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#43	Monday 26 April	Noon Wednesday 14 April	Noon Tuesday 20 April
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FOR LEGISLATIVE NEWS

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

Contact: Senate Public Information Office (651) 296-0504
Room 231 State Capitol, St. Paul, MN 55155

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 *State Register Contracts Supplement*, 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.

Volume 23, Issues # 40-42

(Issues #1-39 cumulative appeared in issue #39)

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2955.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0080; .0090;
.0100; .0110; .0120; .0130; .0140; .0150; .0160; .0170 (adopted) ... 2001
2965.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0080; .0090;
.0100; .0110; .0120; .0130; .0140; .0150; .0160; .0170 (adopted) ... 1997

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3512.5200 (adopted) 1928

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6266.0400 (expedited emergency) 1933

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7080.0020; .0400; .0450 (additional hearing sites) 1927

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7409.1100 (adopted exempt) 1932

7411.0100; .0200; .0300; .0800; .3200 (adopted exempt) 1931

7411.7100; .7400; .7700 (adopted exempt) 1933

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7819.0050; .0100; .0200; .1000; .1100; .1200; .1250; .3000; .3100;
.3200; .3300; .4000; .4100; .5000; .9900; .9905; .9910; .9915;
.9920; .9925; .9930; .9935; .9940; .9945; .9950 (adopted) 2004

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8700.0100; .0300; .0500; .7800; 8710.2000; .3000; .3100; .3200;
.4000; .4050; .4100; .4150; .4200; .4250; .4300; .4350; .4400;
.4450; .4500; .4550; .4600; .4650; .4700; .4750; .4800; .4825;
.4850; .4900; .4950; .5000; .5100; .5200; .5300; .5400; .5500;
.5600; .5700; .5800; .6000; .6200; .6300; .6400 (adopted) 1928

8700.2700 effective Sept 1, 2001; .2810 (repealed) 1928

RENUMBER 8700.0100 to 8710.0100; 8700.0600 to 8710.0200;

8700.0200 to 8710.0300; 8700.0500 to 8710.0350; 8700.7800 to

8710.0400; 8700.0210 to 8710.0500; 8700.0400 to 8710.0600;

8700.0501 to 8710.0700; 8700.0700 to 8710.0800; 8700.0800 to

8710.0850; 8700.2500 to 8710.0900; 8700.0300 to 8710.1000;

8700.0502 to 8710.1100; 8700.7300 to 8710.1200; 8700.7400 to

8710.1300; 8700.2400 to 8710.1400 (renumbered) 1928

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 Corrections

Adopted Permanent Rules Governing Certification of Programs for Residential Treatment of Adult Sex Offenders

The rules proposed and published at *State Register*, Volume 23, Number 15, pages 787-806, October 12, 1998 (23 SR 787), are adopted with the following modifications:

2965.0020 DEFINITIONS.

Subp. 6. **Certificate.** "Certificate" means the document issued by the commissioner certifying that a ~~licensed~~ residential adult sex offender program has met the requirements of this chapter.

Subp. 23. **Residential adult sex offender treatment program.** "Residential adult sex offender treatment program" means a program ~~certified by the commissioner~~ that provides sex offender treatment to adult sex offenders and in which the offender resides ~~and offering a program of services on a 24-hour basis, at least during the primary phases of treatment, in a facility or housing unit exclusive to the program and set apart from the general correctional population. A program's treatment and residential services may be provided in separate locations.~~

2965.0030 PROCEDURES FOR CERTIFICATION.

Subp. 2. **Application for renewal of certification.** The administrative director or other person in charge of a certified residential adult sex offender treatment program must file an application to renew certification ~~must be filed~~ with the commissioner at least 60 days prior to expiration of the current certificate. The ~~applicants must file the materials required in the application packet described in subpart 4 and application must include~~ a record of changes in the treatment program or facility during the period covered by the current certification and contemplated changes for the coming certification period. The changes or contemplated changes are subject to approval pursuant to part 2965.0060, subpart 2.

2965.0040 CONDITIONS OF CERTIFICATION.

Subpart 1. **Issuance of certificate.** An applicant must be issued a certificate if the residential adult sex offender treatment program conforms with this chapter, or the ~~commissioner determines that the applicant is making satisfactory progress toward conformance; and the quality and outcomes of the treatment services and interests and well-being of the clients and staff are protected~~ applicant has been granted a variance under the procedure in part 2965.0070.

Subp. 6. **Commissioner approval of proposed changes required.** The certificate holder must notify the commissioner in writing and obtain the commissioner's approval at least 20 days prior to making any changes in relevant licensing or accreditation conditions; staffing patterns that reduce the amount of program services; the total number of hours; or the type of program services offered to clients.

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

Adopted Rules

~~Subp. 7. **Void.** The certification is void if there is a change in location, organization, procedure, or policies which affect either the terms of the certification or any relevant facility license or accreditation, the program's continuing eligibility for certification, or the facility's continuing eligibility for licensure, or accreditation.~~

2965.0050 MONITORING OF CERTIFIED PROGRAMS.

Subpart 1. **Purpose.** Each certified residential adult sex offender treatment program must be monitored to ensure that it is in compliance with the standards established in this chapter. Monitoring is conducted by department personnel with ~~demonstrated~~ understanding and expertise in program evaluation and the treatment of adult sex offenders.

2965.0060 DENIAL, REVOCATION, SUSPENSION, AND NONRENEWAL OF CERTIFICATION.

Subpart 1. **Compliance required.** The commissioner must deny the application for certification of an applicant which does not comply with this chapter. The commissioner must revoke or suspend the certification of a residential adult sex offender treatment program if the program does not comply with this chapter. ~~The commissioner must not renew the certification of an applicant who has a history of failure to comply with the standards and procedures of this chapter.~~

~~Subp. 2. **Commissioner approval of proposed changes required.** The certificate holder must notify the commissioner in writing and obtain the commissioner's approval at least 20 days prior to making any changes in relevant licensing or accreditation conditions, staffing patterns that reduce the amount of program services, the total number of hours, or the type of program services offered to clients.~~

~~Subp. 2. 3. **Notice of noncompliance.** The commissioner must notify by certified mail provide any applicant or certificate holder who does not comply with this chapter that the certificate may be denied, revoked, suspended, or not renewed. This notice must be sent by certified mail and state the grounds for such action and must inform the applicant or certificate holder of the actions required to correct the situation or to apply for a variance and that the applicant or certificate holder has 30 days to respond and comply with the requirements of the notice of noncompliance.~~

~~Subp. 3. 4. **Notice to program of action.** After the 30-day period to respond to the notice of noncompliance has expired, a certificate holder of a program that does not take the action required by the notice of noncompliance must be notified in writing, by certified mail, that the program's certificate has been denied, revoked, suspended, or not renewed. The notice must inform the applicant or certificate holder of the right to appeal the commissioner's action.~~

~~Subp. 4. 5. **Shortened notice to program of action.** A program whose residential or correctional facility license or accreditation is revoked, suspended, or not renewed, or a program whose operation poses an immediate danger to the health and safety of the clients or the community, must have its certificate revoked or suspended by the commissioner upon delivery of the notice of revocation or suspension to the certificate holder or any staff person at the program.~~

~~Subp. 5. 6. **Notification to commissioner of investigation or litigation.** An applicant or certificate holder must notify the commissioner by the next working day if the program or any of its staff has:~~

~~Subp. 6. 7. **Temporary suspension.** A program's certification may be temporarily suspended if subpart 5 6, item A, B, or C, applies and the commissioner determines that there is a likelihood that the program will be rendered ineffective by the investigation or litigation or there is a risk of harm to a client or the community related to the violation alleged.~~

~~Subp. 7. 8. **Revocation.** Absent the existence of mitigating factors, a program's certification may be revoked if the program or any of its staff is found guilty of any charges or liable for in any litigation relating to action outlined in subpart 5, item A, B, or C 6. Mitigating factors will be evaluated according to relevant criteria under part 2965.0070, subpart 2.~~

~~Subp. 8. 9. **Appeals.** An applicant or certificate holder whose application for certification is denied or whose certificate is revoked, suspended, or not renewed may appeal the commissioner's action. The appeal must be in writing and mailed to the commissioner within 30 days of the date of the notice of action in subpart 3 4. The commissioner may reconsider the action of the department or may arrange a date for hearing the appeal with the Office of Administrative Hearings. The department must advise the appellant of the department's action on the appeal no later than 30 days after the receipt of the written appeal to the commissioner. An applicant or certificate holder not satisfied with the commissioner's action on appeal may file an appeal to the Office of Administrative Hearings.~~

2965.0080 STAFFING REQUIREMENTS.

Subp. 2. **Administrative director required.** The program must employ or have under contract an administrative director who meets the requirements under part 2965.0090, subpart 2 3.

Subp. 4. **Clinical supervisor required; duties.** The program must employ or have under contract a clinical supervisor who meets the requirements under part 2965.0090, subpart 3 4. For each client in the program, a clinical supervisor must provide at least two hours per month of clinical supervisory service. The clinical supervisor must establish a staff evaluation and supervision procedure that identifies the performance and competence of each treatment staff person and ensures that each staff person received the guidance and support needed to provide treatment services in the areas in which they practice the person practices. At least four hours per month must be devoted to the clinical supervision of each staff person providing treatment services. Clinical supervision of staff may be provided in individual or group sessions. The clinical supervisor must document all clinical supervisory activities in the appropriate location.

Subp. 5. **Sex offender treatment staff required.** The program must employ or have under contract staff who are responsible for and qualified to deliver sex offender treatment services in the program. ~~The~~ These sex offender treatment staff include: the clinical supervisor who meets the qualifications in part 2965.0090, subpart ~~3~~ 4; the sex offender therapist who meets the qualifications in part 2965.0090, subpart ~~4~~ 5; and the sex offender counselor who meets the qualifications in part 2965.0090, subpart ~~5~~ 6.

Subp. 10. **Examiners conducting psychophysiological assessments of deception.** A program that uses psychophysiological assessments of deception as part of its services must employ or contract with an examiner to conduct the procedure who meets the requirements under part 2965.0090, subpart ~~6~~ 7.

Subp. 11. **Examiners conducting psychophysiological assessments of sexual response.** A program that uses psychophysiological assessments of sexual response as part of its services must employ or contract with an examiner to conduct the procedure who meets the requirements under part 2965.0090, subpart ~~7~~ 8.

2965.0090 STAFF QUALIFICATIONS AND DOCUMENTATION.

Subp. ~~2~~ 2. **Criminal convictions.** An applicant or certificate holder may choose to hire or retain an employee or prospective employee to work directly with a client who has a criminal conviction. The applicant or certificate holder must notify the commissioner of this fact and provide relevant information about the decision. The commissioner will review the conviction under the criteria in Minnesota Statutes, section 364.03, to determine if certification should be denied or a variance required. For purposes of this part, a conviction shall be deemed to be directly related to the work if it was for any of the offenses defined as criminal sexual behavior under part 2965.0010, subpart 12, or for a crime of violence under Minnesota Statutes, section 624.712, subdivision 5.

Subp. ~~2~~ 3. **Qualifications for administrative director.** In addition to the requirements ~~of~~ in subpart 1, an administrative director must meet the criteria in items A to C.

A. An administrative director must hold a postgraduate degree in the behavioral sciences or a field relevant to administering a sex offender program from an accredited college or university, with at least two years of work experience providing services in a correctional or human services program. Alternately, ~~a program an~~ an administrative director must hold a bachelor's degree in the behavioral sciences or field relevant to administering a sex offender program from an accredited college or university, with a minimum of four years of work experience in providing services in a correctional or human services program.

Subp. ~~3~~ 4. **Qualifications for clinical supervisor.** In addition to the requirements in subpart 1, a clinical supervisor must meet the criteria in items A to C.

Subp. ~~4~~ 5. **Qualifications for sex offender therapist.** In addition to the requirements ~~under~~ in subpart 1, a sex offender therapist must meet the criteria in items A to C.

Subp. ~~5~~ 6. **Qualifications for sex offender counselor.** In addition to the requirements ~~under~~ in subpart 1, a sex offender counselor must meet the criteria in items A to C.

Subp. ~~6~~ 7. **Qualifications for examiners conducting psychophysiological assessments of deception.** The examiner conducting psychophysiological assessments of deception must:

Subp. ~~7~~ 8. **Qualifications for examiners conducting psychophysiological assessments of sexual response.**

Subp. ~~8~~ 9. **Documentation of qualifications.**

A. The department shall accept ~~one of~~ the following as adequate documentation that the staff described in subparts ~~2~~ 3 to ~~7~~ 8 have the required qualifications:

Subp. ~~9~~ 10. **Existing staff exempt from qualifications for current position when this chapter becomes effective.** Administrative directors and sex offender treatment staff who have been in their positions for six months or more at the time this chapter becomes effective are exempt from the qualifications specified for their position in this part, but must meet the qualifications required under subpart 1 or for other positions defined in this part.

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

2965.0100 STANDARDS FOR SEX OFFENDER ADMISSION AND ASSESSMENT.

Subp. 7. **Dimensions included in assessment report.** The assessment ~~report~~ must include, but is not limited to, baseline information about the following dimensions, as appropriate:

A. a description of the client's conviction or adjudication offense, noting the facts of the criminal complaint, the client's description of the offense, any discrepancies between the client's and the ~~official's official~~ or victim's description of the offense, and ~~a~~ the assessor's conclusion about the reasons for any discrepancies in the information;

B. the client's history of perpetration of sexually abusive and criminal sexual behavior and delineation of patterns of sexual response ~~which that~~ considers such variables as:

(9) the reported degree of sexual arousal or response prior to, during, and after any sexually abusive and criminal sexual behaviors;

C. the client's developmental sexual history that considers such variables as:

(1) family ~~or~~ of origin or other caretaker attitudes about sexuality and the sexual atmosphere;

(9) masturbation pattern and history;

J. identification of factors that may inhibit as well as contribute to the commission of offensive behavior ~~which that~~ may constitute significant aspects of the client's offense cycle and their current level of influence on the client.

Subp. 9. **Assessment conclusions and recommendations.**

C. The interpretations, conclusions, and recommendations described in the assessment report must:

(2) note any issues or questions ~~which that~~ exceed the level of knowledge in the field or the expertise of the assessor; and

Subp. 10. **Assessment report.** The assessment report must be based on the conclusions and recommendations of the treatment team review. One qualified sex offender treatment staff person who is also a team member must be responsible for the integration and completion of the written report, which is signed and dated and placed in the client's file. The report must include at least the following areas:

D. a conclusion regarding the appropriateness of the client for placement in the program:

(2) if residential sex offender treatment is determined to be appropriate, the report must present:

(b) recommendations, as appropriate, for the client's needs for services in adjunctive areas such as health, chemical dependency, education, vocational skills, recreation, and leisure activities;

2965.0110 STANDARDS FOR INDIVIDUAL TREATMENT PLANS.

Subp. 2. **Explanation, signature, and copies required.** The individual treatment plan must be explained and a copy provided to the client and, if appropriate, the client's family or legal guardian. The program must seek a written acknowledgment that the client and, if appropriate, the client's family or legal guardian have received and understand the individual treatment plan. The individual treatment plan and documentation related to it must be kept at the facility program in the client's case file. A copy of the client's individual treatment plan must be made available to the supervising agent, if requested, when it is completed.

2965.0120 STANDARDS FOR REVIEW OF CLIENT PROGRESS IN TREATMENT.

2965.0140 PROGRAM STANDARDS FOR RESIDENTIAL TREATMENT OF ADULT SEX OFFENDERS.

Subp. 3. **Goals of sex offender treatment.** The ultimate goal of residential adult sex offender treatment is to protect the community from criminal sexual behavior by reducing the client's risk of reoffense. ~~To the extent that a conflict develops between community protection and client rights, community protection must be given the greater import.~~

B. The client must choose to stop and act to prevent the circumstances that lead to sexually abusive and criminal sexual behavior and other abusive or aggressive behaviors from occurring. The program must provide activities and procedures that are designed to assist clients:

(10) develop a detailed reoffense prevention plan that:

(c) identifies a network of persons who support the client in achieving the desired cognitive and behavioral change which includes the client's family or legal guardian, as appropriate;

2965.0150 STANDARDS FOR DELIVERY OF SEX OFFENDER TREATMENT SERVICES.

Subp. 5. **Size of group therapy and psychoeducation groups.** Group therapy sessions must not exceed ten clients per group. Psychoeducation groups must not exceed a sex offender treatment staff-to-client ratio of ~~one to 16~~ one-to-20.

Subp. 6. **Duty to monitor services provided by providers under contract to certificate holder.** The certificate holder must monitor the amount, type, quality, and effectiveness of a any service provided to a client by a provider under contract to a certificate holder to provide ~~service~~ services to a client. If the certificate holder has reason to believe the services provided to a client by a provider under contract to a certificate holder are not provided according to the client's individual treatment plan ~~or~~, are not effective, or are not in compliance with this chapter, the certificate holder must ~~find~~ inform the contractor and take action to correct the situation. If no satisfactory resolution can be achieved, the certificate holder must contract with an alternate provider of services for the client as soon as possible.

2965.0160 STANDARDS FOR USE OF SPECIAL ASSESSMENT AND TREATMENT PROCEDURES.

Subp. 2. **Specific standards for the psychophysiological assessment of deception.** In addition to the requirements in subpart 1, the standards in items A and B apply if a psychophysiological assessment of deception is used.

B. The procedure must be administered by a qualified examiner as described in part 2965.0090, subpart ~~6~~ 7.

Subp. 3. **Specific standards for the psychophysiological assessment of sexual response.** In addition to the requirements under subpart 1, the standards in items A and B apply if the psychophysiological assessment of sexual response is used.

B. The procedure must be administered by a qualified examiner as described in part 2965.0090, subpart ~~7~~ 8.

Department of Corrections

Adopted Permanent Rules Governing Certification of Programs for Residential Treatment of Juvenile Sex Offenders

The rules proposed and published at *State Register*, Volume 23, Number 18, pages 1010-1029, November 2, 1998 (23 SR 1010), are adopted with the following modifications:

2955.0020 DEFINITIONS.

Subp. 23. **Residential juvenile sex offender treatment program.** "Residential juvenile sex offender treatment program" means a program ~~certified by the commissioner~~ that provides sex offender treatment to juvenile sex offenders in which the offender resides ~~and offering a program of services on a 24 hour basis, at least during the primary phases of treatment, in a facility or housing unit exclusive to the program and set apart from the general correctional population. A program's treatment and residential services may be provided in separate locations.~~

2955.0030 PROCEDURES FOR CERTIFICATION.

Subp. 2. **Application for renewal of certification.** The administrative director or other person in charge of a certified residential juvenile sex offender treatment program must file an application to renew certification with the commissioner at least 60 days prior to expiration of the current certificate. The application must include a record of changes in the treatment program or facility during the period covered by the current certification and contemplated changes for the coming certification period. The changes or contemplated changes are subject to approval pursuant to part 2955.0060, subpart 2.

2955.0040 CONDITIONS OF CERTIFICATION.

Subpart 1. **Issuance of certificate.** An applicant must be issued a certificate if the residential juvenile sex offender treatment program conforms with this chapter, or the ~~commissioner determines that the applicant is making satisfactory progress toward conformance, and the quality of treatment and the interests and well-being of the clients and staff are protected~~ applicant has been granted a variance under the procedure in part 2955.0070.

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

~~Subp. 6. **Commissioner approval of proposed changes required.** The certificate holder must notify the commissioner in writing and obtain the commissioner's approval at least 20 days prior to making any changes in relevant licensing or accreditation conditions, staffing patterns that reduce the amount of program services, the total number of hours, or the type of program services offered to clients.~~

~~Subp. 7. **Void.** The certification is void if there is a change in location, organization, procedure, or policies that affect either the terms of the certification or any relevant facility license or accreditation, the program's continuing eligibility for certification, or the facility's continuing eligibility for licensure, or accreditation.~~

2955.0050 MONITORING OF CERTIFIED PROGRAMS.

Subpart 1. **Purpose.** Each certified residential juvenile sex offender treatment program must be monitored to ensure that it is in compliance with the standards established in this chapter. Monitoring is conducted by department personnel with ~~demonstrated~~ understanding and expertise in program evaluation and the treatment of juvenile sex offenders.

2955.0060 DENIAL, REVOCATION, SUSPENSION, AND NONRENEWAL OF CERTIFICATION.

Subpart 1. **Compliance required.** The commissioner must deny the application for certification of an applicant that does not comply with this chapter. The commissioner must revoke or suspend the certification of a residential juvenile sex offender treatment program if the program does not comply with this chapter. ~~The commissioner must not renew the certification of an applicant who has a history of failure to comply with the standards and procedures of this chapter.~~

~~Subp. 2. **Commissioner approval of proposed changes required.** The certificate holder must notify the commissioner in writing and obtain the commissioner's approval at least 20 days prior to making any changes in relevant licensing or accreditation conditions, staffing patterns that reduce the amount of program services, the total number of hours, or the type of program services offered to clients.~~

~~Subp. 3. **Notice of noncompliance.** The commissioner must notify by certified mail provide any applicant or certificate holder that does not comply with this chapter that its certificate may be denied, revoked, suspended, or not renewed. This notice must be sent by certified mail and state the grounds for such action and must inform the applicant or certificate holder of the actions required to correct the situation or to apply for a variance and that the applicant or certificate holder has 30 days to respond and comply with the requirements of the notice of noncompliance.~~

~~Subp. 4. **Notice to program of action.** After the 30-day period to respond to the notice of noncompliance has expired, an applicant or certificate holder that does not take the action required by the notice of noncompliance must be notified in writing, by certified mail, that its certificate has been denied, revoked, suspended, or not renewed. The notice must inform the applicant or certificate holder of the right to appeal the commissioner's action.~~

~~Subp. 5. **Shortened notice to program of action.** A program whose residential or correctional facility license or accreditation is revoked, suspended, or not renewed, or a program whose operation poses an immediate danger to the health and safety of the clients or the community, must have its certificate revoked or suspended by the commissioner upon delivery of the notice of revocation or suspension to the certificate holder or any staff person at the program.~~

~~Subp. 6. **Notification to commissioner of investigation or litigation.** An applicant or certificate holder must notify the commissioner by the next working day if the program or any of its staff has:~~

~~Subp. 7. **Temporary suspension.** A program's certification may be temporarily suspended if subpart 6, item A, B, or C, applies and the commissioner determines that there is a likelihood that the program will be rendered ineffective by the investigation or litigation or there is a risk of harm to a client or the community related to the violation alleged.~~

~~Subp. 8. **Revocation.** Absent the existence of mitigating factors, a program's certification may be revoked if the program or any of its staff is found guilty of any criminal charges or liable in any civil litigation related to actions relating to action outlined in subpart 5, item A, B, or C. Mitigating factors will be evaluated according to relevant criteria under part 2955.0070, subpart 2.~~

~~Subp. 9. **Appeals.** An applicant or certificate holder whose application for certification is denied or whose certificate is revoked, suspended, or not renewed may appeal the commissioner's action. The appeal must be in writing and mailed to the commissioner within 30 days of the date of the notice of action in subpart 3 4. The commissioner may reconsider the action of the department or may arrange a date for hearing the appeal with the Office of Administrative Hearings. The department must advise the appellant of the department's action on the appeal no later than 30 days after the receipt of the written appeal to the commissioner. An applicant or certificate holder not satisfied with the commissioner's action on appeal may file an appeal to the Office of Administrative Hearings.~~

2955.0080 STAFFING REQUIREMENTS.

Subp. 5. **Sex offender treatment staff required.** The program must employ or have under contract staff who are responsible for and qualified to deliver sex offender treatment services in the program. ~~The~~ These sex offender treatment staff include: the clinical supervisor who meets the qualifications in part 2955.0090, subpart 3; the sex offender therapist who meets the qualifications in part 2955.0090, subpart 4; and the sex offender counselor who meets the qualifications in part 2955.0090, subpart 5.

2955.0090 STAFF QUALIFICATIONS AND DOCUMENTATION.

Subpart 1. **Qualifications for all employees working directly with clients.** All persons working directly with clients must meet the following requirements:

- A. meet the rule requirements of the applicable residential or correctional facility license or accreditation; ~~if any;~~ and
- B. be at least 21 years of age; ~~and~~
- ~~C. have a criminal records check before employment at the program.~~

Subp. 2. **Qualifications for administrative director.** In addition to the requirements ~~of~~ in subpart 1, an administrative director must meet the criteria in items A to C.

Subp. 4. **Qualifications for sex offender therapist.** In addition to the requirements ~~under~~ in subpart 1, a sex offender therapist must meet the criteria in items A to C.

Subp. 5. **Qualifications for sex offender counselor.** In addition to the requirements ~~specified under~~ in subpart 1, a sex offender counselor must meet the criteria in items A to C.

Subp. 8. **Documentation of qualifications.**

A. The department shall accept ~~one of~~ the following as adequate documentation that the staff described in subparts 2 to 7 have the required qualifications:

2955.0100 STANDARDS FOR SEX OFFENDER ADMISSION AND ASSESSMENT.

Subp. 4. **Reassessment.** At the discretion of the clinical supervisor ~~or~~ treatment team, a full or partial reassessment may be conducted to assist in decisions regarding the client's progress in treatment, movement within the structure of the program, receipt or loss of privileges, and discharge from the program.

2955.0140 PROGRAM STANDARDS FOR RESIDENTIAL TREATMENT OF JUVENILE SEX OFFENDERS.

Subp. 3. **Goals of sex offender treatment.** The ultimate goal of residential juvenile sex offender treatment is to protect the community from criminal sexual behavior by reducing the client's risk of reoffense. ~~To the extent that a conflict develops between community protection and client rights, community protection must be given the greater import.~~

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Adopted Rules

Public Utilities Commission

Adopted Permanent Rules Governing Standards for Users of Public Rights-of-Way

The rules proposed and published at *State Register*, Volume 23, Number 18, pages 1136-1151, November 2, 1998 (23 SR 1136), are adopted with the following modifications:

7819.0050 APPLICABILITY.

With the exception of part 7819.1100, subparts 1 and 2 and the associated plates at parts 7819.9900 to 7819.9950, part 7819.1200, ~~and~~ part 7819.5000, and part 7819.5100, this chapter applies to all local government units that have elected, pursuant to *Minnesota Statutes*, section 237.163, subdivision 2, to exercise the authority to manage their public rights-of-way under *Minnesota Statutes*, sections 237.162 and 237.163. Part 7819.1100, subparts 1 and 2 and the associated plates at parts 7819.9900 to 7819.9950, part 7819.1200, ~~and~~ part 7819.5000, and part 7819.5100 apply whether or not the local government unit has elected to manage its public right-of-way under *Minnesota Statutes*, sections 237.162 and 237.163. Part 7819.1200 is not applicable to a local government unit that has adopted an ordinance requiring a right-of-way user to obtain a permit or to provide a notice for certain types of work in lieu of a permit.

This chapter applies to all right-of-way users as defined in part 7819.0100, subpart 21.

For right-of-way users subject to the franchising authority of a local government unit, to the extent that rights, duties, and obligations regarding the use of the public right-of-way are addressed in the terms of any applicable franchise agreement, the terms of the franchise prevail over any conflicting provisions in this chapter.

7819.0100 DEFINITIONS.

Subp. 2. **Abandoned facility.** "Abandoned facility" means ~~(1)~~ a facility no longer in service ~~and~~ or physically disconnected from a portion of the operating facility, or from any other facility, that is in use or still carries service; ~~or (2).~~ A facility ~~that is~~ not deemed abandoned unless declared so by the right-of-way user.

The definition of abandoned facility in this chapter is not meant to affect the treatment of the term abandoned facility under any other rules.

Subp. 25. **Utility service.** "Utility service" includes: (1) services provided by a public utility as defined in *Minnesota Statutes*, section 216B.02, subdivisions 4 and 6; (2) services of a telecommunications right-of-way user, including the transporting of voice or data information; (3) services provided by a cable communications system as defined in *Minnesota Statutes*, chapter 238; (4) natural gas or electric energy or telecommunications services provided by a local government unit; (5) services provided by a cooperative electric association organized under *Minnesota Statutes*, chapter 308A; and (6) ~~services provided by a~~ water, sewer, or district steam, cooling, or heating system services.

7819.0200 HIGH-DENSITY CORRIDOR.

An ordinance establishing the procedure for installing a high-density corridor must conform to the following standards:

C. ~~In order to require the relocation of~~ Existing telecommunications facilities ~~into~~ shall not be relocated to the high-density corridor, ~~the local government unit must make a written finding of compelling need unless required pursuant to part 7819.3100.~~

7819.1100 RESTORATION OF RIGHT-OF-WAY.

Subp. 3. **Degradation cost fee.** A right-of-way user may elect to pay a degradation fee in lieu of restoration. However, the right-of-way user shall remain responsible for replacing and compacting the subgrade and aggregate base material in the excavation and the degradation fee must not include the cost to accomplish these responsibilities.

7819.1200 NOTICE.

Subpart 1. **Requirement.** Except in the case of an emergency, before initiating excavation in ~~or~~ a public right-of-way, obstruction of a public right-of-way for more than two hours, or obstruction of more than one lane of traffic, the right-of-way user shall notify the local government unit in writing ~~or, if required, obtain a permit.~~ The information in the notice must include the name, address, and telephone number of the right-of-way user and any contractors involved in the excavation; the anticipated start and completion dates; the typical depth of the lines; and the general location of the work.

Subp. 2. **Waiver.** The local government unit may waive all or any portion of the requirements of subpart 1. A waiver of the notice requirement must be renewed on an annual basis, ~~subject to negotiation between the right-of-way user and~~ unless a different waiver period is agreed to by the local government unit.

Subp. 3. **Applicability.** This part is not applicable to a local government unit that has adopted an ordinance requiring a right-of-way user to obtain a permit or to provide a notice for certain types of work in lieu of a permit.

7819.1250 INDEMNIFICATION.

Subp. 2. **Claims indemnified.** The local government unit may require the permittee to defend, indemnify, and hold harmless the local government unit from all liability or claims of liability for bodily injury or death to persons, or for property damage, in which the claim:

B. is based on the local government unit's ~~negligence~~ negligent or otherwise wrongful act or omission in issuing the permit or in failing to properly or adequately inspect or enforce compliance with a term, condition, or purpose of the permit granted to the permittee.

Subp. 5. ~~Construction~~ **Local government unit's authorization to proceed.** ~~A construction authorization issued by~~ A local government ~~unit~~ unit's authorization to proceed with excavation or obstruction in the right-of-way pursuant to notice under part 7819.1200 is deemed a permit for the purpose of this part.

7819.3000 CONSTRUCTION PERFORMANCE BOND.

Subpart 1. **Authority to require performance bond.** At the time of application for an excavation permit, the local government unit may require a right-of-way user who elects to restore the right-of-way to post a construction performance bond, as defined in part 7819.0100, subpart ~~3~~ 6.

A local government unit does not need to provide a construction performance bond to ensure the restoration of streets following its own excavation.

7819.3300 ABANDONED FACILITIES.

A right-of-way user shall notify the local government unit when facilities are to be abandoned. A right-of-way user that has abandoned facilities in a right-of-way shall remove them from that right-of-way ~~during the next scheduled local government unit excavation~~ if required in conjunction with other right-of-way repair, excavation, or construction, unless this requirement is waived by the local government unit.

7819.4100 REQUIRED MAPPING INFORMATION.

Subp. 5. **Manner of conveying permit data.** A right-of-way user is not required to provide or convey mapping information or data in a format or manner that is different from what is currently utilized and maintained by that user. A permit application fee may include the cost to convert the data furnished by the right-of-way user to a format currently in use by the local unit of government. These data conversion costs, unlike other costs that make up permit fees, may be included in the permit fee after the permit application process.

7819.5000 INSTALLATION OF TELECOMMUNICATIONS FACILITY.

Subpart 1. **Requirements.** The following requirements pertain to telecommunications facility installation in a public right-of-way.

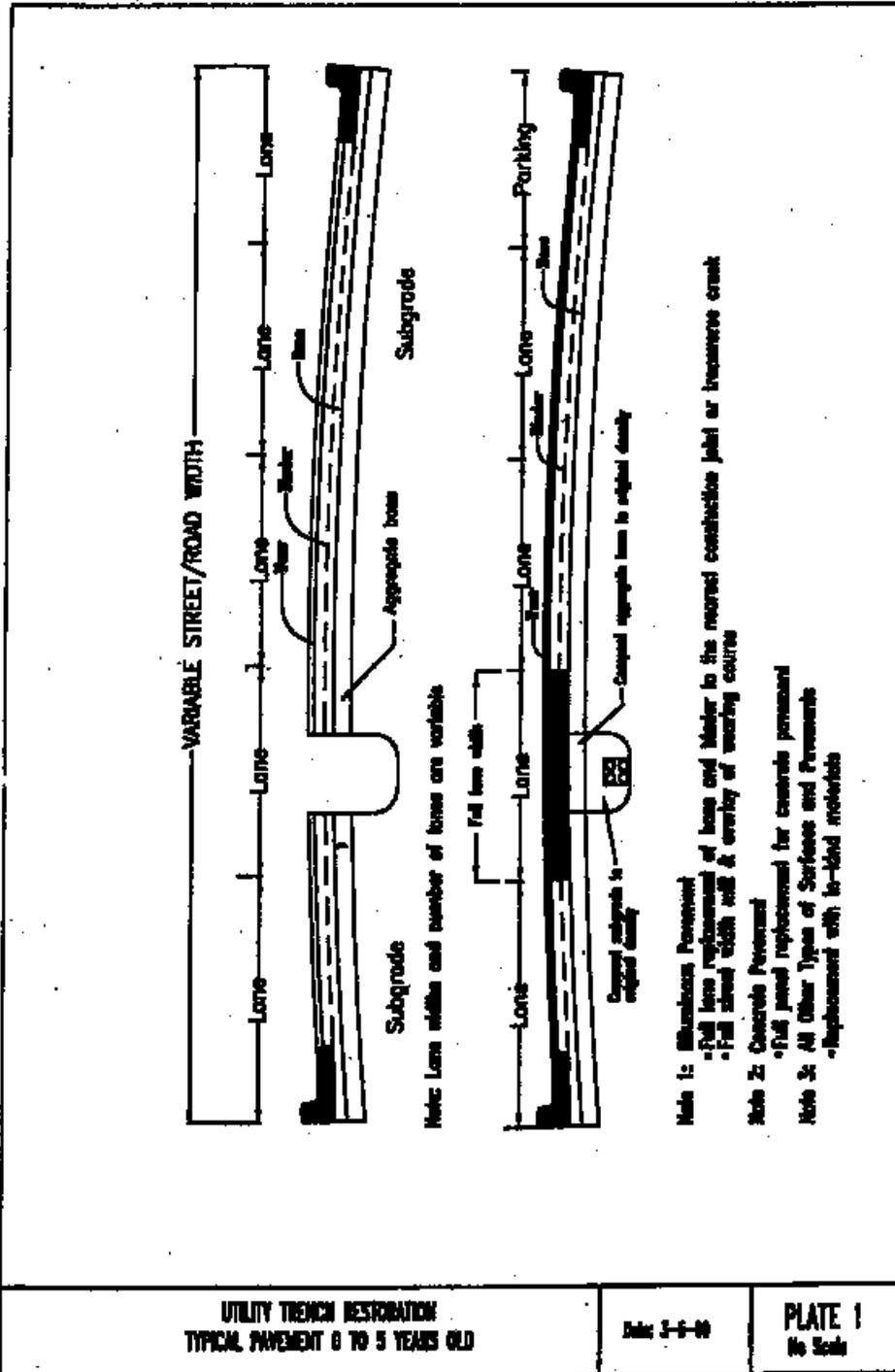
F. A buried fiber facility, conditions permitting, must be placed at a minimum depth of 36 inches below the surface and at a maximum depth of 48 inches, unless ~~this requirement is waived~~ otherwise altered by the local government unit on a case-by-case basis.

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Adopted Rules

7819.9900 UTILITY TRENCH RESTORATION; PLATES 1 AND 2.

Subpart 1. Plate 1.

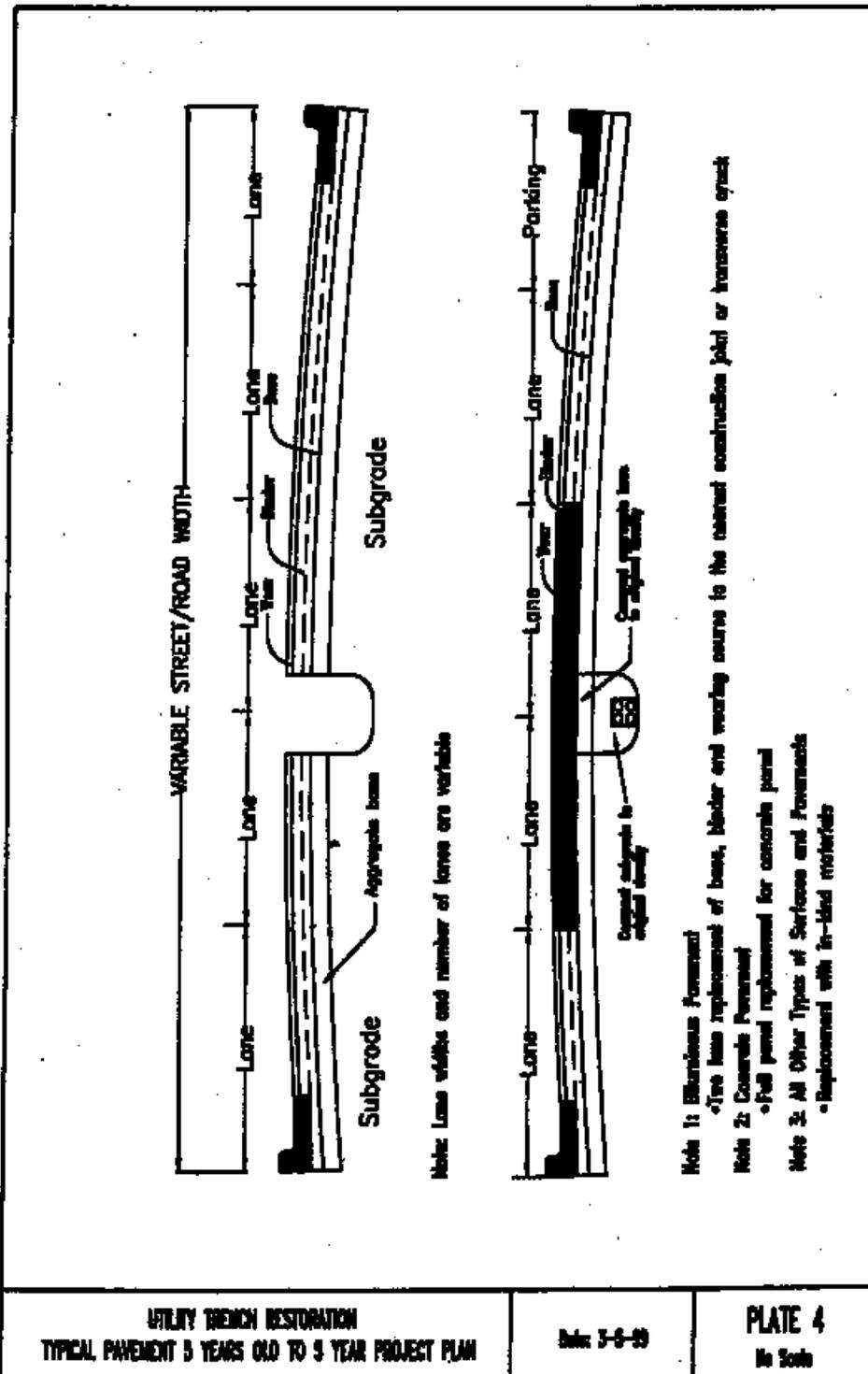


UTILITY TRENCH RESTORATION
 TYPICAL PAVEMENT 8 TO 5 YEARS OLD

Rule 3-6-00

PLATE 1
 No Scale

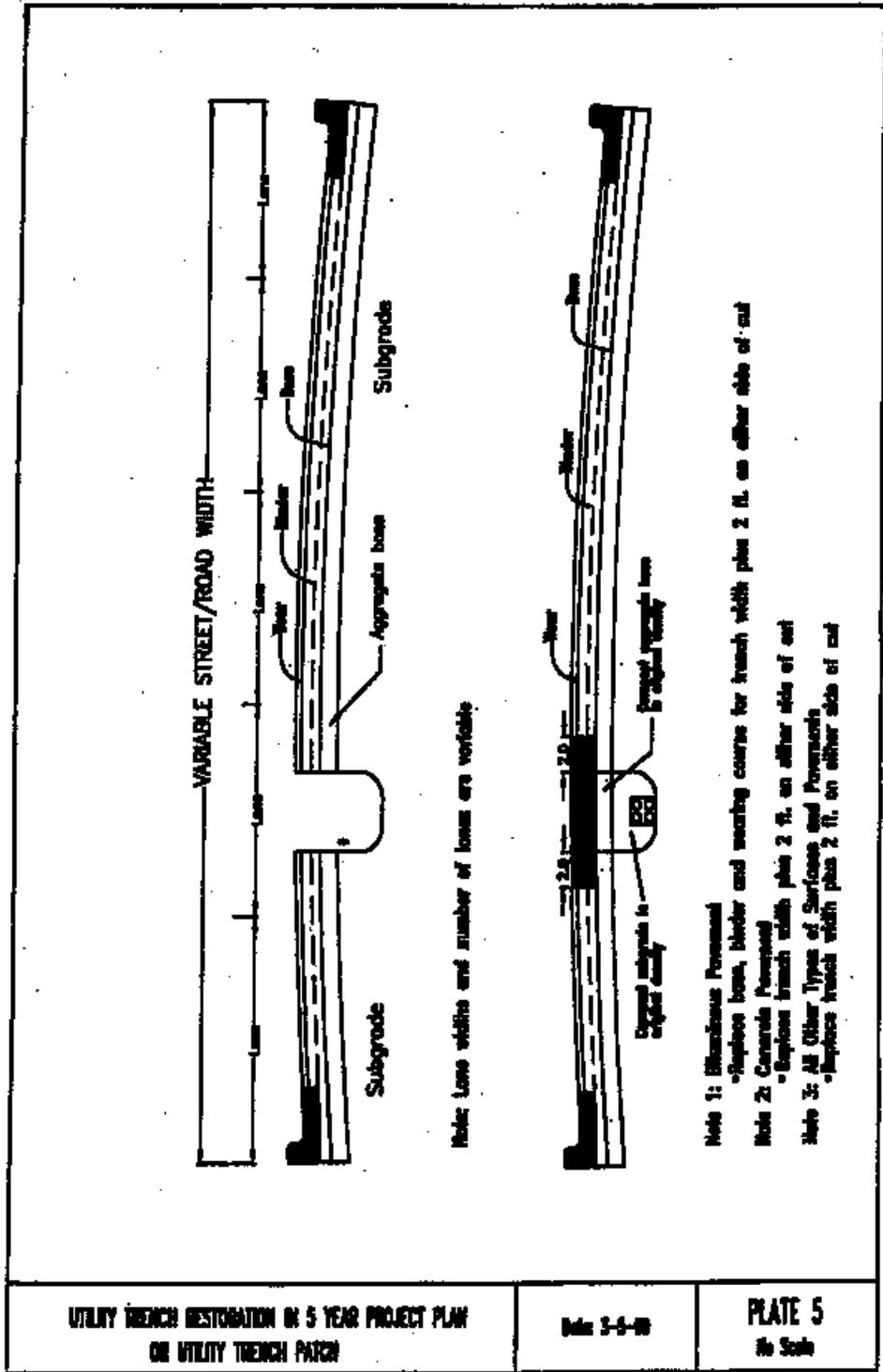
Subp. 2. Plate 4.



UTILITY TRENCH RESTORATION
 TYPICAL PAVEMENT 5 YEARS OLD TO 5 YEAR PROJECT PLAN

Rev: 3-8-99

PLATE 4
 In Scale



Official Notices

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 Human Services

Notice of Availability of the Minnesota Health Care Programs Provider Participation List [Also Known as DHS Rule 101 Provider Compliance List]

NOTICE IS HEREBY GIVEN that the Minnesota Health Care Programs provider participation list for April 1, 1999 is now available. The provider participation list is a compilation of fee-for-service health care providers who are in compliance with DHS Rule 101. This list is distributed on a quarterly basis to the Department of Employee Relations, the Department of Labor and Industry, and the Department of Commerce. To obtain the list, contact Paul McCann, Rule 101 specialist, at (651) 282-5328 or toll-free at (800) 657-3974. You may fax your request to (651) 296-5690 or mail to the Customer Services Division, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3856.

Michael O'Keefe, Commissioner
Department of Human Services

Metropolitan Airports Commission

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

NOTICE IS HEREBY GIVEN that the Metropolitan Airports Commission (MAC), a public corporation organized under the laws of the State of Minnesota, will hold a Public Hearing pursuant to Minnesota Statute 473.641 to consider the acquisition by the Metropolitan Airports Commission of certain property located near the Flying Cloud Airport, more specifically:

Property situated in the Northeast quarter of Section 29, Township 116, Range 22, all lying south of Riley Creek and west of Eden Prairie Road in Hennepin County, Minnesota.

The public hearing will be commencing at 2:00 p.m. on the 4th day of May, 1999 in Room 3040 of the Lindbergh Terminal Building at the Minneapolis-St. Paul International Airport.

The hearing will afford interested persons, groups and agencies an opportunity for public consideration of the economic, social and environmental effects of the proposed acquisition. Any person wishing to submit information relating to this matter may appear at the public hearing and make an oral statement or present written material. Persons intending to make oral presentations are requested to notify the Commission by May 4, 1999 in writing or by telephone to Ms. Jenn Unruh, Metropolitan Airports Commission, 6040 - 28th Avenue South, Minneapolis, Minnesota, 55450; telephone (612) 726-8100. Written statements and other exhibits relating to this matter will be incorporated into the transcript of the hearing, provided such statements for exhibits are submitted at the hearing or presented to the Metropolitan Airports Commission prior to the close of business on May 7, 1999.

Dated: 12 April 1999

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

Pollution Control Agency

Policy and Planning Division

Request for Comments on Planned New Air Quality Rules Governing Gasoline Service Stations and Gasoline Distribution Operations

Subject of Rule: The Minnesota Pollution Control Agency (MPCA) requests comments on its proposal to initiate rulemaking governing gasoline service stations and gasoline distribution operations. In this rulemaking the MPCA plans to develop state air quality rules to exclude small gasoline service stations from the requirement to apply for and receive a Part 70 air quality operating permit. In addition, the MPCA may create a standard of performance for gasoline distribution operations.

The standard of performance would require emissions of volatile organic compounds (VOCs) to be controlled during the transfer of gasoline along the gasoline distribution network. (This is called Stage I vapor recovery.) Large gasoline stations that comply with Stage I controls could qualify for exclusion from the Part 70 permitting requirement.

Subject Matter: On July 21, 1992, the U.S. Environmental Protection Agency (EPA) promulgated 40 CFR Part 70 (State Operating Permit Programs). This regulation requires states to create and administer conforming operating permit programs. EPA gave interim approval to Minnesota's program on July 17, 1995. Under that permitting program, any Minnesota facility with the potential to emit 100 tons or more of any regulated pollutant, including VOCs, must apply for and receive a Part 70 operating permit. This requirement applies regardless of the facility's actual emissions.

The permitting program allows a facility to avoid this requirement by limiting its potential to emit below the 100 ton threshold. That limitation may be imposed via a state operating permit or a rule. The planned rule imposes such a limitation. In this way, the proposed rule would exclude small gasoline service stations from the need to acquire a Part 70 permit. Without the rule, many gasoline service stations in Minnesota that emit less than 100 tons per year of VOCs and other pollutants would need to obtain a state or registration permit to avoid the requirement to acquire a Part 70 permit.

Eliminating the requirement for small gasoline service stations to acquire a permit reduces the cost of compliance with air quality rules. Because no permit is required, no permit application must be prepared.

Gasoline service stations with Stage I controls emit lower quantities of VOCs than uncontrolled stations. While a large gasoline station without Stage I controls may need to acquire a Part 70 permit, the same station with Stage I controls would likely avoid the requirement. A standard of performance describing the Stage I requirements would be needed to ensure that the equipment was being used correctly, and that the station was complying with the Stage I standards.

In addition, the levels of toxic air pollutants in many areas of the state may exceed guidelines established by the Minnesota Department of Health. The MPCA is assessing the magnitude of the state's toxic air pollutant problem, and will be determining an appropriate response. Because the components of gasoline are among the pollutants of concern, the MPCA may create a standard of performance requiring Stage I vapor recovery at new or existing gasoline distribution facilities, including gasoline service stations, bulk gasoline plants, and bulk gasoline terminals. Gasoline transporters would also be affected.

Persons Affected: These rules would affect most gasoline service station owners and operators, who would otherwise need to apply for and receive an air quality permit. Should the MPCA decide that Stage I vapor recovery is needed as part of a strategy to control toxic air pollutants, gasoline transporters and the owners and operators of bulk gasoline plants and terminals would also be affected.

Statutory Authority: *Minnesota Statutes* § 116.07, subd. 4, authorizes the MPCA to adopt rules and standards for the prevention, abatement and control of air pollution.

Public Comment: Interested persons or groups may submit comments or information on this planned rule in writing or orally until 4:30 p.m. on May 19, 1999. The MPCA has not yet prepared a draft of the planned rule. Written comments, requests to receive a draft of the rule when it has been prepared, and requests for more information on this planned rule should be addressed to:

Richard M. Cordes, P.E.
Policy and Planning Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

The MPCA will receive oral statements and questions during regular business hours over the telephone at (651) 296-8157 and in person at the above address.

Official Notices

Advisory Work Group: The MPCA intends to form an advisory work group to assist it in developing the rule. Persons interested in volunteering to participate on the advisory work group should contact Richard Cordes by 4:30 p.m. on May 19, 1999, at the address or telephone number listed above. The MPCA plans to hold the first work group meeting in June 1999. A notice containing directions, details of the first meeting and background materials will be sent the week before the meeting to persons selected as work group members.

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

Karen A. Studders
Commissioner

Pollution Control Agency

Request for Comments on Planned Amendments to Rules Governing Hazardous Waste, *Minnesota Rules Chapters 7001 and 7045*

Subject of Rules. The Minnesota Pollution Control Agency (MPCA) invites comments on its plan to amend its rules governing hazardous waste by adopting the federal universal waste rule (UWR). Universal wastes are hazardous wastes commonly generated throughout Minnesota, usually in relatively small amounts and at many locations.

The UWR helps provide proper waste management while easing regulatory burdens regarding hazardous waste batteries, pesticides, and thermostats. The rule will reduce the amount of these wastes in the municipal solid waste stream and will improve collection opportunities for communities and businesses. Because the UWR reduces current requirements under the Resource Conservation and Recovery Act (RCRA), the U.S. Environmental Protection Agency (EPA) cannot require states to adopt it to maintain their authorized programs. However, the EPA is encouraging state adoption to improve management of these universal wastes.

The UWR relates to existing special waste pilot programs which Minnesota developed in anticipation of the UWR. The EPA allows states to tailor their programs by adding non-federal universal wastes. The MPCA anticipates combining its special waste programs with the UWR. Included in Minnesota's current special waste programs are: regulated dry-cell batteries, antifreeze, circuit boards, cathode ray tubes, photographic negatives, PCB lamp ballasts, small PCB capacitors, liquid mercury, and mercury-containing products including lamps, thermostats, switches, thermometers, relays, manometers, barometers, thermocouples, and gauges. Current reduced requirements for managing these wastes include: no hazardous waste license; no license fees; no reporting; transport using an invoice; and transport using personal or business vehicles.

Persons Affected. In Minnesota, the amendment to the rules would likely affect all sizes of businesses which already handle these materials as hazardous waste. This includes businesses that generate any universal waste; businesses that handle or transport universal waste; and businesses that treat, store or dispose of universal waste. The amendment will also support the creation of collection and manufacturer's take-back programs. This may involve manufacturers and trade associations as well as the environmental industry.

Statutory Authority. *Minnesota Statutes* § 116.07, powers and duties, subd. 4, rules and standards, allows the MPCA, pursuant to Chapter 14, to "adopt, amend, and rescind rules and standards having the force of law relating to any purpose within the provisions of this chapter for generators of hazardous waste, the management, identification, labeling, classification, storage, collection, treatment, transportation, processing, and disposal of hazardous waste and the location of hazardous waste facilities. A rule or standard may be of general application throughout the state or may be limited as to time, places, circumstances, or conditions. In implementing its hazardous waste rules, the MPCA shall give high priority to providing planning and technical assistance to hazardous waste generators. The MPCA shall assist generators in investigating the availability and feasibility of both interim and long-term hazardous waste management methods. The methods shall include waste reduction, waste separation, waste processing, resource recovery, and temporary storage."

Minnesota Statutes § 14.06, required rules: "(a) Each agency shall adopt rules, in the form prescribed by the revisor of statutes, setting forth the nature and requirements of all formal and informal procedures related to the administration of official agency duties to the extent that those procedures directly affect the rights of or procedures available to the public. (b) Upon the request of any person, and as soon as feasible and to the extent practicable, each agency shall adopt rules to supersede those principles of law or policy lawfully declared by the agency as the basis for its decisions in particular cases it intends to rely on as precedents in future cases. This paragraph does not apply to the public utilities commission."

Public Comment. Interested persons or groups may submit comments or information on these planned rules until further notice is published in the *State Register* that the MPCA intends to adopt or to withdraw the rules.

Rules Drafts. The MPCA has not yet prepared a draft of the planned rule amendments, although interested parties may request to be notified when a draft is available. However, the rule will be based on the UWR, which was published in the May 11, 1995, *Federal Register* (and is now in the *Code of Federal Regulations* at 40 CFR, Part 273). It will also be developed with consideration for the MPCA's existing special wastes program for which prepared fact sheets are available.

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

Carol Nankivel
Policy and Planning Division/Major Facilities
520 Lafayette Rd N
St. Paul, MN 55155-4194
Telephone: (651) 297-8371 or (TTY) (651) 282-5332

Alternative Format. Upon request, this document can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the person 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 MPCA is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: 19 April 1999

Karen A. Studders
Commissioner

State Grants & Loans

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

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

Department of Children, Families and Learning

Office of Community Services

Notice of Request for Proposals: Promoting Family Centered Child Care

The Minnesota Department of Children, Families and Learning is soliciting proposals from qualified public or private non-profit community-based organizations including Indian reservations in Minnesota to develop projects that will enhance and promote family centered child care. Grants awarded under this request for proposal will be for a minimum of \$10,000 and a maximum of \$50,000. A total of \$330,687 is available statewide.

Completed proposals must be delivered to the Department of Children, Families & Learning or postmarked by **4:30 p.m. on June 1, 1999.**

To request a complete copy of this Request for Proposals, please contact the Department of Children, Families and Learning, 1500 Highway 36 West, Roseville, Minnesota 55113, telephone (651)582-8562, FAX (651)582-8496, e-mail: child.care@state.mn.us

Housing Finance Agency

Notice of Funds Available and Request for Proposals for the Rental Assistance for Family Stabilization Program

The Minnesota Housing Finance Agency (MHFA) anticipates the availability of \$4 million dollars in rental assistance funds for the Rental Assistance for Family Stabilization (RAFS) program. RAFS is available to provide rental assistance to families who, at the time of initial eligibility are receiving public assistance, have a caretaker parent with at least one minor child and who has an approved employment plan; or for families who, at the time of initial eligibility are receiving public assistance, have an approved employment plan, and have earned income.

Location: The RAFS program is limited to counties in which the Section 8 Existing Fair Market Rents (FMR), as determined by HUD, are in the highest one-third of the average rents in the state. (Final 1998 FMRs).

Amount of Funds: Four million dollars in rental assistance has been requested of the legislature. A maximum of \$250 per month per program participant in the 7 county metro area, excluding the cities of Hanover, Northfield, and New Prague, and a maximum of \$200 per month per program participant in Greater Minnesota, including the cities of Hanover, Northfield, and New Prague. Administrative fees may not exceed \$40 per month per program participant. A one time security deposit is available.

Type of Assistance: Voucher or project-based rental assistance.

Eligible Applicants: A local Minnesota housing organization experienced in operating a Section 8 rental assistance program. The housing organization must have (or be able to establish) a working relationship with Employment and Training/Workforce organizations and the county agency designated by the county board to implement financial assistance for the statewide Minnesota Family Investment Program (MFIP-S).

Procedures: To request application write or call: Minnesota Housing Finance Agency, 400 Sibley Street, Suite 300, St. Paul, MN 55101, Attention RAFS, Multifamily Division or, you may call (651) 297-4455, or (800) 657-3647.

Deadline: The original and one copy of the completed application should be received at the above address by 5:00 PM on Friday, May 28, 1999.

Selection Process: All complete proposals which meet the basic requirements, the selection criteria of the program, and are received by the deadline will be considered.

- 1) Application for continued funding will be accepted from interested RAFS administrators who operate in counties with high average housing costs.
- 2) New RAFS administrators applications are being solicited with preference give to housing organizations proposing to operate in counties with high average housing costs and who are not currently served by a RAFS administrator or, in counties within which need for additional administrators is demonstrated.

Final selections should be made by the MHFA Board of Directors on Thursday, May 27, 1999. All applicants are notified of the selections.

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

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

Department of Trade and Economic Development

Notice of Request for Proposals for Grants to Develop Regional Financial Institutions

Background

The Minnesota Department of Trade and Economic Development is soliciting proposals from organizations to receive grants to develop regional financial institutions, under authority granted to the Commissioner in *Minnesota Statutes* 116J.035, subdivision 1. The Department is collaborating with the Ford Foundation and the Corporation for Enterprise Development, a nationally-based economic development policy group, to conduct this project and provide financial and technical assistance. Regional financial institutions set up as a result of these grants should 1) improve the flow of capital within a region, 2) make available financing to expand on uses of local capital beyond conventional below-market lending into other community and economic development purposes, and 3) achieve new efficiencies by aggregating funds from smaller financing programs.

Interest in developing these institutions stems from the "Counting on Local Capital" study of revolving loan funds in Minnesota. Conducted by Trade and Economic Development, with assistance from the Corporation for Enterprise Development and the Ford Foundation, the study identified over \$200 million managed by local and regional revolving loan funds, with at least half of that currently uninvested. The study revealed that there are many small loan funds but, collectively, they representing a substantial capital base. The study also found that the small size of the funds inhibits the capacity for efficient management, for portfolio diversification, or for exploration of how funds can be deployed to meet new or emerging needs. The study found that many alternative needs are present in those communities but there are not mechanisms to finance them. These included housing, worker training, venture capital, and business technical assistance. A copy of the full report and related materials, including a videotape of a statewide revolving loan fund conference held in December, 1998, is available on request.

New regional financial institutions that would be created by these grants from the Department would need to be able to leverage existing, idle, local development resources, along with new potential resources, to accomplish the following:

1. Expand on uses of local capital beyond conventional below-market lending into new uses. Uses of funds could include grants, loans, or equity investment structures.
2. Achieve administrative economies of scaled by aggregating funds from smaller financing programs.
3. Increase regional efficiencies by allowing funds to flow across local borders for projects that would have a local and regional impact.

Funded Activities

Creation of new regional financial institutions would be a voluntary effort of local and regional organizations. Funding will be available from Trade and Economic Development to:

1. Conduct organizational design of new financial institutions. This would include legal structures, financing mechanisms, operational responsibility, and methods to finance administrative costs. There is no presumption by the Department that the regional financial institution would need to be created as a new organization; depending on the desires of local and regional participants, it could be operated by an existing organization. Further, the Department has not determined that a specific set of regional boundaries or collection of jurisdictions will be the framework in which the new financial institution would operate. That determination is left to responders and their local and regional partners.
2. Develop local financial support from existing organizations. This would include identifying unobligated fund balances, securing the participation of local fund governing bodies, and establishing mechanisms by which they will be interested in placing funds with the regional financial institution.
3. Develop new resources that will be leveraged by the local support. This would include identification of other financing from regional, state, and national sources.

A total of \$150,000 is available from Trade and Economic Development to provide grants for development of these institutions. The Department anticipates funding up to two projects, but may consider additional projects if proposed budgets allow additional, credible projects to be funded. This proposal does not obligate the Department to spend the estimated funds available.

Funds will be available for planning, technical, and legal costs needed to establish the institutions. Funds will be available for a 6-12 month period. Funds are not available under these grants to capitalize the institutions. Also, respondents may be public or private organizations.

State Grants & Loans

Proposal Content

1. Description of the organization's experience in economic development financing.
2. Description of goals for the project. At a minimum, this should include the region that would be served by the new institution, potential new financing mechanisms that could be created, and new and emerging development needs that would be met.
3. Project timetable.
4. Letters of support and other evidence of interest and commitment within the region. Such evidence would be represented by letters of support from local development partners indicating their desire to explore re-deployment of funds toward a regional institution, pledges of capital from local fund administrators, and commitment of administrative funds by the applicant organization or others for the completion of the project.
5. Project budget itemizing proposed expenditures.
6. Indication of other financial commitments toward completion of the project.
7. Resumes of key personnel assigned to work on the project.

Evaluation of Proposals

Proposals will be evaluated on several factors:

1. Respondent's qualifications to conduct a planning and development process which will lead toward creation of a regional financial institution.
2. Qualifications of the professional personnel who will be assigned to work on the project.
3. The clarity of the operational plan.
4. The breadth of the regional economic and community development needs that would be served.
5. Degree of current and potential support from local and regional development partners.
6. Project cost - Reasonableness of proposed use of grant funds will be considered.

Submission of Proposals

Three copies of the proposals should be sent to:

Mark Lofthus
Director, Marketing and Business Development
Minnesota Department of Trade and Economic Development
500 Metro Square, 121 E. 7th Place
St. Paul, MN 55101
Telephone: (651) 297-4567

Other department personnel are not allowed to discuss the Request for Proposal with anyone, including responders, before the proposal submission deadline. All proposals must be received not later than 4:30 p.m., May 21, 1999 as indicated by a notation made by the receptionist and verified by the project manager. Late proposals will not be accepted.

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, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

In accordance with *Minnesota Rules* Part 1230.1910, 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. For information regarding certification, call the Materials Management Helpline (651) 296-2600 or [TTY (651) 297-5353 and ask for 296-2600].

Department of Administration

Building Codes and Standards Division

Request for Proposals to Contract for Inspection Services

I. **NOTICE IS HEREBY GIVEN** that proposals are being solicited to provide Contract Inspection Services for public and state licensed building projects in jurisdictions that do not have inspection agreements with the Department of Administration, Building Codes and Standards Division. Inspections are to be conducted in accordance with the Minnesota State Building Code. (*Minnesota Statute* 16B.61 Subd. 1A and 16B.62 Subd. 1.) **Contracts will be awarded only in those areas where there is a need for the services.** Contracts will be extremely limited in the seven county Twin City metropolitan area. This Request for Proposals does not obligate the state to complete the contracts. Multiple contracts will be awarded. **This will be a three (3) year contract. Individual work orders will be awarded to the contract inspector who is geographically closest to the job site and/or is the best qualified for the work needed.** A contract is not a guarantee that work orders will be issued to every individual.

- A. Proposals are intended for individuals only. Any firm or corporation submitting a proposal must stipulate a specific person to perform service(s) and his/her specific experience.
- B. Public building project for this contract means a building and its grounds the cost of which is paid for by the state or a state agency regardless of its cost, and a school district building project the cost of which is \$100,000 or more. (*Minnesota Statute* 16B.60 Subd. 6)
- C. State licensed facilities. "State licensed facilities" means a building and its grounds that are licensed by the state as a hospital, nursing home, supervised living facility, free-standing outpatient surgical center, or correctional facility.

II. Division Goals and Objectives

To ensure that all public and state licensed buildings are inspected and constructed in conformance with the Minnesota State Building Code and the Minnesota Building Codes and Standards Division's authorization to construct a public and state licensed building.

III. Proposal Deadline and Contact:

Responses to this request are due in our offices by **3:30 p.m.** on **May 28, 1999**. **ALL** responses and questions regarding this Request for Proposals should be addressed to:

Peggi White, Office Services Supervisor
ATTN: RFP Response
Building Codes and Standards Division
408 Metro Square
121 7th Place East
St. Paul, MN 55101
(651) 296-4626

Please note only Peggi White is authorized to answer questions. Late proposals will not be accepted. All applicants will be notified of results.

The proposal, once submitted and received by the Division, becomes property of the State of Minnesota. The proposal may be withdrawn but a copy will remain on file with the Division.

IV. Scope of Contract

- A. To provide inspection services for general building inspection, structural construction elements, accessibility requirements, mechanical inspections, and automatic fire suppression systems. Upon selection as a Contract Inspector, work orders will be issued for individual projects, or portions of projects, depending on what Contract Inspection Services are needed and Contract Inspector's availability. The work orders will detail duties of specific assignments. This is a three year contract with no extension.

V. STATEMENT OF WORK

A. Contract Inspector's Duties:

All the following items shall be in accordance with all construction documents authorized by the State Building Official.

1. Provide on-site inspection services based on written and signed work order issued by the Minnesota Building Codes and Standards Division.
2. Attend any construction meetings designated by written and signed work order issued by Minnesota Building Codes and Standards Division.
3. Meet with Minnesota Building Codes and Standards Division staff in St. Paul office to review project plans and specifications based on written and signed work order issued by the Minnesota Building Codes and Standards Division.
4. Meet and confer with Minnesota Building Codes and Standards Division staff in field based on written and signed work order issued by the Minnesota Building Codes and Standards Division.
5. Report immediately, personal observations of major code violations or eminent hazards pertaining to the construction site.
6. Report immediately, any "stop work" orders recommended to Division.
7. Report personal observations to Minnesota Building Codes and Standards Division of known noncompliance of any other state regulations or laws pertaining to the construction site (i.e. OSHA, licensed contractors).
8. Report immediately, major deviations from the approved plans and specifications.
9. Complete inspection reports and other project summaries as required.

B. Assistance From Minnesota Building Codes and Standards Division

1. Access to plans, specifications, plan review comments, or any other information which the Contract Inspector determines to be useful in the completion of the work order.
2. Access to any Division employee with whom the Contract Inspector needs to confer.
3. Access to any lists of state agencies or other Contract Inspectors involved in same contract.

C. Deliverable Items

1. Project inspection reports submitted weekly on division forms to include the following:
 - a. Inspection services provided.
 - b. Time spent.
 - c. Description of any problems encountered.
 - d. Correction orders issued in accordance with authorized construction documents.
 - e. "Stop work" orders when authorized by Minnesota Building Codes and Standards Division.
 - f. Whether work was satisfactory.
 - g. Test results of any system or equipment required by construction documents.
2. Monthly project report to include the following:
 - a. Invoice for services rendered that month.
 - b. Typewritten project status report.
3. Final project report to include the following:
 - a. Typewritten project report indicating that all outstanding issues have been resolved, all required inspections completed and approved.
 - b. Copies of applicable final test reports.
 - c. Final signed report(s) by special inspectors.

D. Schedule

1. Project inspection reports shall be submitted within seven calendar days of last inspection made in previous week.
2. Monthly project report shall be submitted within seven calendar days of last day of month.
3. Final project report submitted within seven calendar days of completion of work.

Professional, Technical & Consulting Contracts

VI. Contract Payment Schedule:

- A. The rates for compensation shall be \$45 per hour for all time and costs in conjunction with the services rendered in the contract and work order. Each work order issued will have the defined number of hours required to accomplish the work. The Contract Inspector shall be responsible to cover all personal liabilities. Pursuant to *Minnesota Statute 3.736*, a state Contract Inspector is *not* covered under the Minnesota Tort Claims Act, *Minnesota Statute 37.36*. The Contract Inspector will be responsible for all incidental costs to provide the Contract Inspection services.
- B. Reimbursement for travel and subsistence expenses actually and necessarily incurred by contractor in performance of this contract and work order(s) is included in the hourly rate. **No additional expenses incurred will be paid.**
- C. Contracts awarded for Contract Inspection Services are not eligible for employer contribution and withholding of social security and other applicable taxes. Any obligations for social security payments and applicable taxes are the responsibility of the individual named in the contract.
- D. Contract Inspector is required to furnish all personal safety equipment and comply with regulations necessary to carry out specified duties.
- E. The successful responder will be required to submit acceptable evidence of compliance with Minnesota workers' compensation insurance coverage requirements prior to execution of the contract.
- F. You must provide evidence of automobile insurance coverage upon issuance of a work order from the contract.
- G. The monthly invoice submitted by the Contract Inspector shall include the following information:
 1. Inclusive dates for which payment is sought.
 2. Listing of hours worked with a cross reference to the task worked on, work order(s), and conditions of work order(s).

VII. Qualifications of Contract Inspector:

- A. All proposals, received by the deadline will be evaluated by Minnesota Building Codes and Standards Division representatives. Proposals will be evaluated on these minimum requirements of experience in on-site inspection or evaluation of commercial or residential structures, based on the eight areas listed in item "B" below. Experience will be evaluated on new construction, additions, or remodeling inspection, evaluation, code application, and/or administration based on plans, specifications, and code provisions.
- B. Commercial structures are defined as A, B, E, F, H, I, M and S Occupancies. Residential structures are defined as R and M Occupancies.
 1. **General building inspection or evaluation - commercial structures:** minimum of five years experience.
 2. **General building inspection or evaluation - residential structures:** minimum of three years experience.
 3. **Structural construction inspection or evaluation - commercial structures:** minimum of five years experience.
 4. **Structural construction inspection or evaluation - residential structures:** minimum of three years experience.
 5. **Accessibility inspection or evaluation:** minimum of five years experience.
 6. **Mechanical systems inspection or evaluation - commercial structures:** minimum of five years experience.
 7. **Mechanical systems inspection or evaluation - residential structures:** minimum of three years experience.
 8. **Automatic fire suppression systems inspection or evaluation:** minimum of five years experience.
- C. List all current certifications and/or registrations you possess which are applicable to building construction, inspection, or evaluation in Minnesota.

VIII. Proposal Contents:

- A. Proposals must be typed on 8 1/2" x 11" paper. Maximum number of pages is six. Please submit original (six pages) and five copies of original, copied two-sided (three pages total). **DO NOT PHOTO REDUCE.**
- B. All proposals shall include the following information in the order indicated:
 1. List name, address, and phone number for **BOTH** your work and home locations. List times you are available at each phone number.
 2. Provide Social Security number or Minnesota Tax Identification number for payment purposes only.
 3. State the counties in which you are available to conduct the contract inspection services. See map for designated counties.

Professional, Technical & Consulting Contracts

4. State the area(s) of inspections or evaluations that you have conducted. **BE SPECIFIC IN YOUR WORK EXPERIENCE.** List types of structures and type of inspection or evaluation in which you have met the minimum experience requirements in on-site inspection or evaluation of commercial or residential structures. Experience will be evaluated on, but not limited to, the areas of new construction, additions, or remodeling inspection, evaluation, code application, and/or administration based on plans, specifications, and code provisions. If you are experienced in more than one of the eight areas listed under "Contractor Inspection Qualifications," you must **identify each category by number and name**, and list your specific experience for each category (i.e. type of building, size, date, your role, specific job responsibilities).

If your experience qualifies you in more than one category, identify the next category by name and number and then indicate your experience as "See Above Experience" if the experience listed above qualifies you for this category. Otherwise, list your specific experience that qualifies you for that category. This will help to save space in your proposal.

 - a. The eight categories are:
 1. General building inspection or evaluation - commercial structures.
 2. General building inspection or evaluation - residential structures.
 3. Structural construction inspection or evaluation - commercial structures.
 4. Structural construction inspection or evaluation - residential structures.
 5. Accessibility inspection or evaluation.
 6. Mechanical systems inspection or evaluation - commercial structures.
 7. Mechanical systems inspection or evaluation - residential structures.
 8. Automatic fire suppression systems inspection or evaluation.
5. Submit the names, addresses, and phone numbers of two verifiable references for your work experience.
6. List all current certifications and/or registrations with registration/certification number in the field of construction inspection or evaluation.
7. Sign and date original proposal in black ink.
8. Submit signed, original proposal along with the five two-sided copies, in a sealed envelope with your name and address clearly shown on front of envelope.
9. Mail or deliver your proposal to Peggi White, Office Services Supervisor, **ATTN: RFP Response**, Minnesota Building Codes and Standards Division, 408 Metro Square Building, 121 7th Place E., St. Paul, MN 55101 so that it is received by deadline of **3:30 p.m. on May 28, 1999.**

All proposals received by the deadline will be evaluated by representatives of the Building Codes and Standards Division. It is expected that evaluation and selection will be completed by June 11, 1999.

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

Department of Administration

Real Estate Management Division

Notice of Sale of Public Property

NOTICE IS HEREBY GIVEN that the Minnesota Department of Administration is accepting sealed bids for the sale, removal and site cleanup of two single-family residential homes together with all improvements located at 1420 & 1434 Maryland Avenue East in Saint Paul.

The bid may include all buildings and improvements or any portion thereof. The award will be based on the bid or combination of bids resulting in the highest value to the State as determined by the State in its sole discretion.

All bids must be received by 1:30 p.m., May 14, 1999, at the Department of Administration, Real Estate Management Division, 50 Sherburne Avenue, Room 309, Saint Paul, MN 55155. The bids will be opened and publicly read at that time, day and place.

All bids must be on the official bid form. For bid information, form and envelope, contact the Real Estate Management Division at (651) 296-6674.

Professional, Technical & Consulting Contracts

Any announcements made at the bid opening shall take precedence over any materials published about this event. The State reserves the right to accept any bid or to reject any and all bids or parts of such bids, and to waive any informality in bidding.

The homes will be open for inspection between the hours of 3:00 p.m. and 4:00 p.m. on April 23, 1999.

Department of Corrections

Minnesota Correctional Facility-Red Wing (MCF-RW)

Notice of Availability of Contract for Educational and Psychological Assessment Consultation

MCF-RW requests proposals to develop and implement a comprehensive educational and psychological assessment component for male juvenile offenders incarcerated at the facility. The purpose of the assessment process will be to identify needs, risk levels, and attributes to be considered and incorporated into individual case management treatment and transition plans. This request for proposal does not obligate the State to complete the proposed project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

Goal

The goal of this project is to ensure that all residents receive assessment services that identify their needs, assets, and risk levels so that these factors are integrated into case management plans.

Objectives

- To evaluate current assessment practices at MCF-RW.
- To propose revisions or additions to current practices.
- To identify assessment instruments to meet the needs of the residents.
- To develop and implement an assessment delivery system.
- To train appropriate MCF-RW staff in conducting resident assessments.
- To monitor MCF-RW staff in the delivery of assessment services.

Tasks

- Review assessment instruments and procedures currently being used at MCF-RW.
- Solicit input from appropriate staff regarding information pertinent to the assessment process.
- Identify the strengths and weaknesses of the current assessment practices.
- Propose additional assessment instruments and procedures particularly in the areas of fetal alcohol syndrome, mental health, and learning disabilities.
- Finalize assessment instruments and procedures to be implemented at MCF-RW.
- Develop a comprehensive assessment delivery system.

In accordance with the provision of *Minnesota Statutes*, Section 363.073; for all contracts estimated to be in excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted. Your proposal will be rejected unless it includes one of the following:

1. A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
2. A letter from Human Rights certifying that your firm has a current certificate of compliance.
3. A notarized letter certifying that your firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months.

Prospective responders who have any questions regarding this request for proposal or to request a copy of the complete RFP may call or write:

John Handy, Program Director
MCF-Red Wing
1079 Highway 292
Red Wing, MN 55066
Telephone: (651) 267-2613

All proposals must be sent to:

John Handy, Program Director
Minnesota Correctional Facility-Red Wing
1079 Highway 292
Red Wing, MN 55066

All proposals must be received not later than 2:00 p.m. on May 11, 1999.

Housing Finance Agency

Request for Proposals for Marketing and Design Services for the Homes Division of the MHFA

The Minnesota Housing Finance Agency is issuing a Request for Proposals for marketing and design services for the Homes Division. The results sought of necessity include an ongoing relationship with an individual or agency to design, create and produce a Creative Treatment for the MHFA Homes Division in cooperation and under the guidance of the MHFA.

The services to be provided under this proposal include, but are not limited to, development of a creative treatment for MHFA's home mortgage and home improvement loan programs which must illustrate the ability to use selected themes on a variety of marketing pieces such as statement stuffers, brochures, print ads and posters that will be colorful, including art and/or photography. Detailed information will be sent upon request by calling the MHFA at (651) 296-7620. Proposals are to be submitted to Ron Williams, Minnesota Homes Division, Minnesota Housing Finance Agency, 400 Sibley Street, Suite 300, Saint Paul, MN 55101. All proposals are due no later than 3:00 p.m. on May 28, 1999.

In compliance with *Minnesota Statutes* 16B.167, the availability of this contracting opportunity is being offered to state employees. The response of any state employee will be evaluated along with other responses to the Request for Proposals.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive a 6% preference in the evaluation of their proposal, and certified Economically Disadvantaged Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 4% preference in the evaluation of their proposal. For information regarding certification, contact the Materials Management Helpline at (651) 296-2600. TTY contact (651) 282-5799.

Department of Human Services

Health Care Purchasing and Service Delivery Division

Notice of Request for Proposals from Prepaid Health Plans for Minnesota Health Care Programs recipients in Pine County

The Minnesota Department of Human Services (DHS) is seeking proposals from prepaid health plans to provide health care services to persons in Pine County who are covered by Medical Assistance (MA), General Assistance Medical Care (GAMC) or MinnesotaCare. The covered populations include all persons enrolled in MinnesotaCare, and people in the MA eligibility groups of Temporary Assistance to Needy Families (TANF), TANF-related, needy children, aged, and GAMC. The enrollment process will begin on August 1, 1999. The estimated number of eligible enrollees is:

MA:	1626
GAMC:	106
MinnesotaCare:	1127
Total:	2859

Prepaid health plans qualified to respond to this RFP must be able to provide all MA/GAMC/MinnesotaCare covered services, and must be able to accept financial risk. Capitation rates have been set by DHS in consultation with an independent actuary. Contracts will be awarded based on: (1) network capacity and geographic accessibility of service delivery sites; (2) ability to comply with service delivery standards appropriate to the demographic characteristics of the population to be enrolled; (3) financial and risk capability; and (4) ability to meet quality assurance, complaint, appeal and reporting requirements. The Commissioner reserves the right to reject any proposal.

Professional, Technical & Consulting Contracts

Proposal requirements for prospective respondents currently contracting with DHS for Minnesota Health Care Programs enrollment in other counties include network information applicable to Pine County, and assurances and exhibits addressing Pine County's specific issues and concerns. Prospective respondents who have no current contracts with DHS for Minnesota Health Care Programs are required to submit additional information pertaining to network capabilities, administration and reporting capabilities.

Interested parties may receive a copy of the Request for Proposal by contacting:

Pam Austin, Development Manager
Purchasing and Service Delivery Division
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, Minnesota, 55155-3854
Telephone: (651) 297-2355 FAX: (651) 297-3230
E-mail: pam.austin@state.mn.us

Prospective respondents with questions regarding this RFP may call, write or e-mail Pam Austin at the above address. Ms. Austin is the only person at the Department of Human Services who is authorized to answer questions regarding this document. All responses to this RFP are due at the Department of Human Services by 4:30 p.m., Friday, May 14, 1999.

Department of Transportation

Engineering Services Division

Notice of Availability of Contract for Highway Related Technical Activity

Responses to this advertisement become public information under the Freedom of Information Act. This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice, and the department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

The Minnesota Department of Transportation (Mn/DOT) is soliciting expressions of interest and statements of qualifications for Consultant Services for Building Construction and Maintenance Projects. Consultant Services for Building Construction and Maintenance Projects are categorized into four areas of expertise Architecture, Structural Engineering, Mechanical Engineering and Electrical Engineering. This will be a certified short list of qualified firms who will receive Requests for Proposals on a project or multiple project basis.

Request for Proposals (RFP) is available by mail or fax. **Please submit in writing, a request for the Consultant Services for Building Construction and Maintenance Projects RFP.** Requests must be received before May 6, 1999. Requests made after that date must be in person. Request for the **RFP** may be mailed or faxed to:

Dawn D. Thompson, Associate Agreement Administrator
Minnesota Department of Transportation Consultant Services Unit
395 John Ireland Boulevard, Seventh Floor North, Mail Stop 680
St. Paul, MN 55155
FAX: (651) 282-5127

Note: PROPOSALS WILL BE DUE ON THURSDAY, MAY 13, 1999 AT 2:00 P.M.

Department of Transportation

Engineering Services Division

Notice of Availability of Request for Proposals to Provide Management and Technical Assistance to Disadvantaged Business Enterprises and Other Small Businesses Involved in Transportation-Related Fields

The Minnesota Department of Transportation (Mn/DOT) will award contracts totaling \$500,000 to provide management and technical assistance in the form of one-to-one assistance and group training.

Contracts will be executed for a one year period beginning July 1, 1999 and ending June 30, 2000. The Request for Proposal(s) can be obtained at the address below, or by contacting:

Pamela Williams
Office of EEO Contract Management
395 John Ireland Blvd., M.S. 170
St. Paul, MN 55155
(651) 297-1376

The deadline for submission of completed proposals is 4:00 p.m. May 3, 1999.

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.

Fargo-Moorhead Metropolitan Council of Governments

Request for Qualifications for Planning and Engineering Services

The 34th Street/I-94 Study Commission is soliciting expressions of interest and qualification statements from consultants for the following project:

Moorhead 34th Street/I-94 Interchange Alternative Analysis Planning Project

The Commission intends to utilize one consultant to complete all phases of this project. The Commission reserves the right to reject any or all submittals. Qualification based selection criteria will be used to analyze technical submittals from responding consultants. Upon completion of the technical rankings, the Commission will enter into contract negotiations with the firm evaluated as most qualified.

Interested firms should contact Mr. Vijay Sethi at the Clay County Coordinators Office to obtain a full copy of the RFQ. He can be reached at: Clay County Courthouse, 807 North 11th Street, Moorhead, MN 56560, (701) 299-5002 (phone), (701) 299-5195 (FAX), vijay.sethi@co.clay.mn.us (e-mail). After May 4, interested vendors must obtain the full RFQ in person at the address noted above to insure sufficient time to prepare a statement of qualifications. Any questions or comments regarding the RFQ can also be directed to Mr. Sethi.

All proposals received by noon CST on May 10, 1999 at the Clay County Coordinator's Office will be given equal consideration. Minority, women-owned, and disadvantaged business enterprises are encouraged to participate.

All proposals must clearly identify on the outside envelope the following:

Statement of Qualifications for the Moorhead 34th Street/I-94 Interchange Alternative Analysis Planning Project

Non-State Public Bids, Contracts & Grants

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.

University of Minnesota

Request for Proposals (RFP) for the Construction of the Ferrara Tower Specialized Stone and Masonry Structure

The University of Minnesota Facilities Management Department is accepting submittals from construction contractors in response to its Request for Proposals for the construction of the Ferrara Tower Specialized Stone and Masonry Structure on the University's Twin Cities Minneapolis West Bank Campus.

The Ferrara Tower is a 60 foot high obelisk-type art work, measuring 10 square feet at the base and tapering incrementally to 2.5 square feet at the top. The tower is associated with the Minnesota Library Access Center project currently in progress at the same site.

Proposals should include the design, supply, and erection of the structural system behind the granite facing of the tower; the assembly of the tower's granite exterior; and the design of the tower's foundation. The actual construction of the tower foundation will be done by others. The granite pieces and connection anchors used to form the exterior of the tower will be supplied to the contractor at no charge. The Ferrara Tower will be constructed in the Fall, 1999.

Request for Proposals (RFP) submittal information will be available beginning Friday, April 16, 1999. RFP materials can be picked up from:

Armlin, North & Associates, LLC
125 Main Street Southeast, Suite 237
Minneapolis, MN 55414
(612) 331-9000

Copies of the RFP submittal information can also be obtained at:

University of Minnesota, Facilities Management
400 Donhowe Building
319 15th Avenue Southeast
Minneapolis, MN 55455

An optional RFP information meeting and site visit will be held on Wednesday, April 28, 1999 at 2:00 p.m. in the Riverbend Room located in the basement of Willey Hall. Willey Hall is located at 225 19th Avenue South on the University's West Bank Campus in Minneapolis.

The deadline for submittals is Wednesday, May 5, 1999 at 3:00 p.m. CDT.

Questions about this RFP should be directed to the University's Owner's Representative for this project:

Mr. Ken Anderson
Armlin, North & Associates, LLC
125 Main Street Southeast, Suite 237
Minneapolis, MN 55414
(612) 331-9000

