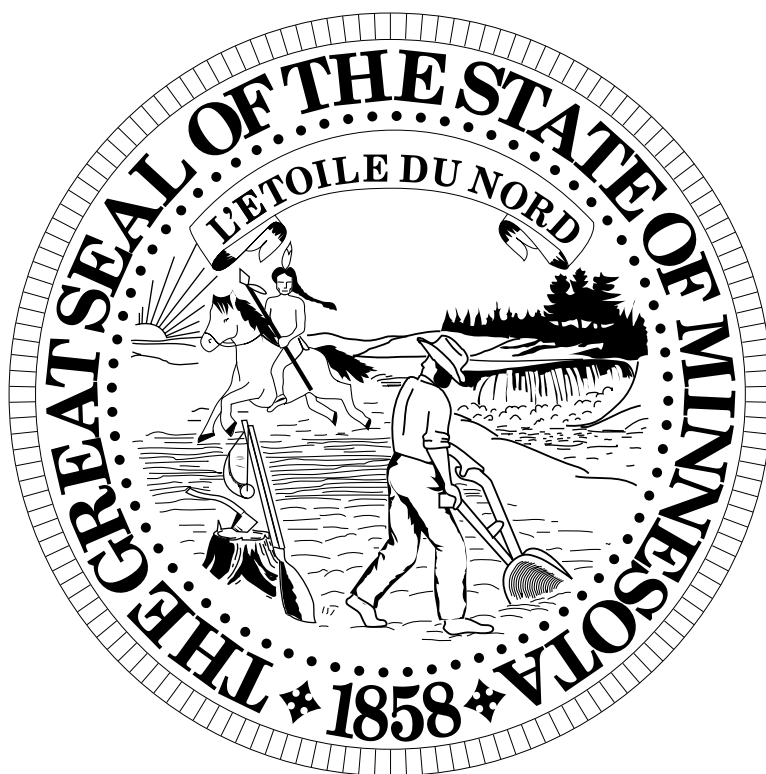


State of Minnesota

State Register

Rules and Official Notices Edition



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State Register

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

The *State Register* is the official publication of the State of Minnesota, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes* § 14.46. The *State Register* contains:

- proposed, adopted, exempt, expedited emergency and withdrawn rules
- executive orders of the governor
- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
- certificates of assumed name, registration of insignia and marks

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Printing Schedule and Submission Deadlines

Vol. 24 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
#45	Monday 8 May	Noon Wednesday 26 April	Noon Tuesday 2 May
#46	Monday 15 May	Noon Wednesday 3 May	Noon Tuesday 9 May
#47	Monday 22 May	Noon Wednesday 10 May	Noon Tuesday 16 May
#48	TUESDAY 30 MAY	Noon Wednesday 17 May	Noon Tuesday 23 May

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- **Single issues** are available for a limited time: *State Register* \$5.00, *Contracts Supplement* \$1.00. Shipping is \$3.00 per order.

PUBLISHING NOTICES IN THE *State Register*: Submit TWO COPIES of your notice, typed double-spaced. State agency submissions must include a "State Register Printing Order" form, and a "Certification/Internal Contract Negotiation" form with contracts for professional, technical and consulting services. Non-State Agencies should submit TWO COPIES, with a letter on your letterhead stationery requesting publication and date to be published. FAXED submissions to 651-297-8260 are received to meet deadline requirements, but must be followed by originals and applicable forms or letters to be accepted. The charge is \$115.00 per page, billed in tenths of a page (columns are seven inches wide). About 2-1/2 pages typed double-spaced on 8-1/2"x11" paper equal one typeset page in the *State Register*. Contact the editor if you have questions.

An "**Affidavit of Publication**" can be obtained at a cost of \$10.00 for notices published in the *State Register*. This service includes a notarized "Affidavit of Publication" and a copy of the issue of the *State Register* in which the notice appeared.

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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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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 issue 52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (651) 297-3000, or toll-free 1-800-657-3757.

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Comments on Planned Rules or Rule Amendments

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

Rules to be Adopted After a Hearing

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

Rules to be Adopted Without a Hearing

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

Department of Health

Proposed Permanent Rules Relating to Loan Forgiveness

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

Proposed Amendments to Rules Governing Minnesota Loan Forgiveness Programs, *Minnesota Rules, 4763.0110 to 4763.0330*

Introduction. The Department of Health intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on June 7, 2000, a public hearing will be held in LL56, Metro Square Building, 121 East 7th Place, St. Paul, Minnesota 55101, starting at 9:00 a.m. on Thursday, July 13, 2000. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after June 7, 2000 and before July 13, 2000.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Karen Welter at the Minnesota Department of Health, P.O. Box 64975, St. Paul, Minnesota 55164, (651) 282-6302, Fax: (651) 297-5808, email: karen.welter@health.state.mn.us. TTY users may call the Department of Health at TTY 800-627-3529 and request to be put through to (651) 282-6302. If unable to reach Karen, contact Debra Jahnke at (651) 282-6334, email: debra.jahnke@health.state.mn.us.

Subject of Rules and Statutory Authority. The proposed rule amendments are about the Minnesota Loan Forgiveness Programs. The statutory authority to adopt the rules is pursuant to 1995 *Laws of Minnesota*, chapter 212, article 3, section 57 [*Minnesota Statutes*, section 15.039]. A copy of the proposed rules is published in the *State Register*. The proposed rule amendments are intended to revise the payment process for loan repayment by paying the participant annually instead of monthly, clarify and simplify the programmatic and financial administration of the programs, and revise the criteria for selection of program applicants to more closely meet the selection priorities in the programs' statutes. These amendments are not expected to materially affect program applicants and are expected to simplify participation by those selected. A free copy of the rules is available upon request from the agency contact person listed above. Following is a list of the proposed rules to be repealed: *Minnesota Rules*, parts 4763.0120; 4763.0130; 4763.140, subparts 2 and 4; 4763.0190, subpart 3; 4763.0200; 4763.0210; 4763.0220, subpart 2; 4763.0270, subpart 2; 4763.0280, 4763.0290; and 4763.0300, subpart 2.

Comments. You have until 4:30 p.m. on Wednesday, June 7, 2000, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on June 7, 2000. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rule to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

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

Cancellation of Hearing. The hearing scheduled for July 13, 2000, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at (651) 282-6302 after June 7, 2000 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge George Beck is assigned to conduct the hearing. Judge Beck can be reached at the Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 341-7601, and fax (612) 349-2665.

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

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

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

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

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

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

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

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

Dated: 24 April 2000

Jan K. Malcolm, Commissioner
Department of Health

4763.0110 DEFINITIONS.

Subpart 1. **Scope.** The terms defined in *Minnesota Statutes*, section 144.1494, are applicable to parts 4763.0110 to 4763.0170.

Subp. 1a. Applicant. "Applicant" means a medical resident who has a signed application form on file with the commissioner of health.

~~Subp. 1a 1b. Designated rural area.~~ "Designated rural area" means the area defined in part 4830.0100, subpart 3a.:

A. an area in Minnesota outside the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington, excluding the cities of Duluth, Mankato, Moorhead, Rochester, and St. Cloud; or

B. a municipal corporation, as defined under *Minnesota Statutes*, section 471.634, that is physically located, in whole or in part, in an area defined as a designated rural area under item A.

[For text of subp 2, see M.R.]

Subp. 2a. Participant. "Participant" means a selected applicant who has a signed grant agreement or contract on file with the commissioner of health for participation in the rural or urban physician loan forgiveness program.

Subp. 3. Qualified loans. "Qualified loans" means: government, commercial, and foundation loans for actual costs paid for tuition, reasonable education expenses, and reasonable living expenses related to the graduate or undergraduate education of a health care professional.

~~A. Perkins Loans/National Direct Student Loans (NDSLs);~~

~~B. Stafford Loans/Guaranteed Student Loans (GSLs);~~

~~C. Health Professions Student Loans (HPSLs);~~

~~D. Supplemental Loans for Students (SLSs)/Auxiliary Loans to Assist Students (ALASs);~~

~~E. Health Education Assistance Loans (HEALs);~~

~~F. Mayo Foundation Loans;~~

~~G. MedLoans;~~

~~H. Minnesota Medical Association Loans (MMAs);~~

~~I. University of Minnesota Trust Fund Loans (TFLs);~~

~~J. Minnesota Student Educational Loan Fund (SELF loans);~~

~~K. Student Loan Marketing Association Consolidation Loans (SMART) and other student loan consolidation loans approved by the United States Department of Education;~~

~~L. Professional Education Plan (PEP loans);~~

~~M. TERI Supplemental Loans;~~

- N. ~~Norwest Collegiate Loans;~~
- O. ~~Graduate EXCEL (Nellie Mae); and~~
- P. ~~Minnesota Medical Foundation Loans (MMFs).~~

Subp. 3a. **Selected applicant.** “Selected applicant” means an applicant who has been selected by the commissioner of health for participation in the rural or urban physician loan forgiveness program.

[For text of subp 4, see M.R.]

4763.0125 CRITERIA FOR SELECTION.

Subpart 1. Selection of applicants. The commissioner of health shall separate urban physician applications from rural physician applications. The commissioner shall make urban applicant selections before rural applicant selections. If there are more applicants for either group than award availability, the commissioner shall determine selections according to subparts 4 to 7.

Subp. 2. Urban selection. The commissioner shall select up to four urban applicants using the following selection criteria to make awards for the urban physician loan forgiveness program under *Minnesota Statutes*, section 144.1494, subdivision 5:

A. If the number of qualified urban physician applicants is less than four or the number of available awards, the commissioner shall select all applicants eligible for participation. The remaining awards shall be allocated to the rural physician loan forgiveness program.

B. If the number of qualified urban physician applicants is equal to the number of available awards, the commissioner shall make awards to all applicants.

C. If the number of qualified urban physician applicants is greater than the number of available awards, the commissioner shall use the selection process in subparts 4 to 7 to make the awards.

Subp. 3. Rural selection. The commissioner shall select rural applicants using the following selection criteria to make awards for the rural physician loan forgiveness program under *Minnesota Statutes*, section 144.1494, subdivision 3. Up to four additional selections may be available if nonawarded urban selections are allocated to rural applicants under subpart 2:

A. If the number of qualified rural physician applicants is less than or equal to the number of available awards, the commissioner shall select all eligible applicants.

B. If the number of qualified rural physician applicants is greater than the number of available awards, the commissioner shall use the selection process in subparts 4 to 7 to make the awards.

Subp. 4. Selection criteria. The commissioner shall evaluate applicants according to the following criteria:

A. the year in medical residency training according to *Minnesota Statutes*, section 144.1494, subdivisions 3 and 5, giving priority to residents in descending order, third year residents, second year residents, first year residents;

B. the location of the medical school attended by the applicant;

C. the location of the medical residency training program attended by the applicant;

D. the extent to which an applicant’s training or experience demonstrates the applicant’s suitability to serve in a rural or underserved urban area; and

E. the applicant’s personal history with rural or underserved urban areas.

Each applicant shall be evaluated against the criteria stated in this part. A score shall be given to an applicant’s response to each criteria and each criteria shall be weighted using the point values in subpart 5. Each applicant shall be given a total score and shall be ranked from the highest score to the lowest score. In the event that two or more applicants have equal scores, preference shall be given to applicants who demonstrate the strongest suitability to practice in a rural or underserved urban area.

Subp. 5. Point values. The commissioner shall award points to each applicant as follows:

A. third year residents receive 70 points;

B. second year residents receive 50 points;

C. first year residents receive 30 points;

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.

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- D. applicants who attended a Minnesota medical school receive up to a maximum of eight points;
- E. applicants who attended a Minnesota medical residency training program receive up to a maximum of eight points;
- F. applicants with rural or underserved urban training or experience receive up to a maximum of eight points; and
- G. applicants with rural or underserved urban personal history receive up to a maximum of eight points.

Subp. 6. **Specialty.** The commissioner shall sort scored applications according to the specialties of family practice, obstetrics and gynecology, pediatrics, internal medicine, or psychiatry. No priority is given to specialty type. The highest scoring applicant shall be selected from each specialty having at least one applicant as long as that applicant scored above 65. All remaining applicants shall be combined for the remaining selections.

Subp. 7. **Insufficient award availability.** The commissioner shall place all applicants not selected to participate initially on an alternate list. If a selected applicant declines to participate, the list shall be used to select additional applicants according to subparts 4 to 6.

4763.0135 APPLICATION AND CONTRACT PROCESS.

Subpart 1. **Eligibility of applicants.** Applicants seeking to practice in a designated rural or underserved urban community must be in medical residency training for family practice, obstetrics and gynecology, pediatrics, internal medicine, or psychiatry.

Subp. 2. **Application form.** Prospective participants must complete and submit an application form, provided by the commissioner of health, by the designated deadline to become eligible for selection.

Subp. 3. **Agreement or contract.** A selected applicant must sign and return the grant agreement or contract provided by the commissioner of health by the designated deadline. Failure to complete and return the agreement or contract by the specified deadline date results in the automatic elimination of the selected applicant from participation.

4763.0140 LOAN PAYMENT.

Subpart 1. **Designation of loans.** Each program participant must designate which ~~eligible qualified~~ loans the ~~commissioner of health must make payments on~~ annual loan repayment disbursements will be applied toward by the participant. Payments by the commissioner of health ~~cannot to the participant may not~~ exceed \$10,000 ~~per year for each participant for each year of service,~~ unless the participant fulfills the requirements in subpart 6.

Subp. 2. [See repealer.]

Subp. 3. **Terms of payments.** The commissioner of health shall make ~~loan payments according to the terms and conditions of the designated loans to the lenders or servicers in an amount that, when annualized, does not exceed \$10,000 per year.~~ The participant must continue to serve as a physician in a designated rural area during the period the commissioner of health is making loan payments for the participant ~~annual disbursements directly to the participant equivalent to \$10,000 per year of service, not to exceed \$40,000 or the balance of the designated loans, whichever is less.~~ The total amount of all disbursements may not exceed the principal and accrued interest of the designated loans.

Subp. 3a. **Payment verification.** The participant must provide the commissioner of health with verification that the full amount of loan repayment disbursement received by the participant has been applied toward the designated loans. After each disbursement, verification must be received by the commissioner of health and approved before the next loan repayment disbursement is made.

Subp. 4. [See repealer.]

[For text of subps 5 and 6, see M.R.]

4763.0160 PARTICIPANT RESPONSIBILITIES.

Subpart 1. **Service status verification.** ~~Annually~~ Before receiving loan repayment disbursements and as requested, the participant must complete and return to the commissioner of health, by the specified deadline, the ~~service status verification affidavit of practice~~ form provided by the commissioner of health.

Subp. 2. **Status change.** The participant must inform the commissioner of health in writing within 30 days of a change of address or service location.

Subp. 3. **Service obligation.** The participant must begin the service obligation in a designated rural area or underserved urban community by March 31 of the first year following completion of a residency program. The participant must notify the commissioner of health in writing immediately after starting service as a physician in a designated rural area or underserved urban community. To remain eligible, a participant must provide service in a designated area for at least 30 hours per week for 45 weeks per year and must abide by the terms of the signed agreement or contract.

4763.0190 DEFINITIONS.

Subpart 1. **Scope.** The terms defined in *Minnesota Statutes*, section 144.1495, are applicable to parts 4763.0180 to 4763.0250.

Subp. 1a. **Applicant.** “Applicant” means a midlevel practitioner student who has a signed application form on file with the commissioner of health for participation in the midlevel practitioner loan forgiveness program.

Subp. 2. **Designated rural area.** “Designated rural area” means ~~the area defined in part 4830.0100, subpart 3a:~~

A. an area in Minnesota outside the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington, excluding the cities of Duluth, Mankato, Moorhead, Rochester, and St. Cloud; or

B. a municipal corporation, as defined under *Minnesota Statutes*, section 471.634, that is physically located, in whole or in part, in an area defined as a designated rural area under item A.

Subp. 3. [See repealer.]

[For text of subp 4, see M.R.]

Subp. 4a. **Participant.** “Participant” means a selected applicant who has a signed grant agreement or contract on file with the commissioner of health for participation in the midlevel practitioner loan forgiveness program.

Subp. 5. **Qualified loans.** “Qualified loans” means: government, commercial, and foundation loans for actual costs paid for tuition, reasonable education expenses, and reasonable living expenses related to the graduate or undergraduate education of a health care professional.

~~A. Perkins Loans/National Direct Student Loans (NDSLs);~~

~~B. Stafford Loans/Guaranteed Student Loans (GSLs);~~

~~C. Supplemental Loans for Students (SLSs)/Auxiliary Loans to Assist Students (ALASs);~~

~~D. Student Educational Loan Fund (SELF); and~~

~~E. loan consolidation programs that only consolidate loan payments for loans specified in this subpart.~~

Subp. 6. **Selected applicant.** “Selected applicant” means an applicant who has been selected by the commissioner of health for participation in the midlevel practitioner loan forgiveness program.

4763.0205 CRITERIA FOR SELECTION.

Subpart 1. **Selection of applicants.** If the number of qualified midlevel applicants is less than or equal to the number of available awards, the commissioner of health shall select all eligible applicants. If the number of qualified midlevel applicants is greater than the number of available awards, the commissioner shall determine selections according to subparts 2 to 5.

Subp. 2. **Selection criteria.** The commissioner shall evaluate applicants according to the following criteria:

A. the year in midlevel practitioner training, with priority given to final year students;

B. the location of the applicant’s midlevel practitioner training program;

C. the extent to which an applicant’s training or experience demonstrates the applicant’s suitability to serve in a rural area; and

D. the applicant’s personal history with a rural area.

Each applicant shall be evaluated against the criteria stated in this part. A score shall be given to an applicant’s response to each criteria and each criteria shall be weighted using the point values in subpart 3. Each applicant shall be given a total score and shall be ranked from the highest score to the lowest score. In the event that two or more applicants have equal scores, preference shall be given to applicants who demonstrate the strongest suitability to practice in a rural area.

Subp. 3. **Point values.** The commissioner shall award points to each applicant as follows:

A. final year students receive 70 points;

B. nonfinal year students receive 50 points;

C. applicants who attended a Minnesota midlevel practitioner training program receive up to a maximum of ten points;

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.

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D. applicants with rural training or experience receive up to a maximum of ten points; and

E. applicants with rural personal history receive up to a maximum of ten points.

Subp. 4. **Specialty.** The commissioner shall sort scored applications according to the specialties of nurse practitioner, nurse-midwife, nurse anesthetist, advanced clinical nurse specialist, or physician assistant. No priority is given to specialty type. The highest scoring applicant shall be selected from each specialty having at least one applicant as long as that applicant scored above 65. All remaining applicants shall be combined for the remaining selections.

Subp. 5. **Insufficient award availability.** The commissioner shall place all applicants not selected to participate initially on an alternate list. If a selected applicant declines to participate, the list shall be used to select additional applicants according to subparts 2 to 4.

4763.0215 APPLICATION AND CONTRACT PROCESS.

Subpart 1. **Eligibility of applicants.** Applicants seeking to practice in a designated rural area must be enrolled in midlevel practitioner training for a nurse practitioner, nurse-midwife, nurse anesthetist, advanced clinical nurse specialist, or physician assistant according to *Minnesota Statutes*, section 144.1495, subdivision 1.

Subp. 2. **Application form.** Prospective participants must complete and submit an application provided by the commissioner of health by the designated deadline to become eligible for selection.

Subp. 3. **Agreement or contract.** A selected applicant must sign and return the grant agreement or contract provided by the commissioner of health by the designated deadline. Failure to complete and return the agreement or contract by the specified deadline date results in the automatic elimination of the selected applicant from participation.

4763.0220 LOAN PAYMENT.

Subpart 1. **Designation of loans.** Each program participant must designate which ~~eligible qualified~~ loans the ~~commissioner of health must make payments on~~ annual loan repayment disbursements will be applied toward by the participant. Payments by the commissioner of health ~~cannot to the participant may not exceed \$3,500 per year for each participant~~ for each year of service.

Subp. 2. [See repealer.]

Subp. 3. **Terms of payments.** The commissioner of health shall make ~~loan payments according to the terms and conditions of the designated loans to the lenders or servicers in an amount that, when annualized, does not exceed \$3,500 per year.~~ The participant must continue to serve as a midlevel practitioner in a designated rural area during the period the commissioner of health is making loan payments for the participant ~~annual disbursements directly to the participant equivalent to \$3,500 per year of service, not to exceed \$14,000 or the balance of the designated loans, whichever is less.~~ The total amount of all disbursements may not exceed the principal and accrued interest of the designated loans.

Subp. 3a. **Payment verification.** The participant must provide the commissioner of health with verification that the full amount of loan repayment disbursement received by the participant has been applied toward the designated loans. After each disbursement, verification must be received by the commissioner of health and approved before the next loan repayment disbursement is made.

[For text of subp 4, see M.R.]

4763.0240 PARTICIPANT RESPONSIBILITIES.

Subpart 1. **Service status verification.** ~~Annually~~ Before receiving loan repayment disbursements and as requested, the participant must complete and return to the commissioner of health, by the ~~specified~~ deadline, the ~~service status verification affidavit of practice~~ form provided by the commissioner of health.

Subp. 2. **Status change.** The participant must inform the commissioner of health in writing within 30 days of a change of address or service location.

Subp. 3. **Service obligation.** The participant must begin the service obligation in a designated rural area by March 31 of the first year following completion of a midlevel practitioner training program. The participant must notify the commissioner of health in writing immediately after starting service as a midlevel practitioner in a designated rural area. To remain eligible, a participant must provide service in a designated rural area for at least 30 hours per week for 45 weeks per year and must abide by the terms of the signed agreement or contract.

4763.0270 DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 4763.0270 to 4763.0330, the terms defined in *Minnesota Statutes*, section 144.1496, are applicable to parts ~~4812.0100 to 4763.0330~~ used have the meanings given them in this part.

Subp. 1a. **Applicant.** "Applicant" means a person enrolled in a program of study designed to prepare the person to become a licensed practical nurse or registered nurse who has a signed application form on file with the commissioner of health.

Subp. 2. [See repealer.]

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

Subp. 3a. Participant. “Participant” means a selected applicant who has a signed grant agreement or contract on file with the commissioner of health for participation in the nurses in nursing home loan forgiveness program.

Subp. 4. Qualified loans. “Qualified loans” means: ~~government, commercial, and foundation loans for actual costs paid for tuition, reasonable education expenses, and reasonable living expenses related to the graduate or undergraduate education of a health care professional.~~

- ~~A. Perkins Loans/National Direct Student Loans (NDSLs);~~
- ~~B. Stafford Loans/Guaranteed Student Loans (GSLs) and other comparable federal student loans;~~
- ~~C. Supplemental Loans for Students (SLSs)/Auxiliary Loans to Assist Students (ALASs);~~
- ~~D. Student Educational Loan Fund (SELF);~~
- ~~E. federal Nursing Student Loans; and~~
- ~~F. loan consolidation programs that only consolidate loan payments for loans specified in this subpart.~~

Subp. 5. Selected applicant. “Selected applicant” means an applicant who has been selected by the commissioner of health for participation in the nurses in nursing home loan forgiveness program.

4763.0285 CRITERIA FOR SELECTION.

Subpart 1. Selection of applicants. If the number of qualified nursing applicants is less than or equal to the number of available awards, the commissioner of health shall select all eligible applicants. If the number of qualified nursing applicants is greater than the number of available awards, the commissioner shall determine selections according to subparts 2 to 5.

Subp. 2. Selection criteria. The commissioner shall evaluate applicants according to the following criteria:

- A. the year in a nursing program, with priority given to final year students;
- B. the location of the applicant’s nursing training program;
- C. any nursing home or ICF/MR experience of the applicant; and
- D. the extent to which the applicant’s training or experience demonstrates the applicant’s suitability to serve the elderly or disabled populations.

Each applicant shall be evaluated against the criteria stated in this part. A score shall be given to an applicant’s response to each criteria and each criteria shall be weighted using the point values in subpart 3. Each applicant shall be given a total score and shall be ranked from the highest score to the lowest score. In the event that two or more applicants have equal scores, preference shall be given to applicants who demonstrate the strongest suitability to practice in a nursing home or ICF/MR.

Subp. 3. Point values. The commissioner shall award points to each applicant as follows:

- A. final year students receive 70 points;
- B. nonfinal year students receive 50 points;
- C. applicants who attended a Minnesota nursing training program receive up to a maximum of ten points;
- D. applicants with nursing home or ICF/MR training or experience receive up to a maximum of ten points; and
- E. applicants with training or experience with the elderly or disabled populations receive up to a maximum of ten points.

Subp. 4. Specialty. The commissioner shall sort scored applications according to the specialties of licensed practical nurse or registered nurse. No priority is given to specialty type. The highest scoring applicant shall be selected from each specialty having at least one applicant as long as that applicant scored above 65. All remaining applicants shall be combined for the remaining selections.

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Subp. 5. **Insufficient award availability.** The commissioner shall place all applicants not selected to participate initially on an alternate list. If a selected applicant declines to participate, the list shall be used to select additional applicants according to subparts 2 to 4.

4763.0295 APPLICATION AND CONTRACT PROCESS.

Subpart 1. **Eligibility of applicants.** Applicants seeking to practice in a licensed nursing home or intermediate care facility for persons with mental retardation or related conditions must be studying to become a licensed practical nurse or a registered nurse.

Subp. 2. **Application form.** A prospective registered nurse or licensed practical nurse must complete and return the application form provided by the commissioner of health by the designated deadline to become eligible for selection.

Subp. 3. **Agreement or contract.** A selected applicant must sign and return the grant agreement or contract provided by the commissioner of health by the designated deadline. Failure to complete and return the agreement or contract by the specified deadline date results in the automatic elimination of the selected applicant from participation.

4763.0300 LOAN PAYMENT.

Subpart 1. **Designation of loans.** Each program participant must designate which ~~eligible qualified~~ loans the ~~commissioner of health must make payments on~~ annual or semiannual loan repayment disbursements will be applied toward by the participant. Payments by the commissioner of health ~~cannot to the participant may not~~ exceed \$3,000 ~~per year for each participant for each year~~ of service.

Subp. 2. [See repealer.]

Subp. 3. **Terms of payments.** The commissioner of health shall make ~~loan payments according to the terms and conditions of the designated loans to the lenders or servicers in an amount that, when annualized, does not exceed \$3,000 per year.~~ The participant must continue to serve as a nurse in a licensed nursing home or intermediate care facility for persons with mental retardation or related conditions during the period the commissioner of health is making loan payments for the participant ~~annual disbursements directly to the participant equivalent to \$3,000 per year of service, not to exceed \$6,000 or the balance of the designated loans, whichever is less.~~ The total amount of all disbursements may not exceed the principal and accrued interest of the designated loans.

Subp. 3a. **Payment verification.** The participant must provide the commissioner of health with verification that the full amount of loan repayment disbursement received by the participant has been applied toward the designated loans. After each disbursement, verification must be received by the commissioner of health and approved before the next loan repayment disbursement is made.

[For text of subp 4, see M.R.]

4763.0320 PARTICIPANT RESPONSIBILITIES.

Subpart 1. **Service status verification.** Before receiving loan repayment disbursements, semiannually thereafter, and as requested, the participant must complete and return to the commissioner of health, by the specified deadline ~~the service status verification form provided by the commissioner of health.~~ The program participant shall receive the service status verification form six months from the date of entrance into the program, and every six months thereafter. The participant has 30 days from the date of receipt of the form to complete and return it to the commissioner of health, the affidavit of practice form provided by the commissioner of health.

Subp. 2. **Status change.** The participant must inform the commissioner of health in writing within 30 days of a change of address or service location.

Subp. 3. **Service obligation.** The participant must begin the service obligation in a licensed nursing home or intermediate care facility for persons with mental retardation or related conditions (ICF/MR) by March 31 of the first year following completion of a nursing program. The participant must notify the commissioner of health in writing immediately after starting service as a licensed practical nurse or registered nurse in a nursing home or ICF/MR. To remain eligible, a participant must provide service in a nursing home or ICF/MR for at least 30 hours per week for 45 weeks per year and must abide by the terms of the signed agreement or contract.

REPEALER. *Minnesota Rules*, parts 4763.0120; 4763.0130; 4763.0140, subparts 2 and 4; 4763.0190, subpart 3; 4763.0200; 4763.0210; 4763.0220, subpart 2; 4763.0270, subpart 2; 4763.0280; 4763.0290; and 4763.0300, subpart 2, are repealed.

Department of Health

Proposed Permanent Rules Relating to the Merit System

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

In the Matter of the Proposed Amendments and Repeal of Rules of the Minnesota Merit System Governing Salary Adjustments and Increases, Removal During Probation, Resignations, Dismissals, Suspensions, Layoff, Tenure of Office, Appeal from Dismissal, Suspension or Demotion, Service Ratings, and the Compensation Plan (*Minnesota Rules*, parts 4670.1320, 4670.2670, 4670.2900, 4670.2910, 4670.2920, 4670.2930, 4670.2940, 4670.3100, 4670.3530, and 4670.4200-4240)

Introduction. The Minnesota Department of Health intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28 and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to: Betty Carlson, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822, telephone (651) 296-3996, fax number (651) 282-5340.

Subject of Rules and Statutory Authority. The Minnesota Merit System rules provide for a system of personnel administration for county health agencies. The rules apply to all positions funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

Proposed amendments to part 4670.2670 repeals language requiring a five day notice period for dismissal of a probationary employee. This is proposed to allow county appointing authorities the option of applying their own policies in dismissing probationary employees. Modifications are proposed to part 4670.2900 to update some language and repeal language on unauthorized leaves of absence. These modifications will provide counties with increased flexibility in using their own policies. Part 4670.2910 is being amended to repeal certain language that is unclear and confusing. The rule on suspensions (part 4670.2920) is being amended to add language on investigatory leaves, which are often necessary in a disciplinary investigation. The rule on layoff, part 4670.2930, is being amended to allow counties the option of using their own county policies on layoff. Amendments are proposed to part 4670.3530 to revise the language concerning how soon a dismissal hearing must be held after an appeal is filed with the Merit System. This amendment makes the requirement more reasonable. Repeal of two other rules on tenure of office and service ratings (parts 4670.2940 and 4670.3100) is being proposed because the language in these two rules is no longer necessary and is outdated. Amendments to salary adjustments and increases and the compensation plan, parts 4670.1320 and 4670.4200 to 4670.4230, provide for a 2.75% adjustment to the minimum and maximum salaries of nearly all of the classifications covered by Merit System compensation plans. An additional step also is being added to all of the ranges at the maximum.

The salary ranges of all of the nursing classifications are being adjusted more than 2.75% to correct labor market concerns. Additionally, the re-titling of a classification is being proposed in part 4670.4220 and repeal of part 4670.4240 is proposed. Part 4670.4240 provides the compensation ranges for building maintenance classifications, which are no longer used.

The statutory authority to adopt these rules is *Minnesota Statutes*, section 144.071. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. A free copy of these rules is available upon request from the agency contact person listed above. A copy of the proposed rules may also be viewed at any of the Minnesota county health or human services agencies covered by the Merit System.

Comments. You have until 4:30 p.m., Wednesday, June 7, 2000 to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for

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the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing on the rules must be in writing and must be received by the agency contact person by 4:30 p.m. on June 7, 2000. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

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

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

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

Dated: 21 March 2000

Jan K. Malcolm
Commissioner

4670.1320 RECOMMENDED ADJUSTMENTS.

The merit system general adjustment recommended for incumbents is ~~three~~ 2-3/4 percent for employees on the professional and administrative, health services support, clerical, and building maintenance salary schedules.

4670.2670 REMOVAL DURING PROBATION.

A probationary employee may be dismissed by an appointing authority without the right to an appeal or hearing except as may otherwise be provided by law. The employee shall be given written notification of dismissal, including the reasons for dismissal, ~~at least five days in advance of the date on which the dismissal becomes effective.~~ A copy of the notification shall also be submitted to the supervisor.

A probationary employee who has permanent status in another class in the same agency and who is not granted permanent status in the new classification shall be restored to a position in the class from which the person was promoted as seniority permits or in a comparable class as parts 4670.0100 to 4670.4240 permit, unless the failure to grant permanent status was due to the misconduct of the employee.

When there is no position to which the employee can be restored, because of abolishment of jobs or lack of seniority, the provisions of part 4670.2930 apply.

4670.2900 RESIGNATIONS.

An employee who resigns shall ~~present the reasons therefor~~ notify the appointing authority in writing ~~to the appointing authority.~~ A copy of the resignation shall be forwarded to and recorded by the supervisor.

~~Any absence of an employee from duty that is not authorized by specific grant of leave of absence under the provisions of these rules shall be deemed an absence without leave. Any such absence shall be without pay and may be made grounds for disciplinary action. In the absence of such disciplinary action, any employee who is absent for three days without leave may be deemed to have resigned, but such absence may be covered by a subsequent grant of leave if the conditions warrant.~~

4670.2910 DISMISSALS.

~~Employees who do not have permanent status may be dismissed at any time at the discretion of the appointing authority except those serving the first 30 calendar days of a probationary period following a transfer. Employees serving the first 30 calendar days of a probationary period following a transfer can only be dismissed for just cause.~~

No employee who has permanent status shall be dismissed from a position except for just cause. Before the action is taken, a permanent employee shall be furnished with a statement in writing setting forth reasons for the dismissal. The employee shall be permitted five days time to reply thereto in writing or, upon request, to appear personally and reply to the appointing authority. A copy of the statement and the employee's reply, if any, shall be filed with the supervisor prior to the effective date of the dismissal. Any such employee who is dismissed may demand a hearing before the merit system council in the manner prescribed by part 4670.3530.

Any employee who willfully practices, or attempts to practice, any deception or fraud in an application, in a certificate, in an examination, or in securing eligibility or appointment, shall, upon discovery and proof thereof, be removed and discharged. Charges alleging such deception or fraud may be initiated by the appointing authority or by the supervisor, in conformity with the provisions of this part relating to notice of discharge and hearing before the merit system council.

4670.2920 ~~SUSPENSION~~ SUSPENSIONS AND INVESTIGATORY LEAVE.

Subpart 1. Unpaid suspensions. The appointing authority may, after written notice, suspend any employee without pay for just cause for a period not to exceed 30 calendar days in any one calendar year. Suspensions of five or fewer consecutive working days or ten or fewer working days in a calendar year are not appealable to the council under the provisions of part 4670.3530, subpart 1.

Subp. 2. Investigatory leaves. ~~The appointing authority may place an employee who is the subject of a disciplinary investigation on an investigatory leave with pay if a reasonable basis exists to warrant the leave. This action by an appointing authority may not be appealed to the merit system council under part 4670.3530, subpart 1.~~

4670.2930 LAYOFF.

[For text of subpart 1, see M.R.]

Subp. 2. **Seniority.** If two or more persons in the class in which layoff occurs have equal seniority, the order of layoff shall be in inverse order of the date of acquisition of permanent status in the class. If a tie still remains, the order of layoff shall be determined by the average of the last two ~~service ratings~~ performance evaluations, if available, or the last ~~service rating~~ evaluation, if only one is available and the employee with the lowest such average or rating evaluation shall be laid off first. If no ~~service ratings~~ performance evaluations are available, the order of layoff shall be determined by the appointing authority in such away as to retain in the agency the employee(s) considered most valuable. Any permanent or probationary employee about to be laid off shall be demoted to replace the employee with the least seniority in the next lower class in which that employee previously served, unless the employee elects to be laid off.

[For text of subs 3 to 5, see M.R.]

Subp. 6. **Scope of rule.** The provisions of this part shall apply to all layoffs, except where otherwise provided in written contract between an agency and an exclusive bargaining representative or in county policy.

4670.3530 APPEAL FROM DISMISSAL, SUSPENSION, OR DEMOTION.

[For text of subpart 1, see M.R.]

Subp. 2. **Hearing.** ~~The hearing shall be held within 30 days after the supervisor receives the appeal. The supervisor shall make every effort to establish a hearing date within 30 days of receiving an appeal. If scheduling conflicts prevent that from occurring, the supervisor shall establish a hearing date as soon as reasonably possible, but no more than 90 days from the date that the appeal was received.~~

[For text of subs 3 and 4, see M.R.]

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

4670.4210 PROFESSIONAL AND ADMINISTRATIVE COMPENSATION PLAN, ~~1999~~ 2000.

Subpart 1. Plan.

	Minimum	Maximum
Assistant Director of Environmental Health	2717 2792	4433 4773
Director of Environmental Health	3110 3195	5077 5447
Director of Public Health Nursing	2598 2792	4433 4991
Public Health Educator	2177 2237	3884 4168
Public Health Nurse	2280 2445	3711 4168
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	2177 2342	3548 3991
Sanitarian	2081 2138	3548 3813

4670.4220 HEALTH SERVICES SUPPORT PERSONNEL COMPENSATION PLAN.

Subpart 1. Plan.

	Minimum	Maximum
Bookkeeper Accounting Technician	1488 1566	2436 2559
Home Health Aide	1423 1462	2224 2389
Home Health Aide Coordinator	1671 1716	2598 2792
Inspector	1671 1716	2598 2792
Licensed Practical Nurse	1671 1716	2598 2792
Public Health Aide	1219 1253	2081 2237

4670.4230 CLERICAL COMPENSATION PLAN.

Subpart 1. Plan.

	Minimum	Maximum
Office Support Aide	1049 1078	1782 1911
Office Support Specialist	1244 1278	2128 2285
Office Support Specialist, Sr.	1524 1566	2379 2559

REPEALER. *Minnesota Rules*, parts 4670.2940; 4670.3100; and 4670.4240, are repealed.

Department of Human Services

Proposed Permanent Rules Relating to the Merit System

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Amendments to Rules of the Merit System Governing Salary Adjustments and Increases, Removal During Probation, Resignations, Dismissals, Suspensions, Layoff, Tenure of Office, Appeal from Dismissal, Suspension or Demotion, Service Ratings, and the Compensation Plan (*Minnesota Rules*, parts 9575.0350, 9575.0780, 9575.0900, 9575.0910, 9575.0920, 9575.0930, 9575.0940, 9575.1180, 9575.1250, and 9575.1500)

Introduction. The Minnesota Department of Human Services intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28 and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to: Betty Carlson, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822, telephone (651) 296-3996, fax number (651) 282-5340.

Subject of Rules and Statutory Authority. The Minnesota Merit System rules provide for a system of personnel administration for 75 county and local human services and social services agencies. The rules apply to all positions funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

Proposed amendments to part 9575.0780 repeals language requiring a five day notice period for dismissal of a probationary employee. This is proposed to allow county appointing authorities the option of applying their own policies in dismissing probationary employees. Modifications are proposed to part 9575.0900 to update some language and repeal language on unauthorized leaves of absence. These modifications will provide counties with increased flexibility in using their own policies. Part 9575.0910, subpart 1 is being amended to repeal certain language that is unclear and confusing. The rule on suspensions (part 9575.0920) is being amended to add language on investigatory leaves, which are often necessary in a disciplinary investigation. The rule on layoff, part 9575.0930, is being amended to allow counties the option of using their own county policies on layoff. Amendments are proposed to part 9575.1180 to revise the language concerning how soon a dismissal hearing must be held after an appeal is filed with the Merit System. This amendment makes the requirement more reasonable. Repeal of two other rules on tenure of office and service ratings (parts 9575.0940 and 9575.1250) is being proposed because the language in these two rules is no longer necessary and is outdated. Amendments to salary adjustments and increases and the compensation plan, parts 9575.0350 and 9575.1500, provide for a 2.75% adjustment to the minimum and maximum salaries of nearly all of the classifications covered by Merit System compensation plans. An additional step also is being added to all of the ranges at the maximum.

The salary ranges of all of the nursing classifications are being adjusted more than 2.75% to correct labor market concerns and the range of the Transit Coordinator classification is being adjusted more than 2.75% to correct compensation inequities. Additionally, a few new classifications are being added to the compensation plan and several are being repealed.

The statutory authority to adopt these rules is *Minnesota Statutes*, section 256.012. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. A free copy of these rules is available upon request from the agency contact person listed above. A copy of the proposed rules may also be viewed at any of the Minnesota county human services or social services agencies covered by the Merit System.

Comments. You have until 4:30 p.m., Wednesday, June 7, 2000, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing on the rules must be in writing and must be received by the agency contact person by 4:30 p.m. on June 7, 2000. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

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

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

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

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

Dated: 21 March 2000

Michael O'Keefe
Commissioner

9575.0350 SALARY ADJUSTMENTS AND INCREASES.

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

Subp. 3. **Recommended adjustment.** The merit system general adjustment recommended for incumbents is ~~three~~ 2-3/4 percent for employees on the professional, support, clerical, and maintenance and trades salary schedules.

[For text of subps 4 and 5, see M.R.]

9575.0780 REMOVAL DURING PROBATION.

Subpart 1. **Written notice.** A probationary employee may be dismissed by an appointing authority without the right to an appeal or hearing except as may otherwise be provided by law. The employee shall be given written notification, including the reasons for dismissal, ~~at least five days in advance of the date on which the dismissal becomes effective and~~. A copy of the notification shall be submitted to the supervisor.

[For text of subp 2, see M.R.]

9575.0900 RESIGNATIONS.

Subpart 1. **Written resignation.** An employee who resigns shall ~~present the reasons therefor~~ notify the appointing authority in writing ~~to the appointing authority~~. A copy of the resignation shall be forwarded to and recorded by the supervisor.

Subp. 2. [See repealer.]

9575.0920 ~~SUSPENSION~~ SUSPENSIONS AND INVESTIGATORY LEAVE.

Subpart 1. Unpaid suspensions. After written notice, the appointing authority may suspend any employee without pay for just cause for a period not to exceed 30 calendar days in any one calendar year. Suspensions of five or fewer consecutive working days or ten or fewer working days in a calendar year are not appealable to the council under part 9575.1180.

Subp. 2. Investigatory leaves. The appointing authority may place an employee who is the subject of a disciplinary investigation on an investigatory leave with pay if a reasonable basis exists to warrant the leave. This action taken by an appointing authority may not be appealed to the merit system council under part 9575.1180.

9575.0930 LAYOFF.

[For text of subpart 1, see M.R.]

Subp. 2. **Equal seniority.** If two or more persons in the class in which layoff occurs have equal seniority, the order of layoff shall be in inverse order of the date of acquisition of permanent status in the class. If a tie still remains, the order of layoff shall be determined by the average of the last two ~~service ratings~~ performance evaluations, if available, or the last ~~service rating~~ evaluation, if only one is available and the employee with the lowest such average or ~~rating~~ evaluation shall be laid off first. If no ~~service ratings~~ performance evaluations are available, the order of layoff shall be determined by the appointing authority in such a way as to retain in the agency the employee(s) considered most valuable.

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

Subp. 8. **Scope.** The provisions of this part shall apply to all layoffs, except where otherwise provided in written contract between an agency and an exclusive bargaining representative or in instances in which there is a county policy covering layoff.

9575.1180 APPEAL FROM DISMISSAL, SUSPENSION, OR DEMOTION.

[For text of subpart 1, see M.R.]

Subp. 2. **Time of hearing.** ~~The hearing shall be held within 30 days of when the appeal is received by the supervisor.~~ The merit system supervisor shall make every effort to establish a hearing date within 30 days of receiving an appeal. If scheduling conflicts prevent that from occurring, the supervisor shall establish a hearing date as soon as reasonably possible, but no more than 90 days from the date the appeal was received.

[For text of subps 3 and 4, see M.R.]

9575.1500 COMPENSATION PLAN; HUMAN SERVICES, ~~1999~~ 2000.

Subpart 1. **Professional.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum
Accountant	2177 <u>2237</u>	3548 <u>3813</u>
Accounting Supervisor	2598 <u>2670</u>	4433 <u>4773</u>
Administrative Assistant I	2717 <u>2792</u>	4857 <u>5217</u>
Administrative Assistant II	3177 <u>3264</u>	5182 <u>5560</u>
Administrative Assistant III	3627 <u>3727</u>	5650 <u>6065</u>
Adult Day Care Center Supervisor	2081 <u>2138</u>	3548 <u>3813</u>
Assistant Welfare Director	4857 <u>4991</u>	7520 <u>8055</u>
Business Manager	3548 <u>3645</u>	5531 <u>5933</u>
Chemical Dependency Coordinator	2280 <u>2342</u>	3884 <u>4168</u>
Collections and Accounting Unit Supervisor	2280 <u>2342</u>	3884 <u>4168</u>
<u>Collection Services Supervisor I</u>	<u>2237</u>	<u>3813</u>
Collection Services Supervisor II	2280 <u>2342</u>	3884 <u>4168</u>
Community Health Services Supervisor	2598 <u>2792</u>	4433 <u>4991</u>
Computer Programmer	2081 <u>2138</u>	3548 <u>3813</u>
Contract Services Representative	2379 <u>2445</u>	4057 <u>4361</u>
County Agency Social Worker (Licensing Specialist)	2081 <u>2138</u>	3548 <u>3813</u>
County Agency Social Worker	2177 <u>2237</u>	3884 <u>4168</u>
County Agency Social Worker (Child Protection Specialist)	2177 <u>2237</u>	3884 <u>4168</u>
County Agency Social Worker (MSW) <u>(Masters Level)</u>	2280 <u>2342</u>	3884 <u>4168</u>
County Agency Social Worker (MSW) <u>(Masters Level)</u> (Child Protection Specialist)	2280 <u>2342</u>	3884 <u>4168</u>
Day Treatment Supervisor	2491 <u>2559</u>	4057 <u>4361</u>
Day Treatment Therapist	2177 <u>2237</u>	3884 <u>4168</u>
Director of Business Management I	3177 <u>3264</u>	5182 <u>5560</u>
Director of Business Management II	3799 <u>3904</u>	5903 <u>6339</u>
Director of Financial Assistance	3799 <u>3904</u>	5903 <u>6339</u>
Director of Planning	3799 <u>3904</u>	5903 <u>6339</u>
Director of Public Health Nursing	2598 <u>2792</u>	4433 <u>4991</u>
Director of Social Services	3799 <u>3904</u>	5903 <u>6339</u>
Employment Guidance Counselor	1992 <u>2046</u>	3110 <u>3343</u>
Family Based Services Supervisor	2177	3548
Family Service Coordinator II	1992 <u>2046</u>	3110 <u>3343</u>

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

Proposed Rules

Financial Assistance Supervisor I	2280 <u>2342</u>	3884 <u>4168</u>
Financial Assistance Supervisor II	2598 <u>2670</u>	4433 <u>4773</u>
Financial Assistance Supervisor III	2717 <u>2792</u>	4857 <u>5217</u>
Fiscal Manager	2717 <u>2792</u>	4857 <u>5217</u>
Fiscal Officer	1992 <u>2138</u>	3110 <u>3645</u>
Fiscal Supervisor I	2081 <u>2342</u>	3548 <u>4168</u>
Fiscal Supervisor II	2598 <u>2670</u>	4433 <u>4773</u>
Gerontology Counselor	2280	3884
Human Services Associate Manage	3645	5933
Human Services Director III	4150	6451
Human Services Supervisor I	2717	4857
Human Services Supervisor II	3548	5531
Information Technology Specialist	2081 <u>2138</u>	3548 <u>3813</u>
Managed Care Supervisor	2081 <u>2138</u>	3548 <u>3813</u>
Management Information Supervisor	2598 <u>2670</u>	4645 <u>4991</u>
Mental Health Program Manager	3177 <u>3264</u>	5182 <u>5560</u>
Mental Health Worker	2379 <u>2445</u>	4057 <u>4361</u>
Nutrition Project Assistant Director	2081	3548
Nutrition Project Director	2598 <u>2670</u>	4433 <u>4773</u>
Office Services Supervisor	1992 <u>2046</u>	3110 <u>3343</u>
Planner (Human Services)	2379 <u>2445</u>	4057 <u>4361</u>
Psychologist I	2280 <u>2342</u>	3884 <u>4168</u>
Psychologist II	2598 <u>2670</u>	4433 <u>4773</u>
Psychologist III	3468 <u>3563</u>	5182 <u>5560</u>
Public Health Educator	2177 <u>2237</u>	3884 <u>4168</u>
Public Health Nurse	2280 <u>2445</u>	3711 <u>4168</u>
Public Health Nurse (Team Leader)	2379 <u>2559</u>	3884 <u>4361</u>
Public Health Nursing Supervisor	2491 <u>2670</u>	4057 <u>4555</u>
Recreational Therapist	1992 <u>2046</u>	3110 <u>3343</u>
Registered Dietitian	2081 <u>2138</u>	3548 <u>3813</u>
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	2177 <u>2342</u>	3548 <u>3991</u>
Sanitarian	2081 <u>2138</u>	3548 <u>3813</u>
Senior Staff Development Specialist	2598 <u>2670</u>	4433 <u>4773</u>
Social Services Supervisor I	2717 <u>2792</u>	4857 <u>5217</u>
Social Services Supervisor II	3110 <u>3195</u>	5301 <u>5683</u>
Social Services Supervisor III	3548 <u>3645</u>	5531 <u>5933</u>
Social Work Team Leader	2491 <u>2559</u>	4057 <u>4361</u>
Special Services Supervisor	2491	4057
Staff Development Specialist	2081	3548
Student Social Worker (Intern)	Rate proposed by appointing authority.	
Support Services and Accounting Supervisor	2379 <u>2445</u>	4057 <u>4361</u>
Support Services Supervisor Trainee	2177 <u>2237</u>	3548 <u>3813</u>
	Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of human services.	
Volunteer Services Coordinator	2081 <u>2138</u>	3548 <u>3813</u>
Welfare Director I	3177 <u>3264</u>	5182 <u>5560</u>
Welfare Director II	3548 <u>3645</u>	5531 <u>5933</u>
Welfare Director III	3799 <u>3904</u>	5903 <u>6339</u>
Welfare Director IV	4150 <u>4264</u>	6451 <u>6923</u>
Welfare Director V	4433 <u>4555</u>	6887 <u>7272</u>

Proposed Rules

Subp. 4. **Support personnel.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum
Account Clerk	1423	2224
Accounting Technician	1524 <u>1566</u>	2379 <u>2559</u>
Adult Day Care Center Program Coordinator	1671	2598
Case Aide	1860 <u>1911</u>	2777 <u>2988</u>
Chemical Dependency Counselor	1992 <u>2046</u>	3110 <u>3343</u>
Child Health Aide	1219 <u>1253</u>	2081 <u>2237</u>
Child Support Officer	1992 <u>2046</u>	3110 <u>3343</u>
Collections Officer	1860 <u>1911</u>	2777 <u>2988</u>
Collection Services Supervisor I	2177	3548
Community Service Aide	1219 <u>1253</u>	2081 <u>2237</u>
Community Support Technician	1860 <u>1911</u>	2777 <u>2988</u>
Coordinator of Aging	1992 <u>2046</u>	3110 <u>3343</u>
Crisis Center Resource Aide	1524 <u>1566</u>	2379 <u>2559</u>
Energy Assistance Program Specialist	1423 <u>1462</u>	2224 <u>2389</u>
Executive Assistant	1860 <u>1911</u>	2777 <u>2988</u>
Family Based Services Provider	1860 <u>1911</u>	2777 <u>2988</u>
Family Service Aide I	1423 <u>1462</u>	2224 <u>2389</u>
Family Service Aide II	1524 <u>1566</u>	2379 <u>2559</u>
Family Service Coordinator I	1671 <u>1716</u>	2598 <u>2792</u>
Family Service/Home Health Aide	1423	2224
Financial Assistance Specialist	1992 <u>2046</u>	3110 <u>3343</u>
Financial Worker	1860 <u>1911</u>	2777 <u>2988</u>
Fraud Prevention Specialist	1992 <u>2046</u>	3110 <u>3343</u>
Home Health Aide	1423 <u>1462</u>	2224 <u>2389</u>
Home Health Aide Coordinator	1671 <u>1716</u>	2598 <u>2792</u>
Housekeeper	Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of human services.	
Housing Coordinator	2177 <u>2237</u>	3548 <u>3813</u>
Housing Rehabilitation Specialist	1671	2598
Information Systems Specialist	1423 <u>1462</u>	2224 <u>2389</u>
Information Systems Specialist, Sr.	1860 <u>1911</u>	2777 <u>2988</u>
Licensed Practical Nurse	1671 <u>1716</u>	2598 <u>2792</u>
Managed Care Advocate	1992 <u>2042</u>	3110 <u>3343</u>
Managed Care Enroller	1860 <u>1911</u>	2777 <u>2988</u>
Methods and Procedures Technician	1860	2777
Monitoring and Review Specialist	1671	2598
Public Health Aide	1219 <u>1253</u>	2081 <u>2237</u>
Senior Citizen's Aide	1423 <u>1462</u>	2224 <u>2389</u>
SILS Program Coordinator	1860 <u>1911</u>	2777 <u>2988</u>
Social Services Administrative Aide	1992 <u>2046</u>	3110 <u>3343</u>
Support and Collections Specialist 2081 2138	3254 <u>3491</u>	
Support Enforcement Aide	1524 <u>1566</u>	2379 <u>2559</u>
Transit Coordinator	1423 <u>1716</u>	2224 <u>2792</u>
Welfare Fraud Investigator	1992 <u>2046</u>	3110 <u>3343</u>
WIC Certifier	1671 <u>1716</u>	2598 <u>2792</u>

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

Proposed Rules

Subp. 7. **Clerical.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum
Administrative Secretary	1524 1566	2379 2559
Office Support Aide	1049 1078	1782 1911
Office Support Specialist	1244 1278	2128 2285
Office Support Specialist, Sr.	1524 1566	2379 2559

Subp. 10. **Maintenance and trades.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions. Janitors who are required to work for a period of at least five hours after 6 p.m. on a regularly scheduled basis may be paid a shift differential in the amount of one salary step above their normal day-work rate.

	Minimum	Maximum
Automobile/Van Driver	1145 1177	1947 2089
Bus Driver	1219 1253	2081 2237
Janitor	1219 1253	2081 2237
Maintenance Worker	1423 1462	2224 2237

REPEALER. *Minnesota Rules*, parts 9575.0900, subpart 2; 9575.0910, subpart 1; 9575.0940; and 9575.1250, are repealed.

Department of Public Safety

Proposed Permanent Rules Relating to the Merit System

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Amendments to Rules of the Merit System Governing Salary Adjustments and Increases, and the Compensation Plan (*Minnesota Rules*, parts 7520.0650 and 7520.1000-1100)

Introduction. The Minnesota Department of Public Safety intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28 and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to: Betty Carlson, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822, telephone (651) 296-3996, fax number (651) 282-5340.

Subject of Rules and Statutory Authority. The Minnesota Merit System rules provide for a system of personnel administration for several county and local emergency management agencies. The rules apply to all positions funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

Amendments to salary adjustments and increases and the compensation plan, parts 7520.0650 and 7520.1000-1100, provide for a 2.75% adjustment to the minimum and maximum salaries of all of the classifications covered by Merit System compensation plans. Additionally, several classifications are being repealed from the compensation plan.

The statutory authority to adopt these rules is *Minnesota Statutes*, section 12.22, subd. 3. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. A free copy of these rules is available upon request from the agency contact person listed above. A copy of the proposed rules may also be viewed at any of the Minnesota local or county emergency management agencies covered by the Merit System.

Comments. You have until 4:30 p.m., Wednesday, June 7, 2000, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for

the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing on the rules must be in writing and must be received by the agency contact person by 4:30 p.m. on June 7, 2000. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

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

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

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

Dated: 18 April 2000

Jesse Ventura
Governor

7520.0650 SALARY ADJUSTMENTS AND INCREASES.

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

Subp. 3. **Recommended adjustment.** The merit system general adjustment recommended for incumbents is ~~three~~ two-3/4 percent for employees on the professional and clerical salary schedules.

[For text of subs 4 and 5, see M.R.]

7520.1000 COMPENSATION PLAN (EMERGENCY MANAGEMENT), ~~1999~~ 2000; PROFESSIONAL.

Subpart 1. **Plan.**

	Minimum	Maximum
Administrative Officer Assistant	2177	3398
<u>Assistant</u> Emergency Management		
Director	1992 <u>2046</u>	3110 <u>3343</u>
Communications Officer	1905	2983
Operations Officer	2177	3398
Public Information Officer	2177 <u>2237</u>	3398 <u>3645</u>

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Proposed Rules

Radiological Officer	1905	2983
Safety Services Coordinator	2177	3398

7520.1100 COMPENSATION PLAN (EMERGENCY MANAGEMENT), ~~1999~~ 2000; CLERICAL.

Subpart 1. **Plan.**

	Minimum	Maximum
Office Support Aide	1049 1078	1782 1911
Office Support Specialist	1244 1278	2128 2285
Office Support Specialist, Sr.	1524 1566	2379 2559

Official Notices

*Pursuant to Minnesota Statutes §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking. The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.*

Minnesota Comprehensive Health Association

Notice of Meeting of Executive Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA) **Executive Committee** will be held on Wednesday, May 10, 2000, at MCHA's executive office, 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN, at 12:00 p.m.

For additional information, please call Lynn Gruber at (612) 593-9609.

Minnesota Historical Society

State Review Board Regular Meeting

A meeting of the State Review Board of the Minnesota Historical Society to consider nominations to the National Register of Historic Places will be held on Tuesday, May 23, 2000, in the Cargill Commons, MacMillan Education Wing, Minnesota Historical Society History Center, St. Paul, Minnesota. The State Review Board will meet at 7:00 p.m. for an informational presentation on program activities made by the Preservation Office staff. The meeting will be called to order and consideration of the meeting's agenda will begin at 7:30 p.m. A sign language interpreter is available with one weeks notice, and auxiliary aids are available with two weeks notice. Call (651) 296-5434, or TTY 800-627-3529. For further information contact the State Historic Preservation Office, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102, (651) 296-5434.

Department of Natural Resources

Division of Lands and Minerals

Public Notice of Plans to Issue a State Industrial Minerals Lease

NOTICE IS HEREBY GIVEN that the Department of Natural Resources, Division of Lands and Minerals is planning to issue a state mineral lease to explore for, mine and remove industrial minerals in Blue Earth County in accordance with *Minnesota Rules*, parts 6125.8000-.8700, the industrial minerals leasing rules, issued under authority of *Minnesota Statutes*, sections 98.08-.12 and 93.25. The industrial mineral covered by the lease is dimensional limestone located in Lots 2 and 3, Block 1, Germania Park Addition in the City of Mankato. The lease applicant is Mankato-Kasota Stone Inc., P.O. Box 1358, Mankato, MN 56002-1358. The effective date of the lease will be at least 30, but not more than 180 days, from the date of publication of notice. For more information, contact Gloria Johnson, Department of Natural Resources, Division of Lands and Minerals, Box 45, 500 Lafayette Road, St. Paul, MN, 55155-4045, telephone (651) 296-4807. TTY: 1-800-657-3929.

Minnesota Pollution Control Agency

South District

Notice of Availability of Draft Minnesota River Basin Plan, Request for Comment, and Intent to Hold Public Meetings

The Minnesota Pollution Control Agency is requesting comment on the draft "Minnesota River Basin Water Quality Plan." The plan addresses issues, goals, and strategies of the MPCA in the Minnesota River Basin. The MPCA will consider the comments received in revising and finalizing the plan.

Please direct requests for copies of the plan or questions to any of the following staff:

Mark Hanson
MPCA Marshall
1420 E. College Drive, Suite 900
Marshall, MN 56258
507-537-6000

Norman Senjem
MPCA Rochester
18 Wood Lake Drive SE
Rochester, MN 55904
507-280-3592

Larry Gunderson
MPCA St. Paul
520 Lafayette Road
St. Paul, MN 55155
651-297-3825

Copies of the draft plan will also be available on the Internet at: <http://www.pca.state.mn.us/water/basins/mnriver/>

Please forward any comments on the draft plan to Larry Gunderson at the address above. Comments must be received by June 9, 2000. The Minnesota River Basin Plan is scheduled to be finalized and released in summer, 2000. If you would like a notice when the plan is presented to the MPCA Board, please contact one of the staff above.

The MPCA will be holding three open houses to discuss the Minnesota River Basin Water Quality Plan.

Wednesday, May 17

South Central Technical College
1920 Lee Boulevard
North Mankato, MN
Doors open at 6:30 p.m.
Presentation starts at 7:00 p.m.

Thursday, May 18, 2000

Minnesota West Community and Technical College
1593 11th Avenue
Granite Falls, MN
Doors open at 6:30 p.m.
Presentation starts at 7:00 p.m.

Tuesday, May 30

Minnesota Valley National Wildlife Refuge
3815 E. 80th Street
Bloomington, MN
Presentation starts at 3:30 p.m.

Official Notices

Public Employees Retirement Association

Notice of Meeting of the Board of Trustees

The regular meeting of the Board of Trustees of the Public Employees Retirement Association (PERA) will be held on Thursday, May 11, 2000, at 9:30 a.m., in the PERA offices, 514 St. Peter Street, Suite 200 – Skyway Level, St. Paul, Minnesota.

A Finance Committee will be held on Thursday, May 18, 2000 at 9:30 a.m. in the association office.

Department of Trade and Economic Development

Governor's Working Group on Minority Business Development

Notice of Public Meetings

The Governor's Working Group will hold the following meetings to receive input from interested and affected parties on the topics indicated:

May 12, 2000 3:00 - 5:00 p.m.	Immigration Issues Conference Room A, Minnesota Department of Trade and Economic Development, 500 Metro Square, 121 7th Place East, St. Paul, MN
May 15, 2000 10:00 - 11:00 a.m.	Minority Information Directories Conference Room A, Minnesota Department of Trade and Economic Development, 500 Metro Square, 121 7th Place East, St. Paul, MN

Persons wishing to make statements at either of these meetings are requested to contact the Minnesota Department of Trade and Economic Development at (651) 282-2103 at least three days in advance of the meeting.

The Working Group will also hold two deliberative meetings:

May 15, 2000 11:30 - 1:00 p.m.	Conference Room A, Minnesota Department of Trade and Economic Development, 500 Metro Square, 121 7th Place East, St. Paul, MN
June 2, 2000 11:30 - 1:00 p.m.	Conference Room A, Minnesota Department of Trade and Economic Development, 500 Metro Square, 121 7th Place East, St. Paul, MN

All meetings, whether to receive information or conduct deliberations, are open to the public. A verbatim transcript of the meetings will be prepared and all information or materials received by or produced by the Working Group will be public data under the Minnesota Government Data Practices Act (*Minnesota Statutes* Chapter 13).

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 Economic Security

Notice of Request for Proposal for a Labor Liaison for the Dislocated Worker Programs, Workforce Preparation Branch, Department of Economic Security

Pursuant to *Minnesota Statutes*, Section 15.039 Responsibility for the Administration of all DWP Functions Including Administration of this Contract Transfers to the Minnesota Job Skills Partnership Board Effective July 1, 2000

Purpose of Project: Minnesota's Dislocated Worker Program will utilize the labor liaison to develop and maintain formal linkages to all state, regional, and local labor organizations, facilitate union involvement in the program, and educate constituent groups and workers concerning the program's purpose and services available to eligible dislocated workers. The liaison will link their constituencies of worker organizations with State and local program deliverers through Rapid Response activities, informational meetings, networking, and other linkage activities to promote the program. The liaison will be an integral member of the Rapid Response team for plant closings and mass layoffs, taking direction from the Department's Rapid Response Coordinator. The Rapid Response Team functions through cooperation, common goal setting, consensus decision making and ongoing communication both formally and informally. Each of these activities will be necessary to develop Labor-Management Committees which is a function of the Rapid Response team.

Eligible Applicant: Any private organization duly constituted to represent labor in collective bargaining. Organizations receiving state or federal dislocated worker resources to provide direct participant services are not eligible.

Project Costs: The Department has estimated that the cost of this project should not exceed \$75,000. The Department reserves the right to negotiate the final cost.

Time Period: The award of this contract will be for a one year period from July 1, 2000 through June 30, 2001. An additional one year contract, based on performance, may be available.

Human Rights Requirement

Under the Minnesota Human Rights Act, *Minnesota Statute* 363.073, businesses having had more than 40 full-time employees, within or outside the State of Minnesota, on a single working day during the previous 12 months must have submitted an affirmative action plan to the Department of Human Rights prior to the closing date set in the RFP on any proposal that is in excess of \$100,000. Your business must have a Certificate of Compliance from the Minnesota Department of Human Rights prior to the execution of the contract or agreement. In all cases the state reserves the right to contract with the next acceptable proposer, if your business does not have a certificate of compliance from the Minnesota Department of Human Rights by the award date. For further information, contact the Department of Human Rights, 190 E. 5th Street, Suite 700, St. Paul, MN 55101 (651) 296-5663.

To facilitate the STATE's review, provide one of the following:

- A. A copy of your current certificate of compliance from the Minnesota Department of Human Rights.

OR

- B. A letter of affidavit certifying that your business has submitted an affirmative action plan to the Commissioner of Human Rights. Your business must have a certificate of compliance before a contract can be executed. In all cases the state reserves the right to contract with the next acceptable proposer, if your business does not have a certificate of compliance from the Minnesota Department of Human Rights by the award date.

OR

- C. A letter of affidavit certifying that your business has not had more than 40 full-time employees, within or outside the State of Minnesota, on a single working day during the previous twelve months.

Deadline for Submission of Applications: Proposals must be received by **4:00 p.m. Friday, May 26, 2000.**

Proposals must, at a minimum, address the following:

- I. Description of the applicant's labor organization, geographic area of coverage, mission, services, and experience with dislocated worker program activities. This description must include how the labor liaison function will fit within the organization and its staffing and budget.

State Grants & Loans

- II. Description of the applicants labor-management philosophy and accomplishments in labor-management cooperation activities.
- III. Description of the applicant's experience in providing training of individuals and organizations.
- IV. Description of how the labor liaison function will:
 1. Provide linkages between the Department's Dislocated Worker Programs unit and statewide and regional labor organizations.
 2. Facilitate union involvement and participation in the Minnesota's Dislocated Worker program.
 3. Educate constituent labor groups and workers about the program's purpose and services available.
 4. Promote labor-management committees in conjunction with plant closings and mass layoffs.

All proposals must be sent to and received by Charles Robinson no later than **4:00 p.m. Friday, May 26, 2000.**

Charles Robinson, Acting Director
Adult Training and Dislocated Worker Program
390 North Robert Street, Room 125
St. Paul, MN 55101

For more information or if you have questions, call Ed Retka at (651) 296-7918.

Late proposals will not be accepted. Submit 5 copies of proposal. Each copy of the proposal must be signed, in ink, by an authorized member of the organization. Prices and terms of the proposal as stated must be valid for the length of the project.

Evaluation Criteria: The following criteria will be used to evaluate applications. The maximum score for all the criteria is 100 points. Application length is limited to 6 single spaced, typed pages.

- I. Extent to which the organizations size, areas of work, mission and experience is appropriate to and consistent with the needs and purpose of the Dislocated Worker Program (35 points).
 - a. Experience of the organization.
 - b. Quality and clarification of their mission and scope of work.
 - c. Qualification of their key personnel.
 - d. Extent to which the budget is adequate to undertake the liaison function.
- II. Extent of past Labor-Management Cooperation (20 points).
 - a. Quality and clarity of past labor-management cooperation.
 - b. Organization's labor-management philosophy being consistent with the philosophy of the Dislocated Worker Program.
- III. Extent of Appropriate/Related Training Experience (15 points).
- IV. Extent to which the labor liaison functions are translated into a clear work plan (30 points).

Minnesota Office of Environmental Assistance

Notice of Extension of Deadline for Full Proposal Submission

This notice is issued by the Director of the OEA under authority provided in *Minnesota Statutes* §115A.0716 which allows the director to administer its Environmental Assistance Grant and Loan Program. In October 1999, the Minnesota Office of Environmental Assistance (OEA) issued a Request for Proposals (RFP) for its fiscal year 2000 open grant round. The RFP section III. Funding Guidelines, paragraph 3, states that full proposals must be received by May 15, 2000. In order to allow our customers adequate time to prepare a full proposal the deadline has been extended.

PLEASE NOTE: Full proposals are now due to the OEA by 4:30 p.m., CDT on May 31, 2000 instead of May 15, 2000.

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 \$25,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: agency name and address, name of agency contact person, description of project and tasks, cost estimate and final submission date and time of completed proposal. Certain quasi-state agencies and MnSCU institutions are exempted from these provisions. In accordance with *Minnesota Rules* 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. Certified Economically Disadvantaged Businesses and individuals shall receive the equivalent of a 4% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (651) 296-2600 or [TTY (651) 282-5799.]

Department of Administration State Designer Selection Board

Request for Proposals for the Minnesota State Academy for the Deaf for the Renovation of the West Wing of Noyes Hall (Project 00-8)

To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select consultants for a project. Design firms who wish to be considered for this project must deliver proposals on or before 12 p.m. (Noon), Monday, May 22, 2000, to:

Lisa Blue, Executive Secretary
State Designer Selection Board
Department of Administration
c/o Materials Management Division
50 Sherburne Avenue, Room 112
St. Paul, Minnesota 55155-3000
651-297-5526

PROPOSALS RECEIVED AFTER THE SUBMISSION DEADLINE WILL NOT BE CONSIDERED.

Questions concerning the Board's procedures herein described, or the schedule in Item 8.h, should be referred to the Executive Secretary at 651-297-5526. Questions relating to the project must be referred to the project contact(s) in Item 8.i.

NOTE TO RESPONDERS: Changes may have been made in the content and format requirement. Proposals that do not conform to the following content, order and format requirements as outlined in items 1 through 5 below may be disqualified.

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

Proposals that deviate from the above may be disqualified.

3. **BRIEF PROPOSAL SUMMARY:**

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

- a. Name of firm and its legal status;
- b. Names of persons in leadership roles for project management, design and production of architecture; design of civil, structural, mechanical and electrical engineering, landscape architecture, land surveying, fire protection and geoscience for each and every discipline called for in Section 8.b. The name of each person so mentioned must also

Professional, Technical & Consulting Contracts

include their Minnesota registration number. Fire protection engineering requires a licensed fire protection engineer, identified by their number OR the engineering registration number accompanied in Section 4.b by a listing of past projects demonstrating competency in this field.

Consultants and assistants to the persons in leadership roles, as identified above, need not provide a Minnesota registration number. These individuals should be listed separately from those above.

- c. A statement indicating that the consultants listed have been contacted and have agreed to be a part of the design team;
- d. A commitment to enter into the work promptly, if selected, by engaging the consultants and assigning the persons named in Item 3.b above, along with adequate staff to meet the requirements of work;
- e. At least one copy of the proposal must contain an original signature by an authorized member of the firm submitting the proposal, in ink, on the bottom of the first page of the proposal.
- f. A list of all State and University of Minnesota current and past projects and studies awarded to the prime firm(s) responding to this request for proposal during the four years immediately preceding the date of this request for proposal.

Projects and studies shall mean those projects and studies (1) funded by the state legislature, by state/user agencies or University of Minnesota operating funds, or by funding raised from the private sector or individuals by state/user agencies or the University of Minnesota; (2) awarded as a result of the State Designer Selection Board process or awarded directly by state/user agencies or the University of Minnesota without employing the State Designer Selection Board process; or (3) related to design-bid-build or design/build project delivery systems.

The prime firm(s) shall list and total all gross fees associated with the above projects and studies, whether the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid, or are anticipated to be paid, to engineering or other specialty consultants employed, or anticipated to be employed, on the projects and studies listed pursuant to the above. The prime firm(s) shall subtract consultant fees from gross fees to determine total net fees using the format below.

PROJECT	(A) GROSS FEES	(B) SUBDESIGNERS PORTION	(C) NET TOTAL PROJECT FEE
TOTAL			

(The total shown in column (A) shall equal the sum of those shown in columns (B) and (C).)

4. ADDITIONAL MANDATORY PROPOSAL CONTENTS:

- a. A section containing graphic material (e.g., photos, plans, drawings, etc.) as evidence of the firm's qualifications for the work. The graphic material shall be identified. It shall be work in which the personnel listed in Item 3.b above have had significant participation and their roles shall be clearly described. It shall be noted if the personnel were, at the time of the work, employed by other than their present firms.
- b. Expanded resumes showing qualification of individuals, listed in Item 3.b above, administering or producing the major elements of the work, including consultants. Identify roles which such persons played in projects which are relevant to the project at hand.
- c. A discussion of the firm's understanding of and approach to the project.
- d. A listing of relevant past projects.

5. Ten (10) copies of the proposal should be submitted.

6. Design firms wishing to have their proposals returned after the Board's review shall follow one of the following procedures:

- a. Enclose a *self-addressed, stamped* postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two weeks to pick up their proposals, after which time the proposals will be discarded; or
- b. Enclose a *self-addressed, stamped* mailing envelope with the proposals. When the Board has completed its selection, proposals will be returned using this envelope.

7. BOARD SELECTION CRITERIA:

In making its selection of designers the Board shall consider the criteria listed below:

Credit for the following criteria will equal not less than sixty percent.

- a. Qualifications and technical competence in the required field of design;
- b. Ability to deal with aesthetic factors;
- c. Project understanding and approach.

Credit for the following criteria will equal up to forty percent.

- d. Capacity to accomplish the work and services within the required constraints;
- e. Availability of appropriate personnel;
- f. Geographic relationship of the designer's base to the project site; and
- g. Awards previously made to a designer by the state. This is in the interest of equitable distribution of commissions.

The criteria do not necessarily have the same weight, nor are their relative weights necessarily constant from one project to another. The Board may issue statements regarding criteria as they relate to individual projects.

Evaluations of the proposals shall be made independently by the Board members.

8. PROJECT 00-8

Minnesota State Academy for the Deaf
615 Olof Hanson Drive, P.O. Box 308
Faribault, MN 55021-0308

a. PROJECT DESCRIPTION:

This project calls for indoor air quality improvements in preparation for a future major renovation of the West Wing of Noyes Hall, a building located on the campus of the Minnesota State Academy for the Deaf (MSAD). This building is listed on the National Historic Registry and was constructed between 1903 and 1910. Presently, the West Wing of Noyes houses the home economics instructional area, classroom space for special needs students and the sign language department. The renovation is needed to eliminate recurrence of mold in the West Wing and Rotunda of Noyes Hall. Air quality issues were identified in a study done in March 1998 by the Safety and Industrial Hygiene Unit of the Minnesota Department of Employee Relations and as a result, major HVAC upgrades are required to eliminate air quality problems caused by the mold. This project will not proceed unless funding is appropriated during the 2000 Legislative Session.

The scope of design work required includes:

- General construction design to rebuild the demolition work that will result from the mold abatement. The mold abatement will be a separate contract and will include removal of plaster and stripping the inside of exterior walls down to the stone, and treating the walls with a mold inhibitor. Some of the interior walls, including gyp board walls, will also require the same treatment.
- Coordination of design with the mold abatement documents to replaster and replace walls, replace ceilings and room finishes.
- Mechanical system upgrade (to prevent the return of the mold). The design will include the installation of an air handling unit with humidity control and air conditioning to provide proper air flow rates and temperature control. The design will also include associated ductwork mains, branches and diffusers for a complete HVAC system.
- Designs, at a minimum, shall comply with the State's Consultant Designer Procedures Manual, the State's Indoor Air Quality Standards and Electrical Standards.
- Designs shall comply with Minnesota State Building Code.

A predesign document will be made available to the shortlisted firms and may be obtained by calling Linda Mitchell at the Minnesota State Academy for the Deaf at 507-332-5400.

b. REQUIRED CONSULTANT SERVICES:

The scope of the project includes full design services for the project including cost estimating, mechanical and electrical consultants, industrial hygienist, architectural, bidding and construction phase services in accordance with the State's Consultant Designer Procedures manual.

Professional, Technical & Consulting Contracts

c. SERVICES PROVIDED BY OTHERS:

- Mold abatement
- Asbestos abatement

d. SPECIAL CONSIDERATIONS:

Experience with historic building renovation desired.

e. PROJECT BUDGET/FEEES:

The current construction budget from the capital budget request is estimated to be \$1,500,000. The project costs, including fees, permits, mold abatement, asbestos abatement, departmental furnishings and equipment purchases, have been fixed at \$2,066,000. Design fees available for this project are approximately \$100,000 including reimbursable expenses.

f. PROJECT SCHEDULE:

The design process shall begin in July 2000 with construction to begin in March 2001 and project completion by August 2001.

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

There will be an informational meeting held on Thursday, May 18, 2000, at 9:30 a.m. at Noyes Hall Rotunda on the campus of the Minnesota State Academy for the Deaf, 615 Olof Hanson Drive, Faribault, MN 55021

Additional programming and predesign information will be made available to the shortlisted firms.

h. STATE DESIGNER SELECTION BOARD SCHEDULE:

Project Information Meeting and/or Site Visit:	May 18, 2000, at 9:30 a.m.
Project Proposals Due:	May 22, 2000, by 12 p.m. (Noon)
Project Shortlist:	June 6, 2000
Project Interviews and Award:	June 13, 2000

i. PROJECT CONTACT(S):

Questions concerning the project should be referred to:

Harry Chappuis, Physical Plant Director
Minnesota State Academy for the Deaf
615 Olof Hanson Drive, P.O. Box 308
Faribault, MN 55021
PHONE: 507-332-5468
FAX: 507-332-5498

Gordon Christofferson, Project Manager
Department of Administration
Division of State Building Construction
50 Sherburne Avenue, Room G-10
St. Paul, MN 55155
PHONE: 651-297-2245
FAX: 651-296-7650

9. CONTRACT REQUIREMENTS:

- a. The amended Minnesota Human Rights Act (*Minnesota Statute 363.073*) divides the contract compliance program into two categories. Both categories apply to any contracts for goods or services in excess of \$100,000. The first category applies to businesses who have more than 40 full-time employees within Minnesota on a single working day during the previous 12 months. The businesses in this category must have submitted an affirmative action plan to the Commissioner of the Department of Human Rights prior to the date and time set for the solicitation opening and must have received a Certificate of Compliance prior to the execution of the contract or agreement. The second category applies to businesses who have more than 40 full-time employees on a single working day in the previous 12 months in the State in which they have their primary place of business. The business in this category must either have an unexpired Certificate of Compliance previously issued by the Department of Human Rights, or certify to the contracting State agency that they are in compliance with federal affirmative action requirements before execution of the contract. This Certificate is valid for two (2) years. For further information, contact the Department of Human Rights, 190 East Fifth Street, Suite 700, St. Paul, MN 55101, 651-296-5663 or 800-657-3704.

Professional, Technical & Consulting Contracts

The Department of Administration is under no obligation to delay award or execution of this contract until a vendor has completed the human rights certification process. It is solely the responsibility of the vendor to apply for, and obtain, a human rights certificate prior to contract award.

- b. Costs incurred in responding to this RFP shall be borne by the responder. In accordance with existing statutes, the Board shall retain one copy of each proposal submitted. Responses to this RFP become public information under the Freedom of Information Act after the final selection has been made.
- c. *Laws of Minnesota 1997*, require the successful responder to submit acceptable evidence of compliance with workers' compensation insurance coverage requirements prior to execution of the contract.
- d. *Laws of Minnesota 1997*, Chapter 202, Article 1, Section 12, Subdivision 2, require that during the biennium ending June 30, 1999, for an executive agency contract that is subject to *Minnesota Statutes*, Section 363.073 (over \$100,000 and subject to Human Rights Certification requirements), before the agency enters into the contract, should to the extent practical and to the extent consistent with the business needs of the State, ensure that the company to receive the contract attempts to recruit Minnesota welfare recipients to fill vacancies in entry level positions if the company has entry level employees in Minnesota.
- e. This RFP does not obligate the State to complete the project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

Minnesota State Colleges and Universities (MnSCU)

Minneapolis Community & Technical College

Proposals Sought for Development of Web-Based Aviation Technology Student Training

NOTICE IS HEREBY GIVEN that MCTC is seeking professionals to develop Web-Based Aviation Technology Student Training.

Contact: Jennifer Faricy at (612) 359-1592 for bid specifications and bid form.

Bids are due no later than 12:00 p.m., May 12, 2000 to:

Jennifer Faricy
Buyer for Minneapolis Community & Technical College
10100 Flying Cloud Drive
Eden Prairie, MN 55347
Fax: (612) 359-1421
Phone: (612) 359-1592

For further information contact Gordon Hoff, Associate Dean, Minneapolis Community Aviation Center. Phone: (612) 826-6703.

Minnesota State Colleges and Universities (MnSCU)

Notice of Request for Proposals for Mutual Fund Brokerage Window Provider

NOTICE IS HEREBY GIVEN that proposals are being solicited to select a mutual fund brokerage window provider to provide these services to MnSCU faculty and staff covered by its 403(b) Tax Sheltered Annuity Program. The contract with the selected provider will be for a period of one year.

Proposals are due by May 19, 2000 no later than 3:00 p.m.

Professional, Technical & Consulting Contracts

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

Jamie Bentley
Watson Wyatt Worldwide
8400 Normandale Lake Boulevard
Suite 1500
Minneapolis, MN 55437-1078
Phone: 612/921-5767
Fax: 612/921-5760
E-mail: jamie_bentley@watsonwyatt.com

This request for proposals 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.

Minnesota State Colleges and Universities (MnSCU)

Winona State University

Request for Sealed Bids for Fitness Center Equipment

NOTICE IS HEREBY GIVEN that Winona State University will receive sealed bids for miscellaneous Fitness Center Equipment.

Bid specifications will be available May 8, 2000, from Sandra Schmitt, Purchasing Director, P.O. Box 5838, 205 Somsen Hall Winona State University, Winona, MN 55987 or by calling (507) 457-5067.

Sealed bids must be received by Sandra Schmitt, P.O. Box 5838 or Somsen 205G, Business Office, Winona State University, Winona, MN 55987 by 3:00 p.m., May 22, 2000.

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

Minnesota Office of Environmental Assistance

Notice of Request for Proposals for Consultant Services to Assist in Developing a Systems Map Regarding the Subsystems of Minnesota's Municipal Solid Waste System

The Minnesota Office of Environmental Assistance (OEA) requests proposals to assist in developing a "systems map" that describes the relationships that exist between the various sub-systems of Minnesota's existing municipal solid waste (MSW) management system. In phase I, the consultant will facilitate a group of technical experts, develop a systems map of Minnesota's solid waste system to identify barriers in the present system to move toward a fully integrated waste management system and develop possible solutions to eliminate the land disposal of unprocessed municipal solid waste. This data will be used by key government policy makers in a process intended to identify strategies to eliminate the land disposal of unprocessed MSW. Using the systems map developed in Phase I, the consultant in Phase II will be available for discussions with a Governor's appointed Select Committee on Waste Management whose task is to develop strategies to overcome barriers to develop a fully integrated waste management system in Minnesota.

Contract Period: July 3, 2000 to August 15, 2000.

Proposals must be received not later than 3:00 p.m., C.S.T., May 31, 2000.

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

Paul Smith
Minnesota Office of Environmental Assistance
520 Lafayette Rd. North, 2nd Floor
St. Paul, MN 55155-4100
(651) 215-0207
toll free: 1 - (800) 657-3843
E-mail: paul.smith@moea.state.mn.us

Minnesota Historical Society

Request for Bids for Printing Six Issues of Minnesota Historical Society's Member News

The Minnesota Historical Society is seeking bids from qualified firms to provide all labor, material and equipment to print six issues of Minnesota Historical Society's Member News.

All bids must be received by Chris M. Bonnell, Contracting Officer for the Minnesota Historical Society, 345 Kellogg Boulevard West, Saint Paul, MN 55102 or an authorized agent no later than 10:00 a.m. Central Time, Wednesday, May 31, 2000. Bids must be submitted in a sealed envelope with the project name clearly written on the envelope. Late bids will not be considered.

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

The Request for Bids is available by calling or writing Chris Bonnell, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. W., St. Paul, MN 55102. Telephone is (651) 297-5863 e-mail: Chris.Bonnell@mnhs.org.

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

Dated: 8 May 2000

Minnesota Historical Society

Request for Proposals for Acoustic Vendors for "Sounds Good to Me: Music in Minnesota"

The Minnesota Historical Society is seeking proposals from qualified vendors with experience in fabricating and installing acoustic sound attenuation materials that are appropriate for use in a history museum setting. Construction of the new exhibit, Sounds Good to Me: Music in Minnesota (Music) will commence on June 7, 2000 and substantial completion will be achieved by October 2, 2000.

The Music exhibit looks at how Minnesotans have woven music into their lives, and will be organized into eight sections. Each section presents a location where music is heard or made, forms an appropriate backdrop for the display of artifacts, serves as a platform for visitor-friendly interactive and media installations, and introduces the visitor to different musicians, types of music, instrument makers, and advances the overall exhibit. Each section will utilize a variety of materials (glass, wood, canvas, fiberglass) to express the range of settings one can listen to or make music. Settings represented include a home parlor, a high school band room, and a ballroom, to name a few.

A pre-proposal meeting will be held in the Fraternal Congress Conference Room – Level 2 of the Minnesota History Center, 345 Kellogg Boulevard West, St. Paul, Minnesota, 55102, at 2:30 p.m., Local Time on Monday, May 18, 2000.

The Request for Proposal is available by calling or writing Chris Bonnell, Contracting Officer, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102. Telephone is (612) 297-5863 or e-mail: chris.bonnell@mnhs.org

Proposals must be submitted in the format provided for in the Request for Proposals. Proposals must be received no later than 2:00 p.m., Local Time, Wednesday, May 31, 2000. Late proposals will not be considered.

Minnesota Historical Society

Request for Proposals for Flooring Vendors for "Sounds Good to Me: Music in Minnesota"

The Minnesota Historical Society is seeking proposals from qualified vendors with experience in removal and installation of a variety of flooring materials appropriate for use in a history museum setting. Construction of the new exhibit, Sounds Good to Me: Music in Minnesota (Music) will commence on June 7, 2000 and substantial completion will be achieved by October 2, 2000.

The Music exhibit looks at how Minnesotans have woven music into their lives, and will be organized into eight sections. Each section presents a location where music is heard or made, forms and appropriate backdrop for the display of artifacts, serves as a platform for visitor-friendly interactive and media installations, and introduces the visitor to different musicians, types of music, instrument makers, and advances the overall exhibit. Each section will utilize a variety of materials (glass, wood, canvas, fiberglass)

Professional, Technical & Consulting Contracts

to express the range of settings one can listen to or make music. Settings represented include a home parlor, a high school band room, and a ballroom, to name a few.

A pre-proposal meeting will be held in the Fraternal Congress Conference Room – Level 2 of the Minnesota History Center, 345 Kellogg Boulevard West, St. Paul, Minnesota, 55102, at 10:00 a.m., Local Time on Monday, May 18, 2000.

The Request for Proposal is available by calling or writing Chris Bonnell, Contracting Officer, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102. Telephone is (612) 297-5863 or e-mail: chris.bonnell@mnhs.org

Proposals must be submitted in the format provided for in the Request for Proposals. Proposals must be received no later than 10:00 a.m., Local Time, Wednesday, May 31, 2000. Late proposals will not be considered.

Minnesota Historical Society

Request for Proposals for Scenic Components and Case Vendors for "Sounds Good to Me: Music in Minnesota"

The Minnesota Historical Society is seeking proposals from qualified vendors with experience in the fabrication and installation of a variety of scenic and theatrical components and case furniture that will represent the history of music in Minnesota and are appropriate for use in a history museum setting. Construction of the new exhibit, Sounds Good to Me: Music in Minnesota (Music) will commence on June 7, 2000 and substantial completion will be achieved by October 2, 2000.

The Music exhibit looks at how Minnesotans have woven music into their lives, and will be organized into eight sections. Each section presents a location where music is heard or made, forms an appropriate backdrop for the display of artifacts, serves as a platform for visitor-friendly interactive and media installations, and introduces the visitor to different musicians, types of music, instrument makers, and advances the overall exhibit. Each section will utilize a variety of materials (glass, wood, canvas, fiberglass) to express the range of settings one can listen to or make music. Settings represented include a home parlor, a high school band room, and a ballroom, to name a few.

A pre-proposal meeting will be held in the Fraternal Congress Conference Room – Level 2 of the Minnesota History Center, 345 Kellogg Boulevard West, St. Paul, Minnesota, 55102, at 2:30 p.m., Local Time on Thursday, May 18, 2000.

The Request for Proposal is available by calling or writing Chris Bonnell, Contracting Officer, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102. Telephone is (612) 297-5863 or e-mail: chris.bonnell@mnhs.org

Proposals must be submitted in the format provided for in the Request for Proposals. Proposals must be received no later than 2:00 p.m., Local Time, Wednesday, May 31, 2000. Late proposals will not be considered.

Minnesota Department of Transportation

Metro Division

Traffic Management Center

Notice for Request for Proposals for Television Broadcast of Timely, Accurate Traffic Information to Twin Cities Motorists

The Minnesota Department of Transportation (Mn/DOT) requests proposals to help deliver timely, accurate traffic information to Twin Cities motorists via broadcast television weekdays during the morning peak period, defined by Mn/DOT as 6 - 9 a.m.

The television station must have available uninterrupted programming during these three peak hours and provide airtime for Mn/DOT to do reports six to seven times per hour, spaced evenly apart, between 6 - 8 a.m. and four to five times per hour, spaced evenly apart, between 8 - 9 a.m. Mn/DOT will provide equipment in its Traffic Management Center (TMC) control room and staff to deliver traffic reports during the morning peak period.

As this is a partnership opportunity, Mn/DOT has determined that there will be no cost to this agreement.

Professional, Technical & Consulting Contracts

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

Leora Lind
Mn/DOT Contracts Office
395 John Ireland Blvd.
St. Paul, MN 55155
(651) 284-3879

Neither the contact person, nor any Department personnel are allowed to discuss the RFP with anyone, including responders, prior to the proposal submission deadline.

All proposals must be sent or delivered to and received by:

Minnesota Department of Transportation - Traffic Management Center
Melanie Braun - Traveler Information Supervisor
1101 4th Avenue South
Minneapolis, MN 55404
(612) 341-7418

The deadline for proposal submission is Monday, **May 22, 2000, at 4 p.m.**

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.

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 *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Metropolitan Council

Request for Bids for Bulk, Liquid Oxygen for Seneca Wastewater Treatment Plant

Sealed bids will be received in the office of the Metropolitan Council, Environmental Services Division, (MCES), 230 East 5th Street, St. Paul, Minnesota 55101, for the delivery of bulk, liquid oxygen for the Seneca Wastewater Treatment Plant. Bids will be received until TUESDAY, MAY 23, 2000 at 2:00 p.m., at which time and place the bids will be publicly opened and read aloud.

Copies of the specifications and bid instructions may be obtained from the offices of the Metropolitan Council or by calling (651) 602-1499 or via Fax request at (651) 602-1083.

All bids to be considered must be submitted on **Council Approved bid forms.**

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

The Metropolitan Council shall consider all bids received and intends to award a contract to the responsive and responsible bidder submitting the lowest total cost to the Council, by the due date and time, provided, however, that the Metropolitan Council reserves the right to reject all bids, to investigate the qualifications and experience of any bidder, to reject any provisions of any bid, to obtain new bids, or to proceed to do the work otherwise.

BY ORDER OF THE METROPOLITAN COUNCIL,
ENVIRONMENTAL SERVICES DIVISION,
HELEN BOYER
DIVISION DIRECTOR

Non-State Public Bids, Contracts & Grants

Metropolitan Council

Notice of Request for Proposals (RFP) for Professional/Technical Services to Perform an Analysis of Impediments to Fair Housing – Metropolitan Transit Contract Number OOP0033

The Metropolitan Council is requesting proposals for Professional/Technical Services to research, analyze, identify and address impediments to fair housing as required by HUD and the governmental units involved.

Issue Request for Proposals	May 8, 2000
Receive Proposals	June 1, 2000
Evaluate and Rank Proposals (planned)	June 9, 2000

All firms interested in being considered for this project and desiring to receive an RFP package are invited to contact:

Bev Hall
Metropolitan Council Environmental Services
Mears Park Centre
230 East Fifth Street
St. Paul, MN 55101
651-602-1133 and Fax 651-602-1183
E-mail: bev.hall@METC.state.mn.us

Other inquiries regarding this project should be directed to Hugh McConnell at 651-602-1144.

Minnesota Statutes, Sections 473.144 and 363.073, and *Minnesota Rules*, Parts 5000.3400 to 5000.3600 will be incorporated into any contract based upon the Proposal or any modifications to it. If a contract for the project is awarded in excess of \$100,000, the requirements of *Minnesota Rules* 5000.3630 will be applicable.

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 Request for Bids/Proposals through its web based Bid Information Services (BIS). Subscriptions to BIS are \$75/year. Visit our web site at bidinfo.umn.edu or call the BIS Coordinator at 612-625-5534.

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

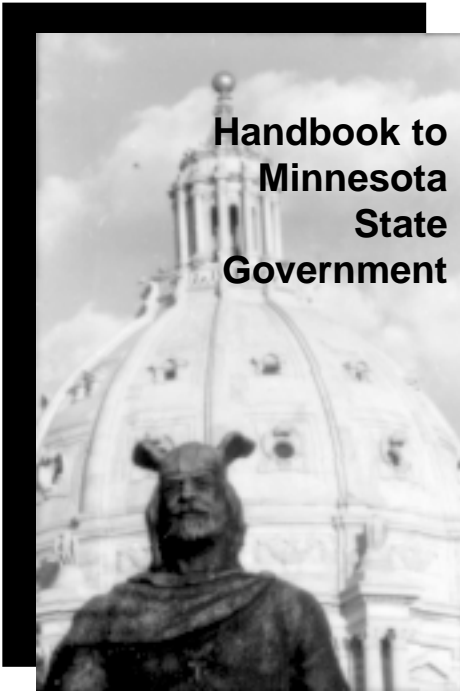


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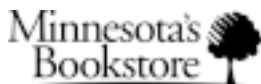
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