% preference in the evaluation of their proposal. For information regarding certification, contact the Materials Management Helpline at 612.296.2600 TTY 612.282.5799.

All proposals must be received or post-marked not later than 4:00 PM on Friday, July 31, 1998.

Dated: 1 June 1998

Gail Lewellan
Asst. Commissioner/Human Relations and Legal Affairs
Department of Natural Resources

Department of Natural Resources

Division of Parks and Recreation

Request for Proposal for Evaluation of Minnesota State Parks Nature Store Program Statewide

The Department of Natural Resources, Division of Parks and Recreation requests proposals from business schools, or experienced retailers to evaluate the Minnesota State Parks Nature Store program statewide. The evaluation will include the following aspects: an operational audit; customer and product profile; product sales; profit analysis and projections; analysis of store layouts/displays and products.

Background

In 1991, the Minnesota Legislature passed a law regarding the State Parks Working Capital Fund. The legislation authorized that all receipts derived from the rental or sale of state park items would be credited to the state parks Working Capital Account. Profits in the account would be allocated to fund resource management and interpretative programs in state parks. To date, \$3.2 million has been distributed for programs.

Professional, Technical & Consulting Contracts

Goal

In order to continue to grow this program and make it more profitable, an independent study is needed. The study's purpose is to evaluate current modes of "doing business" and make recommendations to increase business efficiencies and profits. Issues to look at include, but are not limited to:

- Ways to increase profits, and stabilize profits in the Nature Store program;
- Inventory levels, turns per year in various product categories; shrinkage levels acceptable to the industry, and ways to avoid shrinkage;
- Methods to streamline the parks and central office processes for determining what products will be carried, for determining the initial quantities to order, the pricing of the merchandise to maximize sales, and turning over the inventory.
- Staffing needs for the various sized operations (hours needed during the various seasons) and personnel qualifications necessary for the various sized operations
- A merchandise plan for three levels of Nature Store operations for greater efficiency. This will include determining types of merchandise and price ranges of the merchandise.

Responders are encouraged to propose additional tasks or activities if they will substantially improve the results of the study. The contractor will work closely with staff of Minnesota State Parks and other DNR personnel.

The proposal will include all professional services including consulting time, travel time to park locations, and lodging. The contractor will be responsible for supplying park staff with one draft copy to review, and one final copy of the study. The contract will begin immediately upon execution of the contract and will be completed in full by December 31, 1998.

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

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

Kate Brady
Supervisor, P.R. and Marketing
Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4039
612-297-7979

All proposals must be sent to:

Kate Brady (address above)

All proposals must be received no later than Wednesday, July 22 at 4:00 p.m.

Late proposals will not be considered.

Submit three copies of the proposal and a list of other retail studies conducted by your organization. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address written on the outside. Each copy of the proposal must be signed in ink by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of any resulting contract.

Department of Transportation

Engineering Services Division

Notice of Request for Proposals to Perform Conceptual, Logical and Physical Databases, Applications and Services to Develop a GIS (Geographical Information System) with Spatial and Non-spatial Data Analysis Capabilities

The Minnesota Department of Transportation (Mn/DOT) is soliciting Requests for Proposals from Contractors who are qualified to perform conceptual, logical and physical databases, applications, and Architectural design and related services to support the development of a Geographical Information System (GIS) with spatial and non-spatial data analysis capabilities.

These services require that the Contractor be experienced in the following technologies: Oracle 7 or 8 database management system, location modeling, ESRI GIS products, 3D analysis, internet tool-kits and map servers, and spatial database engines. All data must be compatible with Mn/DOT's GIS database standards.

Non-State Public Bids, Contracts & Grants

All activities which will be contracted for are scheduled to start in September of this year with a completion date in July of 1999.

Requests for Proposal will be available by mail from the address indicated below through July 20, 1998. A written request (direct mail or FAX) is required to receive the Request for Proposal. After July 20, 1998, the Requests for Proposal must be picked up in person from our offices.

Requests for Proposal can be obtained from:

Joseph D. Pignato, P.E.
Agreements Administrator
Minnesota Department of Transportation
395 John Ireland Boulevard, Mail Stop 680
St. Paul, Mn 55155-1899
Phone: (612) 297-1172, Fax: (612) 282-5127

The proposal must be received no later than two o'clock in the afternoon (2:00 PM) on July 27, 1998. **Late Submittals will not be considered.**

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

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting as prime contractors will receive the equivalent of a 6% preference in the evaluation, and certified Economically Disadvantaged Businesses submitting as prime contractors will receive the equivalent of 4% preference in evaluation.

This request does not obligate the Minnesota Department of Transportation to complete the work contemplated in this notice, and the Department reserves the right to cancel this solicitation at any time. All expenses incurred by submitting contractors responding to this notice will be borne by the responder.

Non-State Public Bids, Contracts & Grants

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

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

South West Regional Development Commission

Notice to Contractors for Construction of Prairie Expo

Sealed bids for the construction of Prairie Expo will be received at the office of the Owner located at 2401 Broadway Avenue, Suite 1, Slayton, MN until 1:00 p.m. on 23 June 1998.

Mail sealed bids to: SW Regional Development Commission
2401 Broadway Avenue
Slayton, MN 56172-1142

Work includes new 15,000 GSF facility with spaces for exhibits, theater, retail, storage and offices. The facility consists of a structural steel frame, steel roof and wall panels, aluminum windows and slab on grade. Interior finishes include carpet, paint and ceramic tile. HVAC consist of forced air furnace and DX cooling. The entire building will have a wet sprinkler system. New electrical distribution, fire alarm, telephone, security and building sound system are required.

Bidders may submit bid(s) on any bid package or combination of bid packages they feel to be in their best interest. Bidders may submit any number of bids and in any combination of packages they wish. Bid packages are as follows:

CP.01	Sitework	CP.07	Acoustical Treatment (Ceilings)
CP.02	Concrete/Masonry	CP.08	Flooring
CP.03	Steel/Roof/Siding	CP.09	Tile
CP.04	Multiscope	CP.10	Fire Protection
CP.05	Drywall/Fireproofing	CP.11	Mechanical
CP.06	Finishes	CP.12	Temperature Control
		CP.13	Electrical

Non-State Public Bids, Contracts & Grants

Award will be made to the bidder or combination of bidders which comprise the entire scope of work and the Owner feels to be in their best interest.

Questions regarding the bidding documents should be submitted in writing to CPMI at 2850 Metro Drive, Suite 329, Bloomington, MN 55425. Questions shall be submitted by 12 June 1998.

A Pre-Bid Conference and Tour will be conducted at 10:30 a.m. on 9 June 1998. Bidders shall meet at the Ramada Inn located on Highway 59 in Worthington..

Bidding documents including the bid form, drawings and specifications will be available for inspection on 27 June 1998 at CPMI's Office, 2850 Metro Drive, Suite 329, Bloomington, MN; Minneapolis Builders Exchange; Mankato Builders Exchange, St. Paul Builders Exchange and Sioux Falls Builders Exchange.

Complete bid sets of drawings, specifications and bid forms are available to invited bidders, without cost, by contacting CPMI (612) 854-3663. Postage, delivery or like charges shall be paid for by the Owner. If the complete set of documents, including addenda, is not returned to CPMI within ten (10) calendar days after award of contract, a charge of \$200 per set will be assessed.

Bids are to be submitted in duplicate on forms supplied by the Owner. No oral, facsimile, telegraphic or telephonic bids or modifications will be considered. All bids shall be accompanied by a bid bond, executed by the bidder and a duly authorized surety company, certified check, cashiers check or bank draft made payable to Southwest Regional Development Commission in an amount not less than 5% of the highest bid submitted, including Alternates.

The successful bidder(s) will be required to furnish satisfactory Certificates and Policies of Insurance, Payment Bond, Performance Bond and other documents as stated in the specifications.

The Owner reserves the right to reject any and all bids and to waive all informalities in bids. No bid may be withdrawn for a period of thirty (30) days subsequent to the specified time for receipt of bids.

University of Minnesota

Purchasing Services

Notice of Bid Information Service (BIS) Available for All Potential Vendors

The University of Minnesota offers 24 hour/day, 7 day/week access to all Requests for Bids/Proposals through its fax back Bid Information Service (BIS). Subscriptions to BIS are \$75/per fiscal year (not prorated). Call 612-625-5534 for information or visit our web site at <http://purchserv.finop.umn.edu>. Choose BID Information Service.

Requests for Bids/Proposals are available to the public at no charge each business day from 8:00 a.m. - 4:30 p.m. in Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls, MN 55454.

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**Volume 22, Numbers 1-52
7 July 1997 - 29 June 1998**

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