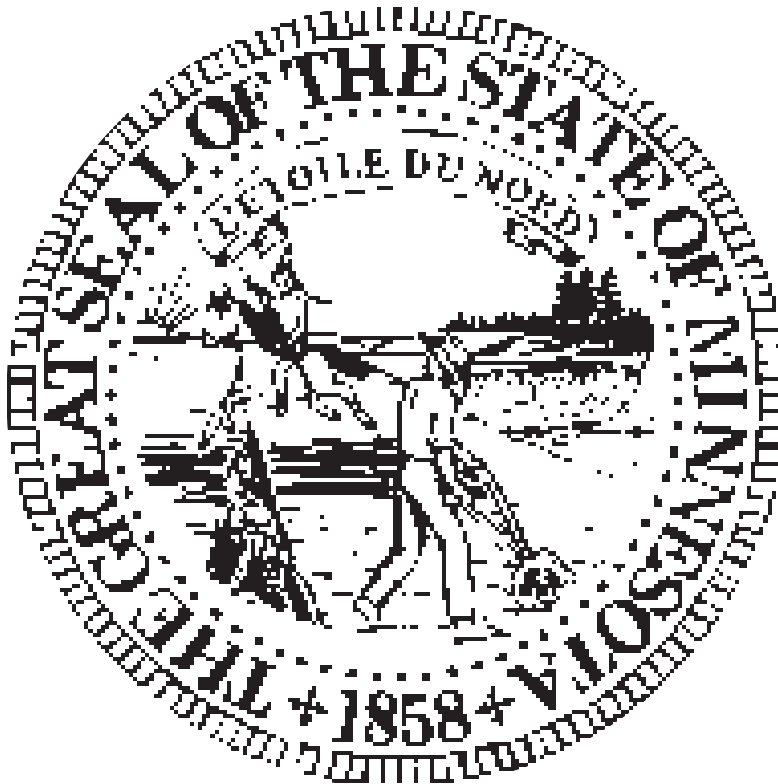


**The Minnesota**  
**State**  
**Register**

**Rules and Official Notices Edition**



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

**Monday 23 November 1998**  
**Volume 23, Number 21**  
**Pages 1233-1254**

# State Register

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

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

### Printing Schedule and Submission Deadlines

Vol. 23 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
#21	Monday 23 November	Noon Tuesday 10 November	Noon Tuesday 17 November
#22	Monday 30 November	Noon Wednesday 18 November	4:30pm Monday 23 November
#23	Monday 7 December	Noon Tuesday 24 November	Noon Tuesday 1 December
#24	Monday 14 December	Noon Wednesday 2 December	Noon Tuesday 8 December
Arne H. Carlson, Governor 651/296-3391		Hubert H. Humphrey III, Attorney General 651/297-4272	Joan Anderson Growe, Secretary of State 651/296-2079
Joanne E. Benson, Lt. Governor 651/296-3391		Judi Dutcher, State Auditor 651/297-3670	Michael A. McGrath, State Treasurer 651/296-7091
Department of Administration:		Communications Media Division	Robin PanLener, Editor 651/297-7963
Elaine S. Hansen, Commissioner 651/296-1424		Mary Mikes, Director 651/297-3979	Gretchen Stark, Assistant Editor 651/296-0929
Kent Allin, Asst. Commissioner 651/297-4261			Jessie Rahmeyer, Subscriptions 651/297-8774

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Publication Number: 326630. (ISSN 0146-7751)

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Room 175 State Office Building, St. Paul, MN 55155

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from the Materials Management Helpline (651) 296-2600.  
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# 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 1997 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 (651) 297-3000, or toll-free 1-800-657-3757.

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# Adopted Rules

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

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

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

## Exempt Rules

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

## Emergency Expedited Rules

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

# Department of Health

## Adopted Permanent Rules Relating to Health Maintenance Organizations

The rules proposed and published at *State Register*, Volume 22, Number 51, pages 2280-2290, June 22, 1998 (22 SR 2280), are adopted with the following modifications:

### 4685.0100 DEFINITIONS.

Subp. 5. **Comprehensive health maintenance service.** "Comprehensive health maintenance service" means a group of services which includes at least all of the types of services defined below:

D. "Outpatient health services" means ambulatory care including health supervision, preventive, diagnostic and therapeutic services, including diagnostic radiologic service; therapeutic services for congenital, developmental, or medical conditions that have ~~significantly~~ delayed speech or motor development; treatment of alcohol and other chemical dependency; treatment of mental and emotional conditions; provision of prescription drugs; and other supportive treatment.

Subp. 5a. **Cosmetic services.** "Cosmetic services" means ~~nonreconstructive~~ surgery and other ~~procedures~~ services performed primarily to enhance or otherwise alter an enrollee's physical appearance without correcting or improving a physiological function.

Subp. 6a. **Experimental, investigative, or unproven.** "Experimental, investigative, or unproven" means a drug, device, medical treatment, diagnostic procedure, technology, or procedure for which reliable evidence does not permit conclusions concerning its safety, effectiveness, or effect on health outcomes.

### 4685.0700 COMPREHENSIVE HEALTH MAINTENANCE SERVICES.

Subp. 3. **Permissible limitations.** A health service that may be excluded under subpart 4 may instead be limited. The following health services may be limited, but cannot be excluded:

A. A health maintenance organization may limit outpatient prescription drug benefits through the use of a formulary.

(1) The formulary must be periodically reviewed and updated by physicians and pharmacists to determine that formulary drugs are, at a minimum, safe and effective.

(2) The formulary must contain:

~~(a)~~ all prescription drugs ~~necessary~~ needed to provide medically necessary care; ~~and~~.

~~(b)~~ prescription drugs exempt from substitution because of a narrow therapeutic index, including those drugs contained in the list established under *Minnesota Statutes*, section 151.21, subdivision 8.

(3) A health maintenance organization shall promptly grant an exception to the formulary when ~~no~~ the formulary drug is ~~safe and effective for~~ causes an adverse reaction, when the formulary drug is contraindicated, or when the prescriber demonstrates that a prescription drug must be dispensed as written to provide maximum medical benefit to the enrollee requesting the exception.

~~(4)~~ (a) A health maintenance organization shall have written guidelines and procedures for granting an exception to the formulary that shall be available to the enrollee and prescriber upon request.

~~(5)~~ (b) When a health maintenance organization grants an exception to the formulary, it may charge the enrollee the approved flat fee copayment or a copayment that does not exceed 25 percent of the provider's charge, in accordance with part 4685.0801.

B. A health maintenance organization may limit durable medical equipment, orthotics, prosthetics, and nondurable medical supplies.

C. A health maintenance organization may limit home health care services.

D. A health maintenance organization may limit inpatient hospital care as defined in part 4685.0100, subpart 5, item B, and required in subpart 2, item C, as specifically authorized by this item. Each health maintenance organization may have limitations upon the number of days of inpatient hospital care that at least correspond with the following minimum provisions:

Subp. 4. **Permissible exclusions.** The following services may be excluded:

A. ~~durable medical equipment, orthotics, prosthetics, nondurable medical supplies, or~~ personal convenience devices;

B. cosmetic services, except for reconstructive surgery as required under Minnesota Statutes, section 62A.25;

C. ~~home health care services;~~

~~D.~~ dental services;

~~E.~~ D. nonemergency ambulance services and special transportation services, except as provided by *Minnesota Statutes*, section 62J.48;

~~F.~~ E. the fitting and provision of contact lenses, eyeglasses, and hearing aids;

~~G.~~ F. a drug, device, medical treatment, diagnostic procedure, technology, or procedure that is experimental, investigative, or unproven as defined in part 4685.0100, subpart 6a. The health maintenance organization shall make its determination of experimental, investigative, or unproven based upon a preponderance of evidence after the examination of the following reliable evidence, none of which shall be determinative in and of itself:

(2) ~~whether there are standardized written protocols used by the medical facility or provider that provides the service at issue, designed to obtain data on the safety and efficacy of the service;~~

~~(3)~~ (2) whether there are consensus opinions and recommendations reported in relevant scientific and medical literature, peer-reviewed journals, or the reports of clinical trial committees and other technology assessment bodies; and

~~(4)~~ (3) whether there are consensus opinions of national and local health care providers in the applicable specialty or subspecialty that typically manages the condition as determined by a survey or poll of a representative sampling of these providers;

~~H.~~ G. custodial care;

~~I.~~ H. care for injuries incurred while on military duty, to the extent that care for the injuries is covered or available in another program of coverage;

~~J.~~ I. services and other items not prescribed, recommended, or approved by a provider who is providing services through the enrollee's health maintenance organization or a provider to whom the enrollee is referred;

~~K.~~ J. the following services relating to inpatient hospitalization:

~~L.~~ K. services for those conditions subject to underwriting restrictions when the imposition of the restrictions is otherwise proper, provided that underwriting restrictions may only relate to preexisting health conditions, and those acute health conditions for which an applicant is being treated at the time of the proposed enrollment.

#### **4685.0900 SUBROGATION AND COORDINATION OF BENEFITS.**

The health maintenance organization may require an enrollee to reimburse it for the reasonable value of health maintenance services provided to an enrollee who is injured through the act or omission of a third person or in the course of employment to the extent the enrollee collects damages or workers' compensation benefits for the diagnosis, care, and treatment of an injury. The subrogation clause in an evidence of coverage must contain the ~~notice provisions~~ information required by *Minnesota Statutes*, section 62A.095, subdivision 2. The health maintenance organization may be subrogated to the enrollee's rights against the third person or the enrollee's employer to the extent of the reasonable value of the health maintenance services provided including the right to bring suit in the enrollee's name.

The health maintenance organization shall provide covered health services first, and coordinate benefits according to parts 4685.0905 to 4685.0950.

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

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### 4685.1010 AVAILABILITY AND ACCESSIBILITY.

Subp. 2. **Basic services.** The health maintenance organization shall have available, either directly or through arrangements, appropriate and sufficient personnel, physical resources, and equipment to meet the projected needs of its enrollees for covered health care services. The health maintenance organization, in coordination with participating providers, shall develop and implement written standards or guidelines that assess the capacity of each provider network to provide timely access to health care services in accordance with subpart 6.

J. Referral procedures must be described in an enrollee's evidence of coverage and must be available to an enrollee upon request for ~~a~~ information regarding referral or standing referral procedures. ~~A health maintenance organization~~ Effective July 1, 1999, information regarding referral procedures shall clearly describe its referral procedures including at least the following:

- (3) how to request a standing referral; and
- (4) ~~how to determine whether referral services received will be covered; and~~
- ~~(5) how to appeal a referral determination.~~

Subp. 5. **Coordination of care.**

C. The health maintenance organization shall provide for the coordination of care for enrollees given a referral or standing referral ~~to specialty providers~~. When possible, the health maintenance organization shall provide this coordination of care through the enrollee's primary care or other authorized provider.

Subp. 6. **Timely access to health care services.**

A. The health maintenance organization, either directly or through its provider contracts, shall arrange for covered health care services, including referrals to participating and nonparticipating ~~specialty~~ providers, to be accessible to enrollees on a timely basis in accordance with medically appropriate guidelines consistent with generally accepted practice parameters.

B. The health maintenance organization, in coordination with its participating providers, shall ~~have develop and implement~~ written appointment scheduling guidelines based on type of health care service. Examples of types of health care services include well baby and well child examinations, prenatal care appointments, routine physicals, follow up appointments for chronic conditions such as high blood pressure, and diagnosis of acute pain or injury.

### 4685.1110 PROGRAM.

Subp. 11. **Provider qualifications and selection.** The health maintenance organization shall have policies and procedures for provider selection, credentialing, and recredentialing that, at a minimum, are consistent with accepted community standards.

### 4685.1130 FILED WRITTEN PLAN AND WORK PLAN.

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

Subp. 3. **Amendments to plan.** The health maintenance organization may change its written quality assurance plan ~~and proposed work plan~~ by filing notice with the commissioner 30 days before modifying its quality assurance program or activities. If the commissioner does not disapprove of the modifications within 30 days of submission, the modifications are considered approved.

Subp. 4. **Plan review.** Upon receipt of the filing, the commissioner shall review the health maintenance organization's annual proposed work plan to determine if it meets the criteria established in parts 4685.1105 to 4685.1130. ~~If the commissioner does not disapprove the plan within 30 days of its submission, it is considered approved.~~

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

### 4685.1900 RECORDS OF COMPLAINTS.

Subpart 1. **Record requirements.** Every health maintenance organization shall maintain a record of each complaint filed with it during the prior five years. The record must, where applicable, include:

D. a copy of the ~~alternative dispute resolution process and the agreement reached or the decision of the neutral arbitrator's decision~~; and

Subp. 2. **Log of complaints.**

A. A health maintenance organization shall keep ~~a single, ongoing log~~ retrievable documentation of complaints submitted to the health maintenance organization by complainants.

B. The ~~log~~ retrievable documentation must ~~contain~~ include the date the complaint was initially submitted; the name, address, and telephone number of the complainant, if provided; the enrollee's identification number; and the location of the complainant's complaint records.



C. The ~~log~~ retrievable documentation must ~~contain~~ include the following information regarding an enrollee who complains orally to the health maintenance organization:

(3) telephone number, if provided to the health maintenance organization;

**REPEALER.** *Minnesota Rules*, ~~part~~ parts 4685.1100 and 4685.1130, subpart 5, ~~is~~ are repealed.

## Board of Medical Practice

### Adopted Permanent Rules Relating to Fetal Alcohol Education

The rules proposed and published at *State Register*, Volume 23, Number 5, pages 296-297, August 3, 1998 (23 SR 296), are adopted as proposed.

## Pollution Control Agency

### Adopted Permanent Rules Relating to Concrete Manufacturing Plant Standards of Performance

The rules proposed and published at *State Register*, Volume 23, Number 4, pages 260-265, July 27, 1998 (23 SR 260), are adopted with the following modifications:

#### **7011.0857 PREVENTING PARTICULATE MATTER FROM BECOMING AIRBORNE.**

No owner or operator of a concrete manufacturing plant shall cause or permit the handling, use, transporting, or storage of any material in a manner which may allow avoidable amounts of particulate matter to become airborne from a concrete manufacturing plant.

No owner or operator of a concrete manufacturing plant shall cause or permit a building or its appurtenances, a road, a driveway, or an open area to be constructed, used, repaired, or demolished without applying all such reasonable measures as may be required to prevent particulate matter from becoming airborne. The owner or operator of a concrete manufacturing plant shall take reasonable precautions to prevent the discharge of visible fugitive dust emissions beyond the lot line of the property on which the emissions originate. The commissioner may require such reasonable measures as may be necessary to prevent particulate matter from becoming airborne including, but not limited to, application of water; application of commercially available dust suppressants; paving; frequent cleaning and sweeping of roads, driveways, and parking lots; use of curtains or socks for truck loading operations; use of water sprays during truck loading operations; use of water or commercially available dust suppressants on stockpiles or aggregate transfer points; and the planting and maintenance of vegetative ground cover.

#### **7011.0860 NO PERMIT REQUIRED.**

Subpart 1. **Criteria.** Any owner or operator of a concrete manufacturing plant otherwise required to obtain a permit under part 7007.0200 or 7007.0250 may elect not to obtain a permit under part 7007.0200 or 7007.0250 provided the conditions in items A to D are met.

B. The concrete manufacturing plant shall contain only the following emission units and activities:

(2) individual indirect heating equipment, as defined in part 7011.0500, subpart 9, with a rated heat input capacity less than 10,000,000 Btu per hour burning only natural gas, propane, and/or No. 1 or No. 2 fuel oil;

(4) miscellaneous:

(a) total usage or purchase of less than 500 gallons of VOC-containing material or 200 gallons of VOC, including hazardous air pollutant-containing VOC, combined in any calendar year from sources such as parts washers, form release agents, painting, and sealers. Under this unit, if the owner ~~of~~ or operator ships VOC off site for recycling, the amount recycled may be subtracted from the amount of VOC purchased or used. "Recycling" means the reclamation or reuse, as defined in part 7045.0020, of a VOC. If the owner or operator ships VOC off site for recycling, the owner or operator shall keep records of the amount of material shipped off site for recycling and the calculations done to determine the amount to subtract. Records may be material safety data sheets, invoices, shipping papers, or hazardous waste manifests; or

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

## Office of the Governor

### Emergency Executive Order # 98-15: Providing for Assistance to the Rock County Sheriff

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

**WHEREAS**, a severe winter storm occurred in southwestern Minnesota beginning on November 10, 1998; and

**WHEREAS**, the storm's heavy snowfall has resulted in downed power lines and the closing of Interstate 90 in the area west of Worthington; and

**WHEREAS**, there are many motorists stranded on Interstate 90; and

**WHEREAS**, the Rock County Sheriff's Department does not have adequate local resources for a search and rescue mission;

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

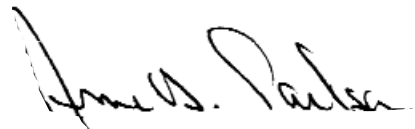
1. The Adjutant General of Minnesota order to active duty on or about November 10, 1998, in the service of the State, such personnel and equipment of the military forces of the State as required and for such period of time as necessary to conduct a search and rescue in Rock County.
2. The Adjutant General is authorized to purchase, lease or contract goods or services necessary to accomplish the mission.
3. The cost of subsistence, transportation, fuel, pay and allowances of said individuals shall be defrayed from the general fund of the State as provided for in *Minnesota Statutes* 1998, sections 192.49, subd. 1; 192.51 and 192.52.

Pursuant to *Minnesota Statutes* 1998, section 4.035, subd. 2, this Order is effective immediately, and shall remain in effect until such date as elements of the military forces of the State are no longer required.

**IN TESTIMONY WHEREOF**, I have set my hand this tenth day of November, 1998.





Filed According to Law:  
Joan Anderson Grove  
Secretary of State



Arne H. Carlson  
Governor

**Carrol Henderson**, DNR Non-Game Wildlife Specialist  
Best-Selling author of:  
*Traveler's Guide to Wildlife in Minnesota*  
*Wild About Birds*    *Landscaping for Wildlife*  
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Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

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### Board of Animal Health

#### Notice of Quarterly Meeting of the Board of Animal Health

The Board of Animal Health quarterly meeting will be on Friday, December 11, 1998. The meeting will convene at 9:30 a.m. at the Board Office, Rm 119, Agriculture Bldg, 90 W. Plato Blvd., St. Paul, MN.

### Executive Council

### State Board of Investment

### Land Exchange Board

### Investment Advisory Council

#### Notice of Meetings of the Executive Council, the State Board of Investment, the Land Exchange Board, and the Investment Advisory Council

The Executive Council, State Board of Investment and the Land Exchange Board will meet on Friday, December 11, 1998 at 9:00 A.M. in Room 125, State Capitol, Saint Paul, MN.

The Investment Advisory Council will meet on Tuesday, December 1, 1998 at 2:00 P.M. in Suite 105, 55 Sherburne Avenue, St. Paul, MN.

### Minnesota Higher Education Facilities Authority

#### Notice of Public Hearing on Revenue Obligations on Behalf of Augsburg College

**NOTICE IS HEREBY GIVEN** that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to a proposal to issue revenue bonds or other obligations on behalf of Augsburg College, a Minnesota nonprofit corporation and institution of higher education (the "College"), at the Authority's offices at Suite 450 Galtier Plaza, 175 East Fifth Street, St. Paul, Minnesota on December 9, 1998 at 2:00 p.m. Under the proposal, the Authority would issue its revenue bonds or other obligations in an original aggregate principal amount of up to approximately \$16,500,000 to finance a project generally described as (a) the acquisition, construction, furnishing and equipping of a student residence hall, which will be approximately 60,800 gross square feet when completed, and related site improvements and (b) the refunding of the outstanding principal amount of the Authority's Mortgage Revenue Bonds, Series Three-G (Augsburg College) originally issued to (i) finance the construction of an approximately 76,000 square foot apartment style student residence hall and (ii) refinance indebtedness relating to the partial financing of Foss, Lobeck, Miles Center for a theater, audiovisual department, classrooms and common space (collectively, the "Project"), owned or to be owned and operated by the College and located on its main campus, the principal street address of which is 2211 Riverside Avenue South, Minneapolis, Minnesota 55454.

At said time and place the Authority shall give all parties who appear or have submitted written comments an opportunity to express their views with respect to the proposal to undertake and finance the Project.

Dated: 23 November 1998

By Order Of The Minnesota Higher  
Education Facilities Authority  
J. Luther Anderson  
Executive Director

## Official Notices

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### Metropolitan Airports Commission

#### Notice of Public Hearing Concerning Acquisition of Property Near Minneapolis-Saint Paul International Airport Hennepin County, Minnesota

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

Naval Air Reserve Center ("NARCEN")  
6201 - 32nd Avenue South  
Minneapolis, Minnesota

The public hearing will commence at 2:00 p.m. on the 8th day of December, 1998 in the Main Terminal Building at the Minneapolis-Saint Paul International Airport, Room 3040.

The hearing will afford interested persons, groups and agencies an opportunity for public consideration of the economic, social and environmental effects of the proposed acquisition. Information relating to relocation will be presented at the public hearing in accordance with appropriate federal requirements. Any person wishing to submit information relating to this matter may appear at the public hearing and make an oral statement or present written material. Persons intending to make oral presentations are requested to notify the Commission by December 1, 1998 in writing or by telephone to Ms. Jenn Unruh, Metropolitan Airports Commission, 6040 - 28th Avenue South; Minneapolis, Minnesota 55450; telephone (612) 726-8100. Written statements and other exhibits relating to this matter will be incorporated into the transcript of the hearing, provided such statements or exhibits are submitted at the hearing or are presented to the Metropolitan Airports Commission prior to the close of work on Friday, December 18, 1998.

Dated: 16 November 1998

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

### Board of Nursing

#### Notice of Meetings of the Minnesota Board of Nursing

**NOTICE IS HEREBY GIVEN** that the 1999 meetings of the Minnesota Board of Nursing have been scheduled at 9:00 a.m., at 2829 University Avenue SE, Suite 500, Minneapolis, Minnesota on the following dates:

February 4-5, 1999

April 7-8, 1999

June 3-4, 1999

August 5-6, 1999

October 7-8, 1999

December 2-3, 1999

A portion of each meeting is review of disciplinary cases and is closed to the public.

For details about time of the open meeting, the agenda or other information, please call (612) 617-2297.

## Department of Trade and Economic Development

### Minnesota Agricultural And Economic Development Board

#### Notice of Public Hearing on Proposed Project and the Issuance of Bonds Under *Minnesota Statutes*, Chapter 41A on Behalf of Benedictine Care Centers

**NOTICE IS HEREBY GIVEN** that the Minnesota Agricultural and Economic Development Board (the "Board") or its designated representative, shall meet on December 16, 1998, at 9:00 a.m., at 500 Metro Square, 121 7th Place East, Saint Paul, Minnesota, for the purpose of conducting a public hearing on a proposed issue of bonds (the "Bonds") and the provision of other financial assistance under *Minnesota Statutes* 1986, Chapter 116M, and *Minnesota Statutes*, Chapter 41A, as amended (the "Act"), to undertake and finance a project on behalf Benedictine Care Centers, a Minnesota nonprofit corporation (the "Applicant"). Such persons as desire to be heard with reference to said issue of Bonds will be heard at this public hearing.

The project consists of the acquisition, renovation and equipping of the following facilities located at: (i) Hillcrest Community Care Center, 800 Second Avenue NW, Plainview Minnesota, a 71 bed nursing home; \$2,500,000, (ii) Innsburck Care Center, 2800 Highway 694, New Brighton, Minnesota, a 108 bed nursing home; \$4,400,000, (iii) St. Mary's Care Center, 551 Fourth Street North, Winsted, Minnesota, a 90 bed nursing home; \$4,200,000, (iv) Villa at Hi Park, 135 Pioneer Road, Red Wing, Minnesota, a 44 unit assisted living facility; \$3,300,000, (v) Hi Park Care Center, 213 Pioneer Road, Red Wing, Minnesota, a 85 bed nursing home; \$ 2,900,000, (vi) Lake Haven Manor, 7700 Grand Avenue, Duluth, Minnesota, a 132 bed nursing home; \$5,300,000, (vii) Green Prairie Place, 810 Second Avenue NW, Plainview, Minnesota, a 36 unit assisted living facility; \$2,800,000 and (viii) Daytons Bluff Community Care Center, 324 Johnson Parkway, St. Paul, Minnesota, a 184 bed skilled facility; \$10,400,000 (collectively, the "Project").

The owner of the Project will be the Applicant or an affiliated entity, and the Project is expected to be operated and managed by the Applicant or an affiliated entity. It is contemplated that the facilities financed or refinanced by the Bonds will be used primarily for nursing home, senior housing facility, assisted living facility or related facilities. The estimated amount of the Board's proposed bond issue is an amount not to exceed \$35,800,000. The Bonds shall be limited obligations of the Board, the Bonds and the interest thereon shall be payable solely from the revenue pledged to the payment thereof, and a mortgage or security interest or other security arrangements to be established by or on behalf of the Applicant or an affiliated entity. Notwithstanding the foregoing, no holders of any such Bonds shall ever have the right to compel any exercise of the taxing powers of the State of Minnesota or any political subdivision thereof to pay the Bonds or the interest thereon nor to enforce payment against any property of said State or said political subdivision.

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

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

All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director prior to the date of the hearing set forth above.

Dated: 12 November 1998

By Order of the Members of the Minnesota Agricultural  
and Economic Development Board  
Paul Moe  
Executive Director  
Minnesota Agricultural and Economic Development Board

# State Grants & Loans

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

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

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## Department of Administration

### STAR Program (A System of Technology to Achieve Results)

#### Notice of Deadline Extension of Availability of Community Action Network (CAN) - Rural Delivery of Assistive Technology Services and Devices Grants. Region 4 Only (Benton, Cass, Chisago, Crow Wing, Isanti, Kanabec, Mille Lacs, Morrison, Pine, Sherburne, Stearns, Todd, Wadena, and Wright Counties)

STAR Program grants are available to Region 4 based groups of volunteers, non-profit or for-profit organizations who wish to establish or expand projects that guarantee rural delivery of assistive technology (AT) services and devices to unserved, under-served or under-represented people with disabilities. This includes minorities, persons with low incomes and persons with limited English proficiency. This opportunity to apply has been extended until December 4, 1998. Please refer to the November 9, 1998 *State Register* page 1199 for a complete description of this grant. Contact the STAR program for materials detailing the process at (651) 296-8817, (651) 296-9478 (TTY), 800-657-3862, 800-657-3895 (TTY). No FAX copies will be accepted. Questions should be directed to the Program Specialist at (651) 296-9718.

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# Professional, Technical & Consulting Contracts

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

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

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## Department of Administration

### Division of State Building Construction

#### **"REVISED" Notice of Request for Proposal (RFP) for Professional Services of Minnesota Pollution Control Agency or Minnesota Department of Health Licensed Hazardous Materials/Asbestos Abatement Designers to Provide Design Services for Asbestos or Other Hazardous Materials Removal, and/or Industrial Hygiene Services (Such as Monitoring)**

##### **To Minnesota Licensed Design Professionals and Licensed Monitoring Professionals:**

The Department of Administration, Division of State Building Construction (STATE) is soliciting proposals for the services of Minnesota Pollution Control Agency or Minnesota Department of Health licensed asbestos abatement designers (CONSULTANTS) to design, prepare construction drawings and manage construction of hazardous materials remediation projects, and/or provide industrial hygiene services (such as monitoring). Projects will vary in nature and scope and will involve remodeling projects and facility audits. The total cost of each project will be less than \$750,000.00 and the fees associated with facility audits will be less than \$60,000.00. CONSULTANTS for projects with estimated costs or fees in excess of those shown above will be selected by the State Designer Selection Board and advertised in the *State Register*.

Multiple CONSULTANTS will be issued master professional technical services contracts (M-Contracts) to perform work. The M-Contracts will be available for use by State Agencies identified in *Minnesota Statutes* 15.01 and *Minnesota Statutes* 15.91. The term for the M-Contracts will be two years commencing on January 1, 1999, with the possibility of annual extensions up to three additional years.

This request does not obligate the STATE to complete the work contemplated in this request, and the STATE reserves the right to cancel this solicitation if it is considered in its best interest.

Request for the RFP may be mailed or faxed to:

Sharon Schmidt, Contracts Officer  
Department of Administration  
Division of State Building Construction  
50 Sherburne Avenue, Room G-10  
St. Paul, MN 55155-1495  
FAX: (651) 296-7650

Proposals must be received no later than **4 p.m. on Friday, December 4, 1998**. Late proposals will not be considered.

**NOTE: The current list of licensed hazardous materials/asbestos abatement design and industrial services consultants used by the STATE to provide the described services expires on December 31, 1998. CONSULTANTS on that list must submit a proposal to be considered.**

## Professional, Technical & Consulting Contracts

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### Colleges and Universities, Minnesota State (MnSCU)

#### Winona State University

#### Request for RFP for Winona State University Library Move

**NOTICE IS HEREBY GIVEN** that Winona State University will receive RFP's to move Library furniture and collections from Maxwell Library to the New Library on campus. RFP specifications will be available November 30, 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 RFP's must be received by Sandra Schmitt, PO Box 5838 or Somsen 205C, Business Office, Winona State University, Winona, MN 55987 by 2:00 PM on December 30, 1998.

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

### Minnesota Higher Education Services Office

#### Request for Proposals for Developing Curriculum on Higher Education Options

The Higher Education Services Office (HESO) is requesting proposals from qualified professionals for the development of a curriculum on higher education options for elementary and middle school students. A key audience is students of color, low income, or no previous post-secondary education. The curriculum must include interactive features and be tailored for use on the Service Office web page. Proposals must be submitted by **December 14, 1998**.

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

The total cost of this proposal is not to exceed \$30,000.

Copies of the complete RFP are available from:

Communications  
Minnesota Higher Education Services Office  
400 Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101  
(651) 296-9684

### Department of Natural Resources

#### Division of Fish and Wildlife

#### Request for Proposals to Sell Advertising Space in the Minnesota Department of Natural Resource's 1999 Hunting Regulations and the 2000 Fishing Regulations Handbooks

The Minnesota Department of Natural Resources (DNR) is requesting proposals from qualified individuals or firms to solicit and sell advertising space in the DNR 1999 Hunting Regulations the 2000 Fishing Regulations handbooks. The regulation handbooks will include safety rules and regulations associated with hunting and fishing in Minnesota.

Copies of the Request for Proposals may be obtained from the Department of Natural Resources, Sheila Gebhard, Bureau of Information and Education, 500 Lafayette Road, St. Paul, MN 55155-4046. Final date for submitting proposals is Thursday, December 17, 1998, at 2 P.M.

For more information contact Sheila Gebhard at: Bureau of Information and Education, Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, MN 55155-4046; (651) 296-6038; or [sheila.gebhard@dnr.state.mn.us](mailto:sheila.gebhard@dnr.state.mn.us).



## **Department of Transportation**

### **Notice of Availability of a Contract for Technical Services to Convert Research Database to Year 2000 Compliance**

The Department of Transportation (Mn/DOT) is requesting proposals to enter into a contract to obtain services for the purposes of converting the Office of Research Services' database application, Automated Research Tracking System (ARTS), from Borland Paradox version 5.0 to Microsoft Visual FoxPro 6.0 to become Year 2000 compliant. Tasks under this contract will include an analysis of the current database structure, table restructuring and data restructuring strategy analysis; application coding; and application testing. As funds and time permit, the Contractor may be called upon to produce user documentation (manual) and train the office's staff in the use of the new application.

For further information or to obtain a copy of the complete Request for Proposal, contact:

Jim Aamot, Project Manager  
Office of Research Services  
Minnesota Department of Transportation  
Transportation Building, First Floor North  
Mailstop 330  
395 John Ireland Boulevard  
St. Paul, MN 55155  
Phone: (651) 215-1930  
FAX: (651) 215-0443

All proposals must be sent to and received by reception staff at the following address, not later than 3:00 p.m. December 23, 1998.

This Request for Proposal does not obligate the State to complete the proposed project, and the State reserves the right to cancel the solicitation if it is considered to be in its' best interest. All expenses incurred in responding to this notice shall be borne by the responder.

## **Department of Transportation**

### **Notice of Request for Proposals to Plan, Facilitate, and Evaluate Strategic Planning Work Sessions for Senior Management**

The Minnesota Department of Transportation (Mn/DOT) is requesting proposals for a project expected to last through November 30, 1999. Responses must address objectives and work performance requirements as follows:

#### **OBJECTIVES**

1. Review and assure that the Strategic Planning Cycle integrates delivery of agency services to significant customer segments with the agency vision.
2. Identify and develop key business strategies to focus allocation of resources toward achieving the agency vision.
3. Identify and develop key result areas for which the agency is most accountable.
4. Identify critical resource requirements and accountability measures.
5. Align investment decisions with key business strategies.
6. Identify key performance measures for the Strategic Planning Cycle.
7. Link items 1-5 above with trend and environmental scanning issues previously identified by the agency.

#### **WORK TO BE PERFORMED**

Facilitate the continuing work of the Minnesota Department of Transportation's Strategic Planning Cycle. The project is to develop and conduct Strategic Planning Work Sessions for senior management to:

1. Evaluate the present direction of the agency based on materials provided by the Office of Strategic Initiatives;
2. Develop possible corrections to the direction;
3. Develop the definition of key result areas and measures for those key areas;

# Non-State Public Bids, Contracts & Grants

- 4. Review existing strategic initiatives, review recommendations of the Deputy Staff Executive Team, and add, continue, delete, or declare operational initiatives as appropriate;
- 5. Assure alignment of key business strategies with the delivery of services by the Department;
- 6. Consider trend and environmental scanning issues in evaluation of agency direction;
- 7. Agree to use the agency direction for resource allocation; and
- 8. Develop key measures.

To obtain a copy of the Request for Proposals, please contact:

Robert Ward, Director, Office of Strategic Initiatives  
Minnesota Department of Transportation  
395 John Ireland Boulevard, MS 340  
St. Paul, Minnesota 55155  
Phone: (651) 282-2273  
Fax: (651) 296-6599

**Proposals must be received no later than 3:00 P.M. on December 18, 1998.** Mn/DOT estimates the cost of this project should not exceed \$18,000.

# Non-State Public Bids, Contracts & Grants

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

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

## Metropolitan Council

### Notice of Request for Proposals (RFP) for Design Services and Construction Support for the East Metro Transit Facility

The Metropolitan Council is requesting proposals for technical and professional services for Design Services and Construction Support for the East Metro Transit Facility. This Metro Transit garage will provide operations and maintenance facilities for 150-200 transit buses. Basis for Design (facility space needs and functional analysis), site selection and conceptual drawings have been completed. The schedule is to have the facility operational in 2001.

The objectives of these services for this RFP are to provide design services consisting of detailed specification and drawings so as to have the project delivered in a traditional design-bid-build process and to provide construction support and oversight. The services include preparation of environmental assessment worksheet and site remediation action plan. A 15% DBE participation goal has been established for these services.

A tentative schedule for consultant selection is:

Receive letters of interest	November 1998
Issue Request for Proposals	November 1998
Site Visit and Informational Meeting	December 1998
Receive Proposals	December 1998
Evaluate and Rank Proposals	January 1999
Metropolitan Council authorization	January 1999
Contract negotiated, executed, NTP	February 1999
Design Documents completed/Bidding Documents issued	November 1999

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## Non-State Public Bids, Contracts & Grants

All firms interested in being considered for this project and desiring to receive a RFP package are invited to submit a Letter of Interest to:

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

Inquiries regarding this project should be directed to Arlene McCarthy at (651) 602-1278.

*Minnesota Statutes*, Sections 473.144 and 363.073, and *Minnesota Rules*, Parts 5000.3400 to 5000.3600 will be incorporated into any contract based upon the Proposal or any modifications to it. If a contract for the project is awarded in excess of \$100,000, the requirements of *Minnesota Rules* 5000.3530 will be applicable.

## Metropolitan Council Environmental Services

### Public Notice for Letters of Interest for Professional Services

**NOTICE IS HEREBY GIVEN** that the Metropolitan Council Environmental Services (MCES) is soliciting proposals for professional services for Step II Design Services and Step III Construction Support for the Blue Lake WWTP Groundwater Relief project, MCES Project Number 980200.

The services to be provided include Step II Design Services for the design of the dewatering well system and preparation of Bidding Documents and Step III Construction Support for services during construction and Operation and Maintenance Support.

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

Request For Proposals (RFP) issued	November 1998
Proposals Received	December 1998
Select Consultant	December 1998
Negotiate Final Contract Agreement	December 1998/January 1999
Notice To Proceed	January/February 1999
Step II - Design Complete	June 1999
Planned Bid Opening	June 1999
Planned Substantial Completion of Construction	June 2000

All firms interested in being considered for this project should submit a Letter of Interest requesting a copy of the Request For Proposals package. Requests are to be sent to:

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

## Minnesota Historical Society

### Notice for Request for Bids for Printing Services

The Minnesota Historical Society is seeking bids from qualified presses to provide printing services for individual Historic Site cards for 18 sites. Total quantity will be 402,000 cards. Ink: 4 color process/black. Stock: 8pt. Matte recycled card.

The Request for Bids is available by calling or writing Jenna Gruen, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone is (651) 297-5863 ([jenna.gruen@mnhs.org](mailto:jenna.gruen@mnhs.org)).

## Non-State Public Bids, Contracts & Grants

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All Bids must be received by Jenna E. Gruen, Contracting Officer, or an authorized agent, at the Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102 by **Thursday, December 10, 1999 at 2:00pm central time**. A bid opening will be conducted at that time. Late proposals will not be considered.

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

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

## Minnesota River Basin Joint Powers Board

### Notice of Request for Proposal for Identification of a Message and Audience for Conservation Reserve Enhance Program Enrollment

**NOTICE IS HEREBY GIVEN** that proposals are being requested for the development of a marketing plan for the newly created Conservation Reserve Enhancement Program aimed at retiring up to 190,000 acres of environmentally sensitive land in the Minnesota River Basin currently or formerly used for crop production into long-term conservation lands. The marketing plan will include creation of a message about the program, identification of the most promising audiences for enrollment, and how the message will be delivered. Implementation of the marketing plan is not included in this proposal request.

Through this project the following tasks will be completed:

1. Identification of types of landowners eligible for enrollment in the program.
2. A literature search on successful marketing of conservation programs.
3. Interviews with agency staff regarding marketing approaches.
4. Development of a sample marketing plan.
5. Establishment of an eligible landowners list for participation in focus group meetings.
6. A series of focus group meetings to gather information on the program and the marketing plan.
7. Development of a final plan and recommended next steps for marketing the program.

Tasks must be completed by May 1, 1999. Estimated cost of this project is \$30,000.

All proposals must be sent to and received by:

Stephen C. Hansen  
Executive Director  
Minnesota River Basin Joint Powers Board  
600 E. 4th Street  
Chaska, MN 55318-2109  
Phone: (612) 361-6590

**Five (5) copies** of the proposal must be submitted by **4:30 p.m., Tuesday, December 8, 1998**. A complete copy of the Request for Proposal may be obtained upon request from the above address.

## University of Minnesota

### 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.

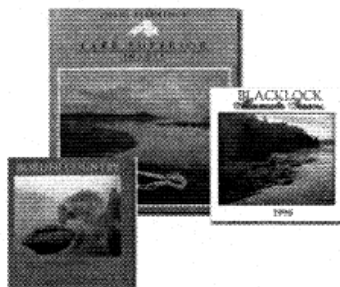
Requests for Bids/Proposals are available to the public at no charge each business day from 8:00 a.m. - 4:30 p.m. in Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls, MN 55454.



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