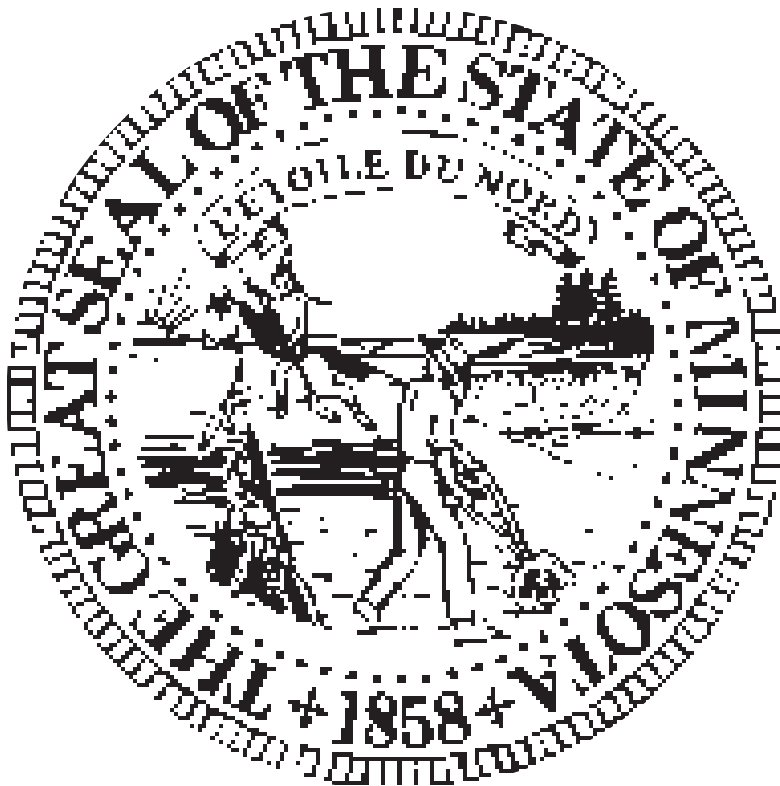


The Minnesota
State
Register

Rules and Official Notices Edition



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State Register

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

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

Printing Schedule and Submission Deadlines

Vol. 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
#26	Monday 28 December	Noon Wednesday 16 December	4:30 p.m. Monday 21 December
#27	Monday 4 January 1999	Noon Wednesday 23 December	4:30 p.m. Monday 28 December
#28	Monday 11 January 1999	Noon Wednesday 30 December	Noon Tuesday 5 January 1999
#29	Tuesday 19 January 1999	Noon Wednesday 6 January 1999	Noon Tuesday 12 January 1999

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Contact: House Information Office (651) 296-2146
Room 175 State Office Building, St. Paul, MN 55155

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Commodity, Service, and Construction contracts are published in a bulletin, the <i>State Register Contracts Supplement</i> , published Tuesday, Wednesday and Friday. Award results are available from the Materials Management Helpline (651) 296-2600. Individual copies and subscriptions are available through Minnesota's Bookstore, (651) 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 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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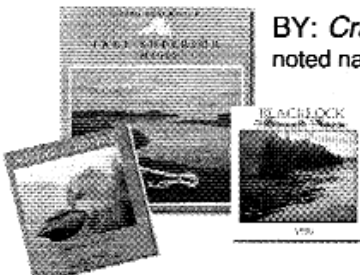
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Proposed Rules

Comments on Planned Rules or Rule Amendments

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

Rules to be Adopted After a Hearing

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

Rules to be Adopted Without a Hearing

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

Department of Natural Resources

Proposed Permanent Rules Relating to Electronic Licensing

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 Rules Governing Electronic Licensing System for: Game and Fish Licenses; Cross-country Ski Passes; Snowmobile Trail Stickers; Watercraft Licenses; and Registration of Off-Highway Motorcycles, Off-road Vehicles, Snowmobiles, and All-terrain Vehicles - *Minnesota Rules*, chapter 6213.

Introduction. The Department of Natural Resources intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on January 27, 1999, a public hearing will be held beginning on February 23, 1999, starting at 1:00 p.m. at the Holiday Inn, 2115 South 6th Street, Brainerd, Minnesota, and reconvening on February 24, 1999, starting at 1:00 p.m., at the Best Western Maplewood Inn, located at Interstate Highway 694 and White Bear Avenue (1780 East County Road D), Maplewood, Minnesota. 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 January 27, 1999 and before February 23, 1999.

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: Karen Beckman, at Department of Natural Resources, 500 Lafayette Road, St. Paul, Minnesota 55155-4026, telephone (651) 297-4941. TTY users may call the Department of Natural Resources at 1-800-657-3929.

Subject of Rules and Statutory Authority. The proposed rules are about electronic issuance of: game and fish licenses; cross-country ski passes; snowmobile trail stickers; watercraft licenses; and registration of off-highway motorcycles, off-road vehicles, snowmobiles, and all-terrain vehicles.

The statutory authority to adopt the rules is *Minnesota Statutes*, sections 84.027, subdivision 15; 84.79; 84.798, subdivision 3; 84.8205; 84.86, subdivision 1; 84.924, subdivision 1; 86B.211; 97A.405, subdivision 3; and 97A.485, subdivision 11.

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 January 27, 1999, 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 January 27, 1999.

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 February 23 and 24, 1999, 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 (651) 297-4941 after January 27, 1999 to find out whether the hearing will be held.

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

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

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

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

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Board at: First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 296-5148 or 1-800-657-3889.

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

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

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

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

Dated: 16 December 1998

Gail Lewellan
Assistant Commissioner of Human Resources and
Legal Affairs

ELECTRONIC LICENSE SYSTEM

6213.0100 DEFINITIONS.

Subpart 1. Scope. For the purposes of parts 6213.0100 to 6213.0800, the terms used have the meanings given them in this part and *Minnesota Statutes*, chapters 84, 86B, 97A, 97B, and 97C.

Subp. 2. Business location. "Business location" means the physical building where the sale of electronic licenses takes place.

Subp. 3. Commissioner. "Commissioner" means the commissioner of natural resources.

Subp. 4. Electronic license. "Electronic license" means a game and fish license, cross-country ski pass, snowmobile trail sticker, watercraft license, or off-road recreational vehicle registration issued under the electronic license system.

Subp. 5. Electronic license system. "Electronic license system" means the Minnesota system of using point-of-sale equipment or a telephone service to collect data and to issue game and fish licenses, cross-country ski passes, snowmobile trail stickers, watercraft licenses, and off-road recreational vehicle registrations.

Subp. 6. Off-road recreational vehicle. "Off-road recreational vehicle" means an off-highway motorcycle, off-road vehicle, snowmobile, or all-terrain vehicle.

6213.0200 APPLICABILITY OF OTHER RULES.

The provisions of chapters 6110 and 6212 regarding issuance of watercraft licenses, game and fish licenses, and cross-country ski passes do not apply to this chapter.

6213.0300 AGENT APPLICATION AND ELIGIBILITY.

Subpart 1. Application. A person interested in obtaining a contract to sell electronic licenses under the electronic license system must file an application to become an agent. The commissioner may prescribe the form of the application and specify the information required on the application. The commissioner may request further information to determine whether the applicant will serve the public convenience and promote the sale of electronic licenses.

Subp. 2. Additional business location. An agent interested in selling electronic licenses at an additional business location not specified in the original contract must submit a separate application to authorize the sale of electronic licenses at each additional business location.

Subp. 3. Watercraft licenses and off-road vehicle registrations. To be eligible to sell watercraft licenses or register off-road recreational vehicles, a person must be appointed as a deputy registrar of motor vehicles by the commissioner of public safety under *Minnesota Statutes*, section 168.33.

6213.0310 SELECTION OF AGENTS.

Subpart 1. Factors to be considered. Before appointing an agent or approving an additional business location, the commissioner shall consider the following factors:

- A. the accessibility of the applicant's business location to the public;
- B. the number and location of existing agents;
- C. the volume of expected electronic license sales; and
- D. the nature and type of business engaged in by the applicant.

The commissioner may contract with agents who fulfill the requirements of parts 6213.0100 to 6213.0800 and who in the commissioner's opinion will best serve the public convenience and promote the sale of electronic licenses.

Subp. 2. **Number of agents.** The commissioner may appoint agents without limitation, except that the commissioner may determine that a sufficient number of agents or locations exists within a given area to adequately serve the public.

6213.0320 RECONSIDERATION OF DENIED APPLICATION.

Subpart 1. **Notice.** If an application to be an agent or add an additional business location is denied, the commissioner shall notify the applicant of the denial in writing and give a brief statement of the reason for denial. The commissioner shall notify the applicant that the applicant may, within 30 days from the day the notice was mailed, request that the commissioner reconsider the application.

Subp. 2. **Request for reconsideration.** A request for reconsideration must include a written statement setting forth the applicant's legal, factual, or equitable arguments, along with any supporting documents. The commissioner may request that the applicant submit additional supporting facts or documents before making a final decision. The commissioner, after considering any additional facts or documents submitted by the applicant, shall make a decision whether to grant or deny a contract or grant or deny an application to amend the contract to authorize an additional business location.

6213.0400 TERMS OF AGENT CONTRACT.

Subpart 1. **Required terms.** An agent contract between the commissioner and an agent must include the terms specified in this part.

Subp. 2. **Sale of electronic licenses.** An agent must agree to make available for sale to the public all electronic licenses covered in the agent's contract with the commissioner.

Subp. 3. **Business location.** An agent must agree to sell electronic licenses only at the business location specified in the contract and at a place on the premises accessible to the public.

Subp. 4. **Hours of operation.** An agent must agree to issue electronic licenses to the public during normal business hours or other hours of operation specified under the contract.

Subp. 5. **Restrictions on sale of electronic licenses.** An agent may not offer electronic licenses for free or at a nominal, reduced, or increased fee except as provided by *Minnesota Statutes*, sections 97A.475 and 97A.485. An agent may not waive all or part of the issuing fee or use electronic licenses in connection with a drawing, raffle, giveaway, or other sales promotion.

Subp. 6. **Displays.** An agent must agree to maintain, as instructed by the commissioner, any displays, notices, or other informational materials relating to electronic licenses that are provided by the commissioner.

Subp. 7. **Communication and electrical needs.** An agent must agree to be responsible for all communication and electrical needs for hook up of point-of-sale equipment.

Subp. 8. **Lost or missing materials and equipment.** An agent must agree to be responsible for lost, stolen, missing, or destroyed electronic licenses and materials and point-of-sale equipment relating to electronic licenses. An agent must provide a deposit not to exceed \$500. The deposit shall be held in a clearing account. The deposit shall be refunded at the time an agent terminates the agent's contract if all point-of-sale equipment and related materials are returned to the commissioner.

Subp. 9. **Records.** An agent must agree to maintain current and accurate records of all electronic license operations in conformance with law and as directed by the commissioner.

Subp. 10. **Access to electronic license operations.** An agent must agree to allow the commissioner access to all materials and equipment related to electronic license operations.

Subp. 11. **Liability for proceeds.** An agent must agree to be liable for all proceeds from the sale of electronic licenses regardless of the manner of payment and for all losses incurred due to credit card fees, nonsufficient funds checks, and counterfeit currency.

Subp. 12. **Liability.** An agent must agree that any contractual or tortious liability incurred by the agent in connection with the sale of electronic licenses is the agent's sole responsibility. The agent must agree to indemnify the commissioner for such liability to the extent permitted by law.

Subp. 13. **Agent status.** An agent must agree that, in the capacity of an agent to sell electronic licenses, the agent is acting on behalf of the commissioner and the state of Minnesota.

Subp. 14. **Rules and law.** An agent must agree to be bound by and comply with applicable provisions of law and rules and instructions and orders issued by the commissioner.

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Proposed Rules

6213.0410 DURATION OF AGENT CONTRACT; TRANSFERABILITY.

Subpart 1. **Duration.** An agent contract remains in effect until the contract is terminated at the request of the agent or is canceled or suspended by the commissioner according to parts 6213.0100 to 6213.0800 or other law.

Subp. 2. **Change in operations.** An agent must notify the commissioner in writing at least 30 days before any change in business location, nature of business, or ownership. The commissioner shall reconsider a contract based on the original application criteria under part 6213.0310 when there is a change in business location, nature of business, or ownership. The commissioner shall cancel the contract if the agent no longer meets the criteria for acceptance of an original application.

Subp. 3. **Transferability.** An agent contract issued under parts 6213.0100 to 6213.0800 may not be transferred.

6213.0420 FORFEITURE OR SUSPENSION OF CONTRACT.

Subpart 1. **Forfeiture of agent contract.** In addition to forfeiture under *Minnesota Statutes*, section 97A.311, subdivision 4, an agent contract is forfeited if the commissioner finds that an agent:

- A. provided false or misleading information on the agent's application to the commissioner; or
- B. acted in a manner prejudicial to the public confidence in the integrity of the Department of Natural Resources.

Subp. 2. **Suspension of agent contract.** The commissioner shall suspend an agent contract until the agent returns to compliance if the commissioner finds that the agent:

- A. changed business location without notice to the commissioner under part 6213.0410;
- B. failed to account for materials and equipment for operation of the electronic license system;
- C. failed to comply with a term or condition of the agent contract;
- D. committed an act that impairs the agent's reputation for honesty and integrity;
- E. failed to properly display license point-of-sale equipment and materials; or
- F. failed to have the financial stability or responsibility to act as an agent.

6213.0500 SALE OF ELECTRONIC LICENSES.

Subpart 1. **Place of sale.** Electronic licenses must be completed at the agent's business location. An agent is responsible for the completion of each electronic license transaction for each electronic license sold at the agent's place of business.

Subp. 2. **Signatures.** An applicant for an electronic license must sign the applicant's full name in the spaces provided on the electronic license form.

Subp. 3. **Resident licenses.** An agent may not issue a resident license to a person unless the agent ascertains that the applicant is a resident, as defined by *Minnesota Statutes*, section 97A.015, subdivision 42, as demonstrated by:

- A. a Minnesota driver's license;
- B. a Minnesota identification card issued under *Minnesota Statutes*, section 171.07, subdivision 3 or 3a;
- C. a firearms safety certificate issued under *Minnesota Statutes*, section 97B.015, subdivision 5; or
- D. a snowmobile safety certificate issued under part 6100.5500, subpart 5.

6213.0510 DUPLICATE LICENSES.

A licensee whose electronic license is lost or destroyed may obtain a duplicate license by applying to an agent and signing the duplicate license under oath.

6213.0600 DEPOSIT AND TRANSFER OF FUNDS.

Subpart 1. **Bank account.**

A. An agent must maintain a bank account in a banking association, savings association, trust company, or credit union organized under the authority of this state or the United States with a place of business in Minnesota. The bank account must be able to accept electronic funds transfers. The agent must provide the commissioner with the following account information and must inform the commissioner if the account is changed:

- (1) the agent's name;
- (2) the agent's electronic license account number;
- (3) the name of the agent's bank;
- (4) the bank address, including city, state, and zip code;
- (5) the transit routing number; and
- (6) the bank account number.

B. The agent must deposit all money received from the sale of electronic licenses into the account described in item A, less the amount retained according to law as the issuing fee. The agent's bank account must be set up to permit the commissioner, through the state treasurer, to electronically transfer the money to the state treasury.

Subp. 2. **Transfer of funds.** Before transferring funds, the commissioner shall notify the agent of the designated amounts to be transferred and the designated time of transfer. At the designated time of transfer, the agent must have sufficient funds on deposit in the bank account to permit the transfer to the state treasury.

Subp. 3. **Instructions for handling funds.** The commissioner shall provide the agent with instructions for the transfer of funds from the agent's bank account to the state treasury and instructions for reconciling any differences between the agent and the commissioner on the amount of money to be electronically transferred.


6213.0700 INSPECTION OF PREMISES.

An agent must allow the commissioner to inspect the agent's business location at any time upon request to determine whether the agent is complying with the provisions of parts 6213.0100 to 6213.0800 and the agent contract. The commissioner may inspect with or without notice to the agent during normal business hours.

6213.0800 REPORTING PROCEDURES.


An agent must file with the commissioner, on a form and in a manner as the commissioner may require, reports of the agent's receipts and transactions in the sale of electronic licenses.

Carrol Henderson, DNR Non-Game Wildlife Specialist
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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 Public Safety

Driver and Vehicle Services Division

Adopted Permanent Rules Relating to Driver Licensing Agents

The rules proposed and published at *State Register*, Volume 23, Number 8, pages 434-448, August 24, 1998 (23 SR 434), are adopted with the following modifications:

7404.0310 EXCEPTIONS.

Subp. 4. **Minimum distance exception.** Notwithstanding part 7404.0300, a new agent may be appointed at an office location in existence as of January 1, 1999, which does not meet the minimum distance in part 7404.0300, if the number of applications accepted by the office meet or exceed the minimums specified in part 7404.0300 during each of the three years preceding the date of application for a new agent appointment.

7404.0360 APPOINTMENT PROCEDURE.

Subp. 3. **Request for appointment.** A request for appointment as an agent must be submitted by the individual seeking appointment to the entity publishing the notice for appointment. The request must specify:

C. whether the individual is ~~employed by, owns, or has a financial interest in, and the percentage of that interest owns or is a partner, officer, or five-percent shareholder~~ in, an entity that:

Subp. 7. **Reasons to deny agent appointment.** An agent appointment must be denied for any of the reasons listed in this subpart.

B. The individual requesting an appointment is ~~employed by, owns, or has a partner, officer, or five-percent or greater financial interest shareholder~~ in an entity that:

7404.0370 APPOINTMENT OF AGENT.

Subp. 2. **Certificate of appointment.** The commissioner shall execute and sign a certificate of appointment that specifies the individual appointed as an agent, the location of the approved office, and the responsibility of the agent to accept applications.

A. The certificate of appointment must be signed by the individual appointed.

B. ~~If the~~ When an appointment is ~~being~~ made by the county board with the approval of the commissioner, the certificate must also be signed by the authorized representative of the county board.

C. ~~If the appointment is made directly by the commissioner, the commissioner shall sign the certificate.~~

Department of Transportation

Adopted Permanent Rules Relating to State-Aid Operations

The rules proposed and published at *State Register*, Volume 23, Number 9, pages 502-518, August 31, 1998 (23 SR 502), are adopted with the following modifications:

8820.0100 DEFINITIONS.

Subp. 2. **Advance.** “Advance” means the authorized expenditure of future funds from any funds available for use on an approved state-aid project. Advanced funds will be repaid to the appropriate account from subsequent apportionments ~~in accordance with the commissioner’s policy.~~

8820.1400 MAINTENANCE, CONSTRUCTION, AND TURNBACK ACCOUNTS; STATE-AID PAYMENTS.

Subp. 11. **County or municipal bond account.** With regard to a county or municipal bond account, a county or urban municipality that resolves to issue bonds payable from the appropriate state-aid fund in accordance with law for the purpose of establishing, locating, relocating, constructing, reconstructing, or improving state-aid streets or highways and, for a county only, constructing buildings and other facilities for maintaining a county state-aid highway under its jurisdiction, shall certify to the commissioner within 30 days following issuance of the bond, the amount of the total obligation and the amount of principal and interest that will be required annually to liquidate the bonded debt. The commissioner shall set up a bond account, itemizing the total amount of principal and interest involved and shall annually certify to the commissioner of finance the amount needed from the appropriate state-aid construction fund to pay the principal due on the obligation, and the amount needed from the appropriate state-aid maintenance fund to pay the current interest. The total maximum annual repayment of funds loaned from the transportation revolving loan fund and state-aid bond funds that may be paid with state-aid funds is limited to 50 percent of the amount of the county’s or urban municipality’s last annual construction allotment preceding the bond issue. Proceeds from bond sales are to be expended only on approved state-aid projects and for items determined to be eligible for state-aid reimbursement. A county or urban municipality that intends to expend bond funds on a specific state-aid project shall notify the commissioner of this intent without delay upon awarding a contract or executing a force account agreement. Upon completion of each such project, a statement of final construction costs must be furnished to the commissioner by the county or the urban municipality. Counties may only fund the portion of maintenance buildings and structures related to state-aid transportation maintenance operations. If a building or structure or any portion of it is used for other than state-aid maintenance purposes during its useful life, the commissioner may determine an amount the county shall pay back to the county’s maintenance account.

8820.2300 TURNBACK, TOWN BRIDGE, AND TOWN ROAD ACCOUNTS.

Subp. 6a. **In lieu payment.** In lieu of contracting work or force account work, the commissioner, with concurrence of the receiving agency, may enter into an agreement to pay a lump sum payment from the turnback account to the receiving agency’s road and bridge account equal to the net value of eligible turnback costs for a project to be constructed within 20 years of the release date.

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Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* §§ 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the *State Register*. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* §§ 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only.

The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

Department of Health

Adopted Exempt Rules Relating to Occupational Therapists

Notice of Adoption

Adopted Exempt Rules Relating to Occupational Therapists, *Minnesota Rules*, Chapter 4666.

Rules Adopted. The Department of Health has adopted rule amendments related to Occupational Therapists following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, section 14.386. Rules adopted under section 14.386 are effective for a period of two years from the date of publication of the rules in the *State Register*. The adopted rule amendments are as follows:

4666.1000 PHYSICAL AGENT MODALITIES.

Subpart 1. General considerations.

A. Occupational therapists who use superficial physical agent modalities must comply with the standards in ~~subparts subpart 3 and 6~~. Occupational therapists who use electrotherapy must comply with the standards in ~~subparts subpart 4 and 7~~. Occupational therapists who use ultrasound devices must comply with the standards in ~~subparts subpart 5 and 8~~. Occupational therapy assistants who use physical agent modalities must comply with subpart 9.

B. Use of superficial physical agent modalities, electrical stimulation devices, and ultrasound devices must be on the order of a physician.

C. The commissioner shall maintain a roster of persons registered under parts 4666.0010 to 4666.1400 who use physical agent modalities. Prior to using a physical agent modality, registrants must inform the commissioner of the physical agent modality they will use ~~and whether they will use the modality as a level one practitioner, level two practitioner, or occupational therapy assistant~~. Persons who use physical agent modalities must indicate on their initial and renewal applications the physical agent modalities that they use ~~and whether they use the modality as a level one practitioner, level two practitioner, or occupational therapy assistant~~.

D. Registrants are responsible for informing the commissioner of any changes in the information required in this subpart within 30 days of any change.

Subp. 2. Written documentation required.

A. Prior to use of physical agent modalities, an occupational therapist ~~who will work as a level one practitioner and an occupational therapy assistant, must possess and maintain the following documentation:~~ must provide to the commissioner documentation verifying that the occupational therapist has met the educational and clinical requirements described in subparts 3 to 9, depending on the modality or modalities used. Both theoretical and clinical application objectives must be met for each modality used. Documentation must include the name and address of the individual or organization sponsoring the activity; the name and address of the facility at which the activity was presented; and a copy of the course, workshop, or seminar description, including learning objectives and standards for meeting the objectives. In the case of clinical application objectives, teaching methods must be documented, including actual supervised practice. Documentation must include a transcript or certificate showing successful completion of the coursework. Practitioners are prohibited from using physical agent modalities independently until granted approval as provided in subpart 10.

~~(1) a signed, notarized statement from a level two practitioner stating that the level two practitioner will provide direct supervision of the level one practitioner or occupational therapy assistant and that the level one practitioner or occupational therapy assistant has completed the clinical training requirements in this part for each physical agent modality used by the level one practitioner or occupational therapy assistant; and~~

- (2) a copy of the course, workshop, or seminar description with a transcript or certificate showing completion of the theoretical training required for each physical agent modality used, from one of the institutions or organizations identified in this part; or
- (3) a copy of current certification as a certified hand therapist by the Hand Therapy Certification Commission.

B. Prior to practice as a level two practitioner using superficial physical agent modalities, an occupational therapist must possess and maintain the following documentation:

- (1) a signed statement from the employer verifying completion of the required number of hours of direct service experience as an occupational therapist; and
- (2) the documentation in item A and a signed, notarized statement from the level two practitioner that the level one practitioner has developed and implemented the treatment plans required in subpart 6, item B, subitem (1); and that the level two practitioner has observed the level one practitioner to be competent in the use of superficial physical agent modalities; or
- (3) the documentation in item A, subitem (2); and a signed, notarized statement from the occupational therapist that the therapist has completed the required number of treatment plans required in subpart 6, item B, subitem (2); or
- (4) a copy of certification as a certified hand therapist from the Hand Therapy Certification Commission that was current during the three-year period following June 17, 1996.

C. Prior to practice as a level two practitioner using electrotherapeutic devices, an occupational therapist must possess and maintain the following documentation:

- (1) a signed statement from the employer verifying completion of the required number of hours of direct service experience as an occupational therapist; and
- (2) the documentation in item A and a signed, notarized statement from the level two practitioner that the level one practitioner has developed and implemented the treatment plans required in subpart 7, item B, subitem (1); and that the level two practitioner has observed the level one practitioner to be competent in the use of electrotherapeutic devices; or
- (3) a copy of certification as a certified hand therapist from the Hand Therapy Certification Commission that was current during the three-year period following June 17, 1996.

D. Prior to practice as a level two practitioner using ultrasound devices, an occupational therapist must possess and maintain the following documentation:

- (1) a signed statement from the employer verifying completion of the required number of hours of direct service experience as an occupational therapist; and
- (2) the documentation in item A and a signed, notarized statement from the level two practitioner that the level one practitioner has developed and implemented the treatment plans required in subpart 8, item B, subitem (1); and that the level two practitioner has observed the level one practitioner to be competent in the use of ultrasound devices; or
- (3) a copy of certification as a certified hand therapist from the Hand Therapy Certification Commission that was current during the three-year period following June 17, 1996.

E. Upon request of the commissioner, persons registered under parts 4666.0010 to 4666.1400 who use physical agent modalities must provide the commissioner with the documentation described in this subpart.

F. Once in each biennial registration period, the commissioner may audit a percentage of persons who are using physical agent modalities, based on random selection. The commissioner shall require that audited persons provide the documentation required by this subpart.

Subp. 3. ~~Level one practitioner; standards~~ Educational and clinical requirements for use of superficial physical agent modalities. An occupational therapist may use superficial physical agent modalities as a level one practitioner if the occupational therapist:

- A. is under the direct supervision of a level two practitioner for superficial physical agent modalities;
- B. ~~has received~~ Theoretical training in the use of the modality that enables the occupational therapist to superficial physical agent modalities must:
 - (1) explain the rationale and clinical indications for use of superficial physical agent modalities;
 - (2) explain the physical properties and principles of the superficial physical agent modalities;

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Exempt Rules

- (3) describe the types of heat and cold transference;
- (4) explain the factors affecting tissue response to superficial heat and cold;
- (5) describe the biophysical effects of superficial physical agent modalities in normal and abnormal tissue;
- (6) describe the thermal conductivity of tissue, matter, and air;
- (7) explain the advantages and disadvantages of superficial physical agent modalities; and
- (8) explain the precautions and contraindications of superficial physical agent modalities;

C. has received the theoretical training specified in item B by meeting the requirements of subitem (1) or (2):

(1) possess written evidence that the occupational therapist received the training required in item B at courses, workshops, or seminars offered through:

(a) a college or university accredited by the Accreditation Council for Occupational Therapy Education for training occupational therapists;

(b) an educational program sponsored or approved by the American Occupational Therapy Association;

(c) an educational program sponsored or approved by the American Society of Hand Therapists;

(d) a college or university accredited by the Commission on Accreditation in Physical Therapy Education for training physical therapists; or

(e) an educational program sponsored or approved by the American Physical Therapy Association.

(2) possess current certification as a certified hand therapist by the Hand Therapy Certification Commission; and

D. has completed clinical training through on-site demonstration to the supervising level two practitioner of theoretical knowledge and technical applications of the modality. This clinical component must include the following clinical experiences for each superficial physical agent modality used by the level one practitioner:

(1) observation of treatments performed by the level two practitioner;

(2) application of the modality to normal physiological tissue to demonstrate appropriate techniques while the supervising level two practitioner is physically present and observing the level one practitioner apply the modality;

(3) application of the modality to persons who would benefit from the treatment while the supervising level two practitioner is physically present and observing the level one practitioner apply the modality; and

(4) demonstration of ability to work within competency in using the specific modality.

B. Clinical application training in the use of superficial physical agent modalities must include activities requiring the practitioner to:

(1) formulate and justify a plan for the use of superficial physical agents for treatment appropriate to its use and simulate the treatment;

(2) evaluate biophysical effects of the superficial physical agents;

(3) identify when modifications to the treatment plan for use of superficial physical agents are needed and propose the modification plan;

(4) safely and appropriately administer superficial physical agents under the supervision of a course instructor or clinical trainer;

(5) document parameters of treatment, case example (patient) response, and recommendations for progression of treatment for the superficial physical agents; and

(6) demonstrate the ability to work competently with superficial physical agents as determined by a course instructor or clinical trainer.

Subp. 4. **Level one practitioner; standards Educational and clinical requirements for use of electrotherapy.** An occupational therapist may use electrotherapy as a level one practitioner if the occupational therapist:

A. is under the direct supervision of a level two practitioner for electrotherapy;

B. has received Theoretical training in the use of electrotherapy that enables the occupational therapist to must:

(1) explain the rationale and clinical indications of electrotherapy, including pain control, muscle dysfunction, and tissue healing;

(2) demonstrate comprehension and understanding of electrotherapeutic terminology and biophysical principles, including current, voltage, amplitude, and resistance (Ohm's law);

(3) describe the types of current (direct, pulsed, and alternating) used for electrical stimulation, including the description, modulations, and clinical relevance;

(4) describe the time-dependent parameters of pulsed and alternating currents, including pulse and phase durations and intervals;

(5) describe the amplitude-dependent characteristics of pulsed and alternating currents;

(6) describe neurophysiology and the properties of excitable tissue (nerve and muscle);

(7) describe nerve and muscle response from externally applied electrical stimulation, including tissue healing;

(8) describe the electrotherapeutic effects and the response of nerve, denervated and innervated muscle, and other soft tissue; and

(9) explain the precautions and contraindications of electrotherapy, including considerations regarding pathology of nerve and muscle tissue;

~~C. has received the theoretical training specified in item B by meeting the requirements of subitem (1) or (2):~~

~~(1) possess written evidence that the occupational therapist received the training required in item B at courses, workshops, or seminars offered through:~~

~~(a) a college or university accredited by the Accreditation Council for Occupational Therapy Education for training occupational therapists;~~

~~(b) an educational program sponsored or approved by the American Occupational Therapy Association;~~

~~(c) an educational program sponsored or approved by the American Society of Hand Therapists;~~

~~(d) a college or university accredited by the Commission on Accreditation in Physical Therapy Education for training physical therapists; or~~

~~(e) an educational program sponsored or approved by the American Physical Therapy Association; or~~

~~(2) possess current certification as a certified hand therapist by the Hand Therapy Certification Commission; and~~

~~D. has completed clinical training through on-site demonstration to the supervising level two practitioner of theoretical knowledge and technical applications of electrical stimulation devices. This clinical component must include the following clinical experiences for each electrical stimulation device used by the level one practitioner:~~

~~(1) observation of treatments performed by the level two practitioner;~~

~~(2) application of the electrical stimulation device to normal physiological tissue to demonstrate appropriate techniques while the supervising level two practitioner is physically present and observing the level one practitioner apply the electrical stimulation device;~~

~~(3) application of the electrical stimulation device to persons who would benefit from the treatment while the supervising level two practitioner is physically present and observing the level one practitioner apply the electrical stimulation device; and~~

~~(4) demonstration of ability to work within competency in using the specific electrical stimulation device.~~

B. Clinical application training in the use of electrotherapy must include activities requiring the practitioner to:

(1) formulate and justify a plan for the use of electrical stimulation devices for treatment appropriate to its use and simulate the treatment;

(2) evaluate biophysical treatment effects of the electrical stimulation;

(3) identify when modifications to the treatment plan using electrical stimulation are needed and propose the modification plan;

(4) safely and appropriately administer electrical stimulation under supervision of a course instructor or clinical trainer;

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

Exempt Rules

(5) document the parameters of treatment, case example (patient) response, and recommendations for progression of treatment for electrical stimulation; and

(6) demonstrate the ability to work competently with electrical stimulation as determined by a course instructor or clinical trainer.

Subp. 5. **Level one practitioner; standards Educational and clinical requirements for use of ultrasound.** An occupational therapist may use an ultrasound device as a level one practitioner if the occupational therapist:

A. is under the direct supervision of a level two practitioner for ultrasound devices;

B. has received Theoretical training in the use of ultrasound that enables the occupational therapist to must:

(1) explain the rationale and clinical indications for the use of ultrasound, including anticipated physiological responses of the treated area;

(2) describe the biophysical thermal and nonthermal effects of ultrasound on normal and abnormal tissue;

(3) explain the physical principles of ultrasound, including wavelength, frequency, attenuation, velocity, and intensity;

(4) explain the mechanism and generation of ultrasound and energy transmission through physical matter; and

(5) explain the precautions and contraindications regarding use of ultrasound devices;

C. has received the theoretical training specified in item B by meeting the requirements of subitem (1) or (2):

(1) possess written evidence that the occupational therapist received the training required in item A at courses, workshops, or seminars offered through:

(a) a college or university accredited by the Accreditation Council for Occupational Therapy Education for training occupational therapists;

(b) an educational program sponsored or approved by the American Occupational Therapy Association;

(c) an educational program sponsored or approved by the American Society of Hand Therapists;

(d) a college or university accredited by the Commission on Accreditation in Physical Therapy Education for training physical therapists; or

(e) an educational program sponsored or approved by the American Physical Therapy Association; or

(2) possess current certification as a certified hand therapist by the Hand Therapy Certification Commission; and

D. has completed clinical training through on-site demonstration to the supervising level two practitioner of theoretical knowledge and technical applications of ultrasound devices. This clinical component must include the following clinical experiences in the use of ultrasound devices for the level one practitioner:

(1) observation of treatments performed by the level two practitioner;

(2) application of ultrasound to normal physiological tissue to demonstrate appropriate techniques while the supervising level two practitioner is physically present and observing the level one practitioner apply ultrasound;

(3) application of ultrasound to persons who would benefit from the treatment while the supervising level two practitioner is physically present and observing the level one practitioner apply the ultrasound; and

(4) demonstration of ability to work within competency in using ultrasound.

B. Clinical application training in the use of ultrasound must include activities requiring the practitioner to:

(1) formulate and justify a plan for the use of ultrasound for treatment appropriate to its use and simulate the treatment;

(2) evaluate biophysical effects of ultrasound;

(3) identify when modifications to the treatment plan for use of ultrasound are needed and propose the modification plan;

(4) safely and appropriately administer ultrasound under supervision of a course instructor or clinical trainer;

(5) document parameters of treatment, case example (patient) response, and recommendations for progression of treatment for ultrasound; and

(6) demonstrate the ability to work competently with ultrasound as determined by a course instructor or clinical trainer.

Subp. 6. [See repealer.]

Subp. 7. [See repealer.]

Subp. 8. [See repealer.]

Subp. 9. **Occupational therapy assistant use of physical agent modalities.** An occupational therapy assistant may set up and implement treatment using physical agent modalities if the assistant meets the requirements of this part, has demonstrated service competency for the particular modality used, and works under the direct supervision of an occupational therapist who ~~is a level two practitioner~~ has met the requirements of this part for the particular modality used. An occupational therapy assistant who uses superficial physical agent modalities must meet the requirements of subpart 3; ~~items B and C.~~ An occupational therapy assistant who uses electrotherapy must meet the requirements of subpart 4; ~~items B and C.~~ An occupational therapy assistant who uses ultrasound must meet the requirements of subpart 5; ~~items B and C.~~ ~~A level two practitioner~~ An occupational therapist may not delegate evaluation, reevaluation, treatment planning, and treatment goals for physical agent modalities to an occupational therapy assistant.

Subp. 10. Approval.

A. The advisory council shall appoint a committee to review documentation under subparts 2 to 9 to determine if established educational and clinical requirements are met.

B. Practitioners shall be advised of the status of their request for approval within 30 days. Practitioners must provide any additional information requested by the committee that is necessary to make a determination regarding approval or denial.

C. A determination regarding a request for approval of training under this part shall be made in writing to the practitioner. If denied, the reason for denial shall be provided.

D. A registrant approved as a level two provider prior to the effective date of this part shall remain on the roster of approved providers under subpart 1.

E. A registrant approved as a level one provider prior to the effective date of this part and who wishes to remain on the roster of approved providers must submit to the commissioner documentation of training and experience gained using physical agent modalities since the registrant's approval as a level one provider. The committee appointed under item A shall review documentation and make a recommendation to the commissioner regarding approval.

F. A practitioner who received training in the use of physical agent modalities prior to the effective date of this part but who has not been placed on the roster of approved providers may submit to the commissioner documentation of training and experience gained using physical agent modalities. The committee appointed under item A shall review documentation and make a recommendation to the commissioner regarding approval.

4666.1100 CONTINUING EDUCATION REQUIREMENTS.

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

Subp. 4. **Activities not qualifying for continuing education contact hours.** No credit shall be granted for the following activities: hospital rounds, entertainment or recreational activities, employment orientation sessions, holding an office or serving as an organizational delegate, meetings for the purpose of making policy, noneducational association meetings, or training related to payment systems (including covered services, coding, and billing); ~~training required by part 4666.1000, subparts 3, item B; 4, item B; and 5, item B.~~

[For text of subs 5 to 9, see M.R.]

REPEALER. Minnesota Rules, parts 4666.0020, subparts 11, 14, and 15; and 4666.1000, subparts 6, 7, and 8, are repealed.

EFFECTIVE DATE. The exempt amendments to Minnesota Rules, parts 4666.1000 and 4666.1100 and the exempt repeal of Minnesota Rules, parts 4666.0020, subparts 11, 14, and 15; and 4666.1000, subparts 6, 7, and 8, expire two years after the date of publication. After the exempt amendments and exempt repealer expire, the permanent rules as they read prior to amendment and repeal again take effect, except as they may be amended by permanent rule.

<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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Executive Orders

Office of the Governor

Emergency Executive Order #98-19: Providing for Assistance to the Stearns 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, on December 11, 1998, at 11:40 a.m. a natural gas explosion obliterated the southeast corner of First Street and Ninth Avenue in downtown St. Cloud; and

WHEREAS, the blast killed 4 citizens, injured 14, destroyed 3 buildings and damaged many others; and

WHEREAS, a six-block area of downtown St. Cloud has been evacuated while rescue workers search for victims and clear debris; and

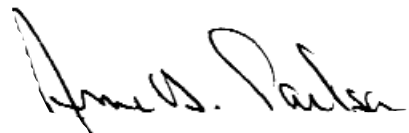
WHEREAS, the Stearns County Sheriff's Department and local authorities do not have adequate resources to sustain perimeter security;

NOW, THEREFORE, I hereby order that:

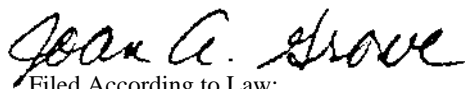
1. The Adjutant General of Minnesota order to active duty on or after December 11, 1998, in the service of the State, such personnel and equipment of the military forces of the State as required and for such period of time as necessary to provide perimeter security in downtown St. Cloud.
2. The Adjutant 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 shall be effective immediately and shall remain in effect until such date as elements of the military forces of the State are no longer required.

IN TESTIMONY WHEREOF, I have set my hand this sixteenth day of December, 1998.



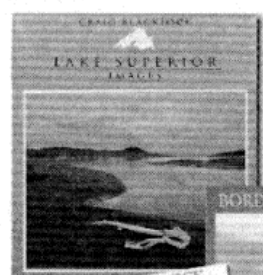



Arne H. Carlson
Governor




Filed According to Law:
Joan Anderson Grove
Secretary of State

Craig Blacklock, noted nature photographer



Lake Superior Images
Photos by Craig Blacklock
Be swept away by the force of this outstanding collection of photographs by noted nature photographer, Craig Blacklock. This softcover edition presents 154 color photos taken as Blacklock first hiked and then sea-kayaked to places inaccessible by road along 1,200 miles of shoreline. Softcover, 192pp.
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11am-1pm



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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 rule-making 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 Administration

State Designer Selection Board (SDSB)

Meeting Time, Date and Agenda of the State Designer Selection Board

Pursuant to SDSB *Minnesota Rule* 3200.0400, below is the schedule of State Designer Selection Board meeting dates, times and agenda items as of December 21, 1998:

- January 12, 9:00 a.m.
 1. Interviews/Award Selection for Project 32-98 University of Minnesota, St. Paul

Unless otherwise stated, all meetings are held in the Administration Building, 50 Sherburne Avenue, St. Paul, Room G-10/Conference Room A. Other matters may come before the Board and be added to the agenda as needed. For additional information, contact Lisa Blue at (651) 297-5526.

Board on Aging

Notice of Meetings of the Minnesota Board on Aging

NOTICE IS HEREBY GIVEN that the 1999 meetings of the Minnesota Board on Aging will be held at 9:00 a.m., at 444 Lafayette Road, Human Services Building, St. Paul, Minnesota on the following dates:

February 19, 1999
March 19, 1999
April 16, 1999
June 18, 1999
July 16, 1999
September 17, 1999
October 15, 1999
December 17, 1999

For additional information please call (651) 296-2770 or 1-800-882-6262.

Department of Agriculture

Rural Finance Authority

Notice of Change in Meeting Schedule, Meeting via Conference Call

Future monthly meetings of the Rural Finance Authority Board are scheduled for 1:00 P.M. at 90 West Plato Blvd. on the following dates in 1999: January 6; February 3; March 3; April 7; May 5; June 2; July 7; August 4; September 1; October 6; November 3; December 1.

Some Members may participate in certain of these meetings by electronic means. In accordance with *Minnesota Statutes* Section 471.705 (1997), the Agency, to the extent practicable, will allow a person to monitor those certain meetings electronically from a remote location. If such monitoring shall occur, the Agency may require the person making such a connection to pay for documented marginal costs that the Agency incurs as a result of the additional connection. For additional information, contact Wayne Marzolf, MN Dept. of Agriculture, 90 W. Plato Blvd., St. Paul, MN 55107 or call (651) 296-1748.

Jim Boerboom
RFA Director

Gambling Control Board

Request for Comments for Planned Amendment to Rules Governing: *Minnesota Rule 7861.0010 - Definitions and Minnesota Rule 7864.0030 - Manufacturer Operations, Accounts, and Records*

Subject of Rules. The Minnesota Gambling Control Board requests comments on its planned amendment to rules governing Definitions (*Minnesota Rule 7861.0010*) and Manufacturer Operations, Accounts, and Records (*Minnesota Rule 7864.0030*). The Board is considering rules that will change the manufacturing standards for pull-tabs, establish a standardized bar code size, and require the inclusion of a payout slip with each deal of pull-tabs manufactured and packaged for sale in Minnesota. The Board also plans to incorporate the statutory definition of a pull-tab into its rules.

Persons Affected. The amendment to the rules will affect manufacturers of pull-tabs.

Statutory Authority. *Minnesota Statutes* 349.151, subdivision 4(a)(5) authorizes the Board to make rules necessary to regulate lawful gambling to insure that it is conducted in the public interest.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing or orally until further notice is published in the *State Register* that the Board intends to adopt or to withdraw the rules. The Board does contemplate appointing an advisory committee to comment on the planned rules. The advisory committee will consist of representatives from pull-tab manufacturing companies, distributors of lawful gambling equipment, and the charities that use the pull-tabs in their lawful gambling operations. It is anticipated that the public advisory committee will meet every three weeks commencing in mid-January and that the meetings will last for 3 hours. The Board expects that there will be six or fewer advisory committee meetings.

Rules Drafts. The Board has not yet prepared a draft of the planned rule amendments. Rules drafts will be available beginning with the first meeting of the public advisory committee.

Agency Contact Person. Written or oral comments, questions, requests to receive rules drafts, and requests for more information on these planned rules should be addressed to:

Sharon Beighley, Rules Coordinator
Minnesota Gambling Control Board
1711 W County Rd B #300S
Roseville, MN 55113
(651) 639-4035 - telephone
(651) 639-4032 - FAX
Sharon_Beighley@notes.mdor.state.mn.us (E-mail)

TTY users may call 1-800-627-3529 and ask to place a call to (651) 639-4000.

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

Note: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The Board is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: 14 December 1998

Harry W. Baltzer
Executive Director
Minnesota Gambling Control Board

Department of Health

Environmental Health Division

Department of Agriculture

Food and Dairy Inspection Division

Request for Comments for Planned Rules Governing Certification of Managers of Food Service Operations

Subject of Rules. The Minnesota Department of Health and the Minnesota Department of Agriculture request comments on their planned joint rules governing the certification of managers of food service operations. The Departments are considering rules that require a food service operation licensed by the Department of Health or the Department of Agriculture to employ a food manager who has been certified by Department of Health. The planned rule will also address the training and exam requirements for certification. Thirdly, the planned rule will address the procedures and requirements for food manager training courses and exams to secure Department of Health approval for this certification program.

This Notice supercedes the Request for Comments published in the *State Register* on July 1, 1996 (21 S.R. 10). The previous notice applied solely to the Department of Health. In August 1998, the Department of Health and the Department of Agriculture jointly adopted the Minnesota Food Code, *Minnesota Rules*, chapter 4626. In order to continue the uniform approach to food safety in Minnesota, the Departments are jointly planning food manager certification rules.

Persons Affected. The rules would likely affect:

- operations licensed by the Department of Health as food or beverage establishments under *Minnesota Statutes*, chapter 157;
- operations licensed by the Department of Agriculture as retail food handlers under *Minnesota Statutes*, chapter 28A;
- food service industry workers seeking certification as a food manager; and
- persons, businesses, academic institutions, government agencies, or other entities that provide or intend to provide food manager training or exams.

In addition to the above food industry parties, the rules will affect consumers of food in the State of Minnesota.

Statutory Authority. *Minnesota Statutes*, section 157.011, requires the Department of Health to adopt rules for the certification of food service managers. *Minnesota Statutes*, section 144.122, item (a), authorizes the Department of Health to assess a reasonable fee for certifications issued under the authority of the commissioner. *Minnesota Statutes*, section 31.11, authorizes the Department of Agriculture to adopt rules for the purpose of protecting and preserving the public health as it relates to the manufacture, use, sale, and transportation of food.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing until further notice is published in the *State Register* that the Departments intend to adopt or to withdraw the rules. Under the Request for Comment previously published by the Department of Health (21 S.R. 10), an advisory committee was convened. The committee had broad industry and government representation including staff from the Department of Agriculture and their regulated parties. The rule draft that is available under the following provision was reviewed by the advisory committee. The Departments do not contemplate appointing another advisory committee.

Rules Drafts. The Departments have prepared a draft of the planned rules.

Agency Contact Person. Written comments, questions, and requests for more information on these planned rules should be addressed to:

Gunilla Montgomery
Division of Environmental Health, Department of Health
121 East Seventh Place, Suite 220
P.O. Box 64975
St. Paul, Minnesota 55164-0975
Phone: (651) 215-0704
FAX: (651) 215-0977
TTY: (651) 215-0707
E-mail: gunilla.montgomery@health.state.mn.us

Ms. Montgomery is representing both the Department of Health and the Department of Agriculture for purposes of this rulemaking.

Official Notices

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

Note: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The Departments are required to submit to the judge only those written comments received in response to the rules after they are proposed.

Department of Human Services

Health Care - Purchasing and Service Delivery

Public Notice of Disproportionate Population Adjustment Paid for Inpatient Hospital Services under the Minnesota Health Care Programs

NOTICE IS HEREBY GIVEN to recipients, to providers, and the general public concerning the disproportionate population adjustment (DPA) that is paid for inpatient hospital services under the Minnesota Health Care Programs. The listed DPA factors are effective for admissions occurring from January 1, 1999 through December 31, 1999. The DPA is based on the Medical Assistance (MA) inpatient days utilization rate of a hospital compared to the mean utilization rate of all Minnesota non-state owned hospitals and Minnesota local trade area hospitals. The utilization rate of each hospital is calculated by dividing MA patient days by total patient days as derived from Medicare cost report data from the base year that is used for all rate setting.

Federal law requires hospitals to meet section 1923(d) of the Social Security Act at the time that an admission occurs in order to qualify for a DPA payment. Basically, section 1923(d) requires the hospital to meet criteria regarding the provision of obstetric services or specific exemptions. However, *Minnesota Statutes* provide for a hospital payment adjustment that is equal to the DPA for hospitals that do not meet the federal criteria. Since a hospital may change eligibility status over time, both the DPA and hospital payment adjustment are listed. The federal requirements do not affect DPA payments under General Assistance Medical Care (GAMC).

The MA and MinnesotaCare DPA is calculated as the difference between a hospital's utilization rate and the mean utilization rate. The DPA for a hospital with a utilization rate that is above the mean plus one standard deviation is increased by 10 percent. The MA and MinnesotaCare inpatient total rate of each hospital is increased by the indicated percentage.

The GAMC DPA is calculated as the difference between the hospital's utilization rate and the mean plus one standard deviation utilization rate. The inpatient operating rate of each hospital is increased by the indicated percentage.

In addition to the listed DPA percentage, an intergovernmental transfer of \$1,515,000 that is considered to be a DPA is paid each month to a hospital that received more than 13 percent of the total 1991 MA inpatient payments (Hennepin County Medical Center) and \$505,000 is paid to a hospital that received more than 8 percent of total 1991 MA inpatient payments and is affiliated with the University of Minnesota (Fairview/University Medical Center).

Questions or comments may be directed to:

Richard Tester
Inpatient & Health Center Services Unit
Payment Policy Division
Health Care Administration
Department of Human Services
444 Lafayette Road North
St. Paul, Minnesota 55155-3853
(651) 296-5596

DISPROPORTIONATE POPULATION ADJUSTMENT

January 1, 1999

Minnesota and Minnesota Local Trade Area Hospitals

Mean	0.1042	MA	
Std Dev	0.0748	MINNESOTA	
Mean + Std Dev	0.1790	CARE DPA	GAMC DPA
		PERCENT	PERCENT

Provider No.	Hospital	
529245000	Minnesota Valley, LeSueur	0.02
199245700	Lakewood, Baudette	0.02
395845100	Windom Area	0.10
155047100	Monticello/Big Lake	0.16
304745800	Immanuel/St. Joseph's, Mankato	0.17
521247200	Pipestone	0.38
708052200	Buffalo	0.44
739045900	Lake View, Two Harbors	0.49
624345200	Unity, Fridley	1.25
408045900	St. Joseph's, Park Rapids	1.31
393247800	Virginia Regional	1.44
695045100	Cloquet Community	1.67
298745700	Rice Memorial, Willmar	1.71
623847500	Owatonna	1.90
736045200	St. Joseph's, Brainerd	1.93
995047800	Granite Falls	1.99
735547500	Meritcare, Fargo ND	2.24
883747300	St. Cloud	2.31
381347900	First Care Med Serv, Fosston	2.52
108745200	Kanabec County, Mora	2.87
502347500	Renville County, Olivia	2.89
185347300	Franciscan Skemp, LaCrosse	2.89
025745100	Clearwater Memorial, Bagley	2.91
754347600	Tri-County, Wadena	3.00
535845100	Cuyuna Range, Crosby	3.04
712047800	St. Joseph's, St.Paul	3.10
855345900	Chippewa County, Montevideo	3.11
890347600	St. Olaf, Austin	3.27
365745100	Cook County North Shore, Grand Marais	3.32
342547900	Roseau Area	3.32
745317500	Mayo Psych, Rochester	3.38 *
739745300	Mahnomen County & Village	3.40
573047300	St. Mary's, Duluth	3.43
731047100	Northwestern, TRF	3.51
861347800	Riverview, Crookston	3.69

Official Notices

Mean	0.1042	MA	
Std Dev	0.0748	MINNESOTA	
Mean + Std Dev	0.1790	CARE DPA	GAMC DPA
		PERCENT	PERCENT
Provider No.	Hospital		
710047700	Fairview Northland, Princeton	3.91	
039845400	North Valley, Warren	4.59	
972847300	St. Luke's, Duluth	5.01	
777545800	North Mem Med Center, Mpls.	5.01	
038345700	Itsaca, Grand Rapids	5.42	
672522800	Vencor Hospital, Golden Valley	5.72 *	
174545000	St. Mary's, Detroit Lakes	5.81	
019545600	Weiner Mem, Marshall	5.91	
618245300	Community, Deer River	6.19	
846747100	Holy Family, New Richmond WI	6.41	
807252300	Long Prairie	6.56	
190247400	Mille Lacs Hospital, Onamia	6.58	
341547300	Glacial Ridge, Glenwood	6.78	
468845700	International Falls Memorial	6.79	
502847700	University Medical Center, Hibbing	7.06	
238245800	Cambridge Memorial Hospital	9.21	0.89
860747800	Olmsted Community, Rochester	9.52	1.17
692847100	Miller/Dwan, Duluth	10.03	1.64
314545000	Bemidji Hospital	10.58	2.14
694245800	Mercy Hospital, Coon Rapids	10.75	2.29
921547600	Healtheast Bethesda	12.03	3.46
686745600	Zumbrota Community	12.22	3.63
616845100	Fairview/University Medical Center	14.04	5.28
114247000	Greater Staples Hospital	16.63	7.64
048545400	Northern Itasca, Bigfork	16.83	7.82
157245800	Henn Co Medical Center, Mpls.	26.98	17.05
422247400	Regions Hospital, St. Paul	27.62	17.63
996047300	Gillette Children's, St. Paul	27.96	17.94
141847500	Children's Health Care, St. Paul	30.91	20.62
435247500	Children's Health Care, Mpls	31.53	21.18

*Hospital Payment Adjustment

Department of Human Services

Health Care - Purchasing and Service Delivery

Public Notice Regarding Payment Rates Related to Inpatient Hospital Services under the Medical Assistance Program

NOTICE IS HEREBY GIVEN to recipients, providers of services under the Medical Assistance (MA) program, and to the public, of the payment rates for inpatient hospital services. The proposed and final rates are effective for admissions on or after January 1, 1999. This notice is published pursuant to the federal Balanced Budget Act of 1997 (P.L. 105-33). Section 4711 of the Balanced Budget Act, amending Title XIX of the Social Security Act (42 U.S.C. § 1396a(a)(13)), requires the Department to publish proposed and final hospital payment rates, the methodology underlying the establishment of such rates, and the justification for such rates.


This notice informs the public that the payment rates for inpatient hospital services for admissions on or after January 1, 1999 have been calculated and individual hospitals have been notified of their applicable rates. These January 1, 1999 payment rates are final because they are established under current law, *Minnesota Statutes*, sections 256.9685, 256.9686, 256.969 and 256.9695 and *Minnesota Rules*, parts 9500.1090 to 9500.1140. The MA program uses a diagnosis related groups payment system. Under this payment system, inpatient hospital services are divided into diagnostic categories. Each diagnostic category represents a broad clinical category differentiated from all others based on the body system and cause of disease. Proposed changes to the diagnostic categories were published in the *State Register* on November 30, 1998 (23 S.R. 1272).

The inpatient hospital rates effective January 1, 1999, have been rebased to reflect more recent data. These rates have increased by an average of 1.7 percent. In addition to the changes in the rates and diagnostic categories, the relative values for the diagnostic categories have also changed. The Department intends to submit an amendment to its MA State plan during the first quarter of 1999 to incorporate the changes made to the diagnostic categories.

Individual inpatient hospital payment rates are available by contacting:

Richard Tester
 Inpatient & Health Center Service Unit
 Payment Policy Division
 Health Care - Purchasing and Service Delivery
 444 Lafayette Road North
 St. Paul, Minnesota 55155-3853
 (651) 296-5596.

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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.

Minnesota Historical Society

Historic Preservation Grant Application Deadlines

The application deadline for the Minnesota Historical Society's F.Y. 1999 federal Certified Local Government (CLG) matching grants program is 4:30 p.m., Thursday, March 4, 1999. Cities with local historic preservation ordinances, commissions, and programs certified by the State Historic Preservation Office and the National Park Service are eligible applicants. It is anticipated that at least \$62,000 will be awarded.

There are six areas of eligible program activity for this grants cycle. They are: 1.) Survey; 2.) Evaluation; 3.) National Register Nomination Forms; 4.) Local Designation Forms; 5.) Comprehensive Planning; and 6.) Public Education. Projects that will receive special priority are those that: promote surveys in areas of known development activity in order to reduce project delays; promote continuing development of data for planning use; reflect the goals and strategies in the 1995 statewide preservation plan; result in local designations; and involve properties associated with the history of heretofore under-documented groups or communities (ethnic or racial minorities for example, but also other groups defining themselves as communities).

Instructions regarding the full range of eligible activities and information on the project selection process and selection criteria are found in the F.Y. 1999 CLG Grants Manual. To request a complete application package or for further information contact Mandy Skypala at (651) 296-5478, E-mail the Grants Office - mandy.skypala@mnhs.org, or write to the Grants Office, Minnesota Historical Society, 345 West Kellogg Blvd., Saint Paul, MN 55102-1906.

This program receive Federal funds from the National Park Service. Regulations of the U.S. Department of the Interior strictly prohibit unlawful discrimination in departmental Federally assisted programs on the basis of race, color, national origin, age, or disability. Any person who believes he or she has been discriminated against in any program, activity, or facility operated by a recipient of Federal assistance should write to: Director, Equal Opportunity Program, U.S. Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127.

Department of Human Services

Notice of Availability of Grant Funds to Acquire and Implement a Collection System for Multiple Debt Types Owed the Department

Purpose

The purpose of this Request for Proposal (RFP) is to acquire and implement a Collection System for use by the Reimbursement Division in the collection of multiple debt types owed to the Department of Human Services (DHS), for the State of Minnesota.

Background

The DHS Reimbursement Division bills and collects for an array of services and support provided to certain individuals with mental illness, chemical dependency, traumatic brain injuries, developmental disabilities, or in need of nursing facility level of care. The Reimbursement Division is also responsible for the collection of debts owed by businesses such as banks, counties, and other governmental agencies. Many of the collections are based on an "ability to pay" formula, and balances must be adjusted when there is a change in a client's income.

The Reimbursement Division is currently collecting receivables without a collection system. All accounts are worked from billing systems that include no collection functionality, other than aging and minimal tracking.

Collection cases currently exceed 12,000. These cases are managed by seven collection officers and one supervisor. These users are centrally located. The number of users must be expandable to fifty, with some staff requiring view-only capabilities. Some of these users may be located at remote sites. The collection case load volume could double with acquisition of an automated collection system that interfaces with MAPS ARS and other billing systems.

Objective

DHS plans to enhance its collection practices by centralizing all work from multiple billing systems into one integrated collection system. The Project DHS intends to implement will lead to the consolidation of its collection efforts, and will be similar to collection systems used by most private sector collection agencies.

DHS is interested in software programs that can be merged with existing infrastructure to enhance receivable management and reportability, and that can better position the department for future trends.

Inquiries

The complete Reimbursement Division Collection System RFP may be obtained by contacting Jennifer Hyser at the address or telephone number below. Questions regarding this proposal may be addressed solely and only to:

Ms. Jennifer Hyser
Department of Human Services
Reimbursement Division
444 Lafayette Road
St. Paul, MN 55155-3824
Voice: (651) 296-4568
FAX: (651) 297-3030

Questions are due in writing or by FAX on Wednesday, 01/13/99, at 4:00 P.M.

Proposals

All proposals must be received by:

Ms. Buffy Lindell
Department of Human Services
Reimbursement Division
c/o Information Desk - First Floor
444 Lafayette Road
St. Paul, MN 55155-3824

No later than **4:00 P.M. on Monday, February 1, 1999**. Late proposals and faxed proposals will not be considered. Late proposals received by mail will be returned unopened.

Department of Human Services

Notice of Availability of Grant Funds to Acquire and Implement Integrated Pharmacy and Dietary Systems for All State Operated Health Care Services

Purpose

The purpose of this Request for Proposal (RFP) is to acquire and implement integrated Pharmacy and Dietary systems (hereafter "Project") for all state operated health care services for the State of Minnesota, Department of Human Services (DHS).

Background

DHS provides an array of services and support to certain individuals with mental illness, chemical dependency, traumatic brain injuries, developmental disabilities, and in need of nursing facility level of care. These individuals are served through State owned and operated campuses, and through a network of community based facilities. A total of eight inpatient campus facilities with over 160 physicians and 2,000 utilized beds serve over 5,000 admissions annually. The dollar volume generated is currently in excess of \$145 million per year. In addition, another 5,000 clients receive outpatient, group home, day training and habilitation (DT&H), crisis, and other services provided by the network annually. Group homes, DT&H, and crisis services produce additional revenue in excess of \$34 million.

Objective

DHS plans to enhance its billing practices by moving from an all inclusive per diem rate to an itemized fee for service billing system. To support this move, DHS intends to implement new Dietary and Pharmacy systems. DHS also intends to implement a new clinical system to support this move, and the new Dietary and Pharmacy systems need to interface with this new system.

State Grants & Loans

DHS is interested in obtaining systems that best meet the service requirements and that are most competitively priced. DHS prefers to acquire operationally integrated Dietary and Pharmacy systems from a single vendor, which eliminates the need to develop an interface between these two systems. DHS will entertain responses from vendors who submit proposals solely for a Dietary or Pharmacy system that include a plan for integration.

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

Inquiries

Questions regarding this proposal may be addressed solely and only to:

Ms. Terry Gailliot
Department of Human Services
State Operated Services
444 Lafayette Road
St. Paul, MN 55155-3826
Voice: (651) 282-6203
FAX: (651) 297-1539

Questions are due in writing or by FAX on Friday, 01/22/99 at 3:00 P.M. CST.

Proposals



All proposals must be received by:

Ms. Terry Gailliot
Department of Human Services
State Operated Services Support
c/o Information Desk - First Floor
444 Lafayette Road
St. Paul, MN 55155-3826

No later than **3:00 P.M. CST on Monday, February 8, 1999**. Late proposals and any faxed proposals will not be considered. Late proposals received by mail will be returned unopened to the submitter.

Eleanor Ostman, St. Paul Pioneer Press food columnist
Eleanor's writing style:
"Erma Bombeck meets the Reader's Digest".
...favorite recipes from among nearly 4,000 tested for the column

Always on Sunday
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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].

Department of Administration

Division of State Building Construction

Notice of Extension of Expiration Date From December 31, 1998 to March 31, 1999 for Current Professional Services Lists

The following "current" Professional Services Lists with an expiration date of December 31, 1998 will be extended until March 31, 1999 in order to provide time to carefully evaluate and prepare master contracts from the responses received to five different Requests for Proposals with due dates of December 5, 1998 and December 11, 1998:

1. **Department of Health licensed asbestos abatement designers to design, prepare construction drawings and monitor construction of asbestos remediation projects.**
2. **Qualified professionally registered/State or Nationally certified individuals and firms to conduct site surveys, materials testing, soil borings and tests, hazardous materials remediation layout, or air monitoring.**
3. **Qualified professionally registered architects, engineers and landscape architects to provide investigatory services only (no design) on projects.**

Fax questions regarding this notice to Sharon Schmidt at (651) 296-7650.

Minnesota State Colleges and Universities (MnSCU)

Invitation to Bid for Price Agreement Contract for Binding Books, Periodicals, Paperbacks and Newspapers

Sealed bids will be received by the system office of the Minnesota State Colleges and Universities, 500 World Trade Center, 30 East Seventh Street, St. Paul, Minnesota 55101, on or before January 28, 1999 at 2:00 P.M., at which time they will be publicly opened and read aloud.

Copies of the specifications and bid instructions may be obtained by calling Carol Zwinger at (651) 296-7506 or via FAX request at (651) 296-8488. All bids to be considered must be submitted on MnSCU approved bid forms.

The award will be based upon, but not necessarily limited to, factors of price, lead time, and agreement to MnSCU's terms and conditions.

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

Department of Employee Relations

Notice of Extension of Deadline for Responses to the Minnesota Department of Employee Relations Request for Proposals (RFP) for Care System Administrators

The Minnesota Department of Employee Relations (DOER), which administers the State Employee Group Insurance Program (SEGIP), published an announcement of a Request for Proposals (RFP) for Care System Administrators on November 9, 1998. The deadline for responses to this RFP has been extended to 4:00 p.m. Tuesday, January 19, 1999. Please note: Monday, January 18, 1999 is a State and Federal holiday, and potential respondents should take this into account when preparing to submit their responses to us by 4:00 p.m. Tuesday, January 19, 1999. Late responses will not be accepted.

Professional, Technical & Consulting Contracts

Our RFP seeks responses from potential vendors to provide administrative services in the event we implement a care systems health care delivery model. We are seeking vendors to provide the full range of administrative services for the care systems health care delivery model, including, but not limited to: claims processing, member services, data collection and reporting, care system and other health care service vendor contracts, and other related services. Vendors may submit proposals independently, or may suggest partnerships, subcontracts or other means to provide the services described in this RFP. Vendors who feel that they can provide the full range of services listed in this RFP (either independently or in partnerships), but who feel that they cannot service our entire population should not be deterred from submitting a response. We are open to possibly contracting with more than one "full-service" administrator or administrative entity.

NOTE: We plan to contract for administrative services under the care systems model only with entities which hold and maintain a license under *Minnesota Statutes* (M.S.) Chapters 62A, 62C, or 62D for the duration of the contract. We will accept responses to this RFP from entities which are not currently licensed under *Minnesota Statutes* 62A, 62C, or 62D, so long as the response to the RFP includes a plan and timetable to obtain an appropriate license or to partner with an entity which is appropriately licensed by the start of the contract period.


To request a copy of the RFP, please contact:

Donna M. Olson
Department of Employee Relations
200 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155
Tel.: (651) 282-6822
FAX: (651) 296-5445
E-mail: donna.olson@doer.state.mn.us

Responses to the RFP and any other questions should be directed only to:

David K. Haugen
Minnesota Department of Employee Relations
200 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155
Tel. (651) 296-3159
FAX. (651) 296-5445
E-mail: David.Haugen@state.mn.us

Responses to our RFP for Care Systems administrators are due to Mr. Haugen at the above address by 4:00 p.m., Tuesday, January 19, 1999.



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Department of Health

Health Policy & Systems Compliance Division

Change in Deadline for Notice of Request for Proposals for Actuarial Services

The Minnesota Department of Health is seeking proposals from firms with strong qualifications in health plan operations and affairs. The MDH is the regulatory agency that licenses health maintenance organizations. The Managed Care Systems Section reviews premium rates for large group, small employer, individual, conversion, and Medicare supplement plans for actuarial justification and compliance with *Minnesota laws*. The contractor will be required to submit a letter of understanding for approval prior to the start of any project. The letter of understanding will include a description of the tasks to be completed, and estimated time line, a list of personnel that will work on the project and their hourly billing rate, and a detailed budget. Tasks will include: reviewing the health maintenance organization or community integrated services network rate information, requesting supporting documentation as appropriate, and recommending approval, disapproval or rate adjustment.

Details are contained in a request for proposals which may be obtained by contacting:

Sue Oudsema
Minnesota Department of Health
Health Policy and Systems Compliance Division
121 East Seventh Place
P.O. Box 64975
St. Paul, Minnesota 55164-0975
(651) 282-5608

Proposals are due by 4:00 p.m. on January 19, 1999.

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 more information regarding certification, contact the Materials Management Helpline at (612) 296-2600 TTY (612) 282-5799.

A North Woods Holiday

Celebrate a North Woods Holiday
with Minnesota's Bookstore as we welcome guest authors:
Craig Blacklock, noted nature photographer,
Eleanor Ostman, St. Paul Pioneer Press food columnist
and *Carrol Henderson*, DNR Non-Game Wildlife Specialist/author

Friday, December 4
11am-1pm
Minnesota's Bookstore
117 University Ave.
St. Paul
1/2 block West of State Capitol

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.

Minnesota Historical Society

Request for Bids for Dismantling of Wood Barn and Granary Forestville State Park Preston, Minnesota

The Minnesota Historical Society is seeking bids for the dismantling of a wood barn and granary structure located in Fillmore County off Highway 118, north of Historic Forestville in Forestville State Park in Preston, Minnesota. The project will involve dismantling of structures to salvage the wood to be delivered to Forestville and Lower Sioux Agency in Morton, Minnesota. All work will be in accordance with the Technical Specifications, Instructions to Bidders, Supplementary Conditions, General Conditions, the Contract, and the Request for Bids.

The Request for Bid 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; e-mail: jenna.gruen@mnhs.org.

All bids must be received by Jenna E. Gruen, Contracting Officer for the Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102 or an authorized agent no later than 2:00 pm Central Time, Wednesday, January 27, 1999. A bid opening will be conducted at that time. Bids must be submitted in a sealed envelope with the project name clearly written on the envelope. A Bid Bond must be included in the amount of 5% of the total base bid if the total base bid is over \$50,000. Late bids 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.

There will be a mandatory pre-bid meeting for all interested parties on January 13, 1999 at 11:00am at the site.

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

Minnesota Historical Society

Notice for Request for Bids Printing Services

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

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; e-mail: jenna.gruen@mnhs.org.

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, January 14, 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.

Metropolitan Council

Notice of Request for Proposals (RFP) for Assisting the Council with Off-Site Records Storage

The Metropolitan Council is requesting proposals for technical and professional services to assist the Council with long term off-site storage of records. Currently, there are 8,500 boxes in storage, which consist of a combination of paper records, microfilm and back-up tapes. The anticipated activity counts are listed below:

Current box inventory	8,500
Monthly average box retrievals	10 trips / 60 boxes
Monthly average new boxes	50 / 1.2 cubic foot boxes
Monthly destruction (average)	25 / 1.2 cubic foot boxes

A tentative schedule for vendor selection is:

Issue Request for Proposals	December 1998
Site Visit and Informational Meeting	January 1999
Receive Proposals	January 1999
Selection of Firm	January 1999
Metropolitan Council authorization	February 1999
Contract negotiated, executed, NTP	March 1999

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 Environmental Services
230 East Fifth Street
Mears Park Centre
St. Paul, MN 55101

Inquiries regarding this project should be directed to Stephen Greenwood at (651) 602-1077.

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.

St. Paul Water Utility

Request for Proposals to Review of Emergency Response Plan

The Saint Paul Water Utility is soliciting proposals from qualified individuals or firms to review the current Vadnais Watershed Emergency Response Plan and prepare an Emergency Management Report.

Proposals must be submitted on or before 2:00 p.m., January 27, 1999 in room 280 City Hall/Court House, 15 W Kellogg Blvd, Saint Paul, MN 55102. Proposal forms and specifications are available in the Division of Contract & Analysis Services, Room 280 City Hall/Court House.

Project Manager: Bill Tschida (651) 266-6265
Buyer: Duane Kroll (651) 266-8905

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.

